



13 November 2017

**NOTICE OF DETERMINATION
OF AN APPLICATION TO MODIFY A DEVELOPMENT CONSENT**
Under Section 96 of the Environmental Planning and Assessment Act 1979

Section 96 Application No - 10.2016.722.2

Joe Davidson Town Planning
ATTN: Joe Davidson
PO Box 238
BRUNSWICK HEADS NSW 2483

Email: joe@jdtownplanning.com.au

Proposed modification: S96 to Amend Design of Lower Ground Floor, Ground Floor, Upper Floor and Roof

Land to be developed: LOT: 4 DP: 713515, 657B Broken Head Road BROKEN HEAD

Development Consent No.: 10.2016.722.1

DETERMINATION:

Made on: 9 November 2017

Determination: **Approved subject to the following conditions**

Amended conditions

Delete the following condition/s:

3) Development is to be in accordance with approved plans

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

Plan No.	Description	Prepared by	Dated:
DA00 (Rev M)	Cover Sheet	MCK Architects	31/10/2016
DA01 (Rev M)	Site Analysis Plan	MCK Architects	31/10/2016
DA02 (Rev M)	Site Plan	MCK Architects	31/10/2016
DA03 (Rev M)	Lower Ground Floor	MCK Architects	31/10/2016
DA04 (Rev M)	Ground Floor	MCK Architects	31/10/2016
DA05 (Rev M)	1 st Floor	MCK Architects	31/10/2016
DA06 (Rev M)	Roof Plan	MCK Architects	31/10/2016
DA07 (Rev M)	North Elevation	MCK Architects	31/10/2016
DA08 (Rev M)	East Elevation	MCK Architects	31/10/2016
DA09 (Rev M)	South Elevation	MCK Architects	31/10/2016
DA10 (Rev M)	West Elevation	MCK Architects	31/10/2016

ALL COMMUNICATIONS TO BE ADDRESSED TO THE GENERAL MANAGER

PO Box 219 Mullumbimby NSW 2482 (70-90 Station Street)
Tel: 02 6626 7000 DX20007 Mullumbimby



Plan No.	Description	Prepared by	Dated:
DA11 (Rev M)	Section A	MCK Architects	31/10/2016
DA13 (Rev M)	Section C	MCK Architects	31/10/2016
DA20(Rev M)	Schedule of Finishes	MCK Architects	31/10/2016
DA21 (Rev M)	BASIX Commitments	MCK Architects	31/10/2016
DA22 (Rev M)	APZ Plans	MCK Architects	
DA23 (Rev M)	Allotment Plan	MCK Architects	25/01/2017
-	Area to be removed	AWC	24/02/2017
-	Concept Off Set Planting – Ecological Regeneration	AWC	24/02/2017

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

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

9) **Bush fire safety measures**

This land is identified as being designated bush fire prone land and under section 79BA 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 2006". The development is approved subject to the following requirements:

I refer to your letter dated 9 November 2016 seeking advice regarding bush fire protection for the above Land Use Application in accordance with Section 79BA of the 'Environmental Planning and Assessment Act 1979'.

The Service provides the following recommended conditions:

1. The recommendations are based on the plans prepared by MCK Architects, titled 'Alterations and Additions to Existing Dwelling', dated 31 October 2016 (Revision M) and the 'Bushfire Threat Assessment Report' prepared by Bushfire Certifiers dated 1 November 2016 (Revision B dated 29 January 2017).

Asset protection zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. At the commencement of works and in perpetuity the property around the proposed alterations and additions, as indicated on the plan prepared by MCK Architects titled "APZ Plan" Drawing No: DA22, dated 31 October 2016 (Revision M), is to be managed and maintained as an Inner Protection Area (IPA) in accordance with section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. In recognition that no reticulated water supply is available to the development, a total of 20,000 litres fire fighting water supply shall be provided for fire fighting purposes. The fire fighting water supply shall be installed and maintained in the following manner:

- a) Fire fighting water supply tank(s) shall be located within the inner protection area and away from the dwelling.
- b) New above ground fire fighting water supply storage's are to be manufactured using non combustible material (concrete, metal, etc). Where existing fire fighting water supply storage's are constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials, they shall be shielded from the impact of radiant heat and direct flame contact.
- c) Non combustible materials (concrete, metal, etc) will only be used to elevate or raise fire fighting water supply tank(s) above the natural ground level.
- d) A hardened ground surface for fire fighting truck access is to be constructed up to and within 4 metres of the fire fighting water supply tank.
- e) A 65mm metal Storz outlet with a gate or ball valve shall be fitted to any fire fighting water supply tank(s) and be accessible for a fire fighting truck.
- f) The gate or ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material.
- g) Two additional metal stand pipes with a 65mm Storz fitting shall be provided adjacent to the southern and northern corner of the proposed alterations and additions to provide full coverage of the building. The pipe size is to be determined by a hydraulic engineer, generally by a galvanized metal pipe below ground to ensure protection. The pressure and flow at each stand pipe is to be compliant at the most disadvantaged single stand pipe pursuant to AS 2419.1-2005 although not when tested simultaneously.
- h) All associated fittings to the fire fighting water supply tank(s) shall be non-combustible.
- i) Any below ground fire fighting water supply tank(s) constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials shall be shielded from the impact of radiant heat and direct flame contact.
- j) Any fire fighting water supply tank(s) located below ground shall be clearly delineated to prevent vehicles being driven over the tank.
- k) Below ground fire fighting water supply tank(s) shall have an access hole measuring a minimum 200mm x 200mm to allow fire fighting trucks to access water direct from the tank.
- l) A minimum 5hp or 3kW petrol or diesel powered pump(s) shall be made available to the fire fighting water supply. A 19mm or 25mm (internal diameter) fire hose(s) shall be provided for connection to the pump. The fire hose(s) shall be of sufficient length to reach all parts of the proposed development.
- m) Pumps are to be shielded from the direct impacts of bush fire.
- n) All water supplies for fire fighting purposes shall be clearly signposted as a fire fighting water supply.
- o) A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - i. Markers must be fixed in a suitable location so as to be highly visible; and
 - ii. Markers should be positioned adjacent to the most appropriate access for the water supply.

Note: The definition of below ground dedicated fire fighting water supply tank(s) is when the outlet valve is located below natural ground level.

4. Any new or extension of existing electricity and/or gas services are to comply with PBP.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

5. Property access roads within the subject property shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006', except that a reversing bay may be provided in lieu of a loop road around the dwelling or a turning circle. Where a reversing bay is provided it shall be not less than 6 metres wide and 8 metres deep with an inner minimum turning radius of 6 metres and outer minimum radius of 12 metres.
6. The property is located such that access/egress presents an ongoing bush fire hazard. As such a Bush Fire Survival Plan is to be prepared by the residents of the dwelling. Information to assist in the preparation of a Bush Fire Survival Plan can be found at www.rfs.nsw.gov.au.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

7. New construction shall comply with Sections 3 and 9 (BAL FZ) of Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' except for where windows, skylights and doors have a lower recommended construction standard and specific recommendation as follows:
 - a) Windows/Doors BAL FZ AS 3959-2009 - W2.1, W2.2, W2.7, SK1.1.
 - b) Windows/Doors BAL 40 AS 3959-2009 - W0.1, W0.2, W0.4, W1.1, W1.2, W1.3, W1.6, W1.7, W1.8, W1.9, W1.10, W1.11, W1.12, W1.13, W1.14, W1.15, W1.16, W1.20, W1.23 (adjacent to the central "Proposed Lawn & Garden" as depicted on Plan No: DA04), W1.24, SK1.4, W2.3, W2.4.
 - c) Metal Shutters - Metal shutters are required (no perforations) to be parallel to windows W0.1, W0.2, W0.4 and W1.1 and be no closer than 2 metres from the window.
 - d) Windows/Doors BAL 29 AS 3959-2009 - W1.23 (adjacent to outdoor shower in Bed 3 depicted on Plan No: DA04), W1.19.
 - e) Windows/Doors BAL 19 AS 3959-2009 - W1.18.
 - f) Windows/Doors BAL 12.5 AS 3959-2009 - W0.3, W0.5, W0.6, W0.7, W0.8, W0.9, W0.10, W0.11.

However, any material, element of construction or system when tested to the method described in Australian Standard AS1530.8.2 'Methods for fire tests on building materials, components and structures Part 8.2: Tests on elements of construction for buildings exposed to simulated bushfire attack—Large flaming sources' shall comply with Clause 13.8 of that Standard except that flaming of the specimen is not permitted and there shall be no exposed timber.

8. The existing guest house and any aspect of the existing dwelling not required to be constructed to a Bushfire Attack Level (BAL), is to be upgraded with ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm.

Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Landscaping

9. Landscaping within the required inner protection area is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.

12) Compliance with BASIX Certificate requirements

The development is to comply with BASIX Certificate number A264398_02, issued 20 January 2017.

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

Note that 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 energy efficiency measures may be undertaken without the issue of any amendment under Section 96 of the Act, provided that the changes do not affect the form, shape or size of the building. Proposed colours must be consistent with the provisions of Section D2.2.3 of Council's Development Control Plan 2014. Note that white colours are not permissible.

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

Insert the following condition/s in appropriate order:

Details of condition/s:

3) Development is to be in accordance with approved plans

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

Plan No.	Description	Prepared by	Dated:
S96 00 (Rev R)	Cover Sheet	MCK Architects	01.08.2017
S96 01 (Rev R)	Site Analysis Plan	MCK Architects	22.06.2017
S96 02 (Rev R)	Site Plan	MCK Architects	22.06.2017
S96 03 (Rev R)	Lower Ground Floor	MCK Architects	11.07.2017
S96 04 (Rev R)	Ground Floor	MCK Architects	11.07.2017
S96 05 (Rev R)	1 st Floor	MCK Architects	11.07.2017
S96 06 (Rev R)	Roof Plan	MCK Architects	11.07.2017
S96 07 (Rev R)	North Elevation	MCK Architects	11.07.2017
S96 08 (Rev R)	East Elevation	MCK Architects	11.07.2017
S96 09 (Rev R)	South Elevation	MCK Architects	11.07.2017
S96 10 (Rev R)	West Elevation	MCK Architects	11.07.2017
S96 11 (Rev R)	Section A	MCK Architects	01.08.2017
S96 12 (Rev R)	Section B	MCK Architects	01.08.2017
S96 13 (Rev R)	Section C	MCK Architects	01.08.2017
DA20(Rev M)	Schedule of Finishes	MCK Architects	31.10.2016
S96 21 (Rev N)	BASIX Commitments	MCK Architects	11.07.2017
DA22 (Rev M)	APZ Plans	MCK Architects	

Plan No.	Description	Prepared by	Dated:
DA23 (Rev M)	Allotment Plan	MCK Architects	25.01.2017
-	Area to be removed	AWC	24.02.2017
-	Concept Off Set Planting – Ecological Regeneration	AWC	24.02.2017

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

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

9) Bush fire safety measures

I refer to your letter dated 7 August 2017 seeking advice regarding bush fire protection for the above Land Use Application in accordance with section 96 of the 'Environmental Planning and Assessment Act 1979'.

The Service provides the following recommended conditions:

1. The recommendations are based on the plans prepared by MCK Architects, titled 'Alterations and Additions to Existing Dwelling', dated 11 July 2017 and 1 August 2017 (Revision R) and the 'Bushfire Threat Assessment Report' dated 1 November 2016 (Revision B dated 29 January 2017) and the 'Addendum Bushfire Report – s96 Application' dated 31 July 2017 prepared by Bushfire Certifiers.

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

2. At the commencement of works and in perpetuity the property around the proposed alterations and additions as indicated on the plan prepared by MCK Architects titled "APZ Plan" Drawing No: DA22, dated 14 June 2017 (Revision Q) is to be managed and maintained as an Inner Protection Area in accordance with section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. In recognition that no reticulated water supply is available to the development, a total of 20,000 litres fire fighting water supply shall be provided for fire fighting purposes. The fire fighting water supply shall be installed and maintained in the following manner:
 - a) Fire fighting water supply tank(s) shall be located within the inner protection area and away from the dwelling.
 - b) New above ground fire fighting water supply storage's are to be manufactured using non combustible material (concrete, metal, etc). Where existing fire fighting water supply storage's are constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials, they shall be shielded from the impact of radiant heat and direct flame contact.
 - c) Non combustible materials (concrete, metal, etc) will only be used to elevate or raise fire fighting water supply tank(s) above the natural ground level.

- d) A hardened ground surface for fire fighting truck access is to be constructed up to and within 4 metres of the fire fighting water supply tank.
- e) A 65mm metal Storz outlet with a gate or ball valve shall be fitted to any fire fighting water supply tank(s) and be accessible for a fire fighting truck.
- f) The gate or ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material.
- g) Two additional metal stand pipes with a 65mm Storz fitting shall be provided adjacent to the southern and northern corner of the proposed alterations and additions to provide full coverage of the building. The pipe size is to be determined by a hydraulic engineer, generally by a galvanized metal pipe below ground to ensure protection. The pressure and flow at each stand pipe is to be compliant at the most disadvantaged single stand pipe pursuant to AS 2419.1-2005 although not when tested simultaneously.
- h) All associated fittings to the fire fighting water supply tank(s) shall be non-combustible.
- i) Any below ground fire fighting water supply tank(s) constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials shall be shielded from the impact of radiant heat and direct flame contact.
- j) Any fire fighting water supply tank(s) located below ground shall be clearly delineated to prevent vehicles being driven over the tank.
- k) Below ground fire fighting water supply tank(s) shall have an access hole measuring a minimum 200mm x 200mm to allow fire fighting trucks to access water direct from the tank.
- l) A minimum 5hp or 3kW petrol or diesel powered pump(s) shall be made available to the fire fighting water supply. A 19mm or 25mm (internal diameter) fire hose(s) shall be provided for connection to the pump. The fire hose(s) shall be of sufficient length to reach all parts of the proposed development.
- m) Pumps are to be shielded from the direct impacts of bush fire.
- n) All water supplies for fire fighting purposes shall be clearly signposted as a fire fighting water supply.
- o) A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - i. Markers must be fixed in a suitable location so as to be highly visible; and
 - ii. Markers should be positioned adjacent to the most appropriate access for the water supply.

Note: The definition of below ground dedicated fire fighting water supply tank(s) is when the outlet valve is located below natural ground level.

- 4. Any new or extension of existing electricity and/or gas services are to comply with PBP.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

- 5. Property access roads within the subject property shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006', except that a reversing bay may be provided in lieu of a loop road around the dwelling or a turning circle. Where a reversing bay is provided it shall be not less than 6 metres wide and 8 metres deep with an inner minimum turning radius of 6 metres and outer minimum radius of 12 metres.

6. The property is located such that access/egress presents an ongoing bush fire hazard. As such a Bush Fire Survival Plan is to be prepared by the residents of the dwelling. Information to assist in the preparation of a Bush Fire Survival Plan can be found at www.rfs.nsw.gov.au.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

7. New construction shall comply with Sections 3 and 9 (BAL FZ) of Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' except for where components, windows, skylights and/or doors have a lower recommended construction standard and specific recommendation as follows:
- o Windows/Doors to BAL FZ of AS 3959-2009 - W2.1, W2.2, W2.7, SK1.1.
 - o Windows/Doors to BAL 40 of AS 3959-2009 - W0.1, W0.2, W0.3, W0.10, W0.12, W0.13, W1.1, W1.2, W1.3, W1.6, W1.7, W1.8, W1.9, W1.10, W1.11, W1.12, W1.13, W1.14, W1.15, W1.20, W1.23a, W1.24, W1.25, W1.26, W1.27, W1.31, W1.39, W2.3, W2.4, W2.5, W2.6 and SK1.5.
 - o Metal Shutters - Metal shutters are required (no perforations) to be parallel to windows W0.1, W0.2, W0.10, W0.12, W0.13, W1.1 and W1.2 and be no closer than 2m from the window.
 - o The External Walls of the Living/Dining/Pantry/Lounge area are to comply with section 8 (BAL 40) of Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'.
 - o Columns denoted as C1.1 to C1.19 inclusive are permitted to be of non-combustible materials as outlined under section 8 (BAL 40) of Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'
 - o Windows/Doors to BAL 29 of AS 3959-2009 - W1.19, W1.21, W1.22 and W1.23b.
 - o Windows/Doors to BAL 19 of AS 3959-2009 - W1.18.
 - o Windows/Doors to BAL 12.5 of AS 3959-2009 - W0.5, W0.5b, W0.5c, W0.6, W0.7, W0.8, W0.9, W0.10, W0.11 and W0.14.

However, any material, element of construction or system when tested to the method described in Australian Standard AS1530.8.2 'Methods for fire tests on building materials, components and structures Part 8.2: Tests on elements of construction for buildings exposed to simulated bushfire attack—Large flaming sources' shall comply with Clause 13.8 of that Standard except that flaming of the specimen is not permitted and there shall be no exposed timber.

8. The existing guest house and any aspect of the existing dwelling not required to be constructed to a Bushfire Attack Level (BAL), is to be upgraded with ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Landscaping

9. Landscaping within the required inner protection area is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.

12) Compliance with BASIX Certificate requirements

The development is to comply with BASIX Certificate number **A264398_05**, issued **28 September 2017**.

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

Note that 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 energy efficiency measures may be undertaken without the issue of any amendment under Section 96 of the Act, provided that the changes do not affect the form, shape or size of the building. Proposed colours must be consistent with the provisions of Section D2.2.3 of Council's Development Control Plan 2014. Note that white colours are not permissible.

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

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

Please note that modification of this consent under Section 96 of the Environmental Planning and Assessment Act may require amendment to any Construction Certificate for this development (if a Construction Certificate has been previously issued). It is recommended that you check with your Principal Certifying Authority.

Right of Review

You may request Council to review its decision under Section 96AB of the *Environmental Planning and Assessment Act, 1979*.

NOTE: This clause does not relate to an Integrated Development Applications, Designated Development Applications, determination made by the council under section 89A in respect of an application by the Crown or applications previously considered under Section 97AA of the Environmental Planning and Assessment Act 1979.

Right of Appeal

If you are dissatisfied with this decision, Section 97AA of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court.

Yours sincerely



Mr L J Munro
Planner

Encl. Modified Consent No. 10.2016.722.1

AMENDED CONSENT 9 November 2017

BSC File No:aby127470D x 10.2016.722.1/#A2017/5597
Contact: Patricia Docherty

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

issued under the

Environmental Planning and Assessment Act, 1979 Section 81(1)(a)

Development Application No. 10.2016.722.1

Joe Davidson Town Planning
PO Box 238
BRUNSWICK HEADS NSW 2483

Email: joe@jdtownplanning.com.au

Property description:	LOT: 4 DP: 713515 657B Broken Head Road BROKEN HEAD
Development	Alterations and Additions to Existing Dwelling House including Demolition of Existing Structures and a Swimming Pool
Determination	Consent granted subject to the attached schedule of conditions
Date determined:	7 March 2017
Consent to operate from:	8 March 2017
Consent to lapse on:	7 March 2022
Concurrent approvals:	Not issued with this consent

IMPORTANT INFORMATION

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

The Environmental Planning and Assessment Act 1979 requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any **building works** as required by conditions of this consent. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate. Additional fees are payable for this application.
2. Nominate a **Principal Certifying Authority** (PCA) which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
3. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
4. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement. Additional fees are payable for this application.

Parameters

1) Demolition works prior to construction certificate

Demolition may be carried out prior to issue of a Construction Certificate for building works and must be undertaken in accordance with the following approved plans and documents:

Plan /Doc No.	Description	Prepared by	Dated:
N12/178 ESC Sheets 1-3 of 3 (Rev A)	Erosion and Sediment Control Plan, Details and Notes – Final for Demolition	Westera Partners Engineers	24.02.2017
17234 – TMP1	Traffic Management Plan	Greg Alderson & Associates Engineers	21/02/2017
17234 – TMP Letter_0	Supporting Letter addressing Traffic Management	Greg Alderson & Associates Engineers	21 st February 2017
SWMMP– Council Template	Site Waste Minimisation and Management Plan	Joe Davidson Town Planning	21/02/17
SWMMP – Builders Report	Site Waste Minimisation and Management Plan	Stehnbuild Pty Ltd	February 2017
Appendix A- C	Further details on Site Waste Minimisation and Management Plan	Stehnbuild Pty Ltd	February 2017
Project Name: 657-BHR	Site Management Plan	Stehnbuild Pty Ltd	FEB.2017
DA23 (Rev M)	Allotment Plan – Portion of existing dwelling to be demolished	MCK Architects	25/01/2017

2) Protection of Native Trees

All trees nominated to be retained by notation or condition as a requirement of the development consent shall be maintained and protected during demolition on the site in accordance with AS 4970-2009 – Protection of Trees on Development Sites.

3) Development is to be in accordance with approved plans

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

Plan No.	Description	Prepared by	Dated:
S96 00 (Rev R)	Cover Sheet	MCK Architects	01.08.2017
S96 01 (Rev R)	Site Analysis Plan	MCK Architects	22.06.2017
S96 02 (Rev R)	Site Plan	MCK Architects	22.06.2017
S96 03 (Rev R)	Lower Ground Floor	MCK Architects	11.07.2017
S96 04 (Rev R)	Ground Floor	MCK Architects	11.07.2017
S96 05 (Rev R)	1 st Floor	MCK Architects	11.07.2017
S96 06 (Rev R)	Roof Plan	MCK Architects	11.07.2017

Plan No.	Description	Prepared by	Dated:
S96 07 (Rev R)	North Elevation	MCK Architects	11.07.2017
S96 08 (Rev R)	East Elevation	MCK Architects	11.07.2017
S96 09 (Rev R)	South Elevation	MCK Architects	11.07.2017
S96 10 (Rev R)	West Elevation	MCK Architects	11.07.2017
S96 11 (Rev R)	Section A	MCK Architects	01.08.2017
S96 12 (Rev R)	Section B	MCK Architects	01.08.2017
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DA20(Rev M)	Schedule of Finishes	MCK Architects	31.10.2016
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DA23 (Rev M)	Allotment Plan	MCK Architects	25.01.2017
-	Area to be removed	AWC	24.02.2017
-	Concept Off Set Planting – Ecological Regeneration	AWC	24.02.2017

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

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

4) Tree removal

Removal of existing native trees from the site is limited to those expressly permitted by this development consent as marked on stamped plans or as indicated within the approved Biodiversity Conservation Management Plan. All other trees and native plants within the site are to be retained and protected in accordance with AS 4970-2009 Protection of Trees on Development Sites.

5) Compliance with Biodiversity Conservation Management Plan

All actions that are specified in the Implementation timetable in the Biodiversity Conservation Management Plan required by this Development Consent and as approved by Council are to be undertaken as specified in that Plan.

6) Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or

(b) to the erection of a temporary building.

(3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

7) Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

8) Notification of Home Building Act 1989 requirements

- (1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989 .
- (2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

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

9) Bush fire safety measures

I refer to your letter dated 7 August 2017 seeking advice regarding bush fire protection for the above Land Use Application in accordance with section 96 of the 'Environmental Planning and Assessment Act 1979'.

The Service provides the following recommended conditions:

1. The recommendations are based on the plans prepared by MCK Architects, titled 'Alterations and Additions to Existing Dwelling', dated 11 July 2017 and 1 August 2017 (Revision R) and the 'Bushfire Threat Assessment Report' dated 1 November 2016 (Revision B dated 29 January 2017) and the 'Addendum Bushfire Report – s96 Application' dated 31 July 2017 prepared by Bushfire Certifiers.

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

2. At the commencement of works and in perpetuity the property around the proposed alterations and additions as indicated on the plan prepared by MCK Architects titled "APZ Plan" Drawing No: DA22, dated 14 June 2017 (Revision Q) is to be managed and maintained as an Inner Protection Area in accordance with section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. In recognition that no reticulated water supply is available to the development, a total of 20,000 litres fire fighting water supply shall be provided for fire fighting purposes. The fire fighting water supply shall be installed and maintained in the following manner:
 - a) Fire fighting water supply tank(s) shall be located within the inner protection area and away from the dwelling.
 - b) New above ground fire fighting water supply storage's are to be manufactured using non combustible material (concrete, metal, etc). Where existing fire fighting water supply storage's are constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials, they shall be shielded from the impact of radiant heat and direct flame contact.

- c) Non combustible materials (concrete, metal, etc) will only be used to elevate or raise fire fighting water supply tank(s) above the natural ground level.
- d) A hardened ground surface for fire fighting truck access is to be constructed up to and within 4 metres of the fire fighting water supply tank.
- e) A 65mm metal Storz outlet with a gate or ball valve shall be fitted to any fire fighting water supply tank(s) and be accessible for a fire fighting truck.
- f) The gate or ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material.
- g) Two additional metal stand pipes with a 65mm Storz fitting shall be provided adjacent to the southern and northern corner of the proposed alterations and additions to provide full coverage of the building. The pipe size is to be determined by a hydraulic engineer, generally by a galvanized metal pipe below ground to ensure protection. The pressure and flow at each stand pipe is to be compliant at the most disadvantaged single stand pipe pursuant to AS 2419.1-2005 although not when tested simultaneously.
- h) All associated fittings to the fire fighting water supply tank(s) shall be non-combustible.
- i) Any below ground fire fighting water supply tank(s) constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials shall be shielded from the impact of radiant heat and direct flame contact.
- j) Any fire fighting water supply tank(s) located below ground shall be clearly delineated to prevent vehicles being driven over the tank.
- k) Below ground fire fighting water supply tank(s) shall have an access hole measuring a minimum 200mm x 200mm to allow fire fighting trucks to access water direct from the tank.
- l) A minimum 5hp or 3kW petrol or diesel powered pump(s) shall be made available to the fire fighting water supply. A 19mm or 25mm (internal diameter) fire hose(s) shall be provided for connection to the pump. The fire hose(s) shall be of sufficient length to reach all parts of the proposed development.
- m) Pumps are to be shielded from the direct impacts of bush fire.
- n) All water supplies for fire fighting purposes shall be clearly signposted as a fire fighting water supply.
- o) A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - i. Markers must be fixed in a suitable location so as to be highly visible; and
 - ii. Markers should be positioned adjacent to the most appropriate access for the water supply.

Note: The definition of below ground dedicated fire fighting water supply tank(s) is when the outlet valve is located below natural ground level.

4. Any new or extension of existing electricity and/or gas services are to comply with PBP.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

5. Property access roads within the subject property shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006', except that a reversing bay may be provided in lieu

of a loop road around the dwelling or a turning circle. Where a reversing bay is provided it shall be not less than 6 metres wide and 8 metres deep with an inner minimum turning radius of 6 metres and outer minimum radius of 12 metres.

6. The property is located such that access/egress presents an ongoing bush fire hazard. As such a Bush Fire Survival Plan is to be prepared by the residents of the dwelling. Information to assist in the preparation of a Bush Fire Survival Plan can be found at www.rfs.nsw.gov.au.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

7. New construction shall comply with Sections 3 and 9 (BAL FZ) of Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' except for where components, windows, skylights and/or doors have a lower recommended construction standard and specific recommendation as follows:
 - a) Windows/Doors to BAL FZ of AS 3959-2009 - W2.1, W2.2, W2.7, SK1.1.
 - b) Windows/Doors to BAL 40 of AS 3959-2009 - W0.1, W0.2, W0.3, W0.10, W0.12, W0.13, W1.1, W1.2, W1.3, W1.6, W1.7, W1.8, W1.9, W1.10, W1.11, W1.12, W1.13, W1.14, W1.15, W1.20, W1.23a, W1.24, W1.25, W1.26, W1.27, W1.31, W1.39, W2.3, W2.4, W2.5, W2.6 and SK1.5.
 - c) Metal Shutters - Metal shutters are required (no perforations) to be parallel to windows W0.1, W0.2, W0.10, W0.12, W0.13, W1.1 and W1.2 and be no closer than 2m from the window.
 - d) The External Walls of the Living/Dining/Pantry/Lounge area are to comply with section 8 (BAL 40) of Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'.
 - e) Columns denoted as C1.1 to C1.19 inclusive are permitted to be of non-combustible materials as outlined under section 8 (BAL 40) of Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'
 - f) Windows/Doors to BAL 29 of AS 3959-2009 - W1.19, W1.21, W1.22 and W1.23b.
 - g) Windows/Doors to BAL 19 of AS 3959-2009 - W1.18.
 - h) Windows/Doors to BAL 12.5 of AS 3959-2009 - W0.5, W0.5b, W0.5c, W0.6, W0.7, W0.8, W0.9, W0.10, W0.11 and W0.14.

However, any material, element of construction or system when tested to the method described in Australian Standard AS1530.8.2 'Methods for fire tests on building materials, components and structures Part 8.2: Tests on elements of construction for buildings exposed to simulated bushfire attack—Large flaming sources' shall comply with Clause 13.8 of that Standard except that flaming of the specimen is not permitted and there shall be no exposed timber.

8. The existing guest house and any aspect of the existing dwelling not required to be constructed to a Bushfire Attack Level (BAL), is to be upgraded with ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Landscaping

9. Landscaping within the required inner protection area is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.

10) EPBC Act advice to be sought

Advice from the Minister for Environment must be provided to Council prior to the issue of a construction certificate to demonstrate that referral for a reduction in extent of the Critically Endangered Ecological Community *Littoral Rainforest and Coastal Vine Thickets of Eastern Australia* has either been undertaken or is not required under the *Environmental Protection & Biodiversity Conservation (EPBC) Act*.

11) Biodiversity Conservation Management Plan

A Biodiversity Conservation Management Plan must be prepared and submitted to and approved by Council. Such plan must detail the location of compensatory plantings in plan and word form at a minimum ratio of 10 gained: 1 lost for the area of Littoral Rainforest lost and a minimum of 5 gained: 1 lost for other native trees. The plan must be prepared in accordance with the attached *Guidelines for preparing a Vegetation Management Plan (VMP) or Biodiversity Conservation Management Plan (BCMP)*, and:

- a) Be generally consistent with the Vegetation Removal Plan and Conceptual Off-Set Planting Plan, dated 24/02/2017;
- b) Include management measures to prevent adverse impacts arising from grazing animals on the site and to prevent bird strike in windows;
- c) Include a requirement that any works in the vicinity of listed threatened species and the Littoral Rainforest Endangered Ecological Community be undertaken only under relevant scientific licence by suitably qualified and experienced Ecological Restoration specialists (bush regenerators);
- d) Include the erection of habitat boxes suitable for micro-chiropteran bat species to improve habitat values.

12) Compliance with BASIX Certificate requirements

The development is to comply with BASIX Certificate number **A264398_05**, issued **28 September 2017**.

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

Note that 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 energy efficiency measures may be undertaken without the issue of any amendment under Section 96 of the Act, provided that the changes do not affect the form, shape or size of the building. Proposed colours must be consistent with the provisions of Section D2.2.3 of Council's Development Control Plan 2014. Note that white colours are not permissible.

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

13) Long Service Levy to be paid

A Long Service Levy must be paid to the Long Service Payments Corporation. These payments may be made at Council's Administration Office, Station Street and Mullumbimby. Cheques are to be made payable to 'Byron Shire Council'. This is a State Government Levy and is subject to change.

14) Geotechnical Report required – Engineering Works

A certificate from a professional Geotechnical Engineer experienced in soil and rock mechanics is to be provided to the Principal Certifying Authority, certifying that:

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

- c) Adequate drainage has been provided.

15) Plans of retaining walls and drainage

The application for a Construction Certificate is to include plans and specifications that indicate retaining walls or other approved methods of preventing movement of the soil, where any excavation or filled area exceeds 600mm in height. Adequate provision must be made for drainage.

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

16) 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".

17) Stormwater On-Site Disposal Approval Required

The application for a Construction Certificate is to include plans and specifications that indicate discharge of stormwater via an on-site storm water dispersion trench. Design of the Dispersion Trench is to be in accordance with Council's Comprehensive Guidelines for Stormwater Management, Sections 3.5 and 4.6.

Alternative approved designs will be also considered.

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

NOTE: The plans must be in compliance with Council's DCP 2014 Chapter B3 and Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

18) Internal Driveway details required

The application for a Construction Certificate is to include plans and specification that indicate vehicular access from the site boundary to the proposed car space(s). Vehicular access must be in accordance with AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking. Plans are to include the following items:

- a) pavement description;
- b) site conditions affecting the access;
- c) existing and design levels;
- d) longitudinal section from the road centreline to the car space(s);
- e) typical cross section(s), or as required;
- f) drainage (open drains, pipes, etc.), including calculations and catchment details;
- g) property access roads shall comply with section 4.1.3 (2) of Planning for Bushfire Protection 2006.

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

19) Details of pool fence required

The application for a Construction Certificate is to include plans and specifications that indicate the details of the fence around the swimming pool in accordance with the Swimming Pools Act 1992 and AS1926.1.

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

20) On-site sewage management facility Section 68 approval required

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

21) Construction Traffic Management Plan

A construction traffic management plan is to be submitted prior to construction certificate that demonstrates all construction traffic is to enter and exit the site using the permanent legal access from Broken Head Road via 'Right of Carriageway 20 Wide created by DP259377', shown so burdened in title diagram DP 713515.

The construction traffic management plan will also specify that construction traffic must not access or leave the site from Seven Mile Beach Road at any time.

22) Essential Energy Design Information Package

The alterations and additions to the existing dwelling house is dependent on the relocation of electricity wires at the north east corner of the site prior to construction certificate. All works to underground electricity wires are to be in direct consultation with Essential Energy, further to the Design Information Package issued by Essential Energy on 15/09/2016 (Project No 112349). The owner is required to seek approval of an updated design package with Essential Energy prior to issue of a Construction Certificate.

23) Site Waste Minimisation and Management Plan

Chapter B8 of Byron Shire Development Control Plan 2014 (DCP 2014) aims to facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development. Prior to the issue of a Construction Certificate, a Site Waste Minimisation and Management Plan (SWMMP) must be submitted outlining measures to minimise and manage waste generated during demolition, construction and the ongoing operation and use of the development. The SWMMP must specify the proposed method of recycling or disposal and the waste management service provider.

A template is provided on Council's website to assist in providing this information
www.byron.nsw.gov.au/files/publication/swmmp-pro-forma-doc

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

24) 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. 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:
 - i. Pre-start and Sediment Control;
 - ii. Internal Drainage;
 - iii. Water Rough In;
 - iv. Fire Services;
 - v. Stackwork;
 - vi. Final - all work completed. - * Note below.
- b) A licensee is required to provide to Council and owner of the property after completion of the work and within 48 hours, a Compliance Certificate and Sewer Services Diagram/ Works as Executed drawings.

Note: 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.

25) 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.

The following conditions are to be complied during construction

26) Protection of Native Trees

All trees nominated to be retained by notation or condition as a requirement of the development consent shall be maintained and protected during demolition, excavation and construction on the site in accordance with AS 4970-2009 – Protection of Trees on Development Sites.

27) Protection of native fauna from disturbance

- (i) Clearing of native vegetation and/or earthworks as part of any development approval consent from Council must be temporarily suspended within a range of 10m from any tree which is concurrently occupied by breeding native fauna species and must not resume until the fauna species has moved from the tree of its own volition or by method to be detailed and approved within the Biodiversity Conservation Management Plan.
- (ii) Any clearing of land must not commence until the area proposed for clearing has been inspected for the presence of native fauna and approval given in writing by a suitably qualified ecologist.
- (iii) Approval to proceed with the clearing of vegetation in accordance with this section is only valid for the day on which the inspection has been undertaken.
- (iv) The individual referred to in (ii) above, or a nominated representative, must remain on site during any approved clearing of vegetation.

28) Demolition / Construction times

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

- a) Monday to Friday, from 7 am to 6 pm.
- b) Saturday, from 8 am to 1 pm.
- c) No construction work to take place on Sundays or Public Holidays.

29) Demolition / 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).

30) 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.

31) 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.

32) 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.

33) Construction Traffic Management

All construction traffic must only access and leave the site using the permanent legal access from Broken Head Road via 'Right of Carriageway 20 Wide created by DP259377', shown so burdened in title diagram DP 713515. Construction traffic is not to access or leave the site from Seven Mile Beach Road at any time in accordance with the construction traffic management plan.

34) 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.

35) Removal of asbestos

Any asbestos wastes associated with any required demolition works is 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. Council requires 48 hours notice prior to disposal at Council's waste depot.

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

36) 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, 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 Council's road/footpath reserve.

37) 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.

38) 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.

39) Habitat Compensation works to be substantially completed

Plantings and/or restoration works required as compensation for loss of native trees and habitat are to be substantially implemented in accordance with the approved Biodiversity Conservation Management Plan prior to issue of the occupation certificate for the expanded dwelling.

40) S.88E Restriction to be placed on title – Conservation of Vegetation

Documentary evidence is to be provided to the Principal Certifying Authority that a restriction on the use of land, pursuant to the provisions of S.88E of the Conveyancing Act, 1919, has been placed on the title to the land, the subject of this consent, for the following matters:

- a) No works or activities shall be carried out on the burdened land that has a negative impact on the littoral rainforest on, or adjoining, the burdened land, other than in accordance with the Biodiversity Conservation Management Plan approved in accordance with conditions of this development consent.
- b) Dogs and cats, other than "assistance animals" as defined by the Companion Animals Act 1998, are prohibited within those parts of the land subject to the approved Biodiversity Conservation Management Plan.

The Council is to be the only authority to release vary or modify this restriction.

Note: Documents requiring the endorsement of Council associated with the creation or cancellation of easements, restrictions, covenants are subject to fees listed within Council's Fees & Charges.

The following conditions will need to be complied with at all times

41) Pool safety sign

The occupier of the premises must ensure that there is at all times a sign in the immediate vicinity of the swimming pool bearing the words 'Young children must be supervised when using this swimming pool'. The sign is to be a prominent position and be otherwise in accordance with clause 9 of the Swimming Pools Regulation, or similar.

42) Pool backwash in rural areas

Pool water disposal and backwash is to be directed to a soakage trench located in such a location as to not cause any nuisance to adjoining properties or damage to any structures or impact on any land application areas for the on-site sewage management system.

43) Swimming pool pump location

The filter pump is to be located such that noise from its operations does not cause a nuisance to adjoining residents. If necessary an acoustic enclosure must be provided around the pump to achieve the required noise attenuation.

44) Swimming pool health requirements

The swimming pool water is to be re-circulated, filtered and disinfected in accordance with the requirements of Council and NSW Health. The swimming pool water is to be maintained at satisfactory levels of purity for bathing at all times

Notes

Construction Certificate required:

This development consent is issued under the Environmental Planning and Assessment Act 1979 and does not relate to structural aspects or specifications of the building under the Building Code of Australia. All buildings and alterations require the issue of a Construction Certificate prior to works commencing. Application forms are available from the customer services counter or Council's website www.byron.nsw.gov.au

Occupation Certificate required:

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

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 the Council at least two days notice of their 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.

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 (generally \$600) being issued pursuant to section 127A of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 125 of the Environmental Planning & Assessment Act 1979.

Reasons

- To comply with the provisions of Byron L.E.P. 1988 and Byron L.E.P. 2014
- To preserve the environment and existing or likely future amenity of the neighbourhood.
- To minimise the possible adverse effects from bushfires.
- To protect the environment.
- To protect vegetation.
- To preserve the amenity and traffic safety of the area.
- To ensure adequacy of services to the development.

- To ensure public health and safety.
- To ensure compliance with Section 68 of the Local Government Act 1993.

Dial Before You Dig

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

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

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

Are you dissatisfied with conditions of consent

If you are unhappy with conditions of consent discuss your concerns with the officer who dealt with your application. You may submit an application to Council to modify the consent under Section 96 of the Environmental Planning & Assessment Act, 1979.

You will need to provide reasons why the conditions should be changed or deleted. You may lodge a Section 96 application at any time after the notice of determination. If you are not happy with Council's decision on your request for modification, then you may appeal to the Land & Environment Court within six (6) months of the notification by Council.

Right of Review

You may request Council to review its decision under Section 82A of the Environmental Planning and Assessment Act, 1979. Such a request must be made within six (6) months of the date of the determination, or if there is an appeal to the Land and Environment Court, up to the time when the court hands down its decision. In reviewing its decision Council is able to consider alterations to the above plans, provided that the Development Application remains substantially the same as the one for which the consent was originally sought, and the changes are publicly notified.

NOTE: This clause does not relate to Integrated Development Applications, applications determined by the Joint Regional Planning Panel or applications previously considered under Section 82A of the Environmental Planning and Assessment Act 1979.

Right of Appeal

If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Signed on behalf of the Consent Authority

Yours faithfully



Mr L J Munro
Planner