



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION
issued under the
Environmental Planning and Assessment Act, 1979 Section 81(1)(a)

Development Application No. 10.2013.82.1

Mr G P Williams
14 Bay Vista Lane
EWINGSDALE NSW 2481

Property description:	LOT: 13 DP: 258951 14 Bay Vista Lane EWINGSDALE
Development	Recreational facility - including yoga studio, amenity block, storage shed, carport and existing dwelling extension
Determination	Consent granted subject to the attached schedule of conditions
Date determined:	9 May 2013
Consent to operate from:	9 May 2013
Consent to lapse on:	9 May 2018
Concurrent approvals:	Roads Act (51.2013.82.1)

IMPORTANT INFORMATION

It is the responsibility of the applicant, landowner, builder, and any other contractors or agents involved with the development to read and understand all conditions of consent prior to commencing work.

The Environmental Planning and Assessment Act 1979 requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any **building works** as required by conditions of this consent. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate. Additional fees are payable for this application.
2. Nominate a **Principal Certifying Authority (PCA)** which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
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. Additional fees are payable for this application.

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



Parameters of this Consent

1) Development is to be in accordance with approved plans

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

Plan No.	Description	Prepared by	Dated:
DA02, DA05, DA06, DA07, DA08, DA09, DA10, DA11, DA12, DA13, DA14, DA15	Shantarasa Yoga Studio – Site Area Plan, Parking and Landscape Plan, Yoga Studio and Amenity Block Floor Plans and Elevations, Dwelling House additions and floor, and shed floor plans, elevations and cross section.	Barefoot Sustainable Design	26/9/11

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

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

2) Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia ,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

3) Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

4) Notification of Home Building Act 1989 requirements

- (1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989 .
- (2) 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 (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

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

5) Development Consent DA10.2012.450.1

Development Consent DA10.2012.450.1 to be surrendered prior to the issue of the Construction Certificate.

6) Tee Pees

Prior to the Issue of any Construction Certificate the tee pees to be removed from the site.

7) Landscape Plan

A landscape plan to be submitted with the construction certificate for approval. The plan is to be prepared by a suitably qualified professional and incorporate screening plants including trees and shrubs to both the western and eastern boundaries from the front building line of the house extending to the centre of the small gully traversing the rear of the property, and along the Southern Boundary in front of the proposed Shed Barn. The plan to be prepared in accordance with part H of DCP 2010 and to incorporate species which are predominantly (70%) endemic natives to the North Coast of NSW.

8) Shed/ Barn

The shed/ barn to be setback a minimum of 6.5 metres from the boundary with Balraith Lane. The windows/ sliding doors on the western, southern and eastern elevation to be replaced with roller doors to facilitate its use as a storage/ farm shed and maintain the appearance as such.

9) Consent required for works within the road reserve – Driveway in Balraith Lane.

Consent from Council must be obtained for works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve.

Such plans are to be in accordance with Council's current Design & Construction Manuals and are to provide for the following works:

Driveway (residential areas)

A bitumen sealed driveway (or an approved equivalent surface) with controlled drainage, in general accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

10) Roads Act Approval & Fees – Driveway in Bay Vista Lane.

Approval has been granted with this consent (Council reference No: 51.2013.82.1) for the following works within the road reserve:

- a) Bitumen seal (or an approved equivalent surface) the existing Driveway, from the road pavement to the property boundary.

A discounted fee of **\$355** (current to the date of Council's fees and charges) is to be paid prior to issuing of a Construction Certificate.

These payments may be made at Council's Administration Office, Station Street, Mullumbimby. Cheques are to be made payable to 'Byron Shire Council'. This fee is in accordance to Council's fees and charges and is subject to change each financial year.

11) Traffic Management Plan

Consent from Council must be obtained for a Traffic Management Plan pursuant to Section 138 of the Roads Act 1993. The plans and specifications are to include the measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development. The traffic control plan is to be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'.

"The plan shall incorporate measures to ensure that motorists using road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site".

The traffic control plan must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.

12) Car parking layout, vehicle circulation and access plans required.

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

The access, parking and manoeuvring for the site is to comply with the requirements of Council's DCP 2010, AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking and AS 2890.2 – 2010 - Parking facilities, Part 2: Off-street commercial vehicle facilities. Plans are to include, but not be limited to, the following items:

- a) pavement description;
- b) site conditions affecting the access;
- c) existing and design levels;
- d) cross sections;
- e) drainage (pipes, pits, on-site detention, etc.);
- f) turning paths;
- g) linemarking and signage.

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

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

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

13) Internal Driveway details required

The application for a Construction Certificate is to include plans and specification that indicate vehicular access from the site boundary to the proposed car space(s). Vehicular access must be in accordance with AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking. Plans are to include the following items:

- a) A bitumen sealed pavement (or an approved equivalent) for the internal driveway;
- b) site conditions affecting the access;
- c) existing and design levels;
- d) typical cross section;
- e) drainage;

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

14) Bond required to guarantee against damage to public land

A bond of **\$2000** is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets.

Such bond will be held until Council is satisfied that the infrastructure is maintained/repaired to pre development conditions and that no further work is to be carried out that may result in damage to Council's roads, footpaths etc.

15) Section 94A Levy to be Paid

Prior to the issue of a construction certificate the section 94A levy required by the Byron Developer Contributions Plan 2012 shall be paid to Council.

The levy will be calculated as follows:

Levy payable = %C x \$C

Where: %C is the levy rate applicable as set out in the latest Ministerial Direction issued under section 94E.

\$C is the proposed cost of carrying out the development.

The rate of %C is:

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001–\$200,000	0.5 percent
More than \$200,000	1.0 percent

The cost of development shall be calculated in accordance with clause 25J of the regulation and shall be set out in schedule 1. A copy of schedule 1 shall be submitted with the payment to Council.

16) Terms of approval for on-site sewage management required

The Onsite Sewage Management System to be upgraded in accordance with the Local Government Act Section 68 Approval - Application No. 70.2012.450.1.

17) Water and Sewerage - Section 68 approval required

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

18) Certificate of Compliance – Water Management Act 2000

Obtain a Certificate of Compliance from Rous Water confirming that all money payable to Rous Water in respect to the load the development imposes on the Regional Bulk Water Supply has been paid.

Note: Byron Shire Council acts as Rous Water's agent in this matter and will issue a Certificate of Compliance on behalf of Rous Water upon payment of the Rous Water Development Servicing Charge to this Council. The charge is calculated as the Rous Water Development Servicing Charge per Equivalent Tenement current at the time of payment multiplied by the assessed number of ET's for the development for water supply purposes.

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

19) Plumbing Standards and requirements.

All Plumbing, Water Supply and Sewerage Works shall be installed and operated in accordance with the Local Government Act 1993, the NSW Code of Practice for Plumbing and Drainage and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications.

Your Plumber must obtain a **Plumbing Permit** at least **two (2) working days prior to commencing work**. Please forward the **enclosed** Application for a Plumbing Permit to your plumber to complete and to return to Council prior to commencement of work or Refer to http://www.byron.nsw.gov.au/files/Forms/Plumbing_Drainage_Permit.pdf.

The following INSPECTIONS are required:

- a) Internal Drainage;

- b) External Drainage;
- c) Water Rough In;
- d) Stackwork; (where applicable);
- e) Final.

20) Traffic Management Plan

The approved traffic management plan is to be implemented.

21) 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*. A copy may be downloaded from Council's web site at http://www.byron.nsw.gov.au/pdfs/stormwater/sediment_erosion.pdf. Particular attention is to be given to the provision of the following sediment and erosion control measures:

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

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

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

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

The following conditions are to be complied with during construction

22) Construction times

Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible from adjoining residential premises, can only occur:

- a) Monday to Friday, from 7 am to 6 pm.
- b) Saturday, from 8 am to 1 pm.

No construction work to take place on Saturdays and Sundays adjacent to Public Holidays and Public Holidays and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to Public Holidays.

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

23) Construction Noise

Construction noise is to be limited as follows:

- a) For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- b) For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A)

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

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) Inspection for on-site sewage management

All plumbing and drainage works is to be installed by a suitably qualified person. The plumber must adhere to the requirements of the NSW Code of Practice and AS/NZ 3500. The plumber is to arrange for the following inspections to be undertaken:

- a) Internal drainage prior to covering of the works.
- b) External drainage prior to the covering of works.
- c) Irrigation installation prior to the covering of works.
- d) Final

26) 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.

27) 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.

28) 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.

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

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, is 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) Car port over Caravan

The car port adjacent to the eastern boundary to be removed unless it complies with the exempt provisions under SEPP (Exempt and Complying Codes) 2008.

31) Car parking areas to be completed and signs to be provided.

The car parking areas are to be constructed in accordance with the approved plans. 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.

32) Internal & External driveways in accordance approved plans

The internal and external driveways are to be constructed in accordance with the approved plans.

33) Landscaping

All landscaping to be completed prior to the issue of the Occupation Certificate.

34) Stormwater disposal

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

- a) Clear of buildings and infrastructure,

- b) Clear of effluent disposal areas,
- c) Not concentrated so as to cause soil erosion,
- d) Not directly to a watercourse, and
- e) Not onto adjoining land.

35) New On-site sewage management system must be completed

The new on-site sewage management system is to be constructed in accordance with approved plans and in accordance with current specifications and standards. The system is not to be used and/or operated until a Council Officer has inspected the system and authorised its use.

36) Pump-out and service report required for existing on-site sewage management system

The existing septic tank must be pumped out by a licensed operator and the on-site sewage management system serviced by a suitably qualified person. Documentary evidence confirming details of works completed must be provided to Council.

37) Approval to Operate required

In accordance with the Local Government Act, an Approval to Operate the new onsite sewage management system must be obtained from Council. Forms may be downloaded from Council's website with '<http://www.byron.nsw.gov.au/on-site-sewage>'.

The following conditions are to be complied with at all times

38) Car Parking spaces are to be available for the approved use

A minimum of **14 car parking spaces** (including the 2 garage spaces) are to be provided and maintained, together with all necessary access driveways and turning areas, to the satisfaction of Council.

Customers of the development must have unrestricted access to the car parking spaces on a daily basis during business hours of the development.

39) Operation of recreation facility – Yoga Classes

The recreational facility is to be used for Yoga Classes only as follows:

- Hours of Operation – Monday to Friday 7 am to 8 pm, and 8 am to 6 pm Saturdays, Sundays and Public Holidays.
- A Maximum of **2** Yoga classes per day.
- A maximum of **12** customers per Yoga class.

40) Drumming classes, parties, healing session and other functions

Drumming classes, dance parties, doof parties, full moon gatherings, healing sessions or any other functions on the property or in the recreational facility are not approved.

41) Meals

No meals are to be provided, whether by charge or free of charge, to Yoga students.

42) Not to be used for residential use or habitation

The yoga studio, shed/ barn and amenity block must not be used for residential use, tourist accommodation or any other form of overnight accommodation or camping. The amenity block is restricted to users of the yoga studio and the residents only.

43) Caravan

The caravan to be only used in accordance with the Byron Shire Council Local Approvals Policy 2009 – Table 1 Schedule of Exemptions to Approval, for habitation by the owner or the owners household and is to be maintained in a safe and healthy condition at all times.

The Caravan not to be rented out separately or used for the accommodation of tourists or yoga students.

44) Tee Pees

The Tee Pees are not to be re-assembled unless separate consent is granted for their erection and use.

45) Protection of neighbourhood amenity

The use of facility must not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. In particular, the noise level emanating from the use of the premises must comply with the New South Wales Industrial Noise Policy so as not to cause offensive noise.

Notes

Consent granted under the Roads Act 1993 – Driveway Bay Vista Lane

The following works in the road reserve are granted consent pursuant to Section 138 of the Roads Act 1993.

- A bitumen sealed (or an approved equivalent surface) driveway from the edge of road seal to the property boundary.

This consent is issued by Byron Shire Council, being the road authority, for the above proposed works and/or structures subject to the following conditions:

- 1) The driveway is to be constructed in general accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".
- 2) All work is to be in accordance with Council's adopted standards.
- 3) Twenty four hours notice must be given for the following required inspections:
 - a) prior to placing bitumen seal, and
 - b) upon completion of all work.
- 4) 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 Council of Public Liability Insurance cover for a minimum of \$10 Million prior to the commencement of any works. Council is to be named as a Principal in the policy. Council is not be held responsible for any negligence caused by the undertaking of the works.

Please contact Council's Local Approvals and Certification Officer for the booking of inspections on (02) 6626 7050.

Construction Certificate required:

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

Occupation Certificate required:

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

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 the Council at least two days notice of their 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.

Protection of the Environment Operations Act 1997:

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

Penalties apply for failure to comply with development consents

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

Section 94A Levy

The section 94A Levy to be paid prior to the issue of the Construction Certificate. The following Schedule to be completed and submitted with payment to Council.

SCHEDULE 1 – Cost Summary Report

[Development Cost no greater than \$500,000]

DEVELOPMENT APPLICATION No:

COMPLYING DEVELOPMENT APPLN NO:

CONSTRUCTION CERTIFICATE No.

DATE:

APPLICANT'S NAME:

APPLICANT'S ADDRESS:

DEVELOPMENT DETAILS:

DEVELOPMENT ADDRESS:

ANALYSIS OF DEVELOPMENT COSTS:

Demolition and alterations	\$	Hydraulic services	\$
Structure	\$	Mechanical services	\$
External walls, windows and doors	\$	Fire services	\$
Internal walls, screens and doors	\$	Lift services	\$
Wall finishes	\$	External works	\$
Floor finishes	\$	External services	\$
Ceiling finishes	\$	Other related work	\$
Fittings and equipment	\$	Sub-total	\$

Sub-total above carried forward	\$
Preliminaries and margin	\$
Sub-total	\$
Consultant Fees	\$

Other related development costs	\$
Sub-total	\$
Goods and Services Tax	\$
TOTAL DEVELOPMENT COST	\$

I certify that I have:

- inspected the plans the subject of the application for development consent or construction certificate.
- calculated the development costs in accordance with the definition of development costs in clause 25J of the *Environmental Planning and Assessment Regulation 2000* at current prices.
- included GST in the calculation of development cost.

Signed: _____

Date: _____

Name: _____

Phone: _____

Position and Qualifications: _____

Address: _____

Certificate of Compliance – Water Management Act 2000

A Certificate of Compliance will be issued on completion of construction of water management works to serve the development and/or on payment of developer charges for water and sewer as calculated in accordance with Byron Shire Council and Rous Water Development Servicing Plans. The charges for Water and Sewer are based on

- Bulk Water 1.42 ET

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

To ascertain exact developer charges, please contact Council's Water and Recycling Management Services Division.

Reasons

- To Comply with the EPA Act 1979 and the EPA Regulations 2000
- To comply with the provisions of Byron L.E.P. 1988.
- To protect the environment.
- To preserve the amenity of the area.

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 1800810443.

Are you dissatisfied with conditions of consent

If you are unhappy with conditions of consent discuss your concerns with the officer who dealt with your application. You may submit an application to Council to modify the consent under Section 96 of the Environmental Planning & Assessment Act, 1979.

You will need to provide reasons why the conditions should be changed or deleted. You may lodge a Section 96 application at any time after the notice of determination. If you are not happy with Council's decision on your request for modification, then you may appeal to the Land & Environment Council within six (6) months of the notification by Council.

Right of Review

You may request Council to review its decision under Section 82A of the Environmental Planning and Assessment Act, 1979. Such a request must be made within six (6) months of the date of the determination, or if there is an appeal to the Land and Environment Court, up to the time when the court hands down its decision. In reviewing its decision Council is able to consider alterations to the above plans, provided that the Development Application remains substantially the same as the one for which the consent was originally sought, and the changes are publicly notified.

NOTE: This clause does not relate to Integrated Development Applications, applications determined by the Joint Regional Planning Panel or applications previously considered under Section 82A of the Environmental Planning and Assessment Act 1979.

Right of Appeal

If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Signed on behalf of the Consent Authority

Yours faithfully

Mr C A Larkin
Senior Development Assessment Officer

Dated: 9 May 2013