

**DRAFT CONDITIONS****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
Statement of Environmental Effects	Wilson Planning		4	10/07/2025
Bristol Cct Affordable Housing DA Plan Set, specifically:	Thomson Adsett			
• Site Plan		A-1.01	1	10/06/2025
• Ground Floor Plan		A-2.00	2	11/11/2025
• Level 1 Floor Plan		A-2.10	1	10/06/2025
• Roof Plan		A2.20	1	10/06/2025
• Floor Plan – Ground Floor – 1 Bedroom Dwellings		A-2.30	2	11/11/2025
• Floor Plan – Ground Floor – 2 Bedroom Dwellings		A-2.31	1	10/06/2025
• Floor Plan – Level 1 – 2 Bedroom Dwellings		A2.32	1	06/10/2025
• Floor Plan – Ground Floor – 3 Bedroom Dwellings		A-2.33	1	06/10/2025
• Floor Plan Level 1 – 1 Bedroom Dwellings		A-2.34	1	06/10/2026
• Elevations – 2 Bedroom Dwellings		A-3.02	1	06/10/2025
• Elevations – 3 Bedroom Dwellings		A-3.03	1	06/10/2025
• Streetscape Elevations		A-3.10	1	06/10/2025
• Sections – 1 Bedroom Dwellings		A-3.20	1	06/10/2025
• Sections – 2 Bedroom Dwellings		A-3.21	1	06/10/2025
• Sections – 3 Bedroom Dwellings		A-3.22	1	06/10/2025
• Typical Dwelling Layout – 1 Bedroom Pre-Adaptable		A-9.10	2	11/11/2025
• Typical Dwelling Layout – 1 Bedroom Post-Adaptable		A-9.11	2	11/11/2025
• Typical Dwelling Layout – 2 Bedroom		A-9.20	1	06/10/2025

• Typical Dwelling Layout – 3 Bedroom		A-9.30	1	06/10/2025
Plan 1 – Proposed Boundary Adjustment	Newton Denny Chapelle	220479	A	22/05/2025
44 Bristol Circuit Goonellabah Landscape Design Intent	Ivy May Landscape Architects	240241	3	30/6/2025
Detailed Site Investigation Sellecks Dip 44 Bristol Circuit Goonellabah	Easterly Point Environmental	22030	Final	15/06/2023
Social Impacts Assessment	Dr Rigmor Berg			June 2025
Site Waste Minimisation and Management Plan	Wilson Planning		2	10/11/2025
Arboricultural Impact Assessment Report	SHEgreen	SGR251		05/06/2025
BASIX Certificate	SLR Consulting Pty Ltd	1801757M		27/06/2025
Bushfire Assessment	Peterson Bushfire	24137		06/06/2025
Engineering Services Report	Newton Denny Chapelle	220479	B	04/06/2025
Traffic and Parking Assessment report	Varga Traffic Planning	24569		10/06/2025

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.

### **Integrated Approvals from other State Government Approval Bodies**

- This development consent includes an Integrated development approval under Sections 4.46 and 4.47 of the *Environmental Planning and Assessment Act 1979*, for a Bushfire Safety Authority under section 100B the *Rural Fires Act 1997*, and is subject to the General Terms of Approval from The Rural Fire Service dated 15 September 2025 contained in a Schedule of this consent.

## **PART B: OPERATIONAL CONDITIONS**

### **Building Code of Australia**

- 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 COMPLETE PRIOR TO CROWN CERTIFICATE**

### **Dip Site Remediation**

5. Prior to the issue of any Crown Certificate, a Remedial Action Plan must be prepared by an appropriately qualified professional and signed-off by a Site Auditor. The Remedial Action Plan must be prepared in accordance with:
  - a) NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites (2020)*;
  - b) NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines (2022)*; and
  - c) Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (1992)*.

The Remediation Action Plan must be implemented and completed prior to any other works commencing at the site.

**Reason:** To ensure that the site is made suitable for residential occupation.

### **Civil & Geotechnical Engineering**

6. 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:

- a) proposed civil engineering works, including retaining walls, have been assessed as structurally adequate and confirm via detailed settlement assessment;
- b) proposed works will not be affected by landslip either above or below the works;
- c) proposed works will not be affected by subsidence either above or below the works; and

d) 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.*

### **Retaining Walls**

7. Prior to the issue of any Crown Certificate, a qualified practising structural engineer shall provide the Certifying Authority with a design certification for any proposed retaining walls in the development. The design certification shall verify the following:

- All retaining walls are structurally adequate.
- All retaining walls have been designed and located that no additional loads are imposed within the zone of influence of Council's infrastructure.
- All retaining walls are located wholly within the lots.

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

### **Roadworks**

8. 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) Provision of driveway cross-overs on Bristol Circuit and Blues Hills Avenue, and
- b) Stormwater diversion works on Bristol Circuit, including the relocation of a kerb inlet pit, construction of new stormwater line, and associated works

in accordance with Drawing Number CI-01, Revision B, file reference 220479-DA-CI-01 by Newton Denny Chapelle, dated 3/6/2025, or an alternative design approved by Council.

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**

9. 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 drainage 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*.

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**

10. 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.

**Note:** All redundant services will need to be removed and main reinstated to the satisfaction of Council.

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

## **External Lighting**

11. 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.*

## **Waste Storage and Collection**

12. 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**

13. 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**

### **Dip Site Remediation**

14. Prior to the commencing construction of the approved housing, a Validation Report **and Site Audit Statement** must be prepared and signed-off by a **NSW EPA** Site Auditor, demonstrating that the remediation works have been completed in accordance with the approved Remediation Action Plan.

**Reason:** *To ensure that the site is made suitable for residential occupation.*

### **Dilapidation Report**

15. 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**

16. 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 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**

17. 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**

18. 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 waste 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**

19. 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**

20. 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**

21. 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 THAT MUST BE COMPLIED WITH PRIOR TO ISSUE OF ANY CROWN COMPLETION CERTIFICATE**

##### **Subdivision**

22. Prior to the issue of any Crown Completion Certificate, the boundary adjustment involving Lot 30 DP1000619 and Lot 533 DP1162393, and the creation of easements over all existing infrastructure in accordance with *PLAN 1 – PROPOSED BOUNDARY ADJUSTMENT, REF:*

220479, Dated 22/05/25 by Newton Denny Chapelle, must be completed and registered with the NSW Land Registry Services.

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

### **Onsite Detention**

23. Prior to the issue of any Crown Completion Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property. The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a) The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
- b) The Proprietor shall have the OSD inspected annually by a competent person.
- c) 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 pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Evidence of registration with the Lands and Property Information NSW shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Each onsite detention system is to be marked by a plate in a prominent position which states:

"This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".

This plate is to be fixed into position prior to occupation or the issue of the Crown Completion Certificate.

The cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of any works associated with the approved development, must be met in full by the applicant/developer.

**Reason:** *To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that public infrastructure in Council's care and control is not overloaded.*

### **Stormwater quality improvement device**

24. Prior to the issue of any Crown Completion Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the water quality control facilities within the site. In addition, a maintenance schedule for the water quality controls must be submitted to Council for

approval with the stormwater work-as executed plans. This maintenance schedule and work as executed plan shall be registered and referred to as part of the positive covenant.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a) The Proprietor of the property shall be responsible for inspecting, maintaining and keeping clear all components of and structures associated with the stormwater quality improvement device (SQID) in accordance with the maintenance plan in order to achieve the design system performance targets.
- b) The Proprietor shall have the SQID inspected annually by a competent person.
- c) 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 SQID and recover the costs of any such works from the proprietor.
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the SQID, or failure to clean, maintain and repair the SQID.

The instrument shall be created and registered on the title of the relevant lot(s) with the Lands and Property Information (LPI) NSW. The plan and terms of the easement must be endorsed by Council through formal application prior to lodgement at the Lands and Property Information NSW. Evidence of registration shall be submitted to and approved by the Certifier prior to the issue of any Crown Completion Certificate.

**Reason:** *To ensure adequate servicing of the development.*

### **Retaining Walls**

25. Prior to the issue of any Crown Completion Certificate, a qualified practising structural engineer shall provide the Certifying Authority with a design certification for all proposed retaining walls in the development. The design certification shall confirm all retaining walls have been constructed as per Crown Certificate approved plans, and comply with the following requirements:

- All retaining walls are structurally adequate.
- All retaining walls have been designed and constructed that no additional loads are imposed within the zone of influence of Council's infrastructure.
- All retaining walls are located wholly within the lots.

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

### **Retaining Walls**

26. Prior to the issue of any Crown Completion Certificate, the proponent shall create an easement for repair in accordance with the *Conveyancing Act 1919* for any allotments that have a retaining wall along or with proximity (within the height of retaining wall) of a common boundary. The width of the easement shall be the height of the retaining wall or a minimum of 1.0m. The easement must benefit the adjoining lot.

**Reason:** *To ensure residents have access to maintain the retaining walls*

## Title Instruments

27. 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	Detail 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 the accommodation/units/dwellings for affordable housing as defined in <i>State Environmental Planning Policy (Housing) 2021</i>.</p> <p>The development's 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> <ul style="list-style-type: none"><li>i) has a gross income within the following ranges of percentages of the median household income for Greater Sydney or the Rest of NSW—<ul style="list-style-type: none"><li>- very low income household—less than 50%,</li><li>- low income household—50–less than 80%,</li><li>- moderate income household—80–120%, and</li></ul></li><li>ii) pays no more than 30% of the gross income in rent, or</li></ul> <p>(b) the household—</p> <ul style="list-style-type: none"><li>i) is eligible to occupy rental accommodation under the National Rental Affordability Scheme, and</li><li>ii) pays no more rent than the rent that would be charged if the household were to occupy rental accommodation under the Scheme.</li></ul> <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>

## Line Marking

28. 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 prior to the issue of any Crown Completion Certificate.

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

### **Fill Material**

29. Prior to the issue of any Crown Completion Certificate, a qualified practising Engineer, experienced in soil mechanics or NATA registered geotechnical testing authority shall submit documentary evidence in the form of level 1 certification, certifying that any lot fill material has been placed in accordance with Australian Standard 3798 "Guidelines on earthworks for commercial and residential developments".

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

### **Completion of Works**

30. 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**

31. 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.

### **Certificate of Compliance**

32. 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

33. Prior to the issue of any Crown Completion Certificate, in accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the Lismore City Council Section 7.11 Infrastructure Contributions Plan 2024-2041 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for public infrastructure resulting from the development:

<b>Development Application # :</b>		DA25/148	
<b>Property Address:</b>		44 Bristol Circuit & 2 Blue Hill's Avenue	
<b>CPI/HPI Quarter In Use:</b>		Sep-25	
<b>Contributions Values Valid To:</b>		30/01/2026	
<b>Lismore City Council Section 7.11 Infrastructure Contributions Plan 2024-2041</b>			
<b>Community Infrastructure Type</b>	<b>Receipt Code</b>	<b>Amount Levied</b>	<b>Amount Payable while Policy 5.2.33 in effect</b>
Community Facilities	1100	\$1,638.92	\$819.46
Public Domain	1101	\$2,770.47	\$1,385.24
Open Space and Recreation (Capital)	1103	\$13,746.56	\$6,873.28
Open Space and Recreation (Land)	1106	\$640.09	\$320.05
Walking and Cycling	1109	\$9,650.01	\$4,825.01
Traffic Management (Capital)	1111	\$52,444.28	\$26,222.14
Traffic Management (Land)	1117	\$15,710.96	\$7,855.48
Stormwater Management	1126	\$11,297.53	\$5,648.77
Plan Preparation and Administration	1128	\$4,855.44	\$2,427.72
<b>APPLICABLE TOTAL CONTRIBUTION</b>		<b>\$112,754.26</b>	<b>\$56,377.16</b>

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Plan and the amount payable will be calculated based on the contribution rates applicable at the time of payment. To obtain an adjustment to the contributions payable, please complete the following form: <https://forms.lismore.nsw.gov.au/forms/23484>

***NOTE: It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.***

Council's Plan may be viewed at [www.lismore.nsw.gov.au](http://www.lismore.nsw.gov.au).

***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.

## PART G: ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

### Affordable Housing for Fifteen (15) Years

34. The subject development has been approved as Affordable Housing.

The residential accommodation/units/dwellings 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 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 the development is compatible with the social and economic values of the locality. To ensure the development is in the public interest.*

### **Operational Management Plan**

35. 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* given this is generally required for affordable housing development within NSW, 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*

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

**Reason:** *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.*

### **Storage and Unsightly Conditions**

36. All collective storage areas for waste bins must be maintained in a sanitary condition at all times. The storage area for waste bins must be screened from the street and neighbours, located as shown on the approved plans, and should not cause odour or noise impacts for neighbours.

**Reason:** *To clearly state the location of storage activities and to prevent the creation of unsightly, disorderly or insanitary conditions.*

## **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.

Levy Area	Account No.	No. of ET's	Cost Per ET	Amount Payable	Amount Payable Subject to Discount Policy (5.2.33)
<b>Water Supply</b>					
Urban Reservoir Zone – Lismore Water	503	8.4	\$1,802.11	\$15,137.69	\$7,568.85
Rous County Council (Except Nimbin)	509	8.4	\$10,350	\$86,940.00	\$86,940.00
<b>Sewerage Services</b>					
Lismore Sewer	507	11	\$14,291.22	\$157,203.37	\$78,601.69
<b>Total</b>				<b>\$259,281.06</b>	<b>\$173,110.53</b>

The cost per ET is in accordance with the relevant Development Servicing Plan as at the date of this Notice. If the contributions are not paid within the financial quarter that this consent is granted, the amount payable will be calculated based on the contribution rates applicable at the time of payment.

**NOTE:** 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.

**It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.**

***Reason:*** *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.*

## SCHEDULE 1 INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL



Lismore City Council  
PO Box 23A  
LISMORE NSW 2480

Your reference: (CNR-84570) 5.2025.148.1  
Our reference: DA20250721002866-Original-1

**ATTENTION:** Leanne Burns

Date: Monday 15 September 2025

Dear Sir/Madam,

**Integrated Development Application**  
**s100B – Subdivision – Boundary adjustment**  
**44 BRISTOL CIRCUIT GOONELLABAH 2480, 533//DP1162393, 30//DP1000619**

I refer to your correspondence dated 31/07/2025 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

### **Construction Standards**

**The Intent of Infill measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities**

1. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and Section 7.5 of *Planning for Bush Fire Protection 2019*.

2. Fences and gates must comply with Section 7.6 of *Planning for Bush Fire Protection 2019*. New fences and gates are to be made of either hardwood or non-combustible material. Where a fence or gate is constructed within 6m of a dwelling or in areas of BAL-29 or greater, they must be made of non-combustible material only.

### **Water and Utility Services**

**The Intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities**

3. The provision of gas must comply with the following in accordance with Table 7.4a of *Planning for Bush Fire Protection 2019*:

#### **Postal address**

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

#### **Street address**

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



- a. reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- b. all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- c. connections to and from gas cylinders are metal;
- d. polymer-sheathed flexible gas supply lines are not used; and
- e. above-ground gas service pipes are metal, including and up to any outlets.

#### **Landscaping Assessment**

**The Intent of measures is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the dwellings are below critical limits and prevent direct flame contact**

4. Landscaping is to be designed and managed to minimise flame contact and radiant heat to dwellings, and the potential for wind-driven embers to cause ignitions by complying with the acceptable solutions in Table 5.3a of *Planning for Bush Fire Protection 2019*.

For any queries regarding this correspondence, please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely,

Anna Jones  
Manager Planning & Environment Srv (Nth)  
Built & Natural Environment



## BUSH FIRE SAFETY AUTHORITY

Subdivision - Boundary adjustment

44 BRISTOL CIRCUIT GOONELLABAH 2480, 533//DP1162393, 30//DP1000619

RFS Reference: DA20250721002866-Original-1

Your Reference: (CNR-84570) 5.2025.148.1

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under s100b of the Rural Fires Act 1997.

**Anna Jones**

Manager Planning & Environment Srv (Nth)  
Built & Natural Environment

Monday 15 September 2025

