

CONDITIONS OF CONSENT:

Parameters of this 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:
Drawing No. 31904-048-DS01, Issue A	Plan of Survey and Lease Area	veris	07 June 2017
Drawing No. B8902-P1, Revision 02	Site Plan and Antennas Plan	HUAWEI	29 June 2017
Drawing No. B8902-P2, Revision 02	South West Elevation Plan	HUAWEI	20 June 2017

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) No tree removal

This development consent does not authorise any native tree to be ringbarked, cut down, lopped, removed or damaged, or cause to be ringbarked, cut down, lopped, removed or damaged in contravention of Byron Development Control Plan 201 and/or Development Control Plan 2010 as applicable to the land.

3) Bush fire safety measures

The proposal is to comply with all requirements and recommendations as specified within the Draft Bushfire Management Plan, Reference No. 003.07.17, prepared by Bushfire Risk Reducers dated July 2017.

4) Electro Magnetic Energy

The proposed installation is to comply with the Australian Communications and Media Authority (ACMA) regulatory arrangements with respect to electromagnetic radiation exposure levels.

The base station facilities are to be designed and installed in accordance with any relevant manufacturer specifications. The proposal is to comply with the requirements of all relevant Australian Standards.

The following Conditions are to be complied with prior to issue of a construction certificate

5) Long Service Levy to be paid

A Long Service Levy must be paid to the Long Service Payments Corporation. This is a State Government Levy and is subject to change.

These payments may be made online at www.lspc.nsw.gov.au or at Council's Administration Office, Station Street, Mullumbimby. Where paying to Council, cheques are to be made payable to 'Byron Shire Council'.

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

6) Section 94A Levy to be paid

Prior to the issue of a construction certificate the section 94A levy required by the Byron Developer Contributions Plan 2012 shall be paid to Council.

The levy will be calculated as follows:

Levy payable = %C x \$C

Where: %C is the levy rate applicable as set out in the latest Ministerial Direction issued under section 94E.

\$C is the proposed cost of carrying out the development.

The rate of %C is:

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001–\$200,000	0.5 percent
More than \$200,000	1.0 percent

The cost of development shall be calculated in accordance with clause 25J of the regulation and shall be set out in schedule 1. A copy of schedule 1 shall be submitted with the payment to Council.

7) Site Waste Minimisation and Management Plan

Part F of Byron Shire Development Control Plan 2010 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 www.byron.nsw.gov.au/files/publication/swmmp-pro-forma.doc

The following Conditions are to be complied with prior to commencement of building works

8) 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*. A summary of these guidelines is attached. A full copy may be downloaded from Council's web site at www.byron.nsw.gov.au.

The following Conditions are to be complied with during construction

9) No tree removal

All native trees in close proximity to the proposed development shall be maintained and protected during any excavation and construction on the site in accordance with AS4970-2009 – Protection of Tree on Development Sites.

10) Protection of koalas and native fauna from disturbance

- a) Clearing of native vegetation and/or earthworks as part of any development consent from Council must be temporarily suspended within a range of 25 metres from any tree which is concurrently occupied by a koala and must not resume until the koala has moved from the tree of its own volition;
- b) Any clearing of land must not commence until the area proposed for clearing has been inspected for the presence of koalas and other native fauna and approval given in writing by a suitably qualified individual;
- c) 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; and
- d) The individual referred to in b) above, or a nominated representative, must remain on site during any approved clearing of vegetation.

11) Aboriginal heritage – unexpected finds protocol

If Aboriginal objects are uncovered during earthworks or disturbance; work in the immediate area of the unexpected finds must stop immediately and the North Coast Regional Operations Branch of the OEH and the Registered Aboriginal Parties are to be consulted before work can re-commence.

Note. OEH means the *New South Wales Office of Environment & Heritage*, and *Registered Aboriginal Parties* is defined in the *National Parks and Wildlife Regulation 2009*.

12) Waste minimisation and management

All works must comply with the objectives of waste minimisation and waste management of Part F: Waste Minimisation and Management of DCP 2010.

13) 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; and
- b) Saturday, from 8 am to 1 pm.
- c) No construction work to take place on Saturdays and Sundays adjacent to Public Holidays and Public Holidays and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to Public Holidays.

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

14) 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); and
- 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.

15) 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.

16) 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 1997*.

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

17) 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.

18) 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.

The following conditions are to be complied with prior to issue of a Final Occupation Certificate

19) 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, 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.

20) Stormwater disposal

Stormwater must be collected and disposed of in a controlled manner such that stormwater flows are:

- a) Clear of buildings and infrastructure;
- b) Clear of effluent disposal areas;
- c) Not concentrated so as to cause soil erosion;
- d) Not directly to a watercourse; and
- e) Not onto adjoining land.