

10.2018.384.1
CONDITIONS OF CONSENT:

SCHEDULE 1 DEFERRED COMMENCEMENT

1. Building Information Certificate

A Building Information Certificate is required to be issued by Council for the dual occupancy dwelling. Prior to issue of the Building Information Certificate the applicant is to demonstrate to Councils satisfaction with evidence in the form of detailed report/s from suitably qualified and experienced professionals the constructed works satisfies

1. The following Performance Provisions of the Building Code of Australia and
2. Section B (Water Services) and Section C (Sanitary Plumbing and Drainage Services) of the Plumbing Code of Australia and
3. Any Environmental Consultants report for the installation and/ or upgrade of the wastewater system installed on the property and
4. Any recommended works identified in this report/s or identified by Council must be completed prior to issue of the Building Information Certificate;

Performance Requirement of the Building Code of Australia

P2.0.1 Application

P2.1.1 Structural stability and resistance to actions (including glazing)

P2.2.1 Surface water

P2.2.2 Weatherproofing

P2.2.3 Dampness

P2.3.2 Fire detection and early warning

P2.4.1 Wet areas

P2.4.2 Room heights

P2.4.3 Facilities

P2.4.4 Light

P2.4.5 Ventilation

P2.5.1 Stairways and ramps

P2.5.2 Barriers

NSW P2.6.1(a) Building Fabric & (b) Building Sealing

NSW P2.6.2 Services

SCHEDULE 2 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:

Plan No.	Description	Prepared by	Dated:
HM18147-1 Amendment A	Amended Site Plan	Heath & McPhail Surveying	3-6-2019

P3	Floor & Elevations Plan Proposed Alterations to Existing Dwelling	C. Lonergan	16/05/18
P2	Floor & Elevations Plan Proposed Alterations to Building to be Used as Dwelling	C. Lonergan	3/04/19

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. Use of other buildings

This approval does not authorise the use of any other building on the property for habitation or use as a dwelling or tourist and visitor accommodation.

3. Concurrent Approvals

The following approvals are provided under Section 4.12 of Environmental Planning and Assessment Act:

Integrated Approvals under Section 68 of the Local Government Act 1993

C5 Installing constructing or altering a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.

4. Bush fire safety measures

The land is identified as being bush fire prone land and under Section 4.14 of the Act and the development must comply with the conditions recommended by the NSW Rural Fire Service in the letter dated 3 December 2019, Reference: DA-2018-03006-CL55-1 contained in **Schedule 4** of this Notice of Determination.

The following conditions are to be complied with prior to issue of a Construction Certificate for building works

5. Compliance with BASIX Certificate requirements

The development is to comply with Basix Certificate No. A318397 (alterations and additions) and 933409S (dual occupancy), dated 3/6/18.

The commitments indicated in the Certificate are to be indicated on the plans submitted for approval of the Construction Certificate.

Note that the plans submitted must clearly indicate all windows numbered or identified in a manner that is consistent with the identification on the Basix Certificate.

Minor changes to the measures may be undertaken without the issue of any amendment under Section 4.55 of the Act, provided that the changes do not affect the form, shape or size of the building.

Such plans and specifications must be approved as part of the Construction Certificate.

6. **Domestic Rural Dwelling Water Supply. Amendment to the plan required**
The plans submitted for approval of the Construction Certificate must demonstrate that both the dwelling and dual occupancy have a minimum domestic tank capacity of 40,000 litres dedicated to water supply for each dwelling. The required domestic tank capacity is in addition to any water supply required for BASIX or fire fighting purposes.

Such plans are to be approved as part of the Construction Certificate.

7. **Building to be rendered non-habitable**
The building identified as “Fibreboard Clad Building Metal Roof” on Plan HM18147-1 Amendment A (3/6/19) shall be rendered non-habitable, including removal of the kitchen.

8. **Roof colours to be specified**
The application for a Construction Certificate is to include plans and specifications that indicate the proposed roof colour for the dual occupancy is consistent with the provisions of Development Control Plan 2014 – Chapter D2.2.3 - Character and Visual Impact. Please note that colours must be non-reflective earth tone colours and that the use of white and near white colours is not permissible

Such plans and specifications must be approved as part of the Construction Certificate.

9. **Geotechnical Report required – Engineering Works**
A certificate from a professional Engineer experienced in soil mechanics is to be provided to the Principal Certifying Authority, certifying that:
- a) the design of the civil engineering works, including retaining walls and/or cut & fill batters, has been assessed as structurally adequate;
 - b) the civil engineering works will not be affected by landslip or subsidence either above or below the works; and
 - c) adequate drainage has been provided.

10. **Public Safety Management Plan required**
Consent from Council must be obtained for a Public Safety Management Plan for those works within the road reserve pursuant to Section 138 of the Roads Act 1993. This public safety management plan is to include provision for (but not be limited to):
- a) a pedestrian barrier, alternative footpaths and ramps as necessary;
 - b) the loading and unloading of building materials; and
 - c) parking space for tradesman’s vehicles, where such vehicles must be located near the site due to tools and equipment contain within the vehicle.

11. **Traffic Control Plan**
A traffic control plan shall be prepared by a Roads & Maritime Services accredited person for the temporary traffic signage layout and vehicle movements to be used during the erection and removal of signs & barrier within the road reserve. The traffic control plan shall be submitted to and approved by Roads & Maritime Services accredited person 24 hours prior to the event. The consent holder shall forward the approved and Certified Traffic Control Plan to Council.

The TCP shall be prepared in accordance with the following:

- All Traffic Control devices are to conform to AS 1442.2 and 1742.3

- All persons placing and removing Traffic Control devices are to have current accreditation from the RMS.
- All roads are to be barriers and signs removed immediately following the works.

12. Property Access

The application for a Construction Certificate is to include sufficient evidence to demonstrate that the dwellings have suitable vehicular access, particularly that the property access road through Lot 3 DP 558858, Lot 1 DP 445771 and Lot 7 DP 591828, including any changes required by the Rural Fire Service (DA-2018-03006-CL55-1, 3 December 2019), is wholly contained within a legal right of carriageway.

Such evidence should include:

- an updated survey of the access road that shows the actual access road and the updated right of carriageway, and
- amended property titles that show the right of carriageway has been updated or the equivalent.

NOTE: Rectifying and upgrading the property access may require a combination of:

- Amending the right of carriageway to overlay the actual property access road, including widening/passing bays required by the Rural Fire Service; and
- Reconstructing/altering the property access road to align with the legal right of carriageway.

13. Property Access within subject property - Design details

The application for a Construction Certificate is to include design plans and details of any upgrades/amendments to the property access, within the subject property, required to comply with the conditions recommended by the NSW Rural Fire Service in the letter dated 3 December 2019, Reference: DA-2018-03006-CL55-1 and condition 12 of this consent.

Such plans and specifications must be approved as part of the Construction Certificate.

14. Dwelling Access & Parking

The application for a Construction Certificate is to include plans and specification that indicate dwelling access, parking and manoeuvring details in accordance with the plans approved by this consent.

The dwelling access, parking and manoeuvring for the site is to comply with the requirements of AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking and AS 2890.2 – 2010 - Parking facilities and section 4.1.3(2) Planning for Bush Fire Protection. Plans are to include, but not be limited to, the following items:

- pavement design, comprising an all weather surface, such as asphalt, bitumen seal, concrete, pavers or other similar treatment;
- site conditions affecting the access;
- existing and design levels; and
- longitudinal section from the road centreline to the car space(s).

Such plans and specifications must be approved as part of the Construction Certificate.

NOTE: The plans must be in compliance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

15. **Terms of approval for on-site sewage management required**

The On- Site Sewage Management System to be installed in accordance with the Local Government Act Section 68 Application No. **70.2018.1076.1**, and the Local Government Act Section 68 Application No. **70.2018.1077.1**.

16. **Remediation of Contaminated Land**

The application for a construction certificate must be accompanied by a Detailed Contaminated Land Assessment in accordance with the Greg Alderson and Associates report titled Preliminary Contaminated Land Assessment dated 12 June 2018 and (where required) a Remedial Action Plan must be prepared by a suitably qualified contaminated land specialist with experience in the remediation of contaminated land. The Remedial Action Plan must conform to NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites 1997* and all other applicable standards.

The Detailed Contaminated Land Assessment must be submitted, and the Remedial Action Plan (if required) must be approved as part of the Construction Certificate.

17. **Site Waste Minimisation and Management Plan**

Chapter B8 of Byron Shire Development Control Plan 2014 (DCP 2014) aims to facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development. Prior to the issue of a Construction Certificate, a Site Waste Minimisation and Management Plan (SWMMP) must be submitted outlining measures to minimise and manage waste generated during demolition, construction and the ongoing operation and use of the development. The SWMMP must specify the proposed method of recycling or disposal and the waste management service provider.

A template is provided on Council's website to assist in providing this information www.byron.nsw.gov.au/files/publication/swmmp-pro-forma-doc

18. **No Tree Removal**

No native trees or vegetation may be cleared or removed other than that required to establish the Asset Protection Zones specified in condition 4 with the exception of the six ironbark trees identified on Plan HM18147-1 Amendment A (3/6/19) which are not to be removed.

19. **Long Service Levy to be paid**

In accordance with Section 4.68 of the Environmental Planning and Assessment Act 1979 (as amended), a Construction Certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid (as applicable).

These payments can be made online at www.longservice.nsw.gov.au. Proof of payment is required to be submitted with the Construction Certificate application.

For further information regarding the Long Service Payment please refer to the website above.

20. Developer Contributions to be paid

Contributions set out in the schedule below are to be paid to Council prior to the release of a Construction Certificate. Contributions are levied in accordance with the Byron Shire Developer Contributions Plan 2012 (as amended). The Plan may be viewed on line at <http://www.byron.nsw.gov.au/> or during office hours at the Council Offices located at Station Street, Mullumbimby. These contributions are to fund public amenities and services as listed in the schedule. Additional details on the specific amenities are to be found in the Byron Shire Developer Contributions Plan 2012 (as amended).

The contributions in the schedule are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the **amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.** The schedule contains a date for which the schedule remains valid, after this date you will have to contact Council for an updated schedule.

The following conditions are to be complied with prior to any building or construction works commencing

21. Erosion and sediment measures

Where erosion of soils or runoff of any substance is likely to occur, erosion and sedimentation controls are to be in place in accordance with the Guidelines for Erosion & Sediment Control on Building Sites. This may include stockpiled materials such as sand, etc.

Any such measures that are deemed to be necessary because of the local conditions must be maintained at all times until the site is made stable (i.e. by permanent vegetation cover or hard surface).

22. Public safety requirements

All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. The public liability insurance cover, for a minimum of \$20 million, is to be maintained for the duration of the construction of the development. Council is not held responsible for any negligence caused by the undertaking of the works.

23. Remediation of Contaminated Land (where required)

Prior to the commencement of any works associated with this development consent, the following is required:

- a) A suitably qualified contaminated land specialist with experience in the remediation of contaminated land must be engaged by the proponent to oversee and be responsible for all works associated with the implementation of the Remedial Action Plan and subsequent site and soil validation.
- b) A notice of commencement of the remediation work and a copy of the Remedial Action Plan must be provided to Council's Health and Environment Section at least

7 days prior to commencement of the-work.

- c) The notice of commencement must include contact details of the responsible person, including an emergency 24-hour phone number.

The following conditions are to be complied with during any building or construction works

24. Construction times

Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible from adjoining residential premises, can only occur:

- a. Monday to Friday, from 7 am to 6 pm.
- b. Saturday, from 8 am to 1 pm.

No construction work to take place on Saturdays and Sundays adjacent to Public Holidays and Public Holidays and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to Public Holidays.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

25. Construction Noise

Construction noise is to be limited as follows:

- a. For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- b. For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A)

Note: Council may impose on-the-spot fines for non-compliance with this condition.

26. Signs to be erected on building and demolition sites

A sign must be erected in a prominent position on the work site:

- a. stating that unauthorised entry to the work site is prohibited, and
- b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

27. Builders rubbish to be contained on site

All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

28. **Inspection for on-site sewage management – Primary Dwelling and Dual Occupancy**

All plumbing and drainage works is to be installed by a suitably qualified person. The plumber must adhere to the requirements of the NSW Code of Practice and AS/NZ 3500. The plumber is to arrange for the following inspections to be undertaken:

- a. Internal drainage prior to covering of the works.
- b. External drainage prior to the covering of works.
- c. Irrigation installation prior to the covering of works.
- d. Final.

29. **Remediation of Contaminated Land (where required)**

Remedial works must be undertaken in conformance with the approved Remedial Action Plan and NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites 1997* and all other applicable standards.

30. **Removal of asbestos and other wastes**

All wastes, including asbestos and arsenic contaminated wastes, associated with these works are to be handled and disposed of in accordance with the requirements of the Work Cover Authority. The applicant/owner is to produce documentary evidence that this condition has been met. Wastes must be disposed of at a Licensed Waste Facility. All wastes removed from the site must be managed and disposed of in accordance with *NSW DECC Waste Classification Guidelines (2008)*

www.environment.nsw.gov.au/resources/waste/08202classifyingwaste.pdf

The applicant/owner is to produce documentary evidence that this condition has been met.

31. **WorkCover Authority**

All works must be undertaken in accordance with the requirements of the WorkCover Authority.

32. **Protection of Native Trees**

All trees nominated to be retained by notation or condition of this development consent shall be maintained and protected during demolition, excavation and construction on the site in accordance with AS 4970-2009 – Protection of Trees on Development Sites.

33. **Maintenance of sediment and erosion control measures**

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

34. **Prevention of water pollution**

Only clean and unpolluted water is to be discharged to any watercourse to ensure compliance with the Protection of Environment Operations Act.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

35. **Muted bushland tones – roof of dual occupancy**

To ensure the development is compatible with the surrounding environment, the roof

colour/s of the dual occupancy is to be muted bushland tones. In this regard white, light or bright colours are not permissible.

36. Vegetated Screen

A vegetation screen is to be established to the west of the dual occupancy as shown on Plan HM18147-1 Amendment A (3/6/19). The vegetation screen shall be:

- a. Comprised of native tree and shrub species; and
- b. Of sufficient height and density to minimise the visual impact of the dual occupancy when viewed from the west.

The following conditions are to be complied with prior to the issue of an Occupation Certificate for the buildings

37. Works to be completed prior to issue of a Final Occupation Certificate

All of the works indicated on the plans and approved by this consent, including any other consents that are necessary for the completion of this development including approvals issued under the Local Government Act 1993 and the Roads Act 1993, are to be completed and approved by the relevant consent authority/s prior to the issue of a Final Occupation Certificate.

Any Security bond paid for this application will be held until Council is satisfied that no further works are to be carried out that may result in damage to Councils road/footpath reserve.

38. Remediation of Contaminated Land – Validation Report required

A notice of completion must be provided to Council's Health and Environment Section within 30 days of completion of the remediation work. The notice of completion must be accompanied by a Validation Report prepared by a suitably qualified person with experience in the remediation of contaminated land.

The Validation Report must specify the standard of remediation achieved and certify that the site is suitable for the proposed use. The report must conform to the NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites 1997* and all other statutory requirements.

Documentary evidence must be provided confirming the method of disposal and destination of all contaminated soil removed from the site.

39. Stormwater disposal

Stormwater must be collected and disposed of in a controlled manner such that stormwater flows are:

- a. Clear of buildings and infrastructure,
- b. Clear of effluent disposal areas,
- c. Not concentrated so as to cause soil erosion,
- d. Not directly to a watercourse, and
- e. Not onto adjoining land.

40. Section 88B Instrument

A Section 88B Instrument and one (1) copy are to be submitted with the application for a final occupation certificate. The accompanying Section 88B Instrument are to provide for:

a) Rights of Carriageway

The creation and alteration of suitable rights of carriageway over the full property access alignment in Lot 2 DP445771, Lot 1 DP445771, Lot 3 DP558858 and Lot 7 DP 591828.

Any redundant rights of carriageway/easements must be extinguished.

41. Compliance with bushfire conditions

Documentary evidence from a suitably qualified professional is to be submitted demonstrating that the bush fire conditions of this Notice of Determination, as recommended by the NSW Rural Fire Service in the letter dated 3 December 2019, Reference: DA-2018-03006-CL55-1, have been complied with.

42. On-site sewage management system must be completed

The on-site sewage management system is to be constructed in accordance with approved plans and in accordance with current specifications and standards. The system is not to be used and/or operated until a Council Officer has inspected the system and authorised its use.

43. Approval to Operate required

In accordance with the Local Government Act, an Approval to Operate the onsite sewage management system must be obtained from Council. Forms may be downloaded from Council's website with '<http://www.byron.nsw.gov.au/on-site-sewage>'.

44. Vegetated Screen - certification

Prior to the issue of any occupation certificate documentary evidence must be provided to the Principle Certifying Authority to certify that the vegetated screen has been established as required by condition 36.

The following conditions are to be complied with at all times

45. Protection of Native Trees

All trees nominated to be retained by notation or condition as a requirement of the development consent shall be maintained and protected during demolition, excavation and construction on the site in accordance with AS 4970-2009 – Protection of Trees on Development Sites.

46. Vegetated Screen - maintenance

The vegetated screen required by condition 36 must be maintained at all times.

47. Use of dual occupancy

The dual occupancy is not to be holiday let or used as tourist and visitor accommodation.

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>.

SCHEDULE 4 RURAL FIRE SERVICE CONDITIONS



NSW RURAL FIRE SERVICE

Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your reference: 10.2018.384.1
Our reference: DA-2018-03006-CL55-1

ATTENTION: Ivan Holland

Date: Tuesday 3 December 2019

Dear Sir/Madam,

Development Application
s4.14 - Multiple Dwelling - Dual Occupancy
183 Coopers West Lane Main Arm NSW 2482 AUS, 2//DP445771

I refer to your correspondence dated 28/10/2019 seeking advice regarding bush fire protection for the above Development Application in accordance with Clause 55(1) of the *Environmental Planning and Assessment Regulation 2000*.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

Asset Protection Zones

The intent of measures is to minimise 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:

1. At the commencement of building works and in perpetuity, the property around the existing dwelling shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
 - north and northeast for a distance of 40 metres or to the property boundary, whichever is the lesser, as an inner protection area (IPA);
 - south for a distance of 10 metres as an inner protection area;
 - east and southeast for a distance of 21 metres or to the property boundary, whichever is the lesser, as an inner protection area; and
 - west for a distance of 21 metres as an inner protection area.
2. At the commencement of building works and in perpetuity, the property around the proposed dwelling (detached) shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
 - north, northwest and west for a distance of 52 metres or to the property boundary, whichever is the lesser, as an inner protection area (IPA);

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au



- northeast for a distance of 42 metres as an inner protection area;
- east for a distance of 27 metres as an inner protection area; and
- south and southwest for a distance of 21 metres and extended to include the concrete water supply tank and vehicle turning area.

Permanent markers are to be provided on site identifying the extent of the APZ but in particular to the west, northwest and north of the proposed dwelling to further assist in ensuring these areas are managed in perpetuity.

(Note: No objection is made to the retention of 6 Ironbark trees within the required APZ to the north/northwest of the dwelling as described in the bushfire report prepared by Bushfire Certifiers dated 14 October, 2019.)

Construction Standards

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

3. The proposed dwelling shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
4. The existing dwelling is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Access – Property Access

The intent of measures is to minimise 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:

5. The right-of-way is to be re-aligned over the existing property access road within the subject property, Lot 1 DP 445771 and Lot 7 DP 591828 and is to include the proposed/existing passing bays (on the aforementioned properties) as identified on the survey plan prepared by Heath & McPhail Surveying Pty Ltd, Drawing No. HM18147-2, Issue B dated 14th October 2019. The road widening opportunity within the existing easement in the vicinity of chainage 120 as identified in the survey plan is not to extend beyond the communications cable located 3-4m above ground level.
6. A turning head is to be provided adjacent to the proposed dwelling complying with Figure A3.5 Draft Planning for Bush Fire Protection 2018. A passing bay complying with s4.1.3(2) PBP2006 is to be provided from the internal property access road within the subject property and adjacent to the concrete tank identified for static fire-fighting supply for the proposed dual occupancy.
7. The property is located such that access/egress presents an ongoing bush fire hazard. As such a Bush Fire Survival Plan is to be prepared by the residents of the dwelling. Information to assist in the preparation of a Bush Fire Survival Plan can be found at www.rfs.nsw.gov.au.

Water and Utility Services

The intent of measures is to minimise 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:

8. Water, electricity and gas must comply with the following:
 - In addition to the existing 20,000 litre water tank provided onsite, an additional 10,000 litre static water supply tank must be provided for fire fighting purposes to the proposed dwelling.
 - The tank must be located / designed so that a connection for fire fighting purposes is located within the inner protection area (IPA) or on the non-hazard side away from the building.



- Underground tanks must be clearly marked, have an access hole of 200mm to allow fire fighting appliances to refill direct from the tank, and have a hardened ground surface for truck access within 4 metres of the access hole.
- Aboveground tanks must be manufactured of concrete or metal. Raised tanks must have their stands protected.
- Tanks on the hazard side of a building must be provided with radiant heat shielding to protect the tank from bush fire impacts and maintain safe access to the water supply for firefighters.
- A standard 65mm metal Storz outlet with a gate or ball valve must be provided to the tank. The gate or ball valve, pipes and tank penetration of any tank must be adequate for full 50mm inner diameter water flow through the Storz fitting and made of metal.
- All associated fittings to the tank must be metal.
- A pump for fire suppression activities is to be provided and must be a minimum 5hp or 3kW petrol or diesel powered. The pump must be shielded from the direct impacts of bush fire. A fire fighting hose is to be available and must have an internal diameter of 19mm.
- An SWS marker must be obtained from the local NSW RFS and positioned for ease of identification by fire fighting personnel and other users of the SWS. Markers must be fixed in a suitable location so as to be highly visible and be positioned adjacent to the most appropriate access for the static water supply.
- All aboveground water pipes external to the building must be metal including and up to any taps/outlets/fittings.
- Any new electrical transmission lines should be located underground where possible. Overhead electricity lines must have short pole spacing (i.e. 30 metres) except where crossing gullies, gorges or riparian areas. No tree may be closer to an electricity line than the distance set out in in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- Gas must be installed and maintained as set out in the relevant Australian Standard and all pipes external to the building must be metal including and up to any taps/outlets/fittings. Polymer-sheathed flexible gas supply lines must not be used.
- Fixed gas cylinders must be kept at least 10 metres clear of flammable materials and be shielded on the hazard side. Connections must be metal. Cylinders near to a building must be have safety valves directed away from the building and be at least 2 metres from combustible materials.

Landscaping Assessment

The intent of measures is for landscaping. To achieve this, the following conditions shall apply:

9. Landscaping within the required inner protection areas should comply with following principles of Appendix 5 of 'Planning for Bush Fire Protection 2006':

- Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
- Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
- Planting is limited in the immediate vicinity of the building.
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
- Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
- Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
- Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown.
- Planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e. leaf litter).
- Climbing species are avoided to walls and pergolas.
- Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
- Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located way from the building.
- Low flammability vegetation species are used.

General Advice – Consent Authority to Note

The recommendations are based on the plans prepared by Heath & McPhail Surveying Pty Ltd, titled 'Plan Showing Partial Detail & Contour Survey over Part of Lot 2 in DP 445771, 183 Coopers Lane West, Main Arm,



Survey dated 10 October 2018 (Amended 17 January 2019)', titled 'Plan showing Survey to Locate Existing Access Road in Relation to Right of Carriageway & Property Boundaries for 183 Coopers Lane West, Main Arm', and the 'Bush Fire Assessment Report' prepared by Bushfire Certifiers dated 14 October 2019.

This letter is in response to a further assessment of the application submitted and supersedes our previous advice regarding bush fire protection dated 9 May 2019.

For any queries regarding this correspondence, please contact Neil Pengilly on 1300 NSW RFS.

Yours sincerely,

Alan Bawden
Team Leader, Dev. Assessment & Planning
Planning and Environment Services



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

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.

Occupation Certificate required:

The building must not be occupied until the Principal Certifying Authority has issued an Occupation Certificate.

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

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).

Schedule of Development Contributions

The following contributions are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the **amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.** The current contribution rates are available from Council offices during office hours. **Payments will only be accepted by cash or bank cheque.**

Section 94 contributions Schedule for Rural North Catchment						
This schedule was calculated in spreadsheet #E2015/28112						
1 bedroom units =	0	@	0.55 SDU	=	0	
2 bedroom units =	0	@	0.75 SDU	=	0	
3 bedroom units/dwellings =	2	@	1 SDU	=	2	
Allotments =	0	@	1	=	0	
Less Site Credits =	1	@	-1	=	-1	
Total SDU				=	1	
Schedule valid until		23/01/2019		After this date contact Council for CPI update.		
Local Open Space & Recreation	(OS-RN)	1.00	SDU @ \$	-	=	\$ -
LGA Wide Open Space & Recreation	(OS-SW)	1.00	SDU @ \$	748.27	=	\$ 748.27
LGA wide Community Facilities	(CF-SW)	1.00	SDU @ \$	1,095.92	=	\$ 1,095.92
Local Community Facilities	(CF-RN)	1.00	SDU @ \$	-	=	\$ -
Bikeways & Footpaths	#N/A	1.00	SDU @ \$	-	=	\$ -
Shire Wide Bikeways & Footpaths	(CW-SW)	1.00	SDU @ \$	80.39	=	\$ 80.39
Urban Roads	#N/A	1.00	SDU @ \$	-	=	\$ -
LGA Wide Roads	(R-SW)	1.00	SDU @ \$	226.42	=	\$ 226.42
Rural Roads	(R-RN)	1.00	SDU @ \$	14,775.16	=	\$ 14,775.16
Administration Levy	(OF-SW)	1.00	SDU @ \$	1,131.82	=	\$ 1,131.82
Total					=	\$ 18,057.98