

## SCHEDULE 1 CONDITIONS OF CONSENT

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### 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:
DA-000 F	Title Page	Daniel Raymond Architect	25.06.2018
DA-001 F	Site Plan	Daniel Raymond Architect	25.06.2018
DA-100 F	Ground Floor Plan	Daniel Raymond Architect	25.06.2018
DA-101 F	First Floor Plan	Daniel Raymond Architect	25.06.2018
DA-300 F	Elevations Sheet	Daniel Raymond Architect	25.06.2018
DA-400 F	Sections Sheet	Daniel Raymond Architect	25.06.2018
LA02 C	Site Plan	Ennismore Field Pty Ptd	29.06.2018
LA03 C	Planting Plan	Ennismore Field Pty Ptd	29.06.2018
LA04 C	Planting Plan	Ennismore Field Pty Ptd	29.06.2018
LA05 B	Elevations	Ennismore Field Pty Ptd	01.07.2018
LA06 B	Elevations	Ennismore Field Pty Ptd	02.07.2018
LA07 C	Landscape Concept	Ennismore Field Pty Ptd	02.07.2018
LA08 C	Landscape Details	Ennismore Field Pty Ptd	29.06.2018
LA09 B	Landscape Details and Planting Schedule	Ennismore Field Pty Ptd	29.06.2018
LA10 B	Landscape Concept	Ennismore Field Pty Ptd	29.06.2018
LA11 A	Landscape Concept	Ennismore Field Pty Ptd	02.07.2018
LA12 A	Landscape Details	Ennismore Field Pty Ptd	29.06.2018

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. **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. **Limited tree removal**

Removal of existing native trees from the site is limited to those expressly permitted by this development consent as marked on stamped plans. All other trees and native plants within the site are to be retained and protected.

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

4. **DA10.2016.686.1 Subdivision Registration**

Prior to the issue of a Construction Certificate DA 1.2016.686.1 must be registered with the NSW Government Land and Property Information (LPI). Confirmation of registration must be submitted to Council.

5. **Landscaping plan**

The application for a Construction Certificate is to include plans and specifications in accordance with the approved Landscaping Plans. Such landscaping must demonstrate compliance with the provisions of Chapter B9 of Development Control Plan 2014. The landscaping plan must also indicate:

- a) Trees that are capable of achieving a mature height of over 6 metres are not to be planted adjacent to the southern boundary of the site.

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

6. **Voluntary Planning Agreement**

Prior to the release of a construction certificate the developer shall enter into a Voluntary Planning Agreement (VPA) with Council. The VPA should be in the following terms, subject to the requirements of the regulations and the standard clauses as required by the Development contributions Practice notes 2005:

- a) The developer is to pay a monetary contribution of \$5775.81 per car space or a fraction thereof for 7.3 car spaces.
- b) This rate is valid until 24 October 2017 at which time the amount may be increased in accordance with the consumer price index (CPI) all groups Sydney, as published by the Australian Bureau of Statistics.
- c) The payment would be required prior to the release of a construction certificate for the development.
- d) All costs of preparation of the VPA would be at the developer's expense.

7. **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. The Plan may be viewed online 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.

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.**

**8. Building materials and colours**

The application for a Construction Certificate is to include plans and specifications that indicate the proposed building colours are in accordance with the colours within the provisions of Section C1.4.5 of Council's Development Control Plan 2014. Please note that colours must be non-reflective.

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

**9. Adaptable housing units**

One (1) dwelling is to be constructed as adaptable housing in accordance with AS4299 Adaptable Housing.

**10. Remediation of contaminated land**

The application for a construction certificate must be accompanied by a Detailed Contaminated Land Assessment and Remedial Action Plan prepared by a suitably qualified contaminated land specialist with experience in the remediation of contaminated land. The Remedial Action Plan must conform to NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites 1997* and all other applicable standards.

The Remedial Action Plan must be approved as part of the Construction Certificate for Building Works.

**11. 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.

**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. Engineering Construction Plans**

Three (3) copies of engineering construction plans and specifications must accompany the construction certificate application. Such plans are to provide for the following works in accordance with Council's current Design and Construction Manuals and Specifications. The submission of the design plans must be accompanied by Northern Rivers Local Government Design and Construction Manual Design Checklist in accordance with Specification DQS:

**14. 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 allotments in the development. 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.

**15. On-site stormwater detention - Section 68 approval required**

An approval under Section 68 of the Local Government Act 1993 to carry out on-site detention drainage system and connection to a Council approved drainage system.

The plans must be in compliance with the Northern Rivers Local Government Development Design and Construction Manuals, Byron Shire Council Comprehensive Guidelines for Stormwater Management and relevant Australian Standards. Refer to Council's website for copies of Council documents.

**16. Compliance with BASIX Certificate requirements**

The development is to comply with Basix Certificate No. **939957M**, dated **28/06/2018**

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.

**17. 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.

**18. Site Waste Minimisation and Management Plan**

Part B: Chapter B8 of Development Control Plan 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/publications/swmmp\\_-\\_pro-forma-.doc](http://www.byron.nsw.gov.au/files/publications/swmmp_-_pro-forma-.doc)

**19. Tree Removal**

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

**20. Sediment and Erosion Control Management Plan required**

The application for a Construction Certificate is to include plans and specifications that indicate the measures to be employed to control erosion and loss of sediment from the site. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as filter fences and sedimentation basins.

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".**

**21. 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 the following works:

**Kerb & gutter, road pavement and drainage**

Kerb and gutter, road pavement, associated drainage construction and any necessary relocation of services as follows along Station Lane:

1. For the first 63m (approx.) of Station Lane (measured from Byron St intersection):
  - a. construct road pavement and kerb and gutter along the northern edge of the existing road pavement;
  - b. minimum road width to be 5.9m.
2. From 63m to 97m (approx.) of Station Lane:
  - a. construct road pavement and kerb and gutter along the northern edge of the existing road pavement;
  - b. from the edge of existing bitumen seal to the property boundary of Lot 1 DP 82555;
3. From 97m to 119m (approx.) of Station Lane:
  - a. construct full width road pavement and kerb and gutter;
  - b. Construction of section 97m – 119m of Station Lane not required if full width road pavement and kerb and gutter previously constructed as part of DA 10.2016.686.1.

**22. Traffic Management Plan**

Consent from Council must be obtained for a Traffic Management Plan pursuant to Section 138 of the Roads Act 1993. The plans and specifications are to include the measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development. The traffic control plan is to be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'.

"The plan shall incorporate measures to ensure that motorists using road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site".

The traffic control plan must be prepared by a suitably qualified and RTA

accredited Work Site Traffic Controller.

**23. 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 Council's Development Control Plan 2014, 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 description;
- b) site conditions affecting the access;
- c) existing and design levels;
- d) longitudinal section from the road centreline to the car space(s);
- e) typical cross sections;
- f) drainage (pipes, pits, on-site detention, etc.);
- g) turning paths;
- h) linemarking 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".

**24. Bond required to guarantee against damage to public land**

A bond of \$3000 is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets.

**25. 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**

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

**26. Remediation of contaminated land**

Prior to the commencement of any works associated with this development consent, the following is required:

- a) A suitably qualified contaminated land specialist with experience in the remediation of contaminated land must be engaged by the proponent to oversee and be responsible for all works associated with the implementation of the Remedial Action Plan and subsequent site and soil validation.
- b) A notice of commencement of the remediation work and a copy of the Remedial Action Plan must be provided to Council's Health and Environment Section at least 30 days prior to commencement of the -work.
- c) The notice of commencement must include contact details of the responsible person, including an emergency 24-hour phone number.

**27. Traffic Management Plan**

The approved traffic management plan is to be implemented.

**28. 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.

**29. 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.

30. **Erosion and Sediment Control Management Plan required**

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

Sediment and erosion control measures in accordance with the approved Erosion and Sedimentation Control plan/s must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

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).

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

31. **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.

32. **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**

33. **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.**

34. **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.**

**35. 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.

**36. 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.

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

Fill material must not encroach onto any adjoining land.

**38. 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.**

**39. Remediation of contaminated land**

Remedial works must be undertaken in conformance with the approved Remedial Action Plan and NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites 1997* and all other applicable standards.

**40. 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.

**41. 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.

42. **WorkCover Authority**

All works must be undertaken in accordance with the requirements of the WorkCover Authority.

43. **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](http://www.environment.nsw.gov.au/resources/waste/08202classifyingwaste.pdf)

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

44. **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.

45. **Stormwater disposal**

Stormwater must be collected and disposed of in accordance with the S68 Approval.

46. **Remediation of contaminated land**

A notice of completion must be provided to Council's Health and Environment Section within 30 days of completion of the remediation work. The notice of completion must be accompanied by a Validation Report prepared by a suitably qualified person with experience in the remediation of contaminated land.

The Validation Report must specify the standard of remediation achieved and certify that the site is suitable for the proposed use. The report must conform to the NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites 1997* and all other statutory requirements.

Documentary evidence must be provided confirming the method of disposal and destination of all contaminated soil removed from the site.

47. **Works as executed drawings are required.**

The submission of works as executed drawings for the stormwater prior to a final plumbing inspection.

48. **Section 88B Instrument**

A Section 88B Instrument and one (1) copy are to be submitted to the Principle Certifying Authority confirming the following:

- Cancellation of the Right of Carriageway created as part of DA 10.2016.686.1.
- Create suitable easements for:
  - Right of carriageway over carpark driveway and parking aisle;
  - Right of parking over all car parking spaces dedicated to the residential units;
  - Right of parking over all car parking spaces dedicated to the commercial units;
  - Shared use of loading bay for all commercial tenants;
  - Right of way for pedestrian and bicycle access over all external walkways and bicycle parking;
  - Drainage of water, over the full extent of on-site detention storage areas, drainage structures and pipelines draining to on-site detention structures;
  - Drainage of water, with a minimum width of 1.5 metres, over all inter-allotment drainage pipelines and structures;
  - Positive covenant(s) requiring shared maintenance of on-site detention and interallotment drainage systems.

49. **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".

50. **Trade Waste – Compulsory registration**

**Registration** is required under Council's Liquid Trade Waste Policy and Liquid Trade Waste Guidelines.

Commercial, business, trade and industrial activities discharging or proposing to discharge to the sewer are required to notify Council and complete the Trade Waste Registration Form available at the Mullumbimby Office and from Council's website at: [http://www.byron.nsw.gov.au/files/publications/liquid\\_trade\\_waste\\_application\\_form\\_0.pdf](http://www.byron.nsw.gov.au/files/publications/liquid_trade_waste_application_form_0.pdf)

**The following conditions are to be complied with at all times**

51. **No Interference with Amenity of Neighbourhood**

The proposed use of the premises shall not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. In particular:

- a) The noise level emanating from the use of the premises must comply with the New South Wales Industrial Noise Policy.
- b) Only clean and unpolluted water is permitted to be discharged to Councils' stormwater drainage system or any waters.
- c) All wastes shall be contained within appropriate containers fitted with a tight-

fitting vermin-proof lid.

- d) All trade waste treatment devices and other waste storage facilities shall be serviced and maintained to ensure that all relevant environment protection standards are satisfied.
- e) Goods deliveries, fuel deliveries and waste collection shall be restricted to daytime operating hours.

**52. Separate application required for advertising structures**

A separate application is to be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures, other than those permitted without consent under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**53. Vehicles to enter/leave in a forward direction**

Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction. All driveways and turning areas must be kept clear of obstructions that prevent compliance with this condition.

## **SCHEDULE 2 PRESCRIBED CONDITIONS**

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**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**

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**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.

**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	0.48 ET
Bulk Water	0.48 ET
Sewer	1.18 ET

### 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 =	2	@	0.55 SDU	=		1.1
2 bedroom units =	2	@	0.75 SDU	=		1.5
3 bedroom units/dwellings =	1	@	1 SDU	=		1
Allotments =	0	@	1	=		0
Less Site Credits =	2	@	-1	=		-2
Total SDU				=		1.6
Schedule valid until			24/10/2018	After this date contact Council for CPI update.		
Local Open Space & Recreation	(OS-BG)	1.60	SDU @	\$ 3,816.50	=	\$ 6,106.40
LGA Wide Open Space & Recreation	(OS-SW)	1.60	SDU @	\$ 743.70	=	\$ 1,189.92
LGA wide Community Facilities	(CF-SW)	1.60	SDU @	\$ 1,089.23	=	\$ 1,742.77
Local Community Facilities	(CF-BG)	1.60	SDU @	\$ 345.52	=	\$ 552.83
Bikeways & Footpaths	(CW-BG)	1.60	SDU @	\$ 921.24	=	\$ 1,473.98
Shire Wide Bikeways & Footpaths	(CW-SW)	1.60	SDU @	\$ 79.90	=	\$ 127.84
Urban Roads	(R-BG)	1.60	SDU @	\$ 1,584.69	=	\$ 2,535.50
LGA Wide Roads	(R-SW)	1.60	SDU @	\$ 225.04	=	\$ 360.06
Rural Roads	#N/A	1.60	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	1.60	SDU @	\$ 1,124.91	=	\$ 1,799.86
<b>Total</b>					=	<b>\$ 15,889.16</b>

### Works within Conservation Areas

Any future works and changes to the external fabric or colour of the will require development consent in accordance with the Byron LEP2014 Clause 5.10 Heritage Conservation for any changes to the exterior of the building including, making changes to its detail, fabric, finish or appearance).