

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application No.	Development Application No. 10.2022.326.1
Applicant	Town Planning Studio Pty Ltd
Property	74 Tuckerroo Avenue MULLUMBIMBY LOT: 161 DP: 1281667
Development	Three (3) Dwellings to create a Multi Dwelling Housing Development
Determination	Approved Consent Authority - Council
Date of determination	22 June 2023
Date from which the consent operates	26 June 2023
Date on which the consent lapses	26 June 2028

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

Reason for conditions

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

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

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

Rights to appeal

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

Signed on behalf of the Consent Authority

Lachlan Wall



Planner

CONDITIONS OF CONSENT

SCHEDULE 1. CONDITIONS OF CONSENT

Parameters of consent

1. Approved plans and supporting documentation

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

Plan No.	Revision No.	Title	Drawn by	Dated
04 of 25	H	Site Plan	ReziCAD Building Design	19/04/2023
05 of 25	H	Dwelling A Floor Plan	ReziCAD Building Design	19/04/2023
06 of 25	H	Dwelling B Floor Plan	ReziCAD Building Design	19/04/2023
07 of 25	H	Dwelling C Floor Plan	ReziCAD Building Design	19/04/2023
08 of 25	H	Elevations all dwellings	ReziCAD Building Design	19/04/2023
09 of 25	H	Elevations dwelling A	ReziCAD Building Design	19/04/2023
10 of 25	H	Elevations dwelling B	ReziCAD Building Design	19/04/2023
11 of 25	H	Elevations dwelling C	ReziCAD Building Design	19/04/2023
12 of 25	H	Section	ReziCAD Building Design	19/04/2023
21 of 25	H	Driveway Detail	ReziCAD Building Design	11/04/2023
220324 -00-DA	B	Stormwater Catchment Plan	Newton Denny Chapelle	Undated
101(B)		Water Supply Standards	BSC	03.2023
102(B)		Water Supply Standards	BSC	03.2023

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

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

2. Payment of security deposits

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

Security deposit	\$ 3000
Inspection fee	\$200

The payments will be used for the cost of:

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

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

3. Car Parking to be available for the approved use

Parking within the development, together with all driveways and turning areas, must be provided and maintained as follows:

- a) One (1) car space in the single garage for Dwelling A;
- b) One (1) car space in the single garage for Dwelling B; and
- c) One (1) car space in the single garage for Dwelling C.

4. Future Strata

Any future strata subdivision must ensure the driveway and manoeuvring areas are common property.

Note: No Subdivision is approved by development consent 10.2022.326.1

5. Support for neighbouring buildings

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

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

6. Conditions prescribed by the Regulation

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

7. Concurrent Approvals

The following approvals are provided under Section 4.12 of Environmental Planning and Assessment Act, subject to the conditions contained in **Schedule 4** of this Notice of Determination:

Concurrent Approvals under Section 68 of the Local Government Act 1993

Part B Water supply, sewerage and stormwater drainage work

B1 Carrying out water supply work

B4 Carrying out sewerage work

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

8. Consent provided under Section 138 of Roads Act 1993

Approval has been granted with this consent (Council reference No: 51.2022.326.1) for the following works within the road reserve (refer Schedule 1 of this Notice of Determination):

(a) Driveway

A driveway in accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

- A minimum driveway width of 3.0m at property boundary.
- Driveway to be perpendicular to the kerb.
- Replacement street tree must be identical in species and located clear of all services, no less than 1.0m from the approved driveway. Ongoing maintenance of the replacement tree must occur for 6 months after planting.

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

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

9. Construction site management plan

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

- location and materials for protective fencing and hoardings to the perimeter on the site
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures
- location of temporary toilets.

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

10. On-site stormwater detention required

The application for a Construction Certificate is to include plans and specifications for stormwater drainage in accordance with the relevant Australian Standard. All stormwater drainage for the development must be conveyed via an on-site stormwater detention system by gravity to the existing inter-allotment drainage system in the north east corner of the site.

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

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

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

11. Developer Contributions to be paid

Contributions set out in the schedule below are to be paid to Council prior to the release of a construction certificate. Contributions are levied in accordance with the Byron Shire Developer Contributions Plan 2012 (as amended). The Plan may be viewed on line at www.byron.nsw.gov.au or during office hours at the Council Offices located at Station Street, Mullumbimby. These contributions are to fund public amenities and services as listed in the schedule. Additional details on the specific amenities are to be found in the Byron Shire Developer Contributions Plan 2012 (as amended).

The contributions in the schedule are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the **amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment**. The schedule contains a date for which the schedule remains valid, after this date you will have to contact Council for an updated schedule.

12. Certificate of Compliance – s307 Water Management Act 2000

Prior to issue of any Construction Certificate, a Certificate of Compliance under Section 307 of the Water Management Act 2000 must be obtained upon payment of developer charges for water and sewer as calculated in accordance with Byron Shire Council and Rous County Council Development Servicing Plans. Where staging of the Construction Certificate occurs, a separate s307 Compliance Certificate must be obtained for each stage.

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

Note: For issue of the Certificate of Compliance, an application form and associated fee must be lodged via Council's website. Copies of Byron Shire Council's Development Servicing Plans are available via Council's website.

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, Utilities on 02 6626 7000. Applicable charges can also be found on Council's website:
<https://www.byron.nsw.gov.au/Services/Water-sewer/Plumbers-and-developers/Calculate-the-cost-of-an-Equivalent-Tenement#section-3>

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

13. Access & Parking

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

The access, parking and manoeuvring for the site is to comply with the requirements of AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking. Plans are to include, but not be limited to, the following items:

- a) the garage of Dwelling C must comply with the minimum requirements of clause 3.7.2 of AS 4299 for adaptable housing;
- b) pavement design, comprising an all-weather surface, such as asphalt, bitumen seal, concrete, pavers or suitably designed permeable pavements;
- c) site conditions affecting the access;
- d) existing and design levels; and
- e) longitudinal section from the road centreline to the car space(s).

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

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

14. Water and Sewerage - Section 68 Part B approval

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

Water metering to be in accordance with Byron Shire Council's water metering requirements

See: <https://www.byron.nsw.gov.au/Services/Building-development/Other-approvals-and-permits/Plumbing-and-Drainage-Applications>

Any new water service and meter will be at applicants cost.

15. Compliance with BASIX Certificate requirements

The development is to comply with Basix Certificate No. 1214100M, dated Tuesday, 07 June 2022.

The commitments indicated in the Certificate are to be indicated on the plans submitted for approval of the Construction Certificate.

The plans submitted must clearly indicate all windows numbered or identified in a manner that is consistent with the identification on the Basix Certificate.

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

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

16. Long Service Levy to be paid

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

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

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

17. Waste Management Plan

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

a. Council's Waste Management Development Control Plan

OR

b. details the following:

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

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

18. Tree Removal

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

19. Design Amendments

Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.

a) Front fence

The fence forward of the building line of Dwelling C, including the return fence is to be reduced in height to a maximum of 1.2m.

b) Dwelling B deck

The deck attached to the western elevation of dwelling B is to be reduced in size to achieve a minimum boundary setback of 0.90m.

20. Landscaping plan required

The application for a Construction Certificate is to include plans and specifications that indicate the landscaping of the site. Such landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions of Chapter B9 of Development Control Plan 2014. Species identified in Chapter B9 of Development Control Plan 2014 are to be planted wherever possible. The landscaping plan must indicate:

- a) proposed location for planted shrubs and trees
- b) botanical name of shrubs and trees to be planted
- c) mature height of trees to be planted
- d) location of grassed and paved areas, and
- e) location of trees identified for retention in the development application plans.
- f) The plan is to be prepared by a suitably qualified landscape architect / architect / ecologist who has appropriate experience and competence in landscaping.
- g) The landscaping plan is to provide for the relocation of the existing street tree planting within the new roads

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

Note: No planting is permitted within easement areas for the disposal of sewage as labelled on the deposited plan.

21. Insect screening required

The application for a Construction Certificate is to include plans and specifications that provide effective insect screening to all windows, doors and other openings to all parts of the development used for habitable purposes.

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

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

22. Erosion and Sediment measures

Erosion and sedimentation controls are to be in place in accordance with the [Guidelines for Erosion & Sediment Control on Building Sites](#). Particular attention is to be given to the provision of the following sediment and erosion control measures:

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

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

Note: Council may impose on-the-spot fines for non-compliance with this condition. Any such measures that are deemed to be necessary because of the local conditions must be maintained at all times until the site is made stable (i.e. by permanent vegetation cover or hard surface).

23. Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a toilet connected to an accredited sewage management system approved by the Council or be a building and construction site portable chemical toilet.

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

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

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

24. Water service to be connected

A water service must be connected to the property using an approved backflow prevention device. It is the applicant's responsibility to engage a licensed plumber who shall liaise with council during this process.

Any new water service will be at the applicants cost.

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

25. Hours of work

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

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

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

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

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

26. Construction Noise

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

OR

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

27. Implementation of BASIX commitments

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

28. 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.

29. 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.

30. Prevention of water pollution

Only clean and unpolluted water is to be discharged to Council's stormwater drainage system or any watercourse to ensure compliance with the Protection of Environment Operations Act.

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

31. 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.

32. All excavated soils to be disposed of off-site

All excavated soils to be disposed of off-site and in accordance with NSW EPA *Waste Classification Guidelines* (2014) and approved environmental management plans.

33. Excavated natural materials and demolition waste disposal

Any and all excavated natural materials and demolition and builders waste transported from the site must be accompanied (a copy kept with the transporter) by a [NSW Protection of The Environment Operations Act s143 Notice](#).

34. Aboriginal Relics

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

In this condition:

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

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

35. Site Location

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

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

36. Works to be completed prior to issue of a Final Occupation Certificate

All of the works indicated on the plans and approved by this consent, including any other consents that are necessary for the completion of this development including approvals issued under the Local Government Act 1993 and the Roads Act 1993, are to be completed and approved by the relevant consent authority/s prior to the issue of a Final Occupation Certificate.

Any Security bond paid for this application will be held until Council is satisfied that no further works are to be carried out that may result in damage to Councils road/footpath reserve.

37. Plumbing Works

All works in relation to any associated Section 68 Water and Sewerage approval must be fully complied with and have a Final Plumbing Certificate issued prior to the issue of an Interim or Final Occupation Certificate.”

38. Access and parking areas to be completed.

The access and parking areas are to be constructed in accordance with the approved plans and Roads Act consent prior to the issue of an occupation certificate.

39. Street tree to be relocated

Before the issue of a The street tree to be relocated as part of the Roads Act Consent is to be relocated

40. On-site Stormwater Detention – Certification of works

All stormwater drainage works, including on-site stormwater detention works, for the development must be constructed in accordance with the approved plans and specification prior to issue of an occupation certificate. Certificate/s of Compliance and Work-As-Executed (WAE) plans for the stormwater works must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

The certificate/s and WAE plans are to be prepared by a suitably qualified engineer and must be in accordance with Council’s [Comprehensive Guidelines for Stormwater Management](#).

41. Site Location Survey

A final survey of the structures showing setbacks to boundaries to be submitted to the Private Certifier with the Occupation Certificate demonstrating compliance with the approved plans.

The following conditions are to be complied with at all times

- 42. Use of dwelling houses**
The multi-dwelling houses are not to be holiday let or used as tourist and visitor accommodation or as **short-term rental accommodation**.
- 43. Site Waste Minimisation and Management**
All works must comply with the objectives of waste minimisation and waste management of Part B8.1.2 of DCP 2014.
- 44. Must not interfere with the amenity of the neighbourhood**
The use of the development must not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. In particular:
- a. Any complaints to Council about 'offensive' noise will be dealt with under the provisions of the Protection of the Environment Operations Act 1997.
 - b. Only clean and unpolluted water is permitted to be discharged to Councils' stormwater drainage system or any waters.
 - c. All wastes shall be contained within appropriate containers fitted with a tight-fitting vermin-proof lid.
 - d. All waste storage and sewage facilities shall be serviced and maintained to ensure that all relevant environment protection standards are satisfied.
 - e. Goods deliveries shall be restricted to daytime operating hours.

SCHEDULE 2. PRESCRIBED CONDITIONS

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

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

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

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

Approval has been granted with this consent for the following activity approval/s:

- Council reference No: 60.2022.326.1

Description of Activity granted approval:

- **Staging:** Nil
- **Part 1 Private works:** Water and sewer works associated with Three (3) Dwellings to create a Multi Dwelling Housing Development & associated works
- **Part 2 Council Assets:** This approval has given consent for the installation of:
 - Two (2) new water meters of size 20mm, relocation of existing water meter

A copy of the approved plans and this approval must be onsite at all times and during all inspections. The contractor employed to do the works must be given a full copy of this approval and approved plans. The contractor must present the approved plans during any inspection, failure to produce the approved plans will result in a failed inspection at the applicants cost. Reinspection for the works will be required to be booked in by the contractor; this may lead to costly delays.

PART 1: Private works conditions

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

1. **All works associated with this approval must be in accordance with stamped approved plans endorsed in condition No. 1 of the Development Consent Notice.**
2. **All works associated with this approval must be in accordance with** any applicable requirements of the *Plumbing and Drainage Act 2011* or the regulations made under that Act, and any applicable standards or requirements set out or referred to in this Regulation or any other regulation under the Act or the *Environmental Planning and Assessment Act 1979*.
3. **All works associated with this approval must be fully contained inside the properties boundaries unless prior approval from Byron Shire Council has been granted.**
4. **Prior to commencement of works**
5. Any licenced plumber who undertakes or certifies Plumbing & Drainage Work **must obtain a Plumbing Permit at least two (2) working days prior to commencing work.** A Notice of Work (NoW) in accordance with Fair Trading Template must be completed and submitted to Council. All work is to be completed by a suitably qualified person licensed for the purpose by the NSW Department of Fair Trading. If the property is to be connected to council water mains, no internal sewer inspections shall take place until a water meter is installed. Drawing off of the council water main without a meter will result in a fine and possibly a stop works notice.
6. **Unapproved fixtures**
Any unapproved fixtures shall be removed to council's satisfaction. This approval does not permit the provision of any capped service pipes for future connections.
7. **During Construction**

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

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

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

- Internal Drainage;
- External Drainage;
- Sewer connection to council boundary shaft.
- In ground water lines
- Water Rough In;
- Final - all work completed. - * Note below.

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

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

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

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

8. Ancillary Conditions

a) **BASIX Certificate**

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

b) **Outdoor Showers:**

The external shower must be one of the following:

- Coldwater supply only, discharging directly onto the ground; or
- Hot and cold-water supply, connected to sewer and protected by a roof structure to prevent rainwater ingress. Any hardstand surrounding the shower base must be graded away from the shower gulley to prevent the ingress of stormwater. The shower base must have a minimum 30mm bund or approved equivalent.

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

c) **Flood Level**

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

Therefore:

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

d) **Garbage disposal units**

Garbage disposal units or the like are not allowed to be installed.

e) **Storm water Ingress**

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

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

PART 2 Council Assets Conditions

The Following Condition relate to all Works on Council Assets or on Works to be inherited by Council.

9. Water Assets Documentation and Inspections

Required Process of Inspections and documentation

The licensee is to provide 24 hours’ notice and attend the site for the following **INSPECTIONS**, prior to covering of work. Inspections will be carried out at mutually convenient time for any works that fall under the following descriptions for inspections.

Mandatory Inspections:

- Prestart meeting at proposed site to confirm water meter locations
- Water meter connections prior to backfill
- Final inspection

10. Prior to issue of Final Inspection of Works

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

a) Water Meter Schedule and site plan

Water meter schedule to have following information:

- water meter number (photo preferred);
- lot/unit number water meter is serving
- A site plan with the location of the water meter(s), the numbers and what they serve clearly shown.

b) Certificate of compliance

- Scanned copy of the Certificate of Compliance from the Plumber. (PDF format)

Councils BSA team will let you know if the documentation is accepted, once accepted you can now book in a **final inspection**.

SCHEDULE 4. ROADS ACT 1993 SECTION 138 CONDITIONS OF CONSENT

Approval has been granted with this consent for the following Roads Act approval/s:

- Council reference No: 51.2022.326.1

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

- Gutter and vehicular crossing from the kerb to the property boundary.

For a copy of the standard driveway, refer to <https://www.byron.nsw.gov.au/Services/Building-development/Plans-maps-and-guidelines/Development-Design-Manuals> and click on the standard drawings tab.

Section 138 Details of Conditions

This consent is issued by Byron Shire Council, being the road authority, for the works as detailed on the approved plans.

All work to be in accordance with Council's adopted engineering standards and the NRLG standard drawings found on Council's website. DA plans of cross overs shall be generally ignored, with the NRLG superseding them.

- This Notice of Determination does not relieve the applicant from rectifying any errors or omissions, which may become evident prior to or during construction.
- Approval of Engineering Plans is current for a period of two (2) years from the date of this Notice of Determination, after which time Council may require alteration to Engineering Design to comply with Standards current at that date.

- **Materials and Finishes for driveway cross overs:**

- Plain Concrete wood Floated (broom/brush finish only, no other finish accepted) (For non-kerbed roads, no concrete within 1000mm of edge of road. For concrete type and engineering details, refer to NRLG standard drawings.
- Any concrete finish that is not deemed “plain concrete wood floated finish” in accordance with the Northern Rivers Development and Design Manual (NRDDM) requirements shall require a suitably qualified person to sign off the works.

This shall be achieved by submitted a signed letter from a suitably qualified person (engineer), letter to state the following:

“In relation to approval number 51.20XX.XXX.X, I “Qualified engineer name”, here by certify that the cross over finish is equal to or better than the Northern Rivers Development and Design Manual (NRDDM) requirements for plain concrete wood floated finish. “

- Letter is to state person’s details proving appropriate qualification.
 - **No other finishes are accepted (besides plain concrete wood floated finish) if the grade is equal to or exceeds 16% incline or decline from the horizontal or if there is a foot path.** (For non-kerbed roads, no concrete within 1000mm of edge of road.
- Drive cross to comply to Northern Rivers Local Government Drawing R-05
 - A minimum driveway width of 3.0m at property boundary.
 - Driveway to be perpendicular to the kerb.
 - Replacement tree must be identical in species and located clear of all services, no less than 1.0m from the approved driveway. Ongoing maintenance of the replacement tree must occur for 6 months after planting
 - Erosion & Sediment Control measures shall be employed.
 - A Traffic Guidance Scheme shall be implemented in accordance with the RTA Traffic Control at Work sites Manual by a RTA accredited person.
 - Twenty-four (24) hours’ notice must be given for required inspections.

Inspections required (if applicable);

- On completion of the placement of reinforcement and formwork prior to concrete pours;
- Upon completion of all work. (including all required conditions of consent, returfing of Council nature strip and removal of trip hazards)

Upon completion of works payment of inspection fees in accordance with councils adopted schedule of fees and charges is required.

- All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. The public liability insurance cover, for a minimum of \$10 million, is to be maintained for the duration of the construction of the development. Council is not held responsible for any negligence caused by the undertaking of the works.
- Provision of all quality assurance test results as requested by Council.
- Works are to include the adjustment, reconstruction and/or relocation of existing infrastructure as necessary to the requirements of the appropriate authority. Covers, lids and grates to manholes, stormwater drainage pits and services

SCHEDULE 5. REASONS FOR DECISION, HOW COMMUNITY VIEWS WERE ADDRESSED

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

Statement of Reasons

The proposed development complies with the provisions of Byron Local Environmental Plan 2014.

The proposed development complies with relevant State Environmental Planning Policies

The proposed development complies with relevant provisions of Development Control Plan 2014

The proposed development complies with Environmental Planning & Assessment Regulation 2000 considerations.

The proposed development will not have significant adverse impact on the natural, built or social environment or economic impacts on the locality.

The proposed development is considered suitable for the proposed site.

The development application was notified/advertised in accordance with Council's Community Participation Plan. Issues raised in the submissions have been addressed during assessment of the application.

The proposed development is unlikely to prejudice or compromise the public interest.

How community views were addressed

The DA was advertised in accordance with Council's Community Participation Plan. The submissions received were considered on merit and addressed during assessment of the application.

To view the considerations, please contact Council to view a copy of the assessment report relating to this DA.

SCHEDULE 6. NOTES

Construction Certificate required:

This development consent is issued under the Environmental Planning and Assessment Act 1979 and does not relate to structural aspects or specifications of the building under the Building Code of Australia. All buildings and alterations require the issue of a Construction Certificate prior to works commencing.

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

Principal Certifying Authority:

Work must not commence until the applicant has:-

- a. appointed a Principal Certifying Authority (if the Council is not the PCA); and
- b. given Council at least two days' notice of the intention to commence the erection of the building. Notice must be given by using the prescribed 'Form 7'.
- c. notified the Principal Certifying Authority of the Compliance with Part 6 of the Home Building Act 1989.

Occupation Certificate required:

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

Protection of the Environment Operations Act 1997:

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

Penalties apply for failure to comply with development consents

Failure to comply with conditions of development consent may lead to an on-the-spot fine being issued pursuant to section 4.2(1) of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 9.50 of the Environmental Planning & Assessment Act 1979.

Plumbing Standards and requirements.

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

Relics Provisions- Advice

Attention is directed to the NSW Heritage Act 1977 and the provisions of the Act in relation to the exposure of relics. The Act requires that if:

- a) a relic is suspected, or there are reasonable grounds to suspect a relic in ground, that is likely to be disturbed damaged or destroyed by excavation; and/or
- b) any relic is discovered in the course of excavation that will be disturbed, damaged or destroyed by further excavation;

Those responsible for the discovery must notify nominated management personnel who will in turn notify the Heritage Council of New South Wales or its delegate, the Office of Environment and Heritage, NSW Heritage Branch, and suspend work that might have the effect of disturbing, damaging or destroying such relic until the requirements of the NSW Heritage Council have been satisfied (ss139, 146).

S7.11 Schedule of Development Contributions

The following contributions are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the **amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.** The current contribution rates are available from Council offices during office hours. **Payments will only be accepted by cash or bank cheque.**

Section 7.11 contributions Schedule						
Mullumbimby						
Catchment						
This schedule was calculated in spreadsheet #E2021/99005						
1bedroom units =		0	@	0.55 SDU	=	0
2 bedroom units =		3	@	0.75 SDU	=	2.25
3 bedroom units/dwellings =		0	@	1 SDU	=	0
Allotments =		0	@	1	=	0
Less Site Credits =		1	@	-1	=	-1
Total SDU					=	1.25
No further indexation. Contributions are at the Ministerial cap.						
Local Open Space & Recreation	(OS-ML)	1.25	SDU @	\$ 13,117.47	=	\$ 16,396.84
LGA Wide Open Space & Recreation	(OS-SW)	1.25	SDU @	\$ 775.38	=	\$ 969.22
LGA wide Community Facilities	(CF-SW)	1.25	SDU @	\$ 1,135.63	=	\$ 1,419.54
Local Community Facilities	(CF-ML)	1.25	SDU @	\$ 223.29	=	\$ 279.12
Bikeways & Footpaths	(CW-ML)	1.25	SDU @	\$ 2,144.42	=	\$ 2,680.52
Shire Wide Bikeways & Footpaths	(CW-SW)	1.25	SDU @	\$ 83.30	=	\$ 104.12
Urban Roads	(R-ML)	1.25	SDU @	\$ 1,113.05	=	\$ 1,391.31
LGA Wide Roads	(R-SW)	1.25	SDU @	\$ 234.63	=	\$ 293.29
Rural Roads	#N/A	1.25	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	1.25	SDU @	\$ 1,172.83	=	\$ 1,466.04
Total						\$ 25,000.00

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 2018)

Water	0.80 ET
Sewer	1.25 ET

NB: Information regarding Development Servicing charges can be found on the Byron Shire Council website (<https://www.byron.nsw.gov.au/Services/Water-sewer/Plumbers-and-developers/Calculate-the-cost-of-an-Equivalent-Tenement#section-3>).

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.

General Advisory Notes

Dial Before You Dig

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

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

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

The Environmental Planning and Assessment Act 1979 requires you to:

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

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

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

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

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

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

You may also need to:

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