

## SUPPLEMENTARY COUNCIL ASSESMENT REPORT

<b>Panel Reference</b>	2017NTH030
<b>DA Number</b>	10.2017.509.1
<b>LGA</b>	Byron Shire
<b>Proposed development</b>	Alterations and additions to Byron Bay Public School including removal of five demountable buildings, removal of twelve trees, demolition of classroom building 'L', construction of a new two storey classroom building containing ten home base rooms, covered walkway, new play area and associated landscaping.
<b>Street Address</b>	Lot 1 in DP 805037, Lot 1 Section 43 in DP 758207, Lot 2 Section 43 in DP 758207
	Kingsley Street, Byron Bay
<b>Applicant:</b>	Conrad Gargett (on behalf of NSW Department of Education)
<b>Owner:</b>	NSW Department of Education
<b>Date of lodgement</b>	14 September 2017
<b>Number of submissions</b>	No submissions were received in relation to the subject application.
<b>Recommendation</b>	Approval subject to conditions of consent
<b>Regional Development Criteria (Schedule 4A of the EP &amp; A Act)</b>	Crown development with a Capital Investment Value more than \$5 million.
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Byron Local Environmental Plan 2014</li> <li>• Byron Development Control Plan 2014</li> <li>• State Environmental Planning Policy No 44—Koala Habitat Protection</li> <li>• State Environmental Planning Policy No 55—Remediation of Land</li> <li>• State Environmental Planning Policy No 71—Coastal Protection</li> <li>• State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>• Draft Coastal Management State Environmental Planning Policy</li> <li>• EP&amp;A Regulations clauses 92 and 94</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• No attachments. Revised conditions of consent are included in the recommendations of this report.</li> </ul>
<b>Report prepared by</b>	Ben Grant – Planner
<b>Report date</b>	21 June 2018

## Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **N/A**

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## Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? **N/A**  
*e.g. Clause 7 of SEPP55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

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## Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

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## Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **N/A**  
*Note: Certain Das in the Western Sydney Growth Areas Special Contributions Areas may require specific Special Infrastructure Contributions (SIC) conditions*

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## Conditions

Have draft conditions been provided to the applicant for comment? **Yes**  
*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## EXECUTIVE SUMMARY

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### Reasons for report

On 17<sup>th</sup> May 2018, the Northern Joint Regional Planning Panel considered development application no. 10.2017.509.1 for alterations and additions to Byron Bay Public School including removal of five demountable buildings, removal of twelve trees, demolition of classroom building 'L', construction of a new two storey classroom building containing ten home base rooms, covered walkway, new play area and associated landscaping.

The Panel deferred the matter, because a Traffic Impact Assessment had not been completed to consider the traffic implications of the potential increase in capacity of up to 60 students.

The Panel recommended that Condition 2 be amended to place a cap on enrolments at their current level of 679 students. It was noted that the applicant may request the consent to be modified to allow the additional student capacity, provided the request was supported by a Traffic Impact Assessment in accordance with certain Council requirements.

A condition of consent can only be imposed on a Crown development application with the approval of the applicant. As such, an alternative option was recommended for Condition 2 to be reworded as an advisory note to similar effect, should the applicant not agree to the cap on enrolments.

Additional time was required for the NSW Department of Education to consider the recommended changes.

### Proposed change to Condition 2

On 31<sup>st</sup> May 2018, Council received an e-mail from the applicant, confirming that the NSW Department of Education had agreed for Condition 2 to be reworded as an advisory note in any consent notice. The recommended conditions of consent have been revised in accordance with this agreement.

### Recommendation

The proposed development is considered to be satisfactory, having regard to the matters for consideration under section 79C of the *Environmental Planning and Assessment Act 1979* as previously considered in the initial assessment report.

The development application is recommended for approval subject to the revised conditions of consent which are included in the recommendations of this report.

## 1. Background

On 17<sup>th</sup> May 2018, the Northern Joint Regional Planning Panel considered development application no. 10.2017.509.1 for alterations and additions to Byron Bay Public School including removal of five demountable buildings, removal of twelve trees, demolition of classroom building 'L', construction of a new two storey classroom building containing ten home base rooms, covered walkway, new play area and associated landscaping.

The Panel deferred the matter, because a Traffic Impact Assessment had not been completed to consider the traffic implications of the potential increase in capacity of up to 60 students.

The Panel recommended that Condition 2 be amended to place a cap on enrolments at their current level of 679 students. It was noted that the applicant may request the consent to be modified to allow the additional student capacity, provided the request was supported by a Traffic Impact Assessment in accordance with certain Council requirements.

A condition of consent can only be imposed on a Crown development application with the approval of the applicant. As such, an alternative option was recommended for Condition 2 to be reworded as an advisory note to similar effect, should the applicant not agree to the cap on enrolments.

Additional time was required for the NSW Department of Education to consider the recommended changes.

## 2. Reasons for deferral and response from applicant

The Panel agreed to defer the determination of the matter with the following resolution:

### **REASONS FOR DEFERRAL**

*"The Panel resolved unanimously to defer the determination of the above DA because a Traffic Impact Assessment had not been completed to consider the traffic implications of the potential increase in capacity of up to 60 students.*

*The Panel submitted an amendment to Condition 2 to read as follows:*

*"That the total enrolment at the School does not exceed its current level (679 students)."*

*The Panel note that the Applicant may request that this consent be modified in order to allow the notional additional capacity from the development (being an additional 60 students) to be realised, provided that the request is supported by a Traffic Impact Assessment for that additional capacity in accordance with the following Council requirements:*

- a) a brief description of the development in terms of proposed land use and trips generated;*
- b) a brief description of the existing operational conditions of the road network in the immediate vicinity of the development;*
- c) analysis of the operation of the accesses and parking arrangements for the development;*
- d) analysis of the parking demand and supply of the development;*

- e) *analysis for the mobility impaired;*
- f) *analysis of the operation of the first intersection, as a minimum, on either side of the accesses;*
- g) *a conceptual geometric layout of the access arrangements, including any nearby driveways and intersections; and*
- h) *professional opinion on the expected traffic impact based on a sit observation during expected critical peak hour and the analysis conducted.*

*The Panel is aware that as a crown development, the condition can only be changed with the consent of the NSW Department of Education.*

*Further, the Panel resolved that if the Applicant does not agree to this revised condition, Council's draft condition 2 be replaced by an Advising to similar effect.*

*When this information has been received, the Panel will determine the matter electronically unless the Panel considers that another public meeting is warranted".*

On 31<sup>st</sup> May Council received an e-mail from the applicant, confirming that the NSW Department of Education had agreed for condition no. 2 to be reworded as an advisory note in any consent notice.

### **3. Proposed rewording of Condition 2 as an advisory note**

In accordance with the applicant's agreement, it is proposed that Condition 2 be reworded as an advisory note as follows:

#### ***SCHEDULE 3 NOTES***

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##### ***Traffic Impact***

*Prior to the certification of Crown building work, it is recommended that the developer undertake a traffic impact assessment in accordance with the following Council requirements:*

- a) *a brief description of the development in terms of proposed land use and trips generated;*
- b) *a brief description of the existing operational conditions of the road network in the immediate vicinity of the development;*
- c) *analysis of the operation of the accesses and parking arrangements for the development;*
- d) *analysis of the parking demand and supply of the development;*
- e) *analysis for the mobility impaired;*
- f) *analysis of the operation of the first intersection, as a minimum, on either side of the accesses;*
- g) *a conceptual geometric layout of the access arrangements, including any nearby driveways and intersections; and*
- h) *professional opinion on the expected traffic impact based on a site observation during the expected critical peak hour and the analysis conducted.*

*The assessment and recommendation should be submitted to Byron Shire Council and approved by the General Manager or delegate. Any recommendations should be implemented as part of the development of the site.*

**Note.** *Any changes to the School set down/pickup arrangements for parents and students may be further considered by the Local Traffic Committee prior to implementation, in order to address traffic safety and other off-site impacts that may arise.*

#### **4. Conclusion**

In conclusion, the proposed development is considered to be satisfactory, having regard to the matters for consideration under section 79C of the *Environmental Planning and Assessment Act 1979* as previously considered in the initial assessment report.

The development application is recommended for approval subject to the revised conditions of consent which are included in the recommendations of this report.

#### **5. Recommendation**

It is recommended that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application no. 10.2017.509.1 for alterations and additions to Byron Bay Public School including removal of five demountable buildings, removal of twelve trees, demolition of classroom building 'L', construction of a new two storey classroom building containing ten home base rooms, covered walkway, new play area and associated landscaping, be granted consent subject to the following conditions:

#### **SCHEDULE 1 CONDITIONS OF CONSENT**

##### **Parameters of consent**

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

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

<b>Plan No.</b>	<b>Description</b>	<b>Prepared by</b>	<b>Dated:</b>
DA 003 Rev. C	Demolition Plan	Conrad Gargett	28/08/2017
DA 004 Rev. C	Site Plan	Conrad Gargett	28/08/2017
DA 100 Rev. D	Ground Floor Plan	Conrad Gargett	27/09/2017
DA 101 Rev. D	Level 1 Floor Plan	Conrad Gargett	27/09/2017
DA 102 Rev. C	Roof Plan	Conrad Gargett	28/08/2017
DA 200 Rev. C	East Elevations	Conrad Gargett	28/08/2017
DA 201 Rev. C	North Elevation	Conrad Gargett	28/08/2017
DA 202 Rev. C	South Elevation	Conrad Gargett	28/08/2017
DA 203 Rev. C	West Elevation	Conrad Gargett	28/08/2017
DA 204 Rev. C	Sections	Conrad Gargett	28/08/2017
LA 005 Rev. A	Functional Diagram	Conrad Gargett	28/08/2017
LA 006 Rev. A	Overall Landscape Plan	Conrad Gargett	28/08/2017
LA 007 Rev. A	Landscape Area – Homebase Landscape Plan	Conrad Gargett	28/08/2017
LA 008 Rev. A	Landscape Area – Kindie Area	Conrad Gargett	28/08/2017

LA 009 Rev. A	Tree Retention and Removal Plan	Conrad Gargett	28/08/2017
LA 010 Rev. A	Material Palette – Hardscape	Conrad Gargett	28/08/2017
LA 011 Rev. A	Material Palette – Softscape	Conrad Gargett	28/08/2017
LA 012 Rev. A	Planting Schedule	Conrad Gargett	28/08/2017
160169E1.02 Rev. C	Concept Stormwater Drainage Plan	Barker Ryan Stewart	30/10/2017
-	Site Waste minimisation and Management Plan	Lisa Wrightson, Barker Ryan Stewart	20 June 2017
Project No. 117-19420	Geotechnical and Acid Sulfate Soil Investigation	Bligh Tanner Consulting Engineers	July 2017
-	External colours and finishes	Conrad Gargett	-

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.

**The following conditions are to be complied with prior to the certification of Crown building works**

**2. Water and sewerage - Section 68 approval required**

Prior to the certification of Crown building work, an approval under Section 68 Part B of the *Local Government Act 1993* to carry out water supply work and sewerage work must be obtained.

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

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

**3. Flood Planning Level for new buildings**

The flood planning level for this development is 4.0m A.H.D. The plans and specifications submitted for the certification of Crown building work are to indicate a minimum habitable floor level that is at or above the flood planning level.

The plans and specifications submitted for the certification of Crown building work are to also indicate:

- a) a minimum floor level of 3.7m A.H.D for non-habitable building or room (e.g. Shed, carport, garage, laundry, shelter, toilet, etc.); and
- b) the use of flood compatible materials and services below the flood planning level in accordance with the requirements of Council's Development Control Plan 2014 – Chapter C2 – Areas Affected by Flood.

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

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

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

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

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

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

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

***Note:** Copies of the application forms for Certificates of Compliance are available on Council's website*

*[http://www.byron.nsw.gov.au/files/Forms/Section\\_305\\_Certificate.pdf](http://www.byron.nsw.gov.au/files/Forms/Section_305_Certificate.pdf) or from Council's Administration Office. Copies of Byron Shire Council's Development Servicing Plans are available at Council's Administration Office.*

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

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

**Payment by Personal or Company Cheque will not be Accept**

**6. On-site stormwater detention required**

Prior to the certification of Crown building works, a stormwater drainage system must be designed in accordance with the relevant Australian Standard. All stormwater drainage for the development must be conveyed via an on-site stormwater detention system by gravity to the existing stormwater drainage system on-site.

Such plans and specifications must be designed by a suitably qualified engineer.

All stormwater drainage systems within the lot must:

- (a) comply with any requirements for the disposal of stormwater drainage and on-site stormwater detention contained in Council's Development Control Plan, Council's Comprehensive Guidelines for Stormwater Management and Local



Approvals Policy, and

- (b) if an approval is required under section 68 of the Local Government Act 1993, that such an approval be obtained prior to the certification of any Crown building work.

**Note 1.** The relevant Australian Standard is currently AS/NZS 3500.3:2003 *Plumbing and drainage, Part 3: Stormwater drainage*.

**7. Tree removal**

No trees or vegetation to be cleared or removed until the certification of Crown building work has occurred.

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

**8. Erosion and sediment measures**

Erosion and sedimentation controls are to be in place in accordance with the approved erosion and sediment control plan and Council's *Guidelines for Erosion & Sediment Control on Building Sites*. A copy may be downloaded from Council's web site at [http://www.byron.nsw.gov.au/pdfs/stormwater/sediment\\_erosion.pdf](http://www.byron.nsw.gov.au/pdfs/stormwater/sediment_erosion.pdf). Particular attention is to be given to the provision of the following sediment and erosion control measures:

- a) Temporary driveway from the edge of road to the building site;
- b) Temporary downpipes immediately installed after the roof has been erected;
- c) Silt fence or sediment barrier.

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

**Note: Council may impose on-the-spot fines for non-compliance with this condition. Any such measures that are deemed to be necessary because of the local conditions must be maintained at all times until the site is made stable (i.e. by permanent vegetation cover or hard surface).**

**9. Trees to be protected**

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

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

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

**10. Toilet facilities**

Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a toilet connected to an accredited sewage management system approved by the Council.

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

**11. 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.**

**12. 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.**

**13. 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.

**14. 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.

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

Fill material must not encroach onto any adjoining land.

**16. 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.**

**17. 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.

**18. Acid Sulfate Soil Management Plan**

Any excavation works must be undertaken in accordance with the approved Acid Sulfate Soils Management Plan no. 117-19420 by Bligh Tanner consultants. The recommended measures for monitoring, treating, handling, storing and removing acid sulfate soils and groundwater must be implemented and adhered to at all times during construction.

**19. Demolition**

Any required demolition works must be undertaken in accordance with the relevant requirements of Australian Standard AS 2601–1991: The Demolition of Structures published by Standards Australia, and the WorkCover Authority of NSW.

**20. Removal of asbestos**

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

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

**21. Removal of demolition and other wastes**

All wastes, including asbestos and lead-contaminated wastes, associated with these works are to be handled and disposed of in accordance with the requirements of the Work Cover Authority. The applicant/owner is to produce documentary evidence that this condition has been met. Wastes must be disposed of at a Licenced Waste Facility. All wastes removed from the site must be managed and disposed of in accordance with the NSW DECC Waste Classification Guidelines (2008) [www.environment.nsw.gov.au/resources/waste/08202classifyingwaste.pdf](http://www.environment.nsw.gov.au/resources/waste/08202classifyingwaste.pdf)

**22. Services**

Services below the flood planning level must be in accordance with the

requirements of Council's Development Control Plan 2014 – Chapter C2 – Areas Affected by Flood.

**23. 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

**24. Stormwater drainage work**

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

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

**25. Works to be completed prior to occupation of the building**

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 occupation of the building.

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.

**26. Completion of landscaping works**

Prior to the occupation of the building all landscaping works must be undertaken in accordance with the approved plans and conditions of consent.

**27. 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 occupation of the building. Certificate/s of Compliance and Work-As-Executed (WAE) plans for the stormwater works must be submitted to the Certifying Authority prior to the occupation of the building.

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.

**28. Floor levels – certification for flooding**

Prior to the occupation of the building, a certificate from a registered surveyor must be submitted to the Certifying Authority confirming the height of habitable and non-habitable floors. The building must not be occupied unless the floor levels are at or above the relevant flood planning levels.

**29. 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) Not concentrated so as to cause soil erosion,
- c) Not onto adjoining land.

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

**32. Vehicular access**

The vehicular access to the site off Kingsley Street is to remain free and clear of any obstructions, landscaping or obstacles at all times to enable a clear path of travel for maintenance and emergency vehicles. Any bollards must be removable.

**SCHEDULE 2 PRESCRIBED CONDITIONS**

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

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

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

**SCHEDULE 3 NOTES**

**Traffic Impact**

Prior to the certification of Crown building work, it is recommended that the developer undertake a traffic impact assessment in accordance with the following Council requirements:

- a) a brief description of the development in terms of proposed land use and trips generated;
- b) a brief description of the existing operational conditions of the road network in the immediate vicinity of the development;
- c) analysis of the operation of the accesses and parking arrangements for the development;
- d) analysis of the parking demand and supply of the development;
- e) analysis for the mobility impaired;
- f) analysis of the operation of the first intersection, as a minimum, on either side of the accesses;
- g) a conceptual geometric layout of the access arrangements, including any nearby

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driveways and intersections; and

- h) professional opinion on the expected traffic impact based on a site observation during the expected critical peak hour and the analysis conducted.

The assessment and recommendation should be submitted to Byron Shire Council and approved by the General Manager or delegate. Any recommendations should be implemented as part of the development of the site.

**Note.** Any changes to the School set down/pickup arrangements for parents and students may be further considered by the Local Traffic Committee prior to implementation, in order to address traffic safety and other off-site impacts that may arise.

#### **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	1.8 ET
Bulk Water	1.8 ET
Sewer	3.0 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.

#### **Relics Provisions - Advice**

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

- (a) a relic is suspected, or there are reasonable grounds to suspect a relic in ground, that is likely to be disturbed damaged or destroyed by excavation; and/or
- (b) any relic is discovered in the course of excavation that will be disturbed, damaged or destroyed by further excavation;

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

#### **Section 170 Heritage and Conservation Register and State Heritage Inventory**

Government agencies have responsibilities under Section 170 of the Heritage Act 1977. Section 170 requires agencies to identify, conserve and manage heritage assets owned, occupied or managed by that agency.

It is recommended that:

- (a) the Byron Bay Public School Heritage Item I080 is included in the Section 170 Register by the NSW Department of Education in accordance with Section 22 of the Heritage Regulation 2012, and
- (b) the SHI Inventory 1260007 is updated and Criteria C Aesthetic Significance is included, as also recognised in the SOHI report by Conrad Garget Dated 26 June 2017.

**Principal Certifying Authority:**

Work must not commence until the applicant has:-

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

**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.

**SCHEDULE 4            REASONS**

- 
- To ensure the development is completed in accordance with conditions of consent and approved plans.
  - To comply with the provisions of Byron Local Environmental Plan 2014.
  - To ensure compliance with engineering standards.
  - To provide and/or maintain an adequate drainage network that will not cause damage to existing or future development.
  - To ensure the potential impacts from flooding are minimised.
  - To ensure that the land or adjoining land is not damaged by the uncontrolled discharge

of runoff from any buildings and paved areas that may be constructed on the land.

- To ensure adequate traffic and parking arrangements are in place to cater for the development.
- To ensure adequacy of services.
- To minimise loading on services water and/or sewer services.
- To preserve the environment and existing or likely future amenity of the neighbourhood.
- To protect vegetation.
- To protect the environment.
- To preserve the amenity of the area.
- To ensure public health and safety.
- To ensure compliance with Section 68 of the Local Government Act 1993.