

## SCHEDULE 1. CONDITIONS OF CONSENT

### Parameters of consent

#### 1. Development is to be in accordance with approved plans

The development is to be in accordance with plans listed below:

Plan No.	Description	Prepared by	Dated:
BAN-A-X-0130_5	Site Plan - Location	Williams Architects	08.10.2021
BAN-A-X-0131_7	Site Plan - Existing and Demolition Plan	Williams Architects	08.10.2021
BAN-A-X-0132_7	Site Plan – Proposed Ground Level	Williams Architects	08.10.2021
BAN-A-X-0133_6	Site Plan – Proposed Level 01	Williams Architects	08.10.2021
BAN-A-I-0231_5	Building 1 – Home Base Unit Proposed Ground Floor Plan	Williams Architects	08.10.2021
BAN-A-I-0232_5	Building 1 – Home Base Unit Proposed First Floor Plan	Williams Architects	08.10.2021
BAN-A-I-0233_5	Building 1 Home Base Unit Proposed Roof Plan	Williams Architects	08.10.2021
BAN-A-I-0531_5	Building 1 Home Base Unit Elevations	Williams Architects	08.10.2021
BAN-A-I-0532_5	Building 1 Home Base Unit Sections	Williams Architects	08.10.2021
BAN-A-A-0231_3	Building A – Administration Existing/Demolition Floor Plan	Williams Architects	25.05.2021
BAN-A-J-0231_3	Building J – Amenities Existing Demolition and Proposed Floor Plans	Williams Architects	08.10.2021
BA-A-J-0431_2	Building J – Amenities Elevations and Section	Williams Architects	08.10.2021
20D64_D2_C100 Rev 05	General Arrangement Plan	Henry & Hymas	20.01.2022
20D64_D2_C200 Rev 04	Stormwater miscellaneous details and pit lid schedule	Henry & Hymas	20.01.2022
20D64_D2_C201 Rev 01	OSD Tank - Plan, Sections and Details	Henry & Hymas	02.06.2021
20D64_D1_SE02 Rev 01	Sediment And Erosion Control Details And Sections	Henry & Hymas	02.06.2021
-	Tree Impact Assessment Report	Michael Hallinan	01.06.2021
Rev. 02	Heritage Impact Statement	Australian Heritage Specialists	24/05/2021

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.

#### 2. 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.

**3. Staging of development**

The development is to be undertaken in stages, as follows:

- Stage 1 – Building I Works**
- Stage 2 – Building A Works**
- Stage 3 – Building J Works**
- Stage 4 – External Works**

Each stage can be undertaken concurrently or in any order.

**4. 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.

**The following conditions are to be complied with prior to issue of a Construction Certificate or Certification of the Crown building work**

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

In accordance with Section 6.8 of the Environmental Planning and Assessment Act 1979, a Construction Certificate for subdivision 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](http://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.

**6. 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 water supply work and sewerage work must be obtained.

**7. Trade Waste - Section 68 Part C approval**

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

Commercial, business, trade and industrial activities discharging or proposing to discharge to the sewer are required to notify Council and complete the Trade Waste Registration Form available at the Mullumbimby Office and from Council's website at:

[http://www.byron.nsw.gov.au/files/publications/liquid\\_trade\\_waste\\_application\\_form\\_0.pdf](http://www.byron.nsw.gov.au/files/publications/liquid_trade_waste_application_form_0.pdf)

Trade Waste approval must be obtained prior to gaining Section 68 Part B approval to carry out water supply work and sewerage work.

**8. Sediment and Erosion Control Management Plan required**

The application for a Construction Certificate is to include plans and specifications that indicate the measures to be employed to control erosion and loss of sediment from the site. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as filter fences and sedimentation basins.

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".**

**9. Geotechnical Report required – Engineering Works**

A certificate from a professional engineer experienced in soil mechanics is to be provided to the Principal Certifying Authority, certifying that:

- a) the design of the civil engineering works, including retaining walls and/or cut & fill batters, has been assessed as structurally adequate,
- b) the civil engineering works will not be affected by landslip or subsidence either above or below the works; and
- c) adequate drainage has been provided.

**10. Stormwater Drainage – Connection to Public or Inter-allotment Drainage**

The application for a Construction Certificate of Certification of the Crown building work 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 (OSD) and stormwater quality improvement devices (SQIDs) by a gravity system in accordance with Henry and Hymas drawing 20D64\_D2\_C100 Rev 01 dated 01.06.2021.

**11. Retained trees to be identified on construction plans**

All trees to be retained in accordance with this development consent and the approved Tree Impact Assessment Report must be illustrated on all relevant Construction Plans, along with their Tree Protection Zones formulated in accordance with AS 4970-2009 – *Protection of Trees on Development Sites*. Such details are to be included on the plans submitted for approval with the Construction Certificate application or Crown building certification process.

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

Part B: Chapter B8 of Development Control Plan 2014 aims to facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development. 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 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.

**13. No tree removal prior to issue of construction certificate**

No native trees or vegetation may be cleared or removed prior to the issue of a construction certification or before the certification of the Crown building work.

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

**14. Detailed internal plans to be provided**

The proposed internal alterations to Block A have the potential to impact on significant heritage fabric. To avoid and minimise such impacts, detailed internal plans are to be provided to Council for approval prior to the commencement of any works to Block A, as follows:

**(a) Accessible toilet and shower**

Detailed fit-out plans for the accessible toilet and shower room are to be provided demonstrating:

- (i) The use of materials and surface finishes which have a minimal / non-destructive impact on the original timber floor and are capable of being easily reversed (for example, the use of lino or similar waterproof floor coverings rather than tiles).
- (ii) Minimal plumbing intrusions to original floor and wall fabric to preserve original fabric and structural components of the buildings to the greatest degree possible.

**(b) Internal partitions and entry vestibule**

Detailed internal plans, sections and elevations illustrating how the proposed partition walls and entry vestibule will be located in relation to the internal historic spaces and elements of joinery, dado rails and dado mouldings.

It is noted that some new walls are located close to existing windows and architraves. Details of all the original doors and joinery are to be shown on the plans with details demonstrating how the historic features of the building are to be retained and conserved where necessary.

**15. Photographic Archival Documentation**

Prior to the commencement of building works on Block A, an archival photographic recording of Block A is to be prepared to Council's satisfaction. The recording is to be in digital form, prepared in accordance with the NSW Department of Planning and Environment's guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

Because significant fabric may remain concealed within Block A, the archival recording is to be undertaken in two stages: (1) prior to the removal of any significant building fabric or furnishings, and (2) during the removal of fabric on site that exposes significant building fabric or furnishings.

The digital records shall be submitted to Council in two parts, as follows:

- (a) The first submission of the archival recording shall be prior to the removal of any significant building fabric or furnishings from the site and must be submitted to and approved by Council prior to the issue of a Construction Certificate or certification of the Crown building work.
- (b) The second submission of the archival recording shall be after work has been completed on site and must be submitted to Council prior to the occupation of any buildings.

The digital recording is to be as follows:

- The Development Application number and the Condition of Consent number must be noted.
- Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- The electronic images are to be taken with a minimum 8-megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process and avoid duplicate images.
- Include written confirmation, issued with the authority of both the applicant and the photographer that Byron Shire Council is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

**16. Awareness training for contractors**

A suitably qualified heritage professional with experience in the management of historic buildings will provide an awareness training workshop for all contractors involved in the proposed works prior to the commencement of works on Block A. This workshop will ensure that all parties are aware of the conditions in which the work must be completed and the measures in place to protect and conserve the heritage significance of the site. This heritage professional will also provide an inspection at the end of internal demolition works and at the end of Block A works to ensure that activities have been carried out as planned.

**17. Erosion and Sediment Control Management Plan to be implemented**

Erosion and sedimentation controls are to be in place in accordance with the approved Erosion and Sediment Control Plan.

Sediment and erosion control measures in accordance with the approved Erosion and Sedimentation Control plan/s must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

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).

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

**18. Site Location**

The location of new buildings on the site is to be established by a suitably qualified Surveyor and must comply with this approval including any required setbacks to boundaries or Council infrastructure.

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

**19. Significant fabric to be protected during works**

Prior to the commencement of any demolition or construction works on or near Block A, all significant building fabric in the vicinity of proposed works is to be protected in accordance with the provisions of Table 13 in the Heritage Impact Statement. Such protections may include (where necessary) hoarding of windows and protection of windowsills, brick walls, dado rails or picture rails that are at risk of being damaged during works.

**20. Salvage and retention of traditional building materials**

Any significant heritage fabric such as bricks, joinery and decorative elements to be removed as part of the development must be stored on site for future reuse, either in the

ceiling or subfloor space or elsewhere in the school grounds in a dry and secure place. Salvaged materials shall be labelled and tagged as “Heritage Item – Do Not Remove” along with a brief description of where the materials originated from.

**21. Protection of native trees**

All trees nominated to be retained by notation or condition as a requirement of the development consent shall be maintained and protected during demolition, excavation and construction on the site in accordance with the specifications described in *Section 4. Tree Protection Recommendations* of the report titled *Tree Impact Assessment Report – Bangalow Primary School, Bangalow NSW* prepared by Michael Hallinan of Arbor Ecological and dated 01 June 20201.

**22. Trees to be fenced and protected during works**

Trees to be retained are to be protected by Tree Protection Zone (TPZ) fencing. The fencing is to be installed in accordance with the plan shown in *Figure 7. Recommended project TPZ fence locations* and the specifications described in *Section 4. Tree Protection Recommendations* of the report titled *Tree Impact Assessment Report – Bangalow Primary School, Bangalow NSW* prepared by Michael Hallinan of Arbor Ecological and dated 01 June 20201.

Activities that are excluded within the TPZ (as per section 4.2 of AS4970-2009) include machine excavation, placing of fill, parking of vehicles and plant, and storage of material. If these activities are required within the TPZ they may only occur under the supervision of the project arborist (minimum AQF level 5 qualified arborist).

The Tree Protection Zone (TPZ) exclusion fence is to be maintained for the duration of the site clearing, preparation, construction and landscaping works.

**23. Care to be taken when placing services near trees**

To minimise root disturbance where services are to be laid in close proximity to trees, any excavation within the Tree Protection Zone (TPZ) for installation of underground services is to be done by directional drilling or in manually excavated trenches in accordance with Section 4.5.5 of AS4970-2009. Works must be conducted under the supervision of the project arborist (minimum AQF level 5 qualified arborist) and may include the use of pneumatic or hydraulic tools such as air knives.

**24. Protection of native fauna from disturbance**

Removal of any tree must not commence until the tree has been inspected for the presence of native fauna by a suitably qualified ecologist or fauna spotter. Approval to proceed with the clearing of vegetation in accordance with this section is only valid for the day on which the inspection has been undertaken.

The individual referred to in (a) above, or a nominated representative, must remain on site and monitor the tree removal in accordance with the specifications described in *Section 6.2 Demolition and Construction Phases* on pp. 16-17 of the report entitled *Ecological Impact Assessment Report, Proposed Bangalow Primary School Redevelopment, Bangalow NSW* prepared by Michael Hallinan of Arbor Ecological and dated 01 June 2021.

**25. 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.

**26. Construction times**

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

- a. Monday to Friday, from 7 am to 6 pm.
- b. Saturday, from 8 am to 1 pm.

No construction work to take place on Sundays or public holidays.

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

**27. Construction Noise**

Construction noise is to be limited as follows:

- a. For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- b. For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A)

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

**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. Fill to be retained on the subject land**

Fill material must not encroach onto any adjoining land.

**31. 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.**

**32. Removal of asbestos**

All asbestos wastes associated with removal of any existing buildings or structures shall be disposed of in accordance with the requirements of the Workcover Authority. The applicant/owner is to produce documentary evidence that this condition has been met.

Please note the Byron Resource Recovery Centre cannot accept asbestos. You will need to arrange disposal at an alternate landfill site.

- 33. 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.
- 34. Stormwater drainage work**  
Stormwater drainage for the development must be constructed in accordance with the approved plans and specification by a suitably qualified person.
- 35. 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) <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines>
- 36. Excavated natural materials and demolition waste disposal**  
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. Template s143 Notices are available at <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/wasteregulation/160095-notices143-form.docx>
- 37. Aboriginal Relics**  
If any Aboriginal archaeological relics or items are exposed during construction works, the Applicant shall:
- immediately cease works;
  - notify the NSW National Parks and Wildlife Service (NPWS);
  - obtain any necessary permits and/or approvals to continue the work under the National Parks and Wildlife Act 1974.

The Applicant shall comply with any further request made by the NPWS to cease work for the purposes of archaeological assessment and recording.

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

- 38. Staged occupation of buildings**  
The following conditions 42-48 are to be satisfied prior to the completion of building works for each stage of the development where relevant.
- 39. Easement required over pipelines**  
Prior to Occupation, in all new subdivisions and/or developments, an easement in gross benefitting Byron Shire Council shall be provided for all pipelines in accordance with Councils Policy for Building in the Vicinity of Underground Infrastructure.
- Prior to Occupation, easement documentation shall be prepared in accordance with NSW Land Registry Services requirements over the pipeline/s within the allotments. Easement documentation must be submitted to Council for execution, together with a survey showing location, size and depth of the pipeline/s and payment of fees in accordance with Council's adopted fees and charges.
- Prior to Occupation, proof of lodgement to NSW Land Registry Services must be provided to the Principal Certifying Authority.



The minimum width of the required easement shall be 3.0 metres centred over the sewer pipeline towards Station Lane.

The minimum width of the required easement shall be 4.0 metres centred over the sewer pipeline towards Byron Street.

**40. OSD & SQIDs – Certification of works**

All stormwater drainage works, including OSD & SQIDs, for the development must be constructed in accordance with the approved plans and specification prior to the occupation of the buildings. 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 occupation of the buildings.

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. Photographic records**

The second submission of archival footage specified in condition 16 is to be submitted to Council prior to the occupation of the buildings

**42. Landscaping works to be completed**

Landscaping is to be implemented in accordance with the plan entitled *Tree Removal Plan*, Drawing Number *BAN-L-05\_A* prepared by Ennismore Field Pty Ltd and dated 02 June 2021 prior to occupation of the buildings.

**43. 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 occupation of the buildings.

**44. Site Location Survey**

A final survey of the structures showing setbacks to boundaries and Council infrastructure shall be submitted to the Private Certifier prior to occupation of the buildings demonstrating compliance with the approved plans.

**45. Works to be completed prior to occupation of buildings**

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 occupation of the buildings.

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.

**The following conditions are to be complied with at all times**

**46. Limited vegetation removal**

Removal of existing vegetation from the site is limited to that described on the plan entitled *Tree Removal Plan*, Drawing Number *BAN-L-05\_A* prepared by Ennismore Field Pty Ltd and dated 02 June 2021.

All other trees must be retained and protected at all times.

**47. Salvage materials to be retained for future use**

Any significant heritage fabric that has been removed and stored on-site in accordance with the consent shall be retained in a secure and dry place to ensure building modifications to Block A are capable of being reversed in the future if necessary.

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