

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

<b>Application No.</b>	Development Application No. 10.2023.15.1
<b>Applicant</b>	Ms E L Hansford
<b>Property</b>	1275 Lismore Road CLUNES LOT: 1 DP: 400475, LOT: 4 DP: 241962, LOT: 12 DP: 241962
<b>Development</b>	Re-Sited Dwelling to create a Dual Occupancy (Detached)
<b>Determination</b>	Approved Consent Authority - Council
<b>Date of determination</b>	6 July 2023
<b>Date from which the consent operates</b>	12 July 2023
<b>Date on which the consent lapses</b>	12 July 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**

Gregory Yopp  
Planner



## CONDITIONS OF CONSENT

### SCHEDULE 1. CONDITIONS OF CONSENT

#### Parameters of consent

#### 1. Approved plans and supporting documentation

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

Plan No.	Revision No.	Plan Title	Drawn by	Dated
WD01	WD-E	Site Plan	Lyons Design	21/1/2022
WD03	WD-E	Ground Floor	Lyons Design	21/1/2022
WD04	WD-E	First Floor Plan	Lyons Design	21/1/2022
WD05	WD-E	North/West Elevations	Lyons Design	21/1/2022
WD06	WD-E	South/East Elevations	Lyons Design	21/1/2022

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

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

#### 2. Payment of security deposits

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

Security deposit	\$ 3,000
Inspection fee	\$215

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.

#### 3. Compliance with building report

The proposed development is to comply with the requirements and recommendations of the Building Report prepared by Total Building Inspections QLD and dated 9/9/2022, except where modified by conditions of this approval.

#### 4. **Conditions prescribed by the Regulation**

This development consent is subject to the conditions prescribed by the regulations in accordance with subsection 4.17(11) of the Environmental Planning and Assessment Act 1979. Conditions are provided in **Schedule 2** of this consent.

#### 5. **Car Parking to be available for the approved use**

Parking within the development, together with all driveways and turning areas, must be provided and maintained as follows:

- a) Two (2) hardstand car spaces for the existing dwelling; and
- b) Two (2) hardstand car spaces for the proposed dwelling.

#### 6. **Concurrent Approvals**

The following approvals are provided under Section 4.12 of Environmental Planning and Assessment Act, subject to the conditions contained in **Schedule 3** of this Notice of Determination:

##### **Concurrent Approvals under Section 68 of the Local Government Act 1993**

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

#### 7. **Bush fire safety measures**

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

The development is approved subject to the development complying with the requirements of the Bushfire Assessment Report by LandUse dated 21/11/2022.

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

#### 8. **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.

**9. Developer Contributions to be paid**

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

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

**10. Compliance with BASIX Certificate requirements**

The development is to comply with Basix Certificate No. 1363155S, dated 7 January 2023.

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

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

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

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

**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](http://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. 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.

### **13. Rainwater tanks**

Rural dwellings without reticulated water must have minimum domestic tank capacity to ensure that adequate water supply is available.

The plans submitted for approval of the Construction Certificate must include a dedicated minimum domestic tank capacity of 40,000 litres for the approved dwelling, exclusive of any additional water storage required for firefighting purposes required by this development consent.

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

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

Refer to Local Government Act Section 68 Application No. **70.2019.1024.2** or Local Government Act Section 68 approvals issued subsequent to this consent.

### **15. Agricultural/Vegetated Buffer**

An agricultural/vegetated buffer plan is to be submitted to Council for approval. The agricultural/vegetated buffer is to be established along the northern boundaries of Lot 1 DP 400475, to minimise spray drift from the macadamia plantation. The vegetation screen will be structured as follows:

- Three rows of trees are to be planted within the buffer. One row is to consist of taller species, the second row middle height species, and the final row consisting lower height species. The taller species are to be planted closest to the dwelling. The height of the trees is to decrease towards the macadamia plantation.
- The selection of tree species is to consist of a variety of heights at maturity and a variety of leaf shapes. The screen is not to result in a 'wall' of vegetation so as to allow a percentage of wind to pass through.
- Trees are to be spaced at 4m separation and shrubs spaced at 2m. All plantings are to be mulched, fertilised and watered for the first twelve months after planting.
- The vegetation buffer plan must indicate:
  - (1) proposed location for planted shrubs and trees;
  - (2) botanical name of shrubs and trees to be planted;
  - (3) mature height of trees to be planted;
  - (4) location of trees identified for retention in the development application plans.

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.

**16. Access & Parking**

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

The access, parking and manoeuvring for the site is to comply with the requirements of AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking. Plans are to include, but not be limited to, the following items:

- a) two hardstand parking spaces for each dwelling;
- b) turning paths demonstrating all vehicles can enter and exit the site in a forward direction;
- c) minimum 150mm compacted pavement, sealed for grades greater than 12%;
- d) site conditions affecting the access;
- e) existing and design levels;
- f) longitudinal and cross sections;
- g) drainage details; and
- h) access requirements of any bushfire safety authority.

The plans and details are to be prepared by a suitably qualified engineer and 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".

**17. Sediment and Erosion Control Management Plan required**

The application for a Construction Certificate is to include plans and specifications that indicate the measures to be employed to control erosion and loss of sediment from the site. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as filter fences and sedimentation basins.

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".

**18. Pest Report**

The application for a Construction Certificate is to include a pest report on the condition of the building in relation to termites and borers. The report is to be prepared by a licenced pest controller.

**19. Structural Engineer's Report**

The application for a Construction Certificate is to include a Structural Engineer's Report/Certification, indicating the building is structurally adequate and capable of meeting the design wind loading. Building upgrades, if required, as a result of the Structural Engineer's report are to be approved by the certifier as part of the application for a Construction Certificate.

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

**20. Erosion and Sediment Control Management Plan required**

Erosion and sedimentation controls are to be in place in accordance with the approved Erosion and Sediment Control Plan.

Sediment and erosion control measures in accordance with the approved Erosion and Sedimentation Control plan/s must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

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).

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

**21. 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.

**22. Rural House numbering**

The Rural Address Number for this property must be displayed at the main driveway entrance approved for your property, in accordance with the "Rural Property Address Guidelines"

**23. Site Location**

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

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

**24. 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.

**25. Construction Noise**

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

**OR**

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

**26. 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.

**27. 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.

**28. Builders rubbish to be contained on site**

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

**29. Fill to be retained on the subject land**

Fill material must not encroach onto any adjoining land.

**30. 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.**

**31. Removal of asbestos**

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

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

**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. Demolition**

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

**34. Removal of demolition and other wastes**

All wastes, including asbestos and lead-contaminated wastes, associated with these works are to be handled and disposed of in accordance with the requirements of the Work Cover Authority. The applicant/owner is to produce documentary evidence that this condition has been met. Wastes must be disposed of at a Licenced Waste Facility. All wastes removed from the site must be managed and disposed of in accordance with the [NSW EPA Waste Classification Guidelines \(2014\)](#)

**35. 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.

**36. 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

**37. Agricultural Spray Buffer must be substantially completed**

The Principal Certifier must ensure that fifty percent of plantings for the Agricultural Spray Buffer are to be completed in accordance with the approved agricultural/vegetated buffer plan during construction. The remaining fifty percent of planting must be completed prior to the issue of Occupation Certificate for the approved development.

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

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

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

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

**39. Plumbing Works**

All works in relation to any associated Section 68 Water and Sewerage approval must be fully complied with and have a Final Plumbing Certificate issued prior to the issue of an Interim or Final Occupation Certificate."

**40. Access and parking areas to be completed.**

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

**41. Stormwater disposal**

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

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

**42. Land to be consolidated**

Prior to the issue Occupation Certificate, Lot 4 DP 241962, Lot 12 DP 241962 and Lot 1 DP 400475 must be consolidated into one allotment and registered with the NSW Land Registry Services.

**43. Compliance with bushfire conditions**

Documentary evidence from a suitably qualified professional is to be submitted demonstrating that the bush fire conditions of this Notice of Determination have been complied with.

**44. 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.

**45. 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>'.

**46. Agricultural Spray Buffers must be completed**

Prior to the issue of any occupation certificate for the approved dwelling the applicant must provide documentary evidence to the Principal Certifying Authority to certify that the works for vegetation spray buffer has been completed.

**47. Building upgrades**

All works, if required, as a result of the findings and recommendations of the Pest Report, Building Report and Structural Engineer's Report must be completed prior to the issue of the Occupation Certificate.

**48. Site Location Survey**

A final survey of the structures showing setbacks to boundaries to be submitted to the Certifier with the Occupation Certificate demonstrating compliance with the approved plans.

**The following conditions are to be complied with at all times**

**49. Approved use**

**Dwelling house** – Use of the development is approved for a dwelling house. Any activity other than that defined as dwelling house must not be carried out unless development consent is sought.

Note. *dwelling house* means “a building containing only one dwelling”, and dwelling means “a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile”. The dwelling house is not approved as short term rental accommodation, tourist and visitor accommodation or to be “holiday let”.

**50. 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.

**51. Rainwater Supply**

All rainwater supply tanks are required to divert water from the first rainfall using a first flush or bypass device. Drinking and bathing water supply is required to be filtered prior to use, to remove possible chemical residue associated with farming activities. As recommended in the *Land Use Conflict Risk Assessment, Report no. 19226\_LUCRA1.docx, dated April 2023*.

**52. Must not interfere with the amenity of the neighbourhood**

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

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

## **SCHEDULE 2. PRESCRIBED CONDITIONS**

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

Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

Clause 98A Erection of signs

Clause 98B Notification of Home Building Act 1989 requirements

Refer to the NSW State legislation for full text of the clauses under Part 6 Division 8A of the [Environmental Planning and Assessment Regulation 2000](http://www.legislation.nsw.gov.au). This can be accessed at <http://www.legislation.nsw.gov.au>.

## SCHEDULE 3. LOCAL GOVERNMENT ACT 1993 SECTION 68 CONDITIONS OF APPROVAL

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#A2023/17125 BSC File No. GMB\GL x 173140 x 70.2019.1024.2

14 April 2023

Ms E L Hansford  
17 Taabinga Street  
WAVELL HEIGHTS QLD 4012

Email: [emmahansford79@yahoo.com.au](mailto:emmahansford79@yahoo.com.au)

Dear Ms Hansford



### ONSITE SEWAGE MANAGEMENT SYSTEM (OSMS)

<b>Application Number</b>	70.2019.1024.2
<b>Activity Description</b>	Upgrade for Three Bedroom Main Dwelling, Three Bedroom Dual Occupancy Dwelling (Detached) and Shed with Amenities
<b>Parcel Number</b>	173140
<b>Property Description</b>	LOT: 1 DP: 400475 1275 Lismore Road CLUNES
<b>Structures Connected to OSMS</b>	Three Bedroom Main Dwelling and Shed with Amenities
<b>Structures Proposed to be Connected to OSMS</b>	Three Bedroom Main Dwelling, Three Bedroom Dual Occupancy Dwelling (Detached) and Shed with Amenities

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](http://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](mailto:council@byron.nsw.gov.au) | P: 02 6626 7000 | F: 02 6684 3018 [www.byron.nsw.gov.au](http://www.byron.nsw.gov.au)



Traditional home of the Bundjalung People

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#A2023/17125 BSC File No. GMB\GL x 173140 x 70.2019.1024.2  
Contact: Ms G Langer

14 April 2023

Ms E L Hansford  
17 Taabinga Street  
WAVELL HEIGHTS QLD 4012



Dear Ms Hansford

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

<b>Approval No.</b>	70.2019.1024.2
<b>Parcel No.</b>	173140
<b>Property Description</b>	LOT: 1 DP: 400475 1275 Lismore Road CLUNES
<b>Owner</b>	Ms E L Hansford
<b>Applicant</b>	Ms E L Hansford
<b>Proposal</b>	Upgrade for Three Bedroom Main Dwelling, Three Bedroom Dual Occupancy Dwelling (Detached) and Shed with Amenities
<b>Structures Connected to OSMS</b>	Three Bedroom Main Dwelling and Shed with Amenities
<b>Structures Proposed to be Connected to OSMS</b>	Three Bedroom Main Dwelling, Three Bedroom Dual Occupancy Dwelling (Detached) and Shed with Amenities
<b>Proposed System</b>	Install and connect drainage to Sewage Management Facility comprising of:
Treatment 1	Existing Taylex ABS AWTS
Disposal Type	Existing ETA beds plus an additional ETA bed (18.15m x 2m x 0.45m)

**Determination Date: 13 April 2023**

### 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.

Ms G Langer  
Environmental Health Officer

14 April 2023

**Date of Endorsement**

Attachment: Conditions of Approval

PO Box 219 Mullumbimby NSW 2482 (70 Station Street)  
E: [council@byron.nsw.gov.au](mailto:council@byron.nsw.gov.au) | P: 02 6626 7000 | F: 02 6684 3018 [www.byron.nsw.gov.au](http://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](mailto: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.
  - It is the applicant's responsibility to obtain consent for any dwelling/shed. This consent does not imply approval of any future dwellings/sheds.
  - Consent will be required to connect all plumbing and drainage associated with future dwellings to the approved sewage management facility.
1. This Section 68 application to Install an On-Site Sewage Management System is approved on the condition that DA No. 10.2019.1024.2 (to which this is a concurrent application) is approved.

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

Treatment 1	Existing Taylex ABS AWTS
Disposal Type	Existing ETA beds plus additional ETA bed (18.15m x 2m x 0.45m)

*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
Guidance Document	NSW Environment and Health Protection	NSW State Government Agencies	Jan 1998	N/A
OS-AWTS; OS-ETA	Council specifications attached	Byron Shire Council	N/A	N/A
Approval No	70.2019.1024.2 and 10.2023.15.1	Byron Shire Council	13/04/2023	A2023/17125
Report	19226_WWDO	Greg Alderson Associates	September 2022	E2023/12554
Stamped Plans	70.2019.1024.2 and notations (IN RED).	Byron Shire Council	13/04/2023	E2023/37005

4. **Prior to work commencing** on construction of the on-site sewage management system the following is required:
  - a) Details of water conservation measures are to be installed - the licensed plumber is to certify the installation of these measures prior to final inspection being conducted by Council.
  - b) 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 **1035 L/Day (9 Persons / 6 Bedrooms)**.
6. **The OSMS is currently approved to connect to a Three Bedroom Main Dwelling, Three Bedroom Dual Occupancy Dwelling (Detached) and Shed with Amenities.**



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7. The on-site sewage management system is to be installed by a licensed tradesman in accordance with approved plans, specifications and conditions of approval and the requirements of the NSW Code of practice and AS/NZS 3500 must be adhered to.
8. 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.
9. A user operation and maintenance manual shall be provided on completion of the system and prior to commissioning.
10. The (shed / studio) building must not be used for as dwelling without consent from Council. This condition does not imply that subsequent approvals will be granted by Council.
11. 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.

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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](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-AWTS****AERATED WASTEWATER TREATMENT SYSTEM****SPECIFICATION****OPERATIONAL REQUIREMENTS**

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

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

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

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

**MAINTENANCE REQUIREMENTS**

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

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

**AOS-ETA****EVAPOTRANSPIRATION/ABSORPTION BEDS****OPERATION REQUIREMENTS**

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

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

ETA should be completely flat and level.

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

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

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

**MAINTENANCE REQUIREMENTS**

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

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

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

## SCHEDULE 4. 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.

## 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 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
- 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).

### S7.11 Schedule of Development Contributions

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

Section 7.11 contributions Schedule						
Rural South						
Catchment						
This schedule was calculated in spreadsheet #E2021/99005						
1bedroom units =		0	@	0.55 SDU	=	0
2 bedroom units =		0	@	0.75 SDU	=	0
3 bedroom units/dwellings =		1	@	1 SDU	=	1
Allotments =		1	@	1	=	1
Less Site Credits =		1	@	-1	=	-1
Total SDU					=	1
		No further indexation. Contributions are at the Ministerial cap.				
Local Open Space & Recreation	(OS-RS)	1.00	SDU @	\$ -	=	\$ -
LGA Wide Open Space & Recreation	(OS-SW)	1.00	SDU @	\$ 828.74	=	\$ 828.74
LGA wide Community Facilities	(CF-SW)	1.00	SDU @	\$ 1,213.78	=	\$ 1,213.78
Local Community Facilities	(CF-RS)	1.00	SDU @	\$ -	=	\$ -
Bikeways & Footpaths	#NA	1.00	SDU @	\$ -	=	\$ -
Shire Wide Bikeways & Footpaths	(CW-SW)	1.00	SDU @	\$ 89.03	=	\$ 89.03
Urban Roads	#NA	1.00	SDU @	\$ -	=	\$ -
LGA Wide Roads	(R-SW)	1.00	SDU @	\$ 250.78	=	\$ 250.78
Rural Roads	(R-RS)	1.00	SDU @	\$ 16,364.15	=	\$ 16,364.15
Administration Levy	(OF-SW)	1.00	SDU @	\$ 1,253.53	=	\$ 1,253.53
<b>Total</b>						<b>\$ 20,000.00</b>



## 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](http://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.