

MODIFICATION TO CONDITIONS OF CONSENT:

Delete condition #1 and replace it with the following:

1. Development is to be in accordance with approved plans

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

Plan No.	Description	Prepared by	Dated:
TP0.03 Rev 1	Site Plan - Demolition	Myers Ellyett	08.10.2019
TP0.04 Rev 1	Site Plan - Proposed	Myers Ellyett	08.10.2019
TP1.01 Rev 2	Ground Level	Myers Ellyett	08.09.2020
TP1.02 Rev 3	Level 1	Myers Ellyett	25.02.2021
TP1.03 Rev 2	Level 2	Myers Ellyett	08.09.2020
TP1.05 Rev 3	Roof Pool Plan	Myers Ellyett	25.02.2021
TP1.06 Rev 5	Basement 1	Myers Ellyett	22.10.2020
TP1.07 Rev 4	Basement 2	Myers Ellyett	15.10.2020
TP1.08 Rev 3	Elevation - West	Myers Ellyett	25.02.2021
TP1.09 Rev 3	Elevation - East	Myers Ellyett	25.02.2021
TP1.10 Rev 3	Elevation - South	Myers Ellyett	25.02.2021
TP1.11 Rev 3	Elevation - North	Myers Ellyett	25.02.2021
TP1.12 Rev 3	Section 01	Myers Ellyett	25.02.2021
TP1.13 Rev 3	Section 02	Myers Ellyett	25.02.2021
TP1.14 Rev 3	Streetscape Section 01	Myers Ellyett	25.02.2021
TP1.15 Rev 3	Streetscape Section 02	Myers Ellyett	25.02.2021
TP1.16 Rev 2	Streetscape Section 03	Myers Ellyett	08.09.2020
TP1.17 Rev 3	Podium Section 01	Myers Ellyett	25.02.2021
TP1.18 Rev 3	Podium Section – NW Corner	Myers Ellyett	25.02.2021
1050 Rev B	Existing Site Conditions & Demolition Plan	Planit	09/03/2020
1100 Rev A	Erosion and Sediment Control Plan		12/07/2019
1200 Rev A	Bulk Earthworks Plan		12/07/2019
1300 Rev C	Site Layout and Ground Floor Plan		09/03/2020

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.

Delete condition #4 and replace it with the following:

4. Hours of Operation

The opening hours of the following uses/ activities are:

Café:

All days: 7:00am to midnight

Waste Collection & Deliveries:

Monday to Saturday: 7:00am to 6:00pm;

No waste service or deliveries on Sundays or public holidays.

Roof-top Recreation Facilities:

Monday to Sunday: 8:00am to 8:00pm

Should the development be Strata subdivided, the by-laws must include provisions specifying the hours of operation for the roof-top recreation facilities.

Add new Condition 5A, as follows:

5A. Use of roof-top recreation facilities

The rooftop and pool area has been approved for use of the residential apartments approved as part of this modified consent and shall not be open to the general public at any time.

Amplified sound shall not be emitted from the rooftop pool area without prior approval of Council.

Add new Condition 7A, as follows:

7A. Roof-top noise barriers

The application for a Construction Certificate is to include plans and specifications for rooftop noise barrier recommended in Section 6.0 and Figure 3 of Acoustic Report Ref: 1020104 R02G (R01G) prepared by Acoustics Works dated 21 May 2021. Such plans and specifications must be approved as part of the application for a Construction Certificate for building works.

Add new Condition 8A, as follows:

8A. Voltaic array

The voltaic array must be designed to prevent glare to neighbouring receivers. Details and specifications for related building works must be prepared by a suitably qualified person and provided to the PCA prior to issue of a Construction Certificate.

Advisory note: The completed works must be certified by a suitably qualified person and documentary evidence provided to the PCA prior to issue of a Final Occupation Certificate.

Delete condition #24 and replace it with the following:

24. Water and Sewerage - Section 68 approval required

An approval under Section 68 of the Local Government Act 1993 must be obtained to carry out water supply work and sewerage work.

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.

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.

Add new Condition 58A, as follows:

58A. Roof-top noise barriers

A suitably qualified acoustic consultant must certify that rooftop attenuation barrier has been constructed to achieve compliance with Acoustic Report Ref: 1020104 R02G (R01G) prepared by Acoustics Works dated 21 May 2021 and plans as approved by Council.

Certification is to be submitted to the PCA prior to issue of an Occupation Certificate.

Delete condition #76 and replace it with the following:

76. No interference with amenity

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) The noise level emitted must comply with **condition 15** of this consent.
- b) All sources of noise and vibration must be effectively managed so as not to be intrusive or 'offensive' within the nearest residential properties.
- c) Any complaints to Council about 'offensive' noise will be dealt with under the provisions of the Protection of the Environment Operations Act 1997.
- d) Only clean and unpolluted water is permitted to be discharged to Councils' stormwater drainage system or any waters.
- e) All wastes shall be contained within appropriate containers fitted with a tight-fitting vermin-proof lid.
- f) All waste storage and sewage facilities shall be serviced and maintained to ensure that all relevant environment protection standards are satisfied.
- g) Goods deliveries shall be restricted to daytime operating hours.

Add the following conditions in numerical order:

77. Noise limits

The noise level emitted from the roof-top between the hours of 8:00 am and 8:00 pm must not exceed the project specific noise criteria shown in Table 4 of Acoustic Report Ref: 1020104 R02G (R01G) prepared by Acoustics Works dated 21 May 2021. The noise level emitted between 9.00 pm and 7:00 am must not exceed the background noise level.

78. Roof-top recreation facilities patron numbers

To ensure that neighbourhood amenity is preserved, the number of patrons on the roof-top pool area must not exceed twenty (20) at any time. Should the development be Strata subdivided, the by-laws must include provisions specifying the limit on patron numbers for the roof-top recreation facilities.

79. Shower requirements

Shower facilities shall be provided for the use of all patrons before entering the pool and shall be located, constructed and equipped so that:

- a) the shower access is close to the area of the pool;
- b) the floors, walls and ceiling are made of materials that permit easy and thorough cleaning; and
- c) there is hot and cold running water with either, a tempering or mixing device on the hot water system designed to prevent scalding, or a maximum hot water temperature not exceeding 43°C at any time.

80. Shower / amenities management

All shower / amenities provided shall be managed to ensure that:

- a) all tapware, shower stalls and basins are cleaned and disinfected daily
- b) scrubbing to remove soap and dirt accumulation must be undertaken weekly
- c) cleaning and disinfection of shower floors must be performed daily
- d) cleaning and disinfection of toilets and urinals must be undertaken daily
- e) soap must be provided in all showers and basins.

81. Public health sign

The occupier of the premises must ensure that there is at all times a sign in the immediate vicinity of the pool bearing the words 'all persons are required to shower before entering the pool.' The sign must be erected in a prominent position.

82. 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, or similar.

83. Pool pump location

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

84. Pool health requirements

The swimming pool water is to be re-circulated, filtered and disinfected in accordance with the requirements of Council and NSW Health. The swimming pool water is to be maintained at satisfactory levels of purity for bathing at all times.

85. The Public Health Act 2010 and regulation

At all times, operation of the pool and associated facilities must in accordance with the *Public Health Act 2010 and Public Health Regulation 2012*.

86. Water quality testing

A water quality monitoring program must be created in accordance with the Public Swimming Pool and Spa Advisory Document prepared by the NSW Health Department by a suitably qualified person. Regular water testing is to be undertaken in accordance with the program at a NATA accredited laboratory. Results of testing must be held on site and made available to any person. A copy of test results must be provided to Council quarterly.

87. COVID-19 restrictions

The applicant/operator shall comply with the *Public Health Act 2010*. The applicant must ensure that any amendments to the *Public Health Act 2010* or directions from the Minister for Health and Medical Research issued subsequent to this approval are complied with at all times.