

CONDITIONS OF CONSENT:

Parameters of this Consent

1) Development is to be in accordance with approved plans

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

Plan No.	Description	Prepared by	Dated:
K1330/16 Sheet 1 of 7 Rev A	Existing Floor Plan	M.J. Kelly	June 2016
K1330/16 Sheet 2 of 7 Rev A	Elevations Plan	M.J. Kelly	June 2016
K1330/16 Sheet 3 of 7 Rev A	Proposed West Elevation Proposed Floor Plan	M.J. Kelly	June 2016
K1330/16 Sheet 4 of 7 Rev A	Site Plan, Elevation and Section	M.J. Kelly	June 2016
K1330/16 Sheet 5 of 7 Rev A	Proposed Upper Floor Plan	M.J. Kelly	June 2016
K1330/16 Sheet 6 of 7 Rev A	Floor Plan – Open Air Area Plan	M.J. Kelly	June 2016
K1330/16 Sheet 7 of 7 Rev A	Elevations – Open Air Area	M.J. Kelly	June 2016

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) 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.

3) **Erection of signs**

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

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

4) **Restricted Use of Treatment Rooms**

- a) Skin Penetration activities are not permitted within the treatment rooms with out prior approval of Council.
- b) The treatment rooms must not be used for any form of residential occupation.

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

5) **Existing building/s to be brought into compliance with fire safety provisions**

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 and the Fire Safety Up-Grade Assessment Report prepared by Dolphin Fire Engineering Consultants Pty Ltd and dated 28th March 2017 except for any openings within 3m of a boundary.

6) **Voluntary Planning Agreement**

Prior to the release of a construction certificate the developer shall enter into a Planning Agreement with Council and shall pay the amount required by the agreement. The planning agreement should be in the following terms, subject to the requirements

of the regulations and the standard clauses as required by the Development Contributions Practice notes 2005:

- a) The developer is to pay a monetary contribution of \$7,733.45 per car space or a fraction thereof for 15.3 car spaces for a total contribution of \$118,321.79.
- b) This rate is valid until 24 July 2017 at which time the amount may be increased in accordance with the consumer price index (CPI) all groups Sydney, as published by the Australian Bureau of Statistics.
- c) The payment would be required prior to the release of a construction certificate for the development.
- d) All costs of preparation of the VPA would be at the developer's expense up to a maximum of \$1500.
- e) Should Council by resolution adopt a lesser rate per car space than specified in item 1 prior to payment by the developer then the developer may pay the lesser rate per car space.

7) Section 94A Levy to be paid

Prior to the issue of a construction certificate the section 94A levy required by the Byron Developer Contributions Plan2012 shall be paid to Council.

The levy will be calculated as follows:

Levy payable = %C x \$C

Where: %C is the levy rate applicable as set out in the latest Ministerial Direction issued under section 94E.

\$C is the proposed cost of carrying out the development.

The rate of %C is:

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001–\$200,000	0.5 percent
More than \$200,000	1.0 percent

The cost of development shall be shall be calculated in accordance with clause 25J of the regulation. The Cost Summary Report (copy attached) as set out in schedule 2 of the Section 94A contributions plan shall be submitted to Council with the with the payment. Copies of Cost Summary Report are available at Council's main office or may be downloaded from <http://www.byron.nsw.gov.au/>

8) Water & Sewer – Section 68 Approval required

The development application sought concurrent approval under Section 68 of the Local Government Act 1993 for water and sewer works. The current design does not comply with Byron Shire Council Policy 4.20 as this has a large impact on the development footprint. The requirement of an 88B Instrument will also be required prior to issuing the approval.

A **Covering Letter** is required to be submitted to Council for the design to comply with Council's Policy 4.20.

The following additional information is required, please provide full hydraulic drawings for the following:

- Including details to demonstrate how the proposal complies with Policy 4.20;

- Demonstrate how the proposal complies with Food Premises and Equipment Standard 3.23, AS4674 and Liquid Trade Waste Regulation Guidelines. Confirm if a Commercial Food premise where food is prepared on site.

NOTE: The **Application Form** and **Fees** already paid are both still current, please ensure the Section 68 Water & Sewer Application number is noted in your covering letter.

NOTE: The plans must be in compliance with Council's DCP 2010 Part N and Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

9) 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.

The plans must be in compliance with the Northern Rivers Local Government Development Design and Construction Manuals, Byron Shire Council Comprehensive Guidelines for Stormwater Management and relevant Australian Standards. Refer to Council's website for copies of Council documents.

10) Flood Planning Level for new buildings

The flood planning level for this development is 5.56m A.H.D. The plans and specifications to accompany the construction certificate application are to indicate:

- a) a minimum floor level of 4.65m A.H.D for non-habitable building or room (eg. Shed, carport, garage, laundry, shelter, etc.); and
- b) the use of flood compatible materials and services below the flood planning level in accordance with the requirements of Council's Development Control Plan 2014 – Chapter C2 – Areas Affected by Flood; and

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

11) Bicycle parking required.

The application for a Construction Certificate is to include plans and specification that indicate on-site parking provision for 5 bicycles available for customers and employees.

The bicycle parking arrangements are to comply with the requirements of Council's Development Control Plan 2014 and AS 2890.3: Parking facilities, Part 3: Bicycle parking.

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

12) Details of mechanical plant design and acoustic treatment for building construction

The application for a Construction Certificate is to include detail of on-site mechanical plant design and any acoustic treatments for building construction as recommended in approved Noise Management Plan. Such plans and specifications must be approved as part of the application for a Construction Certificate for building works.

13) Details and specifications of pools and spas to be submitted for approval

The application for a Construction Certificate is to include plans and specifications for the pools and spas for approval prior to the issue of a construction certificate for the development.

14) A Preliminary Acid Sulfate Soil and Water Management Plan

An Acid Sulfate Soils and Water Management Plan must be submitted to, and approved by, Council / Certifier prior to the issue of a construction certificate. The plan should include:

- a) Identification of areas (and depths) of soil disturbance and acid drainage
- b) Bore logs and groundwater depth detected,
- c) Bunding and soil stockpiling requirements,
- d) Liming ratios,
- e) Leachate and excavation water management,
- f) Monitoring and testing program,
- g) Method of classification and disposal of soils to be removed from the site,
- h) Contingency measures.

The Plan must be prepared by a suitable qualified Environmental/Soil Scientist and in accordance with the Acid Sulfate Soil Manual (ASSMAC, 1998). The construction certificate must not be issued until this plan is approved.

15) Details of pool fence required

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

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

16) 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.

17) 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.

18) Garbage storage area to be provided

The application for a Construction Certificate is to include plans and specifications that indicate the proposed garbage store area. The proposed garbage store area is to be designed and constructed in accordance with the requirements of Chapter B8.3.3 of the Byron Shire Council Development Control Plan 2014. The enclosure must incorporate a concrete base with enclosure of suitable materials to provide adequate site and top screening and visual integration with the buildings and landscape treatment.

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

19) Access and facilities for disabled

The application for a Construction Certificate is to include plans and specifications that indicate access and facilities for persons with access disabilities to and within the development in accordance with AS 1428.1 - Design for Access and Mobility and Part D3 of the Building Code of Australia.

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

20) 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.longservice.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.

21) Site Waste Minimisation and Management Plan

Chapter 1: Part F of Byron Shire Development Control Plan 2010 (DCP 2010) aims to facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development. Prior to the issue of a Construction Certificate, a Site Waste Minimisation and Management Plan (SWMMP) must be submitted outlining measures to minimise and manage waste generated during demolition, construction and the ongoing operation and use of the development. The SWMMP must specify the proposed method of recycling or disposal and the waste management service provider.

A template is provided on Council's website to assist in providing this information (www.byron.nsw.gov.au/files/publications/swmmp_-_pro-forma-.doc)

22) Compliance required with Building Over Pipelines Policy

In all new subdivisions and/or developments an easement shall be provided for all pipelines including gravity sewer mains per Clause 3.4 of the Policy 4.20. Pursuant to Section 88B of the Conveyancing Act, 1919 an Instrument shall be prepared for each lot with creation of easement.

Swimming pools are classed as buildings and are required to comply with this policy.

The use of displacement and screw pile construction methods will require approval by Council.

Any brick / masonry fence crossing a sewer main must be supported over the sewer main will require approval by Council.

23) Commercial Swimming Pool Design

The swimming pool, including a spa, is subject to Public Health Act 2010 & Regulation 2012 requirements.

Water and sewerage load demands from the pool will be generated by top-up water requirements due to splash-out, evaporation, backwash water demand and backwash water discharged to sewer.

A letter of receipt will be issued on completion of:

- Provision of detailed design plans, including pump size/capacity, filter type/size/capacity, pipework diameters for the swimming pool and associated water management processes;
- The swimming pool is also subject to Trade Waste requirements.

24) 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.

25) 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 in accordance with NSW Office of Water Liquid Trade Waste Regulations Guidelines 2009, Council's Liquid Trade Waste Policy and Liquid Trade Waste Guidelines.

Commercial, business, trade and industrial activities discharging or proposing to discharge to the sewer are required to notify Council and complete the Trade Waste Registration Form available at the Mullumbimby Office and from Council's website at: http://www.byron.nsw.gov.au/files/publications/liquid_trade_waste_application_form_0.pdf

26) Certificate of Compliance – Water Management Act 2000

A Certificate of Compliance will be issued upon payment of developer charges for water and sewer as calculated in accordance with Byron Shire Council and Rous Water Development Servicing Plans.

Byron Shire Council acts as Rous Water's agent in this matter and will issue a Certificate of Compliance on behalf of Rous Water upon payment of the Rous Water Development Servicing Charge to this Council.

Note: Copies of the application forms for Certificates of Compliance are available on Council's website

http://www.byron.nsw.gov.au/files/Forms/Section_305_Certificate.pdf or from Council's Administration Office. Copies of Byron Shire Council's Development Servicing Plans are available at Council's Administration Office.

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 by contacting Council's Principal Engineer Systems Planning, Water on 02 6626 7081. Applicable charges can be found on Council's website: <http://www.byron.nsw.gov.au/development-contributions-plans-section-94-and-64>

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.

Payment by Personal or Company Cheque will not be Accepted

27) Building colours

The application for a Construction Certificate is to include plans and specifications that indicate the proposed building colours are in accordance with the colours within the provisions of Section C1.4.5 of Council's Development Control Plan 2014. Please note that colours must be non-reflective.

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

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

28) Acid Sulfate Soil and Water Management Plan (if required)

Acid sulfate soil controls must be in place in accordance with the approved Acid Sulfate Soils and Water Management Plan.

29) Erosion & sediment measures

Erosion and sedimentation controls are to be in place in accordance with the *Guidelines for Erosion & Sediment Control on Building Sites*. A summary of these guidelines is attached. A full copy may be downloaded from Council's web site at www.byron.nsw.gov.au.

The following conditions are to be complied with during construction

30) Acid Sulfate Soil and Water Management Plan (if required)

Acid sulfate soils must be managed and disposed of in accordance with the approved Acid Sulfate Soils and Water Management Plan. A copy of this Plan must be kept on the property at all times during construction and made available to any person.

31) 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.

32) 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.

33) 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.

34) 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.

35) Demolition

Any required demolition works must be undertaken in accordance with the relevant requirements of Australian Standard AS 2601–1991: The Demolition of Structures published by Standards Australia, and the WorkCover Authority of NSW

36) WorkCover Authority

All works must be undertaken in accordance with the requirements of the WorkCover Authority.

37) Removal of asbestos, lead and other wastes

All wastes are to be handled and disposed of in accordance with the requirements of the Work Cover Authority. The applicant/owner is to produce documentary evidence that this condition has been met. Wastes must be disposed of at a Licensed Waste Facility. All wastes removed from the site must be managed and disposed of in accordance with *NSW DECC Waste Classification Guidelines (2008)*

www.environment.nsw.gov.au/resources/waste/08202classifyingwaste.pdf

38) Maintenance of sediment and erosion control measures

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

39) 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.

40) Stormwater drainage work

Stormwater shall be collected and disposed of in a controlled manner. The point of disposal shall be to the kerb and gutter via a suitably manufactured kerb adaptor. Drainage lines within the road reserve must be sewer class or other approved equivalent. All drainage works are to be installed by a suitably qualified person and in accordance with the requirements of AS/NZS 3500.3:2003 - Plumbing and drainage, Part 3: Stormwater drainage.

41) Food safety – design and construction

- a) The food premises must be designed and constructed to comply with Food Safety Standard 3.2.3 Food Premises and Equipment of the Food Standards Code.

Note: Requirements of Australian Standard AS4674 – 2004 “Design, construction and fit-out of food premises” and NSW Food Authority “Food premises – Design, construction and fit-out guide” to be considered to achieve the necessary construction standards for the food premises.

- b) The applicant must arrange for an inspection of the food premises to assess compliance with Food Safety Standard 3.2.2 Food Safety Practices and General Requirements and Food Safety Standard 3.2.3 Food Premises and Equipment of the Food Standards Code prior to operating the food business.
- c) Payment for the inspection at b) above will be levied in accordance with Council's fees and charges and must be paid to Council.

Note: Inspections are available on business days and must be arranged at least three working days prior to the inspection occurring by telephoning (02) 6626 7054.

42) Food safety

The food premises must be operated and maintained to comply with the NSW Food Act 2003 and Food Standard Code.

Note: Most food businesses that sell food in NSW must officially notify food standards enforcement agencies of their food business details. To notify business details visit <http://www.foodnotify.nsw.gov.au>

The following conditions are to be complied with prior commencing operations

43) Mechanical ventilation

Mechanical ventilation is required and must comply with Clause F4.12 of the *Building Code of Australia* and *Australian Standard AS 1668 Parts 1 & 2*. Prior to commencing operations the operator must provide a report certified by a mechanical ventilation engineer indicating compliance. In particular, air capture velocities and air exhaust rates must comply.

The following conditions are to be complied with prior to issue of a Final Occupation Certificate

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

All of the works indicated on the plans and approved by this consent, including any other consents that are necessary for the completion of this development, are to be completed and approved by the relevant consent authority/s prior to the issue of a Final Occupation Certificate.

Any Security bond paid for this application will be held until Council is satisfied that no further works are to be carried out that may result in damage to Councils road/footpath reserve.

45) Floor Levels – Certification for Flooding

Prior to the issue of an Occupation Certificate, a certificate from a registered surveyor must be submitted to the Principle Certifying Authority confirming the height of habitable and non-habitable floors. An Occupation Certificate must not be issued unless the floor levels are at or above the relevant flood planning levels.

46) Stormwater drainage – Certification of works

Stormwater must be collected and disposed of in a controlled manner in accordance with the approval granted to an application under Section 68 of the Local Government Act 1993. Certificate/s of Compliance and Work-As-Executed (WAE) plans for the stormwater works must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

Note: The certificate/s and WAE plans are to be in accordance with Council's Comprehensive Guidelines for Stormwater Management.

47) Access and facilities for persons with disabilities are to be provided

Access and facilities for persons with disabilities are to be provided in accordance with Part D3 of Building Code of Australia and AS 1428 - Design for Access and Mobility.

48) Certification required for acoustic attenuation

A suitably qualified acoustic consultant must certify that noise treatment measures for building construction and mechanical plant have been installed to achieve compliance with the requirements of recommendations contained in the approved Noise Management Plan. Certification must be submitted to Council prior to the issue of an Occupation Certificate.

49) Acid Sulfate Soil and Water Management Plan (if required)

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.

The following conditions are to be complied with at all times

50) Acid Sulfate Soil and Water Management Plan (if required)

The pool installer must certify to the Principle Certifying Authority that Acid Sulfate Soils Management Plan have been managed in accordance with the approved Acid Sulfate Soils and Water Management Plan. Documentary evidence must be provided confirming the destination of all Acid Sulfate Soils removed from the site.

51) Pool safety sign

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

52) Swimming pool discharge

Swimming pools must discharge or backwash to an overflow retention gully in accordance with AS/NZS 3500.2.2, Section 10.9 & Figure 10.2.

This work is exempt development in accordance with Councils Local Approvals Policy (2009), however, where it is not possible to discharge to an existing overflow retention gully; a new charged gully may be required. In such circumstances, an application under Section 68 of the Local Government Act is required.

53) Swimming pool pump location

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

54) Swimming pool health requirements

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

55) The *Public Health Act 2010 and Public Health Regulation 2012*

At all times operation of the development must be in accordance with the *Public Health Act 2010 and Public Health Regulation 2012*

56) Regular Water Quality Testing

A water quality monitoring program must be created in accordance with the Public Swimming Pool and Spa Advisory Document prepared by the NSW Health Department by a suitably qualified person. Regular water testing is to undertaken in accordance with the program at a NATA accredited laboratory. Results of testing must be held on site and made available to any person.

57) New South Wales Food Act 2003 and Food Regulation 2015

The development must be operated and maintained to ensure that the requirements of the *Food Act 2003 and Food Regulation 2015* (incorporating *Food Standard Code*) are satisfied at all times. Access to the *Food Standard Code* is available at <http://www.foodstandards.gov.au>. The operator is required to ensure that the business is registered with the NSW Food Authority. Notification may be carried out or updated when required at <http://www.foodnotify.nsw.gov.au>.

58) Servicing of Trade Waste Devices

All trade waste pre-treatment devices must be serviced and maintained to ensure that all relevant environment protection standards are satisfied.

59) Noise Management

At all times the development must be operated in accordance with the approved Noise Management Plan. A copy must be kept in a prominent position within the development and presented to staff during a formal induction.

60) Work Health & Safety

The operator of the Rural Industries Food Precinct shall comply with the Work Health and Safety Act 2011 statutory requirements. Staff shall be provided with adequate toilet and washing facilities.

61) Smoke free Environment

The Rural Industries Food Precinct shall comply with the provisions of the NSW Smoke-free Environment Amendment Act 2004.

62) Must not interfere with the amenity of the neighbourhood

The use of the restaurant must not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. In particular:

- a) The noise level emanating from the use of the premises must comply with the New South Wales Industrial Noise Policy. All sources of noise and vibration must be effectively managed so as not to be intrusive or 'offensive' within the nearest residential properties.
- b) Only clean and unpolluted water is permitted to be discharged to Councils' stormwater drainage system or any waters.
- c) All wastes shall be contained within appropriate containers fitted with a tight-fitting vermin-proof lid.
- d) All trade waste pre-treatment devices and other waste storage facilities shall be serviced and maintained to ensure that all relevant environment protection standards are satisfied.
- e) Goods deliveries to be restricted to daytime operating hours.

63) Swimming pool discharge

Swimming pool's discharge for waste water is to be in accordance with AS/NZS 3500.2.2, Section 10.9 & Figure 10.2.

64) Swimming Pool controlled discharge rate

The maximum allowable flow rate of filtered backwash water into the sewer is 0.45 L/s.

65) Restricted hours of operation

The hours of operation are restricted to the following:

Monday to Friday – 7a.m. to 6p.m.

Saturday, Sunday and Public Holidays – 8a.m. to 5p.m.

Any alteration to the above hours of operation will require the further consent of Council.

Notes

Construction Certificate required:

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

Occupation Certificate required:

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

Signs require consent:

Council's Planning Instruments requires development consent for most forms of advertising signs and structures. The Council has adopted a policy relating to outdoor advertising that sets out standards for various forms of advertising. Information is available from Council's Local Approvals Branch.

Disability Discrimination Act:

All development other than domestic construction must meet the provisions of the Disability Discrimination Act 1992 under which civil action may be taken if access for people with disabilities is denied or provided in a discriminatory way.

Principal Certifying Authority:

Work must not commence until the applicant has:-
appointed a Principal Certifying Authority (if the Council is not the PCA); and
given the Council at least two days notice of their intention to commence the erection of the building. Notice must be given by using the prescribed 'Form 7'.
notified the Principal Certifying Authority of the Compliance with Part 6 of the Home Building Act 1989.

Protection of the Environment Operations Act 1997:

It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ("on-the-spot fine") or prosecution.

Penalties apply for failure to comply with development consents

Failure to comply with conditions of development consent may lead to an on the spot fine (generally \$600) being issued pursuant to section 127A of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 125 of the Environmental Planning & Assessment Act 1979.

Water payments under the Water Management Act 2000

Charges will be calculated based on the additional water and sewerage load that the proposed development generates, shown in Equivalent Tenements (ET) by the following table:

ADDITIONAL WATER & SEWER LOAD OF DEVELOPMENT
(ET Policy No:13/005)

Water	3.66 ET
Sewer	4.35 ET

NB: Information regarding Development Servicing charges can be found on the Byron Shire Council website (<http://www.byron.nsw.gov.au/development-contributions-plans-section-94-and-64>). These charges will enable you to calculate the total contribution charges payable when you are ready to pay them. Developer charges will be calculated in accordance with the Development Servicing Plan applicable at the date of payment.

Reasons

- To ensure access for people with access disabilities.
- To comply with the provisions of Byron L.E.P. 2014.
- To protect the environment.
- To preserve the amenity of the area.
- To ensure adequacy of services to the development.
- To ensure public health and safety.
- To ensure compliance with Section 68 of the Local Government Act 1993.
- To provide adequate off street parking space for the anticipated traffic that will be generated by the development.
- To ensure the development is completed in accordance with conditions of consent and approved plans.
- To ensure adequate access to and from the development.
- To ensure that appropriate landscaping is provided.
- To provide funds for the provision of services and facilities as required by the increased activity.
- To ensure adequacy of services.
- To ensure compliance with engineering standards.