

## DETERMINATION AND STATEMENT OF REASONS

### NORTHERN REGIONAL PLANNING PANEL

|                                 |                                                                                                                                                                                                                                                                                                                                                                                        |
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| <b>DATE OF DETERMINATION</b>    | Wednesday, 17 October 2018                                                                                                                                                                                                                                                                                                                                                             |
| <b>PANEL MEMBERS</b>            | Garry West (Chair), Stephen Gow and Peter Brennan                                                                                                                                                                                                                                                                                                                                      |
| <b>APOLOGIES</b>                | None                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>DECLARATIONS OF INTEREST</b> | Pamela Westing declared a possible perceived conflict of interest as she has been involved on behalf of Lismore City Council with a review of planning processes in the area that may have a bearing on this site. Issac Smith, Brent McAllister and Neil Marks have declared a conflict of interest as they have previously expressed their support for this development application. |

Public meeting held at Lismore City Council on 17 October 2018, opened at 6.07pm and closed at 8.25pm.

#### MATTER DETERMINED

2017NTH019 – Lismore – 5.2017.270.1 at 8 Sexton Rd, 55 Dunoon Rd, 3, 30 and 48 Old Quarry Rd, North Lismore (as described in Schedule 1)

#### PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at the site inspection listed at item 8 in Schedule 1.

Following the presentations by registered speakers, due to disorderly conduct by some members of the public, the Panel Chair adjourned the meeting to ask all members of the public to leave the meeting. The Chair reconvened the meeting and agreed for Lismore Councillors and staff in attendance to remain while the Panel continued deliberating and determining the application.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

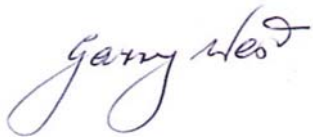
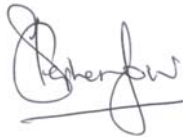
- SEPP 55 – Remediation of Land. Having considered preliminary assessment reports for the site, Council recommended a number of conditions of consent which have been adopted, to ensure that the site will be suitable for the purpose for which the development is proposed to be carried out.
- An Environmental Management Plan has been conditioned to restore native vegetation (including koala habitat) and a Biodiversity Certification process will be undertaken to address threatened species in Precinct 3. The Office of Environment and Heritage (OEH) in correspondence dated 3 October 2018 advised that previous concerns in relation to biodiversity impacts had been addressed.
- Compensation for the removal of an area of preferred koala habitat in Precinct 2 has been conditioned to be undertaken in accordance with the Comprehensive Koala Plan of Management for south-east Lismore or a similar method.
- Council's Assessment indicates that extensive consultation has been undertaken with the Aboriginal community in relation to the project and that relevant issues and concerns have been addressed as far as practicable.
- Traffic impacts have been adequately addressed by Council's engineers and the adopted conditions.
- Stormwater issues have been adequately addressed by the Project design and adopted conditions.

- The Panel was advised that Council had adopted funding and delivery arrangements for public infrastructure for the proposed development site, including developer contributions, and a draft Voluntary Planning Agreement (VPA) for the provision of Water and wastewater infrastructure by Council policy / resolution.

## CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Condition 3. First sentence was deleted as it negated the Concept Plan endorsed by Council. A new sentence was added requiring an Aboriginal Heritage Impact Permit (AHIP) application to be lodged and approved prior to the determination of the further development application required for precinct 3.
- New condition 6 was added to limit future development permitted in the E2 Environmental Zone only to uses permitted under the LEP, as the submitted plans showed recreational uses in these areas of the site.
- Previous condition 21 was deleted as it duplicated condition 10 re waste materials.
- Previous condition 42, now condition 41 was amended to delete the words “located within private land” which limited the provision for the stormwater detention basin.
- Previous condition 45, now condition 44 was amended to insert an extra Intersection Works requirement (4) “a temporary turning circle shall be constructed at any road termination pending the completion of the road”, to ensure efficient access and manoeuvrability for vehicles pending completion of the full subdivision road network.
- Previous condition 69, new condition 68 was amended to ensure the coordinates referenced the correct site to be protected.
- New condition 104 was added to require the proponent to place positive covenants under section 88 of the *Conveyancing Act 1919* nominating a minimum finished floor level 500mm above the 1% AEP flood level for buildings in Precinct 1. This is to ensure future buildings meet the flood planning level required under Council’s LEP.
- New condition 105 was added to require the proponent to place positive covenants under section 88 of the *Conveyancing Act 1919* on lots shown to be impacted by speedway noise and for any residential buildings constructed on those parcels to incorporate noise mitigation measures, as required under Council’s DCP.

| PANEL MEMBERS                                                                                          |                                                                                                   |
|--------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| Garry West (Chair)  | Stephen Gow  |
| Peter Brennan       |                                                                                                   |

| SCHEDULE 1 |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| 1          | PANEL REF – LGA – DA NO.          | 2017NTH019 – Lismore – 5.2017.270.1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 2          | PROPOSED DEVELOPMENT              | <p>Subdivision of land to create a total of 433 residential allotments, a commercial allotment, open space and areas for environmental management. The proposed development will be undertake as follows:</p> <ul style="list-style-type: none"> <li>• Precinct 1: total of 95 residential allotments, local centre allotment, open space and provision for environmental management;</li> <li>• Precinct 2 – Total of 295 residential allotments, open space and areas for environmental management;</li> <li>• Precinct 3 – Staged development consent sought in accordance with Section 83B of the EP&amp;A Act for the creation for 43 residential allotments. Concept approval is sought for Precinct 3 and this area will be the subject of a further development application</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 3          | STREET ADDRESS                    | 8 Sexton Rd, 55 Dunoon Rd, 3, 30 and 48 Old Quarry Rd, North Lismore                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 4          | APPLICANT                         | Planners North                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 5          | TYPE OF REGIONAL DEVELOPMENT      | General development over \$30 million                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 6          | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>o SEPP 55 – Remediation of Land</li> <li>o SEPP 44 – Koala Habitat Protection</li> <li>o State Environmental Planning Policy (Infrastructure) 2007</li> <li>o State Environmental Planning Policy (Rural Lands) 2008</li> <li>o State Environmental Planning Policy (State and Regional Development) 2011</li> <li>o Section 7.11 Contributions Plan – North Lismore Plateau (NLP)</li> <li>o Native Title (New South Wales) Act 1994</li> <li>o Roads Act 1993</li> <li>o Local Government Act 1993</li> <li>o Lismore Local Environmental Plan 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>o Lismore Development Control Plan For Land Where LEP 2012 Applies</li> </ul> </li> <li>• Voluntary Planning agreements</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul> |
| 7          | MATERIAL CONSIDERED BY THE PANEL  | <ul style="list-style-type: none"> <li>• Council assessment report: 8 October 2018</li> <li>• Written submissions during public exhibitions: 37</li> <li>• Council memorandum: 11 October 2018</li> <li>• Oral submissions at the public meeting: <ul style="list-style-type: none"> <li>o Support – NIL</li> <li>o Object – Paxi Wright-Cheah, Al Oshlack, Mickey Ryan, Tony Riordan, Martin Oliver, Leon Hoffmann Detenhoff, Karen Roberts, Martin Oliver (on behalf of Viola Hoffman), Dr Rosanne Coutts.</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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|-----------|---------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           |                                                   | <ul style="list-style-type: none"> <li>o On behalf of the applicant – Jim Punch, Winten Property Group; Kate Singleton, Planners North; Des Cloake, RPS Group; Tim Robins, Everick Heritage Consultants and Peter Parker, Peter Parker Environmental Consultants Pty Ltd.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>8</b>  | <b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b> | <ul style="list-style-type: none"> <li>• Site inspection 17 October 2018</li> <li>• Briefing from Registered Aboriginal Parties on 17 October 2018</li> <li>• Final briefing to discuss council’s recommendation, 17 October 2018, 4pm. The Panel saw an aerial drone video of the North Lismore Plateau. Attendees: <ul style="list-style-type: none"> <li>o <u>Panel members</u>: Garry West (Chair), Stephen Gow and Peter Brennan</li> <li>o <u>Council assessment staff</u>: Sue Thatcher, Senior Development Assessment Officer; Lucas Myers, Development Engineer; Mick Lacey, Water &amp; Sewer Engineer; Damian Licari, Ecologist; Neville Baker, Independent peer review ACHA &amp; ACHMP.</li> </ul> </li> </ul> |
| <b>9</b>  | <b>COUNCIL RECOMMENDATION</b>                     | Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>10</b> | <b>DRAFT CONDITIONS</b>                           | As contained in the council memorandum received on 11 October 2018 and as amended at the meeting and attached as Schedule 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

**Proposed Conditions of Consent****DA No. 5.2017.270.1**  
**8 Sexton Road & 55 Dunoon Road NORTH LISMORE**  
**North Lismore Plateau Subdivision****A. Administrative****Development in Accordance with Plans**

- 1 The development being carried out in accordance with following drawings:

| Plans numbered | Title                                                              | Drawn by | Issue | Date             |
|----------------|--------------------------------------------------------------------|----------|-------|------------------|
| 117312-30B     | Ultimate Overall Proposal Plan                                     | RPS      | -     | 14 February 2018 |
| 117312-30D     | Plan of Subdivision Precinct One Allotment Layout                  | RPS      | D     | 8 August 2018    |
| 117312-30D     | Plan of Subdivision Precinct Two Allotment Layout                  | RPS      | D     | 8 August 2018    |
| 117312-30D     | Plan of Subdivision <i>Concept</i> Precinct Three Allotment Layout | RPS      | D     | 8 August 2018    |
| 117312-30B     | Ultimate Overall Proposal Plan (Heritage Overlay)                  | RPS      | -     | 14 February 2018 |
| 12188-01       | North Lismore Plateau Concept Fire Access Track                    | TGM      | 00    | 22/11/2013       |

as endorsed with Council's approval stamp, and the supporting documents submitted with the application, except where amended by the following conditions.

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

**Plans on Site**

- 2 A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

**Reason:** *To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance.*

**Matters Excluded from this Consent**

- 3 A separate development application for Concept Approval in accordance with the provisions of s4.22 *Environmental Planning & Assessment Act 1979* must be lodged seeking consent for the subdivision as proposed in Precinct 3.

An AHIP application is to be lodged and approved prior to the determination of any Development Application for Precinct 3 in accordance with the provisions of the Division of the *Environmental Planning and Assessment Act 1979* and s.90 of the *National Parks and Wildlife Act 1974*.

**Reason:** *To confirm what has been considered and approved as part of this approval.*

**Release of lots in sub-stages**

- 4 Where the person acting on this consent seeks lots to be released in sub-stages different from the stages approved on the stamped plans, then each such sub-stage shall be approved by Lismore City Council **prior to the issuing of a Construction Certificate** for that sub-stage to be developed.

The written request for approval of each sub-stage is to include:

- a description of all the works (civil infrastructure and other) and facilities (i.e. open space) and the number of lots proposed for that sub-stage and how those proposed works connect / relate to existing infrastructure works; and
- a list of all the conditions of consent that are required to be complied with for that sub-stage.

**Reason:** *to allow flexibility in the staged release of the subdivision and to ensure the appropriate conditions of consent are complied with for each sub-stage.*

**Subdivision Certificate**

- 5 The proponent shall submit an application for a Subdivision Certificate for each sub-stage (where applicable) for Council certification. Such application shall be accompanied by a Subdivision Certificate fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

**Reason:** *To comply with environmental planning instrument. (EPA Act Sec 4.15(a))*

**B. General**

- 6 No development within land zoned E2 Environmental Conservation shall be permitted except in accordance with the provisions of the Lismore Local Environmental Plan 2012.

**Reason:** *To clarify the terms of this approval and ensure that development is permissible within the relevant zone*

- 7 Any person undertaking works as part of this consent shall not knowingly destroy, deface or damage any Aboriginal relic or other item of archaeological significance within the development area without the prior written consent of the NSW Office of Environment & Heritage.

**Reason:** *To protect Aboriginal and Archaeological significance.*

- 8 The burning off of vegetative and other wastes arising from the subdivision development 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 4.15(b))*

- 9 Development under this consent that involves asbestos removal building work or demolition work must comply with the following requirements:

- (a) work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the *Occupational Health and Safety Regulation 2001*;
- (b) the person having the benefit of the construction certificate must give at least 2 days' notice in writing of the intention to commence the works to the owner or occupier of each

dwelling that is situated within 20m of the lot on which the works will be carried out. The notice must state that the works may include the removal of asbestos and, if it does, it will be carried out by a licensed person in accordance with the requirements of the *Occupational Health and Safety Regulation 2001*;

- (c) the person having the benefit of the construction certificate must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the complying development certificate commences;
- (d) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered;
- (e) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the construction certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

Notes:

- (1) A building constructed before 1987 may contain asbestos. Businesses are licensed to undertake asbestos removal work under the *Occupational Health and Safety Regulation 2001* (refer to *Working with Asbestos: Guide 2008* (ISBN 0 7310 5159 9) published by the WorkCover Authority). If the work is not undertaken by a licensed contractor it should still be undertaken in a manner that minimises risks (refer to *Fibro & Asbestos—A Renovator and Homeowner's Guide* at <http://more.nsw.gov.au>). Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Office of Environment & Heritage.
- (2) In this clause, "bonded asbestos material", "bonded asbestos removal work", "friable asbestos material" and "friable asbestos removal work" have the same meanings as in clause 317 of the *Occupational Health and Safety Regulation 2001*.
- (3) Under clause 317 removal work refers to work in which the bonded asbestos material or friable asbestos material is removed, repaired or disturbed.
- (4) The effect of this condition is that the development will be a workplace to which the *Occupational Health and Safety Regulation 2001* applies while removal work involving bonded asbestos material or friable asbestos material is being undertaken.
- (5) Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Office of Environment & Heritage.

**Reason:** *To ensure statutory compliance and minimise potential harm to the environment consistent with the provisions of the EP & Regulation 2000.*

- 10 All waste materials generated from construction 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' or equivalent document. All contractors must be properly supervised and auditing procedures put into place to ensure compliance with this condition.

**Reason:** *To protect the environment and manage wastes appropriately. (EPA Act Sec 4.15(b))*

- 11 All dust emissions from the construction of the development must be confined within the development site.

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

- 12 The demolition of any structures shall not be carried out prior to any further contamination investigation.

**Reason:** *To minimise the potential for recontamination of the site.*

- 13 All works, services, facilities and / or public utility alterations required by this approval or stated conditions whether carried out by Council or otherwise, shall be at the proponent/s expense and at no cost to Council except where the works, services and/or public utility alterations form

part of any contributions plan, Voluntary Planning Agreement or separate agreement formally adopted by Council.

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

- 14 The slope of the fill batters shall not exceed 1:4 unless certification from a practicing suitably qualified engineer experienced in soil mechanics is provided verifying the stability of the embankment. All batters shall be stabilised with planting and maintained in a neat state.

**Reason:** *To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 4.15(c))*

#### **Sediment and Erosion**

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

**Reason:** *To minimise soil erosion and sedimentation.*

- 16 All fill imported onto the site must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act, 1997*, and be clean fill and free from any contamination, within the meaning of the *Managing Land Contamination – Planning Guidelines – SEPP55 – Remediation of Land* document published in 1998 by the NSW Government.

**Reason:** *To protect human health and the environment.*

#### **Maintenance of New Open Space Assets**

- 17 **A maintenance period of two (2) years** is required for all Open Space assets provided as part of this development. Maintenance of all dedicated open space assets must be of a standard that ensures the land, assets and embellishments are in an operational, neat and tidy condition at all times. Weeds are to be continuously suppressed so they do not reproduce. Vandalism is to be repaired and graffiti removed immediately following it being reported. Mowing and edging of grassed areas is to be completed regularly to ensure no public complaints. Storm water detention ponds are to be cleared of debris, rubbish and silt following each rain event.

**Reason:** *To ensure Council inherits a community asset, not a burden.*

#### **Asset Provision**

- 18 Where a retaining wall is created between private lots and public land, these must be located within the private lot and not on current or future public land.

**Reason:** *To ensure retaining wall assets are privately owned, not a Council burden.*



### **C. Prior to Issue of a Civil Works Construction Certificate**

**Note:** Council may provide written advice regarding how the conditions of this consent relate to each proposed stage of the subdivision and whether a condition applies to a particular stage. A fee applies for this service.

#### **Use of Council owned land for the purpose of asset protection zones and fire trails**

- 19 Council may not accept the dedication of land for the purpose of asset protection zones and fire trails on the land that is the subject of this development consent. Council does not commit to any ongoing management of any asset protection zones and fire trails on the land that is the subject of this development consent.

The details of any proposed agreement with Council relating to dedication of any land for the purpose of asset protection zones and fire trails along with the ongoing maintenance of this land must be lodged with Council on lodgement of the application for the relevant Civil Works Construction Certificate. This must have details including (but not be limited to):

- Existing vegetation;
- Road design;
- Proposed maintenance schedule for management of the asset protection zones and fire trails.

Any asset protection zones or fire trails proposed on any public land, that are the subject of a Vegetation Management Plan (VMP), are required to be addressed within the VMP to ensure that there is no conflict between fire safety and achieving ecological outcomes. Design details are to be submitted to and approved by Council **prior to the issue of a Civil Works Construction Certificate.**

**Reason:** To clarify Council's position with regard to Council owned land and ensure that there is no conflict between providing asset protection zones and fire trails and achieving ecological outcomes

#### **Soil Erosion and Sedimentation Control Plan**

- 20 **Prior to the issue of a Civil Works Construction Certificate** a Soil Erosion and Sedimentation Control Plan (SECP) shall be submitted to the Certifying Authority for approval. **Within 7 days of approval** a copy of the submission and approval documentation must be provided to the Consent Authority (LCC) for record purposes.

The SECP must detail the measures proposed and the actions that will be taken to manage the completion of the development to minimise any erosion or sedimentation from the site. The SECP must be in accordance with the *Managing Urban Stormwater-Soils and Construction - 4<sup>th</sup> Edition* (blue book). It must have a summary sheet and 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 Council in writing together with full 24 hour per day contact details for the purposes of the SECP.

The SECP 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 soil erosion or the transport of sediment from the development site.

**Reason:** To protect the environment from the effects of sedimentation and erosion from development sites.

### Dust Management Plan

- 21 **Prior to the issue of a Civil Works construction Certificate** 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.*

### Stormwater Drainage

- 22 **A Section 68 application** to carry out stormwater drainage work comprising stormwater treatment measures must be submitted to and approved by the Consent Authority (LCC) **prior to the issue of a Civil Works construction Certificate**. 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 4.15(b)), to satisfy the requirements of the Local Government Act, 1993, and to ensure the environmental management of stormwater complies with contemporary standards.*

### Open Space Provision Conditions

- 23 A “detailed” landscaping plan shall be submitted to and be approved by the Principal Certifying Authority **prior to the issue of a Civil Works Construction Certificate**. The landscaping plan shall be in accordance with the relevant provisions of Council’s Development Control Plan Part A Chapter 5A Urban Residential Subdivision and Landscape Guideline. The Landscaping plans shall indicate:

- Accurate details of the provision of parks and open spaces.
- Accurate specification detail of each proposed asset dedication such as seating, picnic settings, playground equipment and other structures. Specification to include, make, model, sizes, colour, materials, etc.
- Proposed street tree species.
- Proposed planting details.
- Crime Prevention through Environmental Design measures.
- Proposed location, planting numbers and pot sizes of plantings.
- Species name of shrubs and trees to be planted.
- Mature height of trees to be planted.
- Location of grass areas.
- Location of formal and/or informal footpaths.
- Location of trees identified for retention in the development application plans.
- Details as to how the plan has addressed the provisions of Council’s Policy for Community Sun Protection Strategy and Policy 5.2.10 Equity in Access and Provision of Facilities to Public Spaces.
- Removal of Agathis robusta from the tree species list as this species does not adapt well to this area.
- Addition of the following species to the Boulevard list: Brachychyton acerifolius; Waterhousia floribunda ‘sweeper’.
- Details of how the large fig tree within Local Park 2 can be significantly mulched and protected before site works begin.

- Details of how the large Corymbia tree at the base of Park 2 can be significantly mulched and protected before works commence. This tree has a heavy lean, and therefore, landscaping features attracting users of the park should be focused away from the lean.

Landscaping works shall be completed generally in accordance with the approved plans **prior to the issue of the relevant Subdivision Certificate**.

**Reason:** *To ensure the adequate and appropriate provision of parkland for the community and appropriate landscaping and park assets are provided to the development. (EPA Act Sec 4.15(c))*

#### **Obstacle limitation surface – Lismore Airport**

- 24 **Prior to the issue of a Civil Works construction Certificate** any proposed structures and cranes if used in construction shall be referred to the procedure design organisation/s responsible for the maintenance of instrument flight procedures at Lismore Aerodrome.

To check which organisations are responsible, you can view the procedures at <http://www.airservicesaustralia.com/aip/aip.asp> the Departure and Approach procedures. The logo on the bottom of each procedure plate indicates the design organisation responsible.

**Reason:** *To protect air safety.*

#### **Trees in community use areas**

- 25 **Prior to the issue of the relevant Civil Works Construction Certificate** all trees that are proposed for retention in community use areas are to be assessed for structural integrity by a qualified consulting arborist with a minimum Certificate V in Arboriculture AQF. Community use areas include all trees adjacent to road infrastructure, residential boundaries and the proposed park. Any trees recommended for removal or pruning by the arborist, and agreed upon by Council's Open Space Assets Coordinator, shall be completed by the applicant.

**Reason:** *To ensure Council owned trees will be in a safe condition.*

#### **Retained Trees**

- 26 All retained trees on site must be protected from development impacts. Before site works commence, all retained trees must have protective fencing established under the dripline of each tree. A Tree Protection Plan shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Civil Works Construction Certificate**. This plan must be developed by a Certificate V arborist that details protection measures that comply with the Australian Standard - Protection of Trees on Development Sites (AS4970-2009) for the entirety of the development and in accordance with any relevant provisions of the Vegetation Management Plan.

**Reason:** *To ensure the protection of tree within the development.*

#### **Retaining Wall on Council land**

- 27 Where a retaining wall must be erected on Council land, the wall is to be fenced appropriately to ensure the safety of the public and for workers maintaining the wall and that appropriate access is provided. Detail of materials and the look of the fence is to be approved by Council's Open Space Coordinator **prior to the issue of a Civil Works Construction Certificate**.

**Reason:** *To ensure that the landscaped areas can be maintained in a safe and easily accessible manner.*

#### **Section 68 Local Government Act 1993**

- 28 **Prior to the issue of a Civil Works construction Certificate** 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 relevant information including plans, details, specifications, and supporting data as necessary to determine the application to a suitable standard for construction purposes. 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.
- c) Approval for construction and or issue of a Subdivision Certificate shall not be granted unless adequate infrastructure and capacity has been provided to the development and or any Lots proposed to be created.
- d) Must be in accordance with the requirements of Condition No 100.

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

#### **Geotechnical Report**

- 29 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 will not be affected by landslip either above or below the works;
- proposed civil engineering works will not be affected by subsidence either above or below the works; and
- adequate drainage has been proposed to ensure the stability of the proposed civil engineering works.

A certificate prepared and certified by an appropriately qualified person for the construction of these areas in accordance with this requirement shall be submitted to the Certifying Authority **for approval with the Civil Works Construction Certificate.**

**Reason:** *To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 4.15(c))*

#### **Construction Certificate for Earthworks – Subdivision**

- 30 Bulk earthworks shall not commence on site **until the Civil Works Construction Certificate for those bulk earthworks has been issued.**

**(Reason:** *To ensure protection from the effects of subsidence and/or slip and compliance with the definition of "subdivision works" and the need for a Construction Certificate (EPA Act Sec. 4.15(c))*

#### **Design and Survey for Public Infrastructure**

- 31 The applicant shall engage an appropriately qualified person to undertake the survey, design and preparation of plans for all works located within Council's property or all works that revert to Council's care and control upon completion of the development. The design plans are to be certified by an appropriately qualified and practising Civil Engineer to confirm compliance with appropriate Australian Standards and submitted to the Certifying Authority **prior to the issue of a Civil Works Construction Certificate.**

**Reason:** *To ensure the provision of public infrastructure of an appropriate standard, and record keeping purposes and the works will actually be within the said land.*

#### **Drainage**

- 32 **Prior to the issue of a Civil Works Construction Certificate** the proponent shall make satisfactory provision for stormwater to be directed through piped drains that are constructed in accordance with Australian Standard AS3500 Plumbing and Drainage Part 3: Stormwater Drainage. All roof water from any proposed building and/or surface water from paved areas shall be directed to a Council approved drainage system. All piped drainage lines over adjoining land are to be located within drainage easements. All costs shall be the

responsibility of the proponent. This condition is to be read in conjunction with Condition No 23

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

- 33 **Prior to the issue of a Civil Works Construction Certificate** the proponent shall also make satisfactory provision for existing lots adjoining the property and the proposed 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 within the development area can be directed to a discharge point to prevent intensification of discharge runoff onto adjoining land. 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. All costs shall be the responsibility of the proponent.

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

#### **Public Transport**

- 34 The proponent shall provide bus bays including the shelter structure and any associated roadworks in accordance with Council's standards. Such shelters shall be located so as 90% of the residential lots are within 400m of a bus bay. The works shall be completed at no cost to Council. A certificate prepared by an appropriately qualified and practising Civil Engineer, shall be provided with the design plans to the Certifying Authority to certify compliance with these requirements **prior to the issue of a Civil Works Construction Certificate**.

**Reason:** *To provide for adequate public transport infrastructure (EPA Sec 4.15(e)).*

#### **Electrical Design**

- 35 An electrical design approved by the electrical authority shall be submitted to Council to demonstrate that no conflicts arise with other services **prior to the issue of a Civil Works Construction Certificate**.

**Reason:** *To ensure the development is adequately serviced.*

#### **Public Utilities**

- 36 Street lighting is to designed and installed in accordance with Australian Standard AS1158.1. Design details of the required works are to be submitted to and approved by Council **prior to the issue of a Civil Works Construction Certificate**.

**Reason:** *To ensure adequate and safer movement of pedestrians along a public road or pathway (EPA Act Sec 4.15(b)).*

- 37 Pedestrian pathways or bikeways in open space or in separate pathway reserves shall be provided with lighting in accordance with AS1158.3 **prior to the issue of a Civil Works Construction Certificate** where directed by Council.

**Reason:** *to ensure adequate and safer movement of pedestrians along a public road or pathway (EPA Act Sec 4.15(b)).*

#### **Signage**

- 38 **Prior to the issue of a Civil Works Construction Certificate** a plan detailing all road signage to be used within the development including proposed street names shall be submitted to Council.

**Reason:** *to ensure the appropriate signage is used throughout the development.*

### **Precinct 1**

### **Retaining Walls**

- 39 **Prior to the issue of a Civil Works Construction Certificate** a qualified practicing structural engineer shall provide the Certifying Authority with a design certification for any proposed retaining walls above 1.2m in height in the development. 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))*

### **Bulk Fill – Floodplain**

- 40 Bulk fill to within 300mm of the finished surface level is to be sourced from on-site, from Lismore City Council's preferred floodway excavation or from another area within the floodplain. Details of the source and quality of all fill materials shall be approved by Council **prior to importation to the site**. Details demonstrating compliance with this requirement shall be submitted to the Certifying Authority **prior to the issue of a Civil Works Construction Certificate**.

**Reason:** *To minimise the impacts of filling on the capacity of the floodplain.*

### **On-Site Stormwater Detention**

- 41 The stormwater detention basin must be fully contained within an appropriate drainage easement for access and maintenance to the satisfaction of Council. The easement shall include suitable access for maintenance vehicles from a public road to the detention basin area.

The landowner is to maintain and repair the detention basin and its associated works for a period of 2 years from acceptance of "on maintenance" to ensure ongoing effectiveness. The basin shall not be modified in any way without prior written approval from Council.

The design of the basin is to comply generally with the Northern Rivers Local Government Handbook of Stormwater Drainage design with particular attention to the Public Safety issues.

Engineering calculations, design and certification shall be provided by an appropriately qualified and practising Civil Engineer and submitted to the Certifying Authority **prior to the issue of a Civil Works Construction Certificate**.

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

### **Works in Road Reserve - Section 138 Approval**

- 42 Approval under section 138 of the Roads Act for all works upon the public road shall be obtained (or approval from RMS where required), and shall comply with the Northern Rivers Development & Design Manual and Council's Standard Drawings.

For this approval full design plans of the proposed engineering works required upon the public road shall be submitted to and approved by Council **prior to the issue of a Civil Works Construction Certificate**. Such plans shall be accompanied with the fee as adopted at the time of the relevant payment, as indicated in Council's Fees and Charges.

Details prepared by an appropriately qualified person demonstrating compliance with these requirements are to be submitted to Certifying Authority

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

### **Road works on Main Roads**

- 43 As road works are required on a Main road, **Dunoon Road**, the person acting on this consent will be required to enter into a Works Authorisation Deed (WAD) with RMS, which will exercise its powers under Section 87 of the Roads Act 1993 (the Act) and/or the functions of the roads authority, to undertake road works in accordance with Sections 64 and 71 of the Act, as applicable, for all works under the WAD.

- a) The developer shall enter into a WAD with RMS for all road works on Dunoon Road **prior to the issue of a Civil Works Construction Certificate. Prior to the issue of the subdivision certificate**, the developer shall complete all road works under the WAD to practical completion, as determined by RMS.
- b) All works shall be undertaken at full cost to the developer to the satisfaction of the RTA.

Notes:

- i. Conditions of development consent do not guarantee RMS consent to the specific road works, for which it is responsible. The Developer must obtain authorisation from RMS in writing **prior to the commencement** of any road works on Dunoon Road, including traffic management, temporary or permanent road works associated with the proposed development.
- ii. The developer shall initiate the WAD process by contacting RMS following the issue of a development consent. Early discussion with the RMS Project Manager is recommended.
- iii. As the WAD process, including acceptance of design documentation and construction can take considerable time, you should allow sufficient lead time within the project development program to ensure that all documentation and works are completed in advance of occupation and/or commencement of the approved use. RMS will not consider granting concurrence to occupation and/or use until it is satisfied all documentation and works under the WAD have been completed.
- iv. Authorisation to commence construction will only be granted when RMS is satisfied that all requirements under the WAD have been met by the Developer, including, the applicable RMS fees and charges, an unconditional bank guarantee for the full value of the works, detailed design documentation, environmental assessment, road occupancy license, among other matters. RMS will issue a letter to the Developer advising of this authorisation.
- v. Any property acquisition /dedication required to accommodate the State road works associated with the proposed development shall be at full cost to the developer, including all legal and survey costs. This land shall be dedicated by the Developer as public road reserve in favour of the Council, as the owner.
- vi. Part of the Developers timeline should make provision for RMS to satisfy its obligations under the Environmental Planning and Assessment Act 1979 (EP&A Act) to assess the environmental impacts of the works within the road reserve. Further investigation and assessment to that undertaken for the development consent may be required to the satisfaction of the RMS, under Part 5 of the EP&A Act.
- vii. It is recommended that the developer use design consultants with the experience and knowledge of the RMS design requirements, in particular the Austroads Guide to Road Design (with RMS supplements) and relevant Australian Standards.
- viii. Construction on a State road requires the engagement of an RMS pre-qualified contractor. A list of pre-qualified contractors can be found on the RMS website below:

<http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>

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

**Road Works**

- 44 The person acting upon this consent shall provide the following road works with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). Design details of the required works are to be submitted to and approved by Council **prior to the issue of a Civil Works Construction Certificate**. 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:

| Road Number          | Classification    | Pavement Width (m)                                                                  | Reserve Width (m) | Concrete Pathway (m) |
|----------------------|-------------------|-------------------------------------------------------------------------------------|-------------------|----------------------|
| Road 2               | Collector (Minor) | 9.5                                                                                 | 18.5              | 2.5                  |
| Road 3               | Access Place      | 6                                                                                   | 14 *              | 1.5                  |
| Road 4               | Access Place      | 6                                                                                   | 13                |                      |
| Road 5               | Access Place      | 6                                                                                   | 13                |                      |
| Road 6               | Access Place      | 6                                                                                   | 13                |                      |
| Road 7               | Access Place      | 6                                                                                   | 13                |                      |
| Road 8               | Collector (Minor) | 9.5                                                                                 | 18.5              | 2.5                  |
| Road 9               | Access Place      | 6                                                                                   | 13                |                      |
| Cul-de-sac (Road 9)  | Access Place      | To comply with Council's Development, Design and Construction Manuals (as amended). |                   |                      |
| Road 10              | Access Place      | 6                                                                                   | 13                |                      |
| Cul-de-sac (Road 10) | Access Place      | To comply with Council's Development, Design and Construction Manuals (as amended). |                   |                      |
| Road 11              | Access Place      | 6                                                                                   | 13                |                      |
| Cul-de-sac (Road 11) | Access Place      | To comply with Council's Development, Design and Construction Manuals (as amended). |                   |                      |

Note: \* the width may be reduced to 12.5m subject to approval at Civil Works Construction Certificate stage as this road is adjacent to Hairy Joint Grass and reduction in road reserve width may be beneficial

### Intersection Works

- (1) Construction of an Auxiliary Left Turn (AUL) lane and Basic Right Turn (BAR) lane at the Junction of Dunoon Road and Road 1 (Development Consent 5.2016.7.1) in accordance with AUSTROADS Part 5 "Intersections at Grade" giving particular attention to sight distance.
- (2) Construction of an intersection at the junction of Road 2 and Road 1 (Development Consent 5.2016.7.1) 1 in accordance with AUSTROADS Part 5 "Intersections at Grade" giving particular attention to sight distance.
- (3) Construction of a roundabout at the junction of Road 2, Road 5, and Road 8 in accordance with AUSTROADS Part 5 "Intersections at Grade" giving particular attention to sight distance.
- (4) A temporary turning circle shall be constructed at any road termination pending the completion of the road.

A certificate prepared by an appropriately qualified and practising Civil Engineer, shall be provided to the Certifying Authority to certify compliance with these requirements.

**Reason:** To facilitate suitable road access for vehicular traffic and to ensure appropriate access and infrastructure protection that is integral with infrastructure on surrounding sites.

## **Precinct 2**



### Shared Access

- 45 4.0m wide asphaltic concrete (25mm depth) sealed or equivalent shared access shall be constructed commencing from the road pavement to service proposed lots 149, 150, 151, 326, 328, 339, and 358. All works shall be constructed in accordance with Council's Development, Design and Construction Manuals (as amended). Design details of the required works are to be submitted to and approved by Council **prior to the issue of the relevant Civil Works Construction Certificate**. Provision shall be made for the future supply of the following services within the shared access reserve:

- water supply
- sewer
- stormwater
- telephone
- power

Details demonstrating compliance with this requirement shall be submitted to the Certifying Authority for approval with the Civil Works Construction Certificate.

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

### On-Site Stormwater Detention

- 46 The stormwater detention basins located within private land must be fully contained within an appropriate drainage easement for access and maintenance to the satisfaction of Council. The easement shall include suitable access for maintenance vehicles from a public road to the detention basin area.

The landowner is to maintain and repair the detention basin and its associated works for a period of 2 years from acceptance of "on maintenance" to ensure ongoing effectiveness. The basin shall not be modified in any way without prior written approval from Council.

The design of the basin is to comply generally with the Northern Rivers Local Government Handbook of Stormwater Drainage design with particular attention to the Public Safety issues.

Engineering calculations, design and certification shall be provided by an appropriately qualified and practising Civil Engineer and submitted to the Certifying Authority. Design details of the required works are to be submitted to and approved by Council **prior to the issue of a Civil Works Construction Certificate**.

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

### Works in Road Reserve - Section 138 Approval

- 47 Approval under section 138 of the Roads Act for all works upon the public road shall be obtained (or approval from RMS where required), and shall comply with the Northern Rivers Development & Design Manual and Council's Standard Drawings. Design details of the required works are to be submitted to and approved by Council **prior to the issue of a Civil Works Construction Certificate**.

For this approval full design plans of the proposed engineering works required upon the public road shall be submitted to and approved by Council. Such plans shall be accompanied with the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

Details prepared by an appropriately qualified person demonstrating compliance with these requirements are to be submitted to Certifying Authority

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

### Road Works

- 48 The person acting upon this consent shall provide the following road works with associated

stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). Design details of the required works are to be submitted to and approved by Council **prior to the issue of the relevant Civil Works Construction Certificate**. 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:

| Road Name / Number        | Classification    | Pavement Width (m)                                                                  | Reserve Width (m) | Concrete Pathway (m) |
|---------------------------|-------------------|-------------------------------------------------------------------------------------|-------------------|----------------------|
| Road 12                   | Boulevard (Minor) | 12                                                                                  | 22                | 2.5 Both Sides       |
| Road 12                   | Boulevard (Minor) | 14                                                                                  | 24                | 2.5 Both Sides       |
| Cul-de-sac (Road 12)      | Boulevard (Minor) | To comply with Council's Development, Design and Construction Manuals (as amended). |                   |                      |
| Road 13                   | Local Street      | 7.5                                                                                 | 14                | 1.5                  |
| Road 14                   | Access Place      | 6                                                                                   | 13                |                      |
| Cul-des-sac (Road 14)     | Access Place      | To comply with Council's Development, Design and Construction Manuals (as amended). |                   |                      |
| Road 15                   | Access Place      | 6                                                                                   | 13                |                      |
| Road 15 (Lots 187 to 183) | Local Street      | 7.5                                                                                 | 14                | 1.5                  |
| Road 16                   | Access Place      | 6                                                                                   | 13                |                      |
| Road 17                   | Access Place      | 6                                                                                   | 13                |                      |
| Road 18                   | Access Place      | 6                                                                                   | 13                |                      |
| Road 19 (Lots 210 to 217) | Access Place      | 6                                                                                   | 13                |                      |
| Road 19                   | Access Place      | 6                                                                                   | 14.5              | 2.5                  |
| Road 19 (Lots 188 to 217) | Local Street      | 7.5                                                                                 | 14                | 1.5                  |
| Road 20                   | Access Place      | 6                                                                                   | 13                |                      |
| Road 21                   | Access Place      | 6                                                                                   | 13                |                      |
| Road 21 (Lots 360 to 398) | Local Street      | 7.5                                                                                 | 14                | 1.5                  |
| Road 22                   | Access Place      | 6                                                                                   | 13                |                      |
| Road 23                   | Access Place      | 6                                                                                   | 13                |                      |
| Road 24                   | Access Place      | 6                                                                                   | 13                |                      |
| Road 24 (Lots 303 to 304) | Local Street      | 7.5                                                                                 | 14                | 1.5                  |
| Road 25                   | Access Place      | 6                                                                                   | 13                |                      |
| Road 25 (Lots 330 to 332) | Local Street      | 7.5                                                                                 | 14                | 1.5                  |

#### Intersection Works

(1) Construction of a roundabout at the junction of Road 1 (Development Consent

5.2016.7.1), Road 12, and Road 13 in accordance with AUSTRROADS Part 5 "Intersections at Grade" giving particular attention to sight distance.

A certificate prepared by an appropriately qualified and practising Civil Engineer, shall be provided to the Certifying Authority to certify compliance with these requirements.

**Reason:** *To facilitate suitable road access for vehicular traffic and to ensure appropriate access and infrastructure protection that is integral with infrastructure on surrounding sites.*

#### **Traffic Calming**

- 49 Traffic calming shall be designed and installed along proposed Road 1 (Development Consent 5.2016.7.1) to maintain the signposted speed in accordance with the Austroads Guide to Traffic Management Part 8: Local Area Traffic Management. Design details of the required works are to be submitted to and approved by Council **prior to the issue of the relevant Civil Works Construction Certificate.**

**Reason:** *To ensure road 1 maintains a safe speed environment.*

#### **Footpath and Cycleways**

- 50 A 1.5m concrete footpath is to be constructed in accordance with Council's Development, Design and Construction Manuals (as amended) through proposed lot 9002 providing connection between Road 19 and Road 21 as shown in the stamped approved plans. Design details of the required works are to be submitted to and approved by Council **prior to the issue of the relevant Civil Works Construction Certificate.**

**Reason:** *To ensure adequate and safe pedestrian movement through the development. (EPA Act Sec 4.15(b))*

#### **Voluntary Planning Agreement – Biodiversity Certification**

- 51 Formal execution of the Voluntary Planning Agreement as adopted by Council at its meeting of 8 May 2018 must be undertaken by all parties to the Agreement **prior to the issue of a Civil Works Construction Certificate for Precinct 2.**

**Reason:** *To comply with Council policy and EP & A Act 1979.*

### **D. Prior to Commencement of Works**

#### **Aboriginal cultural Heritage site Induction**

- 52 **Prior to the commencement of any works** an Aboriginal Cultural Education Program must be developed for the induction of all personnel and contractors involved in the construction activities on site. Records are to be kept of which staff/ contractors were inducted and when for the duration of the project. The program should be developed and implemented in collaboration with the representatives of the local Aboriginal community.

**Reason:** *To ensure that cultural respect and adherence to best practice is maintained.*

#### **Licence Agreement for Fire Trail**

- 53 **Prior to the commencement of any works** the applicant shall enter into a Licence Agreement with Lismore City Council for the use of the land within Lot 1 DP 772627, Lot 12 DP 844585 and Lot 1 DP 367581 as a fire trail for Precinct 2 of the proposed development.

**Reason:** *To ensure the appropriate landowner's consent has been obtained for the construction and maintenance of the temporary fire trail for Precinct 2 and to meet the access requirements of Planning for Bushfire Protection*

### Retention of trees

54 **All existing trees and areas of native vegetation not identified for removal on approved plans** of the proposed development shall be protected from damage during works. This protection shall be in place **prior to the commencement of any works** and shall consist of:

- Establishing a Tree Protection Zone in accordance with AS 4970-2009 Protection of trees on development sites around native trees and vegetation adjacent to the construction footprint that are to be retained on the site
- Erect temporary 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained
- Trees and vegetation may be fenced off in clusters where it is not practical to fence off individual trees
- There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.

Specific trees identified that must be retained are:

- *Ficus sp.* tree located directly to the south of the proposed new road and proposed Lot 1. Note, the location of this tree is not identified on 117312-30 (revised 14/02/2018).
- *Ficus sp.* tree located to the north east of the access road approved under DA 5.2016.7.1. Note, the location of this tree is not identified on 117312-30 (revised 14/02/2018).
- Hoop pine *Araucaria cunninghamii* located in the road reserve between proposed lots 168 and 180 and identified on 117312-30 (revised 14/02/2018).
- Hoop pine *A. cunninghamii* located in the road reserve between proposed lots 171 and 177 and identified on 117312-30 (revised 14/02/2018).
- Moreton Bay fig *F. macrophylla*, small-leaved fig *F. obliqua* and spotted gum *Corymbia variegata* located on proposed lot 9002 and identified on 117312-30 (revised 14/02/2018).
- Forest red gum *Eucalyptus tereticornis* located to the south of proposed lot 337.

**Reason:** *To protect retained landscape trees and native vegetation during construction works.*

55 Any area of seepage identified on site including 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. Seepage issues are to be treated as a hold point. Details of proposed rectification works are to be provided to Council for approval **prior to work recommencing**. All road works constructed in cut or natural subgrade shall have sub soil drainage located immediately behind the kerb.

**Reason:** *To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec.4.15)*

### Lismore Aerodrome Obstacle Limitation Surface

56 The land has a natural land elevation of 130m AHD at its closest point to the aerodrome, and this could infringe on the inner horizontal surface for the Lismore Aerodrome Obstacle Limitation Surfaces.

Should the development result in construction sites and cranes the applicant should refer to the procedure design organisation/s responsible for the maintenance of instrument flights procedures at Lismore Aerodrome **prior to the commencement of any works**.

As part of the application process consultation should also be undertaken with the Lismore Aerodrome operational management (OMT) to ensure that aviation issues have been considered.

**Reason:** *To ensure the safety of flights entering and exiting from Lismore Aerodrome.*

### Construction Management Plan

57 A Construction Management Plan shall be submitted to, and approved in writing by the Council **prior to the commencement of any works**. The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- (b) The proposed phases of construction works on the site, and the expected duration of each construction phase;
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- (d) A construction noise management plan (CNMP) in accordance with the *Interim Construction Noise Guideline*, DECC July, 2009 must be prepared and be implemented for the development. The CNMP must include auditing procedures. 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.
- (e) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
- (f) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes shall be located wholly within the site;
- (g) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (h) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- (i) The proposed method of support to any excavation adjacent to adjoining properties, or the existing road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;
- (j) Proposed protection for Council assets and adjoining properties; and
- (k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
- (l) Traffic management plan prepared in accordance with the Austroads guidelines

All work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Plan and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request.

Note: Lismore City Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, **prior to the issue of the relevant written concurrence**. Please note that failure to provide complete and detailed information may result in delays and requests for additional information.

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

### Pre Start Meeting – Civil Works

- 58 **Prior to the commencement of any works** the principal contractor / consultant must contact Council's Development Engineering staff to arrange a pre-start meeting. The developer shall appoint a site manager and advise the Council of his/her name and after hours phone contact. The site manager shall be the point of contact for Council and the public. The all hours contact number should be clearly displayed at the site access.

The following matters will be discussed at the pre start meeting:

- a) Confirmation that the engineering drawings for the development have been approved.
- b) Confirmation that pedestrian safety has been considered during construction – in this regard a plan showing signage in compliance with the Manual of Uniform Traffic Control Devices is to be prepared.
- c) Confirmation that an Erosion and Sediment Control Plan has been prepared for the site.
- d) Confirmation that appropriate arrangements have been made for the parking by employees and subcontractors.
- f) Confirmation that a Traffic management Plan has been approved by Council.
- g) Confirmation the pavement design has been approved by Council
- h) Notification to adjoining property owners

**Reason:** *To ensure construction of the development adequately addresses pedestrian's safety and is carried out in accordance with adopted standards.*

- 59 The proponent shall obtain a **Civil Works Construction Certificate** for the proposed works as previously identified in Section C of the conditions of consent. The construction certificate application shall include full design details of the proposed engineering works to satisfy the relevant conditions. Such application shall be accompanied with the relevant fee, as adopted at the time of the payment, as indicated in Council's Fees and Charges.

NOTE: Where a development is proposed to be staged then appropriate plans to satisfy this condition for that stage shall be submitted and approved by Council **prior to commencement of works.**

**Reason:** *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 4.15(a)) and to comply with requirements of EPA Act Sec 81A(4).*

### Damage to Public Infrastructure

- 60 The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing or by photographic record, of any existing damage to Council property **before commencement of the development.** A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council

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

**Reason:** *To ensure the protection of existing built public infrastructure.*

- 61 **With the exception of demolition works,** additional soil sampling shall be conducted in the vicinity of the existing dairy bales and associated cattle yard, with the results included in an amended Preliminary Site Contamination Assessment. The assessment shall be carried out after demolition of subject structures and include under slab/house sampling for organochlorines where appropriate. The report shall be prepared by a suitably qualified professional in accordance with the requirements of the *NSW Managing Land Contamination Planning Guidelines* (guidelines), *SEPP 55 Remediation of Land* and *Lismore City Council Regional Policy for the Management of Contaminated Land*, June 2007 or other Guideline or Policy which is contemporary at the time.

**Reason:** *To determine the extent and degree of land contamination.*

- 62 **With the exception of demolition works**, following condition 59, detailed contaminated land assessment must be carried out in the vicinity of the existing dairy bales and associated cattle yard by a suitably qualified professional in accordance with the requirements of the *NSW Managing Land Contamination Planning Guidelines* (guidelines) to determine the extent and degree (laterally and vertically) of all chemical contamination. The report shall be approved by council.

**Reason:** *To determine the extent and degree of land contamination.*

- 63 **With the exception of demolition works**, and following the detailed contaminated land assessment, a site Remedial Action Plan (RAP) must be prepared for the land in the vicinity of the existing dairy bales and associated cattle yard by a suitably qualified professional and must be approved by the Consent Authority (LCC). The RAP must address and manage all risks, including occupational health and safety matters, erosion and sediment control, dust management, waste management, and include appropriate validation and monitoring procedures. Induction procedures must be carried out for all appropriate personnel and this must be recognised in the plan. The RAP must be supervised by a suitably qualified professional who must be nominated to Council in writing together with full 24 hour per day contact details. The RAP must also address Schedule 2 of the Lismore City Council Regional Policy for the Management of Contaminated Land, June 2007.

**Reason:** *To ensure the proper management of land contamination.*

- 64 **With the exception of demolition works**, additional soil sampling shall be conducted in the vicinity of the existing dwelling, shed and garage/chicken pen, with the results included in an amended Preliminary Site Contamination Assessment. The assessment shall be carried out after demolition of subject structures and include under slab/house sampling for organochlorines where appropriate. The report shall be approved by council and prepared by a suitably qualified professional in accordance with the requirements of the *NSW Managing Land Contamination Planning Guidelines* (guidelines), *SEPP 55 Remediation of Land* and *Lismore City Council Regional Policy for the Management of Contaminated Land*, June 2007 or other Guideline or Policy which is contemporary at the time.

**Reason:** *To determine the extent and degree of land contamination.*

- 65 **With the exception of demolition works**, following condition 62 a detailed contaminated land assessment must be carried out in the vicinity of the existing dwelling, shed and garage/chicken pen by a suitably qualified professional in accordance with the requirements of the *NSW Managing Land Contamination Planning Guidelines* (guidelines) to determine the extent and degree (laterally and vertically) of all chemical contamination. The report shall be approved by council prior to implementation.

**Reason:** *To determine the extent and degree of land contamination.*

- 66 **With the exception of demolition works**, and following the detailed assessment, a site Remedial Action Plan (RAP) must be prepared for the land in the vicinity of the existing dwelling, shed and garage/chicken pen by a suitably qualified professional and must be approved by the Consent Authority (LCC). The RAP must address and manage all risks, including occupational health and safety matters, erosion and sediment control, dust management, waste management, and include appropriate validation and monitoring procedures. Induction procedures must be carried out for all appropriate personnel and this must be recognised in the plan. The RAP must be supervised by a suitably qualified professional who must be nominated to Council in writing together with full 24 hour per day contact details. The RAP must also address Schedule 2 of the Lismore City Council Regional

Policy for the Management of Contaminated Land, June 2007.

**Reason:** *To ensure the proper management of land contamination.*

## **E. During construction**

### **Discovery of human remains**

- 67 If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are to be contacted immediately. No action is to be undertaken until the NSW Police provide written notification to the proponent. If the skeletal remains are identified as Aboriginal, the proponent must contact the NSW Office of Environment and Heritage's Environment Line on 131 555 and representatives of the local Aboriginal community. No works are to continue until the NSW Office of Environment and Heritage provides written notification to the applicant.

**Reason:** *To comply with relevant guidelines.*

### **Protection of site 4-4-218**

- 68 A 20-metre radius surrounding the Map Grid Australia (MGA) coordinates for site 4-4-218 must be protected by suitable construction fencing **during construction**. If vegetation removal is required only hand removal methods should be used with care to replace soil from root balls. No vehicle access to the protected area is allowed during construction. **Following construction**, a 100 mm thick layer of topsoil fill should be placed over the protected area and new grass grown.

**Reason:** *To protect the integrity of the area.*

### **Unexpected Aboriginal object finds**

- 69 In the event that surface disturbance identifies a new Aboriginal object, **all works must halt in the immediate area to prevent any further impacts to the object(s)**. A suitably qualified archaeological specialist and the representatives of the local Aboriginal community must be contacted to determine the significance of the object(s) and to develop an appropriate management strategy. The management strategy must comply with the provisions of the *National Parks & Wildlife Act 1974*. This may include avoiding impact, additional investigations and/or the submission of an Aboriginal Heritage Impact Permit application. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) (managed by the NSW Office of Environment and Heritage) and the management outcome for the site included in the information provided to the AHIMS.

**Reason:** *To meet NSW Office of Environment & Heritage Guidelines and policy.*

### **Vegetation clearing**

- 70 **During tree clearing works** the Applicant is to ensure that:

- Tree removal and any pruning works are supervised by a fully qualified and insured Arborist (AQF level 3 qualifications as a minimum);
- 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.*

- 71 **During vegetation clearing works**, a suitably qualified and experienced person shall be present as a fauna spotter-catcher to supervise the tree removal.

- 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 fauna spotter-catcher
- The fauna spotter-catcher 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
- Any uninjured native fauna detected during the tree removal shall be rescued and relocated into an area of appropriate habitat that is nearby, but outside of the development footprint.
- Any injured native fauna detected shall be rescued and transferred to a local veterinarian for treatment and/or WIRES for rehabilitation.

**Reason:** *To ensure the safety of any native fauna occupying trees and vegetation proposed for removal.*

- 72 **Should koalas be found on site during vegetation clearing works and/or earthworks** the Applicant must ensure that tree clearing works and/or earthworks are temporarily suspended within a range of 30 metres from any tree which is occupied by a koala.

- Works are to be avoided in any area between the koala and the nearest areas of habitat to allow the animal to move to adjacent undisturbed areas.
- Works must not resume until the koala has moved from the tree of its own volition.

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

#### **Re-use of native vegetation**

- 73 **During construction works cleared, weed free native vegetation** (timber, small branches and leaf litter) shall be reserved and stockpiled for re-use in rehabilitation works, such as mulching.

**Reason:** *To reduce green waste and re-use cleared trees.*

#### **Disposal of mulch**

- 74 **During construction works mulch generated from exotic trees and/or other weed species** that have been cleared shall not be used on site. The mulch shall be removed from the site and disposed of in accordance with legislative requirements.

**Reason:** *To avoid the spread of the seed and propagules of weed species.*

#### **Signage – Sedimentation and erosion control**

- 75 **During construction works** a durable sign shall be erected on site during building and subdivision works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained.

**Reason:** *To protect the environment from the effects of sedimentation and erosion from development sites.*

- 76 **At all times during construction works** building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works (earthworks) shall be restricted to within the hours of 8.00

am to 5.00 pm Monday to Friday only.

**Notes:** For the purposes of this condition:

*“Building construction”* means any physical activity on the site involved in the erection of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.

*“Demolition works”* means any physical activity to tear down or break up a structure (or part thereof) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or machinery.

*“Excavation work”* means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

**Reason:** *To ensure that works do not interfere with reasonable amenity expectations of residents and the community.*

- 77 **During construction works** any proposed noise generating construction activity shall not result in the emission of offensive noise.

Offensive noise means:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
  - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
  - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

**Reason:** *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 4.15(b))*

- 78 **During construction works** vibration from works is to be undertaken in accordance with industry best practice, to ensure excessive levels of vibration do not occur to minimise adverse effects experienced on any adjoining land.

**Reason:** *To ensure residential amenity is maintained in the immediate vicinity.*

- 79 **During construction works** all noise generated by construction activities must be managed in accordance with the Interim Construction Noise Guideline, DECC July, 2009.

**Reason:** *To minimise the impact of demolition and construction noise on the neighbourhood.*

- 80 **During construction works** a durable sign, shall be erected on site during building and subdivision works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained.

**Reason:** *To protect the environment from the effects of sedimentation and erosion from development sites.*

- 81 **During construction works** all waste materials generated from construction 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'. All contractors must be properly supervised and auditing procedures put into place to ensure compliance with this condition.

**Reason:** *To protect the environment and manage wastes appropriately. (EPA Act Sec 4.15(b))*

## **F. Prior to issue of Subdivision Certificate**

### **Land Acquisition**

82 When the Applicant or any person with the benefit of this consent (for the purposes of this condition, the Applicant) **seeks a subdivision certificate** (from Council or an accredited certifier) for the creation of a residential lot on land adjacent to land zoned RE1 (as depicted on the plans as approved by Condition 1 of this consent) the Applicant and Council must observe the procedure set out in this condition.

The land zoned RE1 (RE1 Land) shall be dedicated to Council pursuant to any subdivision plan lodged with Land and Property Information (LPI). The purpose of the use of the RE1 Land as depicted on the subdivision plan will be nominated by Council.

**Prior to the subdivision plan** being lodged with LPI the Applicant and Lismore City Council (the Council) shall enter into a Deed, the terms of which will include the following:

- a) The amount of compensation to be paid by Council to the Applicant for the dedication of the RE1 Land in accordance with a valuation by an independent Valuer appointed by Council;
- b) The timing of the payment of the compensation and whether credits are sought to be applied to s.7.11 Contributions payable;
- c) The payment of the costs of preparing the Deed by the person with the benefit of this consent.

**Reason:** *To ensure that the land to be dedicated to Council is undertaken in accordance with all legislative requirements relating to land acquisition.*

### **Contamination – Dairy bales and Cattle Yard**

83 A validation report and certification for the land in the vicinity of the existing dairy bales and associated cattle yard shall be prepared by a suitably qualified professional in accordance with the requirements of the *NSW Managing Land Contamination Planning Guidelines* demonstrating that the objectives of the RAP have been complied with must be submitted to and be approved by the Consent Authority (LCC) **prior to the issue of a Subdivision Certificate**.

**Reason:** *To ensure the proper management of land contamination.*

### **Contamination – Existing dwelling, Shed and Garage / chicken pen**

84 A validation report and certification for the land in the vicinity of the existing dwelling, shed and garage/chicken pen shall be prepared by a suitably qualified professional in accordance with the requirements of the *NSW Managing Land Contamination Planning Guidelines* demonstrating that the objectives of the RAP have been complied with must be submitted to and be approved by the Consent Authority (LCC) **prior to the issue of a Subdivision Certificate**.

**Reason:** *To ensure the proper management of land contamination.*

### **Submission of Environmental Management Plan**

85 **Following lodgement of the Biodiversity Certification Strategy for the site and prior to the issue of any Subdivision Certificate for Precinct 1**, the proponent must develop an Environmental Management Plan (EMP) for the subject site based on the approved subdivision plans:

- The EMP shall be consistent with the Biodiversity Certification Strategy for the site and be prepared in accordance with the performance criteria, acceptable solutions and guidelines detailed in the Lismore Development Control Plan Part B Chapter 10 North Lismore Plateau;
- The EMP shall be submitted to Council for approval;
- The EMP must be prepared and implemented by person(s) with appropriate knowledge, qualifications and experience in current best practices for native vegetation rehabilitation and management;
- Council must be satisfied that there are adequate funds and resources to implement both initial and ongoing environmental management works and that that these works are achievable within the proposed management period;
- A minimum five-year management period is required following completion of the initial works;
- The proponent must provide a monitoring report at the completion of initial environmental management works and then annually until the end of the term of the management period as evidence that implementation of the plan has progressed to agreed performance criteria.

All land subject to the EMP must be protected by a legally binding management agreement between Council, the proponent of the development, the lawful owner(s) of the subject site which the EMP applies. The legal agreement must:

- Clearly identify and include as an attachment to the Council approved EMP;
- Identify the performance criteria and schedule of works detailed in the approved EMP;
- Identify a bond and a bond return schedule linked to the successful completion of works as evidenced by the meeting of agreed performance criteria according to the schedule of works;
- Be enacted (i.e. signed and registered, or otherwise as per the legal requirements for the relevant agreement) prior to the issue of development consent and prior to the commencement of any works related to the DA within the study area.

It is the responsibility of the proponent to:

- Secure all funds and resources to implement the EMP;
- Pay all costs associated with enacting the legal management agreement;
- Pay all inspection and assessment fees associated with the EMP and subsequent monitoring reports at the time these are lodged with Council.

**Reason:** *To meet the requirements of Lismore Development Control Plan. To ensure compliance of initial environmental management works and associated ongoing management activities with the Environmental Management Plan are enforceable.*

#### **Traffic calming**

- 86 **Prior to the issue of the Subdivision Certificate for Precinct 2** the applicant shall apply traffic calming measures on the access road approved under DA5.2016.7.1 to reduce the risk of vehicle strike on wildlife. Details of the proposed measures must be submitted to and be approved by Council prior to any works/measures on this road being undertaken

**Reason:** *To reduce the risk of vehicle strike on wildlife and be in accordance with the requirements of the Local Traffic Committee.*

#### **Koala habitat compensation**

- 87 **The applicant must replace the area of koala habitat located in Precinct 2 that is proposed to be cleared** with a minimum area of 3.48ha of habitat calculated in accordance with the compensation multiplier formula detailed in Appendix 5 of the Comprehensive Koala

**Plan of Management for south-east Lismore prior to the issue of the Subdivision Certificate for Precinct 2.**

**Reason:** *To compensate for the loss of an area of preferred koala habitat.*

**Voluntary Planning Agreement – Provision of Water and Wastewater Infrastructure**

- 88 Formal execution of the Voluntary Planning Agreement as adopted by Council at its meeting of 8 May 2018 must be undertaken by all parties to the Agreement **prior to the issue of any Subdivision Certificate.**

**Reason:** *To comply with Council policy and EP & A Act 1979.*

**Damage to Adjoining Properties**

- 89 All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

On completion of the works and **prior to the issue of any Subdivision Certificate**, a certificate is to be prepared to the effect that that no damage has resulted to adjoining premises, and is to be provided to Council and the Principal Certifying Authority.

Alternatively, if damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and **prior to the issue of any Subdivision Certificate.**

**Reason:** *To ensure adjoining owner's property rights are protected.*

**Civil Works**

- 90 **Prior to the issue of the relevant Subdivision Certificate** the applicant shall obtain a certificate of completion for the civil works 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 certification shall certify 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 4.15(a) and to specify requirements for approval under section 138 of the Roads Act.*

**Public Utilities – Electricity (Urban)**

- 91 **Prior to the issue of the relevant Subdivision Certificate** 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 4.15(b))*

**Telecommunications Services - Subdivisions**

- 92 Telecommunication infrastructure shall be installed to service each lot in the development to comply with the following:

- a) The requirements of the *Telecommunications Act 1997*;
- b) For a fibre ready facility, the nbn co.'s <sup>TM</sup> standard specifications current at the time of the installation; and
- c) For a line that is to connect a lot to telecommunications infrastructure external to the premises, is located underground.

The person with the benefit of this consent shall submit to the Principal Certifying Authority a letter from a qualified telecommunications installer confirming that the above requirements

have been met **prior to the issue of the relevant Subdivision Certificate.**

**Reason:** *Provision of adequate telecommunication facilities.*

#### **Street Name Signage**

- 93 **Prior to the issue of the relevant Subdivision Certificate** street signage in accordance with Council's adopted standard shall be erected at all new street intersections with street names approved in writing by Council in accordance with all Policy and legislation requirements.

**Reason:** *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 4.15(a))*

#### **Street Number Signage**

- 94 **Prior to the issue of the relevant Subdivision Certificate** the proponent shall place street number identification at the road frontage of the property to indicate the property address in accordance with Council Policy 1.8.22 Urban kerbside numbering system policy.

**Reason:** *To identify the property correctly (EPA Act Sec 4.15(e)).*

#### **Subdivision only Works as Executed Drawings and Video – Stormwater**

- 95 The applicant shall, upon completion of the development works, submit to Council the works-as-executed drawing (W.A.E.) and Compliance Certificate certifying compliance with the requirements of AS3500.3.2 and this consent, prepared by an appropriately qualified and practising Civil Engineer. The W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, easement and associated structures. A video inspection must also be carried out of completed drainage works that are to revert to Council's care and control, and the video files forwarded to Council to support the certification **prior to the issue of the relevant Subdivision Certificate.**

**Reason:** *Compliance with the Consent.*

- 96 **Prior to the issue of the relevant Subdivision Certificate** a Registered Surveyor shall provide certification that all services (e.g. drainage, stormwater, water supply, gas, electricity, and telecommunication) as constructed are contained within each lot or within appropriate easements to accommodate such services to the satisfaction of the utility service provider. Alternatively, a letter from the relevant supply authority stating the same may be submitted to satisfy this condition.

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

#### **Geotechnical Report – Fill Material**

- 97 **Prior to the issue of the relevant Subdivision Certificate** a NATA registered geotechnical testing authority shall submit documentary evidence in the form of level 1 certification, certifying that any lot fill material has been placed in accordance with Australian Standard 3798 "Guidelines on earthworks for commercial and residential developments". In this regard all allotments must have a minimum fall of 1 in 150 to prevent ponding.

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

#### **Subdivision**

- 98 **Prior to the issue of the relevant Subdivision Certificate** a suitably qualified person is required to furnish an overall statutory certificate confirming:
- all drainage lines have been located within the respective easements;
  - roadworks are in accordance with the approved design plan;
  - any other structures like retaining walls are located in accordance with the Construction Certificate;
  - all stormwater has been directed to a Council approved drainage system;
  - all conditions of consent/approval have been complied with.

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

- 99 For precinct 2 the proponent shall complete all works associated with Development Consent 5.2016.7.1 to Council standards and satisfaction and obtain a certificate of practical completion **prior to the issue of the relevant Subdivision Certificate**.

**Reason:** *To ensure precinct 2 has adequate access to a public road.*

#### **Water Management Act 2000**

- 100 **Prior to the issue of the relevant Subdivision Certificate** 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 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 need to have been completed in accordance with conditions of this consent or under a separate approval under s.68 of the Local Government Act 1993.
- d) An application under s.305 of the Water Management Act 2000 must be made (the form is available on Council's website) and the applicable application fee paid in order for a Compliance Certificate to be issued.

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

#### **Water management works**

- 101 **Prior to the issue of the relevant Subdivision Certificate**, and at no cost to Council the proponent is required to construct the following water management works:

- An extension to the reticulated water supply system and a property water service connection to each newly created Lot. Precinct One will initially be serviced from the North Lismore water reticulation system generally in accordance with preliminary design plans submitted by Planit Consulting – Titled: Proposed Water Supply main. Planit Job No. J258, Drawing No's. 0001, 0600, 0601, 0602, Revision A, Dated 22.08.18.
- An extension to the reticulated sewerage system and a property sewerage service connection designed to maximise the building envelope to each newly created Lot.

These works shall be carried out in accordance with Council's current specifications for the Design and Construction of Water and Sewer Reticulation Pipe Work.

**Reason:** *To comply with the provisions of Council's Development Control Plan – 4.15(a)(iii)EP&A Act 1979.*

#### **Certificate of Compliance**

- 102 **Prior to the issue of the relevant Subdivision Certificate** the proponent is required to apply to Council for a separate **s307 Certificate of Compliance** for the water management works. The application shall be accompanied by:

- a) a set of "works-as-executed" plans;
- b) submission of CCTV video surveillance and hard copy report for all sewerage pipelines;
- c) complete asset record forms;

- d) evidence the (Section 64) developer levies have been paid;
- e) evidence all inspection fees have been paid;
- f) evidence the scheduled bond has been paid, being 5% of the value of the works; and
- g) the Consulting Engineer's Certificate of Compliance.

The Consulting Engineers Certificate of Compliance shall state that all water management works required by this development consent have been completed in accordance with Council's current specifications for the Design & Construction of Water and Sewer Reticulation Pipe work. Refer to the Northern Rivers Local Government Design and Construction Manual.

The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date Council issues the Certificate of Compliance.

**Reason:** *To comply with Section 307 of the Water Management Act 2000.*

#### **Creation of easements over pipelines**

- 103 **Prior to the issue of the relevant Subdivision Certificate** the proponent is required to create an easement over pipelines on private lands in accordance with Council's current specifications for the Design and Construction of Water and Sewer Reticulation Pipe-work to Council's satisfaction.

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 of easements and terms for Section 88B Instruments prior to submitting an application for a Subdivision Certificate.

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

- 104 **Prior to the issue of the relevant Subdivision Certificate** the proponent shall place a positive covenant under section 88 of the *Conveyancing Act 1919* (or equivalent) nominating a minimum finished floor level 500mm above the 1% AEP flood level for buildings in Precinct 1.

**Reason:** *To ensure that dwellings at the appropriate level for flood-prone land*

- 105 **Prior to the issue of the relevant Subdivision Certificate** the proponent shall place a positive covenant under section 88 of the *Conveyancing Act 1919* (or equivalent) on lots shown as being affected by speedway noise within Appendix E of Part B Chapter 10 of the Lismore Development Control Plan (DCP) that any residential buildings constructed on those parcels must incorporate noise mitigation measures as advised in Element 7.3 of the said DCP Chapter.

**Reason:** *To ensure buyers are alerted to the constraints on the site and ensure that construction of new residential buildings to address the major noise source*

#### **Section 7.11 Contributions**

- 106 Payment of contributions levied under Section 7.11 of the *Environmental Planning and Assessment Act 1979* and Lismore City Council Section 94 Contributions Plan North Lismore Plateau 2013 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 **Subdivision Certificate is released for each relevant stage**. The rates and amounts applying at the date of this notice, totalling **\$5,882,006.28**, 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 contributions, bonds etc. shall be paid **prior to the release of the applicable Subdivision Certificate**.



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

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

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

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

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

***Reason:*** *To retain a level of service for the existing population and to provide the same level of service to the population resulting from new development.*

## General Terms of Approval

for proposed development requiring  
approval under s89, 90 or 91 of the Water  
Management Act 2000

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|                                   |                                                                                                                                                |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reference Number:</b>          | IDAS1101942                                                                                                                                    |
| <b>Issue date of GTA:</b>         | 26 September 2018                                                                                                                              |
| <b>Type of Approval:</b>          | Controlled Activity                                                                                                                            |
| <b>Description:</b>               | Subdivision of land to create a total of 433 residential allotments, a commercial allotment, open space and areas for environmental management |
| <b>Location of work/activity:</b> | 8 Sexton Road North Lismore NSW 2480                                                                                                           |
| <b>DA Number:</b>                 | DA5/2017/270/1                                                                                                                                 |
| <b>LGA:</b>                       | The Council Of The City Of Lismore                                                                                                             |
| <b>Water Sharing Plan Area:</b>   | Richmond River Area Unregulated, Regulated and Alluvial Water Sources                                                                          |

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**The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*.** The development consent holder must apply to NRAR Water for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

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| Condition Number                      | Details                                                                                                                                                                                                                                                                                             |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Design of works and structures</b> |                                                                                                                                                                                                                                                                                                     |
| GT0018-00003                          | Before constructing or carrying out any proposed controlled activity, an application must be submitted to Crown Lands and Water Division, and obtained, for a controlled activity approval under the Water Management Act 2000.                                                                     |
| <b>Erosion and sediment controls</b>  |                                                                                                                                                                                                                                                                                                     |
| GT0006-00001                          | The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval. |
| GT0021-00002                          | The proposed erosion and sediment control works must be inspected and maintained throughout the construction period of the controlled activity and must not be removed until the site is fully stabilised.                                                                                          |

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**Plans, standards and guidelines**

- GT0002-00047 A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 2017.270 provided by Council to Crown Lands and Water Division. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Crown Lands and Water Division, Grafton Office, must be notified in writing to determine if any variations to the GTA will be required.
- GT0003-00016 The application for a controlled activity approval must include the following document(s): - site plan, map and/or surveys; outlet structures; Erosion and Sediment Control Plan; Soil and Water Management Plan; detailed structural drawings; Storm Water Management Plan.
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**Reporting requirements**

- GT0016-00002 The consent holder must inform Crown Lands and Water Division in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

**SCHEDULE 1**

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA5/2017/270/1 as provided by Council:

- Statement of Environmental Effects prepared by Planners North, August 2017
- Plan of Subdivision, Rev D, prepared by RPS Australia East Pty Ltd, 8/8/2018 (Ref: 117312-30)
- Civil Works Plans, Rev C, prepared by TGM Group Pty Ltd, 15/11/2017 (Drawing Nos 0001 to 0028)
- Balance Land Report (Engineering Report) prepared by TGM Group Pty Ltd, June 2017 – updated version provided to Lismore City Council on 21/9/2018
- Internal Access Road Plans, Rev C, prepared by WGM Consulting, 14/3/2016 (Drawing Nos J073-0001 to J073-0021)

## GENERAL TERMS OF APPROVAL NSW RURAL FIRE SERVICE

1. The development proposal is to comply with the subdivision layout identified on the following drawings prepared by RPS Australia East Pty Ltd:
  - Plan of Subdivision - Precinct One Allotment Layout (Ref: 117312-30, Rev. D) dated 26 July 2018;
  - Plan of Subdivision - Precinct Two Allotment Layout (Ref: 117312-30, Rev. D) dated 26 July 2018;
  - Plan of Subdivision - Precinct Three Allotment Layout (Ref: 117312-30, Rev. D) dated 26 July 2018.

### Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. At the issue of a subdivision certificate and in perpetuity, the entire area of the residential lots created 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'.
3. A restriction to the land use pursuant to section 88B of the 'Conveyancing Act, 1919' shall be placed over the relevant open space lot(s) for the purpose of an asset protection zone in Precinct 1 and Precinct 2, as indicated on the plans prepared by RPS Australia East Pty Ltd (Ref: 117312-30, Rev. D), dated 26 July 2018 titled 'Plan of Subdivision - Precinct One Allotment Layout' and 'Plan of Subdivision - Precinct Two Allotment Layout'. The asset protection zone is to 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'.
4. Prior to the issue of a subdivision certificate, a vegetation management plan is to be prepared that includes:
  - the areas identified for vegetation restoration I conservation in Figure 10 of the Flora and Fauna Assessment report prepared by Peter Parker Environmental Consultants Pty Ltd (13 June 2018) are to be established and maintained with rainforest species;
  - details of the areas required to be managed as an asset protection zone;
  - the asset protection zones are required to be managed as an inner protection area 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';
  - details of the person I authority responsible for ongoing management of vegetation restoration I conservation areas and asset protection zones ; and
  - a schedule of works for the ongoing management of asset protection zones .
5. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
6. Landscaping for a distance of 10 metres either side of the Road 1 formation between Precinct 1 and Precinct 2 is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

### Precinct 1:

7. Asset Protection Zones are to be provided as indicated on the plan prepared by RPS Australia East Pty Ltd titled 'Plan of Subdivision - Precinct One Allotment Layout'(Ref: 117312-30, Rev.

D), dated 26 July 2018.

8. A restriction to the land use pursuant to section 88B of the Conveyancing Act 1919 shall be placed over Lots 83, 84, 85, 94, 95, 7000 and Pt 7001 to prohibit the construction of a dwelling, or Class 10 building within 10m of a dwelling, in the area identified as 'Bushfire APZ' on the plan prepared by RPS Australia East Pty Ltd titled 'Plan of Subdivision - Precinct One Allotment Layout'(Ref: 117312-30 , Rev. D), dated 26 July 2018.

**Precinct 2:**

9. Asset Protection Zones are to be provided as indicated on the plan prepared by RPS Australia East Pty Ltd titled 'Plan of Subdivision - Precinct Two Allotment Layout' (Ref: 117312-30, Rev. D), dated 26 July 2018, except that the entire width of Road No. 2 reserve along the western boundary of Precinct 2 is to 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'.
10. A restriction to the land use pursuant to section 88B of the Conveyancing Act 1919 shall be included over Lots 122 to 129, 339 and 358 to prohibit the construction of a dwelling, or Class 10 building within 10m of a dwelling, in the area identified as 'Bushfire APZ' on the plan prepared by RPS Australia East Pty Ltd titled 'Plan of Subdivision - Precinct Two Allotment Layout' (Ref: 117312-30, Rev. D), dated 26 July 2018.

**Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

11. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006', except that:
  - the cul-de-sac turning circles in Precinct 1 shall have an outer radius of not less than 10 metres; and
  - the perimeter roads in Precinct 1 adjacent to Lots 50 to 52, 62, 63, 73 and 76 to 81 and in Precinct 2 adjacent to Lots 303, 304 and 330 to 332 shall be not less than 6.8 metres wide with roll-top kerb.
12. A minimum 12 metre outer radius turning circle is to be provided at the southern end of Road 12 where it meets the 'fire access track'.
13. Prior to the issuing of a subdivision certificate for Precinct 2 the proposed temporary fire trail providing alternative emergency access from Precinct 2 to Nimbin Road, as indicated on the diagram prepared by TGM titled 'North Lismore Plateau - Concept Fire Access Track' (Ref: 12188-01) dated 22 November 2013, shall be constructed. The fire trail is to be constructed in accordance with Section 4.1.3(3) of 'Planning for Bush Fire Protection 2006' and is to be maintained until such time as alternative public road access is provided to Precinct 2.
14. The path adjacent to Lots 333, 337, 338, 339 and east of the park between Lots 217 and 398 shall be a minimum width of 2.5 metres and shall permit unobstructed emergency vehicle access.

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

15. Property access shall comply with section 4.1.3(2) of 'Planning for Bush Fire Protection 2006'.

The intent of measures for fire trails is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following conditions shall apply:

16. A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed over Lot 7002 for the fire trails in Precinct 2 adjacent to Lots 104, 110, 111 and 117 to 121. The fire trails are to be constructed in accordance with Section 4.1.3(3) of 'Planning for Bush Fire Protection 2006' prior to the issue of a subdivision certificate for the subject lots. The fire trails are to be managed in perpetuity by Lismore City Council, or alternatively, are to be contained within a community title lot created in combination with the adjacent benefiting residential lots with an appropriate covenant requiring the community association to manage the fire trail in perpetuity

#### **Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

17. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'

#### **Landscaping**

18. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

#### **General Advice - Consent Authority to note**

- This bush fire safety authority is issued on the basis that the asset protection zones located on open space lots are to be managed in perpetuity by Lismore City Council. If this not the case, an alternative management arrangement must be approved (e.g. community title subdivision).
- This Bush Fire Safety Authority does not provide approval or conditions for Precinct 3.
- Establishment of asset protection zones may require the clearing of vegetation. This bush fire safety authority does not authorise the clearing of any vegetation, nor does it include an assessment of potential ecological impacts of clearing vegetation for the purpose of establishing asset protection zones. Approvals necessary for the clearing of vegetation should be obtained prior to the establishment of any asset protection zones.
- Any future development application lodged within this subdivision under section 4.14 of the 'Environmental Planning & Assessment Act 1979' will be subject to requirements as set out in 'Planning for Bush Fire Protection 2006'.
- Certain lots are located adjacent to grassland areas that may present a bushfire hazard. Where these lots are not mapped as bushfire prone land, Council should consider assessment of future development applications against the requirements of section 4.15 of the Environmental Planning and Assessment Act, 1979 and AS3959 Construction of building in bushfire prone areas.

#### **END OF CONDITIONS**

**ADVISORY NOTES TO DA 5.2017.270.1**

- (1) A separate development application is required to be lodged for the demolition of any structures on the proposed development site