**DA 10.2017.201.2 – Villa World Byron P/L**

**MODIFIED CONDITIONS OF CONSENT:**

Note: changes to the wording of conditions are identified by blue underline for additions and ~~blue strikethrough~~ for deletions.

Condition 1 – modify (*The concept erosion and sediment control plans referred to in this condition need to be updated to address the contemporaneous construction of Stages 1B and Stage 2*).

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| 0600 Rev B | Staging Plan | Planit Consulting | 27/8/20 |
| 0610 Rev C | Stage 1 Phase A Plan | Planit Consulting | 27/8/20 |
| 0611 Rev ~~B~~C | Stage 1 Phase B Plan | Planit Consulting | ~~27/8/20~~ 22/10/21 |
| 0620 Rev ~~B~~C | Stage 2 Plan | Planit Consulting | ~~27/8/20~~ 22/10/21 |
| 0630 Rev B | Stage 3 Plan | Planit Consulting | 27/8/20 |
| 0640 Rev C | Stage 4 Plan | Planit Consulting | 27/8/20 |
| 0650 Rev C | Stage 5 Plan | Planit Consulting | 27/8/20 |
| 0660 Rev B | Stage 6 Plan | Planit Consulting | 27/8/20 |

Condition 3 – modify (*To allow Stages 1B and 2 to be constructed simultaneously and to allow discretion for the certifier to as to whether items required by conditions relate to the relevant stage rather than making specific references to individual stages in conditions*).

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| **Staged development**The development is to be carried out in the following stages as per the approved staging plans (Planit Consulting, 0600, Rev B, 27/8/20):**Stage 1-A**: The environmental restoration and enhancement and landscaping works within Stage 1, 6 and 7, including the Ewingsdale Road buffer. This is as referenced in the Rehabilitation Plan – Zone 5 (J5644-505), and is subject to the updated Landscape Plan required by condition 36.**Stage 1-B**: Lots 1 – 18, 29 – 34, 58 - 61 and 146 including all swales and the permanent basin shown as Stage 1 works in Drawings 0610 Rev C and 0611 Rev ~~B~~C, noise/acoustic barriers for lots 1 to 11 and the items detailed at a) and b) below.**Stage 2**: Lots 19 - 28, 35 – 50 including the permanent basin shown as Stage 2 works on Drawing 0620 Rev ~~B~~C.**Stage 3**: Lots 72 – 86 and 147 including all swales shown as Stage 3 works on Drawing 0630 Rev B.**Stage 4**: Lots 51 – 57, 62 – 71 including all swales shown as Stage 4 works on Drawing 0640 Rev C, the Main Drain embellishment works as described by the SWMP (Version E, 27/8/20) and Road 9 construction from the intersection with Road 01 to the boundary with the neighbouring land as shown in Drawing 0304 Rev B.**Stage 5**: Lots 87 – 114 including all swales shown as Stage 5 works on Drawing 0650 Rev C. **Stage 6**: Lots 115 – 145 including all swales shown as Stage 6 works on Drawing 0660 Rev B and noise/acoustic barriers (as identified in the Environmental Noise Impact Assessment (Ref:crgref: 16147 report rev.6 CRG Acoustics 25 August 2020)), subject to the detailed design requested by Conditions 36 and 38, excluding the items detailed at a) below.**Stage 7**: Lots 148 and 149, excluding the items detailed at b) below.The development is to progress sequentially as per the stages above, with the previous stages being complete to Council’s satisfaction prior to works commencing on the next stage. A maximum of one (1) stage may be under construction at any one time with only the following exceptions:1. Stage 6 – Landscaping, vegetation planting, drain embellishment, construction of pathways, cycle ways and other public recreation infrastructure within the Ewingsdale Road buffer area of Stage 6, in accordance with the relevant drawings and plans including Landscape Sections, J5644\_505, J6539\_101, J6539\_102, J6682, Landscape Masterplan, to be carried out during Stage 1-A.
2. Stage 7 – Frog habitat creation and vegetation rehabilitation/enhancement within Stage 7, in accordance with the relevant drawings and plans including the Acid Frog Management Plan (Rev D, 26/8/20), Biodiversity Conversation Management Plan (Version E, 27/8/20) and Drawings J5644\_02, J5644\_03, J5644\_04, J5644\_503, J5644\_504, J6682, SK090, to be carried out during Stage 1-A.
3. Stage 1B and Stage 2 may be constructed simultaneously. A reference to Stage 1B or Stage 2 in the conditions of this consent should be taken to be a reference to the either or both stages where these two stages are constructed simultaneously.

Where roads terminate on stage boundaries, temporary turning heads in line with relevant requirements of the Northern Rivers Design Guides (https://www.byron.nsw.gov.au/Services/Building-development/Plans-maps-andguidelines/Development-Design-Manuals ) and the General Terms of Approval from NSW Rural Fire Service (Schedule 1) are to be provided to facilitate turning for all vehicles.Where conditions are required to be satisfied prior to a particular event, those conditions are the conditions relevant to the works being carried out in the stage. ~~For clarity, if a condition of consent requires a matter to be addressed prior to the issue of a Subdivision Works Certificate and does not specify a stage of development for the issue of that Subdivision Works Certificate, it is taken to be applicable to each separate stage. That is, the condition must be satisfied prior to the issue of a Subdivision Works Certificate for each stage.~~The relevant conditions that are applicable to each stage are the conditions stated as being necessary for the completion of each stage in this consent., or, where pursuant to the issue of a Construction Certificate, the relevant consent authority. |

Condition 10 – modify (*The applicant’s clarification of the definition of “substantially commenced” is supported with the addition of a specific reference to the planting required in the Ewingsdale Road landscape buffer*).

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| **Environmental restoration and enhancement and landscaping works**The environmental restoration and enhancement and landscaping works within Stage 1, Stage 6 and Stage 7, must be substantially commenced prior to the issue of a subdivision works certificate for Stage 1-B. The following must be provided to Council’s Director of Planning (or nominee) to demonstrate compliance with this condition:1. A report detailing the works carried out including supporting evidence and reference to the approved subdivision plans and management plans;
2. In relation to the environmental restoration and enhancement works, certification of substantial commencement by a suitably qualified and experienced ecologist; and
3. In relation to the landscaping works, certification of substantial commencement by a suitably qualified and experienced landscape architect.

Note: For the purposes of this condition, “substantially commenced” means all ‘trees’ and ‘small trees/shrubs’ under the updated and approved VMP have been planted in all rehabilitation zones and all ‘trees’ and ‘shrubs’ under the amended and approved Landscaping Plan have been planted in the Ewingsdale Road landscape buffer. ~~proposed planting of vegetation and specified restoration and enhancement works have been completed.~~ |

Condition 16 – modify (*It is agreed with the applicant that the groundwater monitoring duration requirement in this condition duplicates and is inconsistent with that specified in condition 11 and should be deleted*).

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| **Groundwater monitoring**Prior to the issue of Subdivision Works Certificates for each stage of works that involves bulk earthworks, a suitably qualified and experienced hydrogeologist is to nominate locations of new monitoring wells to monitor the groundwater levels during the proposed earthworks.The results from previous stage monitoring wells are to be provided to Council with commentary from the hydrogeologist relating to the groundwater levels and any mitigation measures or amendments required for future stages of works to ensure the groundwater is appropriately managed.~~The monitoring of groundwater is to be continuous throughout the works from the commencement of Stage 1-A until 6 months after the completion of Stage 7.~~This information is to be provided in the updated Groundwater Management Plan as required by condition 11. |

Condition 26 – modify (*Addition of construction traffic limits and monitoring has been recommended to address the potential increase in construction traffic from the simultaneous construction of Stages 1B and 2*).

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| **Construction Traffic Management**Prior to the issue of a Subdivision Works Certificate for each stage, a Construction Traffic Management Plan (CTMP) specific for the proposed works is to be provided. The CTMP must address as a minimum:1. Construction traffic volumes/ day, as well as providing a commitment to a maximum number of truck movements on site per day the maximum size (length) of trucks and a program to monitor and report this to Council. The volume of trucks calculated must include both import of fill material and export of unsuitable materials, as well and all other traffic movements expected throughout the construction of the relevant stage of works;
2. Planned construction routes and site entry points;
3. Pedestrian and vehicle movement plan for the public;
4. Hours of work;
5. Noise and vibration;
6. Dust mitigation; and
7. Flora and fauna protection.

As a minimum, the CTMP is to commit to the following measures to reduce the impacts of construction traffic on Ewingsdale Road:1. Schedule the works involving the greatest volume of truck movements outside of school holiday or public holiday periods;
2. Carrying out works only as per the approved working hours;
3. The haulage route for trucks to be to/from the Pacific Highway and to avoid the Byron Bay town centre; and
4. Trucks entering the site are not to exceed 10 trucks in any 1-hour period, or 5 trucks during the period 8.00 am to 9.00 am.

~~The CTMP is to commit to carrying out works only as per the approved working hours and not carry out works in school holiday or public holiday periods.~~ The CTMP is to commit to weekly monitoring of construction traffic movements during any phase of work which is predicted to involve more than 10 trucks per day entering or leaving the site. For the duration of those works, the following must be recorded daily:1. The total number of construction traffic movements relates to the works (not including private vehicles transporting construction workers to the site);
2. The number of vehicle movements relates to importing fill to the site;
3. The number of vehicle movements relating to exporting unsuitable/excess material from the site;
4. Any construction traffic incidents; and
5. Any construction traffic complaints.

The CTMPs ~~provided for Stages 1 and 3~~ must address the proposed vehicle and pedestrian movements on Melaleuca Drive and show how residents on this road can safely gain vehicular and pedestrian access to, and from, Ewingsdale Road while the works are underway. |