



16 May 2014

**NOTICE OF DETERMINATION
OF AN APPLICATION TO MODIFY A DEVELOPMENT CONSENT**
Under Section 96 of the Environmental Planning and Assessment Act 1979

Section 96 Application No - 10.2000.369.3

Forest Glades Pty Ltd
13 Treelands Drive
YAMBA NSW 2464

Proposed modification:	S96 – Severance of Lot 3 from existing Community Title (52 residential units presented as a group housing development (community title) and involving the construction and operation of an on-site sewerage treatment plant)
Land to be developed:	LOT: 1 DP: 270373, LOT: 144 DP: 815022, Pecan Court SUFFOLK PARK, Broken Head Road SUFFOLK PARK
Development Consent No.:	10.2000.369.1

DETERMINATION:

Made on: 1 April 2014

Determination: **Approved subject to the following conditions**

Amended conditions

Delete the following Description of the approved development:

Details of Description:

52 residential units presented as a group housing development (community title) and involving the construction and operation of an on-site sewerage treatment plant

Insert instead the following Description of the approved development:

Details of Description:

52 residential units presented as a group housing development (community title) and involving the construction and operation of an on-site sewerage treatment plant and creation of a separate Torrens Title allotment

ALL COMMUNICATIONS TO BE ADDRESSED TO THE GENERAL MANAGER

PO Box 219 Mullumbimby NSW 2482 (70-90 Station Street)
Tel: 02 6626 7000 DX20007 Mullumbimby
Fax: 02 6684 3018 Email: council@byron.nsw.gov.au
Web www.byron.nsw.gov.au ABN: 14 472 131 473
TRADITIONAL HOME OF THE BUNDJALUNG PEOPLE



Insert the following condition as a **PARAMETER** of the consent:

Details of Condition:

Severance of Lot

The severance of Lot 3 from the existing Community Title within the Forest Glades development to create a new Torrens Title Lot.

Enclosed for your information is the amended plan (where applicable) and consent.

Please note that modification of this consent under Section 96 of the Environmental Planning and Assessment Act may require amendment to any Construction Certificate for this development (if a Construction Certificate has been previously issued). It is recommended that you check with your Principal Certifying Authority.

Right of Review

You may request Council to review its decision under Section 96AB of the *Environmental Planning and Assessment Act, 1979*.

NOTE: This clause does not relate to an Integrated Development Applications, Designated Development Applications, determination made by the council under section 89A in respect of an application by the Crown or applications previously considered under Section 97AA of the Environmental Planning and Assessment Act 1979.

Right of Appeal

If you are dissatisfied with this decision, Section 97AA of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court.

Yours sincerely

Mr G S Smith
Development Assessment Officer

Encl. Modified Consent No. 10.2000.369.1

AMENDED CONSENT 1 April 2014

In the Land and Environment Court of New South Wales

No: 10982 of 2000

Eco Sound Residential Developments Pty Ltd

Applicant

Byron Shire Council

Respondent

Order

The Court orders that:

1. The appeal is upheld.
2. The development application for *52 residential units presented as a group housing development (community title) and involving the construction and operation of an on-site sewerage treatment plant and creation of a separate Torrens Title allotment, at Lot*

144 in DP 815022, Broken Head Road, Pecan Court and Hazelwood Close, Suffolk Park, is approved subject to conditions.
3. The conditions shall be generally as presented to the Court in Exhibit 36 and amended to include the drawings contained in Exhibit AF.
4. The Exhibits may be returned.

Ordered:

29 May 20014

Conditions of development consent

Annexure A

Eco Sound Residential Developments

v

Byron Shire Council

The development to which these conditions apply is described in drawing, SDAOOT and SK14D (Exhibit 29) prepared by the Buchan Group except that dwellings 50, 51 and 52 shall be moved to the west in order to comply with setback requirements to dwelling 52 in accordance with clause C3.9 of Development Control Plan 1, generally in accordance with the attached Plan "G".

In this consent the following definitions shall apply:

"Planted Wetland Buffer" means the 10m wide land so shown on the plan marked "X" attached to this consent

"Secondary buffer Area" is the area so marked in SK19A in the attached drawings.

"Restricted Irrigation free area" means the land shaded on the plan marked "X" attached to this consent.

1. Severance of Lot

The severance of Lot 3 from the existing Community Title within the Forest Glades development to create a new Torrens Title Lot.

2. This consent includes the removal of trees within, or within 2 m of, approved building footprints, and within the footprint of road and parking area construction, sewage treatment plant and swimming pool, and any tree removal defined in the approved Landscape and Vegetation Management Plan.

3. The proposed development must be carried out in two stages, namely:

Stage 1 shall include:

- 1-25 houses being houses Nos. 1-25 inclusive, constructed progressively at the Applicant's discretion, and including their car access driveways subject to the prior provision of effluent irrigation details to the satisfaction of the Council's Director Local Approvals and Compliance Services.
- The entire road off Pecan Court which services the houses including turnaround at each end and the visitor parking bays.
- The dedicated cul de sac at the end of Hazelwood Close.
- The road joining the dedicated cul de sac to the STP.
- Stormwater, power, sewer reticulation, water and other services reticulation and effluent reticulation associated with Stage 1.
- The STP excluding the Micro-filtration unit.

- The maintenance shed which stands on top of the STP.
- One of the wet weather storage tanks with storage capacity not less than 110 KL.
- Sufficient effluent drip irrigation system to progressively service the built houses, not exceeding 4100m² area, and excluding any toilet refushing reticulation.
- The swimming pool at the Applicant's discretion.
- The detention basin.
- The new culvert under Broken Head Road or, if Council is unable to issue a Construction Certificate for its construction, a bond in lieu of the value of the cost of the culvert as estimated by the Councils Director Works and Services, plus 30%.
- Completion and certification of the Stage 1 landscaping (including buffers and corridors) in accordance with the approved Landscape and Vegetation Management Plan and Condition O1.
- Clearing of all trees to be removed in all stages in accordance with the approved Landscape and Vegetation Management Plan.

Stage 2 shall include:

- The erection of the remainder of the dwellings.
- Not more than 5,900 m² of additional irrigation area, bringing total field area to not more than 1.0ha
- The remaining wet-weather storage to give a total storage volume of 286KL.
- All other works as required by the terms of this consent.

4. Stage 2 shall not be commenced until:

- The Stage 1 development is completed;
- The STP is completed and operating in accordance with effluent criteria as specified in Condition C23;
- The irrigation area for Stage 1 has been installed in accordance with the terms of this consent and is operational;
- The piezometres have been installed in accordance with the hydrogeologist's report; and
- The monitoring program as specified in the hydrogeologist's report has been completed, demonstrating to the satisfaction of the Council's Director Local Approvals and Compliance Service's that the system is operating properly in accordance with design parameters.

5. The development is to be generally in accordance with the drawings listed below, as modified by any conditions of consent:

BUCHAN GROUP

SK14 Issue D Site Plan

DA 00 issue T	Site Plan Overall site
DA20 to DA37	Building Details

O'SHEA & PARTNERS

Sheet 34 issue G Earthworks & Roadwork's Schematic

Sheet 35 issue G Stormwater Drainage Schematic

Sheet 36 Issue B Catchment Plan

Sheet 37 issue A Catchment Plan

Sheet 38 issue F Sewer reticulation Plan

6. All dwelling units are to comply with the two storey height limit as defined in Clause 40 of Byron LEP 1988. In that regard the proposed study is to be deleted from the Dwelling Type B3 units.
7. The "approved plans" and other documents are endorsed with a Council stamp and authorised signature. A copy of this consent and approved plans are to be kept on site at all times while work is being undertaken.
8. Pursuant to Section 80A(2) of the Environmental Planning and Assessment Act, 1979, the following conditions relate to aspects of the development that are ancillary to the core purpose of the development. They are to be carried out to the satisfaction of Byron Shire Council and shall not be assessed for the purpose of compliance, or otherwise deemed acceptable, by a Private Certifier:
 - The Landscape and Vegetation management Plan and all landscape, rehabilitation and revegetation works.
 - Stormwater disposal plans and works.
 - Plans and works associated with approvals under Section 138 of the Roads Act.
 - All plans, drawings, details and works associated with the on site sewage reticulation and treatment system.
9. Compliance with Building Code of Australia
 - All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
 - This clause does not apply to the extent to which an exemption is in force under the Environmental Planning and assessment Regulation 2000.
10. The Restricted Irrigation Area and the area within the driplines of Banksia trees shall not be used for irrigation of treated sewage effluent. Provided that, if the Council's Director Local Approval and Compliance Services agrees that, following detailed survey of the available irrigation area, a total of less than 1ha will be available for effluent irrigation as a result of complying with the first part of this

condition, an additional area within the Restricted Irrigation Area may be used for irrigation for stage 2, in a location and manner agreed between the Council's Director Local Approval and Compliance Services and the developer, to provide a maximum irrigated area of 1ha.

C The following Conditions are to be compiled with prior to issue of a Construction Certificate.

- C1. Storm-water discharge is to be collected and disposed of in a controlled manner, generally in accordance with the approved plans. Details of on-site retention and treatment measures required to achieve this together with a storm-water management plan are required to be submitted to and approved by Council's Director Local Approvals and Compliance Services and shall include all design calculations. The Storm-water management plan is to include details of how storm-water will be controlled and treated during the construction stage(s). Storm-water retention and treatment measures must be in place and fully operational prior to the commencement of dwelling construction.
- C2. The final Landscape and Vegetation Management Plan is to be provided to and approved by the Council's Director Local Approvals and Compliance Services to demonstrate how site landscaping and compensatory plantings of Coast Banksias, Paperbarks and other plant species (and transplantation of Paperbarks) will be undertaken throughout the site. The plans is to include the following details which define the agreed principles of the Landscape and Vegetation Management Plan:
- (a) lists of recommended plant species for each of the buffer, corridor, stormwater retention and other areas, including fire-retardant species around dwelling sites;
 - (b) cross-sections of buffer, corridor, storm-water retention and other areas to show the planting details (including densities) and protective fencing while vegetation becomes established;
 - (c) SEPP 14 Wetland No 83a and the Planted Wetland Buffer (as shown on Plan "X") SK19A are to be permitted to regenerate to a natural state. This shall be facilitated by plantings of Paperbark seedlings at intervals of 1m centre to centre. Any Paperbarks which are removed from construction areas within the site and which can be practicably transplanted may be transplanted to the Planted Wetland Buffer. Existing trees within these areas which are not required to be removed to allow approved construction works shall be retained. Clump plantings of Paperbarks and other selected species shall be planted as seedlings to replace one for one any Paperbarks removed for construction works and not otherwise transplanted. Provided that if the actions referred to in this clause are contrary to any statutory provisions relating to SEPP 14 then SEPP 14 provisions shall take precedence.
 - (d) The Secondary Buffer Area lying between the dwellings in the southeastern part of the development site and the Planted Wetland Buffer shall be planted with clumped plantings of Paperbarks or other suitable tree species, or individual trees of these species, at spacings sufficient to allow for bushfire mitigation in accordance with DCP 1 and to allow residents to move freely through these areas. Fire retardant species should be planted in areas close to the dwellings. This area to be separated from the primary buffer zone, by a fence approved by the Council's Director Local Approvals and Compliance Services.
 - (e) The Planted Wetland Buffer Area and the Secondary Buffer Area are to be separated by a fence to the approval of the Council's Director of Local Approvals and Compliance Services.

- (f) Subject to Condition 2 of “Parameters of this Consent”, specifications for protection of existing vegetation, root systems and drip-lines during construction and maintenance operations. This shall include identification of those trees where work or construction activities are to take place within, or within 3 m of, their drip-lines and protective measures to be installed for those trees during construction. The plan shall incorporate and address all requirements for vegetation protection referred to in the conditions of this consent.
- (g) The burning-off of trees and associated vegetation felled during clearing operations is not permitted.
- (h) A qualified arborist experienced in vegetation management must be present during planting and transplantation operations.
- (j) Provision for drainage into and out of the main paper bark stand located to the south west of dwelling No 41, together with provision for construction of a vertical retaining wall adjoining dwelling No 35 to ensure that filling associated with dwelling construction does not encroach into the retained paper bark stand in wild life corridor No 2.
- (k) Details of both short and long term programs designed to maintain the ecological integrity and viability of the areas shown hatched on Plan “C and SK19A”, particularly strategies for the long term maintenance of the Coast Banksia association. In this clause “ecological integrity and viability” shall relate to the following strategies:
- The quality of planting stock;
 - Maintenance of plantings;
 - Understorey plantings within the corridors;
 - Formed and maintained pathways for access to the residents of the Estate throughout all corridors and buffers, other than SEPP 14 Wetland No 83a and the Planted Wetland Buffer;
 - A monitoring/reporting program at 6 monthly, 12 monthly and 2 yearly intervals after completion of planting;
 - A weed control program, including an environmental weed list to be distributed to residents.
- (l) The plan shall specify that all plantings of buffer areas, corridors, compensatory plantings and Paper/bark transplantations are to be established, with measures to protect them (such as protective fencing) in place, prior to the commencement of dwelling construction.
- (m) Services Corridors are to be defined which shall be designed to minimise damage to and removal of any trees and other vegetation. In areas shown hatched on plan SK19A where trees and vegetation are required to be removed to facilitate the installation of services, these areas are to be replanted with suitable plant species once services have been installed.
- (n) The Landscape and Vegetation Management Plan shall be consistent with the requirements of the Fire Management Plan referred to in Condition C19 of this consent.
- (o) Staging of the landscaping shall be defined generally according to the following principles:
- Stage 1 landscaping shall include;

- Removal of all trees identifiable at that time as being required to be removed for the completion of the development and soil stabilisation in those areas.
 - Transplanting of relevant trees.
 - Planting and fencing of the areas between the development and the SEPP14 area.
 - Planting of the additional Banksias in the corridors
 - Identification of allowable pathways for construction workers.
 - Fencing of corridors.
 - Individual Lot landscaping for Stage 1 construction works in accordance with the progress of construction of the residences.
- (p) Stage 2 landscaping shall include the balance of the landscaping works. There shall be no mowing or disturbance to the SEPP 14 areas or the Planted Wetland Buffer except for the planting of trees or otherwise as described in this condition.
- (q) Fire hazard reduction works in accordance with DCP 1 may be undertaken within the buffer zone, between the SEPP 14 area and the approved development.
- (r) Protective fencing shall be specified.
- (s) Provision shall be made for access to corridors and buffer zones for construction works approved within those areas.
- (t) Service corridors are to be defined which shall be designed to minimise damage to and removal of any trees and vegetation.
- C3. A \$10,000 bond or bank guarantee is to be given and held by Council for two years, then reduced to \$5000 for a further 2 years, as security for the Council to use at its discretion to carry out any necessary maintenance of the approved rehabilitation and vegetation of stormwater retention basins, buffers, corridors and other ecologically sensitive areas provided that the Council must first give reasonable notice to the owner of the Land and provide the owner with the opportunity to complete maintenance reasonably required by the Council.
- C4. All existing use rights attaching to mowing of, or removal of vegetation from the SEPP 14 Wetland No 83a and the land within zone 7(a) shall be surrendered. This shall be in the form of written Notice to Council in accordance with the requirements of Clause 97 of the Environmental Planning and Assessment Regulation 2000.
- C5. A certificate by a professional Geotechnical Engineer is to be provided to the Principal Certifying Authority, certifying that the site is stable and will not be affected by landslide or subsidence at, above or below the site with the building is erected. The Certificate shall be prepared in accordance with AS 1726 and Council Policy No 5.18 (Geotechnical Reports).
- C6. An approval under Section 68 of the Local Government Act 1993 to carry out water supply work must be obtained prior to issue of a Construction Certificate. Section 68 approval may be obtained through an application to Council.
- C7. Approvals under Section 68 of the Local Government Act 1993 for the erection and operation of the STP and associated irrigation to be obtained from Council. Such approvals must be issued after the date of this consent. A further application for a Section 68 approval shall be made and must be accompanied by a report prepared by a suitably qualified professional with demonstrated experience in effluent

disposal matters, which addresses all the issues raised in conditions relating to the STP.

- C8. A certificate from a qualified Engineer is to be provided certifying that the site is adequately drained in accordance with Council's standards, to a satisfactory point of disposal for drainage as nominated by the Council, and in accordance with the approved plans.
- C9. A Construction Certificate is required for all works, both on and off the site, certifying that all proposed works will comply with Council specifications, guidelines and requirements and any relevant conditions of this consent. In that regard, detailed engineering plans are to be submitted to Council showing all proposed engineering and construction works associated with the proposed development. Among other things, the engineering plans and details shall address the following:
- (a) In relation to roads, pathways, parking areas and access driveways, the engineering plans shall include the following details and requirements:
- Details of driveways, parking areas, and the means of access from the road to the proposed development:
 - Site conditions affecting the access, pavement levels in relation to floor levels, and levels in relation to the kerb (or nominated fixed datum) and grades:
 - The internal road network shall be designed to allow two way traffic on all roads with a suitable horizontal alignment to allow the passage of the Design Large Rigid Truck (11m length):
 - All roads shall be sealed and have concrete kerb and gutter on the downstream side and an approved form of edge restraint on the upstream side which is designed to prevent the ingress of water into the road pavement. The trafficable width of 5.5m invert to invert shall be retained except in those locations shown on the approved plan where the road widths have been reduced for the provision of traffic calming devices;
 - The pavement depth on all internal road shall be designed for the maximum wheel load of a Large Rigid Truck:
 - The alignment of the internal road network shall be designed for a 40 kph speed zone, but with traffic calming devices of the horizontal displacement type, to moderate traffic speeds to a desirable 15 kph;
 - The internal road system shall be provided with street lighting. The location of lights shall be nominated on the plan. The lighting plan shall ensure the need for resident security is met without adverse impacts on the amenity of surrounding residences;
 - The cul de sac at the Hazelwood Close entrance to the site shall be designed to allow the turning of a Large Rigid Truck without the need to cross the central island;
 - All dead end roads other than the driveway leading to unit 42 shall be designed to allow the 3 point turn of a large rigid truck. Turning areas shall remain "no parking" areas at all times;
 - Visitor parking areas shall be designed to allow access by a design car without the need to cross over footpath areas or conflict with other parked vehicles. The distance between the back of the parking space and the invert of the opposite kerb shall be a minimum of 11.2 m;
 - Access to residential parking shall be designed to allow for the unrestricted passage of a design car without the need for more than

one parking manoeuvre and without the need to move off the sealed road pavement.

- Provision for an Easement or Right of Carriageway creating public pedestrian and cycle access, linking Hazelwood Close to the Public reserve adjoining the site's western boundary, over the internal access road and in accordance with Austroads Guide to Traffic Engineering Practice Parts 13 and 14.

(b) In relation to flooding, drainage and stormwater management, the engineering plans, designs and information shall include and address the following details and requirements:

- A single detention basin shall be located in the northeastern corner of Lot 144 near the Beech Drive/Broken Head Road roundabout. In addition a new culvert (or a Bond in lieu in accordance with Condition 3), sized in accordance with the information gained from the MIKE-II Flood model referred to below, shall be provided under Broken Heads Road adjacent to the existing culverts near the Service Station, at no cost to Council.
- The applicant shall carry out at its expense a MIKE-II flood model of the upstream catchments west of Broken Head Road and extending downstream east of Broken Head Road, as shown in Figure 2 attached. The study shall determine the effect of the 1% AEP flood on the proposed development and surrounding properties. Byron Shire Council shall provide upon request but within 7 working days, any available topographical and cross section information, advice on upstream and downstream boundary conditions and available information which would assist the model calibration. The information obtained from the flood study shall be used to determine the size of the detention basin and any associated upgrade of the culverts beneath Broken Head Road at the petrol station culvert. The MIKE-II model shall be calibrated and run to the satisfaction of Council's engineer who will be permitted to observe the modelling process at Max Winders & Associates Brisbane office.
- The detention basin shall be constructed using the road formations of Beech Drive and Broken Head Road and by excavation of the Applicant's land in that location. It shall accept the run off from the two catchments west of Broken Head Road discharging into Tallow Creek at that point. No excavation or works shall be carried out within the boundary of the SEPP 14 Wetland
- The discharge from the detention basin shall be controlled by the following structural elements.
 - (i) The existing culverts beneath Broken Head Road, plus an additional culvert provided at the Applicant's expense, the total discharge from which shall be shown by MIKE-II flood modelling to cause no increase in 100yr ARI flood levels west of Broken Head Road and to reduce the occurrence of overtopping of Broken Head Road.
 - (ii) A "constructed wetland", with pond and downstream wetland components, designed and constructed in accordance with the Department of Land and Water Conservation's "Constructed Wetland Manual", having sufficient capacity to strip any extra sediments and nutrients released as a result of the development;

- (iii) A drop inlet pipe to maintain the level of water in the constructed wetland to the depth recommended by the “Constructed Wetland Manual”.
 - The Stormwater drainage plan of the site shall be designed such that the surface runoff from the critical duration 100yr ARI storm shall not enter any property in Hazlewood Close nor the roadway in Hazlewood Close, and the works shall be constructed in accordance with the plan.
 - The discharge of all stormwater from the site shall be conveyed into grassed swales along the SE perimeter of the developed areas and discharged from these grassed swales via “level spreaders” as sheet flow, across the grassed buffer to the SEPP 14 wetland in accordance with the recommendations of the Department of Housing publication “Managing Urban Stormwater-Soils and Construction”.
 - If the Council’s Director Local Approvals and Compliance Services considers that the flood modelling shows that it is cost – effective to further increase the hydraulic capacity of the culverts beneath Broken Head Road, in excess of that required by the development to meet its runoff control obligations. The difference in cost of providing extra culvert capacity, as determined in consultation with Council, shall be offset by deductions of the equivalent amount from the section 94 contributions payable by the Applicant.
- (c) The following additional material is required:
- Engineering plans for water supply reticulation including:-
- (i) Details of the proposed method of disinfection of the completed reticulation such that public health requirements are satisfied;
 - (ii) Details of pipe fittings and materials types (it should be noted that all DICAL pipes greater than 180 mm diameter are polysleeved);
 - (iii) Prior to reticulation work commencing, all materials are to be inspected by the Council.
 - (iv) A Plan showing the location of all service conduits (water, NorthPower & Telstra) is to be submitted and approved with the engineering plans.
 - (v) Location and details of electricity and telephone services.
- C10. Payment of the contributions as set out in the attached Schedule are to be made prior to release of construction certificates for each dwelling. Contributions are calculated at a pro rata rate of 0.9ET per dwelling (after allowing a credit of one dwelling on the site). Contributions are levied in accordance with the Byron Shire Council Section 94 Plan for Open Space, Community Facilities and Road Upgrading, dated 22 June 1993 and the Section 94 Plan for Shire-Wide Community Facilities dated 24 June 1997. The Plans may be viewed during office hours at the Council Offices located at Station Street, Mullumbimby.
- C11. Satisfactory arrangements are to be made with Council for the provision of water services to the land.
- C12. A copy of the Certificate of Compliance under Section 27 of the Water Supply Authorities Act 1987, is to be lodged with Council prior to the release of any Construction Certificate. Section 27 Certificates will be issued on payment of the contribution for Water as specified in the attached schedule. Developers are urged to make an early application for a Section 27 Certificate.
- C13. Payment of a bond of \$2,000 to Council for work carried out in the road reserve to gain access to the property. The owner will be held responsible for any damage to footpaths, driveway crossovers, etc. caused during building operations. The

security bonds will be held until any damage to Council facilities is repaired to the pre-existing condition.

- C14. The top of the floor surface is to be a minimum of 300mm above finished ground level (including all floor wastes).
- C15. Plans and details of footpath paving are to be submitted to Council for approval prior to release of any Construction Certificate.
- C16. All buildings are to be finished in colours to blend with the surroundings. Details of colours of individual buildings, or a schedule from which building colours may be selected, are to be submitted to and approved by the Director of Local Approvals and Compliance Services prior to issuing of a Construction Certificate.
- C17. Swimming pool fences are required to be constructed around the pool in accordance with the Swimming Pool Act, 1992 and AS 1926.
- C18. This application attracts a Long Service Levy equivalent to 0.2% of the total contract value of the project. This levy must be paid to the Long Service Payments Corporation, these payments may be made at Council's office in Station Street, Mullumbimby.
- C19. A Fire Management Plan is to be submitted for approval of the Council's Director of Local Approvals and Compliance Services, addressing bushfire management and safety issues. The plan shall have regard to the provisions of the Landscape and Vegetation Management Plan referred to in Condition C2 of this consent. It shall include, but not necessarily be limited to:
- Measures to ensure the maintenance of low fuel levels over the whole of the area;
 - Measures to ensure removal of fuel from gutters and from under buildings;
 - Measures to ensure there is no storage of flammable materials under buildings; and
 - The provision and maintenance of wire screens on doors and windows.
- C20. Measures to be taken to mitigate sedimentation and erosion during construction of this development, including the event of flooding during construction, are to be provided to the Council. An Erosion and Sedimentation Control Plan prepared in accordance with the relevant sections of the Department of Housing Manual, "Soil and Water Management for Urban Development" shall be submitted to and approved by Council's Director of Local Approvals and Compliance Services.
- C21. The stormwater flood routing design is to cater for the 1 in 100 year flow and the applicant is to demonstrate that the P.M.F flow path will not cause damage to private or public property, including roads.
- C22. Submission of written evidence from an electricity supply authority that satisfactory arrangements have been made for provision of an underground electricity supply to the development.
- C23. A plan of management with input from appropriately qualified experts to the Council's satisfaction must be submitted to Council for the STP including details about:-
- a) the sub-surface irrigation scheme design, irrigation schedule and monitoring regime with the schedule to irrigate only up to 90% of field capacity and continuous moisture monitoring with at least 5 sensors covering irrigation sectors,
 - b) a manual for Rous Water (or any other future operator) defining their responsibilities and actions including backup arrangements (parts and expertise) for the STP;

- c) ongoing daily site hydrological data including:-
- (i) Daily effluent applied volume, and
 - (ii) Daily depth/volume of wet weather storage facility.
- In this clause “daily” refers to normal working days. Minor periods of non-recording data shall not negate the overall results.
- d) a STP operations log showing:-
- (i) general operational comments,
 - (ii) faults/failures,
 - (iii) action taken during times of faults/failures;
 - (iv) comments on resolution of actions,
 - (v) adjustments to STP which were made and the reasons for these adjustments, and
 - (vi) condition of irrigation fields, failures and remedial actions taken.
- e) details of biosolids removal,
- f) design for access by the tanker removing biosolids and of bunding for the potential spill area,
- g) soil monitoring at one site in each irrigation area at 3 monthly intervals for the first 12 months after commissioning of the irrigation area, thence six monthly for the next 12 months, thence annually. At each monitoring point, samples to be collected at 0-100mm and 500-600mm depths and tested for:

pH

electrical conductivity	(EC)
exchangeable cations	(Na, Ca, Mg, K, Al)
exchangeable sodium percentage	(ESP)
extractable phosphorus	(as Bray P)
ammonia/ nitrogen	(NH ₄ -N)
nitrate/ nitrogen	(NO _x -N)
total nitrogen	(TN)

- (h) Groundwater monitoring as set out in the hydrogeologist' s report.

- (j) A 3-monthly STP monitoring regime for:-

5 day Biochemical oxygen demand	BOD5
Suspended Solids	SS
pH	
electrical conductivity	EC
total phosphorus	TP
ammonia/ammonium- N	Amm-N
nitrates/nitrites - N	Nox-N
Kjeldahl - N .	TKN-N
faecal coliforms	FC
aluminium	Al

C24. The design of the buildings associated with the STP (noise emission levels) is to comply with the provisions of the POEO Act.

C25. The owner shall enter into (and provide a copy to Council of) a Deed of Agreement with Rous Water or another experienced operator acceptable to the Council's Director Local Approvals and Compliance Services for the management, operation, maintenance and monitoring of the STP, requiring compliance with:

- Any, specifications and requirements of the manufacturer/ builder of the STP;
- The STP requirements of this consent;
- Contractual arrangements shall be in place with a competent management operator and an agreement with a competent operator shall be in force as long as the STP remains in service;
- The 90th percentile quality of the STP effluent shall comply with:
- Biological oxygen demand (bod5): less than 10mg/l
- Total suspended solids (tss): less than 5mg/l
- Total phosphorous (tp): less than 1 mg/l
- Total nitrogen (tn): less than 6 mg/l
- pH: 6.5-8.0.
- Faecal coliforms: less than 10 cfu/100 mL

The deed shall include a requirement for the owner or operator to maintain at all times a policy of public liability insurance issued by a reputable insurer which is to include indemnity for loss, personal injury or damage resulting from the operation management and inspection of the STP, noting the Council (and its servants or agents) as a party insured.

C26. A restrictive covenant is to be placed on the title of the land at the expense of the applicant to the Council's satisfaction in favour of the Council restricting the use of the land for any purpose which creates sewage effluent for disposal on site unless there is an agreement as referred to in the previous condition.

C27. There is no condition C27.

C28. A hydrogeologist's report is to be prepared to address the following issues in consultation with Council and the NSW Department of Land and Water Conservation (DLWC):

- Review of hydrogeological conditions of the site identifying groundwater levels within irrigation field areas and adjacent lands;
- Evaluation of requirements for the stage 1 monitoring program including specification of piezometer locations and numbers, sample collecting regime, parameters for analyses and means of evaluating the proper operation of the scheme.
- Identification of necessary on-going monitoring regime including piezometers to be regularly sampled, frequency of sampling and required analyses;
- Specification of reporting regime for the monitoring programs, both Stage 1 and continuing monitoring program; and

- Contingency plan for site operators in the event that the irrigation field is shown to be having a detrimental impact on the quality or utility of the local groundwater resource.
- C29. The submission of written evidence from Telstra that satisfactory arrangements have been made for the provision of underground telephone supply throughout the subdivision.
- C30. The applicant shall pay the Council's reasonable costs of assessing all plans, information and material referred to in the preceding conditions C23 to C28 of this consent, as required to enable the Council to authorise issue of the Construction Certificate and otherwise in accordance with the Council's adopted fees and charges.
- C31. Dwelling 6 and the adjoining visitor car park are to be relocated to a position generally as shown on plan D. The retained stag is to be removed and the area around it's base revegetated with native plant species utilised in the site landscaping or present in the retained native vegetation of the site. Three microchiropteran bat-specific roost boxes are to be installed at appropriate locations within the development site. The design, locations and installation of these roost boxes must be determined by an ecologist suitably qualified and experienced in bat ecology and conservation.
- C32. Dwelling 24 shall be changed from Type B dwelling to a Type L dwelling and is to be located generally in accordance with Plan "F".

W. The following conditions are to be complied with prior to the commencement of works.

- W1. Trees and vegetation to be retained and areas subject to rehabilitation and revegetation are to be fenced off and protected for the duration of construction works in accordance with the requirements of the approved Landscape and Vegetation Management Plan. The minimum height of protective fencing is to be 1.5 m and in the case of land shown hatched on plan C fencing is to be left in place until any planting, rehabilitation or revegetation has reached an average height of 2.5 m.
- W2. The applicant shall engage a registered Surveyor to clearly mark the boundary of SEPP 14 Wetland 83a within the site, as identified on Drawing No. DA00 approved by this consent, where the SEPP 14 boundary is within 40m of construction works. The boundary as defined by the Surveyor shall be kept marked and fenced with a star stake and 3 plain wire fence to the Council's satisfaction whenever any construction works approved by this consent are being undertaken with a distance of 40 metres from Wetlands 83a.
- W3. Approved erosion and sedimentation controls in accordance with Council's 'Code of Practice for Erosion and Sedimentation Control' must be provided on site.
- W4. Approval is required under Section 138 of the Roads Act. Application for approval may be made to Byron Shire Council by submission of an engineering plan showing works within the road reserve.
- W5. Where the proposed development is adjacent to or contained within land zoned other than that for which the primary purpose of the application is being made, the applicant is to engage a registered surveyor to physically identify the zone boundaries prior to approval of the Construction Certificate.
- W6. That written notification of intention to commence works be forwarded to the Council seven (7) days prior to work commencing.
- W7. The lodgement of maintenance bond being 5% of the value of the civil works which are to be handed over to Council. The maintenance period is 6 months

and shall commence from the date the Council issues a Compliance Certificate certifying that all engineering works have reached practical completion.

W8. Residential building work:

Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:

- (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
- (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (b) (ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was Gazetted, that amount was \$3,000. As those regulations are amended from time to time, so that amount may vary.

A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause;- sufficient evidence that the person has complied with the requirements of that Part.

Protection of public places

If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

Note: Should it be desired to erect any hoarding or fence on Council footpaths or road reserves, a specific application is to be made to Council and the appropriate fees paid.

Signs to be erected on building and demolition sites (Clause 78H of Regulation).

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (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.

This clause does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

Toilet facilities

Toilet facilities approved by the Council are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

D. Conditions to be complied with during construction

D1. Subject to Condition 2 of “Parameters of this Consent”, all measures required by the approved Landscape and Vegetation Management Plan are to be taken to prevent damage to trees and other vegetation (including root systems) during site works and construction. Approved protective fencing in accordance with the approved Landscape and Vegetation Management Plan is to be in place prior to the commencement of any works on the site and must remain in place until any works in the vicinity are completed. No building materials or other items are to be placed or stored within the fenced off areas, other than as required for works approved by this consent within the fenced off areas. In the case of land shown hatched on plan “C”, fencing is to be left in place until any planting, rehabilitation or revegetation of species which reach a height not less than 4m at maturity has reached an average height of 2m.

D2. Compliance Certificates are required for the following:

- (a) Site Control/Floor level; Upon completion of the following works, and prior to commencement of the subsequent stages, a compliance certificate is to be submitted indicating:
 - (a) All site management measures are in place;
 - (ii) Footings have been constructed in accordance with the approved plans and relevant Australian Standards.
 - (iii) Concrete slabs have been constructed in accordance with the approved plans and relevant Australian Standards. The certificate is to state that the building is correctly sited on the site and any minimum Reduced Floor Levels on the development consent have been complied with.
- (b) Structural Framing: including wet area sealing, wind bracing, and tie downs prior to covering.
- (c) Fire wall and sound transmission; including fire rated ceilings – all prior to concealment.

- (d) Retaining walls: (where exceeding one metre in height) – prior to concrete pour and/or backfilling.
 - (e) Storm water infiltration pit: constructed in accordance with plan/s approved by Council.
 - (f) Completion: Upon completion of the remaining relevant key inspections and prior to occupation, a Compliance Certificate is to be issued indicating the buildings compliance with the relevant terms of the Approval and/or Standards of Construction detailed in the Building Code of Australia.
- D3. Effluent disposal areas are to be constructed in accordance with plans approved by Council. Completed works are to be inspected by Council.
- D4. The following inspections are required and can ONLY BE UNDERTAKEN by Council:
- Plumbing and Drainage
 - (i) internal drainage
 - (ii) external drainage
 - (iii) stack
 - (iv) water
 - (v) final
 - sewage management facilities
 - work in road reserves
- D5. The minimum floor level of dwellings shall be not less than 500mm above the 1% flood as determined by Council following consideration of the results of the MIKE II analysis. A registered surveyor is to certify the floor level prior to construction or slab being poured. Copy of certificate to be provided to PCA.
- D6. Construction works which may interfere with the amenity of the neighbourhood by generation of noise, intrusive lighting, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise are to be limited as follows:
- Monday to Friday, 7.00am to 9.00pm
 - Saturday, 7.00am to 1.00pm if inaudible on residential premises otherwise 8.00am to 1.00pm.
 - No construction work to take place on Sundays or Public Holidays.
- D7. Construction noise at the boundary of the property is to be limited to:
The L10 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 10dB(A).
- D8. All practical steps should be taken to silence construction site equipment. Silenced equipment is to be used on road or rail works where twenty-four (24) hour operation is necessary.
- D9. All plumbing and drainage work is to be installed by a suitably licensed person. The requirements of the NSW Code of Practice and AS/NZS 3500 must be adhered to.
- D10. Overflow Relief Gullies shall be positioned as far upstream as possible, at a minimum of 75mm above the surrounding ground level and a minimum of 150mm below the lowest fixture connected to the drain.
- D11. Only water sealed floor waste traps are to be fitted.

- D12. All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. The developer and/or contractor must produce evidence to the PCA of Public Liability Insurance cover for a minimum of \$10 million to Council prior to commencement of any works the development. Council is not responsible for any negligence caused by the undertaking of the works.
- D13. Builders' rubbish containment is required in order to contain all builders' rubbish on site. Provide 'Builders Skips' or an enclosure on site for the storage of rubbish. Footpaths are to be maintained clear of rubbish and all other deposits.
- D14. The type and operation of machinery to be used in the vicinity of vegetation to be retained is to comply with the requirements of the vegetation management plan. Particular care is to be taken to avoid damage to the trunks, root systems and canopies of trees to be retained.
- D15. Building equipment and materials are to be sited in accordance with the approved landscaping and vegetation management plan (e.g. building materials, machinery, portable toilets, chemicals and concrete.).
- D16. Where excavation is within a tree/s dripline and tree/s is to be retained, the face of the excavation will be covered with an organic fabric mulch such as Jutemaster "R" or an approved similar to reduce erosion and soil moisture loss. This will be firmly pegged into place over the surface of the excavation and be pegged to the top of the excavation at the former ground level. Pegs to be located as per manufacturer specifications or approved similar.
- D17. This organic fabric mulch is to be left in place and to be maintained until the completion of any construction works in that vicinity.
- D18. Any services to the site/s are to be located within service corridors designed to minimise removal of or damage to any trees or vegetation to be retained on the site, to the satisfaction of the Council's Director Local Approvals and Compliance Services. Where services to be laid are in conflict with any lateral structural support for roots of any tree, all care will be taken to manually excavate around or under such roots to position the service with minimum root disturbance.
- D19. No soil or fill material is to be placed contrary to the provisions of the approved landscape and vegetation management plan.
- D20. Sediment and erosion control measures must be maintained at all times until the site is made stable (i.e. by permanent vegetation cover or hard surface).
- D21. Water efficient devices must be installed where appropriate including:
- Pressure limiting valves;
 - Dual flush toilet systems;
 - Water efficient shower nozzles.
- D22. All battered area to be topsoiled or grassed.
- D23. 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. Council requires 48 hours notice prior to disposal at the waste depot.
- D24. Trees are to be fenced off to minimize disturbance to existing ground conditions in accordance with the approved landscape and vegetation management plan.
- D25. A copy of the approved Construction Certificate including plans, details and specifications shall remain at the site at all times during construction of the subdivision.

- D26. Measures to be taken to mitigate sedimentation and erosion during construction of the development, including the event of flooding during construction, are to be provided to Council prior to any works commencing.
- D27. All pipes or any other drainage structure shall discharge via an energy dissipating pit with a suitably installed locked grated outlets. Grates to be galvanized weldlock construction and then via an artificial wetland filter. Work is to be to the satisfaction of Council 's Development Engineer.
- D28. All water supply work, sewerage work, tradewaste work and stormwater work shall be carried out in accordance with the approved plans and specifications, or as modified by these conditions and any notations.
- D29. All plumbing and drainage works are to be carried out in accordance with the NSW Plumbing and Drainage Code of Practice, AS/NZS 3500 Parts 0-4, and the Local Government (Water, Sewerage and Drainage) Regulations.
- D30. The following inspection/s will be required for the WATER SUPPLY WORK:
- Cold water pipe work
 - Hot Water pipe work
 - Commissioning backflow prevention devices
 - Commissioning thermostatic mixing valves
 - Metering
 - Final – Finished job

Note: Inspection will not take place unless the plumber or the plumber's representative is on-site. Re-inspection fees will apply to plumbers not onsite for inspections.

Sub-Metering: It is Council Policy to meter all units individually (up to two unit developments) or separately (sub-metering) beyond the Master Meter for developments of more than two units. Sub-metering shall be done in one of two ways only. Either, a bank of sub-meters located in a position no further than 3m from the Master Meter, or remotely located sub meters (SENSUS ® type only) wired to a (bank of) touch-pad/s in a position no further than 3 m from the Master Meter.

Master Meter Position: The Master Meter/s shall be installed generally in accordance with the NSW Code of Practice for Plumbing and Drainage. However, where a meter is likely to be situated near an entrance or in a graded foot path it shall be installed above ground and recessed into the building.

- D31. The building is to be designed and constructed such that all floor levels have sufficient height to meet Over Flow Relief Gully requirements and so the house drainage can be laid at a permissible grade to the point of connection to the sewer main. It is the responsibility of the plumber to address this matter with the builder.
- D32. The following inspection/s will be required for the SEWERAGE WORK:
- Internal drainage
 - External drainage
 - Stackwork
 - Trade waste system
 - Final

Note: Inspections will not take place unless the plumber or the plumber's representative is onsite. Re-inspection fees will apply to plumbers not onsite for the inspections.

D33. Excavations and backfilling:

- (a) The following requirements apply to excavations and filling on the site:
 - (i) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
 - (ii) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (b) Retaining walls and drainage (Clause 78E of Regulation).
If the soil conditions require it:
 - (i) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - (ii) adequate provision must be made for drainage.
- (c) Support for neighbouring buildings (Clause 78F of Regulation)
- (d) If an excavation associated with the erection or demolition of a building 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:
 - (i) Must preserve and protect the building from damage, and
 - (ii) If necessary, must underpin and support the building in an approved manner.
 - (iii) Must, at least 7 days before excavating below the levels of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished; and
 - (iv) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. In this clause, allotment of land includes a public road and any other public place.

D34. Only low-nutrient fill is to be used in any located where fill is required on the site. Soil tests are to be conducted on all fill material to be used on site to confirm compliance with this condition. Results of all such soils tests are to be submitted to Council on request.

D35. All demolition works shall comply with AS 2601-1991.

O. The following conditions are to be compiled with prior to occupation of the building.

- O1. Certification from an appropriately qualified landscape architect/landscaper and ecologist that the approved landscaping, rehabilitation and revegetation has been completed in accordance with the approved landscaping and vegetation management plan(s).

- O2. Provision of written evidence to the Principal Certifying Authority from an electricity supply authority that satisfactory arrangements have been made for the provision of underground electricity supply to the development.
- O3. All works referred to in Condition C9 are to be constructed in accordance with plans and any staging approved by this development consent and with Council specifications.
- O4. The Instrument creating public access to the pedestrian pathway/cycleway referred to in condition C9 is to be registered at the Land Titles Office.
- O5. Signs are to be erected clearly indicating the availability of off-street parking and the location of entry/exit points, visible from both the street and the subject site.
- O6. A dished kerb crossing and full width driveway crossing over the footpath in Pecan Court are to be constructed in accordance with Roads Act Consent. The crossing shall be constructed for the full width of the internal access road and shall be designed to accommodate the load of a fully laden large single unit truck.
- O7. Sewer and water supply are to be constructed to the premises at no cost to Council.
- O8. Installation of a separate water meter to each premises in accordance with Council policy. Each water meter shall be located in a position accessible to Council.
- O9. Footpath areas are to be paved to match existing adjoining paving in accordance with plan/s approved by Council.
- O10. Council is to inspect and ensure that the effluent disposal system/s have been constructed in accordance with approved plans and in accordance with current specifications and standards.
- O11. All Water and Sewerage works are to be inspected and finished to the satisfaction of Council.
- O12. A Compliance Certificate is to be provided to Council, certifying that all works have been completed in accordance with the Construction Certificate and in accordance with engineering standards adopted by Byron Shire Council.
- O13. The proposed open space area shown on the approved plans is to be dedicated as an extension to the public reserve adjoining the southern boundary of the site.
- O14. The applicant is to carry out as its own cost the dedication, construction and drainage of the cul de sac in Hazelwood Close in accordance with the Construction Certificate approved by Council.
- O15. The applicant is to submit a record of infrastructure coming into Council ownership upon dedication. The information is to be submitted in the form of Council's Standard Form titled "Asset Creation Record". This form is available from Council's Development Engineering Section.
- O16. Submission of a works-as-executed plan under the hand of a suitably qualified engineer or registered surveyor must be lodged when the engineering works are complete. In the case where development involves filling of flood prone land, an additional copy of the works-as-executed plan relating to earthworks shall be submitted detailing the 1% flooding contour. One (1) microfilm copy of each sheet is required.
- O17. A Right of Carriageway in favour of Council is to be created, enabling vehicular access from Pecan Court to Lot 1 DP 577559, utilising the internal access roads within the site.

T. The following Conditions will need to be complied with at all times.

- T1. There shall be no mowing of, or disturbance to, SEPP14 Wetland No. 83a within the land, or in the intensely Planted Wetland buffer, other than activities to assist regeneration, carried out in accordance with the approved Landscape and Vegetation Management Plan.
- T2. The owner of the Common Property responsible for operation, management and/or maintenance of the sewage treatment facility approved herein shall at all times play the Council's reasonable staff time and/or consultancy costs and expenses involved in ensuring compliance with the conditions of this consent C23 and C28, and otherwise in accordance with the Council's Adopted Fees and Charges.
- T3. Only clean and unpolluted water being discharged to Council's stormwater drainage system or any watercourse or waters.
- T4. The swimming pool water being recirculated, filtered and disinfected in accordance with the requirements of Council's Environmental Health Unit and Health Department of New South Wales. The swimming pool water being maintained at satisfactory levels of purity for bathing at all times.
- T5. All water meters required for billing purposes shall be supplied by Byron Shire Council only. Such meters shall be clearly visible and accessible at all times. Restricted or keyed access to water meters is not permitted.
- T6. The landscaping is to be carried out in stages in accordance with the approved Landscape and Vegetation Management plan prior to occupation of the dwellings and is to be maintained in perpetuity by the owner/s to Council's satisfaction. Particular attention is to be paid to ensuring early and successful establishment of the plants (including ground preparation, fertilising, staking and protection where necessary).
- T7. Excess water flows, including water from sealed/paved and hard surfaces, are to be directed in accordance with the approved drainage plan.
- T8. The occupier of any premises in or on which a swimming pool is situated must ensure that there is at all times maintained, in a prominent position in the immediate vicinity of the pool a sign in accordance with the regulations, bearing the words 'Young children should be supervised when using this swimming pool'.
- T9. Pool water disposal and backwash are to be disposed of to Council's satisfaction.
- T10. All drainage piping is to be installed well clear of the proposed swimming pool.
- T11. Swimming pools discharge for waste water is to be in accordance with AS/NZS 3500.2.2, Section 10.9 & Figure 10.2.
- T12. The filter pump is to be located such that noise from its operations does not cause a nuisance to adjoining property owner. If necessary an acoustic enclosure will be required to be provided to the pump.
- T13. Backflow prevention devices shall be tested and maintained in accordance with the NSW Code of Practice: Plumbing and Drainage.
- T14. Warm water systems shall be tested and maintained in accordance with the NSW Code of Practice: Plumbing and Drainage.
- T15. The master water service meter shall be kept visible and accessible to Council officers at all times.
- T16. Sub-metering and remote sub-metering systems shall be kept visible, accessible, operational and maintained at all times.

- T17. Satisfactory access is to be provided to all drainage discharge points and filter controls for maintenance purposes in accordance with the approved drainage plan.
- T18. No work or activity associated with the development is to be directly or indirectly affect the Aboriginal site identified in the Report from the Jali Local Aboriginal Land Council dated 6 March 2001, in relation to Lot 144 DP 815022 Byron Shire.
- T19. No cats or dogs shall be kept on the site, other than Assistance Animals as defined in the companion Animals Act 1998.
- T20. Upon upgrading of the Byron Shire Council sewage treatment works, the owner may as its option, at its own cost, and in accordance with the Council's relevant construction standards, connect to the Council sewer, either as domestic sewage discharge or as trade waste discharge from the on-site STP. Prior to connection the owner shall pay to Council developer contributions pursuant to Section 64 of the Local Government Act 1993, calculated at the rates applied by the Council at the time of the connection.
- T21. If at any time after upgrading of the Byron Shire Council sewage treatment works, and following the giving of reasonable notice by the Council, the one site sewage treatment plant fails to meet the performance and discharge quality requirements specified in this consent and conditions, the Council may direct that the on site sewage system be connected to the Council's reticulated sewer system at the owner's cost, in accordance with Council's direction and the Council's relevant construction standards. In those circumstances the owner shall forthwith comply with the Council's Direction to connect to the reticulated sewer system. Prior to such connection the owner shall pay to Council developer contributions pursuant to Section 64 of the Local Government Act 1993, calculated at the rates applied by the Council at the time of the connection.

DEVELOPER CONTRIBUTIONS

(AS AT 08/05/01)

Please note the following:

- Service for connection fees are not included and can be obtained from the Council or by reference to the Council's Fees and Charges.
- The following contributions are current for a period of three (3) months from the date of this consent. If payment is made subsequent to three (3) months from the date of this consent the contribution shall be increased by the amount by which the Consumer Price Index (all groups Sydney) has increased from the date of approval to the date of payment (percentage increase). If payment is made subsequent to the three (3) month period it is essential that a check be made with Council to ascertain the current rates.
- If a landscaping bond is required, unless a condition of this consent states otherwise, 50% will be refundable upon planting and the remaining 50% refundable once established and maintained to the satisfaction of the Development Services Manager.
- If a Security bond is required for works carried out in the road reserve, unless a condition of this consent states otherwise, the amount is refundable upon completion of access and construction to specification, and repairs of any damage caused to structures, services, drainage, verges or landscaping within the reserve to the satisfaction of the relevant Engineering Manager.

LEVIES PURSUANT TO THE WATER SUPPLY AUTHORITIES ACT, 1987

Water-	48.4	ET@	2913	=	\$140,989
Bulk Water -	48.4	ET@	1257	=	\$60,839
Total					\$201.828

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

Open space Acquisition - Passive		ET@		=	N/A
Acquisition - Active	N/A	ET@		=	
Embellishment - Passive	48.4	ET@	931	=	\$45,060
Embellishment - Active	48.4	ET@	89	=	\$4,308
Community Facilities - Shire	48.4	ET@	445	=	\$21,538
Community Facilities - Suffolk Park	48.4	ET@	494	=	\$23,910
Bikeways-	N/A	ET@		=	N/A
Street Tree Planting	N/A	ET@		=	
Road Upgrading	48.4	ET@	393	=	\$19,021
Shirewide Community Facility -Council Office – Shire	48.4	ET@	276	=	\$13,358
Landscaping Bond					\$10,000
Security Bond					\$2,000
Total					

REASONS

1. To address the impacts of flooding and/or to ensure the free flow of water. (EPA Act Section 79C(1)(c)).
2. To comply with the provisions of Byron LEP 1988. (EPA Act Section 79C(i)(a)).
3. To ensure that the minimum required floor level is complied with (EPA Act Section 79C(1)(c)).
4. To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Section 79C(1)(c)).
5. To ensure the development is completed in accordance with conditions of consent and approved plans (EPA Act Section 79C(1)(c)).

6. To meet the anticipated demand for open space by residents of the development (EPA Act Section 94).
7. To preserve the environment and existing or likely future amenity of the neighbourhood (EPA Act Section 79C(1)(b), (c), (e)).
8. To provide and/or maintain an adequate drainage network that will not cause damage to existing or future development (EPA Act Section 79C(1)(c)).
9. To ensure adequate access to and from the development (EPA Act Section 79C(1)(c)).
10. To ensure that appropriate landscaping is provided (EPA Act Section 79C(1)(c),(e)).
11. To provide funds for the provision of services and facilities as required by the increased population or activity. (EPA Act Section 94).
12. To ensure adequacy of services (EPA Act Section 79C(1)(c), (e)).
13. 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. (EPA Act Section 79C(1)(b), (c)).
14. To protect vegetation (EPA Act Section 79C(1)(a)).
15. To ensure compliance with engineering standards (EPA Act Section 79C(1)(c)).
16. To protect the environment (EPA Act Section 79C(1)(b)).
17. To ensure adequate protection from bushfire (EPA Act Section 79C(1)(c)).
18. To ensure public health and safety (EPA Act Section 79C(e))
19. To ensure compliance with Section 68 of the Local Government Act 1993. (EPA Act Section 78A).
20. To ensure compliance with the Roads Act, 1993.

Yours sincerely

Mr G S Smith
Development Assessment Officer