

BSC File No: 14200D x 10.2024.40.1/#A2024/35899
Contact: Stephen Jones

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application No.	Development Application No. 10.2024.40.1
Applicant	Mr J B O'Connor
Property	1931 Coolamon Scenic Drive MULLUMBIMBY LOT: 6 DP: 258075
Development	Continued Use of a Converted Shed as a Dwelling and Conversion of the Existing Dwelling to a Shed
Determination	Deferred commencement Consent Authority - Council
Date of determination	11 July 2024
Date on which the consent lapses	15 July 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 deferred commencement consent using the power in section 4.16(3) of the EP&A Act, subject to the conditions set out in this notice.

Relevant matters

This consent does not operate and may not be acted on until the consent authority is satisfied of the following matter(s):

CONDITIONS OF CONSENT

Schedule 1. DEFERRED COMMENCEMENT CONDITION PURSUANT TO SECTION 4.16(3)

The following condition concerns matters as to which the Council must be satisfied before the consent can be issued:

Deferred Commencement Consent

This consent does not operate until Council is satisfied as to the following matters:

1. Building Information Certificate

A Building Information Certificate is required to be issued by Council for the dwelling and farm shed. 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:

- A separate approval from Council for acknowledgement of the installation and/ or upgrade of the wastewater system installed on the property.
- Certification from a licenced plumber for sanitary plumbing/drainage works and water supply works in all buildings is in accordance with Section B (Water Services) and Section C (Sanitary

Plumbing and Drainage Services) of the Plumbing Code of Australia.

- c) A land survey from a registered surveyor is required with the Building Information Certificate application identifying all structures located upon the subject property.
- d) The following Performance Provisions of the Building Code of Australia
 - H1P1 Structural stability and resistance to actions (including glazing)
 - H2P1 Rainwater management
 - H2P2 Weatherproofing
 - H2P3 Rising damp
 - H3P1 Spread of fire
 - H3P2 Automatic warning for occupants
 - H4P1 Wet areas
 - H4P2 Room heights
 - H4P3 Personal hygiene and other facilities
 - H4P4 Lighting
 - H4P5 Ventilation
 - H4P7 Condensation and water vapour management
 - H5P1 Movement to and within a building
 - H5P2 Fall prevention barriers
 - NSW H6P1 Building Fabric & (b) Building Sealing
 - NSW H6P2 Services
 - H7P5 Buildings in bushfire prone areas
- e) Any recommended works identified in this report/s or identified by Council must be completed prior to issue of the Building Information Certificate.

2. Decommissioning of existing dwelling

The proposed shed must remove all kitchen and bathroom facilities related to the prior dwelling use.

3. Compliance with BASIX Certificate requirements

The development is to comply with Basix Certificate No. A507710, dated 12 September 2023.

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

4. Bushfire protection measures

The development is approved subject to the NSW Rural Fire Service conditions provided in **Schedule 4** of this Notice of Determination.

5. Section 68 approval required – Connection of drains

An approval under Section 68 of the Local Government Act 1993 to connect drains to existing on-site sewage management system Approval No. 70.2004.157.2 or subsequent Section 68 Approval issued by Council. Such approval must be issued after the date of this consent.

6. Consent required for Works within Road Reserve

Consent from Council must be obtained for works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve.

Such plans are to be in accordance with Council's current Design & Construction Manuals and are to provide for the following works:

- a) Driveway Upgrade

The existing driveway must be upgraded within the road reserve to generally comply with Council's current standards (i.e. Council's Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings). The pavement must be sealed from the edge of the existing sealed pavement to the property boundary.

7. Access & Parking

The application for a Building Information 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) minimum of two (2) parking spaces;
- c) site conditions affecting the access;
- d) existing and design levels;
- e) longitudinal and cross sections;
- f) drainage details; and
- g) access requirements of any bushfire safety measures.

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

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

8. Bond required to guarantee against damage to public land

A bond of **\$3,000** is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets.

Such bond will be held until Council is satisfied that the infrastructure is maintained/repaired to pre development conditions and that no further work is to be carried out that may result in damage to Council's roads, footpaths etc.

9. Muted bushland tones external finishes

The exterior walls of the dwelling and shed are to be compatible with the surrounding environment, with colours and finishes in muted bushland tones. In this regard, white, light or bright colours are not permissible.

Evidence of the above relevant matter(s) must be produced to the consent authority, within two years of the date of the determination, otherwise the consent will lapse.

Under section 88(3) of the EP&A Regulation, the consent authority will notify you in writing if the matters above have been satisfied and the date from which this consent operates.

The conditions of development consent below apply from the date that this consent operates.

Where the applicant produces evidence of the relevant matters in accordance with section 76(4) of the EP&A Regulation, the consent authority must notify the applicant whether or not it is satisfied as to the relevant matter(s). If the consent authority has not notified the applicant within 28 days after receiving the applicant's evidence, the consent authority is taken to have notified the applicant that it is not satisfied about the relevant matter(s) on the date on which that period expires, for the purposes of section 8.7 of the EP&A Act (see sections 76(4), (5) and (6) of the EP&A Regulation).

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 AuthorityA handwritten signature in black ink, appearing to read 'Stephen Jones', with a long horizontal flourish extending to the right.

Stephen Jones
Planner

Schedule . 2. CONDITIONS OF CONSENT

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

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	Dated
DA1.02	D	Proposed site plan (annotated by council)	26/02/2024
DA2.01	D	Existing primary house & farm shed - floor plan	04/09/2023
DA2.10	E	Proposed primary house & farm shed - floor plan	26/02/2024
DA2.50	C	Existing primary house & farm shed - Roof plan	26/02/2024
DA2.51	D	Proposed primary house & farm shed - Roof plan	26/02/2024
DA3.01	E	Existing elevations	26/02/2024
DA3.10	E	Proposed elevations	26/02/2024
DA5.01	C	Window and door schedule 01	04/09/2023

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. 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:

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

3. 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.

4. 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 **Schedule 4** of this Notice of Determination.

5. Tree Removal

No trees or vegetation is approved to be removed as part of this development consent.

6. 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.

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

7. 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.

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

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

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

14. Removal of asbestos

All asbestos wastes associated with removal of the existing dwelling to be disposed of in accordance with the requirements of the Workcover Authority. The applicant/owner is to produce documentary evidence that this condition has been met.

Please note the Byron Resource Recovery Centre can not accept asbestos. You will need to arrange disposal at an alternate landfill site.

15. 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.

16. Demolition

Any required demolition works must be undertaken in accordance with the relevant requirements of Australian Standard AS 2601–1991: The Demolition of Structures published by Standards Australia, and the WorkCover Authority of NSW.

17. 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.

18. 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 \(2014\)](#).

19. 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](#).

20. 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

- 21. 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.
- 22. 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.
- 23. 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>’.
- 24. 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.
- 25. 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.
- 26. 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.

27. 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.

The following conditions are to be complied with at all times

28. 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.

29. Rainwater Supply

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

30. 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.

31. 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.

Schedule . 3. PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 2, Subdivision 1 of the Environmental Planning and Assessment Regulation 2021 as at the date of this development consent as are of relevance to this development must be complied with:

- [69](#) 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>
- [70](#) Erection of signs
- [71](#) Notification of Home Building Act 1989 requirements
- [72](#) Entertainment venues
- [73](#) Maximum capacity signage
- [74](#) Condition relating to shoring and adequacy of adjoining property

75 Fulfilment of BASIX commitments

Refer to the [Environmental Planning and Assessment Regulation 2021](http://www.legislation.nsw.gov.au), *Division 2, Subdivision 1* of for full text of the above clauses. This can be accessed at <http://www.legislation.nsw.gov.au>.

Schedule 4. NSW RURAL FIRE SERVICE CONDITIONS



Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your reference: (CNR-66912) 10.2024.40.1
Our reference: DA20240320001137-Original-1

ATTENTION: Patricia Docherty

Date: Thursday 4 April 2024

Dear Sir/Madam,

Development Application
s4.14 – Other – Single Dwelling - Alterations & Additions
1931 COOLAMON SCENIC DRIVE MULLUMBIMBY 2482, 6//DP258075

I refer to your correspondence dated 20/03/2024 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 measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

1. From the commencement of building works and in perpetuity, the property around the dwelling must be maintained as an inner protection area to the following distances and aspects in accordance with the following requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*:

- north for a distance of 20 metres;
- east for a distance of 6 metres;
- south to the boundary; and,
- west for a distance of 9 metres.

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

- a. tree canopy cover should be less than 15% at maturity;
- b. trees at maturity should not touch or overhang the building;
- c. lower limbs should be removed up to a height of 2m above the ground;
- d. tree canopies should be separated by 2 to 5m; and
- e. preference should be given to smooth-barked and evergreen trees
- f. create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards buildings should be provided;
- g. shrubs should not be located under trees;
- h. shrubs should not form more than 10% ground cover; and

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

- i. clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- j. grass should be kept mowed (as a guide, grass should be kept to no more than 100mm in height); and
- k. leaves and vegetation debris should be removed.

Construction Standards

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

2. Construction of the dwelling 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'.

3. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build-up of flammable material. Any materials used shall be non-combustible.

Access – Public Roads

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 firefighting activities.

4. Property access roads must comply with the following requirements of Table 7.4a of 'Planning for Bush Fire Protection 2019':

- a. property access roads are two-wheel drive, all-weather roads;
- b. the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges and causeways clearly, indicate load rating.
- c. there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
- d. minimum 4m carriageway width;
- e. a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- f. property access must provide a suitable turning area in accordance with Appendix 3;
- g. curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- h. the minimum distance between inner and outer curves is 6m;
- i. the cross fall is not more than 10 degrees; and
- j. maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

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 firefighting activities.

5. The provision of water must comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:

- a. a 20,000 litre static water supply must be provided on-site at the dwelling,



- b. an outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure (5-20 metres),
- c. 65mm Storz connection with a ball valve is fitted to the outlet,
- d. 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,
- e. underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank,
- f. a hardened ground surface for truck access is supplied within 4m of the water outlet or access hole,
- g. new above-ground tanks are manufactured from concrete or metal,
- h. 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,
- i. unobstructed access can be provided at all times,
- j. underground tanks are clearly marked,
- k. tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
- l. all exposed water pipes external to the building are metal, including any fittings,
- m. where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack,
- n. any hose and reel for firefighting connected to the pump shall be 19mm internal diameter,
- o. fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005,
- p. a Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - i. Markers must be fixed in a suitable location to be highly visible, and
 - ii. Markers should be positioned adjacent to the most appropriate access for the water supply.

6. The provision of new electricity must comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:

- a. where practicable, electrical transmission lines are underground,
- b. where overhead, electrical transmission lines are proposed as follows:
 - i. lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas, and
 - ii. 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.

7. The provision of gas must comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:

- a. 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,
- b. all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side,
- c. connections to and from gas cylinders are metal,
- d. polymer-sheathed flexible gas supply lines are not used, and
- e. above-ground gas service pipes are metal, including and up to any outlets.

General Advice – Consent Authority to Note

The recommendations are based on the plans prepared by Unknown, titled 'proposed site plan', dated 26/02/2024 (Revision D) and the 'Bushfire Assessment Report' prepared by Bushfire Risk dated 20 September, 2023.





RFS



For any queries regarding this correspondence, please contact Scott Sewell on 1300 NSW RFS.

Yours sincerely,

Katrina Lindsay
**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 modifications were minor and substantially the same as the original development approval with no detrimental environmental impacts.

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 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

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.

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.