

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:
01.2 – Issue DA2	Site Plan	Michael Leung Design	28.03.2017
01.3 – Issue DA2	Ground Floor Plan	Michael Leung Design	28.03.2017
01.4 – Issue DA2	Garage Plan	Michael Leung Design	28.03.2017
01.5 – Issue DA2	Roof Plan	Michael Leung Design	28.03.2017
02.1 – Issue DA2	N & S Elevation	Michael Leung Design	28.03.2017
02.2 – Issue DA2	E & W Elevations	Michael Leung Design	28.03.2017
03.1 – Issue DA2	Sections A & B	Michael Leung Design	28.03.2017
03.2 – Issue DA2	Section C	Michael Leung Design	28.03.2017
04.1 – Issue DA2	Existing Dwelling Addition	Michael Leung Design	28.03.2017
04.2 – Issue DA2	Existing Section E	Michael Leung Design	28.03.2017
04.3 – Issue DA2	Existing Elevations	Michael Leung Design	28.03.2017
04.4 – Issue DA2	Existing Elevations	Michael Leung Design	28.03.2017
04.5 – Issue DA2	Workshop Shed Plans	Michael Leung Design	28.03.2017

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. **Bush fire safety measures**

This land is identified as being designated bush fire prone land and under section 79BA of the Act, Council must be satisfied prior to making a determination for development on bush fire prone land that the development complies with "Planning for Bush Fire Protection 2006".

The development is approved subject to the following requirements applying:

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

- a. At the commencement of works and in perpetuity the property an area of 20 metres to the South and West, 45m to the North and 30m to the East is to be managed and maintained as an Inner Protection Area (IPA) in accordance with 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:

- b. Any new or extension of existing electricity and/or gas services are to comply with Planning for Bushfire Protection.

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:

- c. The garage/studio is to comply with Sections 3 and 5 BAL29 to the Northern elevation and BAL19 to all other elevations, Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
- d. The existing dwelling house must be upgraded to minimise the impacts of ember attack. The openable portions of windows must be screened with a mesh or perforated sheets with a maximum aperture of 2mm and made of corrosion resistant steel. Doors (including roller doors) must be tightfitting to prevent ember entry and any constructions gaps or service penetrations in the external fabric of the building greater than 3mm must be screened or protected. Subfloor areas must be protected or screened in accordance with Section A3.7 Addendum Appendix 3 of 'Planning for Bushfire Protection 2006'

Landscaping

- e. Landscaping within the required inner protection area is comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.

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

- 3. **Prior to activation of the consent/ issue of Construction Certificate** a Building Certificate application shall be lodged and issued for As Built works undertaken to the existing dwelling that are part of this development consent. The Building certificate shall be accompanied by certification from specialist trades and professions to ensure the As Built works satisfy the Housing Provision of the Building Code of Australia.
 - a) Structural adequacy certification of the as built works. Certification is to be prepared by a practicing professional Structural Engineer.
 - b) Certification from a licenced pest controller recommending and certifying the dwellings as built works are resistant to termite attack.
 - c) A suitably qualified building consultant is to prepare a report addressing the as built works compliance with Performance Provisions P2.2.1 Surface Water, P2.2.2 Weather proofing, P2.2.3 Dampness, P2.4.1 Wet areas, P2.4.2 Room heights, P2.5.1 Stairways of the Building Code of Australia.

4. **Existing Garage to be reverted back to non-habitable storage area**
Prior to the issue of a Construction Certificate the existing garage (being used as an unapproved studio) is to be rendered non-habitable and documentary evidence is to be supplied to Council. The existing garage must not contain any lounge room, dining room, rumpus room, kitchen, bedroom or other habitable room and must not be used as a separate dwelling or studio.

5. **Compliance with BASIX Certificate requirements**

The development is to comply with Basix Certificate No. 778747S , dated 12 December 2016

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. White colours are not permissible.

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

6. **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. When 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.

7. **Waste minimisation and management**

All works must comply with the objectives of waste minimisation and waste management of Part B8.1.2 of DCP 2014.

8. **Section 68 approval required – connection of drains**

An approval under Section 68 of the Local Government Act 1993 for connection of drains to the existing on-site effluent disposal system must be obtained from Council prior to issue of a Construction Certificate. Such approval must be issued after the date of this consent.

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

9. Erosion and sediment measures

Where erosion of soils or runoff of any substance is likely to occur, erosion and sedimentation controls are to be in place in accordance with the Guidelines for Erosion & Sediment Control on Building Sites. This may include stockpiled materials such as sand, etc.

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).

10. 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.

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

11. Demolition and 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.

12. Demolition and 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.

13. **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.

14. **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.

15. **Fill to be retained on the subject land**

Fill material must not encroach onto any adjoining land.

16. **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.

17. **Removal of asbestos**

All asbestos wastes associated with removal of the existing building 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.

18. **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.

19. **Demolition**

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

20. **Removal of demolition 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 Licenced Waste Facility. All wastes removed from the site must be managed and disposed of in

accordance with the NSW DECC Waste Classification Guidelines (2008)
www.environment.nsw.gov.au/resources/waste/08202classifyingwaste.pdf

21. Muted bushland tones external finishes

To ensure the development is compatible with the surrounding environment, colours and finishes are to be muted bushland tones. In this regard white, light or bright colours are not permissible.

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

22. Works to be completed prior to issue of a Final Occupation Certificate

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

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

23. Stormwater disposal

Stormwater must be collected and disposed of in a controlled manner such that stormwater flows are:

- a. Clear of buildings and infrastructure,
- b. Clear of effluent disposal areas,
- c. Not concentrated so as to cause soil erosion,
- d. Not directly to a watercourse, and
- e. Not onto adjoining land.

24. Container Workshop to be removed

Prior to the issue of a Final Occupation Certificate the Container Workshop Shed is to be removed and disturbed areas of the land are to be reinstated with turf or similar ground covering

The following conditions are to be complied with at all times

25. Studio building not to be used as a separate dwelling and use must not interfere with amenity

The studio building must not contain any lounge room, dining room, rumpus room, kitchen, bedroom or other habitable room and must not be used as a separate dwelling. The studio must only be used as a non-habitable workspace including activities that cannot be carried out by their nature within the residential house. The use of the studio building must not be conducted in such a manner as would interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.

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.

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.

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.