



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

Development Application No. 10.2017.511.1

Chris Lonergan - Town Planner
PO Box 2585
BYRON BAY NSW 2481

Email: chris@byronbayplanning.com.au

Property description:	LOT: 7 DP: 812667 8 Centennial Circuit BYRON BAY
Development	Additions to Existing Factory
Determination	Consent granted subject to the attached schedule of conditions
Date determined:	15 November 2017
Consent to operate from:	16 November 2017
Consent to lapse on:	16 November 2022
Concurrent approvals:	Not issued with this consent

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 require 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.

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:
Plan No's P1 and P2	Site, Ground Floor, Elevations & Landscape Plan and First Floor, Section & Elevations Plan	C. Lonergan	11 September 2017
Plan No's PA and PB	Ground Floor GFA Calculations and First Floor & Messazine Calculations	C. Lonergan	04 October 2017

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) Servicing of Trade Waste Devices

All trade waste pre-treatment devices must be serviced and maintained to ensure that all relevant environment protection standards are satisfied.

3) Vehicles to enter/leave in a forward direction

Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction. All driveways and turning areas must be kept clear of obstructions that prevent compliance with this condition.

4) Loading and unloading not to occur on the street

The loading and unloading bay must be available at all times for the loading and unloading of goods for the development. All loading and unloading to is take place within the curtilage of the premises.

5) Vehicles to be parked or garaged within premises

All vehicles connected with the premises to be parked or garaged within the premises at all times.

6) No Interference with Amenity of Neighbourhood

The development must not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. In particular:

- a) 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;
- b) Only clean and unpolluted water is permitted to be discharged to Councils' stormwater drainage system or any waters;
- c) All wastes must be contained within appropriate containers fitted with a tight-fitting vermin-proof lid;
- d) All trade waste pre-treatment devices and other waste storage facilities must be serviced and maintained to ensure that all relevant environment protection standards are satisfied; and
- e) Goods deliveries to be restricted to daytime operating hours.

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

7) Trade Waste - Section 68 Part C approval required

An **approval** under Section 68 Part C of the *Local Government Act 1993* to discharge trade waste into Council's sewer must be obtained in accordance with NSW Office of Water Liquid Trade Waste Regulations Guidelines 2009, Council's Liquid Trade Waste Policy and Liquid Trade Waste Guidelines.

Commercial, business, trade and industrial activities discharging or proposing to discharge to the sewer are required to notify Council and complete the Trade Waste Registration Form available at the Mullumbimby Office and from Council's website at: http://www.byron.nsw.gov.au/files/publications/liquid_trade_waste_application_form_0.pdf

Trade Waste approval is required prior to gain Section 68 Part B approval to carry out water supply work and sewerage work.

8) Water and Sewerage - Section 68 Part B approval required

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

9) Certificate of Compliance – Water Management Act 2000

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

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

Note: Copies of the application forms for Certificates of Compliance are available on Council's website http://www.byron.nsw.gov.au/files/Forms/Section_305_Certificate.pdf or from Council's Administration Office. Copies of Byron Shire Council's Development Servicing Plans are available at Council's Administration Office.

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

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

Payment by Personal or Company Cheque will not be Accepted

10) Section 94A Levy to be paid

Prior to the issue of a construction certificate the section 94A levy required by the Byron Developer Contributions Plan2012 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. The Cost Summary Report (copy attached) as set out in schedule 2 of the Section 94A contributions plan shall be submitted to Council with the payment. The cost summary report shall be prepared by a quantity surveyor. Copies of Cost Summary Report are available at Council's main office or may be downloaded from <http://www.byron.nsw.gov.au/>

11) Long Service Levy to be paid

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

These payments may be made online at www.longservice.nsw.gov.au or at Council's Administration Office, Station Street, Mullumbimby. Where paying to Council, cheques are to be made payable to 'Byron Shire Council'.

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

12) Height and Floor Space Ratio Restrictions

Prior to the issue of the construction certificate, the plans to be certified by a NSW Registered Architect indicating the following:

- a) The building has a height of no more than 9 metres above natural ground level to the ridgeline (inclusive of any lift tower and air conditioning plant); and
- b) The building has a floor space ratio not exceeding 0.9:1 in accordance with Byron LEP 2014.

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

13) 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

14) Survey Report

The submission of a survey report by a registered Land Surveyor to the Principal Certifying Authority is required, prior to the work proceeding beyond each of the following respective stages so as to guarantee that each stage of the development is completed in accordance with the approved plans (as amended in red):

- a) Footing excavation;
- b) Slab formwork;
- c) Ground Floor ceiling;
- d) Upper Floor ceiling; and
- e) Ridge top of no more than 9m above natural ground level.

15) Demolition

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

16) Removal of asbestos

Any asbestos wastes associated with any demolition works are 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 Council's waste depot.

17) Construction times

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

- a) Monday to Friday, from 7 am to 6 pm;
- b) Saturday, from 8 am to 1 pm; and
- c) No construction work to take place on Sundays or Public Holidays.

18) 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); and
- 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).

19) 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.

20) 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.

21) 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 1997*.

22) Signs to be erected on building and demolition sites

A sign must be erected in a prominent position on the work site:

- a) Stating that unauthorised entry to the work site is prohibited; and
- b) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

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

23) 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.

24) Maximum Floor Height

Certification must be submitted to the Principal Certifying Authority that confirms that the overall height of the building does not exceed 9m from the natural ground level.

25) Floor Space Ratio Restriction

Certification must be submitted to the Principal Certifying Authority that confirms that the Floor Space Ratio (FSR) does not exceed 0.9:1.

26) Stormwater disposal

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

- a) Clear of buildings and infrastructure;
- b) Not concentrated so as to cause soil erosion;
- c) Not to any wetlands or watercourse; and
- d) Not onto adjoining land.

The following conditions are to be complied with at all times

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

Nine (9) car parking spaces in accordance with AS2890.1 are to be provided and maintained, together with all necessary access driveways and turning areas, to the satisfaction of Council. One (1) of these spaces must be identified as a disabled car parking space.

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

28) Loading and unloading not to occur on the street

The loading and unloading bay must be available at all times for the loading and unloading of goods for the development. All loading and unloading is to take place within the curtilage of the premises.

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);
- Given the Council at least two (2) days notice of their intention to commence the erection of the building. Notice must be given by using the prescribed 'Form 7'; and
- 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 and Assessment Act 1979* or prosecution pursuant to section 125 of the *Environmental Planning and Assessment Act 1979*.

Water payments under the Water Management Act 2000

Charges will be calculated based on the additional water and sewerage load that the proposed development generates, shown in Equivalent Tenements (ET) by the following table:

ADDITIONAL WATER & SEWER LOAD OF DEVELOPMENT **(ET Policy No:13/005)**

Water	0.68 ET
Bulk Water	0.68 ET
Sewer	0.68 ET

Note: Information regarding Development Servicing charges can be found on the Byron Shire Council website (<http://www.byron.nsw.gov.au/development-contributions-plans-section-94-and-64>). These charges will enable you to calculate the total contribution charges payable when you are ready to pay them. Developer charges will be calculated in accordance with the Development Servicing Plan applicable at the date of payment.

SCHEDULE 2

Cost Summary Report

[Development Cost greater than \$500,000]

DA /CC/CDC No.

DATE:

APPLICANT'S NAME:

APPLICANT'S ADDRESS:

DEVELOPMENT DETAILS:

DEVELOPMENT ADDRESS:

ANALYSIS OF DEVELOPMENT COSTS:

Gross Floor Area – Commercial	m ²	Gross Floor Area – Other	m ²
Gross Floor Area – Retail	m ²	Total Gross Floor Area	m ²
Gross Floor Area – Car Parking	m ²	Total Site Area	m ²
Total Development Cost	\$	Total Car Parking - Spaces	
Total Construction Cost	\$		
Total GST	\$		

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:

Reason for conditions

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

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 Court 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.

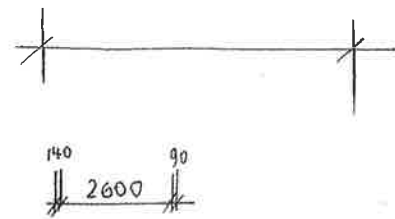
Signed on behalf of the Consent Authority

Yours faithfully



Miss S Reeves
Planner

Dated: 16 November 2017



BYRON COUNCIL
DEVELOPMENT CONSENT
THIS IS THE PLAN ATTACHED TO
DEVELOPMENT CONSENT No. 10-2017-511-1
DATED: 11/11/17
[Signature]
DEVELOPMENT OFFICER

FIRST FLOOR, SECTION & ELEVATIONS PLAN

Construction of Additions to Factory Building

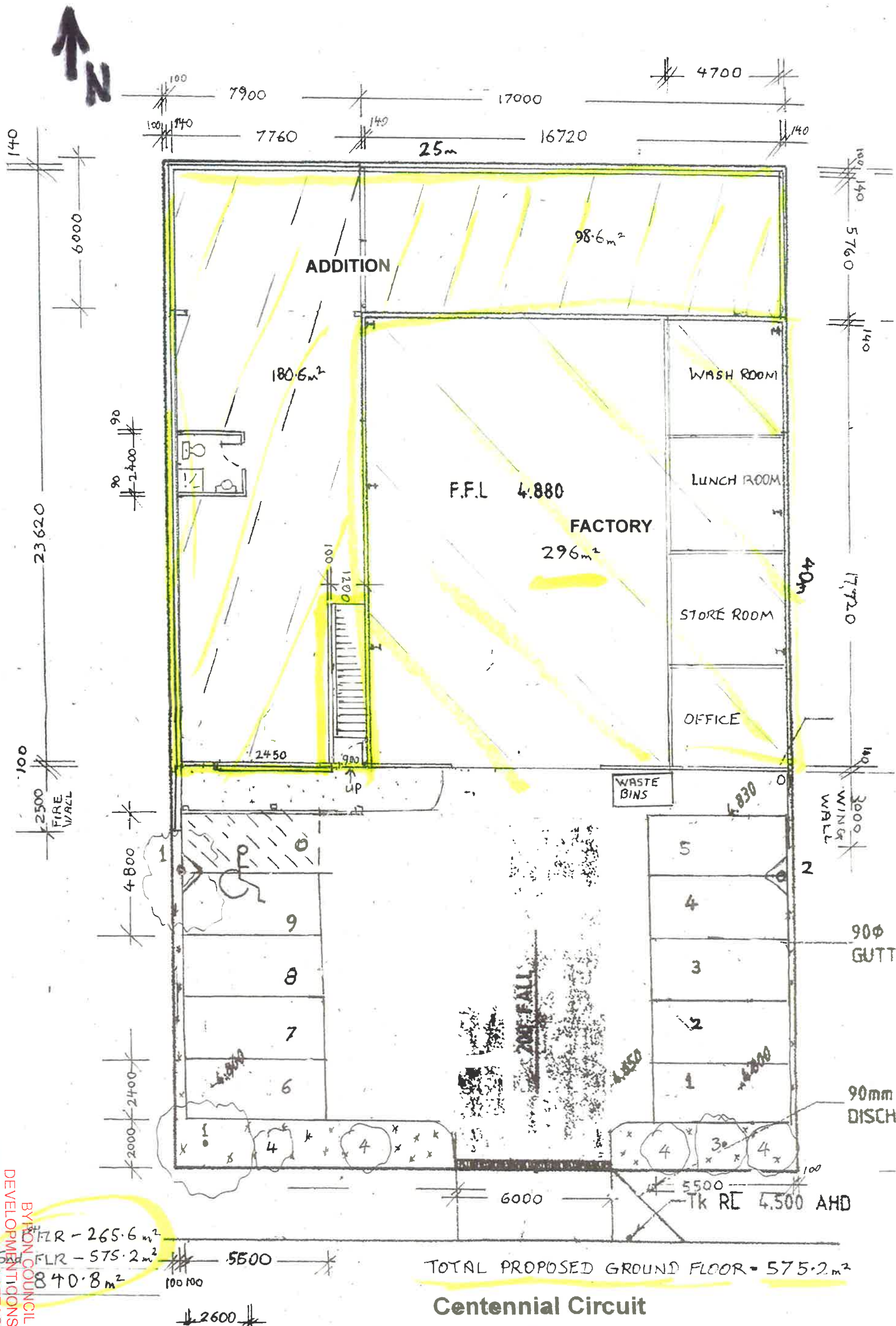
Lot 7 DP 812667 No. 8 Centennial Circuit Byron Bay.

Scale 1: 200

Drawn C. Lonergan

Date 11-8-2017

Plan P2



DEVELOPMENT OFFICER

BYRON COUNCIL
DEVELOPMENT CONSENT
THIS IS THE PLAN ATTACHED TO
DEVELOPMENT CONSENT No. 10.2017.511-1
DATED: 15 Feb 17

GROUND FLOOR PLAN

Construction of Additions to Factory Building
Lot 7 DP 812667 No. 8 Centennial Circuit Byron Bay.

Scale 1: 200

Drawn C. Lonergan

Date 04-10-2017

Plan PA

