CONDITIONS OF DEVELOPMENT CONSENT

Doc No. #E2016/29106

CONDITIONS OF CONSENT:

Parameters of this Consent

1) Development is to be in accordance with approved plans

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

Plan No.	Description	Prepared by	Dated:
22-17484_C001 Rev D	Drawing Index and Locality Plan	GHD	11/05/15
22-17484_C101 Rev F	General Arrangement	GHD	30/07/15
22-17484_C102 Rev F	Concept Design Typical Sections Sheet 1 of 3	GHD	30/07/15
22-17484_C103 Rev E	Concept Design Typical Sections Sheet 2 of 3	GHD	11/05/15
22-17484_C104 Rev E	Concept Design Typical Sections Sheet 3 of 3	GHD	11/05/15
22-17484_C301 Rev I	Concept Layout Sheet 1 of 7	GHD	31/07/15
22-17484_C302 Rev E	Concept Layout Sheet 2 of 7	GHD	11/05/15
22-17484_C303 Rev E	Concept Layout Sheet 3 of 7	GHD	11/05/15
22-17484_C304 Rev E	Concept Layout Sheet 4 of 7	GHD	11/05/15
22-17484_C305 Rev E	Concept Layout Sheet 5 of 7	GHD	11/05/15
22-17484_C306 Rev E	Concept Layout Sheet 6 of 7	GHD	11/05/15
22-17484_C307 Rev E	Concept Layout Sheet 7 of 7	GHD	11/05/15
15/238/01 to 15/238/12	Concept Landscape Plans – Design Intent and General Notes, Planting Plans (ten sheets) and Notes and Plant Schedule	Design Ink Team	1/06/15
-	Environmental Impact Statement – Byron Bay Bypass and appendixed documents	GHD	January 2016
TJ016-01F02 Noise & Vibration Assessment (r0)	Construction and Operational Noise and Vibration Assessment Report	Renzo Tonin and Associates	3 June 2016
3599R1	Acoustic Review	Noise Measurement Services	6 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.

The following conditions are to be complied with prior to the Commencement of Construction

2) Detailed Engineering Plans

Prior to the commencement of construction, the Proponent shall ensure a detailed engineering plan is prepared and (following approval) implemented. The plans to be in general accordance with the approved plans under Condition No.1 and incorporate the following detail.

a) Each Set of drawings shall be accompanied by a Certification Report which must be signed by a suitably qualified Civil Engineer or Registered Surveyor. The Certification Report will

comprise the certificate and check lists set out in Annexure DQS-A of the Northern Rivers Local Government Development & Design Manuals. The information shown on the drawings shall be logically collected on discrete sheets generally in accordance with Annexure DQS-B and the Sample Drawings of the Northern Rivers Local Government Development & Designs.

b) The Design Plans to demonstrate works are contained wholly within the road reserve and railway corridor crossing with appropriate clearances to property boundaries.
c) The plans to incorporate details for any services including relocated infrastructure. Any proposed relocation water and sewer infrastructure to include details demonstrating
    i) Development Design and Construction Manuals, Northern Rivers Local Government, 2009;
    ii) Development Servicing Plan for Water Supply Services, Byron Shire Council, 2011;
    iii) Development Servicing Plan for Sewerage Services, Byron Shire Council, 2011;
    iv) Fire Flow Design Guidelines, Water Directorate, 2011;
    v) WSAA Codes.
d) The plans to demonstrate compliance with the Section 138 Approval and associated concurrence from Roads and Maritime Service
e) Driveways to be reconstructed as necessary.
f) Street lighting plan consistent with the Visual Consideration and Recommendations by Design Team Ink in the GHD Environmental impact Study dated January 2016.
g) The design to include the following measures to protect rail infrastructure:
    i) The rail crossing to be designed, approved and constructed in full consultation with JHR and in accordance with TfNSW (2014b) Construction of New Level Crossings Policy/Change in Use of a Level Crossing.
    ii) The design to include alternative measures for the crossing should the rail become operational again at any time or required for a Rail Trails projects in the future including the requirement for Council to enter into a Deed Agreement with TfNSW.
    iii) The design to provide ongoing access to the rail corridor for land owner staff and contractor vehicles.

3) Flooding

Prior to the commencement of construction, the Proponent shall ensure that the project does not restrict the flow characteristics of flood waters and **does not increase the level of flooding** on other land in the vicinity. Detailed flood modelling of the proposal must be undertaken during the detailed design stage to confirm the sizing of the proposed culverts, to demonstrate the above criteria and the following.

a) Peak flood affectation — the following scenarios will need to be modelled and assessed
    i) For a range of storm events up to and including the probably maximum flood.
    ii) Different flood mechanisms, including storm surge and local catchment runoff.
    iii) Climate change impacts.
    iv) Cumulative impacts of other proposed developments in the catchment.
    v) For applicability with the preferred drainage strategy for the town centre.
b) Water quality from the proposal meets the relevant guidelines.

4) Stormwater Management Plan

Prior to the commencement of construction, the Proponent shall ensure a detailed stormwater management plan is prepared and (following approval) implemented. Stormwater is to be collected and discharged in accordance with Council's standards, currently Northern Rivers Local Government Development Design & Construction Manuals. The drawings and management plan are to include, but not be limited to, the following items:

a) Catchment plan (included in the drawing set).
b) Measures to allow for the free flow of water from between the Bypass and the Rail Corridor into the Cumbebin Swamp to the west.
c) Stormwater quality must be suitable for discharge in accordance with Council's standards and Northern Rivers Local Government Development Design & Construction Manuals.

d) Proposed treatment measures for any swales and grassed embankments to filter stormwater run-off from the road prior to it entering the receiving environment. The embankments and or swales to be planted using suitable non invasive species.
e) Include details on legal points of discharge as necessary including any easements.
f) Ensure drainage of water toward the rail corridor does not exceed predevelopment levels

The plan is to be consistent with the findings and recommendations of the flood modelling for the bypass.

5) Agreement with Transport for NSW and John Holland Rail

Prior to the commencement of construction, the Proponent to demonstrate that the appropriate agreements are in place between council and Transport for NSW and John Holland Rail for the Rail Crossing.

6) Public Safety Management

Prior to the commencement of construction, the Proponent shall ensure that a Public Safety Management Plan is prepared and (following approval) implemented. This public safety management plan is to include provision for (but not be limited to):

a) pedestrian barriers, alternative footpaths and ramps as necessary;
b) lighting of the alternative footpath between sunset and sunrise;
c) hoardings and fencing around the site;
d) the loading and unloading of construction and materials;
e) parking space for worker vehicles;
f) Removal of any such hoarding, fence or awning as soon as the particular work has been completed.

7) Traffic Management Plan

Prior to the commencement of construction, the Proponent shall ensure that a Traffic Management Plan is prepared and (following approval) implemented. The plans and specifications are to include the measures to be employed to control traffic (inclusive of construction vehicles) during construction of the works. The traffic control plan is to be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'.

The plan shall incorporate measures to ensure that motorists using road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site.

The traffic control plan must be prepared by a suitably qualified and RTA/ RMS accredited Work Site Traffic Controller.

8) Road Dedication, Road Widening's and Acquisitions

Prior to the commencement of construction, the Proponent shall ensure that the two lots on Jonson Street (Lot 8 DP 818197 and Lot 7 DP 258071) and the small area of privately owned land (Lot 6 Section 51 DP 758207) on Browning Street are dedicated as public road, and any other necessary road widenings.

9) Environmental Management System

The Proponent shall appoint construction and, where relevant, operation head contractors that have a demonstrated capability and experience in the implementation of an Environmental Management System prepared in accordance with the AS/NZS ISO 14000 series or BS7750-1994 certified by an accredited certifier and/or has a proven environmental management performance record.

10) Construction Environmental Management Plan

A Construction Environmental Management Plan (CEMP) shall be prepared, following consultation with the EPA, OEH, NPWS, BSC, the Bundjalung of Byron Bay Aboriginal Corp and all relevant utility/service providers. The CEMP shall be prepared in accordance with the Conditions of this Approval, all relevant Acts and Regulations, accepted best practice and in accordance with the suite of measures outlined in Sections 6.4.6 and 8 of the GHD Environmental Impact Study, dated January 2016.

The CEMP must be submitted to Council for approval prior to the issue of the construction certificate for construction works.

The CEMP is to include provisions for the mitigation measures shall:

a) address construction activities associated with all key construction sites, including staging and timing of the proposed works;
b) cover specific environmental management objectives and strategies for the main environmental system elements and include, but not be limited to: flora and fauna; noise and vibration; air quality; water; erosion and sedimentation; access and traffic; property acquisition and/or adjustments; heritage; groundwater; acid sulfate soil management, contaminated spoil, spoil stockpiling and disposal; waste/resource management; flooding and stormwater control; visual screening; landscaping and rehabilitation including weed management; hazards and risks; energy use, resource use and recycling; and utilities; and,
c) address, but not be limited to:
    i) identification of the statutory and other obligations which the Proponent is required to fulfil during project construction including all approvals and consultations/agreements required from other authorities and stakeholders and key legislation and policies which control the Proponent's construction of the project;
    ii) construction activities and processes associated with the relevant construction site(s), including staging and timing of the proposed works;
    iii) length (time) of construction;
    iv) specific hours of operation for all key elements including off-site movements;
    v) locational details of important elements such as: temporary noise barriers; sedimentation basins and facilities; detention basins and/or constructed wetlands; portable offices and amenities; truck, plant and materials storage; access locations; provision of site hoardings etc;
    vi) definition of the role, responsibility, authority, accountability and reporting of personnel relevant to compliance with the CEMP;
    vii) measures to avoid and/or control the occurrence of environmental impacts;
    ix) monitoring, inspection and test plans for all activities and environmental qualities which are important to the environmental management of the project, including performance criteria, specific tests, protocols (e.g. frequency and location) and procedures to follow;
    x) environmental management instructions for all complex environmental control processes which do not follow common practice or where the absence of such instructions could be potentially detrimental to the environment;
    xi) the construction sub plans required under this approval;
    xii) steps the Proponent intends to take to ensure that all plans and procedures are being complied with;
    xiii) consultation requirements with relevant government agencies; and
    xiv) community consultation and notification strategy (including local community, relevant government agencies and BSC), and complaint handling procedures.
    xv) Vibration monitoring of buildings along the route during the construction period with a complaints handling and reporting procedure for any damage that has been potentially caused by construction activities.

The CEMP shall be made publicly available and to be kept on site at all times.

11) Erosion and Sediment Control/ Soil and Water Quality Management Plan

As part of the CEMP, detailed Soil and Water Management Sub Plans shall be prepared in consultation with the EPA, NSW Fisheries, the NPWS and BSC. The Plans shall be prepared in accordance with the Department of Housing's guideline Managing Urban Stormwater - Soils and Construction 1998, and the RTA's Guidelines for the Control of Erosion and Sedimentation in Roadworks. The Plans shall be prepared prior to construction or operation as appropriate. The Soil and Water Quality Management Sub Plans shall contain, but not be limited to:

(a) management of the cumulative impacts of the development on the quality and quantity of surface, including stormwater in storage, sedimentation basins and flooding impacts;
(b) details of short and long-term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters including the exact locations and capacities of sedimentation basins;
(c) detailed erosion and sedimentation controls including a strategy to manage the extent of exposed ground surface during construction;
(d) identification of all potential sources of water pollution and a detailed description of the remedial action to be taken or management systems to be implemented to minimise emissions of these pollutants from all sources within the subject site;
(e) detailed description of water quality monitoring to be undertaken during the pre-construction, construction and operation stages of the project including base line monitoring, identification locations where monitoring would be carried out and procedures for analysing the degree of contamination of potentially contaminated water;
(f) measures to handle, test, treat, re-use and dispose of stormwater, effluent and contaminated water and soil;
(g) procedures for the re-use, treatment and disposal of water from sedimentation basins and constructed wetlands;
(h) measures for the use of water reclaimed or recycled on-site;
(i) contingency plans to be implemented in the event of fuel spills or turbid water discharge from the site; and,
(j) a program for reporting on the effectiveness of the sedimentation and erosion control system against performance goals.

12) Contamination Assessment and Soil Management Plan

Prior to the commencement of any works:

a) Further soil investigations targeting potential contamination sources including areas of fill, illegal dumping of materials, the railway line crossing and current fuel facilities located to the north and south east of the proposal as indicated in the GHD Phase 1 Preliminary Contamination Assessment Report dated October 2015. Groundwater investigations to be also completed if soil impacts are identified; and
b) The proponent is to prepare a contaminated soil management plan as a sub plan to the CEMP to detail excavation, segregation, stockpiling, validation and disposal requirements for contaminated materials. The plan is to include procedures to manage unexpected contamination in accordance with Council's Management of Contaminated Land Policy No. 5.61. The procedures would deal with:
    i) Unexpected contamination finds.
    ii) Any land contamination caused during construction.

    ln the event that indicators of contamination are encountered during construction (such as odours or visually contaminated materials), work in the area would cease until advice on the need for remediation or other action is obtained from an environmental consultant

13) Acid Sulfate Soil

Prior to the commencement of construction, the Proponent shall:

a) Undertake further testing of deeper clays to confirm liming rates
b) Verify pH levels at BH 6 are accurate as indicated within the submitted ASS Assessment
c) prepare a detailed Plan of Management with mitigation measures for the use of fine grained agricultural lime (agLime) on disturbed soil in order to neutralise the actual and potential

acidity present in accordance with the recommendations in the Acid Sulfate Soil Assessment Byron Bay Bypass – Butler Road Upgrade, Coffey, 7 October 2015). The plan to also details on:

i) Monitoring and quantitative verification testing to measure the effective treatment of disturbed material at a rate of no less than 1 test per 250 cubic metres treated material, and at least 1 test per material type.
ii) Construction methods be included to limit the extent of excavation at any one time.
iii) Provision to prevent excavated trenching or works being left open overnight

The Acid Sulfate Soils Management Plan to be included in the CEMP as a sub plan and be implemented during construction.

14) Dewatering Management Plan

Prior to the commencement of construction, the Proponent shall prepare a Dewatering Management Plan (DMP) prepared in accordance with Acid Sulfate Soils Manual 1998 and (following approval) implemented. The DMP must include, but is not limited to;

a) details of management for the disposal of water from dewatering,
b) any measures to be undertaken to mitigate any detrimental impact upon the receiving environment; and
c) Details of a suitably qualified environmental consultant employed to oversee dewatering works must also be outlined in the plan.

Any further approvals for dewatering under the Water Management Act 2000 to be obtained prior to works commencing. The Dewatering Management Plan to be included in the CEMP as a sub plan and be implemented where required during construction.

15) Site Waste Minimisation and Management Plan

Prior to the Commencement of Works, a detailed Site Waste Minimisation and Management Plan shall be prepared as a sub plan to the CEMP. The plan shall specify specific waste management measures to be followed during the construction period by the construction contractor. It shall be consistent with the Waste Avoidance and Resource Recovery Act 2001, and the EPA's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes, and shall identify requirements for waste avoidance, reduction, reuse and recycling. The plan shall provide details of requirements for:

a) handling and stockpiling;
b) disposal of wastes: specifically contaminated soil or water, concrete, demolition material, cleared vegetation, oils, grease, lubricants, sanitary wastes, timber, glass, metal, etc;
c) identifying any site for final disposal of any material and any remedial works required at the disposal site before accepting the material; and
d) Mulching and disposal of green waste.
e) Specific details on:
    i) methods for management of all wastes generated by the project;
    ii) an outline of comprehensive plans of action for key waste streams;
    iii) implementation of the waste hierarchy, including the demand for water, by seeking to avoid waste generation as a priority, the reuse, recycling or reprocessing of waste and, as a last resort, disposal of waste;
    iv) arrangements for waste which cannot be re-used, recycled or reprocessed to be disposed of at a licensed waste disposal facility;
    v) procedures for separating excavation and demolition waste and for identifying destinations for the material;
    vi) the provision of rubbish skips at all construction sites and site compounds and their regular removal or emptying and installation of segregated bins for recyclable materials and provision for material to be reused or recycled wherever possible;
    vii) except where a sewer is available, the discharge of sewerage from site amenities to holding tanks for removal by tankers;
    viii) ensuring that local roads affected by construction remain intact to reduce the need for new paving materials;
    ix) erecting signs within construction sites and site compounds encouraging employees to

reduce, re-use, or recycle wherever possible;

x) the disposal of chemical, fuel and lubricant containers and solid and liquid wastes;
xi) appropriate induction and training of all employees and sub-contractors in the waste hierarchy and the requirements of this plan;
xii) undertaking regular audits of waste management; and,
xiii) keeping of a waste management register of all significant waste collected from construction sites and site compounds for disposal, including amounts, date and time and details and locations of disposal.
xiv) Measures to promote the use of recycled materials including construction and landscape materials. The plan shall detail how the project gives consideration and support to the Government's Waste Reduction and Purchasing Policy. The Plan shall also include details on measures to implement energy conservation best practice.

Any waste material that is unable to be re-used, reprocessed or recycled shall be disposed at a landfill that can legally receive that waste.

16) Aboriginal Cultural heritage

Prior to the commencement of construction, the Proponent shall ensure all relevant staff are trained on the protocols as outlined in the CEMP on managing Aboriginal Cultural Heritage matters and in accordance with the with the provisions of Part 6 of the *National Parks and Wildlife Act 1974.*

17) Landscaping Plan required

Prior to the commencement of construction, the Proponent shall ensure that a Landscape Plan is prepared and (following approval) implemented. Such landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions of Development Control Plan 2014. The landscaping plan must indicate:

a) To be generally in accordance with the approved Concept landscape plans.
b) proposed location for planted shrubs and trees including at least two Norfolk Island Pines to replace the existing pine to be removed.
c) botanical name of shrubs and trees to be planted
d) mature height of trees to be planted
e) location of grassed and paved areas,
f) Planting for swales and road verges
g) location of trees identified for retention in the development application plans;
h) Identification of street furniture, street lighting, pedestrian barriers;
i) The plan is to be prepared by a suitably qualified landscape architect / architect /ecologist who has appropriate experience and competence in landscaping. The design to include consultation with the Byron Aged Care Facility in terms of plant species at the front of their property.

18) Animal fencing

Prior to the commencement of construction, the Proponent shall ensure that an Wildlife Protection Fencing Plan is prepared and following approval implemented for the Southern half of the Bypass from the Glen Villa Resort to Browning Street railway crossing. The plan is to provide fencing to prevent Koalas from crossing the road as indicated in Section 8 of the GHD Environmental Impact Statement.

19) Bio Banking Statement

Other than vegetation within the existing formed section of Butler Street, the proponent shall ensure that removal of additional vegetation on the site is limited to that approved under Biobanking Statement *ID:19* and that area required for the roundabout and associated road verge outside the Biobanking Statement area classified as road reserve and zoned 7(a) Wetlands. All other native vegetation surrounding the site is to be retained and protected.

20) Additional Biobank Credits to be calculated and supplied

Additional Biobank credits are to be calculated sufficient to offset the impact of the roundabout and associated road verge which occurs outside the Biobanking Statement *ID:19.* The calculated credits are to be added to those listed in Conditions of approval for the Bio Banking Statement and must be retired to ensure that the development improves or maintains biodiversity values.
All credits required by the above calculation and Biobanking Statement ID:19 must be retired at the same time.

21) Road Signage Plan

Prior to the commencement of construction the Proponent shall ensure prepare a road signage plan for approval and implementation. The Plan to include normal road signage (speed limits, warning signs etc) plus signage restrictions to prevent car parking, prohibition on overnight camping, and littering along the southern half of the Bypass Route south of the Glen Villa Resort to Browning Street. All regulatory signage to be approved by the Local Traffic Committee.

22) General Terms of Approval

Prior to the commencement of construction, the Proponent shall ensure that the General Terms of Approval and any conditions of concurrence from the State Government Agencies as listed at the end of this consent have been complied with.

23) Statutory Requirements

The Proponent shall ensure that all necessary licences, permits and approvals required for the development of the project are obtained and maintained as required throughout the life of the project.

24) Construction Noise and Vibration Management Plan

Prior to the commencement of construction, the proponent shall ensure a detailed Construction Noise and Vibration Management Plan (CNVMP) be prepared based on the Renzo Tonin and Associates Construction and Operational Noise and Vibration Assessment Report (dated 3 June 2016) and (following approval) implemented. The CNVMP to also include the following measures:

a) Provision for a pre-construction Dilapidation Report is to be prepared detailing the current condition of all adjoining buildings and structure along the route of the Bypass for a distance of up to 30 metres from the edge of the road works. A second Dilapidation Report shall be completed upon completion of the road works to ascertain if any structural damage has occurred to any adjoining building during the construction of the road to facilitate any remediation works that may be required;

b) Noise monitoring to be conducted during the construction phase to enable the CNVMP to be updated and amended to reflect changes to construction methods;

c) A complaints procedure to enable issues to be raised, logged, investigated and where required ameliorative action taken.

The CNVMP to be Incorporated into the CEMP as a sub plan.

25) Noise Mitigation Plan

Prior to the Commencement of Work, the proponent shall ensure a Noise Mitigation Plan is prepared and following approval, implemented. The Plan is to be aimed at addressing the impacts of operational road noise on the following properties considered to be sensitive receivers.

Property	Description
1 Butler Street	The Australian Orthodox Home for the Aged
11 Butler Street	Byron Motor Lodge
52 Butler Street	Residential dwelling
54 Butler Street	Residential dwelling
56 Butler Street	Residential dwelling
58 Butler Street	Residential dwelling

60 Butler Street	Residential dwelling
62 Butler Street	Residential dwelling
68 Butler Street	Residential dwelling
69 Butler Street	Residential dwelling
70 Butler Street	Residential dwelling
71 Butler Street	Residential dwelling
72 Butler Street	Residential dwelling
73 Butler Street	Residential dwelling
74 Butler Street	Residential dwelling
75 Butler Street	Residential dwelling
76 Butler Street	Residential dwelling
77 Butler Street	Residential dwelling
80-86 Butler Street	Glen Villa Resort
2 Burns Street	Residential dwelling
131 Jonson Street	Ruskin House Accommodation
140-142 Jonson Street	Beachside Butter Apartments
Butler Street	Butler Street Reserve

The plan is to be based on the findings and recommendations in Council's Acoustic Review by Noise Measurement Services, Report Number 3599R1 and dated 7 June 2016. The plan to include:

a) A time frame for the resolution of noise matters commencing after the issuing of this development consent and an Operational Noise Management Plan generally in accordance with Appendix A in that document for sensitive receivers;

b) Any *ameliorative measures for heritage items that are required along the Bypass Route, are to be sympathetic to the character of the heritage items and its existing fabric consistent with the heritage conditions*

26) Heritage Management Plan

Prior to the commencement of Work, the proponent shall ensure a Heritage Management Plan is prepared and following approval is implemented. The plan is to include details as listed in recommendations 1 to 13 of the Byron Bay Bypass Historical Heritage Assessment prepared by Virtus Heritage and dated 27 September 2015.

27) Aboriginal Cultural Heritage

Prior to the commencement of construction, the Proponent shall ensure all relevant staff are trained on the protocols as outlined in the CEMP on managing Aboriginal Cultural Heritage matters and in accordance with the with the provisions of Part 6 of the *National Parks and Wildlife Act 1974.*

28) Stakeholder Consultation

A Stakeholder Group be established for the proposed Bypass prior to the Commencement of Works. The following to be invited as a minimum:

- The Park Management Committee for Cumbebin Swamp Nature Reserve
- The Roads and Maritime Service
- Office of Environment and Heritage
- Transport for NSW
- The Bundjalung of Byron Bay Aboriginal Corp (Arakwal)
- Adjoining Landowners to the proposed Bypass Route (maximum of three representatives)
- Byron Aged Care Facility
- Council Officers
- Representatives from the Community and Farmers Market

The purpose of the group to provide information between the applicant and their consultants and the other stakeholders on the work program for the Bypass, traffic management and changed

traffic conditions, and to resolve any unforseen issues as they arise during the construction phase of the development.

The group to meet one month prior to work commencing and every second month during the construction period with communication channels established between the Applicant, their consultants and contractors and the various stakeholders. The group is to be chaired by Byron Shire Councils Project Manager for the Bypass.

29) Management Plans in Place prior to work commencing

The relevant controls or actions as identified in the following plans are to be in place prior to the commencement of works:

a) Stormwater Management Plan
b) Public Safety Management Plan
c) Construction Environmental Management Plan
d) Erosion and Sediment Control/ Soil and Water Quality Management Plan
e) Contaminated Soil Management Plan
f) Acid Sulfate Soils Management Plan
g) Dewater Management Plan
h) Site Water Minimisation and Management Plan
i) Construction Noise and Vibration Management Plan
j) Heritage Management Plan

The following conditions are to be complied with during construction

30) Aboriginal Cultural Heritage

Any Aboriginal objects identified during approved works must be processed through the protocol and procedures to be detailed in the Construction Environmental Management Plan and in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974.*

31) Environmental Monitoring - Construction

The Proponent shall submit to Council reports in respect of the environmental performance of the construction works and compliance with the CEMP and any other relevant conditions of this approval. The Reports shall be prepared six months after the start of construction and thereafter at six monthly intervals or at other such periods as requested by the Council to ensure adequate environmental performance over the duration of the construction works.

The Reports shall be submitted no later than one month after the six month period to which they apply and are to be certified by the Project Manager to confirm that all EMP requirements and Approval conditions have been complied with.

The Report(s) shall include, but not be limited to, information on:

(a) applications for consents, licences and approvals, and responses from relevant authorities;
(b) implementation and effectiveness of environmental controls and conditions relating to the work undertaken;
(c) identification of construction impact predictions made in the EIS and any supplementary studies and details of the extent to which actual impacts reflected the predictions;
(d) details and analysis of results of environmental monitoring;
(e) the number and details of any complaints, including a summary of main areas of complaint, action taken, response given and intended strategies to reduce complaints of a similar nature;
(f) the plan to be adopted for the project to ensure continued compliance over the coming six month period; and,
(g) any other matter relating to the compliance with the conditions of this approval or as requested by Council.

The report(s) shall be provided to the EPA, OEH and BSC, and any other relevant government

agency. The report(s) shall also be made publicly available.

The Proponent shall ensure that it has an internal audit system and that internal audits are undertaken and endorsed by the Project Manager every three (3) months to ensure compliance with the EMP, the conditions of approval and all other relevant licences and approvals. Each audit must be completed within 6 weeks of the end of the 3 month period and be made available to Council upon request.

32) 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.

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) 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.

35) Acid sulfate soils management

All works must be carried out in accordance with the recommendations in the Acid Sulfate Soil Assessment Byron Bay Bypass – Butler Road Upgrade, Coffey, 7 October 2015.
All works to be overseen by a suitably qualified professional with qualifications in Environmental Science / Engineering or equivalent.

36) Air Quality

Construction vehicles using public roads shall be maintained and covered to prevent any loss of load, whether in the form of dust, liquid or soils. Construction vehicles shall be maintained and wheel wash facilities or equivalent shall be constructed at exits points of all unsealed construction sites/compounds to minimise tracking any mud, dirt or other material onto any street which is opened and accessible to the public. In the event of any spillage, the Proponent is required to remove the spilt material within 24 hours.

Water sprays and tankers shall be used to minimise the amount of dust generated, especially on hot, dry, windy days.

37) Dewatering activities

Measures for dewatering activities must be in place as per the requirements of the approved Dewatering Management Plan, or as provided in writing by Council.

38) Protection of Native Trees

All trees nominated to be retained by notation on the approved plans or conditioned as a requirement of the development consent shall be maintained and protected during demolition, excavation and construction on the site in accordance with AS 4970-2009 – Protection of Trees on Development Sites.

The following conditions are to be complied at the completion of Works

39) Bio Banking Statement ID19

Works required under the Bio Banking Statement have been commenced in accordance with the conditions of that approval.

40) Noise Attenuation Measures of Affected Dwelling

Noise attenuation measures for affected dwellings long the route of the Bypass are to be completed in accordance with the Operation Noise Management Plan,

41) Certificates of Completion

A Compliance Report to be provided at the Completion of Works to Council demonstrating compliance with conditions of this approval.

42) Works-As-Executed Plans

Works-as-executed plans, being both hard copy and electronic format, certified by a suitably qualified engineer or a registered surveyor, are to be submitted to Council. As the proposal involves filling of flood prone land, an additional copy of the works-as-executed plan must be submitted detailing the 1% flooding contour.

Concurrence Requirements

SEPP 14 Coastal Wetlands Concurrence Conditions of Consent for DA No. 10.2016.77.1 (Byron Bay Town Centre Bypass)

1. All works to be undertaken in accordance with the mitigation measures listed in *'Section 8.3 Summary of Mitigation Measures'* of the Byron Bay Bypass Environmental Impact Statement January 2016, including preparation and implementation of a Construction Environmental Management Plan (CEMP). The council must ensure that these conditions of consent are not inconsistent with those required by BioBanking Statement 19.

2. To mitigate potential indirect impacts on the wetland arising from changes to water flow associated with construction of the bypass road, flood modelling must be undertaken to develop a baseline for the pre-construction natural water flows to the wetland and the storm water system must be designed to ensure that the pre-construction natural flows to the wetland are maintained such that there is a neutral or beneficial impact on water flows and water quality. The flood modelling and subsequent storm water system design must be provided to the consent authority for approval prior to the commencement of construction.

3. The biodiversity loss from within that part of SEPP 14 Coastal Wetland number 104 not subject to BioBanking Statement 19 is to be quantified using the BioBanking Credit Calculator V4.0 and the BioBanking Assessment Methodology. Once quantified, the number of credits required to offset this additional loss of biodiversity is to be retired along with the credit requirement of BioBanking Statement 19.

4. To mitigate potential operational impacts to flightless fauna, the proponent is to undertake further investigations during the detailed design phase in relation to the incorporation of above-surface culverts into the road structure to facilitate safer fauna movement between the eastern and western portions of the wetland.

5. Stormwater treatment appropriate to the sensitivity of the receiving wetland environment must be undertaken during construction and operation. Consideration should be given to ensuring: no standing water; minimising habitat for cane toads; site specific water quality targets and appropriate water chemistry. Water quality improvement criteria is to be established on the basis of site specific water quality data and the biogeochemical requirements of the receiving wetland environment.

6. The proponent is to undertake further detailed modelling during the detailed design stage of the proposal. The detailed modelling and/or design will need to demonstrate the following:
   a) Peak flood affectation — the following scenarios will need to be modelled and assessed:
      i) For a range of storm events up to and including the probably maximum flood.
      ii) Different flood mechanisms, including storm surge and local catchment runoff.
      iii) Climate change impacts.
      iv) Cumulative impacts of other proposed developments in the catchment.
      v) For applicability with the preferred drainage strategy for the town centre.
   b) Water quality from the proposal meets the relevant guidelines.

8. An Acid Sulfate Soils Management Plan (ASSMP) is to be included as part of the Construction Environmental Management Plan. The ASSMP is to incorporate at least the following actions/measures:
   i. Further testing of the deeper clays to confirm liming rates
   ii. Verification of outlying results from field soil pH sampling
   iii. Detailed mitigation measures to reduce the impact of acid sulfate soil disturbance on wetland habitat.

Sydney Trains (Clauses 84-86 ISEPP)

1. The applicant is to ensure that the proposed railway level crossing over the nonoperational Casino to Murwillumbah railway line between the Butler Street extension and the Browning Street extension will be designed, approved and constructed in full consultation with Transport for NSW (TfNSW) and in accordance with Construction of New Level Crossings Policy (TfNSW 2014b), Protocol for New Level Crossing/Change in Use of a Level Crossing (TfNSW and John Holland Rail), relevant standards and any TfNSW requirements.

2. In the event that the rail corridor becomes operational again in the future, the applicant shall provide and fund alternative requirements to the satisfaction of TfNSW.

3. In the event that the rail corridor is required for the "Rail Trails" project, Council shall provide alternative requirements the satisfaction of TfNSW.

4. Prior to the commencement of works, or the issuing of a Construction Certificate (which ever applies to each circumstance), the Applicant shall undertake the following:

a. Submittal of full construction application to John Holland Rail (acting as the agent for TfNSW) and must comply with John Holland Rail and TfNSW requirements.
b. Enter into an appropriate legal agreement(s) with TfNSW which govern the construction, ongoing installation, operation and maintenance of the Level Crossing on TfNSW land.
c. Obtain any necessary approvals in relation to the works, including Office of Environment and Heritage approvals should the works encroach into the Byron Bay Railway Station and yard group State Heritage Listing Curtilage (refer to Plan attached at Attachment 2).
d. Facilitate for Council (as the Roads Authority) to enter into an Interface Agreement with John Holland Rail.
e. Facilitate for Council (as the Roads Authority) to enter into a Deed Agreement with TfNSW to stipulate the agreed works to be carried out should railway line become operational.
f. Undertake an assessment of the potential contaminants in the rail corridor and possible impact upon construction and spoil disposal;
g. Provide an updated ecological assessment to consider the impacts of vegetation removal (if any) within the rail corridor (as the previous ecological assessment is dated 2001) to the satisfaction of TfNSW;
h. Submit the following documentation to TfNSW for review and endorsement:
    i. Final Geotechnical and Structural reports/drawings that meet TfNSW requirements if required. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the drainage system.
    ii. Final Construction methodology with construction details pertaining to structural support during excavation.
    iii. Final cross sectional drawings showing ground surface, drainage infrastructure, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the drainage system. All measurements are to be verified by a Registered Surveyor.
    iv. Detailed Survey Plan showing the relationship of the proposed developed with respect to the railway line drainage system.

    Any certifications required with respect to the works are to be in accordance with legal documentation executed between the parties.
i. If required by TfNSW, identify via survey or services search rail services along the rail corridor and undertake an assessment of the excavation induced impact on these services, prior to the commencement of new works.
j. Hold current public liability insurance cover for a sum to be determined by TfNSW. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to works the applicant must provide evident of this insurance.
k. Contact TfNSW to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by TfNSW and evidence of the Bond/Bank Guarantee must be provided to TfNSW prior to works commencing.

l. Submit the following items to TfNSW for review and endorsement:
    i. Machinery to be used during excavation/construction.
    ii. Track/vibration monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
    iii. Groundwater monitoring plan.
    iv. If required by TfNSW, a rail safety plan including instrumentation and the monitoring regime.
m. If required by TfNSW, enter into an Agreement with TfNSW, on terms to the satisfaction of TfNSW, for the purpose of ensuring the protection of rail infrastructure facilities and the rail corridor or in connection with the carrying out of any rail functions or operations within the adjoining rail corridor and rail easements and to ensure rail safety. The Applicant is to bear all John Holland Rail and TfNSW costs of entry into any Agreement required by these conditions.
n. Submit A Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works to TfNSW for review and comment on the impacts on rail corridor.
o. If required by TfNSW a plan showing all craneage and other aerial operations for the development and must comply with all TfNSW and JHR requirements. If required by TfNSW or JHR, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all TfNSW's & JHR's requirements.
p. Prior to the commencement of works or at any time during the excavation and construction period as deemed necessary by TfNSW, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from JHR, TfNSW and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by TfNSW.
q. Provide a plan of how future maintenance of any retaining wall (if applicable) along the rail corridor is to be undertaken. The maintenance plan is to be submitted to TfNSW prior to works for TfNSW acceptance.

5. No rock anchors/bolts are to be installed into the rail corridor.

6. Unless advised by TfNSW in writing, the effect of construction induced settlement due to groundwater drawdown (potentially leading to track settlement) is to be avoided at all times.

7. John Holland Rail and TfNSW, and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

8. The Applicant is to submit as-built drawings to TfNSW of all works endorsed by a by a Registered Surveyor.

Consent granted under the Roads Act 1993

The works in the road reserve identified in the following plans are granted consent generally pursuant to Section 138 of the Roads Act 1993.

Plan No.	Description	Prepared by	Dated:
22-17484_C001 Rev D	Drawing Index and Locality Plan	GHD	11/05/15
22-17484_C101 Rev F	General Arrangement	GHD	30/07/15
22-17484_C102 Rev F	Concept Design Typical Sections Sheet 1 of 3	GHD	30/07/15
22-17484_C103 Rev E	Concept Design Typical Sections Sheet 2 of 3	GHD	11/05/15
22-17484_C104 Rev E	Concept Design Typical Sections Sheet 3 of 3	GHD	11/05/15

22-17484_C301 Rev I	Concept Layout Sheet 1 of 7	GHD	31/07/15
22-17484_C302 Rev E	Concept Layout Sheet 2 of 7	GHD	11/05/15
22-17484_C303 Rev E	Concept Layout Sheet 3 of 7	GHD	11/05/15
22-17484_C304 Rev E	Concept Layout Sheet 4 of 7	GHD	11/05/15
22-17484_C305 Rev E	Concept Layout Sheet 5 of 7	GHD	11/05/15
22-17484_C306 Rev E	Concept Layout Sheet 6 of 7	GHD	11/05/15
22-17484_C307 Rev E	Concept Layout Sheet 7 of 7	GHD	11/05/15

Concurrence from NSW Roads and Maritime Services (RMS) was obtained 23 May 2016

This consent is issued by Byron Shire Council, being the road authority, for the above proposed works and/or structures subject to the following conditions:

2) The works shall be carried out in accordance with development consent 10.2016.77.1.
3) Regulatory traffic devices to be referred to Byron Shire Council Local Traffic Committee for advice
4) Pedestrian Sight Distance should be observed in accordance with Austroads Guide to Road Design Part 4A and should be not to be obstructed by vegetation.
5) Sight distance requirements at roundabouts should be observed in accordance with Austroads Guide to Road Design Part 4B.

General Terms of Integrated Development Approval

Fisheries Management Act 1994

1. That prior to requesting a permit under the Fisheries Management Act 1994 the proponent confirm receipt of an approved BioBanking credit statement, and use of those credits in a manner endorsed by OEH. DPI Fisheries note that a BioBanking Statement ID19 has been provided for the subject proposal.

2. That the proponent obtain a permit under Section 198 – 202 of the Fisheries Management act 1994 for dredge and reclamation works or another relevant approval from a State Government public authority (eg OEH, DPI Water) be obtained prior to commencement of the works associated with the reclamation of the wetland (where it satisfied the definition of Key Fish Habitat) for the road construction.

3. Works are carried out in accordance with all applicable requirements of the Blue Book: “Managing Urban Stormwater: Soils and Construction” (4th Edition Landcom, 2004).

4. Environmental safeguards (sediment fencing etc.) are to be utilised during construction / installation of the revetment wall to ensure there is no escape of sediment into the aquatic environment. Erosion and sediment controls must be in place prior to commencing, during and after works, until the site has stabilised.

Section 58 Heritage Act 1977

2. Development must be in accordance with:

i) Drawings by GHD

Dwg No	Dwg Title	Date	Rev
Project Name: Byron Bay Bypass			
22-17484_C301	Concept Layout Sheet 1 of 7	24/05/2016	J
22-17484_C302	Concept Layout Sheet 2 of 7	24/05/2016	F
22-17484_C303	Concept Layout Sheet 3 of 7	24/05/2016	F

ii) Environmental Impact Statement by GHD Pty Ltd entitled *Byron Bay Bypass* – dated January 2016

iii) Historical Heritage Assessment report entitled *Byron Bay Bypass* by Virtus Heritage – dated October 2015.

EXCEPT AS AMENDED by:

ARCHAEOLOGY

3. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected areas(s) based on the nature of the discovery.

4. Should any Aboriginal objects be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage (Enviroline 131 555) is to be notified in accordance with Section 89A of the National Parks and Wildlife Act 1974 (NPW Act). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by the Office of Environment & Heritage.

PROTECTION OF SIGNIFICANT FABRIC

5. All tradesmen and workers on site shall be made aware of the significant fabric in the vicinity of the proposed works.

6. Significant building fabric and elements are to be protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed. A detailed construction methodology for the proposed works is to be produced with a view to avoiding any unwarranted damage to significant elements of the Byron Bay Railway Station and Yard Group.

7. Vibration monitoring, performed by a suitably qualified vibration consultant, is to be performed on all heritage items in the vicinity of the proposed works during construction. In the event that harm to heritage items is identified, vibratory activities are to cease and alternative work methods are to be implemented.

8. A structural survey, condition report and schedule of conservation works is to be completed on the water tower located within the curtilage of the Byron Bay Railway Station and yard group. The structural survey, condition report and construction methodology are to be reviewed by a suitably qualified engineer who is to ascertain whether further mitigation is required to ensure the water tower does not sustain damage from the construction or operation of the proposed road.

9. The structural survey, condition report and schedule of conservation works for the water tower are to the submitted to the Heritage Division for future record.

SECTION 60 APPLICATION

10. An application under Section 60 of the *Heritage Act 1977* must be submitted and approved by the Delegate of the Heritage Council of NSW prior to work commencing.

Heritage Notes/ Advice Please note, in the event that conservation works are required to the water tower or subdivision of land subject to the proposed works, relevant approval under the Heritage Act 1977 must be obtained.

Bio Banking Approval Conditions (OEH)

Schedule 1 - Conditions relating to on-site measures

1. The development to which this Biobanking Statement applies as described in Section 2, must be undertaken in accordance with the following on-site measures:

Construction management at the development site: construction phase

A Construction Environmental Management Plan (CEMP) would be developed for the construction phase of the project, and would be prepared prior to the commencement of construction. The CEMP would include, as a minimum, industry-standard measures for the management of soil, surface water, weeds and pollutants, as well as site-specific measures including the procedures outlined below. The CEMP would be prepared and implemented by the contractor. The proposed measures would include environmental safeguards for protection of nearby vegetation and waterways in accordance with relevant policy documentation and Government guidelines.

The CEMP for the proposal would include the following mitigation measures as a minimum.

- All equipment must be refueled at least 20 metres away from drainage lines or wetlands and all fuel and chemical storages would be bunded.
- An erosion and sediment control plan, which would include:
  - Installation of erosion and sediment control measures prior to construction.
  - Regular inspection of erosion and sediment control measures, particularly following rainfall events, to ensure their ongoing functionality.
  - Restriction of stockpiles to identified construction compounds, in areas of cleared land and exotic grassland and management of these stockpiles to ensure no offsite impacts through dust generation or sedimentation.
  - Areas of bare ground to be stabilised as soon as practicable after construction to minimise the time bare earth is exposed to erosion and weed invasion.
- A vegetation management plan (VMP), which would include (but not be limited to) the following:
  - Delineation and protection of exclusion zones around native vegetation adjacent to the development site.
  - Communication with construction personnel of the conservation value of surrounding habitats and their responsibilities with regards to protecting these habitats during construction.
  - Hygiene procedures to prevent the introduction and spread of pathogens such as Phytophthora and Myrtle Rust in areas of native vegetation. These would include exclusion zones around retained areas of native vegetation and/or provision of machine and footwear wash down stations for all equipment and personnel working in areas of native vegetation.
- A weed management sub-plan to the VMP, including a description of:
  - Type and location of weeds of concern (including noxious weeds) within the subject site.
  - Sensitive receivers (such as native vegetation and waterways) within or adjacent to the subject site.
  - Measures to prevent the spread of weeds, including hygiene procedures for equipment, footwear and clothing.
  - Proposed weed control methods and targeted areas.
  - Weed disposal protocols.
- A fauna management plan, including (but not limited to) the following:
  - A Mitchell's Rainforest Snail management protocol, including pre-clearing surveys for snails and salvage and relocation of any snails and/or suitable shelter sites that are detected in the subject site into areas of adjoining suitable habitat.
  - A fauna management protocol, including pre-clearing surveys for nests or

sheltering terrestrial fauna and rescue and salvage (where possible) of fauna entering the construction site.

- Wildlife would not be handled wherever possible. Construction staff would only handle wildlife in an emergency situation. Uninjured wildlife would be gently encouraged to leave the site by the ecologist/ wildlife specialist. Injured wildlife would be taken to a local wildlife carer or veterinarian for treatment and care if necessary.
- A habitat feature protocol, including pre-clearing surveys for habitat features such as hollow logs and hollow-bearing trees that can be retained or salvaged and placed in adjoining retained vegetation, and protocols for the safe clearing of hollow-bearing trees to ensure no resident fauna are injured.

  Protocols to prevent introduction or spread of chytrid fungus would be implemented following OEH Hygiene protocol for the control of disease in frogs (DECCW, 2008c).

- A pre-clearing protocol which would include, but not be limited to:
  - Clear marking/erection of exclusion fencing around protected vegetation areas and delineation of 'no-go' areas.
  - Targeted pre-clearing surveys in accordance with the Mitchell's Land Snail protocol.

    Pre-clearing surveys would include targeted searches of the subject site for snails and salvage and relocation of any snails and/or suitable shelter sites that are detected. Snails and/or suitable shelter sites would be relocated to appropriate nearby Mitchell's Land Snail habitat. Snail collection and relocation would need to be conducted by appropriately experienced ecologists under a Licence obtained under Section 91 of the TSC Act.

    Inspections of native vegetation for other resident fauna and/or nests or other signs of fauna occupancy.
  - Capture and relocation or captive rearing of less mobile fauna (such as roosting microbats, nestling birds or any injured fauna) by a trained fauna handler and with assistance from Wildlife Information Rescue and Education Service (WIRES) or similar as required.

    Inspection and identification/marking of hollow-bearing trees adjacent to construction footprints to help ensure against accidental impacts.

    Pre-clearing survey would be undertaken by suitably qualified ecologists only.

Construction management at the development site: operation phase

. The proposal detailed design would include signposting and appropriate speed limits to reduce the likelihood of vehicle strikes for native fauna. Other measures to minimise proposal impacts during operation include:

- Council control of noxious weeds within the road reserve to prevent the spread of propagules into retained areas of native vegetation.
- Lighting would be designed to minimise light spill into adjacent areas of native vegetation within the Cumbebin Swamp.

Schedule 2 – Credit Retirement Conditions

General

2.1 The credits set out in Table 1 and as listed under the heading *Species Credit Retirement* below must be retired to ensure that the development to which this Biobanking Statement

relates improves or maintains biodiversity values.

2.2 All credits required by this statement to be retired in respect of the development to which this Biobanking Statement applies must be retired at the same time.

Ecosystem credit retirement conditions

2.3 The specified number of ecosystem credits in Table 1 must be retired to offset the impacts of the development on the Paperbark swamp forest of the coastal lowlands of the NSW North Coast Bioregion and Sydney Basin Bioregion, (NR217) vegetation type indicated on Map 2 in Annexure A to this statement **(Map 2).** The ecosystem credits must be in respect of any one or more of the vegetation types within the IBRA sub-regions listed in Table 1. The credits must be retired before physical work can commence on the development site.

Table 1 Ecosystem credits required for the Paperbark swamp forest of the coastal lowlands of the NSW North Coast Bioregion and Sydney Basin Bioregion, (NR217) plant community type indicated on Map 2

Number of ecosystem credits	74
IBRA sub-region	Murwillumbah (Old- Southeast Hills and Ranges) and any IBRA sub-region that adjoins the IBRA sub-region in which the development occurs
Plant community type(s) that can be used to offset the impacts from development	Paperbark swamp forest of the coastal lowlands of the NSW North Coast Bioregion and Sydney Basin Bioregion, (NR217) Swamp Mahogany swamp forest on coastal lowlands of the NSW North Coast Bioregion and northern Sydney Basin Bioregion, (NR254)

Species Credit Retirement conditions

2.4 The development requires 49 species credits for the Mitchell's Rainforest Snail. The 49 species credits must be retired to offset the impacts of the development on the Mitchell's Rainforest Snail species indicated on Map 3 in Annexure A to this statement **(Map 3**). The species credits must be retired before physical work can commence on the development site.

2.5 The development requires 8 species credits for the Pale-vented Bush-hen. The 8 species credits must be retired to offset the impacts of the development on the Pale-vented Bush-hen species indicated on Map 3 in Annexure A to this statement **(Map 3**). The species credits must be retired before physical work can commence on the development site.

2.6 The development requires 8 species credits for the Black Bittern. The 8 species credits must be retired to offset the impacts of the development on the Black Bittern species indicated on Map 3 in Annexure A to this statement **(Map 3**). The species credits must be retired before physical work can commence on the development site.

2.7 The development requires 37 species credits for the Common Planigale. The 37 species credits must be retired to offset the impacts of the development on the Common Planigale species indicated on Map 4 in Annexure A to this statement **(Map 4).** The species credits must be retired before physical work can commence on the development site.

Notes

Essential Energy
There are high and low voltage overhead and underground powerlines within the proposed route. Any remediation work to be completed by a suitably qualified Accredited Service Provider not at the expense of Essential Energy. It is the responsibility of person/s completing any works around powerlines to understand there safety responsibilities and in accordance with the Workcover publications when working close to electricity infrastructure. This includes ***The code of Practice - Work near Overhead Power lines and Work Near Underground Assets***

Water and Sewer Infrastructure
Design Engineering Consultants to liaise with the relevant Council Staff to coordinate the protection/relocation of any existing water and sewer infrastructure and also the design (sizing/alignment) of any new required water and sewer infrastructure.