



BSC File No: 271670D x 10.2024.200.1/#A2024/38368Contact: Gregory Smith

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application No.	10.2024.200.1 PAN-445584
Applicant	Matt Walker Town Planning
Property	10 Ward Lane MULLUMBIMBY LOT: 2 DP: 1295394
Development	Dwelling House and Carport
Determination	Approved Consent Authority - Council
Date of determination	29 July 2024
Date from which the consent operates	30 July 2024
Date on which the consent lapses	30 July 2029

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 consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

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

Gregory Smith
Team Leader Planning Services, Residential and Subdivision

CONDITIONS OF CONSENT

Schedule 1. CONDITIONS OF CONSENT

Parameters of consent

1. Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Title	Drawn by	Dated
01/10	-	Title Page	aew drafting and design	April 2024
02/10	-	Site Plan	aew drafting and design	April 2024
03/10	-	Floor Plan	aew drafting and design	April 2024
04/10	-	BASIX Commitments	aew drafting and design	April 2024
05/10	-	Roof Plan	aew drafting and design	April 2024
06/10	-	Elevations	aew drafting and design	April 2024
07/10	-	Elevations	aew drafting and design	April 2024
08/10	-	Sections	aew drafting and design	April 2024
09/10	-	Landscape Plan	aew drafting and design	April 2024
OSD1	A	Catchment areas	Lucena	19/4/2024
OSD2	A	Details and sections	Lucena	19/4/2024

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

2. Payment of security deposits

Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the certifier:

Security deposit	\$3,000
Inspection fee	In accordance with the current fees and charges .

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

Note: Note: The inspection fee includes Council's fees and charges and includes the Asset Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with council's fees and charges at the payment date.

3. Support for neighbouring buildings

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made or builder must:

- a. Inform the neighbouring property owner immediately.
- b. Engage a structural engineer to determine any remedial works that may need to be undertaken.
- c. Preserve and protect the adjoining building from damage.
- d. If necessary, underpin and support the building in an approved manner.

4. Conditions prescribed by the Regulation

This development consent is subject to the conditions prescribed by the regulations in accordance with subsection 4.17(11) of the Environmental Planning and Assessment Act 1979. Conditions are provided in **Schedule 3** of this consent.

5. Concurrent Approvals

The following approvals are provided under Section 4.12 of Environmental Planning and Assessment Act, subject to the conditions contained in a **Schedule** to this Notice of Determination:

Concurrent Approvals under Section 68 of the Local Government Act 1993

Part B Water supply, sewerage and stormwater drainage work

- B1 Carrying out water supply work
- B4 Carrying out sewerage work
- B6 Connecting a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer

These works must be carried out to the satisfaction of Byron Shire Council and can not be assessed for the purpose of compliance, or otherwise deemed acceptable by a private certifier.

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

6. Construction site management plan

Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- dust, noise and vibration control measures
- location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

7. Water and Sewerage - Section 68 approval required

If required, an **Approval** under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

8. 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 roof colours must be non-reflective earth tone colours and that the use of white and near white roof colours is not permissible

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

9. Compliance with BASIX Certificate requirements

The development is to comply with Basix Certificate No. 1742909S_03, dated 24/5/2024.

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 measures may be undertaken without the issue of any amendment under Section 4.55 of the Act, provided that the changes do not affect the form, shape or size of the building.

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

10. Long Service Levy to be paid

In accordance with Section 6.8 of the Environmental Planning and Assessment Act 1979 (as amended), a Construction Certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid (as applicable).

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

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

11. Waste Management Plan

Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

a. Council's Waste Management Development Control Plan

OR

b. details the following:

- the contact details of the person(s) removing the waste
- an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
- the address of the disposal location(s) where the waste is to be taken

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

12. Heritage – Amendment to the plan required

The plans submitted for approval of the Construction Certificate must be amended to demonstrate compliance with the following:

(a) External Finishes

A schedule of all external finishes and colours, sympathetic to the setting of the adjoining heritage item, in accordance with the provisions of Byron DCP 2014, are to be submitted to, and approved by Council, prior to approval of the Construction Certificate.

(b) Fences

Any proposed fences to side and rear boundaries should be traditional hardwood paling fences consistent with the significance and setting of the adjoining heritage item.

Such plans are to be approved as part of the Construction Certificate.

13. Onsite Stormwater Detention required

The application for a Construction Certificate is to include plans and specifications for stormwater drainage in accordance with the relevant Australian Standard. All stormwater drainage for the development must be conveyed via an on-site detention system then by a gravity system to Ward Lane

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

All stormwater drainage systems within the lot and the connection to a public or an inter-allotment drainage system must:

- (a) comply with any requirements for the disposal of stormwater drainage contained in Council's Development Control Plan, Stormwater Guideline and Local Approvals Policy; and
- (b) unless exempt from obtaining an approval under section 68 of the Local Government Act 1993 by a Local Approvals Policy, an approval must be obtained under that Act prior to issue of a Construction Certificate.

14. Access & Parking

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. Plans 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 including suitably designed permeable pavements;
- b) site conditions affecting the access;
- c) existing and design levels; and
- d) longitudinal section from the road centreline to the car space(s).

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

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

15. Flood Planning Level

The flood planning level for this development is 4.01m A.H.D. The plans and specifications to accompany the construction certificate application are to indicate a minimum habitable floor level that is at, or up to 0.3m above, the flood planning level unless a greater floor level has been shown on the plans approved by the development consent.

The plans and specifications to accompany the construction certificate application are to also indicate 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.

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

16. Tree Removal

No trees or vegetation to be cleared or removed until a Construction Certificate has been issued.

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

17. Erosion and Sediment measures

Erosion and sedimentation controls are to be in place in accordance with the [Guidelines for Erosion & Sediment Control on Building Sites](#). 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).

18. 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 or be a building and construction site portable chemical toilet.

Only one (1) such portable chemical toilet may be used during construction, should additional toilets be required during the construction they must be either:

- a. Connected to an accredited sewage management system approved by the Council. or
- b. Not installed or used until such time that approval under Section 68 of the Local Government Act 1993 is obtained for the installation of a human waste storage facility.

Note: The chemical toilet must be installed and serviced by a licensed contractor (including pump-outs)

19. 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.

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

20. Hours of work

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7am to 6pm on Monday to Friday.
- 8am to 1pm on Saturday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

21. Construction Noise

While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

OR

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

22. Implementation of BASIX commitments

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

23. 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.

24. 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.

25. 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.

26. 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.

27. Aboriginal Relics

While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- "relic" means any deposit, artefact, object or material evidence that:
 - a. relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - b. is of State or local heritage significance; and
- "Aboriginal object" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

28. Site Location

The location of the building on the site to be established by a suitably qualified Surveyor and must comply with this approval including any required setbacks to boundaries.

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. Plumbing Works**
All works in relation to any associated Section 68 Water and Sewerage approval must be fully complied with and have a Final Plumbing Certificate issued prior to the issue of an Interim or Final Occupation Certificate.”
- 31. Site Location Survey**
A final survey of the structures showing setbacks to boundaries to be submitted to the Private Certifier with the Occupation Certificate demonstrating compliance with the approved plans.
- 32. Access and parking areas to be completed**
The access and parking areas are to be constructed in accordance with the approved plans and Roads Act consent prior to the issue of an occupation certificate.
- 33. Stormwater drainage work**
Stormwater drainage for the development must be constructed in accordance with the approved plans and specification prior to issue of an occupation certificate.
- 34. Floor Levels – Certification for Flooding**
Prior to the issue of any Occupation Certificate, a certificate from a registered surveyor must be submitted to the Principal Certifying Authority confirming the height of habitable and non-habitable floors. An Occupation Certificate must not be issued unless the floor levels are at or above the relevant flood planning levels. A copy of the floor level certification from the registered surveyor must also be submitted to Council for the attention of Council’s Drainage and Flood Engineer.

The following conditions are to be complied with at all times

- 35. Use of the dwelling house**
The dwelling house is not to be holiday let or used as tourist and visitor accommodation or as **short-term rental accommodation.**
- 36. 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.
- 37. Must not interfere with the amenity of the neighbourhood**
The use of the development must 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 waste storage and sewage facilities shall be serviced and maintained to ensure that all relevant environment protection standards are satisfied.
 - e. Goods deliveries shall be restricted to daytime operating hours.

Schedule 2. PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 2, Subdivision 1 of the Environmental Planning and Assessment Regulation 2021 as at the date of this development consent as are of relevance to this development must be complied with:

- [69](#) Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
- [70](#) Erection of signs
- [71](#) Notification of Home Building Act 1989 requirements
- [72](#) Entertainment venues
- [73](#) Maximum capacity signage
- [74](#) Condition relating to shoring and adequacy of adjoining property
- [75](#) Fulfilment of BASIX commitments

Refer to the [Environmental Planning and Assessment Regulation 2021, Division 2, Subdivision 1](#) of for full text of the above clauses. This can be accessed at <http://www.legislation.nsw.gov.au>.

Schedule 3. LOCAL GOVERNMENT ACT 1993 SECTION 68 CONDITIONS OF APPROVAL

60.2024.200.1

Description of Activity granted approval:

- **Staging:** Nil

Part 1 Private works: Water and sewer works associated with a Dwelling House and Carport

- **Part 2 Council Assets:** This approval has given consent for the installation of:
- All Bathrooms/ Laundry must have a floor waste.

(Councils assets deemed to start at the outlet of the water meter and sewer boundary shaft.)

OPERATIVE CONDITIONS

Where this water and sewer approval is associated with a development consent for works, a Construction Certificate must be issued by the Principal Certifying (PC) before any works associated with this water and sewer approval is commenced. If not applicable, a Complying Development Certificate must be issued by the Principal Certifying (PC) before any works associated with this water and sewer approval is commenced

1. Approved Plans

The works shall be carried out in accordance with the following plans as amended and stamped as approved by Council. If Clouded in red by Council, approved works only are only the works within the cloud.

DETAIL OF DOCUMENTS:	DATE	JOB NO	SHEET NO	REV	PREPARED BY:
PROPOSED SITE PLANS	APRIL 2024	22-08-18	02		AEW

PROPOSED FLOOR PLANS	ARPRIL 2024	22-08-18	03		AEW
BASIX DETAILS	ARPRIL 2024	22-08-18	04		AEW
PROPOSED ELEVATIONS	APRIL 2024	22-08-18	06		AEW
PROPOSED ONSITE STORMWATER DETENTION	19/4/2024	240302.1	OSD2	A	LUCENA
SURVEY PLAN	17/10/2023	2023/2815	1		R.S.J ASPRIZZA & ASSOCIATES

- Engineering Plans have been checked and found to comply with Council’s guidelines. All calculations, designs and details have not been thoroughly checked. This Notice of Determination does not relieve the applicant from rectifying any errors or omissions, which may become evident prior to or during construction.
- A copy of the approved plans and this approval must be onsite at all times and during all inspections. The contractor employed to do the works must be given a full copy of this approval and approved plans. The contractor must present the approved plans during any inspection, failure to produce the approved plans will result in a failed inspection at the applicants cost. Reinspection for the works will be required to be booked in by the contractor; this may lead to costly delays.

All works associated with this approval must be in accordance with any applicable requirements of the [Plumbing and Drainage Act 2011](#) or the regulations made under that Act, and any applicable standards or requirements set out or referred to in this Regulation or any other regulation under the Act or the [Environmental Planning and Assessment Act 1979](#).

All works associated with this approval must be fully contained inside the properties boundaries unless prior approval from Byron Shire Council has been granted.

Any unapproved fixtures shall be removed to council’s satisfaction.

All plumbing works must be undertaken with approved management plans endorsed under the land use approval (DA/CDC) or Construction Certificate.

The following conditions are to be complied with prior to commencement of plumbing works for building works

Plumbing Permit

Any licenced plumber who undertakes or certifies Plumbing & Drainage Work **must obtain a Plumbing Permit at least two (2) working days prior to commencing work.**

A Notice of Work (NoW) in accordance with Fair Trading Template must be completed and submitted to Council identifying works proposed to be undertaken by the nominated licenced plumber. All work is to be completed by a suitably qualified person licensed for the purpose by the NSW Department of Fair Trading. If the property is to be connected to council water mains, no internal sewer inspections shall take place until a water meter is installed. Drawing off of the council water main without a meter will result in a fine and possibly a stop works notice.

Note: Council will withhold issue of the plumbing permit and confirmation of inspection booking if building works associated with the plumbing works do not have a complying Development Certificate or Construction Certificate.

Fees

Prior to issue of the Plumbing Permit for the relevant stage of work, all fees associated with connection to or disconnection from Council infrastructure services must be paid for in accordance with Council Fees & Charges in force at time of payment.. An invoice can be provided from Council upon request.

Connection to Council Infrastructure

Prior to connection to Council infrastructure the responsible licenced plumber must contact council to arrange a suitable time for any infrastructure connections/ disconnections in accordance with this approval. All cost associated with accessing Council infrastructure shall be at the developers expense.

Public liability insurance

For works within a road reserve, all care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. The public liability insurance cover, for a minimum of \$20 million, is to be maintained for the duration of the construction of the development. Council is not held responsible for any negligence caused by the undertaking of the works.

The following conditions are to be complied with during any plumbing works

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 and 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).

Hours of work

The plumbing work, including any demolition or vegetation removal is to be only carried out between:

- 7am to 6pm on Monday to Friday.
- 8am to 1pm on Saturday.

No plumbing work is to be carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

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.

During Construction - Private Works

Plumbing, Water Supply and Sewerage works shall be installed in accordance with the Local Government Act 1993, Plumbers and Drainage Act 2011, Plumbers Code of Australia and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications

The licensee is to provide 24 hours notice and attend the site for the following INSPECTIONS, prior to covering of work. Inspections will be carried out a mutually convenient time for any works that fall under the following descriptions for inspections. (If there are no applicable works, for example, a new water supply with no sewer services, then an inspection for “external drainage” will not be required)

Typical inspections that must be booked in include but are not limited to:

- Internal Drainage;
- External Drainage;
- Tank Install & Bedding;
- Sewer connection to council boundary shaft/asset or connection to existing drainage;
- In ground water lines;
- Water Rough In;
- Stack work;
- Final - all work completed.

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.

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 issue of Final Plumbing Certificate

Final inspection documentation

The licensee is required to provide to Council and owner of the property a Compliance Certificate and Sewer Services Diagram and commissioning certificates. Failure to provide Council with the required documents within 48 hours of the final inspection taking place will render the inspection as failed. Another final inspection will be required, fees apply.

All documents must be submitted directly to Council@byron.nsw.gov.au OR uploaded to [councils online inspection booking webpage](#).

Do not send documents to Council officers. Any document sent directly to an officer will not be actioned.

Sewer Services Diagram (SSD) to be to NSW fair trading requirements. See fair trading website.

Water meter details

On Completion of Council assets and prior to booking a final inspection the following documents must be submitted to Council prior to booking a final inspection;

Water Meter Schedule and site plan:

- water meter number (photo preferred);
- lot/unit number water meter is serving
- A site plan with the location of the water meter(s), the numbers and what they serve clearly shown.
- The physical water meter must also identify (etch/ tag) which lot/unit it is connected to (Photo preferred).

Basix

All works must be in accordance with the corresponding BASIX certificate if there is an affiliated DA/CDC with BASIX requirements.

Pedestrian safety

Works are to include the adjustment, reconstruction and/or relocation of existing infrastructure as necessary to the requirements of the appropriate authority. Covers, lids and grates to manholes, stormwater drainage pits and services are to be constructed flush with the finished surface levels.

Outdoor Showers/ Baths:

The external shower or bath must be one of the following:

- Coldwater supply only, discharging directly onto the ground; or

- Hot and cold water supply, connected to sewer and protected by a roof structure to prevent rainwater ingress to the shower or bath. Any hardstand surrounding the shower base must be graded away from the shower gully to prevent the ingress of stormwater. The shower base/ must have a minimum 30mm bund or approved equivalent.

Note: The required roof overhang is to be 10 deg. larger than the shower base or bath. The 10 deg. angle is projected upwards from the edge of the shower base.

Performance Solution Plumbing Code of Australia

The licenced plumber is to ensure all recommendations of the performance solution endorsed by Fair Trading has been implemented.

Storm water Ingress

Sewer inlets shall be protected from storm water ingress. As a minimum a permanent roof cover shall over hang any plumbing fixture and exceed the outermost edges of any fixture (sink, bowl etc.) measured 10 degrees from the vertical to the lowest part of the roof. The cover must be all weather and structurally supported. This may require a certificate from the building certifier.

Flood Level

The “Declared Flood Level” as per AS3500.2 Clause 3.15 is determined to be the Flood planning level minus 500mm. (The Flood Planning Level can be found on the development approval.)

Therefore:

- i) Any inlet to any fixture must be 150mm above the Declared Flood Level, or discharge via an ejector pump and float shut off (Clause 3.15.2).
- ii) The Overflow relief gully (ORG) must be a minimum 150mm above the declared flood level in accordance with Clause 4.6.6.8.
- iii) Fixtures inlets must be 150mm above the ORG Clause 4.6.6.6, Otherwise a reflux valve is required as per Clause 4.5

Private Pumps Station Requirements

The development is to be serviced by a Private Pump Station. Prior to issue of any Final Plumbing Certificate, the Licenced Plumber is to supply Council with details of the private pump station as detailed on Byron Shire Council web site.

Works to be completed prior to issue of a Final plumbing Certificate

All of the works indicated on the plans and approved by this approval are to be completed and approved by the relevant plumbing regulator (Council) prior to the issue of a Final Plumbing 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.

NOTES

Private Works

Deemed from the outlet of the water meter(s) and sewer boundary shaft.

Council has sent each plumber proformas of these documents when your permit was issued to commence work. If the works cannot be plotted on the supplied proforma, the NSW fair trading website has alternative sizes of submission sheets. It is the applicant's responsibility to engage a licensed plumber who shall liaise with council during this process.

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 plumbing approval

Failure to comply with conditions of development consent may lead to an on the spot fine being issued pursuant to;

- section 4.2(1) of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 9.50 of the Environmental Planning & Assessment Act 1979.
- Local Government Act 1993
- Plumbing & Drainage Act

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.

Aboriginal Relics

While plumbing work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this advice:

- "relic" means any deposit, artefact, object or material evidence that:
 - a. relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - b. is of State or local heritage significance; and

- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

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).

General Advisory Notes

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual’s responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth) Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra’s network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra’s infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra’s assets in any way, you are required to contact Telstra’s Network Integrity Team on Phone Number 1800 810 443.

Survey Marks

Survey marks may need to be removed as a result of construction works. [Section 24\(1\)](#) of the Surveying and Spatial Information Act 2002 states a person must not remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. It is the applicants responsibility to obtain and comply with any necessary approval from the Surveyor-General. The Surveyor General has guidelines for the replacement of survey marks. See [Surveyor General’s Directions No. 11 Preservation of Survey Infrastructure](#) on the Spatial Services website.

Schedule 4. REASONS FOR DECISION, HOW COMMUNITY VIEWS WERE ADDRESSED

Note: From July 1 2018, Council's are required to give and publicly notify reasons for a range of planning decisions where they are deciding if development should proceed to help community members to see how their views have been taken into account and improve accountability to stakeholders. A statement of reasons for the determination of this application is provided below.

Statement of Reasons

The proposed development complies with the provisions of Byron Local Environmental Plan 2014.
The proposed development complies with relevant State Environmental Planning Policies
The proposed development complies with relevant provisions of Development Control Plan 2014
The proposed development complies with Environmental Planning & Assessment Regulation 2021 considerations.
The proposed development will not have significant adverse impact on the natural, built or social environment or economic impacts on the locality.
The proposed development is considered suitable for the proposed site.
The development application was notified/advertised in accordance with Council's Community Participation Plan. No submissions were received.
The proposed development is unlikely to prejudice or compromise the public interest.
The proposed development will not have a detrimental impact on the heritage character of the building contained on the adjoining site. It is considered consistent with the heritage provisions contained within Clause 5.10 of Local Environmental Plan 2014.
The proposed development will not have a detrimental impact on the heritage character of the building contained on the adjoining site. It is considered consistent with the heritage provisions contained within Development Control Plan 2014.

How community views were addressed

The DA was notified/advertised in accordance with Council's Community Participation Plan. No submissions were received.

Schedule 5. 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 for a Construction Certificate must be made online using the [NSW Planning Portal](#).

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 being issued pursuant to section 4.2(1) of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 9.50 of the Environmental Planning & Assessment Act 1979.

Plumbing Standards and requirements.

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

Alterations Advice – Heritage

Owners are advised of the requirements of Clause 5.10 of Byron LEP 2014 in relation to the need to obtain prior consent for works including tree removal and 'any alterations to the fabric, finish and appearance' of a heritage item. Many works can be approved through a minor works and maintenance application under Clause 5.10 (3).

(Note The curtilage of the heritage item is still mapped as both lot areas). Council may wish to retain this mapping, to protect the curtilage of the item until the new dwelling is completed).

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).

Fire Ants

The importation of any of the following material from Queensland invasive ant biosecurity zones must be in accordance with the [Biosecurity \(Invasive Ant Carriers\) Control Order 2023](#) (including any revised orders made under the Biosecurity Act 2015) and meet the requirements of NSW Department of Primary Industries:

- organic mulch (which includes manure, bark, wood chips, hay, straw, silage, and sugar cane bagasse);
- baled materials;
- potted plants;
- agricultural or earth-moving machinery;
- fill or soil (which includes anything with soil on it such as turf); and
- mining or quarrying materials.

Prior to the importation of each material type, the supplier must provide the receiver and the Principal Certifying Authority with the relevant Certificate as identified within the Biosecurity (Invasive Ant Carriers) Control Order 2023 or revised biosecurity control orders. All material shall meet the requirements of the relevant Certificate.

It is an offence under the Biosecurity Act 2015 if this material comes from within five kilometres of a known invasive ant infested area (e.g. identified Fire Ant Biosecurity Zones in Queensland), or any other place at which the person knows, or ought reasonably to know, that an invasive ant has been detected, unless the carrier material has been managed and treated to reduce the risk and meets the certification requirements listed in the Control Order.

General Advisory Notes

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth) Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on Phone Number 1800 810 443.

The Environmental Planning and Assessment Act 1979 requires you to:

1. For building works, obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate.

For subdivision works, obtain a **Subdivision Works Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Subdivision Works Certificate.

An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the above Certificates.

All applications must be lodged via the [NSW Planning Portal](#).

2. Nominate a **Principal Certifier** which may be either Council or a registered certifier and notify Council of that appointment. You **cannot lawfully commence works** without complying with this requirement. Appointment must be made through the [NSW Planning Portal](#)
3. Give Council at least two days' notice of your intention to commence the erection of a building before commencing construction works. You cannot lawfully commence works without complying with this requirement.

4. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

All applications must be lodged via the [NSW Planning Portal](#).

You may also need to:

5. Lodge an Application for Subdivision to obtain a Subdivision Certificate if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain Strata Title Subdivision under the relevant Strata Titles Act if strata title of the development is proposed.
6. Carry out critical stage inspections in accordance with Section 6.5 of the EP&A Act 1979 and clauses 61, 63 and 65 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.