



**BYRON
SHIRE
COUNCIL**

PO Box 219 (70 Station Street)
Mullumbimby NSW 2482
☎ 02 6626 7000

✉ council@byron.nsw.gov.au
🌐 www.byron.nsw.gov.au

BSC File No: 112370D x 10.2022.505.3/#A2024/50679
Contact: Dylan Johnstone

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application No.	10.2022.505.3 / PAN-455895
Applicant	Town Planning Studio Pty Ltd
Property	56 Shirley Lane BYRON BAY LOT: 1 DP: 781474
Development	Section 4.55 to modify design of Dual Occupancy and condition prohibiting STRA
Determination	Approved / Consent Authority - Byron Shire Council
Date of determination	26 September 2024

Under of the EP&A Act, notice is given that the above application to modify the previous application has been approved, subject to the conditions specified in this notice and as described in the Modification Summary

Reason for approval

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 28 days from the date that you received this notice provided that an appeal under section 8.9 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.9 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

Dylan Johnstone
Development Investigations Lead

Schedule 1 – Modification Summary

A. Modify conditions 1, 9 and 58 of the Notice of Determination to read as follows:

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.	Title	Drawn by	Dated
A00	Content/Location/Site + Roof Plan (Lot 1)	ArchDraft	25/03/2024
A01	Level 1 Floor Plan (Lot 1)	ArchDraft	25/03/2024
A02	Level 2 Floor Plan (Lot 1)	ArchDraft	25/03/2024
A03	North & South Elevations (Lot 1)	ArchDraft	25/03/2024
A04	East & West Elevations (Lot 1)	ArchDraft	25/03/2024
A05	Sections	ArchDraft	25/03/2024
B00	Content/Location/Site + Roof Plan (Lot 2)	ArchDraft	28/03/2024
B01	Level 0 (Lot 2)	ArchDraft	28/03/2024
B02	Level 1 Floor Plan (Lot 2)	ArchDraft	28/03/2024
B03	Level 2 Floor Plan (Lot 2)	ArchDraft	28/03/2024
B04	North Elevation (Lot 2)	ArchDraft	28/03/2024
B05	South Elevation (Lot 2)	ArchDraft	28/03/2024
B06	East Elevation (Lot 2)	ArchDraft	28/03/2024
B07	West Elevation (Lot 2)	ArchDraft	28/03/2024
B08	Section 1 (Lot 2)	ArchDraft	28/03/2024
C123b – C005 Rev B	Stormwater Management Design	JCE Developments	29/05/2024

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

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

9. Privacy controls - amendment to the plans required

The first floor deck off Bedroom 2 of the rear dwelling and the raised deck on the ground floor of the front dwelling have the potential to reduce the level of privacy enjoyed by the occupants of the adjoining dwellings to the east.

The plans submitted for approval of the Construction Certificate must be amended to include a privacy screen constructed on the eastern elevation of the deck on the front dwelling and the eastern and southern elevations of the deck on the rear dwelling as shown on stamp approved plans A01 Level 1 Floor Plan (Lot 1) dated 25/03/2024, A04 East & West Elevations (Lot 1) dated 25/03/2024, B02 Level 1 Floor Plan (Lot 2) dated 28/03/2024, and B05 South Elevation (Lot 2) dated 28/03/2024, B06 East Elevation (Lot 2) dated 28/03/2024

The screens may be constructed from lattice, vertical slats or other similar non-transparent screenings. Where slats are used, they are to be angled to ensure the line of sight is directed away from the adjoining dwelling. The screens must have a minimum height of

1.8m above the floor level of the deck.

Plans demonstrating the above are to be approved as part of the Construction Certificate.

58. Non-hosted STRA – 365 day precinct

The property may be used for non-hosted short-term rental accommodation (STRA) for up to 365 days.

STRA must only be undertaken in accordance with the following:

- a. must be registered on the NSW Planning Portal.
- b. must comply with the mandatory Code of Conduct for the STRA industry.
- c. must comply with fire safety standards.

Council conducts regular audits to ensure compliance. Penalties may apply if non-compliance is detected.

STATEMENT OF REASONS

Council is 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 modifications are minor and the development as modified is substantially the same as the originally approved development, with no significantly detrimental environmental impacts.
To ensure the use of the dwellings for STRA adheres to regulations, maintaining the integrity of residential areas and ensuring safety and legal standards are upheld.

How community views were addressed
The application was publicly exhibited in accordance with the 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 application.

Schedule 2 - Conditions of Consent

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NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application No.	10.2022.505.1 / PAN-283686
Applicant	Town Planning Studio Pty Ltd
Property	56 Shirley Lane BYRON BAY / LOT: 1 DP: 781474
Development	Alterations and Additions to Existing Dwelling to create Dual Occupancy (Detached), Two (2) New Swimming Pools and Strata Subdivision
Determination	Approved / Consent Authority - Council
Date of determination	25 September 2023
Date from which the consent operates	25 September 2023
Date on which the consent lapses	25 September 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:

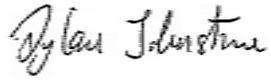
Request a review

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

A handwritten signature in black ink that reads "Dylan Johnstone". The signature is written in a cursive style with a large initial 'D'.

Dylan Johnstone
Development Investigations Lead

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.	Title	Drawn by	Dated
A00	Content/Location/Site + Roof Plan (Lot 1)	ArchDraft	25/03/2024
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A04	East & West Elevations (Lot 1)	ArchDraft	25/03/2024
A05	Sections	ArchDraft	25/03/2024
B00	Content/Location/Site + Roof Plan (Lot 2)	ArchDraft	28/03/2024
B01	Level 0 (Lot 2)	ArchDraft	28/03/2024
B02	Level 1 Floor Plan (Lot 2)	ArchDraft	28/03/2024
B03	Level 2 Floor Plan (Lot 2)	ArchDraft	28/03/2024
B04	North Elevation (Lot 2)	ArchDraft	28/03/2024
B05	South Elevation (Lot 2)	ArchDraft	28/03/2024
B06	East Elevation (Lot 2)	ArchDraft	28/03/2024
B07	West Elevation (Lot 2)	ArchDraft	28/03/2024
B08	Section 1 (Lot 2)	ArchDraft	28/03/2024
C123b – C005 Rev B	Stormwater Management Design	JCE Development s	29/05/2024

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

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

2. **Tree removal**
Any tree removal required to facilitate the proposed development (including boundary fencing) must be contained to Lot 1 DP 781474. This consent does not permit removal of any vegetation on adjoining land.
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:
- 2 car spaces and 1 visitor space for the dwelling on proposed Lot 1; and
 - 2 car spaces and 1 visitor space for dwelling on proposed Lot 2.

4. **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	In accordance with Council's fees and charges

The payments will be used for the cost of:

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

Note: 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.

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 2** of this consent.

7. **Integrated Approvals from other State Government Approval Bodies**

This development consent includes an Integrated development approval under Sections 4.46 and 4.47 of the Environmental Planning and Assessment Act 1979, being a Bush Fire Safety Authority in accordance with Section 100B of the Rural Fires Act 1997 and is subject to the General Terms of Approval from the NSW Rural Fire Service dated 27 February 2023 contained in **Schedule 3** of this Notice of Determination.

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

8. 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.

9. Privacy controls - amendment to the plans required

The first floor deck off Bedroom 2 of the rear dwelling and the raised deck on the ground floor of the front dwelling have the potential to reduce the level of privacy enjoyed by the occupants of the adjoining dwellings to the east.

The plans submitted for approval of the Construction Certificate must be amended to include a privacy screen constructed on the eastern elevation of the deck on the front dwelling and the eastern and southern elevations of the deck on the rear dwelling as shown on stamp approved plans A01 Level 1 Floor Plan (Lot 1) dated 25/03/2024, A04 East & West Elevations (Lot 1) dated 25/03/2024, B02 Level 1 Floor Plan (Lot 2) dated 28/03/2024, and B05 South Elevation (Lot 2) dated 28/03/2024, B06 East Elevation (Lot 2) dated 28/03/2024

The screens may be constructed from lattice, vertical slats or other similar non-transparent screenings. Where slats are used, they are to be angled to ensure the line of sight is directed away from the adjoining dwelling. The screens must have a minimum height of 1.8m above the floor level of the deck.

Plans demonstrating the above are to be approved as part of the Construction Certificate.

10. Stormwater Drainage – Retention Trench

The application for a Construction Certificate is to include plans and specifications for stormwater drainage in accordance with the approved stormwater management plan, relevant Australian Standard and Council's *Comprehensive Guidelines for Stormwater Management*. Stormwater runoff from roof areas must be conveyed to the retention trench via subsoil drainage system/s (with surface drainage to convey stormwater runoff from the eaves without gutters).

The drainage system must 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.

Certification must be submitted with the construction certificate application from a suitably qualified engineer to certify the structural adequacy of footings and structures within 3m of the trench and subsoil drainage.

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

11. **Stormwater Drainage – Section 68 approval required**

Prior to issue of a Construction Certificate, an approval under Section 68 of the Local Government Act 1993 to carry out stormwater drainage works must be obtained for the drainage pipe to the Byron Street Drainage Channel. The drainage system must be designed by a qualified practising Civil Engineer in accordance with the requirements of Council's *Comprehensive Guidelines for Stormwater Management* and to convey the retention system overflows. 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.

12. **Access & Parking**

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

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

- a) pavement design, comprising an all weather surface, such as asphalt, bitumen seal, concrete, pavers or other similar treatment including suitably designed permeable pavements;
- b) site conditions affecting the access;
- c) existing and design levels; and
- d) turning paths.

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. **Flood Planning Level**

The flood planning level for this development is 2.82m A.H.D. The plans and specifications to accompany the construction certificate application are to indicate a minimum habitable floor level that is at, or up to 0.3m above, the flood planning level unless a greater floor level has been shown on the plans approved by the development consent.

The plans and specifications to accompany the construction certificate application are to also indicate the use of flood compatible materials and services below the flood planning level in accordance with the requirements of Council's Development Control Plan 2014 – Chapter C2 – Areas Affected by Flood.

The unlabelled rooms and laundry to be removed on the Level 0 (Lot 2) plan must be demolished.

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

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. **Water and Sewerage - Section 68 Part B approval**

If required, an **Approval** under Section 68 Part B of the Local Government Act 1993 to carry out sewerage work must be obtained where the pool backwash is to be connected to the sewer via a new overflow relief gully.

16. **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

17. **Developer Contributions to be paid**

Contributions set out in the schedule at the end of this consent 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 [Developer Contribution Plan](#) can be viewed online or using the Customer Kiosk 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.

Contact Council for payment options.

18. **Acid Sulfate Soil Assessment and Management Plan**

An Acid Sulfate Soil Assessment and (if necessary) an Acid Sulphate Soil Management Plan shall be prepared by a suitably qualified person in accordance with the NSW Acid Sulphate Soil Manual. The Assessment and Management Plan shall be prepared in accordance with Acid Sulfate Soil Manual (NSW ASSMAC 1998) and shall be submitted to and approved by Council prior to the issue of a Construction Certificate.

The development must be constructed in accordance with the recommendations of the approved Management Plan and any other conditions imposed in the approval of the plan.

19. **Building materials and colours to be specified**

The application for a Construction Certificate is to include plans and specifications that indicate the proposed building materials and colours consistent with the provisions of Development Control Plan 2014 – Chapter D1.2.6 – Character and Visual Impact. Such plans and specifications must be approved as part of the Construction Certificate.

20. **Compliance with BASIX Certificate requirements**

The development is to comply with Basix Certificate No. 1354797S, dated 15 November 2022 and Basix Certificate No. A480213, dated 10 November 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.

21. **Long Service Levy to be paid**

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

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

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

above.

22. **Details of pool fence required**

The application for a Construction Certificate is to include plans and specifications that indicate the details of the fence around the swimming pools in accordance with the Swimming Pools Act 1992 and AS1926.1.

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

23. **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.

24. **Tree Removal**

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

25. **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

26. **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).

27. **Site Location**

The location of all structures subject to this consent must 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 during any building or construction works

28. **Essential Energy Infrastructure**

Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.

29. **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.

30. **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.

31. **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.
32. **Signs to be erected on building and demolition sites**
A sign must be erected in a prominent position on the work site:
- stating that unauthorised entry to the work site is prohibited, and
 - 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.
33. **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.
34. **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.**
35. **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.
36. **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.
37. **Removal of demolition and other wastes**
All wastes, including asbestos and lead-contaminated wastes, associated with these works are to be handled and disposed of in accordance with the requirements of the Work Cover Authority. The applicant/owner is to produce documentary evidence that this condition has been met. Wastes must be disposed of at a Licenced Waste Facility. All wastes removed from the site must be managed and disposed of in accordance with the [NSW EPA Waste Classification Guidelines \(2014\)](#)
38. **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](#).
39. **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.

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

40. **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.

41. **Condition deleted by 10.2022.505.2 dated 12 July 2024**

42. **Certification of Building Height**

Prior to the issue of an Occupation Certificate, a certificate from a registered surveyor must be submitted to the Principal Certifying Authority demonstrating that the height of the rear dwelling does not exceed 9.0m in accordance with the following Byron LEP 2014 definition:

building height (or height of building) means—

(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

43. **Access and parking areas to be completed**

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

44. **On-site Stormwater Retention – Certification of works**
All stormwater drainage works, including on-site stormwater retention 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](#).
45. **Floor Levels – Certification for Flooding**
Prior to the issue of any Occupation Certificate, a certificate from a registered surveyor must be submitted to the Principal Certifying Authority confirming the height of habitable and non-habitable floors. An Occupation Certificate must not be issued unless the floor levels are at or above the relevant flood planning levels. A copy of the floor level certification from the registered surveyor must also be submitted to Council for the attention of Council's Drainage and Flood Engineer.
46. **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.”
47. **Site Location Survey**
A final survey of all buildings subject to this consent showing setbacks to boundaries must be submitted to the Principal Certifying Authority demonstrating compliance with the approved plans.
48. **Swimming pool fencing**
Swimming pool fencing is to comply with the requirements of the Swimming Pools Act 1992 and Regulations.
49. **Swimming pool backwash**
Pool backwash to be connected to a sewer overflow relief gully.
50. **Compliance with bushfire conditions**
Documentary evidence from a suitably qualified professional is to be submitted demonstrating that Conditions 2, 3 and 5 of the Bush Fire Safety Authority General Terms of Approval attached to this Notice of Determination have been complied with.

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

51. **Electricity Supply Certificate**
Prior to the issue of the Strata Certificate, a Notice of Arrangement (NOA) requested from the Distribution Network Service Provider, currently Essential Energy, must be submitted to the Principal Certifying Authority. The NOA must confirm that satisfactory electricity supply has been provided to each of the proposed lots and all necessary street lighting has been energised for the development.

Note: Requests for a NOA are to be made to the Contestable Works section at Essential Energy.

52. **Strata Plan**

The strata plan must be in accordance with the approved plan/s.

53. **Completion of Building Works**

A final occupation certificate must be obtained for the building works approved by this development consent prior to issue of the strata certificate. A copy of the final occupation certificate must be submitted with the application for the strata certificate

54. **Section 88B Instrument**

A Section 88B Instrument and one (1) copy are to be submitted with the application for a strata certificate. The strata plan and accompanying Section 88B Instrument are to provide for:

a) **Positive Covenant –Stormwater Drainage**

The creation of a positive covenant to ensure the maintenance of the stormwater drainage system and responsibilities including costs for each allotment.

b) **Easement for Services**

The creation of suitable easements for services over all services and/or service conduits located within the proposed allotments, where not created as common property.

c) **Easement for Electricity**

An easement is required for any existing electrical infrastructure. The easement is to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision.

55. **Water service and meter to be connected to each dual occupancy and strata subdivisions**

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.

56. **Certificate of Compliance – s307 Water Management Act 2000**

Water and sewer services are to be provided to the land in accordance with an approval granted under Section 68 of the Local Government Act 1993.

Payment of developer charges to Byron Shire Council for water supply and sewerage.

A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000 is to be obtained from Byron Shire Council prior to the issue of a Subdivision Certificate. Where staging of the Subdivision occurs, a separate s307 Compliance Certificate must be obtained for each stage.

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

57. Compliance with bushfire conditions

Documentary evidence from a suitably qualified professional is to be submitted demonstrating that Conditions 1 and 4 of the Bush Fire Safety Authority General Terms of Approval attached to this Notice of Determination have been complied with.

The following conditions are to be complied with at all times

58. Non-hosted STRA – 365 day precinct

The property may be used for non-hosted short-term rental accommodation (STRA) for up to 365 days.

STRA must only be undertaken in accordance with the following:

- a. must be registered on the NSW Planning Portal.
- b. must comply with the mandatory Code of Conduct for the STRA industry.
- c. must comply with fire safety standards.

Council conducts regular audits to ensure compliance. Penalties may apply if non-compliance is detected.

59. 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.

60. 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.

61. **Pool Safety Sign**
The occupier of the premises must ensure that there is at all times a sign in the immediate vicinity of the swimming pool bearing the words 'Young children must be supervised when using this swimming pool'. The sign is to be a prominent position and be otherwise in accordance with clause 9 of the Swimming Pools Regulation.
- A pool resuscitation sign is to be installed in a conspicuous location within the pool area to the satisfaction of the Principle Certifying Authority.
62. **Swimming pool backwash and overflow**
Pool overflow and backwash to discharge to the overflow relief gully.
63. **Swimming pool pump location**
The filter pumps are to be located such that noise from their operations does not cause a nuisance to adjoining residents. If any pool pump is located closer than 3m to the eastern boundary, an acoustic enclosure must be provided around the pump to achieve the required noise attenuation.
64. **Swimming Pool Fencing**
Swimming pool fencing is to comply with the requirements of the Swimming Pool Act 1992 and Regulations at all times.

SCHEDULE 2. PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Part 6 Division 8A of the Environmental Planning and Assessment Regulation as at the date of this development consent as are of relevance to this development must be complied with:

- Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
- Clause 98A Erection of signs
- Clause 98B Notification of Home Building Act 1989 requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Condition relating to maximum capacity signage
- Clause 98E Condition relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Part 6 Division 8A of the [Environmental Planning and Assessment Regulation 2000](http://www.legislation.nsw.gov.au). This can be accessed at <http://www.legislation.nsw.gov.au>.

SCHEDULE 3. INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL**NSW RURAL FIRE SERVICE**

Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your reference: (CNR-48910) 10.2022.505.1
Our reference: DA20221129011984-Original-1

ATTENTION: Dylan Johnstone

Date: Monday 27 February 2023

Dear Sir/Madam,

Integrated Development Application
s100B - Subdivision - Strata Title Subdivision
56 SHIRLEY LANE BYRON BAY 2481, 1//DP781474

I refer to your correspondence dated 05/12/2022 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the dwellings are below critical limits and prevent direct flame contact.

1. At the issue of a subdivision certificate, and in perpetuity the entire site must be maintained as an Inner Protection Area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

When establishing and maintaining an inner protection area, the following requirements apply:

- a. tree canopy cover should be less than 15% at maturity;
- b. trees at maturity should not touch or overhang the dwelling;
- c. lower limbs should be removed up to a height of 2m above the ground;
- d. tree canopies should be separated by 2 to 5m;
- e. preference should be given to smooth-barked and evergreen trees;
- f. large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards dwellings;
- g. shrubs should not be located under trees;
- h. shrubs should not form more than 10% ground cover;
- i. clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- j. grass should be kept mowed (as a guide, grass should be kept to no more than 100mm in height); and

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au



- k. leaves and vegetation debris should be removed.

Construction Standards

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

2. New construction on Lot 2 (southern dwelling) must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 'Construction of dwellings in bushfire-prone areas' or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.
3. New construction on Lot 1 (northern dwelling) must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 'Construction of dwellings in bushfire-prone areas' or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.
4. Prior to the issue of the subdivision certificate, the existing habitable structures must be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any subfloor areas, openable windows, vents, weep holes and eaves. External doors are to be fitted with draft excluders.

Landscaping Assessment

The intent of measures is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the dwellings are below critical limits and prevent direct flame contact.

5. Landscaping is to be designed and managed to minimise flame contact and radiant heat to dwellings, and the potential for wind-driven embers to cause ignitions by complying with the following.
- a. landscaping is in accordance with Appendix 4; and
 - b. fencing is constructed in accordance with the following:
 - i. fences in bush fire prone areas should be made of either hardwood or non-combustible material.
 - ii. in circumstances where the fence is within 6m of a dwelling or associated with a dwelling constructed to BAL-29, BAL40 or BALFZ, the fence must be made of non-combustible material only.

General Advice - Consent Authority to Note

The assessment has relied on the referred documents identified below.

- The plan titled 'Content / Location / Site + Roof Plan' prepared by ArchDraft, reference 0821, revision DA 02/11/2022.
- Bush Fire Report prepared Joe Davidson Town Planning Studio dated 15 November 2022.

For any queries regarding this correspondence, please contact Wayne Sketchley on 1300 NSW RFS.

Yours sincerely,

Allyn Purkiss
Manager Planning & Environment Services
Built & Natural Environment





BUSH FIRE SAFETY AUTHORITY

Subdivision – Strata Title Subdivision
56 SHIRLEY LANE BYRON BAY 2481, 1//DP781474
RFS Reference: DA20221129011984-Original-1
Your Reference: (CNR-48910) 10.2022.505.1

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Allyn Purkiss
Manager Planning & Environment Services
Built & Natural Environment

Monday 27 February 2023

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

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

Statement of Reasons
The proposed development complies with the provisions of Byron Local Environmental Plan 2014.
The proposed development complies with relevant State Environmental Planning Policies
The proposed development complies with relevant provisions of Development Control Plan 2014
The proposed development complies with Environmental Planning & Assessment Regulation 2021 considerations.
The proposed development will not have significant adverse impact on the natural, built or social environment or economic impacts on the locality.
The proposed development is considered suitable for the proposed site.
The proposed development is unlikely to prejudice or compromise the public interest.
The proposed development will not have a detrimental impact on the heritage character of the precinct or the buildings contained on the site. It is considered consistent with the heritage provisions contained within Clause 5.10 of Local Environmental Plan 2014.
The proposed development will not have a detrimental impact on the heritage character of the precinct or the buildings contained on the site. It is considered consistent with the heritage provisions contained within Development Control Plan 2014.

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 5. NOTES

Construction Certificate required:

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

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

Principal Certifying Authority:

Work must not commence until the applicant has:-

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

Occupation Certificate required:

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

Protection of the Environment Operations Act 1997:

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

Penalties apply for failure to comply with development consents

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

Plumbing Standards and requirements.

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

Swimming pool discharge (reticulated systems)

Swimming pool waste - irrespective of the filtering system is to be disposed into the property's house drainage - sewerage system via an overflow relief gully with a 100mm visible air gap in accordance with AS/NZS 3500.2, Section 10.9 & Figure 10.2.

This activity is now an exempt activity and does not require approval under Section 68 of the Local Government Act.

If however, site conditions prevent discharge through the existing gully and a new gully is required, this activity will require an approval under S68 before this work can commence.

Note also that this activity must be carried out by a licensed plumber.

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).

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	1.00 ET
Bulk Water	1.00 ET
Sewer	1.00 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.

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						
Byron Bay Suffolk Park						
Catchment						
This schedule was calculated in spreadsheet #E2021/99005						
1bedroom units =		0	@	0.55 SDU	=	0
2 bedroom units =		0	@	0.75 SDU	=	0
3 bedroom units/dwellings =		2	@	1 SDU	=	2
Allotments =		0	@	1	=	0
Less Site Credits =		1	@	-1	=	-1
Total SDU					=	1
Schedule valid until		25-October-2023		After this date contact Council for CPI update.		
Local Open Space & Recreation	(OS-BB)	1.00	SDU @	\$ 4,809.66	=	\$ 4,809.66
LGA Wide Open Space & Recreation	(OS-SW)	1.00	SDU @	\$ 865.69	=	\$ 865.69
LGA wide Community Facilities	(CF-SW)	1.00	SDU @	\$ 1,267.90	=	\$ 1,267.90
Local Community Facilities	(CF-BB)	1.00	SDU @	\$ 1,428.71	=	\$ 1,428.71
Bikeways & Footpaths	(CW-BB)	1.00	SDU @	\$ 1,583.88	=	\$ 1,583.88
Shire Wide Bikeways & Footpaths	(CW-SW)	1.00	SDU @	\$ 93.00	=	\$ 93.00
Urban Roads	(R-BB)	1.00	SDU @	\$ 3,464.06	=	\$ 3,464.06
LGA Wide Roads	(R-SW)	1.00	SDU @	\$ 261.96	=	\$ 261.96
Rural Roads	#N/A	1.00	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	1.00	SDU @	\$ 1,309.43	=	\$ 1,309.43
Total						\$ 15,084.29

Essential Energy requirements

If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.

Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.

Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).

Car parking for rear dwelling

Car parking located beneath Bedroom 2 and Bedroom 4 of the rear dwelling was approved by the Principal Certifying Authority, not Council, under Construction Certificate No. 2008/102.1 dated 26 June 2008.

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.

General Advisory Notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the Conditions of development consent: advisory notes. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.