

CONDITIONS OF CONSENT:

SCHEDULE 1. CONDITIONS OF CONSENT

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:
150 Rev E	Demolition Plan Theatre Ex	Zac Tooth	Council stamp
151 Rev E	Demolition Plan Theatre Ex Level 1	Zac Tooth	Council stamp
152 Rev E	Demolition Plan Theatre Ex Roof	Zac Tooth	Council stamp
155 Rev E	Demolition Plan Theatre Foyer	Zac Tooth	Council stamp
160 Rev E	Demolition Plan Ex Elevation North	Zac Tooth	Council stamp
161 Rev E	Demolition Plan Ex Elevation South	Zac Tooth	Council stamp
162 Rev E	Demolition Plan Ex Elevation East	Zac Tooth	Council stamp
163 Rev E	Demolition Plan Ex Elevation West	Zac Tooth	Council stamp
-	Finishes Schedule	Zac Tooth	Council stamp
101 Rev F	Site Plan Demolition / Tree removal	Zac Tooth	JAN 2020
102 Rev F	Proposed Site	Zac Tooth	JAN 2020
200 Rev E	Renovation Plan G	Zac Tooth	JAN 2020
210 Rev E	Addition Plan G	Zac Tooth	JAN 2020
211 Rev E	Addition Plan L1	Zac Tooth	JAN 2020
212 Rev E	Addition Plan Roof	Zac Tooth	JAN 2020
300 Rev E	Elevation North	Zac Tooth	JAN 2020
301 Rev E	Elevation South	Zac Tooth	JAN 2020
302 Rev E	Elevation East Part 1	Zac Tooth	JAN 2020
303 Rev E	Elevation East Part 2	Zac Tooth	JAN 2020
304 Rev E	Elevation West Part 1	Zac Tooth	JAN 2020
305 Rev E	Elevation West Part 2	Zac Tooth	JAN 2020
400 Rev E	Section A	Zac Tooth	JAN 2020
410 Rev E	Section 1	Zac Tooth	JAN 2020
900 Rev E	Window / Door Schedule	Zac Tooth	JAN 2020
19-64 C3	Services layout plan (sanitary plumbing)	Philip Wallace	04-20
19-64 C1	Stormwater Management Plan	Philip Wallace	04-20

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

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

2. **Support for neighbouring buildings**
If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made or builder must:
 - a. Inform the neighbouring property owner immediately.
 - b. Engage a structural engineer to determine any remedial works that may need to be

- undertaken.
- c. Preserve and protect the adjoining building from damage.
 - d. If necessary, underpin and support the building in an approved manner
3. **Concurrent Approvals**
The following approvals are provided under Section 4.12 of Environmental Planning and Assessment Act, subject to the conditions contained in **Schedule 2** of this Notice of Determination:
Concurrent Approvals under Section 68 of the Local Government Act 1993
Approval has been granted with this consent for the following activity approvals:
Part B Water supply, sewerage and stormwater drainage work
B1 Carrying out water supply work
B4 Carrying out sewerage work
B5 Carrying out stormwater drainage work
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.
Description of Activity granted approval:
Council reference No: 55.2020.220.1
 - Stormwater works for existing hall with new extension only. Excludes all other buildings.

Council reference No: 60.2020.220.1

 - **Part 1 Private works:** Water and sewer works associated with a new toilet block and bathroom only. It consists of 7 wcs, 7 basins, 1 shower and 2 urinals.

Part 2 Council Assets: No consent for any works on Councils Asset. (Deemed at outlet of water meter and connection to Boundary Shaft.)

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 under provided in an additional Schedule further in this consent.

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

5. **Fire Safety Order**
Prior to the issue of a construction certificate a final completion letter is required from Council for the satisfactory completion of works identified in the Fire Safety Report Ref: 17/054 by BCA Check dated 9 March 2017 (amended) and Fire Safety Order – EPAA No.6, reference number 75.2017.79.2 dated 16 March 2018.
6. **Revised Noise Impact Assessment required**
Noise Impact Assessment, Alterations and Additions Brunswick Picture House, 30 Fingal Street Brunswick Heads Ref: 141/2016_Adds & Alts prepared by Tim Fitzroy & Associates dated 12 February 2020 shall be revised to include:
- a. review the existing development and assess the noise impacts on sensitive receivers
 - b. assess the proposed development (new roof and a/c and building additions) and assess the noise impacts on sensitive receivers
 - c. consider, where appropriate (mindful of costs/benefits), opportunities to improve noise attenuation during the redevelopment process, and
- include the outcomes of items 1, 2 and 3 with a view to providing the Best Possible Outcome to mitigate noise impact from the development on sensitive receivers.
7. **Noise Management Plan required**

A Noise Management Plan (NMP) shall be submitted to Council for approval prior to the issue of a Construction Certificate for Building Works. The NMP shall be prepared in accordance with Noise Impact Assessment Report No: 11/2016_NIA dated 25 January 2018 and Report No: 141/2016_Adds & Alts dated 12 February 2020 (as revised) prepared by Tim Fitzroy & Associates, and conditions of consent. The NMP shall detail the methods that will minimise operational noise and include:

- a) detailed practices that will be implemented to minimise noise impacts
- b) identify nearby residences and other sensitive land uses
- c) assess expected noise impacts from operations
- d) detail management of outdoor area including new deck
- e) provide clear and defined acceptable rules of behaviour for patrons
- f) adhere to responsible service of alcohol regulations (for licenced premises)
- g) provide strategies to promptly deal with and address noise complaints
- h) outline details of performance evaluating procedures, noise monitoring and checking operational noise of air conditioner plant and equipment
- i) provide a noise monitoring program
- j) detail procedures for notifying nearby residents of forthcoming events that are likely to produce noise impacts
- k) provide strategies to limit operational noise during evening hours (6pm – 10pm) and night time hours (10pm – 12am)
- l) reference relevant consent conditions
- m) Include name and qualifications of the suitably qualified acoustic consultant who prepared the report.

Advisory Note: A NMP required for DA10.2017.471.1 has not yet to be provided to Council therefore the above condition has been modified to include requirements for DA 10.2020.220.1 to allow for preparation of a single document.

8. **Details and specifications for air conditioning plant required**

The application for a Construction Certificate is to include detail and specifications for:

- a. roof mounted air conditioning plant
- b. attenuation enclosure for roof mounted air conditioner plant
- c. prepared by an acoustic engineer

Such plans and specifications must be in accordance with Report No: 141/2016_Adds & Alts prepared by Tim Fitzroy & Associates dated 12 February 2020 and approved as part of the application for a Construction Certificate for building works.

9. **Asbestos Removal Control Plan**

A copy of the Asbestos Removal Control Plan produced by a duly qualified person, in accordance with Safe Work NSW Codes of Practice for Asbestos removal to be submitted to Council's Environmental Health Department for assessment prior to the issue of a Construction Certificate. The plan must include (but is not limited to) the nominated notification area (In metres diameter) of neighbours and detail the methods to be employed to ensure the movement of the public in and around the demolition site is controlled to prevent possible contact with demolition wastes. Notification to neighbours must be provided in writing a minimum of seven (7) working days before removal. Notification must include the expected commencement date and timing of works.

10. **Concurrent Approvals**

The Principle Certifying Authority must, prior to issue of the Construction Certificate, ensure the property either;

- already has installed a Council owned and operated water meter and sewer property connection for the new development works to connect to, or;

- has approval from Council to install said new connections.

11. 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	A driveway in accordance with Council's standard "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".
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12. Car parking layout, vehicle circulation and access plans required.

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

The access, parking and manoeuvring for the site is to comply with the requirements of 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:

- remove all unapproved structures in-front of the approved garage in Slessor Lane;
- pavement design, comprising an all-weather surface, such as asphalt, bitumen seal, and concrete from the finish floor level of the approved garage and connect onto the existing seal in Slessor Lane;
- site conditions affecting the access;
- existing and design levels;
- longitudinal section from the road centreline to the car spaces;
- typical cross sections; and
- drainage details.

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".

13. Stormwater Drainage – Connection to Public or Inter-allotment Drainage

The application for a Construction Certificate is to include plans and specifications for stormwater drainage in accordance with the relevant Australian Standard. All stormwater drainage for the development must be conveyed by a gravity system to kerb and gutter in Fingal St via a kerb adaptor in accordance with Councils Standard Drawing R-08. Any works within the verge area specifically the concrete footpath and the turf verge must be returned to match the existing surfaces.

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:

- comply with any requirements for the disposal of stormwater drainage contained in Council's Development Control Plan, Stormwater Guideline and Local Approvals

Policy; and

- b. unless exempt from obtaining an approval under section 68 of the Local Government Act 1993 by a Local Approvals Policy, an approval must be obtained under that Act prior to issue of a Construction Certificate.

Note: Application No. 55.2020.220.1 for stormwater drainage works, approved under section 68 of the Local Government Act 1993, has been granted concurrently with this development consent and is under separate cover.

14. Traffic Control Plan

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

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

The traffic control plan must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.

15. Water and Sewerage - Section 68 approval required

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

16. Trade Waste - Section 68 approval required

An Approval under Section 68 of the Local Government Act 1993 for trade waste must be obtained.

Advisory Note: Council records indicate that the development does not have a .trade waste approval required under the Local Government Act.

17. Plans of retaining walls and drainage

If applicable, the application for a Construction Certificate is to include plans and specifications that indicate retaining walls or other approved methods of preventing movement of the soil, where any excavation or filled area exceeds 600mm in height. Adequate provision must be made for drainage.

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

18. 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.

19. Bond required to guarantee against damage to public land

A bond of \$3,000 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.

20. **Section 7.12 Levy to be paid**

The levy will be calculated as follows:

Levy payable = %C x \$C

- %C is the levy rate applicable as set out in the latest Ministerial Direction issued under section 7.17.
- \$C is the proposed cost of carrying out the development.

The rate of %C is:

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001–\$200,000	0.5 percent
More than \$200,000	1.0 percent

The cost of development must be calculated in accordance with clause 25J of the Regulation. The Cost Summary Report (copy attached) as set out in schedule 2 of the Section 7.12 contributions plan must be submitted to Council with the payment. The cost summary report must be prepared by a quantity surveyor. Copies of Cost Summary Report are available at Council's main office or may be downloaded from Council's website.

21. **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 specify the proposed method of recycling or disposal and the waste management service provider.

Advisory Note: Chapter B8 of Byron Shire Development Control Plan 2014 (DCP 2014) aims to facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development.

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

22. **Tree Protection**

A tree removal and retention plan including the two (2) trees to be removed is required to be included on the demolition plan for approval with the construction certificate.

This must identify species, height and diameter at breast height of trees and shrubs to be removed and retained.

Only trees on the site required to be removed in the location of the additional building footprint may be removed unless indicated on the demolition plan as vegetation that is exempt from needing separate consent.

All other vegetation must be protected in accordance with Australian Standard 4970- 2009 *Protection of Trees on Development Sites*.

The application for a Construction Certificate is to include plans and specifications that indicate the details of tree protection in accordance with Australian Standard 4970- 2009 *Protection of Trees on Development Sites*.

23. Tree Removal

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

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

24. Asbestos Removal Control Plan Notifying Neighbours

Neighbour notification must be undertaken in accordance with the Asbestos Removal Control Plan.

25. Tree Protection Plan

The tree protection plan is to be implemented prior to any construction works commencing in accordance with Australian Standard 4970- 2009 *Protection of Trees on Development Sites*.

26. Concurrent Approvals

- a. No works to commence until a Construction Certificate has been issued for the proposed development on the subject land.
- b. All erosion controls are to be in place
- c. The developer and/or contractor must produce evidence to Council of public liability insurance cover for a minimum of \$10 million. Council is to be nominated as an interested party on the policy.
- d. All public safety and traffic management plans are to be in place, required.

27. Erosion and sediment measures

Where erosion of soils or runoff of any substance is likely to occur, erosion and sedimentation controls are to be in place in accordance with the Guidelines for Erosion & Sediment Control on Building Sites. This may include stockpiled materials such as sand, etc.

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

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

28. Construction times

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

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

No construction work to take place on Saturdays and Sundays adjacent to Public Holidays and

Public Holidays and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to Public Holidays.

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

29. **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.

30. **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.

31. **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.

32. **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.

33. **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.

34. **Removal of demolition and other wastes**

All wastes, including asbestos and lead-contaminated wastes, associated with these works are to be handled and disposed of in accordance with the requirements of the Work Cover Authority. The applicant/owner is to produce documentary evidence that this condition has been met. Wastes must be disposed of at a Licenced Waste Facility. All wastes removed from the site must be managed and disposed of in accordance with the NSW DECC Waste Classification Guidelines (2008)

www.environment.nsw.gov.au/resources/waste/08202classifyingwaste.pdf

Please note the Byron Resource Recovery Centre can not accept asbestos. You will need to arrange disposal at an alternate landfill site.

35. **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.

36. Tree Protection Plan

The tree protection plan is to be implemented throughout construction works in accordance with Australian Standard 4970- 2009 *Protection of Trees on Development Sites*.

37. 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.

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

38. 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.

39. Acoustic Attenuation

Prior to the issue of any occupation certificate, an appropriately qualified acoustic consultant must provide documentary evidence to Council to certify that the acoustic attenuation of the roof mounted air conditioning plant has been achieved in accordance with Report No: 141/2016_Adds & Alts prepared by Tim Fitzroy & Associates dated 12 February 2020 (as revised) as part of the application for a Construction Certificate for building works.

40. Asbestos Clearance Certificate

An Asbestos Clearance Certificate demonstrating that all ACM have been removed from the site must be provided to the PCA prior to the issue of an Occupation Certificate for the alterations and additions. The Asbestos Clearance Certificate must be prepared by an accredited Asbestos Assessor in accordance with Safe Work NSW requirements.

41. Concurrent Approvals

- a. The Final Plumbing Certificate for all of the works associated with the S68 plumbing and drainage approval must be issued by Council prior to any occupation certificate or Interim occupation certificate being issued.
- b. The stormwater works completion certificate for all of the works associated with the S68 stormwater approval must be issued by Council prior to any occupation certificate or Interim occupation certificate being issued.
- c. The Final Plumbing Certificate for all of the works associated with the S68 plumbing and drainage approval must be issued by Council prior to any occupation certificate or Interim occupation certificate being issued

42. **Access and parking areas to be completed.**
The access is to be constructed in accordance with the approved plans and Roads Act consent.
43. **Internal driveway in accordance approved plans**
A driveway is to be constructed from the property boundary to the proposed car spaces in accordance with the approved plans.
44. **Operational waste management**
An operational waste management plan will be required to be submitted prior to the issue of an occupation certificate to demonstrate that waste management including storage of bins and presentation to the laneway are managed so as not to be left on the public road reserves other than for the purpose of collection.

The following conditions are to be complied with at all times

45. **No interference with amenity**
The use of the premises shall not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. In particular:
- a) 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 to the Entertainment Facility shall be restricted to daytime operating hours and are to be unloaded from Fingal Street.
 - f) Commercial waste collection shall be restricted to daytime operating hours.
46. **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.
47. **Rubbish and materials to be contained on site**
All rubbish and materials are to be contained on the site in bins in an enclosure. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, materials and all other items.
48. **Maximum seating capacity**
The theatre is to have a maximum seating capacity of no more than 200 people.

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

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

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)

Typical inspections that must be booked in include but are not limited to:

- Internal Drainage;
- External Drainage;
- Sewer connection to council boundary shaft/asset
- Water Rough In;
- Inspection of kitchen plumbing removal in existing residence, plumbing to be removed to Councils satisfaction.

- Stack work;
- 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** and **Sewer Services Diagram/ Works as Executed drawings** **THAT IS STRICTLY TO NSW FAIR TRADING REQUIREMENTS.**

See link below.

http://www.fairtrading.nsw.gov.au/ftw/Tradespeople/Plumbers_and_drainers/Plumbing_and_drainage_inspections/Plumbing_inspection_documents.page?#sewer_service_diagram.

3. Ancillary Conditions

a. Outdoor Showers:

The external shower must be one of the following:

- Coldwater supply only, discharging directly onto the ground; or
- Hot and cold water supply, connected to sewer and protected by a roof structure to prevent rainwater ingress. Any hardstand surrounding the shower base must be graded away from the shower gully to prevent the ingress of stormwater. The shower base must have a minimum 30mm bund or approved equivalent.

Note: The required roof overhang is to be 10 deg. larger than the shower base. The 10 deg. angle is projected upwards from the edge of the shower base.

b. Garbage disposal units

Garbage disposal units or the like are not allowed to be installed.

c. Storm water Ingress

Sewer inlets shall be protected from storm water ingress. As a minimum a permanent roof cover shall over hang any plumbing fixture and exceed the outermost edges of any fixture (sink, bowl etc.) measured 10 degrees from the vertical to the lowest part of the roof. The cover must be all weather and structurally supported. This may require a certificate from the building certifier

- Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.
- All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. Council is not held responsible for any negligence caused by the undertaking of the works.
- All works to be constructed to at least the minimum requirements of the current versions of the "Northern Rivers Local Government Design & Construction Manuals", standard drawings and AS/NZS 3500.3:2003 – Plumbing and drainage, Part 3: Stormwater drainage.
- A copy of the approved stormwater plans, details and specifications must remain at the site at all times.
- All on-site stormwater detention works are to be carried out under the supervision of a suitably qualified practising professional Engineer.

4. Upon completion of all stormwater works:

- A satisfactory final inspection for the stormwater works is required for Council to inspect the connection to Council's asset. Please note certification from council only covers the asset connection, all internal works are certified by the PCA.
- Payment of inspection fees in accordance with Council's adopted schedule of fees and charges.

- All drainage works is to be installed by a suitably qualified person and in accordance with the

requirements AS/NZS 3500.3:2003 - Plumbing and drainage, Part 3: Stormwater drainage.

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 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 5. NOTES

Construction Certificate required:

This development consent is issued under the Environmental Planning and Assessment Act 1979 and does not relate to structural aspects or specifications of the building under the Building Code of Australia. All buildings and alterations require the issue of a Construction Certificate prior to works commencing. Application forms are available from the customer services counter or Council's website www.byron.nsw.gov.au

Principal Certifying Authority:

Work must not commence until the applicant has:-

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

Occupation Certificate required:

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

Protection of the Environment Operations Act 1997:

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

Enclosed public places (smoke-free environment)

Environment Act 2000 and the Smoke-Free Environment Regulation 2000 and the guidelines in the Regulation for determining what an enclosed public place is. Enquiries may be directed to the NSW Department of Health. The legislation may be viewed on:

<http://www.legislation.nsw.gov.au/maintop/scanact/inforce/NONE/0>

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).