

**10.2019.129.1**  
**CONDITIONS OF CONSENT:**

**SCHEDULE 1      CONDITIONS OF CONSENT**

**Parameters of consent**

**1. Development is to be in accordance with approved plans**

The development is to be in accordance with plans listed below:

<b>Plan No.</b>	<b>Description</b>	<b>Prepared by</b>	<b>Dated:</b>
1.01 - A	Proposed Subdivision Layout	Venu Design Group	31.05.17
1.02 - A	Proposed Subdivision Layout	Venu Design Group	31.05.18

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

**2. Integrated Approvals from other Authorities.**

This development consent includes an Integrated development approval under Sections 4.46 and 4.47 of the Environmental Planning and Assessment Act 1979, being a Bush Fire Safety Authority, under Section 100B of the Rural Fires Act 1997, subject to the conditions listed under the "General Terms of Integrated Development Approval" in this consent.

**The following conditions are to be complied with prior to issue of a Subdivision Certificate**

**3. Subdivision Certificate application required**

An application for a Subdivision Certificate must be made on the approved form. The Subdivision Certificate fees, in accordance with Council's adopted schedule of fees and charges, must accompany such application.

**NOTE:** The application **MUST** be one complete concise package addressing **ALL** conditions of consent relevant to the subdivision with a clear explanation how each condition has been complied with, together with supplying **ALL** the relevant information /documents/ certificate and/or plans that is required by that condition. Failure to provide the abovementioned information in one package will likely result in the application being refused or rejected and returned to you.

**4. Plan of Subdivision**

The final plan of subdivision must be in accordance with the approved plan/s. A Deposited Plan Administration Sheet (original plus one (1) copy), two (2) copies of the plan of subdivision and any necessary section 88B instrument (original plus one (1) copy) are to be submitted with the application for a subdivision certificate.

5. **Compliance with bushfire conditions**

Documentary evidence from a suitably qualified professional is to be submitted to the PCA demonstrating that the bush fire conditions as issued under Section 100B of the Rural Fires Act 1997 have been complied with.

## **General Terms of Integrated Development Approval – Rural Fires Act 1997**

The Rural Fire Service, in correspondence dated 24 April 2019, issued General Terms of Approval and a Bush Fire Safety Authority subject to the following conditions:

### **Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling(s) on proposed Lot 3 shall be maintained as an inner protection area (IPA) as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' (PBP) and the NSW Rural Fire Service's document 'Standards for asset protection zones' as follows:
  - North for a distance of 48 metres as an IPA;
  - South to the property boundary as an IPA;
  - East to the property boundary as an IPA; and
  - West to the property boundary as an IPA.

### **Water and Utilities**

The intent of measures is to minimize the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

2. In recognition that no reticulated water supply is available to the development, a total of 10,000 litres fire fighting water supply shall be provided to the existing dwelling on proposed Lot 3 for fire fighting purposes as follows:
  - (Existing) tanks shall have a 65mm metal Storz outlet with a gate or ball valve fitted and be accessible for a fire fighting truck.
  - All water supplies for fire fighting purposes shall be clearly signposted as a fire fighting water supply.
  - A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
    - i) Markers must be fixed in a suitable location so as to be highly visible; and
    - ii) Markers should be positioned adjacent to the most appropriate access for the water supply.

Fire fighting water supply may be provided by a tank, a swimming pool or a dam that shall be located within the IPA.

### **Landscaping**

3. Landscaping within the IPA (proposed Lot 3) is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

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**The prescribed conditions in accordance with Division 8A of the Environmental Planning and Assessment Regulation apply as are of relevance to this application:**

- Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
- Clause 98A Erection of signs
- Clause 98B Notification of Home Building Act 1989 requirements
- Clause 98E Condition relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the [Environmental Planning and Assessment Regulation 2000](http://www.legislation.nsw.gov.au). This can be accessed at <http://www.legislation.nsw.gov.au>.

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**SCHEDULE 3            NOTES**

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**Construction Certificate required:**

This development consent is issued under the Environmental Planning and Assessment Act 1979 and does not relate to structural aspects or specifications of the building under the Building Code of Australia. All buildings and alterations require the issue of a Construction Certificate prior to works commencing. Application forms are available from the customer services counter or Council's website [www.byron.nsw.gov.au](http://www.byron.nsw.gov.au)

**Principal Certifying Authority:**

Work must not commence until the applicant has:-

- a. appointed a Principal Certifying Authority (if the Council is not the PCA); and
- b. given Council at least two days notice of the intention to commence the erection of the building. Notice must be given by using the prescribed 'Form 7'.
- c. notified the Principal Certifying Authority of the Compliance with Part 6 of the Home Building Act 1989.

**Protection of the Environment Operations Act 1997:**

It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ("on-the-spot fine") or prosecution.

**Penalties apply for failure to comply with development consents**

Failure to comply with conditions of development consent may lead to an on the spot fine being issued pursuant to section 4.2(1) of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 9.50 of the Environmental Planning & Assessment Act 1979.

**Plumbing Standards and requirements.**

All Plumbing, Water Supply, Sewerage and Stormwater Works shall be installed in accordance with the Local Government Act 1993, Plumbers Code of Australia and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications. Any plumbing inspections required under a Section 68 Approval are to occur in accordance with that approval.

**Relics Provisions- Advice**

#2019/53236

Attention is directed to the NSW Heritage Act 1977 and the provisions of the Act in relation to the exposure of relics. The Act requires that if:

- a) a relic is suspected, or there are reasonable grounds to suspect a relic in ground, that is likely to be disturbed damaged or destroyed by excavation; and/or
- b) any relic is discovered in the course of excavation that will be disturbed, damaged or destroyed by further excavation;

Those responsible for the discovery must notify nominated management personnel who will in turn notify the Heritage Council of New South Wales or its delegate, the Office of Environment and Heritage, NSW Heritage Branch, and suspend work that might have the effect of disturbing, damaging or destroying such relic until the requirements of the NSW Heritage Council have been satisfied (ss139, 146).