



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

issued under the *Environmental Planning and Assessment Act 1979* Section 4.18

Development Application No.

0419/19DA

Applicant:

PETERSEN CONSULTING GROUP
6 WHITE BLUFF ROAD
SAPPHIRE BEACH NSW 2450

Land to be developed:

Lot 21 DP 20607, Lot 20 DP 20607, Lot 1 Sec 23 DP 19360, CHURCH 2 FOURTH AVENUE SAWTELL NSW 2452

Proposed development

Multi-dwelling Housing (8 units) and Strata Subdivision, including demolition of existing dwelling, consolidation and re-subdivision of land

Date of determination

14 May 2020

Determination

Consent granted subject to the attached conditions

Consent to operate from

14 May 2020

Consent to lapse on

14 May 2025

Other approvals

Nil

Except as otherwise provided in this consent, the development is to be carried out in accordance with the proposals described in this development application.

The conditions of this consent have been determined by Council following consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979, the Building Code of Australia and Council's Policies and Guidelines as are of relevance to this development proposal.

Signed

On behalf of the consent authority

Tim Smith
Section Leader Development Assessment

cwl

Per:
29 May 2020

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Right of review

For a determination other than for designated development or for integrated development, you are entitled to request reconsideration of this determination under Section 8.2 of the Environmental Planning and Assessment Act, 1979. The request for review of the determination must be made to Council in writing and is to be accompanied by the fee as prescribed under Clause 257 of the Environmental Planning and Assessment Regulation 2000.

The request for a review may be made at any time:

- a) *prior to the time limited for the making of an appeal under Section 8.7 expires, if no such appeal is made against the determination, or*
- b) *prior to an appeal under Section 8.7 against the determination is disposed of by the Court, if such an appeal is made against the determination.*

It is recommended that you discuss any request for a review of the determination with Council staff before lodging such a request.

Right of appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court.

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ADMINISTRATIVE CONDITIONS

Development Description:

1. Development consent is granted only to carrying out the development described in detail below:
 - ***Multi-dwelling Housing (8 units) and Strata Subdivision, including demolition of existing dwelling, consolidation and re-subdivision of land into two (2) lots***

Prescribed Conditions:

2. The proponent shall comply with the prescribed conditions of development approval under Clauses 97A, 98, 98A - E of Environmental Planning and Assessment Regulation 2000 as are of relevance to this development.

Development is to be in accordance with approved plans:

3. The development is to be implemented in accordance with the plans set out in the following table except where modified by any conditions of this consent (Development Consent No. 0419/19DA).

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Plan No.	Version	Prepared by	Dated
Site Plan	B	Casa Koala	04/12/2019
Lower Level Plan	B	Casa Koala	04/12/2019
Ground Level Plan	B	Casa Koala	04/12/2019
Level 1 Plan	B	Casa Koala	04/12/2019
Roof Plan	B	Casa Koala	04/12/2019
Elevations	B	Casa Koala	04/12/2019
Sections	B	Casa Koala	04/12/2019
External Finishes	-	Casa Koala	04/12/2019
Landscape Plan (site plan)	A	Garden Expressions Pty Ltd	20/11/2019
Planting Plan	A	Garden Expressions Pty Ltd	20/11/2019
Specifications & Detail	A	Garden Expressions Pty Ltd	20/11/2019
Proposed Subdivision of Lot 1	-	Newnham Karl Weir and Partners Pty Ltd	16/11/2018
Location Plan	-	Heinz Karl	-
Ground Floor	-	Heinz Karl	-
First Floor	-	Heinz Karl	-
Second Floor	-	Heinz Karl	-

In the event of any inconsistency between conditions of this development consent and the plans referred to above, the conditions of this development consent prevail.

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

Development in Accordance with Documents:

4. The development shall be undertaken in accordance with the following documents:
 - (1) Statement of Environmental Effects, prepared by Petersen Consulting Group and dated November 2018
 - (2) Aboriginal Cultural Heritage Assessment, prepared by Everick Heritage Consultants and dated October 2018
 - (3) Streamlined Biodiversity Development Assessment Report, prepared by Ecosure titled Sawtell Catholic Care of the Aged, 2 Fourth Avenue Sawtell, dated April 2020

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PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Construction Certificate:

5. No building work is to commence on site until a Construction Certificate has been issued for the work and Council has been notified that a Principal Certifying Authority has been appointed.

Note: Separate Construction Certificates are to be obtained for the **building works** and any **civil works**.

Road Design and Services:

6. The following works:
- (a) Half road construction, including kerb and gutter construction and replacement of the; existing field inlet pit along the frontage on Honeysuckle Street with a Kerb Inlet Pit;
 - (b) 1.5m wide pedestrian path along the full site frontage;
 - (c) Stormwater drainage, including detention and Water Sensitive Urban Design requirements; and
 - (d) Driveway and access works

shall be provided to serve the development with the works conforming with the standards and requirements set out in Council's Development Design and Construction specifications and relevant policies (Water Sensitive Urban Design).

Note:

(1) The driveway profile will need to be modified to ensure compliance with AS2890.1

Plans and specifications are to be submitted to Council and/or accredited private certifier and a separate **Civil Works Construction Certificate** issued **prior to the issue of a Construction Certificate for the building works**. Plan submissions are to be accompanied by payment of prescribed fee.

Plans and specifications submitted later than six (6) months from the date of development consent shall comply with Council's current specifications at a date six (6) months prior to submission.

All work is to be at the developer's cost.

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Car Parking Areas

7. Any modifications to the car parking layout as shown on the approved plans (Jim Booth DRG No. A2.01 Rev. B; Dated 04.12.2019) will require amended design plans, in accordance with the provisions of Australian Standard AS2890.1 'Parking Facilities: Off-street Parking' to be submitted to Council for approval **prior to the issue of the Construction Certificate.**

Street Tree Planting (Plan):

8. A plan is to be submitted to Council showing street tree planting, which has been prepared in accordance with the requirements of Council's "Street Tree Master Plan" and 'Draft Street Tree Planting Detail'. The plan must also utilise some of the species being removed from the site in order to mitigate impacts

The Plan shall be prepared by a qualified landscape architect or professional landscape consultant.

The Plan must show all services and planting detail in accordance with Council's minimum requirements; alternatively a higher standard may be considered for tree protection.

The Plan is to be approved by Council **prior to the issue of a Construction Certificate.**

Sedimentation and Erosion Control:

9. A Sedimentation and Erosion Control Plan and a Landscape Specifications Plan must be prepared and submitted to the consent authority prior to the issuing of the construction certificate. Physical development works must not commence until the consent authority has approved these plans

Retaining Works:

10. A construction certificate is required for retaining walls exceeding 600mm in height. Timber retaining walls exceeding 600mm in height are not to be permitted within 1 metre of the boundary.

Tree Protection Plan:

11. If there are any adjacent trees on honeysuckle street, a Tree Protection Plan prepared in accordance with Australian Standard AS 4970-2009 'Protection of Trees on Development Sites' being submitted to Council prior to the commencement of any works.

The Plan shall be prepared by a qualified Arborist and should identify all significant indigenous native trees, including all trees to be retained and removed. The Plan should also include a protection strategy for retained vegetation, amelioration measures if works are to be undertaken within the critical root zone and details relating to removal techniques.

Section 7.11 (formerly sec 94) Monetary Contributions:

12. Payment to Council of contributions, at the rate current at the time of payment, towards the provision of the following public services or facilities:

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- Note 1 -** The contributions are to be paid prior to release of any Construction Certificate unless other arrangements acceptable to Council are made.
- Note 2 -** The rates will be adjusted in accordance with the procedures set out in Council's Section 7.11 (formerly sec 94) Contributions Plans. The applicant is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually.
- Note 3 -** If the development is to be staged, contributions are to be paid on a pro rata basis in respect of each stage.

	\$ Per Unit
- Coordination and Administration	245.51
- Coffs Harbour Road Network	877.39
- Surf Rescue Facilities	142.40
- District Open Space	4,003.36

The Section 7.11 (formerly sec 94) contribution is currently \$31,611.96 for the 8 (large) unit development. This includes a two (2) lot credit.

Contributions have been imposed under the following plans:

- Coffs Harbour Open Space 2017
- Coffs Harbour Road Network 2016
- Surf Rescue Facilities 2019
- Coffs Harbour Administration Levy 2019
- Bonville Large Lot Residential Release Area 2017

The Contribution Plans may be inspected at the Council Customer Service Centre, 2 Castle Street, Coffs Harbour or on Council's web site, www.coffsharbour.nsw.gov.au
<<http://www.coffsharbour.nsw.gov.au>>

Water Management Act 2000:

13. **The Construction Certificate not being released** until a Certificate of Compliance pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 evidencing that adequate arrangements have been made for the provision of water and sewerage services to and within the development is produced to Council.

Tree Removal:

14. The vegetation described as being removed in Biodiversity Development Assessment Report prepared by Ecosure and dated 8 April 2020 is the only vegetation approved for removal.

Like for like credit retirement conditions - Ecosystem credit retirement conditions

15. Prior to issue of construction certificate, the class and number of ecosystem credits in the table below must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits in this condition may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator¹.

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Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this condition must be provided to the consent authority prior to issue of construction certificate

Ecosystem credits required to be retired - like for like

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development
751-Brush Box - Tuckeroo littoral rainforest on coastal headlands of the NSW North Coast Bioregion	5	Coffs Coast and Escarpment, Armidale Plateau, Chaelundi, Clarence Sandstones, Dalmorton, Ebor Basalts, Macleay Gorges, Macleay Hastings and Yuraygir. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	<i>Littoral Rainforest in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCT's: 670, 751, 910, 1534, 1536, 1537, 1832, 1833</i>

Note: Prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

Like for like credit retirement conditions - Species credit retirement conditions:

16. Prior to issue of construction certificate, the class and number of species credits in the table below must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits outlined in this condition may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator².

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of the table below requirements must be provided to the consent authority prior to issue of construction certificate.

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Species credits required to be retired - like for like

Impacted species credit species	Number of species credits	IBRA sub-region
Myotis macropus / Southern Myotis	5	Anywhere in NSW

Note: Prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

PRIOR TO COMMENCEMENT OF WORKS

Site Notice:

17. Prior to commencement of works a site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of the development details including but not limited to:
 - (1) Details of the Principal Contractor and Principal Certifying Authority for all stages of the development;
 - (2) The approved hours of work;
 - (3) The name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction noise complaints are to be displayed on the site notice; and
 - (4) To state that unauthorised entry to the site is not permitted.

Notice to be Given Prior to Commencement / Earthworks:

18. The Principal Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of earthworks on the site;

The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

Contact Telephone Number:

19. Prior to the commencement of the works for each stage of the development, the proponent shall forward to Council a 24 hour telephone number to be operated for the duration of the construction works.

Protective Fencing:

20. If there are any adjacent trees on honeysuckle street, temporary protective fencing shall be provided for all protected vegetation during the construction phase. The fence shall extend from the critical root zone or 5 metres from the perimeter of existing indigenous vegetation. Protective fencing shall be installed **prior to commencement of any works**.

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Sanitary Plumbing and Draining:

21. A separate application is to be made to Council by the licensed plumber and drainer prior to the commencement of any sanitary plumbing and drainage work on site.

Landscape Plan Modifications:

22. In order to mitigate impacts from the loss of native vegetation from the site, a revised landscape plan incorporating the following:
- (a) The plan must prioritise the use of species being removed from the site as described in the Biodiversity Development Assessment Report prepared by Ecosure and dated 8 April 2020
 - (b) Details shall be submitted to and approved by Council prior to the issue of a Construction Certificate.

The Plan must be prepared and certified by a qualified architect, landscape architect or professional landscape consultant. The Plan is to comply with Council's Landscaping Guidelines, and is to incorporate measures to ensure the maintenance and survival of the landscaping.

DURING CONSTRUCTION

Approved Plans to be On-Site:

23. A copy of the approved and certified plans, specifications and documents incorporating the conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Erosion and Sediment Control:

24. Where excavation works or removal of vegetation is to take place on the site, control measures in accordance with the document Managing Urban Stormwater - Soils & Construction Volume 1 (2004) by Landcom are to be undertaken at each appropriate construction stage to prevent erosion of soil.

Hours of Work:

25. Construction works are to be limited to the following hours:

Monday to Friday	7.00 am - 6.00 pm
Saturday	7.00 am - 1.00 pm if inaudible from adjoining residential properties otherwise 8.00 am - 1.00 pm

No construction work is to take place on Sunday and Public Holidays.

Dust Control Measures:

26. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

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- (1) All materials shall be stored or stockpiled at the best locations;
- (2) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that runoff occurs;
- (3) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other materials;
- (4) Cleaning of footpaths and roadways shall be carried out regularly; and
- (5) Rumble grids being installed at access points to the site.

Public Way to be Unobstructed:

27. The road reserve must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances unless approved by Council's Road and Open Spaces section.

Fill:

28. All fill is to be placed in accordance with the requirements of Council's Development Design and Construction Specifications and the approved Sediment and Erosion Control Plan.

Protection of Trees - Street Trees:

29. All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

Excavated Material:

30. Where excavated material is to leave the site it is to be disposed of at an approved landfill facility.

Alternatively, where it is proposed to dispose of the excavated material at another location no material is to leave the site until:

- (1) Council has been advised in writing of the destination site(s); and
- (2) Council has been advised of the quantity and makeup of the material; and
- (3) Council has issued written approval for disposal to the alternate location(s).

Note: The exportation of fill or soil from the site must be in accordance with the provisions of the Protection of the Environment Operations Act (POEO) 1997 and the Office of Environment and Heritage "*Waste Classification Guidelines*" and shall comply with the terms of any approval issued by Council.

Cultural Heritage:

31. In the event that future works during any stage of the development disturb Aboriginal Cultural materials, works at or adjacent to the material must stop immediately. Temporary fencing must be erected around the area and the material must be identified by an independent and appropriately qualified archaeological consultant. The Office of Environment and Heritage (OEH), Northern Aboriginal Heritage Unit and the Aboriginal

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Stakeholder groups must be informed. These groups are to advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of the OEH and Northern Aboriginal Heritage Unit and the Aboriginal Stakeholder groups.

Pre Clearing Procedures:

32. Clearing of vegetation on the development site is to be attended by a suitably equipped and experienced ecologist to catch and release displaced fauna. The ecologist will work in conjunction with the machinery operator to identify the most benign method of dislodging fauna and for felling trees. Any fauna rescued during vegetation clearance is to be assessed for injuries and, if unharmed, released into suitable nearby habitat. Fauna may be held for release until dusk in accordance with relevant animal ethics licensing and standards. If any fauna are injured during vegetation clearing they must be taken promptly for treatment to a nearby veterinarian or wildlife carer.

Protection of Drip Line:

33. The storage of any debris, materials or machinery is not to occur within the drip line of any protected vegetation.

Arborist Works:

34. Approved arborist works are to be conducted as per Australian Standard AS 4373-2007 "Pruning of Amenity Trees".

Protection of Trees On-Site:

35. All trees on site that are to be retained are to be suitably protected in accordance with Australian Standard AS 4970-2009 'Protection of Trees on Development Sites' by way of tree guards, barriers or other measures as necessary to protect root system, trunk and branches, during construction of any stage of the project.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

Occupation Certificate:

36. A person must not commence occupation or use of the new building **prior to obtaining an Occupation Certificate** from the Principal Certifying Authority

Road Design and Services:

37. The following works:
- (a) Half road construction, including kerb and gutter construction and replacement of the; existing field inlet pit along the frontage on Honeysuckle Street with a Kerb Inlet Pit;
 - (b) 1.5m wide pedestrian path along the full site frontage;
 - (c) Stormwater drainage, including detention and Water Sensitive Urban Design requirements; and
 - (d) Driveway and access works

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being provided to serve the development with the works conforming with the standards and requirements set out in Council's Development Design and Construction specifications and relevant policies (WSUD).

These works are to be completed **prior to the issue of an Occupation Certificate**.

All work is to be at the developer's cost.

Car Parking Spaces

38. 18 car parking spaces, including 2 visitor car parking spaces, as shown on the plan approved in accordance with this development consent being provided on the development site **prior to the issue of an Occupation Certificate**.

All car parking and manoeuvring areas being constructed in accordance with the provisions of Australian Standard AS 2890.1 "Parking Facilities: Off-Street Car Parking".

Retaining Works:

39. Any excavation or fill, regardless of height must be suitably retained or stabilised **prior to the issue of an Occupation Certificate**.

BASIX:

40. All of the commitments listed in each relevant BASIX Certificate for the development being fulfilled **prior to the issue of an Occupation Certificate**.

Rainwater Tanks:

41. A separate application being submitted to Coffs Harbour Water for assessment and registration of the proposed rain water tank(s) and associated plumbing works, prior to their installation. Evidence of registration is to be confirmed by the Principal Certifying Authority **prior to the issue of Occupation Certificate**.

Note: A testable backflow prevention device is required with underground water storage tanks.

Note: an application form may be downloaded from Council's web site www.coffsharbour.nsw.gov.au

Stormwater Management Certification:

42. **Prior to the issue of an Occupation Certificate or Subdivision Certificate for the Strata Subdivision (whichever occurs first)** the consultant design engineer / landscape architect shall issue a certificate to the Principal Certifying Authority to the effect that the stormwater treatment system has been installed and complies with the approved design.

Alternative Water Supply Connection to Sewer:

43. **Prior to the issue of an Occupation Certificate or Subdivision Certificate for the Strata Subdivision (whichever occurs first)**, the applicant is to install a water meter on the

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alternative water supply at the point before it enters the building. The meter is to be installed in a readily accessible location in compliance with Council's metering requirements and in such a way to enable sewer volume measurement for the alternative water supply. The applicant is to submit a completed Alternative Water Supply Agreement form to Council's Water Manager prior to the issue of an Occupation Certificate.

Work as Executed Plan:

44. **Prior to the issue of Occupation Certificate or Subdivision Certificate for the Strata Subdivision (whichever occurs first)**, a work as executed plan endorsed by a registered surveyor or consulting engineer (hard or digital format) in accordance with Council specifications and standard drawings, being submitted to Council certifying that:
- the civil works approved in accordance with Condition number "*insert condition number*" have been undertaken with any amendments shown in red on the approved plans;
 - all drainage lines, sewer lines, services, and structures are wholly contained within the relevant easement; and
 - the plans accurately reflect the work as executed.

Street Tree Plantings:

45. The planting proposed in the approved Street Tree Planting Plan is to be carried out to satisfaction of Council, prior to issue of a Subdivision Certificate for the strata subdivision unless other arrangements satisfactory to Council for completion at some other stage are made. This may include an agreement being reached with Council for the completion of work by Council.

The plantings are to be maintained for twelve (12) months in accordance with Council's Street Tree Master Plan to ensure successful establishment and development. A bond per tree is to be paid to Council **prior to the issue of Subdivision Certificate for the strata subdivision**. The bond will be returned at the end of the twelve month maintenance period provided that plantings have been established successfully. At the end of the maintenance period Council will replace plantings that have failed with the cost of this work taken from the bond.

Works as executed plans shall be provided to Council in Digital CAD or Arcview format for all street trees. The information shall be provided on disc **prior to the issue of the Subdivision Certificate**. Note, the current street tree bond as at 1 January 2019 is \$900.00 per tree and is subject to indexation at the CP/Sydney Index rate.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Part 4A Certificate:

46. Prior to the registration of the final subdivision plan at Land and Property Information NSW a Part 4A Certificate (Subdivision Certificate) shall be obtained from Council under section 109D(1)(d) of the *Environmental Planning and Assessment Act 1979*.

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Strata Plan:

47. The Subdivision Certificate for the strata plan not being released by Council prior to submission of a final works as executed plan prepared by a registered surveyor to clearly identify the boundaries of the individual lots, the utility lots and the common properties, easements, and services, as set out in the strata plan approved under this development consent.

Certification - Inspection requirements under Section 30 Strata Schemes (Freehold Development) Regulation 2012:

48. The **Subdivision Certificate for the strata plan not being released** until the Council or an Accredited Certifier issues a written certificate to the effect that:
- (i) The building and development common property areas around the building have been inspected by the relevant Council officer or Accredited Certifier; and
 - (ii) The floors, external walls and ceilings depicted in the proposed strata plan for the building correspond to those of the building as constructed; and
 - (iii) The floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the Construction Certificate for the building; and
 - (iv) Any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.

This certification is to accompany the application for Subdivision Certificate.

Stormwater Drainage:

49. Stormwater from the church is to be conveyed to the gutter **prior to the release of the Subdivision Certificate for the strata-subdivision.**

Drainage works on the public road are subject to separate application, fees, and approval from Council.

Surveyor Certification:

50. **Prior to the issue of a Subdivision Certificate for the strata-subdivision**, certification is to be provided to Council by a registered surveyor confirming that all infrastructure (including services, stormwater infrastructure and drainage paths, access) are contained within the respective lots or easements for the lands.

OPERATIONAL

Car Parking Management Plan:

51. A management plan shall be implemented and maintained to ensure vehicles are not required to stop and wait on the ramp (due to its grade) prior to the panel door to opening.

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Stormwater:

52. All stormwater management systems must be maintained in accordance with the approved stormwater plans.

Landscaping:

53. Landscaping is to be maintained in accordance with the approved plans at all times.

INTEGRATED TERMS OF APPROVAL CONDITIONS

Section 100B – Bushfire Safety Authority Rural Fires Act 1997

Asset Protection Zones:

54. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities:

55. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Design and Construction:

56. New construction shall comply with sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Landscaping:

57. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Certification – Bushfire Works:

58. Certification that the bushfire works required by Conditions 53 – 56 above shall be provided by a suitably qualified person **prior to the issue of the final subdivision certificate.**

ADVISORY NOTES

Commonwealth Environment Protection and Biodiversity Conservation Act 1999:

The commonwealth *Environment Protection and Biodiversity Conservation (EPBC) Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES); or commonwealth land, without an approval from the Commonwealth Environment Minister.

The application has been assessed in accordance with the NSW *Environmental Planning and Assessment Act 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponents responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and it should not be assumed that this grant of approval as notification that the Commonwealth Act does not have application. The Commonwealth Act may have application therefore advice should be obtained in relation to this matter. There are severe penalties for non-compliance with the commonwealth legislation.
