

SCHEDULE 1. CONDITIONS OF CONSENT**Parameters****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:
1002-ST9DA23 Issue E	Subdivision Layout Plan	CivilTech Consulting Engineers	26.09.21
Ref No 1002	Stormwater Management Assessment – Tallowood Ridge Stage 9	CivilTech Consulting Engineers	22/2/20
1002-ST9-DA24 Issue A	Bulk Earthworks Plan	CivilTech Consulting Engineers	20.02.20
1002-ST9-DA25 Issue A	Roadworks Layout Plan	CivilTech Consulting Engineers	20.02.20
1002-ST9-DA26 Issue A	Stormwater Drainage Plan	CivilTech Consulting Engineers	20.02.20
1002-ST9-DA27 Issue A	Water, Sewer & Services	CivilTech Consulting Engineers	20.02.20
1002-ST9-DA28 Issue A	Road 1-2 – Long Section & Typical Section	CivilTech Consulting Engineers	20.02.20
1002-ST9-DA29 Issue A	Road 1-3 – Cross Sections	CivilTech Consulting Engineers	20.02.20
1002-ST9-DA30 Issue A	Road 4 – Long Section, Typical & Cross Section	CivilTech Consulting Engineers	20.02.20
1002-ST9-DA31 Issue A	Road 5– Long Section, Typical & Cross Section	CivilTech Consulting Engineers	20.02.20
1002-ST9-DA32 Issue A	Landscaping Plan	CivilTech Consulting Engineers	20.02.20
1002-ST9-DA33 Issue A	Typical Basin Section and Details	CivilTech Consulting Engineers	20.02.20
Update Version 4	Biodiversity Conservation Management Plan	Wetlandcare Australia	March 2021

		Revised and updated by East Coast Bush Regeneration	
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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) Conditions prescribed by the Regulation

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

3) 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 the Rural Fire Service dated 13 July 2021 [Ref: DA20200311000919-CL55-1] contained in a schedule of this Notice of Determination.

4) No Tree Removal

This development consent does not authorise any native tree to be ringbarked, cut down, lopped, removed or damaged, or caused to be ringbarked, cut down, lopped, removed or damaged.

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

5) Amended subdivision plans required

Amended subdivision plans are to be provided that:

- a) Illustrate all relevant Management Zones as defined in the approved Biodiversity Conservation Management (Update Version 4);
- b) Demonstrate that no part of lots C2, C3 and C4, overlap with Management Zone 8 as defined in the approved Biodiversity Conservation Management Plan (Update Version 4); and
- c) Incorporate the modified lot boundaries of the approved Subdivision Layout Plan (1002-ST9-DA23 Issue E, 26/9/21);

The amended subdivision plans shall be provided to Council's Director of Planning for his/her approval prior to the issue of a subdivision works certificate.

6) Engineering Construction Plans

Three (3) copies of engineering construction plans and specifications must accompany the Construction Certificate application demonstrating compliance with Council's standards for the required engineering works.

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

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

a) Battle-axe handle width/frontage of Lot 254 and Lot 255

A minimum 3.0m wide frontage width each to extend for the full length of the battle-axe handle shall be provided in accordance with prescriptive measures 4, 5 and 6 of section D6.4.1 of Council's BDCP 2014 and Condition 5 of RFS GTA with reference no DA20200311000919-CL55-1 dated 13 July 2021.

Provision must be made to provide services conduits under the battle axe handle in strict accordance with the service authorities' requirements.

b) Full Width Road Construction

Full width road, kerb & gutter, drainage and footpath construction for all proposed roads on the approved plan and in accordance with Condition 4 of RFS GTA with reference no DA20200311000919-CL55-1 dated 13 July 2021. Particular emphasis to the following:

- No parking inside the carriageway of perimeter roads;
- Perimeter roads be provided with roll top kerb;
- Hydrants are located outside of parking reserves and road carriageways; and
- Traffic management devices are constructed to not prohibit access by emergency services vehicles;

In addition to the approved plans, provision must be made to provide 1.2m wide footpath in Road 1-2 to create a footpath circuit between Road 1-1 and Road 1-3 accordance with Northern Rivers Local Government Standard Drawing R-07.

c) Bus Route and Stops

Road 1-2 is designated as Bus Route. Provision must be made to provide a bus stop (no shelter) in Road 1-2 in accordance with Chapter D1.0 of Northern Rivers Local Government Guidelines.

d) Service Conduits

Service conduits to each of the proposed new allotments laid in strict accordance with the service authorities' requirements.

e) Street Name Signs

Street name signs and posts to all proposed new roads.

f) Stripping and Stockpiling

Stripping and stockpiling of existing topsoil on site, prior to commencement of earthworks, and the subsequent re-spreading of this material together with a sufficient quantity of imported topsoil so as to provide a minimum thickness of 80mm over the allotments and footpaths and public reserves, upon completion of the development works.

g) Inter-allotment Drainage (IAD)

Inter-allotment drainage to an approved public drainage system for each of the proposed new allotments where it is not possible to provide a gravity connection of future roofwater to the kerb and gutter. Provision must be made to provide a drainage swale with reinforced turf or concrete invert surface above the IAD 300mm wide x 200mm deep. Design of rear of allotment drainage in accordance with the following tables in QUDM:

- Table 7.13.4 - Design recommendations for the rear of allotment drainage system: and
- Table 7.13.7 - Design considerations for the connection of allotment drainage to the trunk
- drainage system

h) Major Drainage System

A major stormwater drainage system design in accordance with NRLG D5.12 and QUDM must be prepared to define the major overland flow path with the development. These paths must be contained in an easement or reserve. The design of major underground drainage systems with no overland flow component is **strongly** discouraged.

i) Stormwater Drainage

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

- The external catchment must be designed to cater for a 100year ARI including a positive relief outlet. This system must be contained within a reserve or an easement.
- Detailed hydrological and hydraulic design calculations based on the methods outlined in the Queensland Urban Design Manual (QUDM) and Australian Rainfall & Runoff (AR&R) 1987. A summary of the calculations must be included on the drawings consistent with the Sample Drawings of the Northern Rivers Local Government Development & Design Manuals.
- Fully detailed design & construction plan of the major and minor drainage systems including the detention system generally in accordance with the approved plan;
- Stormwater management structures/facilities that have minimum impact on Council's maintenance program. All maintenance activities must be specified in a maintenance plan (and associated maintenance inspection forms) to be developed as part of the design procedure and included in the stormwater management plan.
- Cross-drainage culvert under Road 5 connecting the existing creek be designed to Q₂₀ ARI. Provision must be made to provide a positive relief surface drainage to accommodate the pipe exceedance for all storm events, up to and including the 1 in 100 year storm event above the cross-drainage culvert.

- The capacity of road surfaces and any causeways to be sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes);
- Causeways are to clearly indicate load rating;

j) Stormwater Outlets

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

k) Stormwater Quality

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

- Filter media, under-drains and specification for bioretention basins & bioretention swales must be designed and constructed in accordance with the Notes 1 to 8 of IPWEAQ WSUD-001;
- Underdrain cleanout in accordance with IPWEAQ WSUD-003;
- Sediment Forebay in accordance with IPWEAQ WSUD-005; and
- Weirs in accordance with IPWEAQ WSUD-006.

7) Plans of retaining walls and drainage

The application for a subdivision works certificate is to include plans and specifications of 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 subdivision works certificate.

8) Erosion and Sediment Control Plan

The plans and specifications to accompany the Subdivision Works Certificate application are to include an erosion and sediment control plan to indicate the measures to be employed to control erosion and loss of sediment from the site. The erosion and sediment control plan is to be designed in accordance with the requirements of the *NSW Department of Housing Manual (1989), Managing Urban Stormwater, Soils and Construction*.

A suitably experienced person must prepare the erosion and sediment control plan. Suitably experienced people include those certified by:

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

The erosion and sediment control plan must incorporate, without being limited to, information on general site management, material handling practices, soil stabilisation, water control, sediment control, wind erosion control and access measures.

9) Certification of fill to be provided to Council

A copy of documentation certifying that fill contained on the subject site is from a source that is clean and uncontaminated must be provided to Council prior to the issue of a subdivision works certificate.

10) Traffic Control Plan

The plans and specifications to accompany the Subdivision Works Certificate application are to include a traffic control plan to indicate the measures to be employed to control traffic during construction of the subdivision. The traffic control plan is to be designed in accordance with the requirements of the Roads and Traffic Authority's Manual (1998), *Traffic Control at Work Sites*, and Australian Standard 1742.3 - 1985, *Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'*.

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

11) Unexpected Findings Protocol - Contamination & Remediation

An Unexpected Findings Protocol (UFP) shall be prepared and submitted to Council for approval prior to the issue of Construction Certificate. The UFP shall be prepared by a suitable qualified person experienced in matters relating to Contamination of Land and Remediation.

12) Acid Sulfate Soils Management Plan required

Acid Sulfate Soils Management Plan (ASSMP) must be submitted to Council for approval by prior to the issue of a Construction Certificate for subdivision works. The ASSMP must detail measures to be undertaken to management the disturbance of acid sulfate soils during subdivision works including, but not limited to:

- a. Services pipework and drain realignment works as shown on Bulk Earthwork Plan (1m Existing Contours) Drawing No.1002-ST9-DA24 A (Sheet 4 of 13) prepared by CivilTech Consulting Engineers dated 20.02.20
- b. Services pipework and drain realignment works as shown on Roadworks Layout Plan (1m Design Contours) Drawing No.1002-ST9-DA25 A (Sheet 5 of 13) prepared by CivilTech Consulting Engineers dated 20.02.20.
- c. Trench excavations relating to stormwater filtration system and drainage pipework shown on Typical Basin Section and Details Drawing No.1002-ST9-DA33 A (Sheet 13 of 13) prepared by CivilTech Consulting Engineers dated 20.02.20.

Investigations and management of acid sulfate soils must be undertaken by a suitably qualified environmental consultant in accordance with the Acid Sulfate Soil Manual (ASSMAC, 1998).

13) Amended Landscaping Plan required

Prior to the issue of a Construction Certificate, an amended Landscaping Plan must be submitted to, and approved by, Council. The amended Landscaping Plan must include the street trees in the approved Landscaping Plan (1002-ST9-DA32 Issue A, 20.02.20) in addition to the following:

- All native trees and vegetation to be retained and incorporation of retained native trees and vegetation with the landscaping of the site;

- Vegetation and/or fenced buffers between the subdivision and adjoining RU2 zoned properties to the north; and
- Landscaping of the access handle to Lots 254 and 255 including screening vegetation and solid fencing.

The amended Landscaping Plan must not include species that represent translocation of native plants outside their geographic range, potential or known environmental weeds or species with potential for genetic pollution. The landscaping plan must indicate:

- proposed location for planted shrubs and trees;
- botanical name of shrubs and trees to be planted;
- mature height of trees to be planted;
- location of grassed and paved areas, and
- location of native trees and vegetation identified for retention;
- timing for planting of landscape vegetation; and
- maintenance of landscaped areas.

The amended Landscaping Plan must demonstrate consistency with the General Terms of Approval from the NSW Rural Fire Service dated 13 July 2021 and must comply with Council's Building in the Vicinity of Underground Infrastructure Policy.

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

14) Street Lighting Plan

Prior to the issue of a Subdivision works certificate, a Street Lighting Plan must be submitted to Council for approval that:

- Demonstrates street lighting will be consistent with that provided for previous stages of the subdivision;
- Street Light to be provided on the intersection of Left Bank road and Tuckeroo Avenue
- Demonstrates street lighting will incorporate energy efficient technology to reduce power consumption and carbon footprint with a wattage of 55 watts or less;
- Provides details of street lighting maintenance and cleaning regime, suppliers/installers warranties/guarantees and accessibility to replacement parts; and
- Demonstrates that street lighting will comply with AS1158 or AS3771 and any requirements for disability access and mobility.

15) Site Waste Minimisation and Management Plan

Prior to the issue of a Subdivision works 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 be in accordance with Chapter B8 of Byron Shire Development Control Plan 2014 and must specify the proposed method of recycling or disposal and the waste management service provider.

Note: 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

16) Long Service Levy to be paid

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

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

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

17) Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997

Documentary evidence from a suitably qualified professional is to be submitted with the Subdivision Works Certificate application, demonstrating that the bushfire conditions as issued under Section 100B of the *Rural Fires Act 1997* have been complied with in relation to any necessary subdivision works.

18) Street Name Application to be lodged

Street / road names for the subdivision must be submitted for Council approval prior to issue of the Subdivision Works Certificate.

An application for approval of a street name must be in writing (letter or email) and is to include:

- a) at least 2 names for each proposed road in preferential order;
- b) the location and extent of the road;
- c) background/history of the selected name/s;
- d) details on why the selected name is considered to be appropriate;
- e) details on how the selected name conforms with Council's Street Name Policy and the NSW Address Policy;
- f) a locality plan;
- g) a layout plan showing proposed road/s and selected name/s suitable for publishing in the local newspaper; and
- h) payment of fees in accordance with Council's adopted schedule of fees and charges.

19) Fibre-ready Facilities and Telecommunications Infrastructure

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

- (i) 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
- (ii) 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).

20) Sewerage and Water Mains

An approval is to be obtained under Section 68 of the Local Government Act 1993 to carry out water supply and sewerage works.

Sewerage and water mains are to be extended to service all residential allotments in the subdivision. All Council gravity sewerage mains are to be a minimum 150 mm diameter and water mains are a minimum 100mm diameter.

Water supply and sewerage works are to comply with Council's latest Standards and Policies including but not limited to:

- Development Design and Construction Manuals, Northern Rivers Local Government, 2009;
- Development Servicing Plan for Water Supply Services, Byron Shire Council, 2011;
- Development Servicing Plan for Sewerage Services, Byron Shire Council, 2011;
- Fire Flow Design Guidelines, Water Directorate, 2011;
- Water and Sewer Equivalent Tenement Policy (13/005), Byron Shire Council, 2013;
- Pressure Sewerage Policy (12/014), Byron Shire Council, 2012.
- Private Sewer Pump Station Policy (12/015), Byron Shire Council, 2012.

21) Controlled activity approval

If a controlled activity approval under the Water Management Act 2000 is required for the proposed works within, and adjacent to, existing watercourses it must be obtained from the NSW Natural Resource Access Regulator. A copy of the approval must be submitted to the Principal Certifying Authority prior to issue of the Subdivision works certificate.

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

22) Subdivision Work

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

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

23) Erosion and sediment control measures

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

No soil or fill material is to be placed within the dripline of a tree so as to cause changes in surface level by more than 50mm from the existing level and such soil is not to be compacted. Such soil fill must not be finer than that being covered in situ, e.g. clay must not be placed over loam soil.

24) Protection of trees

Trees to be retained are to be protected in accordance with the Australian Standard: Protection of trees on development sites, AS4970-2009.

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

25) Acid Sulfate Soils Management

All supplies for bunding and storing soils for treatment; sampling supplies and personnel associated with the approved Acid Sulfate Soils Management Plan must be in place prior the commencement of subdivision works.

26) Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management system approved by the Council.

27) Metered Stand Pipe required

Prior to the commencement of any civil works requiring water from Council water main, a metered Stand Pipe for temporary water supply must be supplied and installed by Council. Contact Council's Water and Recycling Department to arrange for this requirement on 02 6626 7081.

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

The following conditions must be complied with during subdivision works

28) 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).

29) 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 is 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.

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) Public safety requirements

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

32) Builders rubbish to be contained on site

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

33) Placement of services near trees

All care is to be taken to manually excavate around, or under, any lateral structural support roots of any tree so as minimum root disturbance where services are to be laid within the dripline of a tree.

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 EPA Waste Classification Guidelines (2014) <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines>

35) 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>

36) 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.

37) 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.

38) 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.

39) Fill to be retained on the subject land

Fill material must not encroach onto any adjoining land.

40) Council Specification

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

41) Approved Plans to remain on site

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

42) 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); and
- 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 must be complied with prior to issue of a Subdivision Certificate

43) Completion of All Works

All subdivision works required by this development consent, and associated Construction Certificate, are to be completed prior to issue of the subdivision certificate. A copy of the final completion letter/s, issued by the Principal Certifying Authority, and final plumbing certificate, issued by the water supply authority, for the relevant subdivision works must be submitted with the application for a subdivision certificate.

44) Subdivision Certificate application required

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

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.

45) Plan of Subdivision

The final plan of subdivision must be in accordance with the approved plan/s. A Deposited Plan Administration Sheet (original plus one (1) copy), two (2) copies of the plan of subdivision and any necessary section 88B instrument (original plus one (1) copy) are to be submitted with the application for a subdivision certificate.

An additional copy of the final plan of subdivision is to be submitted showing the location of all buildings and/or other permanent improvements including any fences, internal access driveways/roads, and where relevant effluent disposal areas and the 1 in 100 year flood and flood planning level extents on land within or adjacent to a flood planning area. Where the building/s or improvements are close to boundaries, offset distances are to be included on the additional copy of the plan. This plan must be endorsed by a Registered Surveyor. Any encroachments affecting new boundaries or the road reserve must be removed or relocated wholly within the allotment. The new boundaries must not cause any existing building/s to contravene the Building Code of Australia.

46) Street addressing

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

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

47) Section 88B Instrument

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

a) Dedicated public road access

Dedication of suitable public road accesses to all proposed allotments.

b) 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.

c) Drainage easements

The creation of easements for drainage of water over all drainage pipelines and structures located within the proposed allotments in accordance with Council's policy.

d) Drainage reserve

The dedication of drainage reserve over the drainage treatment devices and constructed access.

e) Rights of carriageway

The creation of suitable rights of carriageway over the access handles of proposed Lots 254 and 255

f) Easement for services

The creation of suitable easements for services over the access handles of proposed Lots 254 and 255

g) Easement for electricity

The creation of any necessary easements for electricity purposes as required by the electricity supply authority.

h) Restricting development – On-site stormwater detention

Restricting residential development of each vacant allotment until the proprietor has constructed or made provision for the construction of an on-site stormwater detention system to the requirements of Byron Shire Council.

i) Sewer easements

The creation of easements for drainage of sewage over all sewage pipelines and structures located within the proposed allotments in accordance with Council's Building Over Pipelines Policy 4.20.

48) Developer Contributions to be paid

Contributions set out in the schedule below are to be paid to Council prior to the release of a subdivision certificate. Contributions are levied in accordance with the Byron Shire Developer Contributions Plan 2012 (as amended). The Plan may be viewed on line at www.byron.nsw.gov.au or during office hours at the Council Offices located at Station Street, Mullumbimby. These contributions are to fund public amenities and services as listed in the schedule. Additional details on the specific amenities are to be found in the Byron Shire Developer Contributions Plan 2012 (as amended).

The contributions as set out in the schedule may either be paid in full or they may be paid in stages on a proportional basis dependent on the number of lots to be released in the subdivision certificate. The first credit for a site will be retained on the residual lot. Any additional credits over one (1) will be allocated at the first stage(s).

The local open space contributions have been reduced to take in to account the by the value land dedications and works in kind from the following development applications:

- 10.2009.314.4;
- 10.2013.549.1;
- 10.2015.686.1;

- 10.2016.161.1;
- 10.2017.402.3
- 10.2020.97.2

The local roads contributions may be reduced by the residual value of the roadworks required by condition 19 a) of development consent 10.2020.97.1 where the value of works was not fully utilised to offset the roadworks contributions required by condition 65 of that consent. Council will offset up to the full value of these contributions based on the contract price for the works or a statement from a quantity surveyor. Should the value of these works be greater than the roadworks contributions then any residual value will be held in credit against future stages as required by section 7.11(6) of the Environmental Planning and Assessment Act.

Council will offset up to the full value of the open space contributions based on the value of the land to be dedicated as lot 282. A valuation prepared by a registered valuer shall be submitted to and agreed to by Council.

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.

49) Continuation of ecological restoration works

All required ecological restoration works must be continued in accordance with the approved Biodiversity Conservation Management Plan (update Version 4) up until the date at which the subdivision certificate is issued.

50) Community Title Management Statement – Management zone 8

The management statement and development contract for the community title subdivision and a copy are to be submitted with the application for a subdivision certificate, together with a letter from a Solicitor, experienced in Community Title legislation, certifying that the management statement and development contract have been prepared in accordance with Community Title legislation and acceptable for registration with NSW Land and Property Information. Bylaws are to be included in the management statement to ensure Management zone 8 ecological restoration area is retained, maintained and managed in accordance with the approved Biodiversity Conservation Management Plan at all times.

51) Landscaping works to be completed

Landscaping is to be implemented in accordance with the approved, amended Landscaping Plan prior to issue of the 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.

52) Erection of Street Signs

The subdivider is to supply and erect street signs for the approved street names in accordance with this development consent and the Construction Certificate approval.

53) Certificates for engineering works

The submission of all test certificates, owners manuals, warranties and operating instructions for civil works, mechanical and/or electrical plant, together with a certificate from a suitably qualified engineer certifying that all works have been constructed in accordance with the approved plans and Council's current "Northern Rivers Local Government Design and Construction Manuals and Specifications".

54) Works-As-Executed Plans

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

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

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

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

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

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

55) CCTV Inspection and Report

A Closed Circuit Television (CCTV) inspection must be undertaken on all completed underground pipe systems, **including minor sewer main extensions**, in accordance with Council's specification and certified by a qualified engineer.

Both a hardcopy and electronic copy of the report (submitted in CD or DVD medium in a format suitable to Council) of the CCTV inspection must be provided to Council for

consideration prior to the release of the Subdivision Certificate, Occupation Certificate, Final Inspection for Section 68 Approvals, "Off-maintenance" or Release of Security Bond.

56) Certificate for services within easements

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

57) Electricity Supply Certificate

Prior to the issue of the Subdivision Certificate, a Notice of Arrangement (NOA) requested from the Distribution Network Service Provider, currently Essential Energy, must be submitted to the Principal Certifying Authority. The NOA must confirm that satisfactory electricity supply has been provided to each of the proposed lots and all necessary street lighting has been energised for the development. Street Lighting must also be provided at the intersection of Left Bank Road and Tuckeroo Avenue to the relevant Australian Standard and any requirements of Essential Energy.

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

58) Fibre-ready Facilities and Telecommunications Infrastructure

Prior to the issue of the Subdivision 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).

59) Geotechnical Report (Lot Classification)

A certificate from a practicing Geotechnical Engineer must be provided in conjunction with a Lot Classification Report prepared in accordance with Australian Standard AS2870.1. Such certificate must certify that all vacant allotments have a building site of adequate size and shape on each lot that is not subject to slip or subsidence.

60) Maintenance Bond

A maintenance bond of 5% (**minimum bond amount of \$5,000.00**) of the value of the works constructed is to be lodged with Council. A copy of the contract construction cost of the subdivision works is to be submitted with the bond. The maintenance period is 6 months in accordance with Council's current Design & Construction Manuals and will commence from

the date of issue of the **Subdivision Certificate**. The security may be provided, at the applicant's choice, by way of cash bond or a satisfactory bank guarantee. An application in writing for the release of the bond must be made at the satisfactory completion of the maintenance period.

61) Water service and meter to be connected to each lot

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.

62) Certificate of Compliance – Water Management Act 2000

Water and sewer services are to be provided to the land in accordance with an approval granted under Section 68 of the Local Government Act 1993.

Payment of developer charges to Byron Shire Council for water supply and sewerage.

A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000 is to be obtained from Byron Shire Council prior to the issue of a Subdivision Certificate.

Application forms are available from Council's administration building or online at http://www.byron.nsw.gov.au/files/Forms/Section_305_Certificate.pdf to be submitted for a Certificate of Compliance.

63) Record of Infrastructure

A record of infrastructure coming into Council ownership, upon registration of the final plan of subdivision, is to be submitted to Council. The information is to be submitted in the form of Council's Standard Form titled "Asset Creation Record". This form is available from Council's Local Approvals Section.

64) Acid sulfate soils

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.

65) Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997

Prior to issue of the Subdivision Certificate, documentary evidence from a current level 2 Bushfire Planning and Design (BPAD) accredited consultant, under the Fire Protection Association of Australia, is to be submitted to the Principal Certifying Authority certifying that the bushfire conditions as issued under Section 100B of the Rural Fires Act 1997 have been complied with.

The following conditions are to be complied with at all times

66) Ecological restoration – Management zone 8

Ecological restoration work within Management zone 8 must be undertaken and continued until the performance criteria have been achieved in accordance with the approved Biodiversity Conservation Management Plan for a minimum period of ten years, during which annual monitoring reports must be submitted to Council for approval.

SCHEDULE 2. PRESCRIBED CONDITIONS

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

- | | |
|------------|--|
| Clause 98 | Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 |
| Clause 98A | Erection of signs |
| Clause 98B | Notification of Home Building Act 1989 requirements |
| Clause 98C | Conditions relating to entertainment venues |
| Clause 98D | Condition relating to maximum capacity signage |
| Clause 98E | Condition relating to shoring and adequacy of adjoining property |

Refer to the NSW State legislation for full text of the clauses under Part 6 Division 8A of the [Environmental Planning and Assessment Regulation 2000](http://www.legislation.nsw.gov.au). This can be accessed at <http://www.legislation.nsw.gov.au>.

SCHEDULE 3. INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL

[insert Attachment 5]

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

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

Statement of Reasons

The proposed development complies with the provisions of Byron Local Environmental Plan 1988.
The proposed development complies with the provisions of Byron Local Environmental Plan 2014.
The proposed development complies with relevant State Environmental Planning Policies
The proposed development complies with relevant provisions of Development Control Plan 2014
The proposed development complies with relevant provisions of Development Control Plan 2010
The proposed development 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
<p>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.</p> <p>To view the considerations, please contact Council to view a copy of the assessment report relating to this DA.</p>

SCHEDULE 5. NOTES

Construction Certificate required:

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

Principal Certifying Authority:

Work must not commence until the applicant has:-

- a. appointed a Principal Certifying Authority (if the Council is not the PCA); and
- b. given Council at least two days notice of the intention to commence the erection of the building. Notice must be given by using the prescribed 'Form 7'.

- c. notified the Principal Certifying Authority of the Compliance with Part 6 of the Home Building Act 1989.

Occupation Certificate required:

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

Protection of the Environment Operations Act 1997:

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

Penalties apply for failure to comply with development consents

Failure to comply with conditions of development consent may lead to an on the spot fine being issued pursuant to section 4.2(1) of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 9.50 of the Environmental Planning & Assessment Act 1979.

Plumbing Standards and requirements.

All Plumbing, Water Supply, Sewerage and Stormwater Works shall be installed in accordance with the Local Government Act 1993, Plumbers Code of Australia and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications. Any plumbing inspections required under a Section 68 Approval are to occur in accordance with that approval.

Water payments under the Water Management Act 2000

Charges will be calculated based on the additional water and sewerage load that the proposed development generates, shown in Equivalent Tenements (ET) by the following table:

ADDITIONAL WATER & SEWER LOAD OF DEVELOPMENT
(ET Policy No:13/005)

Water	47.20 ET
Sewer	47.00 ET

Note: Information regarding Development Servicing charges can be found on the Byron Shire Council website (<http://www.byron.nsw.gov.au/development-contributions-plans-section-94-and-64>). These charges will enable you to calculate the total contribution charges payable when you are ready to pay them. Developer charges will be calculated in accordance with the Development Servicing Plan applicable at the date of payment.

S7.11 Schedule of Development Contributions

The following contributions are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the **amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.** The current contribution rates are available from Council offices during office hours. **Payments will only be accepted by cash or bank cheque.**

Section 7.11 contributions Schedule						
Mullumbimby						
Catchment						
This schedule was calculated in spreadsheet #E2021/99005						
1 bedroom units =		0	@	0.55 SDU	=	0
2 bedroom units =		0	@	0.75 SDU	=	0
3 bedroom units/dwellings =		0	@	1 SDU	=	0
Allotments =		49	@	1	=	49
Less Site Credits =		1	@	-1	=	-1
Total SDU					=	48
Schedule valid until		28/10/21		After this date contact Council for CPI update.		
Local Open Space & Recreation	(OS-ML)	48.00	SDU @	\$ 11,695.25	=	\$ 561,372.00
LGA Wide Open Space & Recreation	(OS-SW)	48.00	SDU @	\$ 775.38	=	\$ 37,218.46
LGA wide Community Facilities	(CF-SW)	48.00	SDU @	\$ 1,135.63	=	\$ 54,510.11
Local Community Facilities	(CF-ML)	48.00	SDU @	\$ 223.30	=	\$ 10,718.35
Bikeways & Footpaths	(CW-ML)	48.00	SDU @	\$ 2,144.41	=	\$ 102,931.90
Shire Wide Bikeways & Footpaths	(CW-SW)	48.00	SDU @	\$ 83.30	=	\$ 3,998.36
Urban Roads	(R-ML)	48.00	SDU @	\$ 1,113.05	=	\$ 53,426.43
LGA Wide Roads	(R-SW)	48.00	SDU @	\$ 234.63	=	\$ 11,262.10
Rural Roads	#NA	48.00	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	48.00	SDU @	\$ 1,172.83	=	\$ 56,295.71
Total						\$ 891,733.00

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).