

DA 10.2017.628.1 RECOMMENDED CONDITIONS OF CONSENT

SCHEDULE 1 CONDITIONS OF CONSENT

Parameters of consent

1. **Development is to be in accordance with approved plans**

The development is to be in accordance with the plans prepared by Dominic Finlay Jones Architects Pty Ltd listed below:

Plan No.	Description	Dated:
PL_DA 100 02	Site Plan	26.02.2018
PL_DA 101 05	External Works Pocket Living Overview	08.06.2018
PL_DA 150 03	External Works 01	26.02.2018
PL_DA 151 03	External Works 02	26.02.2018
PL_DA 152 04	External Works 03	26.02.2018
PL_DA 200 04	PL-A/B Level 00 Floor Plan	26.02.2018
PL_DA 201 05	PL-A/B Level 01 Floor Plan	25.02.2018
PL_DA 202 02	PL-A/B Mezzanine Floor Plan	26.02.2018
PL_DA 203 03	PL-A/B Roof Plan	26.02.2018
PL_DA 204 04	PL-C Level 00 Floor Plan	26.02.2018
PL_DA 205 05	PL-C Level 01 Floor Plan	26.02.2018
PL_DA 206 02	PL-C Mezzanine Floor Plan	26.02.2018
PL_DA 207 03	PL-Roof Plan	26.02.2018
PL_CC 208 05	PL-D/AM Level 00 Floor Plan	08.06.2018
PL_DA 209 05	PL-D Level 01 Floor Plan	26.02.2018
PL_DA 210 02	PL-D/AM Mezzanine Floor Plan	26.02.2018
PL_DA 211 03	PL-D/AM Roof Plan	26.02.2018
PL_DA 280 03	PL-A/PL-B Level 00 Compliance Plan	26.02.2018
PL_DA 281 03	PL-C Level 00 Compliance Plan	26.02.2018
PL_DA 282 04	PL-D/AM Level 00 Compliance Plan	26.02.2018
PL_DA 300 07	PL-A Elevations 01	28.02.2018
PL_DA 301 08	PL-A Elevations 02	28.02.2018
PL_DA 302 07	PL-B Elevations 01	28.02.2018
PL_DA 303 08	PL-B Elevations 02	28.02.2018
PL_DA 304 07	PL-C Elevations 01	28.02.2018
PL_DA 305 08	PL-C Elevations 02	28.02.2018
PL_DA 306 07	PL-D Elevations 01	28.02.2018
PL_DA 307 08	PL-D Elevations 02	28.02.2018
PL_DA 308 03	PL-AM Elevations	08.06.2018
PL_DA 400 07	PL-A Sections 01	28.02.2018
PL_DA 401 06	PL-A Sections 02	28.02.2018
PL_DA 402 07	PL-B Sections 01	28.02.2018
PL_DA 403 07	PL-B Sections 02	28.02.2018

PL_DA 404 07	PL-C Sections 01	28.02.2018
PL_DA 405 07	PL-C Sections 02	28.02.2018
PL_DA 406 07	PL-D Sections 01	28.02.2018
PL_DA 407 06	PL-D Sections 02	28.02.2018
PL_DA 408 02	PL-AM Sections	26.02.2018

The subdivision is to be undertaken in accordance with the Community Plan and associated Detail Sheets, prepared by Ardill Payne & Partners.

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

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

2. Integrated Approvals from other Authorities.

This development consent includes an Integrated development approval under Sections 4.46 and 4.47 of the *Environmental Planning and Assessment Act 1979*, being an authorisation under section 100B in respect of bush fire safety subject to the conditions listed under the “General Terms of Integrated Development Approval” in this consent.

3. Common antennae

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

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

4. Developer Contributions to be paid

Contributions set out in the schedule at the end of this consent are to be paid to Council prior to the release of a construction certificate. Contributions are levied in accordance with the Byron Shire Developer Contributions Plan 2012 (as amended). Contributions may be paid on a proportional basis based on the number of dwellings to be released in a construction certificate.

The Plan may be viewed on line at <http://www.byron.nsw.gov.au/> or during office hours at the Council Offices located at Station Street, Mullumbimby. These contributions are to fund public amenities and services as listed in the schedule. Additional details on the specific amenities are to be found in the Byron Shire Developer Contributions Plan 2012 (as amended).

The contributions in the schedule are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the **amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.** The schedule contains a date for which the schedule remains valid, after this date you will have to contact Council for an updated schedule.

PAYMENTS WILL ONLY BE ACCEPTED BY CASH OR BANK CHEQUE.

5. **Water and Sewerage - Section 68 approval required**
An **Approval** under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

6. **Certificate of Compliance – Water Management Act 2000**
A Certificate of Compliance will be issued upon payment of developer charges for water and sewer as calculated in accordance with Byron Shire Council and Rous Water Development Servicing Plans.

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

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

Developer charges will be calculated in accordance with the Development Servicing Plan applicable at the date of payment. A check must be made with Council to ascertain the current rates by contacting Council's Principal Engineer Systems Planning, Water on 02 6626 7081. Applicable charges can be found on Council's website: <http://www.byron.nsw.gov.au/development-contributions-plans-section-94-and-64>

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

Payment by Personal or Company Cheque will not be Accepted

7. **Stormwater Management**
The application for a Construction Certificate is to include plans and specifications that indicate stormwater and water quality management for the buildings and connection to the existing drainage system, 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.

A minimum of 4m³ of on-site detention must be provided within the pocket living portion of the development.

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

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

The access, parking and manoeuvring for the site is to comply with the requirements of AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking and AS 2890.2 –

2010 - Parking facilities, Part 2: Off-street commercial vehicle facilities. Plans for the spaces proposed within the Pocket Living Precinct are to include, but not be limited to, the following items:

- a) pavement design, comprising an all weather surface, such as asphalt, bitumen seal, concrete, pavers or other similar treatment;
- b) existing and design levels;
- c) typical cross sections;
- d) drainage details;
- e) line marking and signage.

For the Pocket Living Precinct (PL-A, PL-B, PL-C & PL-D):

A total of 77 car spaces are to be allocated to the Pocket Living Precinct PL-A, PL-B, PL-C and PL-D.

A minimum of 17 car spaces are to be constructed within Community Title Lot 11. 56 car spaces to be dedicated to the one bedroom residential units with each one bedroom unit having at least one car space.

4 car spaces to be dedicated to the two bedroom residential units with each two bedroom unit having a minimum of one car space.

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

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

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

9. **Noise Management Plan - Construction**

A Noise Management Plan must be submitted to Council / Certifier for approval prior to the issue of the construction certificate for building works. The Noise Management Plan must be prepared by a suitably qualified acoustic practitioner and detail the methods that will be implemented for the whole project to minimise construction noise. Information should include:

- a) identification of nearby residences and other sensitive land uses;
- b) assessment of expected noise impacts;
- c) detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts;
- d) strategies to promptly deal with and address noise complaints;
- e) details of performance evaluating procedures (for example, noise monitoring or checking work practices and equipment);
- f) procedures for notifying nearby residents of forthcoming works that are likely to produce noise impacts;
- g) reference to relevant consent conditions; and
- h) name and qualifications of person who prepared the report.

Note to EO: Refer to DECC's 'Interim Construction Noise Guideline' (2009) for more

information refer <http://www.environment.nsw.gov.au/noise/constructnoise.htm>

10. **Environmental Management Plan - Construction**

An Environmental Management Plan (EMP) must be submitted to Council for approval prior to the issue of the construction certificate for building works. The EMP must be prepared by a suitably qualified professional and contain details of measures to be undertaken to ensure that construction works do not result in any on-site and off-site impacts that could interfere with neighbourhood amenity by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. The EMP must be prepared by a suitably qualified professional environmental consultant.

11. **Compliance with BASIX Certificate requirements**

The development is to comply with Basix Certificate No. 836630M_04, dated 6 March 2018

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

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

Minor changes to the energy efficiency measures may be undertaken without the issue of any amendment under Section 96 of the Act, provided that the changes do not affect the form, shape or size of the building.

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

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

12. **Building materials and colours to be specified**

The application for a Construction Certificate is to include plans and specifications that indicate the proposed building materials and colours consistent with the provisions of Development Control Plan 2014 – Chapter D2.2.3 - Character and Visual Impact. Please note that colours must generally be earth tone colours and that the use of white and near white colours is not permissible

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

13. **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 all the mixed use areas of the site. The landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions of Chapter B9 of Development Control Plan 2014.

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

14. Long Service Levy to be paid

A Long Service Levy must be paid to the Long Service Payments Corporation. This is a State Government Levy and is subject to change.

These payments may be made online at www.longservice.nsw.gov.au or at Council's Administration Office, Station Street, Mullumbimby. When paying to Council, cheques are to be made payable to 'Byron Shire Council'.

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

15. Site Waste Minimisation and Management

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

16. Compliance with bushfire conditions

Documentary evidence is to be submitted demonstrating that Condition 2 of the Bush Fire Safety Authority has been complied with and that a Bush Fire Vegetation Fuel Management Plan has been approved by the NSW Rural Fire Service.

Note: In preparing the Bush Fire Vegetation Fuel Management Plan, the preliminary landscape plan submitted as Figure 7 of the 'Bushfire Threat Assessment Report', prepared by Bushfire Certifiers dated 18th September, 2017, is to be amended to remove reference to a 1 in 4 batter within the 10m wide managed grassland strip within Lot 1 DP 27119.

17. Provision of public art

In accordance with Chapter D8 of Development Control Plan 2014, 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. 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.

Note: Where similar conditions have been applied to other development consents at Habitat, a single installation to the combined value as specified would be acceptable.

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

18. Erosion and sediment measures

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

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

19. Water service and meter to be connected

A water service and water meter 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 and meter will be at the applicants cost.

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

20. 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.

21. 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.

22. **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.

23. **Stormwater drainage work**

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

24. **Signs to be erected on building and demolition sites**

A sign must be erected in a prominent position on the work site:

- a. stating that unauthorised entry to the work site is prohibited, and
- b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

25. **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.

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

Fill material must not encroach onto any adjoining land.

27. **Prevention of water pollution**

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

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

28. **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.

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

29. **Works to be completed prior to issue of a Final Occupation Certificate**

All of the works indicated on the plans and approved by this consent, including any other consents that are necessary for the completion of this development including

approvals issued under the Local Government Act 1993 and the Roads Act 1993, are to be completed and approved by the relevant consent authority/s prior to the issue of a Final Occupation Certificate.

Any Security bond paid for this application will be held until Council is satisfied that no further works are to be carried out that may result in damage to Councils road/footpath reserve.

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

All stormwater drainage works, including on-site stormwater detention works, for the development shall be constructed in accordance with the approved plans and specification prior to issue of an occupation certificate. Certificate/s of Compliance and Work-As-Executed (WAE) plans for the stormwater works must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

The certificate/s and WAE plans are to be prepared by a suitably qualified engineer and must be in accordance with Council's Comprehensive Guidelines for Stormwater Management.

31. **Stormwater disposal**

Stormwater must be collected and disposed of in a controlled manner such that stormwater flows are:

- a. Clear of buildings and infrastructure,
- b. Clear of effluent disposal areas,
- c. Not concentrated so as to cause soil erosion, and
- d. Not directly to a watercourse.

32. **Compliance with bushfire conditions**

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

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

33. **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 those conditions of consent required to be complied with "Prior to the issue of a Subdivision Certificate" with a clear explanation 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.

34. **Plan of Subdivision**

The final plan of subdivision must be in accordance with the approved plan/s. A Deposited Plan Administration Sheet (original plus one (1) copy), two (2) copies of the plan of subdivision and any necessary section 88B instrument (original plus one (1) copy) are to be submitted with the application for a subdivision certificate.

An additional copy of the final plan of subdivision is to be submitted showing the location of all buildings and/or other permanent improvements including any fences, internal access driveways/roads. Where the building/s or improvements are close to boundaries, offset distances are to be included on the additional copy of the plan. This plan must be endorsed by a Registered Surveyor. Any encroachments affecting new boundaries or the road reserve must be removed or relocated wholly within the allotment. The new boundaries must not cause any existing building/s to contravene the Building Code of Australia.

The following conditions are to be complied with at all times

35. **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.

36. **Use of dwellings**

The dwellings are not to be holiday let or used as tourist and visitor accommodation.

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

General Terms of Integrated Development Approval

Bushfire Safety Authority

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

1. The development proposal is to comply with the following:
 - drawing titled 'Masterplan' submitted as Appendix A of the 'Bushfire Threat Assessment Report' prepared by Bushfire Certifiers dated 18th September, 2017; and

- preliminary landscape plan submitted as Figure 7 of the aforementioned 'Bushfire Threat Assessment Report'.

Asset Protection Zones

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

2. A Bushfire Vegetation Fuel Management Plan and procedure is to be prepared prior to issue of construction certificate detailing a management program ensuring the habitat area on Lot 1 in DP 271119 as having a vegetation classification combination of short heath and freshwater wetland. Only two melaleucas are permitted as shown in the aforementioned landscape plan submitted as Figure 7 of the 'Bushfire Threat Assessment Report'.
3. At the issue of subdivision certificate and in perpetuity the entire property of Lot 7 in DP 271119 shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
4. At the issue of subdivision certificate and in perpetuity the south eastern boundary of Lot 1 in DP 271119 shall be managed as an IPA for a distance 10 metres as indicated on the aforementioned landscape plan. The IPA shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

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

5. Any alteration to water, electricity and gas supply to service the development shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

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

6. New construction on the north western, south western and south eastern elevations of Building PL-A shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
7. New construction on the north eastern elevation of Building PL-A shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
8. New construction on the north western, south western and south eastern elevations of Building PL-B shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.

9. New construction on the north eastern elevation of Building PL-B shall comply with sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
10. New construction on the north western, south western and north eastern elevations of Building PL-C shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
11. New construction on the south eastern elevation of Building PL-C shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
12. New construction of Building PL-D shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
13. If within 10 metres of another building, new construction of Building AM shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.

Landscaping

14. Landscaping to Lot 7 in DP 271119 is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

General Advice – consent authority to note

This bush fire safety authority is issued in recognition that internal roads have been created in accordance with the general terms of approval issued by the NSW Rural Fire Service for DA 10.2015.353.1 dated 30th July, 2015.

SCHEDULE 2 PRESCRIBED CONDITIONS

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

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

Refer to the NSW State legislation for full text of the clauses under Division 8A of the

[Environmental Planning and Assessment Regulation 2000](http://www.legislation.nsw.gov.au). This can be accessed at <http://www.legislation.nsw.gov.au>.

SCHEDULE 3 DEVELOPER CONTRIBUTIONS

Section 94 contributions Schedule for Byron Bay Suffolk Park Catchment						
This schedule was calculated in spreadsheet #E2015/28112						
1 bedroom units =	56	@	0.55 SDU	=	30.8	
2 bedroom units =	4	@	0.75 SDU	=	3	
3 bedroom units/dwellings =	0	@	1 SDU	=	0	
Allotments =	0	@	1	=	0	
Less Site Credits =	0	@	-1	=	0	
Total SDU				=	33.8	
Schedule valid until		25/07/2018		After this date contact Council for CPI update.		
Local Open Space & Recreation	(OS-BB)	33.80 SDU @	\$ 4,117.39	=	\$ 139,167.78	
LGA Wide Open Space & Recreation	(OS-SW)	33.80 SDU @	\$ 741.09	=	\$ 25,048.84	
LGA wide Community Facilities	(CF-SW)	33.80 SDU @	\$ 1,085.41	=	\$ 36,686.86	
Local Community Facilities	(CF-BB)	33.80 SDU @	\$ 1,223.07	=	\$ 41,339.77	
Bikeways & Footpaths	(CW-BB)	33.80 SDU @	\$ 1,355.91	=	\$ 45,829.76	
Shire Wide Bikeways & Footpaths	(CW-SW)	33.80 SDU @	\$ 79.62	=	\$ 2,691.16	
Urban Roads	(R-BB)	33.80 SDU @	\$ 3,071.55	=	\$ 103,818.39	
LGA Wide Roads	(R-SW)	33.80 SDU @	\$ 224.25	=	\$ 7,579.65	
Rural Roads	#N/A	33.80 SDU @	\$ -	=	\$ -	
Administration Levy	(OF-SW)	33.80 SDU @	\$ 1,120.96	=	\$ 37,888.45	
Total				=	\$ 440,050.66	

SCHEDULE 4 NOTES

Construction Certificate required:

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

Principal Certifying Authority:

Work must not commence until the applicant has:-

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

Occupation Certificate required:

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

Protection of the Environment Operations Act 1997:

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

Penalties apply for failure to comply with development consents

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

Plumbing Standards and requirements.

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

Water payments under the Water Management Act 2000

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

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

Water	24.80 ET
Bulk Water	24.80 ET
Sewer	31.01 ET

NB: Information regarding Development Servicing charges can be found on the Byron Shire Council website (<http://www.byron.nsw.gov.au/development-contributions-plans-section-94-and-64>). These charges will enable you to calculate the total contribution charges payable when you are ready to pay them. Developer charges will be calculated in accordance with the Development Servicing Plan applicable at the date of payment.