

ATTACHMENT 1

PART A: CONDITIONS THAT IDENTIFY APPROVED DEVELOPMENT

Development in accordance with plans

1. The development must be implemented in accordance with the plans and supporting documents set out in the following table, except where modified by any conditions of this consent.

Description	Author	Reference	Version	Date
20.09.10 Final SEE	Newton Denny Chapelle	230490		August 2024
Norther Rivers BTR Apartment Plan Types DA01	St Clair Architecture	202404		16/9/2024
Northern Rivers BTR Architectural DA set Rev A	St Clair Architecture	202404		13/9/2024
Northern Rivers BTR Area Schedule DA01	St Clair Architecture	202404	DA01	16/9/2024
Northern Rivers BTR DA Architectural Design Report DA01	St Clair Architecture	202404	DA01	16/9/2024
Northern Rivers BTR DV Statement & ADG Assessment DA01	St Clair Architecture	202404	DA01	13/9/2024
Northern Rivers BTR External Finishes Schedule DA01	St Clair Architecture	202404	DA01	13/9/2024
DA Report NR BTR Landscape DA I	Sprout Studio		REV A	12/9/2024
DA1-2405 Landscape Plan I	Sprout Studio	2405	I	12/9/2024
DA2-2405 Landscape Planting Plan I	Sprout Studio	2405	I	12/9/2024
DA3-2405 Landscape Elevations I	Sprout Studio	2405	I	12/9/2024
DA4-2404 Landscape Sections I	Sprout Studio	2405	I	12/9/2024
DA5-2405 Landscape Site Calculations I	Sprout Studio	2405	I	12/9/2024
ADP20240909 SYD2993 BTR Northern Rivers Stormwater Management Report	ADP Consulting	SYD2993	REV 02	11/9/2024
ADP20240909 SYD2993 BTR Northern Rivers, East Lismore Stormwater Diversion Report	ADP Consulting	SYD2993	REV 02	11/9/2024
ADP20240910 SYD2993 BTR Northern Rivers Infrastructure Review [03]	ADP Consulting	SYD2993	REV 03	10/9/2024
230490 – Preliminary Engineering Assessment Report – BTR Site B(3)	Newton Denny Chapelle	230490	REV B	April 2024
BBNE00385_0003-MEM-001-0-Lismore Development Capacity	Engeny		REV 0	
304570107 Landcom Northern-Rivers BtRBeotech Factual Issue 2024-04-08	Stantec Australia Pty Ltd	304570107	Rev 0	22/3/2024

304570107 Landcom Northern-Rivers BtR Geotech Interp Issue rev1 2024-04-11	Stantec Australia Pty Ltd	304570107	Rev 1	11/4/2024
240904 BCA High Level Review of Class 2 units Lismore Revision 5	AXIS Building Certification	14825/DA stage/05	Rev 5	4/9/2024
Lismore City Council Development Application EDC Northern Rivers BTR Landcom R0	Landcom			17/9/2024
Northern Rivers BTR R0 Estimated Development Cost 280824	RPS Group	280824	R0	28/8/2024
Arboriculture Impact Assessment Report Rev Sept 16	Northern Tree Care	2427	Version 16 Sept 2024	16/9/2024
144-146 Military Rd Lismore FFA V2 updated	Eco Logical Australia	24COF8282	V2	16/9/2024
10312 144 146 Military Road, 221 Crawford Road East Lismore – SOHI R12	Heritage 21	10312	Issue 3	16/9/2024
Detailed Contamination Site Investigation BTR Site Crawford Land 13062024	Melaleuca Group Pty Ltd		Revision C	13/6/2024
RemedialActionPlan BTR Site CrawfordLand 25072024	Melaleuca Group Pty Ltd	Report Number: 24/015	Revision B	25/7/2024
230490-SU-DS-01-F detail (SHEET 1) Surveying	Newton Denny Chapelle	230490	Revision F	
P6520.003R Northern Rivers BTR TIA Traffic	BITZIOS Consulting	P6520	Version 003	16/9/2024
138-146 Military Road East Lismore BTR – Waste Management Plan (130924)	MRA Consulting Group		V1	13/9/2024
ADP 20240807 SYD2993 BTR Lismore Noise Impact Assessment	ADP Consulting	SYD2993	Revision 02	7/8/2024
ADP 20240830 SYD2993 BTR Northern Rivers BASIX Package 01	ADP Consulting	SYD2993	Revision 01	30/8/2024
BASIX Certificate	ADP Consulting			29/8/2024
Landcom Lismore DD Report v1	Kelleher Nightingale Consulting Pty Ltd	Ref. 2329	Version 0.1	15/3/2024
East Lismore build-to-rent Engagement Summary Report – August 2024	Landcom			23/8/2024

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents must be kept on site at all times while work is being undertaken.

Reason: To ensure that the approved development is undertaken is in accordance with this determination.

Design Amendments

2. The design of the development must be modified as set out in the following table. Amended plans and specifications incorporating the following design amendments must be incorporated in the plans and specifications submitted with the application for a Construction Certificate:

Design Amendment	Reason for Amendment
The approved Landscape Planting Plan must be revised to remove the non-endemic Alexandria Palm (<i>Archontopheonix alexandrae</i>) and substitute with the endemic Bangalow Palm (<i>Archntntopheonix cunninghamiana</i>).	<i>The Alexandria Palm (Archontopheonix alexandrae) is a recognised weed in the Northern Rivers.</i>

PART B: OPERATIONAL CONDITIONS

Building Code of Australia

3. All building work 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.

This condition does not apply to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Reason: Prescribed condition pursuant to Section 4.17(11) of the *Environmental Planning and Assessment Act 1979*, and Section 69 of the *Environmental Planning and Assessment Regulation 2021*.

Contract of Insurance for Residential Building Work

4. In the case of residential building work for which a contract of insurance is required under the *Home Building Act 1989*, Part 6, such a contract of insurance must be in force before building work authorised to be carried out by this consent commences.

Reason: Prescribed condition pursuant to Section 4.17(11) of the *Environmental Planning and Assessment Act 1979*, and Section 69 of the *Environmental Planning and Assessment Regulation 2021*.

PART C: CONDITIONS TO BE COMPLETED PRIOR TO CROWN CERTIFICATE

Civil & Geotechnical Engineering

5. Prior to the issue of any Crown Certificate, engineering details for all proposed civil works relevant to the stage, including foundation, cut and fill, retaining walls, driveway and car parking area pavement, etc., must be provided to the Crown certifier. All engineer's details must be prepared by an appropriately qualified, experienced and practicing civil engineer in accordance with Council's *Development Control Plan* and adopted Engineering Standard.

Prior to the issue of any Crown Certificate, geotechnical reporting and certification must be provided the Crown certifier. The geotechnical reporting and certification must ensure, at a minimum:

- proposed civil engineering works, including retaining walls, have been assessed as structurally adequate and confirm via detailed settlement assessment;
- proposed works will not be affected by landslip either above or below the works;
- proposed works will not be affected by subsidence either above or below the works; and
- adequate drainage has been proposed to ensure the stability of the proposed works.

All geotechnical reporting and certification must be prepared by an appropriately qualified, experienced and practicing geotechnical engineer in accordance with Council's *Development Control Plan* and adopted Engineering Standard.

Reason: To ensure the development is in accordance with Council's adopted engineering standards.

Roadworks

6. Prior to the issue of any Crown Certificate, approval under Section 138 of the *Roads Act 1993* must be obtained from Council for all works within the road reserve, as shown on the approved plans. These works must include:

- a) Widening of Military Road to minimum width of 13m for the full frontage of the site, matching the existing road width to the south. Such widening must include kerb and gutter; underground stormwater drainage; pavement construction; sealing and service adjustments; etc..
- b) Footpaths along both street frontages, shall have a minimum width of 1.5m;
- c) Stormwater diversion works either on Crawford Road for the full frontage of the site (in accordance with Drawing Number CE101, Revision C, Job Number SYD2993 by ADP Consulting Pty Ltd, dated 11/9/2024), or an alternative design approved by Council.

Note: Council's preference is for stormwater designs to be fully piped rather than utilizing open drainage swales.

The Section 138 application must include engineer's details from an appropriately qualified civil engineer, and must be designed in accordance with Council's adopted Engineering Standard and Council's *Development Control Plan*.

The proponent shall be responsible for all maintenance costs, for a period of six months from the date that Council acknowledges completion of the work.

Reason: *Compliance with Section 138 of the Roads Act 1993. To ensure the development is in accordance with Council's adopted engineering standards.*

Stormwater Infrastructure

7. Prior to the issue of any Crown Certificate, stormwater drainage engineering details for stormwater drainage systems to convey stormwater throughout the development must be provided to the Crown certifier. All stormwater must be designed by an appropriately qualified engineer, in accordance with *Australian Rainfall and Runoff*, Council's adopted Engineering Standard; Council's *Development Control Plan*; and *AS/NZS 3500 - Plumbing and Drainage, Part 3: Stormwater Drainage*.

Stormwater diversion works must be carried out either on Crawford Road for the full frontage of the site (in accordance with Drawing Number CE101, Revision C, Job Number SYD2993 by ADP Consulting Pty Ltd, dated 11/9/2024), or an alternative design approved by Council.

Where stormwater infrastructure is required over adjoining properties, appropriate easements must be in place and/or owner's consent for those properties must be obtained.

Reason: *To ensure the development adequately caters for stormwater to pre-development flows; does not discharge stormwater into adjoining properties; and is in accordance with Council's adopted engineering standards.*

Water and Sewerage Infrastructure

8. Prior to the issue of any Crown Certificate, engineering details for potable water supply and sewer drainage systems must be provided to the Crown certifier. These engineer's details must demonstrate extension and augmentation of all services as required to service the development.

If essential services (e.g. fire hydrants, hose reels, sprinkler systems, etc.) are required, then hydraulic design plans must be prepared by a suitably qualified and experienced hydraulic consultant. Onsite pressure testing will be required to validate any predicted water model used.

All potable water supply and sewer drainage systems must be designed by an appropriately qualified engineer, in accordance with Council's adopted Engineering Standard; Council's Design and Construction Manuals (as amended); the *Water Supply Code of Australia*; the *Sewerage Code of Australia*; and the *Northern Rivers Local Government Design and Construction Manual for Water Supply and Sewerage Systems*.

Reason: *To ensure the development is adequately serviced with necessary utilities; and is in accordance with Council's adopted engineering standards.*

Advisory Note: No connection to Cast Iron watermain is permitted. Sewer to be connected to SPS16 network. All redundant services will need to be removed and mains reinstated to the satisfaction of Council.

External Lighting

9. Prior to the issue of any Crown Certificate, plans detailing external lighting must be prepared by an appropriately qualified and experienced professional and provided to the Crown certifier, which must:
- a) comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting;
 - b) ensure proposed lighting does not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and
 - c) ensure external lighting does not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.

Reason: To ensure the development is compatible with the environmental, social, and economic values of the locality; is suitable with consideration to the constraints of the site; is compliant with the relevant legislation; and is in the public interest.

Security Plan

10. Prior to the issue of any Crown Certificate, a comprehensive security plan must be prepared by an appropriately qualified and experienced professional, and provided to the Crown certifier, which must:
- a) ensure and promote visibility and surveillance opportunities a landscape maintenance plan is to be developed to ensure landscaping is maintained to prevent it becoming overgrown.
 - b) landscaping plans are to be reviewed and ensure landscaping plants in areas along pathways and other areas used by the residential guardians consist of low-lying plants to ensure open sightlines and reduction of concealment areas.
 - c) suitable details in relation to the installation of a quality CCTV system in those areas that are deemed common, or public/shared spaces, including the car park are to be provided. The installed CCTV cameras should be placed in areas to capture a person's face and be of sufficiently high resolution to discern facial features and clothing details. Details to ensure that the CCTV cameras can be accessed for Police if required and be remotely monitored by an onsite guardian and/or a reputable security company.
 - d) lighting plans are to be prepared to ensure there is adequate lighting along common pathways and throughout the shared common areas.
 - e) lighting plans are to be prepared to ensure the installation of adequate external lighting around the proposed exterior of the buildings, entry/exit points, common areas and the carpark.
 - f) lighting plans are to be prepared to ensure that lighting utilised 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.
 - g) access control measures are to ensure surveillance opportunities are considered in the design or type of door used to secure the vehicle entrance/exit to the carpark/garage. Utilise a door that has panels of a visually permeable construction so that residents can see through the door at the time they are entering or leaving the garage. Ensure pedestrian access to the garage is via locked gate or door.
 - h) suitable details are to be provided to ensure all ground level entry/exit access to the complex buildings is restricted to complex guardians/residents only or their guests and that access is via intercom and or key.
 - i) details of directional signage are to be provided. The signage is to be clear, legible, and useful, to aid way-finding throughout the development.

Reason: To ensure the development is compatible with the environmental, social, and economic values of the locality; is suitable with consideration to the constraints of the site; is compliant with the relevant legislation; and is in the public interest.

Waste Storage and Collection

11. Prior to the issue of any Crown Certificate, details of waste storage and collection must be provided to the Crown certifier. These waste storage details must detail how the waste storage area will be provided with external ventilation and have adequate access to water for cleaning.

Reason: To ensure the development is compatible with the environmental, social, and economic values of the locality; is suitable with consideration to the constraints of the site; is compliant with the relevant legislation; and is in the public interest.

Long Service Levy

12. Prior to the issue of any Crown Certificate, a Long Service Levy must be paid to the Long Service Payments Corporation, pursuant to Section 34 of the *Long Service Payments Act 1986*.

If you find it more convenient, this payment may be made to Council, and we will forward it to the Long Service Payments Corporation on your behalf.

PART D: CONDITIONS THAT MUST BE SATISFIED PRIOR TO ANY COMMENCEMENT

Dilapidation Report

13. Prior to the commencement of any works, a dilapidation survey of Council's assets must be prepared by a suitably qualified person and submitted to Council. This dilapidation survey must include photographs and written record of all infrastructure in the vicinity of the proposal, to the satisfaction of Council.

Reason: To ensure the protection of existing built public infrastructure. To ensure the development is suitable with consideration to the constraints of the site; is compliant with the relevant legislation; and is in the public interest.

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

Construction Management Plan

14. Prior to the commencement of any works, a Construction Management Plan must be provided to the Crown certifier. This Construction Management Plan must be prepared in accordance with Council's *Development Control Plan*, and must address the construction impacts on surrounding roads and properties, including:

- a) Scope of Works
Including the duration of construction period and days/hours of operation; phases of the works; number of employees and sub-contractors; etc.
- b) Noise & Vibration
Including that noise and vibration generated by tools; construction vehicles; plant & equipment; explosives/blasting; etc., and measures to mitigate all such impacts at all nearby sensitive-receivers; etc.
- c) Air Quality
Including dust suppression; measures to limit airborne pollutants; preventing dust from migrating across boundaries in quantities that would cause nuisance at neighbouring properties and/or public spaces; etc.
- d) Stormwater Management
Including erosion and sediment controls in accordance with the Managing Urban Stormwater: Soils and Construction (the 'Blue Book'); Council's adopted engineering standards; etc.
- e) Waste Management

Including waste minimisation measures; storage and separation of construction waste; final method of disposal (e.g., identify authorised waste transfer location); management of human waste; etc.

- f) Construction Traffic
Including identification of haul routes; vehicle types; volumes and timing of construction traffic over the construction periods, etc. Construction traffic must be timed to prevent conflict with sensitive land-uses (e.g., avoid school zones during school drop-off and pickup hours; tourist areas during holiday periods; etc.). Method of loading and unloading all machinery and construction materials within the site; etc.
- g) Public Space Interface
Including management of all operations and hoardings within road reserves and other public spaces, so as not unduly interfere with pedestrian and vehicular movements within streets and other nearby premises; maintain access to nearby properties; etc.
- h) Dilapidation Evidence
Including identification and photography of all roads, footpaths, and other public assets along the haul routes and in the vicinity of the construction site; analysis of the current quality of all such assets, with attention to existing damage/faults; etc.

The approved Construction Management Plan must be complied with for the duration of the works.

Reason: *To ensure the development is compatible with the environmental, social, and economic values of the locality; is suitable with consideration to the constraints of the site; is compliant with the relevant legislation; and is in the public interest.*

Erection of Signage

15. Prior to the commencement of any building work, a sign must be erected in a prominent position at the frontage to the site:
- (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

The sign must be maintained while the building work is being carried out. The sign must be removed when the work has been completed.

Reason: *Prescribed condition pursuant to Section 4.17(11) of the Environmental Planning and Assessment Act 1979, and Section 70 of the Environmental Planning and Assessment Regulation 2021.*

Unexpected Finds Protocol

16. Prior to the commencement of any works, an Unexpected Finds Protocol must be provided to the Crown certifier. This Unexpected Finds Protocol must address 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.

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

PART E: CONDITIONS THAT MUST BE COMPLIED WITH DURING BUILDING WORK

Shoring of Adjoining Properties

17. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) Protect and support the building, structure or work from possible damage from the excavation; and
- b) Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: *Prescribed condition pursuant to Section 4.17(11) of the Environmental Planning and Assessment Act 1979, and Section 74 of the Environmental Planning and Assessment Regulation 2021.*

Operational Requirements

18. Work must be carried out in a safe and professional manner. Work must not interfere with public amenity, cause damage to nearby property, or unreasonably impact upon the environment. In particular:

- a) Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises, can only occur:

- i) Monday to Friday, from 7:00am to 6:00pm.

- ii) Saturday, from 8:00am to 1:00pm.

No noise generating construction work is to take place on Sundays or Public Holidays.

- b) Construction noise must be in accordance with the *Protection of the Environment Operations Act 1997*, and the *Construction Noise Guideline (NSW Environment Protection Authority, 2020)*.
- c) Construction vibration must be in accordance with *Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006)*.
- d) Erosion and sediment controls must be maintained throughout the construction, in accordance with Landcom's *Managing Urban Stormwater: Soils and Construction - Volume 1* (the 'Blue Book'), until the site has been stabilised by permanent vegetation or hard surface.
- e) Dust from the site must be controlled so as not to result in a nuisance at neighbouring properties.
- f) The approved waste management plan as per Construction Management Plan shall be complied with.
- g) All waste must be disposed of by transfer to an authorised waste transfer facility. Until transferred to an authorised waste transfer facility, all waste must be contained on the site in a bulk waste storage area/enclosure. Burning of waste, cleared vegetation, or any other item on site is prohibited.
- h) Building materials must be delivered directly onto the property. Road reserves and public reserves must be maintained clear of building materials, rubbish, etc. Hoardings must only be erected within the road reserve in accordance with an approval granted by Council under Section 138 of the *Roads Act 1993*.
- i) Construction traffic must not track earthen materials into the road reserve. Shakers (or the like) must be used where this is likely to occur.
- j) Adequate toilet facilities must be provided on (or near) the site.

Reason: *To ensure the development is compatible with the environmental, social, and economic values of the locality; is suitable with consideration to the constraints of the site; is compliant with the*

relevant legislation; and is in the public interest.

Tree Removal, Protection, and Landscaping

19. Removal of vegetation must only be carried out in accordance with the approved plans and documents, including:
- a) tree removal must be supervised by an Arborist (AQF level 3 qualifications).
 - b) Tree Protection must be provided to the remaining trees in accordance with the Arborist Report and AS 4970-2009 - *Protection of Trees on Development Sites*. No damage is to be caused to any surrounding vegetation or structures; and
 - c) Clearing supervision must be undertaken by experienced and qualified ecologists / fauna spotter catchers for any nests or key habitat features requiring removal.

Reason: *To ensure the development is compatible with the environmental values of the locality; is suitable with consideration to the constraints of the site; and is compliant with the relevant legislation.*

PART F: CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO ISSUE OF ANY CROWN COMPLETION CERTIFICATE

Subdivision to be registered

20. Prior to the issue of any Crown Completion Certificate, the subdivision of Lot 3 & 4 in DP 365665, Lot 21 in DP 1124244, and Lot 474 in DP755718 in accordance with development approval DA24/95 (5.2024.95.1) Deposited Plan Reference: 230490_REPORT by Anthony John Denny must be completed and registered with the NSW Land Registry Services. A copy of the registered Deposited Plan must be submitted to Council.

Reason: *To ensure the orderly development of the land in accordance with the Environmental Planning and Assessment Act 1979.*

EV Charging Infrastructure

21. Evidence shall be provided to the Crown Certifier confirming appropriate provisions are provided to all car-parking spaces within the development to allow for future connections for electric vehicle charging stations.

Reason: *To ensure the development is compatible with the environmental, social, and economic values of the locality; and is in the public interest.*

Completion of Works

22. Prior to the issue of any Crown Completion Certificate, the Crown certifier must ensure:
- a) that all requirements of this consent (including as shown on the approved documents; the conditions of this consent; and all subsequent associated approvals) have been completed; and
 - b) for all public works, works-as-executed documentation for all relevant works must be submitted to the satisfaction of Council. The works-as-executed documentation must be certified by a suitably qualified engineer / registered surveyor. This submission must include copies of all computer aided design (CAD) electronic files for all final drawings, in the file format required by Council. This submission must include all test certificates, owner's manuals, warranties and operating instructions, mechanical and/or electrical plant, engineer certification, etc. This submission must include a certificate from a registered surveyor which certifies that all pipelines, structures, access driveways and/or services are located wholly within the relevant easements.

Reason: *To ensure the development is compatible with the environmental, social, and economic values of the locality; is suitable with consideration to the constraints of the site; is compliant with the relevant legislation; and is in the public interest.*

Street Addressing

23. Evidence of written confirmation from Council confirming the addressing of the property in accordance with the *NSW Address Policy and User Manual*, and installation of clearly-identifiable addresses on and within the building/s as such must be provided to the Crown Certifier prior to any Crown Completion Certificate.

Reason: *To ensure the development is compatible with the environmental and social values of the locality. To ensure the development is in the public interest.*

Title Instruments

24. Prior to the issue of any Crown Completion Certificate, the following Section 88B and/or 88E Instruments must be registered on the land title:

Item for Inclusion	Details of Item
Restrictions on Occupation of Affordable Housing	<p>In accordance with section 88E of the <i>Conveyancing Act 1919</i>, the creation of instruments limiting the use of 20% of the accommodation/units for affordable housing as defined in <i>State Environmental Planning Policy (Housing) 2021</i>.</p> <p>20% of the developments 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—</p> <p>(a) the household—</p> <p>(i) has a gross income within the following ranges of percentages of the median household income for Greater Sydney or the Rest of NSW—</p> <ul style="list-style-type: none"> - very low income household—less than 50%, - low income household—50–less than 80%, - moderate income household—80–120%, and <p>(ii) pays no more than 30% of the gross income in rent, or</p> <p>(b) the household—</p> <p>(i) is eligible to occupy rental accommodation under the National Rental Affordability Scheme, and</p> <p>(ii) pays no more rent than the rent that would be charged if the household were to occupy rental accommodation under the Scheme.</p> <p>This restriction is to apply for a period of at least 15 years commencing on the day the Crown Completion Certificate is issued. The development is to be managed by a registered community housing provider also for a period of at least 15 years.</p> <p>This instrument must list Council as a benefited party, and must burden the subject site and any other relevant parties.</p>
Restrictions on Occupation of Build to Rent Housing	<p>In accordance with section 88E of the <i>Conveyancing Act 1919</i>, the creation of instruments limiting the use of 80% of the accommodation/units for Build to Rent Housing as defined in <i>State Environmental Planning Policy (Housing) 2021</i>.</p> <p>The restriction on user shall detail/provide/require/ensure the development:</p> <p>(a) will not be subdivided into separate strata lots, and</p> <p>(b) will be owned and controlled by 1 person, and</p> <p>(c) will be operated by 1 managing agent, who provides on-site management.</p> <p>This restriction is to apply for a period of at least 15 years</p>

	<p>commencing on the day a Crown Completion Certificate is issued.</p> <p>This instrument must list Council as a benefited party, and must burden the subject site and any other relevant parties.</p>
Stormwater Maintenance	<p>In accordance with section 88E of the <i>Conveyancing Act 1919</i>, the creation of instruments for the maintenance stormwater, including:</p> <p>a) The burdened parties must maintain, inspect, and keep clear all pits, pipelines, trench barriers and other structures associated with the stormwater pump-out system.</p> <p>b) The burdened parties must maintain, inspect, and keep clear all components of and structures associated with the bio retention basin in accordance with the maintenance plan in order to achieve the design system performance targets;</p> <p>c) The burdened parties must have the stormwater pump-out system and the bio retention basin inspected annually by a competent person; and</p> <p>d) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the stormwater pump out system and/or bio retention basin and recover the costs of any such works from the burdened parties.</p> <p>This instrument must list Council as a benefited party, and must burden the subject site and any other relevant parties.</p>

Reason: To ensure compliance with State Environmental Planning Policy (Housing) 2021. To ensure the development is compatible with the social and economic values of the locality. To ensure the development is in the public interest. To ensure the development is in accordance with Council's adopted engineering standards.

Certificate of Compliance

25. Prior to the issue of any Crown Completion Certificate, a Certificate of Compliance pursuant of Sections 305-307 of the *Water Management Act 2000* must be provided to the Crown Certifier.

Reason: Compliance with Sections 305-307 (inclusive) of the *Local Government Act 1993*. To ensure the development is in accordance with Council's adopted engineering standards.

Advisory Note: See Advice below for contribution levies.

Section 7.11 Contributions

26. Prior to the issue of any Crown Completion Certificate, a monetary contribution in accordance with the Schedule of Contributions below must be paid to Council. Alternatively, Council may confirm in writing that satisfactory arrangements have been made for the payment of part or all of the contributions (such as Works in Kind, Planning Agreements, etc.).

The contribution levied below has been assessed pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Development Contributions Plan listed in the table below, and have been levied pursuant to section 4.17(1) of the *Environmental Planning and Assessment Act 1979*.

If the works are staged then the contribution must be paid at an amount proportionate to the works within the scope of the relevant Crown Completion Certificate. Council will provide written advice upon request to confirm the amount payable for an identified stage.

Schedule of Contributions

Note: The first table is applicable to the affordable housing component of the development. The second relates to the build to rent component of the development. Both contribution amounts are required to be paid prior to the issue of any Occupation Certificate and/or Crown Completion Certificate.

Table 1: Affordable Housing Component of the Development

<i>Development Application: DA24/200 - Affordable Housing Units (20% of Units)</i>				
<i>Property Address: 138, 144, 146 Military Road, East Lismore</i>				
<i>CPI/HPI Quarter In Use: June 2024</i>				
<i>Lismore City Council Section 7.11 Infrastructure Contributions Plan 2024 – 2041</i>				
Community Infrastructure Type	Receipt No.	Amount applicable	50% discount applicable while affordable & diverse housing incentives policy is in affect	Amount Payable
Community Facilities				
Residential (All)	1100	\$692.95	-\$346.48	\$346.48
Public Domain				
Residential (All)	1101	\$1,171.39	-\$585.70	\$585.70
Open Space and Recreation Capital				
Residential (Urban)	1103	\$5,812.22	-\$2,906.11	\$2,906.11
Open Space and Recreation Land				
Residential (Urban)	1106	\$271.67	-\$135.84	\$135.84
Walking and Cycling				
Residential (All)	1109	\$4,080.15	-\$2,040.08	\$2,040.08
Traffic Management Capital				
Residential (Urban)	1111	\$19,963.35	-\$9,981.68	\$9,981.68
Traffic Management Land				
Residential (Urban)	1117	\$6,003.37	-\$3,001.67	\$3,001.67
Stormwater				
Residential (All)	1126	\$4,776.74	-\$2,388.37	\$2,388.37
Plan Preparation and Administration				
All	1128	\$1,924.73	-\$962.37	\$962.37
<i>Total</i>		\$44,696.57	-\$22,348.30	\$22,348.27
Total Payable				\$22,348.27

Table 2: Build to Rent Component of the Development

<i>Development Application: DA24/200 - Build to Rent units (80% of Units)</i>		
<i>Property Address: 138, 144, 146 Military Road, East Lismore</i>		
<i>CPI/HPI Quarter In Use: June 2024</i>		
<i>Lismore City Council Section 7.11 Infrastructure Contributions Plan 2024 – 2041</i>		
Community Infrastructure Type	Receipt No.	Amount Payable
Community Facilities		

Residential (All)	1100	\$2,680.52
Public Domain		
Residential (All)	1101	\$4,531.20
Open Space and Recreation Capital		
Residential (Urban)	1103	\$22,482.98
Open Space and Recreation Land		
Residential (Urban)	1106	\$1,050.90
Walking and Cycling		
Residential (All)	1109	\$15,782.92
Traffic Management Capital		
Residential (Urban)	1111	\$77,565.73
Traffic Management Land		
Residential (Urban)	1117	\$23,325.53
Stormwater		
Residential (All)	1126	\$18,477.51
Plan Preparation and Administration		
All	1128	\$7,465.38
Total		\$173,362.67

Reason: Compliance with Section 7.11 and Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979. To retain a level of service for the existing population and to provide the same level of service to the population resulting from new development.

Advisory Note: The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the relevant Development Contributions Plans and any relevant Council Procedures. The amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. The applicable contribution rates for specific dates can be obtained by contacting Council during office hours.

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

Affordable Housing for Fifteen (15) Years

27. The subject development has been approved as Affordable Housing under the provisions of *State Environmental Planning Policy (Housing) 2021*.

Twenty-percent (20%) of the residential accommodation/units provided by this development must be exclusively available as Affordable Housing for a period of at least 15-years. This 15-year period commences on the day a Crown Completion Certificate is issued.

During this 15-year period, this Affordable Housing must be made available to very low income households, low income households, or 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—
 - very low income household—less than 50%,
 - low income household—50–less than 80%,
 - 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 must be managed by a registered community housing provider for the entirety of this 15-year period.

Reason: *To ensure compliance with State Environmental Planning Policy (Housing) 2021. To ensure the development is compatible with the social and economic values of the locality. To ensure the development is in the public interest.*

Build to Rent Housing for Fifteen (15) Years

28. The subject development has been approved as Build to Rent Housing under the provisions of *State Environmental Planning Policy (Housing) 2021*.

Eighty-percent (80%) of the residential accommodation/units provided by this development must be exclusively available as Build to Rent Housing for a period of at least 15-years. This 15-year period commences on the day a Crown Completion Certificate is issued.

During this 15-year period, this Build to Rent Housing:

- a) must not be subdivided into separate strata lots; and
- b) must be owned and controlled by 1 person; and
- c) must be operated by 1 managing agent, who provides on-site management.

Reason: *To ensure compliance with State Environmental Planning Policy (Housing) 2021. To ensure the development is compatible with the social and economic values of the locality. To ensure the development is in the public interest.*

Tandem Car-Parking Spaces

29. All tandem car-parking spaces must be allocated as pairs to a single unit each. The units the subject of such allocation must be the 2-bedroom and 3-bedroom units.

Reason: *To ensure the development is compatible with the social values of the locality; avoids future potential conflicts; and is in the public interest.*

Koala-Safe Yards

30. All fencing through the development must be constructed as koala-proof yards and exclusion-fencing to confine pet dogs, in accordance with Council's *Lismore Development Control Plan 2012*.

Reason: *To ensure koala safety and protection and comply with the Comprehensive Koala Plan of Management for south-east Lismore. To ensure the development is compatible with the environmental values of the locality; is suitable with consideration to the constraints of the site; is compliant with the relevant legislation; and is in the public interest.*

Landscaping Plan

31. All landscaping and vegetation must be maintained in perpetuity.

Reason: *To ensure the development is compatible with the environmental and social values of the locality; and is in the public interest.*

Operational Management Plan

32. An Operational Plan of Management shall be endorsed by Council and provided to the Crown Certifier within 3 months of practical completion of construction works or prior to occupation whichever comes first. This Operational Plan of Management must be prepared in accordance with *State Environmental Planning Policy (Housing) 2021*, and provide for at least the following information:

- Tenancy / Resident Management
- Building Management
- House Rules
- Day to Day Maintenance
- Cleaning

- Waste Management
- Emergency Maintenance
- Cyclical and Planned Maintenance
- Fire Safety
- Safety and Security
- Car Park Access
- Communal Areas
- Feedback and Complaints procedures
- Communal room management measures

This Operational Plan of Management must be complied with in perpetuity of the development.

Reason: To ensure compliance with State Environmental Planning Policy (Housing) 2021. To ensure the development is compatible with the social and economic values of the locality. To ensure the development is in the public interest. To ensure the development is in accordance with Council's adopted engineering standards.

ADVISORY NOTES

Soil Management

- A. During demolition and building work soil removed from or imported to the site must be managed in accordance with the following principles:
- a) All excavated material removed from the site must be classified in accordance with the Department of NSW Environmental Protection Agency's Waste Classification Guidelines prior to disposal to an approved waste management facility and reported to the Principal Certifier.
 - b) The only fill material that may be received at the development site is:
 - i) Virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); and/or
 - ii) Any other waste-derived material the subject of a resource recovery Exemption under Clause 91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material, excluding waste tyre.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions, which must be provided to Council or any other public authority on request. Any waste-derived material that does not qualify for resource recovery exemption must not be received at the development site for any reason.

Aboriginal Cultural Heritage

- B. All earthmoving contractors and operators should be instructed that, in the event of any bone, or stone artefacts, or discrete distributions of shell, being unearthed during earthmoving, work must cease immediately in the affected area, and the Local Aboriginal Land Council and officers of the National Parks and Wildlife Service, informed of the discovery. If the discovery is bone, or appears to be human remains, then NSW Police are also to be informed of the discovery. Work must not recommence until the material has been inspected by those officials and permission has been given to proceed. Those failing to report a discovery and those responsible for the damage or destruction occasioned by unauthorised removal or alteration to a site or to archaeological material may be prosecuted under the *National Parks and Wildlife Act 1974*.

Air Conditioning

- C. All air conditioning system(s) must be selected, sited, installed and be operated to ensure offensive noise is not created at any time.

Note: It is recommended that system(s) be sited to minimise impact on adjoining residential premises and be managed in accordance with the requirements of the *Protection of the Environment (Noise Control) Regulation 2017*.

Section 64 Contributions

- D. This consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained. A pre-requisite of obtaining a Certificate of Compliance for this development, is payment of Water and Sewerage levies in accordance with Section 64 of the *Local Government Act 1993*. The rates and amounts applying to this development, at the date of this notice, are set out in the Schedule of Contributions below.

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

Schedule of Contributions – Building 1

Levy Area	Account No.	No. of ET's	Cost Per ET	Amount Payable	Amount Payable Subject to Discount Policy (5.2.33)
Water Supply					
Urban Reservoir Zone – Lismore Water	503	4.32	\$1,767.79	\$7,636.86	\$3,818.43
Rous County Council (Except Nimbin)	509	4.32	\$10,350	\$44,712.00	\$44,712.00
Sewerage Services					
Lismore Sewer	507	6.5	\$14,019.1	\$91,124.14	\$45,562.07
Total				\$143,473.00	\$94,092.50

Schedule of Contributions – Building 2

Levy Area	Account No.	No. of ET's	Cost Per ET	Amount Payable
Water Supply				
Urban Reservoir Zone – Lismore Water	503	15.10	\$1,767.79	\$26,693.66
Rous County Council (Except Nimbin)	509	15.10	\$10,350	\$156,285.00
Sewerage Services				
Lismore Sewer	507	24.50	\$14,019.1	\$343,467.90
Total				\$526,446.57

The cost per ET is in accordance with the relevant Development Servicing Plan as at the date of this Notice. The amount to be paid will be adjusted at the time of actual payment, and if applicable any relevant Council Procedures. The amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. The applicable contribution rates for specific dates can be obtained by contacting Council during office hours.

If the works are staged, contributions must be levied at the amount proportionate to the works within the scope of the relevant Construction Certificate.

Lismore Council and Rous Water Development 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.

Council Policy No. 5.2.33 – Affordable and Diverse Housing Incentives Policy or *Policy No. 11.3.3 – Infrastructure Contributions Discount Policy for the Change of use of a Business in an Employment Zone* is currently in place and applies to this application. Applicants are advised when the Policy ceases to operate and no longer applies the full levies shown above may become payable if construction works have not commenced.

Note:

Total Amount if discount applies = \$620,539.07

Total Amount (no discount applicable) = \$669,919.57