

BSC File No: 267512D x 10.2024.42.1/#A2024/25215Contact: Alissa Magnifico

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application No.	10.2024.42.1 PAN-413594
Applicant	Eco-Essence Group Pty Ltd
Property	132 Mafeking Road GOONENGERRY LOT: 11 DP: 1202684
Development	New Dwelling House, associated earthworks and retaining walls
Determination	Approved Consent Authority - Council
Date of determination	16 May 2024
Date from which the consent operates	20 May 2024
Date on which the consent lapses	20 May 2029

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reason for conditions

The conditions imposed have been included in response to development considerations and to ensure a high standard of development having regard to the effect upon the environment and the amenity of the neighborhood.

Right of appeal / review of determination

If you are dissatisfied with this determination:

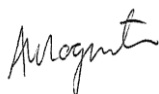
Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Signed on behalf of the Consent Authority



Alissa Magnifico
Senior Planner

CONDITIONS OF CONSENT

SCHEDULE 1. CONDITIONS OF CONSENT

Parameters of consent

1. Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Title	Drawn by	Dated
104	Rev I	Location Plan	Eco-Essence Homes	15/04/24
200	Rev I	Site Plan	Eco-Essence Homes	15/04/24
202	Rev I	Stormwater and Erosion Management Plan	Eco-Essence Homes	15/04/24
301	Rev I	Ground Floor Plan	Eco-Essence Homes	15/04/24
303	Rev I	Elevations	Eco-Essence Homes	15/04/24
304	Rev I	Elevations	Eco-Essence Homes	15/04/24
305	Rev I	Section	Eco-Essence Homes	15/04/24
311	Rev I	Upper Roof Plan	Eco-Essence Homes	15/04/24
801	Rev I	Electrical Plan – Ground Floor	Eco-Essence Homes	15/04/24

Title	Version No.	Drawn by	Dated
Ecological Assessment	RW2	JWA Ecological Consultants	19/02/24
On-site Sewage Management Assessment	2022.943	HMC environmental consulting pty ltd	May 2022

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

2. **Payment of security deposits**

Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the certifier:

Security deposit	\$ 3,000
Inspection fee	In accordance with the current fees and charges .

The payments will be used for

the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

Note: Note: The inspection fee includes Council's fees and charges and includes the Asset Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with council's fees and charges at the payment date.

3. **Support for neighbouring buildings**

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made or builder must:

- a. Inform the neighbouring property owner immediately.
- b. Engage a structural engineer to determine any remedial works that may need to be undertaken.
- c. Preserve and protect the adjoining building from damage.
- d. If necessary, underpin and support the building in an approved manner.

4. **Essential Energy Requirements**

This development consent is subject to Essential Energy's approval to encroach within Essential Energy's Easement.

Prior to carrying out any works, a "Dial Before You Dig" enquiry must be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines/Underground Assets.

Any activities within the easement, or in proximity to Essential Energy's infrastructure, must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

5. **Conditions prescribed by the Regulation**

This development consent is subject to the conditions prescribed by the regulations in accordance with subsection 4.17(11) of the Environmental Planning and Assessment Act 1979. Conditions are provided in a **Schedule** to this consent.

6. **Bush fire safety measures**

This land is identified as being designated bush fire prone land and under section 4.14 of the Environmental Planning and Assessment Act 1979, Council must be satisfied prior to making a determination for development on bush fire prone land that the development complies with "Planning for Bush Fire Protection 2019".

The development is approved subject to the NSW Rural Fire Service conditions provided in a **Schedule** to this consent.

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

7. Construction site management plan

Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures
- location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

8. Terms of approval for on-site sewage management required

Refer to Local Government Act Section 68 Application No. **70.2024.42.1** or Local Government Act Section 68 approvals issued subsequent to this consent.

9. Compliance with BASIX Certificate requirements

The development is to comply with Basix Certificate No. 1733201S, dated 23 January 2024.

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

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.

10. Access & Parking

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

The 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. Plans are to include, but not be limited to, the following items:

- a) minimum 150mm compacted pavement, sealed for grades greater than 12%;
- b) site conditions affecting the access;
- c) existing and design levels;
- d) longitudinal and cross sections;
- e) drainage details; and
- f) access requirements of any bushfire safety authority.

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".

11. Geotechnical Report required – Soil Classification

A soil report is to be provided to the Principal Certifying Authority from a professional Engineer experienced in Geotechnical Science as to the classification of the soil type on the site, consistent with the requirements of AS2870.

12. Building materials and colours to be specified

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

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

13. Long Service Levy to be paid

In accordance with Section 6.8 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.

14. Retained trees

All trees and vegetation communities to be retained in accordance with this development consent must be illustrated on any and all relevant Construction Plans, along with their Tree Protection Zones (formulated in accordance with AS 4970-2009 – *Protection of Trees on Development Sites*) for any trees retained in proximity to approved works or structures. **This is particularly relevant with regard to threatened flora which occur in proximity to the proposed locations for the firefighting water tanks, the land application area for the OSMS and the internal access track where trenching is proposed – refer to Figure 11 in the Ecological Assessment (JWA 204).**

15. Waste Management Plan

Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

a. Council's Waste Management Development Control Plan

OR

b. details the following:

- the contact details of the person(s) removing the waste
- an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
- the address of the disposal location(s) where the waste is to be taken

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

16. Tree Removal

No trees or vegetation to be cleared or removed until a Construction Certificate has been issued.

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

17. Erosion and Sediment measures

Erosion and sedimentation controls are to be in place in accordance with the *Guidelines for Erosion & Sediment Control on Building Sites*. A copy may be downloaded from Council's web site at [Guidelines for Erosion and Sediment Control on Building Sites](#). Particular attention is to be given to the provision of the following sediment and erosion control measures:

- a. Temporary driveway from the edge of road to the building site;
- b. Temporary downpipes immediately installed after the roof has been erected;
- c. Silt fence or sediment barrier.

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

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

18. 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).

19. Trees to be retained and protected

All threatened flora identified in Figure 11 in the Ecological Assessment (JWA 204) in proximity to any works must be clearly marked on site by an ecologist with flagging tape prior to any works.

Threatened trees to be retained are to be protected by a Tree Protection Zone (TPZ) exclusion fence. The fence is to be constructed in accordance with Sections 3.2 and 4.3 of AS4970-2009 Protection of trees on development sites (Standards Australia 2009). The fence must:

- a. Be located outside the dripline of the tree so as to minimise disturbance to tree roots;
- b. be constructed of wire mesh panels, plywood, steel star pickets or similar, with a maximum distance of 2metres between star pickets;
- c. have a minimum of 3 strands of steel wire or similar;
- d. have high visibility barrier mesh (eg orange), shade cloth or similar, attached to the outside of the fence and continuing around its perimeter;
- e. include at least one Tree Protection Zone (TPZ) sign in accordance with Section 4.4 of AS4970-2009.

Activities that are excluded within the TPZ (as per section 4.2 of AS4970-2009) include excavation, construction activity, grade changes, surface treatment and storage of material. If these activities are required within the TPZ they may only occur under the supervision of the project arborist (minimum AQF level 5 qualified arborist).

The Tree Protection Zone (TPZ) exclusion fence is to be maintained for the duration of the site clearing, preparation, construction and landscaping works.

Prior to installation of any additional structures/services in proximity to threatened flora, an assessment must be made and a disturbance footprint clearly marked onsite to ensure maximum setback from threatened flora is achieved. This measure is necessary to ensure that services/structures are installed sensitively and with regard to existing biodiversity constraints.

20. Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a toilet connected to an accredited sewage management system approved by the Council or be a building and construction site portable chemical toilet.

Only one (1) such portable chemical toilet may be used during construction, should additional toilets be required during the construction they must be either:

- a. Connected to an accredited sewage management system approved by the Council. or
- b. Not installed or used until such time that approval under Section 68 of the Local Government Act 1993 is obtained for the installation of a human waste storage facility.

Note: The chemical toilet must be installed and serviced by a licensed contractor (including pump-outs)

21. Site Location

The location of the building on the site to be established by a suitably qualified Surveyor and must comply with this approval including any required setbacks to boundaries.

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

22. Hours of work

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7am to 6pm on Monday to Friday.
- 8am to 1pm on Saturday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

23. Construction Noise

While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

OR

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

24. Inspection for on-site sewage management

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

25. Implementation of BASIX commitments

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

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 commenced.

- 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. 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.
- 29. Care to be taken when placing services near trees**
To minimise root disturbance where services are to be laid in close proximity to trees, any excavation within the Tree Protection Zone (TPZ) for installation of underground services is to be done by directional drilling or in manually excavated trenches in accordance with Section 4.5.5 of AS4970-2009. Works must be conducted under the supervision of the project arborist (minimum AQF level 5 qualified arborist), and may include the use of pneumatic or hydraulic tools such as air knives.
- 30. Maintenance of fencing to protect trees**
Fencing required to protect trees to be retained is to be maintained for the duration of the site clearing, preparation and construction works. During site works and construction all measures are to be taken to prevent damage to trees and other vegetation (including root systems) to be retained.
- No building materials or other items are to be placed or stored within the fenced off areas.
A qualified arborist experienced in tree management must be present on a full or part-time basis to advise on the maintenance of the trees for their protection for the duration of the project.
- 31. Prevention of water pollution**
Only clean and unpolluted water is to be discharged to Council's stormwater drainage system or 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.**
- 32. 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.
- 33. All excavated soils to be disposed of off-site**
All excavated soils to be disposed of off-site and in accordance with NSW EPA *Waste Classification Guidelines* (2014) and approved environmental management plans.
- 34. Removal of demolition and other wastes**
All wastes, including asbestos and lead-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 Licenced Waste Facility. All wastes removed from the site must be managed and disposed of in accordance with the [NSW EPA Waste Classification Guidelines \(2014\)](#)

35. Excavated natural materials and demolition waste disposal

Any and all excavated natural materials and demolition and builders waste transported from the site must be accompanied (a copy kept with the transporter) by a [NSW Protection of The Environment Operations Act s143 Notice](#).

36. Muted bushland tones external finishes

To ensure the development is compatible with the surrounding environment, colours and finishes are to be muted bushland tones. In this regard white, light or bright **roof** colours are not permissible.

37. Aboriginal Relics

While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:
 - a. relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - b. is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

The following conditions are to be complied with prior to occupation of the building

38. 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.

39. Access and parking areas to be completed

The access and parking areas are to be constructed in accordance with the approved plans and Roads Act consent prior to the issue of an occupation certificate.

40. Threatened flora retention

Following all construction works, a communication must be supplied confirming that all threatened flora as shown on Figure 11 of JWA 2024 have been retained in-situ free from damage or obvious disturbance.

- 41. 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.
- 42. 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>'.
- 43. Plumbing Works**
All works in relation to any associated Section 68 Water and Sewerage approval must be fully complied with and have a Final Plumbing Certificate issued prior to the issue of an Interim or Final Occupation Certificate."
- 44. Stormwater disposal**
Stormwater must be collected and disposed of in a controlled manner such that stormwater flows are:
- Clear of buildings and infrastructure,
 - Clear of effluent disposal areas,
 - Not concentrated so as to cause soil erosion,
 - Not directly to a watercourse, and
 - Not onto adjoining land.
- 45. 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 have been complied with.
- 46. Site Location Survey**
A final survey of the structures showing setbacks to boundaries to be submitted to the Private Certifier with the Occupation Certificate demonstrating compliance with the approved plans.

The following conditions are to be complied with at all times

- 47. Use of the dwelling house**
The dwelling house is not to be holiday let or used as tourist and visitor accommodation or as **short-term rental accommodation**.
- 48. Retention of native vegetation within 10/50 Vegetation Clearing Entitlement Area**
All native vegetation that the 10/50 Vegetation Clearing Code of Practice would otherwise authorize to be removed, destroyed or pruned must be retained for conservation purposes.
- 49. No Tree Removal**
This development consent does not authorise any native tree to be ringbarked, cut down, lopped, removed or damaged, or caused to be ringbarked, cut down, lopped, removed or damaged in contravention of Byron Development Control Plan 2014 and Development Control Plan 2010 as applicable to the land.

50. 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.

51. Landscaping

All landscaping on any part of the site must accord with the requirement to plant only appropriate local native species.

52. Rain Water Supply

All rain water supply tanks are required to divert water from the first rainfall using a first flush or bypass device.

53. Site Waste Minimisation and Management

All works must comply with the objectives of waste minimisation and waste management of Part B8.1.2 of DCP 2014.

54. Must not interfere with the amenity of the neighbourhood

The use of the development must not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. In particular:

- a. Any complaints to Council about 'offensive' noise will be dealt with under the provisions of the Protection of the Environment Operations Act 1997.
- b. Only clean and unpolluted water is permitted to be discharged to Councils' stormwater drainage system or any waters.
- c. All wastes shall be contained within appropriate containers fitted with a tight-fitting vermin-proof lid.
- d. All waste storage and sewage facilities shall be serviced and maintained to ensure that all relevant environment protection standards are satisfied.
- e. Goods deliveries shall be restricted to daytime operating hours.

SCHEDULE 2. PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Part 6 Division 8A of the Environmental Planning and Assessment Regulation as at the date of this development consent as are of relevance to this development must be complied with:

Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 <http://www.legislation.nsw.gov.au/-/view/regulation/2000/557/part6/div9>

Clause 98A Erection of signs

Clause 98B Notification of Home Building Act 1989 requirements

Clause 98C Conditions relating to entertainment venues

Clause 98D Condition relating to maximum capacity signage

Clause 98E Condition relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Part 6 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 3. LOCAL GOVERNMENT ACT 1993 SECTION 68 CONDITIONS OF APPROVAL

Page 1 of 9

#A2024/24635 BSC File No. GMB\ELH x 267512 x 70.2024.42.1

15 May 2024

Eco-Essence Group Pty Ltd
PO Box 1473
KINGSCLIFF NSW 2487

Email: planning@ecoessencehomes.com.au

Dear Sir/Madam



ONSITE SEWAGE MANAGEMENT SYSTEM (OSMS)

Application Number	70.2024.42.1
Activity Description	Installation for Three Bedroom Dwelling
Parcel Number	267512
Property Description	LOT: 11 DP: 1202684 132 Mafeking Road GOONENGERRY
Structures Connected to OSMS	Nil
Structures Proposed to be Connected to OSMS	Three Bedroom Dwelling

Approval for your OSMS is **attached**.

Please be aware that other development and /or construction approvals may be required for this development.

A copy of this approval, including the conditions and stamped plans must be kept onsite to ensure works are carried out in accordance with the approval.

BOOKING INSPECTIONS

Inspections with Council's Building Certifiers, Local Approval Officers and Engineers must be made using the Inspection Booking Form at www.byron.nsw.gov.au/inspectionbookings. You will need to provide:

- Date of inspection – before 12pm the day before you would like your inspection
- Type of inspection (see below)
- Name and contact phone number
- Address of property to be inspected
- Relevant application number.

If you have any questions in relation to inspections, please contact Building Services on 6626 7050.

Yours sincerely

Anne Wilson
Administration Supervisor
Public and Environmental Services

PO Box 219 Mullumbimby NSW 2482 (70 Station Street)
E: council@byron.nsw.gov.au | P: 02 6626 7000 | F: 02 6684 3018 www.byron.nsw.gov.au



Traditional home of the Bundjalung People

#A2024/24635 BSC File No. GMB\ELH x 267512 x 70.2024.42.1
Contact: Mrs E L Holt

15 May 2024

Eco-Essence Group Pty Ltd
PO Box 1473
KINGSCLIFF NSW 2487



Dear Sir/Madam

APPROVAL TO INSTALL ON-SITE SEWAGE MANAGEMENT SYSTEM (OSMS) AND ASSOCIATED PLUMBING WORKS

Approval No.	70.2024.42.1	
Parcel No.	267512	
Property Description	LOT: 11 DP: 1202684 132 Mafeking Road GOONENGERRY	
Owner	Mr T E Nabung & Ms T M Fumagall	
Applicant	Eco-Essence Group Pty Ltd	
Proposal	Installation for Three Bedroom Dwelling	
Structures Connected to OSMS	Nil	
Structures Proposed to be Connected to OSMS	Three Bedroom Dwelling	
Proposed System	Install and connect drainage to Sewage Management Facility comprising of:	
	Treatment 1	Aerated Wastewater Treatment System (<i>Fuji Clean ACE Advanced</i> (STS-AWTS054) or <i>Ozzi Kleen RP10A+</i> (AWTS014) or equivalent >79% nutrient reducing AWTS)
	Disposal Type	Evapotranspiration Beds (3 x 14.0m x 2.0m x 0.45m)

Determination Date: 16 April 2024

NOTE: Rights of Appeal

You are advised of your rights to request a review of Council's determination pursuant to Section 100 of Local Government Act 1993. Such a request must be made within 28 days of the date of determination. A fee is payable in respect to this request.

15 May 2024

Mrs E L Holt
Environmental Health Officer

Date of Endorsement

PO Box 219 Mullumbimby NSW 2482 (70 Station Street)
E: council@byron.nsw.gov.au | P: 02 6626 7000 | F: 02 6684 3018 www.byron.nsw.gov.au

 Traditional home of the Bundjalung People

Attachment: Conditions of Approval

APPLICATION APPROVED: Approvals are granted subject to the conditions **attached** to this notice (LGA Section 94).

LAPSING OF APPROVAL: This approval will lapse in 5 (five) years after the date from which it operates.

REVIEW OF APPROVAL: An applicant may request the Council to review a determination within twenty eight (28) days of the date of determination (in accordance with Section 100, Local Government Act 1993).

APPEAL PROVISIONS: An applicant who is dissatisfied with the determination of a Council may appeal to the Land and Environment Court within twelve months from approval (Section 176, Local Government Act 1993).

If you have any questions regarding this Notice, please contact the Council's Environmental Health Unit (02) 6626 7107 or alternatively PES@byron.nsw.gov.au .

Conditions of Approval

Notes:

- It is the applicant's responsibility to obtain consent for any building or subdivision works. This consent does not imply approval of any future building or subdivision works.
- Consent will be required to connect all plumbing and drainage associated with future building works to the approved sewage management facility.
- Unless tree removal is depicted on the approved plans or identified in the application, this approval does not give consent to the removal of trees or vegetation protected by the Byron Shire Council Tree Preservation Order.
- This Section 68 application to Install an On-Site Sewage Management System is approved on the condition that DA No. 10.2024.42.1 (to which this is a concurrent application) is approved.

1. The applicant shall install a Sewage Management Facility comprising the following:

Treatment 1	Aerated Wastewater Treatment System (<i>Fuji Clean ACE Advanced</i> (STS-AWTS054) or <i>Ozzi Kleen RP10A+</i> (AWTS014) or equivalent >79% nutrient reducing AWTS)
Disposal Type	Evapotranspiration Beds (3 x 14.0m x 2.0m x 0.45m)

Note: All Waste Treatment Devices must be accredited by NSW Health. Tanks must bear the standard mark (AS1546-1990).

2. The proposed wastewater system shall be constructed generally in accordance with:

Plan/Report No.	Description	Prepared by	Dated:	Council Record
Guidance Document	NSW Environment and Health Protection	NSW State Government Agencies	Jan 1998	N/A
OS-AWTS; OS-ETA	Council specifications attached	Byron Shire Council	N/A	N/A
Approval No	70.2024.42.1 and 10.2024.42.1	Byron Shire Council	16/04/2024	A2024/24635
Report	Report No.2022.943	HMC Environmental Consulting P/L	20/02/2024	E2024/22413
Stamped Plans	70.2024.42.1 and notations (IN RED).	Byron Shire Council	16/04/2024	E2024/40397

3. **Prior to work commencing** on construction of the on-site sewage management system the following is required:

- a) A licensed plumber is to be engaged to carry out the work. The plumber is to obtain a permit from Byron Council prior to commencing any work and must lodge a completed Notice of Work ([NSW Fair Trading Notice of Work](#)). If there is more than 1 plumber

carrying out works, then separate permits will have to be lodged stating specifically the works that are to be carried out.

4. The proposed on-site sewage management system has been designed for treatment of a wastewater loading of 862.5L/Day (7.5 persons / 3 bedrooms).
5. **The OSMS is currently approved to connect to a Three Bedroom Dwelling.**
6. The on-site sewage management system is to be installed by a licensed tradesman in accordance with approved plans, specifications and conditions of approval and the requirements of the NSW Code of practice and AS/NZS 3500 must be adhered to.
7. The sewage management system shall not be used until such time as it is completed, inspected and approval for use issued by Council. The owner is required to maintain the system in accordance with the approved plans, specifications and conditions of approval.
8. A user operation and maintenance manual shall be provided on completion of the system and prior to commissioning.
9. The following inspection/s will be required for the Water and Sewage Work:
 - a) Internal drainage;
 - b) External drainage & Irrigation area;
 - c) Rough in / Stack (if applicable)
 - d) Final Completion - A licensee is required to provide to Council and owner of the property after completion of the work and within 48 hours:
 - i. a Compliance Certificate; and
 - ii. Sewer Services Diagram/ Works as Executed drawings.

Note 1: Council will send each plumber proformas of these documents when the Notice of Work permit has been issued by Council to allow the plumber to commence work.

Note 2: Inspections will not take place unless the plumber or the plumber's representative is on-site. Re-inspection fees will apply to plumbers not on-site for inspections. Fees will be charged for all inspections.

AOS-AWTS

AERATED WASTEWATER TREATMENT SYSTEM

SPECIFICATION

OPERATIONAL REQUIREMENTS

The aerated wastewater treatment system (commonly referred to as AWTS), is a complex sewage treatment system designed to provide a high standard of biological activity and disinfection of the final treated effluent.

AWTS are reliant upon pumps and air injecting blowers to maintain the sewage treatment processes. As the mechanical components are an expensive and important part of the process, both the NSW Health accreditation and Council's approval required at least quarterly (every 3 months) servicing by an accredited service agent.

As with septic tanks, it is important that users are careful about what is put into the system and that the system is not repeatedly overloaded with water above the capacity of the system design.

1. Minimise water usage in the building to reduce the volume of wastewater (hydraulic load) required to be stored and treated by the system. Overloading the system should be avoided.
2. Minimise biological and chemical substances entering the system by choosing to use a kitchen sink strainer, and minimising the use of laundry and general cleaning chemicals. Biologically harmful chemicals such as bleach and disinfectants should be used sparingly in any fixtures connected to the system.
3. Do not discharge grease, oil, paint, pesticides, chemicals or medications. The system does not have the complexity to properly decompose large quantities or complex organic compounds arising from such sources. The best option is to prevent such products from entering the system. Insoluble plastics and materials should not be added to the system.

MAINTENANCE REQUIREMENTS

1. Each three (3) monthly service shall include a part check on all mechanical, electrical and functioning parts of the aerated septic treatment system including:
 - a) Disinfection;
 - b) Replenishment of the disinfectant;
 - c) All pumps;
 - d) The air blower, fan or air venturi;
 - e) The alarm system;
 - f) The effluent disposal area, including the subsurface irrigation or ETA beds;
 - g) The slime growth on the filter media;
 - h) The operation of the sludge return system.
2. An annual inspection is to include a check on sludge accumulation in the septic tank (primary treatment tank) and the clarifier where appropriate.
3. The following field tests shall be performed at every service:
 - a) pH from a sample taken from the irrigation chamber;
 - b) Dissolved oxygen from a sample taken from the final aeration or stilling chamber although recommended is OPTIONAL.
4. For systems which utilise the sewerage treatment principle of activated sludge or contact aeration an additional field test shall be performed at least annually to determine if the accumulated sludge is bulking and as an indication that the aeration compartments/s require desludging. The sludge bulking test is commonly referred to as an SV30 test.

5. A service report sheet shall be completed for every service. Every service report shall be in triplicate and is to specify ALL service items and test results, the amount of chlorine compound provided, the date of service, and the technician's initials. The triplicate shall be given or left for the owner, the duplicate forwarded to Council and the original to be retained by the applicant.
6. Each service agent is to provide a registered business office, which, if unattended during office hours, is provided with a telephone answering device or service. A means of reporting a malfunction or breakdown of the aerated septic treatment system outside normal business hours shall be available.
7. In the event of a breakdown or malfunction, the service agent shall be capable of effecting repairs within twenty four (24) hours to ensure continued operation of the aerated septic tank system. This would necessitate the provision and replacement of adequate spare parts and temporary replacement blowers and irrigation pumps where repairs cannot be completed on site.
8. Check for system failures which are generally indicated by:
 - (a) Plumbing fixtures and fitting not draining properly indicate a damaged or blocked pipe or possible septic tank failure.
 - (b) Surcharge of effluent at ground level either around the tank, or down the slope at the land application area/s.
 - (c) Foul odour emanating from the tank or land application area/s.
Call a licensed plumber if you have concerns that your system is failing.

AOS-ETA

EVAPOTRANSPIRATION/ABSORPTION BEDS

OPERATION REQUIREMENTS

The evapotranspiration area (ETA) has been designed and constructed to have a limited hydraulic capacity. Where usage exceeds design capacity a public health risk or environmental harm may occur.

Effluent from the approved wastewater treatment system is designed to be evenly dispersed into each ETA field, ensuring the maximum opportunity for effluent to be taken up by the environment. The ETA provides the best opportunity for plant nutrient uptake and evaporation / transpiration.

ETA should be completely flat and level.

The characteristics of the natural soil are an important part of the functioning of ETA. In our climate of regular and heavy rainfall, ETA can be damaged by surface water flows. Diversion drainage or berms should be maintained to prevent 'water logging' of the ETA. Roof waters and rain water tank overflows should be piped away from the ETA.

ETA should be operated and maintained strictly in accordance with manufacturer's instructions and regular maintenance and attention is required. Effluent from the approved treatment system shall be dispersed into each ETA bed field.

There are minimal maintenance requirements for ETA. The area should be protected from vehicle traffic, heavy stock grazing and large tree / root invasion. The best environment to support long term success of any ETA is a well maintained surface with even plant coverage and maximum sun. Bare or wet areas within such an area might indicate a point of failure.

MAINTENANCE REQUIREMENTS

1. The system operator should maintain the ETA in regard to adequate cover, elimination of weeds, maintenance of plants and shrubs. **If surcharging** effluent is observed or other signs of field malfunction are found, the system operator should contact their service provider or a licensed plumbing contractor to investigate.
NOTE: Any alteration, extension or construction associated with your on-site sewage management system requires the prior approval of Council.
2. At least once each year a service should be carried out by a service provider of licensed plumbing contractor particularly for service of any associated pressure dosing systems.
3. A service report sheet shall be completed for every service. Operators should maintain records of all service inspections and pumpouts performed whilst the sewage management facility continues to operate. **Each year a copy of the service report should be provided to Council.**
4. Check for system failures which are generally indicated by:
 - a. Effluent on the surface of the land application area.
 - b. Surcharge of effluent from the land application area. Dead vegetation or excessively luxuriant growth of vegetation leading away from the land application area/s.
 - c. Foul odours emanating from the land application area.
 - d. Overflow at the septic tank or household plumbing fixtures.

These conditions have been imposed to ensure the effective operation of the sewage management facility for the protection of public health and the environment surrounding the installation site.

The application is determined in accordance with the above recommendation under delegated authority.

SCHEDULE 4. NSW RURAL FIRE SERVICE CONDITIONS



Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your reference: (CNR-66367) 10.2024.42.1
Our reference: DA20240305000897-Original-1

ATTENTION: Alissa Magnifico

Date: Friday 15 March 2024

Dear Sir/Madam,

Development Application
s4.14 - Infill - Single Dwelling - New Dwelling
132 MAFEKING ROAD GOONENGERRY 2482, 11//DP1202684

I refer to your correspondence dated 05/03/2024 seeking advice regarding bush fire protection for the above Development Application in accordance with section 4.14 of the *Environmental Planning and Assessment Act 1979*.

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 measure is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

1. At the commencement of any building works and in perpetuity the land surrounding the dwelling (envelope) to the vegetation boundary dripline, as per Plan of Subdivision by Glen John Heath, dated 24-11-2004 must be maintained as an inner protection area in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.

The owner of the lot with an APZ/IPA shall:

- ensure that the presence of fuel, which could become involved in a fire is minimised within the IPA; and
- be maintained as a mown area with grass heights less than 100mm; and
- remove all fine fuel at ground level which could be set alight by bushfire from within the inner protection area; and
- ensure that all plants and trees within the inner protection area are located at least 2m from any part of the roofline of a dwelling and do not touch or overhang any building so that they will not ignite any building by direct flame contact or radiated heat emission

When establishing and maintaining an inner protection area, the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;

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

- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly.

Construction Standards

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

2(a). New construction on the southern and western elevations must comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the NASH Standard - *Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

2(b). New construction on the northern & eastern elevations must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the NASH Standard - *Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

Water and Utility Services

The intent of measure is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

3. The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- a 10,000 litre static water supply, tank, pool, dam or the like, must be provided on-site,
- an outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure
- 65mm Storz connection with a ball valve is fitted to the outlet,
- the ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material,
- underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank,
- a hardened ground surface for truck access is supplied within 4m of the water outlet or access hole,
- new above-ground tanks are manufactured from concrete or metal,
- raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber. The bush fire-resisting timbers are Silvertop Ash, Blackbutt, Red or River Gum, Spotted Gum, Red Ironbark, Kwila (Merbau) or Turpentine,
- unobstructed access can be provided at all times,
- underground tanks are clearly marked,
- tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
- all exposed water pipes external to the building are metal, including any fittings,
- where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack,
- any hose and reel for firefighting connected to the pump must be 19mm internal diameter,
- fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005,

- A Static Water Supply (SWS) sign must 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:
 - Markers must be fixed in a suitable location to be highly visible, and
 - Markers should be positioned adjacent to the most appropriate access for the water supply.
- all exposed water pipes external to the building are metal, including any fittings;
- where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack; any hose and reel for firefighting connected to the pump must be 19mm internal diameter;
- fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 *Guideline for Managing Vegetation Near Power Lines*.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
 - connections to and from gas cylinders are metal;
- polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Assessment

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

4. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of 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 are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

General Advice – Consent Authority to Note

The recommendations are based on the following:

- Plans by Eco Essence Homes Pty Ltd, Rev I, dated 15-02-2024,
- Plan of Subdivision by Glen John Heath, dated 24-11-2004, and
- Bushfire report by: Paola Rickard, Land & Fire Assessments Pty Ltd, Date: 19 October 2022.

Council is advised that where a minor amendment to the above-noted documents is proposed, Council may use its discretion to determine whether the minor amendment warrants further assessment by the NSW RFS.

For any queries regarding this correspondence, please contact Khatera Tokhi on 1300 NSW RFS.

Yours sincerely,

Alan Bawden
**Supervisor Development Assessment & Plan
Built & Natural Environment**

SCHEDULE 5. REASONS FOR DECISION, HOW COMMUNITY VIEWS WERE ADDRESSED

Note: From July 1 2018, Council's are required to give and publicly notify reasons for a range of planning decisions where they are deciding if development should proceed to help community members to see how their views have been taken into account and improve accountability to stakeholders. A statement of reasons for the determination of this application is provided below.

Statement of Reasons

The proposed development complies with the provisions of Byron Local Environmental Plan 2014.

The proposed development complies with relevant State Environmental Planning Policies

The proposed development complies with relevant provisions of Development Control Plan 2014

The proposed development complies with Environmental Planning & Assessment Regulation 2021 considerations.

The proposed development will not have significant adverse impact on the natural, built or social environment or economic impacts on the locality.

The proposed development is considered suitable for the proposed site.

The development application was notified/advertised in accordance with Council's Community Participation Plan. Issues raised in the submissions have been addressed during assessment of the application.

The proposed development is unlikely to prejudice or compromise the public interest.

How community views were addressed

The DA did not require advertising or notification as per Council's Community Participation Plan.

The DA was advertised in accordance with Council's Community Participation Plan. The submissions received were considered on merit and addressed during assessment of the application.

To view the considerations, please contact Council to view a copy of the assessment report relating to this DA.

SCHEDULE 6. NOTES

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 for a Construction Certificate must be made online using the [NSW Planning Portal](#).

Principal Certifying Authority:

Work must not commence until the applicant has: -

- appointed a Principal Certifying Authority (if the Council is not the PCA); and
- 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'.
- 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.

Essential Energy Comments:

Strictly based on the documents submitted, Essential Energy has the following comments to make as to potential safety risks arising from the proposed development:

- The plans provided do not show the distances from Essential Energy's infrastructure to the proposed development. A safe distance of **10** metres is required to the centreline of the powerline(s).
- It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a [Request for Safety Advice](#) if works cannot maintain the safe working clearances set out in the [Working Near Overhead Powerlines Code of Practice](#), or [CEOP8041 - Work Near Essential Energy's Underground Assets](#).

Information relating to developments near electrical infrastructure is available on our website [Development Applications \(essentialenergy.com.au\)](#). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website [Encroachments \(essentialenergy.com.au\)](#) and provide supporting documentation. Applicants are advised that fees and charges will apply where Essential Energy provides this service.

Council's and the applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.

Essential Energy makes the following general comments:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.

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).

Fire Ants

The importation of any of the following material from Queensland invasive ant biosecurity zones must be in accordance with the [Biosecurity \(Invasive Ant Carriers\) Control Order 2023](#) (including any revised orders made under the Biosecurity Act 2015) and meet the requirements of NSW Department of Primary Industries:

- organic mulch (which includes manure, bark, wood chips, hay, straw, silage, and sugar cane bagasse);
- baled materials;
- potted plants;
- agricultural or earth-moving machinery;
- fill or soil (which includes anything with soil on it such as turf); and
- mining or quarrying materials.

Prior to the importation of each material type, the supplier must provide the receiver and the Principal Certifying Authority with the relevant Certificate as identified within the Biosecurity (Invasive Ant Carriers) Control Order 2023 or revised biosecurity control orders. All material shall meet the requirements of the relevant Certificate.

It is an offence under the Biosecurity Act 2015 if this material comes from within five kilometres of a known invasive ant infested area (e.g. identified Fire Ant Biosecurity Zones in Queensland), or any other place at which the person knows, or ought reasonably to know, that an invasive ant has been detected, unless the carrier material has been managed and treated to reduce the risk and meets the certification requirements listed in the Control Order.

General Advisory Notes

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth) Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on Phone Number 1800 810 443.

The Environmental Planning and Assessment Act 1979 requires you to:

1. For building works, obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate.

For subdivision works, obtain a **Subdivision Works Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Subdivision Works Certificate.

An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the above Certificates.

All applications must be lodged via the [NSW Planning Portal](#).

2. Nominate a **Principal Certifier** which may be either Council or a registered certifier and notify Council of that appointment. You **cannot lawfully commence works** without complying with this requirement. Appointment must be made through the [NSW Planning Portal](#)
3. Give Council at least two days' notice of your intention to commence the erection of a building before commencing construction works. You cannot lawfully commence works without complying with this requirement.
4. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

All applications must be lodged via the [NSW Planning Portal](#).

You may also need to:

5. Lodge an Application for Subdivision to obtain a Subdivision Certificate if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain Strata Title Subdivision under the relevant Strata Titles Act if strata title of the development is proposed.
6. Carry out critical stage inspections in accordance with Section 6.5 of the EP&A Act 1979 and clauses 61, 63 and 65 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.