

## **SCHEDULE 1      CONDITIONS OF CONSENT**

### **Parameters of consent**

1. **Development is to be in accordance with approved plans**  
The development is to be in accordance with plans listed below:

<b>Plan No.</b>	<b>Description</b>	<b>Prepared by</b>	<b>Dated:</b>
3553a/1	Plan of Draft Strata	Canty's Surveyors	31.08.18
SK10 (Page 1 Rev 3)	Dual Occupancy – Site Plan	Claudia Bernardazzi Design	17.06.18
SK10 (Page 2 Rev 3)	Dual Occupancy – Ground Floor	Claudia Bernardazzi Design	17.06.18
SK10 (Page 3 Rev 3)	Dual Occupancy – First Floor	Claudia Bernardazzi Design	17.06.18
SK10 (Page 4 Rev 3)	Dual Occupancy – East North Elevations	Claudia Bernardazzi Design	17.06.18
SK10 (Page 5 Rev 2)	Dual Occupancy – West South Elevations	Claudia Bernardazzi Design	15.05.18
SK10 (Un-numbered, Rev 2)	Dual Occupancy - Section A North, South Elevation Parents Retreat	Claudia Bernardazzi Design	24.03.19
8741 DA01 Issue A	Access & Carparking Layout	Ardill Payne & Partners	2/11/2018
8741 DA02 Issue A	Driveway Longsection	Ardill Payne & Partners	2/11/2018
8741 SW1 Issue A	Site Plan & Erosion & Sediment Control Plan	Ardill Payne & Partners	5/3/2019
8741 SW2 Issue A	Concept Stormwater Management Plan	Ardill Payne & Partners	5/3/2019
8741 SW03 Issue A	Soakage Pit Details	Ardill Payne & Partners	5/3/2019
8741 SW04 Issue A	Erosion & Sediment Control Details	Ardill Payne & Partners	5/3/2019

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

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

2. **Staged Development**

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

**Stage 1:** Strata subdivision to create Two (2) Strata Lots including one (1) Vacant Strata Lot inclusive of associated infrastructure works, vegetation removal and compensatory planting.

**Stage 2:** New dwelling including expanded dwelling module on Vacant Strata Lot to create Dual Occupancy (Detached) and Associated Works.

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. **Mail Box to be provided for Strata Lot 2**

As part of Stage 1, a mailbox is to be provided for Strata Lot 2 in a position readily accessible from Cemetery Drive. The mailbox is to be located on existing Lot 21 DP 838192 and is to form part of either Strata Lot 2 or Common Property

4. **Additional Carparking Space for Strata Lot 1**

As part of Stage 1, an additional carparking space is to be provided on Strata Lot 1 adjacent to the existing parking space on the property. This space is to be sealed.

5. **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.

6. **Bushfire safety measures**

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 property 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'.

**Water and Utilities**

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

2. Any new water, electricity and gas supply shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'

**Design and Construction**

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

3. The existing building on proposed Lot 1 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of

2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

4. New construction shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.

#### **Landscaping**

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

### **The following conditions are to be complied with prior to issue of a Construction Certificate for Stage 1 Subdivision Works**

#### **7. Engineering Construction Plans Required**

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 is to 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 checklists set out in Annexure DQS-A of the Northern Rivers Development and Design Manuals. The information shown on the drawings shall be logically collected on discrete sheets generally in accordance with Annexure DQS-B and the Sample Drawings of the Northern Rivers Development and Design Manuals. The drawings are to provide for the following works:

##### **a. Service Conduits**

Service conduits are required to each of the proposed new allotments laid in strict accordance with the Service Authorities' requirements.

##### **b. Stormwater Drainage**

Stormwater drainage connections in accordance with the approved Concept Stormwater Management Plan.

#### **8. 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 and Part 1: Off-street car parking. Access and carparking for proposed rear Lot 2 must generally be in accordance with Ardill Payne & Partners drawing 8741 DA01 & 02 Issue A dated 2-11-18 and one (1) additional carparking must be provided for proposed Lot 1. Plans are to include, but not be limited to, the following items:

- a) pavement design, comprising an all weather surface, such as asphalt, bitumen seal, concrete, pavers or other similar treatment for the full length of the access handle inside Lot 2 DP880389;
- 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; and
- f) drainage details.

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".

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.

The Erosion & Sediment Control must generally be in accordance with Ardill Payne & Partners drawing 8741 SW1 and SW04 Issue A dated 4-3-19. Plans and specifications must be approved as part of the Construction Certificate.

10. **Landscaping plan required**

Six (6) suitable native trees are to be planted on site as compensation for the trees to be removed to accommodate the building envelope for proposed Lot 2.

The application for a Construction Certificate is to include plans and specifications that indicate the location of the proposed replacement plantings 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
- b) botanical name of shrubs and trees to be planted
- c) mature height of trees to be planted
- d) location of grassed and paved areas, and
- e) location of trees identified for retention in the development application plans.
- f) 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.

Note: Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006.

11. **Tree Removal**

Tree removal is limited to the 1 x Candle Nut, 1 x Ponciana, 1 x Quandong, 3 x Rhus Taitenis and 1 x mango as identified on 'Figure 5: Proposed Trees to be Removed'.

All tree removal is to be completed by an AQF Level 3 qualified arborist in accordance with industry best practice.

12. **Tree Removal**

No trees or vegetation to be cleared or removed until a Construction Certificate has been issued.

13. **Letter Box Plan Required**

The application for a Construction Certificate is to include plans which demonstrate the location and specification of the letterbox to Strata Lot 2 as required by this consent.

14. **Additional Parking Space Required**

The application for a Construction Certificate is to include plans which demonstrate the location and specification of the additional parking space on Lot 1 as required by this consent.

15. **Fibre-ready Facilities and Telecommunications Infrastructure**

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

- (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).

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

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

Water metering to be in accordance with Byron Shire 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.

17. **Certificate of Compliance – Water Management Act 2000**

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

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

**Note:** Copies of the application forms for Certificates of Compliance are available on Council's website [http://www.byron.nsw.gov.au/files/Forms/Section\\_305\\_Certificate.pdf](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.**

18. **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

**The following conditions are to be complied with prior to issue of a Construction Certificate for Stage 2 building works**

19. **Completion of Stage 1**  
Prior to issue of the Construction Certificate for building works, the strata lots approved in stage 1 must be created and a copy of the registered Strata Plan is to be submitted to the Principal Certifying Authority.
20. **Geotechnical Report required – Building Works**  
A certificate from a professional Engineer experienced in Geotechnical Science is to be provided to the Principal Certifying Authority, certifying that the site is stable and will not be affected by landslide or subsidence at, above or below the site when the building is erected. The certificate must be prepared in accordance with AS 1726.
21. **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.
22. **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 new dwelling inside Lot 2 at the rear must be conveyed via an on-site stormwater detention system in accordance with Ardill Payne & Partners drawing 8741 SW2 and SW03 Issue A dated 4-3-19 and all roofwater of the existing dwelling inside Lot 1 must be connected into the kerb and gutter at the street frontage via a kerb adaptor.  
  
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. 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. 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.
23. **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.

24. **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.

The Erosion & Sediment Control must generally be in accordance with Ardill Payne & Partners drawing 8741 SW1 and SW04 Issue A dated 4-3-19. 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. **Amended Plans to be submitted with the Construction Certificate**

Unless approved in writing by the relevant Water Supply Authority (Rous Water), amended plans to be submitted with the Construction Certificate removing the deck from the Water easement. The dwelling, deck and expanded dwelling module to be designed and constructed to comply with Policy 4.20 Building over Pipelines and other underground structures. All foundations and/or footings are to be prepared by a practicing professional Structural Engineer in accordance with Clause 3.5 and Appendix B of Council Policy 4.20 - Building over pipelines and other underground structures.

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

The use of displacement and screw pile construction methods are not permitted within the vicinity of the sewer main unless approved otherwise in writing by the Water Supply Authority (Rous Water).

26. **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.

27. **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.

28. **Compliance with BASIX Certificate requirements**

The development is to comply with Basix Certificate No. 937851S dated 20/06/2018

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 any amendment under Section 96 of the Act, provided that the changes do not affect the form, shape or size of the building.

Proposed colours must be consistent with the provisions of Section D2.2.3 of Council's Development Control Plan 2014. White colours are not permissible.

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

**29. 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](http://www.longservice.nsw.gov.au) or at Council's Administration Office, Station Street, Mullumbimby. When 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.

**30. 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.

**31. Privacy controls. Amendment to the plan required**

The elevated deck on the northern and eastern elevation/s has the potential to reduce the level of privacy enjoyed by the occupants of the adjoining development to the east.

The plans submitted for approval of the Construction Certificate must be amended to include a privacy screen constructed on the western end of the verandah.

The 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 1.8m high.

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

**32. Arborist Report**

The application for a Construction Certificate is to be accompanied by a report by a qualified Level 2 Arborist relating to the preferred placement and type of footings for the proposed dual occupancy dwelling (including expanded dwelling module) with the aim of minimising impacts to the root system of the mature trees to be retained on site. The plans and specifications approved as part of the Construction Certificate are to accord with the recommendations of the Arborist Report.

**The following conditions are to be complied with prior to any building or construction works commencing for either Stage 1 or Stage 2**

**33. Erosion and Sediment Control Management Plan required**



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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.**

34. **Erosion and sediment measures**

Where erosion of soils or runoff of any substance is likely to occur, erosion and sedimentation controls are to be in place in accordance with the Guidelines for Erosion & Sediment Control on Building Sites. This may include stockpiled materials such as sand, etc.

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).

35. **Acid sulfate soil assessment**

Works involving excavations below the natural ground surface in the footprint of the proposed expanded dwelling module, or below 1m below the natural ground surface in any other part of the site, must not commence until an acid sulfate soil assessment has been undertaken and the results submitted to Council for approval, together with details of any measures needed for the management of these soils. This assessment must be in accordance with the Acid Sulfate Soil Manual (NSW ASSMAC 1998).

36. **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.

37. **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.

38. **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.

39. **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](http://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.

**The following conditions are to be complied with during any building or construction works for either Stage 1 or 2**

40. **Trees to be protected**

Trees to be retained are to be protected by a fence so as to minimise disturbance to existing ground conditions within the dripline of the trees. The fence is to be constructed:

- a) with a minimum height of 1.2 metres,
- b) outside the dripline of the tree,
- c) of steel star pickets at a maximum distance of 2metres between pickets,
- d) using a minimum of 3 strands of steel wire,
- e) to enclose the tree, and
- f) with orange barrier mesh, or similar, attached to the outside of the fence and continuing around its perimeter

The fence is to be maintained for the duration of the site clearing, preparation and construction works.

41. **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.**

42. **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.**

43. **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.

44. **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.

45. **Fill to be retained on the subject land**

Fill material must not encroach onto any adjoining land.

46. **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.**

47. **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.

48. **Stormwater drainage work**

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

49. **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.

50. **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) [www.environment.nsw.gov.au/resources/waste/08202classifyingwaste.pdf](http://www.environment.nsw.gov.au/resources/waste/08202classifyingwaste.pdf)

51. **Maintenance of fencing to protect trees**

Fencing required to protect trees to be retained is to be maintained for the duration of the site clearing, preparation and construction works. During site works and construction all measures are to be taken to prevent damage to trees and other vegetation (including root systems) to be retained.

No building materials or other items are to be placed or stored within the fenced off areas.

A qualified arborist experienced in tree management must be present on a full or part-time basis

to advise on the maintenance of the trees for their protection for the duration of the project.

**52. Care to be taken when placing services or footings near trees**

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

**53. Burning of felled trees prohibited**

The burning of trees and associated vegetation felled during clearing operations is not permitted. Where possible, vegetation is to be mulched and reused on the site.

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

**54. 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 Councils road/footpath reserve.

**55. Compliance with bushfire conditions**

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

**56. 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 prior to the issue of a subdivision certificate**

**57. Plan of Subdivision**

An Administration Sheet (Original plus one (1) copy) and four (4) copies of the plan of subdivision, in accordance with the approved, are to be submitted with the application for a subdivision certificate. The location of all buildings and/or other permanent improvements including fences and internal access driveways/roads must be indicated on 1 of the copies.

**58. 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

**59. Internal driveway in accordance approved plans**

A driveway is to be constructed from the Cemetery Drive property boundary of Lot 2 DP880389

to the proposed car space(s) on Proposed Strata Lot 2 in accordance with the approved plans.

60. **Mail Box to be provided for Lot 2**

A mailbox is to be provided for Strata Lot 2 in a position readily accessible from Cemetery Drive. The mailbox is to be located on existing Lot 21 DP 838192 and is to form part of either Strata Lot 2 or Common Property.

61. **Additional Carparking Space for Lot 1**

An additional carparking space is to be provided on Strata Lot 1 adjacent to the existing parking space on the property. This space is to be sealed.

62. **Certificate of Compliance – Water Management Act 2000**

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

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

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

Application forms are available from Council's administration building or online at [https://www.byron.nsw.gov.au/files/assets/public/hptrim/water-supply-supply-and-distribution-applications-to-connect-to-water-supply-\[f466\]-2014/e2014-16779-master-section-305-water-management-act-strata-and-freehold-application-form.pdf](https://www.byron.nsw.gov.au/files/assets/public/hptrim/water-supply-supply-and-distribution-applications-to-connect-to-water-supply-[f466]-2014/e2014-16779-master-section-305-water-management-act-strata-and-freehold-application-form.pdf) to be submitted for a Certificate of Compliance.

63. **Section 88B Instrument**

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

a) **Positive Covenant – Dual Occupancy**

Creation of a positive covenant to ensure the future development of proposed Lot 2 is carried out in accordance with this development consent. The terms of such covenant must also include provisions for any amendments or changes to the future development to be consistent with Council's planning provisions for dual occupancy developments.

b) **Rights of Carriageway**

The creation of suitable rights of carriageway over the access burdening Lot 2 DP880389 and benefitting proposed Lot 2 of the development.

c) **Easement for Services**

The creation of suitable easements for services over all services and/or service conduits located inside Lot 2 DP880389, where not created as common property.

d) **Easement for Electricity**

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

e) **Restricting Development – On-site Stormwater Detention**

Restricting residential development of proposed Lot 2 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) **Positive Covenant – On-site Stormwater Detention**

Creation of a positive covenant over proposed Lot 2 to ensure the maintenance of the future on-site stormwater detention system.

g) **Asset Protection Zone**

Creation of a positive covenant over Lots 1 and 2 specifying that the entire property 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'.

64. **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 for the dwelling or a subdivision certificate (whichever comes first). Contributions are levied in accordance with the Byron Shire Developer Contributions Plan 2012 (as amended). The Plan may be viewed on line at [www.byron.nsw.gov.au](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.

Section 94 contributions Schedule for Byron Bay Suffolk Park Catchment						
This schedule was calculated in spreadsheet #E2015/28112						
1 bedroom units =	0	@	0.55 SDU	=		0
2 bedroom units =	0	@	0.75 SDU	=		0
3 bedroom units/dwellings =	0	@	1 SDU	=		0
Allotments =	2	@	1	=		2
Less Site Credits =	1	@	-1	=		-1
Total SDU				=		1
Schedule valid until			24/04/2019	After this date contact Council for CPI update.		
Local Open Space & Recreation	(OS-BB)	1.00	SDU @	\$ 4,175.38	=	\$ 4,175.38
LGA Wide Open Space & Recreation	(OS-SW)	1.00	SDU @	\$ 751.53	=	\$ 751.53
LGA wide Community Facilities	(CF-SW)	1.00	SDU @	\$ 1,100.69	=	\$ 1,100.69
Local Community Facilities	(CF-BB)	1.00	SDU @	\$ 1,240.30	=	\$ 1,240.30
Bikeways & Footpaths	(CW-BB)	1.00	SDU @	\$ 1,375.00	=	\$ 1,375.00
Shire Wide Bikeways & Footpaths	(CW-SW)	1.00	SDU @	\$ 80.74	=	\$ 80.74
Urban Roads	(R-BB)	1.00	SDU @	\$ 3,114.81	=	\$ 3,114.81
LGA Wide Roads	(R-SW)	1.00	SDU @	\$ 227.41	=	\$ 227.41
Rural Roads	#N/A	1.00	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	1.00	SDU @	\$ 1,136.75	=	\$ 1,136.75
<b>Total</b>					=	<b>\$ 13,202.61</b>

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

65. **Use of dwelling houses**

The dwelling houses, including the expanded dwelling module on Lot 2, are not to be holiday let or used as tourist and visitor accommodation.

66. **Entire property to be maintained as IPA**

The entire property 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'.

## **SCHEDULE 2      PRESCRIBED CONDITIONS**

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

- Clause 98      Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
- Clause 98A      Erection of signs
- Clause 98B      Notification of Home Building Act 1989 requirements
- Clause 98E      Condition relating to shoring and adequacy of adjoining property

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

## **SCHEDULE 3      NOTES**

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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.

#### **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)**

##### Stage 1

Water	0 ET
Bulk Water	0 ET
Sewer	0 ET

##### Stage 2

Water	1.00 ET
Bulk Water	1.00 ET
Sewer	1.00 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.