



8 November 2022

**NOTICE OF DETERMINATION
OF AN APPLICATION TO MODIFY A DEVELOPMENT CONSENT**
Under Section 4.55 of the Environmental Planning and Assessment Act 1979

Application No - 10.2021.116.2

Mr J Glennon
22 Murraba Crescent
TWEED HEADS NSW 2485

Email: info@greencoastplanning.com

Proposed modification description:	S4.55 to Delete Office and Remove Existing Kitchen and Composting Toilet from Workshop/Storage Shed
Property description:	LOT: 3 DP: 710680 43 Synotts Lane OCEAN SHORES
DA No.:	10.2021.116.1
Determination:	Approved subject to the following conditions
Date determined:	4 November 2022

Amended conditions

MODIFIED CONDITIONS OF CONSENT:

Delete Conditions:

Deferred Commencement Condition 1

The following conditions concern matters as to which the Council must be satisfied before the consent can become operational:

1. Building Information Certificate

A Building Information Certificate must be obtained from Council for the two (2) amenities buildings, storage shed, pergola, workshop / storage shed and office. Prior to issue of the Building Information Certificate the applicant is to demonstrate to Councils satisfaction with evidence in the form of detailed report/s from suitably qualified and experienced professionals the constructed works satisfies

1. A separate approval from Council for acknowledgement of the installation and/ or upgrade of the wastewater system installed on the property and
2. A land survey from a registered surveyor is required with the Building Information Certificate application identifying all structures located upon the subject property.
3. The following Performance Provisions of the Building Code of Australia.
4. Any recommended works identified in this report/s or identified by Council must be completed prior to issue of the Building Information Certificate;

Performance Requirement of the Building Code of Australia, Volume 2 , 2019 (amenities buildings, storage shed, pergola, workshop / storage shed)

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

P2.2.1 Rainwater management

P2.4.1 Wet areas

P2.4.2 Room heights

P2.5.1 Movement to and within a building

Performance Requirement of the Building Code of Australia Volume 1 , 2019 (Commercial office building)

- Section A
 - Sections B
 - Sections C
 - Sections D
 - Sections E
-

Deferred Commencement Condition 2

2. Kitchen to be removed from workshop / storage shed

The kitchen must be removed from the Workshop / Storage shed in accordance with stamp approved "As Built Workshop / Storage Shed" Floor Plan 6/9 dated January 2021 prior to issue of a Building Information Certificate.

Condition 1

1. Development is to be in accordance with approved plans

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

Plan No.	Description	Prepared by	Dated:
2/8 Issue B	Site Plan	David Robinson	February 2021
3/9 Issue A	As Built Amenities Blocks – A1 & A2 Floor Plan & Elevations	David Robinson	January 2021
4/9 Issue A	As Built Storage Shed Floor Plan & Elevations	David Robinson	January 2021
5/9 Issue A	As Built Pergola Floor Plan & Elevations	David Robinson	January 2021
5/9 Issue A	Part Built New Office Floor Plan & Section	David Robinson	January 2021
6/9 Issue A	As Built Workshop / Storage Shed Floor Plan	David Robinson	January 2021
7/9 Issue A	As Built Workshop / Storage Shed Elevations	David Robinson	January 2021

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

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

Insert the following conditions into the Notice of Determination in appropriate order:

Deferred Commencement Condition 1

The following conditions concern matters as to which the Council must be satisfied before the consent can become operational:

1. Building Information Certificate

A Building Information Certificate must be obtained from Council for the two (2) amenities buildings, storage shed, pergola, and workshop / storage 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

1. A separate approval from Council for acknowledgement of the installation and/ or upgrade of the wastewater system installed on the property and
2. A land survey from a registered surveyor is required with the Building Information Certificate application identifying all structures located upon the subject property.
3. The following Performance Provisions of the Building Code of Australia.
4. Any recommended works identified in this report/s or identified by Council must be completed prior to issue of the Building Information Certificate;

Performance Requirement of the Building Code of Australia, Volume 2 , 2019 (amenities buildings, storage shed, pergola, workshop / storage shed)

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

P2.2.1 Rainwater management

P2.4.1 Wet areas

P2.4.2 Room heights

P2.5.1 Movement to and within a building

Performance Requirement of the Building Code of Australia Volume 1 , 2019 (Commercial office building)

- Section A
- Sections B
- Sections C
- Sections D
- Sections E

Condition 1

1. Development is to be in accordance with approved plans

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

Plan No.	Description	Prepared by	Dated:
2/8 Issue B	Site Plan	David Robinson	Received 13/09/22
3/9 Issue A	As Built Amenities Blocks – A1 & A2 Floor Plan & Elevations	David Robinson	January 2021
4/9 Issue A	As Built Storage Shed Floor Plan & Elevations	David Robinson	January 2021
5/9 Issue A	As Built Pergola Floor Plan & Elevations	David Robinson	January 2021
8/11 Issue A	As Built Workshop / Storage Shed Floor Plan	David Robinson	September 2020
7/9 Issue A	As Built Workshop / Storage Shed Elevations	David Robinson	January 2021

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

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

Enclosed for your information is the amended plan (where applicable) and consent.

Please note that modification of this consent under Section 4.55 of the Environmental Planning and Assessment Act may require amendment to any Construction Certificate for this development (if a Construction Certificate has been previously issued). It is recommended that you check with your Principal Certifying Authority.

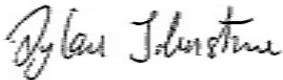
Right of Review

You may request Council to review its decision under Section 8.2 of the *Environmental Planning and Assessment Act, 1979*.

Right of Appeal

If you are dissatisfied with this decision, Section 8.9 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court.

Yours sincerely



Mr D J Johnstone
Planner

Encl. Modified Consent No. 10.2021.116.1

STATEMENT OF REASONS

Council is 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	
S.4.55	The modifications are minor and the development as modified is substantially the same as the originally approved development, with no significantly detrimental environmental impacts.

How community views were addressed
The application did not require public exhibition in accordance with the Community Participation Plan.



Schedule 2 – Amended conditions of development consent
AMENDED CONSENT 4 November 2022

BSC File No: mrm/12390D x 10.2021.116.1 /#A2021/47304
Contact: Mr D J Johnstone

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION
issued under the
Environmental Planning and Assessment Act, 1979 Section 4.18(1)(a)

DEFERRED COMMENCEMENT CONSENT

Development Application No. 10.2021.116.1

Mr J Glennon
20 Murraba Crescent
TWEED HEADS NSW 2485

Email: info@greencoastplanning.com

Property description	LOT: 3 DP: 710680 43 Synotts Lane OCEAN SHORES
Development	Use of Primitive Camping Ground comprising of Ten (10) Camp Sites and Use of Ancillary Structures
Determination	Deferred Commencement Consent granted <i>Subject to the attached schedule of conditions</i>
Date determined	16 December 2021
Consent to operate from	Deferred
Consent to lapse on	17 December 2026
BCA Classification	

IMPORTANT INFORMATION

It is the responsibility of the applicant, landowner, builder, and any other contractors or agents involved with the development to read and understand all conditions of consent prior to commencing work.

The Environmental Planning and Assessment Act 1979 require you to:

1. Obtain a **Construction Certificate** prior to the commencement of any **building works** as required by conditions of this consent. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate. Additional fees are payable for this application.
2. Nominate a **Principal Certifying Authority (PCA)** which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
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.

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

The following conditions concern matters as to which the Council must be satisfied before the consent can become operational:

1. Building Information Certificate

A Building Information Certificate must be obtained from Council for the two (2) amenities buildings, storage shed, pergola, and workshop / storage 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

1. A separate approval from Council for acknowledgement of the installation and/ or upgrade of the wastewater system installed on the property and
2. A land survey from a registered surveyor is required with the Building Information Certificate application identifying all structures located upon the subject property.
3. The following Performance Provisions of the Building Code of Australia.
4. Any recommended works identified in this report/s or identified by Council must be completed prior to issue of the Building Information Certificate;

Performance Requirement of the Building Code of Australia, Volume 2 , 2019 (amenities buildings, storage shed, pergola, workshop / storage shed)

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

P2.2.1 Rainwater management

P2.4.1 Wet areas

P2.4.2 Room heights

P2.5.1 Movement to and within a building

Performance Requirement of the Building Code of Australia Volume 1 , 2019 (Commercial office building)

- Section A
- Sections B
- Sections C
- Sections D
- Sections E

2. Condition deleted by 10.2021.116.2 dated 4 November 2022

3. Transfer of Synotts Lane

The section of Crown road reserve that extends from the existing access to the property from Synotts Lane westwards for approximately 125m must be transferred to Council.

Evidence of compliance with the above conditions, sufficient to satisfy the Council as to those matters, must be provided within 2 years of this notice. If satisfactory evidence is produced in accordance with this requirement, the Council will give notice to the applicant of the date from which the consent operates.

If Council has not notified the applicant within a period of 28 days after the applicant's evidence is produced to it, the Council is, for the purposes only of Section 8.7 of the Environmental Planning and Assessment Act 1979, taken to have notified the applicant that Council is not satisfied as to those matters on the date on which that 28 day period expires.

SCHEDULE 2. CONDITIONS OF CONSENT

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

Parameters of consent

1. Development is to be in accordance with approved plans

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

Plan No.	Description	Prepared by	Dated:
2/8 Issue B	Site Plan	David Robinson	Received 13/09/22
3/9 Issue A	As Built Amenities Blocks – A1 & A2 Floor Plan & Elevations	David Robinson	January 2021
4/9 Issue A	As Built Storage Shed Floor Plan & Elevations	David Robinson	January 2021
5/9 Issue A	As Built Pergola Floor Plan & Elevations	David Robinson	January 2021
8/11 Issue A	As Built Workshop / Storage Shed Floor Plan	David Robinson	September 2020
7/9 Issue A	As Built Workshop / Storage Shed Elevations	David Robinson	January 2021

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

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

2. Short term sites only

The ten (10) primitive camp sites are approved for short term use only. No site is permitted to be occupied for more than ninety (90) days at a time.

3. Maintenance of roadworks required by this consent

All roadworks required by this consent (including those works within the Council road reserve) must be maintained by the operator of the primitive camping ground.

4. 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 **Schedule 3** of this consent.

5. Integrated Approvals from other State Government Approval Bodies

This development consent includes an Integrated development approval under Sections 4.46 and 4.47 of the Environmental Planning and Assessment Act 1979, being a Bush Fire Safety Authority in accordance with Section 100B of the Rural Fires Act 1997 and is subject to the General Terms of Approval from the NSW Rural Fire Service dated 14 October 2021 contained in **Schedule 4** of this Notice of Determination.

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

6. Accessible facilities

The application for a Construction Certificate is to include plans and specifications that indicate access and facilities for persons with access disabilities to and within the development in accordance with AS 1428.1 - Design for Access and Mobility and Part D3 of the Building Code of Australia.

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

7. On-site sewage management facility Section 68 approval required

An approval under Section 68 of the Local Government Act 1993 for on-site effluent disposal must be obtained from Council prior to issue of a Construction Certificate. Such approval must be issued after the date of this consent. The application for Section 68 approval must be accompanied by a report prepared by a suitably qualified professional with demonstrated experience in effluent disposal matters, which addresses the site specific design of sewage management in accordance with the requirements of the NSW Local Government Act, and Approvals Regulation and Guidelines approved by the Director General.

8. Consent required for works within the 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:

Driveway

A driveway in accordance with Type 1 of RMS Standard drawing 19.07.2016.

Synotts Lane Upgrade

Road pavement widening to provide a total carriageway width of 4.0m with 0.5m shoulder, associated drainage construction including any necessary relocation of services from the new driveway and the provision of passing bay every 200m that are 20m long by 2m wide, creating a minimum trafficable lane of 6m.

The capacity of the road surface and any bridges / causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); and bridges / causeways are to clearly indicate load rating

9. Water Management Act 2000

A Controlled Activity Approval under the Water Management Act 2000 must be obtained from the Natural Resources Access Regulator (NRAR) for works on Synotts Lane located on waterfront land and submitted to the Principal Certifying Authority.

Such plans and specifications must be submitted to the Principal Certifying Authority and shall form part of the Construction Certificate.

Alternatively, if a Controlled Activity Approval is not required, documentary evidence from NRAR must be submitted to the Principal Certifying Authority to demonstrate this.

10. Fisheries Management Act 1994

A permit under the Fisheries Management Act 1994 must be obtained from the Department of Primary Industries for works on Synotts Lane within and/or adjacent to existing watercourses and submitted to the Principal Certifying Authority .

Such plans and specifications must be submitted to the Principal Certifying Authority and shall form part of the Construction Certificate.

Alternatively if a fisheries permit is not required, documentary evidence from the Department of Primary Industries must be submitted to the Principal Certifying Authority to demonstrate this.

11. Traffic Management Plan

Consent from Council must be obtained for a Traffic Management Plan pursuant to Section 138 of the Roads Act 1993. The plans and specifications are to include the measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development. The traffic management plan is to be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'.

The report must incorporate measures to ensure that motorists using road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site.

The traffic management plan must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.

12. Internal Access and Manoeuvring

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;
- b) site conditions affecting the access;
- c) existing and design levels;
- d) longitudinal and cross sections;
- e) drainage details; and
- f) RFS access requirements in accordance with General Terms of Approval Condition 2 dated 14 October 2021

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".

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. Bond required to guarantee against damage to public land

A bond of \$5000 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.

15. 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.

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

16. Traffic Management Plan

The approved traffic management plan is to be implemented.

17. Public safety requirements

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

18. 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. 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).

19. 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.

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

20. Construction times

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

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

No construction work to take place on Sundays or public holidays.

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

21. Construction Noise

Construction noise is to be limited as follows:

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

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

22. 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.

23. 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.

24. 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.

25. 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) <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines>

26. 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. Template s143 Notices are available at <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/wasteregulation/160095-notices143-form.docx>

27. 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.

28. 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.

29. Stormwater drainage work

Stormwater drainage for the development must be constructed in accordance with the approved plans and specification by a suitably qualified person.

30. 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.

31. 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 DECC Waste Classification Guidelines \(2008\)](#).

32. Aboriginal Relics

If any Aboriginal archaeological relics or items are exposed during construction works, the Applicant shall:

- a. immediately cease works;
- b. notify the NSW National Parks and Wildlife Service (NPWS);
- c. obtain any necessary permits and/or approvals to continue the work under the National Parks and Wildlife Act 1974.

The Applicant shall comply with any further request made by the NPWS to cease work for the purposes of archaeological assessment and recording.

The following conditions are to be complied with prior to issue of Occupation Certificate

33. 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 an 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.

34. Roadworks and Access to be completed

Roadworks and access are to be constructed in accordance with the approved plans and Roads Act consent.

35. Stormwater drainage work

Stormwater drainage for the development must be constructed in accordance with the approved plans and specification prior to issue of an Occupation Certificate.

36. Fire extinguisher required in office

A Fire extinguisher is to be installed in the office building in accordance with the BCA and relevant Australian Standard.

37. Fire Safety Certificate

A fire safety certificate is to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

38. Compliance with bushfire conditions

Documentary evidence from a suitably qualified professional is to be submitted demonstrating that the Bush Fire Safety Authority General Terms of Approval attached to this Notice of Determination have been complied with.

The following conditions are to be complied with prior to commencement of use

39. Approval to operate primitive camping ground required

An approval to operate a primitive camping ground must be obtained in accordance with Section 68 of the Local Government Act 1993. The location and operation of the Primitive Camping Ground must be in accordance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 Clause 131*.

40. 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.

41. Approval to operate On-site sewage management system 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>'.

42. Potable Water Supply Management Plan

Prior to commencement of use a Quality assurance program (or drinking water management system) must be provided to the Principle Certifying Authority. For further information refer to the following website <http://www.health.nsw.gov.au/environment/water/Publications/private-water-supply-guidelines.pdf> The QAP must be prepared by a suitable qualified professional.

43. Amenities block

The following facilities must be provided in the amenities block:

- a) all surfaces must be smooth, impervious and able to be easily cleaned;
- b) kitchen areas must have double-bowled sinks and hot water;
- c) kitchen areas must include cooking facilities; and
- d) water used for any activities involved in the preparation of food, personal hygiene, cleaning and sanitising must be potable.

44. Protection of the land application area

The land application area for the approved on-site sewage management system must be protected by means of bollards, architectural barriers, plants or similar to prevent vehicular and regular pedestrian access.

The following conditions are to be complied with at all times

45. No native vegetation removal

This development consent does not authorise any native vegetation to be cleared, lopped or damaged.

46. Native vegetation is not permitted to be cleared under Schedule 5A and/or Division 5 of the Local Land Services Act 2013

Clearing of native vegetation that would be authorised under Schedule 5A and Division 5 of the *Local Land Services Act 2013* (LLS Act) is not permitted to be carried out without development consent under part 4 of the *Environmental Planning and Assessment Act 1979*.

In accordance with the Objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Section 1.3(e) of that Act the purpose of this condition is “to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats”.

Section 60Q(2) of the LLS Act provides that “Schedule 5A does not permit clearing or any other activity—

- a. without an approval or other authority required by or under another Act or another Part of this Act (or in anticipation of the grant of any such approval or other authority), or
- b. in contravention of any provision of or made under (or in contravention of any agreement made under) another Act or another Part of this Act.”

Similarly, Section 60S(4) of the LLS Act provides that “A land management (native vegetation) code does not permit clearing or any other activity—

- a. Without an approval or other authority required by or under another Act or another Part of this Act, or
- b. In contravention of any provision of or made under another Act or another Part of this Act”

As this condition is imposed under section 4.17 of the EP&A Act, sections 60Q and 60S of the LLS Act apply and the clearing of native vegetation under Schedule 5A and Division 5 of the LLS Act is not permitted.

- 47. Use of workshop / storage shed**
The workshop / storage shed must not be used or configured as a dwelling.
A dwelling is defined by LEP 2014 as *a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.*
- 48. Use of “pergola” as Recreation Facility (indoor) ancillary to Primitive Camping Ground**
The use of the “pergola” as a Recreation Facility (indoor) is approved as being ancillary to the existing Primitive Camping Ground. The Recreation Facility (indoor) must only be used by guests staying at the Primitive Camping Ground.
- 49. Caravan dump point not permitted**
Construction of a waste disposal facility that allows caravans (or equivalent) to expel accrued waste/wastewater will not be permitted. Caravans will be required to utilise existing dump points located at caravan parks.
- 50. No laundering/laundry facilities permitted**
No on-site laundry or laundering facilities for the users of the primitive camping area is permitted.
- 51. Wastewater loading must not exceed the design capacity of the approved on-site sewage management system**
a) All wastewater must be treated and disposed of by the approved on-site sewage management system.
b) The volume of wastewater generated must not exceed the design capacity of the approved on-site sewage management system.
- 52. Campers must not use the facilities in the dwelling**
Campers must not use the toilets, sinks, showers, kitchen or laundry facilities in the dwelling. Campers must only use the facilities in the amenities building.
- 53. Water Supply**
a) An adequate and continuous supply of hot and cold water must be maintained to all bathroom, kitchen and drinking water facilities.
b) Water used for any activities involved in the preparation of food, personal hygiene, cleaning and sanitising must be potable.
c) The potable water supply must be maintained in accordance with the requirements of *NHMRC (2011) Australian Drinking Water Guidelines*, or updated version.
d) Any water supply outlet for non-potable water must be clearly labelled as ‘Unsuitable for drinking.’
- 54. Rain Water Supply**
All rain water supply tanks are required to divert water from the first rainfall using a first flush or bypass device.
- 55. Potable Water Supply Testing and Reporting**
The potable water supply must be maintained in accordance with the requirements of NSW Health’s Private Water Supply Guidelines (2016) including annual water quality testing by a NATA accredited laboratory. Results must be kept on site and provided to Council on request.

56. 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) The noise level emanating from the use of the premises must not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
- b) Any complaints to Council about 'offensive' noise will be dealt with under the provisions of the Protection of the Environment Operations Act 1997.
- c) Lighting of the amenities and camp sites must be designed to minimise interference with native fauna. All lighting installation must be low and directed away from bushland.
- d) Only clean and unpolluted water is permitted to be discharged to Councils' stormwater drainage system or any waters.
- e) All wastes shall be contained within appropriate containers fitted with tight-fitting vermin-proof lids. Grounds to be maintained free of litter and waste so as not to cause windblown material to pollute natural waters.
- f) All waste storage and sewage facilities shall be serviced and maintained to ensure that all relevant environment protection standards are satisfied.
- g) Toilet facilities must be provided and approved by Council subsequent to the date of this consent.
- h) Occupiers of caravans (or equivalent) are not permitted to expel accrued waste/wastewater into any onsite sewage management facility or anywhere within the camp grounds.

57. Outdoor lighting

Any outdoor lighting on the site must comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*.

58. Maintenance of roadworks required by this consent

All roadworks required by this consent (including those works within the Council road reserve) must be maintained by the operator of the primitive camping ground.

59. Compliance with bushfire conditions

The Bush Fire Safety Authority General Terms of Approval attached to this Notice of Determination must be complied with at all times.

SCHEDULE 3. 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
- 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>.



NSW RURAL FIRE SERVICE

Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your reference: (CNR-19134) 10.2021.116.1
Our reference: DA20210408001370-CL55-2

ATTENTION: Dylan Johnstone

Date: Thursday 14 October 2021

Dear Sir/Madam,

Integrated Development Application
s100B - SFPP - Camping Ground
43 Synotts Lane OCEAN SHORES NSW 2483, 3//DP710680

I refer to your correspondence dated 27/09/2021 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions.

Asset Protection Zones

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

1. From the commencement of the development, the proposed camp sites (numbered 1 to 10) must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:
 - trees at maturity should not touch or overhang the building;
 - preference should be given to smooth barked and evergreen trees;
 - shrubs should not be located under trees;
 - shrubs should not form more than 10% ground cover;
 - 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.

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

Access - Internal Roads

The intent of measures is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

2. Access to the camp sites must comply with the following requirements of Table 5.3b of Planning for Bush Fire Protection 2019:

- access roads are two-wheel drive, all-weather roads;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads;
- a suitable turning area is provided at the camp sites in accordance with Appendix 3;
- the capacity of the road surface and any bridges / causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes);
- bridges / causeways are to clearly indicate load rating;
- there is suitable access for a Category 1 fire appliance to within 4 metres of the static water supply;
- minimum 4 metre carriageway width;
- minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches;
- curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress;
- the minimum distance between inner and outer curves is 6 metres; and
- the crossfall is not more than 10 degrees.

Note: Some short constrictions in the access may be accepted where they are not less than 3.5 metres wide, extend for no more than 30 metres and where the obstruction cannot be reasonably avoided or removed.

Water and Utility Services

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

3. The provision of a fire fighting water supply must comply the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

- a minimum 10,000 litre static water supply tank must be provided in the vicinity of the camping sites;
- a connection for firefighting purposes is located within the IPA;
- a 65mm Storz outlet with a ball valve is fitted to the outlet;
- ball valve and pipes are adequate for water flow and are metal;
- supply pipes from tank to ball valve have the same bore size to ensure flow volume;
- 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 4 metres;
- above-ground tanks are manufactured from concrete or metal;
- raised tanks have their stands constructed from non combustible material or - bush fire-resisting timber (see Appendix F of AS 3959);
- 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 shall be 19mm internal diameter; and
- fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005.

4 Where practicable, electrical transmission lines are underground. Where overhead, electrical transmission lines:

2



- are installed with short pole spacing (30 metres), 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.

5. Gas services must comply the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

- 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.

Emergency and Evacuation Planning Assessment

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

6. A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW RFS document 'A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan'. The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants. The plan must include, but not be limited to, the following:

- that the camp sites are not to be occupied on days with an 'extreme' or 'catastrophic' fire danger rating;
- a mechanism for the relocation of occupants on days with an 'extreme' or 'catastrophic' fire danger rating or days declared as a total fire ban;
- contact details for the local Rural Fire Service office;
- procedures for co-ordinated evacuation of the site in consultation with local emergency services.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development and be communicated to all visitors to the site upon arrival.

7. A Camp Fire Management Plan must be prepared that includes details relating to the use and management of camp fires on the site. The plan shall include, but is not limited to, the following

- that there is an on-site manager at all times to monitor use;
- the individual camp fires are contained within a metal structure (fire pit);
- fire pits are only to be used in the camp ground asset protection zone;
- availability of on-site water supply and/or fire extinguishers;
- restrictions on the lighting of fires during adverse fire weather conditions; and
- procedures to inform visitors of requirements / precautions when lighting fires and any restrictions in place (e.g. Total Fire Ban).

General Advice - Consent Authority to Note

- The NSW Rural Fire Service recognises that the application adopts the primitive camping provisions of Planning for Bush Fire Protection 2019. As such, construction standards and asset protection zones may be insufficient to protect life and property in the event of a bush fire impacting the camp ground. Emergency and evacuation procedures are relied upon for the safety of occupants.
- This approval only relates to the proposed primitive camping ground comprising 10 camp sites.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated 10/08/2021.

For any queries regarding this correspondence, please contact Paul Creenaune on 1300 NSW RFS.



Yours sincerely,

Alan Bawden
Supervisor Development Assessment & Plan
Built & Natural Environment



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

SFPP – Camping Ground
43 Synotts Lane OCEAN SHORES NSW 2483, 3//DP710680
RFS Reference: DA20210408001370-CL55-2
Your Reference: (CNR-19134) 10.2021.116.1

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority DA20210408001370-CL55-1 issued on 10/08/2021 and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Alan Bawden

Supervisor Development Assessment & Plan
Built & Natural Environment

Thursday 14 October 2021

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 2000 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 proposed development is unlikely to prejudice or compromise the public interest.

How community views were addressed

The DA was notified/advertised in accordance with Byron Shire Council Community Participation Plan (CPP). No submissions were received.

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 forms are available from the customer services counter or Council's website www.byron.nsw.gov.au

Principal Certifying Authority:

Work must not commence until the applicant has:-

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

Occupation Certificate required:

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

Protection of the Environment Operations Act 1997:

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

Penalties apply for failure to comply with development consents

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

Plumbing Standards and requirements.

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

Relics Provisions- Advice

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

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

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

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 1800810443.

Are you dissatisfied with conditions of consent

If you are unhappy with conditions of consent discuss your concerns with the officer who dealt with your application. You may submit an application to Council to modify the consent under Section 4.55 of the Environmental Planning & Assessment Act, 1979.

You will need to provide reasons why the conditions should be changed or deleted. You may lodge a Section 4.55 application at any time after the notice of determination. If you are not happy with Council's decision on your request for modification, then you may appeal to the Land & Environment Court within six (6) months of the notification by Council.

Right of Review

You may request Council to review its decision under Section 8.2 of the Environmental Planning and Assessment Act, 1979. Such a request must be made within six (6) months of the date of the determination, or if there is an appeal to the Land and Environment Court, up to the time when the court hands down its decision. In reviewing its decision Council is able to consider alterations to the above plans, provided that the Development Application remains substantially the same as the one for which the consent was originally sought, and the changes are publicly notified.

Right of Appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Signed on behalf of the Consent Authority

Yours faithfully



Mr D J Johnstone
Development Investigations Lead

Dated: 4 November 2022