

**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 2	Level 1	Myers Ellyett	08.09.2020
TP1.03 Rev 2	Level 2	Myers Ellyett	08.09.2020
TP1.05 Rev 2	Roof Plan	Myers Ellyett	08.09.2020
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 2	Elevation - West	Myers Ellyett	08.09.2020
TP1.09 Rev 2	Elevation - East	Myers Ellyett	08.09.2020
TP1.10 Rev 2	Elevation - South	Myers Ellyett	08.09.2020
TP1.11 Rev 2	Elevation - North	Myers Ellyett	08.09.2020
TP1.12 Rev 2	Section 01	Myers Ellyett	08.09.2020
TP1.13 Rev 2	Section 02	Myers Ellyett	08.09.2020
TP1.14 Rev 2	Streetscape Section 01	Myers Ellyett	08.09.2020
TP1.15 Rev 2	Streetscape Section 02	Myers Ellyett	08.09.2020
TP1.16 Rev 2	Streetscape Section 03	Myers Ellyett	08.09.2020
TP1.17 Rev 2	Podium Section 01	Myers Ellyett	08.09.2020
TP1.18 Rev 2	Podium Section – NW Corner	Myers Ellyett	08.09.2020
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 #6 and replace it with the following:

**6. Acoustic Barrier**

A 2.4m high acoustic fence is to be constructed along the western (Ruskin Lane) frontage of adjoining residential properties, No. 5 Browning St (Lot B DP 363695) and No. 1 Ruskin Lane (Lot A DP 363695), generally in accordance with the recommendations of the Environmental Noise Impact Report, prepared by CRG Acoustics, dated 6 November 2019 (Ref. 17083 rev.7). The design of the fence is to account for existing driveways.

Details of the fence are to be provided to Council's Environmental Health Officer prior to the issue of a Construction Certificate.

Delete condition #15 and replace it with the following:

**15. Excavation depth and dewatering limited**

Excavations and dewatering below -2.6m(AHD) is not permitted without the prior approval of Council.

Delete condition #17 and replace it with the following:

**17. Land to be consolidated**

Prior to the issue of a Construction Certificate for Stage 2 works, evidence satisfactory to the Certifying Authority is to be provided demonstrating that arrangements have been made for all separate parcels to be consolidated into one allotment and registered with NSW Land Registry Services.

A Section 88B Instrument is to be incorporated with the consolidation plan, providing for suitable public access over the south-east corner of the property, associated with the access to the basement ramp.

Delete condition #24 and replace it with the following:

**24. Consent required for works within the road reserve**

Consent from Council must be obtained for works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve.

Transport for NSW's concurrence is required prior to Council's approval of works on classified (Regional) roads under Section 138 of the *Roads Act 1993*.

Such plans are to be in accordance with Council's current Design & Construction Manuals and are to provide for the following works:

Ruskin Lane Upgrade:

Kerb and gutter, road pavement and associated drainage construction, including any necessary relocation of services, as follows:

- Full frontage of the development;
- Upgrade all neighbouring driveways in accordance with Council's standard;
- Relocation of all essential services infrastructure;

- Upright kerb and gutter along the eastern side boundary to transition at the corner and connect onto the existing concrete edge strip in Ruskin Lane running in east/west direction;
- Concrete edge strip along the western side boundary to transition at the corner and connect onto the existing upright kerb & gutter in Ruskin Lane running in east/west direction;
- Full road reserve width asphalt past the loading bay area;
- Drainage upgrade in accordance with NRLG Development Design and Construction Guidelines;
- Intersection with Browning St in accordance with Planit drawing J170-1300 Rev C dated 9/3/20, except for the following:
  - “No Right Turn” signage is to comply with the relevant standards of Transport for NSW;
  - a “No Right Turn” sign is to be located on the eastern side of Ruskin Lane opposite the basement access ramp, so as to be clearly visible to southbound vehicles within the lane;
  - a “No Right Turn” sign is to be located on the southern side of Browning Street opposite the Ruskin Lane intersection;
  - a “Left Turn Only” sign is to be located either on the central median in Browning Street, or at junction of Ruskin Lane and Browning Street, to be clearly visible to vehicles exiting the lane;
  - the left arrow and words “no right turn” proposed to be painted on the Ruskin Lane pavement are not approved;
- Assessment of the need for street lighting upgrade, from Browning St and along the full frontage of the development in of Ruskin Ln, carried out in accordance with AS1158. If any additional lighting is required as a result of that assessment, it must be designed to ensure that nearby dwellings are not impacted by light spill;
- Ruskin Ln pavement is to be concrete for approximately from the intersection with Browning St to 15m past the loading bay;
- Pedestrian crossing along Browning St road reserve, the location of the pedestrian crossing must be supported with a Road Safety Audit Assessment; and
- Signage and line marking;

Note: the provision of convex mirror is not supported.

#### Driveway (commercial areas):

A driveway in accordance with Council’s standard “Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings”. The footpath crossing must be designed to provide a cross fall of 1 % or 1:100 (maximum 2.5% or 1 in 40) for a width of at least 2.4 metres to provide for pedestrians with access disabilities.

- Provision must be made to prevent the ingress of flood waters into the basement carpark. Driveway ramps that allow for the ingress of rainwater are to be predominantly covered, with a maximum area of 60m<sup>2</sup> only that is exposed to direct rainfall.
- Provision must be made to prevent vehicles from turning left into Ruskin Ln using raised island and line marking; and
- Provision must be made to prevent commercial vehicles from entering the basement carpark.

### Footpaths:

2.5m wide (minimum) footpath/cycleway for the full Browning St and Jonson St frontage of the site at a crossfall of 1 % or 1:100 (maximum 2.5% or 1 in 40).

The footpath formation, including any necessary relocation of services, as follows:

- Works are to tie in with elevations adopted within the latest version of the Byron Bay Bypass engineering plans adopted by Council to ensure no localised flooding will occur within the road verge adjacent to the north east corner of the bypass roundabout post construction of the bypass roundabout.
- The footpath within Browning Street is to be located to maximise the sight distance available for vehicles exiting Ruskin Lane.
- Removal of existing driveway crossings and gutter crossings and replace with kerb and gutter.
- Grading, trimming, topsoiling and turfing of the unpaved footpath area.

### Median Island:

Provision must be made to provide a median island in accordance with Austroads to prevent vehicles right turning movement from Browning St into Ruskin Ln and vice versa.

Delete condition #27 and replace it with the following:

## **27. 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 and AS 2890.2 – 2010 - Parking facilities, Part 2: Off-street commercial vehicle facilities. Plans are to include, but not be limited to, the following items:

a) Parking spaces in accordance with the following:

AS2890 Parking Class	Class 3	Class 4	Motorcycle (2% of total parking @ 1 car space per 4 motorcycle space)	Small
Basement 1	48	3	4	1
Basement 2	64	0	8	0

- b) all tandem parking spaces situated in Basement 2 must be allocated for the 3+ bedroom residential unit use only, line marked and clearly signposted;
- c) 24 residential parking spaces situated in Basement 2 must be allocated for residential use only, line marked and clearly signposted;
- d) 7 parking spaces situated in Basement 2 must be allocated for visitor residential use only, line marked and clearly signposted;
- e) No parking spaces allocated for Food & Drinks and Retail uses in Basement 2;
- f) All motorcycle parking in Basement 2 allocated for Commercial use only;
- g) pavement design, comprising an all weather surface, such as asphalt, bitumen seal,

- concrete, pavers or other similar treatment;
- h) site conditions affecting the access;
- i) existing and design levels;
- j) longitudinal sections from the road centreline to the car spaces;
- k) typical cross sections;
- l) drainage details;
- m) facilities for the pumping of water in the event of failure, or larger flood events;
- n) sliding doors for storage units in Basement level 2;
- o) turning paths;
- p) lighting; and
- q) 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".

Delete condition #36 and replace it with the following:

### **36. Developer Contributions to be paid**

Contributions set out in the schedule below are to be paid to Council prior to the release of the first Occupation Certificate in respect of the building, except as provided below.

If no construction certificate in respect of the erection of any building to which the consent relates has been issued on or before 25 September 2022, the monetary contribution must be paid before the issue of the first construction certificate after that date for any such building.

Contributions are levied in accordance with the [Byron Shire Developer Contributions Plan 2012 \(as amended\)](#). The Plan may be viewed on line or during office hours at the Council Offices located at Station Street, Mullumbimby. These contributions are to fund public amenities and services as listed in the schedule. Additional details on the specific amenities are to be found in the Byron Shire Developer Contributions Plan 2012 (as amended).

The contributions in the schedule are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the **amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.** The schedule contains a date for which the schedule remains valid, after this date you will have to contact Council for an updated schedule.

Delete condition #42 and replace it with the following:

**42. 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 3 pm.

No construction work to take place on Sundays and Public Holidays.

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

Delete condition #70 and replace it with the following:

**70. Parking**

**116** car parking spaces and **12** motorcycle parking are to be provided and maintained, together with all necessary access driveways and turning areas, to the satisfaction of Council.

Tenants and customers of the development must have unrestricted access to the car parking spaces on a daily basis during business hours of the development.

No car parking spaces are to be reserved (generally or specifically) for any tenant or customer. Only carparking spaces required for the residential component of the development are to be reserved and made available for particular residents.