



BSC File No: 103020D x 10.2022.509.2/#A2024/42000
Contact: Stephen Jones

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application No.	10.2022.509.2 PAN-434943
Applicant	Mr R G Singh
Property	18 Alidenes Road WILSONS CREEK LOT: 14 DP: 755722
Development	S4.55(2) to modify the plans of consent for Rural Tourist Accommodation Comprising Four (4) Cabins Plus Driveway and Associated Works, including changing the location of the cabins, road and parking area, using a slab design for the cabins and earthworks associated with new cut and fill pad design
Determination	Approved Consent Authority - Council
Date of determination	14 August 2024

Under of the EP&A Act, notice is given that the above application to modify original has been approved, subject to the conditions specified in this notice and as described in the Modification Summary

Reason for approval

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 28 days from the date that you received this notice provided that an appeal under section 8.9 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.9 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Signed on behalf of the Consent Authority

Stephen Jones
Planner

Schedule 1 – Modification Summary

MODIFIED CONDITIONS OF CONSENT:

A. Modify conditions 1, 9, 16 & 18 of the Notice of Determination to read as follows:

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.	Plan Title	Drawn by	Dated
01 Rev. P8	Site Plan	EPS	18/04/2024
02 Rev.P3	Site Plan – Southern Inset	EPS	14/06/2022
02 Rev. P8	Site Plan – Northern Inset	EPS	18/04/2024
D-02 Rev. 3	One-bed Cabin Floor Plan	EPS	18/04/2024
D-03 Rev. 3	One-bed Cabin Elevations: North, East	EPS	18/04/2024
D-04 Rev. 3	One-bed Cabin Elevations: South, West	EPS	18/04/2024
D-05 Rev. 3	One-bed Cabin Section 1	EPS	18/04/2024
D-02 Rev. 3	One-bed Disabled Cabin Floor Plan	EPS	18/04/2024
D-03 Rev. 3	One-bed Disabled Cabin Elevations: East, West	EPS	18/04/2024
D-04 Rev. 3	One-bed Disabled Cabin Elevations: South, North	EPS	18/04/2024
D-05 Rev. 3	One-bed Disabled Cabin Section 1	EPS	18/04/2024
D-02 Rev. 3	Two-bed Cabin Floor Plan	EPS	18/04/2024
D-03 Rev. 3	Two-bed Cabin Elevations: East, West	EPS	18/04/2024
D-04 Rev. 3	Two-bed Cabin Elevations: North, South	EPS	18/04/2024
D-05 Rev. 3	Two-bed Cabin Section 1	EPS	18/04/2024
Civ – 200 A	Stage 2 Cabin Driveway and Finished Contours	SDS Civil	May 2024
Civ – 201	Stage 2 Cabin Pad and Typical Section Views	SDS Civil	May 2024
Civ – 202	Stage 2 Cabin Pad and Existing Contours	SDS Civil	May 2024
Civ – 203 A	Stage 2 Driveway Longsection & Typical Sections	SDS Civil	May 2024
Civ – 204 A	Stage 2 Erosion / Sediment Control & Dispersion Trench	SDS Civil	May 2024
-	Landscaping Concept, Bushfire Management and Vegetation Management Plan	Balanced Systems	June 2024
-	Vegetation Management Plan	Balanced Systems	Nov 2022

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

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

The following conditions are to be complied with prior to the commencement of the driveway

access works in Stage 1

9. Internal Access

Prior to the issue of the Section 138 of the Roads Act 1993 consent from Council, detailed design plans must be prepared for the construction of the driveway access in Stage 1. Plans are to include, but not be limited to, the following items:

- a) certification from a suitably qualified engineer certifying that the detailed design plans complies with the requirements of NSW RFS letter dated 17 February 2023 with reference DA20221129011988-Original-1, relevant items in clause 2.5.2, clause 2.5.3. and ground clearance requirement in Appendix B5 in AS2890.1 and Northern Rivers Local Government Design and Construction Guidelines.
- b) minimum 150mm compacted pavement, sealed for grades greater than 12%.
- c) minimum 4m unobstructed carriageway width or 3.5m unobstructed carriageway width over distances less than 30m when an obstruction e.g., tree cannot be removed.
- d) manoeuvring plan for the full access length to cater for an MRV fire truck.
- e) passing bays number and locations in accordance with the approved plans.
- f) passing bays at 6m wide and 20m long.
- g) road and waterway crossing (minimum load capacity of 23 tonnes).
- h) turning head in accordance with Appendix 3 of Planning for Bush Fire Protection 2019.
- i) site conditions affecting the access.
- j) existing and design levels.
- k) longitudinal section from the road centreline.
- l) cross sections every 15 metres; and
- m) drainage details.

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**".

The following conditions are to be complied with prior to issue of a Construction Certificate for building works in Stage 2

16. Access & parking for the four (4) rural tourist cabins

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

The access, stormwater and bridge works are to comply with the requirements of NSW RFS letter dated 1 August 2024 with reference DA20221129011988-S4.55-1 and Northern Rivers Local Government Design and Construction Guidelines Plans are to include, but not be limited to, the following items:

- a) minimum of 5 parking spaces.
- b) pavement design, comprising an all-weather surface, such as asphalt, bitumen seal, concrete, pavers or other similar treatment.
- c) site conditions affecting the access.
- d) existing and design levels.
- e) longitudinal and cross sections.
- f) drainage details; and
- g) Compliance with RFS requirements.

18. Compliance with BASIX Certificate requirements

The development is to comply with Basix Certificate No. 1347937M_02, dated Tuesday 07 May 2024.

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

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

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

B. Modify SCHEDULE 3. INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL of the Notice of Determination to read as follows:



RFS



Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your reference: (CNR-70219) 10.2022.509.2
Our reference: DA20221129011988-S4.55-1

ATTENTION: Stephen Jones

Date: Thursday 1 August 2024

Dear Sir/Madam,

Integrated Development Application
s100B – SFPP – Other Tourist Accommodation
18 ALIDENES ROAD WILSONS CREEK 2482, 14//DP755722, 3//DP115913

I refer to your correspondence dated 21/06/2024 seeking general terms of approval for the above Integrated Development in accordance with s4.55 of the *Environmental Planning and Assessment Act 1979*.

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

Intent of measures is to provide suitable dwelling design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

1. From the commencement of building works and in perpetuity, the site around each tourist accommodation cabin must be maintained as an inner protection area (IPA) as follows:

- north for a distance of 45 metres;
- east for a distance of 29 metres;
- south for a distance of 45 metres; and,
- west for a distance of 47 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;
- 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 dwellings should be provided;
- g. shrubs should not be located under trees;

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

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

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

- h. shrubs should not form more than 10% ground cover;
- 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 provide suitable dwelling design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

2. Construction of the tourist accommodation cabins must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 'Construction of dwellings 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'.

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.

3. Property access roads must comply with the following requirements of Table 5.3b 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 are to 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. rural property roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m, at the passing bay;
 - f. a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
 - g. property access must provide a suitable turning area in accordance with Appendix 3;
 - h. curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
 - i. the minimum distance between inner and outer curves is 6m;
 - j. the cross fall is not more than 10 degrees; and
 - k. maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m 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 dwellings 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 dwelling.

4. The provision of new water services must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:



- a. a 10,000 litres minimum static water supply for firefighting purposes is provided for each occupied tourist accommodation cabin, this may be provided by one or multiple tanks;
- b. an outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure;
- 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. 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 dwelling are provided with adequate shielding for the protection of firefighters;
- l. all exposed water pipes external to the dwelling 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.

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

- a. where practicable, electrical transmission lines are underground;
- b. where overhead, electrical transmission lines are proposed as follow:
 - 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.

6. The provision of gas services must comply with the following in accordance with Table 6.8c 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. if gas cylinders need to be kept close to the dwelling, safety valves are directed away from the dwelling and at least 2m away from any combustible material, so they do not act as a catalyst to combustion;
- e. polymer-sheathed flexible gas supply lines to gas meters adjacent to dwellings are not to be used; and
- f. above-ground gas service pipes external to the dwelling are metal, including and up to any outlets.

Landscaping Assessment



The intent of measures is to provide suitable dwelling design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

7. Landscaping is to be designed and managed to minimise flame contact and radiant heat to dwellings, and the potential for wind-driven embers to cause ignitions by complying with the acceptable solutions in Table 6.8a of 'Planning for Bush Fire Protection 2019'.

Fences and gates must comply with Section 7.6 of Planning for Bush Fire Protection 2019. New fences and gates are to be made of either hardwood or non-combustible material. Where a fence or gate is constructed within 6m of a dwelling or in areas of BAL-29 or greater, they must be made of non-combustible material only.

Emergency and Evacuation Planning Assessment

The intent of measures is to provide suitable emergency and evacuation arrangements for occupants of Special Fire Protection Purpose developments.

8. A Bush Fire Emergency Management and Evacuation Plan must comply with the following requirements of Table 6.8d of 'Planning for Bush Fire Protection 2019';

- a. Bush Fire Emergency Management and Evacuation Plan is prepared consistent with the applicable document(s) as follows:
 - i. The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
 - ii. Australian Standard AS 3745:2010 Planning for emergencies in facilities; and
 - iii. Australian Standard AS 4083:2010 Planning for emergencies – Health care facilities (where applicable).
- b. the Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants;
- c. an Emergency Planning Committee is established to consult with residents (and their families in the case of aged care accommodation and schools) and staff in developing and implementing an Emergency Procedures Manual; and
- d. detailed plans of all emergency assembly areas including on-site and off-site arrangements as stated in AS 3745:2010 are clearly displayed, and an annual emergency evacuation is conducted.

Note: 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 the occupation of the development.

General Advice – Consent Authority to Note

The assessment has relied on the referred documents identified below.

- The plan titled 'Detailed Site Plan (Northern Inset)' prepared by Engineered Project Solutions, reference 22001, revision P8 dated 18 April 2024.
- The plan titled 'Stage 2 Cabin Driveway and Finished Contours' prepared by SDS Civil Enterprises, drawing number Civ-200, revision A dated May 2024.
- The plan titled 'Illustration 1: Landscaping Concept, Bushfire Management and Vegetation Management Plan', prepared by Balance Systems, version S4.55_REV A dated June 2024.
- Bush Fire Report prepared Sustainable Home Solutions dated 28 October 2022.
- Bush Fire Assessment Letter prepared by Sustainable Home Solutions dated 23 May 2024.

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 17/02/2023.





For any queries regarding this correspondence, please contact Wayne Sketchley on 1300 NSW RFS.

Yours sincerely,

Allyn Purkiss
Manager Planning & Environment Services
Built & Natural Environment





BUSH FIRE SAFETY AUTHORITY

SFPP – Other Tourist Accommodation
18 ALIDENES ROAD WILSONS CREEK 2482, 14//DP755722, 3//DP115913
RFS Reference: DA20221129011988-S4.55-1
Your Reference: (CNR-70219) 10.2022.509.2

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 confirms that, subject to the 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*.

Allyn Purkiss
Manager Planning & Environment Services
Built & Natural Environment

Thursday 1 August 2024



C. Insert new schedule named: **SCHEDULE 4. LOCAL GOVERNMENT ACT 1993 SECTION 68 CONDITIONS OF APPROVAL** of the Notice of Determination to read as follows:

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#A2024/37011 BSC File No. GMB\MBJ x 103020 x 70.2022.509.1

22 July 2024

Mr R G Singh
PO Box 36
BANGALOW NSW 2479



Email: rsingh04291@gmail.com; engineeredprojectsolutions@outlook.com

Dear Mr Singh

ONSITE SEWAGE MANAGEMENT SYSTEM (OSMS)

Application Number	70.2022.509.1
Activity Description	Installation for Three x One Bedroom and One x Two Bedroom Cabins
Parcel Number	103020
Property Description	LOT: 14 DP: 755722 18 Alidenes Road WILSONS CREEK
Structures Connected to OSMS	Nil
Structures Proposed to be Connected to OSMS	Three x One Bedroom Cabins and One x Two Bedroom Cabins

Approval for your OSMS is **attached**.

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

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

BOOKING INSPECTIONS

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

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

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

Yours sincerely

Anne Wilson
Administration Supervisor
Public and Environmental Services

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



Traditional home of the Bundjalung People

#A2024/37011 BSC File No. GMB\MBJ x 103020 x 70.2022.509.1
Contact: Ms A Gibson-Davis

22 July 2024

Mr R G Singh
PO Box 36
BANGALOW NSW 2479



Dear Mr Singh

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

Approval No.	70.2022.509.1	
Parcel No.	103020	
Property Description	LOT: 14 DP: 755722 18 Alidenes Road WILSONS CREEK	
Owner	Mr R G Singh	
Applicant	Mr R G Singh	
Proposal	Installation for Three x One Bedroom and One x Two Bedroom Cabins	
Structures Connected to OSMS	Nil	
Structures Proposed to be Connected to OSMS	Three x One Bedroom Cabins and One x Two Bedroom Cabins	
Proposed System	Install and connect drainage to Sewage Management Facility comprising of:	
	Treatment 1	New minimum 5000l septic tank
	Treatment 2	New 2 x 7.2m2 grahams concrete wetland reed beds
	Disposal Type	New Evapotranspiration beds 18.6m long x 2m wide x 0.45m deep separated by two meters

Determination Date: 22 July

NOTE: Rights of Appeal

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

Michael Bingham
Environmental Health Officer

22 July 2024

Date of Endorsement

Attachment: Conditions of Approval

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



Traditional home of the Bundjalung People

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

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

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

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

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

Conditions of Approval

Notes:

- It is the applicant's responsibility to obtain consent for any building or subdivision works. This consent does not imply approval of any future building or subdivision works.
- Consent will be required to connect all plumbing and drainage associated with future building works to the approved sewage management facility.
- Unless tree removal is depicted on the approved plans or identified in the application, this approval does not give consent to the removal of trees or vegetation protected by the Byron Shire Council Tree Preservation Order.

1. This Section 68 application to Install An On-Site Sewage Management System is approved on the condition that DA No. 10.2022.509.1 (to which this is a concurrent application) has been given Deferred Approval..

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

Treatment 1	New minimum 5000l septic tank
Treatment 2	New 2 x 7.2m ² grahams concrete wetland reed beds
Disposal Type	New Evapotranspiration beds 3 x 18.6m long x 2m wide x 0.45m deep separated by two meters

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

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

Plan/Report No.	Description	Prepared by	Dated:	Council Record
	Council specifications attached	Byron Shire Council	N/A	N/A
Approval No	70.2022.509.1 and 10.2022.509.2	Byron Shire Council	22/07/2024	A2024/37011
Report	Report No: 18AlidenesRoad/Wilson sCreek/OSMS/CabinsN ewAmendmentsv2	Byron Environmental; Consulting	22 May 2024	E2024/83100
Stamped Plans	70.2022.509.1 and notations (IN RED).	Byron Shire Council	22/07/2024	E2024/83724

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

- a) A licensed plumber is to be engaged to carry out the work. The plumber is to obtain a permit from Byron Council prior to commencing any work and must lodge a completed Notice of Work ([NSW Fair Trading Notice of Work](#)). If there is more than 1 plumber carrying out works then separate permits will have to be lodged stating specifically the works that are to be carried out.

5. The proposed on-site sewage management system has been designed for treatment of a wastewater loading of 1150L/Day (10 persons / 5 bedrooms).

6. All rainwater tank overflows must be diverted away from the OSMS.
7. A diversion swale must be installed upslope of the land application area.
8. The on-site sewage management system is to be installed by a licensed plumber in accordance with approved plans, specifications and conditions of approval and the requirements of the NSW Code of practice and AS/NZS 3500 must be adhered to.
9. The sewage management system shall not be used until such time as it is completed, inspected and approval for use issued by Council. The owner is required to maintain the system in accordance with the approved plans, specifications and conditions of approval.
10. A user operation and maintenance manual shall be provided on completion of the system and prior to commissioning.
11. Shed & studio buildings must not be used as a dwelling without consent from Council. This condition does not imply that subsequent approvals will be granted by Council.
12. The following inspection/s will be required for the Water and Sewage Work:
 - a) Internal drainage;
 - b) External drainage & Irrigation area;
 - c) Rough in / Stack (if applicable)
 - d) Final Completion - A licensee is required to provide to Council and owner of the property after completion of the work and within 48 hours:
 - i. a Compliance Certificate; and
 - ii. Sewer Services Diagram/ Works as Executed drawings.

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

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

Plumbing Works Related Conditions

1. Prior to commencement of works

In accordance with the Local Government Act and the NSW Code of Practice for Plumbing and Drainage your Plumber **must obtain a *Plumbing Permit* at least two (2) working days prior to commencing work.** Please forward this to your plumber to complete and to return to Council prior to commencement of work. All work is to be completed by a suitably qualified person licensed for the purpose by the NSW Department of Fair Trading. If the property is to be connected to council water mains, no internal sewer inspections shall take place until a water meter is installed. Drawing off of the council water main without a meter will result in a fine and possibly a stop works notice.

2. During Construction

Plumbing, Water Supply and Sewerage 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. The changes made are from Plumbers and Drainage Regulation 2012 NSW Government

- a) The licensee is to provide 24 hours notice and attend the site for the following **INSPECTIONS**, prior to covering of work. Inspections will be carried out a mutually convenient time for any works that fall under the following descriptions for inspections. (If there are no applicable works, for example, a new water supply with no sewer services, then an inspection for "external drainage" will not be required)

Required Inspections are as follows:

Inspections for structures

EG Dwellings, sheds, studios etc with plumbing and drainage, up to the connection point of the OSMS.

Typical inspections for **Structures** that must be booked in include but are not limited to the following:

- Internal Drainage External Drainage
- Sewer connection to the OSMS
- Water Rough In (including any in ground water supply lines from water tanks or other buildings);
- Stack work/elevated drainage;
- Final - all work completed*. Note below.

Inspections for OSMS

Typical inspections for **OSMS** that must be booked in include but are not limited to the following:

- External Drainage (between components of the systems, for example, between Septic tanks and ETA beds)
- Pump lines between system components (for example; sewer pump lines must be inspected prior to covering)
- ETA Beds or trenches prior to back fill.
- Final - all work completed*. Note below.

***Prior to booking a final inspection**, a licensee is required to provide to Council and owner of the property a Compliance Certificate (COC), Sewer Services Diagram (SSD) and/or Works as Executed drawings (WAE).

SSD is development drainage up to the boundary shaft or Inspection Opening. See link below:

https://www.fairtrading.nsw.gov.au/trades-and-businesses/construction-and-trade-essentials/plumbers-and-drainers/plumbing-inspection-documents#sewer_service_diagram

WAE is the OSMS up to the boundary shaft or Inspection opening being the connection point of the dwelling/building.

WAE Plans require additional detail to that of the standard SSD for NSW fair trading as adopted by this Council:

1. Plans shall be done in BLACK PEN only, using a ruler. No freehand.
2. The plan must have dimensions and volumes for all components, Septic, Trenches etc.
3. The plan must include distance measurements to the nearest boundary and the location of the tank and trenches relative to the house (or other such building) i.e. the plans shall include the outline of the buildings and boundaries.
4. COC No. is the "70.20XX.XXX.X" number of the job.
5. Plan must show locations of all Inspection openings to surface.
6. Trenches shall show internal pipe layout
7. Plans shall accurately reflect the installation and be to the nominated scale in order to assess buffer offsets.

AOS-ETA

EVAPOTRANSPIRATION/ABSORPTION BEDS

OPERATION REQUIREMENTS

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

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

ETA should be completely flat and level.

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

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

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

MAINTENANCE REQUIREMENTS

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

AOS-ST

SEPTIC AND SULLAGE TANKS

OPERATIONAL REQUIREMENTS

The septic tank installed on the property is limited in the design of connected fixtures and maximum capacity of the system.

1. Minimise water usage in the building to reduce the volume of wastewater (hydraulic load) required to be stored and treated by the system. Overloading the system should be avoided.
2. Minimise biological and chemical substances entering the system by choosing to use a kitchen sink strainer, and minimising the use of laundry and general cleaning chemicals. Biologically harmful chemicals such as bleach and disinfectants should be used sparingly in any fixtures connected to the system.
3. Do not discharge grease, oil, paint, pesticides, chemicals or medications. The system does not have the complexity to properly decompose large quantities or complex organic compounds arising from such sources. The best option is to prevent such products from entering the system. Insoluble plastics and materials should not be added to the system.
4. Ensure that the septic tank is not connected to roof stormwater pipes or water tank overflow pipes. It is also important that the top of the tank is maintained sealed so as to prevent water entering the tank and overloading the system.
5. The septic tank will gradually fill with insoluble soil and materials over time through the process of storing and treating your wastewater. This reduction in the capacity of the tank is best managed by 'pumping out' the insoluble sludge at least every five years (more frequently if monitoring indicates that it is necessary). Licensed contractors can be found in the local "Yellow Pages" to perform this routine service. The use of unlicensed contractors may result in damage to the tank fittings.

Failure to regularly pump out your septic tank may result in costly failure of your land application area, and public health and environmental impacts on the land.

6. Protect the septic tank (and connecting pipes) from damage by vehicles, heavy animals such as cattle and horses, or large trees / roots.

MAINTENANCE REQUIREMENTS

1. Check sludge and scum depth at least annually. Pump out sludge every 3-5 years.
2. If an outlet filter is installed in the septic tank, clean as per manufacturer's instructions, and replace. Ensure that contaminated filter material is returned to the septic tank.
3. Check for system failures which are generally indicated by:
 - (a) Plumbing fixtures and fitting not draining properly indicate a damaged or blocked pipe or possible septic tank failure.
 - (b) Surcharge of effluent at ground level either around the tank, or down the slope at the land application area/s.
 - (c) Foul odour emanating from the tank or land application area/s.
Call a licensed plumber if you have concerns that your system is failing.

OS-WL

SUB-SURFACE FLOW WETLANDS

SPECIFICATION

DESIGN REQUIREMENTS

1. A minimum buffer of 10 metres to residential buildings is recommended.
2. *The outlet and inlet devices shall be accessible to allow for maintenance and operation inspections.*
3. *The outlet device shall be adjustable to allow for the effluent level in the wetland to be varied to suit vegetation and operational requirements.*
4. *Approved lining materials are as follows:*
 - a) Stainless Steel
 - b) Polyethylene Water Troughs
 - c) "Canvacon" and similar rubberised dam liners. Plastic liners are not acceptable
 - d) Brick and Concrete
 - e) Fibreglass
 - f) Geomembrane liners (Kays, 1996)

INSTALLATION REQUIREMENTS

1. All pipework and fittings shall comply with relevant Australian Standards.
2. All materials shall be durable and of non-corrosive components with an expected operating life of at least 15 years.
3. Planting with species such as *Phragmites australis* or other suitable local species.

OPERATION REQUIREMENTS

All wastewater treatment systems have a limited hydraulic capacity where usage exceeds design capacity a health risk or pollution incident may occur.

MAINTENANCE REQUIREMENTS

1. *Quarterly maintenance check of the wetland area including checking of water level, cleaning of drains and elimination of weeds*
2. *The wetland plantings should generally be thinned or harvested annually to maintain the nutrient removal capacity of the system.*

Reference: Constructed Wetland Manual, Department of Land and Water Conservation. NSW. 1998.

3. Effluent quality exiting the wetland must be tested for total N, total P, BOD and suspended solids quarterly over the first 12 months of operation by a service contractor authorised by Council. Council may require adjustments to be made to the wetland design and land application area should the effluent quality fail to achieve its design target expectations.

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

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

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.
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How community views were addressed

3	The application was publicly exhibited in accordance with the 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 application.
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Schedule 2 - Conditions of Consent

BSC File No: 103020D x 10.2022.509.1/#A2023/30817 Contact: Benjamin Grant

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application No.	Development Application No. 10.2022.509.1
Applicant	Balanced Systems Planning Consultants
Property	18 Alidenes Road WILSONS CREEK LOT: 14 DP: 755722
Development	Rural Tourist Accommodation Comprising Four (4) Cabins Plus Driveway and Associated Works
Determination	Approved Consent Authority - Council
Date of determination	26 June 2023
Date from which the consent operates	29 June 2023
Date on which the consent lapses	29 June 2028

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

Reason for conditions

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

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

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

Rights to appeal

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

Signed on behalf of the Consent Authority

Stephen Jones
Planner

CONDITIONS OF CONSENT

SCHEDULE 1. CONDITIONS OF CONSENT

Parameters of consent

1. **Approved plans and supporting documentation**

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

Plan No.	Plan Title	Drawn by	Dated
01 Rev. P8	Site Plan	EPS	18/04/2024
02 Rev.P3	Site Plan – Southern Inset	EPS	14/06/2022
02 Rev. P8	Site Plan – Northern Inset	EPS	18/04/2024
D-02 Rev. 3	One-bed Cabin Floor Plan	EPS	18/04/2024
D-03 Rev. 3	One-bed Cabin Elevations: North, East	EPS	18/04/2024
D-04 Rev. 3	One-bed Cabin Elevations: South, West	EPS	18/04/2024
D-05 Rev. 3	One-bed Cabin Section 1	EPS	18/04/2024
D-02 Rev. 3	One-bed Disabled Cabin Floor Plan	EPS	18/04/2024
D-03 Rev. 3	One-bed Disabled Cabin Elevations: East, West	EPS	18/04/2024
D-04 Rev. 3	One-bed Disabled Cabin Elevations: South, North	EPS	18/04/2024
D-05 Rev. 3	One-bed Disabled Cabin Section 1	EPS	18/04/2024
D-02 Rev. 3	Two-bed Cabin Floor Plan	EPS	18/04/2024
D-03 Rev. 3	Two-bed Cabin Elevations: East, West	EPS	18/04/2024
D-04 Rev. 3	Two-bed Cabin Elevations: North, South	EPS	18/04/2024
D-05 Rev. 3	Two-bed Cabin Section 1	EPS	18/04/2024
Civ – 200 A	Stage 2 Cabin Driveway and Finished Contours	SDS Civil	May 2024
Civ – 201	Stage 2 Cabin Pad and Typical Section Views	SDS Civil	May 2024
Civ – 202	Stage 2 Cabin Pad and Existing Contours	SDS Civil	May 2024
Civ – 203 A	Stage 2 Driveway Longsection & Typical Sections	SDS Civil	May 2024
Civ – 204 A	Stage 2 Erosion / Sediment Control & Dispersion Trench	SDS Civil	May 2024
-	Landscaping Concept, Bushfire Management and Vegetation Management Plan	Balanced Systems	June 2024
-	Vegetation Management Plan	Balanced Systems	Nov 2022

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

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

2. **Staged Development**

The development is to be carried out in the following stages:

Stage 1: Completion of Driveway Access

Stage 2: Construction of Four (4) Rural Tourist Cabins and Associated Works

Where conditions are required to be satisfied prior to a particular event, those conditions are the conditions relevant to the works being carried out in the stage.

The relevant conditions are the conditions deemed necessary, by the Principal Certifying Authority (PCA) appointed for the development, or, where pursuant to the issue of a Construction Certificate, the relevant consent authority.

3. Payment of security deposits

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

Security deposit	\$10,000
Inspection fee	\$200

The payments will be used for the cost of:

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

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

4. Support for neighbouring buildings

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

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

5. Conditions prescribed by the Regulation

This development consent is subject to the conditions prescribed by the regulations in accordance with subsection 4.17(11) of the Environmental Planning and Assessment Act 1979. Conditions are provided in **Schedule 3** of this consent.

6. 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 issued under Section 100B of the Rural Fires Act 1997 in respect of development for a special fire protection purpose and is subject to the General Terms of Approval from the NSW Rural Fire Service dated 17 February 2023 contained in **Schedule 4** of this Notice of Determination.

The following conditions are to be complied with prior to the commencement of the driveway access works in Stage 1

7. 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/Access	<p>A driveway(s) in accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings" Council's standard drawing R15 & R16.</p> <p>Manoeuvring plan to demonstrate the access configuration such as width and grade at the access point is suitable for MRV fire truck.</p> <p>The following must be considered/adopted in the design:</p> <ul style="list-style-type: none">• the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes), bridges and causeways are to clearly, indicate load rating• minimum 4m carriageway width• passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m• cross fall is not more than 10 degrees <p>Pavement design and construction in accordance with "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".</p>
Yankee Creek Rd upgrade	

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".

8. Geotechnical Report required – Engineering Works

A certificate from a professional Engineer experienced in soil mechanics is to be provided to the Registered Certifier, certifying that:

- a) the design of the civil engineering works, including retaining walls and/or cut & fill batters, has been assessed as structurally adequate,
- b) the civil engineering works will not be affected by landslip or subsidence either above or below the works; and
- c) adequate drainage has been provided.

9. Internal Access

Prior to the issue of the Section 138 of the Roads Act 1993 consent from Council, detailed design plans must be prepared for the construction of the driveway access in Stage 1. Plans are to include, but not be limited to, the following items:

- a) certification from a suitably qualified engineer certifying that the detailed design plans complies with the requirements of NSW RFS letter dated 17 February 2023 with reference DA20221129011988-Original-1, relevant items in clause 2.5.2, clause 2.5.3. and ground clearance requirement in Appendix B5 in AS2890.1 and Northern Rivers Local Government Design and Construction Guidelines.

- b) minimum 150mm compacted pavement, sealed for grades greater than 12%.
- c) minimum 4m unobstructed carriageway width or 3.5m unobstructed carriageway width over distances less than 30m when an obstruction e.g., tree cannot be removed.
- d) manoeuvring plan for the full access length to cater for an MRV fire truck.
- e) passing bays number and locations in accordance with the approved plans.
- f) passing bays at 6m wide and 20m long.
- g) road and waterway crossing (minimum load capacity of 23 tonnes).
- h) turning head in accordance with Appendix 3 of Planning for Bush Fire Protection 2019.
- i) site conditions affecting the access.
- j) existing and design levels.
- k) longitudinal section from the road centreline.
- l) cross sections every 15 metres; and
- m) drainage details.

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**".

The following conditions are to be complied with prior to issue of a Construction Certificate for building works in Stage 2

10. Completion of Stage 1

Prior to issue of the Construction Certificate for Stage 2 building works, driveway/access works, Yankee Creek roadworks and internal access works for the future dwelling site must be completed.

Certification that all road and driveway/access works been constructed in accordance with the engineering plans and Work-As-Executed (WAE), prepared by a suitably qualified engineer, together with a final completion letter from Council for the Roads Act works, must be submitted to the Principal Certifying Authority.

11. 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.

12. Section 7.12 Levy to be paid

The levy will be calculated as follows:

Levy payable = %C x \$C

- **%C** is the levy rate applicable as set out in the latest Ministerial Direction issued under section 7.17.
- **\$C** is the proposed cost of carrying out the development.

The rate of **%C** is:

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001–\$200,000	0.5 percent
More than \$200,000	1.0 percent

The cost of development must be calculated in accordance with clause 25J of the Regulation. The Cost Summary Report as set out in schedule 2 of the Section 7.12 contributions plan must be submitted to Council with the payment. The cost summary report must be prepared by a quantity surveyor. Copies of Cost Summary Report are available at Council's main office or may be downloaded from Council's website.

13. 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 for Stage 2 building works. 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.

14. Geotechnical Report required – Building Works

A certificate from a professional Engineer experienced in Geotechnical Science is to be provided to the Principal Certifying Authority, certifying that the site is stable and will not be affected by landslide or subsidence at, above or below the site when the building is erected. The certificate must be prepared in accordance with AS 1726.

15. Stormwater Drainage – Infiltration Trench

The application for a Construction Certificate is to include plans and specifications for stormwater drainage in accordance with the relevant Australian Standard. All stormwater drainage for the development must be conveyed by a gravity system to an infiltration trench or trenches complying with the requirements of Council's Comprehensive Guidelines for Stormwater Management.

The infiltration trench or trenches must be designed by a qualified practising Civil Engineer to fully infiltrate the 20-year ARI runoff from all impervious areas of the proposed development for all storm durations without surcharge onto neighbouring properties. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

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

16. Access & parking for the four (4) rural tourist cabins

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

The access, stormwater and bridge works are to comply with the requirements of NSW RFS letter dated 1 August 2024 with reference DA20221129011988-S4.55-1 and Northern Rivers Local Government Design and Construction Guidelines Plans are to include, but not be limited to, the following items:

- a) minimum of 5 parking spaces.
- b) pavement design, comprising an all-weather surface, such as asphalt, bitumen seal,

- concrete, pavers or other similar treatment.
- c) site conditions affecting the access.
- d) existing and design levels.
- e) longitudinal and cross sections.
- f) drainage details; and
- g) Compliance with RFS requirements.

17. Construction site management plan

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

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

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

18. Compliance with BASIX Certificate requirements

The development is to comply with Basix Certificate No. 1347937M_02, dated Tuesday 07 May 2024.

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

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

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

19. Landscaping plan required

The application for a Construction Certificate is to include plans and specifications that indicate the landscaping of the site. Such landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions of Chapter B9 of Development Control Plan 2014. Species identified in Chapter B9 of Development Control Plan 2014 are to be planted wherever possible. The landscaping plan must indicate:

- a) adequate landscaping and screen plantings to provide privacy and amenity between rural tourist accommodation structures.
- b) proposed location for planted shrubs and trees

- c) botanical name of shrubs and trees to be planted
- d) mature height of trees to be planted
- e) location of grassed and paved areas, and
- f) location of trees identified for retention in the development application plans.
- g) The plan is to be prepared by a suitably qualified landscape architect / architect / ecologist who has appropriate experience and competence in landscaping.

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

Note: Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2019.

20. **Building materials and colours to be specified**

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

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

21. **Waste Management Plan**

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

- a. Council's Waste Management Development Control Plan

OR

- b. details the following:

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

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

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

22. **Erosion and Sediment measures**

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

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

Sediment and erosion control measures must be maintained at all times until the site

has been stabilised by permanent vegetation cover or hard surface.

Note: Council may impose on-the-spot fines for non-compliance with this condition. Any such measures that are deemed to be necessary because of the local conditions must be maintained at all times until the site is made stable (i.e., by permanent vegetation cover or hard surface).

23. Toilet facilities

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

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

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

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

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

24. Inspection for on-site sewage management

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

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

25. 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.

26. Construction Noise

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition,

vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

27. 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.

28. 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.

29. Builders rubbish to be contained on site

All builder's 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.

30. Fill to be retained on the subject land

Fill material must not encroach onto any adjoining land.

31. Prevention of water pollution

Only clean and unpolluted water is to be discharged to Council's stormwater drainage system or any watercourse to ensure compliance with the Protection of Environment Operations Act.

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

32. Maintenance of sediment and erosion control measures

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

33. Muted bushland tones external finishes

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

34. 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.

35. Excavated natural materials and demolition waste disposal

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

36. 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 \(2014\)](#).

37. Aboriginal Relics

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

In this condition:

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

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

38. Potable Water Supply Management Plan

A private water supply Quality assurance plan (or drinking water management system) must be submitted to NSW Health. A copy of their response and the plan must be provided to council. For further information refer to the following website [Private water supplies - Water quality \(nsw.gov.au\)](#). The QAP must be prepared by a suitable qualified professional.

39. 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.

40. 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>'.

41. Roadworks, access, and parking to be completed

The roadworks, access and parking areas are to be constructed in accordance with the engineering plans required by this consent and the Roads Act consent. Certification that the all road, access and parking has been constructed in accordance with the engineering plans and Work-As-Executed (WAE), prepared by a suitably qualified engineer, together with a final completion letter from Council for the Roads Act works, must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

- 42. 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.
- 43. Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997**
Documentary evidence from a suitably qualified professional is to be submitted to the Principal Certifying Authority demonstrating that the bushfire conditions as issued under Section 100B of the Rural fire Act 1997 have been complied with.
- 44. Internal path**
All-weather pathways must be constructed between the car parking areas and cabins to provide suitable pedestrian access for guests.
- 45. Landscaping to be completed**
A certificate from a suitably qualified landscape architect / architect /ecologist must be provided prior to issue of the occupation certificate for the first cabin of the development, certifying that the site has been landscaped in accordance with the approved landscape plan and conditions of consent.
- 46. Completion of primary vegetation management plan works**
Prior to the issue of an occupation certificate, a monitoring report from a qualified and experienced ecologist and/or bush regenerator must be submitted to and approved by Council demonstrating that the Primary Ecological Works for Year 1 as described in Part 3.5 of the approved Vegetation Management Plan have been completed.
- 47. Works to be completed prior to issue of an 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.

The following conditions are to be complied with at all times

- 48. Maximum number of guests and length of stay**
No more than a total of 2 adult guests/patrons in each bedroom, equating to a total number of 10 guests / patrons at any time for the development. The maximum length of stay for guests must not exceed 3 months. Cabins are not to be used for permanent residential accommodation.
- 49. Manager of the tourist and visitor accommodation cabins**
The tourist and visitor accommodation cabins must be managed by the principal owner or a delegated representative living on the property at all times.
- 50. Night-time lighting**
External lighting arrangements should be in accordance with *AS4282-1997: Control of the obtrusive effects of outdoor lighting* and NSW Work Cover OH&S requirements. External lighting must be directed downwards and limited to ensure minimal dispersion of luminosity to the surrounding area and to protect neighbouring properties, the dark night sky and the rural atmosphere of the locality.

- 51. Landscaping**
The landscaping of the site must be maintained to ensure the establishment and successful growth of plants. This includes but is not limited to watering, weeding and the replacement of failed plant material. Landscaping of the carparking areas, earth batters, and areas of cut around the internal access roads must be maintained at all times.
- 52. Ecological restoration works**
Weeding, replanting and restoration works must be undertaken and continued until the implementation plans detailed in the approved Vegetation Management Plan have been completed, during which annual monitoring reports must be submitted to Council for approval.
- 53. 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.
- 54. Use for functions and events not approved**
Use of the site and/or buildings and/or erection of temporary structures for functions or events is not approved under this consent.
- 55. Water Supply**
The property is identified as rural, and the development is not permitted to connect to Council's water supply system.
- 56. 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.
- 57. 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, light, vibration, odour, 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.
- 58. 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.
- 59. Must not interfere with the amenity of the neighbourhood**
The use of the development must not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. In particular:
- a. Any complaints to Council about 'offensive' noise will be dealt with under the provisions of

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

SCHEDULE 2. PRESCRIBED CONDITIONS

The prescribed conditions in accordance with 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
- [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](#), Division 2, Subdivision 1 of for full text of the above clauses. This can be accessed at <http://www.legislation.nsw.gov.au>.

SCHEDULE 3. INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL



Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your reference: (CNR-70219) 10.2022.509.2
Our reference: DA20221129011988-S4.55-1

ATTENTION: Stephen Jones

Date: Thursday 1 August 2024

Dear Sir/Madam,

Integrated Development Application
s100B – SFPP – Other Tourist Accommodation
18 ALIDENES ROAD WILSONS CREEK 2482, 14//DP755722, 3//DP115913

I refer to your correspondence dated 21/06/2024 seeking general terms of approval for the above Integrated Development in accordance with s4.55 of the *Environmental Planning and Assessment Act 1979*.

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

Intent of measures is to provide suitable dwelling design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

1. From the commencement of building works and in perpetuity, the site around each tourist accommodation cabin must be maintained as an inner protection area (IPA) as follows:

- north for a distance of 45 metres;
- east for a distance of 29 metres;
- south for a distance of 45 metres; and,
- west for a distance of 47 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;
- 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 dwellings should be provided;
- g. shrubs should not be located under trees;

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

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

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



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- h. shrubs should not form more than 10% ground cover;
- 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 provide suitable dwelling design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

2. Construction of the tourist accommodation cabins must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 'Construction of dwellings 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'.

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.

3. Property access roads must comply with the following requirements of Table 5.3b 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 are to 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. rural property roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m, at the passing bay;
- f. a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- g. property access must provide a suitable turning area in accordance with Appendix 3;
- h. curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- i. the minimum distance between inner and outer curves is 6m;
- j. the cross fall is not more than 10 degrees; and
- k. maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m 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 dwellings 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 dwelling.

4. The provision of new water services must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:





RFS



- a. a 10,000 litres minimum static water supply for firefighting purposes is provided for each occupied tourist accommodation cabin, this may be provided by one or multiple tanks;
- b. an outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure;
- 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. 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 dwelling are provided with adequate shielding for the protection of firefighters;
- l. all exposed water pipes external to the dwelling 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.

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

- a. where practicable, electrical transmission lines are underground;
- b. where overhead, electrical transmission lines are proposed as follow:
 - 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.

6. The provision of gas services must comply with the following in accordance with Table 6.8c 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. if gas cylinders need to be kept close to the dwelling, safety valves are directed away from the dwelling and at least 2m away from any combustible material, so they do not act as a catalyst to combustion;
- e. polymer-sheathed flexible gas supply lines to gas meters adjacent to dwellings are not to be used; and
- f. above-ground gas service pipes external to the dwelling are metal, including and up to any outlets.

Landscaping Assessment

3



The intent of measures is to provide suitable dwelling design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

7. Landscaping is to be designed and managed to minimise flame contact and radiant heat to dwellings, and the potential for wind-driven embers to cause ignitions by complying with the acceptable solutions in Table 6.8a of 'Planning for Bush Fire Protection 2019'.

Fences and gates must comply with Section 7.6 of Planning for Bush Fire Protection 2019. New fences and gates are to be made of either hardwood or non-combustible material. Where a fence or gate is constructed within 6m of a dwelling or in areas of BAL-29 or greater, they must be made of non-combustible material only.

Emergency and Evacuation Planning Assessment

The intent of measures is to provide suitable emergency and evacuation arrangements for occupants of Special Fire Protection Purpose developments.

8. A Bush Fire Emergency Management and Evacuation Plan must comply with the following requirements of Table 6.8d of 'Planning for Bush Fire Protection 2019';

- a. Bush Fire Emergency Management and Evacuation Plan is prepared consistent with the applicable document(s) as follows:
 - i. The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
 - ii. Australian Standard AS 3745:2010 Planning for emergencies in facilities; and
 - iii. Australian Standard AS 4083:2010 Planning for emergencies – Health care facilities (where applicable).
- b. the Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants;
- c. an Emergency Planning Committee is established to consult with residents (and their families in the case of aged care accommodation and schools) and staff in developing and implementing an Emergency Procedures Manual; and
- d. detailed plans of all emergency assembly areas including on-site and off-site arrangements as stated in AS 3745:2010 are clearly displayed, and an annual emergency evacuation is conducted.

Note: 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 the occupation of the development.

General Advice – Consent Authority to Note

The assessment has relied on the referred documents identified below.

- The plan titled 'Detailed Site Plan (Northern Inset)' prepared by Engineered Project Solutions, reference 22001, revision P8 dated 18 April 2024.
- The plan titled 'Stage 2 Cabin Driveway and Finished Contours' prepared by SDS Civil Enterprises, drawing number Civ-200, revision A dated May 2024.
- The plan titled 'Illustration 1: Landscaping Concept, Bushfire Management and Vegetation Management Plan', prepared by Balance Systems, version S4.55_REV A dated June 2024.
- Bush Fire Report prepared Sustainable Home Solutions dated 28 October 2022.
- Bush Fire Assessment Letter prepared by Sustainable Home Solutions dated 23 May 2024.

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 17/02/2023.





RFS



For any queries regarding this correspondence, please contact Wayne Sketchley on 1300 NSW RFS.

Yours sincerely,

Allyn Purkiss
Manager Planning & Environment Services
Built & Natural Environment



BUSH FIRE SAFETY AUTHORITY

SFPP – Other Tourist Accommodation
18 ALIDENES ROAD WILSONS CREEK 2482, 14//DP755722, 3//DP115913
RFS Reference: DA20221129011988-S4.55-1
Your Reference: (CNR-70219) 10.2022.509.2

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 confirms that, subject to the 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*.

Allyn Purkiss
Manager Planning & Environment Services
Built & Natural Environment

Thursday 1 August 2024



SCHEDULE 4. LOCAL GOVERNMENT ACT 1993 SECTION 68 CONDITIONS OF APPROVAL

Page 1 of 9

#A2024/37011 BSC File No. GMB\IMJB x 103020 x 70.2022.509.1

22 July 2024

Mr R G Singh
PO Box 36
BANGALOW NSW 2479



Email: rsingh04291@gmail.com; engineeredprojectsolutions@outlook.com

Dear Mr Singh

ONSITE SEWAGE MANAGEMENT SYSTEM (OSMS)

Application Number	70.2022.509.1
Activity Description	Installation for Three x One Bedroom and One x Two Bedroom Cabins
Parcel Number	103020
Property Description	LOT: 14 DP: 755722 18 Alidenes Road WILSONS CREEK
Structures Connected to OSMS	Nil
Structures Proposed to be Connected to OSMS	Three x One Bedroom Cabins and One x Two Bedroom Cabins

Approval for your OSMS is **attached**.

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

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

BOOKING INSPECTIONS

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

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

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

Yours sincerely

Anne Wilson
Administration Supervisor
Public and Environmental Services

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



Traditional home of the Bundjalung People

#A2024/37011 BSC File No. GMB\WJB x 103020 x 70.2022.509.1
Contact: Ms A Gibson-Davis

22 July 2024

Mr R G Singh
PO Box 36
BANGALOW NSW 2479



Dear Mr Singh

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

Approval No.	70.2022.509.1		
Parcel No.	103020		
Property Description	LOT: 14 DP: 755722 18 Alidenes Road WILSONS CREEK		
Owner	Mr R G Singh		
Applicant	Mr R G Singh		
Proposal	Installation for Three x One Bedroom and One x Two Bedroom Cabins		
Structures Connected to OSMS	Nil		
Structures Proposed to be Connected to OSMS	Three x One Bedroom Cabins and One x Two Bedroom Cabins		
Proposed System	Install and connect drainage to Sewage Management Facility comprising of:		
	Treatment 1	New minimum 5000l septic tank	
	Treatment 2	New 2 x 7.2m2 grahams concrete wetland reed beds	
	Disposal Type	New Evapotranspiration beds 18.6m long x 2m wide x 0.45m deep separated by two meters	

Determination Date: 22 July

NOTE: Rights of Appeal

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

22 July 2024

Michael Bingham
Environmental Health Officer

Date of Endorsement

Attachment: Conditions of Approval

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

Traditional home of the Bundjalung People

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

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

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

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

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

Conditions of Approval

Notes:

- It is the applicant's responsibility to obtain consent for any building or subdivision works. This consent does not imply approval of any future building or subdivision works.
 - Consent will be required to connect all plumbing and drainage associated with future building works to the approved sewage management facility.
 - Unless tree removal is depicted on the approved plans or identified in the application, this approval does not give consent to the removal of trees or vegetation protected by the Byron Shire Council Tree Preservation Order.
1. This Section 68 application to Install An On-Site Sewage Management System is approved on the condition that DA No. 10.2022.509.1 (to which this is a concurrent application) has been given Deferred Approval..
 2. The applicant shall install a Sewage Management Facility comprising the following:

Treatment 1	New minimum 5000l septic tank
Treatment 2	New 2 x 7.2m ² grahams concrete wetland reed beds
Disposal Type	New Evapotranspiration beds 3 x 18.6m long x 2m wide x 0.45m deep separated by two meters

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

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

Plan/Report No.	Description	Prepared by	Dated:	Council Record
	Council specifications attached	Byron Shire Council	N/A	N/A
Approval No	70.2022.509.1 and 10.2022.509.2	Byron Shire Council	22/07/2024	A2024/37011
Report	Report No: 18AlidenesRoad/Wilson sCreek/OSMS/CabinsN ewAmendmentsv2	Byron Environmental; Consulting	22 May 2024	E2024/83100
Stamped Plans	70.2022.509.1 and notations (IN RED).	Byron Shire Council	22/07/2024	E2024/83724

4. **Prior to work commencing** on construction of the on-site sewage management system the following is required:
 - a) A licensed plumber is to be engaged to carry out the work. The plumber is to obtain a permit from Byron Council prior to commencing any work and must lodge a completed Notice of Work ([NSW Fair Trading Notice of Work](#)). If there is more than 1 plumber carrying out works then separate permits will have to be lodged stating specifically the works that are to be carried out.
5. The proposed on-site sewage management system has been designed for treatment of a wastewater loading of 1150L/Day (10 persons / 5 bedrooms).

6. All rainwater tank overflows must be diverted away from the OSMS.
7. A diversion swale must be installed upslope of the land application area.
8. The on-site sewage management system is to be installed by a licensed plumber in accordance with approved plans, specifications and conditions of approval and the requirements of the NSW Code of practice and AS/NZS 3500 must be adhered to.
9. The sewage management system shall not be used until such time as it is completed, inspected and approval for use issued by Council. The owner is required to maintain the system in accordance with the approved plans, specifications and conditions of approval.
10. A user operation and maintenance manual shall be provided on completion of the system and prior to commissioning.
11. Shed & studio buildings must not be used as a dwelling without consent from Council. This condition does not imply that subsequent approvals will be granted by Council.
12. The following inspection/s will be required for the Water and Sewage Work:
 - a) Internal drainage;
 - b) External drainage & Irrigation area;
 - c) Rough in / Stack (if applicable)
 - d) Final Completion - A licensee is required to provide to Council and owner of the property after completion of the work and within 48 hours:
 - i. a Compliance Certificate; and
 - ii. Sewer Services Diagram/ Works as Executed drawings.

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

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

Plumbing Works Related Conditions

1. Prior to commencement of works

In accordance with the Local Government Act and the NSW Code of Practice for Plumbing and Drainage your Plumber **must obtain a Plumbing Permit at least two (2) working days prior to commencing work.** Please forward this to your plumber to complete and to return to Council prior to commencement of work. All work is to be completed by a suitably qualified person licensed for the purpose by the NSW Department of Fair Trading. If the property is to be connected to council water mains, no internal sewer inspections shall take place until a water meter is installed. Drawing off of the council water main without a meter will result in a fine and possibly a stop works notice.

2. During Construction

Plumbing, Water Supply and Sewerage 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. The changes made are from Plumbers and Drainage Regulation 2012 NSW Government

- a) The licensee is to provide 24 hours notice and attend the site for the following **INSPECTIONS**, prior to covering of work. Inspections will be carried out a mutually convenient time for any works that fall under the following descriptions for inspections. (If there are no applicable works, for example, a new water supply with no sewer services, then an inspection for "external drainage" will not be required)

Required Inspections are as follows:

Inspections for structures

EG Dwellings, sheds, studios etc with plumbing and drainage, up to the connection point of the OSMS.

Typical inspections for **Structures** that must be booked in include but are not limited to the following:

- Internal Drainage External Drainage
- Sewer connection to the OSMS
- Water Rough In (including any in ground water supply lines from water tanks or other buildings);
- Stack work/elevated drainage;
- Final - all work completed*. Note below.

Inspections for OSMS

Typical inspections for **OSMS** that must be booked in include but are not limited to the following:

- External Drainage (between components of the systems, for example, between Septic tanks and ETA beds)
- Pump lines between system components (for example; sewer pump lines must be inspected prior to covering)
- ETA Beds or trenches prior to back fill.
- Final - all work completed*. Note below.

***Prior to booking a final inspection**, a licensee is required to provide to Council and owner of the property a Compliance Certificate (COC), Sewer Services Diagram (SSD) and/or Works as Executed drawings (WAE).

SSD is development drainage up to the boundary shaft or Inspection Opening. See link below:
https://www.fairtrading.nsw.gov.au/trades-and-businesses/construction-and-trade-essentials/plumbers-and-drainers/plumbing-inspection-documents#sewer_service_diagram

WAE is the OSMS up to the boundary shaft or Inspection opening being the connection point of the dwelling/building.

WAE Plans require additional detail to that of the standard SSD for NSW fair trading as adopted by this Council:

1. Plans shall be done in BLACK PEN only, using a ruler. No freehand.
2. The plan must have dimensions and volumes for all components, Septic, Trenches etc.
3. The plan must include distance measurements to the nearest boundary and the location of the tank and trenches relative to the house (or other such building) i.e. the plans shall include the outline of the buildings and boundaries.
4. COC No. is the "70.20XX.XXX.X" number of the job.
5. Plan must show locations of all Inspection openings to surface.
6. Trenches shall show internal pipe layout
7. Plans shall accurately reflect the installation and be to the nominated scale in order to assess buffer offsets.

AOS-ETA

EVAPOTRANSPIRATION/ABSORPTION BEDS

OPERATION REQUIREMENTS

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

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

ETA should be completely flat and level.

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

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

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

MAINTENANCE REQUIREMENTS

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

AOS-ST

SEPTIC AND SULLAGE TANKS

OPERATIONAL REQUIREMENTS

The septic tank installed on the property is limited in the design of connected fixtures and maximum capacity of the system.

1. Minimise water usage in the building to reduce the volume of wastewater (hydraulic load) required to be stored and treated by the system. Overloading the system should be avoided.
2. Minimise biological and chemical substances entering the system by choosing to use a kitchen sink strainer, and minimising the use of laundry and general cleaning chemicals. Biologically harmful chemicals such as bleach and disinfectants should be used sparingly in any fixtures connected to the system.
3. Do not discharge grease, oil, paint, pesticides, chemicals or medications. The system does not have the complexity to properly decompose large quantities or complex organic compounds arising from such sources. The best option is to prevent such products from entering the system. Insoluble plastics and materials should not be added to the system.
4. Ensure that the septic tank is not connected to roof stormwater pipes or water tank overflow pipes. It is also important that the top of the tank is maintained sealed so as to prevent water entering the tank and overloading the system.
5. The septic tank will gradually fill with insoluble soil and materials over time through the process of storing and treating your wastewater. This reduction in the capacity of the tank is best managed by 'pumping out' the insoluble sludge at least every five years (more frequently if monitoring indicates that it is necessary). Licensed contractors can be found in the local "Yellow Pages" to perform this routine service. The use of unlicensed contractors may result in damage to the tank fittings.

Failure to regularly pump out your septic tank may result in costly failure of your land application area, and public health and environmental impacts on the land.

6. Protect the septic tank (and connecting pipes) from damage by vehicles, heavy animals such as cattle and horses, or large trees / roots.

MAINTENANCE REQUIREMENTS

1. Check sludge and scum depth at least annually. Pump out sludge every 3-5 years.
2. If an outlet filter is installed in the septic tank, clean as per manufacturer's instructions, and replace. Ensure that contaminated filter material is returned to the septic tank.
3. Check for system failures which are generally indicated by:
 - (a) Plumbing fixtures and fitting not draining properly indicate a damaged or blocked pipe or possible septic tank failure.
 - (b) Surcharge of effluent at ground level either around the tank, or down the slope at the land application area/s.
 - (c) Foul odour emanating from the tank or land application area/s.
Call a licensed plumber if you have concerns that your system is failing.

OS-WL

SUB-SURFACE FLOW WETLANDS

SPECIFICATION

DESIGN REQUIREMENTS

1. A minimum buffer of 10 metres to residential buildings is recommended.
2. *The outlet and inlet devices shall be accessible to allow for maintenance and operation inspections.*
3. *The outlet device shall be adjustable to allow for the effluent level in the wetland to be varied to suit vegetation and operational requirements.*
4. *Approved lining materials are as follows:*
 - a) Stainless Steel
 - b) Polyethylene Water Troughs
 - c) "Canvacon" and similar rubberised dam liners. Plastic liners are not acceptable
 - d) Brick and Concrete
 - e) Fibreglass
 - f) Geomembrane liners (Kays, 1996)

INSTALLATION REQUIREMENTS

1. All pipework and fittings shall comply with relevant Australian Standards.
2. All materials shall be durable and of non-corrosive components with an expected operating life of at least 15 years.
3. Planting with species such as *Phragmites australis* or other suitable local species.

OPERATION REQUIREMENTS

All wastewater treatment systems have a limited hydraulic capacity where usage exceeds design capacity a health risk or pollution incident may occur.

MAINTENANCE REQUIREMENTS

1. *Quarterly maintenance check of the wetland area including checking of water level, cleaning of drains and elimination of weeds*
2. *The wetland plantings should generally be thinned or harvested annually to maintain the nutrient removal capacity of the system.*

Reference: Constructed Wetland Manual, Department of Land and Water Conservation. NSW. 1998.
3. Effluent quality exiting the wetland must be tested for total N, total P, BOD and suspended solids quarterly over the first 12 months of operation by a service contractor authorised by Council. Council may require adjustments to be made to the wetland design and land application area should the effluent quality fail to achieve its design target expectations.

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

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

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

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

Statement of Reasons

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

The proposed development complies with relevant State Environmental Planning Policies

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

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

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

The proposed development is considered suitable for the proposed site.

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

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

SCHEDULE 6. NOTES

Construction Certificate required:

This development consent is issued under the Environmental Planning and Assessment Act 1979 and does not relate to structural aspects or specifications of the building under the Building Code of Australia. All buildings and alterations require the issue of a Construction Certificate prior to works commencing.

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

Principal Certifying Authority:

Work must not commence until the applicant has:-

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

Occupation Certificate required:

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

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).

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.

General Advisory Notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the Conditions of development consent: advisory notes. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.