SCHEDULE 1 CONDITIONS OF CONSENT

Parameters of consent

Plan No.	Description	Prepared by	Dated	
171220- 16017SN01	Site Plan	Greg Alderson & Associates	01/06	
171220- 16017SN02	Floor Plan	Greg Alderson & Associates	01/06	
171220- 16017SN03	Elevations	Greg Alderson & Associates	01/06	
171220- 16017SN04	Roof Plan & Section	Greg Alderson & Associates	01/06	
171220- 16017SN05	BASIX Specifications	Greg Alderson & Associates	01/06	
180130- 16017SN01	Site Plan & General Notes	Greg Alderson & Associates	21/06	
180130- 16017SN02	Existing Ground Floor Plan	Greg Alderson & Associates	21/06	
180130- 16017SN03	Existing First Floor Plan	Greg Alderson & Associates	21/06	
180130- 16017SN04	Dimensioned Ground Floor Plan	Greg Alderson & Associates	21/06	
180130- 16017SN05	Dimensioned First Floor Plan	Greg Alderson & Associates	21/06	
180130- 16017SN06	Elevations	Greg Alderson & Associates	21/06	
180130- 16017SN07	Elevations	Greg Alderson & Associates	21/06	
180130- 16017SN08	Sections	Greg Alderson & Associates	21/06	
180130- 16017SN09	Roof Plan	Greg Alderson & Associates	21/06	

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:

a. Inform the neighbouring property owner immediately.

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

3. Bushfire safety measures

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:

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:

- To allow for emergency service personnel and residents to undertake property protection activities, a defendable space of 9 metres or to the property boundary, is to be provided around the proposed dwelling. The defendable space is to 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'.
- 2. To allow for emergency service personnel and residents to undertake property protection activities, a defendable space of 30 metres or to the property boundary, is to be provided around the existing dwelling (to be used as a Bed and Breakfast). The defendable space is to 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'.

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:

3. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

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:

- New construction shall comply with Sections 3 and 5 (BAL 12.5) 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'.
- 6. The existing dwelling, to be used as a Bed and Breakfast, is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tilespaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Landscaping

7. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

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

4. Building Information Certificate Required

A Building Information Certificate is required to be issued by Council for the converted shed to dwelling. Prior to issue of the Building Information Certificate the applicant is to demonstrate to Councils satisfaction with evidence in the form of detailed report/s from suitably qualified and experienced professionals the constructed works satisfies

- 1. The following Performance Provisions of the Building Code of Australia and
- Section B (Water Services) and Section C (Sanitary Plumbing and Drainage Services) of the Plumbing Code of Australia and
- 3. Any Environmental Consultants report for the installation and/ or upgrade of the wastewater system installed on the property and
- 4. Any recommended works identified in this report/s or identified by Council must be completed prior to issue of the Building Information Certificate;

Performance Requirement of the Building Code of Australia

P2.1.1 Structural stability and resistance to actions
P2.2.1 Surface water
P2.2.2 Weatherproofing
P2.2.3 Dampness
P2.3.1 Protection from the spread of fire
P2.3.2 Fire detection and early warning
P2.3.4 Bushfire Areas
P2.4.1 Wet areas
P2.4.2 Room heights
P2.4.3 Facilities
P2.4.4 Light
P2.4.5 Ventilation
P2.5.1 Stairways and ramps
NSW P2.6.1(a) Building Fabric & (b) Building Sealing
NSW P2.6.2 Services

5. Plans of retaining walls and drainage

If applicable, 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.

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) Minimum of 5 car spaces for the bed and breakfast and one space for each dual occupancy dwelling
- b) pavement design, comprising an all weather surface. Where the driveway grade is greater than 12% it shall be sealed;
- c) site conditions affecting the access;
- d) existing and design levels;
- e) longitudinal section from the road centreline to the car space(s);
- f) typical cross sections;
- g) drainage details;
- h) turning paths; and
- i) line marking and signage.

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. Compliance with BASIX Certificate requirements

The development is to comply with Basix Certificate No. Cert no.922614S, dated 1/06/2018

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.

8. 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 consistent with the provisions of Development Control Plan 2014 – Chapter D2.2.3 - Character and Visual Impact. Please note that colours must be non-reflective earth tone colours and that the use of white and near white colours is not permissible

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

9. 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 <u>http://www.byron.nsw.gov.au/</u> 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.

10. 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 <u>www.longservice.nsw.gov.au</u> 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.

11. On-site sewage management facility Section 68 approval required

An approval under Section 68 of the Local Government Act 1993 for on-site effluent disposal must be obtained from Council prior to issue of a Construction Certificate. Such approval must be issued after the date of this consent. The application for Section 68 approval must be accompanied by a report prepared by a suitably qualified professional with demonstrated experience in effluent disposal matters, which addresses the site specific design of sewage management in accordance with the requirements of the NSW Local Government Act, and Approvals Regulation and Guidelines approved by the Director General.

12. 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.

13. Details of pool fence required

The application for a Construction Certificate is to include plans and specifications that indicate the details of the fence around the swimming pool in accordance with the Swimming Pools Act 1992 and AS1926.1.

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

14. Site Waste Minimisation and Management

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 <u>www.byron.nsw.gov.au/files/publication/swmmp - pro-forma-.doc</u>

15. Tree Removal

No trees or vegetation to be cleared or removed until a Construction Certificate has been issued.

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

16. 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).

17. Rural House numbering

The Rural Address Number for this property is No.. This number must be displayed at the main driveway entrance approved for your property, in accordance with the "Rural Property Address Guidelines"

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

18. Inspection for on-site sewage management

All plumbing and drainage works is to be installed by a suitably qualified person. The plumber must adhere to the requirements of the NSW Code of Practice and AS/NZ 3500. The plumber is to arrange for the following inspections to be undertaken:

- a. Internal drainage prior to covering of the works.
- b. External drainage prior to the covering of works.
- c. Irrigation installation prior to the covering of works.
- d. Final

19. 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.

20. 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).
- 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.

21. 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.

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. Fill to be retained on the subject land

Fill material must not encroach onto any adjoining land.

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.

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

25. 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.

26. 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.

27. 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.

28. 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

29. 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

30. Existing building/s to be bought into compliance with fire safety provisions

All recommendations identified in the Clause 94 Fire safety consideration report undertaken by Mark Norris & Associates dated 1 June, 2018- Version 3 are to be completed prior to the issue of an occupation certificate for the bed and breakfast.

31. Final Fire Safety Certificate

For all works other than domestic construction the Principal Certifying Authority is to be furnished with a final fire safety certificate signed by the owner(s) of the property. The certificate is to indicate that all fire safety measures required to be installed in the building as indicated in the fire safety schedule have been installed and meet relevant Australian Standards for design & installation. Forms are available on Council's website.

32. 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.

33. On-site sewage management system must be completed

The on-site sewage management system is to be constructed in accordance with approved plans and in accordance with current specifications and standards. The system is not to be used and/or operated until a Council Officer has inspected the system and authorised its use.

34. Approval to Operate required

In accordance with the Local Government Act, an Approval to Operate the onsite sewage management system must be obtained from Council. Forms may be downloaded from Council's website with 'http://www.byron.nsw.gov.au/on-site-sewage

35. 'Food Business Registration required and pre operational inspection fees apply, refer: <u>https://www.byron.nsw.gov.au/Community/Public-health-and-safety/Food-safety</u> Breakfast for overnight guests is the only meals permissible to be prepared at the property.

- **36. Private water supply quality assurance plan required:** refer https://www.byron.nsw.gov.au/Community/Public-health-and-safety/Food-safety
- **37.** Public swimming pool registration and water quality monitoring plan is required: refer: <u>http://www.health.nsw.gov.au/environment/publicpools/Pages/default.aspx</u>

38. 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.

39. Compliance with bushfire conditions

Documentary evidence from a suitably qualified professional is to be submitted demonstrating that the bush fire conditions of this Notice of Determination have been complied with.

The following conditions are to be complied with at all times

40. Pool Safety Sign

The occupier of the premises must ensure that there is at all times a sign in the immediate vicinity of the swimming pool bearing the words 'Young children must be supervised when using this swimming pool'. The sign is to be a prominent position and be otherwise in accordance with clause 9 of the Swimming Pools Regulation.

A pool resuscitation sign is to be installed in a conspicuous location within the pool area to the satisfaction of the Principle Certifying Authority.

41. Swimming Pool Fencing

Swimming pool fencing is to comply with the requirements of the Swimming Pool Act 1992 and Regulations at all times.

42. Dual occupancy (detached) not to be used for bed and breakfast accommodation The dual occupancy located to the north of the property is not to be used for overnight bed and breakfast accommodation or as tourist and visitor accommodation.

43. Limited bedrooms for bed and breakfast use

The number of bedrooms used for the purposes of overnight bed and breakfast accommodation must not exceed five (5).

44. Compliance with:

- The water quality assurance plan required under the Public Health Act,
- NSW Food Act and Food safety standards,
- Public swimming pool water quality monitoring and record keeping requirements,
- Approvals to operate onsite sewage, management system..

45. Noise is to be restricted from:

- Amplified music between: Midnight to 8 am on Friday, Saturday or any day preceding a public holiday and 10pm to 8am on any other day.
- Air conditioner or water heater: 10pm to 8am on weekends and public holidays.
- Pumps and heat water pumps (incl. swimming pool and spa pumps) 8pm to 8am on any Saturday, Sunday or public holiday 8pm to 7am on any other day.
- Noise is not to be audible within the habitable room of a neighbouring residence during those hours

46. Land use:

• The bed and breakfast is not permitted host functions, events or weddings.

SCHEDULE 2 PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division8A 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 <u>Environmental Planning and</u> <u>Assessment Regulation 2000</u>. 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.

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 Rural South Catchment											
This schedule was calculated in spreadsheet #E2015/28112											
1bedroom units =	1	@	0.55	SDU	=		0.55				
2 bedroom units =	0	@	0.75	SDU	=	0					
3 bedroom units/dwellings =		1	@	1 SE	DU	=	1				
Allotments =		0	@	1		=	0				
Less Site Credits =		1	@	-1		=	-1				
Total SDU						=		0.55			
Schedule valid until 31/10/2018 After this dat						e contact Council for					
CPI update.											
Local Open Space & Recreation	(OS-RS)	0.55	SDU @	\$	-	=	\$	-			
LGA Wide Open Space & Recreation	(OS-SW)	0.55	SDU @	\$	743.70	=	\$	409.04			
LGA wide Community Facilities	(CF-SW)	0.55	SDU @	\$	1,089.23	=	\$	599.08			
Local Community Facilities	(CF-RS)	0.55	SDU @	\$	-	=	\$	-			
Bikeways & Footpaths	#N/A	0.55	SDU @	\$	-	I	\$	-			
Shire Wide Bikeways & Footpaths	(CW-SW)	0.55	SDU @	\$	79.90	=	\$	43.95			
Urban Roads	#N/A	0.55	SDU @	\$	-	=	\$	-			
LGA Wide Roads	(R-SW)	0.55	SDU @	\$	225.04	Ш	\$	123.77			
Rural Roads	(R-RS)	0.55	SDU @	\$ 1·	4,684.99	Ш	\$	8,076.74			
Administration Levy	(OF-SW)	0.55	SDU @	\$	1,124.91	Π	\$	618.70			
Total						=	\$	9,871.28			