

**MODIFIED CONDITIONS OF CONSENT:**

**Amend conditions 1, 17, 28, 29, 44, 46, 67 and 68 to read as follows:**

1. **Development is to be in accordance with approved plans**  
The development is to be in accordance with plans listed below:

| Ref No. | Description                   | Author                                   | Date      |
|---------|-------------------------------|--|-----------|
| DA 03 M | Basement 2 Floor Plan         | Project Tourism International Architects | 6/8/2021  |
| DA 04 M | Basement 1 Floor Plan         | Project Tourism International Architects | 6/8/2021  |
| DA 05 F | Ground Floor Plan             | Project Tourism International Architects | 19/8/2021 |
| DA 06 D | First Floor Plan              | Project Tourism International Architects | 19/8/2021 |
| DA 07 B | Second Floor Plan             | Project Tourism International Architects | 2/8/2021  |
| DA 08 F | Roof Plan                     | Project Tourism International Architects | 2/8/2021  |
| DA 09 D | North & South Elevations      | Project Tourism International Architects | 18/8/2021 |
| DA 10 E | East & West Elevations        | Project Tourism International Architects | 19/8/2021 |
| DA 11 F | Section A + B                 | Project Tourism International Architects | 19/8/2021 |
| DA 12 E | Section C                     | Project Tourism International Architects | 18/8/2021 |
| DA 15 A | External Materials & Finishes | Project Tourism International Architects | 2/8/2021  |

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

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

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

The access, parking and manoeuvring for the site is to comply with the requirements of AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking, AS 2890.2 – 2010 - Parking facilities, Part 2: Off-street commercial vehicle facilities and AS2890.6:2009 - Parking facilities, Part 6: Off-street parking for people with disabilities. Plans are to include, but not be limited to, the following items:

- a. 37 motel car parking spaces;
- b. 3 car share parking spaces;
- c. 2 employee parking spaces;

- d. 4 accessible parking;
- e. 4 motorcycle parking;
- f. 5 bicycle parking;
- g. Clearly identified signage through the provision of the following signage denoting:
- h. "Employee Parking".
- i. "Car Share Parking"
- j. "Figure 3.1 of AS2890.6:2009 for dedicated accessible space and Figure 2.3 for shared area for accessible parking"
- k. Fully dimensioned plan indicating horizontal & vertical dimensions/clearances, parking bays, access aisles, access ramps and gradients, demonstrating compliance with the current Australian Standards;
- l. Flood gate systems, or other designs, to prevent flood inundation up to the Flood Planning Level;
- m. Design levels;
- n. Longitudinal sections;
- o. Cross sections;
- p. Drainage (pipes, pits, on-site detention, etc.);
- q. Turning paths;
- r. Line marking and signage.

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

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

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

**28. Site Waste Minimisation and Management Plan**

Prior to the issue of a Construction Certificate, a Site Waste Minimisation and Management Plan (SWMMP) must be submitted outlining measures to minimise and manage waste generated during demolition, construction and the ongoing operation and use of the development. The SWMMP must be in accordance with the relevant provisions of Chapter B8 of Byron Shire Development Control Plan 2014 and specify the proposed method of recycling or disposal and the waste management service provider.

A template is provided on Council's website to assist in providing this information

[www.byron.nsw.gov.au/files/publication/swmmp-pro-forma.doc](http://www.byron.nsw.gov.au/files/publication/swmmp-pro-forma.doc).

**29. Landscaping plan required**

The application for a Construction Certificate is to include plans and specifications that indicate the landscaping of the street frontages and west boundary of the ground floor, within the balcony/terrace areas and the roof top of the site. 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.

The plan is to be:

- i. prepared by a suitably qualified landscape architect, architect and/or ecologist who has appropriate experience and competence in landscaping; and
- ii. consistent with the relevant requirements in Chapter B9 of the Byron Shire Development Control Plan 2014.

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

**44. Removal of asbestos 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) <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines>

**46. 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 as required by condition 42.

**67. Management of the roof top recreation area**

The roof top recreation area must be managed to avoid unreasonable interference with the amenity of the neighbourhood. Such management must include, but not be limited to:

- a. Hours of use to be restricted to between 7am and 8pm daily;
- b. Use of the area only by guests staying at the motel and motel staff;
- c. Use of the area by a maximum of thirty (30) persons at any one time;
- d. No alcohol to be consumed in this area;
- e. No amplified music or entertainment;
- f. All lighting to be designed, installed and operated to prevent light spill beyond the boundary of the roof top area; and
- g. Maintenance of a complaints register.

In relation to sub g., all complaints received about the operation of the roof top area must be recorded in the complaints register including date, time, nature of the complaint and response by the motel operator. The complaint register must be provided to Council on request.

**68. Swimming pool pump location**

The filter pump is to be located such that noise from its operations does not cause a nuisance to adjoining residents. If necessary an acoustic enclosure must be provided around the pump to achieve the required noise attenuation

**Insert the following condition/s in appropriate order:**

**6A. Details and specifications for acoustic treatments**

Details and specifications of the following acoustic treatments for the roof top recreation area:

- a. Acoustic screening shall be erected around the perimeter of the roof top to a minimum height of 1 metre using masonry or materials with a minimum density of 12kg/m<sup>2</sup> as depicted in Figure 3 of the Acoustic Report (acoustic works, 20 April 2021). The acoustic screening shall be free of gaps and holes; and
- b. Any mechanical plant must be designed to comply with criteria contained in Section 6.3 of the Acoustic Report (acoustic works, 20 April 2021).

Such details and specifications must be prepared by a suitably qualified acoustic professional, submitted to, and approved by, Council as part of the Construction Certificate for building works.

**6B. Updated Acid Sulfate Soil Management Plan**

Acid Sulfate Soil Management Plan No. HMC2017.050 prepared by HMC dated June 2017 must be updated to reflect the approved modifications particularly in relation to excavation for the basement. Investigations and reporting must be undertaken in accordance with ASSMAC, 1998 submitted to Council for approval prior to the issue of a construction certificate for basement construction.

**17A. Vehicle Ramp Signal Management System required**

The application for a Construction Certificate is to include plans and specification for a Vehicle Ramp Signal Management System. Design, construct, implement and maintain a signalised ramp management system including the following:

- a. Prepared by a suitably qualified with significant experienced engineering professional specialising in the design, construction and maintenance of a ramp signal management system and be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member.
- b. A ramp signal management system must be installed on each vehicular ramp within the development.
- c. Vehicles entering the site must be given priority to avoid queuing to the public road.
- d. Vehicle detectors must be installed to detect vehicles entering the site prior to the ramp at all other levels prior to the ramp for each direction of travel.
- e. Signal lanterns to be provided for all vehicle directions prior to the associated ramp, clearly indicating movement, such as green/red coloured signals and may include Stop/Go wording
- f. Vehicle waiting hold lines on each parking level are to be provided generally in accordance with the location shown on the approved drawings.
- g. A soffit mounted infra-red sensor or similar must be installed to detect any vehicle movements from parking spaces located beyond the hold line on each parking level to detect any vehicle movements from the affected parking spaces and trigger the egressing signals. Additional signals lanterns must be located within line-of-sight of all affected parking spaces
- h. Routine and emergency management plan.

**17B. Car Share Management Plan**

A Car Share Management Plan must be submitted to the Council for approval prior to the issue of the Construction Certificate. The car is:

- a. to be owned and maintained by the motel at all times;
- b. be able to accommodate a minimum of four adults;

- c. be for available only for guest staying at the motel;
- d. be no more than 5 years in age from the time of manufacture;
- e. be an automatic;
- f. be suitable for use on sealed and unsealed roads;
- g. be registered and appropriately comprehensively insured for guest use including public liability; and
- h. parked in the Basement of Level 1 with the space reserved and signposted at all times for the car share vehicle.

The Car Share Management Plan to address the above requirements and include the following detail:

- (i) Number of vehicles – 3
- (ii) Type of vehicle;
- (i) Reserved Parking location in the Basement;
- (ii) Booking arrangements and measures for guests residing at the motel;
- (iii) Measures to promote the car share vehicle to motel guests;
- (iv) Refuelling measures;
- (v) Maintenance and cleaning regime; and
- (vi) Monitoring to enable data to be collected as to the effectiveness of the Car Share arrangements and sharing of that detail with Council if requested.

**38A. Acid Sulfate Soils Management**

Acid sulfate soils must be managed and disposed of in accordance with the approved Acid Sulfate Soils Management Plan. A copy of this Plan must be kept on the property at all times during construction and made available to any person.

**47A. 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.

**50A. Carshare vehicles in place**

The car share vehicles must be provided and in-place as per the approved Car Share Management Plan. All details must be submitted to the Principal Certifying Authority prior to the issue of any occupation certificate. A copy to be provided to Council prior to the issue of the Occupation Certificate

NOTE: The failure to provide a car share vehicle for guests of the motel will be considered a direct breach of this Development Consent. Any proposal to remove the car share vehicle could only be considered as part of a Section 4.55 application.

**50B. Vehicle Ramp Signal Management System – Certification of Vehicle Ramp Signal System Setup, operation and maintenance**

A Certification from a professional Engineer experienced and specialising in Vehicle Ramp Signal Management System design, construction, operation and maintenance is to be provided to the Principal Certifying Authority, certifying that:

- a. the system has been installed/constructed in accordance with the approved plans;

- b. the operation of all electrical and mechanical components of the system has been tested and verified to meet the queuing requirements of the development traffic without impacting the surrounding network; and
- c. confirmation of the following:
  - that the ramp signal management system defaults to give priority to traffic entering the development.
  - that a soffit mounted infra-red sensor or similar has been installed to detect any vehicle movements from parking spaces located beyond the hold line on each parking level to detect any vehicle movements from the affected parking spaces and trigger the egressing signals.
  - that additional signal lanterns have been located within line-of-sight of all affected parking spaces located beyond the hold line on each parking level.

**57A. Landscaping**

All landscaping shall be completed in accordance with the approved development plans and approved landscaping plan prior to the issue of the occupation certificate

**57B. Acoustic treatments must be installed and certified**

The acoustic treatments for the roof top recreation area must be installed in accordance with condition 6A, the Acoustic Report (acoustic works, 20 April 2021) and details and specifications approved for the Construction Certificate.

Certification in writing by a suitably qualified acoustic professional that the required acoustic treatments have been installed must be submitted to Council prior to issue of an Occupation Certificate.

**69. Car Share**

Vehicle/s as required under the Car Share Management Plan are to be provided at all times for the use of the motel guests.

**70. Management of ground floor bar/café and roof top pool**

The ground floor bar/café and roof top pool is to be available only to guests staying at the motel and motel staff. The ground floor bar/café and roof top pool is not open to the public at any time.

**Amend the following note/s to read:**

**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 | 16.70 ET |
|-------|----------|

|            |          |
|------------|----------|
| Bulk Water | 16.70 ET |
| Sewer      | 22.55 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.

### **Swimming pool public health requirements**

The [Public Swimming Pool and Spa Pool Advisory Document](#) provides an overview of the public health legislation related to public pools and spas. All enquiries relating to public health legislation should be directed to the NSW Department of Health.