

DA 10.2020.215.1 – 6 Keats Street, Byron Bay - Multi Dwelling Housing Comprising of Ten (10) Two Storey Detached Dwellings and Ten (10) Swimming Pools and Strata Subdivision

SCHEDULE 1. DEFERRED COMMENCEMENT CONDITION PURSUANT TO SECTION 4.16(3)

The following condition concerns matters as to which the Council must be satisfied before the consent can be issued:

1. Deferred Commencement Consent

This consent does not operate until Council is satisfied as to the following matters:

(a) Inter-Allotment Drainage

The re-routing of the inter-allotment drainage system servicing no 10 and no 12 Keats Street has been designed and constructed in accordance with Chapter B3 of Council's DCP 2014 and Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

To satisfy Council of the above, a Stormwater Management Plan is to be submitted for approval, which addresses the following matters:

- a) The submission of a fully detailed engineering plans and stormwater calculations for the disposal of stormwater run-off from the upstream catchment. The plans are to show catchment areas, existing and proposed site levels, contours, vegetation, proposed buildings and structures, and all pipeline details under a Section 68 application of the Local Government Act 1993;
- b) Extinguish the existing inter-allotment drainage system; and
- c) A Section 88B Instrument and one (1) copy are to be submitted for the creation of an inter-allotment drainage easement over the newly constructed drainage pipeline servicing no 10 Keats St and no 12 Keats St.

In satisfying Council as to the above Council must be furnished with a certificate from a suitably qualified engineer certifying that all works have been constructed in accordance with the approved plans and Council's current "Northern Rivers Local Government Design and Construction Manuals.

(b) Detailed Contaminated Land Assessment and Remedial Action Plan (where required)

That a detailed contaminated land assessment has been prepared and where results deem it necessary, a suitable proposal to remediate the contaminated land has been completed. To satisfy Council of this requirement, the applicant must submit for approval a Detailed Contaminated Land Assessment prepared to the satisfaction of Council and, where results deem it necessary, a Remedial Action Plan (RAP).

The Detailed Contaminated Land Assessment and RAP must be

- a. Prepared by a suitably qualified contaminated land specialist with experience in the remediation of contaminated land.
- b. Conform to the NSW EPA Consultants Reporting on Contaminated Land - Contaminated Land Guidelines 2020, and all other statutory requirements, in relation to remediation

- and reporting.
- c. Require a suitably qualified environmental scientist, with experience in the remediation of contaminated sites, to be engaged to oversee, and be responsible for, all remediation works.
 - d. Include the contact details of the person responsible for the remediation works including an emergency/ 24-hour phone number.
 - e. Include management measures for contaminated soils and groundwater likely to be disturbed, excavated or extracted on the development site.
 - f. Include the method of disposal and destination of all contaminated soil and/or groundwater removed from the site.
 - g. Include an Unexpected Findings Protocol prepared by a suitable qualified person experienced in matters relating to Contamination of Land and Remediation.

Evidence is required to be submitted of compliance with the above condition, sufficient to satisfy the Council as to those matters, within 5 years of the date of this Notice of Determination. If satisfactory evidence is produced in accordance with this requirement, the Council will give written notice to the applicant of the date from which this consent commences operation.

SCHEDULE 2. CONDITIONS OF CONSENT

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

Parameters of consent

1. Development is to be in accordance with approved plans

The development is to be in accordance with plans listed below:

Plan No.	Description	Prepared by	Dated:
Sheet 4, 5, 6 and 7 (Amendment T)	Site Plan – Overall	Stuart Osman	18/12/2019
Sheet 4, 5, 6 and 7 (Amendment P)	Site Plan – Overall Stage 1	Stuart Osman	18/12/2019
Sheets 4, 5, 6, 7, 8, 9 and 10 (Amendment H)	Lot 1: Site Plan – Ground Floor, Sub-Floor Plan, Ground Floor Plan, First Floor Plan, Roof Plan, Window Schedule, Elevation 1, 2 and 2B and	Stuart Osman	18/12/2019

	Elevation 3 and 4		
Sheets 4, 5, 6, 7, 8, 9 and 10 (Amendment J)	Lot 2: Site Plan – Ground Floor, Sub-Floor Plan, Ground Floor Plan, First Floor Plan, Roof Plan, Window Schedule, Elevation 1, 2 and 2B and Elevation 3 and 4	Stuart Osman	12/11/2019
Sheets 3, 4, 5, 6, 7, 8 and 9 (Amendment G)	Lot 3: Site Plan – Ground Floor, Sub-Floor Plan, Ground Floor Plan, First Floor Plan, Roof Plan, Window Schedule, Elevation 1, 2 and 2B and Elevation 3 and 4	Stuart Osman	12/11/2019
Sheets 3, 4, 5, 6, 7, 8 and 9 (Amendment G)	Lot 4: Site Plan – Ground Floor, Sub-Floor Plan, Ground Floor Plan, First Floor Plan, Roof Plan, Window Schedule, Elevation 1, 2 and 2B and Elevation 3 and 4	Stuart Osman	12/11/2019
Sheets 4, 5, 6, 7, 8, 9 and 10 (Amendment K)	Lot 5: Site Plan – Ground Floor, Sub-Floor Plan, Ground Floor Plan, First Floor Plan, Roof Plan, Window Schedule, Elevation 1, 2 and 2B and Elevation 3 and 4	Stuart Osman	12/11/2019
Sheets 4, 5, 6, 7, 8, 9 and 10 (Amendment H)	Lot 6: Site Plan – Ground Floor, Sub-Floor Plan, Ground Floor Plan, First Floor Plan, Roof Plan, Window Schedule, Elevation 1, 2 and 2B and Elevation 3 and 4	Stuart Osman	17/12/2019
Sheets 4, 5, 6, 7, 8, 9 and 10 (Amendment J)	Lot 7: Site Plan – Ground Floor, Sub-Floor Plan, Ground Floor Plan, First Floor Plan, Roof Plan, Window Schedule, Elevation 1, 2 and 2B and Elevation 3 and 4	Stuart Osman	12/11/2019
Sheets 4, 5, 6, 7, 8, 9 and 10 (Amendment J)	Lot 8: Site Plan – Ground Floor, Sub-Floor Plan, Ground Floor Plan, First Floor Plan, Roof Plan, Window Schedule, Elevation 1, 2 and 2B and Elevation 3 and 4	Stuart Osman	12/11/2019
Sheets 4, 5, 6, 7, 8, 9 and 10	Lot 9: Site Plan – Ground Floor, Sub-Floor Plan, Ground Floor Plan, First	Stuart Osman	12/11/2019

(Amendment K)	Floor Plan, Roof Plan, Window Schedule, Elevation 1, 2 and 2B and Elevation 3 and 4		
Sheets 4, 5, 6, 7, 8, 9 and 10 (Amendment K)	Lot 10: Site Plan – Ground Floor, Sub-Floor Plan, Ground Floor Plan, First Floor Plan, Roof Plan, Window Schedule, Elevation 1, 2 and 2B and Elevation 3 and 4	Stuart Osman	12/11/2019
Sheet 2 of 22 (Rev 003)	Overview (landscaping)	Kris McFadden Design	21/12/20
Sheet 13 of 22 (Rev 003)	Driveway detail 01 (landscaping)	Kris McFadden Design	21/12/20
Sheet 14 of 22 (Rev 003)	Driveway detail 02 (landscaping)	Kris McFadden Design	21/12/20
Sheet 15 of 22 (Rev 003)	Driveway detail 03 (landscaping)	Kris McFadden Design	21/12/20
Sheet 19 of 22 (Rev 003)	Planting Schedule	Kris McFadden Design	21/12/20
10074 S1 Issue A	Driveway Set-out & Grading Plan	Ardill Payne & Partners	27/08/20
10074 S2 Issue A	Driveway Longitudinal Section and Cross Section	Ardill Payne & Partners	27/08/20
10074 S4 Issue A	Plan Detail Layouts	Ardill Payne & Partners	27/08/20
10074 SW01 Revision 3	Stormwater Management Plan	Ardill Payne & Partners	22/12/20
Strata Development Contract			
Sheets 1 to 15	Strata Development Contract	N/A	N/A
Strata Subdivision Staging			
Stage 1 – Plan of Subdivision of Lot 2 in DP1257709			
10074SP01	Location Plan	Ardill Payne & Partners	2020

10074SP01	Floor Plan	Ardill Payne & Partners	2020
Stage 2 – Plan of Subdivision of Lot 7 in SP			
10074SP02	Location Plan	Ardill Payne & Partners	2020
10074SP02	Floor Plan	Ardill Payne & Partners	2020

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

2. Staged Development

The development is to be carried out in the following stages:

- Stage 1: Construction of six multi- dwelling houses and associated driveway, stormwater drainage, services connections and relocation of existing power pole.
- Stage 2: Six lot staged strata subdivision with one development lot 7 in Lot 2 DP1257709.
- Stage 3: Construction of four multi- dwelling houses, associated driveway, stormwater drainage and services connections.
- Stage 4: Four lot strata subdivision in development Lot 7.

Each stage must be undertaken in the above order.

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. Use of dwelling-houses

The dwelling houses are not approved for holiday letting and/or for the use as a tourist facility.

4. Native trees within the mapped coastal wetland to be retained and protected

Any and all native trees within the part of the property mapped as coastal wetland under the State Environmental Planning Policy (Coastal Management) 2018 are to be retained and protected.

5. 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 3** of this consent.

6. Integrated Approvals from other State Government Approval Bodies

This development consent includes an Integrated development approval under Sections 4.46 and 4.47 of the Environmental Planning and Assessment Act 1979, being an authorisation under section 100B of the *Rural Fires Act 1997* in respect of bush fire safety of subdivision of land that could lawfully be used for residential purposes, and is subject to the General Terms of Approval from Rural Fires Service dated 11 June 2020 (Ref: DA20200507001622-Original-1) contained in **Schedule 4** of this Notice of Determination.

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

7. All plans must show mapped coastal wetland

All plans submitted for the construction certificate application must clearly show the boundary and extent of the part of the property mapped as coastal wetland under the State Environmental Planning Policy (Coastal Management) 2018.

8. Geotechnical Report required – Building Works

A certificate from a professional Engineer experienced in Geotechnical Science is to be provided to the Principal Certifying Authority, certifying that the site is stable and will not be affected by landslide or subsidence at, above or below the site when the building is erected. The certificate must be prepared in accordance with AS 1726.

9. 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) No import of fill materials;
- b) the design of the civil engineering works, including cut & fill batters has been assessed as structurally adequate,
- c) the civil engineering works will not be affected by landslip or subsidence either above or below the works; and
- d) adequate drainage has been provided.

10. Geotechnical Report required – Soil Classification

A soil report is to be provided to the Principal Certifying Authority from a professional Engineer experienced in Geotechnical Science as to the classification of the soil type on the site, consistent with the requirements of AS2870.

11. Erosion and Sediment 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".

12. Completion of Stage 1

Prior to issue of the Construction Certificate for building works for stage 3, the staged strata scheme in stage 2 must be created and a copy of the registered strata plan is to be submitted to the Principal Certifying Authority.

13. Stormwater Management Plan including On-site stormwater detention required

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 via an on-site stormwater detention system by gravity to the existing drainage easement south of the development.

The following must be included:-

- a) Detailed design of the driveway to cater for the major events of the catchment from the north flowing down the internal access towards the southern swale. Documentations such as the magnitude of the volume and heights of stormwater draining through the driveway must demonstrate compliance to safety criteria in accordance with Section D5 of the Northern Rivers Local Government Guidelines. The documentations must also be supported with a catchment plan showing all contributing catchment areas.
- b) Detailed design of the works required extending the 600mm RCP and the pedestrian access to provide connection of the site to Bangalow Rd. Details to show how the works are retained within the development site to ensure there is no impact onto the adjacent neighbouring site.
Documentations such as the magnitude of the volume and heights of flow draining through the positive relief outlet must demonstrate compliance to safety criteria in accordance with Section D5 of the Northern Rivers Local Government Guidelines. The documentations must also be supported with a catchment plan showing all contributing catchment areas.
Further, a detailed survey must be undertaken to establish any encroaching structures along the easement and measures required to remove the structures to pave way of the construction of the positive relief outlet.

Note:

- (i) Works related to the construction of retaining walls inside Council drainage easement will not be supported.
- (ii) The proposed pedestrian access will act as a positive relief outlet should the 600 RCP is blocked both in major and minor storm events.

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) provide 5kL rainwater tank volume per dwelling in each stage of the development with 3.5kL volume be dedicated for OSD and 1.5kL dedicated for re-use;
- b) A detailed design of the bioretention basin must be provided generally in accordance with the approved plans. The detailed design must provide details to comply with the design and construction requirements including all testing required of materials, frequency of testing, material specification and landscaping in accordance with water by design Bioretention

- c) Technical Design Guidelines Version 1.1, October 2014 and IPWEA WSUD Standard drawings
- d) Prepare a Operational Maintenance Plan of the bioretention basin;
- e) comply with any requirements for the disposal of stormwater drainage and on-site stormwater detention contained in Council's Development Control Plan, Stormwater Guideline and Local Approvals Policy; and
- f) 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.

14. Consent required for works within the road reserve

Consent from Council must be obtained for works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve.

Such plans are to be in accordance with Council's current Design & Construction Manuals and are to provide for the following works:

Driveway and relocation of power pole

A minimum 6.0m wide driveway in accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

Existing invert crossing and verge area servicing the site must be removed and reinstated to match the existing.

The existing power pole must be relocated in accordance with Essential Energy's requirement and approval.

15. Car parking layout, vehicle circulation and access plans required.

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

The access, parking and manoeuvring for the site is to comply with the requirements of AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking and AS 2890.2 – 2010 - Parking facilities, Part 2: Off-street commercial vehicle facilities. Plans are to include, but not be limited to, the following items:

- a) 2 x parking spaces per dwelling;
- b) 4 x Class 1A visitors parking;
- c) dwellings with single garage to provide a 3.0m minimum door width opening;
- d) turning area at the end of the internal driveway must be widened to provide a minimum total width of 3.0m and lengthened to a minimum total length of 5.4m. The strata plan and strata development contract must be amended accordingly;
- e) minimum aisle width of 6.0m;
- f) The adaptable housing unit must be provided with a continuous accessible path of travel in accordance with AS1428 between the main street entrance to the garage, letterboxes and garbage storage area;
- g) The minimum internal dimensions of the single garage of the adaptable housing unit must be

- 3.8m internal width, 6.0m internal depth and 2.5m vertical height;
- h) pavement design, comprising an all weather surface, such as asphalt, bitumen seal, concrete, pavers or other similar treatment;
- i) site conditions affecting the access;
- j) existing and design levels;
- k) longitudinal section from the road centreline to the car space(s);
- l) cross sections every 15 metres;
- m) drainage details;
- n) underground services connections;
- o) turning paths; and
- p) line marking and signage.

The engineering plans and specifications are to be designed by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

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

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

16. **Flood Planning Level**

The flood planning level for this development is 3.1m A.H.D. The plans and specifications to accompany the construction certificate application are to indicate a minimum habitable floor level for the dwellings that is at the flood planning level.

The plans and specifications to accompany the construction certificate application are to also indicate:

- a) a minimum floor level of 2.39m A.H.D for non-habitable building or room (e.g. Shed, carport, garage, laundry, shelter, etc.); and
- b) the use of flood compatible materials and services below the flood planning level in accordance with the requirements of Council's Development Control Plan 2014 – Chapter C2 – Areas Affected by Flood.
- c) All dwellings are to be constructed using bearer and joist design with the exception of Dwelling/Lot 4, being the adaptable dwelling, which may be on a slab. No fill is permitted to achieve minimum habitable floor level.

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

17. **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 so as 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.

18. Compliance required with Building in the Vicinity of Underground Infrastructure Policy

All developments must comply with Policy: Building in the Vicinity of Underground Infrastructure 2020. Swimming pools are classed as buildings and are required to comply with this policy.

The use of displacement and screw pile construction methods will require approval by Council.

Any retaining wall / brick / masonry fence crossing a pipeline requires Council approval. The fence must be supported such that it does not cause loading on the pipes zone-of-influence.

The foundations of any structures are to be constructed in such a manner that no loads due to the structure are transferred onto the Council asset or its foundations. The floor and the structure of the buildings should be able to be removed in sections to provide access for repairs or replacement of the Council infrastructure.

Any damage caused to pipelines as a result of the construction work must be repaired at the owner's expense, and under Council supervision.

19. Water and Sewerage - Section 68 Part B 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.

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.

20. Water and Sewerage - Section 68 Part B approval (where required)

If required, an **Approval** under Section 68 Part B of the Local Government Act 1993 to carry out sewerage work must be obtained where the pool backwash is to be connected to the sewer via a new overflow relief gully.

21. Certificate of Compliance – s307 Water Management Act 2000

Prior to issue of any Construction Certificate, a Certificate of Compliance under Section 307 of the Water Management Act 2000 must be obtained upon payment of developer charges for water and sewer as calculated in accordance with Byron Shire Council and Rous Water Development Servicing Plans. Where staging of the Construction Certificate occurs, a separate s307 Compliance Certificate must be obtained for each stage.

Byron Shire Council acts as Rous Water's agent in this matter and will issue a Certificate of Compliance on behalf of Rous Water upon payment of the Rous Water Development Servicing Charge to this Council.

Note: 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.

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

22. Developer Contributions to be paid

Contributions set out in the schedules below are to be paid to Council prior to the release of a construction certificate for the dwellings or subdivision certificate for the respective stages. Contributions are levied in accordance with the [Byron Shire Developer Contributions Plan 2012 \(as amended\)](#). The Plan may be viewed on line or during office hours at the Council Offices located at Station Street, Mullumbimby. These contributions are to fund public amenities and services as listed in the schedule. Additional details on the specific amenities are to be found in the Byron Shire Developer Contributions Plan 2012 (as amended).

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

Stage 1

Section 7.11 contributions Schedule for Byron Bay Suffolk Park Catchment							
This schedule was calculated in spreadsheet #E2018/73086							
1 bedroom units =	0	@	0.55 SDU	=		0	
2 bedroom units =	0	@	0.75 SDU	=		0	
3 bedroom units/dwellings =	6	@	1 SDU	=		6	
Allotments =	0	@	1	=		0	
Less Site Credits =	1	@	-1	=		-1	
Total SDU				=		5	
Schedule valid until			24/04/2021	After this date contact Council for CPI update.			
Local Open Space & Recreation	(OS-BB)	5.00	SDU @ \$ 4,276.86	=		\$ 21,384.30	
LGA Wide Open Space & Recreation	(OS-SW)	5.00	SDU @ \$ 769.79	=		\$ 3,848.95	
LGA wide Community Facilities	(CF-SW)	5.00	SDU @ \$ 1,127.45	=		\$ 5,637.25	
Local Community Facilities	(CF-BB)	5.00	SDU @ \$ 1,270.44	=		\$ 6,352.20	
Bikeways & Footpaths	(CW-BB)	5.00	SDU @ \$ 1,408.42	=		\$ 7,042.10	
Shire Wide Bikeways & Footpaths	(CW-SW)	5.00	SDU @ \$ 82.70	=		\$ 413.50	
Urban Roads	(R-BB)	5.00	SDU @ \$ 3,080.33	=		\$ 15,401.65	
LGA Wide Roads	(R-SW)	5.00	SDU @ \$ 232.94	=		\$ 1,164.70	
Rural Roads	#N/A	5.00	SDU @ \$ -	=		\$ -	
Administration Levy	(OF-SW)	5.00	SDU @ \$ 1,164.38	=		\$ 5,821.90	
Total				=		\$ 67,066.55	

Stage 2

Section 7.11 contributions Schedule for Byron Bay Suffolk Park Catchment							
This schedule was calculated in spreadsheet #E2018/73086							
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 =	7	@	1	=		7	
Less Site Credits =	6	@	-1	=		-6	
Total SDU				=		1	
Schedule valid until			24/04/2021	After this date contact Council for CPI update.			
Local Open Space & Recreation	(OS-BB)	1.00	SDU @ \$ 4,276.86	=		\$ 4,276.86	
LGA Wide Open Space & Recreation	(OS-SW)	1.00	SDU @ \$ 769.79	=		\$ 769.79	
LGA wide Community Facilities	(CF-SW)	1.00	SDU @ \$ 1,127.45	=		\$ 1,127.45	
Local Community Facilities	(CF-BB)	1.00	SDU @ \$ 1,270.44	=		\$ 1,270.44	
Bikeways & Footpaths	(CW-BB)	1.00	SDU @ \$ 1,408.42	=		\$ 1,408.42	
Shire Wide Bikeways & Footpaths	(CW-SW)	1.00	SDU @ \$ 82.70	=		\$ 82.70	
Urban Roads	(R-BB)	1.00	SDU @ \$ 3,080.33	=		\$ 3,080.33	
LGA Wide Roads	(R-SW)	1.00	SDU @ \$ 232.94	=		\$ 232.94	
Rural Roads	#N/A	1.00	SDU @ \$ -	=		\$ -	
Administration Levy	(OF-SW)	1.00	SDU @ \$ 1,164.38	=		\$ 1,164.38	
Total				=		\$ 13,413.31	

Stage 3

Section 7.11 contributions Schedule for Byron Bay Suffolk Park Catchment						
This schedule was calculated in spreadsheet #E2018/73086						
1 bedroom units =	0	@	0.55 SDU	=		0
2 bedroom units =	0	@	0.75 SDU	=		0
3 bedroom units/dwellings =	4	@	1 SDU	=		4
Allotments =	0	@	1	=		0
Less Site Credits =	1	@	-1	=		-1
Total SDU				=		3
Schedule valid until			24/04/2021	After this date contact Council for CPI update.		
Local Open Space & Recreation	(OS-BB)	3.00	SDU @ \$ 4,276.86	=		\$ 12,830.58
LGA Wide Open Space & Recreation	(OS-SW)	3.00	SDU @ \$ 769.79	=		\$ 2,309.37
LGA wide Community Facilities	(CF-SW)	3.00	SDU @ \$ 1,127.45	=		\$ 3,382.35
Local Community Facilities	(CF-BB)	3.00	SDU @ \$ 1,270.44	=		\$ 3,811.32
Bikeways & Footpaths	(CW-BB)	3.00	SDU @ \$ 1,408.42	=		\$ 4,225.26
Shire Wide Bikeways & Footpaths	(CW-SW)	3.00	SDU @ \$ 82.70	=		\$ 248.10
Urban Roads	(R-BB)	3.00	SDU @ \$ 3,080.33	=		\$ 9,240.99
LGA Wide Roads	(R-SW)	3.00	SDU @ \$ 232.94	=		\$ 698.82
Rural Roads	#N/A	3.00	SDU @ \$ -	=		\$ -
Administration Levy	(OF-SW)	3.00	SDU @ \$ 1,164.38	=		\$ 3,493.14
Total				=		\$ 40,239.93

23. **Contaminated land remedial works must be completed (where required)**

Contaminated land remedial work must be completed in accordance with the approved RAP prior to the issue of a construction certificate for any building works.

24. **Notice of Completion and Validation Report required**

A notice of completion must be submitted to Council prior to the issue of a construction certificate for commencement of buildings works.

The notice of completion must be accompanied by a validation report specifying the standard of contaminated land remediation achieved and certifying that the site is suitable for the proposed use. The report must conform to the Consultants Reporting on Contaminated Land – Contaminated Land Guidelines (NSW EPA, 2020) and must also include information confirming that the guidelines and all other regulatory requirements have been met. In particular, documentary evidence is required to confirm that any disposal of soil off-site is done in accordance with the approved RAP and regulatory requirements.

25. **Acid Sulfate Soil Assessment and Management Plan**

An Acid Sulfate Soil Assessment and Management Plan must be submitted to and approved by Council prior to the issue of a Construction Certificate. The Plan must be prepared by a suitable qualified Environmental/Soil Scientist with soil testing in accordance with the Acid Sulfate Soil Manual (ASSMAC, 1998). The Plan should include any remedial measures that may be required as a result of testing and include:

- a. Investigation and NATA lab analysis results of soil and water samples;
- b. Identification of areas (and depths) of soil disturbance and acid drainage,
- c. Bunding and soil stockpiling requirements,
- d. Liming ratios,
- e. Leachate and excavation water management,
- f. Monitoring and testing program,
- g. Method of classification and disposal of soils to be removed from the site,
- h. Contingency measures.

The construction certificate must not be issued until this condition has been satisfied.

26. Access and facilities for disabled

The application for a Construction Certificate is to include plans and specifications that indicate access and facilities for the adaptable dwelling are in accordance with the relevant provisions of AS1428.1 – Design for Access and Mobility – General Requirements for Access – New Buildings and AS 4299 -Adaptable Housing as follows:

- a. Dwelling Units: At least one dwelling is to be [adaptable housing](#). Access to the upper level of townhouses can be by lift, stair lift, chair lift, inclinor or platform lift or ramp in accordance with the relevant Australian Standards. Any lift must comply with the relevant Australian Standards.
- b. Access: [A continuous accessible path of travel](#) in accordance with AS1428 or an inclinor/ lift/ hoist (in accordance with AS1735) as appropriate must be provided between the main street entrance to the residential complex, [adaptable housing](#) units, [access](#) or car parking spaces, letterboxes, garbage storage area, recreation areas and clothes drying areas.

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

27. Privacy controls. Amendment to the plan required

The elevated windows on the west facade of the first floor of Lot 1 have the potential to reduce the level of privacy enjoyed by the occupants of the adjoining dwelling to the west.

The plans submitted for approval of the Construction Certificate must be amended to include a privacy screen constructed on the windows on the west facade of the first floor of Lot 1 (master suite and ensuite windows).

The screens could be constructed from lattice, vertical slats or other similar non-transparent screenings. Where slats are used they are to be angled to ensure the line of sight is directed away from the adjoining dwelling. The screen must be for the entire height and width of the windows.

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

28. Privacy and view impact controls. Amendment to the plan required

The ensuite and stairwell on the east facade of the first floor have the potential to reduce the level of privacy and views enjoyed by the occupants of the adjoining dwelling to the east.

The plans submitted for approval of the Construction Certificate must be amended to include this

part of the first floor (ensuite and stairwell) being setback to the west to remove the building height plane encroachment of this section of the dwelling.

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

29. Front fence and letterbox. Amendment to the plan required

Any street front fencing along the boundary of the property with Keats Street including the mailbox structure must not be greater than 1.2m in height.

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

30. Fence along northern boundary. Amendment to the plan required

A solid, non-combustible fence must be constructed along the entire northern boundary of the property adjoining numbers 8, 10, 12 and 14 Keats Street. The fence is to be between 1.5 and 1.8m in height.

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

31. Lot 1 swimming pool. Amendment to the plan required

The Lot 1 swimming pool must be either:

- a. relocated south of the sewer easement; or
- b. removed from the proposal altogether.

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

32. 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. 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.

33. Compliance with BASIX Certificate requirements

The development is to comply with Basix Certificate No. 1083923M-02, dated 16 March 2020.

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.

34. 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.

35. Bond required to guarantee against damage to public land

A bond of \$5,000 is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development, together with payment of an asset inspection fee in accordance with Council's fees and charges. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets.

Such bond will be held until Council is satisfied that the infrastructure is maintained/repaired to pre development conditions and that no further work is to be carried out that may result in damage to Council's roads, footpaths etc.

36. Details for noise attenuation of swimming pool pumps required

Details for noise attenuation of swimming pool pumps must be prepared by a suitably qualified person and submitted to Council for approval prior to the issue of a construction certificate for building works.

37. Details of pool fence required

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

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

38. Details of waste management (garbage and recycling) storage and collection required

Details of waste management (garbage and recycling) storage and collection are required to be submitted to Council for approval prior to the issue of construction certificate for building works.

39. Site Waste Minimisation and Management Plan

Prior to the issue of a Construction Certificate, a Site Waste Minimisation and Management Plan (SWMMP) must be submitted outlining measures to minimise and manage waste generated during demolition, construction and the ongoing operation and use of the development. The SWMMP must address, as a minimum:

- a) Demolition (B8.3.1 of Byron Shire Development Control Plan 2014 (DCP 2014));
- b) Construction (B8.3.2 of DCP 2014);
- c) Ongoing use including ensuring there is sufficient space for bins to be placed on Keats Street

- for collection (B8.3.3 of DCP 2014); and
- d) Matters specific to multi dwelling housing (B8.4.2 of DCP 2014).

A template is provided on Council's website to assist in providing this information
www.byron.nsw.gov.au/files/publication/swmmp-pro-forma.doc

40. Tree Removal

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

41. 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

42. Erosion and Sediment Control Management Plan required

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

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

43. Protection of the mapped coastal wetland during construction

The part of the property mapped as coastal wetland under the State Environmental Planning Policy (Coastal Management) 2018 is 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 (e.g. 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.

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

44. 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.

45. Acid Sulfate Soils Management (where required)

Acid sulfate soil controls must be in place in accordance with any approved Acid Sulfate Soils Management Plan.

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

46. Construction times

Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible from adjoining residential premises, can only occur:

- a. Monday to Friday, from 7 am to 6 pm.
- b. Saturday, from 8 am to 1 pm.

No construction work to take place on Sundays or public holidays.

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

47. Construction Noise

Construction noise is to be limited as follows:

- a. For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- b. For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A)

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

48. 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.

49. Builders rubbish to be contained on site

All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

50. Noise attenuation of swimming pool pumps must be incorporated

Noise attenuation of swimming pool pumps must be incorporated during building construction.

51. Acid Sulfate Soils Management (where required)

Acid sulfate soils must be managed and disposed of in accordance with the approved Acid Sulfate Soils Management Plan. A copy of this Plan must be kept on the property at all times during construction and made available to any person.

52. 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.

53. 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. Template s143 Notices are available at <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/wasteregulation/160095-notices143-form.docx>

54. Fill to be retained on the subject land

Fill material must not encroach onto any adjoining land.

55. 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.

56. Maintenance of erosion and sediment control measures

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

57. Stormwater drainage work

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

58. 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.

59. 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) <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines>

60. Aboriginal Relics

If any Aboriginal archaeological relics or items are exposed during construction works, the

Applicant shall:

- a. immediately cease works;
- b. notify the NSW National Parks and Wildlife Service (NPWS);
- c. obtain any necessary permits and/or approvals to continue the work under the National Parks and Wildlife Act 1974.

The Applicant shall comply with any further request made by the NPWS to cease work for the purposes of archaeological assessment and recording.

61. 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 occupation of the building

62. 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 Council's road/footpath reserve.

63. Access to be completed

The access is to be constructed in accordance with the approved plans and Roads Act consent.

64. Stormwater Management including On-site Stormwater Detention and Bioretention Basin – Certification of works

All stormwater drainage works for each stage, including on-site stormwater detention works, for the development and bioretention basin must be constructed in accordance with the approved plans and specification prior to issue of any occupation certificate. Certificate/s of Compliance and Work-As-Executed (WAE) plans for the stormwater works must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

The certificate/s and WAE plans are to be prepared by a suitably qualified engineer and must be in accordance with Council's [Comprehensive Guidelines for Stormwater Management](#).

65. Acid Sulfate Soils Management (where required)

The works engineer must certify to the Principal Certifying Authority that all works have been carried out in accordance with the approved Acid Sulfate Soils Management Plan. Documentary evidence must be provided confirming the destination of all Acid Sulfate Soils removed from the site.

66. Floor Levels – Certification for Flooding

Prior to the issue of any Occupation Certificate, a certificate from a registered surveyor must be submitted to the Principal Certifying Authority confirming the height of habitable and non-

habitable floors. An Occupation Certificate must not be issued unless the floor levels are at or above the relevant flood planning levels. A copy of the floor level certification from the registered surveyor must also be submitted to Council for the attention of Council's Drainage and Flood Engineer.

67. Fence to protect coastal wetland

A solid, non-combustible (i.e., using sheet metal such as Colorbond) fence must be constructed adjacent to the driveway along the entire length of the northern edge of the southern boundary landscaping.

68. Landscaping

The landscaping of the site as detailed in the approved landscaping plan and specifications must be completed prior to the issue of an occupation certificate or subdivision certificate for the development. A site meeting must be arranged with Council to determine satisfaction of this condition or alternatively a report must be provided from a qualified and experienced Landscape Architect, Ecologist or AABR-accredited Bush Regenerator.

69. Details for noise attenuation of swimming pool pumps required

Documentary evidence must be provided to the PCA to certify that noise attenuation of swimming pool pumps have been incorporated during building construction. The occupation certificate for the swimming pools must not be issued until this condition has been complied with.

70. 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."

71. 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.

72. Swimming pool fencing

Swimming pool fencing is to comply with the requirements of the Swimming Pools Act 1992 and Regulations.

73. Swimming pool backwash

Pool backwash to be connected to a sewer overflow relief gully.

74. Clothes drying facilities

The minimum provision of clothes drying facilities must be at the rate of 7.5 metres of line per dwelling, located in suitably screened external drying areas.

75. 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 the issue of a Strata Certificate

76. Strata Certificate application required

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

NOTE: The application MUST be one complete concise package addressing ALL conditions of consent relevant to the subdivision with a clear explanation how each condition has been complied with, together with supplying ALL the relevant information/documents/certificate and/or plans that is required by that condition. Failure to provide the abovementioned information in one package, will likely result in the application being refused or rejected and returned to you.

77. Strata Plan

The strata plan must be in accordance with the approved plan/s. A strata plan administration sheet (original plus one (1) copy), two (2) copies of the strata plan and any necessary section 88B instrument (original plus one (1) copy) are to be submitted with the application for a Strata Certificate if lodged with Council.

Strata Plan and Strata Development Contract must be amended to meet the conditions of consent.

78. Car Parking Arrangements

All visitor car parking spaces are to remain as common property

79. Completion of Building Works

A final occupation certificate for stage 1 and stage 3 must be obtained for the building works approved by development consent number 10.2020.215.1 prior to issue of the strata certificate. A copy of the final occupation certificate must be submitted with the application for the strata certificate.

80. Section 88B Instrument

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

- a) Inter-allotment Drainage Easements
The creation of easements for drainage of water, with a minimum width of 1.5 metres, over all inter-allotment drainage pipelines and structures located within the proposed allotments, where not created as common property.
- b) Easement for Services
The creation of suitable easements for services over all services and/or service conduits located within the proposed allotments, where not created as common property.
- c) Easement for Electricity
The creation of any necessary easements for electricity purposes as required by the electricity supply authority.

81. Electricity Supply Certificate

Prior to the issue of a Strata 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.

82. Fibre-ready Facilities and Telecommunications Infrastructure

Prior to the issue of a Strata 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 so as 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.

The following conditions are to be complied with at all times

83. Approved use

Dwelling house – Use of the development is approved for a dwelling house. Any activity other than that defined as dwelling house must not be carried out unless development consent is sought.

Note. *dwelling house* means “a building containing only one 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 dwelling house is not approved as short term rental accommodation, tourist and visitor accommodation or to be “holiday let”.

84. Ongoing management of contaminated land

Any ongoing management of contaminated land identified in the approved RAP must be carried out on an ongoing basis as required.

85. Maintenance of fence to protect coastal wetland

The solid, non-combustible (i.e., using sheet metal such as Colorbond) fence constructed adjacent to the driveway along the entire length of the northern edge of the southern boundary landscaping must be maintained at all times.

86. Maintenance of landscaping

The landscaping of the site as detailed in the approved landscaping plan is to be maintained at all times.

87. Pool Safety Sign

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

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

88. Swimming pool discharge

Swimming pools must discharge or backwash to an overflow retention gully in accordance with AS/NZS 3500.2.2, Section 10.9 & Figure 10.2.

This work is exempt development in accordance with Council's Local Approvals Policy (2009), however, where it is not possible to discharge to an existing overflow retention gully, a new charged gully may be required. In such circumstances, an application under Section 68 of the Local Government Act is required.

89. 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.

90. Swimming pool pump location

The filter pump is to be located such that noise from its operations does not cause a nuisance to adjoining residents. If necessary an acoustic enclosure must be provided around the pump to achieve the required noise attenuation.

91. Pool and heat water pumps and filters

Pool pumps must not be operated before 8am or after 8pm on any Saturday, Sunday or public holiday, or before 7am or after 8pm on any other day.

92. Swimming Pool Fencing

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

SCHEDULE 3. 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 4. INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL



NSW RURAL FIRE SERVICE

Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your reference: (CNR-7391) 10.2020.2015.1
Our reference: DA20200507001622-Original-1

ATTENTION: Ivan Holland

Date: Thursday 11 June 2020

Dear Sir/Madam,

Integrated Development Application
s100B – Subdivision – Strata Title Subdivision
6 Keats St Byron Bay NSW 2481 AUS, 2//DP1257709

I refer to your correspondence dated 07/05/2020 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 Plan - Overall' submitted as Appendix A of the 'Bush Fire Assessment Report' prepared by Bushfire Certifiers dated 3rd April, 2020.

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 issue of a subdivision certificate (whichever comes first), and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire site 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;
- 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;

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

- 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.

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 on the northern, eastern and western elevations and the entire roof of the proposed dwelling on Lot 1 must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019. New construction on the southern elevation must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.

4. New construction of the proposed dwellings on Lots 2 and 3 must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.

5. New construction of the proposed dwelling on Lot 4 must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.

6. New construction on the southern, eastern and western elevations and the entire roof of the proposed dwellings on Lots 5 to 10 must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019. New construction on the northern elevations must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.

7. Construction of the detached carports on Lots 5 to 9 and the garage located >6 metres from the dwelling on Lot 10 shall be undertaken using non-combustible materials.

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

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.

9. The provision of water, electricity and gas must comply with Table 5.3c of Planning for Bush Fire Protection 2019. The location of the new hydrant shall be in accordance with the drawing submitted as Figure 7 of the 'Bush Fire Assessment Report' prepared by Bushfire Certifiers dated 3rd April, 2020.

General Advice – Consent Authority to Note

Internal road access should comply with NSW Fire & Rescue 'Fire Safety Guideline – Access for fire brigade vehicles and firefighters', Version 05, issued 4th October 2019.



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

Yours sincerely,

Alan Bawden
Team Leader, Dev. Assessment & Planning
Planning and Environment Services



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Strata Title Subdivision
6 Keats St Byron Bay NSW 2481 AUS, 2//DP1257709
RFS Reference: DA20200507001622-Original-1
Your Reference: (CNR-7391) 10.2020.2015.1

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

Team Leader, Dev. Assessment & Planning
Planning and Environment Services

Thursday 11 June 2020

SCHEDULE 5. 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 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 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 6. 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.

Swimming pool discharge (reticulated systems)

Swimming pool waste - irrespective of the filtering system is to be disposed into the property's house drainage - sewerage system via an overflow relief gully with a 100mm visible air gap in accordance with AS/NZS 3500.2, Section 10.9 & Figure 10.2.

This activity is now an exempt activity and does not require approval under Section 68 of the Local Government Act.

If however, site conditions prevent discharge through the existing gully and a new gully is required, this activity will require an approval under S68 before this work can commence.

Note also that this activity must be carried out by a licensed plumber.

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).

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	6.80 ET
Bulk Water	6.80 ET
Sewer	9.00 ET

NB: 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.

Essential Energy

Essential Energy 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, as required by Essential Energy, easement/s are to be created for any existing or new electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. Refer to 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 property 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 property and within close proximity to the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as *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*.