

27/5/94,

Gardwana mo. Nyagarak.

Bhakta 847210

Inspection of mo following public
meeting for report a new MODA
in area + complaint then lodged with Council.
People living in caravans asked if
"blood related", an answer "no" told to

- Vacate on penalty of \$20,000 fine.
- illegal buildings to submit plans.
- Two inspectors together as witnesses
to events
- Byron policy on expanded houses = 60 m²
(described as outside to outside of resp-
building)
- Wox Eastcott (at public meeting?) had
stated MOD were "parasites" and didn't
pay app. rates.
- Inspectors any fuzzy or "expanded
house" as

o Inspectors acknowledged no limit to the number of bedrooms a house could have. Example given - say 10.

It was for this reason that they saw need to limit¹ control density by limiting number of houses.

(Claimed control of 1/ha for number dropped from LEP.)

They apparently saw potential for each segment of expanded houses, mushrooming to a 10-bedroom unit.

Gardwara have 39 ha. (part hatched)
calculated by Council to = 11.4 hld sites.
(Council claim must be rounded to 11
I said could use SEPP-1)

GONDWANA ORIGINAL FILE -

REFERENCE No:

LJD/GK/50527 x 6113.D 88/160

YOUR REFERENCE:

APPROVALS

BYRON SHIRE COUNCIL



P.O. BOX 159, BYRON BAY,
N.S.W. 2481
TELEPHONE No. 85 6500 (066)
DX 7704,
FAX: 85 8154

ALL COMMUNICATIONS TO BE
ADDRESSED TO THE SHIRE CLERK

Environmental Planning and Assessment Act, 1979. NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

TO: Gondwana Sanctuary Pty. Ltd.,
Preston's Lane,
TYAGARAH. N.S.W. 2481

being the applicant in respect of Development Application No. 88/160.

Pursuant to Section 92 of the Act, notice is hereby given of the determination by Council of your application relating to Lot 1, D.P. 748545 and Lot 4, D.P. 631878 for multiple occupancy of 10 dwellings.

The Development Application has been determined by granting of CONSENT SUBJECT TO THE CONDITIONS (SPECIFIED IN THIS NOTICE) being:-

A. The following conditions will be required to be complied with before the release of any Building Applications.

1. That the Articles of Association of Gondwana Sanctuary Pty. Ltd. be amended to clearly detail the occupation rights of the shareholders being limited to the 10 sites approved by Council and the Articles be submitted to Council for verification.
2. The consolidation of all separate parcels of land into one allotment under one title and lodged with the Registrar General's Department.
3. A certificate, addressed to Council by a practising Structural Engineer specialising in Soils Mechanics, and prepared in accordance with AS 1726 certifying for new dwelling sites:
 - (a) That the site is stable and will not be affected by landslide or subsidence above or below the site when the building is erected; and
 - (b) Identifying existing sub-surface conditions and specifying foundation details appropriate for these conditions and the building proposed.

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

1. Payment to Council of the following monies:-
 - (a) \$340 per new dwelling for the provision of Town Level Recreation and Community Facilities.
 - (b) \$117 per new dwelling for Local Community Facilities (Myocum/Tyagarah Hall).
 - (c) \$1493 per new dwelling for upgrading of Preston's and Gray's Lanes making a total contribution for 9 new dwellings of \$17,550.

- C. The following condition will be required to be provided for in the building plans submitted for approval.
1. External roof and wall cladding to be non-reflective and in earth-tone colours. Details to be submitted in Building Application for Council's approval.
- D. The following conditions will need to be complied with at all times.
1. All vehicles connected with the premises to be parked or garaged within the premises at all times.
 2. There be no objectionable noise at any time emitted from the development.
 3. The premises to be so used as not to interfere with the amenity of the area.
 4. That a current copy of the Articles of Association of Gondwana Pty. Ltd. be held by Council.

The reasons for the imposition of conditions are:-

1. To prevent future dealing in separately titled land, the subject of one consolidated site development application. (E.P.A. Act Section 90(1)(f)).
2. To ensure protection from the effects of subsidence and/or slip. (E.P.A. Act Section 90(1)(g)).
3. To preserve the environment and existing or likely future amenity of the neighbourhood. (E.P.A. Act Section 90(1)(o)).
4. To provide funds for the provision of services and facilities as required by the increased population or activity. (E.P.A. Act Section 94).
5. To comply with the provisions of Byron L.E.P. 1988. (E.P.A. Act Section 90(1)(a)).

NOTE: The applicant and future owners be advised that the site may be subject to flooding and/or that access to this property may be cut during a flood event.

NOTE: THE LOCAL GOVERNMENT ACT PROVIDES THAT ALL BUILDINGS, ALTERATIONS AND CHANGE OF USES ARE TO BE SUBJECT TO THE ISSUE OF A BUILDING PERMIT FROM THE COUNCIL. APPLICATION FORMS ARE AVAILABLE FROM THE DEVELOPMENT DIVISION.

NOTE: The access to the development will be cut by flood water.

NOTE: The development lies within the circuit and training area of Tyagarah Airstrip, aircraft noise will be experienced.

In accordance with the conditions of Section 93 of the Act, this decision is effective from **12 JUL 1988** unless an appeal is lodged in accordance with Section 97 of the Act.

Your attention is drawn to extracts from the Act printed on the attached sheet.

Barry F Pullinger per JMS

BARRY F. PULLINGER,
SHIRE CLERK/GENERAL MANAGER.

Encl.