

## 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-D	Site Plan	My Home Builders Qld	11.08.2017
02-A	Lower Floor Plan – Residence 1	My Home Builders Qld	19.05.2017
03-A	Upper Floor Plan – Residence 1	My Home Builders Qld	19.05.2017
04-A	Elevations 1 & 2	My Home Builders Qld	19.05.2017
05-A	Elevations 3 & 4	My Home Builders Qld	19.05.2017
07-A	Roof Plan – Residence 1	My Home Builders Qld	19.05.2017
02-A	Lower Floor Plan – Residence 2	My Home Builders Qld	19.05.2017
03-A	Upper Floor Plan – Residence 2	My Home Builders Qld	19.05.2017
04-A	Elevations 1 & 2 – Residence 2	My Home Builders Qld	19.05.2017
05-A	Elevations 3 & 4 – Residence 2	My Home Builders Qld	19.05.2017
06-A	Roof Plan – Residence 2	My Home Builders Qld	19.05.2017

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. **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:

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

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

### 3. 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.

### 4. Compliance required with Building over Pipelines Policy

All developments must comply with Policy 4.20. Swimming pools are classed as buildings and are required to comply with this policy.

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

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

### 5. 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 a public drainage system.

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) an approval is required under section 68 of the [Local Government Act 1993](#), prior to issue of a Construction Certificate.

**Note 1.** The **relevant Australian Standard** is currently AS/NZS 3500.3:2003, *Plumbing and drainage, Part 3: Stormwater drainage*.

**Note 2.** A **Local Approvals Policy** specifies the circumstances (if any) in which a person would be exempt from the necessity to obtain a particular approval of the Council.

### 6. 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);

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".

7. **Water and Sewerage - Section 68 Part B approval required**

An **Approval** under Section 68 Part B of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

Each dwelling 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.

8. **Compliance with BASIX Certificate requirements**

The development is to comply with Basix Certificate No. Cert no.840390M, dated 14/07/2017

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. White colours are not permissible.

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

9. **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](http://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.

10. **Site 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.

11. **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](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.**

12. **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**

13. **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](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 driveway from the edge of road to the building site;
- b. Temporary downpipes immediately installed after the roof has been erected;
- c. Silt fence or sediment barrier.

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

**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).**

**14. 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.

**15. 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**

**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 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.**

**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. 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.

19. **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.
20. **Fill to be retained on the subject land**  
Fill material must not encroach onto any adjoining land.
21. **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.**
22. **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.

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

23. **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 Councils road/footpath reserve.
24. **Stormwater disposal**  
Stormwater must be collected and disposed of in a controlled manner such that stormwater flows are:
- Clear of buildings and infrastructure,
  - Not concentrated so as to cause soil erosion, and
  - Not onto adjoining land.
25. **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.

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

**26. 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 address ALL conditions of consent required to be complied with "Prior to the issue of a Strata Certificate" with a clear explanation how that condition has been complied with, together with supplying ALL the relevant information/ documents/ certificate and/or plans that is required by that condition.

The application **MUST** be one complete, concise package, addressing all those conditions. Failure to provide the abovementioned information in one package, will likely result in the application being refused/rejected and returned to you.

**27. 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.

**28. Completion of Building Works**

A final occupation certificate must be obtained for the building works approved by development consent 10.2017.450.1 prior to issue of the strata certificate. A copy of the final occupation certificate must be submitted with the application for the strata certificate.

## **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>.

**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](http://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.

**Consent granted under the Roads Act 1993**

The following works in the road reserve are granted consent pursuant to Section 138 of the Roads Act 1993.

- Gutter crossing and driveway from the kerb to the property boundary.

This consent is issued by Byron Shire Council, being the road authority, for the above proposed works and/or structures subject to the following conditions:

- 1) Gutter crossing and driveway are to be constructed in accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".
- 2) All work is to be in accordance with Council's adopted standards.
- 3) Twenty four hours notice must be given for the following required inspections:
  - (i) upon placing of all formwork and reinforcement, prior to pouring concrete, and
  - (ii) upon completion of all work.



- 4) All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. The developer and/or contractor must produce evidence to Council of Public Liability Insurance cover for a minimum of \$10 Million prior to the commencement of any works. Council is to be named as a Principal in the policy. Council is not be held responsible for any negligence caused by the undertaking of the works.

Please contact Council's Local Approvals and Certification Officer for the booking of inspections on (02) 6626 7000.

#### **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)**

	<b>Stage 1</b>	<b>Stage 2</b>
Water	0.60 ET	0 ET
Bulk Water	0.60 ET	0 ET
Sewer	1.00 ET	0 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 Bangalow 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 =	2	@	1 SDU	=		2
Allotments =	0	@	1	=		0
Less Site Credits =	1	@	-1	=		-1
Total SDU				=		1
Schedule valid until			27/04/2018	After this date contact Council for CPI update.		
Local Open Space & Recreation	(OS-BG)	1.00	SDU @ \$	3,793.06	=	\$ 3,793.06
LGA Wide Open Space & Recreation	(OS-SW)	1.00	SDU @ \$	739.13	=	\$ 739.13
LGA wide Community Facilities	(CF-SW)	1.00	SDU @ \$	1,082.54	=	\$ 1,082.54
Local Community Facilities	(CF-BG)	1.00	SDU @ \$	343.40	=	\$ 343.40
Bikeways & Footpaths	(CW-BG)	1.00	SDU @ \$	915.58	=	\$ 915.58
Shire Wide Bikeways & Footpaths	(CW-SW)	1.00	SDU @ \$	79.41	=	\$ 79.41
Urban Roads	(R-BG)	1.00	SDU @ \$	1,574.96	=	\$ 1,574.96
LGA Wide Roads	(R-SW)	1.00	SDU @ \$	223.66	=	\$ 223.66
Rural Roads	#N/A	1.00	SDU @ \$	-	=	\$ -
Administration Levy	(OF-SW)	1.00	SDU @ \$	1,118.00	=	\$ 1,118.00
<b>Total</b>				=		<b>\$ 9,869.74</b>