

10.2021.511.1 – RECOMMENDED CONDITIONS OF CONSENT

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
DA 1.02	rev 04	Proposed Site Plan	Harley Graham Architects	08/07/202 1
DA 1.03	rev 04	Precinct Plan	Harley Graham Architects	08/07/202 1
DA 2.01	rev 04	Proposed Dwelling – Ground Floor Plan	Harley Graham Architects	08/07/202 1
DA 2.02	rev 04	Proposed Dwelling -	Harley Graham Architects	08/07/202 1
DA 2.03	rev 04	Proposed Dwelling – Basement Plan	Harley Graham Architects	08/07/202 1
DA 2.05	rev 04	Proposed Dwelling 2– Floor Plan	Harley Graham Architects	08/07/202 1
DA 2.06	rev 04	Proposed Dwelling 2– Roof Plan	Harley Graham Architects	08/07/202 1
DA 3.01	rev 04	Elevations – Proposed Dwelling	Harley Graham Architects	08/07/202 1
DA 3.02	rev 04	Elevations – Proposed Dwelling	Harley Graham Architects	08/07/202 1
DA 3.03	rev 04	Elevations – Dwelling 2	Harley Graham Architects	08/07/202 1
DA 4.01	rev 04	Sections – Proposed Dwelling	Harley Graham Architects	08/07/202 1

DA 4.02	rev 04	Sections – Proposed Dwelling	Harley Graham Architects	08/07/2021
DA 4.03		Sections – Dwelling 2	Harley Graham Architects	08/07/2021
1-1211408_WW_01		OSMS Overview	Jess Munro of AWC	08/07/2021
1211408_WW_02	1-	<i>OSMS Irrigation Layout Plan</i>	Jess Munro of AWC	08/07/2021
1-211408_865BrokenHead_OSMS	, Revision A	Proposed Dwellings at 865 Broken Head Road, Broken Head, OSMS Design	Jess Munro of AWC	July 2021
1-1211408_026_OSMS_RF		OSMS RFI – 865 Broken Head Rd, Broken Head	Jess Munro of AWC	1.02.2022

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. Payment of security deposits (if applicable)

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

Security deposit	\$ 3,000
Inspection fee	\$180

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.

3. Support for neighbouring buildings

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made or builder must:

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

4. 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 **Schedule 2** of this consent.

5. Concurrent Approvals

The following approvals are provided under Section 4.12 of Environmental Planning and Assessment Act, subject to the conditions contained in **Schedule 3** of this Notice of Determination:

Concurrent Approvals under Section 68 of the Local Government Act 1993

Part C - Management of waste

C5 Installing, constructing or altering a waste treatment device or a human waste storage facility or a drain connected to any such device or facility

These works must be carried out to the satisfaction of Byron Shire Council and can not be assessed for the purpose of compliance, or otherwise deemed acceptable by a private certifier.

6. Bush fire safety measures

This land is identified as being designated bush fire prone land and under section 4.14 of the Environmental Planning and Assessment Act 1979, Council must be satisfied prior to making a determination for development on bush fire prone land that the development complies with "Planning for Bush Fire Protection 2019".

The development is approved subject to the development complying with the requirements of Bush Fire Assessment Report (Including Performance Solution For Access Greater Than 200m by Peter Thornton dated 28 June 2021).

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

7. Previous development consent to be surrendered

Prior to issue of a construction certificate, Development Consent No. 5.1997.375.1 granted on 19 November 1997 is to be surrendered. This must be in the form of a written memorandum to Council from the owner of the subject property, in accordance with [Section 67 of the Environmental Planning and Assessment Regulation, 2021](#).

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. Terms of approval for on-site sewage management required

Refer to Local Government Act Section 68 Application No. **70.2021.511.1** or Local Government Act Section 68 approvals issued subsequent to this consent.

10. Essential Energy Safety Requirements

Prior to issue of a Construction Certificate, written advice is to be sought from Essential Energy to consider the location the overhead electricity power lines that pass through the property in proximity to the proposed second dwelling and over the artificial dam, currently used for recreation purposes. This advice must provide for either of the following outcomes:

- a. The power lines can be rerouted such that it does not require the location of the second dwelling to be altered from that shown within the approved plans;

- or
- b. If Essential Energy deem the power lines over the artificial dam being used for recreation purposes to be safe, the second dwelling may be repositioned no more than the distance necessary to achieve a clearance of 10 metres to the overhead electricity lines.
- or
- c. Written support is provided from Essential Energy to construct the second dwelling in the location as shown within the approved plans without requiring any additional setback requirements to the overhead electricity lines.

11. Access & Parking

The application for a Construction Certificate is to include plans and specification that indicate access, parking and manoeuvring details in accordance with the plans approved by this consent.

The access, parking and manoeuvring for the site is to comply with the requirements of AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking. Plans are to include, but not be limited to, the following items:

- a) existing driveway must be widened to comply with AS 2890.1 and any bushfire conditions;
- b) minimum 150mm compacted pavement, sealed for grades greater than 12%;
- c) site conditions affecting the access;
- d) existing and design levels;
- e) longitudinal and cross sections;
- f) drainage details, including scour/erosion protection of table drains and outlets;
- g) passing bays;
- h) turning paths; and
- i) access requirements of any bushfire conditions.

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

NOTE: The plans must be in compliance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

12. 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.

13. Sediment and Erosion Control Management Plan required

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

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

NOTE: The plans must be in compliance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

14. No Tree Removal prior to Construction Certificate

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

15. Biodiversity Conservation Management Plan

A Biodiversity Conservation Management Plan (BCMP) must be prepared by a qualified ecologist with experience in ecological restoration in the northern rivers. The BCMP must detail ecological restoration and maintenance works to restore and maintain the biodiversity values of the site. At minimum, the BCMP must outline actions to be carried out in the parts of the site identified as 'Ecological Restoration Areas' on *Fig 5-2: Areas for proposed ecological restoration at the site* of the report entitled 'Proposed Dwellings at Lot 8, DP 840653 at 865 Broken Head Road, Broken Head - Flora and Fauna Assessment' prepared by Australian Wetlands Consulting and dated July 2021.

The BCMP must be in accordance with the *Guidelines for preparing Vegetation Management Plans (VMP) or Biodiversity Conservation Management Plans (BCMP)* available on Council's website. The BCMP must include, but may not be limited to:

- a. A review of the landscape context of the site to inform the proposed ecological restoration methodology. This should include an assessment of the distribution of native vegetation communities, threatened species and ecological communities known or likely to occur, and habitat connectivity across the broader landscape.
- b. An assessment of the existing ecological condition and values of the site to inform the proposed ecological restoration methodology.
- c. An ecological restoration methodology that aims to enhance and supplement the existing biodiversity values of the site and broader landscape, including by increasing habitat area and connectivity for threatened species and ecological communities known or likely to occur in the locality.
- d. Identification of Environmental Management Zones (EMZs) on the site to facilitate planning and implementation of works.
- e. A detailed, accurate and consistent 1:200 scale map of EMZs, Asset Protection Zones (APZs) and individual threatened plants on the site.

- f. Detailed actions within EMZs, including representative Plant Community Types (PCTs) to be restored, specific restoration methodologies, and implementation schedules.
 - g. A protocol for the ongoing assessment of myrtle rust incidence and severity on *Rhodamnia rubescens* individuals within the site as well as any other affected Myrtaceae species. This section must specify that if any *R. rubescens* individuals are found to be producing fruit and seed, the NSW Saving our Species program must be immediately notified.
 - h. An assisted natural regeneration strategy that includes a list of weed species presently occurring on the site, as well as those with the potential to invade the site, and specific control strategies for each weed species.
 - i. Measures to increase and maintain threatened fauna habitat on the site.
 - j. If supplementary planting is to be undertaken, a recommended list of species to be planted during restoration works. Note: supplementary planting should only be implemented where assisted natural regeneration is not achievable.
 - k. A list of performance indicators for each year of the program to provide a means of measuring the progress of restoration and management works.
- Details of reporting and monitoring to be carried out including the frequency of monitoring reports and the location of photo points.

16. Trees to be retained and protected

Trees to be retained are to be protected by a Tree Protection Zone (TPZ) exclusion fence. The fence is to be constructed in accordance with Sections 3.2 and 4.3 of AS4970-2009 Protection of trees on development sites (Standards Australia 2009). The fence must:

- a. Be located outside the dripline of the tree so as to minimise disturbance to tree roots;
- b. have a minimum height of 1.8 metres;
- c. be constructed of wire mesh panels, plywood, steel star pickets or similar, with a maximum distance of 2metres between star pickets;
- d. have a minimum of 3 strands of steel wire or similar;
- e. have high visibility barrier mesh (eg orange), shade cloth or similar, attached to the outside of the fence and continuing around its perimeter;
- f. include at least one Tree Protection Zone (TPZ) sign in accordance with Section 4.4 of AS4970-2009.

Activities that are excluded within the TPZ (as per section 4.2 of AS4970-2009) include excavation, construction activity, grade changes, surface treatment 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).

The Tree Protection Zone (TPZ) exclusion fence is to be maintained for the duration of the site clearing, preparation, construction and landscaping works.

17. Compliance with BASIX Certificate requirements

The development is to comply with Basix Certificate No. Certificate number: 1221524M 02, dated 08 July 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.

18. Building materials and colours to be specified

The application for a Construction Certificate is to include plans and specifications that indicate the proposed building materials and colours consistent with the provisions of Development Control Plan 2014 – Chapter D2.2.3 - Character and Visual Impact. Please note that colours must be non-reflective earth tone colours and that the use of white and near white colours is not permissible

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

19. 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.

20. Developer Contributions to be paid

Contributions set out in the schedule at the end of this consent are to be paid to Council prior to the release of a construction certificate for the dwellings. Contributions are levied in accordance with the Byron Shire Developer Contributions Plan 2012 (as amended).

The [Developer Contribution Plan](#) can be viewed online or using the Customer Kiosk during office hours at the Council Offices located at Station Street,

Mullumbimby. These contributions are to fund public amenities and services as listed in the schedule. Additional details on the specific amenities are to be found in the Byron Shire Developer Contributions Plan 2012 (as amended).

The contributions in the schedule are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the **amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.** The schedule contains a date for which the schedule remains valid, after this date you will have to contact Council for an updated schedule.

Contact Council for payment options.

21. 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 the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

a. Council's Waste Management Development Control Plan

OR

b. details the following:

- the contact details of the person(s) removing the waste
- an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
- the address of the disposal location(s) where the waste is to be taken

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.

22. Site Waste Minimisation and Management

All works must comply with the objectives of waste minimisation and waste management of Part B8.1.2 of DCP 2014.

23. Tree Removal

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

24. 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.

25. Rainwater tanks. Amendment to the plan required

Rural dwellings without reticulated water must have minimum domestic tank capacity to ensure that adequate water supply is available.

The plans submitted for approval of the Construction Certificate must demonstrate that the approved dwellings have a dedicated minimum domestic tank capacity of 40,000 litres each, including the BASIX rainwater requirements and any additional water storage required for firefighting purposes required by this development consent.

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

26. Erosion and sediment measures

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

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

Any such measures that are deemed to be necessary because of the local conditions must be maintained at all times until the site is made stable (i.e. by permanent vegetation cover or hard surface).

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

27. Site Location

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

28. 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.

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

29. 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.

30. Construction Noise

While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

OR

While building work is being carried out and where no noise and vibration management plan is approved under this consent, 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.

31. Inspection for on-site sewage management

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

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

32. 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.

33. 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.

34. 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.

35. Fill to be retained on the subject land

Fill material must not encroach onto any adjoining land.

36. Prevention of water pollution

Only clean and unpolluted water is to be discharged to Council's stormwater drainage system or any watercourse to ensure compliance with the Protection of Environment Operations Act.

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

37. Maintenance of sediment and erosion control measures

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

38. Demolition

Any required demolition works must be undertaken in accordance with the relevant requirements of Australian Standard AS 2601–1991: The Demolition of Structures published by Standards Australia, and the WorkCover Authority of NSW.

39. 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.

40. 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 \(2014\)](#)

- 41. 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](#).
- 42. Muted bushland tones external finishes**
To ensure the development is compatible with the surrounding environment, colours and finishes are to be muted bushland tones. In this regard white, light or bright colours are not permissible.
- 43. Protection of native Trees**
All trees nominated to be retained by notation or condition as a requirement of the development consent shall be maintained and protected during demolition, excavation and construction on the site in accordance with AS 4970-2009 – Protection of Trees on Development Sites.
- 44. Protection of native fauna from disturbance**
- a. Removal of native trees must not commence until the tree has been inspected for the presence of native fauna by a suitably qualified ecologist or fauna spotter.
 - b. In the case of any native fauna being found, tree removal works must be temporarily suspended until the animal moves from the tree of its own volition.
 - c. Approval to proceed with the removal of vegetation in accordance with this section is only valid for the day on which the inspection has been undertaken.
- The individual referred to in (a) above, or a nominated representative, must remain on site and monitor the tree removal.
- 45. 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.

46. Site Location

The location of the building 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 are to be complied with prior to issue of an Occupation Certificate or within 2 years of Development Consent

47. Road closure and subsequent land parcel consolidation

The applicant is to provide evidence that road closures and subsequent land parcel consolidations associated with commenced Road Closure Process on Part Council

Road Reserve adjoining Lot 8 DP 840653, 865 Broken Head Road (Parcel Number 200460), have been completed and land titles issued within 2 years of the date of consent on this notice of determination or prior to issue of an occupation certificate, whichever comes first.

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

48. Works to be completed prior to issue of a Final Occupation Certificate

All of the works indicated on the plans and approved by this consent, including any other consents that are necessary for the completion of this development including approvals issued under the Local Government Act 1993 and the Roads Act 1993, are to be completed and approved by the relevant consent authority/s prior to the issue of a Final Occupation Certificate.

Any Security bond paid for this application will be held until Council is satisfied that no further works are to be carried out that may result in damage to Councils road/footpath reserve.

49. 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.

50. On-site Sewage Management system must be completed

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

51. Approval to Operate required

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

52. Access and parking areas to be completed

The access and parking areas are to be constructed in accordance with the approved plans prior to the issue of an occupation certificate.

53. Stormwater disposal

Stormwater must be collected and disposed of in a controlled manner such that stormwater flows are:

- a) Clear of buildings and infrastructure,
- b) Clear of effluent disposal areas,
- c) Not concentrated so as to cause soil erosion,
- d) Not directly to a watercourse, and
- e) Not onto adjoining land.

54. New Street number (if required)

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 with an appropriate plan showing dwellings/units approved for separate occupation and pedestrian access to each dwelling/unit from the public road servicing the development. The approved street number must be displayed in a prominent location near the approved main point of access prior to issue of any occupation certificate.

55. 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.

56. Site 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.

The following conditions are to be complied with at all times

57. Approved use

Dual occupancy (detached) – Use of the development is approved for a dual occupancy detached.

Any activity other than that defined as Dual occupancy (detached) must not be carried out unless development consent is sought.

Note. *Dual occupancy detached* means “2 detached dwellings on one lot of land, but does not include a secondary dwelling”, and 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”. The dwellings are not approved as short term rental accommodation, tourist and visitor accommodation or to be “holiday let”.

58. Use of dwelling houses

The dwelling houses are not to be holiday let or used as tourist and visitor accommodation or as short term rental accommodation.

59. Pool safety sign

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

60. Pool backwash in rural areas

Pool water disposal and backwash is to be directed to a soakage trench located in such a location as to not cause any nuisance to adjoining properties or damage to any structures or impact on any land application areas for the on-site sewage management system.

61. Swimming pool health requirements

The swimming pool water is to be re-circulated, filtered and disinfected in accordance with the requirements of Council and NSW Health. The swimming pool water is to be maintained at satisfactory levels of purity for bathing at all times

62. Limited vegetation removal

Removal of existing vegetation from the site is limited to the trees identified for removal in *Table 5-1* and *Figure 5-1* of the report entitled ‘Proposed Dwellings at Lot 8, DP 840653 at 865 Broken Head Road, Broken Head - Flora and Fauna Assessment’ prepared by Australian Wetlands Consulting and dated July 2021.

All other trees must be retained and protected at all times.

63. Ecological restoration works

Ecological restoration work must be undertaken and continued in accordance with the approved Biodiversity Conservation Management Plan, during which time annual monitoring reports must be submitted to Council for approval.

64. Retention of native vegetation within 10/50 Vegetation Clearing Entitlement Area

All native vegetation that the 10/50 Vegetation Clearing Code of Practice would otherwise authorize to be removed, destroyed or pruned must be retained for conservation purposes.

65. Native vegetation is not permitted to be cleared under Schedule 5A and/or Division 5 of the Local Land Services Act 2013

Clearing of native vegetation that would be authorised under Schedule 5A and Division 5 of the *Local Land Services Act 2013* (LLS Act) is not permitted to be carried out without development consent under part 4 of the *Environmental Planning and Assessment Act 1979*.

In accordance with the Objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Section 1.3(e) of that Act the purpose of this condition is “to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats”.

Section 60Q(2) of the LLS Act provides that “Schedule 5A does not permit clearing or any other activity—

- a. without an approval or other authority required by or under another Act or another Part of this Act (or in anticipation of the grant of any such approval or other authority), or
- b. in contravention of any provision of or made under (or in contravention of any agreement made under) another Act or another Part of this Act.”

Similarly, Section 60S(4) of the LLS Act provides that “A land management (native vegetation) code does not permit clearing or any other activity—

- a. Without an approval or other authority required by or under another Act or another Part of this Act, or
- b. In contravention of any provision of or made under another Act or another Part of this Act”

As this condition is imposed under section 4.17 of the EP&A Act, sections 60Q and 60S of the LLS Act apply and the clearing of native vegetation under Schedule 5A and Division 5 of the LLS Act is not permitted.

66. Window screening

To minimize the risk of bird strikes, measures to prevent the reflection of sky and adjacent vegetation must be retained on windows in perpetuity.

67. Site Waste Minimisation and Management

All works must comply with the objectives of waste minimisation and waste management of Part B8.1.2 of DCP 2014.

68. Must not interfere with the amenity of the neighbourhood

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

- a. Any complaints to Council about ‘offensive’ noise will be dealt with under the provisions of the Protection of the Environment Operations Act 1997.

- b. Only clean and unpolluted water is permitted to be discharged to Councils' stormwater drainage system or any waters.
- c. All wastes shall be contained within appropriate containers fitted with a tight-fitting vermin-proof lid.
- d. All waste storage and sewage facilities shall be serviced and maintained to ensure that all relevant environment protection standards are satisfied.
- e. Goods deliveries shall be restricted to daytime operating hours.

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. LOCAL GOVERNMENT ACT 1993 SECTION 68 CONDITIONS OF APPROVAL



27 June 2022

Town Planning Studio Pty Ltd
ATT: Mr J Davidson
PO Box 238
BRUNSWICK HEADS NSW 2483

Email: joe@jdtownplanning.com.au

Dear Joe

ONSITE SEWAGE MANAGEMENT SYSTEM (OSMS)

Application Number	70.2021.511.1
Activity Description	Installation for Five Bedroom Main Dwelling, Two Bedroom Dual Occupancy Dwelling (Detached) and Gym with Amenities
Parcel Number	200460
Property Description	LOT: 8 DP: 840653 865 Broken Head Road BROKEN HEAD
Structures Connected to OSMS	Nil
Structures Proposed to be Connected to OSMS	Five Bedroom Main Dwelling, Two Bedroom Dual Occupancy Dwelling (Detached) and Gym with Amenities

Approval for your OSMS is **attached**.

Please be aware that other development and /or construction approvals may be required for this development.

A copy of this approval, including the conditions and stamped plans must be kept onsite to ensure works are carried out in accordance with the approval.

BOOKING INSPECTIONS

Inspections with Council's Building Certifiers, Local Approval Officers and Engineers must be made using the Inspection Booking Form at www.byron.nsw.gov.au/inspectionbookings. You will need to provide:

- Date of inspection – before 12pm the day before you would like your inspection
- Type of inspection (see below)
- Name and contact phone number
- Address of property to be inspected
- Relevant application number.

If you have any questions in relation to inspections, please contact Building Services on 6626 7050.

Yours sincerely

Anne Wilson
Administration Supervisor
Public and Environmental Services



TRADITIONAL HOME OF
THE BUNDJALUNG PEOPLE

ALL COMMUNICATIONS TO BE
ADDRESSED TO THE GENERAL MANAGER
PO Box 219 Mullumbimby NSW 2482 (70 Station Street)
E: council@byron.nsw.gov.au
P: 02 6626 7000 F: 02 6684 3018
www.byron.nsw.gov.au ABN: 14 472 131 473



27 June 2022

Town Planning Studio Pty Ltd
ATT: Mr J Davidson
PO Box 238
BRUNSWICK HEADS NSW 2483

Dear Joe

APPROVAL TO INSTALL ON-SITE SEWAGE MANAGEMENT SYSTEM (OSMS) AND ASSOCIATED PLUMBING WORKS

Approval No.	70.2021.511.1
Parcel No.	200460
Property Description	LOT: 8 DP: 840653 865 Broken Head Road BROKEN HEAD
Owner	CHLH Management Pty Ltd
Applicant	Town Planning Studio Pty Ltd
Proposal	Installation for Five Bedroom Main Dwelling, Two Bedroom Dual Occupancy Dwelling (Detached) and Gym with Amenities
Structures Connected to OSMS	Nil
Structures Proposed to be Connected to OSMS	Five Bedroom Main Dwelling, Two Bedroom Dual Occupancy Dwelling (Detached) and Gym with Amenities
Proposed System	Install and connect drainage to Sewage Management Facility comprising of: Treatment 1 2 x 2000L AWTS Disposal Type Mounded SSI of 620m ²

Determination Date: 27 June 2022

NOTE: Rights of Appeal

You are advised of your rights to request a review of Council's determination pursuant to Section 100 of Local Government Act 1993. Such a request must be made within 28 days of the date of determination. A fee is payable in respect to this request.

Ms Anais Gibson-Davis
Environmental Health Officer
Attachments: Conditions of Approval
Application for Plumbing Permit

28 June 2022
Date of Endorsement



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THE BUNDJALUNG PEOPLE

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ADDRESSED TO THE GENERAL MANAGER
PO Box 219 Mullumbimby NSW 2482 (70 Station Street)
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APPLICATION APPROVED: Approvals are granted subject to the conditions **attached** to this notice (LGA Section 94).

LAPSING OF APPROVAL: This approval will lapse in 5 (five) years after the date from which it operates.

REVIEW OF APPROVAL: An applicant may request the Council to review a determination within twenty eight (28) days of the date of determination (in accordance with Section 100, Local Government Act 1993).

APPEAL PROVISIONS: An applicant who is dissatisfied with the determination of a Council may appeal to the Land and Environment Court within twelve months from approval (Section 176, Local Government Act 1993).

If you have any questions regarding this Notice, please contact the Council's Environmental Health Unit (02) 6626 7107 or alternatively PES@byron.nsw.gov.au .

Conditions of Approval

CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:

Notes:

- It is the applicant's responsibility to obtain consent for any building or subdivision works. This consent does not imply approval of any future building or subdivision works.
- Consent will be required to connect all plumbing and drainage associated with future building works to the approved sewage management facility.
- Unless tree removal is depicted on the approved plans or identified in the application, this approval does not give consent to the removal of trees or vegetation protected by the Byron Shire Council Tree Preservation Order.
- It is the applicant's responsibility to obtain consent for any dwelling/shed. This consent does not imply approval of any future dwellings/shed.
- Consent will be required to connect all plumbing and drainage associated with future dwellings to the approved sewage management facility.

1. This Section 68 application to Install an On-Site Sewage Management System is approved on the condition that DA No. 10.2021.511.1 (to which this is a concurrent application) is approved

2. The applicant shall install a Sewage Management Facility comprising the following:

Treatment 1	2 x 2000L AWTS
Disposal Type	Mounded SSI of 620m ²

Note: All Waste Treatment Devices must be accredited by NSW Health. Tanks must bear the standard mark (AS1546-1990).

3. The proposed wastewater system shall be constructed generally in accordance with:

Plan/Report No.	Description	Prepared by	Dated:	Council Record
Guidance Document	NSW Environment and Health Protection	NSW State Government Agencies	Jan 1998	N/A
OS-AWTS; OS-SSI	Council specifications attached	Byron Shire Council	N/A	N/A
Approval No	70.2021.511.1 and 10.2021.511.1	Byron Shire Council	27/06/2022	A2022/20938
Report	1- 211408_865BrokenHead_OSMS, Revision A	Australian Wetlands Consulting Pty Ltd	July 2021	E2021/91051
Report	1- 211408_02b_OSMS_RFI	Australian Wetlands Consulting Pty Ltd	01/02/2022	E2022/24494
Stamped Plans	70.2021.511.1 and notations (IN RED).	Byron Shire Council	27/06/2022	E2022/59802

4. **Prior to work commencing** on construction of the on-site sewage management system the following is required:
- a) A **detailed design of the irrigation system** including specifications of pump sizes, valves and pipe-work shall be submitted to, and approved by, Council. The design must ensure the even distribution of effluent over the disposal area and include the location of surface drains and swales for diverting stormwater away from the irrigation area.
 - b) All manufacturers' details of tanks (wetland) sizes and specifications are submitted and approved.

- c) Details of water conservation measures are to be installed - the licensed plumber is to certify the installation of these measures prior to final inspection being conducted by Council.
 - d) A licensed plumber is to be engaged to carry out the work. The plumber is to obtain a permit from Byron Council prior to commencing any work, application form is **attached**. If there is more than 1 plumber carrying out works then separate permits will have to be lodged stating specifically the works that are to be carried out.
5. The proposed on-site sewage management system has been designed for treatment of a wastewater loading of **1680L/Day (10.5 Persons / 7 Bedrooms)**.
 6. The OSMS is currently approved to connect to a **Five Bedroom Main Dwelling, Two Bedroom Dual Occupancy Dwelling (Detached) and Gym with Amenities**.
 7. The on-site sewage management system is to be installed by a licensed tradesman in accordance with approved plans, specifications and conditions of approval and the requirements of the NSW Code of practice and AS/NZS 3500 must be adhered to.
 8. The sewage management system shall not be used until such time as it is completed, inspected and approval for use issued by Council. The owner is required to maintain the system in accordance with the approved plans, specifications, and conditions of approval.
 9. A user operation and maintenance manual shall be provided on completion of the system and prior to commissioning.
 10. The following inspection/s will be required for the Water and Sewage Work:
 - a) Internal drainage;
 - b) External drainage & Irrigation area;
 - c) Rough in / Stack (if applicable)
 - d) Final Completion - A licensee is required to provide to Council and owner of the property after completion of the work and within 48 hours:
 - i. a Compliance Certificate; and
 - ii. Sewer Services Diagram/ Works as Executed drawings.

Note 1: Council will send each plumber proformas of these documents when the Notice of Work permit has been issued by Council to allow the plumber to commence work.

Note 2: Inspections will not take place unless the plumber or the plumber's representative is on-site. Re-inspection fees will apply to plumbers not on-site for inspections. Fees will be charged for all inspections.

Plumbing Works Related Conditions

1. Prior to commencement of works

In accordance with the Local Government Act and the NSW Code of Practice for Plumbing and Drainage your Plumber **must obtain a *Plumbing Permit* at least two (2) working days prior to commencing work**. Please forward this to your plumber to complete and to return to Council prior to commencement of work. All work is to be completed by a suitably qualified person licensed for the purpose by the NSW Department of Fair Trading. If the property is to be connected to council water mains, no internal sewer inspections shall take place until a water meter is installed. Drawing off of the council water main without a meter will result in a fine and possibly a stop works notice.

2. During Construction

Plumbing, Water Supply and Sewerage 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. The changes made are from Plumbers and Drainage Regulation 2012 NSW Government

- a) The licensee is to provide 24 hours notice and attend the site for the following **INSPECTIONS**, prior to covering of work. Inspections will be carried out a mutually convenient time for any works that fall under the following descriptions for inspections. (If there are no applicable works, for example, a new water supply with no sewer services, then an inspection for "external drainage" will not be required)

Required Inspections are as follows:

Inspections for structures

EG Dwellings, sheds, studios etc with plumbing and drainage, up to the connection point of the OSMS.

Typical inspections for **Structures** that must be booked in include but are not limited to the following:

- Internal Drainage External Drainage
- Sewer connection to the OSMS
- Water Rough In (including any in ground water supply lines from water tanks or other buildings);
- Stack work/elevated drainage;
- Final - all work completed*. Note below.

Inspections for OSMS

Typical inspections for **OSMS** that must be booked in include but are not limited to the following:

- External Drainage (between components of the systems, for example, between Septic tanks and ETA beds)
- Pump lines between system components (for example; sewer pump lines must be inspected prior to covering)
- ETA Beds or trenches prior to back fill.
- Final - all work completed*. Note below.

***Prior to booking a final inspection**, a licensee is required to provide to Council and owner of the property a Compliance Certificate (COC), Sewer Services Diagram (SSD) and/or Works as Executed drawings (WAE).

SSD is development drainage up to the boundary shaft or Inspection Opening. See link below:

https://www.fairtrading.nsw.gov.au/trades-and-businesses/construction-and-trade-essentials/plumbers-and-drainers/plumbing-inspection-documents#sewer_service_diagram

WAE is the OSMS up to the boundary shaft or Inspection opening being the connection point of the dwelling/building.

WAE Plans require additional detail to that of the standard SSD for NSW fair trading as adopted by this Council:

1. Plans shall be done in BLACK PEN only, using a ruler. No freehand.
2. The plan must have dimensions and volumes for all components, Septic, Trenches etc.
3. The plan must include distance measurements to the nearest boundary and the location of the tank and trenches relative to the house (or other such building) i.e. the plans shall include the outline of the buildings and boundaries.
4. COC No. is the "70.20XX.XXX.X" number of the job.
5. Plan must show locations of all Inspection openings to surface.
6. Trenches shall show internal pipe layout
7. Plans shall accurately reflect the installation and be to the nominated scale in order to assess buffer offsets.

AOS-AWTS

AERATED WASTEWATER TREATMENT SYSTEM

SPECIFICATION

OPERATIONAL REQUIREMENTS

The aerated wastewater treatment system (commonly referred to as AWTS), is a complex sewage treatment system designed to provide a high standard of biological activity and disinfection of the final treated effluent.

AWTS are reliant upon pumps and air injecting blowers to maintain the sewage treatment processes. As the mechanical components are an expensive and important part of the process, both the NSW Health accreditation and Council's approval required at least quarterly (every 3 months) servicing by an accredited service agent.

As with septic tanks, it is important that users are careful about what is put into the system and that the system is not repeatedly overloaded with water above the capacity of the system design.

1. Minimise water usage in the building to reduce the volume of wastewater (hydraulic load) required to be stored and treated by the system. Overloading the system should be avoided.
2. Minimise biological and chemical substances entering the system by choosing to use a kitchen sink strainer, and minimising the use of laundry and general cleaning chemicals. Biologically harmful chemicals such as bleach and disinfectants should be used sparingly in any fixtures connected to the system.
3. Do not discharge grease, oil, paint, pesticides, chemicals or medications. The system does not have the complexity to properly decompose large quantities or complex organic compounds arising from such sources. The best option is to prevent such products from entering the system. Insoluble plastics and materials should not be added to the system.

MAINTENANCE REQUIREMENTS

1. Each three (3) monthly service shall include a part check on all mechanical, electrical and functioning parts of the aerated septic treatment system including:
 - a) Disinfection;
 - b) Replenishment of the disinfectant;
 - c) All pumps;
 - d) The air blower, fan or air venturi;
 - e) The alarm system;
 - f) The effluent disposal area, including the subsurface irrigation or ETA beds;
 - g) The slime growth on the filter media;
 - h) The operation of the sludge return system.
2. An annual inspection is to include a check on sludge accumulation in the septic tank (primary treatment tank) and the clarifier where appropriate.
3. The following field tests shall be performed at every service:
 - a) pH from a sample taken from the irrigation chamber;
 - b) Dissolved oxygen from a sample taken from the final aeration or stilling chamber although recommended is OPTIONAL.
4. For systems which utilise the sewerage treatment principle of activated sludge or contact aeration an additional field test shall be performed at least annually to determine if the accumulated sludge is bulking and as an indication that the aeration compartments/s require desludging. The sludge bulking test is commonly referred to as an SV30 test.

5. A service report sheet shall be completed for every service. Every service report shall be in triplicate and is to specify ALL service items and test results, the amount of chlorine compound provided, the date of service, and the technician's initials. The triplicate shall be given or left for the owner, the duplicate forwarded to Council and the original to be retained by the applicant.
6. Each service agent is to provide a registered business office, which, if unattended during office hours, is provided with a telephone answering device or service. A means of reporting a malfunction or breakdown of the aerated septic treatment system outside normal business hours shall be available.
7. In the event of a breakdown or malfunction, the service agent shall be capable of effecting repairs within twenty four (24) hours to ensure continued operation of the aerated septic tank system. This would necessitate the provision and replacement of adequate spare parts and temporary replacement blowers and irrigation pumps where repairs cannot be completed on site.
8. Check for system failures which are generally indicated by:
 - (a) Plumbing fixtures and fitting not draining properly indicate a damaged or blocked pipe or possible septic tank failure.
 - (b) Surcharge of effluent at ground level either around the tank, or down the slope at the land application area/s.
 - (c) Foul odour emanating from the tank or land application area/s.
Call a licensed plumber if you have concerns that your system is failing.

AOS-SSI

SUBSURFACE IRRIGATION

OPERATION REQUIREMENTS

The sub-surface irrigation area has been designed and installed to prevent any run-off of effluent from the disposal area to adjoining allotments, public places or reserves. The release of treated effluent just below the surface provides the best opportunity for plant nutrient uptake and evaporation / transpiration. Every part of the sub-surface irrigation system should receive treated effluent on a regular basis.

Overloading the OSMS with too much water will not help the operating conditions in the sub-surface irrigation areas. In some cases it will result in suspended particles being flushed into the fine pipes and drip lines, causing erratic flow and blockages. Replacement of blocked pipes can be expensive, so regular maintenance and protection from damage is important.

The sub-surface irrigation should be operated and maintained strictly in accordance with manufacturers instructions and requires regular maintenance and attention. The area should be protected from vehicle traffic, heavy stock grazing and large trees / root invasion.

The best environment to support the long term success of any sub-surface irrigation area is a well maintained surface with even plant coverage and maximum sun. Bare or wet areas within such an area might indicate a point of failure of the irrigation system. Part of the sub-surface irrigation system is the boxes containing system connectors, flush valves and vacuum breakers. These boxes should be identified and maintained to allow easy and efficient servicing of the land application area/s.

MAINTENANCE REQUIREMENTS

1. The irrigation area should be regularly maintained and inspected in regard to adequate cover, elimination of weeds, maintenance of plants and shrubs, wet spots, exposed pipework or other damage.
2. A three monthly service is required to be carried out by a qualified service contractor to service the sub-surface irrigation systems.
3. A service report sheet shall be completed for every service. Every service report shall be in triplicate and is to specify ALL service items, the date of service, and the technician's initials. The triplicate shall be given or left for the owner, the duplicate forwarded to Council and the original to be retained by the applicant.
4. Owner/s should maintain records of all service inspections and pump outs performed whilst the sewage management facility continues to operate.
5. System failures are generally indicated by:
 - a. Effluent spraying on the surface of the land application area. Can be associated with localised erosion of soil disturbed by the release of pressurised water.
 - b. Surcharge of effluent from the land application area. Dead vegetation or excessively luxuriant growth of vegetation leading away from the land application area/s.
 - c. Foul odours emanating from the land application area.
 - d. Alarm activation associated with failure of the pump connected to the sub-surface irrigation pipework.
 - e. Overflow at the pump well.

These conditions have been imposed to ensure the effective operation of the sewage management facility for the protection of public health and the environment surrounding the installation site.

The application is determined in accordance with the above recommendation under delegated authority.



**NOTICE OF WORK
FOR PLUMBING AND DRAINAGE WORKS**
Please supply requested information fully correct and neatly



To: Byron Shire Council
PO Box 219 / 90 Station Street
MULLUMBIMBY NSW 2482

Email: council@byron.nsw.gov.au
Fax: 6684 3018
Section 68 no: 70.2021.511.1

Property and owner details		
Property Address	865 Broken Head Road BROKEN HEAD	
Lot and DP	LOT: 8 DP: 840653	
Parcel No:	200460	
Nearest Cross Street		
Owner (s) Name	CHLH Management Pty Ltd	
Owner's Full Address		
Licensee's details		
Full name		
Address for notices	, ,	
Email:		
Phone No.		
License No.	Expiry date:	
Qualified Supervisor (if applicable)		
Full name	Phone No.	
License No.	Expiry date:	
Work of water supply (Give full description of work carried out)		
<input type="checkbox"/> Install Water Supply:		
<input type="checkbox"/> Install irrigation system:		
<input type="checkbox"/> On-site alternative water services:		
<input type="checkbox"/> Install / commission / maintenance of thermostatic mixing valve:		
<input type="checkbox"/> Connection to water supply:		
<input type="checkbox"/> Install, alter, disconnect or remove a backwater prevention device:		
<input type="checkbox"/> Other:		
Plumbing work to comply with: <input type="checkbox"/> AS/NZS3500 <input type="checkbox"/> Alternative Solution <input type="checkbox"/> Combined		
Work of sanitary plumbing / drainage and supply drainage plan (Give full description of work carried out)		
<input type="checkbox"/> Carry out work of sanitary plumbing / drainage:		
<input type="checkbox"/> Connection to sewer:		
<input type="checkbox"/> Sewer disconnection:		
<input type="checkbox"/> Carry out trade waste drainage:		
<input type="checkbox"/> Other:		
Drainage work to comply with: <input type="checkbox"/> AS/NZS3500 <input type="checkbox"/> Alternative Solution <input type="checkbox"/> Combined		
Sewerage / Water Service Inspection fee (if applicable)		
Date additional fee paid:	Amount:	Receipt No.:
Date of commencement of works:		Estimated date of completion:
<ol style="list-style-type: none"> This is your notification that you, as the Responsible Person, intend to carry out the work described on this 'NOTICE OF WORK', in accordance with provisions of the Regulators Act, Regulations, Codes and Standards. This NOTICE TO WORK must be produced on the request of any person duly authorised by the REGULATOR. CERTIFICATE OF COMPLIANCE, WORKS AS EXECUTED DRAWINGS/HOUSE DRAINAGE PLAN must be submitted by you to the Local Regulator on the completion of a FINAL INSPECTION on the above work. 		
Contractors Signature		Date

Please note: You must submit this application to Byron Shire Council at least two (2) working days prior to commencing work

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

Note: From July 1 2018, Council's 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 1988.
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 complies with relevant provisions of Development Control Plan 2010
The proposed development complies with Environmental Planning & Assessment Regulation 2000 considerations.
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 development application was notified/advertised in accordance with Council's Community Participation Plan. Issues raised in the submissions have been addressed during assessment of the application.
The proposed development is unlikely to prejudice or compromise the public interest.

How community views were addressed

The DA was advertised in accordance with Council's Community Participation Plan. The submissions received were considered on merit and addressed during assessment of the application.

To view the considerations, please contact Council to view a copy of the assessment report relating to this DA.

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:-

- a. appointed a Principal Certifying Authority (if the Council is not the PCA); and
- b. given Council at least two days notice of the intention to commence the erection of the building. Notice must be given by using the prescribed 'Form 7'.
- c. notified the Principal Certifying Authority of the Compliance with Part 6 of the Home Building Act 1989.

Occupation Certificate required:

The building must not be occupied until the Principal Certifying Authority has issued an Occupation Certificate.

Protection of the Environment Operations Act 1997:

It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ("on-the-spot fine") or prosecution.

Penalties apply for failure to comply with development consents

Failure to comply with conditions of development consent may lead to an on the spot fine 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).

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						
Rural South						
Catchment						
This schedule was calculated in spreadsheet #E2021/99005						
1 bedroom units =		0	@	0.55 SDU	=	0
2 bedroom units =		1	@	0.75 SDU	=	0.75
3 bedroom units/dwellings =		1	@	1 SDU	=	1
Allotments =		0	@	1	=	0
Less Site Credits =		1	@	-1	=	-1
Total SDU					=	0.75
Schedule valid until		28 Jul 2022		After this date contact Council for CPI update.		
Local Open Space & Recreation	(OS-RS)	0.75	SDU @	\$ -	=	\$ -
LGA Wide Open Space & Recreation	(OS-SW)	0.75	SDU @	\$ 806.98	=	\$ 605.24
LGA wide Community Facilities	(CF-SW)	0.75	SDU @	\$ 1,181.91	=	\$ 886.43
Local Community Facilities	(CF-RS)	0.75	SDU @	\$ -	=	\$ -
Bikeways & Footpaths	#N/A	0.75	SDU @	\$ -	=	\$ -
Shire Wide Bikeways & Footpaths	(CW-SW)	0.75	SDU @	\$ 86.70	=	\$ 65.03
Urban Roads	#N/A	0.75	SDU @	\$ -	=	\$ -
LGA Wide Roads	(R-SW)	0.75	SDU @	\$ 244.19	=	\$ 183.14
Rural Roads	(R-RS)	0.75	SDU @	\$ 15,934.50	=	\$ 11,950.88
Administration Levy	(OF-SW)	0.75	SDU @	\$ 1,220.62	=	\$ 915.47
Total						\$ 14,606.19