

10.2019.20.1 DRAFT 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:
1002 Issue 8	Micro Site Plan	Shane Thompson Architects	30/05/2019
1003 Issue 6	Exotic Species Removal Plan		
1004 Issue 8	Site Plan of Developed Area		
1005 Issue 8	Typical Floor Plan		
1006 Issue 9	Site Section & Elevations		
1007 Issue 6	Typical Floor & Roof Plan		
1008 Issue 8	Typical Elevations & Section		
1009 Issue 6	Non Typical House Type 1 – Floor & Roof Plan		
1010 Issue 6	Non Typical House Type 1 – Elevations & Section		
1011 Issue 2	Non Typical House Type 2 – Floor & Roof Plan	Ardill Payne & Partners	30/01/2019
1012 Issue 2	Non Typical House Type 2 – Elevations & Section		
SK05 Issue C	Sewer Plan & Long Section	Ardill Payne & Partners	30/01/2019
8463-SMP1-04	Stormwater Management Layout Plan	Ardill Payne & Partners	18/04/2019

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. Use of the dwelling-houses

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

3. Bushfire safety measures

This land is identified as being designated bushfire prone land and Under Section 4.14 of the *Environmental Planning and Assessment Act 1979*, Council must be satisfied prior to making a determination for development on bushfire prone land that the development complies with “Planning for Bush fire Protection 2006”. The development is approved subject to the following conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall

apply:

1. At the commencement of building works and in perpetuity, the property around the dwellings as indicated below, shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
 - north and east to the property boundary;
 - south to the property boundary of Lot 13 DP 792128; and
 - west for a distance of 17 metres.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. The development is to be provided with three fire hydrants, generally as shown in Ardill Payne & Partners Dwg No. SK03 dated 21.09.2018 together with a booster assembly complying with AS2419.1-2005. Full design details are required to be submitted and approved by the consent authority prior to release of the construction certificate.
3. Electricity and/ or gas services are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

4. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006' except a reversing bay suitable for emergency service appliances may be provided in lieu of a turning area or loop road around the Dwellings

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

5. The roofs and the northern, southern and western elevations of the dwellings shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bushfire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
6. The eastern elevations of the dwellings shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bushfire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.

Landscaping

7. Landscaping within the required inner protection area is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

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

4. Design changes and plan amendments

The application for a Construction Certificate shall include the following:

Laundries – each dwelling is to be provided with laundry facilities in accordance with, as a minimum, the requirements of the Building Code of Australia;

Adaptable housing – plans and specifications that indicate that one (1) dwelling will be constructed as adaptable housing in accordance with Australian Standard AS 4299 Adaptable Housing.;

Headlight shield – design of the internal driveway is to include a shield or similar structure located at the southern end, to prevent headlights from vehicles shining directly into the dwelling located on adjoining Lot 13 DP 792128;

Garbage bin storage – the proposed bin storage area is to be relocated so as to be wholly outside of the 7(a) Wetland Zone; and

Access to Lot 13 – plans are to be provided for any proposed access gate, demonstrating that free and unfettered vehicular and pedestrian access will be provided to adjoining Lot 13 DP 792128.

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

5. Tree partly on adjoining land

Prior to any pruning or lopping of the tree located partly within the subject land and partly within adjoining Lot 1 DP 503324, an arborist's report is to be submitted to and approved by Council assessing the extent of the works proposed and demonstrating that such works will not be fatal to the tree.

6. Vegetation Management Plan

A detailed **Vegetation Management Plan** is to be submitted to and approved by Council. The plan must be prepared by a suitably qualified arborist and must include:

- a) a map at a scale of 1:200 or better illustrating the location and extent of retained vegetation on the site in accordance with the plan endorsed by this consent. This map should also identify all areas where weeds exist in the vicinity of the development;
- b) provisions for the clear identification of the Coastal Wetland on the property and measures to minimise the potential for accidental incursions during APZ maintenance;
- c) a clear identification of responsibility for the weed removal and rehabilitation concentrating of the eastern edge of the Coastal Wetland;
- d) a list of weed species proposed for removal with specific methods detailed of removal strategies (e.g. herbicides used, disposal of propagules in green waste, retention of native seedbank);
- e) provisions for compensatory plantings for the five (5) native trees to be removed, with at least 25 native trees to be planted, primarily to bolster the eastern edge of the Coastal Wetland;

- f) a list of species proposed to be planted in rehabilitation work which could include native shrubs and groundcovers;
- g) means of protection of existing vegetation within and adjoining the site to be preserved during the construction and operational phases of the development.
- h) identification of all service connection locations within the site demonstrating that all services must be located independently of and will not be detrimental to any trees to be preserved.

7. Easements over pipelines

Plans are to be submitted to and approved by Council showing the proposed easements in relation to the relocated sewer main and associated residential connections. The easements are to be in accordance with Council Policy 4.20 Building over Pipelines and Plan SK05 Issue C Sewer Plan and Long Section, prepared by Ardill Payne & Partners, dated 30/01/2019.

8. Geotechnical Report required – Engineering Works

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

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

9. Sediment and Erosion Control Management Plan required

The application for a Construction Certificate is to include plans and specifications that indicate the measures to be employed to control erosion and loss of sediment from the site, with particular attention to ensuring that pollutants do not enter the Coastal Wetland.

Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as filter fences and sedimentation basins.

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

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

10. 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 generally in accordance with **Ardill Payne and Partners drawing SMP1-04 dated 18/4/19.**

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

Certificate.

All stormwater drainage systems within the lot and the connection to a public or an inter-allotment drainage system must:

- a) Provision of stormwater energy dissipator at all outlets west of the works;
- b) comply with any requirements for the disposal of stormwater drainage contained in Council's Development Control Plan, Stormwater Guideline and Local Approvals Policy; and
- c) 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.

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. Roads and Maritime's concurrence is required prior to Council's approval of works on classified (Regional) roads

Such plans are to be in accordance with Council's current Design & Construction Manuals, Austroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossings and Australian Standard 2890.1 – Off Street Car Parking. The following are to be provided for the following works:

Full Width Road Construction - Stub upgrade

Full width road and drainage construction from Bangalow Road and up to the development lot. The following must be provided:

- a) 6.0m wide carriageway;
- b) Kerb & gutter on both sides;
- c) Footpath on one side
- d) Electrical & telecommunication services; and
- e) Drainage.

New intersection connection to the main carriageway of the Bangalow Road (Regional Road)

Detailed design shall include:-

- a) construction design;
- b) sight distances;
- c) swept paths;
- d) treatments for turning traffic; and
- e) consideration given to pedestrians and cyclists, and connection to public transport.

Given the proximity of Paterson Street the concept design should include both intersections and demonstrate integration of the proposed treatment with the existing intersection.

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:

- a) pavement design, comprising an all weather surface, such as asphalt, bitumen seal, concrete, pavers or other similar treatment;
- b) site conditions affecting the access;
- c) existing and design levels;
- d) longitudinal section from the road centreline to the car space(s);
- e) cross sections every 15 metres;
- f) drainage details;
- g) turning paths; and
- h) line marking and signage.

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

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

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

13. Flood Planning Level for new buildings

The flood planning level for this development is 2.96m A.H.D. The plans and specifications to accompany the construction certificate application are to indicate a minimum habitable floor level that is at or above the flood planning level.

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

- a) a minimum floor level of 2.62m A.H.D for non-habitable building or room (e.g. shed, carport, garage, laundry, shelter, etc.); and
- b) the use of flood compatible materials and services below the flood planning level in accordance with the requirements of Council's Development Control Plan 2014 – Chapter C2 – Areas Affected by Flood; and

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

14. Bond required to guarantee against damage to public land

A bond of \$2,000 is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development. 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.

15. Fibre-ready Facilities and Telecommunications Infrastructure

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

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

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

16. Water and Sewerage - Section 68 Part B approval required

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

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

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

17. Certificate of Compliance – Water Management Act 2000

A Certificate of Compliance will be issued upon payment of developer charges for water and sewer as calculated in accordance with Byron Shire Council and Rous Water Development Servicing Plans.

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

Note: Copies of the application forms for Certificates of Compliance are available on Council's website

http://www.byron.nsw.gov.au/files/Forms/Section_305_Certificate.pdf or from Council's Administration Office. Copies of Byron Shire Council's Development Servicing Plans are available at Council's Administration Office.

Developer charges will be calculated in accordance with the Development Servicing Plan applicable at the date of payment. A check must be made with Council to ascertain the current rates by contacting Council's Principal Engineer Systems Planning, Water on 02 6626 7081. Applicable charges can be found on Council's website: <http://www.byron.nsw.gov.au/development-contributions-plans-section-94-and-64>

The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.

Payment by Personal or Company Cheque will not be Accepted

18. Developer Contributions to be paid

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

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

19. Building materials and colours to be specified

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

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

20. Compliance with BASIX Certificate requirements

The development is to comply with Basix Certificate No. 975586M, dated 08/12/2018 (as amended for updated proposal).

The commitments indicated in the Certificate are to be indicated on the plans submitted for approval of the Construction Certificate.

Note that the plans submitted must clearly indicate all windows numbered or identified in a manner that is consistent with the identification on the Basix Certificate.

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

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

21. Long Service Levy to be paid

In accordance with Section 4.68 of the Environmental Planning and Assessment Act 1979 (as amended), a Construction Certificate for 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.

22. Details of pool fence required

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

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

23. Landscaping plan required

The application for a Construction Certificate is to include plans and specifications that indicate the landscaping of the site in accordance with the Statement of Landscape Intent. Such landscaping plan must incorporate adequate detail to demonstrate compliance with B9.2.4 of Chapter B9 of Development Control Plan 2014. Species identified in Chapter B9 of Development Control Plan 2014 are to be planted wherever possible. The landscaping plan must indicate:

- a) proposed location for planted shrubs and trees;
- b) botanical name of shrubs and trees to be planted;
- c) mature height of trees to be planted;
- d) location of grassed and paved areas, and
- e) location of trees identified for retention in the development application plans.

The plan is to be prepared by a suitably qualified landscape architect / architect /ecologist who has appropriate experience and competence in landscaping and must be consistent with the Vegetation Management Plan specified in Condition #6.

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

Note: Landscaping of the site is to comply with the Bush Fire conditions above.

24. Site Waste Minimisation and Management

Part B: Chapter B8 of Development Control Plan 2014 aims to facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development. 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 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.

A template is provided on Council's website to assist in providing this information.

25. 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

26. Erosion and Sediment Control Management Plan implementation

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

Erosion and sediment control measures in accordance with the approved Erosion and Sediment Control Management Plan must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

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

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

27. Coastal Wetland vegetation protection

Protection fencing is to be erected along the line of the mapped Coastal Wetland prior to commencement of works to prevent vehicles and/or people from entering the mapped area.

28. Toilet facilities

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

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

29. 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.

30. 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.

31. Signs to be erected on building and demolition sites

A sign must be erected in a prominent position on the work site:

- a) stating that unauthorised entry to the work site is prohibited, and
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

32. Builders rubbish to be contained on site

All 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.

33. Fill to be retained on the subject land

Fill material must not encroach onto any adjoining land.

34. 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.

35. 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.

36. Stormwater drainage work

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

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

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

All of the works indicated on the plans and approved by this consent, including any

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

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

38. Easement required over pipelines

Pursuant to Section 88B of the Conveyancing Act, 1919 the creation of the easement is required to be finalised and registered with NSW LPI.

No Occupation Certificate [including 'Interim' certificate] shall be issued until this condition is satisfied.

39. Floor Levels – Certification for Flooding

Prior to the issue of an Occupation Certificate, a certificate from a registered surveyor must be submitted to the Principal Certifying Authority confirming the height of habitable and non-habitable floors. An Occupation Certificate must not be issued unless the floor levels are at or above the relevant flood planning levels.

40. Certificates for engineering works

The submission of all test certificates for civil works 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".

41. Works-As-Executed Plans

Following completion of works and prior to issue of the occupation 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 shall include the 1 in 100 year flood and flood planning level extents and levels, where relevant. Such drawings are to be submitted to Council in the following formats:-

- a) One (1) paper copy of each drawing with original signatures and in accordance

with Council's requirements.

- b) Electronic copy of the above in AutoCAD DWG or DXF format and provided to Council on CD, DVD or via email. The AutoCAD (DWG or DXF) files are to be spatially referenced to MGA Zone 56.
- c) Electronic copy of above in PDF format and provided to Council on CD, DVD or via email.

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

42. CCTV Inspection and Report

A Closed Circuit T.V. ('CCTV') Inspection and Report, certified by a qualified engineer, is to be submitted with the application for an Occupation Certificate for the Sewerage Reticulation works.

43. Certificate for services within easements

A certificate is to be submitted to Council from a registered surveyor certifying that all pipelines, structures, access driveways and/or services are located wholly within the relevant easements.

44. Maintenance Bond

A maintenance bond of 5% (**minimum bond amount of \$1,000.00**) of the value of the works constructed is to be lodged with Council. A copy of the contract construction cost of the roadworks 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 completion. 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.

45. 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) 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.

The inter-allotment drainage easements will be in favour of the lots east of the development and the lot burdened is the development lot.

b) Drainage Easements

The creation of easements for drainage of water over all drainage pipelines and structures coming from the external road catchment located within the development lot in accordance with Council's policy. The drainage easement shall be in favour of Council and the lot burdened is the development lot

46. 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.

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 [https://www.byron.nsw.gov.au/files/assets/public/hptrim/water-supply-supply-and-distribution-applications-to-connect-to-water-supply-\[f466\]-2014/e2014-16779-master-section-305-water-management-act-strata-and-freehold-application-form.pdf](https://www.byron.nsw.gov.au/files/assets/public/hptrim/water-supply-supply-and-distribution-applications-to-connect-to-water-supply-[f466]-2014/e2014-16779-master-section-305-water-management-act-strata-and-freehold-application-form.pdf) to be submitted for a Certificate of Compliance.

47. 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.

48. Stormwater disposal

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

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

49. Swimming pool fencing

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

50. Swimming pool backwash

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

51. Compliance with bushfire conditions

Documentary evidence from a suitably qualified professional is to be submitted demonstrating that the bush fire conditions of this Notice of Determination have been complied with.

The following conditions are to be complied with at all times

52. Protection of Coastal Wetland

The occupiers of the dwellings must not dump lawn clipping or any other material into the Coastal Wetland area, or create any tracks or trails throughout that area without prior approval of Council.

53. Pool Safety Sign

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

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

54. Swimming pool backwash and overflow

Pool overflow and backwash to discharge to the overflow relief gully.

55. Swimming pool pump location

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

56. Swimming Pool Fencing

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

SCHEDULE 2 PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the Environmental Planning and Assessment Regulation apply as are of relevance to this application:

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 98E Condition relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under 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 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 buildings must not be occupied until the Principal Certifying Authority has issued an Occupation Certificate.

Developer Contributions Schedule

Section 94 contributions Schedule for Byron Bay Suffolk Park Catchment						
This schedule was calculated in spreadsheet #E2015/28112						
1 bedroom units =	0	@	0.55 SDU	=		0
2 bedroom units =	5	@	0.75 SDU	=		3.75
3 bedroom units/dwellings =	0	@	1 SDU	=		0
Allotments =	0	@	1	=		0
Less Site Credits =	1	@	-1	=		-1
Total SDU				=		2.75
Schedule valid until			31/07/2019	After this date contact Council for CPI update.		
Local Open Space & Recreation	(OS-BB)	2.75	SDU @	\$ 4,175.38	=	\$ 11,482.30
LGA Wide Open Space & Recreation	(OS-SW)	2.75	SDU @	\$ 751.53	=	\$ 2,066.71
LGA wide Community Facilities	(CF-SW)	2.75	SDU @	\$ 1,100.69	=	\$ 3,026.90
Local Community Facilities	(CF-BB)	2.75	SDU @	\$ 1,240.30	=	\$ 3,410.83
Bikeways & Footpaths	(CW-BB)	2.75	SDU @	\$ 1,375.00	=	\$ 3,781.25
Shire Wide Bikeways & Footpaths	(CW-SW)	2.75	SDU @	\$ 80.74	=	\$ 222.04
Urban Roads	(R-BB)	2.75	SDU @	\$ 3,114.81	=	\$ 8,565.73
LGA Wide Roads	(R-SW)	2.75	SDU @	\$ 227.41	=	\$ 625.38
Rural Roads	#N/A	2.75	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	2.75	SDU @	\$ 1,136.75	=	\$ 3,126.06
Total					=	\$ 36,307.20

Water payments under the Water Management Act 2000

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

ADDITIONAL WATER & SEWER LOAD OF DEVELOPMENT
(ET Policy 2018)

Water	1.80 ET
Bulk Water	1.80 ET
Sewer	2.75 ET

NB: 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.

Protection of the Environment Operations Act 1997:

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

Penalties apply for failure to comply with development consents

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

Plumbing Standards and requirements.

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

Swimming pool discharge (reticulated systems)

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

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

If however, site conditions prevent discharge through the existing gully and a new gully is required, this activity will require an approval under S68 before this work can commence. Note also that this activity must be carried out by a licensed plumber.

Relics Provisions- Advice

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

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

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

Compliance required with Building Over Pipelines Policy

All developments must comply with Policy 4.20. Swimming pools are classed as buildings and are required to comply with this policy.

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

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