

RECORD OF DECISION THE NORTHERN JOINT REGIONAL PLANNING PANEL

Members:

Garry West	Chair
John Griffin	Panel Member
Pamela Westing	Panel Member

Apology: Nil

Declarations of Interest: Nil

The Panel considered the following application via email and this is a record of the process and decision.

Business Item

ITEM 1 - 2011NTH017 – Byron Shire Council - 10.2011.162.1 - Mixed Use development comprising 68 residential dwellings, plus commercial and creative industry and ancillary works, plus subdivision - Lot 3 DP 1004514, Bayshore Drive, Byron Bay

Development application DA10.2011.162.1 was considered at the panel meeting held on 15 December 2011 at the Mullumbimby Ex-Services Club. At this meeting it was moved that: *"That ITEM 1 - 2011NTH017 be deferred to allow the applicant to undertake further discussion with Council on matters discussed today, based on the letter from Geolink dated 13 December (ref 291036)".*

On 22 February 2012, the Panel Secretariat circulated an addendum report prepared by Byron Shire Council which detailed amendments made to the proposed conditions of consent and provided a revised set of proposed conditions of consent.

The Panel Chair proposed the following resolution to the panel members on 22 February 2012:

"That Development Application DA10.2011.162.1 for a mixed use development comprising 68 residential dwellings plus commercial and creative industry and ancillary works, plus subdivision, at Lot 3 DP 1004514, Bayshore Drive, Byron Bay be approved subject to the conditions provided in Council's 'Addendum to Development Application Evaluation Report' (Doc No. #1193409), and these conditions be included in the record of decision. Further, Byron Shire Council to be notified of the decision and requested to issue the Notice of Determination."

The Panel Members (John Griffin and Pamela Westing) agreed with the resolution as proposed by the Panel Chair. Therefore, the following resolution is made by unanimous decision.

Resolved

"That Development Application DA10.2011.162.1 for a mixed use development comprising 68 residential dwellings plus commercial and creative industry and ancillary works, plus subdivision, at Lot 3 DP 1004514, Bayshore Drive, Byron Bay be approved subject to the

conditions included in Appendix 1, and these conditions be included in the record of decision. Further, Byron Shire Council to be notified of the decision and requested to issue the Notice of Determination."

Endorsed by

A handwritten signature in blue ink that reads "Garry West". The signature is written in a cursive, flowing style.

Garry West
Chair, Northern Joint Regional Planning Panel
24 February 2012

APPENDIX 1

CONDITIONS OF CONSENT

CONDITIONS OF CONSENT – Section 80(1) of EP&A Act 1979:

Parameters of Consent

1) Development is to be in accordance with approved documents

The development is to be in accordance with the documents detailed in the table below, as modified by red ink and any conditions of this consent:

Ref No.	Description	Prepared by	Date
0291 EN 303 A	Parking, Pedestrian and Cyclist Facilities	GeoLINK	Rev A 01/11/2011
0291 AR 01 D	Masterplan	Dominic Finlay Jones Architects	Rev D 04/11/2011
0291 AR 02 B	Commercial Precinct GF Plan	Dominic Finlay Jones Architects	Rev B 04/11/2011
0291 AR 03 B	Commercial Precinct FF Plan	Dominic Finlay Jones Architects	Rev B 04/11/2011
0291 AR 04 A to 0291 AR 17 A	Architectural plans for commercial component	Dominic Finlay Jones Architects	Rev A 12/04/2011
0291 AR 18 B to 0291 AR 19 B	Industrial Precinct GF & FF Plan	Dominic Finlay Jones Architects	Rev B 04/11/2011
0291 AR 20 A	Industrial Typical Building	Dominic Finlay Jones Architects	Rev A 12/04/2011
0291 AR 21 B	Recreation R1	Dominic Finlay Jones Architects	Rev B 24/08/2011
0291 AR 22 B to 0291 AR 23 B	Terrace Type A1-A3	Dominic Finlay Jones Architects	Rev B 04/11/2011
0291 AR 24 A	Terrace Type A1-A3	Dominic Finlay Jones Architects	Rev A 12/04/2011
0291 AR 25 C to 0291 AR 43 C	Architectural plans for live/work and residential components	Dominic Finlay Jones Architects	Rev C 04/11/2011
0291 AR 47 B to 0291 AR 50 B	Architectural plans for alternate finishes for residential dwellings	Dominic Finlay Jones Architects	Rev B 24/08/2011
0291 AR 43	Live Work Materials Schedule	Dominic Finlay Jones Architects	26/07/2011
Illustration 3.1	Staging Plan	GeoLINK	April 2011
Illustration 3.2	Subdivision – Community Scheme	GeoLINK	April 2011
Illustration 3.3	Subdivision – Neighbourhood Scheme	GeoLINK	August 2011
Report No. 291884	Waste Management Strategy Bayshore Village, Byron Bay	GeoLINK	14 April 2011
Report No. 0291646	Acid Sulfate Soils and Soil Contamination Assessment	GeoLINK	April 2007
291870	Integrated Water Cycle and Soil Management Plan	GeoLINK	14/04/2011
~	Community Management Statement. Bayshore Village. Lot 3 DP 1004514, Bayshore Drive, Byron Bay	Hickey Lawyers	~
0291 EN 303	Parking, Pedestrian and Cycling	GeoLINK	01/11/2011

	Facilities		
0291 EN 304	Road Layout and Levels	GeoLINK	April 2011
0291 EN 305	Typical Road Cross Sections	GeoLINK	April 2011
0291 EN 306	Bayshore Drive / Ewingsdale Road Intersection Upgrades	GeoLINK	April 2011
0291 EN 307	Stormwater Management Plan	GeoLINK	April 2011
291939	Statement of Environmental Effects and Appendices	GeoLINK	02/05/2011
0291 AR 51A	Terrace type A4-A2-A5	Dominic Finlay Jones Architects	21 December 2011

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) Staging of consent

This Development Consent is issued to enable the development to be carried out in multiple stages as described below and set out within the Staging Plan referenced as Illustration 3.1, dated April 2011. The Commercial, Residential, Industrial and Live/Work Stages may be carried out in any order or concurrently, provided that they are not commenced before the completion of the Site Preparation Stage. However, the Recreation Stage must be completed prior the commencement of any stage that incorporates a dwelling, including any Residential Stage, any Live/Work Stage, Commercial Stage 1 and Commercial Stage 2.

Site Preparation Stage and Community Title Subdivision:

All site preparation works building on the bulk earthworks that are approved under Development Consent No. 10.2008.360, including construction of drainage systems, all internal and external roads / laneways / footpaths, all roadside car parking spaces, the provision of water, sewer, electricity and communications supply throughout (by way of laying internal services and providing connection points for each building) and landscaping. Community Title Subdivision.

Commercial Stage 1:

Construction of the buildings B1, B2 and C1-C7, together with associated open space, landscaping, public art and the construction of Penny Lane and the associated internal car parking within the polygon labeled 'COM 1' within the Staging Plan, Illustration 3.1, dated April 2011;

Commercial Stage 2:

Construction of the terrace buildings containing dwelling types A1-A3 within the polygon labeled 'COM 2';

Commercial Stage 3:

Construction of the terrace buildings containing dwelling types A1-A3 within the polygon labeled 'COM 3';

Residential Stage 1:

Construction of the buildings on the northern and southern side of Fast Lane within the polygons labeled 'RES 1' & 'RES 2' and associated landscaping;

Residential Stage 2:

Construction of the buildings on the southern side of Easy Street within the polygon labeled 'RES 3' and associated landscaping;

Residential Stage 3:

Construction of the buildings on the southern side of Easy Street within the polygon labeled 'RES 3' and associated landscaping;

Residential Stage 4:

Construction of the buildings on the western side of Alphabet Street within the polygon labeled 'RES 4' and associated landscaping;

Recreation Stage:

Construction of the community recreation area;

Live/Work Stages 1-4:

Construction of the four live/work buildings within the polygons labeled 'L/W 1', 'L/W 2', 'L/W 3' & 'L/W 4' and associated landscaping;

Industrial Stages 1 & 2:

Construction of the buildings and associated loading, parking and landscaping within the Industrial precinct nominated within the polygon labeled 'IND 1' & 'IND 2';

3) Road / Street / Lane names

No approval is provided for the names provided within the architectural drawings of the roads / streets / lanes within the development. The use of the various names within this development consent is for reference purposes only. Final names are subject to separate agreement.

4) Description of development and structure of consent

Consent is issued for the construction of a mixed residential, commercial, retail and creative industrial development within the site, which includes 67 dwellings (which include attached work spaces to be used in association with those dwellings), retail spaces, offices/professional suites, industrial units, a canteen, a health spa, a recreation facility, open space and landscaping.

No approval is provided for the café and adjacent outdoor seating shown within Building IND 3 on the Masterplan, Drawing No. 0291 AR 01, dated 04/11/2011.

No approval is provided for any showers or kitchens within the workspaces and/or home offices of the individual dwellings within the site. The workspaces and/or home offices must only be used in association with the adjoining dwelling.

This Development Consent is divided into the following three Parts:

Part A – contains Conditions that are applicable to the Subdivision of the site as outlined within the plan titled "Subdivision - Community Scheme" (Illustration 3.2, dated April 2011) and the works described within the Site Preparation and Community Title Subdivision Stage;

Part B – contains Conditions that are applicable to each and every Commercial, Industrial, Live/Work and Residential Stage, including the Subdivision of the site as outlined within the plan titled "Subdivision - Neighbourhood Scheme" (Illustration 3.3, dated August 2011);

Part C – contains Conditions that are applicable to all Stages

The 'Parameters of this Consent' not contained within Part A, Part B or Part C and the 'Notes' contained at the end of the consent apply to all Parts of the development consent.

5) Modification of development consent No. 10.2008.360

In accordance with Section 80A(1)(b) of the Environmental Planning and Assessment Act 1979, this condition requires the modification of Development Consent No. 10.2008.360 as follows:

- a) Only the bulk earthworks contained within the Site Preparation Stage has approval to proceed under Development Consent No. 10.2008.360.
- b) Any works beyond the bulk earthworks within the Site Preparation Stage under Development Consent No. 10.2008.360 no longer have approval and such works are superseded by the development consent contained herewith.

Prior to the issue of any Construction Certificate for this consent, a Notice of Modification of Development Consent No. 10.2008.360 must be submitted to Council incorporating the

modifications described within this condition in accordance Clause 97 of the Environmental Planning and Assessment Regulation 2000.

6) Bush Fire Safety Authority

The development must be carried out in accordance with the Bush Fire Safety Authority issued by the NSW Rural Fire Service under the Rural Fires Act 1997, dated 16 June 2011, or as amended in writing by the NSW Rural Fire Service.

PART A - THE FOLLOWING CONDITIONS ARE APPLICABLE TO THE SITE PREPARATION AND COMMUNITY TITLE SUBDIVISION STAGE ONLY:

Parameters of Consent

7) Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

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

8) Development consent No. 10.2009.12 to be surrendered

Development consent No. 10.2009.12 must be formally surrendered in accordance with the Environmental Planning and Assessment Regulation 2000.

9) Development consent No. 10.2008.360 is modified by this consent.

Development consent No. 10.2008.360 is modified by this consent pursuant to section 80A(1)(b) of the Environmental Planning and Assessment Act 1979. Development consent No. 10.2008.360 is modified to be for only those works approved in Construction Certificate 11.2008.360.1 being for Site Works, Retaining Walls, Filling, Roads & Drainage Services.

10) Detailed landscaping plan required

Prior to the issue of a Construction Certificate for the Site Preparation Stage, a detailed landscaping plan must be submitted to Council and approved by Council's Ecologist. The detailed plan must include all landscaping within publicly accessible areas of the site that are outside the Residential, Live/Work, Industrial and Commercial polygons shown within Illustration 3.1, dated April 2011. This includes all road reserves, verges, street planting, planting bays adjacent to car parking and general open space areas. In addition, the landscaping plan must include details of ecological restoration works to be provided within the area shaded in red on Drawing No. 0291 AR 01 D, dated 04/11/2011, titled 'Masterplan'.

The landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions of Part H of Development Control Plan 2002. Species identified in Part H of Development Control Plan 2002 are to be planted wherever possible. The plan must not include species that represent translocation of native plants outside their geographic range, potential or known environmental weeds or species with potential for genetic pollution. 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.

The plan is to be prepared by a suitably qualified landscape architect / architect / ecologist who has appropriate experience and competence in landscaping. The NSW Rural Fire Service requires that landscaping of the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.

Following approval by Council's Ecologist, such plans and specifications must be approved as part of the Construction Certificate.

11) 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 and/or trade waste must be obtained prior to the issue of a Construction Certificate.

The application for approval under Section 68 must include two sets of hydraulic plans of the proposed development drawn by a practising hydraulic engineer. These plans are to be compliant with the following standards:

- AS3500 – 2003 plumbing and drainage
- The NSW Code of Practice for Plumbing and Drainage
- AS2419.1 Fire hydrants installations
- AS2441 installation of fire hose reels
- Water Services Association of Australia

12) 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 Plan must clearly demonstrate the measures to be adopted to prevent pollution of acid frog habitat during construction. This should include prevention of sediment loss through erosion and measures to minimise dust pollution during deposition of fill and at all times until construction is

complete. The proposed plan should include an additional check dam below the site exit point and sediment fencing installed prior to fill being deposited on-site. The bunded area for hazardous materials should be placed further away from the threatened frog habitat to avoid possible contamination of that area.

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".

13) Characteristics of filling material

Documentation must be provided to verify the soil characteristics of the material to be used for filling. This should be assessed by Council to ensure that the material used will not result in alteration to pH and nutrient levels in the adjacent wetlands via runoff both during construction and post-development.

14) Stormwater Management

The application for a Construction Certificate is to include plans and specifications that indicate stormwater management for the site, in accordance with the approved Integrated Water Cycle and Soil Management Plan, AS/NZS 3500.3:2003 - Plumbing and drainage, Part 3: Stormwater drainage and Part N of DCP 2010.

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

15) Retaining walls

The application for a Construction Certificate is to include plans and specification that indicate retaining walls in accordance with the plans approved by this consent.

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.

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 Specification for Engineering Works and are to provide for the following works:

Driveways

Driveways in accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings". Such works to include the adjustment and/or relocation of services as necessary to the requirements of the appropriate service authorities. A minimum clearance of 500mm shall be provided to power poles, stay poles and the like.

2.5 m wide footpath/cycleway

2.5m wide foot/cycle path for the full length of the Bayshore Drive frontage of the site and along the STP Road from Bayshore Drive to the site entrance to "SIMPSON STREET", at a crossfall of 1 % or 1:100 (maximum 2.5% or 1 in 40).

Footpath embellishment

Grading, trimming, topsoiling and turfing of the unpaved footpath area.

Adjustment of Services

Footpath works are to include the adjustment and/or relocation of services as necessary to the requirements of the appropriate service authorities and to ensure that the services are constructed flush with the finished surface levels.

Kerb & gutter, road pavement and drainage

Concrete edge restraint, road pavement (minimum 7m wide carriageway), and associated drainage construction, footpath formation including any necessary relocation of services to the full frontage of the site for the STP road. Existing road pavement must be tested and upgraded as necessary.

Concrete edge restraint, road pavement (minimum 9m wide carriageway), and associated drainage construction, footpath formation including any necessary relocation of services to the full frontage of the site for Bayshore Drive and across the intersection of Sunrise Boulevard connecting into the existing kerb and gutter with suitable transitions and drainage provision.

Road works must be generally consistent with the recently constructed works on Bayshore Drive to the north east of the subject site.

Intersection Works

The intersection of Bayshore Drive and the STP road is to be designed in accordance with Council's standards. Existing street plantings at STP Road / Bayshore Drive intersection must be replaced with low growing species as necessary to provide adequate sight distances.

The left turn lane on Bayshore Drive at the Ewingsdale Road intersection must be extended towards Grevillea Street to Council's satisfaction. Details, compliant with the relevant standards, must be submitted to demonstrate that the works required to achieve this do not compromise access to the adjoining properties (i.e. turning paths for the largest service vehicles to be provided) or the existing bus bay (eg. indented bus bay provided). Such works to include the adjustment and/or relocation of services as necessary to the requirements of the appropriate service authorities. The provision of regulatory signage must be approved by the Local Traffic Committee.

Pedestrian/bicycle refuge

A pedestrian/bicycle refuge adjacent to southern property boundary on Bayshore Drive. The pedestrian refuge is to be designed in accordance with Australian Standard 1742.10 – Manual of Uniform Traffic Controls – Pedestrian Control and Protection and Traffic Authority of New South Wales Guidelines for Traffic Facilities, Part 4.2 – Pedestrian Refuges and/or section 6.7.2.3(b) of AustRoads Part 14 - Bicycles. The design is to address siting, signs, linemarking, parking restrictions and night-time visibility.

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

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

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

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

18) 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 Council's DCP 2010, AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking and AS 2890.2 – 2002 - Parking facilities, Part 2: Off-street commercial vehicle facilities. Plans are to include, but not be limited to, the following items:

- a) pavement description (permeable paving must be used wherever suitable);
- b) site conditions affecting the access;
- c) existing and design levels;
- d) longitudinal sections;
- e) cross sections every 15 metres;
- f) drainage;
- g) turning paths and turning area for any dead end parking aisles;
- h) linemarking and signage, any regulatory signage must be approved by Council's Local Traffic Committee;
- i) dimensions of all parking spaces and access aisles (including widening on curves);
- j) 2 small rigid loading bays for Precinct 3 – Live-Work Area;
- k) 3 medium rigid loading bays for Precinct 4 – Mixed Use; and
- l) signposting of parallel visitor parking bays to facilitate shared use for loading by a medium rigid vehicle for Precinct 1 – Residential.

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".

19) Bond required to guarantee against damage to public land

A bond of \$20,000 is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for

the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets.

Such bond will be held until Council is satisfied that the infrastructure is maintained/repaired to pre development conditions and that no further work is to be carried out that may result in damage to Council's roads, footpaths etc.

20) Public liability insurance cover required

The developer and/or contractor must produce evidence to the Principal Certifying Authority of public liability insurance cover for a minimum of \$10 million. Council is to be nominated as an interested party on the policy.

21) Street Lighting

Plans and specifications are to be provided of street lighting for security and crime prevention purposes throughout the development. Lighting must be positioned so that it does not spill onto the adjoining properties in such a way that it adversely impacts the amenity of the occupants of those properties.

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

22) Requirements of Bush Fire Safety Authority from NSW Rural Fire Service

The requirements of the Bush Fire Safety Authority issued by the NSW Rural Fire Service are to be incorporated into the plans that are submitted with and approved as part of the Construction Certificate.

The following conditions are to be complied with prior to any site preparation or subdivision works commencing

23) Acid Frog Management Plan

An acid frog management plan covering Lot 1 and Lot 3 DP 1004514 and Lot 2 DP 706286 (and if possible Lot 4 DP 1004514) must be prepared by a qualified ecologist with experience working with threatened frogs. The plan is to be approved by Council's ecologist and include the following:

- a) a review of the effectiveness of ecological enhancement activities to date on these Lots and surrounding areas;
- b) incorporation of the details of any previously approved environmental enhancement works (completed and/or on-going), monitoring and/or ecological management plans for these Lots (i.e. environmental enhancement works under 10.2007.177.1, vegetation monitoring as per the approved program under condition 24 of 10.2008.360.1);
- c) a revised program of works for acid frog habitat enhancement and maintenance (with works to be undertaken by qualified restoration workers);
- d) a program of acid frog monitoring consistent with previous studies conducted on these Lots and the West Byron Sewage Treatment Plant including monitoring of road kill (monitoring to be undertaken by qualified ecologists);
- e) water quality monitoring of the receiving wetland and acid frog habitat rehabilitation areas (by suitably qualified personnel);
- f) management actions to reduce cane toad breeding;
- g) measures to reduce the impacts on acid frog habitat during the construction phase;
- h) performance indicators and adaptive management strategies to ensure that acid frog populations are conserved and enhanced and scope to take remedial management action if required; and
- i) a requirement to report to Council on an annual basis.

24) Vegetation protection

The stand of trees fronting Bayshore Drive and the existing acid frog rehabilitation area (Area 1 in SEE Illustration 3.4) is to be retained and protected by a fence so as to minimise disturbance to existing ground conditions within five (5) metres of the vegetation. The fence is to be constructed:

- a) with a minimum height of 1.2 metres,
- b) outside the dripline of the tree to a distance of five (5) metres,
- c) of steel star pickets at a maximum distance of 2 metres between pickets,
- d) using a minimum of 3 strands of steel wire,
- e) 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 preparation and construction works.

25) Perimeter fence

A perimeter fence must be erected prior to any works commencing and access to any areas outside of Lot 3 DP 1004514 including parking of vehicles or storage of machinery, equipment or other materials is strictly prohibited.

26) Written Notification

Written notification of intention to commence works must be forwarded to the Council seven (7) days prior to work commencing. Notification is to include contact details of the supervising engineer and site contractor.

27) Traffic Management Plan

The approved traffic management plan is to be implemented.

28) Public safety requirements

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

29) Erosion and Sediment Control Management Plan required

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

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

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

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

The following conditions are to be complied with during construction of site preparation and subdivision works

30) 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.

31) 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.

32) 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.

33) Plumbing Standards and requirements.

All Plumbing, Water Supply and Sewerage Works shall be installed and operated in accordance with the Local Government Act 1993, the NSW Code of Practice for Plumbing and Drainage and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications.

Your Plumber must obtain a Plumbing Permit at least two (2) working days prior to commencing work. Please forward the enclosed Application for a Plumbing Permit to your plumber to complete and to return to Council prior to commencement of work or Refer to http://www.byron.nsw.gov.au/files/Forms/Plumbing_Drainage_Permit.pdf.

34) Requirements of NSW Rural Fire Service

The requirements of the Bush Fire Safety Authority issued by the NSW Rural Fire Service are to be applied as relevant.

The following conditions are to be complied with prior to completion of site preparation works and prior to the issue of a Subdivision Certificate

35) Subdivision Certificate application required

An application for a Subdivision Certificate must be made on the approved form. The Subdivision Certificate fees, in accordance with Council's adopted schedule of fees and charges, must accompany such application.

NOTE: The application must address ALL conditions of consent for this stage with a clear explanation of how that condition has been complied with, together with supplying ALL the relevant information/documents/certificate and/or plans that is required by that condition.

The application MUST be one complete, concise package, addressing all those conditions. Failure to provide the abovementioned information in one package, will likely result in the application being refused/rejected and returned to you.

36) 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 plans (Illustration 3.2 dated April 2011), are to be submitted with the application for a subdivision certificate.

37) Section 88B Instrument

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

a) Drainage Easements

The creation of easements for drainage of water over any public drainage pipelines and structures located within the proposed allotments in accordance with Council's policy.

b) Easement for Electricity

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

38) Road Widening

The location of the existing road formation and fences in relation to the property boundaries are to be shown on a survey plan to be submitted to Council. Any encroachments onto the property are to be dedicated as "Road Widening" at no cost to Council.

39) Statutory Easement/s

Statutory easements, as necessary, in accordance with section 36 of the Community Land Development Act 1989 must be shown for creation.

40) Management Statements

The management statement and development contract, together with 1 copy, are to be submitted with the application for a subdivision certificate. The management statement must provide for the following:

a) Access Ways

The private and/or open access way widths must be consistent with the minimum reserve widths of table 3.5 of Chapter 20 of Development Control Plan 2010. Suitable by-laws must be included for the operation and maintenance of the access ways.

b) Stormwater Management

Suitable by-laws must be included detailing the maintenance requirements of the stormwater management systems, including the open drains along the site frontages for the STP road and Bayshore Drive.

c) Staging By-laws

By-laws must ensure consistency with the staging of construction works recommended by conditions of this consent.

d) Parking and Loading By-laws

By-laws must ensure parking and loading restrictions and rights are consistent with conditions of this consent.

e) Development of Lots

The management statement and development contract must include relevant By-laws and/or requirements to ensure development of the land is carried out in accordance with this development consent.

f) Construction Times

By-laws must be consistent with the construction times approved by this development consent.

41) Completion of All Works

All roads, drainage and civil works, required by this stage of the development consent and relevant Construction Certificate and Roads Act consent, are to be completed. A final letter of approval /

final compliance certificate for the satisfactory completion of the works must be submitted with the subdivision certificate application.

42) Works approved by Construction Certificate 11.2008.360

All of the site filling works approved by Construction Certificate 11.2008.360 are to be completed to the satisfaction of the Principal Certifying Authority. A final letter of approval / final compliance certificate for the satisfactory completion of the works must be submitted with the subdivision certificate application.

43) Certificates for engineering works

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

A separate certificate of compliance must be submitted to the Principal Certifying Authority certifying that all drainage and on-site stormwater detention works have been carried out in accordance with the approved plans. Such certificate to be in accordance with Part N5.6 of Chapter 1:Part N of Development Control Plan 2010.

44) Works-As-Executed Plans

Works-as-executed plans, being both hard copy and electronic format, certified by a suitably qualified engineer or a registered surveyor, are to be submitted with the application for a subdivision certificate.

45) Certificate for services within easements

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

46) Electricity Supply Certificate

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

47) Telephone Supply Certificate

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

48) Maintenance Bond

A maintenance bond of 5% (minimum bond amount of \$1,000.00) of the value of the public infrastructure works constructed is to be lodged with Council. A copy of the contract construction cost of the subdivision works is to be submitted with the bond. The maintenance period is 6 months in accordance with Council's current Design & Construction Manuals and will commence from the date of issue of the Subdivision Certificate. The security may be provided, at the applicant's choice, by way of cash bond or a satisfactory bank guarantee. An application in writing for the release of the bond must be made at the satisfactory completion of the maintenance period.

49) Record of Infrastructure

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

50) Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997

Documentary evidence from a suitably qualified professional is to be submitted to the PCA demonstrating that the requirements of the Bushfire Safety Authority have been complied with.

51) Geotechnical Report (Lot Classification)

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

52) 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 for the relevant allotment to be created.

Payment of developer charges to Byron Shire Council for water supply and sewerage relevant to the stage that the allotment to be created is in.

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

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

53) Certificate of Compliance – Water Management Act 2000

Obtain a Certificate of Compliance from Rous Water confirming that all money payable to Rous Water in respect to the load the development imposes on the Regional Bulk Water Supply has been paid for the relevant stage.

Note: 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. The charge is calculated as the Rous Water Development Servicing Charge per Equivalent Tenement current at the time of payment multiplied by the assessed number of ET's for the development for water supply purposes.

54) Developer Contributions to be paid

Contributions relevant to this stage as set out in the attached Schedule are to be paid to Council. Contributions are levied in accordance with the Byron Shire Council Section 94 Development Contribution Plan 2005 dated June 2005 and Byron Shire Council Section 94 Development Contribution Plan 2005 Amendment No. 1 dated 20 July 2005 for Community Facilities, Open Space, Roads, Car Parking, Cycleways, Civic & Urban Improvements, Shire Support Facilities and Administration. The Plan may be viewed during office hours at the Council Offices located at Station Street, Mullumbimby.

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.

Payments will only be accepted by cash or bank cheque.

55) Completion of landscaping works

All landscaping works as approved within the Construction Certificate are to be completed.

PART B - THE FOLLOWING CONDITIONS ARE APPLICABLE TO EACH AND EVERY COMMERCIAL, LIGHT INDUSTRIAL, LIVE/WORK AND RESIDENTIAL STAGE:

Parameters of Consent

56) Application of conditions within this Part of the consent

The conditions outlined within this Part of the consent apply to each and every Commercial, Industrial, Live/Work and Residential Stage. As such, each independent Stage must satisfy all

conditions outlined within this Part of the consent with timing determined by the headings shown in bold and shaded, unless stated otherwise within the condition.

57) Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia ,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

58) Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

59) Notification of Home Building Act 1989 requirements

- (1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989 .
- (2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

60) Signage

This development consent does not include any approval for signage within the site. Council's Planning Instruments require separate development consent for most forms of advertising signs and structures.

61) Easements and services

In accordance with the amended details shown within Illustration 1.0, prepared by GeoLINK, dated September 2008, no buildings or swimming pools associated with the development may encroach into the required easements shown on that plan.

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

62) Amended plans required

The plans that are submitted with and approved as part of the Construction Certificate are to be modified to include the following amendments:

- (a) Buildings C1, C3, C4, C5, C6 & C7 must be modified to meet the maximum overall height requirement of 9.0 metres (as measured from existing ground level). This could be achieved by lowering the floor to ceiling heights of either the first or second floor of the buildings (or both).
- (b) The use of the Meeting Room, shown on Plan No. 0291 AR 18B, dated 04/11/2011, on the ground floor within Building IND 2, shall be wholly ancillary to the industrial uses undertaken within the precinct generally. The requirements of this condition shall be included as a specific by-law within the Community Management Statement required by Condition 116 of this consent. A provision shall be included to specify that this by-law may only be varied with approval of Council.
- (c) In order to achieve compliance with the maximum gross floor area requirement for the residential precinct, the areas nominated as 'verandah' within Dwelling Types D7, D7A, D8,

D8A, 8B, D9, D9A, D10 & D10A are to be amended so that they are not covered by a roof structure (but may contain unroofed pergola structures only).

- (d) To achieve compliance with Chapter 20 of Development Control Plan 2010, amendments must be made to the Industrial Precinct GF Plan, numbered 0291 AR 18 B, dated 04/11/2011, to provide a minimum 2 metre wide vegetated area between the four buildings on the plan. This vegetated area must extend across the full faces of each adjoining building, but may include pedestrian paths across them where appropriate. Details of plantings to be undertaken within these vegetated areas are to be submitted with the landscaping plan for the site.
- (e) To increase the setback of residential development to 'Alphabet Street', the following changes are required to the three proposed dwellings fronting the south-eastern side of 'Alphabet Street' (ie. Dwelling Types D8, D5 & D3):
 - (i) The building element nominated as 'WKSP' on the ground floor of Dwelling Type D3 is to be removed.
 - (ii) The building element nominated as 'WKSP' on the ground floor of Dwelling Type D5 is to be removed.
 - (iii) The building element nominated as 'WKSP' on the ground floor of Dwelling Type D8 is to be removed.
- (f) To achieve a minimum 6.0 metre setback for residential development from the Sewage Treatment Plant Road and to provide additional solar access to the living areas, Dwelling Type D10 and Dwelling Type D10A must not include any roof structure over the area nominated as 'front deck' (other than an eave).
- (g) A minimum 4.0 metre setback from the Sewage Treatment Plant Road is to be provided for the mixed use development building shown on the plan numbered 0291 AR 51, (dated 19/12/2011), as comprising Dwelling Types A4, A2, A2, A2 and A5.
- (h) To achieve compliance with Chapter 20 of Development Control Plan 2010, no roof must have a highly reflective surface; any metal roof must have a colorbond or equivalent finish in a colour approved by Council. White or light coloured roofing will not be approved where likely to be intrusive.
- (i) To improve the level of compliance with Chapter 20 of Development Control Plan 2010 with respect to the provision of private landscaped area, the rear yards of all Dwelling Types A2 must be extended to the north-west to occupy the area shown on Plan No. 0291 AR 22 B, dated 04/11/2011, labelled as 'compacted yellow meta dust path'. As such, the path is to remain only at the rear of Dwelling Type A1 and Dwelling Type A3.
- (j) To achieve compliance with Chapter 20 of Development Control Plan 2010, full details must be provided of at least 7 adaptable dwellings within the development, designed in accordance with AS4299 Adaptable Housing.
- (k) To achieve compliance with Chapter 1 Part C of Development Control Plan 2010, details must be provided for each dwelling, demonstrating that clothes drying facilities can be provided with at least 7.5 metres of line per dwelling in a suitably screened external drying area having an area of 6m².
- (l) To achieve compliance with Chapter 1 Part C of Development Control Plan 2010, fencing throughout the development is limited to a maximum height of 1.2 metres where erected forward of the building line (that is within the setback area between any building and a boundary that is frontage to a street, road or lane), and a maximum height of 1.8 metres elsewhere.
- (m) The canteen and adjacent outdoor seating shown within Building IND 3 on the Masterplan, Drawing No. 0291 AR 01, dated 04/11/2011, shall be used in conjunction with the light industry buildings only. The canteen is not permitted to operate for the general public outside of Bayshore Village. The requirements of this condition shall be included as a specific by-law within the Community Management Statement required by Condition 116 of

this consent. A provision shall be included to specify that this by-law may only be varied with approval of Council.

- (n) Workspaces within the development, particularly in the residential and live / work precincts, are not to be used as dwellings. The requirements of this condition shall be included as a specific by-law within the Community Management Statement required by Condition 116 of this consent. A provision shall be included to specify that this by-law may only be varied with approval of Council.
- (o) The light industrial buildings IND 1, IND 2, IND 3 and IND 4, as shown on the 'Masterplan (drawing 0291 AR 01 D, dated 04/11/2011)' shall contain not more than 10 individual units on the ground floor and not more than 10 individual units on the first floor.

63) Provision of public art

In accordance with Chapter 1 Part E of Development Control Plan 2010, public art is to be provided within the development with a minimum value of \$25,000. Details are to be submitted for approval as part of the Construction Certificate of the 'sculpture' nominated within the Commercial Precinct GF Plan, numbered 0291 AR 02 B, dated 04/11/2011. Such details must achieve the following:

- (a) Relevance and appropriateness of the work in relation to its site;
- (b) Relevance and appropriateness of the work to Byron Shire, including the Shire's Aboriginal heritage, its particular natural environment and its diverse culture;
- (c) Consistency with the Byron Shire Cultural Plan and Public Art Policy;
- (d) Consideration of public safety, including public use of and access to the Public Art and associated space;
- (e) Consideration of maintenance and durability, including potential for vandalism;
- (f) Evidence of funding sources and satisfactory budget, including provision for ongoing maintenance; and
- (g) Evidence of Public Liability Insurance to cover construction and installation of the work.

64) Classification and Suitability of Fill

The fill material must be classified as suitable for the site. Such classification must conclude to the satisfaction of Council's Environmental Health Officers that the fill material is not contaminated and/or contain acid sulfate material. Classification must be in accordance with the NSW DECC '*Waste Classification Guidelines (2008)*' and '*Acid Sulfate Soil Guidelines (ASSMAC, 1998)*'.

65) Treatment of Fill

Where treatment of the fill material is required to ensure it is suitable for the site as specified in the preceding condition, such treatment must not occur on the subject site. Documented evidence of any remediation for contamination and/or treatment for acid sulfate material must be provided to Council's Environmental Health Officers. Once treated, the fill material must not exceed a pH of 4.5.

66) 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 for the relevant stage when the building is erected. The certificate must be prepared in accordance with AS 1726.

67) 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.

68) 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 for the relevant stage. 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".

69) Stormwater management

The application for a Construction Certificate is to include plans and specifications that indicate stormwater management for the relevant stage, in accordance with the approved Integrated Water Cycle and Soil Management Plan, AS/NZS 3500.3:2003 - Plumbing and drainage, Part 3: Stormwater drainage and Part N of DCP 2010.

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

70) Flood Planning Level for new buildings

The flood planning level for this development is 0.5m above the top water level of the on-site stormwater detention system constructed in the first stage of development. The plans and specifications to accompany the construction certificate application are to indicate a minimum floor level that is at or above the flood planning level.

71) Consent required for works within the road reserve

Unless already constructed in a previous stage, 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 Specification for Engineering Works and are to provide for the following works:

Driveway/s

Driveway/s in accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings". Such works to include the adjustment and/or relocation of services as necessary to the requirements of the appropriate service authorities. A minimum clearance of 500mm shall be provided to power poles, stay poles and the like.

72) 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 for the relevant stage in accordance with the plans approved by this consent.

The access, parking and manoeuvring for the site is to comply with the requirements of Council's DCP 2010, AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking and AS 2890.2 – 2002 - Parking facilities, Part 2: Off-street commercial vehicle facilities. Plans are to include, but not be limited to, the following items:

- a) pavement description;
- b) site conditions affecting the access;

- c) existing and design levels;
- d) longitudinal section;
- e) cross sections every 15 metres;
- f) drainage;
- g) turning paths;
- h) linemarking and signage.
- i) 4 loading bays, comprising loading bays to accommodate 2 small rigid vehicles and 2 medium rigid vehicles, for Precinct 2 – Light Industrial stage;and
- j) 3 loading bays to accommodate 3 small rigid vehicles for Precinct 4 – Mixed Use stage.

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".

73) Certificate of Compliance – Water Management Act 2000

A Certificate of Compliance under Section 307 of the Water Management Act 2000 is to be obtained from Byron Shire Council prior to the issue of a Construction Certificate for payment of developer charges for water supply and sewerage for the relevant stage.

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

74) Certificate of Compliance – Water Management Act 2000

Obtain a Certificate of Compliance from Rous Water confirming that all money payable to Rous Water in respect to the load the development imposes on the Regional Bulk Water Supply has been paid for the relevant stage.

Note: 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. The charge is calculated as the Rous Water Development Servicing Charge per Equivalent Tenement current at the time of payment multiplied by the assessed number of ET's for the development for water supply purposes.

75) Developer Contributions to be paid

Contributions set out in the attached Schedule for the relevant stage are to be paid to Council. Contributions are levied in accordance with the Byron Shire Council Section 94 Development Contribution Plan 2005 dated June 2005 and Byron Shire Council Section 94 Development Contribution Plan 2005 Amendment No. 1 dated 20 July 2005 for Community Facilities, Open Space, Roads, Car Parking, Cycleways, Civic & Urban Improvements, Shire Support Facilities and Administration. The Plan may be viewed during office hours at the Council Offices located at Station Street, Mullumbimby.

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.

PAYMENTS WILL ONLY BE ACCEPTED BY CASH OR BANK CHEQUE.

76) Access and facilities for disabled

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

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

77) Equity of Access and Mobility

In accordance with Development Control Plan 2010, one adaptable dwelling designed in accordance with AS4299 must be provided for every ten dwellings or part thereof. As such, at least 7 adaptable dwellings designed in accordance with AS4299 must be located throughout the development. Details of the individual dwellings nominated to meet this requirement must be included within the plans that are submitted and approved with the Construction Certificate. Construction Certificate plans must also include design details demonstrating compliance with AS4299 and the following:

- (a) Access is to be provided in accordance with the Building Code of Australia and AS1428.2. A "continuous accessible path of travel" must be provided.
- (b) Appropriate access for all persons through the principal entrance of a building must be provided.
- (c) For every adaptable dwelling at least one of the parking spaces required must be designed in accordance with AS2890 Part 1.
- (d) One visitor parking space designed in accordance with AS2890 Part 1 must be provided for every 100 parking spaces or part thereof, throughout the development.

78) 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 and/or trade waste must be obtained prior to the issue of a Construction Certificate.

The application for approval under Section 68 must include two sets of hydraulic plans of the proposed development drawn by a practising hydraulic engineer. These plans are to be compliant with the following standards:

- AS3500 – 2003 plumbing and drainage
- The NSW Code of Practice for Plumbing and Drainage
- AS2419.1 Fire hydrants installations
- AS2441 installation of fire hose reels
- Water Services Association of Australia

79) 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 Section C3.1 of Council's Development Control Plan 2010 Chapter 1 Part C and Chapter 20. No roof must have a highly reflective surface. Any metal roof must have a colorbond or equivalent finish in a colour approved by Council. White or light coloured roofing will not be approved where likely to be intrusive.

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

80) Bird strike strategies

Provide and implement strategies to decrease the likelihood of bird strike against windows of buildings including monitoring of effectiveness. A proposed strategy must be submitted to Council's Ecologist for approval.

81) Detailed landscaping plan required

Prior to the issue of a Construction Certificate for each Stage, a detailed landscaping plan must be submitted and approved by Council's Ecologist. The detailed plan must include all landscaping within areas of the site contained within the respective Residential, Live/Work, Industrial or Commercial polygons as shown on the approved Staging Plan (Illustration 3.1, dated April 2011). The landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions of Part H of Development Control Plan 2002. Species identified in Part H of Development Control Plan 2002 are to be planted wherever possible. The plan must not include species that represent translocation of native plants outside their geographic range, potential or known environmental weeds or species with potential for genetic pollution. 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.

The plan is to be prepared by a suitably qualified landscape architect / architect / ecologist who has appropriate experience and competence in landscaping. The NSW Rural Fire Service requires that landscaping of the site is to comply with the principles of appendix 5 of Planning for Bush Fire Protection 2006.

Following approval by Council's Ecologist, such plans and specifications must be approved as part of the Construction Certificate.

82) Long Service Levy to be paid

A Long Service Levy must be paid to the Long Service Payments Corporation. These payments may be made at Council's Administration Office, Station Street, Mullumbimby. Cheques are to be made payable to 'Byron Shire Council'.

This is a State Government Levy and is subject to change.

83) Garbage storage areas to be provided

The application for a Construction Certificate is to include plans and specifications that indicate all garbage store areas as identified and approved within the Waste Management Strategy for the residential, commercial, retail and industrial uses within the site.

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

84) Compliance with BASIX Certificate

The Principal Certifying Authority (PCA) is to ensure that the proposed development is constructed in accordance with the requirements of the BASIX Certificates that were submitted to Council in support of the Development Application.

The Plans submitted for approval with the Construction Certificate must include all of the BASIX Certificate commitments.

Where changes to the development are proposed that may affect the water, thermal comfort or energy commitments, a new BASIX Certificate may be required.

85) Requirements of Bush Fire Safety Authority from NSW Rural Fire Service

The requirements of the Bush Fire Safety Authority issued by the NSW Rural Fire Service are to be incorporated into the plans that are submitted with and approved as part of the Construction Certificate.

86) Details pool fence required

The application for a Construction Certificate is to include plans and specifications that indicate the details of the fence around any swimming pool in accordance with the Swimming Pools Act 1992 and AS1926.1.

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

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

87) Erosion & sediment measures

Erosion and sedimentation controls are to be in place in accordance with the approved sediment and erosion control plan for the site.

88) Public safety requirements

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

The following conditions are to be complied with during construction

89) 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 Sundays or Public Holidays.

90) 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).

91) 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.

92) 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.

93) No dewatering

No dewatering without prior written permission from Council.

94) 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.

95) Stormwater drainage work

Stormwater shall be collected and disposed of in a controlled manner in accordance with the approved plans. Drainage lines within the road reserve must be sewer class or other approved equivalent. All drainage works are to be installed by a suitably qualified person and in accordance with the requirements of AS/NZS 3500.3:2003 - Plumbing and drainage, Part 3: Stormwater drainage.

96) Plumbing Standards and requirements.

All Plumbing, Water Supply and Sewerage Works shall be installed and operated in accordance with the Local Government Act 1993, the NSW Code of Practice for Plumbing and Drainage and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications.

Your Plumber must obtain a **Plumbing Permit** at least **two (2) working days prior to commencing work**. Please forward the **enclosed** Application for a Plumbing Permit to your plumber to complete and to return to Council prior to commencement of work or Refer to http://www.byron.nsw.gov.au/files/Forms/Plumbing_Drainage_Permit.pdf.

The following INSPECTIONS are required:

- a) Internal Drainage;
- b) External Drainage;
- c) Water Rough In;
- d) Stackwork; (where applicable);
- e) Final.

97) Requirements of NSW Rural Fire Service

The requirements of the Bush Fire Safety Authority issued by the NSW Rural Fire Service are to be applied as relevant.

The following conditions are to be complied with prior to occupation

98) Works to be completed

All of the works indicated on the plans and approved by this consent, including any other consents that are necessary for the completion of this development, are to be completed and approved by the relevant consent authority/s prior to the issue of an 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.

99) Waste management

Measures must be in place to comply with the requirements of the report titled '*Waste Management Strategy Bayshore Village, Byron Bay. Geolink. Report No. 291884. 14 April 2011*'.

100) Car parking areas to be completed and signs to be provided

The car parking areas are to be constructed in accordance with the approved plans for the relevant stage. Signs are to be erected clearly indicating the availability of off-street parking and the location of entry/exit points, visible from both the street and the subject site.

101) Works as executed drawings are required.

The submission of works as executed drawings for the storm water management facilities for the relevant stage.

102) Stormwater drainage – Certification of works

- a) Stormwater must be collected and disposed of in a controlled manner in accordance with the approved construction plans for the relevant stage.

- b) Certificates, such as 'hydraulic/hydrological compliance' and 'structural adequacy' must be submitted to the Principal Certifying Authority (PCA) prior to occupation.
- c) The certificates are to be from a suitably qualified engineer certifying that all works have been constructed in accordance with the approved plans, Council's current 'Design & Construction Manuals, Section 68 Approvals and Part N of DCP 2010 (Certificate of Compliance form).

103) Completion of landscaping works

All landscaping works as approved within the Construction Certificate are to be completed.

104) 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.

105) Food standards

Food premises shall be constructed to comply with the New South Wales Food Act 2003 and Food Regulation 2004. Requirements of Food Standard Code 3.2.3 and Australian Standard AS 4674 – 2004 Design, construction and fit-out of food premises to be satisfied to achieve the minimum construction standards for the food business. The operator shall obtain a satisfactory inspection from Council's Environmental Health Officer prior to commencing operation. A minimum of 24 hours notice is required prior to inspection. Inspections can be arranged by telephoning (02) 6626 7054 during normal office hours. A fee is levied upon the operator for such inspections.

106) Kitchen exhaust

Prior to use of the kitchen exhaust-hood installation associated with the canteen, a certificate and system specifications detailing the air flow velocity readings to be provided to Council. The certificate should be completed by a suitably qualified professional and shall ensure that the installation satisfies the requirements of AS 1668 Parts 1 and 2.

107) Waste disposal facilities

The operator shall demonstrate to Council's Environmental Health Officer's satisfaction that adequate waste disposal facilities are available on the premises for use by the canteen, and that such facilities can be maintained to prevent environmental harm or public nuisance.

108) Steam Room Construction

All saunas/steam rooms provided for the use of the guests shall:

- a) be located, constructed, equipped and finished so that it can be maintained in a safe and sanitary condition;
- b) be made such that any metal parts within three metres of the bath, tub or sauna, heating units, lighting units, electrical fixtures, motors, conduits and outlets are installed in a safe manner that protects the bather from injury;
- c) be made so that entry can be prevented when the facility is not open for use;
- d) be equipped with hose connections installed in a convenient and safe location for the sanitary operation of the facility;
- e) be made so that water and air temperature can be thermostatically controlled;
- f) have a Notice posted in an obvious location with the following information:
 - i) Prolonged use of this facility can be a hazard to health (10-15 minutes may be excessive for some people!).

- ii) Persons should seek medical advice if there is any concern about tolerance of intense heat exposures.
- iii) No food or glass containers may be brought into this facility.
- iv) All users shall shower using warm water and soap, and thoroughly rinse off all soap before using the facility, and
- v) Give the location of an alarm, telephone or personnel available for emergency use.

The steam room shall be constructed so that:

- a) a thermometer with an appropriate and clearly visible Celsius scale is located in a prominent place within the room,
- b) a clock is available and easily read either, in the room or, from the door or window.
- c) the door can be opened easily without resistance;
- d) full view of the inside of the sauna/steam room is provided by either, a full length transparent panel in the door, or a window providing an unobstructed view of the interior floor area, from the outside.

109) Shower Requirements

Shower facilities shall be provided for the use of all patrons before entering any sauna/steam room and shall be located, constructed and equipped so that:

- a) the shower access is close to the area of the sauna/steam room;
- b) the floors, walls and ceiling are made of materials that permit easy and thorough cleaning; and
- c) there is hot and cold running water with either, a tempering or mixing device on the hot water system designed to prevent scalding, or a maximum hot water temperature not exceeding 43°C at any time.

110) Lighting Requirements

Adequate lighting that complies with Australian Standard AS1680.1 "*Interior lighting*" must be provided throughout the area of sauna/steam room facility and any pertinent showers, corridors, hallways and change rooms.

111) Plumbing

All plumbing, water supply and sewerage works shall be installed in accordance with the Local Government Act 1993, the NSW Code of Practice for Plumbing and Drainage and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications.

112) Public use of swimming pools and spa pools

Continuous disinfection dosing system and effective water circulation shall be provided to all treated water swimming pools and spa pools. Sufficient residual bactericidal effect shall be achieved as required by the NSW Public Health Regulation, and the "Public Swimming Pools and Spa Pools Guidelines" (as amended).

The following conditions must be complied with prior to issue of a Subdivision Certificate for the Precinct or Neighbourhood Scheme (Illustration 3.3 dated August 2011)

113) Subdivision Certificate application required

An application for a Subdivision Certificate must be made on the approved form. The Subdivision Certificate fees, in accordance with Council's adopted schedule of fees and charges, must accompany such application.

NOTE: The application must address ALL conditions of consent for the relevant stage with a clear explanation of how that condition has been complied with, together with supplying ALL the relevant information/documents/certificate and/or plans that is required by that condition.

The application MUST be one complete, concise package, addressing all those conditions. Failure to provide the abovementioned information in one package, will likely result in the application being refused/rejected and returned to you.

114) 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 plans (Illustration 3.3 dated August 2011), are to be submitted with the application for a subdivision certificate.

115) Statutory Easement/s

Statutory easements, as necessary, in accordance with section 36 of the Community Land Development Act 1989 must be shown for creation.

116) Management Statements

The management statement and development contract, together with 1 copy, are to be submitted with the application for a subdivision certificate. The management statement must provide for the following:

a) Stormwater Management

Suitable by-laws must be included detailing the maintenance requirements of the stormwater management systems.

b) Construction Times

Any relevant by-laws must be consistent with the construction times approved by this development consent.

117) Electricity Supply Certificate

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

118) Telephone Supply Certificate

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

119) Geotechnical Report (Lot Classification)

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

120) 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 for the relevant allotments to be created.

Payment of developer charges to Byron Shire Council for water supply and sewerage relevant to the stage that the allotment/s are to be created is in.

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

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

121) Certificate of Compliance – Water Management Act 2000

Obtain a Certificate of Compliance from Rous Water confirming that all money payable to Rous Water in respect to the load the development imposes on the Regional Bulk Water Supply has been paid relevant to the stage that the allotment/s are to be created is in.

Note: 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. The charge is calculated as the Rous Water Development Servicing Charge per Equivalent Tenement current at the time of payment multiplied by the assessed number of ET's for the development for water supply purposes.

122) Developer Contributions to be paid

Contributions are to be paid to Council, relevant to the stage in which the allotment/s are to be created within, as set out in the attached Schedule and in accordance with the approved staging plan (Illustration 3.1 dated April 2011). Contributions are levied in accordance with the Byron Shire Council Section 94 Development Contribution Plan 2005 dated June 2005 and Byron Shire Council Section 94 Development Contribution Plan 2005 Amendment No. 1 dated 20 July 2005 for Community Facilities, Open Space, Roads, Car Parking, Cycleways, Civic & Urban Improvements, Shire Support Facilities and Administration. The Plan may be viewed during office hours at the Council Offices located at Station Street, Mullumbimby.

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.

Payments will only be accepted by cash or bank cheque.

PART C - THE FOLLOWING CONDITIONS ARE APPLICABLE FOR ALL STAGES:

The following conditions are to be complied with at all times

123) No dewatering

No dewatering without prior written permission from Council.

124) Pool safety sign

The occupier of the premises must ensure that there is at all times a sign in the immediate vicinity of the swimming pool bearing the words 'Young children must be supervised when using this swimming pool'. The sign is to be a prominent position and be otherwise in accordance with clause 9 of the Swimming Pools Regulation.

125) Swimming pool discharge

Swimming pools discharge for waste water is to be in accordance with AS/NZS 3500.2.2, Section 10.9 & Figure 10.2.

126) Swimming pool pump locations

The filter pumps of all swimming pools are to be located such that noise from their operation does not cause a nuisance to adjoining residents. If necessary an acoustic enclosure must be provided around the pump to achieve the required noise attenuation.

127) Swimming pool health requirements

The swimming pool water is to be re-circulated, filtered and disinfected in accordance with the requirements of Council's Environmental Health Officer and NSW Health. The swimming pool water is to be maintained at satisfactory levels of purity for bathing at all times.

128) No interference with amenity

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

- a) The noise level emanating from the use of the premises must comply with the New South Wales Industrial Noise Policy.

- b) Only clean and unpolluted water is permitted to be discharged to Council's stormwater drainage system or any waters.
- c) All wastes shall be contained within appropriate containers fitted with a tight-fitting vermin-proof lid.

129) Community Management

Comply with the report titled 'Community Management Statement. Bayshore Village. Lot 3 DP 1004514, Bayshore Drive, Byron Bay. Hickey Lawyers' (undated), or subsequent documents.

130) Car Parking spaces are to be available for the approved use

Four hundred and seven (408) car parking spaces are to be provided and maintained, together with all necessary access driveways and turning areas, to the satisfaction of Council. The allocation of car spaces is as follows:

○ **Precinct 1 – Residential (Neighbourhood Lots 1 to 17)**

34 large dwellings @ 2 spaces / dwelling	=	68 car spaces
Visitor car parking @ 1 space / 4 dwellings	=	9 car spaces
34 work spaces @ 1 space each	=	34 car spaces
Sub total	=	111 car spaces

○ **Precinct 2 – Light Industrial (Community Lot 5)**

Industrial building "IND 1"	=	15
Industrial building "IND 2"	=	14
Industrial building "IND 3"	=	14
Industrial building "IND 4"	=	14
Sub tota	=	57 car spaces

○ **Precinct 3 – Live-Work Area (Community Lot 4)**

24 small dwellings @ 1.5 spaces / dwelling	=	36 car spaces
Visitor car parking @ 1 space / 4 dwellings	=	6 car spaces
24 work spaces @ 1 space each	=	24 car spaces
Sub total	=	66 car spaces

○ **Precinct 4 – Mixed Use (Community Lot 2)**

1,399m ² retail @ 1/20m ²	=	70 car spaces
244.5m ² canteen @ 1/20m ²	=	12 car spaces
662.1m ² health spa @ 1/20m ²	=	33 car spaces
236.4m ² home office @ 1/40m ² x 70%	=	4 car spaces
2,147m ² office @ 1/40m ² x 70%	=	37 car spaces
10 small dwellings @ 1.5 spaces / dwelling	=	15 car spaces
Visitor car parking @ 1 space / 4 dwellings	=	3 car spaces
Sub total	=	174 car spaces

Tenants and customers of the development must have unrestricted access to the car parking spaces on a daily basis during business hours of the development.

131) Vehicles to enter/leave in a forward direction

Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction. All driveways and turning areas must be kept clear of obstructions that prevent compliance with this condition.

132) Loading and unloading not to occur on the street

Loading and unloading bays must be available at all times for the loading and unloading of goods for the development. All loading and unloading to take place within the curtilage of the premises.

133) Stormwater Maintenance

The stormwater collection and treatment devices must be inspected and maintained in accordance with the maintenance program contained in the approved Integrated Water Cycle and Soil Management Plan.

134) 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.

135) Access for emergency vehicles and personnel

Access must be permitted to and throughout the site for emergency vehicles and personnel. No gates are permitted across the vehicle access roads to the development.

136) Access for waste management vehicles and personnel

Access must be permitted to and throughout the site for waste management vehicles and personnel. No gates are permitted across the vehicle access roads to the development.

137) Security Lighting

Lighting for security and crime prevention purposes must be provided to each of the car parking areas, pedestrian paths and entries to commercial buildings. Lighting must be positioned so that it does not spill onto the adjoining properties in such a way that it adversely impacts the amenity of the occupants of those properties.

138) Requirements of NSW Rural Fire Service

The requirements of the Bush Fire Safety Authority issued by the NSW Rural Fire Service are to be adhered to.

139) Common antennae

Where buildings contain multiple units, shared television antennae/satellite dishes are to be provided to reduce the visual impact of multiple services.

140) Pool safety sign

The occupier of the premises must ensure that there is at all times a sign in the immediate vicinity of the swimming pool bearing the words 'Young children must be supervised when using this swimming pool'. The sign is to be in a prominent position and be otherwise in accordance with clause 9 of the Swimming Pools Regulation.

141) Swimming pool discharge

Swimming pool discharge for waste water is to be in accordance with AS/NZS 3500.2.2, Section 10.9 & Figure 10.2.

142) Swimming pool pump locations

The filter pumps of all swimming pools are to be located such that noise from their operation does not cause a nuisance to adjoining residents. If necessary an acoustic enclosure must be provided around the pump to achieve the required noise attenuation.

143) Swimming pool health requirements – this condition applies to the common swimming pools located within the recreation facility only

The swimming pool water is to be re-circulated, filtered and disinfected in accordance with the requirements of Council's Senior Environmental Health Officer and the Health Department of New South Wales. The swimming pool water is to be maintained at satisfactory levels of purity for bathing at all times.

144) Food premises

Any food premises shall be operated and maintained to ensure that the statutory requirements of the New South Wales *Food Act 2003* and *Food Regulation 2004* (incorporating *Food Standard Codes*) are satisfied at all times. Access to the *Food Standard Codes* is available on-line 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 on-line at <http://www.foodnotify.nsw.gov.au>.

145) Control of emissions from food premises

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

- a) The noise level emanating from the use of the premises must comply with the New South Wales Industrial Noise Policy.
- b) Only clean and unpolluted water is permitted to be discharged to Council's stormwater drainage system or any waters.
- c) All wastes shall be contained within appropriate containers fitted with a tight-fitting vermin-proof lid.

146) Toilet and washing facilities

The operator of any food premises shall comply with the *Occupational Health and Safety Act 2001* statutory requirements. Staff shall be provided with adequate toilet and washing facilities. NSW WorkCover should be consulted in the event that further information is required in regard to this condition.

147) Public use of swimming pools and spa pools

The operation of all treated water swimming pools and spa pools used by members of the public shall maintain a continuous disinfection dosing system and effective water circulation so as to maintain the minimum standards established under the NSW Public Health Regulation. The NSW Health "Public Swimming Pool and Spa Pool Guidelines" (as amended) offers advice and specific water quality objectives to ensure that public health and safety conditions are maintained at all times.

148) Steam Room Safety Requirements and Operations

The temperature within any sauna/steam room shall not exceed either:

- a) 95°C (185°F) in dry air conditions (sauna), or,
- b) 60°C (140°F) in humid air conditions (steam room).

Every operator shall check, determine and record:

- a) the operating temperature of the facility daily;
- b) the condition of floors, walls, handrails and benches/seats daily for sanitation, deterioration or safety hazards.

Every floor, wall and ceiling in a sauna/steam room, or room containing a sauna/steam room shall be washed, cleaned and disinfected at least once per week. Clean more often if necessary to keep it in a clean and sanitary condition.

A temperature control device that can only be increased above 90 °C by a member of staff.

The heater must be provided with an external casing that is not capable of becoming hot, i.e. the surface remains below 40 °C; or is surrounded completely by a barrier or shield to prevent accidental contact with the hot surface.

The heating unit should be fitted with a thermal cut-out device, which is activated if the temperature within the sauna rises above 95 °C.

A highly visible tag system shall be available to prevent the use of such sauna / steam room when cleaning, maintenance or a fault is occurring.

149) Public use of day spa generally

The operation of the day spa must adhere to all public health requirements.

150) Land uses

The various land uses contained within the development are to operate in accordance with the Statement of Environmental Effects (prepared by GeoLINK, dated 2 May 2011), Chapter 20 of Byron Development Control Plan 2010 and the following requirements:

- (a) The canteen located within Buildings C2 is to be operated in accordance with the definition of a restaurant [a restaurant means premises in which food or beverages (or both) are supplied for sale to the public for consumption on the premises] with the exception that it is generally to be used to service the residents/workers within the development and shall only be open for trade during the same hours as the adjacent commercial buildings.
- (b) The workspace and/or home office areas that are attached to individual dwellings must not be used for any form of residential habitation or adapted for dual occupancy purposes. Such may only be used in conjunction with the dwelling in which they are attached to and must not be leased or used by persons other than those residing in the attached dwelling.
- (c) The areas nominated as 'retail' located within Buildings B1 – B2 and C1 – C7 are to be operated in accordance with the definition of a shop. A shop means a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials.
- (d) The areas nominated as 'offices' located within Buildings B1 – B2 and C1 – C7 are to be operated in accordance with the definition of a commercial premises. A commercial premises means a building or place used as an office or for other business or commercial purposes (other than uses separately defined within Byron Local Environmental Plan 1988).
- (e) The industrial buildings nominated on the Masterplan (Plan No. 0291 AR 01D, dated 04/11/2011) as IND 1, IND2, IND 3 and IND 4 are to be operated in accordance with the definition of light industry. Light Industry means an industry, not being an offensive or hazardous industry, in which the processes carried on, the transportation involved or the machinery or materials used to not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise. Industry means any handicraft or process in or incidental to the making, assembling, altering, repairing, renovating, preparing, ornamenting, finishing, cleaning, washing, breaking up, or adapting of any goods or any articles or any part of an article for trade or sale or gain, or as ancillary to any business, but does not include an extractive industry.
- (f) The workshops located within Dwelling Types LW1 – LW3 are to be operated as creative industries in accordance with Chapter 20 of Development Control Plan 2010. Creative Industry means industries that generate copyrights, patents, designs or trademarks and include businesses and industries involved in:
 - advertising, graphic design and marketing;
 - architecture, visual arts and design;
 - music composition and production;
 - computing and intellectual technologies;

- performing arts;
- writing, publishing and print media; and
- film, television and entertainment.

Such workshops may only be used in conjunction with the dwelling in which they are attached to and must not be leased or used by persons other than those residing in the attached dwelling. The workspaces must not be used for any form of residential habitation or be adapted for dual occupancy purposes by providing a separately accessible entry for the dwelling above.

151) Hours of operation

The hours of operation of the various land uses contained within the development are limited to those provided below:

- Retail areas within Buildings B1 – B2 and C1 – C7 : 8am to 6pm Monday to Friday and 8am to 1pm Saturday.
- Office areas within Buildings B1 – B2 and C1 – C7 : 8am to 6pm Monday to Friday and 8am to 1pm Saturday.
- Day Spa within Building B1 : 8am to 6pm Monday to Friday and 8am to 1pm Saturday.
- Light Industrial uses within Buildings IND 1, IND 2, IND 3 & IND 4 : 8am to 6pm Monday to Friday and 8am to 1pm Saturday.
- Creative Industry uses within Buildings LW1-1, LW1-2, LW1-3 & LW1-4 : 8am to 6pm Monday to Friday and 9am to 1pm Saturday.
- Office uses within Dwelling Types A1, A2 & A3 : 8am to 6pm Monday to Friday and 8am to 1pm Saturday.
- Workspace uses within Dwelling Types D1 – D10A : 8am to 6pm Monday to Friday and 8am to 1pm Saturday.
- Canteen within Building C3 : 7.30am to 6pm Monday to Friday and 7.30am to 1.30pm Saturday.
- Recreation facilities : 6am to 10pm Monday to Sunday.

Notwithstanding the above, activities that do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust or otherwise, may be carried out at any time, provided that they do not generate any vehicular movement or client / customer visitation.

The requirements of this condition shall be included as a specific by-law within the Community Management Statement required by Condition 116 of this consent. A provision shall be included to specify that these requirements may only be varied with approval of Council.

Notes

Schedule of Development Contributions

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

STAGE: Subdivision – Community Scheme (Site Preparation Stage), Illustration 3.2

RESIDENTIAL DEVELOPMENT

**SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

(Office Use
Only)

Community and Cultural Facilities	(CF-BB)	2.00	SDU @	\$995.72	=	\$1,991.44
" - Shire Wide	(CF-SW)	2.00	SDU @	\$526.15	=	\$1,052.30
Open Space	(OS-BB)	2.00	SDU @	\$6,266.05	=	\$12,532.10
" - Shire Wide	(OS-SW)	2.00	SDU @	\$2,650.73	=	\$5,301.45
Roads	(R-BB)	18.00	trips @	\$717.72	=	\$12,918.93
Cycleways	(CW-BB)	2.00	SDU @	\$776.41	=	\$1,552.82
Civic & Urban Improvements	(IM-BB)	2.00	SDU @	\$1,585.14	=	\$3,170.28
Surf Lifesaving	(SL-BB)	2.00	SDU @	\$25.80	=	\$51.60
Administration	(OF-SW)	2.00	SDU @	\$714.53	=	\$1,429.06
Total					=	\$40,000.00

STAGE: Commercial Stage 1 - "COM 1", Illustration3.1

TOURIST, RETAIL, COMMERCIAL & INDUSTRIAL DEVELOPMENT

**SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE ENVIRONMENTAL
PLANNING AND ASSESSMENT ACT, 1979**

(Office Use Only)

Roads	(R-BB)	1224	trips @	\$823.89	=	\$1,008,438.42
Civic & Urban Improvements	(IM-BB)	72.17	SDU @	\$1,819.62	=	\$131,322.23
Administration	(OF-SW)	72.17	SDU @	\$820.23	=	\$59,196.02
Total					=	\$1,198,956.67

STAGE: Commercial Stage 2 - "COM 2", Illustration3.1

RESIDENTIAL DEVELOPMENT

**SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE ENVIRONMENTAL
PLANNING AND ASSESSMENT ACT, 1979**

(Office Use Only)

Community and Cultural Facilities	(CF-BB)	2.27	SDU @	\$1,143.01	=	\$2,593.76
" - Shire Wide	(CF-SW)	2.27	SDU @	\$603.98	=	\$1,370.58
Open Space	(OS-BB)	2.27	SDU @	\$7,192.96	=	\$16,322.50
" - Shire Wide	(OS-SW)	2.27	SDU @	\$3,042.84	=	\$6,904.90
Roads	(R-BB)	12.00	trips @	\$823.89	=	\$9,886.65
Cycleways	(CW-BB)	2.27	SDU @	\$776.41	=	\$1,761.86
Civic & Urban Improvements	(IM-BB)	2.27	SDU @	\$1,819.62	=	\$4,129.15
Surf Lifesaving	(SL-BB)	2.27	SDU @	\$29.62	=	\$67.21
Administration	(OF-SW)	2.27	SDU @	\$820.23	=	\$1,861.29
Total					=	\$44,897.88

TOURIST, RETAIL, COMMERCIAL & INDUSTRIAL DEVELOPMENT

**SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE ENVIRONMENTAL
PLANNING AND ASSESSMENT ACT, 1979**

(Office Use Only)

Roads	(R-BB)	10.00	trips @	\$823.89	=	\$8,238.88
Civic & Urban Improvements	(IM-BB)	2.23	SDU @	\$1,819.62	=	\$4,057.76

Administration	(OF-SW)	2.23	SDU @	\$820.23	=	\$1,829.11
Total					=	\$14,125.75

STAGE: Commercial Stage 3 - "COM 3", Illustration3.1

RESIDENTIAL DEVELOPMENT

SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

(Office Use Only)

Community and Cultural Facilities	(CF-BB)	3.27	SDU @	\$1,143.01	=	\$3,736.77
" - Shire Wide	(CF-SW)	3.27	SDU @	\$603.98	=	\$1,974.56
Open Space	(OS-BB)	3.27	SDU @	\$7,192.96	=	\$23,515.46
" - Shire Wide	(OS-SW)	3.27	SDU @	\$3,042.84	=	\$9,947.73
Roads	(R-BB)	22.00	trips @	\$823.89	=	\$18,125.53
Cycleways	(CW-BB)	3.27	SDU @	\$776.41	=	\$2,538.27
Civic & Urban Improvements	(IM-BB)	3.27	SDU @	\$1,819.62	=	\$5,948.77
Surf Lifesaving	(SL-BB)	3.27	SDU @	\$29.62	=	\$96.83
Administration	(OF-SW)	3.27	SDU @	\$820.23	=	\$2,681.52
Total					=	\$68,565.44

TOURIST, RETAIL, COMMERCIAL & INDUSTRIAL DEVELOPMENT

SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

(Office Use Only)

Roads	(R-BB)	10.0	trips @	\$823.89	=	\$8,238.88
Civic & Urban Improvements	(IM-BB)	2.32	SDU @	\$1,819.62	=	\$4,221.53
Administration	(OF-SW)	2.32	SDU @	\$820.23	=	\$1,902.93
Total					=	\$14,363.34

STAGE: Residential Stage 1 - "RES 1", Illustration3.1

RESIDENTIAL DEVELOPMENT

SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

(Office Use Only)

Community and Cultural Facilities	(CF-BB)	9.00	SDU @	\$1,143.01	=	\$10,287.11
" - Shire Wide	(CF-SW)	9.00	SDU @	\$603.98	=	\$5,435.85
Open Space	(OS-BB)	9.00	SDU @	\$7,192.96	=	\$64,736.68
" - Shire Wide	(OS-SW)	9.00	SDU @	\$3,042.84	=	\$27,385.53
Roads	(R-BB)	25.0	trips @	\$823.89	=	\$20,597.19
Cycleways	(CW-BB)	9.00	SDU @	\$776.41	=	\$6,987.71
Civic & Urban Improvements	(IM-BB)	9.00	SDU @	\$1,819.62	=	\$16,376.61
Surf Lifesaving	(SL-BB)	9.00	SDU @	\$29.62	=	\$266.56
Administration	(OF-SW)	9.00	SDU @	\$820.23	=	\$7,382.07
Total					=	\$159,455.30

TOURIST, RETAIL, COMMERCIAL & INDUSTRIAL DEVELOPMENT

**SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

(Office Use Only)

Roads	(R-BB)	31.0 trips @ \$823.89	=	\$25,540.52
Civic & Urban Improvements	(IM-BB)	6.97 SDU @ \$1,819.62	=	\$12,682.78
Administration	(OF-SW)	6.97 SDU @ \$820.23	=	\$5,717.01
		Total	=	\$43,940.30

STAGE: **Residential Stage 2 - "RES 2", Illustration3.1**

RESIDENTIAL DEVELOPMENT

**SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

(Office Use Only)

Community and Cultural Facilities	(CF-BB)	10.00 SDU @ \$1,143.01	=	\$11,430.13
" - Shire Wide	(CF-SW)	10.00 SDU @ \$603.98	=	\$6,039.83
Open Space	(OS-BB)	10.00 SDU @ \$7,192.96	=	\$71,929.64
" - Shire Wide	(OS-SW)	10.00 SDU @ \$3,042.84	=	\$30,428.36
Roads	(R-BB)	34.0 trips @ \$823.89	=	\$28,012.18
Cycleways	(CW-BB)	10.00 SDU @ \$776.41	=	\$7,764.12
Civic & Urban Improvements	(IM-BB)	10.00 SDU @ \$1,819.62	=	\$18,196.24
Surf Lifesaving	(SL-BB)	10.00 SDU @ \$29.62	=	\$296.18
Administration	(OF-SW)	10.00 SDU @ \$820.23	=	\$8,202.30
		Total	=	\$182,298.97

TOURIST, RETAIL, COMMERCIAL & INDUSTRIAL DEVELOPMENT

**SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

(Office Use Only)

Roads	(R-BB)	31.0 trips @ \$823.89	=	\$25,540.52
Civic & Urban Improvements	(IM-BB)	6.96 SDU @ \$1,819.62	=	\$12,664.58
Administration	(OF-SW)	6.96 SDU @ \$820.23	=	\$5,708.80
		Total	=	\$43,913.90

STAGE: **Residential Stage 3 - "RES 3", Illustration3.1**

RESIDENTIAL DEVELOPMENT

**SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

(Office Use Only)

Community and Cultural Facilities	(CF-BB)	10.00 SDU @ \$1,143.01	=	\$11,430.13
" - Shire Wide	(CF-SW)	10.00 SDU @ \$603.98	=	\$6,039.83
Open Space	(OS-BB)	10.00 SDU @ \$7,192.96	=	\$71,929.64
" - Shire Wide	(OS-SW)	10.00 SDU @ \$3,042.84	=	\$30,428.36
Roads	(R-BB)	34.0 trips @ \$823.89	=	\$28,012.18
Cycleways	(CW-BB)	10.00 SDU @ \$776.41	=	\$7,764.12
Civic & Urban Improvements	(IM-BB)	10.00 SDU @ \$1,819.62	=	\$18,196.24
Surf Lifesaving	(SL-BB)	10.00 SDU @ \$29.62	=	\$296.18

Administration	(OF-SW)	10.00	SDU @ \$820.23	=	\$8,202.30
Total				=	\$182,298.97

TOURIST, RETAIL, COMMERCIAL & INDUSTRIAL DEVELOPMENT
SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

(Office Use Only)

Roads	(R-BB)	33.0	trips @ \$823.89	=	\$27,188.29
Civic & Urban Improvements	(IM-BB)	7.35	SDU @ \$1,819.62	=	\$13,374.23
Administration	(OF-SW)	7.35	SDU @ \$820.23	=	\$6,028.69
Total				=	\$46,591.22

STAGE: **Residential Stage 4 - "RES 4", Illustration3.1**

RESIDENTIAL DEVELOPMENT
SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

(Office Use Only)

Community and Cultural Facilities	(CF-BB)	4.00	SDU @ \$1,143.01	=	\$4,572.05
" - Shire Wide	(CF-SW)	4.00	SDU @ \$603.98	=	\$2,415.93
Open Space	(OS-BB)	4.00	SDU @ \$7,192.96	=	\$28,771.86
" - Shire Wide	(OS-SW)	4.00	SDU @ \$3,042.84	=	\$12,171.35
Roads	(R-BB)	22.0	trips @ \$823.89	=	\$18,125.53
Cycleways	(CW-BB)	4.00	SDU @ \$776.41	=	\$3,105.65
Civic & Urban Improvements	(IM-BB)	4.00	SDU @ \$1,819.62	=	\$7,278.49
Surf Lifesaving	(SL-BB)	4.00	SDU @ \$29.62	=	\$118.47
Administration	(OF-SW)	4.00	SDU @ \$820.23	=	\$3,280.92
Total				=	\$79,840.24

TOURIST, RETAIL, COMMERCIAL & INDUSTRIAL DEVELOPMENT
SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

(Office Use Only)

Roads	(R-BB)	11.0	trips @ \$823.89	=	\$9,062.76
Civic & Urban Improvements	(IM-BB)	2.41	SDU @ \$1,819.62	=	\$4,385.29
Administration	(OF-SW)	2.41	SDU @ \$820.23	=	\$1,976.76
Total				=	\$15,424.81

STAGE: **Recreation Stage**

No contributions apply to the recreation stage.

STAGE: **Live/Work Stage 1 - "L/W 1", Illustration3.1**

RESIDENTIAL DEVELOPMENT
SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

(Office Use Only)

Community and Cultural Facilities	(CF-BB)	2.23	SDU @ \$1,143.01	=	\$2,549.80
-----------------------------------	---------	------	------------------	---	------------

" - Shire Wide	(CF-SW)	2.23	SDU @	\$603.98	=	\$1,347.35
Open Space	(OS-BB)	2.23	SDU @	\$7,192.96	=	\$16,045.84
" - Shire Wide	(OS-SW)	2.23	SDU @	\$3,042.84	=	\$6,787.87
Roads	(R-BB)	11.0	trips @	\$823.89	=	\$9,062.76
Cycleways	(CW-BB)	2.23	SDU @	\$776.41	=	\$1,732.00
Civic & Urban Improvements	(IM-BB)	2.23	SDU @	\$1,819.62	=	\$4,059.16
Surf Lifesaving	(SL-BB)	2.23	SDU @	\$29.62	=	\$66.07
Administration	(OF-SW)	2.23	SDU @	\$820.23	=	\$1,829.74
Total					=	\$43,480.59

TOURIST, RETAIL, COMMERCIAL & INDUSTRIAL DEVELOPMENT
SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

(Office Use Only)

Roads	(R-BB)	16.0	trips @	\$823.89	=	\$13,182.20
Civic & Urban Improvements	(IM-BB)	7.09	SDU @	\$1,819.62	=	\$12,901.13
Administration	(OF-SW)	7.09	SDU @	\$820.23	=	\$5,815.43
Total					=	\$31,898.77

STAGE: **Live/Work Stage 2 - "L/W 2", Illustration3.1**

RESIDENTIAL DEVELOPMENT
SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

(Office Use Only)

Community and Cultural Facilities	(CF-BB)	3.23	SDU @	\$1,143.01	=	\$3,692.81
" - Shire Wide	(CF-SW)	3.23	SDU @	\$603.98	=	\$1,951.33
Open Space	(OS-BB)	3.23	SDU @	\$7,192.96	=	\$23,238.81
" - Shire Wide	(OS-SW)	3.23	SDU @	\$3,042.84	=	\$9,830.70
Roads	(R-BB)	20.0	trips @	\$823.89	=	\$16,477.75
Cycleways	(CW-BB)	3.23	SDU @	\$776.41	=	\$2,508.41
Civic & Urban Improvements	(IM-BB)	3.23	SDU @	\$1,819.62	=	\$5,878.78
Surf Lifesaving	(SL-BB)	3.23	SDU @	\$29.62	=	\$95.69
Administration	(OF-SW)	3.23	SDU @	\$820.23	=	\$2,649.97
Total					=	\$66,324.25

TOURIST, RETAIL, COMMERCIAL & INDUSTRIAL DEVELOPMENT
SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

(Office Use Only)

Roads	(R-BB)	16.0	trips @	\$823.89	=	\$13,182.20
Civic & Urban Improvements	(IM-BB)	7.09	SDU @	\$1,819.62	=	\$12,901.13
Administration	(OF-SW)	7.09	SDU @	\$820.23	=	\$5,815.43
Total					=	\$31,898.77

STAGE: **Live/Work Stage 3 - "L/W 3", Illustration3.1**

RESIDENTIAL DEVELOPMENT

**SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

(Office Use Only)

Community and Cultural Facilities	(CF-BB)	3.23	SDU @	\$1,143.01	=	\$3,692.81
" - Shire Wide	(CF-SW)	3.23	SDU @	\$603.98	=	\$1,951.33
Open Space	(OS-BB)	3.23	SDU @	\$7,192.96	=	\$23,238.81
" - Shire Wide	(OS-SW)	3.23	SDU @	\$3,042.84	=	\$9,830.70
Roads	(R-BB)	20.0	trips @	\$823.89	=	\$16,477.75
Cycleways	(CW-BB)	3.23	SDU @	\$776.41	=	\$2,508.41
Civic & Urban Improvements	(IM-BB)	3.23	SDU @	\$1,819.62	=	\$5,878.78
Surf Lifesaving	(SL-BB)	3.23	SDU @	\$29.62	=	\$95.69
Administration	(OF-SW)	3.23	SDU @	\$820.23	=	\$2,649.97
Total					=	\$66,324.25

TOURIST, RETAIL, COMMERCIAL & INDUSTRIAL DEVELOPMENT

**SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

(Office Use Only)

Roads	(R-BB)	16.0	trips @	\$823.89	=	\$13,182.20
Civic & Urban Improvements	(IM-BB)	7.09	SDU @	\$1,819.62	=	\$12,901.13
Administration	(OF-SW)	7.09	SDU @	\$820.23	=	\$5,815.43
Total					=	\$31,898.77

STAGE: **Live/Work Stage 4 - "L/W 4", Illustration3.1**

RESIDENTIAL DEVELOPMENT

**SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

(Office Use Only)

Community and Cultural Facilities	(CF-BB)	3.23	SDU @	\$1,143.01	=	\$3,692.81
" - Shire Wide	(CF-SW)	3.23	SDU @	\$603.98	=	\$1,951.33
Open Space	(OS-BB)	3.23	SDU @	\$7,192.96	=	\$23,238.81
" - Shire Wide	(OS-SW)	3.23	SDU @	\$3,042.84	=	\$9,830.70
Roads	(R-BB)	20.0	trips @	\$823.89	=	\$16,477.75
Cycleways	(CW-BB)	3.23	SDU @	\$776.41	=	\$2,508.41
Civic & Urban Improvements	(IM-BB)	3.23	SDU @	\$1,819.62	=	\$5,878.78
Surf Lifesaving	(SL-BB)	3.23	SDU @	\$29.62	=	\$95.69
Administration	(OF-SW)	3.23	SDU @	\$820.23	=	\$2,649.97
Total					=	\$66,324.25

TOURIST, RETAIL, COMMERCIAL & INDUSTRIAL DEVELOPMENT

**SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

(Office Use Only)

Roads	(R-BB)	16.0	trips @	\$823.89	=	\$13,182.20
Civic & Urban Improvements	(IM-BB)	7.09	SDU @	\$1,819.62	=	\$12,901.13
Administration	(OF-SW)	7.09	SDU @	\$820.23	=	\$5,815.43
Total					=	\$31,898.77

STAGE: Industrial Stage 1 - "IND 1", Illustration3.1

TOURIST, RETAIL, COMMERCIAL & INDUSTRIAL DEVELOPMENT
SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

(Office Use Only)

Roads	(R-BB)	69.0	trips @	\$823.89	=	\$56,848.24
Civic & Urban Improvements	(IM-BB)	7.75	SDU @	\$1,819.62	=	\$14,102.08
Administration	(OF-SW)	7.75	SDU @	\$820.23	=	\$6,356.79
Total					=	\$77,307.11

STAGE: Industrial Stage 2 - "IND 2", Illustration3.1

TOURIST, RETAIL, COMMERCIAL & INDUSTRIAL DEVELOPMENT
SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

(Office Use Only)

Roads	(R-BB)	69.0	trips @	\$823.89	=	\$56,848.24
Civic & Urban Improvements	(IM-BB)	7.80	SDU @	\$1,819.62	=	\$14,193.06
Administration	(OF-SW)	7.80	SDU @	\$820.23	=	\$6,397.80
Total					=	\$77,439.10

Certificate of Compliance – Water Management Act 2000

A Certificate of Compliance will be issued on completion of construction of water management works to serve the development and/or on payment of developer charges for water and sewer as calculated in accordance with Byron Shire Council and Rous Water Development Servicing Plans.

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

The following charges are indicative only. 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.

Subdivision Stage:

- Payment of Developer Servicing Charges for Bulk Water, Water and Sewerage for 9.5 ET.

Water	(S64W Other)	9.50	ET @	\$1,283.78	=	\$12,195.96
Bulk Water	(BW-BB)	9.50	ET @	\$8,377.00	=	\$79,581.50
Sewer	(S64S Other)	9.50	ET @	\$9,732.66	=	\$92,460.23
Total					=	\$184,237.69

Commercial Stage 1:

- Payment of Developer Servicing Charges for Bulk Water, Water and Sewerage for 23.2 ET.

Water	(S64W Other)	23.20	ET @	\$1,283.78	=	\$29,783.81
Bulk Water	(BW-BB)	23.20	ET @	\$8,377.00	=	\$194,346.40
Sewer	(S64S Other)	23.20	ET @	\$9,732.66	=	\$225,797.62
Total					=	\$449,927.83

Commercial Stage 2:

- Payment of Developer Servicing Charges for Bulk Water, Water and Sewerage for 3.6 ET.

Water	(S64W Other)	3.60	ET @	\$1,283.78	=	\$4,621.63
Bulk Water	(BW-BB)	3.60	ET @	\$8,377.00	=	\$30,157.20
Sewer	(S64S Other)	3.60	ET @	\$9,732.66	=	\$35,037.56
Total					=	\$69,816.39

Commercial Stage 3:

- Payment of Developer Servicing Charges for Bulk Water, Water and Sewerage for 4.5 ET.

Water	(S64W Other)	4.50	ET @	\$1,283.78	=	\$5,777.03
Bulk Water	(BW-BB)	4.50	ET @	\$8,377.00	=	\$37,696.50
Sewer	(S64S Other)	4.50	ET @	\$9,732.66	=	\$43,796.95
Total					=	\$87,270.48

Residential Stage 1:

- Payment of Developer Servicing Charges for Bulk Water, Water and Sewerage for 9 ET.

Water	(S64W Other)	9.00	ET @	\$1,283.78	=	\$11,554.06
Bulk Water	(BW-BB)	9.00	ET @	\$8,377.00	=	\$75,393.00
Sewer	(S64S Other)	9.00	ET @	\$9,732.66	=	\$87,593.90
Total					=	\$174,540.97

Residential Stage 2:

- Payment of Developer Servicing Charges for Bulk Water, Water and Sewerage for 10 ET.

Water	(S64W Other)	10.00	ET @	\$1,283.78	=	\$12,837.85
Bulk Water	(BW-BB)	10.00	ET @	\$8,377.00	=	\$83,770.00
Sewer	(S64S Other)	10.00	ET @	\$9,732.66	=	\$97,326.56
Total					=	\$193,934.41

Residential Stage 3:

- Payment of Developer Servicing Charges for Bulk Water, Water and Sewerage for 10 ET.

Water	(S64W Other)	10.00	ET @	\$1,283.78	=	\$12,837.85
Bulk Water	(BW-BB)	10.00	ET @	\$8,377.00	=	\$83,770.00
Sewer	(S64S Other)	10.00	ET @	\$9,732.66	=	\$97,326.56
Total					=	\$193,934.41

Residential Stage 4:

- Payment of Developer Servicing Charges for Bulk Water, Water and Sewerage for 4.3 ET.

Water	(S64W Other)	4.30	ET @	\$1,283.78	=	\$5,520.27
Bulk Water	(BW-BB)	4.30	ET @	\$8,377.00	=	\$36,021.10
Sewer	(S64S Other)	4.30	ET @	\$9,732.66	=	\$41,850.42
Total					=	\$83,391.80

Recreation Stage:

- Payment of Developer Servicing Charges for Bulk Water, Water and Sewerage for 2 ET.

Water	(S64W Other)	2.00	ET @	\$1,283.78	=	\$2,567.57
Bulk Water	(BW-BB)	2.00	ET @	\$8,377.00	=	\$16,754.00
Sewer	(S64S Other)	2.00	ET @	\$9,732.66	=	\$19,465.31
Total					=	\$38,786.88

Live/Work Stage 1:

- Payment of Developer Servicing Charges for Bulk Water, Water and Sewerage for 4.2 ET.

Water	(S64W Other)	4.20	ET @	\$1,283.78	=	\$5,391.90
Bulk Water	(BW-BB)	4.20	ET @	\$8,377.00	=	\$35,183.40
Sewer	(S64S Other)	4.20	ET @	\$9,732.66	=	\$40,877.16
Total					=	\$81,452.45

Live/Work Stage 2:

- Payment of Developer Servicing Charges for Bulk Water, Water and Sewerage for 5.2 ET.

Water	(S64W Other)	5.20	ET @	\$1,283.78	=	\$6,675.68
Bulk Water	(BW-BB)	5.20	ET @	\$8,377.00	=	\$43,560.40
Sewer	(S64S Other)	5.20	ET @	\$9,732.66	=	\$50,609.81
Total					=	\$100,845.89

Live/Work Stage 3:

- Payment of Developer Servicing Charges for Bulk Water, Water and Sewerage for 5.2 ET.

Water	(S64W Other)	5.20	ET @	\$1,283.78	=	\$6,675.68
Bulk Water	(BW-BB)	5.20	ET @	\$8,377.00	=	\$43,560.40
Sewer	(S64S Other)	5.20	ET @	\$9,732.66	=	\$50,609.81
Total					=	\$100,845.89

Live/Work Stage 4:

- Payment of Developer Servicing Charges for Bulk Water, Water and Sewerage for 5.2 ET.

Water	(S64W Other)	5.20	ET @	\$1,283.78	=	\$6,675.68
Bulk Water	(BW-BB)	5.20	ET @	\$8,377.00	=	\$43,560.40
Sewer	(S64S Other)	5.20	ET @	\$9,732.66	=	\$50,609.81
Total					=	\$100,845.89

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.

Occupation Certificate required:

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

Signs require consent:

Council's Planning Instruments requires development consent for most forms of advertising signs and structures. The Council has adopted a policy relating to outdoor advertising that sets out standards for various forms of advertising. Information is available from Council's Local Approvals Branch.

Disability Discrimination Act:

Council has assessed this application under the provisions of the Environmental Planning and Assessment Act 1979. It is the responsibility of applicants for BCA Class 3, 5, 6, 7, 8, 9 and 10a development (generally all commercial, industrial and professional offices) to make themselves aware of the provisions of the Disability Discrimination Act 1992 under which civil action may be taken if access for people with disabilities is denied or provide in a discriminatory way.

Principal Certifying Authority:

Work must not commence until the applicant has:-

- appointed a Principal Certifying Authority (if the Council is not the PCA); and

- given the Council at least two days notice of their intention to commence the erection of the building. Notice must be given by using the prescribed 'Form 7'.
- notified the Principal Certifying Authority of the Compliance with Part 6 of the Home Building Act 1989.

Protection of the Environment Operations Act 1997:

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

Penalties apply for failure to comply with development consents:

Failure to comply with conditions of development consent may lead to an on the spot fine (generally \$600) being issued pursuant to section 127A of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 125 of the Environmental Planning & Assessment Act 1979.

Civil Works:

The civil works shall be designed and constructed in accordance with Council's Engineering Standard current at the time of submission of Engineering Plans for approval by Council. Approval of Engineering Plans will be current for a period of two years after which time Council may require the alteration to the Engineering Design to comply with standard current at that date.

Plan of Management:

The development is to operate in accordance with the controls and mitigation measures that are identified in the Draft Plan of Management (Ref: 291450 GeoLINK September 2008) for the subject development.

Enclosed public places (smoke-free environment):

The applicant and occupier of the premises are alerted to the requirements of the Smoke-Free Environment Act 2000 and the Smoke-Free Environment Regulation 2000 and the guidelines in the Regulation for determining what is an *enclosed public place*. Enquiries may be directed to the NSW Department of Health. The legislation may be viewed on:

<http://www.legislation.nsw.gov.au/maintop/scanact/inforce/NONE/0>

Reasons

- 1 To comply with the provisions of Byron Local Environmental Plan 1988, Byron Development Control Plan 2002 and Byron Development Control Plan 2010 Chapter 20 – Bayshore Village.
- 2 To ensure the development is completed in accordance with conditions of consent and approved plans.
- 3 To ensure adequate access to and from the development.
- 4 To ensure that appropriate landscaping is provided.
- 5 To provide funds for the provision of services and facilities as required by the increased population or activity.
- 6 To ensure compliance with engineering standards.
- 7 To protect the environment.
- 8 To preserve the amenity and traffic safety of the area.
- 9 To ensure adequacy of services to the development.
- 10 To ensure public health and safety.
- 11 To ensure compliance with Section 68 of the Local Government Act 1993.
- 12 To ensure compliance with the Roads Act 1993.

13 To ensure access for people with access disabilities.

14 To preserve the environment and existing or likely future amenity of the neighbourhood.