

CONDITIONS OF CONSENT:

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:

Plan No.	Description	Prepared by	Dated:
1 of 9	Partial Site Plan	Parameter Designs	28/03/2018
1A of 9	Tree Removal Plan	Parameter Designs/J Davidson	30/05/2019
2 of 9	Site Plan Existing Floor Plan	Parameter Designs	28/03/2018
3 of 9	Proposed Ground Floor Plan	Parameter Designs	28/03/2018
4 of 9	Proposed Upper Floor Plan	Parameter Designs	28/03/2018
5 of 9	Elevations	Parameter Designs	28/03/2018
6 of 9	Section	Parameter Designs	28/03/2018
-	Noise Level Impact Assessment	Craig Hill Acoustics	24/07/2018

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. **Leasing**
A lease must be applied for by the Brunswick Heads Surf Life Saving Club to Byron Shire Council and be signed by all parties prior to the commencement of construction work.

3. **Relics Provisions**
In accordance with NSW Heritage Act 1977 and the provisions of the Act in relation to the exposure of relics. The Act requires that if any relic is discovered in the course of excavation that will be disturbed, damaged or destroyed by further excavation;

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

4. **Public Access to Foreshore Reserve and Beach**
Access to all parts of the beach is to be maintained at all times.

5. **Bushfire safety measures**
This land is immediately adjoining a lot identified as being designated bushfire prone land. Due to the nature of the proposed building and for the purposes of minimising any potential risk of ember attack, the development is approved subject to the following conditions:

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:

1. Where the rear or most distant part of the building is greater than 70 metres from the nearest hydrant, a new hydrant is required to be installed as per Australian Standard AS 2419.1– 2005 'Fire Hydrant Installations'. Locations of fire hydrants are to be delineated by blue pavement markers offset 150mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located. Alternatively, an onsite 20000 litre water supply shall be provided for fire fighting purposes.
2. Electricity and/or gas services are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

3. Arrangements for emergency and evacuation are to comply with section 4.2.7 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:

4. The proposed development is to be constructed to prevent the entry of embers. This is to be achieved by enclosing all openings 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, and eaves. External doors are to be fitted with draft excluders.

6. Retained Trees

All trees to be retained in accordance with this development consent must be illustrated on any and all relevant Construction Plans, along with their Tree Protection Zones formulated in accordance with AS 4970-2009 – Protection of Trees on Development Sites.

7. Coastal Erosion

The development must cease if at any time the coastal erosion escarpment comes within twenty (20) metres of any building associated with this development. The buildings and works used in connection with the development must be removed immediately to an approved location by the owner of the land. The owner must return the landform of the subject land to the predevelopment state and suitably revegetate the land.

In this condition coastal erosion escarpment means the landward limit of erosion in the dune system caused by storm waves.

Note: at the end of a storm the escarpment may be nearly vertical; as it dries out, the escarpment slumps to a typical slope of 1 vertical to 1.5 horizontal.

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

8. Trade Waste - Section 68 Part C approval required

An **approval** under Section 68 Part C of the Local Government Act 1993 to discharge trade waste into Council's sewer must be obtained in accordance with NSW Office of Water

Liquid Trade Waste Regulations Guidelines 2009, Council's Liquid Trade Waste Policy and Liquid Trade Waste Guidelines.

Commercial, business, trade and industrial activities discharging or proposing to discharge to the sewer are required to notify Council and complete the Trade Waste Registration Form available at the Mullumbimby Office and from Council's website at:

http://www.byron.nsw.gov.au/files/publications/liquid_trade_waste_application_form_0.pdf

Trade Waste approval is required prior to gain Section 68 Part B approval to carry out water supply work and sewerage work.

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

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

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

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

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

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

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

Note: Copies of the application forms for Certificates of Compliance are available on Council's website http://www.byron.nsw.gov.au/files/Forms/Section_305_Certificate.pdf or from Council's Administration Office. Copies of Byron Shire Council's Development Servicing Plans are available at Council's Administration Office.

Developer charges will be calculated in accordance with the Development Servicing Plan applicable at the date of payment. A check must be made with Council to ascertain the current rates by contacting Council's Principal Engineer Systems Planning, Water on 02 6626 7081. Applicable charges can be found on Council's website:

<http://www.byron.nsw.gov.au/development-contributions-plans-section-94-and-64>

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

Payment by Personal or Company Cheque will not be Accepted

11. **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.

12. **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

- b) batters, has been assessed as structurally adequate, 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.

13. **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.

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

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

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

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

15. **Stormwater Drainage – Infiltration Trench**

The application for a Construction Certificate is to include plans and specifications for stormwater drainage in accordance with the relevant Australian Standard. All stormwater drainage for the development must be conveyed by a gravity system to an infiltration trench or trenches complying with the requirements of Council's *Comprehensive Guidelines for Stormwater Management*.

The infiltration trench or trenches must be designed by a qualified practising Civil Engineer to fully infiltrate the 20 year ARI runoff from all impervious areas of the proposed development for all storm durations without surcharge onto neighbouring properties. 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.

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

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

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

Parking (Off street)

Driveway (commercial areas)

The works shall include the re-surfacing of su
signposting and traffic calming devices such as
A driveway in accordance with Council's stan
Rivers Local Government Development Desig
Manuals and Standard Drawings". The footpa
be designed to provide a cross fall of 1 % or 1

**Mullumbimbi St/Brunswick
Terrace/South Beach Road**

2.5% or 1 in 40) for a width of at least 2.4 metres to provide pedestrians with access disabilities.
Provision of continuity lines through the major lane roads.

17. Traffic Management Plan

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

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

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

18. Construction Management Plan

- a) Construction & Traffic Management Plans (C&MP's) are required to be endorsed by Council prior to commencement of work. These plans must document workplace health and safety, traffic management (pedestrian & vehicular) and the proposed methods of work within the development work site and the associated public road network.
- b) Obtain Council approval for any vehicle crossing South Arm Bridge, Brunswick Heads with a GVM greater than the current Bridge Load Limit.

Prior to seeking approval from Council, the applicant is advised to request a quote from Council's Road and Bridge Engineer. The application does not guarantee approval.

The applicant is to submit, but is not limited to, the following details:

- Vehicle(s) make;
- Model(s);
- Gross Vehicle Mass (GVM); and
- Application fee.

19. Car parking layout, vehicle circulation and access plans required.

The application for a Construction Certificate is to include plans and specification that indicate access, parking and manoeuvring details in accordance with the plans approved by this consent.

The access, parking and manoeuvring for the site is to comply with the requirements of AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking and AS 2890.2 – 2010 - Parking facilities, Part 2: Off-street commercial vehicle facilities. Plans are to include, but not be limited to, the following items:

- a) 25 parking spaces;
- b) pavement design, comprising an all weather surface, such as asphalt, bitumen seal, concrete, pavers or other similar treatment;
- c) site conditions affecting the access;
- d) existing and design levels;
- e) longitudinal section from the road centreline to the car space(s);
- f) cross sections every 15 metres;

- g) drainage details;
- h) turning paths; and
- i) line marking and signage.

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

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

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

20. **Amended Plans to be submitted with the Construction Certificate**

The application for a Construction Certificate is to include plans and specifications that relocates the roller door access to the nippers storage area from the southern elevation to the western elevation. A double width roller door or two single roller doors are permissible. The pedestrian access along the southern side of the surf club from South Beach Road to the Beach Access to be reinstated at a suitable level grade in accordance with the relevant Australian Standards (AS1428).

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

21. **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.

22. **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

23. **Tree Protection Management Plan**

A tree protection management plan is to be prepared in accordance with AS 4970-2009 Protection of trees on development sites to be implemented during demolition and construction. Measures are to include:

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 (Standards Australia 2009). 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 (e.g. 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.
- g) Any pruning of native trees must be supervised by an Arborist qualified to a minimum of AQF 5 in Arboriculture and be the minimum pruning required for the construction. The pruning work must be carried out by an Arborist qualified to a minimum of AQF 3 in Arboriculture and be in accordance with the recommendations of the Australian Standard AS 4373-2007 *Pruning of amenity trees*

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. If these activities are required within the TPZ they may only occur under the supervision of the project arborist (minimum AQF level 5 qualified arborist). The Tree Protection Zone (TPZ) exclusion fence is to be maintained for the duration of the site clearing, preparation, construction and landscaping works.

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

24. **Tree Removal**

No trees or vegetation to be cleared or removed until and construction certificate is issued.

25. **External lighting plan to be submitted for approval**

The application for a Construction Certificate is to include plans and specifications that demonstrate that safe minimum standards of lighting (min. 0.2 Lux) can be provided without generation of undue glare and nuisance from the lighting installations. Lighting assessment and design should be undertaken by a suitably qualified professional with competence in the fields of illuminating engineering and environmental design in accordance with AS4282-1997: Control of the obtrusive effects of outdoor lighting and NSW WorkCover OH&S requirements.

26. **Unexpected Findings Protocol - Contamination & Remediation**

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

27. **Garbage storage enclosure to be provided**

The application for a Construction Certificate is to include plans and specifications that indicate the proposed waste material store area. The proposed garbage store area is to be fully screened from public view and designed and constructed to provide sufficient capacity for the range of waste storage containers required for all the waste management activities conducted in association with the development.

Adequate ventilation, lighting, fire response and access to be provided to ensure safe and healthy conditions can be maintained for the protection of workplace health and safety. Provision to be made for waste collection vehicle movement and lifting height requirements for all types of waste storage bins.

Such plans and specifications must be approved prior to the issuing of the Construction Certificate.

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

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

WORKS shall NOT be issued until any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid (as applicable).

These payments can be made online at www.longservice.nsw.gov.au. Proof of payment is required to be submitted with the Construction Certificate application.

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

29. **Details of acoustic treatments for building construction to be submitted for approval**
The application for a Construction Certificate is to include plans and specifications that demonstrate the inclusion of acoustic treatments as recommended in Noise Level Impact Assessment prepared by Craig Hill Acoustics dated 24/07/2018. Such plans and specifications must be approved as part of the Construction Certificate for building works.
30. **Details of onsite mechanical plant design to be submitted for approval**
The application for a Construction Certificate is to include detail of on-site mechanical plant design. Such plans and specifications must be approved as part of the application for a Construction Certificate for building works.

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

31. **Traffic Management Plan**
The approved traffic management plan is to be implemented.
32. **Construction Management Plan**
The approved construction management plan is to be implemented.
33. **Public safety requirements**
All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. The public liability insurance cover, for a minimum of \$20 million, is to be maintained for the duration of the construction of the development. Council is not held responsible for any negligence caused by the undertaking of the works.
34. **Erosion and Sediment measures**
Erosion and sedimentation controls are to be in place in accordance with the *Guidelines for Erosion & Sediment Control on Building Sites*. A copy may be downloaded from Council's web site at http://www.byron.nsw.gov.au/pdfs/stormwater/sediment_erosion.pdf. Particular attention is to be given to the provision of the following sediment and erosion control measures:
- a. Temporary driveway from the edge of road to the building site;
 - b. Temporary downpipes immediately installed after the roof has been erected;
 - c. Silt fence or sediment barrier.

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

Note: Council may impose on-the-spot fines for non-compliance with this condition. 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. **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.
36. **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.
37. **Tree Protection Management**
Prior to the commencement of any works the tree protection management plan prepared in accordance with AS 4970-2009 Protection of trees on development sites is to be implemented prior to demolition and during construction related to the tree protection zones for each of the trees under the supervision of a minimum AQF level 5 qualified arborist. The Tree Protection Zone (TPZ) exclusion fence is to be maintained for the duration of the site clearing, preparation, construction and landscaping works.
38. **Tree Pruning by suitably qualified person**
Pruning of overhanging limbs from the Cottonwood Hibiscus tree identified on Drawing 1a of 9 are to be undertaken under the supervision of a minimum AQF level 5 qualified arborist. The pruning work must be carried out by an Arborist qualified to a minimum of AQF 3 in Arboriculture and be in accordance with the recommendations of the Australian Standard AS 4373-2007 *Pruning of amenity trees*.
39. **Tree Removal**
No trees or vegetation to be cleared or removed other than 2 Lilli Pilli trees identified on drawing No. 1a of 9.
40. **Acid Sulfate Soil Assessment**
Works involving excavations beyond one (1) metre below natural ground surface 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).

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

41. **Details of Building Construction – Acoustic Treatments**
Approved building construction design for noise mitigation must be incorporated during construction for building works.
42. **Demolition / Construction times**
Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises, can only occur:
- a) Monday to Friday, from 7 am to 6 pm.
 - b) Saturday, from 8 am to 1 pm.
 - c) 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.

43. **Demolition / 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.

44. **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.

45. **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.

46. **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.

47. **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.

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

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

49. **Demolition, construction and building 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 Licensed Waste Facility. All wastes removed from the site must be managed and disposed of in accordance with NSW DECC Waste Classification Guidelines (2014)
www.environment.nsw.gov.au/resources/waste/08202classifyingwaste.pdf

50. **All excavated soils to be disposed of off-site**
All excavated soils to be disposed of off-site and in accordance with NSW DECC Waste Classification Guidelines (2014) and approved environmental management plans.

51. **Care to be taken when placing services near trees**
To minimise root disturbance where services are to be laid in close proximity to trees, any excavation within the Tree Protection Zone (TPZ) for installation of underground services is to be done by directional drilling or in manually excavated trenches in accordance with Section 4.5.5 of AS4970-2009. Works must be conducted under the supervision of the project arborist (minimum AQF level 5 qualified arborist), and may include the use of pneumatic or hydraulic tools such as air knives.
52. **Relics Provisions**
In accordance with NSW Heritage Act 1977 and the provisions of the Act in relation to the exposure of relics. The Act requires that if any relic is discovered in the course of excavation that will be disturbed, damaged or destroyed by further excavation;
- Those responsible for the discovery must notify nominated management personnel who will in turn notify the Heritage Council of New South Wales or its delegate, the Office of Environment and Heritage, NSW Heritage Branch, and suspend work that might have the effect of disturbing, damaging or destroying such relic until the requirements of the NSW Heritage Council have been satisfied (ss139, 146).
53. **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.
54. **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.**
55. **Stormwater drainage work**
Stormwater drainage for the development must be constructed in accordance with the approved plans and specification by a suitably qualified person.

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

56. **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.
57. **Access and parking areas to be completed.**
The access and parking areas are to be constructed in accordance with the approved plans and Roads Act consent.
58. **Internal driveway in accordance approved plans**
A driveway is to be constructed from the property boundary to the proposed car space(s) in accordance with the approved plans.

59. **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](#)

60. **Operational Noise Limits**

The application for an Occupation Certificate is to include a report for an Acoustic Engineer that provides the maximum operational noise level for the development. Testing must result in the noise level dB(A) within the development that ensures that neighbourhood amenity is protected. Reporting must have regard for recommendations specified in Noise Level Impact Assessment prepared by Craig Hill Acoustics dated 24/07/2018. Noise levels must be approved by Council prior issue of the Final Occupation Certificate for the development.

61. **Operational Management Plan**

The application for an Occupation Certificate is to include an Operational Management Plan (OPM) that provides sufficient information detailing how the operations will be managed in relation to but not limited to noise, patron behaviour, staffing, crime prevention and other operational requirements. The OPM must include operational noise levels approved by Council. Preparation of the OPM must be in accordance with Council's DCP D4.2.10 (4) by a suitably qualified person.

The Operational Management Plan (OPM) must be approved prior to the issue of a Final Occupation Certificate.

62. **Unexpected Findings Protocol - Contamination & Remediation**

The works engineer must certify to the Principal Certifying Authority that all works have been carried out in accordance with the approved Unexpected Findings Protocol (UFP).

63. **Certification Required**

Prior to the issue of an Occupation Certificate the Works Engineer must provide to the PCA an Asbestos Clearance Certificate from a suitably qualified and authorised Asbestos Removal Specialist.

64. **Compliance with the NSW Food Act 2003 and Food Regulation 2015**

The food premises must be constructed to comply with the New South Wales Food Act 2003 and Food Regulation 2015.

The food premises must be constructed to comply with the New South Wales Food Act 2003 and Food Regulation 2015.

Requirements of Food Standard Code 3.2.3 and Australian Standard AS4674 – 2004 “Design, construction and fit-out of food premises” to be considered to achieve the necessary construction standards for the food business.

The operator shall obtain a satisfactory inspection from Councils Environmental Health officer prior to commencing the operation of the food premises. A minimum of twenty-four hours notice is required prior to inspection. Inspections can be arranged by telephoning 6626 7054 during normal office hours. A fee is levied upon the operator for such inspections.

65. **Trade Waste**
An approved trade waste device shall be installed, inspected by Council and maintained to ensure that all relevant environment protection and plumbing code standards are satisfied
66. **Exhaust System**
On completion of the kitchen exhaust-hood installation, provide a certificate and system specifications detailing the air flow velocity readings to Council. The certificate should be completed by a suitably qualified professional and shall ensure that the installation satisfies AS1668.2 "Mechanical ventilation for acceptable indoor-air quality"
67. **Airlock**
An airlock shall be constructed between the toilet facilities and internal workspaces to prevent the transfer of contaminants into the food business and comply with the Building Code of Australia.
68. **Compliance with bushfire conditions**
Documentary evidence from a suitably qualified professional is to be submitted demonstrating that the bush fire conditions of this Notice of Determination have been complied with.

The following conditions are to be complied with at all times

69. **Public Access to Foreshore Reserve and Beach**
Access to all parts of the beach is to be maintained at all times.
70. **Leasing**
A current lease for the Brunswick Heads Surf Life Saving Club over the land occupied must be in place at all times.
71. **Equipment to be stored within building**
All equipment and the like are to be stored wholly within the Surf Life Saving Club building and not on any driveways, car parking spaces, landscaped areas or on footpaths. Separate development consent may be required for external work or storage.
72. **Waste bin enclosure**
All waste bins and skip bins must be stored in the approved waste storage enclosure.
73. **Noise Levels**
Noise Level must comply with noise levels approved by Council being subject to compliance noise testing prior to the issue of the Final Occupation Certificate for the development.
74. **Operational Management Plan**
The development shall be operated in accordance with Operational Management Plan approved by Council at all times.
75. **Loading and unloading not to occur on the street**
The loading and unloading bay must be available at all times for the loading and unloading of goods for the development. All loading and unloading is to take place within the curtilage of the premises.
76. **Public Health**
The development must be in accordance with the Public Health Act 2010 and Public Health Regulation 2012 and all other regulatory requirements.
77. **Access must be permitted to Council officer**
Access must be permitted to any authorised Council officers during normal business hours

for the purpose of ensuring compliance with consent conditions.

78. New South Wales Food Act 2003 and Food Regulation 2015

The development must be operated and maintained to ensure that the requirements of the Food Act 2003 and Food Regulation 2015 (incorporating Food Standard Code) are satisfied at all times. Access to the Food Standard Code is available at <http://www.foodstandards.gov.au> the operator is required to ensure that the business is registered with the NSW Food Authority. Notification may be carried out or updated when required at <http://www.foodnotify.nsw.gov.au>

79. Trade Waste

All trade waste pre-treatment devices must be serviced and maintained to ensure that all relevant environment protection standards are satisfied.

80. Hours of Operation – Bookings / Functions

The development must not unreasonably interfere with the amenity of the neighbourhood. In particular operating noise, when audible on adjoining residential premises, can only occur:

Function Room:

Sunday to Thursday - 9.00am to 10pm

Friday and Saturday - 9.00am to 11.30pm

81. No Interference with Amenity of Neighbourhood

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

- a) Any complaints to Council about 'offensive' noise will be dealt with under the provisions of the Protection of the Environment Operations Act 1997.
- b) Only clean and unpolluted water is permitted to be discharged to Councils' stormwater drainage system or any waters.
- c) All wastes shall be contained within appropriate containers fitted with a tight-fitting vermin-proof lid.
- d) All trade waste pre-treatment devices and other waste storage facilities shall be serviced and maintained to ensure that all relevant environment protection standards are satisfied.
- e) Goods deliveries shall be restricted to daytime operating hours.

SCHEDULE 2 PRESCRIBED CONDITIONS

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

- | | |
|------------|--|
| Clause 98 | Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 |
| Clause 98A | Erection of signs |
| Clause 98B | Notification of Home Building Act 1989 requirements |

Clause 98E Condition relating to shoring and adequacy of adjoining property

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

SCHEDULE 3 NOTES

Construction Certificate required:

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

Principal Certifying Authority:

Work must not commence until the applicant has:-

- 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.

NSW Smoke-free Environment Amendment Act 2004

The development shall comply with the provisions of the NSW Smoke-free Environment Amendment Act 2004.

Penalties apply for failure to comply with development consents

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

Plumbing Standards and requirements.

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

Relics Provisions- Advice

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

- a) a relic is suspected, or there are reasonable grounds to suspect a relic in ground, that is likely to

- be disturbed damaged or destroyed by excavation; and/or
- b) any relic is discovered in the course of excavation that will be disturbed, damaged or destroyed by further excavation;

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

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	23.88 ET
Bulk Water	23.88 ET
Sewer	34.36 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.