

## CONDITIONS OF CONSENT:

### SCHEDULE 1. CONDITIONS OF CONSENT

#### Parameters of consent

- 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:
D-E-05 – Rev A	Perspective View – Julian Rocks Drive	The Collective	11.03.2020
D-E-06 – Rev A	Perspective View – Bayshore Lane	The Collective	11.03.2020
D-E-04 – Rev A	External Finishes	The Collective	11.03.2020
D-S-01 – Rev A	Site Plan	The Collective	19.05.2020
D-P-01 – Rev A	Lower Floor Plan	The Collective	19.05.2020
D-P-02 – Rev A	Upper Floor Plan	The Collective	10.03.2020
D-S-02 – Rev A	Site Plan – Open Space	The Collective	12.03.2020
D-S-03 – Rev A	Site Plan – Deep Soil	The Collective	12.03.2020
D-P-03 – Rev A	Roof and Stormwater Plan	The Collective	13.03.2020
D-S-04 – Rev A	Landscape Concept Plan	The Collective	13.03.2020
D-E-01 – Rev A	Elevations 1	The Collective	11.03.2020
D-E-02 – Rev A	Elevations 2	The Collective	11.03.2020
D-E-03 – Rev A	Elevations 3	The Collective	11.03.2020
D-D-01 – Rev A	Detailed Floor Plans – Type A	The Collective	11.03.2020
D-D-02 – Rev A	Detailed Floor Plans – Type B	The Collective	19.05.2020
D-D-03 – Rev A	Detailed Floor Plans – Type C (Units 3 & 5)	The Collective	19.05.2020
D-D-04 – Rev A	Detailed Floor Plans – Type D (Unit 7)	The Collective	11.03.2020
D-D-05 – Rev A	Detailed Section – Type B – Basix	The Collective	11.03.2020

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

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

**2. Support for neighbouring buildings**

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made or builder must:

- a. Inform the neighbouring property owner immediately.
- b. Engage a structural engineer to determine any remedial works that may need to be undertaken.
- c. Preserve and protect the adjoining building from damage.
- d. If necessary, underpin and support the building in an approved manner.

**3. Conditions prescribed by the Regulation**

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

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

**4. 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.

**5. 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.

**6. Consent required for works within the road reserve**

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

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

<b>Driveway (residential areas)</b>	Driveways in accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".
<b>Kerb &amp; Gutter in Bayshore Lane</b>	The kerb & gutter in front of the proposed driveway in Bayshore Lane must be removed and replaced with mountable kerb & gutter.

The existing no stopping sign must be relocated north of the proposed driveways.

**Shared path (full frontage of the development)**

2.0m wide shared path for the full frontage of the site at a crossfall of 1 % or 1:100 (maximum 2.5% or 1 in 40) in accordance with Council's standard R-07.

**Shared path from the development up to the pedestrian crossing in Sunrise Blvd**

2.0m wide shared path for the full frontage of the site at a crossfall of 1 % or 1:100 (maximum 2.5% or 1 in 40) in accordance with Council's standard R-07 and Byron Shire Council adopted Pedestrian Access and Mobility Plan (PAMP).

**7. 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 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 local shire wide bikeways and footpaths contributions may be reduced by the value of the shared path works required in condition 6. Council will offset up to the full value of these contributions based on the contract price for the works or a statement from a quantity surveyor.

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.

**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 landslip or 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. 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. 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 in accordance with The Collective drawing D-P-03 Rev A.

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) All kerb connection must be in accordance with Council's standard drawing R-08 with galvanised steel adapter;
- (b) The maximum stormwater bypass must be 15%.The proposal in drawing D-P-03 Rev A does not comply with this requirement ;.
- (c) 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
- (d) 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. Privacy controls. Amendment to the plan required**

The elevated windows on the first floor of the development on the northern and southern elevations facing onto the adjoining properties to the north and south has the potential to reduce the level of privacy enjoyed by the occupants of these adjoining dwelling.

The plans submitted for approval of the Construction Certificate must be include fixed opaque/textured glass to a height of 1.5m or alternatively a privacy screen constructed to all windows to habitable rooms:

- a) on the first floor of Units 02, 04, 06, 08 and 10 on the northern elevation; and
- b) on the first floor of Units 01, 03, 05, 07 and 09 on the southern elevation.

The privacy screen could be constructed from lattice, vertical slats or other similar non-transparent screenings. Where slats are used they are to be angled to ensure the line of sight is directed away from the adjoining dwelling. The screen must be a minimum of 1.5m high from the internal floor level.

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

**12. Traffic Control Plan**

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

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

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

**13. 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) 17 carparking spaces consisting of 1 x disabled parking in accordance with

- AS2890.6:2009, 4 x double garage, 3 x single garage, 2 x single carparking (Unit 3 & 5) and 3 visitors parking;
- b) pavement design, comprising an all weather surface, such as asphalt, bitumen seal, concrete, pavers or other similar treatment;
- c) site conditions affecting the access;
- d) existing and design levels;
- e) longitudinal section from the road centreline to the car space(s);
- f) cross sections every 15 metres;
- g) drainage details; 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".**

**14. 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 15.1)

**15. 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.

**16. Compliance with BASIX Certificate requirements**

The development is to comply with Basix Certificate No. 1052365M\_02, dated 14 April 2020.

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

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

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

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

**17. Long Service Levy to be paid**

In accordance with Section 6.8 of the Environmental Planning and Assessment Act 1979 (as amended), a Construction Certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid (as applicable).

These payments can be made online at [www.longservice.nsw.gov.au](http://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.

**18. Bond required to guarantee against damage to public land**

A bond of \$5,000 is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development. 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.

**19. Adaptable housing units**

One (1) dwelling (Unit 7) is to be constructed as adaptable housing in accordance with AS4299 Adaptable Housing.

**20. Easement required over pipelines**

In all new subdivisions and/or developments, an easement shall be provided for all pipelines as per Clause 3.4 of the Policy 4.20.

Pursuant to Section 88B of the Conveyancing Act, 1919 an Instrument shall be prepared for each lot with creation of the easement.

The developer shall submit, to Council, the proposed easement drawings with dimensions to ensure compliance with Policy.

**21. 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.

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.

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

**22. 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](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**

**23. Site Waste Minimisation and Management**

All works must comply with the objectives of waste minimisation and waste management of Part B8.1.2 of DCP 2014.

**24. 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**

**25. 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).

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

**26. Toilet facilities**

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

**27. Disconnection of existing water and sewer prior to demolition**

Existing water and sewer services must be located on site and be properly capped at the main by a licenced plumber. All water and sewer disconnections must be inspected by the Byron Shire Council inspectors prior to backfilling.

- If a property is demolished and no longer needs water supply and/or a sewerage service, a licensed plumber must disconnect the service at the main (also known as 'capping the service').. The plumber must also return the water meter to Council's inspector at the time of inspection.
- If your development involves consolidating lots and you don't need all the existing services, you must correctly disconnect them. This ensures that you aren't billed for unused services and helps avoid future hidden leaks.

Your Plumber must obtain a **Plumbing Permit** at least **two (2) working days** prior to commencing



**work.** Please forward an Application for a Plumbing Permit to your plumber to complete and to return to Council prior to commencement of disconnection works. Refer to [http://www.byron.nsw.gov.au/files/Forms/Plumbing\\_Drainage\\_Permit.pdf](http://www.byron.nsw.gov.au/files/Forms/Plumbing_Drainage_Permit.pdf).

**28. Water service to be connected**

A water service must be connected to the property 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 will be at the applicants cost.

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

35. **Prevention of water pollution**  
Only clean and unpolluted water is to be discharged to Council's stormwater drainage system or any watercourse to ensure compliance with the Protection of Environment Operations Act.

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

36. **Removal of asbestos**  
All asbestos wastes associated with removal of the existing dwelling to be disposed of in accordance with the requirements of the Workcover Authority. The applicant/owner is to produce documentary evidence that this condition has been met.

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

37. **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.

38. **Demolition**  
Any required demolition works must be undertaken in accordance with the relevant requirements of Australian Standard AS 2601–1991: The Demolition of Structures published by Standards Australia, and the WorkCover Authority of NSW.

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

40. **Waste transportation including excavated natural materials.**  
Any waste or excavated natural or contaminated materials being transported from the site must be accompanied with a section 143 certificate. The waste must be transported to a location that can lawfully accept it.  
Certificates are available at <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/wasteregulation/160095-notices143-form.docx>  
Further information regarding transporting of waste is available at <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/waste/19p1761-construction-and-demolition-waste-disposal-fact-sheet.pdf>

41. **Aboriginal Relics**  
If any Aboriginal archaeological relics or items are exposed during construction works, the Applicant shall:
- immediately cease works;
  - notify the NSW National Parks and Wildlife Service (NPWS);
  - obtain any necessary permits and/or approvals to continue the work under the National Parks and Wildlife Act 1974.

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

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

**42. 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.

**43. Plumbing Works**

All works in relation to any associated Section 68 Water and Sewerage approval must be fully complied with and have a Final Plumbing Certificate issued prior to the issue of an Interim or Final Occupation Certificate."

**44. Access, kerb & gutter and shared path to be completed.**

The access, kerb & gutter and shared path are to be constructed in accordance with the approved plans and Roads Act consent.

**45. Internal driveway and carparking in accordance approved plans**

A driveway and carparking are to be constructed in accordance with the approved plans.

**46. On-site Stormwater Detention – Certification of works**

All stormwater drainage works, including on-site stormwater detention works, for the development must 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](#).

### **The following conditions are to be complied with at all times**

**47. Use of dwellings**

The multi dwelling houses (Units 1 to 10) are not to be holiday let or used as tourist and visitor accommodation. The dwellings are not approved as short term rental accommodation, tourist and visitor accommodation or to be "holiday let".

*Note. dwelling means "a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile".*

## SCHEDULE 2. PRESCRIBED CONDITIONS

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

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

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

## SCHEDULE 3. REASONS FOR DECISION, HOW COMMUNITY VIEWS WERE ADDRESSED

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

### Statement of Reasons

The proposed development complies with the provisions of Byron Local Environmental Plan 2014.

The proposed development complies with relevant State Environmental Planning Policies

The proposed development complies with relevant provisions of Development Control Plan 2014

The proposed development complies with Environmental Planning & Assessment Regulation 2000 considerations.

The proposed development will not have significant adverse impact on the natural, built or social environment or economic impacts on the locality.

The proposed development is considered suitable for the proposed site.

The development application was notified/advertised in accordance with Council's Community Participation Plan. Issues raised in the submissions have been addressed during assessment of the application.

The proposed development is unlikely to prejudice or compromise the public interest.

### How community views were addressed

The DA was advertised in accordance with Council's Community Participation Plan. The submissions received were considered on merit and addressed during assessment of the application.

To view the considerations, please contact Council to view a copy of the assessment report relating to this DA.

## SCHEDULE 4. NOTES

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### **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](http://www.byron.nsw.gov.au)

### **Principal Certifying Authority:**

Work must not commence until the applicant has:-

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

### **Occupation Certificate required:**

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

### **Protection of the Environment Operations Act 1997:**

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

### **Penalties apply for failure to comply with development consents**

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

### **Plumbing Standards and requirements.**

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

### **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).

## SCHEDULE 4. NOTES

### Developer Contributions to be paid

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 7.11 contributions Schedule for Byron Bay Suffolk Park Catchment						
This schedule was calculated in spreadsheet #E2018/73086						
1 bedroom units =	2	@	0.55 SDU	=		1.1
2 bedroom units =	4	@	0.75 SDU	=		3
3 bedroom units/dwellings =	4	@	1 SDU	=		4
Allotments =	0	@	1	=		0
Less Site Credits =	2	@	-1	=		-2
Total SDU				=		6.1
Schedule valid until			31/07/2020	After this date contact Council for CPI update.		
Local Open Space & Recreation	(OS-BB)	6.10	SDU @ \$ 4,255.12	=		\$ 25,956.23
LGA Wide Open Space & Recreation	(OS-SW)	6.10	SDU @ \$ 765.88	=		\$ 4,671.87
LGA wide Community Facilities	(CF-SW)	6.10	SDU @ \$ 1,121.71	=		\$ 6,842.43
Local Community Facilities	(CF-BB)	6.10	SDU @ \$ 1,263.98	=		\$ 7,710.28
Bikeways & Footpaths	(CW-BB)	6.10	SDU @ \$ 1,401.26	=		\$ 8,547.69
Shire Wide Bikeways & Footpaths	(CW-SW)	6.10	SDU @ \$ 82.28	=		\$ 501.91
Urban Roads	(R-BB)	6.10	SDU @ \$ 3,064.66	=		\$ 18,694.43
LGA Wide Roads	(R-SW)	6.10	SDU @ \$ 231.75	=		\$ 1,413.68
Rural Roads	#N/A	6.10	SDU @ \$ -	=		\$ -
Administration Levy	(OF-SW)	6.10	SDU @ \$ 1,158.46	=		\$ 7,066.61
<b>Total</b>				=		<b>\$ 81,405.13</b>

### 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	4.20 ET
Bulk Water	4.20 ET
Sewer	5.75 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.