

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:
Plan DA-01 Rev A	Modelling	John Mackay Architects	April 2017
Plan DA-02 Rev A	Site Plan	John Mackay Architects	April 2017
Plan DA-03 Rev A	Plans and Elevations Proposed	John Mackay Architects	April 2017
Plan DA-04 Rev A	Plans and Elevations Existing	John Mackay Architects	April 2017

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) Use of the Clubhouse

The Clubhouse to be limited to sporting club activities including general supporter viewing area, post-match presentation area, club offices, meetings, and other community uses by sporting clubs and community groups. The Clubhouse is not approved for the following uses:

- a) The upper floor clubhouse must not be used as a function centre (which means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres).
- b) The upper floor clubhouse must not be used as a food and drink premises (which means premises that are used for the preparation and retail sale of food or drink for immediate consumption on or off the premises).

3) 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 that involves any building work:

- (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia ,
- (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.

4) 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).

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

5) Stormwater Drainage – Connection to Existing Drainage System

The application for a Construction Certificate is to include plans and specifications for stormwater drainage in accordance with AS/NZS 3500.3:2003, *Plumbing and drainage, Part 3: Stormwater drainage*. All stormwater drainage for the development must be conveyed by a gravity system to the existing stormwater drainage system within the site. Such plans and specifications must be approved as part of the Construction Certificate.

6) Flood Planning Level for existing buildings

The flood planning level for this development is R.L. 3.9m A.H.D. The plans and specifications to accompany the construction certificate application are to indicate 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.

7) 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.

8) Compliance required with Building Over Pipelines Policy

All development must comply with Policy 4.20. *Building Over Pipelines and Other Underground Structures*.

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

9) 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

10) 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. Please note that colours must be non-reflective earth tone colours and that the use of white and near white colours is not permissible (consistent with Chapter D2.2.3 of DCP 2014).

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

11) Signage to be specified

The application for a Construction Certificate is to include plans and specifications that confirm the proposed wall signage shown on Plan DA-01 Rev A. This sign faces the Heritage Conservation Area and it is reasonable that it be kept to a modest size (2.5 m²). Illumination is not permitted.

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

12) Disabled access to upper floor to be specified

The application for a Construction Certificate is to include plans and specifications that indicate how the upper floor will be made accessible via a platform lift or internal chair lift incorporated into the internal stair well. This access must be provided to and within the facilities in accordance with the provisions of the BCA and AS1428.1 – Design for Access and Mobility – General Requirements for Access – New Buildings.

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

13) 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*
- 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.

*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.

14) Erosion and Sediment measures

Erosion and sedimentation controls are to be in place in accordance with the *Guidelines for Erosion & Sediment Control on Building Sites*. A copy may be downloaded from Council's web site at http://www.byron.nsw.gov.au/pdfs/stormwater/sediment_erosion.pdf. Particular attention is to be given to the provision of the following sediment and erosion control measures:

- a) Temporary downpipes immediately installed after the roof has been erected;

- b) Silt fence or sediment barrier.

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

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).

15) 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.

The following conditions are to be complied with during construction

16) 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 Sundays or Public Holidays

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

17) 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.

18) 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.

19) Removal of asbestos and other 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/08202classifywaste.pdf

20) 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.

21) 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.

22) Services

Services below the flood planning level must be in accordance with the requirements of Council's Development Control Plan 2014 – Chapter C2 – Areas Affected by Flood.

23) Club House Kitchen – Upper Floor

The following facilities must be provided in the kitchen on the upper floor:

- a) all surfaces must be smooth, impervious and able to be easily cleaned;
- b) must have double-bowled sinks and hot water; and
- c) water used for cleaning and sanitising must be potable.

The following conditions are to be complied with prior to occupation of the building / commencing operations

24) Upper floor stair access to be gated

The access to the upper floor stairs shall be gated and locked at all times that the upper floor is not in use. Vandal proof gates matching those installed on the ground floor are preferred.

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

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

26) Stormwater drainage work

Stormwater drainage for the development shall be constructed in accordance with the approved plans and specification prior to issue of an occupation certificate.

The following conditions will need to be complied with at all times

27) Hours of Operation

Operation of the upper floor club house must not unreasonably interfere with the amenity of the neighbourhood. Operation can only occur:

Monday to Saturday 8.00 am – 9.30 pm

Sunday 10.30am – 6.30pm

28) Must not interfere with the amenity of the neighbourhood

The use of the club house and / or upper floor kitchen 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 shall be restricted to daytime operating hours.

29) Compliance with Smoke-free Environment Amendment Act

The club house must comply with the provisions of the NSW Smoke-free Environment Amendment Act 2004.

30) Not infringe on public property or Crown land

The club house and shall not infringe upon public property beyond that shown on the approved plans without the prior written consent of Council. All activities shall be conducted in a manner that will ensure that public safety is not placed at risk. No infringement of Crown land is permitted.

Reasons for Imposing Conditions

Conditions have been imposed for the following reasons:

- To comply with the provisions of Byron L.E.P. 2014 and DCP 2014
- To ensure the development is completed in accordance with conditions of consent and approved plans.

- To preserve the environment and existing or likely future amenity of the neighbourhood.
- To ensure adequate access and services to the development.
- To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of runoff from any buildings and paved areas that may be constructed on the land.
- To ensure compliance with engineering standards.
- To ensure public health and safety
- To ensure compliance with Section 68 of the Local Government Act 1993.
- To ensure compliance with the BCA and disability legislation