

Parameters of consent

1. Development is to be in accordance with approved plans

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

Plan No.	Description	Prepared by	Dated:
Plan 2.1	Site Plan – Stage 7DA	-	June 2018
1002-DA82 Issue D	Subdivision Layout Plan	CivilTech	15/03/2019
1002-DA83 Issue D	Subdivision Layout with Arial Photo	CivilTech	15/03/2019
1002-DA85 Issue D	Bulk Earthworks Plan	CivilTech	15/03/2019
1002-DA86 Issue D	Roadworks Plan	CivilTech	15/03/2019
1002-DA87 Issue D	Stormwater Drainage and Catchment Plan	CivilTech	15/03/2019
1002-DA88 Issue C	Road 1 Long Section and Typical Section	CivilTech	30/11/2018
1002-DA89 Issue C	Road 1 Cross Sections	CivilTech	30/11/2018
1002-DA90 Issue C	Road 2 Long Section and Typical Section	CivilTech	30/11/2018
1002-DA91 Issue C	Road 2 Cross Sections	CivilTech	30/11/2018
1002-DA92 Issue C	Road 3 Long Section and Cross Sections	CivilTech	30/11/2018
1002-DA93 Issue C	Stormwater Basin and Culvert Typical Sections	CivilTech	30/11/2018
1002-DA94 Issue D	Sewer Reticulation Plan	CivilTech	15/03/2019
1002-DA95 Issue C	Water Reticulation Plan	CivilTech	30/11/2018
1002-DA96 Issue C	Schematic Services Plan	CivilTech	30/11/2018
1002-SK33	External Catchment Stage 7, 8 & 9 Sheet 1 Rev A	CivilTech	February 2019
Ref No 1002	Stormwater Management Assessment Tallowood Ridge Stage 7, 8 & 9	CivilTech	November 2018

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. Discovery of Aboriginal Relics

Upon discovery of any Aboriginal relics within the meaning of the *National Parks and Wildlife Act 1974*, the developer shall immediately notify the NSW Office of Environment and Heritage (OEH), Tweed Byron Local Aboriginal Land Council and the Byron Bay Aboriginal Corporation (Arakwal) and must immediately cease works within the vicinity until such time as the necessary permits have been obtained from OEH to continue the work. The developer must comply with any further request made by OEH to cease work for the purposes of archaeological assessment and recording.

3. No tree removal

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

4. Integrated Development Approval

Integrated Development Approval is issued under Section 100B of the *Rural Fires Act 1997*, being a Bush Fire Safety Authority, subject to conditions listed in schedule 3 at the end of this consent. It is a requirement that the Applicant meet the terms of this integrated approval as part of the operation of this development consent.

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

5. Water Management Act 2000

A Controlled Activity Approval under the *Water Management Act 2000* for the proposed works within an adjacent to existing watercourses must be obtained from the NSW Natural Resource Access Regulator. A copy of the approval must be provided to the Principal Certifying Authority prior to the issue of the a Construction Certificate for the development. The Construction Certificate Application to comply with any requirements of this approval.

6. Landscaping plan

A detailed landscaping plan for the Bioretention basin and the road reserves must be prepared by a suitably qualified landscape architect / architect / ecologist who has appropriate experience and competence in landscaping and submitted to the Principal Certifying Authority as part of the Construction Certificate application.

The landscaping plan must indicate the following as a minimum:

- a) The planting style, diversity and species selection shall be in accordance with Section 5.8 and Tables 28 and 29 of bioretention Technical Design Guidelines, Version 1.1 (Water by Design, 2014).
<https://waterbydesign.com.au/download/bioretention-technical-design-guidelines>
- b) To prevent weeds from flourishing above the filter media, the planting density shall be double the rate specified Table 29 of the Bioretention Technical Design Guidelines.
- c) Plants in the Bioretention basin shall be selected to withstand significant periods of inundation and must be dense enough to mitigate the growth of weeds on top of the Bioretention basin filter area.
- a) Landscaping treatments throughout the public road reserves including provision of street trees of the same or similar species as those used in earlier stages of the Tallwood Ridge Estate (e.g. Tuckeroo).
- b) Street trees must be a minimum of 45 litres in size to provide an early established character

to the development.

- c) A minimum of one street tree per 15 metres of residential lot street frontage.
- d) proposed location for planted shrubs and trees – trees should be located clear of infrastructure and service pits.
- e) botanical name of shrubs and trees to be planted
- f) mature height of trees to be planted
- g) location of grassed and paved areas, and
- h) location of trees identified for retention in the development application plans.

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

7. Biodiversity Conservation Management Plan (BCMP)

Prior to the issue of the Construction certificate, a modified BCMP shall be submitted to Council for approval including the following amendments:

- 1. Additional Plantings to Management Zones 1 and 2 between the northern boundary of Lot 93 DP 1216681 and the edge of the existing riparian plantings.
- 2. Management Zone 9 to be reduced in area consistent with the subdivision plans comprising fencing to limit access to the area.

8. Tree Protection Zones to be shown and earthworks amended where necessary

The plans submitted for approval with the Construction Certificate must accurately show the Foam Bark and Teak trees to be preserved within Lot 175. The plans must also illustrate an overlay of the Tree Protection Zones for each of the trees formulated in accordance with AS 4970-2009 – Protection of Trees on Development Sites.

The Principal Certifying Authority shall be satisfied that no excavation or fill is proposed within any of the nominated Tree Protection Zones (TPZ). The earthworks plans submitted for approval with the Construction Certificate must be amended where necessary so that all of the proposed earthworks are occurring outside the nominated TPZ's. Where changes to the extent of the earthworks are necessary to comply with this requirement, levels should transition gradually to natural ground level to avoid steep areas of cut and/or the use of retaining walls.

9. Engineering Construction Plans

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

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

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

- a) **Azalea St & Jubilee St Intersection upgrade**
The intersection shall be upgraded to provide a Channelised Right Turn Treatment in accordance with Figure A3 of Austroads Guide to Road Design.

- b) **Left Bank Road & Tuckeroo Avenue Intersection upgrade**
The intersection shall be upgraded to provide a Channelised Right Turn Treatment in accordance with Figure A3 of Austroads Guide to Road Design.
- c) **Full Width Road Construction**
Full width road, kerb & gutter, drainage and footpath/bike path construction for all proposed roads on the approved plan.
- d) **Turn Around Areas**
Turn around areas shall be provided in accordance with Condition 6 of RFS General Terms of Approval with reference no DA18/6185 DA 18070213785 PC dated 28 August 2018.
- e) **Service Conduits**
Service conduits to each of the proposed new allotments laid in strict accordance with the service authorities' requirements.
- f) **Street Name Signs**
Street name signs and posts to all proposed new roads.
- g) **Stripping and Stockpiling**
Stripping and stockpiling of existing topsoil on site, prior to commencement of earthworks, and the subsequent re-spreading of this material together with a sufficient quantity of imported topsoil so as to provide a minimum thickness of 80mm over the allotments and footpaths and public reserves, upon completion of the development works.
- h) **Inter-allotment Drainage**
Inter-allotment drainage to an approved public drainage system for each of the proposed new allotments where it is not possible to provide a gravity connection of future roofwater to the kerb and gutter.
- i) **Cross Culverts under Road 1**
A fully detailed design and construction plan shall be submitted with the CC. The cross culvert must be designed to accept the full catchment including the external catchment in accordance with Northern Rivers Local Government Development & Design Manuals.

The cross culvert shall be designed to cater for a 1 in 100 year ARI event without afflux and a minimum freeboard of 300mm from the design ARI event to the underside of the culvert.
- j) **Stormwater Drainage**
Stormwater is to be collected and discharged in accordance with Council's standards, currently [Northern Rivers Local Government Development Design & Construction Manuals](#). A full and detailed stormwater management plan for the site must be provided for Council's records at the time of lodging detailed engineering plans for construction certificate approval. The drawings and management plan must be accompanied by a Design Submission Checklist as set out in APPENDIX C of the Northern Rivers Local Government Handbook of Stormwater Drainage Design, which must be signed by a suitably qualified Civil Engineer or Registered Surveyor. The drawings and management plan are to include, but not be limited to, the following items:
 - a) Catchment plan including all contributing external catchments (included in the drawing set);
 - b) The external catchment must be designed to cater for a 100year ARI including a positive relief outlet. This system must be contained within a reserve or an easement.
 - c) Detailed hydrological and hydraulic design calculations based on the methods outlined in the Queensland Urban Design Manual (QUDM) and Australian Rainfall & Runoff (AR&R) 1987. A summary of the calculations must be included on the drawings consistent with the Sample Drawings of the Northern Rivers Local Government Development & Design Manuals.
 - d) Fully detailed design & construction plan of the major and minor drainage systems

- e) including the detention system generally in accordance with the approved plan; Stormwater management structures/facilities that have minimum impact on Council's maintenance program. All maintenance activities must be specified in a maintenance plan (and associated maintenance inspection forms) to be developed as part of the design procedure and included in the stormwater management plan.

k) Stormwater Outlets

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

l) Stormwater Quality

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

A fully detailed design of all Stormwater Quality Improvement Devices (SQIDs) in accordance with Stormwater Management Assessment Tallowood Ridge Stage 7, 8 & 9 prepared by CivilTech Consulting Engineers dated 17 November 2018 shall be submitted for assessment and approval as part of the CC. The following shall be included and verified for the proposed Bioretention Basin but not limited to:-

- d) Extended Detention Depth of 1.0m, this depth is the difference in level from the top of the filter layer up to the invert level of the outlet pipes (5 x 450mm RCP);
- e) Filter Depth of 1.2m, this depth is the thickness of the filter media excluding the thicknesses of the drainage layer and transition layer;
- f) Design & Sizing of the subsoil drainage pipes including the slots;
- g) Provision of coarse sediment forebay.
- h) Landscaping – the plants in the Bioretention basin should be selected to withstand significant periods of inundation and must be dense enough to mitigate the growth of weeds on top of the Bioretention basin filter area.
- i) Maintenance Access
- j) Maintenance Plan (identify all maintenance plant and equipment but not limited to)

m) Access to Stormwater Structures

Satisfactory access to all drainage discharge points and filter controls for maintenance purposes.

n) Street Lighting

The provision of street lighting to the satisfaction of Byron Shire Council and Essential Energy. Such lighting must be strategically positioned to minimise spill impacts on future dwellings within the subdivision and existing dwellings within adjacent properties.

The Plans to comply with the requirement of the Controlled Activity Approval under the Water Management Act 2000.

10. Sewerage and Water Mains

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

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

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

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

Upgrade SPS2010 storage capacity to at least 50 kL and upgrade each individual submersible sewerage pump in SPS2010 such that the flow rate is equal to at least 12.1 L/s at maximum head.

11. Erosion and Sedimentation Control Plan

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

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

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

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

12. Long Service Levy to be paid

Long Service Levy in accordance with the requirements of the Long Service Corporation is required to be paid prior to issue of the Construction Certificate. 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.

13. Street Name Application to be lodged

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

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

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

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:

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

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

15. Unexpected Findings Protocol - Contamination & Remediation

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

16. Acid Sulfate Soils Management Plan must be submitted to Council for approval

Acid Sulfate Soils Management Plan must be submitted to Council for approval by prior to the issue of a Construction Certificate for subdivision works. The ASMP must detail measures to be undertaken for the management the disturbance of acid sulfate soils during construction works including:

- a. Construction of the Culvert as shown on *Cut / Fill Depth Plan Drawing No. 1002-DA85 (Sheet 5 of 16)* prepared by CivilTech Consulting Engineers dated 5/6/18.

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

Note: *The ASSMP must be dated subsequent to the date of the consent and approved by Councils EHO involved with the subdivision development. .*

17. Site Waste Minimisation and Management Plan

Chapter B8 of Byron Shire Development Control Plan 2014 (DCP 2014) aims to facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development. Prior to the issue of a Construction Certificate, a Site Waste Minimisation and Management Plan (SWMMP) must be submitted outlining measures to minimise and manage waste generated during demolition, construction and the ongoing operation and use of the development. The SWMMP must specify the proposed method of recycling or disposal and the waste management service provider.

A template is provided on Council's website to assist in providing this information
www.byron.nsw.gov.au/files/publication/swmmp-pro-forma-doc

18. Certification of fill to be provided to Council

Copy of documentation certifying that fill contained on the subject site is from a source that is clean and uncontaminated must be provided to Council prior to the issue of a Construction Certificate for the development.

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

19. Trees to be retained and fenced

Trees to be retained are to be protected by a Tree Protection Zone (TPZ) exclusion fence. The fence is to be constructed in accordance with Sections 3.2 and 4.3 of AS4970-2009 Protection of trees on development sites. The fence must:

- a) be located outside the dripline of the tree so as to minimise disturbance to tree roots;
- b) have a minimum height of 1.8 metres;
- c) be constructed of wire mesh panels, plywood, steel star pickets or similar, with a maximum distance of 2metres between star pickets;
- d) have a minimum of 3 strands of steel wire or similar;
- e) have high visibility barrier mesh (eg orange), shade cloth or similar, attached to the outside of the fence and continuing around its perimeter;
- f) include at least one Tree Protection Zone (TPZ) sign in accordance with Section 4.4 of AS4970-2009.

Activities that are excluded within the TPZ (as per section 4.2 of AS4970-2009) include excavation, construction activity, grade changes, surface treatment and storage of material. The Tree Protection Zone (TPZ) exclusion fence is to be maintained for the duration of the site clearing, preparation, construction and landscaping works.

20. Erosion and sediment measures

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

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

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

21. Acid sulfate soils management

All treatment and storage facilities associated with the approved Acid Sulfate Soils Management Plan must be in place prior the commencement of subdivision works.

22. Subdivision Work

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

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

23. Metered Stand Pipe required

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

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

The following conditions must be complied with during subdivision works

24. 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).

25. 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.

26. Public safety requirements

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

27. Council Specification

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

28. Approved Plans to remain on site

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

29. Placement of services near trees

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

30. No filling around trees

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

31. Public safety requirements

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

- 32. Acid sulfate soils management**
All soil disturbance and excavation works must be carried out in accordance with the approved Acid Sulfate Soils and Water Management Plan.
- 33. 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.
- 34. Prevention of water pollution**
Only clean and unpolluted water is to be discharged to Council's stormwater drainage system or any watercourse to ensure compliance with the Protection of Environment Operations Act.
- 35. Maintenance of sediment and erosion control measures**
Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.
- 36. Protection of Native Trees**
All trees nominated to be retained by notation or condition as a requirement of the development consent shall be maintained and protected during demolition, excavation and construction on the site in accordance with AS 4970-2009 – *Protection of Trees on Development Sites*.
- 37. Monitoring of excavation works**
No ground disturbing works near the southern ridgeline in the areas identified in the Cultural Heritage Assessment Report prepared by Everick dated June 2009 as the 'post clearing inspection areas', is to occur unless a representative from Tweed Byron Local Aboriginal Land Council and Byron Bay Aboriginal Corporation (Arakwal) is present to monitor the ground disturbing works while they are being undertaken.

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

- 38. Subdivision Certificate application required**
An application for a Subdivision Certificate must be made on the approved form. The Subdivision Certificate fees, in accordance with Council's adopted schedule of fees and charges, must accompany such application.
- NOTE:** The application **MUST** be one complete concise package addressing **ALL** conditions of consent relevant to the subdivision with a clear explanation how each condition has been complied with, together with supplying **ALL** the relevant information /documents/ certificate and/or plans that is required by that condition. Failure to provide the abovementioned information in one package will likely result in the application being refused or rejected and returned to you.
- 39. Plan of Subdivision**
The final plan of subdivision must be in accordance with the approved plan/s. A Deposited Plan Administration Sheet (original plus one (1) copy), two (2) copies of the plan of subdivision and any necessary section 88B instrument (original plus one (1) copy) are to be submitted with the application for a subdivision certificate.
- An additional copy of the final plan of subdivision is to be submitted showing the location of all buildings and/or other permanent improvements including any fences, internal access driveways/roads, and where relevant effluent disposal areas and the 1 in 100 year flood and flood planning level extents on land within or adjacent to a flood planning area. Where the building/s or

improvements are close to boundaries, offset distances are to be included on the additional copy of the plan. This plan must be endorsed by a Registered Surveyor. Any encroachments affecting new boundaries or the road reserve must be removed or relocated wholly within the allotment. The new boundaries must not cause any existing building/s to contravene the Building Code of Australia.

Final plan of subdivision to indicate lots 193, 194 and 195 to be transferred to Council.

40. Certificate of Compliance – Water Management Act 2000

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

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

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

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

41. Developer Contributions to be paid

Contributions set out in the schedule below are to be paid to Council prior to the release of a subdivision certificate. Contributions are levied in accordance with the Byron Shire Developer Contributions Plan 2012 (as amended). The Plan may be viewed on line at <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 as set out in the schedule may either be paid in full or they may be paid in stages on a proportional basis dependent on the number of lots to be released in the subdivision certificate.

The 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.

Note: The local and LGA wide open space and recreation contributions has been reduced to zero due to land previously dedicated in DA 10.2009.314.10 and the works and land dedication specified in DA 10.2009.151.4 Stages 1 and 2.

42. Certificates for engineering works

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

43. Works-As-Executed Plans

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

Amended Design Work-as-Executed Drawings, being certified copies of all approved design plans

with as constructed departures, deletions and additions clearly noted and detailed on the plans, are to be submitted to Council in the following formats:-

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

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

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

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

44. Water service and meter to be connected to each lot, dual occupancy and strata subdivisions

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 Councils Water metering Requirements
Any new water service and meter will be at applicants cost".
Each Dwelling/ Unit/ Shop capable of being subdivided under Torrens, Community or Strata title shall have a separate meter

45. Certificate for services within easements

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

46. Section 88B Instrument

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

- a) **Dedicated Public Road Access**
Dedication of suitable public road accesses to all proposed allotments.
- b) **Inter-allotment Drainage Easements**
The creation of easements for drainage of water, with a minimum width of 1.5 metres, over all inter-allotment drainage pipelines and structures located within the proposed allotments.
- c) **Drainage Easements**
The creation of easements for drainage of water over all drainage pipelines and structures located within the proposed allotments in accordance with Council's policy.
- d) **Drainage Reserve**
The dedication of drainage reserve over the drainage treatment devices and constructed access.

- e) **Restricting Development – On-site Stormwater Detention**
Restricting residential development of each vacant allotment until the proprietor has constructed or made provision for the construction of an on-site stormwater detention system to the requirements of Byron Shire Council.
- f) **Sewer Easements**
The creation of easements for drainage of sewage over all sewage pipelines and structures located within the proposed allotments in accordance with Council's Building Over Pipelines Policy 4.20.
- g) **Easement for Services**
The creation of suitable easements for services over the access handle(s) of proposed Lot(s)

47. Restriction for preservation of native trees(Teak and Foambark) on Proposed Lot 175

The final plan of subdivision and accompanying Section 88B Instrument are to provide for the following restriction on the use of land:

The Owner of the Lot Burdened must prohibit the following within the area denoted on the Plan as being subject to the Restriction on Use:

- a) The destruction or removal the native trees indicated.
- b) Any act or omission which may adversely affect the native trees;
- c) The removal, introduction or disturbance of any soil, rock, or sand within the marked area;
- d) Any structures, including dwellings, sheds, car ports and swimming pools.

48. Plantings, restoration and Landscaping works.

Prior to the issue of a subdivision certificate, the developer must demonstrate to Council's satisfaction the following matters:

- (a) Additional Plantings within management Zones 1 and 2 to be completed in accordance with the BCMP.
- (b) The Stage 7 Plantings and Restoration Works within Management Zone 6 have been carried out in accordance with the BCMP.
- (c) Management Zone 9 to be enhanced in accordance with the BCMP. An Appropriate pool fence to be erected around the Management Zone to limit pedestrian access
- (d) Management Zone 8 to be weeded in accordance with the BCMP
- (e) Additonal Plantings to be completed in Management Zone 4 adjacent to the culvert on road 1 (Tuckeroo Avenue)
- (f) The Boundaries of Management zones 5, 6 and 7b to be fenced as required in the BCMP.
- (g) Maintenance and Monitoring Reports as required under the BCMP to be submitted to Council.
- (h) All landscaping works as required under this consent have been completed

49. Erection of Street Signs

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

50. CCTV Inspection and Report

CCTV inspection must be undertaken on all completed underground pipe systems, **including the sewerage reticulation**, in accordance with Council's specification. Both a hardcopy and electronic copy of the report (submitted in CD or DVD medium in a format suitable to Council) of the CCTV inspection must be provided to Council for consideration prior to the release of the Subdivision Certificate, Occupation Certificate, Final Inspection for Section 68 Approvals, "Off-maintenance" or Release of Security Bond.

51. Electricity Supply Certificate

Written evidence from an electricity supply authority is to be submitted with the application for a subdivision certificate stating that satisfactory arrangements have been made for the provision of underground electricity supply throughout the subdivision.

52. Fibre-ready Facilities and Telecommunications Infrastructure

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

1. 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
2. the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

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

53. Geotechnical Report (Lot Classification)

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

54. Maintenance Bond

A maintenance bond of 5% (minimum bond amount of \$1,000.00) of the value of the works constructed is to be lodged with Council. A copy of the contract construction cost of the subdivision works is to be submitted with the bond. The maintenance period is 6 months in accordance with Council's current Design & Construction Manuals for roads, water, sewer, stormwater and general landscaping. A five year maintenance period to apply to the riparian plantings in Management Zone 6.

The applicant is responsible for the maintenance of Bio-retention and Detention Basins until the completion all stormwater works in the contributing upstream catchment and the 12 month maintenance period of the Bio-retention and Detention Basin commences upon Council's acceptance of all contributing upstream stormwater works On-Maintenance.

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

maintenance period.

55. Record of Infrastructure

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

56. Acid sulfate soils

The works engineer must certify to the Principal Certifying Authority that all works have been carried out in accordance with the approved Acid Sulfate Soils Management Plan. Documentary evidence must be provided confirming the destination of all Acid Sulfate soils removed from the site.

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>.

SCHEDULE 3 INTEGRATED DEVELOPMENT APPROVAL – NSW RURAL FIRE SERVICE

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:

Asset Protection Zones

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

1. At the issue of subdivision certificate and in perpetuity, the entire area of each residential lot shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
2. A restriction to the land use pursuant to section 88B of the Conveyancing Act 1919 shall be included over Lots 161 and 173 to 186 (inclusive) to prohibit the construction of a dwelling or Class 10 building within 10 metres of a dwelling, in the area identified as APZ (asset protection zone) on the plan titled 'Subdivision Layout Plan' prepared by CivilTech (ref: 1002-DA82, Issue A), dated 5 June 2018, except that the APZ on Lots 183 to 186 shall be 21 metres.
3. A restriction to the land use pursuant to section 88B of the Conveyancing Act 1919 Shall be included

over the residue lot requiring the provision of a temporary asset protection zone (APZ) in the following locations:

- north of Lots 161 to 166 (inclusive) for 9 metres;
- west of Lots 166 and 186 for 8 metres; and
- west of Lots 167 and 187 for 9 metres.

The APZ shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. The restriction to land use for a temporary asset protection zone may be extinguished upon the commencement of development over the affected areas.

Water and Utilities

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

4. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

5. Public road access shall comply with section 4.1.3(1) of 'Planning for Bush Fire Protection 2006', except that a perimeter road is not required and Roads 1 and 2 are greater than 200 metres in length.
6. A temporary turning circle with a minimum 12 metre outer radius shall be provided at the termination of Road 1 and 2. Both roads are to be clearly sign posted as a dead end.

Landscaping

7. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

SCHEDULE 4

NOTES

Schedule of Development Contributions

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

Section 94 contributions Schedule for Mullumbimby Catchment						
This schedule was calculated in spreadsheet #E2015/28112						
1 bedroom units =	0	@	0.55 SDU	=		0
2 bedroom units =	0	@	0.75 SDU	=		0
3 bedroom units/dwellings =	0	@	1 SDU	=		0
Allotments =	32	@	1	=		32
Less Site Credits =	1	@	-1	=		-1
Total SDU				=		31
Schedule valid until			24/04/2019	After this date contact Council for CPI update.		
Local Open Space & Recreation	(OS-ML)	31.00	SDU @ \$ -	=		\$ -
LGA Wide Open Space & Recreation	(OS-SW)	31.00	SDU @ \$ -	=		\$ -
LGA wide Community Facilities	(CF-SW)	31.00	SDU @ \$ 1,100.69	=		\$ 34,121.39
Local Community Facilities	(CF-ML)	31.00	SDU @ \$ 216.43	=		\$ 6,709.33
Bikeways & Footpaths	(CW-ML)	31.00	SDU @ \$ 2,078.44	=		\$ 64,431.64
Shire Wide Bikeways & Footpaths	(CW-SW)	31.00	SDU @ \$ 80.74	=		\$ 2,502.94
Urban Roads	(R-ML)	31.00	SDU @ \$ 1,078.81	=		\$ 33,443.11
LGA Wide Roads	(R-SW)	31.00	SDU @ \$ 231.07	=		\$ 7,163.17
Rural Roads	#N/A	31.00	SDU @ \$ -	=		\$ -
Administration Levy	(OF-SW)	31.00	SDU @ \$ 1,136.75	=		\$ 35,239.25
Total				=		\$ 183,610.83

Water payments under the Water Management Act 2000

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

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

Water	32 ET
Sewer	32 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.

Construction Certificate required:

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

Principal Certifying Authority:

Work must not commence until the applicant has:-

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

Occupation Certificate required:

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

Protection of the Environment Operations Act 1997:

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

Penalties apply for failure to comply with development consents

Failure to comply with conditions of development consent may lead to an on the spot fine (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.

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.