

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 reference	Description	Prepared by	Dated:
3603a/1	Plan showing proposed Strata Boundary	Canty's Surveyors	18 December 2017
S-01	Proposed Strata Subdivision	Joe Davidson Town Planning	21 December 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.

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

2. **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.

3. **Completion of Building Works**

A final Occupation Certificate must be obtained for the building works approved by development consent 10.2017.485.1 prior to issue of the Strata Certificate. A copy of the final Occupation Certificate must be submitted with the application for the strata certificate.

4. **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.

5. **Section 88B Instrument**

A Section 88B Instrument and one (1) copy are to be submitted with the application for a Strata

Certificate. The strata plan and accompanying Section 88B Instrument are to provide for:

a) Positive Covenant – Dual Occupancy

Creation of a positive covenant to ensure the development of Strata Lots No.1 & No.2 is only carried out in accordance with Development Consents No.10.2017.485.1 and No.10.2017.589.1. The terms of such covenant must also include provisions for any amendments or changes to the future development to be consistent with Councils planning provisions for dual occupancy developments.

6. 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.

7. Telephone Supply Certificate

Written evidence from a telephone 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 telephone supply throughout the subdivision

8. Certificate of Compliance – Water Management Act 2000

Water and sewer services are to be provided to the land in accordance with an approval granted under Section 68 of the Local Government Act 1993.

A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000 is to be obtained from Byron Shire Council prior to the issue of a Subdivision Certificate.

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

9. Compliance with bush fire conditions

Documentary evidence from a suitably qualified professional is to be submitted demonstrating that the bush fire conditions issued by the NSW Rural Fire Service as an Integrated Development Approval (Schedule 2) have been complied with.

10. 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. These contributions are only payable if the contributions required by DA 10.2017.589.1 have not been paid. 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.

SCHEDULE 2 INTEGRATED DEVELOPMENT APPROVAL – Section 100B Rural Fires Act 1997

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1. This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

The development proposal is to comply with the drawing titled 'Site Plan' prepared by G J Gardner Homes as submitted in Appendix A of the 'Bushfire Threat Assessment Report' prepared by Bushfire Certifiers dated 23rd May 2017.

2. **Asset Protection Zones**

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

At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

3. **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:

Any new water, electricity and gas supply shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

SCHEDULE 3 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 4 NOTES

NSW Rural Fire Service - General Advice – consent authority to note

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

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.

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.**

Updated Section 94 contributions Schedule for DA						
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
Number of allotments =		2	@	1	=	2
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-OS)	1.00	SDU @	\$ 1,707.60	=	\$ 1,707.60
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-OS)	1.00	SDU @	\$ 1,474.34	=	\$ 1,474.34
Bikeways & Footpaths	(CW-OS)	1.00	SDU @	\$ 465.57	=	\$ 465.57
Shire Wide Bikeways & Footpaths	(CW-SW)	1.00	SDU @	\$ 79.41	=	\$ 79.41
Urban Roads	(R-OS)	1.00	SDU @	\$ -	=	\$ -
LGA Wide Roads	(R-SW)	1.00	SDU @	\$ 223.66	=	\$ 223.66
Rural Roads	#NA	1.00	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	1.00	SDU @	\$ 1,118.00	=	\$ 1,118.00
Total					=	\$ 6,890.25