

Draft Conditions of Consent
DA No. 5.2024.26.1

BUILDING WORK
GENERAL

Development in accordance with plans

1. The development being carried out shall be substantially in accordance with following as endorsed with Council's approval stamp, and the supporting documents submitted with the application, except where amended by the following conditions.

Plan Description	Drawn by	Drawing No.	Date
Site Plan	Raunik	4.1	25/01/2024
Level 1 Ground	Raunik	4.2	25/01/2024
Level 2	Raunik	4.3	25/01/2024
Level 3	Raunik	4.4	25/01/2024
Roof	Raunik	4.5	25/01/2024
Module Types	Raunik	4.6	25/01/2024
Unit types	Raunik	4.7	25/01/2024
Elevations N+E	Raunik	4.8	25/01/2024
Elevations S+W	Raunik	4.9	25/01/2024
Section A	Raunik	4.10	25/01/2024
Section A1	Raunik	4.11	25/01/2024
Section B	Raunik	4.12	25/01/2024

In the event of any inconsistency between conditions of this approval and the drawings/documents submitted as part of the application, the conditions of this approval prevail.

Condition reason: *To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information.*

BCA compliance

2. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

Condition reason: *To ensure BCA compliance.*

General

3. All works, services, facilities and / or public utility alterations required by this approval or stated conditions whether carried out by Council or otherwise, shall be at the proponents expense and at no cost to Council.

Condition reason: *To provide adequate services for the development (EPA Act Sec 4.15(c))*

BEFORE BUILDING WORK COMMENCES

Prior to Commencement

4. **Works must not commence** on the site in connection with this Notice of Determination until: Detailed plans and specifications of the building work have been endorsed with a Construction Certificate issued by:
 - i. the consent authority (Council); or

- ii. an *Accredited Certifier*; and
- (a) The person having the benefit of the development consent has:
 - i. appointed a *Principal Certifier* for the building work, and
 - ii. notified the *Principal Certifier* that the person will carry out the building work as an owner-builder, if that is the case, and
- (b) The *Principal Certifier* has, no later than two (2) days before the building work commences:
 - i. notified the consent authority and the *Council (if the council is not the consent authority)* of his or her appointment, and
 - ii. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) The person having the benefit of this Notice of Determination, if not carrying out the work as an owner builder, has:
 - i. appointed a *Principal Contractor* for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the *Principal Certifier* of such appointment, and
 - iii. unless that person is the *Principal Contractor* notified the *Principal Contractor* of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

Documentary evidence confirming the above statutory requirements have been satisfied must be submitted to *Council* not less than two (2) days before any commencement of approved works.

Condition reason: *To ensure compliance with legislative requirements.*

Construction fencing

- 5. A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works—
 - (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - (b) could cause damage to adjoining lands by falling objects, or
 - (c) involve the enclosure of a public place or part of a public place.

Condition reason: *To ensure public safety.*

Erosion and sediment controls in place

- 6. **Before any site work commences**, the principal certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).

Reason: *To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.*

- 7. **Prior to the commencement of demolition work and any native vegetation removal works**, all existing native trees and areas of native vegetation not identified for removal in the approved Tree Removal & Protection Plan shall be clearly identified and protected from damage as described in the approved plan.

In accordance with *AS 4970-2009 Protection of trees on development sites*, the following measures are to be implemented:

- Establishment of Tree Protection Zone/s (TPZ);
- Fencing of TPZs that meets *AS 4687-2007 Temporary fencing and hoarding*.
- Erecting signage to indicate that a TPZ has been established
- Restricting construction activities within the TPZ.
- Native trees and vegetation may be fenced off in clusters where it is not practical to fence off individual trees.
- Within the Vegetation Protection Zone, there is to be no:
 - Fill, trenching, excavation, storage of equipment, materials, liquid or chemical waste;
 - Washing of machinery, equipment or tools (e.g. paint brushes and concreting tools);
 - Damage or cutting of tree roots greater than 50 mm in diameter without a qualified Arborist's assessment of effects on retained trees anchorage and health.

Condition reason: *To ensure that native trees and vegetation are protected during works and that the structural integrity of native trees and vegetation is retained.*

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Dilapidation Report

8. **Prior to the issue of any Construction Certificate**, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the principal certifier.

Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier, that all reasonable steps were taken to obtain access to the adjoining properties.

No less than 14 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.

The proponent shall bear the cost of all restoration works to the road reserve that is damaged during the course of this development. A dilapidation survey of the road reserve along the frontage of the property and extending to the neighbouring properties, must be submitted to the principal certifying authority **prior to the issue of any Construction Certificate**.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the proponents interest for it to be as full and detailed as possible.

Condition reason: *To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.*

Construction Management Program

9. **Prior to the issue of any Construction Certificate** a Construction Management Plan must be prepared and submitted to Council for the development by a suitably qualified professional/s. The plan shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicles;
- (b) The proposed phases of construction works on the site, and the expected duration of each construction phase;

- (c) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
- (d) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, and the erection of any part of the structure within the site. Mobile cranes (if required) shall be located wholly within the site;
- (e) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (f) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- (g) The proposed method of support to any excavation adjacent to adjoining properties, or the existing road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;
- (h) Proposed protection for Council assets and adjoining properties and;
 - (i) Traffic management plan prepared in accordance with the Austroads guidelines
 - (j) A Soil Erosion and Sedimentation Control Plan (SECP), the SECP must consider and be in accordance with the Managing Urban Stormwater-Soils and Construction - 4th Edition (blue book).
 - (k) Details of bulk earthworks to be carried out;
 - (l) The location of site storage areas and sheds;
- (m) The equipment used to carry out works;
- (n) The location of a garbage container with a tight-fitting lid;
- (o) A Construction Noise Management Plan - all noise generated by demolition and construction activities must be managed in accordance with the Interim Construction Noise Guideline, DECC July, 2009.
- (p) A Dust Management Plan – the plan must identify control practices that will be implemented during the construction sequence to ensure dust emissions are managed in accordance with good environmental practice.
- (q) A Vibration Management Plan - the plan must identify control practices that will be implemented during the construction sequence to ensure vibration emissions are managed in accordance with good environmental practice.
- (r) The location of temporary toilets;
- (s) Waste Management Plan
- (t) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - i) AS 4970 – Protection of trees on development sites;
 - ii) An applicable Development Control Plan;
 - iii) An arborist's report approved as part of this consent

All work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Plan (CMP). A copy of the approved CMP, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request. The CMP must remain in place until all development activities have been completed and the site has been adequately stabilised, revegetated or landscaped.

The Site Supervisor/s and their 24-hour contact details must be included in the CMP once they are determined. A sign displaying the contact details of the supervisor/s must be displayed on the site adjacent to the site access.

The CMP must be developed and include maintenance and auditing/accountability systems.

Condition reason: *To ensure appropriate measures have been considered during all phases of the construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community.*

Unexpected Finds – Contaminated Land

10. **Prior to the issue of any Construction Certificate**, An Unexpected Finds Protocol shall be submitted to the certifier that addresses how any unexpected or suspicious materials with the potential to be wastes or relate to contamination will be managed. Should these materials be discovered, all sitework must cease immediately. No works shall be undertaken until the required investigations have been completed and any permits or approvals obtained where required.

Condition reason: *To ensure unexpected finds are managed appropriately to protect health and safety.*

External lighting

11. **Prior to the issue of any Construction Certificate**, plans detailing external lighting must be prepared by a suitably qualified person. The lighting plan must be consistent with the approved plans and documents, and the following requirements:
- a) comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting
 - b) lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and
 - c) external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.

The lighting plan must be submitted to the certifier.

Condition reason: *To protect the amenity of the local area*

Noise Management

12. **Prior to the issue of any Construction Certificate**, plans detailing acoustic measures must be prepared by a suitably qualified person. The acoustic plan must be consistent with the approved plans and documents and the following requirements:
- a) Noise sources including but not limited to air conditioning units, lift motors and ventilation units must not give rise to offensive noise or have adverse impacts on the amenity of surrounding properties; and

The acoustic plan must be submitted to the certifier.

Condition reason: *To protect the amenity of the local area.*

Professional Engineering details

13. Engineering plans, details and specifications (including required site classification/geotechnical reports) for structural footings, slabs, framework, retaining walls and any other structural elements within the building prepared by an appropriately qualified engineer shall be provided to the satisfaction of the *Certifier*, **prior to the issue of any Construction Certificate**.

Condition reason: *To ensure that the Certifier is provided with sufficient information to enable determination of the Construction Certificate.*

Drainage

14. The proponent shall make satisfactory provision for stormwater to be directed through piped drains that are constructed in accordance with *Australian Standard AS3500 Plumbing and Drainage Part 3: Stormwater Drainage*. All roof water from any proposed building, surface water from paved areas and water from the internal raised planter shall be directed to a Council approved drainage system. All piped drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the proponent. Design plans are to be submitted to and approved by the Council **prior to the release of any Construction Certificate**.

Condition reason: *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 4.15(b))*

Retaining Walls

15. **Prior to the issue of any Construction Certificate** a qualified practising structural engineer shall provide the Certifying Authority with a design certification for any proposed retaining walls in the development. Any proposed retaining wall shall be constructed wholly within the lots. No retaining wall shall be constructed upon the road reserve.

Condition reason: *To ensure the development is constructed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 4.15(b))*

Roads Act Approval

16. **Prior to the issue of any Construction Certificate**, separate approval under section 138 of the *Roads Act 1993* for all the works upon the public road shall be obtained. For this approval, full design plans of the proposed engineering works required upon the public road shall be submitted to and approved by Council. Plans shall include details of works required to satisfy the conditions of this consent. Such plans shall be accompanied with the fee, as adopted at the time of the payment as indicated in Council's Fees and Charges.

Condition reason: *To ensure an adequate road network in accordance with adopted standards can be provided. (EPA Act Sec 4.15(a)) and to specify requirements for approval under section 138 of the Roads Act.*

Pedestrian Pathway

17. **Prior to the issue of any Construction Certificate** plans showing a 1.5m wide concrete pathway along the McDermott Avenue frontage of the site that leads around to the pedestrian entrance on Phillip Street shall be provided to the Certifying Authority. All designs shall be in accordance with Council's Development, Design and Construction Manuals (as amended).

Condition reason: *To ensure adequate and safer movement of pedestrians along a public road. (EPA Act Sec 4.15C(b))*

Water and Sewer

18. **Prior to the issue of any Construction Certificate** the proponent shall lodge an application under s68 of the *Local Government Act 1993* and obtain approval from Council for the construction of water supply and sewerage works to serve the proposed development.

Notes:

- a) *The proponent shall not commence any water supply and sewer works without having first obtained approval from Council and received stamped approved plans for the proposed*

development construction works.

- b) The application form shall be accompanied by an application and inspection fees commensurate with the development proposal in accordance with Council's current schedule of fees and charges at the time of lodgement.*
- c) Such an application will require lodgement of full engineering design plans by a suitably qualified Engineering Consultant to a standard suitable for construction purposes in accordance with the Northern Rivers Local Government Design and Construction Manual for water supply and sewerage and Council's standard drawing for water service layouts.*
- d) The Design Engineer shall obtain a water main pressure Certificate issued by Lismore City Council prior to undertaking any pipeline design work.*

Condition reason: *Condition imposed by Council in accordance with s68 of the Local Government Act.*

Landscaping Plan

19. **Prior to the release of any Construction Certificate** the Applicant is to submit to Council for approval a detailed Landscape Plan. The plan shall be prepared by a suitably qualified landscape architect or landscape designer and is to and be generally in accordance with the following guidelines:

- *Lismore City Council (2007) Landscape Guidelines for Lismore City Council*
- Use a vegetation selection that provides privacy but also mindful of retaining long term solar access for both residence and adjoining properties
- Landscaping plans shall indicate:
 - proposed location for planted shrubs and or trees
 - mature height of plants to be planted
 - description of proposed soil and mulch mediums to be used
 - location of grassed areas
 - location of paved areas
- Landscaping for the entire site is to be compliant with Table 7.4a of Planning for Bush Fire Protection 2019, except increased canopy within the central courtyard is permitted provided the remaining aspects of the landscape plan comply with Appendix 4 of Planning for Bush Fire Protection 2019, particularly in relation to plantings and management of the under-storey.

The planted area is to be free of weeds and grasses prior to planting. New plantings are to be mulched, watered, and protected from damage. Where possible, the plant stock is to be propagated from seed sourced locally.

Condition reason: *To compensate for the removal of the native vegetation from the land and the loss of amenity and biodiversity that the vegetation provided.*

Native Vegetation Removal and Protection

20. **Prior to release of any Construction Certificate** the Applicant is to submit to Council for approval a comprehensive *Tree Removal and Protection Plan* for all trees marked to be retained in the biodiversity assessment, (*Blackwood Ecological Services, Project No: 2323 Final v3, 8 March 2024*) including the clear accurate identification of all trees that are to be retained and all the trees that are proposed to be removed, must be provided in a table that includes:

- Tree unique identifier, Species name, Common name, Location, Preferred Koala Food Tree, Hollow bearing trees, Diameter at Breast Height (DBH), Calculated AS4970-2009 Standard Tree Protection Zone.
- All trees within the development footprint including any APZ must be individually identified with a unique number on a map.
 - Staging in which the vegetation clearing will be undertaken.
 - Measures to prune in accordance with the *AS 4373-2007 Pruning of amenity trees*.
 - Measures for the reuse and or appropriate disposal of vegetative material.

Condition reason: *To ensure that native vegetation removal is kept to a minimum. To ensure that the structural integrity of native trees and vegetation is retained. To ensure that pruning works are carried out in accordance with AS 4373-2007 Pruning of amenity trees.*

21. **Prior to release of any Construction Certificate** details are to be submitted detailing how the waste storage area will be provided with external ventilation.

Condition reason: *To ensure sanitary conditions.*

22. **Prior to the issue of the Construction Certificate** details pertaining to an electric vehicle charging station in the resident car park shall be submitted to the principal certifier.

Condition reason: *To service to the present and future needs of the occupants.*

DURING BUILDING AND DEMOLITION WORK

Demolition of structures

23. All demolition work is to be carried out in accordance with the provisions of *Australian Standard AS 2601: 2001 - The Demolition of Structures* and the relevant requirements of SafeWork NSW and the *Work Health and Safety Regulation 2017*.

The proponent shall also observe the relevant guidelines by NSW Environment Protection Authority (EPA) and SafeWork NSW.

Condition reason: *To protect workers, the public, and the environment.*

Site Sign

24. (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited;
 - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (2) Any such sign must be maintained while to building work or demolition work is being carried out but must be removed when the work has been completed.
- (3) This condition does not apply to building works being carried out inside an existing building.

Condition reason: *Prescribed – Statutory.*

Native vegetation removal

25. **During tree clearing works** the Applicant is to ensure that:

- Pruning work is completed by a fully qualified and insured Arborist (AQF level 3 qualifications as a minimum).
- Pruning work is undertaken in accordance with the *AS 4373-2007 Pruning of amenity trees*;
- Tree clearing works are to be conducted in such a way as to ensure surrounding native vegetation, structures and boundary fences on the same or adjoining lots are not damaged;
- The currency of all insurances is to be checked by the Applicant before work commences;

The applicant will receive two copies of the consent, one to be retained by the Applicant and one to be given to the contractor engaged to carry out work.

Condition reason: *To ensure that the structural integrity of native trees and vegetation is retained. To ensure that pruning works are carried out in accordance with AS 4373-2007 Pruning of amenity trees.*

Hours of work

26. The hours of work for any noise generating construction activity of the proposed development are to be limited to the following time restrictions:

Monday to Friday - 7.00am to 6.00pm
Saturday - 8.00am to 1.00pm

No noise generating construction activities are to take place on Sundays or public holidays.

Reason: *To protect the amenity of the surrounding area.*

Surveys by a registered surveyor

27. While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:
- a) All footings / foundations in relation to the site boundaries and any registered and proposed easements
 - b) At other stages of construction – any marks that are required by the principal certifier.

Reason: *To ensure buildings are sited and positioned in the approved location.*

Prohibition on Use of Pavements

28. Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand) and a suitable sign to this effect shall be erected adjacent to the street alignment.

Condition reason: *To ensure public safety and amenity on public land.*

Waste Management (fill and spoil)

29. All waste material removed from or imported to the site is managed in accordance with the following requirements:

All excavated material removed from the site has been classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility.

All fill material imported to the site must be:

- Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*, and/or
- A material identified as being subject to a resource recovery exemption by the NSW EPA.

All VENM or waste-derived fill material subject to a resource recovery exemption must be accompanied by documentation as to the material's compliance and must be provided to the Principal Certifier or Council on request.

Condition reason: *To ensure waste is not contaminated and is safe for future occupants.*

Sediment and Erosion

30. Sediment control measures must be put into place and be properly maintained to prevent soil erosion and the transport of sediment from the site to natural or constructed drainage lines or water courses. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Sediment control fencing must be completely removed once the site is adequately revegetated.

Reason: *To minimise soil erosion and sedimentation.*

Drainage

31. All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.

Reason: *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 4.15(b)).*

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Contributions

32. Payment of contributions levied under Section 7.11 of the Environmental Planning and Assessment Act and Lismore Contributions Plan 2014 are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the **Construction Certificate is granted**. The rates and amounts applying at the date of this notice, totalling **\$24,177.63**, are set out in the schedules for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All levies, fees, contributions, bonds etc. shall be paid **prior any Occupation Certificate being granted**.

The levies are those applicable as at date of original consent. If these levies are not paid within twelve (12) months of the date of original consent, the rates shall then be increased on an annual basis in accordance with the prevailing Australian Bureau of Statistics Consumer Price Index and the Producer Price Index, as applicable at the time of payment.

The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

If the contributions set out in the schedule, or part thereof, are to be met by the dedication of land or other approved Material Public Benefit, then the Applicant will pay to Council the GST (defined below) applicable to the value of land dedicated or (Material Public Benefit) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

GST means any tax levy charge or impost under the authority of any GST Law (as defined by the GST Act) and includes GST within the meaning of the GST Act.

The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

Reason: *To provide funds for the provision of services and facilities identified in Lismore City Council's Section 7.11 Contributions Plan 2014 as required by the increased population or activity. (EPA Act Sec 94)*

Vehicular Access

33. **Prior to the issue of any Occupation Certificate** the construction of the vehicular access associated with this development must:

- (a) be constructed so that any surface water is disposed of without causing a nuisance to adjoining owners;
- (b) be a minimum 6.0m in width and sealed from the edge of McDermott Avenue to the property boundary.
- (c) meet the requirements of this consent and Council's Design and Construction Specification for Vehicular Access;
- (d) Submit a certificate of compliance with the above requirements from an appropriately qualified and experienced person shall be provided **prior to the issue of any Occupation Certificate**.

Reason: *To ensure compliance with applicable construction standards and adequate access to and from the development. (EPA Act Sec 4.15(c))*

Line Marking

34. **Prior to the issue of any Occupation Certificate** all off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate.

A certificate prepared and certified by an appropriately qualified person for the construction of these areas in accordance with this requirement shall be submitted to the Certifying Authority

Reason: *To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles.*

Rectification

35. **Prior to the issue of any Occupation Certificate** the redundant vehicular access on Phillip Street shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate. All costs shall be borne by the person acting on this consent.

Reason: *To facilitate vehicular access to private sites, without disruption to pedestrian and vehicular traffic, and the preservation of on street parking spaces.*

Certificate of Compliance

36. **Prior to the issue of any Occupation Certificate**, a Certificate of Compliance issued by Lismore City Council under s.305-307 of the Water Management Act 2000, must be obtained in relation to contributions payable.

Notes:

- a) *The Certificate of Compliance confirms that all contributions levied under s.64 of the Local Government Act have been paid and existing infrastructure has the capacity to service the proposed development.*
- b) *There is a schedule attached to the end of this notice that details the Water and Sewer Contributions applicable to this development that must be paid prior to the issue of the Compliance Certificate.*
- c) *If the proposed development requires public water/sewer infrastructure works, those requirements will need to have been completed in accordance with conditions of this consent or under a separate approval under s.68 of the Local Government Act 1993.*
- d) *An application under s.305 of the Water Management Act 2000 must be made (the form is available on Council's website) and the applicable application fee paid in order for a Compliance Certificate to be issued.*

Reason: *To ensure compliance with the statutory requirements of the Local Government Act and Water Management Act in relation to the provision of water and sewer infrastructure to service the development.*

Water and Sewer

37. **Prior to the issue of any Occupation Certificate** the waste room as shown on the plans shall be provided with a water connection (tap fixture) and appropriate floor drainage.

Reason: *To ensure adequate services to the waste room.*

38. **Prior to the issue of any Occupation Certificate** all works and services in accordance with an approval issued under s68 of the Local Government Act for water supply and sewerage works in accordance with the corresponding Subdivision Works Certificate for the respective stages shall be complete.

Reason: *Condition required by Council to ensure that the land subject to this development consent notice is provided with Utility services for dwelling construction.*

Certification of acoustic measures

39. **Prior to the issue of any Occupation Certificate**, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report approved under this consent.

Condition reason: *To protect the amenity of the local area*

40. **Prior to the issue of any Occupation Certificate**, upon the agreement of the owner of 3 Philip Street, the development is to provide a 1.8m high lapped and capped timber fence along the southern boundary (on top of the retaining wall) of the development.

Condition reason: *To protect the amenity of the local area*

Landscaping Plan

41. **Prior to the issue of any Occupation Certificate** all landscaping works on the site are to be completed in accordance with the stamped approved landscaping plan.

Condition reason: *To ensure appropriate landscaped area and landscaping amenity at the final inspection is in accordance with the approved plan.*

Restrictions on Occupation of Affordable housing

42. **Prior to the issue of any Occupation Certificate** a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, limiting the use of all accommodation for affordable housing as defined in *State Environmental Planning Policy (Housing) 2021*;

The development housing must be exclusively available to very low, low and moderate income households, or a combination of the households. A household is taken to be a very low income household, low income household or moderate income household if—

- (a) the household—
- (i) has a gross income within the following ranges of percentages of the median household income for Greater Sydney or the Rest of NSW—
 - (A) very low income household—less than 50%,
 - (B) low income household—50–less than 80%,
 - (C) moderate income household—80–120%, and
 - (ii) pays no more than 30% of the gross income in rent, or
- (b) the household—
- (i) is eligible to occupy rental accommodation under the National Rental Affordability Scheme, and
 - (ii) pays no more rent than the rent that would be charged if the household were to occupy rental accommodation under the Scheme.

This restriction is to apply for a period of at least 15 years commencing on the day an occupation certificate is issued. The development is to be managed by a registered community housing provider also for a period of at least 15 years.

Note: In this condition—

Greater Sydney means the area that the Australian Bureau of Statistics determines from time to time to be the Greater Sydney—Greater Capital City Statistical Area.

National Rental Affordability Scheme has the same meaning as in the National Rental Affordability Scheme Act 2008 of the Commonwealth.

Rest of NSW means the area that the Australian Bureau of Statistics determines from time to time to be the Rest of NSW—Greater Capital City Statistical Area.

Condition reason: Required by Clause 15 of *State Environmental Planning Policy (Housing) 2021*.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Landscaping Plan

43. The landscaping and vegetation must be managed at all times in accordance with the stamped approved landscaping plan prepared for the site.

Condition reason: To ensure that all landscaping measures prescribed in the approved landscape plan are maintained in perpetuity by the owner/s of the property.

Mechanical Plant - Location and Acoustic Treatment

44. All air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of Council's General Manager or delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

Condition reason: To ensure operational noise levels do not unreasonably impact on the amenity of adjoining and nearby premises.

Must be used for affordable housing for at least 15 years

45. The subject development has been approved as affordable housing under the provisions of State *Environmental Planning Policy (Housing) 2021*. Therefore, 100% of the residential accommodation provided by this development will be exclusively available for affordable housing for a period of at least 15 years commencing on the day an occupation certificate is issued.

Affordable housing must be made available to very low, low and moderate income households, or a combination of the households. A household is taken to be a very low income household, low income household or moderate income household if—

- (a) the household—
- (i) has a gross income within the following ranges of percentages of the median household income for Greater Sydney or the Rest of NSW—
 - (A) very low income household—less than 50%,
 - (B) low income household—50–less than 80%,
 - (C) moderate income household—80–120%, and
 - (ii) pays no more than 30% of the gross income in rent, or
- (b) the household—
- (i) is eligible to occupy rental accommodation under the National Rental Affordability Scheme, and
 - (ii) pays no more rent than the rent that would be charged if the household were to occupy rental accommodation under the Scheme.

The development is to be managed by a registered community housing provider also for a period of at least 15 years.

Note: In this condition—

Greater Sydney means the area that the Australian Bureau of Statistics determines from time to time to be the Greater Sydney—Greater Capital City Statistical Area.

National Rental Affordability Scheme has the same meaning as in the National Rental Affordability Scheme Act 2008 of the Commonwealth.

Rest of NSW means the area that the Australian Bureau of Statistics determines from time to time to be the Rest of NSW—Greater Capital City Statistical Area.

Reason: to comply with the requirements of *State Environmental Planning Policy (Housing) 2021* and to ensure consistence with what has been approved.

ADVISORY NOTE

NSW Police Force

- Surveillance - Promote visibility and surveillance opportunities around the premises by keeping sightlines clear of obstructions, such as overgrown vegetation, placement of garbage bins, and any other items that may provide concealment areas and impact the sightlines of residents, pedestrians and motorists.
- Surveillance – Ensure that passive surveillance is incorporated within the design/layout to ensure adequate natural surveillance of the internal communal area/courtyard by residential guardians within the complex.
- Surveillance – Ensure surveillance opportunities are considered in the design or type of door or gate used to secure the vehicle entrance to the carpark. Utilise a door or gate that is of a visually permeable construction so that residents can see through the door or gate at the time they are entering or leaving the garage.
- Lighting - Installation of adequate external lighting around the proposed exterior of the buildings, entry/exit points and the carpark.

- Lighting - Ensure that lighting used does not produce glare or dark shadows and be orientated to illuminate potential threats or suspects accessing the location rather than impede those that may be within the proposed development observing or looking out.
- Lighting - Ensure that damaged lighting both internally and externally is repaired or replaced in a timely manner.
- Wayfinding - Signage. Entry/Exit points should be clearly marked, as well as street number and individual unit numbers.
- Wayfinding - Directional signage to be provided. The signage is to be clear, legible and useful, to aid way finding throughout the development.
- Territorial reinforcement - Ensure the rapid removal of graffiti and/or repair of any damage to the premises which may be visible to members of the public.
- Access Control - Installation of quality locksets on all entry/exit points as well as on all doors and windows of individual units.

Table A

Local Government Act - Section 64 Contributions

The developer shall pay to Council all Water and Sewerage levies deemed necessary by Council and in accordance with Section 64 of the Local Government Act 1993. The rates and amounts applying at the date of this notice, totalling **\$110,596.11**, are set out below for your information. Such levies shall be paid, as required by Council, prior to being issued with a Section 307 - Certificate of Compliance.

Charges are levied to provide funds for the provision of services and facilities identified in Lismore City Council's and Rous County Council's Development Servicing Plans (DSP) as required by an increase in population or development activity (Water Management Act 2000, Sec 306).

Levy Area	Account No.	No. of ET's	Cost Per ET	Amount Payable	Amount Payable (with Policy 5.2.33 Discount)
Water and Sewerage Development Servicing charges are levied under Section 306 of the Water Management Act 2000 and amounts payable are set out below.					
Water Supply					
Urban Reservoir Zone – Lismore Water	503	4.98	\$1,687	\$8,401.26	\$4,200.63
Rous County Council (Except Nimbin)	509	4.98	\$9,951	\$49,555.98	\$49,555.98
Sewerage Services – East Lismore Catchment					
Lismore Sewer	507	8.5	\$13,374	\$113,679	\$56,839.5
Total				\$171,654.24	\$110,596.11

IMPORTANT TO NOTE

The rates and amounts shown against the various items above are **indicative only** and are the rates applicable as at date of this Notice and remain valid for three (3) months in the case of Lismore City Council.

Development Servicing Plans are reviewed periodically. The charges nominated in the respective DSP for each Network Utility Operator increase by CPI each year for the life of the plan.

Lismore Council and Rous County Council DSP charges are the adopted Development Servicing Charges per Equivalent Tenement (ET) current at the time of payment multiplied by the assessed number of ET's for the development.

The cost per ET is in accordance with the relevant DSP as at the date of this Notice.

Levies Correct – checked by Accounting Finance Officer

Total levies at current rates (actual amount to be calculated when final plan submitted).

LISMORE CITY COUNCIL

DEVELOPMENT CONSENT NO: 5.2024.26.1

ADDRESS: 5 McDermott Avenue GOONELLABAH, 7 McDermott Avenue GOONELLABAH, 1 Phillip Street GOONELLABAH

IMPORTANT TO NOTE

The rates and amounts shown against the various items below are those applicable as at date of assessment. If these levies are not paid within twelve (12) months of the date of original consent, the rates shall then be increased on an annual basis in accordance with the prevailing Australian Bureau of Statistics Consumer Price Index and Producer Price Index as applicable at the time of payment (refer to the Lismore City Council Section 94 Contribution Plan).

To be read in conjunction with advice of development consent.

The levies imposed by Condition No. 32, as contributions towards the cost of meeting the increased demand for public facilities and amenities, that will be required to meet the needs of the incoming population of Lismore. It applies to the Lismore Local Government Area **excluding North Lismore Plateau**.

The following Levies are charged under Section 7.11 of the Environmental Planning and Assessment Act 1979 and amounts payable are set out below.

Levy Area	Receipt No.	11 x 2 Bedroom/s	1 x 1 Bedroom	Amount Payable
Community Services and Facilities				
Residential (Urban)	715	1757.91	79.91	1837.82
Public Domain Facilities				
Residential (Urban)	723	6609.46	300.43	6909.89
Open Space and Recreational Facilities				
- Tucki Tucki Creek				
- Residential (Urban)	727	682.55	31.02	713.57
- Lismore Park				
- Residential (Urban)	729	2310.22	105.01	2415.23
Cycleway Facilities				
Residential (Urban)	678	7798.67	354.48	8125.15
Urban Traffic Management Facilities				
Residential (Urban)	682	25674.22	1167.01	26841.23
Stormwater				
Residential (Urban)	731	429.33	19.52	448.85
Section 94 Plan Administration				
Residential (Urban)	690	1017.28	46.24	1063.52
Total				48355.26
Affordable and Diverse Housing Incentives Policy 50% Discount				\$24177.63

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