

CONDITIONS OF DEFERRED COMMENCEMENT CONSENT:

Schedule A - Deferred consent condition pursuant to Section 4.16(3)

- A. *The following condition concerns matters as to which Council must be satisfied before the consent can be issued:*

Deferred Commencement – Registration of Subdivision

This consent does not operate until Council is satisfied that the plan of subdivision of Lot 3 Section 52 DP 758207 and Proposed Lot 1 in a Subdivision of Lot 1 DP 1098133 and Lot 4730 DP 1228112 approved by development consent 10.2018.73.1 has been registered and associated titles issued by NSW Land Registry Services (or their successors).

In satisfying Council as to the above Council must be furnished with a copy of the registered plan of subdivision for development consent 10.2018.73.1 and a title search confirming creation of proposed lot 1.

Evidence of compliance with the above condition(s), sufficient to satisfy the Council as to those matters, must be provided within 12 months of this notice. If satisfactory evidence is produced in accordance with this requirement, the Council will give notice to the applicant of the date from which the consent operates.

Schedule B - conditions of consent pursuant to section 4.17 (1)

Upon satisfactory completion of the deferred commencement condition/s, the following conditions apply:

Parameters of 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:
DA1.00 (Rev 1)	Cover Sheet and perspective	Hayball Pty Ltd	30.10.2017
DA1.01 (Rev 1)	Existing conditions/ demolition	Hayball Pty Ltd	30.10.2017
DA1.03 (Rev 2)	Site plan	Hayball Pty Ltd	01.08.2018
DA1.04 (Rev 5)	Plan – Lower Ground	Hayball Pty Ltd	01.08.2018
DA1.05 (Rev 2)	Ground floor plan	Hayball Pty Ltd	01.08.2018
DA1.06 (Rev 2)	Level 1 plan	Hayball Pty Ltd	01.08.2018
DA1.07 (Rev 2)	Level 2 plan	Hayball Pty Ltd	01.08.2018
DA1.08 (Rev 3)	Roof	Hayball Pty Ltd	01.08.2018
DA1.09 (Rev 2)	Elevations 1	Hayball Pty Ltd	10.05.2018
DA1.10 (Rev 3)	Elevations 2	Hayball Pty Ltd	13.07.2018
DA1.11 (Rev 2)	Elevations 3	Hayball Pty Ltd	10.05.2018
DA1.12	Sections A & B	Hayball Pty Ltd	30.10.2017
DA1.13	Section C & D	Hayball Pty Ltd	30.10.2017
SK1-16117-SW1 (Rev D)	Building 1 & Courtyard Concept Stormwater Drainage Plan	Greg Alderson & Assoc.	12/07/2016
SK1-16117-SW2 (Rev D)	Building 2 Concept Stormwater Drainage Plan	Greg Alderson & Assoc.	07/07/2016

SK1-16117-SW3 (Rev D)	Concept Basement Drainage Plan	Greg Alderson & Assoc.	12/07/2016
SK1-16117-CO1 (Rev E)	Concept Driveway Layout Plan & Road Works	Greg Alderson & Assoc.	07/07/2016
SK1-16117-CO3 (Rev E)	Concept Civil Works and Manoeuvring Plan	Greg Alderson & Assoc.	07/07/2016

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. **Support for neighbouring buildings**

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made or builder must:

- a. Inform the neighbouring property owner immediately.
- b. Engage a structural engineer to determine any remedial works that may need to be undertaken.
- c. Preserve and protect the adjoining building from damage.
- d. If necessary, underpin and support the building in an approved manner.

3. **Bushfire safety measures**

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:

1. The development proposal is to comply with the layout identified on the drawing titled 'Site Plan' prepared by Hayball Pty Ltd, numbered Project No.1992.01 (Dwg No. DA 1.03 - Rev. 2), dated 1st August, 2018, except as modified by the following conditions.

ASSET PROTECTION ZONES

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

2. At the commencement of the development 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

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

3. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
4. Where the rear or most distant part of the building is greater than 70 metres from the nearest hydrant, a new hydrant is required to be installed as per Australian Standard AS 2419.1– 2005 'Fire Hydrant Installations'. Locations of fire hydrants are to be delineated by blue pavement markers offset 150mm from the centre of the road. The direction of offset

shall indicate on which side of the road the hydrant is located.

ACCESS

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

5. To aid in fire fighting activities, unobstructed pedestrian access to the northern portion of the property (between Building 1 and the northern boundary) shall be provided and is to be maintained at all times.

DESIGN AND CONSTRUCTION

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

6. Construction of Building 1 within 3-5 metres of the northern boundary (other than the roof) shall comply with Sections 3 and 9 (BAL FZ) of 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. Except for window frames, there shall be no flaming and no exposed timber.

Construction of the remainder of Building 1 (including the roof) shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bushfire-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', other than the southern elevation which shall comply with Sections 3 and 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bushfire-prone area' 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'.

7. Construction of Building 2 shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bushfire-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'.

8. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.

LANDSCAPING

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

4. Residential use

This development consent allows only for the purposes of residential flat buildings. Nothing within this development consent allows for the development to be used as tourist and visitor accommodation.

5. Access to rail corridor land

This development consent does not authorise any form of access onto any adjoining land within the rail corridor.

6. Limited tree removal

Removal of existing native trees from the site is limited to one tree being a Black She-Oak (*Allocasuarina littoralis*) located by survey at the centre rear of the property on plan number 3183A entitled *Plan of detailed survey* by Canty's Surveyors dated 21 July 2015. All other native trees within the site are to be retained and protected.

7. **Signage**

Signage does not form part of this development consent.

8. **Fencing**

Front boundary fencing adjacent to Shirley Street does not form part of this development consent. Side and rear fencing is not to exceed 1.8 metres in height.

9. **Common Television Antennae**

Each of the proposed buildings is have a common television antennae reception system to be available for all dwellings on site.

10. **Coastal erosion**

The development must cease if at any time the coastal erosion escarpment comes within 50 metres of any building associated with this development. The buildings and works used in connection with the development must be removed immediately to an approved location by the owner of the land. The owner must return the landform of the subject land to the predevelopment state and suitably revegetate the land.

In this condition coastal erosion escarpment means the landward limit of erosion in the dune system caused by storm waves.

Note: at the end of a storm the escarpment may be nearly vertical; as it dries out, the escarpment slumps to a typical slope of 1 vertical to 1.5 horizontal.

11. **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.

12. **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).

13. Notification of Home Building Act 1989 requirements

- (1) For the purposes of [section 80A](#) (11) of [the Act](#), the requirements of this [clause](#) are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the [Home Building Act 1989](#).
- (2) Residential building work within the meaning of the [Home Building Act 1989](#) must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council [written notice](#) of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council [written notice](#) of the updated information.
- (4) This [clause](#) does not apply in relation to Crown building work that is certified, in accordance with Section 109R of [the Act](#), to comply with the technical provisions of the State's building laws.

14. No Interference with the amenity of the neighbourhood

The use of the development 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 development must comply with the New South Wales Industrial Noise Policy prepared by NSW EPA 2000.
- b) Only clean and unpolluted water is permitted to be discharged to Councils' stormwater drainage system or any waters.
- c) All wastes must 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 must be serviced and maintained to ensure that all relevant environment protection standards are satisfied.

15. 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.

16. 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.

17. 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.

18. 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.

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

19. Previous development consent and existing use rights to be surrendered

Development Consent No.10.2016.55.1 granted on 15 December 2016 is to be surrendered; and existing use rights for the purposes of tourist and visitor accommodation is to be surrendered.

This must be in the form of a written memorandum to Council from the owner of the subject property, in accordance with Clause 97 of the Environmental Planning and Assessment Regulation, 2000.

20. Amended plans

The plans approved as part of the construction certificate are to include the following amendments:

- a) a minimum 1.5m wide setback is to be provided between the outer edge of the Tree Protections Zones and proposed Building No.1 (Building No.1 is not to be moved closer than 6175 mm to the western lot boundary), and
- b) the proposed footpath and decking passing through the EEC area is to be relocated to a route on the western side of Building No.1.

21. Landscaping plan required

The application for a Construction Certificate is to include plans and specifications that indicate the landscaping of the site. Such landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions of Chapter B9 of Development Control Plan 2014. Species identified in Chapter B9 of Development Control Plan 2014 are to be planted wherever possible. The landscaping plan must indicate:

- a) proposed location for planted shrubs and trees
- b) botanical name of shrubs and trees to be planted
- c) mature height of trees to be planted
- d) location of grassed and paved areas, and
- e) location of trees identified for retention in the development application plans.
- f) The plan is to be prepared by a suitably qualified landscape architect / architect / ecologist who has appropriate experience and competence in landscaping.

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

Note: Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006.

22. Geotechnical Report required – Engineering Works

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

- a) the design of the civil engineering works, including retaining walls and/or cut & fill batters, has been assessed as structurally adequate,
- b) the civil engineering works will not be affected by landslip or subsidence either above or below the works;
- c) adequate drainage has been provided, and
- d) the design of the civil engineering works, including retaining walls and/or cut & fill batters, has been assessed as structurally adequate having regard to the operation of a railway corridor on the land adjoining to the north.

23. Universal design – Adaptable housing units

A minimum of two (2) dwellings are to be constructed as adaptable housing in accordance with AS4299 Adaptable Housing or alternatively a minimum of two [2] dwellings may be designed and accessed in accordance with AS1428.1 – Design for Access and Mobility – General Requirements for Access – New Buildings (for class 3, 5, 6, 7, 8 and 9 buildings).

24. Plans of retaining walls and drainage

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

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

25. Sediment and Erosion Control Management Plan required

The application for a Construction Certificate is to include plans and specifications that indicate

the measures to be employed to control erosion and loss of sediment from the site. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as filter fences and sedimentation basins.

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

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

26. On-site stormwater detention required

The application for a Construction Certificate is to include plans and specifications for stormwater drainage in accordance with the relevant Australian Standard. All stormwater drainage for the development must be conveyed via an on-site stormwater detention system by gravity to the kerb inlet pit on the street frontage, to Council Standards.

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

All stormwater drainage systems within the lot and the connection to a public or an inter-allotment drainage system must:

- (a) comply with any requirements for the disposal of stormwater drainage and on-site stormwater detention contained in Council's Development Control Plan, Stormwater Guideline and Local Approvals Policy; and
- (b) unless exempt from obtaining an approval under section 68 of the Local Government Act 1993 by a Local Approvals Policy, an approval must be obtained under that Act prior to issue of a Construction Certificate.

27. Stormwater Drainage – Infiltration Trench

The application for a Construction Certificate is to include plans and specifications for stormwater drainage in accordance with the relevant Australian Standard. All stormwater drainage for the development must be conveyed by a gravity system to an infiltration trench or trenches complying with the requirements of Council's *Comprehensive Guidelines for Stormwater Management*.

The infiltration trench or trenches must be designed by a qualified practising Civil Engineer to fully infiltrate the 20 year ARI runoff from all impervious areas of the proposed development for all storm durations without surcharge onto neighbouring properties. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

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

28. Consent required for works within the road reserve

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

Such plans are to be in accordance with Council's current Design & Construction Manuals and are to provide for the following works:

Driveway (residential areas)

A driveway(s) in accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

1.2 m wide footpath	1.2m wide foot paving for the full frontage of the site at a crossfall of 1 % or 1:100 (maximum 2.5% or 1 in 40).
Verge Reconstruction	Grading, trimming, topsoiling and turfing of the verge area where existing driveways are removed.
Adjustment of Services	Footpath works are to include the adjustment and/or relocation of services as necessary to the requirements of the appropriate service authorities and to ensure that the services are constructed flush with the finished surface levels.
Kerb & gutter, road pavement and drainage	Kerb and gutter to replace existing driveway laybacks, localised road pavement reprofiling and sealing at new driveway entrance, and associated drainage construction.

29. Public Safety Management Plan required

Consent from Council must be obtained for a Public Safety Management Plan for those works within the road reserve pursuant to Section 138 of the Roads Act 1993. This public safety management plan is to include provision for (but not be limited to):

- a) a pedestrian barrier, alternative footpaths and ramps as necessary;
- b) an awning sufficient to prevent any substance from, or in connection with, the work falling into the road reserve;
- c) lighting of the alternative footpath between sunset and sunrise;
- d) the loading and unloading of building materials;
- e) parking space for tradesman's vehicles, where such vehicles must be located near the site due to tools and equipment contain within the vehicle;
- f) Removal of any such hoarding, fence or awning as soon as the particular work has been completed.

30. Traffic Management Plan

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

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

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

31. Car parking layout, vehicle circulation and access plans required.

The application for a Construction Certificate is to include plans and specification that indicate

access, parking and manoeuvring details in accordance with the plans approved by this consent.

The access, parking and manoeuvring for the site is to comply with the requirements of AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking and AS 2890.2 – 2010 - Parking facilities, Part 2: Off-street commercial vehicle facilities. Plans are to include, but not be limited to, the following items:

- a) pavement design, comprising an all weather surface, such as asphalt, bitumen seal, concrete, pavers or other similar treatment;
- b) site conditions affecting the access;
- c) existing and design levels;
- d) longitudinal section from the road centreline to the car space(s);
- e) cross sections every 15 metres;
- f) drainage details;
- g) turning paths; and
- h) line marking and signage.

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

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

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

32. Compliance required with Building over Pipelines Policy

All developments must comply with Policy 4.20. Swimming pools and retaining walls are classed as buildings and are required to comply with this policy. All structures (including retaining wall piers) must be a minimum of 1.5 m from Council pipelines and take into account the design considerations detailed in Item 3.7 and Appendix B of the Policy. No buildings or structures may encroach on easements.

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

Any brick / masonry fence crossing a pipeline requires Council approval. The fence must be supported such that it does not cause loading on the pipes zone-of-influence.

33. 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.

34. 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

35. Public liability insurance cover required

The developer and/or contractor must produce evidence to the Principal Certifying Authority of public liability insurance cover for a minimum of \$10 million. Council is to be nominated as an interested party on the policy.

36. Section 88B Instrument

A Section 88B Instrument and one (1) copy are to be submitted with the application for a subdivision certificate. The final plan of subdivision and accompanying Section 88B Instrument are to provide for:

a) Sewer Easements

The creation of easements for drainage of sewage over all sewage pipelines and structures located within the proposed allotments in accordance with Council's Building over Pipelines Policy 4.20.

37. S.88E Public Positive Covenant to be placed on title – Coastal erosion

Documentary evidence is to be provided to the Principal Certifying Authority that a public positive covenant, pursuant to the provisions of S.88E of the Conveyancing Act, 1919, has been placed on the title to the land, the subject of this consent, stating:-

The development granted via development consent number 10.2017.678.1 must cease if at any time the coastal erosion escarpment comes within 50 metres of the building subject of the consent. The development the subject of this consent must be demolished and removed immediately. Further the landowner must suitably revegetate the land.

In this covenant coastal erosion escarpment means the landward limit of erosion in the dune system caused by storm waves.

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

38. Details of onsite mechanical plant design to be submitted for approval

Mechanical plant must be designed and installed to comply with noise criterion recommended in report entitled *Wollongbar Property PTY 17-21 Shirley Street Byron Bay Acoustic Assessment for Development* prepared by GHD dated December 2015. Details and specifications must be accompanied by an acoustic assessment report from a suitably qualified acoustic consultant and must be approved as part of the Construction Certificate for building works.

39. Details of Stormwater Treatment System

Application for a construction certificate must include a Maintenance Management Plan details and specifications for Stormwater Treatment System. The information must be prepared by a suitably qualified Engineer and submitted to Council for approval prior to the issue of construction certificate.

40. **Maintenance Management Plan for Stormwater Treatment System**
Application for a construction certificate must include a Maintenance Management Plan for Stormwater Treatment System. The MMP must be prepared by a suitably qualified contractor and submitted to Council for approval prior to the issue of construction certificate.
41. **Environmental Management Plan**
An Environmental Management Plan (EMP) must be submitted to Council for approval prior to the issue of the construction certificate for building works. The EMP must detail the methods that will be implemented for the whole project and:
- a) be prepared by a suitably qualified professional;
 - b) contain details of measures to be undertaken to ensure that construction works do not result in any off-site impacts, including those that could interfere with neighbourhood amenity;
 - c) include a Waste Management Strategy that details the management of building wastes created as a result of the construction including on-site storage and disposal of building wastes; and
 - d) include details of complaints handling process.
42. **Noise Management Plan**
A Noise Management Plan must be submitted to Council for approval prior to the issue of the construction certificate for building works. The Noise Management Plan must detail the methods that will be implemented for the whole project to minimise demolition and construction noise. Information must include:
- a) identification of nearby residences and other sensitive land uses;
 - b) assessment of expected noise impacts;
 - c) detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts;
 - d) strategies to promptly deal with and address noise complaints;
 - e) details of performance evaluating procedures (for example, noise monitoring or checking work practices and equipment);
 - f) procedures for notifying nearby residents of forthcoming works that are likely to produce noise impacts;
 - g) reference to relevant consent conditions; and
 - h) name and qualifications of person who prepared the report.
- Note: Refer to DECC's 'Interim Construction Noise Guideline' (2009) for more information (see <http://www.environment.nsw.gov.au/noise/constructnoise.htm>).
43. **Dilapidation Report**
The submission of a certified report from suitably qualified and practising geotechnical and structural engineers, certifying that the method of construction will not adversely impact/effect the structural integrity and support of the neighbouring buildings and associated private and public infrastructure within the zone of influence of the construction site. The report is to also address the current structural state of those buildings and infrastructure. The engineers are to be Corporate Members of the Institution of Engineers Australia.
44. **Dewatering Management Plan**
Prior to the issue of a construction certificate, the applicant must provide a Dewatering Management Plan. This Plan must include the following:
- a) copy of licence from the NSW Department of NSW Office of Water for the dewatering of excavations and any associated groundwater monitoring bores;
 - b) water quality criteria for waters to be discharged to the stormwater system, to be derived from ANZECC / ARMICANZ (2000) Fresh and Marine Water Quality Guidelines 95% species protection trigger levels for freshwaters, or similar.

Parameters to include, but not be limited to, pH, electrical conductivity, dissolved oxygen, total suspended solids, turbidity, ammonia, oxidised nitrogen (NOx), Total Nitrogen (TN), Filterable Reactive Phosphorus, Total Phosphorus, Total Petroleum Hydrocarbons, Benzene, toluene, ethyl benzene, xylene (BTEX), Polycyclic Aromatic Hydrocarbons (PAHs) and Aluminium;

- c) details of water sampling methodologies and frequencies for each parameter;
- d) details of disposal methods if water does not comply with above criteria;
- e) proposed location for the discharge of dewatering;
- f) estimated flow rates and how these rates were determined;
- g) details of proposed water monitoring including locations, methodologies and frequencies;
- h) details of water quality criteria for discharged waters;
- i) details of proposed water treatment prior to discharge to ensure compliance with the above water quality criteria, including those that are manual and automated;
- j) likely environmental effects and mitigation measures for each, including but not limited to noise and odour;
- k) details of a 24-hour contact person and telephone number for complaints;
- l) name and contact details, including a 24 hour contact number, of a suitably qualified person employed to oversee dewatering activities.

45. Groundwater Contingency Management Plan required

Application for a construction certificate is to include a Groundwater Contingency Management Plan. This Plan must take into account the findings any approved Dewatering Management Plan and must be prepared by a suitably qualified Environmental / Soil Scientist and approved as part of the Construction Certificate application.

46. Unexpected Findings Protocol - Contamination & Remediation

An Unexpected Findings Protocol (UFP) shall be prepared and submitted to Council for approval prior to the issue of Construction Certificate. The UFP shall be prepared by a suitable qualified person experienced in matters relating to Contamination of Land and Remediation, to the satisfaction of Council's Director of Planning, Development and Environment.

47. 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.

48. Site Waste Minimisation and Management Plan

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

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

49. **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.

50. **Building materials and colours to be specified**

The application for a Construction Certificate is to include plans and specifications that indicate the proposed building materials and colours consistent with the provisions of Development Control Plan 2014 – Chapter D2.2.3 - Character and Visual Impact.

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

51. **Detailed Tree Protection Plan**

A detailed report by a qualified Arborist having a minimum demonstrated qualification of AQF Level 5 is to be submitted and approved by Council to assess and report on any and all measures necessary to ensure that native trees and the *Littoral Rainforest* Endangered Ecological Community within and adjacent the site nominated to be retained by notation or condition as a requirement of the development consent are able to be retained in a healthy and vigorous condition for their full natural life-span in accordance with Australian Standard *AS4970-2009: Protection of Trees on Development Sites*.

Such report must include a checklist of necessary protection measures for each stage of the development to protect substantiated Tree Protection Zones and/or Structural Root Zones prior to and during excavation, construction and occupation of the site, including the provision of porous paving within the driveway entry to the site to protect the mature Norfolk Pine within the heritage-listed part of the adjacent Shirley Street road reserve.

52. **Compliance with BASIX Certificate requirements**

The development is to comply with Basix Certificate No. 874677M, dated 7/11/2017

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

The plans submitted must clearly indicate all windows numbered or identified in a manner that is consistent with the identification on the Basix Certificate.

Minor changes to the energy efficiency measures may be undertaken without the issue of any amendment under Section 96 of the Act, provided that the changes do not affect the form, shape or size of the building.

Proposed colours must be consistent with the provisions of Section D2.2.3 of Council's Development Control Plan 2014.

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

53. **Bond required to guarantee against damage to public land**

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

Such bond will be held until Council is satisfied that the infrastructure is maintained/repaired to pre development conditions and that no further work is to be carried out that may result in

damage to Council's roads, footpaths etc.

54. 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.

55. Developer Contributions to be paid

Contributions set out in the schedule at the end of this consent are to be paid to Council prior to the release of a construction certificate. Contributions are levied in accordance with the Byron Shire Developer Contributions Plan 2012 (as amended).

The Plan may be viewed on line at <http://www.byron.nsw.gov.au/> or during office hours at the Council Offices located at Station Street, Mullumbimby. These contributions are to fund public amenities and services as listed in the schedule. Additional details on the specific amenities are to be found in the Byron Shire Developer Contributions Plan 2012 (as amended).

The contributions in the schedule are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the **amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.** The schedule contains a date for which the schedule remains valid, after this date you will have to contact Council for an updated schedule.

PAYMENTS WILL ONLY BE ACCEPTED BY CASH OR BANK CHEQUE.

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

56. Public Safety Management Plan

The approved public safety management plan is to be implemented.

57. Traffic Management Plan

The approved traffic management plan is to be implemented.

58. Public safety requirements

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

59. Dilapidation Reports required

Prior to the commencement of any excavation works requiring rock drilling, blasting or breaking, a pre-construction Dilapidation Report is to be submitted to Council detailing the current condition of all adjoining buildings, infrastructure and roads.

A second Dilapidation Report shall be submitted to Council, prior to occupation of the building (whole or partial), to ascertain if any structural damage has occurred to any adjoining building, infrastructure or roads.

60. **Vibration Management Plan required**

Prior to the commencement of any excavation works requiring rock drilling, blasting or breaking on the site, a Vibration Management Plan prepared by a suitably qualified person shall be submitted to Council or Principal Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- a) Identification of the specific activities that will be carried out;
- b) Identification of all potentially affected sensitive receivers;
- c) Determination of appropriate vibration objectives for each identified sensitive receiver;
- d) Vibration monitoring, reporting and response procedures;
- e) Assessment of potential vibration from the proposed construction activities;
- f) Description of specific mitigation treatments, management methods and procedures that will be implemented to control vibration during construction;
- g) Procedures for notifying residents of construction activities that are likely to affect their amenity through vibration, and
- h) Contingency plans to be implemented in the event of non compliance and/or complaints.

61. **Erosion and Sediment Control Management Plan required**

Erosion and sedimentation controls are to be in place in accordance with the approved Erosion and Sediment Control Plan.

Sediment and erosion control measures in accordance with the approved Erosion and Sedimentation Control plan/s must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

Any such measures that are deemed to be necessary because of the local conditions must be maintained at all times until the site is made stable (i.e. by permanent vegetation cover or hard surface).

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

62. **Disconnection of existing water and sewer prior to demolition**

Existing water and sewer services must be located on site and be properly capped at the main by a licenced plumber. All water and sewer disconnections must be inspected by the Byron Shire Council inspectors prior to backfilling.

- If a property is demolished and no longer needs water supply and/or a sewerage service, a licensed plumber must disconnect the service at the main (also known as 'capping the service'). The plumber must also return the water meter to Council's inspector at the time of inspection.
- If your development involves consolidating lots and you don't need all the existing services, you must correctly disconnect them. This ensures that you aren't billed for unused services and helps avoid future hidden leaks.

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

63. **Plumbing Standards and requirements**

All Plumbing, Water Supply, Sewerage and Stormwater Works shall be installed in accordance with the Local Government Act 1993, Plumbers Code of Australia and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications. The changes made are from Plumbers and Drainage Regulation 2012 NSW Government.

- a) The licensee is to provide 24 hours notice and attend the site for the following **INSPECTIONS**, prior to covering of work. Inspections will be carried out a mutually

convenient time:

- i) Pre-start and Sediment Control;
- ii) Internal Drainage;
- iii) External Drainage;
- iv) Water Rough In;
- v) Fire Services;
- vi) Stackwork;
- vii) Final - all work completed. - * Note below.

- b) A licensee is required to provide to Council and owner of the property after completion of the work and within 48 hours, a Compliance Certificate and Sewer Services Diagram/ Works as Executed drawings.

Note: Council will send each plumber proformas of these documents when the Notice of Work permit has been issued by Council to allow the plumber to commence work.

64. Dewatering activities

Measures for dewatering activities must be in place as per the requirements of the approved Dewatering Management Plan, or as provided in writing by Council.

65. Notification of commencement of dewatering activities

Written notification must be made to Council's Environmental Services Team prior to the commencement of dewatering activities. Notification must include details of contact details for responsible party and nomination of a 24 hour contact person and 24 hour telephone number.

66. Public safety requirements

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

67. Site construction sign required

A sign or signs are to be erected at the frontage to the site that includes:

- The name and address and contact number of the Principal Certifying Authority
- The name and address and contact number of the builder or prime contractor, and
- The words "No unauthorised entry to site".

The sign is to be maintained until all works are completed. No sign is to have an area in excess of one (1) m².

68. Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a toilet connected to an accredited sewage management system approved by the Council.

69. Water service to be connected

A water service must be connected to the property using an approved backflow prevention device. It is the applicant's responsibility to engage a licensed plumber who shall liaise with council during this process.

Any new water service will be at the applicants cost.

The following conditions are to be complied with during any building or

construction works

70. Protection of Native Trees

All trees nominated to be retained by notation or condition as a requirement of the development consent shall be maintained and protected during demolition, excavation and construction on the site in accordance with *AS 4970-2009 – Protection of Trees on Development Sites*. High visibility traffic barrier fencing must be placed at the edge of substantiated Tree Protection Zones.

71. Protection of Norfolk Pine and EEC from disturbance

- (i) Site earthworks, excavation and/or clearing of native vegetation as part of any development consent from Council must not commence until the area proposed for retention of the Endangered Ecological Community and of individual native trees has been inspected by an Arborist having a minimum qualification of AQF Level 5 in accordance with the AS 4970-2009 - Protection of Trees on Development Sites to determine that protection measures as detailed within the approved Tree Protection Plan and sufficient to ensure longevity of retained trees are in place.
- (ii) Approval to proceed with excavation in the vicinity of retained trees in accordance with this section is only valid for the day on which the inspection has been undertaken.

72. 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.

73. Copies of Approved Plans

Copies of approved all approved plans must be kept in a prominent location on site where they can be easily accessed by construction and operational personnel.

74. Approved Environmental Plans must be implemented

All controls and measures must be maintained in accordance with the following approved plans:

- *Environmental Management Plan*
- *Noise Management Plan*
- *Groundwater Contingency Management Plan*
- *Dewatering Management Plan*
- *Unexpected Findings Protocol - Contamination & Remediation*

The applicant is required to ensure that the construction management and all construction staff must be made aware of their responsibility to abide by the plans.

75. Dewatering activities

- a) All controls and measures for dewatering activities must be maintained as per the requirements of the approved Dewatering Management Plan, or as provided in writing by Council.
- b) The dewatering plant shall be silenced to ensure that neighbourhood amenity is protected. Noise from all site activities should not be heard in a habitable room in a neighbour's residence between 8.00 pm and 7.00 am weekdays; and 8.00 pm to 8.00 am weekends and public holidays. All noise complaints from neighbours will be directed to a nominated contact number (24hr monitored) to be actioned and recorded on a log. Any complaints to Council about 'offensive' noise will be dealt with under the provisions of the Protection of the Environment Operations Act

1997.

- c) At all times the water quality being discharged into the stormwater drain (included in the definition of 'natural waters') must comply with ANZECC / ARMCANZ guidelines as specified in the approved Dewatering Management Plan. No discharge is permitted if any of the water quality fails to achieve the required minimum receiving water standard.
- d) No extracted water is permitted to be discharged into Council's public sewer system. If the extracted water quality deteriorates and / or not comply with ANZECC / ARMCANZ guidelines specified in the approved Dewatering Management Plan, all discharges from the site must cease.
- e) Copies of the above Plan must be kept on the property at all times and be made available to anyone who asks to see them.
- f) 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.

76. Dewatering of Excavations

Dewatering of excavations must be conducted in accordance with the approved dewatering plan. 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.

77. Support for neighbouring buildings

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a) must preserve and protect the adjoining building from damage;
- b) if necessary, must underpin and support the building in an approved manner;
- c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land, public road or any other public place is not to be held liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the public road, any other public place or the adjoining allotment of land.

78. Demolition/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.

79. Demolition/Construction Noise

Construction noise is to be limited as follows:

- a. For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

- b. For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A)

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

80. 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.

81. Fill to be retained on the subject land

If applicable, fill material must not encroach onto any adjoining land.

82. 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.

83. Removal of asbestos

All asbestos wastes associated with removal of the existing dwelling to be disposed of in accordance with the requirements of the Workcover Authority. The applicant/owner is to produce documentary evidence that this condition has been met.

Please note the Byron Resource Recovery Centre can not accept asbestos. You will need to arrange disposal at an alternate landfill site.

84. Demolition, construction and building wastes

All wastes, including asbestos and lead-contaminated wastes, associated with these works 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 (2014)*

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

85. All excavated soils to be disposed of off-site

All excavated soils to be disposed of off-site and in accordance with *NSW DECC Waste Classification Guidelines (2014)* and approved environmental management plans.

86. 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.

87. Stormwater drainage work

Stormwater drainage for the development shall be constructed in accordance with the approved plans and specification by a suitably qualified person.

88. WorkCover Authority

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

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

building

89. 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 including approvals issued under the Local Government Act 1993 and the Roads Act 1993, are to be completed and approved by the relevant consent authority/s prior to the issue of a Final Occupation Certificate.

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

90. On-site Stormwater Detention – Certification of works

All stormwater drainage works, including on-site stormwater detention works, for the development shall be constructed in accordance with the approved plans and specification prior to issue of an occupation certificate. 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.

The certificate/s and WAE plans are to be prepared by a suitably qualified engineer and must be in accordance with Council's Comprehensive Guidelines for Stormwater Management.

91. Sewer and water to be connected

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

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

92. Water meter to be connected to dwelling lot

A water meter must be connected to all residential allotments in the strata subdivision using an approved backflow prevention device. It is the applicant's responsibility to engage a licensed plumber who shall liaise with council during this process.

Any new water service and meter will be at the applicants cost.

93. Compliance with bushfire conditions

Documentary evidence from a suitably qualified professional is to be submitted demonstrating that the bush fire conditions of this Notice of Determination have been complied with.

94. Dewatering activities

The applicant must confirm in writing to the Principal Certifying Authority (PCA) that all works were carried out in accordance with the requirements of the approved Dewatering Management Plan, or as provided in writing by Council.

95. Mechanical plant noise attenuation

A suitably qualified acoustic consultant must certify that noise treatment measures have been constructed in order to achieve compliance with noise criterion recommended in report entitled *Wollongbar Property PTY 17-21 Shirley Street Byron Bay Acoustic Assessment for Development* prepared by GHD dated December 2015.

96. Certification required – Environmental Management Plans

The works engineer must certify to the Principal Certifying Authority that all works have been carried out in accordance with the approved Environmental Management Plans including:

- *Environmental Management Plan*
- *Noise Management Plan*
- *Groundwater Contingency Management Plan*
- *Dewatering Management Plan*
- *Unexpected Findings Protocol - Contamination & Remediation*

97. **External lighting installation**

To maintain safe access, adequate lighting must be provided between sunset and 12.00 PM. All external lighting must be installed in accordance with AS4282-1997: Control of the obtrusive effects of outdoor lighting.

98. **Dilapidation Report**

The submission of a certified report from suitably qualified and practising geotechnical and structural engineers, certifying what, if any, impacts/effects that the completed development has had on the neighbouring buildings and associated private and public infrastructure within the zone of influence of the construction site. The report is to also address what measures are to be implemented, and in what time frame, to rectify any such identified defects.

The engineers are to be Corporate Members of the Institution of Engineers Australia.

99. **Unexpected Findings Protocol - Contamination & Remediation**

The works engineer must certify to the Principal Certifying Authority that all works have been carried out in accordance with the approved Unexpected Findings Protocol (UFP).

The following conditions must be complied with prior to the issue of a strata subdivision certificate

100. **Strata Certificate application required**

An application for a Strata Certificate must be made on the approved form if lodged with Council. The Strata Certificate fees, in accordance with Council's adopted schedule of fees and charges, must accompany such application.

NOTE: The application MUST be one complete concise package addressing ALL conditions of consent relevant to the subdivision with a clear explanation how each condition has been complied with, together with supplying ALL the relevant information/documents/certificate and/or plans that is required by that condition. Failure to provide the abovementioned information in one package, will likely result in the application being refused or rejected and returned to you.

101. **Strata Plan**

The strata plan must be in accordance with the approved plan/s. A strata plan administration sheet (original plus one (1) copy), two (2) copies of the strata plan and any necessary section 88B instrument (original plus one (1) copy) are to be submitted with the application for a Strata Certificate if lodged with Council.

102. **Section 88B Instrument**

A Section 88B Instrument and one (1) copy are to be submitted with the application for a subdivision certificate. The final plan of subdivision and accompanying Section 88B Instrument are to provide for:

a) **Sewer Easements**

The creation of easements for drainage of sewage over all sewage pipelines and structures located within the proposed allotments in accordance with Council's policy.

b) Easement for Services

The creation of suitable easements for services where they are not created as common property.

103. Completion of Building Works

A final occupation certificate must be obtained for the building works approved by development consent 10.2017.678.1 prior to issue of the strata certificate. A copy of the final occupation certificate must be submitted with the application for the strata certificate.

104. Certificate for services within easements

The submission of a certificate from a registered surveyor certifying that all pipelines, structures, access driveways and/or services are located wholly within the relevant easements.

The following conditions are to be complied with at all times

105. Pool Safety Sign

The manager 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.

A pool resuscitation sign is to be installed in a conspicuous location within the pool area to the satisfaction of the Principle Certifying Authority.

106. 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.

107. Swimming Pool Fencing

Swimming pool fencing is to comply with the requirements of the Swimming Pool Act 1992 and Regulations at all times.

108. Landscaping and tree retention

All landscaping planted in accordance with the approved landscape plan is to be maintained regularly to control weed species and all trees to be retained must be protected at all times.

SCHEDULE 2 PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the Environmental Planning and Assessment Regulation apply as are of relevance to this application:

- | | |
|------------|--|
| Clause 98 | Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 |
| Clause 98A | Erection of signs |
| Clause 98B | Notification of Home Building Act 1989 requirements |
| Clause 98E | Condition relating to shoring and adequacy of adjoining property |

Refer to the NSW State legislation for full text of the clauses under Division 8A of the [Environmental](#)

[Planning and Assessment Regulation 2000](http://www.legislation.nsw.gov.au). This can be accessed at <http://www.legislation.nsw.gov.au>.

SCHEDULE 3 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

Principal Certifying Authority:

Work must not commence until the applicant has:-

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

Occupation Certificate required:

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

Protection of the Environment Operations Act 1997:

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

Civil Works

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

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 being issued pursuant to section 4.2(1) of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 9.50 of the Environmental Planning & Assessment Act 1979.

Plumbing Standards and requirements.

All Plumbing, Water Supply, Sewerage and Stormwater Works shall be installed in accordance with the Local Government Act 1993, Plumbers Code of Australia and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications. Any plumbing inspections required under a Section 68 Approval are to occur in accordance with that approval.

Swimming pool discharge (reticulated systems)

Swimming pool waste - irrespective of the filtering system is to be disposed into the property's drainage - sewerage system via an overflow relief gully with a 100mm visible air gap in accordance with AS/NZS 3500.2, Section 10.9 & Figure 10.2.

This activity is now an exempt activity and does not require approval under Section 68 of the Local

Government Act.

If however, site conditions prevent discharge through the existing gully and a new gully is required, this activity will require an approval under S68 before this work can commence.

Note also that this activity must be carried out by a licensed plumber.

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	5.30 ET
Bulk Water	5.30 ET
Sewer	4.85 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.

Schedule of Development Contributions

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

**Section 94 contributions Schedule for
Byron Bay Suffolk Park
Catchment**

This schedule was calculated in spreadsheet #E2015/28112

1 bedroom units =	0	@	0.55 SDU	=	0
2 bedroom units =	0	@	0.75 SDU	=	0
3 bedroom units/dwellings =	19	@	1 SDU	=	19
Allotments =	0	@	1	=	0
Less Site Credits =	9.75	@	-1	=	-9.75
Total SDU				=	9.25

Schedule valid until **23/01/2019**

**After this date contact Council for
CPI update.**

Local Open Space & Recreation	(OS-BB)	9.25	SDU @	\$ 4,157.26	=	\$ 38,454.66
LGA Wide Open Space & Recreation	(OS-SW)	9.25	SDU @	\$ 748.27	=	\$ 6,921.50
LGA wide Community Facilities	(CF-SW)	9.25	SDU @	\$ 1,095.92	=	\$ 10,137.26
Local Community Facilities	(CF-BB)	9.25	SDU @	\$ 1,234.91	=	\$ 11,422.92
Bikeways & Footpaths	(CW-BB)	9.25	SDU @	\$ 1,369.04	=	\$ 12,663.62
Shire Wide Bikeways & Footpaths	(CW-SW)	9.25	SDU @	\$ 80.39	=	\$ 743.61
Urban Roads	(R-BB)	9.25	SDU @	\$ 3,101.29	=	\$ 28,686.93
LGA Wide Roads	(R-SW)	9.25	SDU @	\$ 226.42	=	\$ 2,094.39
Rural Roads	#N/A	9.25	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	9.25	SDU @	\$ 1,131.82	=	\$ 10,469.34
Total					=	\$ 121,594.23