

DA 10.2021.425.1 – Recommended conditions

SCHEDULE 1. CONDITIONS OF CONSENT

Parameters of consent

1. **Approved plans and supporting documentation**

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title	Drawn by	Dated
DA1	A	Site Development Plan	Prestige Properties Design & Construction	20/5/21
2061-C1	A	Roadworks Pavement Plan	SDS Civil Enterprises	June 2022
2061-C2		Stormwater Management Plan	SDS Civil Enterprises	April 2021
2061-C5		Internal Driveway Plan Chainages	SDS Civil Enterprises	April 2021
2061-C6		Internal Driveway Cross Section Profiles	SDS Civil Enterprises	April 2021
CSP1	A	Construction Staging Plan	SDS Civil Enterprises	20/5/21
LP1	A	Landscaping Plan	Prestige Properties Design & Construction	20/5/21
D1/1	A	Dwelling 1 Ground Floor Plan	Prestige Properties Design & Construction	20/5/21
D1/2	A	Dwelling 1 First Floor Plan	Prestige Properties Design & Construction	20/5/21

D1/3	A	Dwelling 1 Elevations	Prestige Properties Design & Construction	20/5/21
D1/4	A	Dwelling 1 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21
D2/1	A	Dwelling 2 Floor Plans	Prestige Properties Design & Construction	20/5/21
D2/2	A	Dwelling 2 Elevations	Prestige Properties Design & Construction	20/5/21
D2/3	A	Dwelling 2 Elevations	Prestige Properties Design & Construction	20/5/21
D2/4	A	Dwelling 2 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21
D3/2	A	Dwelling 3 Elevations	Prestige Properties Design & Construction	20/5/21
D3/1	A	Dwelling 1 Floor Plans	Prestige Properties Design & Construction	20/5/21
D3/3	A	Dwelling 3 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21
D4/2	A	Dwelling 4 Elevations	Prestige Properties Design & Construction	20/5/21

D4/1	A	Dwelling 4 Floor Plans	Prestige Properties Design & Construction	20/5/21
D4/3	A	Dwelling 4 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21
D5/2	A	Dwelling 5 Elevations	Prestige Properties Design & Construction	20/5/21
D5/1	A	Dwelling 5 Floor Plans	Prestige Properties Design & Construction	20/5/21
D5/3	A	Dwelling 5 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21
D6/2	A	Dwelling 6 Elevations	Prestige Properties Design & Construction	20/5/21
D6/1	A	Dwelling 6 Floor Plans	Prestige Properties Design & Construction	20/5/21
D6/3	A	Dwelling 6 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21
D7/2	A	Dwelling 7 Elevations	Prestige Properties Design & Construction	20/5/21
D7/1	A	Dwelling 7 Floor Plans	Prestige Properties Design & Construction	20/5/21

D7/3	A	Dwelling 7 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21
D8/2	A	Dwelling 8 Elevations	Prestige Properties Design & Construction	20/5/21
D8/1	A	Adaptable Housing Conversion Dwelling 8 Floor Plans	Prestige Properties Design & Construction	20/5/21
D8/3	A	Dwelling 8 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21
D9/2	A	Dwelling 9 Elevations	Prestige Properties Design & Construction	20/5/21
D9/1	A	Dwelling 9 Floor Plans	Prestige Properties Design & Construction	20/5/21
D9/3	A	Dwelling 9 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21
D10/2	A	Dwelling 10 Elevations	Prestige Properties Design & Construction	20/5/21
D10/1	A	Dwelling 10 Floor Plans	Prestige Properties Design & Construction	20/5/21
D10/3	A	Dwelling 10 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21

D11/2	A	Dwelling 11 Elevations	Prestige Properties Design & Construction	20/5/21
D11/1	A	Dwelling 11 Floor Plans	Prestige Properties Design & Construction	20/5/21
D11/3	A	Dwelling 11 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21
D12/2	A	Dwelling 12 Elevations	Prestige Properties Design & Construction	20/5/21
D12/1	A	Dwelling 12 Floor Plans	Prestige Properties Design & Construction	20/5/21
D12/3	A	Dwelling 12 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21
D13/2	A	Dwelling 13 Elevations	Prestige Properties Design & Construction	20/5/21
D13/1	A	Dwelling 13 Floor Plans	Prestige Properties Design & Construction	20/5/21
D13/3	A	Dwelling 13 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21
D14/2	A	Dwelling 14 Elevations	Prestige Properties Design & Construction	20/5/21

D14/1	A	Dwelling 14 Floor Plans	Prestige Properties Design & Construction	20/5/21
D14/3	A	Dwelling 14 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21
D15/2	A	Dwelling 15 Elevations	Prestige Properties Design & Construction	20/5/21
D15/1	A	Dwelling 15 Floor Plans	Prestige Properties Design & Construction	20/5/21
D15/3	A	Dwelling 15 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21
D16/2	A	Dwelling 16 Elevations	Prestige Properties Design & Construction	20/5/21
D16/1	A	Dwelling 16 Floor Plans	Prestige Properties Design & Construction	20/5/21
D16/3	A	Dwelling 16 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21
D17/2	A	Dwelling 17 Elevations	Prestige Properties Design & Construction	20/5/21
D17/1	A	Dwelling 17 Floor Plans	Prestige Properties Design & Construction	20/5/21

D17/3	A	Dwelling 17 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21
D18/2	A	Dwelling 18 Elevations	Prestige Properties Design & Construction	20/5/21
D18/1	A	Adaptable Housing Conversion Dwelling 18 Floor Plans	Prestige Properties Design & Construction	20/5/21
D18/3	A	Dwelling 18 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21
D19/2	A	Dwelling 19 Elevations	Prestige Properties Design & Construction	20/5/21
D19/1	A	Dwelling 19 Floor Plans	Prestige Properties Design & Construction	20/5/21
D19/3	A	Dwelling 19 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21
D20/2	A	Dwelling 20 First Floor Plan	Prestige Properties Design & Construction	20/5/21
D20/3	A	Dwelling 20 Elevations	Prestige Properties Design & Construction	20/5/21
D20/1	A	Dwelling 20 Ground Floor Plan	Prestige Properties Design & Construction	20/5/21

D20/4	A	Dwelling 20 Construction Section, Roof Plan	Prestige Properties Design & Construction	20/5/21
1		Proposed Subdivision Layout	Planners North	
1241.41 61		Acid Sulfate Soil Management Plan 24 - 34 Bayside Way, Brunswick Heads 20 Lot Integrated Housing Development	Planners North	August 2022

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

2. **Staged Development**

The development is to be carried out in accordance with the approved Construction Staging Plan (CSP1, 20/5/21).

Where conditions are required to be satisfied prior to a particular event, those conditions are the conditions relevant to the works being carried out in the stage.

The relevant conditions are the conditions deemed necessary, by the Principal Certifying Authority (PCA) appointed for the development, or, where pursuant to the issue of a Construction Certificate, the relevant consent authority.

3. **Payment of security deposits**

Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all the following payments to Council and provide written evidence of these payments to the certifier:

Security deposit	\$10000
Inspection fee	\$200

The

payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the *Roads Act 1993*). The amount payable must be in accordance with council's fees and charges at the payment date.

4. **No tree removal**

This consent does not authorise the removal of any native trees from the development site. No approval is granted for the removal of the eucalypt on Proposed Lot 1, with this tree to be retained.

5. **Use of dwelling-houses**

The dwelling houses are not approved for short-term rental accommodation, holiday letting and/or for the use as a tourist facility.

6. **Conditions prescribed by the Regulation**

This development consent is subject to the conditions prescribed by the regulations in accordance with subsection 4.17(11) of the *Environmental Planning and Assessment Act 1979*. Conditions are provided in a **Schedule** of this consent.

7. **Integrated Approvals from other State Government Approval Bodies**

This development consent includes Integrated development approvals under Sections 4.46 and 4.47 of the *Environmental Planning and Assessment Act 1979*, being:

- a. An authorisation under s.100B of the *Rural Fires Act 1997* in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes; and
- b. An activity approval under the *Water Management Act 2000*.

This development consent is subject to the General Terms of Approval from the Rural Fire Service (DA2021081100335-Original-1, dated 17 September 2021) and Natural Resources Access Regulator (IDAS-2021-10143, dated 27 September 2021) contained in a **Schedule** of this Notice of Determination.

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

8. **Construction site management plan**

Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
- details of any bulk earthworks to be carried out

- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures
- location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

9. **Land to be consolidated**

All separate parcels of land are to be consolidated into one allotment and registered with the NSW Department of Lands.

10. **Geotechnical Report required – Engineering works**

A certificate from a professional Engineer experienced in soil mechanics is to be provided to the Principal Certifying Authority, certifying that:

- a) the design of the civil engineering works, including retaining walls and/or cut & fill batters, has been assessed as structurally adequate;
- b) the civil engineering works will not be affected by landslip or subsidence either above or below the works; and
- c) adequate drainage has been provided.

11. **Stormwater drainage – Connection to public or inter-allotment drainage**

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 by a gravity system to the 1350mm diameter pipe under Bayside Way and in accordance with the approved stormwater management plans.

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 contained in Council's Development Control Plan, Stormwater Guideline and Local Approvals Policy; and
- b) unless exempt from obtaining an approval under section 68 of the Local Government Act 1993 by a Local Approvals Policy, an approval must be obtained under that Act prior to issue of a Construction Certificate.

12. **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 Australian Standard (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 and Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings". Plans are to include, but not be limited to, the following items:

- a) two (2) parking spaces per dwelling and five (5) visitors parking spaces;
- b) user Class 1 parking;

- c) pavement design, comprising an all-weather surface, such as asphalt, bitumen seal, concrete, pavers or other similar treatment;
- d) site conditions affecting the access;
- e) existing and design levels;
- f) longitudinal section from the road centreline to the car parking spaces;
- g) cross sections every 15m;
- h) drainage details;
- i) turning paths; and
- j) 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 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.

13. Erosion and Sediment Control Plan required

The application for a Construction Certificate is to include an Erosion and Sediment Control Plan that details the measures to be employed to control erosion and loss of sediment from the site during construction. Control over discharge of stormwater and containment of run-off and pollutants leaving the site 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. The plans must be in accordance with the relevant sections of Council's current Northern Rivers Local Government Development Design & Construction Manuals".

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

14. Fibre-ready facilities and telecommunications infrastructure

Prior to the issue of the Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

- a. the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- b. the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Note: Real estate development project has the meanings given in section 372Q of the Telecommunications Act.

15. Water and Sewerage - Section 68 approval required

If required, an Approval under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

16. 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 D1.2.4 - Character and Visual Impact. The use of white and/or light colours is not permitted for external finishes and the use of non-reflective earth tone colours, brick walls and tile roofs is encouraged.

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

17. Updated dwelling plans required

The dwelling plans submitted for approval of the Construction Certificate must be amended to show:

- a. Dwellings 1, 17, 18 and 19 are setback at least 3m or are beyond the tree protection zone of the existing trees, whichever is the lesser distance; and
- b. All fencing forward of the building line to be no greater than 1.2m in height.

The dwelling plans submitted for approval of the Construction Certificate must demonstrate that all dwellings have a ground level courtyard with a minimum area of 30m² and being 4m in length and width.

The updated dwelling plans are to be approved as part of the Construction Certificate.

18. Retained trees to be identified on all plans

All trees to be retained in accordance with this development consent must be illustrated on any, and all, relevant Construction Plans, along with their Tree Protection Zones formulated in accordance with *AS 4970-2009 – Protection of Trees on Development Sites*.

19. Compliance with BASIX Certificate requirements

The development is to comply with Basix Certificate No. 1197070M, dated 20/5/2021.

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 measures may be undertaken without the issue of any amendment under Section 4.55 of the Act, provided that the changes do not affect the form, shape or size of the building.

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

20. Long Service Levy to be paid

In accordance with Section 6.8 of the Environmental Planning and Assessment Act 1979 (as amended), a Construction Certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid (as applicable).

These payments can be made online at www.longservice.nsw.gov.au. Proof of payment is required to be submitted with the Construction Certificate application.

For further information regarding the Long Service Payment please refer to the website above.

21. Developer Contributions to be paid

Contributions set out in the schedule below are to be paid to Council prior to the release of a construction certificate for a dwelling or a subdivision certificate. Contributions are levied in accordance with the Byron Shire Developer Contributions Plan 2012 (as amended). The Plan may be viewed on line at 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).

22. Waste Management Plan

Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with:

- a. EPA's Waste Classification Guidelines; and
- b. Chapter B8 of the Byron Shire Development Control Plan 2014.

The waste management plan must be provided to, and approved by, the certifier.

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

23. Insect screening required

The application for a Construction Certificate is to include plans and specifications that provide effective insect screening to all windows, doors and other openings to all parts of the development used for habitable purposes.

Such plans are to be approved as part of the Construction Certificate.

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

24. Erosion and Sediment Control Plan implementation

Erosion and sediment controls must be installed in accordance with the approved Erosion and Sediment Control Plan prior to construction works commencing

25. Trees to be retained and protected

Tree to be retained are to be protected by Tree Protection Zone (TPZ) fencing. The fencing is to be installed prior to any building or construction works commencing.

Activities that are excluded within the TPZ (as per section 4.2 of *AS 4970-2009 – Protection of Trees on Development Sites*) include machine excavation, placing of fill, parking of vehicles and plant, and storage of material. If these activities are required within the TPZ they may only occur under the supervision of the project arborist (minimum AQF level 5 qualified arborist).

26. **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.

27. **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

28. **Hours of work**

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7am to 6pm on Monday to Friday.
- 8am to 1pm on Saturday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

29. **Construction Noise**

While building work is being carried out, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

30. **Implementation of BASIX commitments**

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

31. **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.

32. **Builders rubbish to be contained on site**

All builder's 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.

33. **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.

34. **Maintenance of erosion and sediment controls**

Erosion and sediment controls must be maintained in accordance with the approved Erosion and Sediment Control Plan and until the site has been stabilised by permanent vegetation cover or hard surface.

35. **Stormwater drainage work**

Stormwater drainage for the development must be constructed in accordance with the approved plans and specification by a suitably qualified person.

36. **All excavated soils to be disposed of off-site**

All excavated soils to be disposed of off-site and in accordance with NSW EPA *Waste Classification Guidelines* (2014) and approved environmental management plans.

37. **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 EPA Waste Classification Guidelines \(2014\)](#)

38. **Excavated natural materials and demolition waste disposal**

Any and all excavated natural materials and demolition and builders waste transported from the site must be accompanied (a copy kept with the transporter) by a [NSW Protection of The Environment Operations Act s143 Notice](#).

39. **Aboriginal Relics**

While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- "relic" means any deposit, artefact, object or material evidence that:

- a. relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- b. is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

40. Building location survey required

The location of the buildings on the site to be established by a suitably qualified Surveyor and must comply with this approval including any required setbacks to boundaries.

The following conditions need to be complied with prior to issue of a subdivision works certificate

41. Engineering construction plans

Engineering construction plans and specifications must accompany the Subdivision Works Certificate application demonstrating compliance with Council's standards for the required engineering works.

Each set of drawings must be accompanied by a Certification Report which must be signed by a suitably qualified Civil Engineer or Registered Surveyor. The Certification Report will comprise the certificate and check lists set out in Annexure DQS-A of the [Northern Rivers Local Government Development & Design Manuals](#).

The information shown on the drawings must be logically collected on discrete sheets generally in accordance with Annexure DQS-B and the Sample Drawings of the Northern Rivers Local Government Development & Designs. The drawings are to provide for the following works :

- a. Channelised Right (CHR) Treatment opposite the southern driveway
Kerb and gutter, road pavement, line-marking, streetlighting (AS 1158) and associated drainage construction, including any necessary relocation of services in accordance with SDS Civil Enterprises drawing 2061-C1 Rev B.
- b. On-street parking and relocation of footpath
A fully detailed design of five (5) on-street parallel parking including line-marking and any necessary relocation of services in accordance with AS 2890.5 and IPWEA drawing R-0031 (see Note). The following must be adopted: -
 - Carriageway of 3.5m.
 - Parking lane of 2.1m.
 - Safety barrier line between the parking lane and carriageway of 0.5m.
 - The parking lane be sheltered by way of full indentation of the parking lane. It is necessary to replace the existing kerb and gutter with a concrete invert or dish gutter in accordance with NRLG drawing R-03 and install a mountable kerb at a new alignment in accordance with IPWEA drawing R-0031 – Verge with Parking Bays and Pathways.
 - Relocate the existing 1.5m wide footpath, measured 1.5m from the invert of the mountable kerb. Refer to IPWEA drawing.
- c. Concrete footpath extension
The footpath located inside Lot 33 DP730006 and south of 13 Kingsford Drive is to be extended through to Lot 36 DP800926 & Lot 7 DP1261870 to connect onto the footpath on

the western section of Bayside Way. The footpath is to be 1.5m wide, concrete and with a crossfall of 1 % or 1:100 (maximum 2.5% or 1 in 40).

d. Ramped pedestrian crossing

A ramped pedestrian crossing including streetlighting (AS1158) in accordance with Council's standard plan – No. 941 and SDS Civil Enterprises drawing 2061-C1.

e. Pedestrian refuge

A pedestrian refuge including streetlighting (AS1158) in accordance with SDS Civil Enterprises drawing 2061-C1. The pedestrian refuge is to be designed in accordance with Australian Standard 1742.10 – Manual of Uniform Traffic Controls – Pedestrian Control and Protection and Traffic Authority of New South Wales Guidelines for Traffic Facilities, Part 4.2 – Pedestrian Refuges. The design is to address siting, signs, line-marking, parking restrictions and night-time visibility.

f. Driveways

Driveways are to be designed and constructed generally in accordance with the approved plans and Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings". Adjustment and/or relocation of services may be necessary to meet the requirements of the relevant service authorities and to ensure that the services are constructed flush with the finished surface levels.

g. Stormwater drainage

Stormwater is to be collected and discharged in accordance with Council's standards, currently [Northern Rivers Local Government Development Design & Construction Manuals](#). A full and detailed stormwater management plan for the site must be provided for Council's records at the time of lodging detailed engineering plans for Subdivision Works Certificate approval. The drawings and management plan must be accompanied by a Design Submission Checklist as set out in APPENDIX C of the Northern Rivers Local Government Handbook of Stormwater Drainage Design, which must be signed by a suitably qualified Civil Engineer or Registered Surveyor. The drawings and management plan are to include, but not be limited to, the following items:

- Catchment plan (included in the drawing set);
- Hydrological and hydraulic calculations based on the methods outlined in the Queensland Urban Design Manual (QUDM) and Australian Rainfall & Runoff (AR&R) 1987. A summary of the calculations must be included on the drawings consistent with the Sample Drawings of the Northern Rivers Local Government Development & Design Manuals;
- Detailed design of the internal drainage system; and
- Stormwater management structures/facilities that have minimum impact on Council's maintenance program. All maintenance activities must be specified in a maintenance plan (and associated maintenance inspection forms) to be developed as part of the design procedure and included in the stormwater management plan.

h. Stormwater outlets

An energy dissipating pit with a suitably installed locked grated outlet to all pipes or any other drainage structures. Grates must be of galvanised weldlock construction.

i. Stormwater quality

Stormwater quality must be suitable for discharge in accordance with Council's standards, currently [Chapter B3 Services of Development Control Plan 2014](#) and [Northern Rivers Local Government Development Design & Construction Manuals](#). The proposed water quality management devices and treatment train must have minimum impact on Council's maintenance program. All maintenance activities must be specified in a maintenance plan (and associated maintenance inspection forms) to be developed as part of the design procedure and submitted with the Subdivision Works Certificate documentation.

j. Access to Stormwater Structures

Satisfactory access to all drainage discharge points and filter controls for maintenance purposes.

Note: The cross-sectional detail in SDS Civil Enterprises drawing 2061-C1 is not supported.

42. **Roads Act approval**

All works within the road reserve must be approved under section 138 of the Roads Act 1993 prior to, or concurrently with, the Subdivision Works Certificate.

43. **Erosion and Sediment Control Plan required**

The plans and specifications to accompany the Subdivision Works Certificate application are to include an Erosion and Sediment Control Plan that details the measures to be implemented to control erosion and loss of sediment from the site. The Erosion and Sediment Control Plan must:

- a. be in accordance with the requirements of the *NSW Department of Housing Manual (1989), Managing Urban Stormwater, Soils and Construction*; and
- b. include details of general site management, material handling practices, soil stabilisation, water control, sediment control, wind erosion control and access measures.

The Erosion and Sediment Control Plan must be prepared by a suitably experienced person.

Suitably experienced people include those certified by:

- The Institution of Engineers, Australia, for engineering and hydrology matters.
- The International Erosion Control Association for soil conservation matters.
- The Australian Society of Soil Science for collection or analysis of soil data.

44. **Traffic Management Plan required**

Prior to issue of the construction certificate, consent from Council must be obtained for a Traffic Management Plan (TMP) 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 TMP is to be designed in accordance with the requirements of the current version of the Transport for NSW *Traffic Control at Work Sites Technical Manual*.

The report must 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 TMP and associated traffic guidance scheme/s must be prepared by a suitably qualified Transport for NSW accredited person

45. **Waste Management Plan**

Before the issue of a subdivision works certificate, the applicant is to ensure that a waste management plan is prepared in accordance with:

- c. EPA's Waste Classification Guidelines; and
- d. Chapter B8 of the Byron Shire Development Control Plan 2014.

The waste management plan must be provided to, and approved by, the certifier.

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

46. Updated landscaping plan required

The application for a Construction Certificate is to include an updated landscaping plan. The updated landscaping plan must be generally consistent with the landscaping plan provided with the development application (LP1, Prestige Properties Design & Construction, 20/5/21) but for the following changes:

- a. Retention of all existing trees on the site including the gum tree at the north of the site adjacent to proposed Dwelling 1;
- b. No new trees to be planted within 3m of dwellings.

The updated landscaping plan must indicate:

- a) proposed location for planted shrubs and trees;
- b) use of only locally endemic, native species;
- c) botanical name of shrubs and trees to be planted;
- d) mature height of trees to be planted;
- e) location of grassed and paved areas; and
- f) location of trees/vegetation identified for retention in the development application plans.

The updated landscaping plan must demonstrate that a combined landscaped area of at least 1800m² with at least 75% of the landscaped area being deep soil area.

The plan is to be prepared by a suitably qualified landscape architect / architect / ecologist who has appropriate experience and competence in landscaping.

The updated landscaping plan must be approved as part of the Construction Certificate.

47. Retained trees to be identified on all plans

All trees to be retained in accordance with this development consent must be illustrated on any, and all, relevant Construction Plans, along with their Tree Protection Zones formulated in accordance with *AS 4970-2009 – Protection of Trees on Development Sites*.

48. Water and Sewerage - Section 68 Part B approval

If required, an **Approval** under Section 68 of the *Local Government Act 1993* to carry out water supply work and sewerage work must be obtained.

Water metering to be in accordance with Byron Shire Council's water metering requirements See: <https://www.byron.nsw.gov.au/Services/Building-development/Other-approvals-and-permits/Plumbing-and-Drainage-Applications>

Any new water service and meter will be at applicants cost.

49. Developer Contributions to be paid

Contributions set out in the schedule below are to be paid to Council prior to the release of a construction certificate for a dwelling or a subdivision certificate. Contributions are levied in accordance with the Byron Shire Developer Contributions Plan 2012 (as amended). The Plan may be viewed on line at 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).

50. **Public art**

In accordance with Byron Shire Development Control Plan 2014 (DCP 2014) Chapter D8 Public Art, the following is to be addressed prior to issue of a subdivision works certificate:

A. **Planning Agreement**

The developer shall enter into a Planning Agreement with Council and shall pay the amount required by the agreement. The planning agreement 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 2021:

- a. The developer is to pay a monetary contribution of \$80,000 in lieu of the provision of public art.
- b. The contribution specified by the planning agreement will be required to be paid prior to the release of a construction certificate for the development.
- c. All costs of preparation and advertising of the planning agreement will be at the developer's expense up to a maximum of \$1500. Council will provide the developer with an itemised invoice of the costs incurred.

Note: DCP 2014 Chapter D8 Public Art - Section D8.2.1 Provision of Public Art allows for a financial contribution in lieu of providing public art.

51. **Modification of DA 10.2015.795.1**

Prior to the release of a subdivision works certificate, the owner or person authorised to act upon the development consent DA 10.2015.795.1 shall modify this consent in accordance with section 4.17(1)(b) of the *Environmental Planning and Assessment Act 1979* and clause 67 of the *Environmental Planning and Assessment Regulation 2021*.

The amendments to this development application shall be to insert the following amended wording for condition 1 of this consent:

1) Development is to be in accordance with approved plans

The development is to be in accordance with plans listed below except where modified by development consent DA 10.2021.425.1:

Plan No.	Description	Prepared by	Dated:
BH15016-DA13 S1 of 1	Concept Plan	Hammond & Associates	27.01.2017

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.

52. **Long Service Levy to be paid**

In accordance with Section 6.14 of the Environmental Planning and Assessment Act 1979 (as amended), a Subdivision Works Certificate shall NOT be issued until any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid.

These payments can be made online at www.longservice.nsw.gov.au. Proof of payment is required to be submitted with the Subdivision Works Certificate application.

For further information regarding the Long Service Payment please refer to the website above.

The following conditions must be complied with prior to commencement of subdivision works

53. **Subdivision work**

Subdivision work in accordance with the development consent must not be commenced until a Subdivision Works Certificate has been issued, a principal certifying authority has been appointed and at least 2 days' written notice for the intention to commence works has been made, in accordance with the requirements of the Environmental Planning and Assessment Act and Regulations. The written notice for the intention to commence works must also include names and contact details of the certifying engineer and principal contractor.

Note: Subdivision work means any physical activity authorised to be carried out under the conditions of this development consent for the subdivision of land, including earthwork, road work, stormwater drainage work, landscaping work, tree/vegetation removal, erosion and sediment control, traffic control, etc.

54. **Public liability insurance**

The developer and/or contractor must produce evidence to the Principal Certifying Authority of public liability insurance cover for a minimum of \$20 million. Council is to be nominated as an interested party on the policy.

55. **Trees to be retained and protected**

Tree to be retained are to be protected by Tree Protection Zone (TPZ) fencing. The fencing is to be installed prior to any building or construction works commencing.

Activities that are excluded within the TPZ (as per section 4.2 of *AS 4970-2009 – Protection of Trees on Development Sites*) include machine excavation, placing of fill, parking of vehicles and plant, and storage of material. If these activities are required within the TPZ they may only occur under the supervision of the project arborist (minimum AQF level 5 qualified arborist).

56. **Erosion and Sediment Control Plan implementation**

Erosion and sediment controls must be installed in accordance with the approved Erosion and Sediment Control Plan prior to construction works commencing

The following conditions must be complied with during construction of subdivision works

57. Hours of work

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7am to 6pm on Monday to Friday.
- 8am to 1pm on Saturday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

58. 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)

Nearby residents and sensitive receivers are to be notified and consulted of noisy construction activities, after-hours work, and other activities that may result in noise complaints. Those potentially affected by noise are to be provided with information about the nature and timing of the works, including the timing of noise-intensive activities. The information provided to the community is to include a telephone contact number and procedure for the lodging of noise complaints.

Stationary plant and equipment known to emit noise strongly in one direction is to be oriented so that the noise is directed away from noise-sensitive areas, where possible.

Works are to be staged to avoid noisy plant working at the same time close together, and adjacent to sensitive receivers.

Noise emissions of all plant to be utilised are to be reviewed as part of the establishment process.

Plant and equipment that are used intermittently such as scrapers, dump trucks, cranes, rollers, bulldozers, excavators, bobcats, mulchers etc. are to be shut down when not operated for extended periods.

Trucks shall not queue up outside residential properties. No trucks are permitted to arrive on site or be permitted to queue prior to the 7.00 am start time, unless required by road safety considerations. All trucks used for the works are to be maintained in good working order. Subject to safety requirements, trucks are not to use exhaust brakes on site.

Out of hours construction works shall only be undertaken with the written concurrence of Byron Shire Council.

Plant and equipment are to be maintained and serviced in accordance with the manufacturers' specifications to minimise noise and emissions. All plant and equipment are to be regularly checked and inspected.

59. **Air quality controls during construction**

The following measures must be implemented during construction to manage and/or minimize impacts on air quality:

- a. Water sprays and/or water carts are to be used as required for dampening stockpiles, cleared areas and other exposed surfaces to control dust generation. This form of dust suppression is to be targeted to protect sensitive receivers.
- b. No burning or incineration of any wastes is to be permitted at any time. Disturbed areas are to be stabilised as soon as practicable after completion of construction works.
- c. Silt accumulated in erosion control devices (e.g. silt fences) are to be inspected and maintained daily.
- d. A 40 kilometers per hour construction speed limit is to be established and enforced within the development site.
- e. Wheels and undercarriage of trucks are to be cleaned prior to the vehicle(s) exiting the worksite onto public roadways.
- f. Loads are to be covered on both internal and public roads where there is a risk of release of material/dust/liquid.
- g. Plant operators are required to switch off plant whenever the equipment is not going to be used for a period of more than 15 minutes.
- h. Exhaust systems of construction plant, vehicles and equipment are to be maintained to minimise exhaust emissions to the atmosphere.
- i. All site accesses are to be designed to cope with the planned construction traffic volumes and duration. At a minimum, all site accesses are to be stabilised with gravel to minimise dust generation and tracking of sediment.
- j. During high winds (greater than 35 kilometres per hour), additional dust control measures are to be implemented to prevent the movement of nuisance dust into sensitive areas.

60. **Builders rubbish to be contained on site**

All builder's 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.

61. **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.

62. **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.

63. **Maintenance of erosion and sediment controls**

Erosion and sediment controls must be maintained in accordance with the approved Erosion and Sediment Control Plan and until the site has been stabilised by permanent vegetation cover or hard surface.

64. **Stormwater drainage work**

Stormwater drainage for the development must be constructed in accordance with the approved plans and specification by a suitably qualified person.

65. **All excavated soils to be disposed of off-site**

All excavated soils to be disposed of off-site and in accordance with NSW EPA *Waste Classification Guidelines* (2014) and approved environmental management plans.

66. **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 EPA Waste Classification Guidelines \(2014\)](#)

67. **Excavated natural materials and demolition waste disposal**

Any and all excavated natural materials and demolition and builders waste transported from the site must be accompanied (a copy kept with the transporter) by a [NSW Protection of The Environment Operations Act s143 Notice](#).

68. **Aboriginal Relics**

While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:
 - c. relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - d. is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

69. **Public safety requirements**

All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. Council is not held responsible for any negligence caused by the undertaking of the works.

70. Council specification

All works to be constructed to at least the minimum requirements of the "[Northern Rivers Local Government Design and Construction Manual](#)"

71. Approved plans to remain on site

A copy of the approved Subdivision Works Certificate including plans, details and specifications must remain at the site at all times during the construction of the subdivision.

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

72. Works to be completed prior to issue of an Occupation Certificate

Prior to the issue of an occupation certificate, all the works indicated on the plans and approved by this consent including the Subdivision Works Certificate, 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.

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 Council's road/footpath reserve.

73. Vehicular access and parking areas to be completed

The roadworks, access and parking areas are to be constructed in accordance with the approved plans and Roads Act consent.

74. Stormwater drainage to be completed

Stormwater drainage for the development must be constructed in accordance with the approved plans and specifications.

75. Plumbing works

All works in relation to any associated Section 68 Water and Sewerage approval must be fully complied with and have a Final Plumbing Certificate issued prior to the issue of an Interim or Final Occupation Certificate."

76. Final building location survey

A final survey of the structures showing setbacks to boundaries to be submitted to the Private Certifier with the Occupation Certificate demonstrating compliance with the approved plans.

77. Completion of landscaping for each dwelling

The landscaping required by the approved landscaping plan for each dwelling must be completed.

78. 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 prior to issue of a Subdivision Certificate

79. Subdivision Certificate application required

An application for a Subdivision Certificate must be made on the approved form. The Subdivision Certificate fees, in accordance with Council's adopted schedule of fees and charges, must accompany such application.

80. Plan of Subdivision

The final plan of subdivision must be in accordance with the approved plan/s. A Deposited Plan Administration Sheet (original plus one (1) copy), four (4) copies of the plan of subdivision and any necessary section 88B instrument (original plus one (1) copy) are to be submitted with the application for a subdivision certificate.

The plan of subdivision must be staged in accordance with the approved construction staging plan.

An additional copy of the final plan of subdivision is to be submitted showing the location of all buildings and/or other permanent improvements including any fences and internal access driveways/roads. Where the building/s or improvements are close to boundaries, offset distances are to be included on the additional copy of the plan. This plan must be endorsed by a Registered Surveyor. Any encroachments affecting new boundaries, or the road reserve must be removed or relocated wholly within the allotment. The new boundaries must not cause any existing building/s to contravene the Building Code of Australia.

81. Street addressing

In accordance with clause 60(c) of the Surveying and Spatial Information Regulation 2017 the Plan of Subdivision (Deposited Plan) shall show the approved street address for each lot in the final plan of subdivision. The street addressing for this property must be approved by Council. A written request seeking approval of street addresses is to be submitted to Council's Land Information Officer (planning.certificates@byron.nsw.gov.au) with a copy of the final plan of subdivision showing driveway access to each lot from the public road servicing the lots.

Prior to issue of the subdivision certificate, the approved street number must be displayed in a prominent location near the approved driveway access for each lot with an existing dwelling/building approved for separate occupation.

82. Management statements

The management statement and development contract and a copy are to be submitted with the application for a subdivision certificate, together with a letter from a Solicitor, experienced in Community Title legislation, certifying that the management statement and development contract have been prepared in accordance with Community Title legislation and acceptable for registration with NSW Land and Property Information.

83. Completion of all works

All subdivision works required by this development consent, and associated Subdivision Works Certificate and Occupation Certificate for the dwellings within the relevant stage, are to be

completed prior to issue of the subdivision certificate. A copy of the final completion letter/s and occupation certificates, issued by the Principal Certifying Authority, and final plumbing certificate, issued by the water supply authority, for the relevant subdivision and building works must be submitted with the application for a subdivision certificate.

84. Works-As-Executed plans

Following completion of works and prior to issue of the subdivision certificate, Work-as-Executed Drawings, together with a Work-As-Executed Certification Report, in accordance with Council's requirements are to be submitted to Council. Two categories of Work-as-Executed Drawings are to be submitted to Council, being Amended Design Work-as-Executed Drawings and Summary Work-as-Executed Drawings.

Amended Design Work-as-Executed Drawings, being certified copies of all approved design plans with as constructed departures, deletions and additions clearly noted and detailed on the plans, are to be submitted to Council in the following formats:-

- a. One (1) paper copy at the same scale and format as the approved design plans, but, marked appropriately for as constructed information and with original signatures; and
- b. An electronic copy of above in PDF format and provided to Council on CD, DVD or via email.

Summary Work-as-Executed Drawings are to be prepared on a background plan of lot layout and kerb lines with a set of separate plans for stormwater drainage, sewerage, water supply and site works. The site works drawing/s must include the 1 in 100 year flood and flood planning level extents and levels, where relevant. Such drawings are to be submitted to Council in the following formats:-

- a. One (1) paper copy of each drawing with original signatures and in accordance with Council's requirements.
- b. Electronic copy of the above in AutoCAD DWG or DXF format and provided to Council on CD, DVD or via email. The AutoCAD (DWG or DXF) files are to be spatially referenced to MGA Zone 56.
- c. Electronic copy of above in PDF format and provided to Council on CD, DVD or via email.

Note: Council's requirements are detailed in Council's adopted engineering specifications, currently the [Northern Rivers Local Government Development Design and Construction Manuals](#), and on Council's website.

85. Certificate for services within easements

The submission of a certificate from a registered surveyor certifying that all pipelines, structures, access driveways and/or services are located wholly within the relevant easements.

86. Section 88B Instrument

A Section 88B Instrument and one (1) copy are to be submitted with the application for a subdivision certificate. The final plan of subdivision and accompanying Section 88B Instrument are to provide for:

a) Sewer Easements

The creation of easements for drainage of sewage over all sewage pipelines and structures located within the proposed allotments in accordance with the Policy: Building in the Vicinity of Underground Infrastructure 2020.

87. Certificate of Compliance – s.307 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. Where staging of the Subdivision occurs, a separate s307 Compliance Certificate must be obtained for each stage (see Note).

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, Utilities on 02 6626 7000. Applicable charges can also be found on Council's website: <https://www.byron.nsw.gov.au/Services/Water-sewer/Plumbers-and-developers/Calculate-the-cost-of-an-Equivalent-Tenement#section-3>

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

Note: For issue of the Certificate of Compliance, an application form and associated fee must be lodged via Council's website. Copies of Byron Shire Council's Development Servicing Plans are available via Council's website.

88. Electricity supply certificate

Prior to the issue of the Subdivision Certificate, a Notice of Arrangement (NOA) requested from the Distribution Network Service Provider, currently Essential Energy, must be submitted to the Principal Certifying Authority. The NOA must confirm that satisfactory electricity supply has been provided to each of the proposed lots and all necessary street lighting has been energised for the development.

Note: Requests for a NOA are to be made to the Contestable Works section at Essential Energy.

89. Fibre-ready facilities and telecommunications infrastructure

Prior to the issue of the Subdivision Certificate, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

- a. the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- b. the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Note real estate development project has the meanings given in section 372Q of the Telecommunications Act.

90. **Maintenance bond**
A maintenance bond of 5% (minimum bond amount of \$1,000.00) of the value of the works constructed is to be lodged with Council. A copy of the contract construction cost of the subdivision works is to be submitted with the bond. The maintenance period is 6 months in accordance with Council's current Design & Construction Manuals and will commence from the date of issue of the Subdivision Certificate. The security may be provided, at the applicant's choice, by way of cash bond or a satisfactory bank guarantee. An application in writing for the release of the bond must be made at the satisfactory completion of the maintenance period.
91. **Record of infrastructure**
A record of infrastructure coming into Council ownership, upon registration of the final plan of subdivision, is to be submitted to Council. The information is to be submitted in the form of Council's Standard Form titled "Asset Creation Record". This form is available from Council's
92. **Completion of landscaping**
The landscaping required by the approved landscaping plan for the neighbourhood property must be completed.

The following conditions are to be complied with at all times

93. **Approved use**
The approved development is multi dwelling housing comprising twenty dwelling houses. The dwelling houses are not approved for short-term rental accommodation, tourist and visitor accommodation or to be "holiday let". Any activity other than that defined as dwelling house must not be carried out unless development consent is sought.
- Note:
multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.
dwelling house means a building containing only one dwelling.
dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.
94. **Community title – Ownership, operation, maintenance, repair and renewal of water /sewer assets**
All water supply mains, associated fittings and water services downstream of the points located at the stop valve at the intersections of Bayside Way and both the northern and southern entrances and within the boundary of the Community Title as identified on Development Plan SDS Civil Enterprises Drawing 2061-C4 are not Council assets and the Operation, Maintenance, Repair and Renewal of these water supply items are the responsibility of the relevant ownership body.
- All sewerage collection mains, associated fittings and sewerage services upstream of the western boundary of the Community Title and within the boundary of the Community Title as identified on Development Plan SDS Civil Enterprises Drawing 2061-C4 are not Council assets and the Ownership, Operation, Maintenance, Repair and Renewal of these sewerage items are the responsibility of the relevant ownership body.
95. **Landscaping to be retained and maintained**

The landscaping required by the approved landscaping plan must be maintained.

SCHEDULE 2. PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Part 6 Division 8A of the Environmental Planning and Assessment Regulation as at the date of this development consent as are of relevance to this development must be complied with:

- 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 98C Conditions relating to entertainment venues
- Clause 98D Condition relating to maximum capacity signage
- Clause 98E Condition relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Part 6 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. INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL



NSW RURAL FIRE SERVICE

Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your reference: (CNR-25854) 10.2021.425.1
Our reference: DA20210811003335-Original-1

ATTENTION: Ivan Holland

Date: Friday 17 September 2021

Dear Sir/Madam,

Integrated Development Application

s100B - Subdivision - Community Title Subdivision

24-34 Bayside Way BRUNSWICK HEADS NSW 2483, 1//DP1261870, 2//DP1261870, 3//DP1261870, 4//DP1261870, 5//DP1261870, 6//DP1261870

I refer to your correspondence dated 10/08/2021 seeking general terms of approval for the above Integrated Development Application.

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:

General Conditions

1. The development proposal is to comply with the drawing titled 'Site Development Plan' submitted as Figure 2 of the 'Bush Fire Assessment Report' prepared by Bushfire Certifiers dated 5th August, 2021, except where modified by this Bush Fire Safety Authority.

Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

2. At the commencement of building works or the issue of a subdivision certificate (whichever comes first), and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire residential properties, including the common property, must be managed as an Inner Protection Area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth barked and evergreen trees;

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
 - shrubs should not be located under trees;
 - shrubs should not form more than 10% ground cover;
 - clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
 - grass should be kept mown (as a guide grass should be kept to no more than 100 mm in height); and
 - leaves and vegetation debris should be removed.
- The entire property is to be managed as an asset protection at the commencement of work for Stage One of the development and maintained during all stages proposed.

Construction Standards

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

3. New construction of the entire roof and the northern, eastern and western elevations of proposed Dwellings 1 and 2 must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or the relevant BAL 29 requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements for BAL 29 in section 7.5 of Planning for Bush Fire Protection 2019. Construction specification detailing compliance shall be shown on the plans submitted with the application for a construction certificate and certified by an accredited building certifier.

4. New construction of the southern elevations of proposed Dwellings 1 and 2 must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or the relevant BAL 19 requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A -2015). New construction must also comply with the construction requirements for BAL 19 in Section 7.5 of Planning for Bush Fire Protection 2019. Construction specification detailing compliance shall be shown on the plans submitted with the application for a construction certificate and certified by an accredited building certifier.

5. New construction of the entire roof and the northern, eastern and western elevations of proposed Dwelling 3 must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or the relevant BAL 19 requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A -2015). New construction must also comply with the construction requirements for BAL 19 in Section 7.5 of Planning for Bush Fire Protection 2019. Construction specification detailing compliance shall be shown on the plans submitted with the application for a construction certificate and certified by an accredited building certifier.

6. New construction of the southern elevation of proposed Dwelling 3 must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or the relevant BAL 12.5 requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements for BAL 12.5 in section 7.5 of Planning for Bush Fire Protection 2019. Construction specification detailing compliance shall be shown on the plans submitted with the application for a construction certificate and certified by an accredited building certifier.

7. New construction of proposed Dwellings 4 to 20 must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or the relevant BAL 12.5 requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements for BAL 12.5 in section 7.5 of Planning for Bush Fire Protection 2019. Construction specification detailing compliance shall be shown on the plans submitted with the application for a construction certificate and certified by an accredited building certifier.

8. Fences and gates must comply with Section 7.6 of Planning for Bush Fire Protection 2019.



Access – Property Access

Intent of measures: to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

9. The new access road must comply with the general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 with exception to the requirement for a turn around to the dead end section of road. Details of compliance will need to be provided with the civil plans and approved by the consent authority prior to construction.

Water and Utility Services

Intent of measures: 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.

10. The provision of electricity and gas must comply with Table 5.3c of Planning for Bush Fire Protection 2019.

11. The development is to be serviced by hydrants and must comply with Table 5.3c of Planning for Bush Fire Protection 2019. In addition, a strategically located fire hydrant (onsite or street) will be required outside (not within) the dead end road, capable of providing compliant coverage of the furthest part of the dwelling on Lot 12 when measured around the perimeter road of the structure. Full design details and design certification is required by an Accredited Practitioner (Fire Safety). Design certificates will be required to recognise BCA Housing Provisions Part 3.10.5 NSW Variation and the relevant requirements of the Bush Fire Safety Authority as part of the design criteria.

Landscaping Assessment

12. Landscaping is to comply with the principles of Appendix 4 of Planning for Bush Fire Protection 2019.

For any queries regarding this correspondence, please contact Danette Cook on 1300 NSW RFS.

Yours sincerely,

Alan Bawden
Supervisor Development Assessment & Plan
Built & Natural Environment



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Community Title Subdivision

24-34 Bayside Way BRUNSWICK HEADS NSW 2483, 1//DP1261870, 2//DP1261870, 3//DP1261870,
4//DP1261870, 5//DP1261870, 6//DP1261870

RFS Reference: DA20210811003335-Original-1

Your Reference: (CNR-25854) 10.2021.425.1

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Alan Bawden

Supervisor Development Assessment & Plan
Built & Natural Environment

Friday 17 September 2021



**Natural Resources
Access Regulator**

Contact: Natural Resources Access Regulator
Phone: 1800 633 362
Email: nrar.enquiries@nrar.nsw.gov.au

Our ref: IDAS-2021-10143
Your ref: DA10.2021.425.1

27 September 2021

General Manager
Byron Shire Council
(Uploaded to the ePlanning Portal)

Attention: Ivan Holland

Dear Sir/Madam

**Re: IDAS-2021-10143 - Integrated Development Referral – General Terms
of Approval**
Dev Ref: DA10.2021.425.1
Description: 20 Lot Community Title Subdivision and associated works
Location: 24-34 Bayside Way, BRUNSWICK HEADS

I refer to your recent referral regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.46 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains

4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150 | LOCKED BAG 5022, Parramatta, NSW 2124
nrar.enquiries@nrar.nsw.gov.au | www.dpie.nsw.gov.au/nrar

an approval, NRAR recommends the following condition be included in the development consent:

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application must be submitted to NRAR together with any required plans, documents, application fee and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Applications for controlled activity approval should be made to NRAR, by lodgement of a Controlled Activity Approval – New approval application on the NSW Planning Portal at: <https://www.planningportal.nsw.gov.au/>

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 4.47(6) the EPA Act.

Yours Sincerely



For
David Zerafa
Senior Water Regulation Office
Licensing & Approvals
Water Regulatory Operations
Natural Resources Access Regulator



General Terms of Approval

for proposed development requiring approval under s89,
90 or 91 of the Water Management Act 2000

Reference Number:	IDAS-2021-10143
Issue date of GTA:	27 September 2021
Type of Approval:	Controlled Activity
Location of work/activity:	24-34 Bayside Way, BRUNSWICK HEADS
Waterfront Land:	1 st Order Stream
DA Number:	DA10.2021.425.1
LGA:	Byron Shire Council

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
TC-G001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
TC-G004	<p>A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA10.2021.425.1 provided by Council to Natural Resources Access Regulator.</p> <p>B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, must be notified in writing to determine if any variations to the GTA will be required</p>

TC-G005

A. The application for a controlled activity approval must include the following plan(s):

- i. Site plans indicating the demarcation of waterfront land, designated riparian corridors and identifying any areas of encroachments and offsets
- ii. Detailed civil construction plans;
- iii. Erosion and sediment control plans;
- iv. Construction detailed drainage plans;
- v. Construction stormwater drainage outlet plan;

B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website

<https://www.dpie.nsw.gov.au/nrar/how-to-apply/controlled-activities/guidelines-for-controlled-activities>



Natural Resources
Access Regulator

General Terms of Approval

for proposed development requiring approval under s89,
90 or 91 of the Water Management Act 2000

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with IDAS-2021-10143 as provided by Council:

- Statement of Environmental Effects, prepared by Planners North, dated July 2021
- Subdivision Plan, prepared by Planners North, dated April 2021
- Stormwater Management Plan, prepared by Planners North, dated June 2021
- Engineering Services Report, prepared by SDS Civil Enterprises, dated April 2021

SCHEDULE 4. REASONS FOR DECISION, HOW COMMUNITY VIEWS WERE ADDRESSED

Note: From 1 July 2018, Councils are required to give and publicly notify reasons for a range of planning decisions where they are deciding if development should proceed to help community members to see how their views have been taken into account and improve accountability to stakeholders. A statement of reasons for the determination of this application is provided below.

Statement of Reasons
The proposed development complies with the provisions of Byron Local Environmental Plan 2014.
The proposed development complies with relevant State Environmental Planning Policies
The proposed development complies with relevant provisions of Development Control Plan 2014
The proposed development will not have significant adverse impact on the natural, built or social environment or economic impacts on the locality.
The proposed development is considered suitable for the proposed site.
The proposed development is unlikely to prejudice or compromise the public interest.

How community views were addressed
The DA was notified/advertised in accordance with Council's Community Participation Plan. No submissions were received.

SCHEDULE 5. 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:-

- appointed a Principal Certifying Authority (if the Council is not the PCA); and
- 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'.
- 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 being issued pursuant to section 4.2(1) of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 9.50 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.

Relics Provisions- Advice

Attention is directed to the NSW Heritage Act 1977 and the provisions of the Act in relation to the exposure of relics. The Act requires that if:

- a) a relic is suspected, or there are reasonable grounds to suspect a relic in ground, that is likely to be disturbed damaged or destroyed by excavation; and/or
- b) any relic is discovered in the course of excavation that will be disturbed, damaged or destroyed by further excavation;

Those responsible for the discovery must notify nominated management personnel who will in turn notify the Heritage Council of New South Wales or its delegate, the Office of Environment and Heritage, NSW Heritage Branch, and suspend work that might have the effect of disturbing, damaging or destroying such relic until the requirements of the NSW Heritage Council have been satisfied (ss139, 146).

Essential Energy comments

Strictly based on the documents submitted, Essential Energy makes the following comments as to potential safety risks arising from the proposed development:

1. At present, Essential Energy's records only indicate electrical infrastructure for the street frontage of existing Lots 1-6 DP1261870.
2. As part of the subdivision:
 - a. Satisfactory arrangements will need to be made with Essential Energy for the provision of power to all proposed lots in the subdivision. Refer Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.
 - b. Once that electrical infrastructure is known, Essential Energy will then be able to review and comment for each proposed dwelling on each lot that will form part of the subdivision. As part of that review, the Applicant will need to provide a detailed site plan for each proposed dwelling. Any development in proximity to Essential Energy's electrical infrastructure should comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. A copy of this guideline can be located at <https://energy.nsw.gov.au/sites/default/files/2018-09/ISSC-20-Electricity-Easements.pdf>. Council's and the Applicant's attention is also drawn to Section 49 *Electricity Supply Act 1995* (NSW). Relevantly, Essential Energy may require structures or things that could either destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or risk to public safety, to be modified or removed.

Essential Energy also makes the following general comments:

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. As part of the subdivision, easement/s are to be created for any existing electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. Refer Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.
3. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.
4. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy's approval.
5. In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity to the properties. Any activities within these locations must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
6. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995* (NSW).
7. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

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 2018)**

Water	10.00 ET
Bulk Water	10.00 ET
Sewer	16.00 ET

Note: Information regarding Development Servicing charges can be found on the Byron Shire Council website (<https://www.byron.nsw.gov.au/Services/Water-sewer/Plumbers-and-developers/Calculate-the-cost-of-an-Equivalent-Tenement#section-3>).

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.

S7.11 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 7.11 contributions Schedule						
Brunswick Heads						
Catchment						
This schedule was calculated in spreadsheet #E2021/99005						
1 bedroom units =		0	@	0.55 SDU	=	0
2 bedroom units =		0	@	0.75 SDU	=	0
3 bedroom units/dwellings =		0	@	1 SDU	=	0
Allotments =		20	@	1	=	20
Less Site Credits =		6	@	-1	=	-6
Total SDU					=	14
Schedule valid until		26 Oct 2022		After this date contact Council for CPI update.		
Local Open Space & Recreation	(OS-BH)	14.00	SDU @	\$ 2,764.24	=	\$ 38,699.36
LGA Wide Open Space & Recreation	(OS-SW)	14.00	SDU @	\$ 812.20	=	\$ 11,370.80
LGA wide Community Facilities	(CF-SW)	14.00	SDU @	\$ 1,189.55	=	\$ 16,653.70
Local Community Facilities	(CF-BH)	14.00	SDU @	\$ 226.42	=	\$ 3,169.88
Bikeways & Footpaths	(CW-BH)	14.00	SDU @	\$ 614.60	=	\$ 8,604.40
Shire Wide Bikeways & Footpaths	(CW-SW)	14.00	SDU @	\$ 87.26	=	\$ 1,221.64
Urban Roads	(R-BH)	14.00	SDU @	\$ 3,002.38	=	\$ 42,033.32
LGA Wide Roads	(R-SW)	14.00	SDU @	\$ 245.77	=	\$ 3,440.78
Rural Roads	#N/A	14.00	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	14.00	SDU @	\$ 1,228.52	=	\$ 17,199.28
Total						\$ 142,393.16