

# MINUTES OF THE NORTHERN REGION JOINT REGIONAL PLANNING PANEL MEETING HELD AT BYRON BAY GOLF CLUB ON FRIDAY 20 AUGUST, 2010 AT 2:00 PM

**PRESENT:** Garry West                      Chair  
                 Pamela Westing              Panel Member  
                 Bruce Clarke                   Panel Member

## **IN ATTENDANCE**

Ray Darney                      Executive Manager of Planning, Byron Shire Council  
John Samuels                  Team Leader – Engineering, Byron Shire Council

## **APOLOGY:**

The meeting commenced at 2:03 pm. The Chair welcomed everyone to the meeting of the Panel.

### **1. Declarations of Interest**

John Griffin - declared a conflict of interest in regard to the item for determination by reason of his position as Secretary of an RSL Sub-Branch and therefore did not attend the meeting.

### **2. Business Items**

**ITEM 1**                      2009NTH009 – Byron Shire Council – DA 10.2009.433.1 - Aged Care and Seniors  
Housing Development, 184-190 Broken Head Rd, Suffolk Park

### **3. Public Submissions**

The Chair acknowledged the submission of photos of flooding at the proposed site from Ms Jennifer Smith and a written submission from Ms Carole Coffey.

Ray Darney, Byron Shire Council	Addressed the Panel
Michael Taylor, Director of TSA Management	Addressed the panel <b>in favour</b> of the application
Matthew Ashby, General Manager Northern RSL LifeCare	Addressed the Panel <b>in favour</b> of the application
Andrew Bowling, Resident	Addressed the Panel regarding flooding

### **4. Business Item Recommendations**

2009NTH009 – Byron Shire Council – DA 10.2009.433.1 - Aged Care and Seniors  
Housing Development, 184-190 Broken Head Rd, Suffolk Park

**Moved** Garry West, seconded Bruce Clarke:

That the Panel approve the proposal subject to the recommended conditions of consent, with amendments as outlined below:

### **Prior to Issue of Construction Certificate**

1. Submission of engineering plans for re-profiling the open grassed swale and inlet structure to the culvert and facilitating a fully constructed inlet apron and trash rack, located adjacent to the western boundary at Beech Drive.

An approval is to be obtained under Section 68 of the Local Government Act 1993 to carry out stormwater drainage works.

**NOTE: The plans must be in accordance with council's adopted engineering specifications, currently the "Northern Rivers Local Government Development" Design and Construction Manuals and standard drawings.**

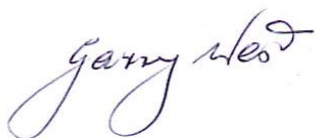
### **Prior to Occupation Certificate**

2. Stormwater drainage works for the improvement to the culvert adjacent to the western property boundary and crossing Beech Drive shall be constructed in accordance with the approval issued under Section 68 of the Local Government Act.

A final completion certificate must be obtained for such works and a copy submitted to the PCA prior to issue of the occupation certificate.

### **MOTION CARRIED UNANIMOUSLY**

The meeting concluded at 2.25 pm

A handwritten signature in blue ink that reads "Garry West". The signature is written in a cursive, flowing style.

Garry West  
Chair, Northern Region Planning Panel  
24 August 2010

## Condition of Consent: Stage 1

BCA Classification - Class

### Parameters of this Consent

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**1) Development is to be in accordance with approved plans**

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

**Stage 1: Residential Aged care Facility** [Drawings also numbered 2009.20]

Plan No.	Description	Prepared by	Dated:
DA2 Rev C	Existing Site Plan & Ground Floor Plan	Humel	04-05-2010
DA3 Rev C	Sub Floor Site Plan	Humel	04-05-2010
DA4 Rev C	Ground Floor Site Plan	Humel	04-05-2010
DA6 rev C	Roof Plan	Humel	04-05-2010
DA7 Rev C	Fire Compartmentation Plan	Humel	04-05-2010
DA8 Rev C	Elevations & Sections	Humel	04-05-2010
DA9 Rev C	Typical Hostel Floor Plans	Humel	04-05-2010
DA10 Rev C	Signage Plan	Humel	04-05-2010
569.09 Issue F	Landscape Plan (hostel) as amended by condition 10 of this consent	Tramonte jensen	05.05.2010

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

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

**2) STAGE 1: Integrated Development: Bush Fire Safety Authority - Terms of Approval.**

The NSW Rural Fire Service has issued a Bush Fire Safety Authority for the development as required under section 100B of the NSW Rural Fires Act. This Authority has been issued with conditions that are specified in Addendum 1A that is located in this consent at the end of the Stage 1 Conditions and Notes. The approved development must comply with these conditions.

**3) Existing building/s to be brought into compliance with fire safety provisions – Stage 1**

In accordance with Clause 94 of Environmental Planning & Assessment Regulation 2000, the existing building is to be brought into compliance with the fire protection and structural provisions of the Building Code of Australia.

### **STAGE 1: The following conditions are to be complied with prior to issue of a Construction Certificate**

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**3. a) Re-profiling the open grassed swale and inlet structure to the culvert adjacent to Beech Drive**

Submission of engineering plans for re-profiling the open grassed swale and inlet structure to the culvert and facilitating a fully constructed inlet apron and trash rack, located adjacent to the western boundary at Beech Drive.

An approval is to be obtained under Section 68 of the Local Government Act 1993 to carry out stormwater drainage works.

**NOTE: The plans must be in accordance with council's adopted engineering specifications, currently the "Northern Rivers Local Government Development" Design and Construction Manuals and standard drawings.**

**4) Construction of buildings in bushfire-prone areas - further details required**

The application for a Construction Certificate is to include details indicating the construction of the building to the standard as specified below:

- (a) Existing building on Lot 2 DP 617652 – The north and west elevations shall comply with *Australian Standard AS3959-1999 'Construction of buildings in Bush Fire prone areas'* Level 3
- (b) Existing building on Lot 2 DP 617652 – The east and south elevations shall comply with *Australian Standard AS3959-1999 'Construction of buildings in Bush Fire prone areas'* Level 2.

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

**5) Construction of RACF – Acoustic control**

The application for the Construction Certificate is to include details to demonstrate that the building will incorporate the following elements:

Renovated Hostel Units:

Install ceiling installation – Soundscreen acoustic batts or equivalent

Upgrade bedroom window system to have minimum Rw30

New lounge/Dining Room (East Side)

Upgrade ceiling insulation to Soundscreen acoustic batts or equivalent

Upgrade glazing systems to acoustic frames and acoustic seals with minimum Rw36

**6) Water and Sewerage - Section 68 approval required**

An **Approval** under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

**7) Trade Waste - Section 68 approval required**

An **approval** under Section 68 of the Local Government Act 1993 to discharge trade waste into Council's sewer must be obtained.

**8) Noise Management Plan.**

**A Noise Management Plan must be submitted to Council for approval prior to the issue of the construction certificate for building works. The Noise Management Plan must detail the methods that will be implemented for the whole project to minimise construction noise. Information should include:**

- a) identification of nearby residences and other sensitive land uses;
- b) assessment of expected noise impacts;
- c) detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts;
- d) strategies to promptly deal with and address noise complaints;
- e) details of performance evaluating procedures (for example, noise monitoring or checking work practices and equipment);
- f) procedures for notifying nearby residents of forthcoming works that are likely to produce noise impacts; and
- g) reference to relevant consent conditions.

**9) Ecological Management and Restoration Plan required**

The application for a Construction Certificate is to include an **Ecological Management and Restoration Plan** that has been submitted to and approved by Council. The restoration plan is to apply to those parts of Lot 2 DP 617652 along the eastern boundary that are hatched on drawing 569.09 Issue F - Landscape Plan (hostel), prepared by tramonte jensen, dated 05.05.2010. The objective of this plan is to maintain and/or establish and/or enhance the circumstance that these parts be predominantly characterised by Coastal Cypress Pine Forest

**10) Landscaping plan required**

The submitted Landscape Plan No. 569.09 Issue F, titled Landscape Plan (hostel), prepared by Tramonte Jensen and dated 05.05.2010 is to be amended as follows:

Those areas that are indicated as 'EEC zone' are excluded from this plan and are to be the subject of a separate Ecological Management Plan as required by a condition of this consent.

The Landscape Plan is to be amended to delete the "concrete path" in front of rooms 33-34 and 37-39

Plantings along the southern boundary are to provide a thick line of vegetation at a height of at least 3m above ground.

The Landscaping Plan is to comply with any relevant requirements of the required Ecological Management Plan.

No weed species as specified in Part H of Byron Development Control Plan 2002 are to be planted.

**11) 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".**

**12) On-site stormwater detention - Section 68 approval required**

- a) An approval under Section 68 of the Local Government Act 1993 to carry out on-site detention drainage system and connection to a Council approved drainage system.

**Note: The plans must be in compliance with Council's Development Control Plan 2002, Part N and Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings". Refer to Council's website for copies of these documents.**

**13) Consent required for works within the road reserve**

Consent from Council must be obtained for works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve.

Such plans are to be in accordance with Council's Specification for Engineering Works and are to provide for the following works:

<b>Driveways</b>	Driveways in accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings". This applies to the two single driveways (entry and exit only) to Lot 2 off Broken Head Road. The driveways to Lot 2 are to be designed and constructed to promote "Left In " & "Left Out" only.
<b>Footpath embellishment</b>	Grading, trimming, topsoiling and turfing of the unpaved footpath area.
<b>Adjustment of Services</b>	Footpath works are to include the adjustment and/or relocation of services as necessary to the requirements of the appropriate service authorities and to ensure that the services are constructed flush with the finished surface levels.
<b>Kerb &amp; gutter, road pavement and drainage</b>	Kerb and gutter, road pavement widening and associated drainage construction, footpath formation including any necessary relocation of services, for the full frontage of the site (Lot 2 ) along Broken Head Road.

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

#### **14) Traffic Management Plan**

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

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

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

#### **15) Car parking layout, Internal Driveways, vehicle circulation and access plans required.**

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

The access, parking and manoeuvring for the site is to comply with the requirements of Council's DCP 2002, AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking and AS 2890.2 – 2002 - Parking facilities, Part 2: Off-street commercial vehicle facilities. Plans are to include, but not be limited to, the following items:

- a) pavement description;
- b) site conditions affecting the access;
- c) existing and design levels;

- d) cross sections;
- e) drainage (pipes, pits, on-site detention, etc.);
- f) turning paths;
- g) linemarking and signage;
- h) visitor and residential car parking.

The engineering plans and specifications are to be designed by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

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

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

**16) Flood Planning Level for existing buildings – Nursing/Aged Care Home, Lot 2.**

The flood planning level for this development is **R.L. 5.97m A.H.D.**

The plans and specifications to accompany the construction certificate application are to indicate the use of flood compatible materials, fixtures and power outlets where used in the building below the flood planning level. The flood compatible materials, fixtures and power outlets must be those components listed as "suitable" in *Table 10 - Flood Proofing Code of Part K – Flood Liable Lands of Development Control Plan 2002*.

**17) Fencing - further detail required**

The application for a Construction Certificate is to include details of the following fencing that is required:

Western boundary - 2.2m high fence to provide a visual barrier and acoustic barrier

Northern boundary - 1.8m high fence to provide a visual barrier and acoustic barrier

Southern boundary - a 2m high fence to provide a visual and acoustic barrier for the western 75m of the southern boundary

**18) Groundwater Contact Prevention Management Plan**

The applicant must submit a management plan to demonstrate measures to protect workers from exposure to potentially contaminated groundwater during all stages of excavations and construction.

**19) Groundwater contamination monitoring program**

- a) The applicant must submit a report, prepared by a suitably qualified person, detailing a groundwater monitoring program.
- b) The aim of this monitoring program is to protect human and environmental health by determining the spatial and temporal extent of contamination; changes over time; and formalise detection and notification procedures.
- c) The monitoring program must comply with the requirements of NSW DEC (2007) 'Guidelines for the Assessment and Management of Groundwater Contamination' and any other relevant guidelines.
- d) This report must include, but not be limited to, the following:

- i. Locations and depths of all boreholes within and down-gradient of the contamination - both existing and additional;
  - ii. Sampling frequency;
  - iii. Sampling methodologies;
  - iv. Sampling duration;
  - v. Analytes (must include, but not be limited to, total petroleum hydrocarbons, benzene, toluene, ethyl benzene and xylene);
  - vi. Nominated assessment criteria, guideline or investigation levels;
  - vii. Notification procedures of Council, landowner, Department of Environment, Climate Change and Water and any other relevant authorities when levels reported are above the relevant guidelines or present a significant risk of harm to human health or any other aspect of the environment.
  - viii. Timeframe for reporting.
- e) Groundwater monitoring must be undertaken every two months for six months, from the date of determination. If concentrations are detected which exceed potential risk of harm then this frequency must be increased. If concentrations do not exceed such levels then monitoring must occur every six months thereafter until concentrations have been shown to be decreasing at all sampling locations.
- f) This monitoring program must be approved by Council's Environmental Officer prior to the issue of a Construction Certificate.

## 20) Acid Sulfate Soils Management Plan

Application for a construction certificate is to include an Acid Sulfate Soils (ASS) Management Plan which is consistent with the recommendations of the report titled '*Acid Sulfate Soil Assessment: RSL Lifecare Limited – Suffolk Park Nursing Home. TSA Management Pty Ltd. Report GEOTALST03220AC-AB. Coffey Geotechnics Pty Ltd. 22 January 2010*'.

The Plan must include the following:

- a) Description of the site, including maps;
- b) Area of the site and area(s) of disturbance;
- c) Site attributes including site landform and geology, depth to watertable;
- d) Maximum depth of excavation and level in AHD, volume of soil to be excavated, timing of works;
- e) Plan showing locations of all boreholes, details of all sampling equipment, evidence of good materials handling procedures and laboratory certification;
- f) Full details of calculations used to determine the liming rate or any other ameliorant;
- g) Details of all measures to avoid/minimise any disturbance of ASS;
- h) Details of measures to minimise the oxidation exposure times of all ASS excavations and stockpiles;
- i) Details of measures to segregate, stockpile, treat and dispose of ASS and acid drainage waters, including the provision of associated leachate and sediment control measures and procedures;
- j) Details of measures to ensure that acid drainage waters are not discharged to Council's stormwater system nor any watercourse or drainage channel;
- k) Details of measures to ensure that management of ASS will be undertaken in accordance with the *Acid Sulfate Soil Manual* (ASSMAC, 1998);
- l) Details of measures to ensure that any off-site disposal of ASS will be in accordance with the 'NSW DECC (2008) *Waste Classification Guidelines*';
- m) Details of validation testing to confirm that sufficient ameliorant has been incorporated into the ASS to prevent any future acidification;
- n) Names and contact details of persons responsible;
- o) Monitoring strategy; and
- p) Contingency procedures.



The Plan must be prepared by a suitably qualified Environmental / Soil Scientist and in accordance with the Acid Sulfate Soil Manual (ASSMAC 1998) and must be approved as part of the construction certificate.

**21) Flood evacuation/contingency plan required**

The application for a Construction Certificate is to include an appropriate flood evacuation/contingency plan for the proposed development in accordance with Part K – Flood Liable Lands of Development Control Plan 2002.

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

**22) Developer Contributions to be paid**

Contributions set out in the attached Schedule are to be paid to Council. Contributions are levied in accordance with the Byron Shire Council Section 94 Development Contribution Plan 2005 dated June 2005 and Byron Shire Council Section 94 Development Contribution Plan 2005 Amendment No. 1 dated 20 July 2005 for Community Facilities, Open Space, Roads, Car Parking, Cycleways, Civic & Urban Improvements, Shire Support Facilities and Administration. The Plan may be viewed during office hours at the Council Offices located at Station Street, Mullumbimby.

**The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.**

**PAYMENTS WILL ONLY BE ACCEPTED BY CASH OR BANK CHEQUE.**

**23) Bond required to guarantee against damage to public land**

A bond of **\$5,000** is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets.

Such bond will be held until Council is satisfied that the infrastructure is maintained/repaired to pre development conditions and that no further work is to be carried out that may result in damage to Council's roads, footpaths etc.

**24) Long Service Levy to be paid**

A Long Service Levy must be paid to the Long Service Payments Corporation. This is a State Government Levy and is subject to change.

These payments may be made online at [www.lspc.nsw.gov.au](http://www.lspc.nsw.gov.au) or at Council's Administration Office, Station Street, Mullumbimby. Where paying to Council, cheques are to be made payable to 'Byron Shire Council'.

For further information regarding the Long Service Payment please refer to the website above.

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**The following conditions are to be complied with prior to commencement of building works**

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**25) Traffic Management Plan**

The approved traffic management plan is to be implemented.

**26) Public safety requirements**

All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. The public liability insurance cover, for a minimum of \$10 million, is

to be maintained for the duration of the construction of the development. Council is not held responsible for any negligence caused by the undertaking of the works.

**27) Groundwater contamination monitoring**

All measures must be in place to enable implementation of the approved groundwater monitoring program.

**28) Demolition work**

Demolition work, including the removal of asbestos and lead-contaminated wastes, must be carried out in accordance with Australian Standard 2601 – 2001 *Demolition of Structures*, NSW Work cover Authority requirements and NSW DECC Waste Classification Guidelines (2008)'. The applicant/owner is to produce documentary evidence that this condition has been met. Council requires 48 hours notice prior to disposal of any asbestos and lead-contaminated waste at Council's waste depot.

**29) Acid sulfate soils management**

Acid sulfate soil controls must be in place in accordance with the approved ASS Management Plan

**30) 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.**

**31) Trees to be protected**

Trees to be retained are to be protected by a fence so as to minimise disturbance to existing ground conditions within the dripline of the trees. The fence is to be constructed:

- a) with a minimum height of 1.2 metres,
- b) outside the dripline of the tree,
- c) of steel star pickets at a maximum distance of 2metres between pickets,
- d) using a minimum of 3 strands of steel wire,
- e) to enclose the tree, and
- f) with orange barrier mesh, or similar, attached to the outside of the fence and continuing around its perimeter

The fence is to be maintained for the duration of the site clearing, preparation and construction works.

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**The following conditions are to be complied with during construction**

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**32) Plumbing Standards and requirements.**

All Plumbing, Water Supply and Sewerage Works shall be installed and operated in accordance with the Local Government Act 1993, the NSW Code of Practice for Plumbing and Drainage and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications.

Your Plumber must obtain a **Plumbing Permit** at least **two (2) working days prior to commencing work**. Please forward the **enclosed** Application for a Plumbing Permit to your

plumber to complete and to return to Council prior to commencement of work or Refer to [http://www.byron.nsw.gov.au/files/Forms/Plumbing\\_Drainage\\_Permit.pdf](http://www.byron.nsw.gov.au/files/Forms/Plumbing_Drainage_Permit.pdf).

The following INSPECTIONS are required:

- a) Internal Drainage;
- b) External Drainage;
- c) Water Rough In;
- d) Stackwork; (where applicable);
- e) Final.

**33) Construction times**

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

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

No construction work to take place on Saturdays and Sundays adjacent to Public Holidays and Public Holidays and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to Public Holidays.

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

**34) 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.**

**35) 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.

**36) 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.

**37) Maintenance of fencing to protect trees**

Fencing required to protect trees to be retained is to be maintained for the duration of the site clearing, preparation and construction works. During site works and construction all measures are to be taken to prevent damage to trees and other vegetation (including root systems) to be retained.

No building materials or other items are to be placed or stored within the fenced off areas.

A qualified arborist experienced in tree management must be present on a full or part-time basis to advise on the maintenance of the trees for their protection for the duration of the project.

**38) Maximum depth of excavation**

No excavation greater than 1.5m

**39) Care to be taken when placing services near trees**

All care is to be taken to manually excavate around or under any lateral structural support roots of any tree so as to minimise root disturbance where services are to be laid within the dripline of a tree.

**40) No filling around trees**

No soil or fill material is to be placed within the dripline of a tree so as to cause changes in surface level by more than 50mm from the existing level and such soil is not to be compacted. Such soil fill must not be finer than that being covered in situ, e.g. clay must not be placed over loam soil.

**41) 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.**

**42) Wiring in flood prone buildings**

All wiring, power outlets, switches, etc., must to the maximum extent possible, be located above the flood planning level. All electrical wiring installed below the flood planning level must be suitable for continuous submergence in water and must contain no fibrous components. Only submersible-type splices are to be used below flood planning level. All conduits located below flood planning level are to be so installed that they will be self-draining if subjected to flooding.

**43) Groundwater contamination monitoring**

All measures must be maintained to enable implementation of the approved groundwater monitoring program.

**44) Acid sulfate soils management**

All soil disturbance and excavation works must be carried out as per the approved Acid Sulfate Soils Management Plan. All acid sulfate soils must be managed and disposed of in accordance with the approved ASS Management Plan.

**45) No dewatering**

No dewatering at any time.

**46) Maximum depth of excavation**

No excavation beyond 1.5 m below the existing ground level

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

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**47) Works to be completed prior to issue of a Final Occupation Certificate**

a) 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, is to be completed and approved by the relevant consent authority/s prior to the issue of a Final Occupation Certificate.

b) 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.

c) Stormwater drainage works for the improvement to the culvert adjacent to the western property boundary and crossing Beech Drive shall be constructed in accordance with the approval issued under Section 68 of the Local Government Act.

A final completion certificate must be obtained for such works and a copy submitted to the PCA prior to issue of the occupation certificate.

**48) Sewer and water to be connected**

A Certificate of Compliance under Section 307 of the Water Management Act 2000 is to be obtained from Byron Shire Council prior to the issue of an Occupation Certificate for works on water and/or sewer mains.

Application forms are available from Council's administration building or online at [http://www.byron.nsw.gov.au/files/Forms/Section\\_305\\_Certificate.pdf](http://www.byron.nsw.gov.au/files/Forms/Section_305_Certificate.pdf) to be submitted for a Certificate of Compliance.

**49) Car parking areas, Internal Driveways - to be completed and signs to be provided.**

The car parking areas and internal driveways, are to be constructed in accordance with the approved plans. Signs are to be erected clearly indicating the availability of off-street parking and the location of entry/exit points, visible from both the street and the subject site.

**50) External Driveways and Roadworks - completed in accordance approved plans**

The external driveways and Roadworks are to be constructed in accordance with the approved plans.

**51) 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) Not concentrated so as to cause soil erosion,
- c) Not directly to a watercourse, and
- d) Not onto adjoining land.

**52) Land Fill and Floor Levels**

Prior to the issue of an occupation certificate the owner/builder of a development is to confirm in writing to Council the as-built levels are as per the approved designs (ie the heights are confirmed by a registered surveyor). The heights which should be provided would be habitable floor, non-habitable or garage floor, high ground and low ground.

**53) Groundwater monitoring**

The applicant must submit a report summarising all groundwater monitoring to date, including recommendations for future monitoring and management. This report must be prepared by a suitably qualified person.

**54) Acid sulfate soils**

The works engineer must certify to the Principal Certifying Authority that all works have been carried out in accordance with the approved Acid Sulfate Soils and Water Management Plan.

**55) Works as executed drawings are required.**

The submission of works as executed drawings for the storm water prior to a final plumbing inspection.

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

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**56) Car Parking spaces are to be available for the approved use**

The car parking spaces, together with all necessary access driveways and turning areas, are to be provided and maintained and accessible at all times.

**57) Vehicles to enter/leave in a forward direction**

Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction. All driveways and turning areas must be kept clear of obstructions that prevent compliance with this condition.

**58) Flood Evacuation Plan**

A copy of the approved flood evacuation plan is to be laminated in clear plastic and displayed in a prominent location within the development (e.g. Kitchen, office).

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**59) Maximum depth of excavation**

No excavation beyond 1.5 m below the existing ground level

**60) No access to or extraction of groundwater**

No access to or extraction of groundwater.

**61) Notification of Council of exceedances of groundwater contamination levels**

The applicant must notify Council, landowner, Department of Environment, Climate Change and Water and any other relevant authorities when groundwater contamination levels reported are above the relevant guidelines or present a significant risk of harm to human health or any other aspect of the environment.

**62) Noise levels measured at the boundary**

Noise emissions from the development measured at the boundary must comply with the requirements of the NSW EPA's Industrial Noise Policy, or similar.

**63) Provision of service to adjacent seniors living self care units**

The Residential Aged Care Facility is to make available the following services to the adjacent Seniors Living self care units:

- Home delivered meals
- Personal care
- Home nursing
- Housework assistance

**Notes**

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**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.

**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](http://www.byron.nsw.gov.au)

**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.

**Schedule of Development Contributions**

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

**SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE  
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

(Office Use Only)

Community and Cultural Facilities	(CF-SP)	1.54	SDU @	\$1,089.95	=	\$1,678.53
" - Shire Wide	(CF-SW)	1.54	SDU @	\$575.95	=	\$886.96
Open Space	(OS-SP)	1.54	SDU @	\$6,859.06	=	\$10,562.96
" - Shire Wide	(OS-SW)	1.54	SDU @	\$2,901.59	=	\$4,468.44
Roads	(R-SP)	4.00	trips @	\$785.64	=	\$3,142.57
Cycleways	(CW-SP)	1.54	SDU @	\$740.37	=	\$1,140.17
Civic & Urban Improvements	(IM-SP)	1.54	SDU @	\$1,735.16	=	\$2,672.14
Rural Fire Service	-				=	
Administration	(OF-SW)	1.54	SDU @	\$782.15	=	\$1,204.52
		<b>Total</b>			<b>=</b>	<b>\$25,756.28</b>

**Certificate of Compliance – Water Management Act 2000**

A Certificate of Compliance will be issued on completion of construction of water management works to serve the development and/or on payment of developer charges for water and sewer as calculated in accordance with Byron Shire Council and Rous Water Development Servicing Plans.

**Note:** Copies of the application forms for Certificates of Compliance are available on Council's website [www.byron.nsw.gov.au](http://www.byron.nsw.gov.au) or from Council's Administration Office. Copies of Byron Shire Council's Development Servicing Plans are available at Council's Administration Office.

The following charges are indicative only. Developer charges will be calculated in accordance with the Development Servicing Plan applicable at the date of payment. A check must be made with Council to ascertain the current rates.

**STAGE 1 INDICATIVE CHARGES PURSUANT TO THE WATER MANAGEMENT ACT, 2000**

Water	(S64W Other)	4.50	ET @	\$1,190.00	=	\$5,355.00
Bulk Water	(BW-SP)	4.50	ET @	\$6,222.00	=	\$27,999.00
Sewer	(S64S Other)	4.50	ET @	\$9,021.00	=	\$40,594.50
		<b>Total</b>			<b>=</b>	<b>\$73,948.50</b>

**Civil Works**

The civil works shall be designed and constructed in accordance with Council's Engineering Standard current at the time of submission of Engineering Plans for approval by Council. Approval of Engineering Plans will be current for a period of two years after which time Council may require the alteration to the Engineering Design to comply with standard current at that date.

**Addendum 1A**

**Integrated Development - Bush Fire Safety Authority - Conditions**

**(i) Asset Protection Zone**

At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within Appendices 2 & 5 of *Planning for Bushfire*

*Protection 2006* and the NSW Rural Fire Service's document '*Standards for Asset Protection Zones*'.

(ii) Water and Utilities

Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of *Planning for Bushfire Protection 2006*

(iii) Access

Internal roads shall comply with section 4.2.7 of *Planning for Bushfire Protection 2006*;

(iv) Evacuation and Emergency Management

Arrangements for emergency and evacuation (and relocation) arrangements for occupants are to comply with section 4.2.7 of *Planning for Bushfire Protection 2006*

(v) Design and Construction

- Existing building on Lot 2 DP 617652 – The north and west elevations shall comply with *Australian Standard AS3959-1999 'Construction of buildings in Bush Fire prone areas'* Level 3.
- Existing building on Lot 2 DP 617652 – The east and south elevations shall comply with *Australian Standard AS3959-1999 'Construction of buildings in Bush Fire prone areas'* Level 2.

(vi) Landscaping

Landscaping to the site to comply with the principles of Appendix 5 of *Planning for Bushfire Protection 2006*

## CONDITIONS OF CONSENT: STAGE 2

### Parameters of this Consent

#### 64) Development is to be in accordance with approved plans

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

#### Stage 2 - Self-Care Units [Drawings also numbered 2009.25]

Plan No.	Description	Prepared by	Dated:
DA2 Rev C	Existing Site Plan	Humel	07-05-2010
DA3 Rev C	Sub Floor Site Plan	Humel	07-05-2010
DA4 Rev C	Ground Floor Site Plan	Humel	07-05-2010
DA5 Rev C	Elevations & Sections	Humel	07-05-2010
DA6 Rev C	Type 'A' 2 Bed Apartment	Humel	07-05-2010
DA7 Rev C	Type 'A1' 2 Bed Apartment	Humel	07-05-2010
DA8 Rev C	Type 'B' 2 Bed Apartment	Humel	07-05-2010
DA9 Rev C	South East Corner Apartments 2 Bed Apartment	Humel	07-05-2010
DA10 Rev C	Community Building	Humel	07-05-2010
DA11 Rev C	Signage Plan	Humel	07-05-2010
569.06 issue F	Landscape Plan (independent living units) as modified by conditions of consent	Tramonte jensen	05.05.2010
DA02 Rev D	Independent Living Units – 1 of 2. Concept Stormwater Plan and Details	TLB Engineers	11/08/09
Sheets 1, 2 and 3 of 3	Plan Showing Detail Survey Over Lot 2 DP 617652 and Lot 3 DP	Chris Abbott Surveying	24 January 2008



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.

**65) Integrated Development: Bush Fire Safety Authority - Terms of Approval.**

A Bush Fire Safety Authority issued under section 100B of the Rural Fires Act has been issued for the development. The Terms of Approval of this authority are specified in Addendum 2A located at the end of the conditions and notes for Stage 2 of this consent.

**66) Integrated Development: Controlled Activity Approval pursuant to NSW Water Management Act - Terms of Approval.**

The NSW Office of Water has issued General terms of Approval for works that require a Controlled Activity Approval (CAA) under the Water Management Act. These Terms are specified in Addendum 2B located at the end of the conditions and notes for Stage 2 of this consent.

Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material within 40m of the top of the bank or shore of the river identified.

**67) 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.

**68) 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 116G 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).**

**STAGE 2: The following conditions are to be complied with prior to issue of a Construction Certificate**

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**69) Registration of Boundary Adjustment**

Council is to be satisfied that the (Subdivision) Boundary Adjustment between Lot 3 and the Public Road Reserve, as agreed between Council and the landowner, has been registered at the Land Titles Office.

To satisfy Council in this matter, the applicant must submit to Council a documentary evidence of the registered Plan Of Subdivision.

**70) Controlled Activity Approval Required**

Prior to the issue of a Construction Certificate a Controlled Activity Approval is to be obtained from the NSW Department of Environment, Climate Change and Water.

**71) Compliance with Schedule 3 of State Environmental Planning Policy(Housing for Seniors or People with a Disability) 2004**

**The application for a Construction Certificate is to include plans and specifications that demonstrate compliance with Schedule 3 of *State Environmental Planning Policy(Housing for Seniors or People with a Disability) 2004***

**72) Construction of units – Acoustic controls - further information required**

**The application for the Construction Certificate is to incorporate an Acoustic Assessment prepared by a suitably qualified person that addresses acoustic impacts from traffic on proposed units 28 and 29 and the plans and specifications for units 28 and 29 are to include any recommendations of this assessment.**

**73) Construction of Units – Acoustic control**

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The application for the Construction Certificate is to include details to demonstrate that the buildings will incorporate the following elements:

Units 1-4:

- i) Upgrade Living room glass door system to acoustic frames and acoustic seals to have minimum Rw 30
- ii) Upgrade Bedroom 1 window to acoustic frames and acoustic seals windows to have minimum Rw 35

Units 21-27, 30-31

- i) Upgrade insulation in roof to Soundscreen Acoustic Batts or equivalent
- ii) Upgrade Living room glass door to acoustic frames and acoustic seals windows to have minimum Rw 33
- iii) Upgrade Bedroom 1 window to acoustic frames and acoustic seals windows to have minimum Rw 38
- iv) Upgrade Study window to acoustic frames and acoustic seals windows to have minimum Rw 30

#### **74) Construction of Units – Protection of Archidendron Hendersonii**

The application for the Construction Certificate is to demonstrate that the design of units 25 and 26 has been amended so that there is a minimum 2500mm clearance from the trunk of tree #150 as specified on Sheet 3 of 3 of *Plan Showing Detail Survey* by Chris Abbott Surveying dated 24 January 2008 and a minimum clearance of 3500mm from the footings to the building. During construction the tree is to be protected by the means prescribed in Stage 2 Condition 99

#### **75) Fencing Requirements - further details required**

The application for a Construction Certificate is to include plans for the following fencing:

Southern boundary – 1.5m high timber paling fence

Western boundary – 1.5m high timber paling fence 1.5m that rises to a height of 2m at the northern end of the adjacent drainage reserve.

#### **76) Water and Sewerage - Section 68 approval required**

An **Approval** under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

#### **77) Noise Management Plan – Construction.**

**A Noise Management Plan must be submitted to Council for approval prior to the issue of the construction certificate for building works. The Noise Management Plan must detail the methods that will be implemented for the whole project to minimise construction noise. Information should include:**

- h) identification of nearby residences and other sensitive land uses;
- i) assessment of expected noise impacts;
- j) detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts;
- k) strategies to promptly deal with and address noise complaints;
- l) details of performance evaluating procedures (for example, noise monitoring or checking work practices and equipment);
- m) procedures for notifying nearby residents of forthcoming works that are likely to produce noise impacts; and
- n) reference to relevant consent conditions.

**78) Ecological Restoration and Management Plan required**

The application for a Construction Certificate is to include an **Ecological Restoration Plan** that has been submitted to and approved by Council. The restoration plan is to apply to the part of Lot 3 DP 862033 situated along the eastern boundary that is hatched and indicated as 'EEC Zone" on drawing 569.06 issue F Landscape Plan (independent living units), prepared by tramonte jensen, dated 05.05.2010. The objective of this plan is to maintain and/or establish and/or enhance the circumstance that this part of the site be predominantly characterised by Coastal Cypress Pine Forest and must include the following elements:

- i) Detailed plan indicating existing trees
- ii) Detailed plan indicating proposed tree plantings
- iii) Full and comprehensive details and explanation of the ongoing management of the area

**79) Landscaping plan required**

The submitted Landscape Plan No. 569.08 Issue F, titled Landscape Plan (independent living units), prepared by Tramonte Jensen and dated 05.05.2010 is to be amended as follows:

Those areas that are indicated as 'EEC zone" are excluded from this plan and are to be the subject of a separate Ecological Management Plan as required by a condition of this consent.

The Landscape Plan is to amended to delete the "concrete path" in front of units 21-31.

Plantings along the southern boundary are to provide a thick line of vegetation at a height of at least 3m above ground.

Plantings in the front setback to Units 29-31 are to provide an effective visual barrier to prevent car headlight impacts on these units and will require the planting of mature/semi mature vegetation.

Plantings are to include locally sourced coastal Cyprus trees

Vegetation located to the south of the masonry wall at the Broken Head Road/Beech Drive intersection is to effectively screen Units 29-31 from vehicle lights and may require the planting of mature/semi mature vegetation.

The Landscaping Plan is to comply with any relevant requirements of the required Ecological Management Plan

Species to be planted must be consistent with the requirements of Part H of Byron Development Control Plan 2002.

**80) 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".**

**81) On-site stormwater detention - Section 68 approval required**

An approval under Section 68 of the Local Government Act 1993 to carry out on-site detention drainage system and connection to a Council approved drainage system.

**Note: The plans must be in compliance with Council's Development Control Plan 2002, Part N and Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings". Refer to Council's website for copies of these documents.**

**82) Consent required for works within the road reserve**

Consent from Council must be obtained for works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve.

Such plans are to be in accordance with Council's Specification for Engineering Works and are to provide for the following works:

<b>Driveways</b>	Driveways in accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings". This applies to the double driveway to Lot 3 off Beech Drive.
<b>Footpath embellishment</b>	Grading, trimming, topsoiling and turbing of the unpaved footpath area.
<b>Adjustment of Services</b>	Footpath works are to include the adjustment and/or relocation of services as necessary to the requirements of the appropriate service authorities and to ensure that the services are constructed flush with the finished surface levels.
<b>Kerb &amp; gutter, road pavement and drainage</b>	Kerb and gutter, road pavement widening and associated drainage construction, footpath formation including any necessary relocation of services, for the full frontage of the site (Lot 3) along Broken Head Road.
<b>Bus Shelter</b>	A tapered bus bay and shelter at the frontage of the site on Broken Head Road. The bus shelter must be in accordance with Council's standards. The shelter must be provided at no cost to Council.

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

**83) Traffic Management Plan**

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

current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'.

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

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

**84) Car parking layout, Internal Driveways, vehicle circulation and access plans required.**

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

The access, parking and manoeuvring for the site is to comply with the requirements of Council's DCP 2002, AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking and AS 2890.2 – 2002 - Parking facilities, Part 2: Off-street commercial vehicle facilities. Plans are to include, but not be limited to, the following items:

- i) pavement description;
- j) site conditions affecting the access;
- k) existing and design levels;
- l) cross sections;
- m) drainage (pipes, pits, on-site detention, etc.);
- n) turning paths;
- o) linemarking and signage;
- p) visitor and residential car parking.

The engineering plans and specifications are to be designed by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

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

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

**85) Flood Planning Level for new buildings – Independent Living Units, Lot 3.**

The flood planning level for this development is **R.L. 6.1m A.H.D.**

The plans and specifications to accompany the construction certificate application are to indicate a minimum floor level that is above the flood planning level.

The plans and specifications to accompany the construction certificate application are also to indicate the use of flood compatible materials, fixtures and power outlets where used in the building below the flood planning level. The flood compatible materials, fixtures and power outlets must be those components listed as "suitable" in *Table 10 - Flood Proofing Code of Part K – Flood Liable Lands of Development Control Plan 2002*.

**86) Groundwater Contact Prevention Management Plan**

The applicant must submit a management plan to demonstrate measures to protect workers from exposure to potentially contaminated groundwater during all stages of excavations and construction.

**87) Groundwater contamination monitoring program**

- a) The applicant must submit a report, prepared by a suitably qualified person, detailing a groundwater monitoring program.

- b) The aim of this monitoring program is to protect human and environmental health by determining the spatial and temporal extent of contamination; changes over time; and formalise detection and notification procedures.
- c) The monitoring program must comply with the requirements of NSW DEC (2007) 'Guidelines for the Assessment and Management of Groundwater Contamination' and any other relevant guidelines.
- d) This report must include, but not be limited to, the following:
  - i. Locations and depths of all boreholes within and down-gradient of the contamination - both existing and additional;
  - ii. Sampling frequency;
  - iii. Sampling methodologies;
  - iv. Sampling duration;
  - v. Analytes (must include, but not be limited to, total petroleum hydrocarbons, benzene, toluene, ethyl benzene and xylene);
  - vi. Nominated assessment criteria, guideline or investigation levels;
  - vii. Notification procedures of Council, landowner, Department of Environment, Climate Change and Water and any other relevant authorities when levels reported are above the relevant guidelines or present a significant risk of harm to human health or any other aspect of the environment.
  - viii. Timeframe for reporting.
- e) Groundwater monitoring must be undertaken every two months for six months, from the date of determination. If concentrations are detected which exceed potential risk of harm then this frequency must be increased. If concentrations do not exceed such levels then monitoring must occur every six months thereafter until concentrations have been shown to be decreasing at all sampling locations.
- f) This monitoring program must be approved by Council's Environmental Officer prior to the issue of a Construction Certificate.

## **88) Acid Sulfate Soils Management Plan**

Application for a construction certificate is to include an Acid Sulfate Soils (ASS) Management Plan which is consistent with the recommendations of the report titled '*Acid Sulfate Soil Assessment: RSL Lifecare Limited – Suffolk Park Nursing Home. TSA Management Pty Ltd. Report GEOTALST03220AC-AB. Coffey Geotechnics Pty Ltd. 22 January 2010*'.

The Plan must include the following:

- a) Description of the site, including maps;
- b) Area of the site and area(s) of disturbance
- c) Site attributes including site landform and geology, depth to watertable;
- d) Maximum depth of excavation and level in AHD, volume of soil to be excavated, timing of works;
- e) Plan showing locations of all boreholes, details of all sampling equipment, evidence of good materials handling procedures and laboratory certification;
- f) Full details of calculations used to determine the liming rate or any other ameliorant;
- g) Details of all measures to avoid/minimise any disturbance of ASS;
- h) Details of measures to minimise the oxidation exposure times of all ASS excavations and stockpiles;
- i) Details of measures to segregate, stockpile, treat and dispose of ASS and acid drainage waters, including the provision of associated leachate and sediment control measures and procedures;
- j) Details of measures to ensure that acid drainage waters are not discharged to Council's stormwater system nor any watercourse or drainage channel;

- k) Details of measures to ensure that management of ASS will be undertaken in accordance with the *Acid Sulfate Soil Manual* (ASSMAC, 1998);
- l) Details of measures to ensure that any off-site disposal of ASS will be in accordance with the 'NSW DECC (2008) *Waste Classification Guidelines*';
- m) Details of validation testing to confirm that sufficient ameliorant has been incorporated into the ASS to prevent any future acidification;
- n) Names and contact details of persons responsible;
- o) Monitoring strategy; and
- p) Contingency procedures.

The Plan must be prepared by a suitably qualified Environmental / Soil Scientist and in accordance with the *Acid Sulfate Soil Manual* (ASSMAC 1998) and must be approved as part of the construction certificate.

**89) Flood evacuation/contingency plan required**

The application for a Construction Certificate is to include an appropriate flood evacuation/contingency plan for the proposed development in accordance with Part K – Flood Liable Lands of Development Control Plan 2002.

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

**90) Developer Contributions to be paid**

Contributions set out in the attached Schedule are to be paid to Council. Contributions are levied in accordance with the Byron Shire Council Section 94 Development Contribution Plan 2005 dated June 2005 and Byron Shire Council Section 94 Development Contribution Plan 2005 Amendment No. 1 dated 20 July 2005 for Community Facilities, Open Space, Roads, Car Parking, Cycleways, Civic & Urban Improvements, Shire Support Facilities and Administration. The Plan may be viewed during office hours at the Council Offices located at Station Street, Mullumbimby.

**The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.**

**PAYMENTS WILL ONLY BE ACCEPTED BY CASH OR BANK CHEQUE.**

**91) Bond required to guarantee against damage to public land**

A bond of **\$5,000** is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets.

Such bond will be held until Council is satisfied that the infrastructure is maintained/repaired to pre development conditions and that no further work is to be carried out that may result in damage to Council's roads, footpaths etc.

**92) Long Service Levy to be paid**

A Long Service Levy must be paid to the Long Service Payments Corporation. This is a State Government Levy and is subject to change.

These payments may be made online at [www.lspc.nsw.gov.au](http://www.lspc.nsw.gov.au) or at Council's Administration Office, Station Street, Mullumbimby. Where paying to Council, cheques are to be made payable to 'Byron Shire Council'.



For further information regarding the Long Service Payment please refer to the website above.

**93) Bond for landscaping**

A bond or bank guarantee of **\$5,000** to be lodged with Council to ensure the landscaping is carried out in accordance with the approved landscaping plan.

Half of the bond or bank guarantee will be refunded after the issuing of a compliance certificate that works have been carried out in accordance with the approved landscaping plan.

The remaining bond or bank guarantee will be refunded by Council upon Council's Director of Local Approvals and Compliance Services been satisfied that 95% of the plants have survived a period of 12 months from the issuing of the above compliance certificate

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**The following conditions are to be complied with prior to commencement of building works**

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**94) Traffic Management Plan**

The approved traffic management plan is to be implemented.

**95) Public safety requirements**

All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. The public liability insurance cover, for a minimum of \$10 million, is to be maintained for the duration of the construction of the development. Council is not held responsible for any negligence caused by the undertaking of the works.

**96) Groundwater contamination monitoring**

All measures must be in place to enable implementation of the approved groundwater monitoring program.

**97) Acid sulfate soils management**

Acid sulfate soil controls must be in place in accordance with the approved ASS Management Plan

**98) 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.**

**99) Trees to be protected**

Trees to be retained are to be protected by a fence so as to minimise disturbance to existing ground conditions within the dripline of the trees. The fence is to be constructed:

- g) with a minimum height of 1.2 metres,
- h) outside the dripline of the tree,
- i) of steel star pickets at a maximum distance of 2metres between pickets,

- j) using a minimum of 3 strands of steel wire,
- k) to enclose the tree, and
- l) with orange barrier mesh, or similar, attached to the outside of the fence and continuing around its perimeter

The fence is to be maintained for the duration of the site clearing, preparation and construction works.

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**The following conditions are to be complied with during construction**

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**100) Plumbing Standards and requirements.**

All Plumbing, Water Supply and Sewerage Works shall be installed and operated in accordance with the Local Government Act 1993, the NSW Code of Practice for Plumbing and Drainage and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications.

Your Plumber must obtain a **Plumbing Permit** at least **two (2) working days prior to commencing work**. Please forward the **enclosed** Application for a Plumbing Permit to your plumber to complete and to return to Council prior to commencement of work or Refer to [http://www.byron.nsw.gov.au/files/Forms/Plumbing\\_Drainage\\_Permit.pdf](http://www.byron.nsw.gov.au/files/Forms/Plumbing_Drainage_Permit.pdf).

The following INSPECTIONS are required:

- f) Internal Drainage;
- g) External Drainage;
- h) Water Rough In;
- i) Stackwork; (where applicable);
- j) Final.

**101) Construction times**

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

- c) Monday to Friday, from 7 am to 6 pm.
- d) Saturday, from 8 am to 1 pm.

No construction work to take place on Saturdays and Sundays adjacent to Public Holidays and Public Holidays and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to Public Holidays.

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

**102) Construction Noise**

Construction noise is to be limited as follows:

- c) 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).
- d) 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.**

**103) Signs to be erected on building and demolition sites**

A sign must be erected in a prominent position on the work site:

- c) stating that unauthorised entry to the work site is prohibited, and

- d) 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.

**104) 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.

**105) Maintenance of fencing to protect trees**

Fencing required to protect trees to be retained is to be maintained for the duration of the site clearing, preparation and construction works. During site works and construction all measures are to be taken to prevent damage to trees and other vegetation (including root systems) to be retained.

No building materials or other items are to be placed or stored within the fenced off areas. A qualified arborist experienced in tree management must be present on a full or part-time basis to advise on the maintenance of the trees for their protection for the duration of the project.

**106) Care to be taken when placing services near trees**

All care is to be taken to manually excavate around or under any lateral structural support roots of any tree so as to minimise root disturbance where services are to be laid within the dripline of a tree.

**107) No filling around trees**

No soil or fill material is to be placed within the dripline of a tree so as to cause changes in surface level by more than 50mm from the existing level and such soil is not to be compacted. Such soil fill must not be finer than that being covered in situ, e.g. clay must not be placed over loam soil.

**108) 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.**

**109) Wiring in flood prone buildings**

All wiring, power outlets, switches, etc., must to the maximum extent possible, be located above the flood planning level. All electrical wiring installed below the flood planning level must be suitable for continuous submergence in water and must contain no fibrous components. Only submersible-type splices are to be used below flood planning level. All conduits located below flood planning level are to be so installed that they will be self-draining if subjected to flooding.

**110) Groundwater contamination monitoring**

All measures must be maintained to enable implementation of the approved groundwater monitoring program.

**111) Acid sulfate soils management**

All soil disturbance and excavation works must be carried out as per the approved Acid Sulfate Soils Management Plan. All acid sulfate soils must be managed and disposed of in accordance with the approved ASS Management Plan.

**112) No dewatering**

No dewatering at any time.

**113) Maximum depth of excavation**

No excavation beyond 1.5 m below the existing ground level at Lot 2 DP 617652 or Lot 3 DP 862033.

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

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**114) 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, is 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.

**115) Sewer and water to be connected**

A Certificate of Compliance under Section 307 of the Water Management Act 2000 is to be obtained from Byron Shire Council prior to the issue of an Occupation Certificate for works on water and/or sewer mains.

Application forms are available from Council's administration building or online at [http://www.byron.nsw.gov.au/files/Forms/Section\\_305\\_Certificate.pdf](http://www.byron.nsw.gov.au/files/Forms/Section_305_Certificate.pdf) to be submitted for a Certificate of Compliance.

**116) Light intrusion mitigation measures**

Implementation of all light intrusion mitigation measures described in the report titled '*Response to issues raised in item 11(b) of Byron Shire Council's letter dated 12 October 2009 (traffic and street lighting). Ardill Payne and Partners. 21 December 2009*', or similar, to protect the amenity of the residents. These measures include, but not are restricted to, the following:

- a) a 10-12m vegetated landscaping corridor is proposed along the full Broken Head Road frontage of the site and to the Broken head Road/Beech Drive intersection (exclusive of driveways) which will contain a mixture of groundcovers, shrubs and trees and will block and filter any headlights; Particular attention must be paid to the utility of vegetation located to the south of the masonry wall at the Broken Head Road/Beech Drive intersection for the purpose of the mitigation of light intrusion.
- b) a 1.6 m masonry wall (property identification information structure) is proposed on the corner of Lot 3 adjacent to the roundabout which will block headlights of vehicles entering and leaving the roundabout; and
- c) all independent living units and residential care facility rooms will be provided with appropriate soft window furnishings (particularly to bedrooms) such that external light sources can be precluded from entering the rooms.

**117) Car parking areas, Internal Driveways - to be completed and signs to be provided.**

The car parking areas and internal driveways, are to be constructed in accordance with the approved plans. Signs are to be erected clearly indicating the availability of off-street parking and the location of entry/exit points, visible from both the street and the subject site.

**118) External Driveways and Roadworks - completed in accordance approved plans**

The external driveways and Roadworks are to be constructed in accordance with the approved plans.

**119) Services to be available**

Prior to occupation, the adjacent Residential Aged Care Facility is to be capable of providing all necessary services to the units, including meals and nursing availability

**120) Stormwater disposal**

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

- g) Clear of buildings and infrastructure,

- h) Not concentrated so as to cause soil erosion,
- i) Not directly to a watercourse, and
- j) Not onto adjoining land.

**121) Land Fill and Floor Levels**

Prior to the issue of an occupation certificate the owner/builder of a development is to confirm in writing to Council the as-built levels are as per the approved designs (ie the heights are confirmed by a registered surveyor). The heights which should be provided would be habitable floor, non-habitable or garage floor, high ground and low ground.

**122) Groundwater monitoring**

The applicant must submit a report summarising all groundwater monitoring to date, including recommendations for future monitoring and management. This report must be prepared by a suitably qualified person.

**123) Acid sulfate soils**

The works engineer must certify to the Principal Certifying Authority that all works have been carried out in accordance with the approved Acid Sulfate Soils and Water Management Plan.

**124) Works as executed drawings are required.**

The submission of works as executed drawings for the storm water prior to a final plumbing inspection.

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

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**125) Car Parking spaces are to be available for the approved use**

The car parking spaces, together with all necessary access driveways and turning areas, are to be provided and maintained and accessible at all times.

**126) Vehicles to enter/leave in a forward direction**

Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction. All driveways and turning areas must be kept clear of obstructions that prevent compliance with this condition.

**127) Flood Evacuation Plan**

A copy of the approved flood evacuation plan is to be laminated in clear plastic and displayed in a prominent location within the development (e.g. Kitchen, office).

**128) Maximum depth of excavation**

No excavation beyond 1.5 m below the existing ground level at Lot 2 DP 617652 or Lot 3 DP 862033.

**129) No access to or extraction of groundwater**

No access to or extraction of groundwater.

**130) Notification of Council of exceedances of groundwater contamination levels**

The applicant must notify Council, landowner, Department of Environment, Climate Change and Water and any other relevant authorities when groundwater contamination levels reported are above the relevant guidelines or present a significant risk of harm to human health or any other aspect of the environment.

**131) Noise levels measured at the boundary**

Noise emissions from the development measured at the boundary must comply with the requirements of the NSW EPA's Industrial Noise Policy, or similar.

## 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](http://www.byron.nsw.gov.au)

### 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.

### 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.

### Schedule of Development Contributions

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

## RESIDENTIAL DEVELOPMENT

### SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

(Office Use Only)

Community and Cultural Facilities	(CF-SP)	16.88	SDU @ \$1,089.95	=	\$18,398.41
" - Shire Wide	(CF-SW)	16.88	SDU @ \$575.95	=	\$9,721.97
Open Space	(OS-SP)	16.88	SDU @ \$6,859.06	=	\$115,780.97
" - Shire Wide	(OS-SW)	16.88	SDU @ \$2,901.59	=	\$48,978.77
Roads	(R-SP)	53.00	trips @ \$785.64	=	\$41,639.04
Cycleways	(CW-SP)	16.88	SDU @ \$740.37	=	\$12,497.45
Civic & Urban Improvements	(IM-SP)	16.88	SDU @ \$1,735.16	=	\$29,289.43
Rural Fire Service	-			=	

Surf Lifesaving	(SL-SP)	16.88	SDU @ \$28.24	=	\$476.74
Administration	(OF-SW)	16.88	SDU @ \$782.15	=	\$13,202.77
			<b>Total</b>	<b>=</b>	<b>\$289,985.55</b>

### Certificate of Compliance – Water Management Act 2000

A Certificate of Compliance will be issued on completion of construction of water management works to serve the development and/or on payment of developer charges for water and sewer as calculated in accordance with Byron Shire Council and Rous Water Development Servicing Plans.

**Note:** Copies of the application forms for Certificates of Compliance are available on Council's website [www.byron.nsw.gov.au](http://www.byron.nsw.gov.au) or from Council's Administration Office. Copies of Byron Shire Council's Development Servicing Plans are available at Council's Administration Office.

The following charges are indicative only. Developer charges will be calculated in accordance with the Development Servicing Plan applicable at the date of payment. A check must be made with Council to ascertain the current rates.

### STAGE 2 INDICATIVE CHARGES PURSUANT TO THE WATER MANAGEMENT ACT, 2000

Water	(S64W Other)	23.30	ET @ \$1,190.00	=	\$27,727.00
Bulk Water	(BW-SP)	23.30	ET @ \$6,222.00	=	\$144,972.60
Sewer	(S64S Other)	23.30	ET @ \$9,021.00	=	\$210,189.30
			<b>Total</b>	<b>=</b>	<b>\$382,888.90</b>

### Civil Works

The civil works shall be designed and constructed in accordance with Council's Engineering Standard current at the time of submission of Engineering Plans for approval by Council. Approval of Engineering Plans will be current for a period of two years after which time Council may require the alteration to the Engineering Design to comply with standard current at that date.

### Addendum 2A

### Integrated Development - General Terms of Approval - Bush Fire Safety Authority

#### (i) Asset Protection Zone

At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within Appendices 2 & 5 of *Planning for Bushfire Protection 2006* and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

#### (ii) Water and Utilities

Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of *Planning for Bushfire Protection 2006*

#### (iii) Access

Internal roads shall comply with section 4.2.7 of *Planning for Bushfire Protection 2006*;

#### (iv) Evacuation and Emergency Management

Arrangements for emergency and evacuation (and relocation) arrangements for occupants are to comply with section 4.2.7 of *Planning for Bushfire Protection 2006*

#### (v) Design and Construction

- Lot 3 DP 862033 – **Proposed units 1 to 16** (within 100 metres of the bushfire hazard) shall comply with *Australian Standard AS3959-1999 'Construction of buildings in Bush Fire prone areas' Level 1.*

#### Landscaping

Landscaping to the site to comply with the principles of Appendix 5 of *Planning for Bushfire Protection 2006*

#### Addendum 2B

#### **Integrated Development - General Terms of Approval – Controlled Activity Approval**

Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material within 40m of the top of the bank or shore of the river identified.

ATTACH DOCUMENT