



13 July 2018

NOTICE OF DETERMINATION
OF AN APPLICATION TO MODIFY A DEVELOPMENT CONSENT
Under Section 4.55 of the Environmental Planning and Assessment Act 1979

Section 96 Application No - 10.2017.474.2

North Coast Community Housing
ATT: Fiona McConnell
PO Box 145
LISMORE NSW 2480

Email: info@ncchc.org.au

Proposed modification:	Section 4.55 to delete conditions for Developer Contributions
Land to be developed:	LOT: 2 DP: 1227659, LOT: 1 DP: 1227659, PT: 10 DP: 850902, 70 Station Street MULLUMBIMBY, 88 Station Street MULLUMBIMBY
Development Consent No.:	10.2017.474.1

DETERMINATION:

Made on: 12 July 2018

Determination: **Approved subject to the following conditions**

Amended conditions

MODIFIED CONDITIONS OF CONSENT:

- 1. Delete Condition 30 and the S94 Contribution Schedule in the Notes**
- 2. Insert the following conditions**

30A Developer Contributions to be paid for Standard Dwellings Stage 1

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

The Plan may be viewed on line at <http://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 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. Payments will only be accepted by cash or bank cheque.

Section 94 contributions Schedule for Mullumbimby Catchment						
This schedule was calculated in spreadsheet #E2015/28112						
1 bedroom units =	11	@	0.55 SDU	=	6.05	
2 bedroom units =	0	@	0.75 SDU	=	0	
3 bedroom units/dwellings =	0	@	1 SDU	=	0	
Allotments =	0	@	1	=	0	
Less Site Credits =	1	@	-1	=	-1	
Total SDU				=	5.05	
Schedule valid until		25/07/2018	After this date contact Council for CPI update.			
Local Open Space & Recreation	(OS-ML)	5.05	SDU @	\$ 12,537.34	=	\$ 63,313.57
LGA Wide Open Space & Recreation	(OS-SW)	5.05	SDU @	\$ 741.09	=	\$ 3,742.50
LGA wide Community Facilities	(CF-SW)	5.05	SDU @	\$ 1,085.41	=	\$ 5,481.32
Local Community Facilities	(CF-ML)	5.05	SDU @	\$ 213.42	=	\$ 1,077.77
Bikeways & Footpaths	(CW-ML)	5.05	SDU @	\$ 2,049.58	=	\$ 10,350.38
Shire Wide Bikeways & Footpaths	(CW-SW)	5.05	SDU @	\$ 79.62	=	\$ 402.08
Urban Roads	(R-ML)	5.05	SDU @	\$ 1,063.83	=	\$ 5,372.34
LGA Wide Roads	(R-SW)	5.05	SDU @	\$ 227.86	=	\$ 1,150.69
Rural Roads	#N/A	5.05	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	5.05	SDU @	\$ 1,120.96	=	\$ 5,660.85
Total					=	\$ 96,551.50

30B Developer Contributions deferred for Affordable Dwellings Stage 1

Contributions set out in the schedule below are to be paid to Council. Contributions are levied in accordance with the Byron Shire Developer Contributions Plan 2012 (as mended). The Plan may be viewed on line at <http://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 mended).

These Contributions are not payable if whilst ever the four units are used permanently used for the provision of affordable housing as defined by clause 6 of State Environmental Planning Policy (Affordable Rental Housing) 2009.

Should these dwellings cease to be used for affordable housing then all contributions owing under this condition shall become payable and shall be indexed to the date of payment.

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.

**Section 94 contributions Schedule for
Mullumbimby
Catchment**

This schedule was calculated in spreadsheet #E2015/28112

1 bedroom units =	4	@	0.55 SDU	=	2.2
2 bedroom units =	0	@	0.75 SDU	=	0
3 bedroom units/dwellings =	0	@	1 SDU	=	0
Allotments =	0	@	1	=	0
Less Site Credits =	0	@	-1	=	0

Total SDU = 2.2

Schedule valid until **25/07/2018** After this date contact Council for
CPI update.

Local Open Space & Recreation	(OS-ML)	2.20	SDU @	\$ 12,537.34	=	\$ 27,582.15
LGA Wide Open Space & Recreation	(OS-SW)	2.20	SDU @	\$ 741.09	=	\$ 1,630.40
LGA wide Community Facilities	(CF-SW)	2.20	SDU @	\$ 1,085.41	=	\$ 2,387.90
Local Community Facilities	(CF-ML)	2.20	SDU @	\$ 213.42	=	\$ 469.52
Bikeways & Footpaths	(CW-ML)	2.20	SDU @	\$ 2,049.58	=	\$ 4,509.08
Shire Wide Bikeways & Footpaths	(CW-SW)	2.20	SDU @	\$ 79.62	=	\$ 175.16
Urban Roads	(R-ML)	2.20	SDU @	\$ 1,063.83	=	\$ 2,340.43
LGA Wide Roads	(R-SW)	2.20	SDU @	\$ 227.86	=	\$ 501.29
Rural Roads	#N/A	2.20	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	2.20	SDU @	\$ 1,120.96	=	\$ 2,466.11
Total					=	\$ 42,062.04

30C Developer Contributions to be paid for Standard Dwellings Stage 2

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

The Plan may be viewed on line at <http://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 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. Payments will only be accepted by cash or bank cheque.

**Section 94 contributions Schedule for
Mullumbimby
Catchment**

This schedule was calculated in spreadsheet #E2015/28112

1 bedroom units =	8	@	0.55 SDU	=	4.4
2 bedroom units =	0	@	0.75 SDU	=	0
3 bedroom units/dwellings =	0	@	1 SDU	=	0
Allotments =	0	@	1	=	0
Less Site Credits =	0	@	-1	=	0

Total SDU = 4.4

Schedule valid until **25/07/2018** **After this date contact Council for
CPI update.**

Local Open Space & Recreation	(OS-ML)	4.40	SDU @	\$ 12,537.34	=	\$ 55,164.30
LGA Wide Open Space & Recreation	(OS-SW)	4.40	SDU @	\$ 741.09	=	\$ 3,260.80
LGA wide Community Facilities	(CF-SW)	4.40	SDU @	\$ 1,085.41	=	\$ 4,775.80
Local Community Facilities	(CF-ML)	4.40	SDU @	\$ 213.42	=	\$ 939.05
Bikeways & Footpaths	(CW-ML)	4.40	SDU @	\$ 2,049.58	=	\$ 9,018.15
Shire Wide Bikeways & Footpaths	(CW-SW)	4.40	SDU @	\$ 79.62	=	\$ 350.33
Urban Roads	(R-ML)	4.40	SDU @	\$ 1,063.83	=	\$ 4,680.85
LGA Wide Roads	(R-SW)	4.40	SDU @	\$ 227.86	=	\$ 1,002.58
Rural Roads	#N/A	4.40	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	4.40	SDU @	\$ 1,120.96	=	\$ 4,932.22
Total					=	\$ 84,124.08

30D Developer Contributions deferred for Affordable Dwellings Stage 2

Contributions set out in the schedule below are to be paid to Council. Contributions are levied in accordance with the Byron Shire Developer Contributions Plan 2012 (as amended). The Plan may be viewed on line at <http://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).

These Contributions are not payable if whilst ever the four units are used permanently used for the provision of affordable housing as defined by clause 6 of State Environmental Planning Policy (Affordable Rental Housing) 2009.

Should these dwellings cease to be used for affordable housing then all contributions owing under this condition shall become payable and shall be indexed to the date of payment.

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.

**Section 94 contributions Schedule for
Mullumbimby
Catchment**

This schedule was calculated in spreadsheet #E2015/28112

1 bedroom units =	2	@	0.55 SDU	=	1.1
2 bedroom units =	0	@	0.75 SDU	=	0
3 bedroom units/dwellings =	0	@	1 SDU	=	0
Allotments =	0	@	1	=	0
Less Site Credits =	0	@	-1	=	0

Total SDU = 1.1

Schedule valid until **25/07/2018** **After this date contact Council for CPI update.**

Local Open Space & Recreation	(OS-ML)	1.10	SDU @	\$ 12,537.34	=	\$ 13,791.07
LGA Wide Open Space & Recreation	(OS-SW)	1.10	SDU @	\$ 741.09	=	\$ 815.20
LGA wide Community Facilities	(CF-SW)	1.10	SDU @	\$ 1,085.41	=	\$ 1,193.95
Local Community Facilities	(CF-ML)	1.10	SDU @	\$ 213.42	=	\$ 234.76
Bikeways & Footpaths	(CW-ML)	1.10	SDU @	\$ 2,049.58	=	\$ 2,254.54
Shire Wide Bikeways & Footpaths	(CW-SW)	1.10	SDU @	\$ 79.62	=	\$ 87.58
Urban Roads	(R-ML)	1.10	SDU @	\$ 1,063.83	=	\$ 1,170.21
LGA Wide Roads	(R-SW)	1.10	SDU @	\$ 227.86	=	\$ 250.65
Rural Roads	#N/A	1.10	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	1.10	SDU @	\$ 1,120.96	=	\$ 1,233.06
Total					=	\$ 21,031.02

3. Amend the Water and Sewer Notes to read

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)

Stage 1

Water	5.0 ET
Sewer	6.5 ET

Stage 2

Water	4.0 ET
Sewer	5.0 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. Where exemption is sought under Clause 2.7 of the Delivery Service Plan relevant documentation to be submitted with the Compliance Certificate Application that the applicant is a non profit/ charitable organisation.

Statement of Reasons

S.96	The proposed modifications were minor and substantially the same as the original development approval with no detrimental environmental impacts.
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How community views were addressed

1	The application did not require advertising or notification under DCP 2014 having regards to the amendments proposed under S4.55(1) to correct an error in the calculations of contributions .
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Enclosed for your information is the amended plan (where applicable) and consent.

Please note that modification of this consent under Section 4.55 of the Environmental Planning and Assessment Act may require amendment to any Construction Certificate for this development (if a Construction Certificate has been previously issued). It is recommended that you check with your Principal Certifying Authority.

Right of Review

You may request Council to review its decision under Section 8.2 of the *Environmental Planning and Assessment Act, 1979*.

NOTE: This clause does not relate to an Integrated Development Applications, Designated Development Applications, determination made by the council under section 4.33 in respect of an application by the Crown or applications previously considered under Section 8.9 of the Environmental Planning and Assessment Act 1979.

Right of Appeal

If you are dissatisfied with this decision, Section 8.9 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court.

Yours sincerely



Mr C A Larkin
Manager- Sustainable Development

Encl. Modified Consent No. 10.2017.474.1

AMENDED CONSENT 12 July 2018

Schedule 2 – Amended conditions of development consent

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

issued under the
Environmental Planning and Assessment Act, 1979 Section 81(1)(a)

Development Application No. 10.2017.474.1

North Coast Community Housing
ATT: Fiona McConnell
PO Box 145
LISMORE NSW 2480

Email: Fiona.mcconnell@ncchc.or.au

Property description:	LOT: 10 DP: 850902 70 Station Street MULLUMBIMBY
Development	Multi Dwelling Housing Consisting of Twenty Five (25) 1 Bedroom Dwellings (Under the Provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009): Infill Affordable Housing
Determination	Consent granted subject to the attached schedule of conditions
Date determined:	22 February 2018
Consent to operate from:	28 February 2018
Consent to lapse on:	28 February 20223
Concurrent approvals:	Not issued with this consent

IMPORTANT INFORMATION

It is the responsibility of the applicant, landowner, builder, and any other contractors or agents involved with the development to read and understand all conditions of consent prior to commencing work.

The Environmental Planning and Assessment Act 1979 require you to:

1. Obtain a **Construction Certificate** prior to the commencement of any **building works** as required by conditions of this consent. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate. Additional fees are payable for this application.
2. Nominate a **Principal Certifying Authority (PCA)** which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
3. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
4. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement. Additional fees are payable for this application.

Parameters of this Consent

1. Development is to be in accordance with approved plans and documents

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

Plan No.	Description	Prepared by	Dated:
D-S- 01 -	Site Plan	Koho Projects Pty Ltd	January 2018
D-S-05	Site Staging Plan	Koho Projects Pty Ltd	January 2018
D-D-01	Detailed Typical Unit	Koho Projects Pty Ltd	January 2018
D-D- 02	Detailed Lower Level Units 21-25	Koho Projects Pty Ltd	January 2018
D-D- 03	Detailed Unit Section	Koho Projects Pty Ltd	January 2018
D-D- 04	Detailed Unit - Adaptable	Koho Projects Pty Ltd	January 2018
D-D- 05	Pedestrian Entry	Koho Projects Pty Ltd	January 2018
D-E-01	Elevations 1	Koho Projects Pty Ltd	18 December 2017
D-E-02	Elevations 2	Koho Projects Pty Ltd	18 December 2017
D-E-06	Elevations - Building 1	Koho Projects Pty Ltd	28 November 2017
D-E-06	Elevations - Building 5	Koho Projects Pty Ltd	28 November 2017
D-P-01	Lower Floor Plan	Koho Projects Pty Ltd	January 2018
D-P-01	Sub Floor Plan	Koho Projects Pty Ltd	January 2018
-	Site Waste Minimisation and Management Plan	North Coast Community Housing	24.7.17
D-S-01	Site plan and Stormwater	Lucena Civil & Structural Engineers	15 November 2017

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

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

2. Staged Development

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

Stage 1: Completion of Carpark, Buildings A, D & E, Stormwater Swale and New Kerb, Footpath and fencing.

Stage 2: Completion of Buildings B & C.

Where conditions are required to be satisfied prior to a particular event, those conditions are the conditions relevant to the works being carried out in the stage.

The relevant conditions are the conditions deemed necessary, by the Principal Certifying Authority (PCA) appointed for the development, or, where pursuant to the issue of a Construction Certificate, the relevant consent authority.

3. Plan of Management

The development is to be undertaken and operated in accordance with the draft Plan of Management prepared by Koho Projects, dated January 2017, V2 as amended from time to time. Any amendments are to be approved by Councils General Manager, or delegate.

4. Residential use

No dwellings within this development to be used as tourist and visitor accommodation, or "holiday let". A restriction to be registered prior to the issue of the occupation certificate for each stage, against the title of the property, in accordance with section 88E of the Conveyancing Act 1919, noting this requirement.

5. Provision of Affordable Housing

- i. From the date of the issue of an Occupation Certificate for Stage 1 of the subject development, four (4) dwellings in Stage 1 are to be used only for the purposes of 'affordable housing' (as defined in the *Environmental Planning and Assessment Act 1979* and *State Environmental Planning Policy [Affordable Rental Housing] 2009*), and these dwellings are to be managed by a registered community housing provider (*registered community housing provider* has the same meaning as in the *Housing Act 2001*).
- ii. From the date of the issue of an Occupation Certificate for Stage 2 of the subject development, two (2) dwellings in Stage 1 are to be used only for the purposes of 'affordable housing' (as defined in the *Environmental Planning and Assessment Act 1979* and *State Environmental Planning Policy [Affordable Rental Housing] 2009*), and these dwellings are to be managed by a registered community housing provider (*registered community housing provider* has the same meaning as in the *Housing Act 2001*).

A restriction will be registered, before the date of the issue of the occupation certificate for each stage, against the title of the property, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that these requirements of Conditions 4(i) and 4 (ii) are met.

6. Television reception system

A single common television reception system provided with a design to minimise adverse visual impacts whilst enabling high quality reception for each dwelling.

7. External lighting installation

To maintain safe access, adequate lighting must be provided between sunset and 12.00 PM. All external lighting must be installed in accordance with AS4282-1997: Control of the obtrusive effects of outdoor lighting.

8. Signage and Landscape Features

Site identification signage and the hard landscape feature (train bogey and wheel set) which are indicated on the approved plans as being outside of the property boundary, are to be relocated to

be wholly within the property boundary. Details are to be shown on the Construction Certificate plans.

9. Provision of a share car on site

At all times a dedicated share car for residents of the site is to be provided. When not in use the car is to be parked on site. The share car is to be made available to all residents of the subject site who are registered to use the vehicle. The share car is to be available for use by the residents 24hrs a day, 7 days a week with bookings to be made via the internet. The share car is to be maintained in complete working order, registered with the appropriate insurances.

10. No Interference with Amenity of Neighbourhood

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

- a) The noise level emanating from the use of the premises must comply with the New South Wales Industrial Noise Policy.
- b) Only clean and unpolluted water is permitted to be discharged to Councils' stormwater drainage system or any waters.

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

11. Registration of Title

Prior to issuing a Construction Certificate, the Subdivision Certificate for Stage 1 of development consent 10.2014.404.3 creating proposed Lot 1 in the subdivision of Lot 10 DP 850902 is to be issued and registered with NSW Land and Property Information, and a new title issued.

An approved Subdivision Certificate must be submitted indicating the title of the lot and that water and sewerage infrastructure also service the lot.

12. Materials:

A final schedule of external materials and finishes is to be provided for Council approval, prior to a Construction Certificate for building work being issued.

13. Management of Contaminated Soils

1. The Preliminary Contaminated Land Assessment prepared by Environmental Solutions dated August 2017 submits that composite soil sampling results exceeded the Health Investigation Levels (HIL) for Lead in accordance with NEPM (2013) Table 1 A (1) Column A – 'Standard' Residential with garden/accessible soil (home grown produce <10% fruit and vegetable intake (no poultry), also includes childcare centres, preschools and primary schools.

Assessment of individual soil samples for Lead by way of a Detailed Site Investigation is to be undertaken by a suitably qualified contaminated land specialist in conformance with the NSW EPA Guidelines for Consultants Reporting on Contaminated Sites 1997 and all other statutory requirements.

2. If required as an outcome of the Detailed Site Investigation any Remedial Action Plan (RAP) must be prepared for the management of lead impacted soils in accordance with the following requirements:
 - i. The RAP must be prepared by a suitably qualified contaminated land specialist in conformance with the NSW EPA Guidelines for Consultants Reporting on Contaminated Sites 1997 and all other statutory requirements.
 - ii. A Notice of Commencement must be submitted to Council Environmental Services Department no less than 30 days prior to the issue of a construction certificate for subdivision works.

- iii. A suitably qualified person with experience in contaminated land remediation must be engaged by the proponent to be responsible for overseeing all works. Contact details of the responsible person must be provided to Council.

14. Boundary fencing

Boundary fencing along the northern, southern and western boundaries is to be of lapped and capped hardwood timber construction. Side fencing is to be a maximum of 1.2 metres high between the front boundary and the building line and thereafter, the height is to be in accordance with the approved plans. Fencing with the Preschool to be at a height of 2.1 metres.

15. Access and facilities for disabled

The application for a Construction Certificate is to include plans and specifications that indicate access and facilities for persons with access disabilities to and within the development in accordance with AS 1428.1 - Design for Access and Mobility and Part D3 of the Building Code of Australia.

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

16. Water and Sewerage - Section 68 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.

Each Torrens title lot of land shall have an individual service tapped from the main and extending 300mm inside the lot boundary. Each dwelling/unit/shop capable of being subdivided under the Strata or Community Title Schemes shall have a separate water meter

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

17. On-site stormwater detention - Section 68 approval required

An approval under Section 68 of the Local Government Act 1993 to carry out on-site detention drainage system and connection to a Council approved drainage system.

The plans must be in compliance with the Northern Rivers Local Government Development Design and Construction Manuals, Byron Shire Council Comprehensive Guidelines for Stormwater Management and relevant Australian Standards. Refer to Council's website for copies of Council documents.

18. Sediment and Erosion Control Management Plan required

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

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

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

19. Plans of retaining walls and drainage

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

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

20. On-site stormwater detention required

The application for a Construction Certificate is to include plans and specifications for stormwater drainage in accordance with the relevant Australian Standard. All stormwater drainage for the development must be conveyed via an on-site stormwater detention system by gravity to a public drainage system.

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:

- (a) comply with any requirements for the disposal of stormwater drainage and on-site stormwater detention contained in Council's Development Control Plan, Stormwater Guideline and Local Approvals Policy, and
- (b) obtain approval under section 68 of the *Local Government Act 1993*, prior to issue of a Construction Certificate.

Note 1. The **relevant Australian Standard** is currently AS/NZS 3500.3:2003, *Plumbing and drainage, Part 3: Stormwater drainage*.

Note 2. A **Local Approvals Policy** specifies the circumstances (if any) in which a person would be exempt from the necessity to obtain a particular approval of the Council.

21. Overland Stormwater Swale Drain

The application for a Construction Certificate is to include plans, calculations and specifications for the overland stormwater swale drain in accordance with Council's standards, currently Northern Rivers Local Government Development Design & Construction Manuals. The plans, calculations and specifications are to include, but not be limited to, the following items:

- a) Catchment plan (included in the drawing set);
- b) Hydrological and hydraulic 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.

22. Consent required for works within the road reserve (Stage 1)

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

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

Driveway	A driveway(s) in accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".
Footpath	Variable 1.2 - 2m wide foot paving for the full frontage of the site at a crossfall of 1 % or 1:100 (maximum 2.5% or 1 in 40).
Kerb & gutter	Kerb and gutter and footpath formation including any necessary relocation of services as follows: <ul style="list-style-type: none">1. From the Council car park driveway to the kerb inlet pit adjacent to the overland stormwater swale drain.2. Remove the existing pedestrian crossing at the North West corner of the site and replace with kerb and gutter.
Ramped pedestrian crossing	A ramped pedestrian crossing in accordance with Council's standard plan – No. 941 at the north west corner of the site and located wholly within the road reserve to tie in with the footpath.

23. Traffic Management Plan

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

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

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

24. Car parking layout, vehicle circulation and access plans required (Stage 1).

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 Council's Development Control Plan 2014, 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 description;
- 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 (pipes, pits, on-site detention, etc.);
- g) turning paths;
- h) linemarking and signage.
- i) Sight distances for the fences at the entry onto the lane are to comply with AS 2890.1 clause 3.2.4

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".

25. Flood Planning Level for new buildings

The flood planning level for this development is 4.8m 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 4m A.H.D for non-habitable building or room (eg. 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.

26. Bond required to guarantee against damage to public land

A bond of \$3000 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.

27. Long Service Levy to be paid

A Long Service Levy must be paid to the Long Service Payments Corporation. This is a State Government Levy and is subject to change.

These payments may be made online at www.longservice.nsw.gov.au or at Council's Administration Office, Station Street, Mullumbimby. Where paying to Council, cheques are to be made payable to 'Byron Shire Council'.

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

28. 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.

29. Compliance with BASIX Certificate requirements

The development is to comply with BASIX Certificate No.846757M, dated 8 August 2017. The commitments indicated in the Certificate are to be indicated on the plans submitted for approval of the Construction Certificate.

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

Minor changes to the energy efficiency measures may be undertaken without the issue of an amendment under Section 96 of the Act, provided that the changes do not affect the form, shape or size of the building.

Proposed external colours/materials must be consistent with those shown on the approved plans referred to in Condition No.1 of this consent. Such plans and specifications must be approved as part of the Construction Certificate.

Landscaping plan required

The application for a Construction Certificate is to include plans and specifications that indicate the landscaping of the site. Such landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions 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, including species that will provide visual screening of the southern fence.
- 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.
- 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.

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

30. Condition deleted by consent 10.2017.474.2 dated 12 July 2018

30A Developer Contributions to be paid for Standard Dwellings Stage 1

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

The Plan may be viewed on line at <http://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 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. Payments will only be accepted by cash or bank cheque.

**Section 94 contributions Schedule for
Mullumbimby
Catchment**

This schedule was calculated in spreadsheet #E2015/28112

1 bedroom units =	11	@	0.55 SDU	=	6.05
2 bedroom units =	0	@	0.75 SDU	=	0
3 bedroom units/dwellings =	0	@	1 SDU	=	0
Allotments =	0	@	1	=	0
Less Site Credits =	1	@	-1	=	-1
Total SDU				=	5.05

Schedule valid until **25/07/2018**

**After this date contact Council for
CPI update.**

Local Open Space & Recreation	(OS-ML)	5.05	SDU @	\$ 12,537.34	=	\$ 63,313.57
LGA Wide Open Space & Recreation	(OS-SW)	5.05	SDU @	\$ 741.09	=	\$ 3,742.50
LGA wide Community Facilities	(CF-SW)	5.05	SDU @	\$ 1,085.41	=	\$ 5,481.32
Local Community Facilities	(CF-ML)	5.05	SDU @	\$ 213.42	=	\$ 1,077.77
Bikeways & Footpaths	(CW-ML)	5.05	SDU @	\$ 2,049.58	=	\$ 10,350.38
Shire Wide Bikeways & Footpaths	(CW-SW)	5.05	SDU @	\$ 79.62	=	\$ 402.08
Urban Roads	(R-ML)	5.05	SDU @	\$ 1,063.83	=	\$ 5,372.34
LGA Wide Roads	(R-SW)	5.05	SDU @	\$ 227.86	=	\$ 1,150.69
Rural Roads	#N/A	5.05	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	5.05	SDU @	\$ 1,120.96	=	\$ 5,660.85
Total					=	\$ 96,551.50

30B Developer Contributions deferred for Affordable Dwellings Stage 1

Contributions set out in the schedule below are to be paid to Council. Contributions are levied in accordance with the Byron Shire Developer Contributions Plan 2012 (as amended). The Plan may be viewed on line at <http://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).

These Contributions are not payable if whilst ever the four units are used permanently used for the provision of affordable housing as defined by clause 6 of State Environmental Planning Policy (Affordable Rental Housing) 2009.

Should these dwellings cease to be used for affordable housing then all contributions owing under this condition shall become payable and shall be indexed to the date of payment.

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.

**Section 94 contributions Schedule for
Mullumbimby
Catchment**

This schedule was calculated in spreadsheet #E2015/28112

1 bedroom units =	4	@	0.55 SDU	=	2.2
2 bedroom units =	0	@	0.75 SDU	=	0
3 bedroom units/dwellings =	0	@	1 SDU	=	0
Allotments =	0	@	1	=	0
Less Site Credits =	0	@	-1	=	0

Total SDU = 2.2

Schedule valid until **25/07/2018** After this date contact Council for
CPI update.

Local Open Space & Recreation	(OS-ML)	2.20	SDU @	\$ 12,537.34	=	\$ 27,582.15
LGA Wide Open Space & Recreation	(OS-SW)	2.20	SDU @	\$ 741.09	=	\$ 1,630.40
LGA wide Community Facilities	(CF-SW)	2.20	SDU @	\$ 1,085.41	=	\$ 2,387.90
Local Community Facilities	(CF-ML)	2.20	SDU @	\$ 213.42	=	\$ 469.52
Bikeways & Footpaths	(CW-ML)	2.20	SDU @	\$ 2,049.58	=	\$ 4,509.08
Shire Wide Bikeways & Footpaths	(CW-SW)	2.20	SDU @	\$ 79.62	=	\$ 175.16
Urban Roads	(R-ML)	2.20	SDU @	\$ 1,063.83	=	\$ 2,340.43
LGA Wide Roads	(R-SW)	2.20	SDU @	\$ 227.86	=	\$ 501.29
Rural Roads	#N/A	2.20	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	2.20	SDU @	\$ 1,120.96	=	\$ 2,466.11
Total					=	\$ 42,062.04

30C Developer Contributions to be paid for Standard Dwellings Stage 2

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

The Plan may be viewed on line at <http://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 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. Payments will only be accepted by cash or bank cheque.

**Section 94 contributions Schedule for
Mullumbimby
Catchment**

This schedule was calculated in spreadsheet #E2015/28112

1 bedroom units =	8	@	0.55 SDU	=	4.4
2 bedroom units =	0	@	0.75 SDU	=	0
3 bedroom units/dwellings =	0	@	1 SDU	=	0
Allotments =	0	@	1	=	0
Less Site Credits =	0	@	-1	=	0

Total SDU = 4.4

Schedule valid until **25/07/2018** After this date contact Council for
CPI update.

Local Open Space & Recreation	(OS-ML)	4.40	SDU @	\$ 12,537.34	=	\$ 55,164.30
LGA Wide Open Space & Recreation	(OS-SW)	4.40	SDU @	\$ 741.09	=	\$ 3,260.80
LGA wide Community Facilities	(CF-SW)	4.40	SDU @	\$ 1,085.41	=	\$ 4,775.80
Local Community Facilities	(CF-ML)	4.40	SDU @	\$ 213.42	=	\$ 939.05
Bikeways & Footpaths	(CW-ML)	4.40	SDU @	\$ 2,049.58	=	\$ 9,018.15
Shire Wide Bikeways & Footpaths	(CW-SW)	4.40	SDU @	\$ 79.62	=	\$ 350.33
Urban Roads	(R-ML)	4.40	SDU @	\$ 1,063.83	=	\$ 4,680.85
LGA Wide Roads	(R-SW)	4.40	SDU @	\$ 227.86	=	\$ 1,002.58
Rural Roads	#N/A	4.40	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	4.40	SDU @	\$ 1,120.96	=	\$ 4,932.22
Total					=	\$ 84,124.08

30D Developer Contributions deferred for Affordable Dwellings Stage 2

Contributions set out in the schedule below are to be paid to Council. Contributions are levied in accordance with the Byron Shire Developer Contributions Plan 2012 (as amended). The Plan may be viewed on line at <http://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).

These Contributions are not payable if whilst ever the four units are used permanently used for the provision of affordable housing as defined by clause 6 of State Environmental Planning Policy (Affordable Rental Housing) 2009.

Should these dwellings cease to be used for affordable housing then all contributions owing under this condition shall become payable and shall be indexed to the date of payment.

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.

**Section 94 contributions Schedule for
Mullumbimby
Catchment**

This schedule was calculated in spreadsheet #E2015/28112

1 bedroom units =	2	@	0.55 SDU	=	1.1
2 bedroom units =	0	@	0.75 SDU	=	0
3 bedroom units/dwellings =	0	@	1 SDU	=	0
Allotments =	0	@	1	=	0
Less Site Credits =	0	@	-1	=	0

Total SDU = 1.1

Schedule valid until **25/07/2018** **After this date contact Council for CPI update.**

Local Open Space & Recreation	(OS-ML)	1.10	SDU @	\$ 12,537.34	=	\$ 13,791.07
LGA Wide Open Space & Recreation	(OS-SW)	1.10	SDU @	\$ 741.09	=	\$ 815.20
LGA wide Community Facilities	(CF-SW)	1.10	SDU @	\$ 1,085.41	=	\$ 1,193.95
Local Community Facilities	(CF-ML)	1.10	SDU @	\$ 213.42	=	\$ 234.76
Bikeways & Footpaths	(CW-ML)	1.10	SDU @	\$ 2,049.58	=	\$ 2,254.54
Shire Wide Bikeways & Footpaths	(CW-SW)	1.10	SDU @	\$ 79.62	=	\$ 87.58
Urban Roads	(R-ML)	1.10	SDU @	\$ 1,063.83	=	\$ 1,170.21
LGA Wide Roads	(R-SW)	1.10	SDU @	\$ 227.86	=	\$ 250.65
Rural Roads	#N/A	1.10	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	1.10	SDU @	\$ 1,120.96	=	\$ 1,233.06
Total					=	\$ 21,031.02

The following conditions are to be complied with prior to commencement of building or construction works

31. A Construction Management Plan must be submitted to Council for approval

All works to be undertaken in accordance with the approved Demolition / Construction Management Plan (DCMP) and Work Safe NSW.

32. Public safety requirements

All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. The public liability insurance cover, for a minimum of \$10 million, is to be maintained for the duration of the construction of the development. Council is to be nominated as an interested party on the policy. Council is not held responsible for any negligence caused by the undertaking of the works.

33. 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 standard flushing toilet connected to a public sewer or other approved system.

34. Erosion and Sediment Control Management Plan required

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

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

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

Erosion and sedimentation controls are to be in place in accordance with the *Guidelines for Erosion & Sediment Control on Building Sites*. A summary of these guidelines is attached. A full copy may be downloaded from Council's web site at www.byron.nsw.gov.au.

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

35. Acid Sulfate Soil Management

Acid sulfate soil controls must be in place in accordance with the approved ASS Management Plan (Greg Alderson & Associates, April 2014).

36. Remediation of contaminated land (if required)

Prior to the commencement of any works associated with this development consent, the following is required:

- a) A suitably qualified contaminated land specialist with experience in the remediation of contaminated land must be engaged by the proponent to oversee and be responsible for all works associated with the implementation of the Remedial Action Plan and subsequent site and soil validation.
- b) A notice of commencement of the remediation work and a copy of the Remedial Action Plan must be provided to Council's Health and Environment Section prior to commencement of the -work.
- c) The notice of commencement must include contact details of the responsible person, including an emergency 24-hour phone number.

If required remedial works must be undertaken in conformance with the approved Remedial Action Plan and NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites 1997* and all other applicable standards.

37. Removal of wastes

All 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 Licensed Waste Facility. All wastes removed from the site must be managed and disposed of in accordance with *NSW DECC Waste Classification Guidelines (2014)*

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

The following conditions are to be complied with during construction

38. Site Waste Minimisation and Management Plan (SWMMP)

Construction works are to be undertaken in accordance with the approved SWMMP referred to in Condition No.1 of this Development Consent.

39. Construction times

Construction/demolition works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction/demolition 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/demolition 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.

40. Construction Noise

Construction/demolition noise is to be limited as follows:

- a) For construction/demolition 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/demolition 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)

41. 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.

42. 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.

43. Heritage

Compliance with the following recommendations of the Statement of Heritage Impact, prepared by Urbis, dated 21 August 2017.

i. Management of Unexpected Finds

In the unlikely occurrence of substantial intact archaeological relics of significance unexpectedly discovered during works, all ground-disturbing activity will cease in the affected area and the site manager will be notified. Depending on the nature of the discovery, additional assessment by a qualified archaeologist may be required prior to the recommencement of excavation in the affected area. If a suspected archaeological evidence is uncovered (see below), an archaeologist is contacted immediately.

ii. Integration of Potential Archaeological Items and Interpretative Devices

If artefactual material associated with the saw mill phase is uncovered during construction works (e.g. rail spikes, tracks, building material or features such as brick footings, ceramics, machinery parts, glass, etc), these to be retained and incorporated into the interpretation strategy of the development. Potential devices include photographs of the finds within signage, in-situ retention (depending on location and integrity of remains), use within new paving, or locally-commissioned artwork.

44. Acid sulfate soils management

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

45. Traffic Management Plan

The approved traffic management plan is to be implemented.

46. Services

Services below the flood planning level must be in accordance with the requirements of Council's Development Control Plan 2014 – Chapter C2 – Areas Affected by Flood

47. Fill to be retained on the subject land

Fill material must not encroach onto any adjoining land.

48. Signs to be erected on building and demolition sites

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

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

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

49. Builders rubbish to be contained on site

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

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

50. 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, 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.

51. On-site Stormwater Detention – Certification of works

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

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

52. Access and parking areas to be completed.

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

53. Floor Levels – Certification for Flooding

Prior to the issue of an Occupation Certificate, a certificate from a registered surveyor must be submitted to the Principle 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.

54. Access and facilities for persons with disabilities are to be provided

Access and facilities for persons with disabilities are to be provided in accordance with Part D3 of Building Code of Australia and AS 1428 - Design for Access and Mobility.

55. Record of Infrastructure

A record of infrastructure coming into Council ownership 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.

56. Water service and meter to be connected to each dwelling

A water service and water meter must be connected to each residential dwelling in the development using an approved backflow prevention device. It is the applicant’s responsibility to engage a licensed plumber who shall liaise with council during this process.

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

57. Sewer and water to be connected

A 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 an Occupation Certificate for works on water and/or sewer mains.

Application forms are available from Council’s administration building or online at [http://www.byron.nsw.gov.au/files/Forms/Section 305 Certificate.pdf](http://www.byron.nsw.gov.au/files/Forms/Section_305_Certificate.pdf) to be submitted for a Certificate of Compliance.

58. Remediation of contaminated land (where required)

A notice of completion must be provided to Council’s Health and Environment Section within 30 days of completion of the remediation work. The notice of completion must be accompanied by a Validation Report prepared by a suitably qualified person with experience in the remediation of contaminated land.

The Validation Report must specify the standard of remediation achieved and certify that the site is suitable for the proposed use. The report must conform to the NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites 1997* and all other statutory requirements.

Documentary evidence must be provided confirming the method of disposal and destination of all contaminated soil removed from the site.

Reasons for conditions

- To comply with the provisions of the Local Environmental Planning Instrument.
- To preserve the environment and existing or likely future amenity of the neighbourhood.
- To protect the environment.
- To preserve the amenity of the area.
- To ensure adequacy of services to the development.
- In the interests of public health and safety.
- To ensure compliance with Section 68 of the Local Government Act 1993.

Statement of Reasons

S.96	The proposed modifications were minor and substantially the same as the original development approval with no detrimental environmental impacts.
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How community views were addressed

1	The application did not require advertising or notification under DCP 2014 having regards to the amendments proposed under S4.55(1) to correct an error in the calculations of contributions .
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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.

WorkCover Authority

All works must be undertaken in accordance with the requirements of the WorkCover Authority.

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.

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 (generally \$600) being issued pursuant to section 127A of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 125 of the Environmental Planning & Assessment Act 1979.

Heritage Conservation

Regard must be had to the requirements of Clause 5.10 of the Byron Local Environmental Plan 2014. This would highlight the need to apply for any proposed future changes to fabric, finish and appearance. Any future changes of colour schemes of the development which may not be sympathetic to the setting of the Mullumbimby Heritage Conservation Area must first be approved by Byron Shire Council.

Water payments under the Water Management Act 2000

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

Stage 1

Water	5.0 ET
Sewer	6.5 ET

Stage 2

Water	4.0 ET
Sewer	5.0 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. Where exemption is sought under Clause 2.7 of the Delivery Service Plan relevant documentation to be submitted with the Compliance Certificate Application that the applicant is a non profit/ charitable organisation.

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.

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](#). This can be accessed at <http://www.legislation.nsw.gov.au>.

Reason for conditions

The conditions imposed have been included in response to development considerations and to ensure a high standard of development having regard to the effect upon the environment and the amenity of the neighborhood.

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth) Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

Are you dissatisfied with conditions of consent?

If you are unhappy with conditions of consent discuss your concerns with the officer who dealt with your application. You may submit an application to Council to modify the consent under Section 96 of the Environmental Planning & Assessment Act, 1979.

You will need to provide reasons why the conditions should be changed or deleted. You may lodge a Section 96 application at any time after the notice of determination. If you are not happy with Council's decision on your request for modification, then you may appeal to the Land & Environment Court within six (6) months of the notification by Council.

Right of Review

You may request Council to review its decision under Section 82A of the Environmental Planning and Assessment Act, 1979. Such a request must be made within six (6) months of the date of the determination, or if there is an appeal to the Land and Environment Court, up to the time when the court hands down its decision. In reviewing its decision Council is able to consider alterations to the above plans, provided that the Development Application remains substantially the same as the one for which the consent was originally sought, and the changes are publicly notified.

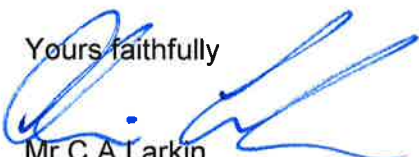
NOTE: This clause does not relate to Integrated Development Applications, applications determined by the Joint Regional Planning Panel or applications previously considered under Section 82A of the Environmental Planning and Assessment Act 1979.

Right of Appeal

If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Signed on behalf of the Consent Authority

Yours faithfully



Mr C A Larkin
Manager – Sustainable Development

Dated: 13 July 2018