

Austin McFarland Pty Ltd
PO Box 325
WINGHAM NSW 2429

NOTICE OF DETERMINATION

under Section 4.18 of the *Environmental Planning and Assessment Act 1979* (as amended).

The development application has been determined by Bega Valley Shire Council granting consent subject to the conditions specified below.

DEVELOPMENT APPLICATION	2023.299
APPLICANT	Austin McFarland Pty Ltd
LAND	Lot: 485 DP: 728071 and Lot: 388 DP: 750227
LOCATION	64 Culgoa Crescent PAMBULA BEACH
ZONE	R3 Medium Density Residential
PROPOSED DEVELOPMENT	Addition over existing classrooms and associated outdoor covered areas
DETERMINATION MADE ON	-
CONSENT TO OPERATE FROM	-
CONSENT TO LAPSE ON	-

development consent

Conditions of approval

1. Approved development plans

The Development shall take place in accordance with the following plans, specifications and reports, except as may be amended in red on the approved plans and by the following conditions.

Plan, Specification or Report	Plan Reference and Date
Site Plan prepared by Austin McFarland Architects	DA01 Revision A dated 11/10/2023
Proposed Site Floor Plan Ground Floor (Site Level 2) prepared by Austin McFarland Architects	DA03 Revision A dated 11/10/2023
Proposed Site Floor Plan First Floor (Site Level 3) prepared by Austin McFarland Architects	DA04 Revision A dated 11/10/2023
Detail Floor Plan – Ground Floor Plan (Site Level 2) - North prepared by Austin McFarland Architects	DA05 Revision A dated 11/10/2023
Detail Floor Plan – Ground Floor Plan (Site Level 2) - South prepared by Austin McFarland Architects	DA06 Revision A dated 11/10/2023
Detail Floor Plan – First Floor (Site Level 3) - North prepared by Austin McFarland Architects	DA07 Revision A dated 11/10/2023
Detail Floor Plan – First Floor (Site Level 3) - South prepared by Austin McFarland Architects	DA08 Revision A dated 11/10/2023
Detail Roof Plan – North prepared by Austin McFarland Architects	DA09 Revision A dated 11/10/2023
Detail Roof Plan – South prepared by Austin McFarland Architects	DA10 Revision A dated 11/10/2023
Proposed Cut and Fill Plan prepared by Austin McFarland Architects	DA11 Revision A dated 11/10/2023
Elevations prepared by Austin McFarland Architects	DA13 Revision B dated 31/5/2024
Sections – Sheet 1 prepared by Austin McFarland Architects	DA14 Revision B dated 11/10/2023
Sections – Sheet 2 prepared by Austin McFarland Architects	DA15 Revision A dated 11/10/2023
Elevations Without Screen prepared by Austin McFarland Architects	DA16 Revision A dated 31/5/2024
Proposed Construction Period Site Plan prepared by Austin McFarland Architects	DA17 Revision A dated 31/5/2024
Performance Based Bushfire Assessment Report prepared by SET Consultants	S0232103 dated 11 October 2023
Statement of Environmental Effects prepared by SET Consultants	S023103 dated 29 September 2023
Construction Environmental Management Plan – Final prepared by Umwelt	31433/RO1 dated July 2024

2. Signs

Signs are to be provided at the front of the property or in a prominent location, and shall contain the following details: -

- owner's name, lot number and street number
- a rural address number (when relevant) provided at the entrance of the property (eg. affixed to an entrance gate)
- must clearly identify the Principal Certifying Authority (PCA) and contact number
- that unauthorised entry to the work site is prohibited
- details of the Principal Contractor (i.e. the coordinator of the building work).

3. Compliance with the Building Code of Australia

All building work shall be carried out in accordance with the provisions of the Building Code of Australia. A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant construction certificate.

Reason: To ensure the building work complies with the Building Code of Australia.

4. Student Numbers

Nothing in this consent authorises any additional students to be enrolled or staff to be employed as a consequence of the additional facilities approved under this development consent.

5. Section 100B Bush Fire Safety Authority

The applicant shall comply with the requirements of the NSW Rural Fire Service requirements dated 23 February 2024.

Note: The general terms of approval issued by the NSW Rural Fire Service are provided as an attachment to this development consent.

6. Building location

It is the owner's responsibility to ensure that the building is located on the correct block of land is located free of any easements/services and satisfies the necessary setbacks as specified by Council's Codes for Local Government Legislation.

Prior to issue of Construction Certificate (Building)

7. Section 7.11 or 7.12 contributions (formerly Section 94 and Section 94A)

Payment to Council of the following contributions pursuant to *Section 7.11 or 7.12* (formerly *Section 94 and Section 94A*) of the *Environmental Planning and Assessment Act* and *Bega Valley Section 94 and 94A Contributions Plan 2014*.

Contribution type	\$ Total	Allocation No.
Section 7.12 contribution	\$86,768.00	W5307.1651.1416

Indexation: Where the monetary contribution is not paid before the first anniversary of the date of this development consent, the contribution amount must be indexed between the date of the consent and the date of payment, in accordance with annual movements in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Statistician.

Time for payment: Deferred payments of contributions may be accepted in certain circumstances and will need to be secured by bank guarantee. Refer to the contributions plan for Council's policy on deferred payments.

8. **Access and Mobility**

Prior to the issue of a Construction Certificate, a suitably qualified access consultant shall prepare and submit to Council, a report confirming that the proposed works will satisfy the Building Code of Australia and AS1428- Design for Access and Mobility with respect to disabled access.

9. **Access and sanitary facilities in accordance with BCA and AS1428**

The plans shall demonstrate compliance for access of people with disabilities and must be provided in accordance with the requirements of the Building Code of Australia; relevant Australian Standards and with regard to the Disability Discrimination Act 1992.

Note: Disability Access to Premises Standards 2010 – As of May 2011, if access is provided to the extent covered by these standards, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

10. **Colour and materials schedule**

The construction materials shall match or complement those of the existing buildings. A detailed colour and building materials schedule shall be submitted to and approved by Council. The schedule shall include:

- a) External building finishes (including glazing treatments),
- b) A colour palette (including colour samples).

11. **Detailed landscape plan by landscape architect**

A detailed landscape plan shall be submitted to and approved by Council. The landscape plan shall be prepared by a qualified landscape architect and shall be consistent with Council's adopted Landscaping Guidelines.

12. **Details of earthworks**

The applicant shall submit full details of earthworks associated with construction of the development, including all proposed and existing ground levels and details of any proposed retaining structures for approval of Council.

13. **Certificate of compliance (building)**

A Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* must be obtained.

14. **Waste storage facilities**

Details of the type and location of any new waste storage facilities shall be submitted to Council for approval.

15. **Payment of Long Service Levy**

The payment of a long service levy is required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986*.

Proof of payment is to be submitted to Council.

The levy can be paid through the LSL Portal at www.longservice.nsw.gov.au

Note: The Long Service Levy is a State Government Levy, not a Council fee.

16. Structural Engineers details

The following details from a suitably qualified and insured Structural Engineer shall be submitted for assessment when applying for a Construction Certificate:

1. Footings;
2. Reinforced concrete slabs;
3. Retaining walls over 600mm in height;
4. Structural steelwork; and
5. Wall, subfloor bracing and tie-down requirements

Prior to construction work commencing

17. Construction certificate must be obtained

A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing. A construction certificate certifies that the provisions of Clauses 79A-79H of the *Environmental Planning and Assessment Amendment Regulations, 1998* have been satisfied, including compliance with the Building Code of Australia and conditions of development consent.

18. Construction Environmental Management Plan

Prior to the commencement of any construction or demolition activities, the applicant shall prepare a report demonstrating how the measures identified in Section 4.0, 5.0 6.0 and 7.0 of the Construction Environmental Management Plan prepared by Umwelt have been implemented. Copies of any documents created as a result of this process are to be provided to Council.

19. Appoint PCA

The person having the benefit of the Development Consent and a Construction Certificate shall:

- a) appoint a Principal Certifying Authority and notify Council of the appointment (if Council is not appointed), and
- b) notify Council of their intention to commence the erection of the building (at least 2 days' notice is required).

The Principal Certifying Authority shall determine when inspections and compliance certificates are required.

20. Removal of demolition materials

No demolition materials are to leave the site until Council Planning Services Coordinator has been provided with the following information for approval:

- a) a complete list of all destination sites approved to receive demolished materials, including locations of any materials containing asbestos;
- b) a report providing details as to how material will be transported, so there is no dust nuisance and/or material deposited along public roads;
- c) a transport route for cartage vehicles.

21. Demolition

- a) Two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Manager of Planning and Sustainability. Such written notice is to include:
 - The date when demolition will commence
 - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer
 - The licence number of the demolisher, and relevant WorkCover licenses (see minimum licensing requirements in (d) below)
 - Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$20 million.
- b) Demolition of buildings and structures must comply with all current and relevant Australian Standards.
- c) If the works require a construction certificate, work shall not commence until the Principal Certifying Authority (PCA) has inspected the site. Should the building to be demolished be found to be wholly or partly clad with or contain asbestos cement products, approval to commence demolition shall not be given until the PCA is satisfied that all measures are in place so as to comply with WorkCover's *Guide to Working with Asbestos*.

Note: A copy of this publication can be obtained from WorkCover Authority's website www.workcover.nsw.gov.au

- d) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover 'Demolition Licence' and a current WorkCover 'Class 2 (Restricted) Asbestos Licence'.
- e) In addition to the above provisions, any work carried out on asbestos cement products must be in accordance with those provisions relating to asbestos cement within the NSW Construction Safety Act 1912 Regulations 84A-J *Construction Work Involving Asbestos or Asbestos Cement 1983, as amended 1984*.
- g) No materials shall be burnt or buried onsite.

- h) Where practical, any building materials that are not being reused for the purpose of this development shall be disassembled in a manner that minimises damage and made available for reuse through local salvage operators.

22. Demolition – site safety fencing

Site fencing shall be erected to a minimum height of 1.8m (complying with WorkCover Guidelines) to exclude public access to the site throughout the demolition. The fencing must be erected before the commencement of any demolition work and shall be maintained at all times.

The site shall be maintained in a clean and orderly condition during demolition works.

Hoardings

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s), complying with WorkCover requirements must be obtained; including

- Payment to Council of a Public Land Use fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- Provision of a Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

23. Erosion and sediment control – less than 2,500m² site disturbance

Erosion and sedimentation control measures are to be applied during site development in accordance with Council's Guidelines as follows: -

- a) Erosion and sediment control measures shall be installed prior to the clearing of any site vegetation.
- b) Site clearing and disturbance shall be confined to the base area of the approved structure, sites of permanent access ways, and land extending a maximum of three (3) metres beyond the building envelope.
- c) Topsoil shall only be stripped from approved areas and stockpiled for re-use during site rehabilitation and landscaping.
- d) Uncontaminated runoff shall be intercepted and diverted around all disturbed areas.
- e) The capacity and effectiveness of erosion and sedimentation control measures shall be maintained at all times.
- f) All disturbed areas shall be progressively revegetated or stabilized to prevent erosion.
- g) Stormwater from roof areas shall be collected and linked to a Council approved disposal system immediately after completion of the roof.
- h) All disturbed areas shall be rendered erosion resistant by turfing, mulching, paving or otherwise suitably stabilized within thirty (30) days of completion and before erosion and sedimentation controls are removed.

24. Vegetation removal

No vegetation shall be removed or destroyed unless:

- a) identified on the approved plans, or

- b) required to comply with any other condition of this consent in relation to such matters as servicing or provision of Asset Protection Zones.

25. Protect trees during construction

Before starting any site works, all trees to be retained must be enclosed with protective fencing to prevent them being damaged during the construction period in accordance with Australian Standard 4970:2009 Protection of Trees on Development Sites.

During construction

26. Construction hours

Works shall be confined to normal working hours, being 7.00am to 6.00pm Mondays to Fridays and 8.00am to 5.00pm Saturdays, (no work on Sundays or Public Holidays) and in a manner so as not to cause a nuisance (by the generation of unreasonable noise or other activity) to the owners and/or residents of adjoining and adjacent properties.

Variations to these hours or days may be approved by the consent authority on a case by case basis.

27. Copy of plans onsite

The builder must at all times maintain on the job, a legible copy of the all the relevant plans and specifications bearing the stamp and development consent of Council.

28. Dust control requirements

During demolition works, dust emissions must be minimised so as not to result in a nuisance to nearby residents or result in a potential pollution incident. Adequate dust control measures must be provided prior to the works commencing and the measures and practices maintained to the satisfaction of Manager of Planning and Sustainability.

29. Construction noise and vibration – general

Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents. The relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.

30. Maintenance of site

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- d) During construction:
 - i) All vehicles entering or leaving the site must have their loads covered, and
 - ii) All vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- e) At the completion of the works, the work site must be left clear of waste and debris.

31. Maintain control measures at or above design capacity

All sediment control measures must be maintained at, or above their design capacity.

32. Earthworks, retaining walls and structural support

- a) Any earthworks (including any structural support or other related structure for the purposes of the development):
 - i) Must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - ii) Must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - iii) That is fill brought to the site – must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
 - iv) That is excavated soil to be removed from the site – must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.
- b) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-643-785442) published in July 2012 by Safe Work Australia.

33. Drainage connections

Roof storm water is to be disposed of into the existing stormwater drainage system to the satisfaction of council.

Any roof storm water and surface water from driveways and car parking area to be conveyed to the street water table.

34. Support and protection for neighbouring buildings

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of Clause 98E of the *Environmental Planning and Assessment Regulation 2000*, including:

- (a) protect and support the adjoining premises from possible damage from excavation, and
- (b) where necessary, underpin adjoining premises to prevent any such damage.

The condition does not apply if the person having benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Compliance with the requirements of WorkCover NSW is required and a copy of such requirements is to be submitted to the Principal Certifying Authority.

35. Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:

- (a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) Could cause damage to adjoining lands by falling objects, or

- (c) Involve the enclosure of a public place or part of a public place.

36. **Toilet facilities**

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- (a) Be a standard flushing toilet connected to a public sewer, or
- (b) Have an on-site effluent disposal system approved under the Local Government Act 1993, or
- (c) Be a temporary chemical closet approved under the Local Government Act 1993.

37. **Garbage receptacle**

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (2) The garbage receptacle must have a tightfitting lid and be suitable for the reception of food scraps and papers.

38. **Exhausts**

Any mechanical exhausts must not be ducted into a roof cavity. Any ductwork through a roof cavity is to be of non-combustible material.

39. **Wet areas**

The floors of wet areas shall be of an approved impervious material, properly graded and drained. The junctions of the floors with the walls shall be so treated as to prevent the penetration of moisture into the walls.

40. **Conceal pipework**

All waste pipes, stack work and vents to be concealed.

Prior to Occupation or Use

41. **Occupation Certificate must be obtained**

An **Occupation Certificate** must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 6.9 of the *Environmental Planning and Assessment Act 1997* have been satisfied.

If you have obtained an Occupation Certificate that only covers part of the development a further Occupation Certificate for the whole development must be obtained within 5 years of the partial Occupation Certificate being issued.

42. **Development finished in accordance with approved colour/materials schedule**

The development shall be finished in accordance with the approved colour and building materials schedule.

43. Landscape works completed

All landscape works shall be completed and maintained at all times in accordance with the approved landscape plan.

44. Fire safety upgrade

A Final Fire Safety Certificate must be issued for the building. As soon as practicable after a Final Fire Safety Certificate is issued, the owner of the building to which it relates must:

- a) provide a copy of the certificate (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- b) provide a copy of the certificate (together with a copy of the current fire safety schedule) is also prominently displayed in the building.

45. Revegetation of disturbed areas

Minimal site disturbance shall be caused to the site during construction works. Any disturbed areas are to be reinstated and revegetated to the satisfaction of Council.

46. Access from adjoining reserve

Nothing in this consent authorises access to the Site during construction activities from the adjoining public reserve or the storage of materials, stockpiles or waste receptacles.

Conditions of use / during occupation**47. Annual fire safety statement – essential fire safety – Class 2-9**

The owner of a building, to which an essential fire safety measure is applicable, shall provide Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

- a) deal with each essential fire safety measure in the building premises, and
- b) be given:
 - within 12 months after the last such statement was given, or
 - if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

Advisory notes*Biosecurity Act 2015*

All landowners should be aware of their General Biosecurity Duty under the provisions of the Biosecurity Act 2015 which states; *“any person who deals with biosecurity matter or a carrier and who knows, or ought reasonably to know, the biosecurity risk posed or likely to be posed by the*

biosecurity matter, carrier or dealing has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised”.

For information on Priority Weeds and the South East Regional Strategic Weed Management Plan contact Council’s Vegetation Management Team on 6499 2222.

Location of building

It is the owner’s responsibility to ensure that the building is located on the correct block of land is located free of any easements/services and satisfies the necessary setbacks as specified by Council’s Codes for Local Government Legislation.

Utility services

If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.

Existing structures

No approval of existing buildings or structures is granted or implied by this consent.

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.

National Parks and Wildlife Act

The developer’s attention is drawn to the requirements of the National Parks and Wildlife Act 1974 with respect to the conservation of Aboriginal archaeology.

As a landowner and/or developer you have a responsibility to not disturb or destroy any such item.

If any objects which are suspected of being Aboriginal, including human remains, are identified during development, the following procedure must be followed;

- Immediately cease all work at the particular location
- The find and the immediate area must not be unnecessarily disturbed
- The area of the find must be marked as a no-go area to ensure no inadvertent impacts occur
- Notify the Heritage NSW via the Environment Line on 131 555
- Not recommence any work at the particular location unless authorised in writing by Heritage NSW

Carparking calculations

Car parking requirements have been calculated on the basis of the specified use. Should any change of use be contemplated car parking requirements may need to be re-assessed.

Change of contact details

It is the applicant's responsibility to advise Council of any changes to contact details in a timely manner. Council will not be held responsible for any lost documents, delays or missed inspections if any of the details are in any way not up-to-date. Should duplicate documents be required they will incur an additional fee in this circumstance.

Telecommunications Act 1997 (Commonwealth)

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

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

Telstra's Network Integrity Team on Phone Number 1800 810 443.

Reasons for the Determination and Consideration of Community Views

- The proposed development, subject to the specified conditions, is consistent with the objectives of the applicable environmental planning instruments, being;
 - Bega Valley Local Environmental Plan 2013
 - State Environmental Planning Policy (Resilience and Hazards) 2021
 - State Environmental Planning Policy (Sustainable Buildings) 2022
 - State Environmental Planning Policy (Biodiversity and Conservation) 2021
 - State Environmental Planning Policy (Transport and Infrastructure) 2021
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality
- The proposed development, subject to specified conditions, will not result in unacceptable adverse impacts upon the natural or built environments
- The proposed development is a suitable and planned use of the site and its approval is in the public interest
- Any submission issues raised have been taken into account in the Assessment Report and where appropriate, conditions of consent have been included. Council has given due consideration to community views when making the decision to determine the application.

Reasons for conditions

The above conditions are in the public interest to reduce any potential environmental impact and to ensure the proposed development complies with:

- the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations
- any environmental planning instruments applying to the subject land
- Council's codes and policies

- *Section 94/94A Development Contribution Plan and Tree Preservation Order.*

Right of appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you, the applicant, the right to appeal to the Land and Environment Court. Section 8.10 of the Act specifies the time within which appeals may be made.

Section 8.7 of the *Environmental Planning and Assessment Act 1979* does not apply to the determination of a development application for local development that has been the subject of a Commission of Inquiry.

For the purposes only of Section 8.7 of the *Environmental planning and Assessment Act 1979*, if this consent is a deferred commencement consent under Section 4.16 of the Act, Council is deemed to have notified the applicant that Council is not satisfied as to the deferred commencement conditions after 28 days from the date the applicant has provided the applicant's evidence.

Review of determination

Section 8.2 of the *Environmental Planning and Assessment Act 1979* gives you, the applicant, the right to request the Council to review the determination of your application. This request must be made within sufficient time so as to allow Council to determine the application within the time prescribed by Section 8.3 and be accompanied by the fee prescribed by Section 257 of the *Environmental Planning and Assessment Regulation 2000*. Review provisions do not apply to a determination:

- a) to issue or refuse to issue a complying development certificate, or
- b) in respect of designated development, or
- c) in respect of integrated development, or
- d) made by the Council under Section 116E in respect of an application by the Crown.

Mark Fowler

Planning Services Coordinator
FOR BEGA VALLEY SHIRE COUNCIL

Bega Valley Shire Council
PO Box 492
BEGA NSW 2550

Your reference: (CNR-64729) 2023.299
Our reference: DA20240118000241-Original-1

ATTENTION: Michael Brewer

Date: Friday 23 February 2024

Dear Sir/Madam,

Integrated Development Application

s100B - SFPP - School

64 CULGOA CRESCENT PAMBULA BEACH 2549, 388//DP750227, 485//DP728071

I refer to your correspondence dated 19/01/2024 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

General Conditions

1. The development proposal is to generally comply with the following plans/documents except where amended by the conditions of this Bush Fire Safety Authority.

- The plan titled "For Development Application" Rev A. Dated 11/10/2023. Drawn by Austin McFarland Architects.
- The bush fire assessment prepared PERFORMANCE BASED BUSHFIRE ASSESSMENT REPORT, prepared by SET Consultants Pty Ltd, ref S023103. Dated 11 October 2023.

2. Compliance with Specification 43 provisions for S43C14 Vehicular access of NCC 2022 is modified by RFS in condition 7 below, as a performance-based solution to allow suitable pedestrian access to serve as access for fire fighting on the northern and eastern elevations of the proposed development where the existing building footprint prevents prescriptive compliance with this requirement from being satisfied in accordance with the requirements of Part C3D5 (2a) Volume One BCA 2022 (S43C14 Vehicular access of NCC 2022), and Table 3 of Appendix B of Addendum 2022, of *Planning for Bush Fire Protection 2019*.

Asset Protection Zones

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

3. From the commencement of building works and in perpetuity, the entire property must be managed as an inner protection area in accordance with Appendix 4.1.1 of *Planning for Bush Fire Protection 2019*.

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

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

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

Construction Standards

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

4. New construction must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

Access - Internal Roads

The intent of measure is to provide safe operational access for emergency services personnel in suppressing a bush fire while residents are accessing or egressing an area.

5. Perimeter roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019* and the following:

- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- there are two-way sealed roads;
- minimum 8m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are to be located clear of parking areas;
- there are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

6. Non-perimeter roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019* and the following:

- minimum 5.5m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- there are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

7. Where vehicle access for fire fighting is restricted by the location of existing buildings (northern and eastern elevations of the proposed development) a minimum 1 metre wide pathway suitable for pedestrian traffic must be provided. This pathway must remain unobstructed at all times to provide access for fire fighting purposes.

Water and Utility Services

The intent of measure 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.

8. The provision of water, electricity and gas must comply with the following in accordance with Table 6.8c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419;
- hydrants are and not located within any road carriageway;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in *ISSC3 Guideline for Managing Vegetation Near Power Lines*.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

Note - as this development increases the "effective height" for the purpose of AS 2419 the certifying authority should be satisfied that the provisions for water supply are adequate for the new development.

Landscaping Assessment

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

9. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do no touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

Emergency and Evacuation Planning Assessment

The intent of measure is to provide suitable emergency and evacuation arrangements for occupants.

10. A Bush Fire Emergency Management and Evacuation Plan must be prepared, and/or reviewed if already in place, in accordance with Table 6.8d of Planning for Bush Fire Protection 2019 and be consistent with the following:

- The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan and include planning for the early relocation of occupants;
- Detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in AS 3745 'Planning for emergencies in facilities', are clearly displayed.

General Advice – Consent Authority to Note

A review of previous applications for this site suggest that there may be the potential to identify a suitable safe refuge on site. As part of the review of Bush Fire Emergency Management and Evacuation Plans facility managers should seek to identify a safe refuge that provides a radiant heat threshold of no greater than 10kW/m² and a minimum BAL 12.5 construction as described in Section 6.4 of *Planning for Bush Fire Protection 2019*.

For any queries regarding this correspondence, please contact David Webster on 1300 NSW RFS.

Yours sincerely,

Michael Gray
Manager Planning & Environment Services
Built & Natural Environment

BUSH FIRE SAFETY AUTHORITY

SFPP – School

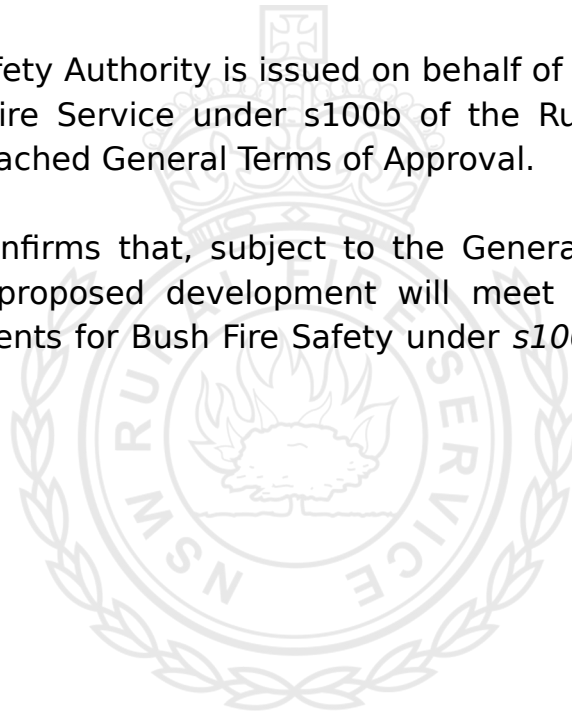
64 CULGOA CRESCENT PAMBULA BEACH 2549, 388//DP750227, 485//DP728071

RFS Reference: DA20240118000241-Original-1

Your Reference: (CNR-64729) 2023.299

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.



Michael Gray

**Manager Planning & Environment Services
Built & Natural Environment**

Friday 23 February 2024