

CONDITIONS OF CONSENT:

SCHEDULE 1 CONDITIONS OF CONSENT

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:
TP01 Issue C	Plan of Proposed Subdivision	Ardill Payne & Partners	13/04/2018
SK01	Proposed Lot 3 Slope Adjustment	Ardill Payne & Partners	21/09/2017
181147/1-B	Geotechnical Stability Assessment	Shaw:Urquhart	17 May 2018
DA02	Proposed Development Layout Plan	Ardill Payne & Partners	16/03/2018 (Rev C)
DA03	Proposed Development Driveway Plan and Sections	Ardill Payne & Partners	16/03/2018 (Rev C)
Figure 1.2	Site Proposal_V2_17.04.2018	Environmental Assessments and Solutions	17 April 2018

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. Limited tree removal

Removal of existing native vegetation from the site is limited to fifteen (15) trees as indicated on the plan entitled *Figure 1.2 Site Proposal_V2_17.04.2018* by Environmental Assessments and Solutions dated 17/4/18. Significant trees as nominated on the above plan are to be retained and protected.

The following conditions must be complied with prior to issue of a construction certificate for subdivision works

3. Vegetation Management Plan

A Vegetation Management Plan must be prepared, submitted to and approved by Council prior to the issue of a Construction Certificate. Such plan must detail the location of trees and vegetation to be removed and the location of compensatory plantings in plan and word form at ratios indicated by *Table 3: Compensation requirements of Byron DCP 2014 Chapter B2 (Preservation of trees and other vegetation)*. The plan must include as a minimum:

- a) Planting List - Bangalow Palms to be removed from the list and the following species included: Brush Box (*Lophostemon confertus*), Pink Bloodwood (*Corymbia intermedia* Tuckeroo (*Cupaniopsis anarcardioides*), Celery Wood (*Polyscias elegans*), Ribbonwood (*Euroschinus falcatus*), Guioa (*Guioa semiglauca*), Murrogun (*Cryptocarya microneura*), Scrub Turpentine (*Rhodamnia rubescens*), Scentless Rosewood (*Synoum glandulosum* subsp. *glandulosum*), Cheese Tree (*Glochidion ferdinandi*), Tree Heath (*Trochocarpa laurina*), Blackwood (*Acacia melanoxylon*), Forest Oak (*Allocasuarina torulosa*), Blueberry Ash (*Eleaeocarpus reticulatus*).
- b) Planting Design – a discrete area totalling 800m² or greater must be defined outside any development impact area, footprint or building envelope.
- c) Propagule Selection – local native nurseries to provide stock.

- d) Implementation Schedule – planting must commence upon issue of the construction certificate and be maintained in good health in perpetuity.
- e) Performance Criteria – 100% survival of planted stock, replacement of any dead plants.
- f) Monitoring and Evaluation – against performance criteria.
- g) Adaptive Management – with Council approval.
- h) Reporting Requirements – annually to Council

4. **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 when constructed; and
- c) adequate drainage has been provided in the design.

5. **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 a driveway with a minimum 5.5m width at the boundary and in accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

6. **Engineering Construction Plans**

Three (3) copies of engineering construction plans and specifications must accompany the Construction Certificate application demonstrating compliance with Council's standards for the required engineering works. All works are to be designed and constructed in accordance with the recommendations of the Geotechnical Stability Report (Ref. No. 181147/1-B, Dated: 17 May 2018) undertaken by Shaw:Urquhart. Measure to be also incorporated to address seepage encountered in test pit TP4 as identified in the Shaw:Urquhart report.

Each set of drawings must be accompanied by a Certification Report which must be signed by a suitably qualified Civil Engineer or Registered Surveyor. The Certification Report will comprise the certificate and check lists set out in Annexure DQS-A of the Northern Rivers Local Government Development & Design Manuals.

The information shown on the drawings must be logically collected on discrete sheets generally in accordance with Annexure DQS-B and the Sample Drawings of the Northern Rivers Local Government Development & Designs. The drawings are to provide for the following works:

a) **Access Handle**

A reinforced concrete driveway (or equivalent) within the access handle of proposed lot 4 in accordance with the approved plans as amended in red and as amended by the following:

- A minimum width of 5m for the first 6m from the front property boundary.
- A minimum width of 3.5m wide, transitioned from the first 6m to approximately chainage 50. Landscaping to be provided on each side of the driveway for this section.
- The tree at or near the south east corner of proposed Lot 1 and the north east corner of adjacent Lot 1578 DP 243995 must be retained and protected from damage during construction of the driveway.

b) **Service Conduits**

Service conduits to each of the proposed new allotments laid in strict accordance with the service authorities' requirements.

c) Inter-allotment Drainage

Inter-allotment drainage to an approved public drainage system for each of the proposed new allotments and for upstream properties (2 – 10 Coomburra Crescent).

d) Stormwater Drainage

Stormwater is to be collected and discharged in accordance with Council's standards, currently [Northern Rivers Local Government Development Design & Construction Manuals](#). A full and detailed stormwater management plan for the site must be provided for Council's records at the time of lodging detailed engineering plans for construction certificate approval. The drawings and management plan must be accompanied by a Design Submission Checklist as set out in APPENDIX C of the Northern Rivers Local Government Handbook of Stormwater Drainage Design, which must be signed by a suitably qualified Civil Engineer or Registered Surveyor. The drawings and management plan are to include, but not be limited to, the following items:

- i. Catchment plan (included in the drawing set);
- ii. Hydrological and hydraulic calculations based on the methods outlined in the Queensland Urban Design Manual (QUDM) and Australian Rainfall & Runoff (AR&R) 1987. A summary of the calculations must be included on the drawings consistent with the Sample Drawings of the Northern Rivers Local Government Development & Design Manuals.
- iii. Stormwater detention, designed so that the peak flow from the proposed development does not exceed the existing peak flow from the site i.e. post-development flows must not exceed pre-development flows.
- iv. An overland flow path is to be provided for the constructed pipelines to accommodate the pipe exceedance.
- v. Stormwater infrastructure for lot 4 to avoid the 2 significant trees, indicated on the plan entitled *Figure 1.2 Site Proposal_V2_17.04.2018* by Environmental Assessments and Solutions dated 17/4/18, on the northern boundary of lot 3.
- vi. Stormwater quality suitable for discharge in accordance with Council's standards, currently Chapter B3 Services of Development Control Plan 2014 and Northern Rivers Local Government Development Design & Construction Manuals.

e) Slope Adjustment

Lot 3 slope stability works in accordance with the approved plan and the Geotechnical Stability Report (Ref. No. 181147/1-B, Dated: 17 May 2018) undertaken by Shaw:Urquhart and any subsequent geotechnical site investigation. Plans to include notes to ensure works are carried out, supervised and certified as Controlled Fill in accordance with the requirements of the current Australian Standards AS 3798.

f) Retaining walls

Retaining walls with adequate provision for drainage.

7. Erosion and Sedimentation Control Plan

The plans and specifications to accompany the construction certificate application are to include a sediment and erosion control plan to indicate the measures to be employed to control erosion and loss of sediment from the site. The sediment and erosion control plan is to be designed in accordance with the requirements of the *NSW Department of Housing Manual (1989), Managing Urban Stormwater, Soils and Construction*.

A suitably experienced person must prepare the sediment and erosion control plan. Suitably experienced people include those certified by:

- The Institution of Engineers, Australia, for engineering and hydrology matters.

- The International Erosion Control Association for soil conservation matters.
- The Australian Society of Soil Science for collection or analysis of soil data.

The plan must incorporate (without being limited to) information on general site management, material handling practices, soil stabilisation, water control, sediment control, wind erosion control and access measures.

8. Landscaping plan required

The application for a Construction Certificate is to include plans and specifications that indicate the landscaping of areas either side of the driveway surface within the battleaxe handle to 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:

- 1) proposed location for planted shrubs and trees
- 2) botanical name of shrubs and trees to be planted
- 3) mature height of trees to be planted
- 4) location of grassed and paved areas, and
- 5) location of trees identified for retention in the development application plans.
- 6) 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.

9. Long Service Levy to be paid

Long Service Levy in accordance with the requirements of the Long Service Corporation is required to be paid prior to issue of the Construction Certificate. 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.

10. Fibre-ready Facilities and Telecommunications Infrastructure

Prior to the issue of the Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

- (i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note real estate development project has the meanings given in section 372Q of the Telecommunications Act).

11. Sewerage and Water Mains

An approval is to be obtained under Section 68 of the Local Government Act 1993 to carry out water supply and sewerage works.

Sewerage and water mains are to be extended to service all residential allotments in the subdivision.

All Council gravity sewerage mains are to be a minimum 150 mm diameter and water mains are a minimum 100mm diameter.

Water supply and sewerage works are to comply with Council's latest Standards and Policies including but not limited to:

- Development Design and Construction Manuals, Northern Rivers Local Government, 2009;
- Development Servicing Plan for Water Supply Services, Byron Shire Council, 2011;
- Development Servicing Plan for Sewerage Services, Byron Shire Council, 2011;
- Fire Flow Design Guidelines, Water Directorate, 2011;
- Water and Sewer Equivalent Tenement Policy (13/005), Byron Shire Council, 2013;
- Pressure Sewerage Policy (12/014), Byron Shire Council, 2012.
- Private Sewer Pump Station Policy (12/015), Byron Shire Council, 2012.

12. 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

The following conditions must be complied with prior to commencement of subdivision works

13. Subdivision Work

Subdivision work in accordance with the development consent must not be commenced until a construction certificate has been issued, a principal certifying authority has been appointed and at least 2 days' written notice for the intention to commence works has been made, in accordance with the requirements of the Environmental Planning and Assessment Act and Regulations. The written notice for the intention to commence works must also include names and contact details of the certifying engineer and principal contractor.

Note. Subdivision work means any physical activity authorised to be carried out under the conditions of this development consent for the subdivision of land, including earthwork, road work, stormwater drainage work, landscaping work, tree/vegetation removal, erosion and sediment control, traffic control, etc.

14. Erosion and sediment measures

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

No soil or fill material is to be placed within the dripline of a tree so as to cause changes in surface level by more than 50mm from the existing level and such soil is not to be compacted. Such soil fill must not be finer than that being covered in situ, e.g. clay must not be placed over loam soil.

The following conditions must be complied with during construction of subdivision works

15. Trees to be retained and protected

Trees to be retained are to be protected by a Tree Protection Zone (TPZ) exclusion fence. The

fence is to be constructed in accordance with Sections 3.2 and 4.3 of AS4970-2009 Protection of trees on development sites (Standards Australia 2009). Essentially the fence must:

- a) Be located outside the dripline of the tree so as to minimise disturbance to tree roots;
- b) have a minimum height of 1.8 metres;
- c) be constructed of wire mesh panels, plywood, steel star pickets or similar, with a maximum distance of 2metres between star pickets;
- d) have a minimum of 3 strands of steel wire or similar;
- e) have high visibility barrier mesh (eg orange), shade cloth or similar, attached to the outside of the fence and continuing around its perimeter;
- f) include at least one Tree Protection Zone (TPZ) sign in accordance with Section 4.4 of AS4970-2009.

Activities that are excluded within the TPZ (as per section 4.2 of AS4970-2009) include excavation, construction activity, grade changes, surface treatment and storage of material. If these activities are required within the TPZ they may only occur under the supervision of the project arborist (minimum AQF level 5 qualified arborist).

The Tree Protection Zone (TPZ) exclusion fence is to be maintained for the duration of the site clearing, preparation, construction and landscaping works.

16. Protection of koalas from disturbance

- (i) Clearing of native vegetation and/or earthworks as part of any development approval consent from Council must be temporarily suspended within a range of 25m from any tree which is concurrently occupied by a koala and must not resume until the koala has moved from the tree of its own volition.
- (ii) Any clearing of land must not commence until the area proposed for clearing has been inspected for the presence of koalas and approval given in writing by a suitably qualified individual.
- (iii) Approval to proceed with the clearing of vegetation in accordance with this section is only valid for the day on which the inspection has been undertaken.
- (iv) The individual referred to in (ii) above, or a nominated representative, must remain on site during any approved clearing of vegetation.

17. Council Specification

All works to be constructed to at least the minimum requirements of the “Northern Rivers Local Government Design and Construction Manual”

- Development Design and Construction Manuals, Northern Rivers Local Government, 2009;
- Development Servicing Plan for Water Supply Services, Byron Shire Council, 2011;
- Development Servicing Plan for Sewerage Services, Byron Shire Council, 2011;
- Fire Flow Design Guidelines, Water Directorate, 2011;
- Water and Sewer Equivalent Tenement Policy (13/005), Byron Shire Council, 2013;
- Pressure Sewerage Policy (12/014), Byron Shire Council, 2012.
- Private Sewer Pump Station Policy (12/015), Byron Shire Council, 2012.

18. Council Specification

All works to be constructed to at least the minimum requirements of the “Northern Rivers Local Government Design and Construction Manual”

19. Approved Plans to remain on site

A copy of the approved Construction Certificate including plans, details and specifications must remain at the site at all times during the construction of the subdivision.

20. Construction times

Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises, can only occur:

- a. Monday to Friday, from 7 am to 6 pm.
- b. Saturday, from 8 am to 1 pm.
- c. No construction work to take place on Sundays or Public Holidays.

21. 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).

22. 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.

23. 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.

24. 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.

The following conditions must be complied with prior to issue of a Subdivision Certificate

25. Subdivision Certificate application required

An application for a Subdivision Certificate must be made on the approved form. The Subdivision 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.

26. Plan of Subdivision

The final plan of subdivision must be in accordance with the approved plan/s. A Deposited Plan Administration Sheet (original plus one (1) copy), two (2) copies of the plan of subdivision and any necessary section 88B instrument (original plus one (1) copy) are to be submitted with the application for a subdivision certificate.

An additional copy of the final plan of subdivision is to be submitted showing the location of all buildings and/or other permanent improvements including any fences, internal access driveways/roads, and where relevant effluent disposal areas and the 1 in 100 year flood and flood planning level extents on land within or adjacent to a flood planning area. Where the building/s or improvements are close to boundaries, offset distances are to be included on the additional copy of the plan. This plan must be endorsed by a Registered Surveyor. Any encroachments affecting new

boundaries or the road reserve must be removed or relocated wholly within the allotment. The new boundaries must not cause any existing building/s to contravene the Building Code of Australia.

27. 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) Inter-allotment Drainage Easements

The creation of easements for drainage of water over all inter-allotment drainage pipelines and structures located within the proposed allotments. The easement/s must also benefit the upstream lots (2 – 10 Coomburra Crescent).

b) Rights of Carriageway

The creation of suitable rights of carriageway over the access handle(s) of proposed Lot 4.

c) Restricting Development – On-site Stormwater Detention

Restricting residential development of each vacant allotment until the proprietor has constructed or made provision for the construction of an on-site stormwater detention system to the requirements of Byron Shire Council.

d) Restricting Development – Geotechnical Constraints

Restricting residential development of all lots until the proprietor has made provision in any future building design for the geotechnical constraints of the allotment and to ensure the type of building is restricted to light weight slope-sensitive structures.

e) Compensatory Habitat area

Restrictions to prohibit any development, including (but not limited to) buildings, driveways and services, within the buffer area nominated within the approved Vegetation Management Plan as “habitat compensation area”.

f) Single dwelling lots

Restrictions to limit each allotment to contain no more than a single dwelling and ancillary structures (ie. No secondary dwelling, dual occupancy, multi dwelling housing development and the like).

g) Protection of Habitat Compensation

Restrictions to prohibit the erection of buildings or other structures from the “habitat compensation area”.

h) 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.

28. 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.

29. Certificates for engineering works

The submission of all test certificates, owners manuals, warranties and operating instructions for civil works, mechanical and/or electrical plant, together with a certificate from a suitably qualified engineer certifying that all works have been constructed in accordance with the approved plans and Council’s current “Northern Rivers Local Government Design and Construction Manuals and Specifications”. Certification must include documentation demonstrating that the relevant works have been carried out under Level 1 Supervision and Certification in accordance and compliance with the

current Australian Standards AS 3798.

30. Works-As-Executed Plans

Following completion of works and prior to issue of the subdivision certificate, Work-as-Executed Drawings, together with a Work-As-Executed Certification Report, in accordance with Council's requirements are to be submitted to Council. Two categories of Work-as-Executed Drawings are to be submitted to Council, being Amended Design Work-as-Executed Drawings and Summary Work-as-Executed Drawings.

Amended Design Work-as-Executed Drawings, being certified copies of all approved design plans with as constructed departures, deletions and additions clearly noted and detailed on the plans, are to be submitted to Council in the following formats:-

- (a) One (1) paper copy at the same scale and format as the approved design plans, but, marked appropriately for as constructed information and with original signatures; and
- (b) An electronic copy of above in PDF format and provided to Council on CD, DVD or via email.

Summary Work-as-Executed Drawings are to be prepared on a background plan of lot layout and kerb lines with a set of separate plans for stormwater drainage, sewerage, water supply and site works. The site works drawing/s shall include the 1 in 100 year flood and flood planning level extents and levels, where relevant. Such drawings are to be submitted to Council in the following formats:-

- a) One (1) paper copy of each drawing with original signatures and in accordance with Council's requirements.
- b) Electronic copy of the above in AutoCAD DWG or DXF format and provided to Council on CD, DVD or via email. The AutoCAD (DWG or DXF) files are to be spatially referenced to MGA Zone 56.
- c) Electronic copy of above in PDF format and provided to Council on CD, DVD or via email.

Note: Council's requirements are detailed in Council's adopted engineering specifications, currently the Northern Rivers Local Government Development Design and Construction Manuals, and on Council's website.

31. Electricity Supply Certificate

Written evidence from an electricity supply authority is to be submitted with the application for a subdivision certificate stating that satisfactory arrangements have been made for the provision of underground electricity supply throughout the subdivision.

32. Fibre-ready Facilities and Telecommunications Infrastructure

Prior to the issue of the Subdivision in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

- (i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note real estate development project has the meanings given in section 372Q of the Telecommunications Act).

33. Water service and meter to be connected to each lot

A water service and water meter must be connected to each dwelling in the development 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.

Each Torrens title lot of land shall have an individual service tapped from the main and extending 300mm inside the lot boundary. Each dwelling/unit/shop capable of being subdivided under the Strata or Community Title Schemes shall have a separate water meter

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

34. Geotechnical Report (Lot Classification)

A certificate from a practicing Geotechnical Engineer must be provided in conjunction with a Lot Classification Report prepared in accordance with Australian Standard AS2870.1. Such certificate must certify that all vacant allotments have a building site of adequate size and shape on each lot that is not subject to slip or subsidence.

35. Habitat Compensation works to be completed

Plantings and/or restoration works required as compensation for loss of native trees are to be implemented in accordance with the approved Vegetation Management Plan prior to issue of the subdivision certificate. Planting must be completed and maintained for a minimum of twelve months with ongoing management measures in place.

36. Developer Contributions to be paid

Contributions set out in the schedule below are to be paid to Council prior to the release of a subdivision 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 as set out in the schedule may either be paid in full or they may be paid in stages on a proportional basis dependent on the number of lots to be released in the subdivision certificate. The first credit for a site will be retained on the residual lot. Any additional credits over one (1) will be allocated at the first stage(s).

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.

37. 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.

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*. This can be accessed at <http://www.legislation.nsw.gov.au>.

SCHEDULE 3 NOTES

Penalties apply for failure to comply with development consents

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

Water payments under the Water Management Act 2000

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

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

Water	2.80 ET
Bulk Water	2.80 ET
Sewer	3.00 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 Ocean Shores 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 =	0	@	1 SDU	=	0	
Allotments =	4	@	1	=	4	
Less Site Credits =	1	@	-1	=	-1	
Total SDU				=	3	
Schedule valid until		24/10/2018		After this date contact Council for CPI update.		
Local Open Space & Recreation	(OS-OS)	3.00	SDU @ \$ 1,718.15	=	\$ 5,154.45	
LGA Wide Open Space & Recreation	(OS-SW)	3.00	SDU @ \$ 743.70	=	\$ 2,231.10	
LGA wide Community Facilities	(CF-SW)	3.00	SDU @ \$ 1,089.23	=	\$ 3,267.69	
Local Community Facilities	(CF-OS)	3.00	SDU @ \$ 1,483.45	=	\$ 4,450.35	
Bikeways & Footpaths	(CW-OS)	3.00	SDU @ \$ 468.45	=	\$ 1,405.35	
Shire Wide Bikeways & Footpaths	(CW-SW)	3.00	SDU @ \$ 79.90	=	\$ 239.70	
Urban Roads	(R-OS)	3.00	SDU @ \$ -	=	\$ -	
LGA Wide Roads	(R-SW)	3.00	SDU @ \$ 225.04	=	\$ 675.12	
Rural Roads	#N/A	3.00	SDU @ \$ -	=	\$ -	
Administration Levy	(OF-SW)	3.00	SDU @ \$ 1,124.91	=	\$ 3,374.73	
Total				=	\$ 20,798.49	