

MODIFIED CONDITIONS OF CONSENT:

Delete the following conditions:

Details of conditions:

- 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:
K1330/16 Sheet 1 of 7 Rev A	Existing Floor Plan	M.J. Kelly	June 2016
K1330/16 Sheet 2 of 7 Rev A	Elevations Plan	M.J. Kelly	June 2016
K1330/16 Sheet 3 of 7 Rev A	Proposed West Elevation Proposed Floor Plan	M.J. Kelly	June 2016
K1330/16 Sheet 4 of 7 Rev A	Site Plan, Elevation and Section	M.J. Kelly	June 2016
K1330/16 Sheet 5 of 7 Rev A	Proposed Upper Floor Plan	M.J. Kelly	June 2016
K1330/16 Sheet 6 of 7 Rev A	Floor Plan – Open Air Area Plan	M.J. Kelly	June 2016
K1330/16 Sheet 7 of 7 Rev A	Elevations – Open Air Area	M.J. Kelly	June 2016

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.

10) Flood Planning Level for new buildings

The flood planning level for this development is 5.56m A.H.D. The plans and specifications to accompany the construction certificate application are to indicate a minimum habitable floor level that is at or above the flood planning level.

The plans and specifications to accompany the construction certificate application are to also indicate:

- a) a minimum floor level of 4.65m A.H.D for non-habitable building or room (eg. Shed, carport, garage, laundry, shelter, etc.); and the use of flood compatible materials and services below the flood planning level in accordance with the requirements of Council's Development Control Plan 2014 – Chapter C2 – Areas Affected by Flood; and

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

60) Work Health & Safety

The operator of the Rural Industries Food Precinct shall comply with the Work Health and Safety Act 2011 statutory requirements. Staff shall be provided with adequate toilet and washing facilities.

61) Smoke free Environment

The Rural Industries Food Precinct shall comply with the provisions of the NSW Smoke-free Environment Amendment Act 2004.

65) Restricted hours of operation

The hours of operation are restricted to the following:

Monday to Friday – 7a.m. to 6p.m.

Saturday, Sunday and Public Holidays – 8a.m. to 5p.m.

Any alteration to the above hours of operation will require the further consent of Council.

Delete the following Note:

Details of Notes:

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 No:13/005)

Water	3.66 ET
Sewer	4.35 ET

NB: Information regarding Development Servicing charges can be found on the Byron Shire Council website (<http://www.byron.nsw.gov.au/development-contributions-plans-section-94-and-64>). 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.

Insert the following conditions in appropriate order:

Details of conditions:

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:
03B	Original Building Plan	Byron Bay Drafting	08.01.2020
04B	Site Plan	Byron Bay Drafting	08.01.2020
05B	Proposed Ground Floor Plan	Byron Bay Drafting	08.01.2020
06B	Proposed Ground Floor Plan	Byron Bay Drafting	08.01.2020
08B	First Floor Plan	Byron Bay Drafting	08.01.2020
09B	Roof Plan	Byron Bay Drafting	08.01.2020
10B	Roof Plan Rear Yard	Byron Bay Drafting	08.01.2020
11B	Level Sections	Byron Bay Drafting	08.01.2020
12B	Elevations – North and West	Byron Bay Drafting	08.01.2020
13B	Elevations – South and East	Byron Bay Drafting	08.01.2020

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.

10) Flood Planning Level for new buildings

The flood planning level for this development is 5.56m A.H.D. The plans and specifications to accompany the construction certificate application are to indicate a minimum habitable floor level that is at or above the flood planning level.

The plans and specifications to accompany the construction certificate application are to also indicate:

- a) The use of flood compatible materials and services below the flood planning level must be in accordance with the requirements of Council's Development Control Plan 2014 – Chapter C2 – Areas Affected by Flood; and
- b) Such plans and specifications must be approved as part of the Construction Certificate.

49A) Construction - Food Premises

Prior to the issue of the occupation certificate the food premises must be constructed in accordance with design and layout requirements of Food Standard Code 3.2.3 and Australian Standard AS4674 – 2004 "Design, construction and fit-out of food premises" to be considered to achieve the necessary construction standards for the food business.

60) Work Health & Safety

The operator of the development shall comply with the Work Health and Safety Act 2011 statutory requirements. Staff shall be provided with adequate toilet and washing facilities.

61) Smoke free Environment

The development shall be operated to comply with the provisions of the NSW Smoke-free Environment Amendment Act 2004.

65) Restricted hours of operation

The hours of operation are restricted to the following:

Monday to Saturday – 7a.m. to 10p.m.

Sunday and Public Holidays – 8a.m. to 9p.m.

Any alteration to the above hours of operation will require the further consent of Council.

Insert the following Notes:

Details of Notes:

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 No:13/005)

Water	3.58 ET
Sewer	4.27 ET

NB: Information regarding Development Servicing charges can be found on the Byron Shire Council website (<http://www.byron.nsw.gov.au/development-contributions-plans-section-94-and-64>). 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.

Design and Layout Plans - Food Premises

It is recommended detailed plans are prepared by a suitably experienced person showing the design and layout of the premises to be used as a food business prior to the issue of a construction certificate. The design details are to be drafted in accordance with relevant legislation and standards, including:

- a) Food Act 2003;
- b) Food Regulation 2015;
- c) Food Standards Code, Chapter 3.2.3;
- d) Relevant Australian Standards:

- i. AS 4674 – 2004 Design, Construction and Fit-Out of Food Premises;
 - ii. AS 1668.1 & AS 1668.2 Mechanical Ventilation;
 - iii. Other relevant standards.
- e) The Building Code of Australia.

Advisory note:

Application forms are available from Council's Environmental Health department. The following document [Food premises design, construction and fit-out guide](#) on Council's website can provide guidance about the design requirements of a food premises based on the Food Safety Standard 3.2.3 (Food Premises and Equipment) and the Australian Standard 4674-2004 (Design, construction and fit-out of food premises).

Notification – Food Business

In accordance with Section 100 of the Food Act 2003, the operator of the food business must submit a completed [Food Business Registration form](#) five (5) working days prior to trading. The notification must occur before the food business commences any food handling operations.

Council Inspection required – Food Premises

The operator of the food premises shall obtain a satisfactory pre-operational inspection from Council's Environmental Health Officer prior to trading.

Advisory note:

Inspections by Council's Environmental Health Officers can be arranged during the fit-out stage and the final pre-operational inspection. Inspection fees are levied as per Council's adopted Fees and Charges. Note requests for a final inspection must be made with at least five (5) working days notice.