

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application No.	Development Application No. 10.2020.651.1
Applicant	Planners North
Property	2 Bangalow Road BYRON BAY LOT: 2 DP: 1206972
Development	Staged Affordable Housing Development comprising Nine (9) Boarding Houses, Community Building, Managers Residence and Strata Subdivision to create Three (3) Lots and a Common Lot
Determination	Deferred commencement Consent Authority - Council
Date of determination	27 April 2023
Date on which the consent lapses	2 May 2027

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of deferred commencement consent using the power in section 4.16(3) of the EP&A Act, subject to the conditions set out in this notice.

Relevant matters

This consent does not operate and may not be acted on until the consent authority is satisfied of the following matter(s):

CONDITIONS OF CONSENT

SCHEDULE 1 DEFERRED COMMENCEMENT CONDITION PURSUANT TO SECTION 4.16(3)

The following condition concerns matters as to which the Council must be satisfied before the consent can be issued:

1. Deferred Commencement Consent

This consent does not operate until Council is satisfied as to the following matters:

a. Access and Manoeuvring Plan

An updated Access Plan is to be provided, demonstrating that the ultimate access arrangements can cater for vehicle entry to and exit from the site in forward direction, for all vehicles, including the maximum size refuse collection vehicle anticipated for the site, in accordance with Appendix B8.5 & B8.6 of Chapter B8 of DCP2014. The plan is to provide for left in and left out manoeuvring movement at the southern access and left out manoeuvring movement at the northern access.

To satisfy Council of the above, an Access Plan is to be submitted for approval, which addresses the following matters:

- The submission of detailed engineering plans for the internal and external access arrangement for the development.

- b) Plans to comply with the requirements of AS 2890.1-2004: Parking facilities, Part 1: Off-street carparking and AS 2890.2 – 2010 - Parking facilities, including but not limited to:
- Access in accordance with Council’s standard drawing or AS2890
 - Redundant driveways to be removed and reinstated to match the existing verge and kerb & gutter
 - Left-in and left-out arrangement for the southern access
 - Left out only for the northern access
 - Manoeuvring diagram to cater for the entry and exit in forward direction of the maximum size refuse collection vehicle in accordance with Appendix B8.5 & B8.6
 - Manoeuvring diagram for commercial vehicles and car to include manoeuvring clearances of 0.5m and 0.3m respectively. Manoeuvring clearances must not encroach into building structures and other structures.
 - Internal access width to cater for the maximum sized vehicle and road capacity in accordance with AS2890
 - Dimensions, finished levels and grades demonstrating compliance with AS 2890
 - Pavement design
 - Site conditions affecting the access
 - Existing and design levels
 - Drainage
 - Cross sections and
 - Longitudinal section from the road centreline

b. Parking and Loading Bay

This consent does not operate until Council is satisfied that adequate parking and loading bay arrangements can be implemented to cater for the development in accordance with Chapter B4 of DCP2014.

To satisfy Council of the above, a Parking and Loading Bay Plan is to be submitted for approval, which addresses the following matters:

- a) The submission of detailed parking and loading bay plans in accordance with AS2890
- b) Minimum of 42 parking spaces
- c) Minimum 25 bicycle parking
- d) Minimum 16 motorcycle parking
- e) Bicycle and motorcycle parking design in accordance with AS2890
- f) Accessible parking supply in accordance with BCA requirements
- g) Dimensions, finished levels and grades demonstrating compliance with AS 2890
- h) Parking User Class 1A for angle car parking
- i) Parking User Class 4 for angle accessible parking
- j) Parallel parking
- k) Accessible parallel parking
- l) Blind aisle extension and

m) Circulation roadway

NOTE: The plans must be in compliance with Council's DCP 2014 and Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

In satisfying Council as to the above conditions Council must be furnished with fully detailed engineering design plans and specifications, to be designed by a qualified practicing 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.

Evidence of the above relevant matter(s) must be produced to the consent authority, within two years of the date of the determination, otherwise the consent will lapse.

Under section 88(3) of the EP&A Regulation, the consent authority will notify you in writing if the matters above have been satisfied and the date from which this consent operates.

The conditions of development consent below apply from the date that this consent operates.

Where the applicant produces evidence of the relevant matters in accordance with section 76(4) of the EP&A Regulation, the consent authority must notify the applicant whether or not it is satisfied as to the relevant matter(s). If the consent authority has not notified the applicant within 28 days after receiving the applicant's evidence, the consent authority is taken to have notified the applicant that is not satisfied about the relevant matter(s) on the date on which that period expires, for the purposes of section 8.7 of the EP&A Act (see sections 76(4), (5) and (6) of the EP&A Regulation).

Reason for conditions

The conditions imposed have been included in response to development considerations and to ensure a high standard of development having regard to the effect upon the environment and the amenity of the neighborhood.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Signed on behalf of the Consent Authority



Robert Van Iersel
Town Planner - Contractor