

## JOINT REGIONAL PLANNING PANEL (Northern)

JRPP No	2014NTH012
DA Number	5.2014.197.1
Local Government Area	Lismore City Council
Proposed Development	Staged integrated multi-dwelling development comprising 218 dwellings (9 x 1 bedroom and 209 x 2 bedroom), community facilities (vegetable gardens, open outdoor BBQ facilities as well as a swimming pool, children's playground and walking trails), infrastructure civil works including road, water, sewer, drainage, bulk earthworks and retaining walls, tree removal, landscaping, compensatory vegetation works and strata subdivision.
Street Address	Lot 3 DP 823632, 79C Fischer Street, Lot 3 DP 883865, 116 Fischer Street and Lot 33 DP 841587, 39 Casuarina Drive, Goonellabah.
Applicant/Owner	Owner: Starspace Pty Ltd and Lismore City Council Applicant: Green Vision Developments Pty Ltd
Number of Submissions	<p>The first advertising period was advertised from 09.07.14 to 20.08.14 and during this period or around the time of the mediation session Council received 23 individual submissions and one (1) petition containing 182 signatures.</p> <p>Following the submission of additional information and amendments to the overall development on the 26<sup>th</sup> November 2014 there was a re-notification to adjoining owner and people who had made a public submission. This notification period was from 01.12.14 to 24.12.14. Council received no public submissions during the second notification period.</p>
Regional Development Criteria (Schedule 4A of the Act)	<p><b>Schedule 4A(3) - General development over \$20 million</b></p> <p>Development that has a capital investment value of more than \$20 million.</p>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• Environmental Planning &amp; Assessment Act 1979, as amended;</li> <li>• Lismore City Council Local Environmental Plan 2012;</li> <li>• Lismore City Council Development Control Plan 2007; and</li> <li>• Lismore Housing Strategy 2012.</li> </ul>
List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> <li>1. <b>SEE</b></li> <li>2. <b>Development Plans</b></li> <li>3. <b>Addendum Information dated 25<sup>th</sup> November 2014 including the following revised reports:</b> <ul style="list-style-type: none"> <li>• Amended Architectural Plans prepared by Harley Graham Architects</li> <li>• Amended Civil Engineering Plans prepared by CivilTech</li> <li>• Amended Strata Subdivision Plan prepared by Newton Denny Chapelle.</li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li>• Revised Bushfire Assessment S.100B <i>Rural Fires Act 1997</i>, prepared by <i>Australian Wetlands Consulting Pty Ltd</i>; dated November 2014</li> <li>• Revised Flora and Fauna Assessment, prepared by <i>Australian Wetlands Consulting Pty Ltd</i>; dated November 2014.</li> <li>• Revised Water Management Report, prepared by <i>Australian Wetlands Consulting Pty Ltd</i>; dated November 2014.</li> <li>• Road Safety Audit prepared by <i>ttm Pty Ltd</i>; dated 22 October 2014.</li> <li>• Preliminary Management Plan prepared by Newton Denny Chapelle.</li> <li>• Site Waste Minimisation Management Plan prepared by Newton Denny Chapelle.</li> <li>• <b>Addendum Information dated 15<sup>th</sup> January 2015 including the following revised reports:</b> <ul style="list-style-type: none"> <li>• Addendum to Flora and Fauna Assessment, prepared by <i>Australian Wetlands Consulting Pty Ltd</i>; dated 9<sup>th</sup> January 2015.</li> <li>• Amended Site and Building Design Plans</li> <li>• Modified Strata Plan</li> <li>• Additional Landscape Plan</li> <li>• BASIX Certificates</li> </ul> </li> </ul>
Recommendation	Approval subject to conditions
Report by	Randall Evans :Senior Town Planner – Lismore City Council

## Attachments

Attachment No.1: Development Application Internal & External Referral Comments

Attachment No.2: List of Public Submission Names & Public Submission Comments

Attachment No.3: Recommended Conditions of Consent

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## Summary

Green Vision Developments Pty Ltd propose to develop a staged, integrated multi-dwelling development to be known as “*Altitude 2480*” upon land fronting Fischer Street and Casuarina Drive, Goonellabah.

The development's core focus is to supply housing for key workers of Lismore. The applicant has advised that the initial concept for the proposed development was created as a development to help address the lack of affordable housing within Lismore, in particular smaller dwellings as identified within the Lismore Housing Strategy 2012.

The development comprises 218 prefabricated dwellings (9 X 1 bedroom and 209 x 2 bedroom) with eight (8) different building configurations for which there will be twelve (12) different dwelling designs and associated community facilities. The development will be constructed over four (4) stages with each dwelling to be afforded its own separate strata allotment set within a Strata Management Scheme for each unit and comprising a Body Corporate Structure and on-site resident management.

Access to the development utilises the existing public road network, whilst each dwelling will front the proposed internal private driveway network linking to Casuarina Drive, Fischer Street and Elizabeth Avenue.

The development draws on a number of sustainability principles achieved through the design of the built form, stormwater re-use and provision of community facilities such as a common area vegetable garden, swimming pool facility and walking trails.

As detailed within this report the proposed development is considered suitable for the site and complies with the following local and state planning documents:

- Environmental Planning & Assessment Act 1979, as amended;
- Lismore City Council Local Environmental Plan 2012;
- Lismore City Council Development Control Plan 2007; and
- Lismore Housing Strategy 2012.

## Background

In November 1998, Development Application No.98/123 was approved by Council for an urban subdivision, civil works and tree removal on the subject site. The application was further amended to create a combination of standard residential lots and development lots. The amended subdivision development proposal resulted in the approval of 31 residential allotments. Development consent was issued by Council on the 22nd November 2001. The applicant commenced physical subdivision works prior to the lapsing of this development consent and therefore the development consent for Development Application No. 98/123 remains valid, however, the subdivision works have not progressed beyond site preparatory works observable on the site.

Prior to the lodgement of the development application the applicant was involved in two (2) pre-lodgement meetings with Council, one in April 2013 and one in December 2013. The development application submitted to Council on the 1<sup>st</sup> July 2014 is similar in nature to the application presented to Council at the pre-lodgement meetings.

Following a preliminary review of the proposed development by both State Government agencies and Council staff it was decided to hold a development assessment workshop to facilitate discussion on additional information matters and/or issues resolving clarity between the applicant and his consultants with State Government agencies. The workshop attended by 25 people was held at Council on the 9<sup>th</sup> September 2014. The workshop was a success resulting in a collaboration approach between parties to resolve outstanding information matters or clarify issues relating to this development. This workshop assisted the applicant to undertake a range of design amendments to the application.

Given the size of the development and number of public submissions received it was decided to hold a mediation conference between those in objection to the development proposal and the applicant. The mediation conference was undertaken by an independent facilitator (Chris Pratt from Planning Resolutions) at Council on Monday 3<sup>rd</sup> November 2014. Unfortunately, there were no agreed outcomes between the parties at the mediation conference with the majority of the objectors advising that they simply did not support the proposed development. The mediation conference did facilitate discussion between objectors and the applicant and it did allow the applicant to provide clarity around many issues of concern raised by objectors. It is considered that this is the main reason why Council received no public submissions in relation to the amended development application.

Following a review of the additional information request letters by Council on 25<sup>th</sup> July and 23<sup>rd</sup> September 2014, and the applicant's attendance at the development assessment workshop and mediation conference, a modified development application was submitted to Council on Wednesday 26<sup>th</sup> November. The modifications made to the development address the issues raised by Council, State Government agencies and matters within the public submissions.

The modifications to the development are highlighted in the following table:

Key Element	Development Modifications
<b>Modified Project Description</b>	<p>The modified description of the development as reflected in the updated design plan is as follows:</p> <ul style="list-style-type: none"><li>• A reduction in the number of dwellings from 222 to 218 dwellings to be constructed as 208 x 2 bedroom and 10 x 1 bedroom dwellings.</li><li>• Retention of 8 different building configurations and increase in number of different dwelling designs from 8 to 12 designs.</li><li>• Inclusion of adjoining Lot 33 DP 841587 (to be purchased from Council) for the purpose of compensatory vegetation planting.</li></ul>

<b>Project Plans</b>	<ul style="list-style-type: none"> <li>• The amended plans better articulate the building types and description to make it clearer which building types are proposed in each respective stage of the development.</li> <li>• Additional plans relating to the staging of the development with bushfire mapping overlaid to make the bushfire requirements clearer for each stage as opposed to just for the whole site.</li> </ul>
<b>Site layout &amp; Security</b>	<ul style="list-style-type: none"> <li>• Following the concerns raised by Council, NSW Police and adjoining owners the proposed swimming pool/ communal BBQ facility has been re-sited to the southern part of the site to provide better site security, passive surveillance, and to help reduce the potential risk of non-residents using this facility.</li> <li>• A proposed fence has been added to the north of the property as requested by NSW Police, Council and adjoining owners.</li> <li>• Natural surveillance has been checked and unit positions slightly altered for greater passive surveillance over streets and communal areas.</li> <li>• The north road has been re-sited inside the property boundary as requested by Lismore City Council. As a result, unit layouts have been revised to suit with the reduction of 4 units from the development.</li> <li>• Footpath locations have been changed on main roads through the site to avoid confusion with parking areas.</li> <li>• Unit designs and car parking have been re-designed to accord with Council's request to have no direct parking off Fischer Street.</li> </ul>
<b>Internal Road Network</b>	<p>The following changes to the internal road network have been made following workshop discussions with NSW Police, Council and NSW RFS:</p> <ul style="list-style-type: none"> <li>• Following the concerns raised by Council, NSW Police and adjoining owners around crime prevention matters such as site security and passive surveillance and the desire of Council to reduce the number of entry points from the development onto a future strategic link road, the proposed internal (driveway) roads that linked directly onto Elizabeth Avenue have been deleted and the internal road system at the northern end of site has been redesigned.</li> <li>• The one-way Driveway 5 has been widened from 3.9m to 4m to comply with RFS requirements.</li> <li>• Driveway 1 has been extended along the northern boundary to remove the 2 driveway connections to the future Elizabeth Avenue and to remove the temporary sealed driveway from the road reserve.</li> <li>• The Driveway 1 connection to the proposed Fischer Street extension has been shifted south to allow for a minimum 6m distance to the northern boundary.</li> <li>• Driveway 7 has been added to provide internal access and off street parking to units 56 and 57.</li> <li>• Driveway 8 has been added to provide internal access and off street parking to units 59 and 60.</li> <li>• Driveway 1 widths have been adjusted to 8m wide where adjacent to bush fire threats and 6m wide where not adjacent to bush fire threats as per discussions with the RFS.</li> <li>• Turning circles for all driveways have been checked using AutoTurn with a 12.5m large rigid template and are adequate for garbage trucks and fire fighting vehicles movements.</li> </ul>
<b>External Road Network</b>	<p>The external road network has been updated to:</p> <ul style="list-style-type: none"> <li>• Remove the external driveway along the Elizabeth Avenue road reserve.</li> <li>• Remove the direct link between Fischer Street and Shearman Drive.</li> <li>• Provide a 6m sealed access between Fischer Street and Elizabeth Avenue.</li> </ul>

<b>Public Transport</b>	A 6m sealed road has been added to link Fischer Street and Elizabeth Avenue for bus connectivity and bus stops are proposed at either end of Driveway 1 on Fischer Street.
<b>Pedestrian/Cycleway</b>	<p>The internal footpath has been re-designed to be behind any internal car parks as per council's request. It is noted that the AustRoads footpath standards do not apply to private developments. The 2m wide internal footpath width will be maintained as it is over and above the current requirements.</p> <p>Given the pedestrian traffic numbers generated by this development the applicant has also agreed to the construction of a 1.5m wide concrete footpath from Casuarina Street to the existing path at Teven Street.</p>
<b>Water &amp; Sewer</b>	<p>The following amendments have been made to the water and sewer network based on discussions with Council staff:</p> <ul style="list-style-type: none"> <li>• The private internal water network will only have 2 connection points to the public water main. These points are located at Casuarina Drive and at the extension of Fischer Street in the north. The Fischer Street extension will be a public road reserve.</li> <li>• Backflow prevention devices and water meters will be provided at the 2 connection points. It is envisaged that the internal water service will be a single metered 100mm line to provide both firefighting and domestic flows. Details of the meter and backflow devices will be provided with a detailed hydraulics design at the construction certificate stage.</li> <li>• An additional gravity sewer line has been added to drain units 21 to 26 to ensure a single connection to the existing trunk main.</li> <li>• Adjustments have been made to the sewer and building layout to allow for a minimum easement width of 3m.</li> </ul>
<b>Road Safety Audit</b>	Following matters raised by Council, Roads and Maritime Services (RMS) and the local traffic committee the applicant has submitted to Council a road safety audit prepared by TTM Consulting Pty Ltd. The audit identifies recommended works which Council will review within the context of this development.
<b>Ecology</b>	Following matters raised by Council's ecologist the applicant has submitted to Council a revised Flora and Fauna Assessment (refer document No. 1-13305-1d) and Preliminary Vegetation Management Plan (PVMP) (refer document No. 1-13305-4b) prepared by Australian Wetlands Consulting (AWC) Pty Ltd.
<b>Bushfire</b>	Following matters raised by NSW Rural Fire Service (RFS) the applicant has submitted to Council a revised a Revised Bushfire Assessment S.100B <i>Rural Fires Act 1997</i> (refer document No. 1-13305-2d) prepared by Australian Wetlands Consulting (AWC) Pty Ltd.
<b>Civil Engineering</b>	Updated engineering design plans prepared by CivilTech Consulting Engineers have also been submitted to Council.
<b>Project Design</b>	Updated Architectural design plans have also been submitted to Council.

### **Purchase of Council Land**

During the DA workshop discussions were held between the applicant and Council regarding a small triangle parcel of land known as Lot 33 DP 841587, 39 Casuarina Drive, Goonellabah (refer to map below) and the possibility of including this 3827m<sup>2</sup> parcel of land within the development site for the purposes of habitat regeneration. In September 2014 the applicant for this development proposal formally approached Council expressing an interest in the purchase of this land.

In October 2014 Council's Strategic Property Projects Manager prepared a report to Council on this matter. The executive summary of this report is detailed below:

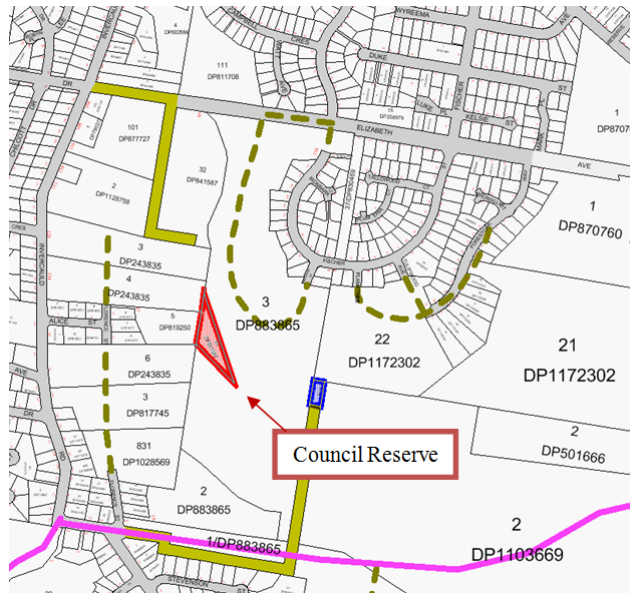
*Council has an opportunity to achieve habitat regeneration of a small area of land that it owns between Invercauld Road and Fischer Street Goonellabah. If Council agrees to transfer its land to the adjoining land owner the said adjoining land owner will undertake the habitat regeneration of the Council land. This proposal will achieve Council's long held aim to enhance the habitat value of the land at no cost to Council.*

From a Council perspective the proposed ability to utilise Council's land for koala habitat planting is seen as a desired outcome as it would provide a link between the areas in which the proponent seeks to plant additional koala habitat and the existing corridor to the south in a manner which achieves compliance with Council's Comprehensive Koala Plan of Management (CKPoM). It is also considered that the use of the land for habitat would be benefitted by the fact the land would form part of the common property of the development and thereby fall under the body corporate management structure. In this respect it is proposed to have full-time property maintenance for the common property and as such dedicated attention will be allocated to the rehabilitation work to ensure its success. This will of course provide the added benefit, apart from the additional koala habitat planting, of transferring the ongoing maintenance costs for the Council owned land to the body corporate.

At the October Council meeting Council resolved as follows:

- 1. Council resolve to commence the required process under the Local Government Act to reclassify lot 33 in Deposited Plan 841587 as operational land.*
- 2. Upon reclassification of the land to operational land, Council transfer said lot to the adjoining land owner of lot 31 in Deposited Plan 841587 to allow integrated habitat regeneration to be undertaken on both lots.*
- 3. Given the intentions outlined in points 1 and 2, Council agree to include its land in the development application of the adjoining lot 31 in Deposited Plan 841587 so that it can benefit from the certainty that land use development conditions pertaining to proposed vegetation plantings can provide.*
- 4. As an interim measure until reclassification and transfer are completed, Council enters into a License Agreement with the land owner of Lot 31 in Deposited Plan 841587 to allow the proposed habitat plantings and maintenance to proceed until the land transfer can be effected.*
- 5. All costs associated with the drafting of the License Agreement and the transfer of the land be borne by the entity to which the subject Council land is to be transferred.*
- 6. The Mayor and General Manager be delegated to complete all or any documents as may be necessary to give effect to this resolution under the Common Seal of Council.*

Accordingly the recommendation incorporates a proposed condition of consent that Lot 33 DP 841587 is amalgamated with the other allotments of land the subject of this application, being Lot 3 DP 823632, 79C Fischer Street, Lot 3 DP 883865, 116 Fischer Street, Goonellabah.



## Description of Proposal

Staged integrated multi-dwelling development comprising 218 dwellings (9 X 1 bedroom and 209 x 2 bedroom), community facilities (vegetable gardens, open outdoor BBQ facilities as well as a swimming pool, children's playground and walking trails), infrastructure civil works including road, water, sewer, drainage, bulk earthworks and retaining walls, tree removal, landscaping, compensatory vegetation works and strata subdivision.

### Residential Dwelling

The development design provides 218 dwellings (9 X 1 bedroom and 209 x 2 bedroom) made up of thirteen (13) different building designs shown across over eight (8) different building types across the development site.

The proposed residential buildings are two (2) storey although each dwelling is designed as a single storey apartment. Each unit comprises a living area, kitchen, bathroom (two (2) bedroom dwellings have an ensuite), laundry, a private deck/balcony or courtyards and single garage. The outdoor courtyards and decks are accessed from the living areas of all units and all units comply with the private open space area requirements.

The primary adopted building materials for the residential units include colorbond, fibre cement, block work, hardwood and wood panelling. For specific detail on the building materials please refer to the architectural plans.

With respect to building height, the built form contains a range of heights responsive to the topography of the land. In this regard, the building height range between 6.15m and 11.2m. Several units exceed the building height and this matter is addressed with the report.

### Car Parking

The development provides 424 on-site car spaces comprising of 372 residential spaces and 52 visitor spaces. A minimum of 1 covered parking space has been provided for each unit and is embodied within the strata unit for each residential unit.

### Community Facilities

The following facilities for use by residents will be provided on the common land of the strata plan:

- Walking trails and landscaping including bush regeneration and planting of Koala food trees.
- Vegetable gardens and orchard areas with the incorporation of edible plants in the street planting.



- Community facilities providing outdoor BBQ's shelter structures, tables and seating, a 20m x 4m swimming pool and gymnasium.
- Community building/shed for resident meetings and workshops.

### **Strata & Community Management**

The proponent will coordinate the commencement of two (2) on-site managers through the Strata Management Scheme who resides within the development in addition to an employed maintenance supervisor.

The Strata Management Scheme will also develop a maintenance program with clear responsibilities identified to ensure the clean and well-kept nature of the common property. The on-site manager will be responsible for security, engagement of building contractors, general maintenance duties and ensure the upkeep of the building at all times.

### **Internal Driveway**

The internal access network comprises of six (6) connecting driveways contained upon common property for residents

### **External Road Works**

The development provides for the completion of external road works for the development concentrated on Fischer Street and Elizabeth Avenue. The proposed northern extension of Fischer Street will link to the Elizabeth Avenue road reserve.

### **Pedestrian and Cycleway Access**

A proposed footpath will be constructed adjacent to proposed Driveway 1. The footpath will be adjacent to the kerb and constructed of concrete. Following negotiations with Council the applicant has agreed to construct a 1.5m wide pedestrian footpath that will link the proposed development with the existing footpath on Fischer Street (via Casuarina Drive) from the site to intersection of Fischer and Teven Streets.

### **Bulk Earthworks & Retaining Walls**

Given the topography of the land the proposed development requires bulk earthworks. A concept earthworks design prepared by CivilTech Civil Engineers was submitted with the application which addresses a number of geotechnical issues while endeavouring to minimise any impact upon the natural environment.

### **Stormwater Drainage**

A conceptual road drainage stormwater network prepared by CivilTech Civil Engineers was submitted with the application. The stormwater network design makes allowance for existing stormwater pits and pipes. There will be some minor adjustments to the existing drainage works completed on the site through several inlet pits being converted to junction pits and the relocation of nominated pits.

### **Tree Removal**

Nominated vegetation is proposed for removal to facilitate the development. The development will require the removal of 62 trees, inclusive of 16 Preferred Koala Feed Trees (PKFT). For further details on tree removal please refer to the internal referral comments (see below) within this report from Council's consultant Ecologist.

### **Landscaping**

The applicant has submitted draft landscaping details and Council supports the draft landscape concept plan. The recommendation incorporates a requirement that a detailed landscape plan is submitted prior to the construction of the development.

### **Waste Management**

Waste management is catered for through the provision of a garbage enclosure constructed for each unit cluster. The bins will be placed on the driveway edge for Council collection. Site

management will also manage a commercial waste storage area which will be collected by Council or a private contractor.

The bin enclosure area provides sufficient capacity for individual 140L general waste bins and shared organic bins which achieve 80L/week/unit for general waste and 40L/unit/week for organic waste.

Following initial concerns by Council that the proposed road system was not satisfactory for on-site servicing and refuse collection the amended site design has ensured that the development design and is provided with sufficient manoeuvrability within the site.

### Strata Subdivision

The proposal provides for the staged strata subdivision of the multi-unit dwellings. In this respect a total of 218 residential strata lots and one common property as detailed within Newton Denny Chapelle Strata Plans.

The subdivision layout designates the common property to the driveway areas, community facilities, regeneration and residue land areas, waste storage area, visitor car parking and service metres for the development. Accordingly, the dwelling and the section of driveway connecting to the car port are to be held within the individual strata units.

A Strata Management Statement shall be recorded on each lot's title to govern management of shared access areas; shared facilities/infrastructure; shared utilities; insurance; maintenance; standards; cost-sharing; and orderly decision-making.

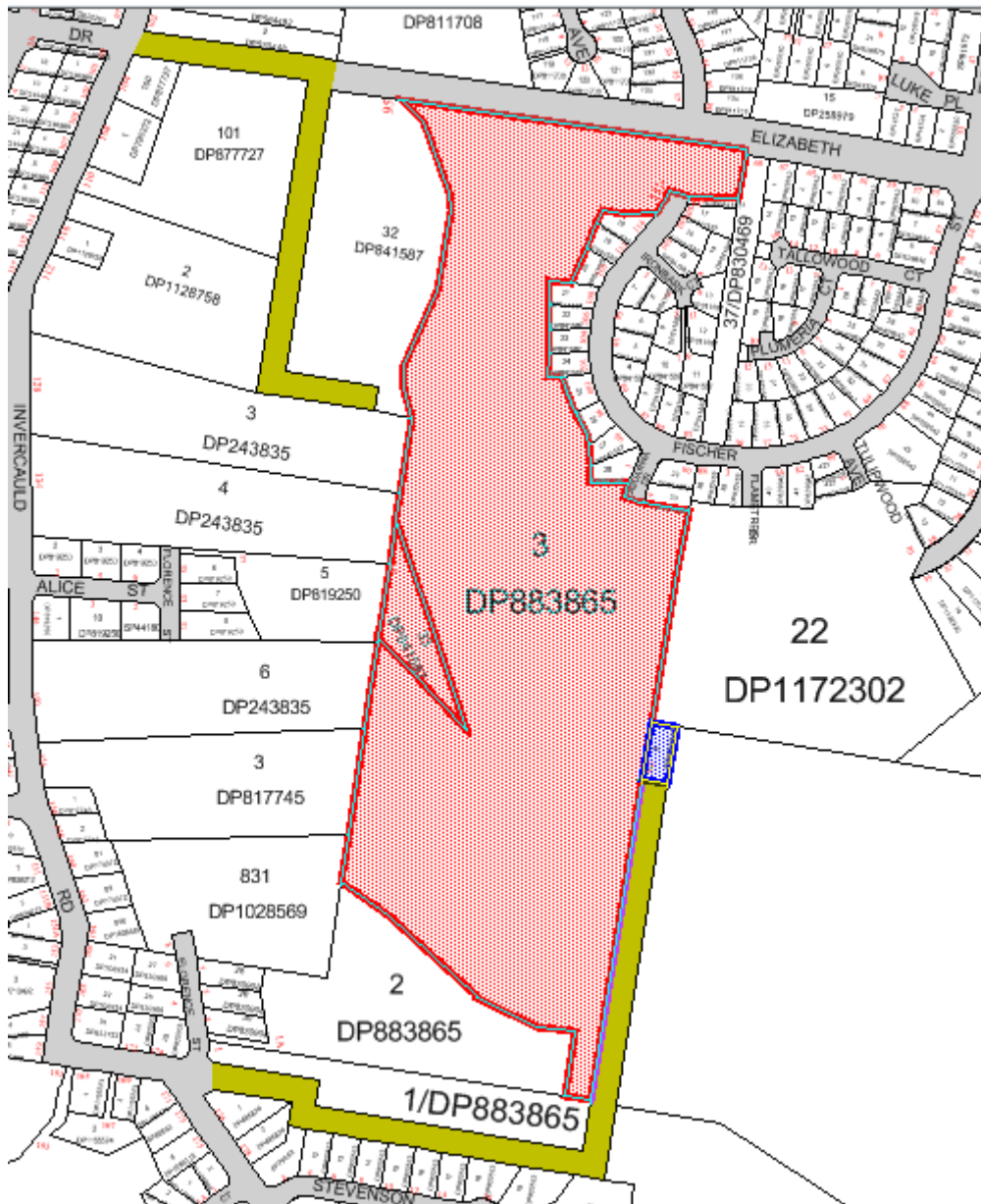
### Staging

The proposal provides for the development occur over four stages. The applicant advises that based on market take-up of the residential units, it is plausible two stages may be completed concurrently. The applicant's proposed development staging is outlined in the table below:

**Table: Residential Unit Stage Sequence**

Stage	No of Units	No of Car Spaces	Community Facilities
<b>1</b>	51 51 x 2bdr	93 Resident 12 Visitor	<ul style="list-style-type: none"> <li>• Communal BBQ</li> <li>• Community Shed and Waste/Storage Shed</li> <li>• Community Bush Trail &amp; Resting Deck</li> </ul>
<b>2</b>	49 47 x 2 bdr 2 x 1 bdr	87 Resident 12 Visitor	
<b>3</b>	58 55 x 2bdr 3 x 1bdr	102 resident 15 Visitor	<ul style="list-style-type: none"> <li>• Community Garden</li> <li>• Community Building &amp; Swimming Pool/BBQ Facility.</li> </ul>
<b>4</b>	60 56 x 2 bdr 4 x 1 bdr	90 Resident 13 Visitor	<ul style="list-style-type: none"> <li>• Outdoor BBQ + Kids Playground/Seating Area</li> </ul>
<b>Totals</b>	<b>218</b> <b>156 x 2 bdr</b> <b>9 x 1 bdr</b>	<b>372 Resident</b> <b>52 Visitor</b>	

## Locality Map



## Statutory Controls

Lismore LEP 2012

- Zoning – Dual Zoned R1 – General Residential and RU1 – Primary Production
- Item of Heritage – No
- In vicinity of Heritage Item – No
- Conservation Area – No

S94 Contributions Plan

Environmental Planning & Assessment Act 1979

SEPP (BASIX) 2004

Advertised Development

Integrated Development

## Policy Controls

Lismore Development Control Plan

Undergrounding of Electricity Mains & Provision of Street Lighting (Residential Areas)

Mediation of Development Applications

Social Impact Assessment

## Description of Locality

### Location

The subject land is located at 79C & 116 Fischer Street, Goonellabah. The land is located at the southern termination of Casuarina Drive with frontage to the northern portion of Fischer Street and western termination of Elizabeth Avenue, Goonellabah. The lands are found approximately 5km east of the CBD of nearby Lismore.

Residential dwellings adjoin the site to the north and north-east with the southern and western adjoining lands dominated by agricultural land and Council Reserves.

The land comprises part of and a residual lot of an urban approved by Council in 1998 (refer to comments in Background section). The land is partially developed as a consequence of the previously issued consent for urban subdivision.

### Topography

The site sits upon the westerly aspect of a ridge that runs from east to west with a slope of approx. 17%. The gully immediately adjacent to the west of the site slopes 24° westward to the ephemeral creek (Gundurimba Creek) occurring at the lower southern portion of the site. Moderate slopes of 17% are found on the southern portion adjacent to the eastern boundary. The high point of the development area is located at the southern boundary of the lot which reaches an elevation of RL 150m AHD. The subject lands fall typically to the north at a slope of typically 17%, with a low point of 118m AHD.

- **Urban Infrastructure**

The property is connected to Council's reticulated water and sewer system.

- **Tree Removal, Vegetation & Koala Management**

The subject site is a mixture of cleared land and vegetated areas. The northernmost portion of the site contains dry sclerophyll forest that is relatively intact and features a more typical ground layer where Kangaroo Grass and Blady Grass occur. Canopy species include Pink Bloodwood, Tallowwood, Brush Box and Forest Red Gum with a secondary tree layer of Sally Wattle and occasional Sweet Pittosporum in the mid-storey. A number of mature canopy trees occur in this community.

Grassland areas are a mixture of introduced species (Kikuyu, Setaria, Molasses Grass) and common weeds of disturbed areas. There is a dense infestation of Lantana that occurs in the south and south-west of the site. The drainage line in the west of the site is dominated with the weed species Para Grass along with some Singapore Daisy. A small isolated cluster of three mature Brush Box and a Rusty Fig occur in the south of the site, along with single mature trees of Teak, Native Tamarind, Red Ash, Silky Oak and Pepperberry. Several shrubs of Whalebone occur around mature trees in the south of the site in addition to infestations of Large-leaved Privet and are indicative of former rainforest communities in this portion of the site. Two threatened flora species were recorded on the site, being Hairy joint grass and Thorny pea.

The proposed development will require the removal of 62 trees however it is proposed to undertake compensatory plantings for the vegetation loss proposed.

The subject site is identified as a 'large impact development' under Council's comprehensive Koala Plan of Management (KPoM) for south-east Lismore. The application was submitted by an ecological report addressing tree removal and compensatory planting measures, threatened species and koala management.

For further details on tree removal and Council's assessment of the KPoM please refer to the internal referral comments (see below) within this report from Council's consultant Ecologist.

- **Soils & Geology**

A review of Soil Landscapes of the Lismore-Ballina 1:100,000 Sheet (Morand, 1994) by the applicant indicates that there are two soil landscapes within the subject site. The Wollongbar (wo) Residual (deep soils formed in situ by weathering of parent material) is located in the north-eastern corner of the site while the Georgica (ge) Colluvial (consisting of mass movement debris, landslide, mudflow and creep deposits) Landscape which generally follows the main intermittent drainage line.

- **Drainage**

The Lismore 9540-2N 1:25,000 Topographic Map delineates a small perennial stream with a headwater within the site near the Elizabeth Avenue and Fischer Street intersection of which drains in a westerly direction. This drainage line is shown to discharge to the Gundurimba Creek of which drains in a southerly direction. There are no field dams present within the site nor is there any defined floodplain areas.

- **Adjoining Development & Visual Impact**

The surrounding locality is characterised by a mixture of residential development (single dwellings, medium density and aged care), natural bushland and agricultural activities.

The subject property does not have a high visual exposure to public land or areas of high population. No significant view paths are available from either the north or east, whilst views from those residents to the west along Invercauld Road and other western ridge roads is achievable, although filtered in areas due to existing vegetation.

- **Access**

Access to the development is via both Fischer Street and Casuarina Drive. The proposed development does require external road works and in this regard the development proposes a northern extension of Fischer Street so that it links onto Elizabeth Avenue. The future extension of Elizabeth Avenue to Invercauld Road is to be designed and constructed by Council and may come on line at a later time determined by Council.

The internal road network forms part of the strata title common land and comprises of six (6) connecting driveways.

For further details on road, vehicular access and pedestrian/cycleway access matters please refer to the internal referral comments (see below) within this report from Council's development engineer.

**Land Use Detail Summary Table**

Land Use	
Site Area	13.6ha
Development Area	8.9ha
Residential Zoned Area	6.58ha
Building Height (maximum)	11.2m
Storeys	Two (2)
Floor Space Ratio (GFA: Site Area)	15,542m <sup>2</sup> GFA 84,015m <sup>2</sup> Site Area = 0.18:1
Unit Density	1 unit/301m <sup>2</sup> of 6.58 R1 zoned land
Parking	372 Resident 52 Visitor Spaces

## Internal Referrals

The following comments provide a summary of the issues reviewed by Council's Technical Officers. Attachment No. 1 provides the Technical Officer's referral comments.

### Building Surveyor

Council's building officer reviewed the development in relation to BCA requirements, fire safety/essential services and access standards.

#### **Recommendation**

Approval subject to conditions.

### Environmental Health Officer

Council's Environmental Health Officer reviewed the development in relation to contaminated land, environmental impacts (noise and amenity), stormwater / treatment devices, waste management and land use buffers.

#### **Recommendation**

Approval subject to conditions.

### Social Planner/Community Services Officer

Council's social planner/community services officer reviewed the development in relation to Social Impact Assessment, crime prevention in relation to the location of community facilities, boundary fencing and community relations.

#### **Recommendation**

Approval subject to conditions.

### Water and Sewer Officer

Council's water and sewer officer reviewed the development in relation to water and sewer requirements, S.64 Levies, trade waste and fire services.

#### **Recommendation**

Approval subject to conditions.

### Development Engineer

Council's development engineer reviewed the development in relation to vehicular access/site distance, traffic impacts (Fischer Street, Elizabeth Avenue and Traffic Advisory Committee recommendations), road safety audit, pedestrian safety, off-street car parking and manoeuvring, internal driveway design, stormwater management, works in kind (Elizabeth Avenue), earthworks, retaining walls, geotechnical considerations, essential services and land amalgamation.

#### **Recommendation**

Approval subject to conditions.

### Ecologist (consultant)

Council's ecologist reviewed the development in relation to flora and fauna / threatened species assessment, impacts on koala habitat (direct & indirect), Council's koala plan of management, tree removal impacts, security boundary fence impact, vegetation management and landscaping.

#### **Recommendation**

Approval subject to conditions.

## External Referrals (for concurrence)

The following is a summary of the comments provided by the relevant agencies. A copy of their formal comments can be viewed in the documentation submitted to Panel members.

### Local Traffic Committee (LTC)

Council's LTC did provide comment on this application and their comments and recommendations are discussed in detail within the Development Engineer comments section of this report.

### NSW Roads & Maritime Services (RMS)

Although the roads in the subdivision will be private roads, the subdivision will be open and accessible to general road traffic. Consequently Road Rules 2008 will apply. Any regulatory signage on subdivision roads will require endorsement by the Lismore City Council local traffic committee, and approval by council.

The proposal includes a narrow driveway connection (four meters in width) to Fischer Street from Elizabeth Avenue. As this connects to subdivision driveway 1, a two way road, it is recommended that the driveway connection from driveway 1 to Fischer Street should be constructed to a width that accommodates two-way traffic.

The proposal will increase traffic using the Pleasant Street intersection with Rous Road. This intersection will not have sufficient capacity in the future to cater for predicted traffic volumes. Consideration should be given to a contribution to capacity improvements at this intersection.

Roads and Maritime understands there is an existing crash history at the intersection of Pleasant and Fischer Streets. The proposal will increase traffic using this intersection. It is recommended that a road safety audit be undertaken at this intersection to identify any remedial actions that can be carried out to reduce the increased risk with increased traffic.

The NSW RMS comments and recommendations were similar to the LTC and they are addressed within the Development Engineer comments section of this report.

### NSW Police

The NSW Police have provided two (2) set of comments on this development proposal. The first comments outlined a number of proposed design changes and conditions of consent.

The amended development addresses the key issues around improved surveillance; territorial re-enforcement and access control.

The NSW Police support the proposed development subject to conditions and recommendations (incorporated as Notes) which have been incorporated into the proposed conditions of consent/notes.

## Integrated Referrals

The following is a summary of the comments provided by the relevant agencies. A copy of their formal comments can be viewed in the documentation submitted to Panel members.

### Office of Water (Water Management Act)

The development proposed works within 40m from an identified water way (ie. stream) known as 'Gundurimba Creek' and as such the works required a controlled activity approval under the *Water Management Act, 2000* from the NSW Office of Water. The original and amended application was referred to NSW Office of Water and comments were received by Council on the 30<sup>th</sup> October, 2014 and the 19<sup>th</sup> December 2014 raising no objection subject to conditions being placed on the Development Consent, which have been included within the recommended conditions of consent.



## NSW Rural Fire Service (RFS)

The subject land is mapped as being bushfire prone on Council bushfire hazard and as such is integrated development pursuant to Clause 91 of the EP&A Act 1979. A Bushfire Threat Assessment Report was submitted with the application. The application was referred to NSW RFS and comments were received on 21<sup>st</sup> August 2014 seeking bushfire modifications. An amended Bushfire Threat Assessment Report was submitted to Council on 26<sup>th</sup> November 2014. The amended application was referred to NSW RFS and comments were received on 5<sup>th</sup> January 2014 raising no objection and recommending conditions to be placed on the Development Consent, which have been included within the recommended conditions of consent.

## Notification/ Submissions

The application was notified to adjoining and surrounding property owners and publicly advertised in accordance with the provisions of Chapter 10 of Lismore DCP 2007 for the Notification and Advertising of Development Applications.

The first advertising period was advertised from 09.07.14 to 20.08.14 and during this period and before the mediation session (refer to details below) Council received 23 individual submissions and one (1) petition containing 182 signatures. Most of the signatures contained on this petition were not from adjoining residents or residents likely to be impacted by the proposed development. The petition itself was accompanied by a covering letter talking about concerns raised in the petition particularly 'overcrowding of people' on the site however the petition itself does not list any reasons of objection. However Council did receive a copy of a letter circulated to adjoining residents requesting that they sign the petition circulating within the community in objection to the proposal. This letter outlined fifteen (15) questions regarding the proposed development but these were not direct reasons for objection to the proposal.

Given the number of public submissions and petition received Council decided it was appropriate to undertake a formal mediation session in accordance with Council's *Mediation of Development Applications* policy. Under this policy Council appoints an independent mediator to conduct a mediation session between objectors and the applicant.

This mediation session was conducted by Chris Pratt of Planning Resolutions on the 3<sup>rd</sup> November 2014. This mediation session was attended by objectors, the applicant and a number of his consultants and Council staff.

The mediator comments on the mediation session are outlined below:

*I felt that both the applicant and most of the residents gained a better understanding of the issues and the other parties' position on those issues. It appeared that some of the changes to the development had lessened the residents' concerns. The last hour of the mediation involved the discussion of social issues surrounding the proposed development as the parties agreed that this was the main issue. The applicant maintained that the development would produce positive social outcomes and the residents simply didn't agree.*

Given it was the mediator's thought that social planning matters were the key issue it was suggested by the mediator that Council consider employ a social planning expert to undertake a review of the Social Impact Assessment (SIA) report submitted by the applicant with the application. Council did obtain three (3) quotes from social planning experts for a review of the SIA report submitted to Council. The quotes Council received were all in excess of \$5000 and therefore Council decided not to proceed with an independent review of the SIA report. The review of the SIA report submitted has been undertaken by a community services staff member and their comments are incorporated into this report. The conclusion reached is that the submitted SIA report was prepared in accordance with Council's SIA guidelines and the conclusions of the SIA are supported by Council staff.



It is considered that many of these questions raised in the public submissions and within the mediation session were generated by a lack of understanding about the development proposal and/or statutory town planning provisions. The mediation session enabled the objectors and applicant to discuss many of the development details and concerns within a neutral environment. These discussions lead to a greater understanding of the development by the residents and the applicant detailed a number of design amendments to address some of the issues of concern.

Following the mediation session additional information and amended plans were submitted to Council on the 26<sup>th</sup> November 2014. Council decided to undertake a re-notification to adjoining owners and those that had made submissions to the original application. The re-notification period was from 01.12.14 to 24.12.14. During the re-notification period and since the mediation session in November Council has not received any new public submissions. It is Council's opinion that the mediation session and design modifications to the development have addressed some of the concerns raised and also assisted surrounding residents to have a greater understanding about the proposed development.

A summary of the issues raised within the public submissions during the first notification and advertising period can be viewed within Attachment B.

## Consideration

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, are assessed under the following headings:

### Lismore LEP 2012

#### Zone, Definition and Permissibility

The proposed development is permissible as 'Multi-dwelling housing' within the R1 – General Residential zone but is not a permissible type of development within the RU1 – Primary Production zone under the provisions of the Lismore LEP 2012. However the proposed 'Multi-dwelling housing' development is permissible under the RU1 – Primary Production zone under *Clause 5.3 – Development near zone boundaries*.

#### Zone objectives and Zoning Control Tables

Having regard to the provisions of Lismore LEP 2012, it is considered that:

- (a) The development is in accordance with clause 2.3 and promotes the specific aims of this plan, the objectives of the zone and the objectives of the controls, and
- (b) The development, in particular, is in accordance with and promotes the character of the neighbourhood within which the development is carried out.

As such, consent to the development may be granted.

### Part 2 – Permitted or prohibited development

#### 1. Subdivision – consent requirements (cl 2.6)

In accordance with sub-clause 2.6(1) the applicant has lodged a development application seeking approval for the boundary adjustments and proposed strata subdivision of the proposed dwellings.

### Part 4 – Principal Development Standards

#### 2. Minimum subdivision Lot Size (cl 4.1)

No prescribed minimum lot area applies to strata subdivision. Notwithstanding this, the application relies on the provisions of Clause 4.2E to permit the creation of the rural land within the residue lot

given the property currently contains a split land zoning and will result in rural land being below the prescribed minimum land area.

### **3. Exceptions to minimum subdivision lot sizes for certain split zones (cl 4.2E)**

As the original lot contains both a residential and rural zoning, Clause 4.2E applies in this instance. The proposed development is considered to be in accordance with the objectives of this clause for the following reasons:

- (a) *the development incorporates the strata subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,*
- (b) *the proposed strata subdivision occurs in a manner that promotes suitable land uses and development.*

In accordance with sub-clause 4.2E (2) the original lot contains land that is zoned both residential and *RU1 – Primary Production*.

Sub-clause 4.2E (3) details that Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) if:

- (a) one of the resulting lots will contain either:
  - (i) only the land in Zone RU1 Primary Production that was in the original lot, or
  - (ii) land in a residential, business, industrial or recreation zone, or Zone RU5 Village or Zone SP2 Infrastructure, that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land as well as all of the land in Zone RU1 Primary Production that was in the original lot, and
- (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

In this particular instance sub-clause 4.2E (3)(a)(ii) applies to this development because the development contains land in a residential zone that is not less than the minimum size shown on the Lot Size Map in relation to that land as well as land contained within the RU1 Primary Production zone.

**Comment:** This sub-clause details that the proposed strata plan must ensure that one (1) of the nominated strata allotments contains all of the land in Zone RU1 Primary Production that was in the original lot.

The latest set of *strata plans* submitted to Council (Plan Ref No.13/033, dated 22.05.2014, drawn by NDC) do not meet this criteria in that it would appear Proposed Strata Lot 53 (Stage 3 – dwellings) has land within it that is zoned *RU1 Primary Production* that forms part of the 'original lot'. The majority of the 'original lot' that is zoned *RU1 Primary Production* is located within the 'Common Property' lot.

Whilst the proposed strata subdivision does not comply specifically with 4.2E (3)(a)(ii) it is not considered by Council that this sub-clause is a development standard and therefore it is considered that the non-compliance does not impact the permissibility of the proposed strata subdivision.

The history behind this clause is that it was established to prevent an applicant creating Torrens Title parcels of land below the minimum lot size standard within the *RU1 Primary Production* zone which is not relevant to this particular application.

It should also be noted that following discussions with Council's Strategic Planning Officer it is Council's intention should this application be approved by the JRPP then the R1 General residential zone would be extended as part of a Council's next round of 'general amendments' to Lismore LEP 2012.

Furthermore it is considered that the proposed strata subdivision complies with the objectives of Clause 4.2E in that Strata Lot 53 and the 'Common Lot' are:

- (a) *strata subdivision lots that are within more than one zone but cannot be subdivided under clause 4.1,*
- (b) *the strata subdivision occurs in a manner that promotes suitable land uses and development.*

For the above reason it is considered that the proposed strata subdivision is consistent with sub-clause 4.2E (3)(a)(ii).

#### **4. Height of buildings (cl 4.3)**

The proposed development does not strictly comply with the established maximum height of buildings for this site. Some of the heights of the proposed dwellings comply with the 8.5m building height limit, however the height of the following building types do not comply with the 8.5m building height (as provided within Council's *Height of Building Map – Sheet LSZ\_005AB*) :

- Building Type A1-2, Height: 8.9m;
- Building Type A2-1, Height: 11.2m;
- Building Type A2-2, Height: 10.1m;
- Building Type A3-1, Height: 8.7m

The applicant provided the following reasons for the proposed building height:

- *The topography of the land results in compliance with the 8.5m height difficult to achieve.*
- *The slopes vary in areas where the dwelling height exceeds 8.5m are between 18%–25%. Accordingly, when measuring the height of the built form it is acknowledged the building is in fact below 8.5 metres, however the sloping land below the decks results in a greater height. The development has incorporated limited cut as a result of the design of light weight structures for the project which negates the need for slab on ground construction which is typically proposed for Lismore.*
- *The retention of a 2 storey built form limits the site disturbance and associated site coverage which in turn affords greater landscaped areas throughout the development. This would not be achievable through the adoption of a single storey built form on the sloping land where the building height is exceeding for several of the units.*
- *The increase height does not result in a yield exceeding Council's maximum density, thus an over development of the site will not result through the sought variation to the building height.*
- *The development sits below the primary viewing areas from adjoining properties, therefore the additional height which occurs primarily on the steeper western and southern slopes will not adversely impact the visual amenity of adjoining residents.*
- *The increased height will not result in overshadowing of any adjoining property.*

**Comment:** Council supports the reasons given by the applicant for the proposed building height variation and Pursuant to *Clause 4.6 – Exceptions to Development Standards*, it is submitted in this instance that compliance with the development standard is both unreasonable and unnecessary.

#### **5. Exceptions to development standards (cl 4.6)**

The application seeks a variation to the prescribed building height provisions under Clause 4.3 – Height of buildings of Lismore LEP 2012. The proposed variation to the *Clause 4.3 – Height of buildings* development standards is supported because it has been demonstrated by the applicant that:

- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

(b) *there are sufficient environmental planning grounds to justify contravening the development standard.*

## **Part 5 – Miscellaneous Provisions**

### **6. Development near zone boundaries (cl 5.3)**

As illustrated in the submitted zoning plan (Drawing No.DA03, Revision No.B, dated 18.11.14) drawn by *Harley Graham Architects* the proposal provides for an encroachment of the development within the RU1 – Primary Production zoned area of the site and therefore the provisions of Clause 5.3 are sought to be applied to the development to increase the development area from 6.8 hectares to 8.3 hectares and permit the construction of dwelling Nos. 14 to 28.

The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

Pursuant to 5.3(4)(a) and (b) an assessment against the matters in which Council is to consider in determining the application of the zone boundary extension is provided below.

#### **Sub-Clause 5.3(4)(a)**

- The proposed housing development is consistent with the R1 General residential zone and is considered to be consistent with the relevant objective within the RU1 – Primary Production zone because it is a non-rural use of the land that does not conflict with existing or potential agriculture and does not detract from the scenic amenity and character of the rural environment. Therefore it is considered by Council that the proposed development complies with sub-clause 5.3(4)(a) in that the development is not inconsistent with the objectives for development in both zones.

#### **Sub-Clause 5.3(4)(b)**

- It is considered that the carrying out of this development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land. Accordingly the proposed development complies with sub-clause 5.3(4)(b).

### **7. Architectural roof features (cl 5.6)**

This clause is not relevant to the development because the proposed building height variation does not relate to decorative roof features.

### **8. Preservation of trees or vegetation (cl 5.9)**

Whilst this application seeks and requires the removal of nominated trees, the site layout also affords the opportunity to preserve vegetation on the site and in accordance with Council Policy provide for the completion of compensatory vegetation planting. In this regard the applicant has submitted a preliminary vegetation management plan (PVMP)

## **Part 6 – Additional Local Provisions**

### **9. Earthworks (cl 6.2)**

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Due to the sloping nature of the site the proposed development requires the substantial use of retaining walls to create level pads for dwellings, car park and private open space areas. The retaining wall structures form part of the built form, as illustrated within the architectural and civil design plans submitted with the application. These plans detail that typically the retaining wall

structures will be stepped in nature down across the site slope and be between 0.6m to 3.0m in height.

Following a review of the earthworks by Council's Development Engineer, Environmental Officer and Ecologist it is considered that the proposed development is consistent with the objective of this clause in that the proposed earthworks will not have any detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

#### **10. Essential services (cl 6.9)**

In accordance with the provisions of this clause the applicant via the submitted Civil Engineering Report has demonstrated that the development can be serviced with all essential services including:

- the supply of water;
- the supply of electricity;
- the disposal and management of sewage;
- stormwater drainage;
- suitable vehicular access.

#### **SEPP No.44 – Koala Habitat Protection**

The site is over 1ha in area and is within the area contained within Council's comprehensive Koala Plan of Management (KPoM) for south-east Lismore and therefore the provisions of Council's KPoM are relevant and prevail over the provisions of SEPP No.44. An assessment of the proposed development in relation to Council's KPoM for south-east Lismore was undertaken by Council's Ecologist who confirms that the proposed development has demonstrated satisfactory compliance with Council's KPoM for south-east Lismore.

#### **SEPP 55 & Contaminated Land Management Issues**

Following a review of the submitted Preliminary contaminated land assessment has been undertaken by Australian Wetland Consulting Pty Ltd. The reporting has been undertaken in accordance with Council's 'Regional Policy for the Management of Contaminated Land' and demonstrates that the site is suitable for the proposed residential use.

#### **SEPP (BASIX) 2004**

The proposed development has been accompanied by a compliant BASIX Certificate and the plans submitted reflect these commitments.

#### **Lismore Development Control Plan**

The Lismore Development Control Plan 2012 is the principle planning policy governing built form and subdivision controls and guidelines within the Lismore Local Government Area. The application has been assessed against the relevant controls in the Lismore DCP as indicated in the following compliance table, and comments are provided where the proposal does not strictly comply with the applicable provisions or conditions are required to address certain matters.

#### **Part A, Chapter No.1: Residential Development of DCP 2007**

This Chapter is applied to all forms of residential development with the clauses relevant to the proposed 'multi-dwelling housing' development discussed below.

## Development Control Plan Compliance Table

LISMORE DEVELOPMENT CONTROL PLAN		
	Complies Yes/No	Relevant Comments
<b>Part A, Chapter No.1 - Residential Development</b>		
<b>Clause 1.3 – External Appearance</b>		
External Appearance	Yes	<p>The building design provides compliance with the prescribed external appearance standards. No continuous wall exceeding 14 metres are included within the design, whilst the inclusion of architectural design elements and changes in materials assist in reducing the visual bulk and scale of the development.</p> <p>The development has incorporated architectural features, including building recesses and separation together with a mixture of materials to break the line of the building walls and the mass of the built form.</p> <p>The built form is considered compatible with adjoining development and is similar to the two storey development within the surrounding area.</p>
Medium Density	Partial Compliance	<p>The DCP states that a multi dwelling housing development should contain no more than 3 dwellings under a single roof. Each group of 3 dwellings must be separated by a distance of not less than 4 metres.</p> <p>The proposed development does not comply strictly with the recommended 3 dwellings under a single roof because most of the dwellings contain 4 dwellings under the one roof. However it is noted that the proposed multi dwelling housing development standard does comply with the LEP and DCP definition which allows more than 3 dwellings under a single roof and therefore the proposed building design non-compliance is considered minor and compliant with the intent of a multi dwelling housing development.</p> <p>Furthermore in accordance with the DCP each group of dwellings is separated by a distance of not less than 4 metres.</p>
Service Areas	Yes	<p>The proposal incorporates adequate areas for refuse storage within a purpose built community bin storage enclosure which screens the bins from the public domain in addition to resident enclosures for each unit cluster pursuant to Chapter 15.</p> <p>Collection points for “wheelie” bins are from the internal road network.</p>

<b>Clause 1.4 Building Height and Setback</b>		
Building Height	Partial Compliance	<p>The proposed development does not comply with the established maximum height of buildings for this site. Some of the heights of the proposed dwellings comply with the 8.5m building height limit, however the height of the following building types do not comply with the 8.5m building height.</p> <p>Reference should be made to the Section within this report which addresses building height under <i>Clause 4.3 – Height of buildings</i> under Lismore LEP 2012.</p>
Building Setbacks	Yes	<p>The DCP requires that the front boundary building setback shall preferably incorporate a 6 metre setback with a minimum of 4 metres.</p> <p>This clause only relates to dwelling numbers 57-60 as the majority of the dwellings within this development front the private internal road (or driveway) that forms part of the development.</p> <p>In relation to dwelling numbers 57-60 all achieve a minimum front boundary building setback of 4.5m and therefore the proposal complies with the minimum setback provision of 4m.</p> <p>In regards to the setbacks provided within the development it is noted that dwelling number 57 and 58 are located on the southern side of Fischer street and because of the topography of the site these dwellings are naturally lower and will not dominate the streetscape. In respect to dwelling numbers 59 and 60 it is considered that the linear design of the built form presents a smaller building width than a standard dwelling which in turn will reduce the built form impact upon the streetscape.</p> <p>The DCP requires a minimum side and rear boundary setback of 900mm. All of the proposed dwellings within the development satisfy the side and rear boundary setback requirements.</p>
Energy Efficiency	Yes	<p>The proposed dwellings provide the best possible building orientation and ventilation given the topography and vegetation constraints of the land. The other energy efficient matters relate to the BASIX building requirements and the applicant has provided to Council BASIX certificates for each of the proposed dwelling buildings.</p>
<b>Clause 1.6 - Open Space, Density and Site Coverage</b>		
Open Space (Primary and Functional)	Yes	<p>The DCP requires 35m<sup>2</sup> of Primary Open Space with a minimum dimension of 3m and 16m<sup>2</sup> of functional open space with a 4m minimum dimension.</p>

		<p>As illustrated within the architectural design plans, private open space areas for the ground floor units comply with an area of 35m<sup>2</sup>. The majority of ground floor dwellings have a mixture of outdoor land and deck area.</p> <p>As illustrated within the architectural design plans, private open space areas for the first floor units comply with a minimum dimension adhering to the prescribed 4m and have a total deck/balcony area of 16m<sup>2</sup>. It is noted that some of the first floor deck/balcony areas are split into two areas that have a combined total 16m<sup>2</sup> or greater, however importantly they are at a minimum 4m wide ensuring that they are usable outdoor spaces.</p> <p>All proposed ground floor and first floor deck/balcony areas are directly accessible from the living area and as such meets the access requirements relating to functional open space.</p>
Density and Site Coverage	Yes	<p>The DCP density provisions outlines the following:</p> <p>1 x 1 bedroom dwelling per 180m<sup>2</sup> and 1 x 2 bedroom unit per 220m<sup>2</sup> for lots &gt;1,200m<sup>2</sup>.</p> <p>Given the site has an area of 13.6ha (136,000m<sup>2</sup>) then the maximum number of 2 bedroom dwellings on this site is:  <math>136,000\text{m}^2 / 220\text{m}^2 = 618</math> dwellings.  The application proposes 218 dwellings.</p> <p>The density of the development is based below on that of a 2 bedroom dwelling even though it is noted the proposed development comprises a mix of 1 and 2 bedroom dwellings.</p> <p>Density (excluding the land area of the Council reserve proposed for purchase, being Lot 33 DP 841587, with an area of 3827m<sup>2</sup>) of the development is:</p> <p><math>136,000\text{m}^2 / 218 \text{ Units} = 1 \text{ dwelling per } 623\text{m}^2</math></p> <p>Density (including the land area of the Council reserve proposed for purchase, being Lot 33 DP 841587, with an area of 3827m<sup>2</sup>) of the development is:</p> <p><math>139827\text{m}^2 / 218 \text{ Units} = 1 \text{ dwelling per } 641\text{m}^2</math>.</p>
<b>Clause 1.7 – Landscaping and Privacy</b>		
Overall Site Landscaping	Yes	<p>The DCP requires that 40% of the multi-dwelling housing total site area must be landscaped.</p> <p>The subject site has an area of 136,000m<sup>2</sup> and therefore requires 54,400m<sup>2</sup> of overall landscaped area.</p>



		<p>The proposed development provides 59,875m<sup>2</sup> of Landscaped Areas (including koala rehabilitation planting) and 47,787m<sup>2</sup> of retained and managed landscape areas (including recreation facilities), total being 107,662m<sup>2</sup> of overall landscaped area.</p>
Privacy	Yes	<p>Dwellings must provide visual and acoustic privacy. It is considered given the topography and internal layout of the site that there are no likely issues regarding the overlooking of internal living areas and private open space areas between each dwelling.</p> <p>No dividing fences are provided between each unit cluster, with privacy achieved through the built form and siting of the units themselves.</p> <p>Future residents may embellish their primary open spaces with landscape species further increasing privacy.</p>
<b>Clause 1.8 - Parking and Driveways</b>		
Parking	Yes	<p>The DCP requires 1 car parking spaces per 1 bedroom dwellings and 1.5 car parking spaces per 2 bedroom dwellings plus 1 visitor car parking space per 5 dwellings.</p> <p>The development provides <b>209 x 2 bedroom and 9 x 1 bedroom dwellings</b> and therefore provides the following number of car spaces:</p> <p><b>9 x 1 bedroom dwellings x 1 car space=9;</b>  <b>209 x 2 bedroom x 1.5 spaces = 314;</b>  <b>218 dwellings /5 = 44 Visitor Spaces</b></p> <p>Total Number of Spaces Required: 367</p> <p>The development provides 424 on-site car spaces comprising of 372 residential dwelling spaces and 52 visitor spaces. The proposal therefore exceeds the DCP requirements.</p>
Driveway Width and Gradient	Yes	<p>A minimum of 1 covered parking space has been provided for each unit and is embodied within the strata unit for each residential unit.</p> <p>The DCP requires a driveway width of 5.5m when there are 3 or more dwellings.</p> <p>The driveway widths vary from 8m and 6m and therefore the proposed development exceeds Council's prescribed width.</p> <p>The DCP requires that the gradient for driveways does not exceed 29% or have a change in gradient of 12.5%. The proposed driveway gradient for the site does not exceed 29% whilst the change of grade does not exceed 12.5%.</p>

<b>Clause 1.9 - Drainage</b>		
Drainage	Yes	<p>The DCP requires all stormwater, surface water and subsoil drainage is directed to drain to Council's drainage system.</p> <p>The applicant has submitted a stormwater management plan that demonstrates all stormwater can be directed towards Council's reticulated drainage system.</p>
<b>Clause 1.10 – Earthworks and Retaining Walls</b>		
Earthworks	No (however for reasons outlined the variation is supported).	<p>The DCP allows cut and fill to a maximum height of 1.2m.</p> <p>The proposed development included a concept cut/fill design with the proposed built form. The maximum cut for the project occurs on the southern and western portions of the site. The cut levels in these areas are in the order of 3 metres.</p> <p>The primary areas associated with the cut will be screened from public view as they will be integrated into the house design as detailed within the design plans for the project.</p> <p>The applicant has requested a variation to the DCP for the following reasons:</p> <ul style="list-style-type: none"> <li>• Slope of the land;</li> <li>• Integration with the built form.</li> </ul> <p>The proposed variation is supported for the following reasons:</p> <ul style="list-style-type: none"> <li>• The topography of the land necessitates the proposed earthworks;</li> <li>• The design of the development has incorporated earthworks as part of the dwelling built form to reduce visual impact of earthworks;</li> <li>• The proposed earthworks are unlikely to disrupt or have any detrimental effect on, drainage patterns and soil stability in the locality of the development;</li> <li>• The earthworks are unlikely to have any effect on the likely future use or redevelopment of the land;</li> <li>• There are no known contamination issues with the proposed soil to be excavated;</li> <li>• The cut and fill proposed will assist to avoid, minimise or mitigate the impacts of the development any likely impact upon adjoining properties;</li> <li>• The earthworks is not likely to disturb any known built or archaeological relics;</li> <li>• The earthworks will not have any adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area.</li> </ul>

<b>Clause 1.11 – Erosion and Sediment Control</b>		
Erosion & Sediment Control	Yes	In accordance with the DCP objectives to reduce potential of soil erosion and prevent pollution and siltation of natural water courses and Council's drainage system. Appropriate erosion and sediment controls will be required to be installed to Council's requirement prior to the commencement of construction of the development. The applicant has submitted a draft erosion and sediment control plan.
<b>Part A, Chapter No.5 - Subdivision and infrastructure (Urban subdivision)</b>		
Urban Residential, Commercial and Industrial Subdivision		The subdivision, as proposed, is classified as a Class B – Minor Urban Subdivision. Chapter 5 also identifies performance criteria for strata subdivisions to achieve separate titles for development and for the effective and efficient management of shared or common facilities. This is relevant in this instance as the proposed 'multi-dwelling housing' development will be Strata Titled post completion of their construction on the respective lots. The relevant element entitled 'Subdivision of Buildings' of Chapter No. 5 are discussed below:
1. The range and extent of Body Corporate activities are limited to those legally permitted.	Yes	<ul style="list-style-type: none"> <li>• Separate sites are created for each unit with public street access achieved through the provision of common property over the internal driveway areas.</li> <li>• The development has access from two public roads, being Casuarina Drive and Fischer Street.</li> <li>• The subdivision layout designates the common property to the driveway areas, community facilities, regeneration and residue land areas, waste storage area, visitor car parking and service meters for the development. Accordingly, the dwelling and the section of driveway connecting to the carport are to be held within the individual strata units.</li> <li>• A Strata Management Statement shall be recorded on each lot's title to govern management of shared access areas; shared facilities/Infrastructure; shared utilities; insurance; maintenance; standards; cost-sharing; and orderly decision-making.</li> </ul>
2. The street and lot layout clearly defines the public, communal and private areas of a development, including the function, ownership and management of open spaces and communal areas.	Yes	The proposal clearly defines the areas of communal land and private areas of the development through the proposed built form of the units and proposed site layout.
<b>Part A, Chapter No.13 - Crime Prevention Through Environmental Design (CPTED)</b>		

Guidelines for Development Assessment	Yes	<p>The application was accompanied by CPTED report.</p> <p>The report includes a number of recommendations relating to dwelling design, car park areas, lighting, common property/community facility areas and maintenance of the Public Domain.</p> <p>These recommendations seek to increase the safety of the users of the development by including natural surveillance of public spaces, in particular the common property, clearly defined access control and an overall understanding of public versus private ownership.</p> <p>The proposed development has generally incorporated the recommendations within the amended design and this is supported by the NSW Police who support the proposed development subject to conditions which have been incorporated into the recommended conditions of consent.</p> <p>It is also noted that the proposed development incorporates an on-site manager who is responsible for the upkeep of the building to ensure the development site remains well looked after and cared for in terms of such items like security lighting and landscaping which has a significant impact on the safety of a development.</p> <p>The recommendation incorporates conditions of consent that address this issue.</p>
<b>Part A, Chapter No.14 - Tree Preservation Order</b>		
Land to which the TPO Order applies	Yes	<p>The development proposes native vegetation removal and therefore Chapter No.14 is applicable to the development proposal.</p> <p>The proposal does not contain vegetation which is critical to the water catchment of Lismore, given the location of the site and the urbanised form of the surrounding locality.</p> <p>The removal of the vegetation (ie. nominated trees) will not cause soil instability as the removal of the trees will be completed in conjunction with the development of the land for the multi-dwelling housing.</p> <p>Reference should be made to the comments in this report by Council's ecologist regarding tree removal.</p> <p>The applicant proposes compensatory planting for the trees that are removed.</p>
<b>Part A, Chapter No.15 - Waste Minimisation</b>		
Handling Waste	Yes	<p>The proposal incorporates adequate areas for refuse storage within a purpose built bin storage</p>

		<p>enclosure which screens the bins from the public domain in accordance with the provisions of the waste minimisation Chapter of the DCP.</p> <p>The recommendation incorporates a condition of consent that a <i>Waste Management Plan</i> for the construction process is prepared and lodged for approval with Council prior to the release of the Construction Certificate.</p>

## Part B – Chapter 1: Urban Area

This particular chapter of the DCP is to ensure that the subdivision design takes into account the particular constraints and characteristics that apply to land in Lismore such as slope, bush fire hazard and urban bushland.

A summary of the assessment is provided in the below table.

**Table 2: Part B – Chapter No. 1 - Urban Area**

DCP Provision	Comments
1.2 - Roads	The proposed development provides strategic and local road networks that adequately cater for the proposed development.
1.4.1 - Flooding	The subject land is not located on flood prone land.
1.4.3 - Potential Koala habitat	This issue is addressed within the comments of Council's Ecologist.
1.4.5 - Potential land use conflicts	No potential land use conflicts are identified for the project having regard to the location of the land and adjoining land uses.
1.5 - Services	The proposal is adequately serviced by existing infrastructure services.

## Section 94 Contributions Plan

The proposed development will result in increased demand for public services and amenities, and therefore Section 94 Contributions are applicable.

A credit of 1 ET has been granted for the dwelling existing entitlement for Lot 3 DP 883865 (116 Fischer Street, Goonellabah) as outlined in the Stage No.1 table listed below.

The following Levies would therefore apply under Section 94 of the Environmental Planning and Assessment Act 1979 and amounts payable are set out below.

The total contribution for the 218 units amounts to \$651,773.

Stage No.1

Stage 1						
		One bedroom unit	Multi dwelling housing	credit for existing site		Total
Number of Units		0	51	1		
	Rate Per Person (\$)	For a 1 bedroom dwelling house at 0.8 persons per bedroom	For a 2 bedroom dwelling at 0.8 persons per bedroom			
Community Services and Facilities	\$65	\$0	\$5,304	\$156		\$5,148
Public Domain Facilities	\$254	\$0	\$20,726	\$610		\$20,117
Open Space and Recreation Facilities (including Tucki Tucki Creek corridor)	\$115	\$0	\$9,384	\$276		\$9,108
Cycleway Facilities	\$332	\$0	\$27,091	\$797		\$26,294
Urban Traffic Management Facilities	\$1,093	\$0	\$89,189	\$2,623		\$86,566
Stormwater	\$16.50	\$0	\$1,346	\$40		\$1,307
						\$0
Section 94 Plan Administration	\$46	\$0	\$3,754	\$110		\$3,643
<b>Total</b>		<b>\$0</b>	<b>\$156,794</b>	<b>\$4,612</b>		<b>\$152,183</b>

Stage No.2

Stage 2					
		One bedroom unit	Multi dwelling housing		Total
Number of Units		2	47		
	Rate Per Person (\$)	For a 1 bedroom dwelling house at 0.8 persons per bedroom	For a 2 bedroom dwelling at 0.8 persons per bedroom		
Community Services and Facilities	\$65	\$104	\$4,888		\$4,992
Public Domain Facilities	\$254	\$406	\$19,101		\$19,507
Open Space and Recreation Facilities (including Tucki Tucki Creek corridor)	\$115	\$184	\$8,648		\$8,832
Cycleway Facilities	\$332	\$531	\$24,966		\$25,498
Urban Traffic Management Facilities	\$1,093	\$1,749	\$82,194		\$83,942
Stormwater	\$16.50	\$26	\$1,241		\$1,267
		\$0	\$0		\$0
Section 94 Plan Administration	\$46	\$74	\$3,459		\$3,533
Total		\$3,074	\$144,497		\$147,571

Stage No.3

Stage 3					
		One bedroom unit	Multi dwelling housing		Total
Number of Units		3	55		
	Rate Per Person (\$)	For a 1 bedroom dwelling house at 0.8 persons per bedroom	For a 2 bedroom dwelling at 0.8 persons per bedroom		
Community Services and Facilities	\$65	\$156	\$5,720		\$5,876
Public Domain Facilities	\$254	\$610	\$22,352		\$22,962
Open Space and Recreation Facilities (including Tucki Tucki Creek corridor)	\$115	\$276	\$10,120		\$10,396
Cycleway Facilities	\$332	\$797	\$29,216		\$30,013
Urban Traffic Management Facilities	\$1,093	\$2,623	\$96,184		\$98,807
Stormwater	\$16.50	\$40	\$1,452		\$1,492
		\$0	\$0		\$0
Section 94 Plan Administration	\$46	\$110	\$4,048		\$4,158
Total		\$4,612	\$169,092		\$173,704



#### Stage No.4

Stage 4				
		One bedroom unit	Multi dwelling housing	Total
Number of Units		4	56	
	Rate Per Person (\$)	For a 1 bedroom dwelling house at 0.8 persons per bedroom	For a 2 bedroom dwelling at 0.8 persons per bedroom	
Community Services and Facilities	\$65	\$208	\$5,824	\$6,032
Public Domain Facilities	\$254	\$813	\$22,758	\$23,571
Open Space and Recreation Facilities (including Tucki Tucki Creek corridor)	\$115	\$368	\$10,304	\$10,672
Cycleway Facilities	\$332	\$1,062	\$29,747	\$30,810
Urban Traffic Management Facilities	\$1,093	\$3,498	\$97,933	\$101,430
Stormwater	\$16.50	\$53	\$1,478	\$1,531
		\$0	\$0	\$0
Section 94 Plan Administration	\$46	\$147	\$4,122	\$4,269
<b>Total</b>		<b>\$6,149</b>	<b>\$172,166</b>	<b>\$178,315</b>

#### Applicable Regulations

The EPA Regulation 2000 requires that Council take into consideration AS 2601-1991: the demolition of structures, as in force at 1 July 1993. As demolition of some structures on the site is proposed to occur, a suitable condition should be imposed.

## Relevant Council Policies

### Social Impact Assessment

The application was accompanied by a Social Impact Assessment (SIA) prepared by Malcom Scott on behalf of the applicant. This SIA report addressed the provisions within Council's SIA policy.

Council's community services staff reviewed the SIA report in accordance with Clause 5.6 of Council's SIA policy which provides details on '*How to assess a DA – Guidelines for Council and Developers*'. Please refer to the referral comments within this report from Council's community services officer. It is concluded that the SIA report submitted is satisfactorily and that the proposed development is unlikely to have any net negative social impacts.

### Lismore Housing Strategy (LHS) 2012

This strategy is aimed at understanding the full range of the current and future housing needs of the community and identifying ways of addressing these needs.

This strategy identifies that Council's research into housing has found that the occupancy rates within dwellings is falling with 62% of households occupied by 1 or 2 people versus 38% occupied by 3 or more people. The occupancy rate does not align with the dwelling stock or rental housing market that is seeking smaller homes.

Council's housing stock indicates that there is 85% separate houses (mainly 3 bedrooms or more) and only 13% of multi-unit dwellings. Household occupancy rates have declined over recent years and are expected to continue to decline due to declining fertility levels, ageing of the population, increasing single parent households, preferences for living in smaller households and higher incidence of divorce. Therefore, 1 and 2 bedroom dwellings will be needed to accommodate a greater proportion of smaller households.

The proposed development is providing a mix of 1 and 2 bedroom dwellings which is a type of housing stock that is identified within this strategy as needed by the Lismore LGA as it will not only provide housing stock to match occupancy rates but it provides a mix of new housing stock that is more moderate in price to buy or rent and will cater for a segment of the young and ageing population within the housing market. For these reasons Council believes the proposed development is consistent with the LHS 2012.

### Roads Act Approvals

The proposal requires works within the public road reserve, and as such, a permit under the provisions of s.138 of the Roads Act must be obtained prior to those works being undertaken. This requirement is addressed in relevant conditions of consent.

### Local Government Act Approvals

The proposal requires approval under the provisions of s.68 of the Local Government Act and the relevant s.68 approvals must be obtained prior to those works being undertaken. This requirement is addressed in relevant conditions of consent.

## All Likely Impacts of the Development

All likely impacts of the proposed development have been considered within the context of this report.

### ENVIRONMENTAL APPRAISAL

### CONSIDERED

- |  |     |
|--|-----|
| 1. Statutory Controls                          | Yes |
| 2. Policy Controls                             | Yes |
| 3. Design in relation to existing building and | Yes |

natural environment

4. Landscaping/Open Space Provision	Yes
5. Traffic generation and Carparking provision	Yes
6. Loading and Servicing facilities	Yes
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8. Site Management Issues	Yes
9. ESD Principles and Climate Change	Yes
10. All relevant S79C considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

## Conclusion

The subject site is considered suitable for this development as it is zoned R1 – General Residential for residential development purposes under Lismore LEP 2012. The applicant has also demonstrated that the proposed development on the land is capable of complying with the development control provisions of Lismore DCP 2007 subject to only a minor variation to the cut, fill and building height due to the topography of the land. Furthermore the development of the land for residential purposes is consistent with the existing residential character of the locality.

The proposed development is compatible with the development control provisions of Lismore DCP 2007 and the proposed mix of 1 and 2 bedroom dwellings is the Lismore Housing Strategy (LHS) 2012 has identified that there is a shortage of 1 and 2 bedroom dwellings within Lismore Local Government Area (LGA).

It is acknowledged that the proposed development will have an impact upon the existing natural environment (both Flora and fauna) through the removal of many existing trees and use of this site for residential housing. However as detailed within the report these impacts have been satisfactorily addressed and appropriate compensation measures are proposed to ensure environmental impacts associated with this housing project are minimised.

In relation to the built environment the proposed design, density and building materials of the multi-dwelling housing project is different to the surrounding development. However it is considered that the bulk, scale and size of the development has been designed to complement the existing site characteristics and therefore it is unlikely to have any form of negative impact upon the surrounding built environment.

There were a number of public submissions in objection to the proposed development. The issues of concern raised are detailed within the report and were necessary appropriate issues raised have been addressed via conditions of consent. Whilst not all of the local residents support this proposal it is considered that the proposed development is in the public interest because of the positive economic impacts and housing choice that will be provided by this development.

## Recommendation

PURSUANT TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED) THAT:

The Joint Regional Planning Panel (JRPP), as the consent authority, assume the concurrence of the NSW Secretary of Planning and Environment, in relation the proposed non-compliance with clause 4.3 (height of buildings) of the Lismore LEP 2012, and grant consent to Development Application No. 5.2014.197.1, subject to the conditions contained within Attachment No. 3.

## Attachment No.1: Development Application Internal & External Referral Comments

### Building Surveyor

#### **BCA Requirements**

Detailed assessment of the buildings is to be undertaken prior to issuing Construction Certificate. Plans should identify requirements such as – access, laundry facilities, clothes drying, etc.

#### **Fire Safety/Essential Services**

A detailed assessment is to be undertaken prior to issuing of the Construction Certificate.

#### **Access Standards**

Class 2 buildings are required to provide access to at least one sole occupancy unit within each building containing 2 or more separate dwelling. Access is also required to the proposed communal building and swimming pool complex. A condition of consent is recommended addressing this issue.

#### **Recommendation**

Approval subject to conditions.

### Environmental Health Officer

#### **Contaminated Land**

Preliminary contaminated land assessment has been undertaken by Australian Wetland Consulting Pty Ltd. The reporting has been undertaken in accordance with Council's 'Regional Policy for the Management of Contaminated Land' and demonstrates that the site is suitable for the proposed residential use and therefore no further reporting is required for this technical matter.

#### **Noise Impacts**

The key issue for this development will be noise emissions during the construction sequence and the potential for noise generation from community facilities. Standard conditions can be nominated for these issues.

A management plan is recommended for the management of community facilities as part of the Strata Management Plan(s) – hours of use of the pool, BBQ facilities etc. A preliminary 'Management Plan' has been presented as additional information. This plan will be required to be up-dated and submitted to Council prior to occupation of Stage 1 dwellings/units. It is important that the plan also be linked to other key infrastructure plans that require the management/maintenance of assets such water & sewer, storm water management and re-use, waste management, community facilities (swimming pool).

#### **Environmental Impacts (Amenity)**

A management plan is recommended for the operational framework for community facilities as part of the Strata Management Plan(s) development to minimise potential adverse amenity impacts. A preliminary management plan has been submitted as part of the additional information.

The Statement of Environmental Effects also identifies that on-site management and maintenance supervision is proposed at stages 1 & 4. It is considered important that these commitments are formalised through the Strata Management Plan(s).

The swimming pool is not considered to be a public swimming pool under the provisions of the *Public Health Act 2010* and *Public Health Regulation 2012*. However, in recognition of the scale of the development and therefore the number of unrelated persons it is considered critical from a public health point of view that the pool be managed in accordance with the NSW Health Guidelines for Public pools.

A preliminary 'Management Plan' has been presented as additional information. This plan will be required to be up-dated and submitted to Council prior to occupation of Stage 1 dwellings/units. Additional information also confirms that on-site managers will be incorporated into the development at Stages 1 & 4.

### **Stormwater / Treatment Devices**

A preliminary assessment – Water Management Plan Report prepared by Australian Wetland Consulting Pty Ltd demonstrates that the provisions of Chapter 22 Lismore DCP can be reasonably satisfied. Final designs would be prepared in response to conditions of consent - Section 68 Application.

Council's Development Engineer has presented a design option to the applicant whereby upper catchments waters would be combined with the storm waters generated by the proposed development. This design would be supported by a Section 88(b) protecting Council from any management/maintenance obligations and associated risk.

The proponent has presented a design option whereby upper catchments waters would be combined with the storm waters generated by the proposed development. This design would be supported by a Section 88(b) protecting Council from any management/maintenance obligations and associated risk.

If this design is not adopted, then other issues would arise such as:

- Ownership of asset / easements
- Complication of combining quality/quantity/ re-use and private/public ownership.
- Strata management – multiple zones
- Timing of construction of treatment device (bio-retention system. Consider the transition of detention basin to bio-retention basin on completion of the majority of built structures to minimise impact on treatment media and quality treatment performance post development.

Further information will be required to demonstrate the framework within which the proposed water re-use scheme will operate particularly when there is proposed multiple strata zones. Standard conditions can be proposed for re-use quality standards/maintenance etc.

The submission identifies that a cost benefit analysis will be required prior to the adoption of the proposed storm water reuse option.

Due to the slope of the development site and proximity of sensitive receiving waters development of a suitable soil and water management plan will be required.

Standard conditions are nominated following the submission of the additional information from the applicant's consultant(s).

The Statement of Environmental Effects also identifies that works are proposed within 40m of a waterway which will trigger the requirement of a 'Controlled Activity Approval' under the provisions of the Water Management Act (Integrated development). The Office of Water has provided their General Terms of Approval.

### **Buffers**

Water Management Act requirements - The Office of Water has provided their General Terms of Approval.

### **RECOMMENDATION**

Approval subject to conditions.

### **Social Impact Assessment**

**Comment:** The following social/community planning comments are offered in relation to the amendments made to the development application following the DA workshop as well as a review of the Social Impact Assessment (SIA) report provided by Malcom Scott on behalf of Green Vision Developments Pty Ltd and submitted with the application. The review of the submitted SIA and comments have been undertaken in accordance with *Clause 5.6 - How to Access a DA – Guidelines for Council and Developers* of Council's Social Impact Assessment Guidelines.

#### **Has the applicant considered all relevant impacts?**

**Comment:** The Developer has provided information regarding modifications made to address concerns raised at the stakeholder meeting and the mediation session with neighbouring residents.

#### **Has a balanced assessment of the project been provided?**

**Comment:** Developers have provided a detailed assessment. Community Services staff have discussed the development and potential impacts on the wider community, and residents of the proposed development. Information provided by NSW Police has also been taken into consideration in making this assessment.

#### **Is the data sufficient to demonstrate the benefits and justify the significance of the impacts?**

**Comment:** The data provided is sufficient to assess benefits and impacts of the development on the neighbouring community and new residents of the development.

#### **Is the data sufficient and reliable?**

**Comment:** The submitted data was obtained from relevant and reliable sources to provide information for this development.

#### **Is the proposal reasonable in the context of its overall net benefits to the community?**

**Comment:** The proposed development will provide much needed smaller sized housing options to balance the current stock of larger family homes available in the Lismore LGA. There is a growing need for one and two bedroom dwellings and this will increase as the population of Lismore ages.

#### **Can its impacts be adequately minimised or a net benefit be demonstrated?**

**Comment:** Modifications to the earlier Development Application have incorporated recommendations from both Council staff and state government representatives and it is considered that the amendments to the development have satisfactorily addressed social impact issues.

#### **Does it adequately address community concerns?**

- **Does the application adequately address the social impacts? or**
- **Will it need ongoing monitoring and consent conditions to enable it to adequately address the social impacts?**

**Comment:** It is considered that the long term commitment by the Developer to maintain employment of onsite caretakers and maintenance staff will be essential to managing the community safety issues raised during the assessment of this development.

## General Development Comments:

- **Location of Community Facilities**

**Comment:** Following concerns raised by NSW Police and LCC Community Services staff at the DA workshop, the applicant was asked to consider the relocation of the swimming pool and BBQ area to a less isolated site within the development. The applicant was also asked to defer construction of these amenities until Stages 1 and 2 have been completed and new residents are settled. The amended plans and documentation submitted to LCC by the applicant have addressed these concerns by relocating the swimming pool and BBQ to the southern end of the development. This position allows for greater passive surveillance of these recreational facilities. The proposed construction of these facilities at Stage 3 is supported by Council and will assist in passive surveillance with a number of residents already residing in Stage 1 and 2 dwellings.

- **Boundary Fencing**

**Comment:** The main area for palisade fencing should focus along the north and north-eastern boundaries of Elizabeth Avenue and Fischer Street. Fencing at these locations will limit foot, bicycle, motorbike, and off road cars access to the development site. The close proximity at the northern end of the development to the housing estates of Shearman Drive and Campbell Crescent, which have been identified as crime 'hotspots' by the NSW Police, is necessary to allay community safety concerns. Fencing will act as a deterrent for anti-social behaviour and malicious damage to the construction site and later for the residents of Altitude 2480.

- **Aboriginal community**

**Comment:** The locality of Goonellabah contains a significant Aboriginal population. Unemployment is high within this community and a large number of Aboriginal community members expressed interest in employment opportunities at a recent LCC recruitment round. Having Aboriginal staff working on site during the construction phase has the potential to enhance relationships with the broader Aboriginal community, and assist in mitigating anti-social and criminal behaviours of some local young Aboriginal people. Interest from young people in the neighbouring suburbs may stabilise, with less reports of anti-social and criminal behaviour to NSW Police and Altitude 2480 management.

## RECOMMENDATION

Approval subject to conditions.

### Water and Sewer Officer

#### Water Requirements

Water supply works are required for domestic and fire services. The existing infrastructure is able to supply the development. All works will be subject to a s68 application and approval to be issued for each stage of development. Refer to conditions.

#### Sewer Requirements

Sewerage works are required to service the development. Works include construction of new mains, some mains becoming redundant and installation of substantial private assets as house drains including use of low pressure sewerage systems. All works subject to s68 application and approval for each stage of the development.

#### Levies

Section 64 levies do apply to this development. The development has a total of 131.2ET water and 164ET sewer. Based on Council's 2014/15 S.64 levies the total water and sewer cost for the development is \$3,269,168 which is payable in stages. Please refer to the S.64 Levies table within the recommendation.



### Trade Waste

Liquid trade waste is to be generated on-site by the communal swimming pool and will require a specific treatment and disposal system. The proposed development is subject to a LTW application and approval.

### Fire Services

The site requires a fire hydrant system and a compliant water supply connection that incorporates both domestic and fire services. The system is part of a complete Hydraulic design for the development and will form part of a S.68 application and approval process.

### RECOMMENDATION

Approval subject to conditions.

### Development Engineer

#### Vehicular Access/Site Distance

The formal site access is from Casuarina Drive however the site also has unconstructed road frontage to both Fischer Street and Elizabeth Avenue.

### Traffic Impact

#### Fischer Street

The applicant proposes to provide 218 units. On the assumption that each unit will generate 4 vehicle trips per day (table 8.1a LCC strategic Road review 2013) **the site will contribute 872 trips per day or 88 trips during the peak hour.** Fischer Street and Elizabeth Street provide access to the site. Considering the steeper grade of Elizabeth Street a reasonable assumption of traffic split would be 60/40 with 523 trips per day using the Casuarina Drive/Fischer route and the 349 trips per day on Elizabeth Street. A recent traffic count taken on Fischer Street (9/10/2014) indicates a week day count of 289 trips per day servicing 51 lots. Projecting this rate to Fischer Street, south of the Elizabeth Avenue roundabout, the estimated traffic flow is 442 trips per day. The combined traffic volume post development on Fischer Street south of Elizabeth Avenue is 965 trips per day. The conclusion is the Fischer Street which has a street classification of "Local Street" as defined in Table 5.2 of Chapter No.5 of Lismore DCP 2007, will not change function as a result of this development. However, by definition a "Collector Street" connects neighbour hoods and key activities. It provides direct property access as well providing pedestrian, cyclist and vehicle connectivity. With the introduction to this development it could be argued that Fischer Street complies with this definition although at a lesser traffic volume.

The TTM traffic report submitted by the applicant indicates that the peak hour morning traffic on Fischer Street between Elizabeth Avenue will grow to 89 trips per hour in the year 2025. Resulting in a through traffic estimate of just under 1,000 trips per day. This traffic flow is well within the traffic volume requirements for a local street as detailed within *Chapter No.5 - Subdivision and Infrastructure – Urban Subdivision* of Lismore DCP 2007. Furthermore it is considered:

- Fischer Street has sufficient capacity and width to accommodate the traffic likely to be generated from the proposed development.
- Fischer Street shall be extended to intersect with Elizabeth Avenue. The Fischer Street extension shall be constructed to an 11m width consistent with the existing road pavement.
- Fischer Street will not join Shearman Drive (see below)

#### Elizabeth Avenue

To address council's requirements for 80% to 90% of the development to be within 400m of a bus route the developer is required to extend Elizabeth Street to the west and connect with Fischer Street. Elizabeth Avenue is identified in the LCC Section 94 Contribution Plan 2014 urban roads works program and forms a segment of the proposed east/west road link.



Elizabeth Avenue is identified in the Lismore Strategic Road Review 2013 as a collector road connecting Rous Road to Invercauld Road. As a collector road, Elizabeth Avenue will be constructed to a 12m wide standard. The proposed development will not generate sufficient traffic to require full width construction.

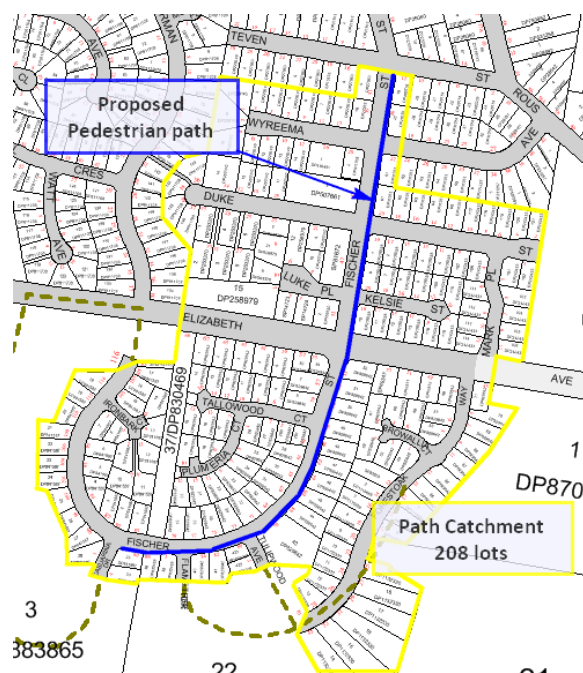
The applicant will be conditioned to construct Elizabeth Avenue to a 6m sealed pavement with kerb and channel on the southern side. The pavement shall be designed on the agreed alignment to suite the final road position. The pavement depth shall be design to a collector road standard.

Due to road grade differentials between Shearman, Elizabeth and Fischer streets and potential social problems that may arise from the Sherman Drive public housing, Council has no intention at this stage of having any direct street connection between Fischer Street and Shearman Drive.

### **Pedestrian Safety**

It has been identified that the development will prove to be a significant generator of pedestrian traffic. The Rous Road shopping and medical precinct is a significant attractor for this development. Council's requirements for pedestrian pathways are detailed within *Chapter No.5 - Subdivision and Infrastructure – Urban Subdivision* of Lismore DCP 2007; in particular table 5.5, where it highlights a 1.5m reinforced concrete footpath is required.

The footpath will service an existing catchment of 208 lots which at an occupancy rate of 2.4 people per dwelling represents a catchment of 499 people. The new development will provide 209 - 2 bedroom units and 9 – 1 bedroom units. At an average occupancy rate of 0.8 people per bedroom, the development will cater for an additional 342 people. The developer will therefore be conditioned to construct this pedestrian path to meet the demands generated by the development.



### **OFF STREET CAR PARKING/ MANOEUVRING**

Under Part A, *Chapter No.7 - Off Street Car parking* of Lismore DCP 2007 the proposed development requires the following number of off street car parking spaces:

- 209 – 2 bedroom units @ 1.5 spaces per unit - 314 spaces
- 9 – 1 bedroom units @ 1.0 spaces per unit - 9 spaces
- 218 units @ 1 visitor parks per unit - 44 spaces

The minimum off street car parking requirement under the DCP for this development is 367 spaces. The proposed development has provided for 424 car parking spaces.

### **Stormwater (Quantity)**

The topography of the site varies and can generally be described as moderate to steep falling in a general westerly direction. Runoff from the site discharges to Gundurimba Creek, a second order stream running north south. Runoff from above the site is collected and concentrated above the site at Fischer Street then discharged through the proposed development site.

The applicant has submitted a stormwater management plan detailing the proposed collection and treatment of onsite runoff. The Water Management Plan provided by the applicant and developed by Australian Wetlands Consulting Pty Ltd advises:

*The following water sensitive design objectives are considered to be relevant and applicable to the site:*

- *Reduce the demand for reticulated water from the town water supply.*
- *Ensure that stormwater discharged from the development minimises adverse impacts on the environment and receiving waters (quality and quantity).*
- *Utilise natural surfaces and landforms as stormwater flow paths and to allow for on-site treatment where suitable.*
- *Ensure that water management is a key consideration in the urban design process to maximise opportunities for water reuse and ensure stormwater management infrastructure is appropriately integrated with the site design.*
- *Reduce and negate the risk of soil erosion within the site in its post development form.*

The recommendation incorporates a condition of consent that the design and construction of the development must:

- Be in substantial agreement the recommendations detailed in the Water Management Plan Report prepared by Australian Wetlands Consulting Pty Ltd Project # 1-14390d dated November 2014;
- Comply with LCC Development Control Plan Chapter 22 "Water Sensitive Design".

### **Drainage (including existing onsite drainage)**

The concept to harvest the onsite runoff for treatment and reuse is supported.

The applicant's civil consultants propose to combine the internal run off with the external runoff within the site and then discharged after passing through an onsite treatment train. The discharge will then flow overland to Gundurimba Creek.

To protect Council from potential future litigation council would normally require the runoff to be conveyed through the site and protected with an easement. However, as the natural flow paths and constructed infrastructure are conveying both on and off site runoff, it is proposed to use a "Positive Covenant", requiring the land owner to operate and maintain all stormwater infrastructure.

The recommendation incorporates a drainage condition of consent that the design of the development must:

- Provide any easement over the flow path and stormwater infrastructure that conveys stormwater from above the site to the point of discharge below your client's property.
- The easement shall be wide enough to contain the overland flow of the major storm event i.e. ARI 100 year event. This will ensure that the underground infrastructure will be secure and will prevent structures encroaching and blocking the flow path. Given the grade of the site, the easement width is likely to be small. The minimum width would be twice the depth of the in ground structure or pipe. or 3 metres whichever is the greater.
- A positive covenant over all stormwater flow paths and infrastructure including the stormwater easements, detention ponds etc, placing the full responsibility of the operation and maintenance with the land owner.
- The applicant will be conditioned to provide for council approval, a site specific stormwater operation and maintenance management plan including maintenance schedules. The

management plan would be agreed to by council as condition of the positive covenant and could only be changed with council consent.

- A condition of the positive covenant would compel the owner to abide by the terms and conditions of the management plan. This will allow the management plan to be changed if necessary without requiring the covenant to be renegotiated.

## LEVIES – SECTION 94

The value of the developer's contribution is identified in the Lismore City Council section 94 Contribution Plan 2014.

The contribution for

- 209 – 2 bedroom units = \$642,549.60 (208 x \$3,074.40)
- 9 – 1 bedroom units = \$13,834.80 (9x 0.8 x \$1,921.50)
- Credit for existing lot = \$4,612

The total contribution for the 218 units amounts to \$651,773

		One bedroom unit	Multi dwelling housing	Existing Credit	Total
Number of Units		9	209	1	
	Rate Per Person (\$)	For a 1 bedroom dwelling house at 0.8 persons per bedroom	For a 2 bedroom dwelling at 0.8 persons per bedroom	Existing Site Credit for	
Community Services and Facilities	\$65	\$468	\$21,736	\$156	\$22,048
Public Domain Facilities	\$254	\$1,829	\$84,938	\$610	\$86,157
Open Space and Recreation Facilities (including Tucki Tucki Creek corridor)	\$115	\$828	\$38,456	\$276	\$39,008
Cycleway Facilities	\$332	\$2,390	\$111,021	\$797	\$112,614
Urban Traffic Management Facilities	\$1,093	\$7,870	\$365,499	\$2,623	\$370,746
Stormwater	\$16.50	\$119	\$5,518	\$40	\$5,597
Section 94 Plan Administration	\$46	\$331	\$15,382	\$110	\$15,603
<b>Total</b>		<b>\$13,835</b>	<b>\$642,550</b>	<b>\$4,612</b>	<b>\$651,773</b>

### **Works In Kind**

The applicant is required to construct a section of Elizabeth Avenue which is identified in the contribution plan as part of the Strategic Road network.

The Lismore City Council Strategic Road Review lists the cost to construct Elizabeth Avenue between Rous Road to Invercauld Road (5,600 M2) in 2013 as \$6.6M. Adjusting the estimate to current date, the cost of \$6.6M is multiplied by 1.04 (refer LCC Section 96 Contribution Plan 2014 note below Table 27) becomes \$6.86M or \$440 per m<sup>2</sup>.

The section is from Ch 60 to Ch 130 on the Fischer St – Elizabeth Av Long section Drawing 1391-DA24 Issue B Civil Tech Consulting Engineers. It proposed to credit the developer's contributions by an amount of \$184,800 (70 by 6m @ \$440 per m<sup>2</sup>)

### **Flooding (bulk earthworks, overland flow)**

The site is not subject to river flooding. The risk of local flooding is considered low and is addressed in the drainage section.

### **Earthworks, Topography and Geotechnical considerations**

The site exhibits a range of geotechnical issues including slope stability, ground water, uncompacted fill and colluvium. These issues although significant, can be resolved through the implementation of civil engineering solutions.

The applicant will be required to:

- provide individual site classifications and specific geotechnical engineering advice to suit the proposed structures for each individual unit development for each stage.
- Colluvium should be stripped prior to fill placement or the construction of shallow foundations.
- Colluvium is not be used as controlled fill.

### **Existing Retaining Walls**

The applicant is required to provide certification from a suitably experienced structural engineer that existing and proposed retaining structures comply with AS 4678 Earth-retaining structures which sets out the requirements for design and construction of structures required to retain soil, rock and other materials over 0.80m.

### **Internal Driveway Layout**

The applicant will be required to

- design and construct the internal driveways to comply with AS 2890.1 "Off Street Car Parking and RFS publication "Planning for Bush Fire Protection – December 2006".
- be substantially in accordance with the ClvilTech drawing 1391-DA2 Issue B dated 10 November 2014.
- The following minimum driveway widths are required:
  - Road 1 – 8m in the Asset Protection Zone APZ, 6m elsewhere
  - Road 2 – 8m
  - Road 3, 4, 6 & 7 – 6m
  - Road 5 – 4m

### **Lismore City Council (LCC) Traffic Advisory Committee (TAC) recommendations**

The TAC comments on this proposal are detailed below:

*"This development application came before the committee at its meeting on 20 August 2014. As a result the following recommendations were made for further consideration prior to DA approval. These were:*

- *The provision of facilities within the development to accommodate public transport.*

- *A contribution be sought from the developer for upgraded intersections of Fischer Street and Pleasant Street, and Rous Road and Pleasant Street.*
- *A contribution be sought from the developer for the construction of footpath and cycleway facilities that would provide a link to the Rous Road Shopping Centre.*
- *A classifier be installed on Fischer Street, south of Elizabeth Avenue, to determine current speed trends and the need for any additional measures as part of the proposed development.*

The amended development application now includes:

- *A 6m sealed road being added to link Fischer Street and Elizabeth Avenue for bus connectivity with bus stops proposed at either end of driveway 1 on Fischer Street.*
- *Agreement from the developer to contribute towards the construction of a 1.5m wide concrete footpath from Casuarina Street to the existing path at Teven Street.*
- *The removal of the direct link between Fischer Street and Shearman Drive.*
- *A road safety audit has been completed by 'ttm' suggesting some minor modifications/additions to traffic facilities which are to be reviewed within the context of the development. The audit identifies the capacity within the road network to cater for proposed development.*

*A classifier installed on Fischer Street south of Tallowood Court in September and October 2014 has confirmed that the 85<sup>th</sup> percentile speed is 56.9kph with an average weekday traffic volume of 289 vehicles.*

*A number of other minor adaptations have also been proposed within the development including driveway and footpath modifications."*

Council's recommendation incorporates proposed conditions of consent to address the above Traffic Advisory Committee (TAC) recommendations.

### **Road Safety Audit**

The LCC TAC required a road safety audit be completed for the Fischer Street/Pleasant Street and the Pleasant Street/Rous Road intersections. The applicant engaged the services of TTM Consulting Pty Ltd. In the context of the report the following issues have been identified. Most issues pertained to the maintenance of existing signs, other traffic control devices and vegetation pruning. However the report identified upgrade of the Fischer Street/Pleasant Street intersection street lighting to comply with Australian Standards. This development will increase the traffic flow at the Pleasant Street/Fischer Street intersection. The risk of an incident will increase proportionally with the increased traffic generated as a result of this development, effectively reducing the street lighting level of service at this intersection.

It is reasonable that as the Green Vision development is changing the likelihood of an incident at this intersection that they be required to upgrade the street lighting at this intersection. The applicant will be conditioned to upgrade the street lighting at the Pleasant Street/Fischer Street intersection to comply with AS 1158 Part 3.1 at a P3 standard.

### **Tree and Vegetation Removal**

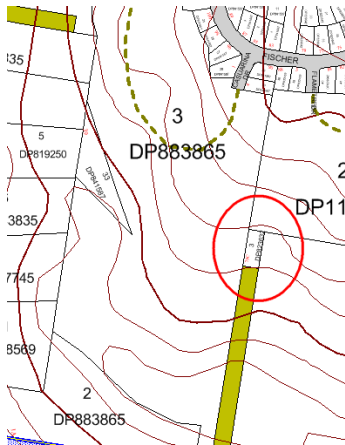
#### **Services (including power, telephone, NBN, and Street lighting) and Council Policy - Undergrounding of Electricity Mains & Provision of Street Lighting (Residential Areas)**

The applicant is required to provide power and telephone. Generally council does not specify the level of lighting for internal driveways and car parks. However the applicant will be required to provide street lighting on the Fischer Street extension and the Elizabeth Avenue. Council requires the street lighting to comply with AS 1158 "Lighting for roads and public spaces" being P4 for local

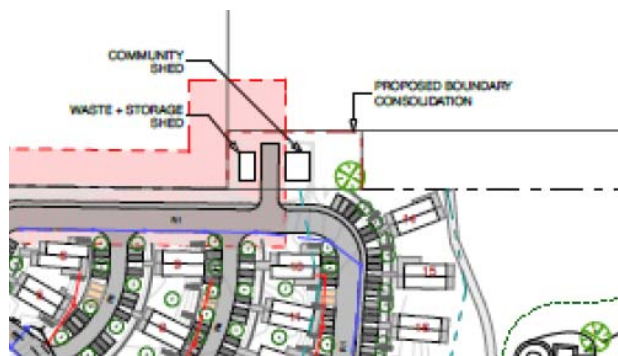
council streets which is a condition incorporated into the conditions of consent. This particular lighting ensures that the proposed development is consistent with Council's policy on the provision of street lighting within a residential area. Council will also require the level of street lighting at the intersection of Fischer and Pleasant Street to be reviewed and upgraded accordingly.

In relation to the provision of electricity it is possible that the power is located underground in accordance with Council's policy and a condition relating to this matter has been incorporated into the conditions of consent.

### **Amalgamation of Lot 3 DP832632**



The applicant proposes to construct various structures on Lot 3 DP832632 and proposes to amalgamate this small lot with the main parcel of land being lot 3 DP883865. This position is supported and will be conditioned accordingly in stage one of the development.



### **RECOMMENDATION**

Approval subject to conditions.

Ecologist (consultant)

### **Flora and Fauna / Threatened Species Assessment**

#### ***Description of the study area***

The study area was considered poorly identified and delineated in the FFA, and, being integral to survey design and aspects of assessment, LCC requested clarification, referring to definitions provided in the CKPoM and Guidelines for Threatened Species Assessments. Further explanation was provided (FFA Addendum p13) and combined information from all sources was further considered, including:

- Figure 1 of the FFA illustrating the context of the subject site. It is fairly obvious to the reader that vegetation similar to that on the subject site extends across boundaries into neighbouring properties, and that urban residences occupy much of the surroundings.
- Figure 4.1 of the FFA shows Koala habitat mapping in the surrounds.
- The FFA Addendum provides explanation of brief survey of the Council reserve to the west and also consideration of other consultancy reports and threatened species records in the surrounds.

Following the submission of the additional information the characterisation of the study area is now considered adequate.

***List of threatened species, populations or ecological communities, or their habitats known or likely to occur***

A desktop assessment of threatened (TSC Act) flora and fauna species, populations or ecological communities, or their habitats known or likely to occur within the locality was conducted. The spatial extent of the locality was appropriate.

The desktop assessment identified 25 threatened flora species as well as 24 threatened fauna species, including one insect, one reptile, eight mammals and 14 bird species within five kilometres of the subject site (FFA, FFA revised).

**Review of Flora and Fauna Field Survey Methods**

***Review of Flora Field Survey Methods***

The details of the flora field survey methods employed were comprehensive and constraints to field survey methods were noted. The consultants note that surveys were taken outside of the accepted ideal timing for observations of Hairy Joint-grass, but were able to detect dead material. In conjunction with more or less simultaneous observations at known locations at Lennox Head, the consultants reason that their observations adequately characterise the Hairy Joint-grass occurrence. Dense Lantana in the south of the site was a further constraint to their observations, but Hairy Joint-grass is not likely to be present under dense exotic vegetation cover. Lantana may also obscure or obstruct access for survey for Thorny Pea. While the possibility that more detailed understanding of the distribution of these two flora species may be required during planning for vegetation management and compensatory plantings (FFA) was flagged by LCC and will be addressed as a component of conditions of consent.

Overall, the flora field survey methods appear to be reasonable and appropriate.

The proposition that absence of commonly co-occurring species of Hairy Joint-grass in the grassland indicates absence of Hairy Joint-grass is not accepted but will not be of consequence for the purposes of this assessment.

***Review of Flora and Fauna Assessment Findings***

***Flora Assessment Findings***

Two broad vegetation communities occur on the subject site. A description of these communities, the condition and conservation value (with reference to the Draft Richmond Regional Vegetation Management Plan) are detailed below.

<b>Community</b>	<b>Description</b>	<b>Condition</b>	<b>Conservation Value</b>
1	(Pink Bloodwood-Tallowood)	<ul style="list-style-type: none"><li>Camphor Laurel occasional in mid-storey, Lantana dense in parts. Grazed where accessible?</li></ul>	<ul style="list-style-type: none"><li>Includes Koala food trees and a patch of Thorny Pea (threatened)</li></ul>
2	Closed Grassland	<ul style="list-style-type: none"><li>Grazed, typical exotic pasture grasses and agricultural weeds.</li></ul>	<ul style="list-style-type: none"><li>Low conservation value but includes Hairy Joint Grass (threatened)</li></ul>

No threatened communities or populations occur on the subject site.

Flora species lists for each community are provided (Appendix B, Revised FFA), annotating exotic species (a large component) and threatened species.

Hairy Joint Grass (*Arthraxon hispidus*) and Thorny Pea (*Desmodium acanthocladum*), both threatened native plant species (TSC Act, EPBC Act) were located in the south of the subject site within Community 2 Closed Grassland and the central west of the subject site within Community 1 Open forest respectively (FFA, FFA revised).

### **Fauna Assessment Findings**

The opportunistic fauna survey recorded fauna species numbering as follows:

<b>Fauna category</b>	<b>Native</b>	<b>Exotic</b>
Amphibians	1	
Reptile	1	
Birds	45	1
Mammals	4	1

One species listed as threatened under the TSC Act and EPBC Act was recorded, namely: Koala *Phascolarctos cinereus*. No migratory bird species listed under the EPBC Act were recorded (FFA, FFA revised).

### **Assessment of the likelihood of threatened species, populations or ecological communities identified as occurring or likely to occur in the locality**

An assessment of the likelihood of threatened flora and fauna species occurring or likely to occur within the study area was conducted.

For each threatened species, population or ecological community, the assessment is required to include, as appropriate to the species and context, an evaluation of the:

- Habitat(s) are present within the study area;
- Condition of the habitat for the identified threatened species, populations or ecological communities identified above (e.g. foraging substrate; availability of tree hollows; density of ground cover; presence/absence of caves, overhangs, crevices, rock outcrops; presence/absence of permanent or ephemeral water bodies);
- Whether the habitat(s) are connected with similar habitat(s) occurring outside the study area;
- Extent of interconnectedness and distribution of habitats within the region;
- Nature and extent of disturbance from natural and/or anthropogenic causes that already exist within the study area.

Detail further to that contained within the FFA was requested by LCC, with emphasis on the Koala as a species to be directly and indirectly impacted by the proposal. The FFA (revised) and FFA (Addendum) added detail which contributed to a level of satisfaction with the assessment (but see points in relation to indirect impacts below).

Overall, the assessment was considered to be adequate to support the conclusions drawn and to ensure that correct assessment processes had been followed.

### **Tree removal**

62 trees are stated as proposed for removal (Table 6.1 FFA revised). This includes 16 PKFTs, not including trees proposed for lopping (a further 6 trees). The number of trees to be removed is stated to be a minimum – an outside estimate should have been provided and used as a basis for assessment of impact.

The current proposal for tree removal/lopping is the outcome of discussions balancing ecological impacts with other aspects of the development. Tree 201 is now proposed for removal (Table E1 FFA revised) as a consequence of planning considerations. The removal of this tree is not shown on Site Plan DA 02 Rev B.



Tree 201 is a large Tallowwood located in an area of high Koala activity, as identified in the FFA (revised).

50 PKFTs in total are shown on survey plans and table (Appendix A of FFA revised). Thus, by number of trees, 32% of PKFTs are proposed for removal and a total of 44% are proposed for removal/lopping.

Overall, PKFTs proposed for removal/lopping are mostly in the smaller size classes, but several large trees will be affected. The trees are listed in order of size as follows:

Tree no	Species	dbh(cm)	Action
42	Tallowwood	15	remove
46	Tallowwood	16	remove
78	Forest Red Gum	17	remove
157	Tallowwood	17	remove
44	Tallowwood	19	remove
107	Tallowwood	19	remove
43	Tallowwood	22	remove
41	Tallowwood	23	remove
40	Tallowwood	24	remove
49	Tallowwood	24	remove
90	Forest Red Gum	26	lop
24	Tallowwood	26	remove
45	Tallowwood	31	remove
47	Tallowwood	31	remove
30	Tallowwood	39	lop
100	Tallowwood	45	remove
99	Tallowwood	54	remove
141	Forest Red Gum	67	lop
28	Tallowwood	70	lop
201	Tallowwood	76	remove
53	Forest Red Gum	77	lop
70	Forest Red Gum	80	lop

Plantings and restoration works are proposed to compensate for the loss of trees.

### **Security fence**

A palisade fence is to be erected on the northern boundary. The fence constitutes an obstacle to Koala movement and will generally require Koalas to spend a prolonged period on the ground to move along roads or road reserves, should they need to find a way around the fence. AWC has been asked to clarify the location and extent of the fence (now illustrated in Figure 1 of the FFA Addendum) and to consider options for Koala bridges that are compatible with the security function of the fence. The FFA Addendum suggests Option G provided in the Queensland Koala-sensitive Design Guideline (DEHP 2012), though AWC does not recommend the use of such a bridge and has stated that it will be for Council to decide if the bridge is required at Consent Condition stage. The guidelines recommend a bridge at a spacing of the order of once every housing lot or, in the case of a fence greater than 200 m in length, a bridge every 50 m. It is not possible to measure the length of the fence from the information provided, but it appears to be greater than 200 m long.

Examination of Figure 1 suggests that bridges may be of limited value, considering that neither side of the fence will be vegetated. Bridges will, however, provide a means for koalas to achieve

temporary safety if traversing a road reserve, since there will be no other means of getting off the ground to escape dogs or other threats. The erection of bridges is therefore to be required as a condition of consent. The fence remains as a barrier to movement and erection of the fence constitutes an indirect impact on the Koala.



Typical Koala bridge design

#### ***Other indirect impacts on Koala and habitat***

The original s5A assessment for Koala substantially understates the impacts of the proposal on the Koala in terms of the extent of PKFT removal and modification and in terms of indirect impacts on movement, habitat fragmentation and removal of potential regeneration sites.

In response to requests for further information, direct impacts on Koala food trees have now been addressed more fully (see Tree Removal section above). In addition, building footings will be required within the TPZ of several mature trees. Impacts have been determined, in preliminary investigations, to be relatively low i.e. <10% (FFA revised s5.1).

In addition, where trees are to be retained close to the buildings, they will be isolated from other habitat and regeneration will not be possible. Possibilities for future regeneration are also reduced or removed where habitat must be managed for APZ purposes.

Koala movement and behaviour will be restricted within the development footprint (despite precautions). More general Koala movement patterns will be disrupted. I agree that Koalas readily cross open ground to move between food trees (FFA Addendum p3) but note that crossing open ground is dangerous for the animals.

A recent change to clearing for bushfire protection “10/50 vegetation clearing” laws has very large implications for the capacity of LCC to protect native trees, and appears to remove possibilities for protection of trees even though proposed for retention. Mechanisms to protect trees through the decision-making processes of the community are now set out (FFA revised s5.2). It is proposed that the Body Corporate would draft clear resolutions under a Statement of Intent that clearing of trees under the 10/50 entitlement can only be completed in circumstances where trees were damaged or unsafe and approval is obtained by the Body Corporate. It is considered that the proposed development has complied with all necessary bushfire provisions under PBP and it is unlikely that removal of any isolated trees will be necessary to reduce bushfire hazards at the site. Accordingly, the Statement of Intent should require that 10/50 clearing of trees for bushfire hazard management should only be approved following professional bushfire hazard assessment.

#### ***Assessment of Significance***

The Assessment of Significance (seven-part test) for threatened flora and fauna found to occur or likely to occur on the subject site was conducted for: Hairy Jointgrass, Thorny Pea *Desmodium acanthocladum*, Little Lorikeet *Glossopsitta pusilla*, Grey-headed Flying Fox, Koala, Eastern Bentwing-bat *Miniopterus oceanensis*, Eastern False Pipistrelle *Falsistrellus tasmaniensis*, Little Bentwing-bat *M. australis*, Little Eagle *Hieraaetus morphnoides* and Spotted Harrier *Circus assimilis*.

Further detail was requested re the original assessment for Thorny Pea, which was included in the 10/50 clearing entitlement zone. However, the site layout has now been changed and the issue of the 10/50 clearing provisions has been addressed. Tree planting and weed management are, however, proposed for the location. Thorny Pea is readily damaged during unskilled or unknowing management so that, although “sensitive control” of Lantana is proposed, more management detail will be prescribed in conditions of consent.

Application of the seven-part test for the above listed threatened flora and fauna species other than Koala appears to be reasonable. Within the Assessment of Significance, the extent of direct and impacts on the Koala have been understated (discussion above), but full consideration of impacts would not be considered to change the overall conclusion as to unlikelihood of a significant impact on the Koala.

In summary, impacts on the threatened species considered in the assessment provided were considered as unlikely to be of significance, and a Species Impact Statement was not provided.

### ***Species Impact Statement***

Not required

## **KOALA PLAN OF MANAGEMENT**

### ***Consistency with Lismore Development Control Plan***

- By and large, the provisions of the Lismore DCP Part B are replicated in the CKPoM or have the same effect.

### ***Consistency with Comprehensive Koala Plan of Management for south-east Lismore***

Council has reviewed the assessment (FFA revised and FFA Addendum) and finds the assessment to be generally consistent with the requirements of the CKPoM for reasons as follows:

- *Preferred koala food trees* – The Flora and Fauna Assessment employs the preferred koala food trees listed in the CKPoM.
- *Koala habitat assessment report for large impact development* – Under the CKPoM the proposed development is classified as a ‘large impact development’ and as such a Koala Habitat Assessment Report for large impact development is required (s. 4.3.2). Although the koala habitat assessment employed in the proposal was not originally conducted in complete accordance with the method identified in the CKPoM (s. 4.3.2), the revision and addendum have now largely addressed the requirements. The FFA Addendum provides a table itemising compliance with assessment and reporting requirements of the CKPoM. In particular, the RG-b SAT technique was employed at a level of detail that exceeded CKPoM assessment requirements (FFA Addendum).
- Some minor points remain e.g. a statement of qualifications of author is required but not stated. Mr Colvin is understood to hold university qualifications in ecology. Actions proposed for avoidance, mitigation and compensation for impacts have been set out but some are misclassified.
- *Preferred koala food trees and habitat retention guidelines*
  - The proposed development is claimed to result in the loss of 62 locally indigenous native trees, with additional trees to be lopped and/or suffer indirect impacts. Of these, 16 trees are primary koala food trees/preferred koala food trees as listed in SEPP 44 Schedule 2 and the CKPoM, with a further 6 proposed for lopping.
  - Avoidance and minimisation of impacts have been considered in the development of the proposal. Dogs are not to be permitted.
- *Habitat compensation measures for large impact development*
  - The area requirements for habitat compensation appear to have been calculated correctly (the FFA Addendum, p13, revises the requirement to account for lopped trees, counted as though equivalent to 50% of a tree removal) and the proposed weed management and planting areas have been appropriately selected for Koala habitat purposes and broader ecological benefit. A Draft Vegetation Management Plan has been provided as an appendix to the FFA (revised).

The proposal recommends koala habitat enhancement on the site as follows:

- Area 1 Central Open Forest (0.5 ha). Lantana management will facilitate Koala movement options through the forest.
- Area 2 South-west of site (~1 ha). Planting of PKFT.

This proposal fulfils the CKPoM Habitat Compensation requirements based on compensation for trees to be removed or lopped i.e.

0.13 ha of compensation is required for trees to be removed or lopped.

0.14 ha of compensation is proposed (FFA Addendum).

The proposal thus provides a limited additional allowance to cover unforeseen direct impacts or other indirect impacts on trees. Since a further linkage planting of PKFTs at 10m intervals is also proposed, the extent of compensation is considered adequate.

A small section of the proposed Habitat Compensation Area overlaps with an asset protection zone. APZ management within the habitat compensation area is not ideal ecologically, but is considered to be of limited importance given the small area.

The Habitat Compensation proposal is generally supported. A draft Vegetation Management Plan has been submitted, however a more detailed VMP will be required, together with a cost estimate.

## VEGETATION MANAGEMENT PLAN

The revised Preliminary Vegetation Management Plan (Appendix F of FFA revised) provides a suitable outline of proposed management. Specific requirements for the content of the plan will be set out in the consent conditions. That VMP should integrate with, and not conflict with, the landscape plan where there is overlap.

## LANDSCAPE PLAN

The Landscape Design Plans (Plummer and Smith Drawings 556 1-15 dated 16.05.14) will require modification to accommodate the currently proposed development layout. A Landscape Plan is a recommended consent condition and will:

- comply with requirements for crime prevention including maintaining lines of sight from buildings across adjacent open space
- ensure visibility is maintained to permit safe car and pedestrian movements
- be compatible with bushfire management.

The species palettes do not completely comply with recommendations set out in LCC's Landscape Guidelines 2007. Where departure from the recommended species is proposed, the plan should justify the selection. The use of the coastal Tuckeroo *Cupaniopsis anacardoides* is not supported. In addition, Pink Bloodwood *Corymbia intermedia* is identified inappropriately as a Koala Food Tree. Care should be taken to match the potential size of planted trees to planting situation as the Design Plans underestimate the size of many species.

## Waste Management Officer

The draft waste minimisation plan is supported subject to a condition of consent indemnifying Council of liability in regard to the use of the Council waste services truck on a private road.

## Attachment No.2: List of Public Submission Names & Public Submission Comments

The following is a list of the names and addresses of the persons whom made an individual submission (excluding signature on petition) regarding the proposed development:

No	Name	Street	Town
1	Teresa Bargmann	59 Elizabeth Avenue	GOONELLABAH NSW 2480
2	Patricia Smith	77 Fischer Street	GOONELLABAH NSW 2480
3	Mr C & Mrs K Barnes	7 Stevenson Street	GOONELLABAH NSW 2480
4	Tim Childs Consulting		
5	Linda Jenner	65 Fischer Street	GOONELLABAH NSW 2480
6	Marlane Nygaard	1 Ironbark Court	GOONELLABAH NSW 2480
7	Marie Andrews	17 Kelsie Street	GOONELLABAH NSW 2480
8	Dahn Phan	114 Fischer Street	GOONELLABAH NSW 2480
9	Michael Cassells & Brad Mustow	25 Forestoak Way	GOONELLABAH NSW 2480
10	Mr N Wright	79 Fischer Street	GOONELLABAH NSW 2480
11	Jill Beaumont	88 Fischer Street	GOONELLABAH NSW 2480
12	Teresa Bargmann	59 Elizabeth Avenue	GOONELLABAH NSW 2480
13	Clay Rotherick	96 Fischer Street	GOONELLABAH NSW 2480
14	Lindie Shrestha		
15	Noel & Pat Huxtable	42 Wyreema Avenue	GOONELLABAH NSW 2480
16	Ms C MacBain	2 Plumeria Court	GOONELLABAH NSW 2480
17	A Alvors	2 Flametree Drive	GOONELLABAH NSW 2480
18	Christine Cameron	54 Fischer Street	GOONELLABAH NSW 2480
19	Graham Paff	110 Fischer Street	GOONELLABAH NSW 2480
20	P & L Stenner	59 Fischer Street	GOONELLABAH NSW 2480
21	Tania Fry	90 Fischer Street	GOONELLABAH NSW 2480  Petition Submission and personal submission
22	Marlane Nygaard	1 Ironbark Court	GOONELLABAH NSW 2480
23	Anita White	83 Fischer Street	GOONELLABAH NSW 2480

The following is a summary of the issues raised within the public submissions during the first notification and advertising period:

Summary of Issue Raised	Assessment Comment
A number of residents raised concern that they were not consulted about the proposed development by the applicant.	<p>The majority of these comments appeared to be aimed at the applicant for not undertaking a community consultation process prior to the lodgement of the application.</p> <p>In terms of Council requirements the proposed development was publicly advertised and notification to adjoining residents occurred on two occasions. In addition to this Council held a mediation session with objectors and the applicant in November 2014 to provide an opportunity for discussion on issues of concern raised within the public submissions.</p> <p>Many matters were discussed at the meeting and it is Council's opinion that the mediation session was a success</p>

	<p>in that it provided the applicant the opportunity to clarify a number of matters and misinformation about the proposed development.</p> <p>Whilst no resolution was reached between parties at the mediation session. The applicant did endeavour within the amended development application to address concerns raised at the mediation session and submissions and it is noted that Council received no public submissions following the second notification process in December 2014.</p>
The proposed number of dwellings, size and scale of this development will change the character of this locality.	<p>The proposed development is of a size and scale that is different to surrounding development. The proposed development is permissible in the zone, it has a low multi dwelling housing development density and the development has incorporated a range of dwelling designs and architectural features within the development that are consistent with Council's dwelling and energy efficiency housing design guidelines.</p> <p>This form of alternative housing will broaden the type of housing stock available within Goonellabah and the changes this brings will provide a positive character change to this locality.</p>
The comments within the application that there is a shortage of this type of development within the Lismore City Council area are not correct.	As outlined within this report, the Lismore Housing Strategy (LHS) 2012 has identified that there is a shortage of 1 and 2 bedroom dwellings within Lismore Local Government Area (LGA).
The proposed development will when completed resemble a 'caravan park' type development with its pre-fabricated homes and concern is raised it will look like a slum and become a low cost housing estate.	<p>The development has incorporated a range of dwelling designs and architectural features and for this reason it is not considered by Council that the proposed development resembles a 'caravan park' type development.</p> <p>The proposed development is aimed at 'key worker housing' which is defined as someone who works in employment that provides an essential service, often in the public sector, such as a police officer, fire fighter, ambulance officer, nurses and other health workers, teachers, social workers, community support and childcare. It is not considered by Council that such housing could be defined as a 'slum' that would become a low cost housing estate.</p> <p>The Lismore Housing Strategy (LHS) 2012 outlines that <b>Low cost housing</b> relates to the relative price of housing compared with other areas or similar types of housing. It is not the same as 'affordable housing', which describes the ability of residents on low to moderate incomes in a particular area to rent or purchase housing without falling into 'housing stress'. Low cost housing will not always be 'affordable' to low or moderate income earners.</p>
The proposed development will increase traffic that the existing road system cannot accommodate.	<p>The applicant submitted two Traffic/Road Safety Reports prepared by TTM Engineering consultants. These reports were reviewed by Council's Development Engineer, Local Traffic Committee and the RMS.</p> <p>It is concluded from their review and comments that there is capacity within the existing road network to cater for the development.</p>

	The recommendation incorporates conditions of consent relating to the road construction works in Elizabeth Avenue & Fischer Street and associated intersections to ensure that the road system continues to operate in an efficient and safe manner after the construction of this development.
The increase in traffic will not be safe for pedestrians using Fisher Street.	Council's Development Engineer has advised that it is estimated that post development will generate an estimated 200 vehicles during the peak hour on Fischer Street. This equates to 18 seconds between vehicles. It takes less than 10 seconds to cross the street. The risk to pedestrians is considered to be low.
The proposed development involves the opening of Sherman Drive onto Elizabeth Avenue which will result in crime and social issues for the residents of Fischer Street and this development.	The proposed development does not involve the opening of Sherman Drive onto Elizabeth Avenue or Fischer Street.
The proposed development provides inadequate covered car parking spaces for the proposed dwellings and on-site visitor car parking	The proposed development exceeds the off-street car parking requirements within Lismore DCP 2007. Reference should be made to the section of this report covering the requirements of Lismore DCP 2007.
The proposed development does not provide satisfactory turning circle areas for emergency vehicles.	Council's Development Engineer has advised that there is an internal road system that will allow emergency vehicles to satisfactorily manoeuvre around the development site.
The stormwater collection and detention basin is inadequately sized for the size of the development and the amount of rainfall in this locality and the topography of the site.	Council's Development Engineer has advised that the applicant has demonstrated that satisfactory stormwater detention is possible for this development and that the recommendation incorporates conditions of consent addressing stormwater collection and onsite detention basins.
There is inadequate stormwater drainage that may cause soil instability.	Council's Development Engineer has advised that the on-site drainage can be sized to comply with the Australian Standards and the Plumbing Code such that it will not cause soil instability.
The proposed tree removal will cause soil stability issues on the development site.	Council's Development Engineer has advised that although tree removal is proposed it is unlikely that tree removal will cause soil stability issues because the other surrounding land will be landscaped with the planting of other trees and grasses.
The proposed road substructure will not withstand the storm water generated by up-stream properties and the stormwater generated from this development.	Council's Development Engineer has advised that the onsite drainage associated with the internal road and Fischer street road works can satisfactorily be sized to cater for the proposed development and up-stream properties. Furthermore the recommendation incorporates conditions of consent addressing this stormwater matter.
<p>Car Parking on Fisher Street reduces the width of this road and the proposed development will congest this road further. It is recommended that to improve road safety along Fischer Street the following occurs:</p> <ul style="list-style-type: none"> <li>• A 'Stop' sign is installed where Casuarina Drive meets Fischer Street;</li> <li>• The speed limit is reduced to 40km/hr;</li> <li>• Road Line marking of Fischer Street.</li> </ul>	Council's Development Engineer advises that Fischer street has been constructed as an urban collector street. It designed to accommodate 2 -3m traffic lanes and 2-2.5m parking lanes. The street was designed this way to reduce traffic speed when operating at the design traffic volume. It is currently operating well below its capacity and will remain below capacity following the completion of the development. The intersection of Casuarina and Fischer Street is a standard urban "T" intersection in which Casuarina traffic on the branch must give way to Fischer Street traffic which is the through road. This intersection format is considered appropriate for an urban situation. Although the 85% percentile speed is marginally above 50kph this will reduce

	as the traffic volume increases. Line marking is not likely to improve the street traffic flow or safety given the function of the street and the estimated traffic volume.
Concern is raised that there is no access to Public Transport in locality.	Council's Development Engineer has advised that the bus companies have been contacted and they will consider introducing services to the area once Fischer Street is connected to Elizabeth Avenue and there is sufficient patronage for the route to become sustainable.
Concern is raised that this development will increase traffic movements in Wyreema beyond the road system capacity and that this 'black spot' intersection will become a serious road safety threat.	Council's Development Engineer has advised that Wyreema Street is a designated collector Street. It has 2- 3m traffic lanes and shoulder parking lanes. It is considered that this intersection will continue to work within its capacity once the site is fully developed.
Concern is raised that the proposed development will have a negative and dangerous impact upon the intersection of Elizabeth Road and Rous Road.	Council's Development Engineer has advised that at this point in time Elizabeth Avenue does not intersect with Rous Road. In the future when Elizabeth Avenue does connect through to Rous Road the intersection will be constructed to accommodate the traffic flow. In relation to the Pleasant Street and Rous Road intersection, the submitted traffic report indicates that the intersection is already operating at a lower service level and controlled by a give way sign. It is anticipated that the increased traffic likely to be generated from this development will not be of a magnitude to significantly denigrate the Pleasant Street and Rous Road intersection.
The proposed development will increase crime in the neighbourhood impacting the safety of residents.	<p>The Development Application is accompanied by a detailed CPTED report. The application was also referred to the <i>NSW Police</i> Crime Prevention Officer.</p> <p>The <i>NSW Police</i> have provided Council with two (2) sets of Safer by Design Evaluation comments regarding this development. These comments did not indicate that the proposed development would increase crime in the neighbourhood but it did rate the proposed development as a 'medium' crime risk.</p> <p>The amended development has substantially addressed many of the specific design comments made by <i>NSW Police</i> and <i>NSW Police</i> recommend a number of CPTED measures which have been incorporated as conditions of consent to reduce the opportunities of crime and thereby improving the safety of residents.</p> <p>As noted within the conclusion by the <i>NSW Police</i> it is not possible to make areas reviewed as part of this development absolutely safe for members of the community or their property.</p>
The proposed BBQ shelters and swimming pool facility will be the subject of arson attacks.	<p>The fact that this development incorporates a BBQ and Swimming Pool facility does not necessary mean that it will definitely be the subject of arson attacks.</p> <p>However <i>NSW Police</i> did raise concern with the original location of this facility because it was considered to be in an isolated location. <i>NSW Police</i> recommended that this facility was located to a less isolated part of the site to facilitate high levels of supervision and therefore deter crime. It was recognised that the facility should be re-located to address</p>



	<p>this issue.</p> <p>The amended development incorporates a re-location of the BBQ and Swimming Pool facility to the southern end of the development. Furthermore it is proposed to not construct this facility until Stage No.3 of the development so that by this stage of the project there will be 158 dwellings within the complex and including some dwellings that will surround the facility.</p>
Concern that residents would dump rubbish around the dwellings that could lead to health and safety concerns.	<p>There is no demonstrated evidence that the residents would dump rubbish around the dwellings however individual dwelling waste management is relevant and the responsibilities for waste management forms part of the strata management regulations relating to the development. Furthermore, if dumped rubbish did occur and was causing health and safety concerns then Council could use public health legislation to resolve this matter.</p>
The increase in population generated by the proposed development would cause a strain on our hospital system.	<p>The subject site is a residential zoned parcel of land. The projected populations of the Lismore City Council area are generated by the Council and state government agencies based upon existing zoned residential land and government agencies such as NSW health who manage our public hospital system would be aware of the projected population within the Lismore City Council area and manage staffing and bed numbers based upon expected population increases.</p>
The proposed development will have a negative impact upon the property values of adjoining owners and surrounding properties.	<p>No evidence has been submitted to Council that the proposed development will have a negative impact upon the property values of adjoining owners and surrounding properties. Furthermore the potential impact (Negative or positive) on house values is not able to be determined in the assessment of the application. This will ultimately be dictated by the market.</p>
The proposed development will impact our views of the valley and trees on this site, the land should not be allowed to be developed for housing and should be left as a public reserve.	<p>The subject development lot is not a public reserve. The proposed development will alter the existing landscape of the site however given the compliance with adjoining owner building setback provisions, separation of buildings, topography of the site and compensatory planting it is considered that the proposed development is unlikely to have any negative impact upon the views of the valley and trees on this site.</p>
Concern that many of these dwellings will be used as 'rental housing' and the site will develop into a low socio economic affordable housing estate like Sherman Drive.	<p>Council is unable to take into consideration as part of the assessment of this application whether these dwellings will be used or leased as 'rental housing'. For reasons outlined previously it is not considered that the site will develop into a low socio economic affordable housing estate like Sherman Drive.</p> <p>It should be noted that if some of these dwellings do become 'rental' properties then <i>the Lismore Housing Strategy (LHS) 2012</i> has identified that there is a shortage of 1 and 2 bedroom dwellings within Lismore Local Government Area (LGA) available for rental purposes and therefore this development is considered to have a positive impact upon the availability of small sized dwellings for rental purposes.</p>

<p>Concern is raised at the number of 1 and 2 bedroom dwellings in comparison to the number of standard 3 bedroom dwellings.</p> <p>The proposed dwellings do not conform to the existing type of standard 3 bedroom home on large allotments and therefore development not in character with the surrounding development.</p>	<p>Whilst it is recognised that the proposed type of 1 and 2 bedroom residential dwelling within a strata title scheme development is not in character with the surrounding standard 3 bedroom dwelling type development. However the proposed type of development is permissible and forms an alternative type of housing to the traditional 3 bedroom dwelling on a large allotment of land. Furthermore the Lismore Housing Strategy (LHS) 2012 has identified that there is a shortage of 1 and 2 bedroom dwellings within the Lismore Local Government Area (LGA) and therefore Council supports this form of housing.</p>
<p>The lightweight building materials used in the construction of the proposed dwellings is not consistent or compatible with the surrounding brick and tile dwellings.</p>	<p>Many of the surrounding dwellings have been constructed using brick and tile building materials. The proposed lightweight building materials are permissible and it is considered will be compatible with existing dwellings in the locality. Furthermore it is not considered that such materials will cause any visual impact.</p>
<p>The proposed dwellings are located on public open space land and therefore this development will result in the loss of public open space.</p>	<p>The subject land is in private ownership and therefore the proposed development will not result in the loss of public open space.</p>
<p>There are inadequate setbacks between new and existing dwellings.</p>	<p>The development plans submitted to Council have been able to demonstrate that the proposed dwelling buildings do comply with the side and rear boundary setback provisions outlined within Council's DCP 2007.</p>
<p>The developer should be made to provide standard fencing between existing residential properties and the development site.</p>	<p>It is considered reasonable that the developer should be made to provide standard fencing between existing residential properties and the development site. The recommendation incorporates a condition of consent that addresses this matter.</p>
<p>The proposed development does not adequately address waste management.</p>	<p>The draft waste management plan submitted to Council is considered reasonable subject to a condition indemnifying Council using private roads/driveways for the waste collection.</p>
<p>Concern was raised about the noise/odours associated with the location of the proposed central waste storage bins.</p>	<p>The application proposes individual kerbside waste collection for each unit and therefore it is not proposed to have a central waste storage bins.</p>
<p>The construction vehicles associated with this development will have a negative noise impact upon the neighbourhood</p>	<p>The proposed development will increase noise but it is considered by Council that such noise can be satisfactorily managed via conditions of consent as detailed within the recommendation which guide the timing of construction noise and emission performance standards.</p>
<p>Concern that the proposed development will have an impact upon the existing koala population living in and around this site.</p>	<p>Council's ecologist agrees that Koalas readily cross open ground on this site and that koala movement and behaviour will be restricted by the proposed development. However it is concluded that impacts upon Koalas is unlikely to be of significance and the proposed restoration and compensatory plantings are supported and will assist the existing and any future Koala population.</p>
<p>Concern that the proposed development will have an impact upon the linkage role that this site plays for Koalas.</p>	<p>Please refer to the above comments.</p>

<p>The proposed tree clearing will reduce fauna in this area.</p>	<p>The proposed development does seek to undertake tree removal for 62 trees. Council's ecologist has determined that this removal will impact existing fauna however such impacts can be ameliorated through compensatory planting.</p> <p>The applicant proposes compensatory planting to alleviate the impacts of the required removal of native trees from the site. Compensation has been proposed in accordance with Appendix 5 of the CKPoM (Lismore City Council, 2013).</p> <p>Based on the requirements of the CKPoM, koala food trees (such as Tallowwood &amp; Forest Red Gum) would be planted in the south of the site to provide a net gain in habitat for Koalas over time (refer Section 5.3 for greater discussion of Koala habitat compensation). The proposed compensation works would be guided by a Vegetation Management Plan (VMP). A draft VMP has been submitted to support this application. The recommendation incorporates conditions regarding a VMP.</p> <p>It is acknowledged that the site occurs within the NSW RFS bushfire 'Vegetation Clearing Entitlement Area' and therefore any future dwelling owners may enact these clearing entitlements to remove trees within 10 metres of their dwelling. However, as the landowner wishes to retain isolated trees where possible amongst the dwellings for amenity, shade and Koala habitat the 10/50 entitlements may negatively impact upon the character of the development.</p> <p>As such, it is proposed by the applicant that the Body Corporate would draft clear resolutions under a Statement of Intent that clearing of trees under 10/50 would only be completed in circumstances where trees were damaged or unsafe and approval is obtained by the Body Corporate. Given that the proposed development has complied with all necessary bushfire provisions under PBP, it is unlikely that removal of any isolated trees would be necessary to reduce bushfire hazards at the site. The rationale for this approach is to endeavour to retain as many trees as possible on the site in appreciation of the values they provide to Council with some measure of confidence that the tree retention proposed is enforceable.</p>
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## Attachment No.3: Recommended Conditions of Consent

### GENERAL

1 In granting this development consent, Council requires:

- All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
- All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
- Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with the stamped approved plans as listed below:

<b>Drawer</b>	<b>Plan Name</b>	<b>Drawing &amp; Sheet Number Reference</b>	<b>Drawing Plan Revision Number</b>	<b>Date</b>
Newton Denny Chapelle	Location Plan (Staging Plan) for the proposed staged strata subdivision of Lot 3 in DP 883865 and Lot 3 in DP 823632	13/033 Sheet 1 of 5	N/A	22/5/2014
Newton Denny Chapelle	Stage No.1 plan of proposed staged strata subdivision of Lot 3 in DP 883865 and Lot 3 in DP 823632	13/033 Sheet 2 of 5	N/A	22/5/2014
Newton Denny Chapelle	Stage No.2 plan of proposed staged strata subdivision of Lot 3 in DP 883865 and Lot 3 in DP 823632	13/033 Sheet 3 of 5	N/A	22/5/2014
Newton Denny Chapelle	Stage No.3 plan of proposed staged strata subdivision of Lot 3 in DP 883865 and Lot 3 in DP 823632	13/033 Sheet 4 of 5	N/A	22/5/2014
Newton Denny Chapelle	Stage No.4 plan of proposed staged strata subdivision of Lot 3 in DP 883865 and Lot 3 in DP 823632	13/033 Sheet 5 of 5	N/A	24/11/2014
Harley Graham Architects	Site Plan	DA-02	D	14.01.15
Harley Graham Architects	Proposed Northern Boundary Palisade Fencing	DA-03	D	14.01.15
Harley Graham Architects	Communal Facilities	DA-05	D	14.01.15
Harley Graham Architects	Building Type Site Plan	DA-08	D	14.01.15

Harley Graham Architects	Site Plan Stage No.1	DA-09	D	14.01.15
Harley Graham Architects	Site Plan Stage No.2	DA-10	D	14.01.15
Harley Graham Architects	Site Plan Stage No.3	DA-11	D	14.01.15
Harley Graham Architects	Site Plan Stage No.4	DA-12	D	14.01.15
Harley Graham Architects	Building Type A1-1 (Floor and Elevation Plans)	DA-14	D	14.01.15
Harley Graham Architects	Building Type A1-2 (Floor and Elevation Plans)	DA-15	D	14.01.15
Harley Graham Architects	Building Type A1-3 (Floor and Elevation Plans)	DA-16	D	14.01.15
Harley Graham Architects	Building Type A2-1 (Floor and Elevation Plans)	DA-17	D	14.01.15
Harley Graham Architects	Building Type A2-2 (Floor and Elevation Plans)	DA-18	D	14.01.15
Harley Graham Architects	Building Type A2-3 (Floor and Elevation Plans)	DA-19	D	14.01.15
Harley Graham Architects	Building Type A3-1 (Floor and Elevation Plans)	DA-20	D	14.01.15
Harley Graham Architects	Building Type A3-2 (Floor and Elevation Plans)	DA-21	D	14.01.15
Harley Graham Architects	Building Type B1 (Floor and Elevation Plans)	DA-22	D	14.01.15
Harley Graham Architects	Building Type B2 (Floor and Elevation Plans)	DA-23	D	14.01.15
Harley Graham Architects	Building Type C (Floor and Elevation Plans)	DA-24	D	14.01.15
Harley Graham Architects	Building Type D1 (Floor and Elevation Plans)	DA-25	D	14.01.15
Harley Graham Architects	Building Type D2 (Floor and Elevation Plans)	DA-26	D	14.01.15
Harley Graham Architects	Communal Area	DA-27	D	14.01.15
Harley Graham Architects	Communal Area	DA-28	D	14.01.15

A copy of the approved plans is attached to this consent.

**Reason:** To correctly describe what has been approved. (EPA Act Sec 79C)

## PLANNING

### S.94 Contributions

2 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore Contributions Plan 1999 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the **Construction Certificate for each stage is granted**. The rates and amounts applying at the date of this notice are detailed below:

- \$152,183 for Stage No.1 of development;
- \$147,571 for Stage No.2 of development;
- \$173,704 for Stage No.3 of development;
- \$178,315 for Stage No.4 of development.

These levies are set out in the schedule for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All levies, fees, contributions, bonds etc. shall be paid **prior to the issue of any Construction Certificate for each relevant stage**.

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

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

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

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

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

**Reason:** *To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated July 1999 as required by the increased population or activity. (EPA Act Sec 94).*

### Lighting

3 **Prior to the issue of any Interim and/or Occupation Certificate for dwellings within Stage No. 1, 2, 3 and 4** security lighting shall be provided to all of the common areas (visitor car park areas and pathways) of the development. All security and external lighting must be designed and installed to ensure that no nuisance is caused to neighbouring premises or motorists and be vandal resistant. The security lighting is to be provided and maintained in accordance with AS1158.3.1:2005 and AS4282 "Control of the Obtrusive Effects of Outdoor Lighting" for the car parking areas and areas outside of the buildings, including: pedestrian pathways, entrances and common areas. Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Occupation Certificate.

**Reason:** *To increase the safety of the car park, pathways and common areas of the site and target harden approved infrastructure.*

## Building Materials

- 4 The proposed building materials, external finishes and colour scheme shall be submitted to the Principal Certifying Authority for approval **prior to issue of the Construction Certificate for each dwelling**. The Principal Certifying Authority must ensure that the proposed building materials, external finishes and the colour scheme for each dwelling is generally consistent with the details submitted to Council with the application and the details on the BASIX Certificate. The proposed building materials, external finishes and the colour scheme must be compatible and consistent with the materials, finishes and colours of the surrounding development. The roofing must have a low reflective finish.

***Reason:** To protect the amenity of the neighbourhood and avoid any glare nuisance from roofing.*

## Perimeter Fencing

- 5 **Prior to the issue of any Interim and/or Occupation Certificate for dwellings within Stage No. 1, 2, 3 and 4** that adjoin an existing residential development the applicant/owner is to erect a new 1.8m high fence in a building material as agreed to between the owners of existing residential properties and the development applicant/owner. Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Occupation Certificate.

***Reason:** To protect the amenity of the neighbourhood*

- 6 **Prior to the commencement of works on any Stage No.1 dwelling** the applicant is to erect a 1.8m high fence along the northern boundaries of Elizabeth Avenue and Fischer Street. The Elizabeth Avenue part of the fence must contain three (3) koala bridges, following Option G provided in the Queensland Koala-sensitive Design Guideline (DEHP 2012) at approximately equal spacing's along the fence. The bridges are to be erected as soon as possible after fence construction or concurrently with the fence construction and before the **issue of any Interim and/or Occupation Certificate for dwellings within Stage No. 1.**

***Reason:** To mitigate the impact of the barrier to Koala movement imposed by the fence and provide an avenue for temporary safety for Koalas traversing roadsides on the ground (EPA Act Sec 79C(c)).*

## Security

- 7 **Prior to the issue of the Construction Certificate for any dwelling in Stage No.1** the applicant is to submit to Council a letter detailing what company has been engaged to provide on-site security for the construction phase. The letter must include the name of the security company, a contact person and relevant phone numbers.

***Reason:** To provide for the provision of onsite security during the construction phase to the development minimise damage, vandalism and anti-social behaviour (EPA Act Sec 79C(c)).*

## BASIX Certificate

- 8 **Prior to the issue of the Construction Certificate** for each dwelling the applicant shall submit a current BASIX Certificate.

The commitments indicated in the BASIX Certificate are to be indicated on the Construction Certificate plans.

Where changes to the energy efficiency measures are proposed, the energy rating techniques relied upon for approval of this application may require the issue of a new BASIX Certificate.

Minor changes to the energy efficiency measures may be undertaken without the issue of an amendment under Section 96 of the *Environmental Planning and Assessment Act, 1979*, provided that the PCA determines that the changes do not affect the form, shape or size of the building.

***Reason:** To ensure compliance with the approved BASIX Certificate as required under the EP&A Act, 1979 (EPA Act Sec 79C(c)).*

### **Amalgamation of lots**

- 9 **Prior to the release of the Stage 1 Strata Subdivision Certificate** the proponent shall amalgamate Lot 3 DP832632 (79C Fischer Street) and Lot 33 DP841587 (39 Casuarina Drive, Goonellabah) with lot 3 DP883865.

***Reason:** To correctly describe what has been approved and ensure the proper management of the site.*

### **Waste collection**

- 10 **Prior to the issue of any Occupation Certificate** for the development, the person acting on this consent shall provide satisfactory evidence to the Principal Certifying Authority that suitable arrangements are in place for the collection of waste and recycling generated by the approved development. These arrangements must be in accordance with the design details approved for the development.

Council will only agree to provision of waste collection service and to its waste collection vehicles using a private road or vehicular areas on the property to access internal collection points subject to satisfactory details being provided with the Construction Certificate documentation that the internal roads of the development comply with road design requirements for Council's waste collection vehicles, and Council is provided with appropriate legal documentation (such as a Deed of Agreement) from the person acting on this consent, and binding any successors in title, which will:

- a) Allow unencumbered access over private roads within the development;
- b) Provide assurance that the internal roads are appropriately dimensioned as per Australian Standards and structurally suitable as per the "Northern Rivers Design and Development Manual" for access by Council's standard size collection vehicles;
- c) Indemnify Council and any sub-contractor from any physical damage, injury, or loss that may be caused to private property during the collection process;

The Deed of Agreement and any associated documentation shall be prepared, executed and registered at the sole cost of the applicant, including the reasonable costs of Council in obtaining advice, the cost and expense of negotiating the terms and conditions of the lease, producing documents or otherwise facilitating the preparation, execution and registration of the required documents, shall bind all successors in title and shall only be subject to variation at the discretion of the Council.

Note: Lismore City Council can assist with appropriate wording of an agreement if requested.

***Reason:** To ensure appropriate access for service vehicles and proper management of land (EPA Act Sec 79C).*

### **Construction of Community Shed**

- 11 No approval is granted under this consent for the propose community shed. A separate development application for the proposed community shed is required to be submitted to Council detailing construction specifications and proposed uses.

***Reason:** Inadequate plan details provided, and to correctly describe what has been approved and ensure unacceptable impacts are avoided (EPA Act Sec 79C).*

### **Construction of Bin and Waste Storage**

- 12 Appropriate areas shall be provided within the development for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:

- (a) All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- (b) Include provision for the separation and storage in appropriate categories of material suitable for recycling;
- (c) Storage areas shall be adequately screened from the street;



Details of the storage area are to be provided to, and approved by the Certifying Authority prior to issuing of the Construction Certificate.

**Reason:** To correctly describe what has been approved(EPA Act Sec 79C).

## CCTV

- 13 CCTV at appropriate locations determined in consultation with NSW Police is to be provided within the development. At all times the proposed CCTV footage is to be stored by the on-site manager and/or owners Corporation for a minimum of 30 days. This CCTV footage must be provided to the NSW Police upon request. Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Occupation Certificate.

**Reason:** To assist with crime prevention and investigation.

## Ecology

- 14 **Prior to the commencement of any Stage No.1 construction works** the Applicant is to submit to Council and obtain written approval of a Vegetation Management Plan.

### *Guidelines for preparation and implementation of the Plan*

The Plan is to be prepared and implemented by person(s) with appropriate knowledge, qualifications and experience in current best practices for indigenous vegetation rehabilitation and management.

The Plan is to be prepared in accordance with both the structure and content of the following guidelines:

- Lismore City Council (2010), *Guidelines for the preparation of Vegetation Management Plans*. Lismore City Council, Lismore, NSW

### *Staging, works program and schedule*

The Plan may be staged in a manner that corresponds with staging release of the proposed development. Koala habitat enhancement and buffer plantings must be conducted as soon as practically possible corresponding with the development of each stage of the proposal.

A works program and schedule must be incorporated in the Plan to ensure that all works associated with the submitted and approved plan are completed within an appropriate timeframe and are subject to compliance with the recommendations and performance criteria detailed within the plan.

### *Management period*

Following completion of initial planting and weed control for each implementation stage of the plan, the applicant is to maintain all vegetation management works for a period of five (5) years.

### *Choice of plant species*

The plant species utilised in all regeneration/revegetation areas should be locally indigenous species and sourced from seed stock of local provenance (i.e. within the Wilsons River catchment). The following are recommended as a guide for plant species selection:

- Lismore City Council (2007). *Landscape Guidelines for Lismore City Council*. Lismore City Council.
- Raine, A. & Gardiner, J. (1997). *Revegetating Streams in the Richmond Catchment: A Guide to Species and Planting Methods*. Department of Land and Water Conservation NSW, Maitland, NSW. (Contained in Lismore City Council (2007). *Landscape Guidelines*. Lismore City Council, Lismore, NSW).

At a minimum, the plan must incorporate the items detailed below:

### *Management zones*

At a minimum, the following management zones must be identified in the plan:

Zone No.	Management zone	Management zone description
1	Development footprint	Retained koala habitat and other native species.
2	Koala Compensatory Planting Area	Koala habitat compensatory plantings
3	Koala habitat enhancement	Lantana management and additional enhancement management, to include provision for protection and management of Thorny Pea
4	Koala linkage planting	Southern linkage planting of Koala Food Trees
5	APZ	Management to maintain conditions required for asset protection while concurrently protecting and enhancing existing native vegetation
6	Riparian zone	To incorporate 7 below
7	Hairy Joint-grass	Management to maintain and enhance the occurrence of Hairy Joint-grass

Identify areas where there is spatial overlap between zones and set out any modifications of management in the over-lap areas.

#### *Control of listed weeds*

The plan should incorporate a program for weed removal which includes the removal of all woody weeds (e.g. Camphor Laurel, Privet), as well as control any exotic plant species that have been:

- Declared noxious under the *Noxious Weeds Act 1993* in the control area of the Far North Coast County Council (Far North Coast Weeds).
- Listed as Environmental Weeds by North Coast Weeds Advisory Committee.
- Declared as Weeds of National Significance by the Australian Weeds Strategy.

Weeds are to be controlled according to current best practice and in accordance to the control requirements for each of the five classes of noxious weeds identified in the above Act.

#### *Plantings within regeneration/revegetation areas*

For all plantings associated with the regeneration of native vegetation and revegetation of cleared areas, the plan should detail:

- The planting schedule, including botanical name, common name, container size and quantity of all plant species proposed for planting
- The methods to be employed for soil and bed preparation as well as mulching
- How plantings will be protected from grazing by both stock and/or wildlife
- An ongoing maintenance schedule, including a program for weed suppression and removal

#### *Plantings within any APZ*

Any plantings within any APZ should be planted and maintained in accordance with the RFS *Standards for asset protection zones*. In addition, any landscaping on the site should comply with *Planning for Bush Fire Protection 2006* Appendix 5.

**Reason:** *To ensure that the Vegetation Management Plan can be assessed in accordance with Lismore City Council guidelines. To ensure appropriate control of weed species on the subject site. To ensure protection of water bodies and wetlands from soil erosion and sediment deposition.*

- 15 **Following approval of the Vegetation Management Plan and prior to any Occupation Certificates being issued**, the applicant and the lawful owner(s) of the subject site are to enter into a legally binding agreement (s. 93F. *EP&A Act*) with Council to secure completion of the vegetation management works. The agreement must:

- Clearly identify and include as an attachment the approved Vegetation Management Plan referred to in condition 2 above;
- Identify the performance criteria and schedule of works detailed in the plan approved by Council;
- Identify a bond and a bond return schedule linked to the successful completion of works as evidenced by the meeting of agreed performance criteria in accordance with the schedule of works identified in the plan;
- Be enacted (i.e. signed and registered, or otherwise as per the legal requirements for the relevant agreement) prior to the release of the subdivision certificate.

It is the responsibility of the applicant to:

- Secure all resources and funds to implement the plan;
- Arrange for Council's Ecologist to review the plan, review any monitoring report and inspect works associated with the plan;
- Pay all:
  - Costs associated with enacting the legal management agreement referred to above;
  - Inspection and assessment fees associated with the plan and subsequent monitoring reports at the time these are lodged with Council;
- Lodge the bond to be held in trust by Council.

**Reason:** To ensure compliance with the recommendations and performance criteria contained in the approved Vegetation Management Plan.

- 16 **Pursuant to Council's bonding policy**, successful completion of the vegetation management works, and ongoing management activities are to be secured with a bond to be held in trust by Council in accordance with the terms of a written agreement.

**Reason:** To ensure compliance with the recommendations and performance criteria contained in the approved Vegetation Management Plan and approved Landscaping Plan.

- 17 **Prior to the release of the Stage No.1 Subdivision Certificate** and following the completion of the initial phase of vegetation management works and then annually until the end of the term of the plan, the applicant is to provide a monitoring report as evidence that implementation of the plan has progressed to the agreed performance criteria and schedule of works. A final monitoring report shall also be submitted to Council upon completion of the maintenance period.

**Reason:** To ensure compliance with the recommendations and performance criteria contained in the approved Vegetation Management Plan.

- 18 **Subject to compliance with the recommendations and performance criteria detailed within the Council approved VMP Plan**, the vegetation management works are to be undertaken in general accordance with the schedule detailed in the approved plan.

- If any of the vegetation comprising the landscaping or vegetation management works dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.
- It is the responsibility of the Applicant to arrange for the relevant Council inspections with Council's Ecologist or Landscape Architect and to pay all necessary inspection and administration fees associated with that inspection.

**Reason:** To ensure that implementation of the approved Vegetation Management Plan meets the approved works schedule and performance criteria established in the plan.

- 19 **Prior to the commencement of any Stage No.1 construction works**, the Applicant is to submit to Council for approval a Landscape Plan.

*Guidelines for preparation and implementation of the Landscape Plan*

The Plan is to be prepared by person(s) with appropriate knowledge, qualifications and experience in landscape architecture or landscape design.

The Plan is to be prepared in accordance with the following guidelines:

- Lismore City Council (2007). *Landscape Guidelines for Lismore City Council*. Lismore City Council.

The Plan may be staged in a manner that corresponds with the approved staging plan for the development

*The Plan is to meet the following criteria*

The Plan is to be in accordance with:

- the approved 'Vegetation Management Plan' for the site
- any asset protection zones required for bushfire management
- crime prevention through environmental design (CPTED) principles and any specific crime prevention requirements of this development consent.

The plan is to include:

- A 'Finished Surfaces/ Site Plan' which shows finished contours/ levels and the location of roads, driveways, paths, areas of concrete/ paving, turf and mulched garden beds and indicates the extent of cut/ fill batters, retaining walls etcetera.
- Specifications for garden bed preparation, garden edging, irrigation and hard landscaping elements.
- A 'Detailed Planting Plan' which shows the location and canopy extent of any existing trees to be retained within the area to be landscaped; as well as all proposed plants (shown at mature size using a circle); and a 'Plant Schedule' detailing botanical and common names, quantity and container size of all plants grouped under headings: Trees, Shrubs and Groundcovers.

*Choice of plant species*

The majority of plant species used in the landscape plan are to be native species that reflect and support the locally indigenous vegetation and ecology of the area. Plants for all regeneration/revegetation areas are to be sourced from seed stock of local provenance (i.e. within the Wilsons River catchment).

*Management period*

The applicant is to maintain all landscape works and planting for a period of one (1) year from practical completion of each stage of implementation of the Plan.

- 20 **The trees identified in the tree removal schedule** (Appendix A, FFA revised) and the additional list of trees proposed for lopping may be cleared as required in accordance with the approved staging plan of the proposed development.

**Reason:** *To ensure that only trees identified for removal are cleared.*

- 21 **Prior to any vegetation clearing works** the Applicant must ensure that:
- On the day of clearing and prior to any clearing taking place, all trees within 30 metres of those trees to be cleared are to be inspected for the presence of koalas from at least two locations by an experienced koala spotter;
  - The koala spotter must not be involved in the vegetation clearing works whilst responsible for identifying koalas present on the site and will remain on site during any vegetation clearing works to ensure that any tree occupied by a koala is not accidentally cleared or interfered with.

**Reason:** *To ensure koala safety.*

- 22 **Should koalas be found on site during vegetation clearing works and/or earthworks** the Applicant must ensure that vegetation clearing works and/or earthworks are temporarily suspended within a range of 30 metres from any tree which is occupied by a koala and are avoided in any area between the koala and the nearest areas of habitat to allow the animal to move to adjacent undisturbed areas. In addition, the above works must not resume until the koala has moved from the tree of its own volition.

**Reason:** *To ensure koala safety.*

- 23 **During tree clearing works** the Applicant must ensure that:
- Tree removal and any pruning works is completed by a fully qualified and insured Arborist (AQF level 3 qualifications as a minimum).
  - Any clearing is conducted in accordance with Condition 8 above;
  - Any pruning work is undertaken in accordance with the *AS 4373-2007 Pruning of amenity trees*;
  - Tree removal and any pruning works are to be conducted in such a way as to ensure surrounding native vegetation, structures and boundary fences on the same or adjoining lots are not damaged;
  - The currency of all insurances is to be checked by the Applicant before work commences;

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

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

- 24 **Prior to construction works commencing for each stage of the subdivision**, all existing native trees and areas of native vegetation not identified for removal in Appendix A of the FFA (revised) shall be clearly identified and protected from damage during works. In particular it is required that:
- A fenced Tree Protection Zone is to be established around native trees and vegetation to be retained on the subject site. The minimum radius of the Tree Protection Zone = the trunk diameter at one metre above the ground times ten (e.g. 450mm x 10 = 4.5m radius).
  - Native trees and vegetation are to be protected by temporary fencing that meets *AS 4687-2007 Temporary fencing and hoarding*. In accordance with the above standard, the temporary fence is to be of a minimum 1500 mm in height and the fence is to be secured by installing star pickets to a depth of 600mm and then fastening the star picket to every second panel to prevent fence from being moved during works.
  - Native trees and vegetation may be fenced off in clusters where it is not practical to fence off individual trees.
  - A sign no smaller than 400mm x 300mm to be attached to the temporary fence stating "NO ENTRY – TREE PROTECTION ZONE". The sign is to be visible from each side of the construction area.
  - Within the Tree Protection Zone, there is to be no:
    - Fill, trenching, excavation, storage of equipment, materials, liquid or chemical waste;
    - Washing of machinery, equipment or tools (e.g. paint brushes and concreting tools);
    - Damage or cutting of roots greater than 50 mm in diameter without qualified Arborist's assessment of effects on retained trees anchorage and health.

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

- 25 **During vegetation clearing works** the Applicant is to ensure that tree removal and any pruning works is completed by a fully qualified and insured Arborist (AQF level 3 qualifications as a minimum). In particular it is required that:
- Any clearing is conducted in accordance with any conditions pertaining to tree retention as well as the tree removal schedule identified in Appendix A of the FFA (revised).
  - Any pruning work is undertaken in accordance with the *AS 4373-2007 Pruning of amenity trees*.
  - Tree removal and any pruning works are to be conducted in such a way as to ensure surrounding native vegetation, structures and boundary fences on the same or adjoining lots are not damaged.
  - The currency of all insurances is to be checked by the Applicant before work commences.
  - The Applicant will receive two copies of the consent, one to be retained by the Applicant and one to be given to the contractor if engaged to carry out work.

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

26 **During vegetation clearing works** the Applicant is to ensure that adequate soil erosion and sediment control measures are to be installed and maintained such that the clearing of any vegetation does not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

- All disturbed areas are to be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than seven (7) days.
- Soil erosion and sediment control measures are to be adequately maintained during any clearing works and until the establishment of vegetation.

**Reason:** To ensure protection of water bodies, wetlands bushland or environmentally significant land from soil erosion and sediment deposition.

27 **During vegetation clearing works** the Applicant is to ensure that cleared vegetation (timber, small branches and leaf litter) is to be mulched, reserved and stockpiled for re-use in rehabilitation works.

- Mulch generated from any exotic plant species declared noxious under the Noxious Weeds Act 1993 in the control area of the Far North Coast County Council (Far North Coast Weeds), listed as an environmental weed by the North Coast Weeds Advisory Committee or declared as Weeds of National Significance by the Australian Weeds Strategy must be free from any propagules.
- Mulch generated from any exotic plant identified above that contains any propagules must be removed from the site and disposed of appropriately and in accordance with legislative requirements.

**Reason:** To ensure that weed species propagules are not dispersed by regeneration/revegetation works.

## **BUILDING**

### **Construction Certificate**

28 The erection of the building under the terms and conditions of this Development Consent must not be commenced until:

(a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:

(i) **The Council; or**

(ii) **An accredited certifier**

Before work is commenced Council must be informed in writing of the name and accreditation number of the Principal Certifying Authority who has been appointed to do the work.

**Reason:** Required by Clause 81A of the *Environmental Planning and Assessment Act, 1979*.

### **Compliance with Building Code of Australia**

29 The building design shall comply with the requirements of the Building Code of Australia, so as to achieve and maintain acceptable standards of structural efficiency, fire safety, health and amenity for the ongoing benefit of the occupants of the building and the community.

**Reason:** To ensure compliance with the *Building Code of Australia*.

### **Dwelling Access**

30 Access is to be provided to the proposed building(s) and to those areas which the public would normally be expected to gain access in accordance with AS1428.1 - Design for Access and Mobility.

**Reason:** Required by Part D3 of the *Building Code of Australia*.

### Site Access

- 31 Provide an on-site sign, in prominent visible position, stating:
- (a) That unauthorised access to the site is not permitted, and
  - (b) Showing the name of the builder or person responsible for the site and a telephone number at which such person can be contacted outside working hours.

**Reason:** *Required by Clause 78H of the Environmental Planning and Assessment Regulation.*

### House/Unit Numbering and Road Naming

- 32 The person acting upon this consent must apply to Lismore City Council and receive written confirmation of the allocated street names, address(es) and house/unit number(s) to accord with the NSW Address Policy for the completed development prior to the commencement of any work on the site.

These are the numbers that will be recorded in Council records and must be displayed clearly at the property so that it is clearly visible from the driveway/road prior to the issue of any Occupation Certificate.

**Reason:** *To ensure that Council records are accurate, and that building and unit numbering complies with the requirements of the NSW Address Policy. Proper building and unit numbering also assists emergency services in readily locating properties.)*

## ENGINEERING

### General

- 33 All earthworks, roadworks, stormwater drainage structures and associated civil infrastructure as shown in the Civil Tech Engineering Documentation Drawings number 1391-DA1 to 1391-DA25 dated November 2014 shall be amended as required so that all infrastructure is designed and constructed in accordance Northern River's Development, Design and Construction Manual (as amended), Chapter 5 of Lismore Development Control Plan - Part A "Subdivision and Infrastructure – Urban subdivision" relevant Australian Standards as well as amendments listed elsewhere in this approval.

The final design shall ensure:

- the internal driveways to comply with AS 2890.1 "Off Street Car Parking and RFS publication "Planning for Bush Fire Protection – December 2006"
- be substantially in accordance with the CivilTech drawing 1391-DA2 Issue B dated 10 November 2014
- The following minimum driveway widths are required:
  - Road 1 – 8m in the Asset Protection Zone APZ, 6m elsewhere
  - Road 2 – 8m
  - Road 3, 4, 6 & 7 – 6m
  - Road 5 – 4m

Details demonstrating compliance shall be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

**Reason:** *To correctly detail civil infrastructure has been approved (EPA Act Sec 79C).*

- 34 **Prior to commencement of any works** upon the site the proponent shall obtain a Construction Certificate for the proposed works. The construction certificate application shall include full design details of the proposed engineering works to satisfy conditions the conditions attached to this approval. Such application shall be accompanied with the relevant fee, as adopted at the time of the relevant payment, as indicated in Council's Fees and Charges.

**Reason:** *To correctly detail full design details of the proposed engineering works (EPA Act Sec 79C).*

- 35 **Prior to the release of the Strata Subdivision Certificate for each stage of the development** the applicant shall provide at the relevant stage of the development a minimum number of car parking spaces in accordance with the following table:

Stage Number	Parking Spaces
1	93 Resident 12 Visitor
2	87 Resident 12 Visitor
3	102 Resident 15 Visitor
4	90 Resident 15 Visitor

These car parking spaces shall have a bitumen sealed/paved or equivalent surface constructed and landscaped in accordance with the requirements of the Council's Development Control Plan 2007, Part A, *Chapter 7 – Off Street Car parking* Requirements, Australian Standard AS2890.1 and Northern River's Local Government Development and Design Manual (as amended). The car park layout shall be designed to ensure that vehicles can leave the premises in a forward direction. Design plans to be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.

**Reason:** *To provide adequate off street parking space for the anticipated traffic that will be generated by the development (EPA Act Sec 79C(a)).*

- 36 **Prior to the release of an Interim or Final Occupation Certificate or strata subdivision certificate** for each stage of the development the car parking spaces, as shown on the approved plans and referenced in the table above, shall be clearly marked on the ground and signage erected to clearly indicate the off-street parking area.

**Reason:** *To ensure the free flow of traffic and comply with traffic regulations (EPA Act Sec 79C(c))*

- 37 **During the construction of the development**, the vehicle parking for all tradesmen, plant and equipment and the storage of materials is to be on-site at all times. No Street parking of construction vehicles or storage of materials or barricading of footpaths shall occur without the written consent of Council.

**Reason:** *To provide adequate parking for construction vehicles (EPA Act Sec 79C(a))*

- 38 **Prior to release of the Strata Subdivision Certificate for each stage of the development**, a Certificate of Compliance from an accredited electricity infrastructure provider shall be required confirming that it has provided underground electrical power to each lot, adequate street lighting for the development as required by the Australian Standard and that charges for the extension of electricity supply have been paid.

**Reason:** *To preserve the environment and existing or likely future amenity of the neighbourhood (EPA Act Sec 79C(b)).*

- 39 **Prior to release of the Strata Subdivision Certificate for each stage of the development**, the proponent shall ensure the provision of telephone services is available to all lots. A Certificate of Availability from the relevant utility provider shall be required confirming that the respective utility's requirements have been met.

**Reason:** *To ensure adequate provision of utility services (EPA Act Sec 79C(b)).*

- 40 **Prior to release of the Strata Subdivision Certificate for each stage of the development**, the proponent shall provide a data network that is compatible with the National Broadband Network (NBN). The NBN must be made available to all lots. A Certificate is required confirming that the respective utility's requirements have been met.

**Reason:** *To ensure adequate provision of data services (EPA Act Sec 79C(b)).*



## Stormwater

- 41 **Prior to the release of the Construction Certificate for any Stage 1 building** the full design details of a stormwater management system for the development shall be submitted to Council for approval under Section 68 of the Local Government Act. The stormwater management plan, and control devices shall ensure stormwater discharges satisfy the qualitative and quantitative objectives of Lismore City Council Development Control Plan – Part A Chapter 22 “Water Sensitive Design”

**Reason:** *To manage stormwater quality and quantity and to protect the environment. (EPA Act Sec 79C(b))*

- 42 **Prior to approval of the Strata Subdivision Certificate for each stage of the development**, the proponent shall provide onsite stormwater drainage substantially in agreement with the recommendations detailed in the Water Management Plan Report prepared by Australian Wetlands Consulting Pty Ltd Project # 1-14390d dated November 2014

**Reason:** *To manage stormwater quality and quantity and to protect the environment. (EPA Act Sec 79C(b))*

- 43 **Prior to release of the Construction Certificate for each stage of the development**, the proponent must provide a detailed design showing that unobstructed overland flow path/s have been provided to prevent any inundation of future habitable structures and to drain all surcharge and surface waters for the major system design event. The proponent shall provide to council satisfaction-

- An appropriate positive covenant and easements for;
- The overland flow paths that convey stormwater runoff from above the site;
- The area encompassing the detention pond, bioremediation, gross pollutant trap and all other elements of the treatment train;
- The flow path of the discharge from the detention pond and treatment train to the local creek as it passes through the proponents property;
- Any other overland flow that may be identified during the design and construction phase of the development

The easement with positive covenant shall be created to ensure that the flow paths will not be obstructed by any non-approved structures, landscaping or the like, that will reduce flow path design capacity. Appropriate management practices must be put in place to ensure that the integrity of this condition is maintained at all times. The easement shall be wide enough to contain the overland flow of the major storm event i.e. ARI 100 year event or 3m whichever is greater.

The positive covenant is required to ensure the full responsibility of the operation and maintenance remains with the land owner. The positive covenant will requires the owner to abide by the terms and conditions of the stormwater operation and maintenance management plan.

**Reason:** *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff. (EPA Act Sec 79C(b))*

- 44 **Prior to the release of the Construction Certificate for any Stage 1 building** the proponent shall make satisfactory provision for existing lots adjoining the property and the proposed strata lots to dispose of stormwater without causing a nuisance to other lots. An adequate drainage system shall be constructed to ensure that all roof water and/or surface water from paved areas from any existing or proposed lots can be directed to a discharge point to prevent intensification of discharge runoff onto adjoining land. Any lots proposed to drain to the council owned kerb and gutter shall be provided with two kerb adapters and pipes across the verge. Kerb adaptors shall be provided in accordance with Standard Drawings R-08. All works are to be constructed according to Council's Development, Design and Construction Manual (as amended). All drainage lines are to be located within drainage easements. A

**Reason:** To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 79C(b))

- 45 **Prior to release of the Strata Subdivision Certificate for each stage of the development,** a suitably qualified person is required to furnish a statutory certificate confirming:

- all drainage lines have been located within the respective easements,
- all stormwater has been directed to a Council approved drainage system.

**Reason:** To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 79C(a))

- 46 **Prior to the release of any Strata Subdivision Certificate or the occupation of any dwelling** the proponent is required to provide for council approval, a site specific stormwater operation and maintenance management plan including maintenance schedules. The management plan would be agreed to by council as condition of the positive covenant and must only be changed with council consent.

**Reason:** To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 79C(b)).

- 47 **Prior to release of the Strata Subdivision Certificate for each stage of the development,** the proponent shall place reflective street number identification at the road frontage of the property to indicate the property address.

**Reason:** To identify the property correctly (EPA Act Sec 79C(e)).

#### **Geotechnical**

- 48 **Prior to being issued with a Construction Certificate for each stage of the development,** certification from a practising qualified engineer experienced in soil mechanics is required verifying the following:

- proposed civil engineering works, including retaining walls, have been assessed as structurally adequate;
- proposed civil engineering works are unlikely to be affected by landslip either above or below the works;
- proposed civil engineering works are unlikely to be affected by subsidence either above or below the works; and
- adequate drainage have been proposed to ensure the stability of the proposed civil engineering works;
- that if colluvium has been removed prior to fill placement or the construction of shallow foundations;
- colluvium has not been used as controlled fill

Details demonstrating compliance shall be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

**Reason:** To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))

- 49 **Prior to being issued with a Construction Certificate for each stage of the development,** a qualified practising structural engineer shall provide Council with:

- a design certification for any proposed retaining walls in the development. The certification shall state that the walls have been designed to comply with AS 4678 Earth-retaining structures and can resist soil and water loadings for full saturation of the height of the wall and surcharge from any structure within the zone of influence of the wall. Retaining walls shall be founded on residual soil or weathered rock. Any proposed retaining wall shall be constructed wholly within the lots. No retaining wall shall be constructed upon the road reserve.

**Reason:** To ensure the development is constructed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 79C(b))

- 50 **Prior to release of the Strata Subdivision Certificate for each stage of the development,** a qualified practising structural engineer shall provide Council with a certificate of structural adequacy for any structures, including retaining walls, constructed as part of the development.

**Reason:** To ensure the development is constructed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 79C(b))

- 51 Bulk earthworks shall not commence on site **prior to the release of the Construction Certificate for each stage of the development.**

**Reason:** To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))

- 52 Any filling shall be with clean fill only. Building rubble and contaminated material is not to be used.

**Reason:** To protect the environment.

- 53 The slope of any cut or fill batter shall not exceed 1:4 unless specific geotechnical advice as to the stability of the proposed batters is provided by a suitably qualified geotechnical engineer.

Details demonstrating compliance shall be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

**Reason:** To ensure protection from the effects of subsidence and/or slip (EPA Act Sec. 79C(c)).

- 54 **During construction at any stage** of the development any area of seepage identified at the base of filling or behind filling shall be brought to the attention of the supervising geotechnical engineer and treated by the provision of a suitable drainage mechanism. Details of any necessary remedial works are to be provided to Council.

**Reason:** To ensure protection from the effects of subsidence and/or slip (EPA Act Sec. 79C(c)).

- 55 **Prior to the release of a Construction Certificate for each stage,** a NATA registered geotechnical testing authority shall submit documentary evidence in the form of level 1 certification, certifying that any fill material has been placed in accordance with Australian Standard 3798 "Guidelines on earthworks for commercial and residential developments". The completion report must note that the; foundation, fill materials, workmanship, fill compaction density and fill moisture contents are acceptable for the intended and certified use of the fill and meet the specifications of the site. Filling in excess of 2m of height must be accompanied by a geotechnical slope stability analysis of the final construction undertaken using limit equilibrium techniques and site specific parameters.

**Reason:** To ensure the development is completed in accordance with the conditions and approved construction design plans. (EPA Act Sec 79C(b))

- 56 **Prior to the release of a Construction Certificate for each stage,** a qualified practising Engineer, experienced in soil mechanics and local conditions, shall submit documentary evidence in the form of a Geotechnical Investigation Report to Council for approval, certifying that all allotments are suitable for building purposes and classifying each allotment in accordance with Australian Standard 2870 "Residential Slabs and Footings".

**Reason:** To ensure the development is completed in accordance with the conditions and approved construction design plans. (EPA Act Sec 79C(b))

## Traffic

- 57 **Prior to commencement of work for each stage of the development**, a Construction Traffic Management Plan shall be submitted to, and approved by, Council. Such plan shall include: scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community; details of haulage routes to be utilised for delivery and removal of material from the site; traffic control plans prepared by an RMS accredited person for any works that impact upon the movement of vehicles or pedestrians upon the public road; a requirement for any damage to road infrastructure arising from construction activities to be reinstated at the developers cost prior to completion of the project.

***Reason:** To ensure activities relating to the development do not interfere with the movement of traffic along the public road (EPA Act Sec 79C(b)).*

- 58 **During Construction for each stage of the development**, all loading and unloading of construction vehicles and trucks shall take place within the property boundaries, as will the parking of construction and private vehicles associated with the development.

***Reason:** To provide adequate off street parking space for the anticipated traffic that will be generated by the development (EPA Act Sec 79C(a)).*

- 59 Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction, in accordance with Council's Development Control Plan 2007, Part A, *Chapter 7 - Off Street Car parking* Requirements. All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition.

***Reason:** To ensure adequate access to and from the development. (EPA Act Sec 79C(c))*

- 60 **Prior to the commencement of Stage 1 works** the proponent shall lodge with Council a bond of \$20,000 (indexed by Producer Price Index) for the cost of the proposed works. This bond shall cover any damage to infrastructure within the road reserve arising during the construction of the proposed development. Evidence is to be provided to Council indicating the pre development condition of the surrounding public infrastructure. Any damage arising from construction activities to roads, kerb and gutter, footpaths or any other infrastructure within the road reserve shall be reinstated in accordance with Northern Rivers Development, Design and Construction Manuals (as amended) to Council's satisfaction prior to refund of the bond.

***Reason:** To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))*

## Street Lighting

- 61 **Prior to the release of the Stage 1 Strata Subdivision Certificate** the proponent shall provide street lighting for the Fischer Street and Pleasant Streets intersection. The street lighting is to be designed and installed in accordance with Australian Standard AS1158.1 and shall comply with the P3 standard. In this regard occupants of all residential properties adjacent to or directly opposite the site are to be provided with the details of anticipated impact the installation will have on their residence.

***Reason:** To ensure adequate and safer movement of pedestrians along a public road or pathway (EPA Act Sec 79C(b)).*

- 62 **Prior to the release of the Stage 4 Strata Subdivision Certificate** the proponent shall provide street lighting for the Fischer Street and Elizabeth extensions. The street lighting is to be designed and installed in accordance with Australian Standard AS1158.1 and shall comply with the P4 standard. In this regard occupants of all residential properties adjacent to or directly opposite the site are to be provided with the details of anticipated impact the installation will have on their residence.

***Reason:** To ensure adequate and safer movement of pedestrians along a public road or pathway (EPA Act Sec 79C(b)).*

## **Pedestrian Footpath**

- 63 **Prior to the release of the Stage 2 Strata Subdivision Certificate** the proponent shall construct a 1.5m wide reinforced concrete pedestrian footpath connecting the proposed development in Casuarina Drive to the existing Pathway in Fischer Street at the Teven Street intersection. Details demonstrating compliance with the Northern Rivers Local Government Development and Design manual (as amended) shall be submitted to Council for approval prior to the commencement of work.

*Reason: To ensure an adequate pedestrian network in accordance with adopted standards*

## **Road Pavement**

- 64 **Prior to the release of an interim or final occupation certificate for any Stage 4 dwellings** vehicular access from the road pavement to the development shall be provided by the construction of a crossing, in accordance with the Council's Design and Construction Specification for Vehicular Access. Details showing that proposed driveway grades comply with the requirements of Council's Specification for Vehicular Access shall be submitted with the Section 138 application.

*Reason: To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))*

## **Roads**

- 65 **Prior to commencement of any works within the Council road reserve** the proponent shall obtain a **Section 138 approval** for the proposed road and associated stormwater drainage works. The Section 138 approval application shall include full design details of the proposed engineering works to satisfy the conditions detailed in this approval. Such application shall be accompanied with the relevant fee, as adopted at the time of the relevant payment, as indicated in Council's Fees and Charges.

*Reason: To ensure an adequate road network in accordance with adopted standards and to comply with requirements of EPA Act Sec 81A(4) (EPA Act Sec 79C(a)).*

- 66 **Prior to the release of the Stage 4 Strata Subdivision Certificate** the proponent shall provide the following roadworks with associated stormwater drainage structures. The geometric design of the road network shall comply with all details set out in the Lismore Development Control Plan – and the Northern Rivers Local Government Development and Design manual (as amended). The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work. Required roadworks include:

- Construction of Fischer Street between the existing Fischer Street pavement and Elizabeth Street to an urban collector street standard, compatible in width to the existing adjoining Fischer cross section. Fischer street is not to link to Shearman Drive.
- Construction of Elizabeth Avenue between the existing end of Elizabeth Street and Fischer Street to a 6m sealed pavement with kerb and channel on the southern side. The pavement shall be designed on an approved alignment to suite the final collector road position. The pavement depth shall be design to a collector road standard.

*Reason: To ensure an adequate road network in accordance with adopted standards.*

- 67 **Prior to the release of the Stage 4 Strata Subdivision Certificate** the applicant shall obtain a certificate of completion for the roadworks and associated stormwater drainage structures from Council. Prior to obtaining this certificate a practising qualified surveyor or engineer shall submit to Council for approval, a "works-as-executed" set of plans, completed asset record forms and a construction certification. The Works Completion Certificate shall confirm that all roads, drainage and civil works required by this development consent and the approved design plans have been completed in accordance with Council's Development and Construction Manual (as amended).

*Reason: To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a) & and to specify requirements for approval under section 138 of the Roads Act.*

## ENVIRONMENTAL

68 **Prior to the issue of an Interim or Final Occupation Certificate** a 'Final Plan of Management' must be submitted to and be approved Council. The Plan of Management shall include but not be limited to the following matters:

- Primary by-laws associated with the operation of the body corporate.
- The draft Primary by-laws (Clause 27 – Tree Removal) associated with tree removal are supported subject to a modification to Clause 27(a) that 'Clearing of trees under the Vegetation Clearing Entitlement Area (10/50 rule) may only be completed in circumstances where it is demonstrated to the body corporate via a tree report from a suitably qualified arborist that the tree the subject of removal is dying or dead and is not required as the habitat of native fauna and that there is a risk to human life or property. If a tree is proposed to be removed for bushfire hazard management purposes then it must be demonstrated to the body corporate via a professional bushfire hazard assessment report from a NSW RFS suitably qualified person that there is a bushfire hazard risk that the tree poses a risk to human life or property.
- Management of community facilities.
- Community complaint management.
- Key crime prevention strategies and associated operational requirements including a specific section on graffiti management.
- Operational and maintenance responsibilities associated with water, sewer and storm water assets, re-use of storm waters system and community swimming pool.

Where practical the Management Plan may reference specific operational plans of management to satisfy the requirements of this condition.

The Management Plan must be in plain English to ensure that it is capable of being readily understood and implemented by the site managers and operators and nominated responsible person/s. Induction procedures must be carried out for all appropriate personnel and this must be recognised in the plan. Responsible person/s must be nominated to Consent Authority (LCC) in writing together with full 24 hour per day contact details for the purposes of the Management Plan.

The Management Plan must be reviewed at least every five (5) years and be updated to be in accordance with contemporary operations and practices. The reviewed document must be submitted to the Consent Authority (LCC) for approval.

**Reason:** *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*

69 **Prior to the commencement of any work** on the site, Erosion and Sediment control measures must be put into place and be properly maintained to prevent soil erosion and the transport of sediment from the site and into natural or constructed drainage lines or watercourses. Measures must:

- maximise the diversion of clean waters, and
- minimise the extent and duration of site disturbance, and
- include devices/practices to prevent sediment being carried from the site by vehicle and plant tracks and tyres.

All disturbed areas shall be stabilised and revegetated. turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. All control measures must be regularly inspected and be maintained to ensure they operate to the design requirements and to meet all relevant environment protection standards. Weather patterns must be monitored and be coordinated in with the inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion.

**Reason:** *To ensure the proper management of the site with regard to soil erosion and sedimentation.*

- 70 The hours of work for any offensive noise generating construction activity of the proposed development are to be limited to the following time periods:

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

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

**Reason:** *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*

- 71 The burning off of vegetative and other wastes arising from the building and subdivision works is prohibited. Suitable arrangements shall be made for the processing and/or re-use of all waste materials generated by the development activity or alternatively wastes shall be transported to an approved waste facility.

**Reason:** *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*

- 72 All waste materials generated from construction and/or demolition works shall only be disposed at licensed waste management facilities capable of receiving the waste as classified under the NSW Department of Environment and Climate Change (EPA) guideline document 'Waste Classification Guidelines: Part 1 Classifying Waste 2008'.

**Reason:** *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*

- 73 All noise generated by construction activities must be managed in accordance with the Interim Construction Noise Guideline, DECC July, 2009. Site managers and all persons who carry out demolition or construction activities on and about the development site must be made properly aware of their responsibilities and to ensure the objectives of the guideline are complied with.

**Reason:** *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*

- 74 **A Section 68 application for each Stage of the Development** to carry out stormwater drainage work comprising stormwater treatment measures must be submitted to and be approved by the Consent Authority (LCC) **prior to issue of a Construction Certificate for each stage**. The application details must be prepared by an appropriately qualified professional and must comply with the requirements of Lismore Development Control Plan – Chapter 22 – Water Sensitive Design (DCP) and address all hard surfaces. The information submitted must include commentary that clearly demonstrates compliance with the DCP including predevelopment and post development calculations. A comprehensive Water Management Plan must be developed and include maintenance and auditing/accountability systems. Responsible persons and contact details must be provided.

The application must include a certification that the design proposal complies with the DCP.

**Reason:** *To protect the environment (EPA Act Sec 79C(b)), to satisfy the requirements of the Local Government Act, 1993, and to ensure the environmental management of stormwater complies with contemporary standards.*

- 75 **Prior to the issue of an Interim or Final Occupation Certificate for each Stage of the Development**, works as executed documentation and a certification of the completed storm water installation prepared by an appropriately qualified professional and demonstrating compliance with this consent and the Section 68 approval, shall be submitted to and be approved by the Certifying Authority.

**Reason:** *To protect the environment (EPA Act Sec 79C(b)), to satisfy the requirements of the Local Government Act, 1993, and to ensure the environmental management of storm water complies with contemporary standards.*

- 76 **Prior to the issue of a Construction Certificate for each stage of the development**, a dust management plan (DMP) must be prepared and be submitted to Council for approval. The DMP must detail what measures are proposed and the action that will be taken to manage dust emissions from the site. The DMP must be implemented and remain in place until all development activities have been completed and the site has been adequately stabilised, revegetated or landscaped to prevent the creation of dust on the development site.

**Reason:** *To ensure the proper management of dust on the development and to protect the amenity of the neighbourhood.*

- 77 **Prior to the issue of a Construction Certificate for Stage No.1**, a waste management plan in accordance with the provisions of *Chapter No.15 - Waste Minimisation* of the Lismore Development Control Plan 2007, must be prepared, submitted to and approved by Council.

**Reason:** *To comply with the requirements of the Lismore DCP 2007.*

- 78 Chemical storage and decanting areas shall be provided with bunding to contain all liquid contaminants. The bunded area shall have a holding capacity of 110% of the largest container. (Where flammable and combustible liquids are stored, compliance standards relating to flammable and combustible liquids as specified in Australian Standard 1940-1993 - "The Storage and Handling of Flammable and Combustible Liquids" shall be implemented).

**Reason:** *To protect the environment. (EPA Act Sec 79C(b))*

- 79 **A Section 68 application** to carry out storm water drainage work comprising storm water reuse must be submitted to and be approved by the Consent Authority (LCC) **prior to the issue of a Construction Certificate for Stage No.1**. The application details must be prepared by an appropriately qualified professional and must reasonably satisfy the design standards nominated within the following publications:

- National Water Quality Management Strategy – Australian Guidelines 23 for Water Recycling: Managing Health and Environmental Risks (Phase 2) Stormwater Harvesting and Reuse 2009, and
- Australian Standard AS/NZS 3500.1 Plumbing and Drainage – Water Services

A comprehensive Water Management Plan must be developed to support the Section 68 Application and include maintenance and auditing/accountability systems.

**Reason:** To satisfy the requirements of the Local Government Act, 1993 and to ensure the environmental management of stormwater complies with contemporary standards.

- 80 The proposed community swimming pool shall be managed to ensure that the water quality within the pool during opening hours reasonably satisfies the performance standards identified within the NSW Health publication 'Public Swimming Pool and Spa Pool Advisory Document 2013'.

**Reason:** *To protect public health.*

#### **Water and Sewer**

- 81 **Prior to commencement of works for construction of the community building and swimming pool** the proponent shall obtain approval under Section 68 of the Local Government Act, 1993 for the discharge of liquid trade waste into the sewerage system. The proponent shall submit the appropriate Activity Application Forms accompanied by such information as is listed in Council's Water, Sewer and Liquid Trade Waste Activity Application Check-list. Note:

- a) The proponent shall not commence construction of any part of the sewerage works prior to receiving an Approval to discharge liquid trade waste specifically for the facility and swimming pool works and plans with Council's stamp of approval.



- b) A fee applies to the Activity Application. The fee is as adopted at the time of payment and is as set out in Council's Fees and Charges.

**Reason:** *To comply with Section 68 (s68) of the Local Government Act, 1993.*

- 82 **Prior to commencement of any sewerage works on-site** any existing sewerage infrastructure, other than the live sewer mains traversing the site, shall be subject to CCTV surveillance and submission of a report with plans identifying location of pipelines and DVD to determine if existing infrastructure is suitable for use. The proponent shall not commence any sewerage work until Council has provided advice, in writing, that the private assets are acceptable and suitable for use.

**Reason:** *Condition imposed to ensure existing sewerage works are sound and suitable for use to service the new development.*

- 83 **Prior to the issue of any Construction Certificate for each Stage of the development**, a Certificate of Compliance issued by Lismore City Council (and on behalf of Rous Water) under s.305-307 of the Water Management Act 2000, must be obtained and submitted to the Certifying Authority in relation to contributions payable.

Notes:

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

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

- 84 **Prior to being issued with any Construction Certificate for each Stage of the development** the proponent shall obtain approval under Section 68 of the Local Government Act, 1993 for the water supply and sewerage works required for this development. The proponent shall submit the appropriate Activity Application Forms accompanied by such information as is listed in Council's Water, Sewer and Liquid Trade Waste Activity Application Check-list. Note:

- a) The proponent shall not commence construction of any part of the water supply and sewerage works prior to receiving an Activity Approval specifically for the water supply and sewerage works and plans with Council's stamp of approval.
- b) A fee applies to the Activity Application. The fee is as adopted at the time of payment and is as set out in Council's Fees and Charges.

**Reason:** *To comply with Section 68 (s68) of the Local Government Act, 1993.*

- 85 **Prior to construction works** for each Stage of the development the proponent shall engage a licensed plumber to carry out all new connections, disconnections or upgrading of the water and sewerage services connected to the site. Each dwelling shall be individually metered (private meter). The water meter must be protected from damage and be accessible for reading.

**Reason:** To ensure compliance with the Plumbing and Drainage Act and appropriate management of water supply.

- 86 **Prior to approval of any Strata Title Subdivision Certificate** (or any change in property Title), where applicable or as agreed in writing with Council, the proponent is required to create an easement over pipelines (public assets) in accordance with Council's current specifications. Each proposed easement shall also be accompanied with a specimen Section 88B Instrument and be approved by Council prior to submission to Land Title office or issue of a subdivision certificate.

Note: The width of an easement is determined by the depth and size of the pipeline.

The proponent shall obtain direction from Council confirming width prior to submitting an application for placement of easement or issue of a Subdivision Certificate.

**Reason:** To ensure compliance with the statutory requirements of Lismore City Council.

- 87 **Prior to issue of an interim or Final Occupation Certificate for each Stage of the development** a Certificate of Compliance in accordance with the Plumbing and Drainage Act 2011 shall be issued by the Licensed plumber.

**Reason:** Required by Clause 15 of the Plumbing and Drainage Act 2011

## **NSW POLICE (Crime Prevention)**

### **Surveillance**

- 88 The playground areas must be enclosed by palisade fencing and the playgrounds must include seating for parents. Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Occupation Certificate.

**Reason:** Crime Prevention through environmental design.

- 89 To enhance casual surveillance of the development, all low level ground covers, shrubs and small plants shall be maintained at all times so as not to exceed 900 millimetres in height and all trees should have canopies with the lower limbs trimmed to a height above two metres from the ground level.

**Reason:** Crime Prevention through environmental design.

### **Landscaping**

- 90 All existing and planted trees/shrubs are to be regularly maintained at all times to ensure branches cannot act as a natural ladder to gain access to higher parts of the building and provide good surveillance to the building.

**Reason:** Crime Prevention through environmental design.

### **Territorial Re-enforcement**

- 91 To assist territorial re-enforcement permanent signage is to be provided at all entry/exit points to the development to warn potential intruders that if they enter the property illegally they will be prosecuted. Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Occupation Certificate.

**Reason:** Crime Prevention through environmental design.

### **Access Control**

- 92 The following matters must be taken into consideration as part of the crime prevention design of the overall development and individual dwellings:

- The main entry/exit door, any balcony doors and windows for each dwelling shall be fitted with single cylinder locksets which comply with the Building Code of Australia.

- Any glass that forms part of the main entry/exit door for each dwelling must be laminated to enhance the physical security of the door.
- Consideration must be given to the provision of electric access control equipment such as intercom facilities to enhance physical security.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of any final Occupation Certificate.

**Reason:** *Crime Prevention through environmental design.*

## **INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL**

### **General terms of approval under Section 100B of the Rural Fires Act**

#### **Asset Protection Zones**

1. At the commencement of Stage 1 and in perpetuity, the area shown as 'maintained APZ' on the plan prepared by Harley Graham Architects titled 'Asset Protection Plan – Stage 1', reference Job No. HGA048, dated 17.12.14, shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
2. At the commencement of Stage 1, a restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on Lot 22 DP 1172302 requiring the provision of a temporary asset protection zone (APZ) as identified on the drawing prepared by Harley Graham Architects titled 'Asset Protection Plan – Stage 1', reference Job No. HGA048, dated 17.12.14. The APZ shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. The restriction to use may be deleted upon commencement of development on Lot 22 that will manage the area as an APZ.
3. At the commencement of Stage 2 and in perpetuity, the area shown as 'maintained APZ' on the plan prepared by Harley Graham Architects titled 'Asset Protection Plan – Stage 2', reference Job No. HGA048, dated 17.12.14, shall be managed as an inner protection area (IPA) or outer protection area (OPA) where indicated, as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
4. At the commencement of Stage 3 and in perpetuity, the area shown as 'maintained APZ' on the plan prepared by Harley Graham Architects titled 'Asset Protection Plan – Stage 3', reference Job No. HGA048, dated 17.12.14, shall be managed as an inner protection area (IPA) or outer protection area (OPA) where indicated, as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
5. At the commencement of Stage 4 and in perpetuity, the area shown as 'maintained APZ' on the plan prepared by Harley Graham Architects titled 'Asset Protection Plan – Stage 4', reference Job No. HGA048, dated 17.12.14, shall be managed as an inner protection area (IPA) or outer protection area (OPA) where indicated, as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
6. The Vegetation Management Plan for the site shall include the required asset protection zones (APZs) and outline a schedule and description of works for their construction and continued maintenance.

#### **Water and Utilities**

7. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'. Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Occupation Certificate.

#### **Access**

8. New roads shall comply with section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'. Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Occupation Certificate.

### **Design and Construction**

9. New construction shall comply with the bushfire attack level (BAL) indicated on the BAL Construction plans for Stages 1 to 4 prepared by Harley Graham Architects, reference Job No. HGA048, dated 17.12.14. Construction shall comply with Section 3 and Section 5 (BAL 12.5), Section 6 (BAL 19) or Section 7 (BAL 29), as relevant, under Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'. Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Occupation Certificate.
10. Roofing shall be gutter less or guttering and valleys are to be screened to prevent the build-up of flammable material. Any materials used shall be non-combustible. Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Occupation Certificate.
11. No brushwood fencing shall be used.

### **Landscaping**

12. Landscaping to the common property of Torrens Title lot I is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'. Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Occupation Certificate.

## **INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL**

### **General terms of approval for work requiring a controlled activity approval under S.91 of the Water Management Act 2000**

#### **Conditions**

##### **Plans, standards and guidelines**

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to and provided by Council. Any amendments or modifications to the proposed controlled activities may render these CIA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these CIA will be required.
2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CM) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3. The consent holder must prepare or commission the preparation of:
  - (i) Vegetation Management Plan;
  - (ii) Works Schedule;
  - (iii) Soil and Water Management Plan
4. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with the NSW Office of Waters guidelines located at [www.water.nsw.gov.au/water-Licensing/Approvals/default.aspx](http://www.water.nsw.gov.au/water-Licensing/Approvals/default.aspx).
  - (i) Vegetation Management Plans;

- (ii) Riparian Corridors;
- (iii) Outlet structures.

5. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

#### **Rehabilitation and maintenance**

6. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

#### **Access-ways**

8. The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water

#### **Disposal**

9. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (H) wash into the water body, or (Hi) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water

#### **Drainage and Stormwater**

10. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
11. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

#### **Erosion Control**

12. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

#### **Excavation**

13. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

#### **Maintaining River**

14. The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.

#### **River bed and bank protection**

15. The consent holder must establish a riparian corridor along *Gunderimba Creek* in accordance with a plan approved by the NSW Office of Water.

## **General terms of approval for work requiring a licence (dewatering) under Part 5 of the Water Act 1912.**

### **Conditions**

1. Before commencing any works or using any existing works for the purpose of dewatering an approval under Part V of the Water Act 1912 must be obtained from the Department if the take of water exceeds 3MLJyr. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
2. An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
3. When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or let lapse.
4. All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
5. All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
6. The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
7. All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
8. The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
9. A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
10. The water extracted under the approval to be granted shall be used for the purpose of dewatering and for no other purpose. A proposed change in purpose will require a replacement license to be issued.
11. Works for construction of a bore must be completed within such period as specified by the Department.
12. Within two months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are specified in the approval.
13. The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
14. The licensee must allow authorised officers of the Department, and its authorised agents reasonable access to the licensed works with vehicles and equipment at any time for the purposes of:
  - (1) inspecting the said work;
  - (2) taking samples of any water or material in the work and testing the samples.
15. The licensee shall within 2 weeks of being notified install to the satisfaction of the Department in respect of location, type and construction an appliance(s) to measure the quantity of water extracted from the works. The appliance(s) to consist of either a measuring weir or weirs with automatic recorder, or meter or meter(s) of measurement as may be

approved by the Department. The appliance(s) shall be maintained in good working order and condition. A record of all water extracted from the works shall be kept and supplied to the Department upon request. The licensee when requested must supply a test certificate as to the accuracy of the appliance(s) furnished either by the manufacturer or by some person duly qualified.

16. The authorised work shall not be used for the discharge of polluted water into a river or lake otherwise than in accordance with the conditions of a licence granted under the protection of the Environment Operations Act 1997. A copy of the licence to discharge is to be provided to the Department.
17. The maximum term of this licence shall be twelve (12) months.
18. The volume of groundwater extracted from the work authorised by this licence shall not exceed 5 megalitres for the term of the licence.
19. The authorised work shall not be used for the discharge of water unless the ph of the water is between 6.5 and 8.5, or the water has been treated to bring the ph to a level between 6.5 and 8.5 prior to discharge, or the water is discharged through the council's sewerage treatment system.
20. The licensee shall test the ph of any water extracted from the work prior to the commencement of discharge and at least twice daily thereafter and record the date, time and result of each test in the site log. A copy of the records of the ph testing is to be returned with the form 'AG'.
21. The work shall be managed in accordance with the constraints set out in a Dewatering Management Plan approved by the Department.
22. The retention or holding pond must be lined with an impermeable material (such as clay or geotextile) to prevent seepage, leakage or infiltration of treated water.

## Table A

### **Local Government Act - Section 64 Contributions**

The developer shall pay to Council all Water and Sewerage levies deemed necessary by Council and in accordance with Section 64 of the Local Government Act 1993. The rates and amounts applying at the date of this notice, totalling **\$3,228,623** are set out below for your information. Such levies shall be paid, as required by Council, prior to being issued with a Section 307 - Certificate of Compliance.

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

Levy Area	Account No.	No. of ET's	Cost Per ET	Amount Payable
Water and Sewerage Development Servicing charges are levied under Section 306 of the Water Management Act 2000 and amounts payable are set out below.				
<b>Stage One</b>				
<b>Water Supply</b>				
Urban Reservoir Zone – Lismore Water	503	30.6	\$2,910	\$ 89,046
Rous County Council (Except Nimbin)	509	30.6	\$9,091	\$278,185
<b>Sewerage Services</b>				
Lismore Sewer	507	38.3	\$10,330	\$395,123
<b>Total</b>				<b>\$762,353</b>

### **Stage Two** **Water Supply**

Urban Reservoir Zone – Lismore Water	503	29.0	\$2,910	\$ 84,390
Rous County Council (Except Nimbin)	509	29.0	\$9,091	\$263,639
<b>Sewerage Services</b>				
Lismore Sewer	507	36.3	\$10,330	\$374,979
<b>Total</b>				<b>\$723,008</b>

**Stage Three  
Water Supply**

Urban Reservoir Zone – Lismore Water	503	34.7	\$2,910	\$100,977
Rous County Council (Except Nimbin)	509	34.7	\$9,091	\$315,458
<b>Sewerage Services</b>				
Lismore Sewer	507	43.6	\$10,330	\$449,872
<b>Total</b>				<b>\$866,306</b>

**Stage Four  
Water Supply**

Urban Reservoir Zone – Lismore Water	503	35.2	\$2,910	\$102,432
Rous County Council (Except Nimbin)	509	35.2	\$9,091	\$320,003
<b>Sewerage Services</b>				
Lismore Sewer	507	44	\$10,330	\$454,520
<b>Total</b>				<b>\$936,748</b>



**IMPORTANT TO NOTE**

The rates and amounts shown against the various items above are those applicable as at date of this Notice. Development Servicing Plans are reviewed every 3-5 years. The charges nominated in the Development Servicing Plans increase by CPI each year for the life of the plan.

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 - not the charge current at the time of consent adjusted by CPI to the time of payment.

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