



**BYRON
SHIRE
COUNCIL**

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✉ council@byron.nsw.gov.au
🌐 www.byron.nsw.gov.au

BSC File No: 30620D x 10.2024.219.1/#A2024/43560
Contact: Cameron Thiessen

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application No.	10.2024.219.1 / PAN-448889
Applicant	Ms S R Fiedler
Property	420 Goremans Road EUREKA LOT: 1 DP: 602058
Development	Alterations and Additions to an Existing Dwelling House
Determination	Approved / Consent Authority - Byron Shire Council
Date of determination	22 August 2024
Date from which the consent operates	26 August 2024
Date on which the consent lapses	26 August 2029

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

Reason for conditions

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

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

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

Rights to appeal

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

Signed on behalf of the Consent Authority

for: Cameron Thiessen
Planner

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.	Rev. No.	Title	Drawn by	Dated
A1.00	-	Site Plan	Ben De Nardi Architects	01/07/2024
A1.01	-	Existing Floor Plan & Demolition Plan	Ben De Nardi Architects	01/07/2024
A1.02	-	Proposed Floor Plan	Ben De Nardi Architects	01/07/2024
A3.00	-	Elevations	Ben De Nardi Architects	01/07/2024
A3.01	-	Elevations	Ben De Nardi Architects	01/07/2024
A4.00	-	Sections	Ben De Nardi Architects	01/07/2024
A8.00	-	Door & Window Schedule	Ben De Nardi Architects	01/07/2024

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

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

2. Support for neighbouring buildings

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

- 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.

3. Conditions prescribed by the Regulation

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

4. Concurrent Approvals

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

Concurrent Approvals under Section 68 of the Local Government Act 1993**Part B Water supply, sewerage and stormwater drainage work**

B1 Carry out water supply work.

Part C - Management of waste

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

These works must be carried out to the satisfaction of Byron Shire Council and can not be assessed for the purpose of compliance, or otherwise deemed acceptable by a private certifier.

5. 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 Firetech dated 03/06/2024.

The following conditions are to be complied with prior to issue of a Construction Certificate for building works**6. 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.

7. Compliance with BASIX Certificate requirements

The development is to comply with Basix Certificate No. A1752520_02, dated 01/07/2024.

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

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

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

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

8. **Section 68 approval required – Connection of drains**

An approval under Section 68 of the Local Government Act 1993 to connect drains to existing on-site sewage management system Approval No. 70.2010.1019.2 or subsequent Section 68 Approval issued by Council. Such approval must be issued after the date of this consent.

9. **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.

10. **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.

11. **Tree Removal**

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

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

12. **Erosion and sediment measures**

Where erosion of soils or runoff of any substance is likely to occur, erosion and sedimentation controls are to be in place in accordance with the Guidelines for Erosion & Sediment Control on Building Sites. This may include stockpiled materials such as sand, etc.

Any such measures that are deemed to be necessary because of the local conditions must be

maintained at all times until the site is made stable (i.e. by permanent vegetation cover or hard surface).

13. Construction Certificate and plumbing permit must be issued

A Construction Certificate and plumbing permit must be issued prior to any works.

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

14. 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.

15. Construction Noise

Construction noise is to be limited as follows:

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

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

16. 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.

17. 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.

18. 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.

19. **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.

20. **Removal of asbestos**

All asbestos wastes associated with removal of the existing building 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.

21. **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.

22. **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.

23. **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 \(2014\)](#)

24. **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.

25. Aboriginal Relics

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

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

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

The following conditions are to be complied with prior to occupation of the building**26. 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.

27. 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.

28. 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.

29. 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.

30. Final Plumbing Certificate must be issued

The Final Plumbing Certificate for all of the works associated with the S68 plumbing and drainage approval must be issued by Council prior to any occupation certificate or Interim occupation certificate being issued.

The following conditions are to be complied with at all times**31. 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.

32. 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 <http://www.legislation.nsw.gov.au/-/view/regulation/2000/557/part6/div9>
- 70 Erection of signs
- 71 Notification of Home Building Act 1989 requirements
- 72 Entertainment venues
- 73 Maximum capacity signage
- 74 Condition relating to shoring and adequacy of adjoining property
- 75 Fulfilment of BASIX commitments

Refer to the [Environmental Planning and Assessment Regulation 2021](#), 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. LOCAL GOVERNMENT ACT 1993 SECTION 68 CONDITIONS OF APPROVAL

Approval has been granted with this consent for the following activity approval/s:

- Council reference No: 60.2024.219.1

Description of Activity granted approval:

- **Staging:** Nil
- **Part 1 Private works:** Water and sewer works associated with Alterations & Additions to Dwelling House
- **Part 2 Council Assets:** No Consent given for any works on council assets. (Councils assets deemed to start at the outlet of the water meter.)

A copy of the approved plans and this approval must be onsite at all times and during all inspections. The

contractor employed to do the works must be given a full copy of this approval and approved plans. The contractor must present the approved plans during any inspection, failure to produce the approved plans will result in a failed inspection at the applicants cost. Reinspection for the works will be required to be booked in by the contractor; this may lead to costly delays.

PART 1: Private works conditions
Deemed from the outlet of the water meter(s).

1. **All works associated with this approval must be in accordance with stamped approved plans endorsed in condition No. 1 of the Development Consent Notice.**
2. **All works associated with this approval must be in accordance with** any applicable requirements of the *Plumbing and Drainage Act 2011* or the regulations made under that Act, and any applicable standards or requirements set out or referred to in this Regulation or any other regulation under the Act or the *Environmental Planning and Assessment Act 1979*.
3. **All works associated with this approval must be fully contained inside the properties boundaries unless prior approval from Byron Shire Council has been granted.**
4. **Prior to commencement of works**

Any licenced plumber who undertakes or certifies Plumbing & Drainage Work **must obtain a Plumbing Permit at least two (2) working days prior to commencing work.** A Notice of Work (NoW) in accordance with Fair Trading Template must be completed and submitted to Council. 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.

5. Unapproved fixtures

Any unapproved fixtures shall be removed to council's satisfaction. This approval does not permit the provision of any capped service pipes for future connections.

6. During Construction

Plumbing, Water Supply and Sewerage works shall be installed in accordance with the Local Government Act 1993, Plumbers and Drainage Act 2011, Plumbers Code of Australia and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications.

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)

Typical inspections that must be booked in include but are not limited to:

- In ground water lines
- Water Rough In;
- Final - all work completed - *Note below.

The licensee is required to provide to Council and owner of the property a Compliance Certificate and Sewer Services Diagram. Failure to provide Council with the required documents with in 48hours of the final inspection taking place will render the inspection as failed. Another final inspection will be required, fees apply.

All documents must be submitted directly to Council@byron.nsw.gov.au OR uploaded to councils online inspection booking webpage.

Do not send documents to Council officers. Any document sent directly to an officer will not be actioned.

Sewer Services Diagram (SSD) to be to NSW fair trading requirements. See fair trading website.

7. Ancillary Conditions

a) **BASIX Certificate**

All works must be in accordance with the corresponding BASIX certificate if there is an affiliated DA or CDC with BASIX requirements.

b) **Outdoor Showers:**

The external shower must be one of the following:

- Coldwater supply only, discharging directly onto the ground; or
- Hot and cold water supply, connected to sewer and protected by a roof structure to prevent rainwater ingress. Any hardstand surrounding the shower base must be graded away from the shower gulley to prevent the ingress of stormwater. The shower base must have a minimum 30mm bund or approved equivalent.

Note: The required roof overhang is to be 10 deg. larger than the shower base. The 10 deg. angle is projected upwards from the edge of the shower base.

c) **Garbage disposal units**

Garbage disposal units or the like are not allowed to be installed.

d) **Storm water Ingress**

Sewer inlets shall be protected from storm water ingress. As a minimum a permanent roof cover shall over hang any plumbing fixture and exceed the outermost edges of any fixture (sink, bowl etc.) measured 10 degrees from the vertical to the lowest part of the roof. The cover must be all weather and structurally supported. This may require a certificate from the building certifier.

Please note Council has sent each plumber proformas of these documents when your permit was issued to commence work. If the works cannot be plotted on the supplied proforma, the NSW fair trading website has alternative sizes of submission sheets. It is the applicant's responsibility to engage a licensed plumber who shall liaise with council during this process.

Schedule

4. LOCAL GOVERNMENT ACT 1993 SECTION 68 CONDITIONS OF APPROVAL

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#A2024/43117 BSC File No. GMB\SEC x 30620 x 70.2010.1019.2

22 August 2024

S Fielder
420 Goremans Road
EUREKA NSW 2480

Email: ricky@coastalpes.com.au

Dear Sir/Madam



ONSITE SEWAGE MANAGEMENT SYSTEM (OSMS)

Application Number	70.2010.1019.2
Activity Description	Connection of Drains for Four Bedroom Dwelling
Parcel Number	30620
Property Description	LOT: 1 DP: 602058 420 Goremans Road EUREKA
Structures Connected to OSMS	Four Bedroom Dwelling
Structures Proposed to be Connected to OSMS	Four Bedroom Dwelling (renovated layout)

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

A handwritten signature in black ink, appearing to read "Anne Wilson".

Anne Wilson
Administration Supervisor
Public and Environmental Services



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#A2024/43117 BSC File No. GMB\SEC x 30620 x 70.2010.1019.2
Contact: Mr S Collyer

22 August 2024

S Fielder
420 Goremans Road
EUREKA NSW 2480



Dear Sir/Madam

APPROVAL TO CONNECTION OF DRAINAGE TO AN ON-SITE SEWAGE MANAGEMENT SYSTEM (OSMS) AND ASSOCIATED PLUMBING WORKS

Approval No.	70.2010.1019.2	
Parcel No.	30620	
Property Description	LOT: 1 DP: 602058 420 Goremans Road EUREKA	
Owner	Ms S R Fiedler	
Applicant	S Fielder	
Proposal	Connection of Drains for Four Bedroom Dwelling	
Structures Connected to OSMS	Four Bedroom Dwelling	
Structures Proposed to be Connected to OSMS	Four Bedroom Dwelling (renovated layout)	
Proposed System	Install and connect drainage to Sewage Management Facility comprising of:	
	Treatment 1	Existing Septic Tank
	Disposal Type	Existing disposal trenches

Determination Date: 21 August 2024

NOTE: Rights of Appeal

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

22 August 2024

Mr S Collyer
Environmental Health Officer

Date of Endorsement

Attachment: Conditions of Approval

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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.
 - 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 Connection Of Drainage For an On-Site Sewage Management System is approved on the condition that DA No. 10.2010.1019.2 (to which this is a concurrent application) is approved
 2. The applicant shall install a Sewage Management Facility comprising the following:

Treatment 1	Existing Septic Tank
Disposal Type	Existing disposal trenches

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-	Council specifications attached	Byron Shire Council	N/A	N/A
Approval No	70.2010.1019.2 and 10.2024.219.1	Byron Shire Council	21.08.2024	A2024/43117
Report	24462_ww.docx	Greg Alderson & Associates	27 th June 2024	E2024/82780
Stamped Plans	70.2010.1019.2 and notations (IN RED).	Byron Shire Council	21.08.2024	E2024/98705

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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 **690L/Day (6 persons / 4 bedrooms)**.
6. **The OSMS is currently approved to connect to a Four Bedroom Dwelling.**
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 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

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- 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-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.

AOS-TR**TRENCH****OPERATION REQUIREMENTS**

The land application area has been designed and installed to prevent any run-off of effluent from the disposal area onto adjoining allotments, public places or reserves. The release of treated effluent into trenches is a minimum standard method historically relied upon for below the ground surface disposal. Trenches provide some opportunity for plant nutrient uptake and evaporation / transpiration. Every part of the sub-surface trench system should receive treated effluent on a regular basis to ensure that soils do not become waterlogged and 'sour'. The critical component of trenches is the soil environment surrounding the constructed trenches. Some soils are more supportive of trench wastewater disposal functions than others.

Overloading the OSMS with too much water will not help the operating conditions in the trenches. In some cases overloading will result in partially treated effluent, oils, fats and chemicals being flushed into the trenches and damaging the living soil environment. Replacement of trenches failing due to overloading or damage can be expensive, so regular maintenance and protection from damage is important. Soils around trenches should be protected against surface water flows and allowed to dry out periodically to restore the natural cycles within the soil environment.

The trenches should be operated and maintained strictly in accordance with manufacturers instructions and require regular maintenance and attention. The area should be protected from vehicle traffic, heavy stock grazing and large trees / root invasion.

The best environment to support the long term success of any trench area 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 of the trench system.

MAINTENANCE REQUIREMENTS

1. The land application area where the trenches are located should be regularly maintained and inspected in regard to adequate cover, elimination of weeds, maintenance of plants and shrubs, wet spots, exposed pipework or other damage.
2. Any failure noticed by the system operator should be referred to a licensed plumbing tradesperson for investigation. It is certainly not acceptable to allow effluent to emerge from the surface of the trenches and seep away from the land application area.
NOTE: Any work to construct, alter or extend existing trenches requires the prior approval of Council.
3. Owner/s should maintain records of all service inspections and pump outs performed whilst the sewage management facility continues to operate.
4. Check for system failures which are generally indicated by:
 - a. Effluent on the surface of the land application area.
 - b. Surcharge of effluent from the land application area. Dead vegetation or excessively luxuriant growth of vegetation leading away from the land application area/s.
 - c. Foul odours emanating from the land application area.
 - d. Overflow at the septic tank or household plumbing fixtures.

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

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

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

How community views were addressed

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

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).

Fire Ants

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

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

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

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

General Advisory Notes**Dial Before You Dig**

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

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

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

The Environmental Planning and Assessment Act 1979 requires you to:

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

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

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

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

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

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

You may also need to:

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