

Our Reference: J8842

Council Reference: DA 5.2025.148.1

Panel Reference: PPSNTH-433

Thursday, 11 December 2025

Northern Region Planning Panel

Via email: enquiry@planningpanels.nsw.gov.au

Dear Panel

PPSNTH-433 – Lismore – 5.2025.148.1

Addendum – Council Assessment Report

We refer to the questions on notice recorded at the Panel's deliberation discussion for the subject proposal on 9 December 2025. The additional information requested includes:

- Response in regard to public comment in relation to the operation and Council's maintenance regime of the sewer pump facility – has the facility overflowed and how often does this occur, what is Council's maintenance regime to prevent/reduce any overflow events; and
- Covenant details

On behalf of Lismore City Council's Development Assessment Unit, we provide the following responses to these items.

1. Sewer Pump Facility

The attached advice (**Attachment 1**) has been provided from Council's Operations Engineers, who are responsible for the operation and maintenance of the pump station.

In summary, the pump is set up to start when the station fills to 25% of its capacity and stop when the level falls to 15%.

The 'failsafe' mechanism involves physical floats which trigger alarms if the station reaches 60%, 70% or 95% levels. The alarms are set to reach appropriate personnel who are deployed to address the problem.

As indicated, backup power measures are in place to address planned and/ or unplanned power outages.

Various pump station maintenance occurs fortnightly, monthly, quarterly and 6-monthly.

The Operations staff advise that the only overflow events at this pump station occurred during extreme weather events in the 2002 floods and 2025 Cyclone Alfred, with overflows directed to a nearby sewer manhole.

2. Covenant Details

A copy of the current Title, Deposited Plan and 88B Instrument for Lot 533 DP 1162393 (the primary development lot) and Lot 30 DP 1000619 (the sewer pump station lot) are provided in **Attachment 2** and **Attachment 3**.

Item 5 of the 88B Instrument for DP 1162393 refers to "building covenants". However, Lot 533 is neither burdened nor benefited by these provisions. Likewise, there are no building covenants applying to Lot 30.

For completeness, the parent DP and 88B Instrument for the primary development lot, which was DP 1137015, have also been obtained (**Attachment 4**). The parent 88B repeats the same "building covenant" wording but again expressly excludes the parent lot for the subject land, which was Lot 54 under this parent DP. This confirms that although the land forms part of the broader estate, it was deliberately excluded from all building-covenant requirements.

The only restrictions affecting the site relate to easements and servicing arrangements, all of which are satisfied by the proposal.

Accordingly, no building covenants apply to the site or the development, and the Panel is not required to consider compliance with, or the suspension of, any such covenant. This is why the Council Assessment Report did not address the matter.

Nevertheless, in light of the discussion at the Public Meeting and community concerns about compatibility with the wider estate, we have undertaken a further review of the covenant provisions. While they do not legally apply, we have assessed the proposal against the covenant criteria for completeness. This analysis is provided at **Attachment 5**.

We trust this response assists the Panel in finalising its assessment. Please contact the undersigned at lukeb@planitconsulting.com.au or via 0419 785 423 should any further clarification be required.

Yours sincerely



Luke Blandford
Planit Consulting

Level 1, 11-13 Pearl Street, Kingscliff NSW 2487

PO Box 1623, Kingscliff NSW 2487

(02) 6674 5001

administration@planitconsulting.com.au

www.planitconsulting.com.au



Attachment 1 – Sewer Pump Station Advice

Luke Blandford

From: Tayla Preddey <tayla.preddey@lismore.nsw.gov.au>
Sent: Thursday, 11 December 2025 11:35 AM
To: Peter Whittaker; Lucas Myers; Luke Blandford
Cc: Michael Anderson; Shane Reinhold; Harini Pani; Stephen Brown; Peter Huet
Subject: Blue hills Pump Station - Overflows

You don't often get email from tayla.preddey@lismore.nsw.gov.au. [Learn why this is important](#)

Good afternoon,

I have received comments from several people in both engineering, management, and operational roles within the LCC Water, Wastewater, and Waste department to provide the following response for NSW Department of Planning, Housing and Infrastructure.

Response in regard to public comment in relation to the operation and Council's maintenance regime of the sewer pump facility – has the facility overflowed and how often does this occur, what is Council's maintenance regime to prevent/reduce any overflow events.

The Blue Hills Pump Station typically operates within a narrow control range of approximately 25% (start) to 15% (stop) of the multitrode level that guides mainly pump operation and is significantly lower than the wet-well level. The pump station levels are remotely monitored through our SCADA system, which has well level monitoring and a failsafe back up controller. There are three physical level floats which generate high alarms through an email and SMS system to the appropriate personal and continues to generate alarms until problem is corrected or acknowledged by a technician. This is the same alarm procedure undertaken in the event a pump fails, plus another pump starts. The three physical level floats are: Well high (60%), Flooded float (70%), and Overflow (95%) at 5% retention before physical overflow. The pumps operate on duty standby and alternate cycle. In the event of a power outage, whether planned or unplanned, we are equipped with mobile generators to connect to the sewer pump station and resume operations as normal.

The above, as is with all our pump stations, detail the implementation of several active protection measures to alert personal and protect the public and the environment.

The maintenance schedule for pump stations, inclusive of Blue Hills Pump Station, occur on a 6-monthly, quarterly, monthly, and fortnightly basis, depending on the type of maintenance. On a fortnightly basis, the pumps are inspected to ensure they operate as required.

There are currently no plans to upgrade the Blue Hills Pump Station as it suits the current and projected capacity of its catchment and overflows have only been observed during extreme wet weather conditions.

The only occasions where the Blue Hills Pump Station levels have been exceeded were during extreme weather conditions, such as during the 2022 Floods and 2025 Cyclone Alfred. Under these extreme circumstances, overflows are diverted to the sewer manhole 25 A1A upstream of the Sewer Pump Station. These rare overflow events are acted upon promptly by immediately rectifying issues, putting control measures in place, reporting and recording to the EPA.

Our response process, as well as maintenance procedures, were evaluated and presented when we were first issued with the development plans with consideration to ease of access and egress to the station by the necessary vehicles such as cranes, service vehicles, and vacuum trucks.

Kindest regards,



Lismore City Council acknowledges the people of the Bundjalung Nation, traditional custodians of the land on which we work.

From: Peter Whittaker <peter.whittaker@lismore.nsw.gov.au>

Sent: Tuesday, 9 December 2025 4:08 PM

To: Lucas Myers <lucas.myers@lismore.nsw.gov.au>; Tayla Preddey <tayla.preddey@lismore.nsw.gov.au>; 'lukeb@planitconsulting.com.au' <lukeb@planitconsulting.com.au>

Cc: Michael Anderson <michael.anderson@lismore.nsw.gov.au>; Shane Reinhold <shane.reinhold@lismore.nsw.gov.au>

Subject: RE: Blue hills Pump Station - Overflows

Hello,

Further to Lucas's email below. I have received the above email from the Planning Panel with their specific questions.

Regards,

Peter Whittaker | Development Assessment Officer | Lismore City Council

PO Box 23A, Lismore, NSW, 2480 | PH 02 6625 0574 | www.lismore.nsw.gov.au

Lismore City Council acknowledges the people of the Bundjalung Nation, traditional custodians of the land on which we work.

From: Lucas Myers <lucas.myers@lismore.nsw.gov.au>

Sent: Tuesday, 9 December 2025 3:43 PM

To: Tayla Preddey <tayla.preddey@lismore.nsw.gov.au>

Cc: Peter Whittaker <peter.whittaker@lismore.nsw.gov.au>; Michael Anderson <michael.anderson@lismore.nsw.gov.au>

Subject: Blue hills Pump Station - Overflows

Importance: High

Afternoon Tayla,

As discussed on the phone we have a DA for units at 44 Bristol Circuit and the planning panel who is making the decision has some concerns about the pump station and its overflows. Apparently an existing resident made a submission to that panel that overflows have occurred in recent times (last few years). Would you be able to provide;

- How often has that pump station overflowed (in the last 3 years)?
- What procedures does Council have in place to ensure that overflows are the last resort?

- Do we have any planned upgrades for that pump station that would help reduce overflows in the future?

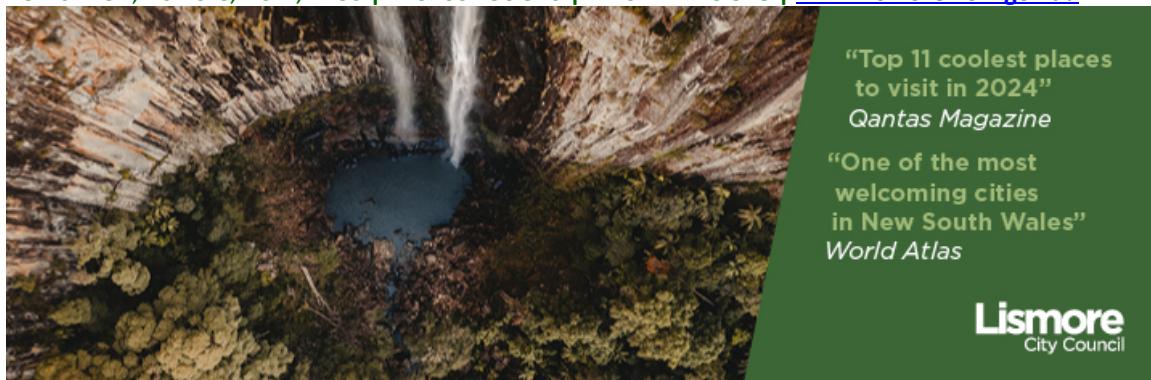


Thanks for your help with this, the planning panel are hoping to get the information tomorrow so a decision can be made.

Regards

Lucas Myers | Development Engineer | Lismore City Council

PO Box 23A, Lismore, NSW, 2480 | P: 0266 250 520 | M: 0447 743 518 | www.lismore.nsw.gov.au



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Attachment 2 – Current Title, DP and 88B for the Primary Development Lot



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 533/1162393

SEARCH DATE	TIME	EDITION NO	DATE
9/12/2025	3:55 PM	1	16/3/2011

LAND

LOT 533 IN DEPOSITED PLAN 1162393
AT GOONELLA BAH
LOCAL GOVERNMENT AREA LISMORE
PARISH OF LISMORE COUNTY OF ROUS
TITLE DIAGRAM DP1162393

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF LISMORE

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 DP855155 EASEMENT TO DRAIN SEWAGE 2 METRE(S) WIDE APPURTE NANT TO THE LAND ABOVE DESCRIBED
- 3 DP1162393 EASEMENT FOR SEWER GRAVITY MAIN 3 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 4 DP1162393 EASEMENT TO DRAIN WATER VARIABLE WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

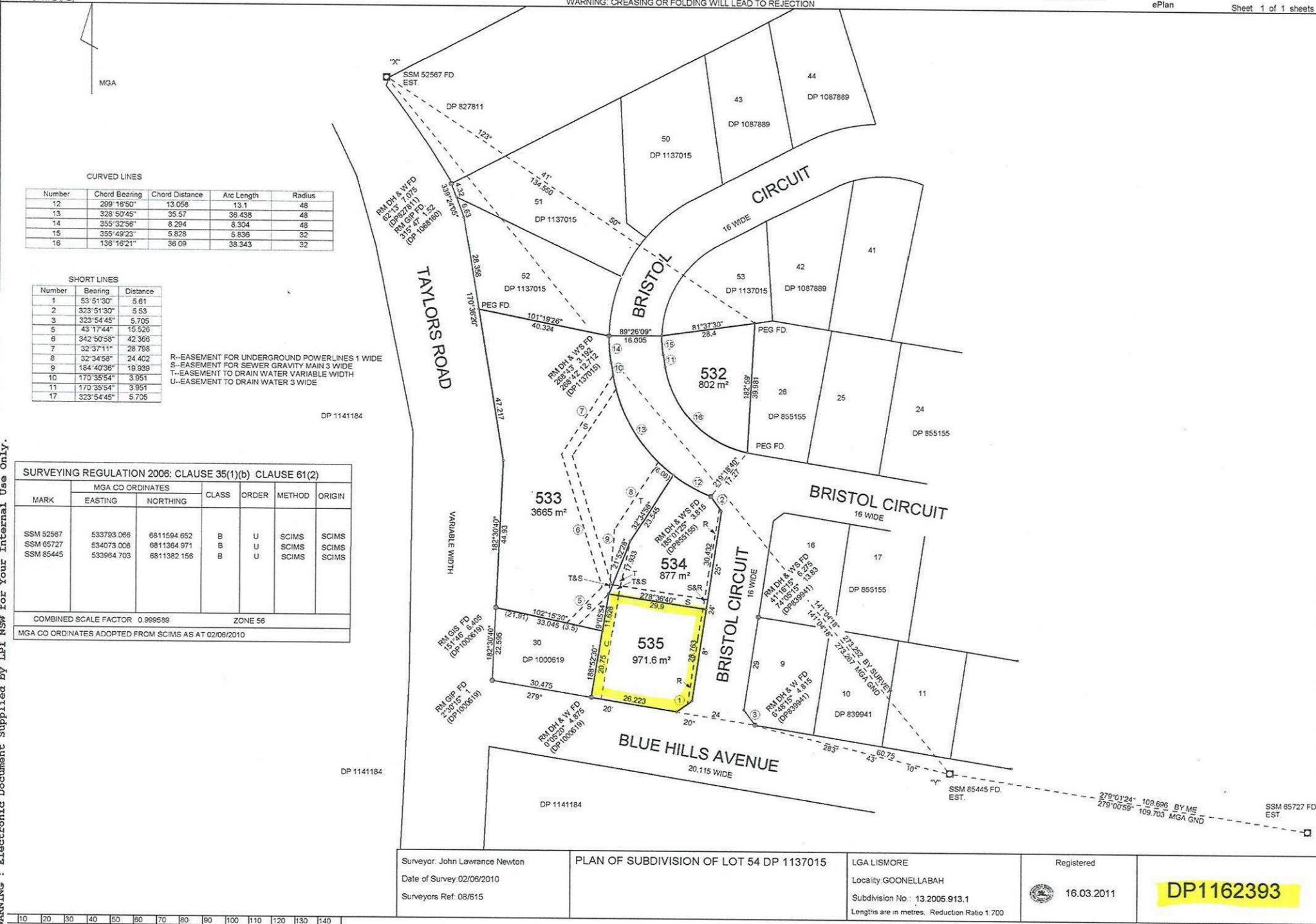
J8824

PRINTED ON 9/12/2025

Search Date/Time: 09/12/2025 3:55PM

LEGALSTREAM AUSTRALIA - hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with section 96B(2) of the Real Property Act 1900.

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.



PLAN FORM 6

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 1 sheet(s)

Office Use Only

DP1162393

SIGNATURES, SEALS AND STATEMENTS of intention to dedicate public roads, public reserves and drainage reserves or create easements, restrictions on the use of land and positive covenants

PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919 IT IS INTENDED TO CREATE:

- 1.EASEMENT FOR SEWER GRAVITY MAIN 3 WIDE
- 2.EASEMENT TO DRAIN WATER VARIABLE WIDTH
- 3.EASEMENT TO DRAIN WATER 3 WIDE
- 4.EASEMENT FOR UNDERGROUND POWERLINES 1 WIDE
5. RESTRICTIONS ON USE OF LAND

TO EXTINGUISH:-

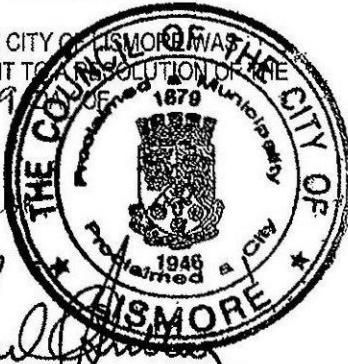
- 1.EASEMENT FOR SEWER GRAVITY MAIN 3 WIDE
(DP 1068160)

IT IS INTENDED TO DEDICATE THE EXTENSION OF BRISTOL CIRCUIT 16m WIDE TO THE PUBLIC AS ROAD

THE COMMON SEAL OF THE CITY OF LISMORE WAS HERETO AFFIXED PURSUANT TO A RESOLUTION OF THE COUNCIL PASSED ON THE 9 NOVEMBER 1879
NOVEMBER 2010

MAYOR

John Lawrence Newton



PAUL G OSULLIVAN
GENERAL MANAGER

Paul G. Sullivan

If space is insufficient use PLAN FORM 6A annexure sheet

Crown Lands NSW/Western Lands Office Approval

I.....in approving this plan certify

(Authorised Officer)

that all necessary approvals in regard to the allocation of the land shown herein have been given

Signature:

Date:

File Number:

Office:

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:

the proposed SUBDIVISION..... set out herein

(insert 'subdivision' or 'new road')

John Thatcher

* Authorised Person/General Manager/Accredited Certifier

Consent Authority: LISMORE CITY COUNCIL

Date of Endorsement: 14 FEBRUARY 2011

Accreditation no:

Subdivision Certificate no: 13.2005.913.1

File no: PA.2005/913

* Strike through inapplicable parts.

Registered:  16.03.2011

Office Use Only

Title System: Torrens

Purpose: Subdivision

PLAN OF SUBDIVISION OF LOT 54 DP 1137015

LGA: LISMORE

Locality: GOONELLABAH

Parish: LISMORE

County: ROUS

Survey Certificate

I, ...John Lawrence Newton.....

Newton Denny Chapelle.....

a surveyor registered under the Surveying and Spatial Information Act 2002, certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying and Spatial Information Regulation 2006 and was completed on: ..2/06/2010.....

The survey relates to ..Lots 532 to 535.....

(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)

Signature *John L. Newton*..... Dated: 02/06/2010

Surveyor registered under the Surveying and Spatial Information Act 2002

Datum Line: X-Y.....

Type: Urban

Plans used in the preparation of survey/compilation

DP 1000619 DP 1068160 DP 1087889

DP 839941 DP 855155 DP 827811

DP 1141184 DP 1137015

If space is insufficient use PLAN FORM 6A annexure sheet

Surveyor's Reference: 2008615

ePlan

Instrument Setting out Terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919

(Sheet 1 of 4 sheets)

Plan: **DP1162393**

Subdivision of Lot 54 in DP 1137015 covered by Subdivision Certificate No. 13.2005.913.1 of 14.02.2011

Full name and address of the owner of the land:

THE COUNCIL OF THE CITY OF LISMORE of 43 Oliver Avenue, Goonellabah 2480

PART 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre restriction or positive covenant to be created and referred to in the plan	Burdened lot(s) or parcel(s)	Benefited lot(s), road(s), bodies or Prescribed Authorities
1.	Easement for sewer gravity main 3 wide	533 & 534	Lismore City Council
2.	Easement to drain water variable width	533 & 534	Lismore City Council
3.	Easement to drain water 3 wide	535	Lismore City Council
4.	Easement for underground powerlines 1 wide	534 & 535	Country Energy
5.	Restrictions on use of land	532, 534 & 535	Each and every Lot (except Lot 533)

PART 1A (Release)

Number of item shown in the intention panel on the plan	Identity of easement or profit à prendre to be released and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1.	Easement for sewer gravity main 3 wide (vide DP 1068160)	Lot 54 in DP 1137015	Lismore City Council

LLC
14/2/11

ePlan

Instrument Setting out Terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919

(Sheet 2 of 4 sheets)

Plan: DP1162393

Subdivision of Lot 54 in DP 1137015 covered by Subdivision Certificate No. 13.2005.913.1 of 14.02.2011

PART 2 (Terms)

Note: where the terms of the easement are defined in the Conveyancing Act 1919 no terms are to be included in Part 2 of the Section 88B Instrument unless the statutory terms are to be modified.

1. Terms of easement numbered 1 in the plan:

- (a) Full and free right and liberty for the Authority Benefited and its servants, agents and contractors together with implements and machinery to enter upon the easement site to lay, maintain, alter, enlarge, replace or duplicate pipes, manholes, junctions and sidelines.
- (b) The Authority Benefited shall be responsible for the cost of any work in connection with the construction, maintenance, alteration, enlargement, replacement or duplication of any pipes, manholes, junctions or sidelines. Such responsibility shall not extend to any damage caused to the pipeline and/or structures as a direct consequence of the actions of the landowner or his agents. Such damages shall be repaired at the owner's expense.
- (c) Neither the registered proprietor of the lot burdened nor his agent nor any person authorised by him shall plant any trees or shrubs within the site of the easement.
- (d) The registered proprietor of the lot burdened shall not erect, construct or place within the site of the easement any building, outbuilding, garden shed or other structure whatsoever. The Water and Wastewater Manager of the Authority Benefited may approve construction of outbuildings of light construction erected on removable concrete or clay paving slabs which would be capable of removal for maintenance or replacement of pipeline.
- (e) The Prescribed Authority will take all reasonable precautions to ensure as little disturbance as possible to the lot burdened and will restore that surface as near as practicable to its original condition. This shall extend to any disturbance caused to land adjoining the easement site.

[Handwritten signature] LCC
14/2/11

ePlan

Instrument Setting out Terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919

(Sheet 3 of 4 sheets)

Plan: DP1162393

Subdivision of Lot 54 in DP 1137015 covered by Subdivision Certificate No. 13.2005.913.1 of 14.02.2011

(f) If a term or condition of this instrument is or becomes invalid or unenforceable, the remaining terms and conditions shall be valid to the fullest extent permitted by law.

4. Terms of easement numbered 4 in the plan:

As defined in Part B of Memorandum No. AA26009 as registered at the LPI.

5. Terms of restriction numbered 5 in the plan:

(a) No building shall be erected or permitted to remain erected on any lot burdened consisting of materials from a previously erected building or structure and no existing building or structure shall be re-erected on any lot burdened;

(b) No building of pole construction shall be erected or permitted to remain erected on any lot burdened;

(c) No building shall be erected or permitted to remain erected on any lot burdened having a roof of reflective material;

(d) Except with the approval of Lismore City Council no residential building shall be erected upon a lot burdened having external walls constructed of materials other than brick, brick veneer, timber, cement render, glass, and/or stucco, granosite, granotex or material similar thereto PROVIDED THAT fibro cement sheeting may be used in conjunction with the previously approved materials provided the area of such fibro cement sheeting so used does not exceed twenty per centum of the total external area of the walls of such building;

(e) No building separate from the main residential building shall be erected upon a lot burdened unless such separate building or buildings are of materials similar in character, texture and nature to that of the said main residential building except that a lawn locker or garden shed may be erected provided it has dimensions not exceeding 3 metres x 3 metres x 3.5 metres in height and is of non-reflective materials;

(f) No dwelling shall be erected upon any lot having a ground floor area of less than 150 m² including attached garages, patios and/or verandahs;

*JLCC
14/2/11*

ePlan

Instrument Setting out Terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919

(Sheet 4 of 4 sheets)

Plan: DP1162393

Subdivision of Lot 54 in DP 1137015 covered by Subdivision Certificate No. 13.2005.913.1 of 14.02.2011

(g) Except where such fencing is required by any legislation or regulation relating to the enclosing of a swimming pool no fence shall be erected or permitted to remain erected along the street boundary of any lot burdened or along either side boundary between the street boundary and the front alignment of any main building erected or to be erected on any lot burdened PROVIDED THAT in the case of any lot having a frontage to two or more streets the street boundary herein referred to shall be deemed to be that to which the main building erected on the lot burdened shall face and any other street boundary shall be deemed to be a side boundary;

(h) No dividing fence shall be erected on any lot burdened to divide it from any adjoining lot owned by The Council of the City of Lismore without the consent of the Council of the City of Lismore but such consent shall not be withheld if such fence is erected without expense to The Council of the City of Lismore and in favour of any person dealing with the owner for the time being of any lot burdened such consent shall be deemed to have been given in respect of every such fence for the time being erected and upon transfer of such adjoining lot by The Council of the City of Lismore this restriction shall become absolutely void.

Name of Authority empowered to release, vary or modify easements and restrictions numbered 1, 2, 3 and 5 in the plan:

The Council of the City of Lismore

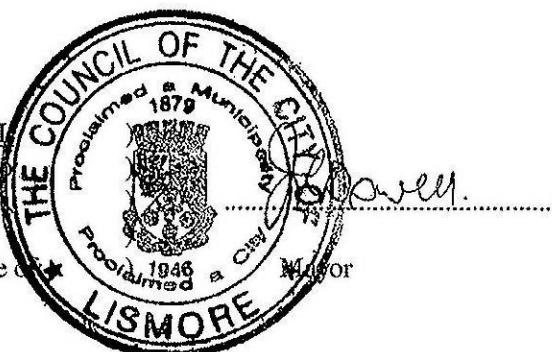
Name of Authority empowered to release, vary or modify easement numbered 4 in the plan:

Country Energy

THE COMMON SEAL of THE COUNCIL OF THE CITY OF LISMORE was hereunto affixed pursuant to a resolution of the Council passed on the _____ day of

2010 in the presence of

Paul Rullas
General Manager



REGISTERED

16.03.2011

LCC
14/2/11

Attachment 3 – Current Title, DP and 88B for the Sewer Pump Station Lot



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 30/1000619

SEARCH DATE	TIME	EDITION NO	DATE
10/12/2025	7:33 AM	1	5/5/1999

LAND

LOT 30 IN DEPOSITED PLAN 1000619
AT GOONELLABAH
LOCAL GOVERNMENT AREA LISMORE
PARISH OF LISMORE COUNTY OF ROUS
TITLE DIAGRAM DP1000619

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF LISMORE

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 DP855155 EASEMENT TO DRAIN SEWAGE 2 WIDE APPURTEnant TO THE LAND ABOVE DESCRIBED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

J8824

PRINTED ON 10/12/2025

Search Date/Time: 10/12/2025 7:33AM

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* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

1000619

Registered:
C.A.
Title System: TORRENS
Purpose: SUBDIVISION
Ref. Map:
Last Plan: DP 872986

PLAN OF SUBDIVISION OF
LOT 29 IN DP 872986

Lengths are in metres. Reduction Ratio 1:1250

LGA: LISMORE
Suburb/Locality: COONELLA BAH
Parish: LISMORE
County: ROUS

This is sheet 1 of my plan in sheets.
(Delete if inapplicable)

1. JOHN LAWRENCE NEWTON
of WALKER & NEWTON DX 7779
186 MOLESWORTH ST. LISMORE

a surveyor registered under the Surveyors Act 1929, hereby
certify that the survey represented in this plan is accurate, has been
made in accordance with the Surveyors (Practical Regulation
1996 and was completed on 26.11.1998
The survey relates to LOT 30 ONLY

there specify the land actually surveyed, or specify any land
shown in the plan that is not the subject of the survey
Datum Line: 'A' - 'B'
Zone: Suburban/County: (Signature) Surveyor registered under
the Surveyors Act 1929

Plans used in preparation of survey / compilation
DP 839941
DP 872986
DP 805421
DP 855155

PANEL FOR USE ONLY for statements of
intention to dedicate public roads or to create
public reserves, drainage reserves, easements,
restrictions on the use of land or positive
covenants.

SIGNATURES, SEALS AND STATEMENTS of intention to dedicate
public roads or to create public reserves, drainage reserves,
easements, restrictions on the use of land or positive covenants.

THE COMMON SEAL OF THE COUNCIL OF
THE CITY OF LISMORE WAS HERETO
AFFIXED THIS DAY THE THIRD OF
MARCH 1999 PURSUANT TO A
RESOLUTION OF THE COUNCIL PASSED
ON THE 2ND DAY OF MARCH 1999

R.M. IRWIN MAYOR

K.G. GINGER GENERAL MANAGER



Crown Lands Office Approval

PLAN APPROVED
Land District
Paper No.
Field Book
pages

Council Clerk's Certificate
I hereby certify that:
(a) the requirements of the Local Government Act, 1919 (other than
the requirements for the registration of plans), and
(b) the requirements of Part 3 Division 2 of the Water Board Act
1987 and Water Supply Authorities Act 1987

have been complied with by the applicant in relation to the proposed

SUBDIVISION

(Insert "new road", "subdivision" or "consolidated lot") set out herein

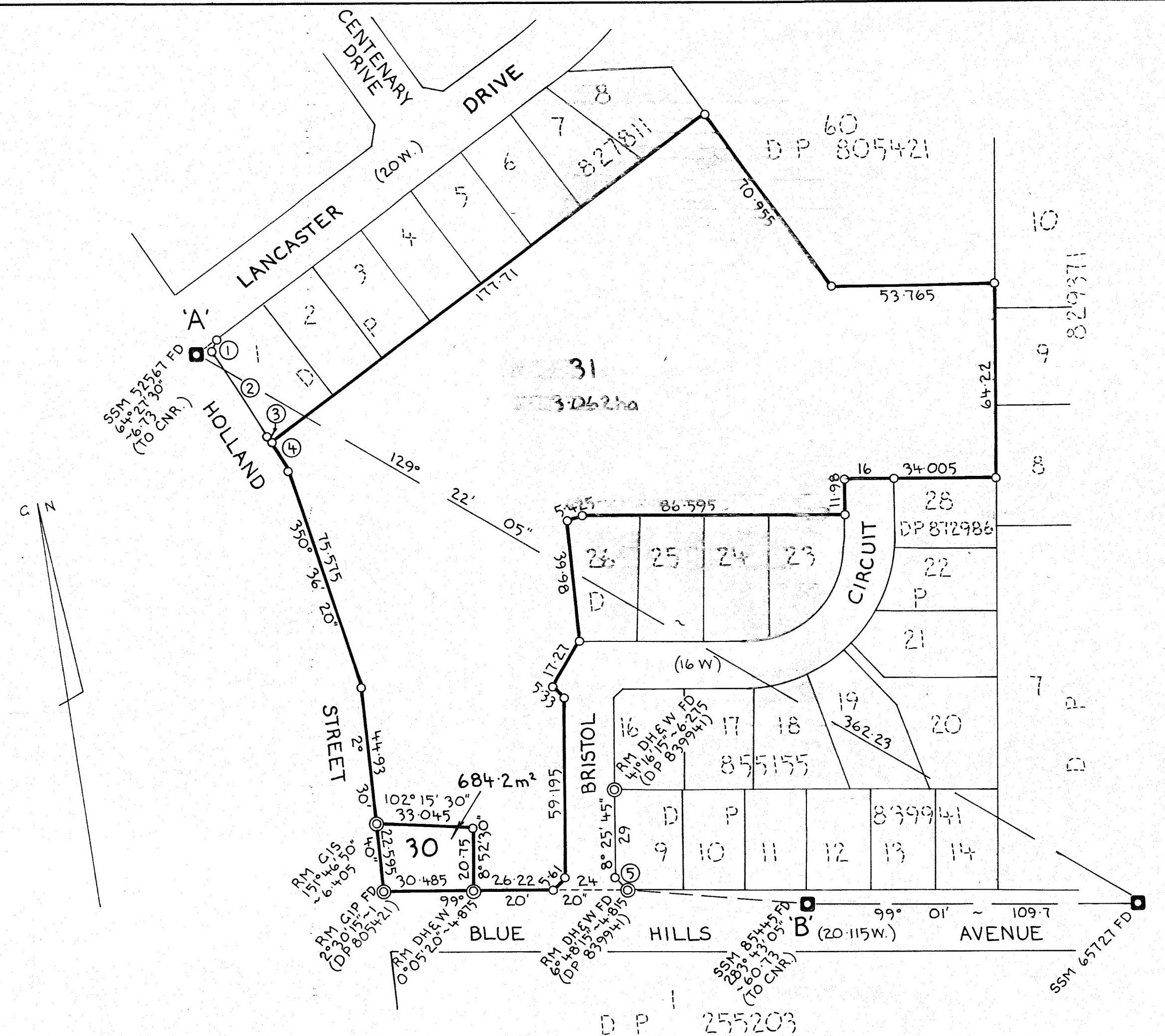
Subdivision No. 99/27

Date 8/4/99

(Signature) Dr. Chapple
Council Clerk
Council File No. DA 99/32

This part of certificate to be deleted where the application is only for
a consolidated lot or the opening of a new road or where the land to be
subdivided is wholly outside the areas of operations of the Metropolitan
Sewerage and Drainage Board and the Hunter District Water
Board

(Delete if inapplicable)



CONNECTION A-B

SSM 52567 TO SSM 85445 - 141° 04' 15" ~ 273.25 ME & 15C

SURVEY PRACTICE REGULATION 1990 CLAUSE 32(2)

MARK	15C CO-ORDINATES		ACC.	ZONE
	EASTING	NORTHING		
SSM 52567	333699.934	1810323.296	2	562
SSM 65727	333979.970	1810093.537	2	562
SSM 85445	333871.630	1810110.728	2	562

COMBINED SEA LEVEL FACTOR 0.99997

SOURCE: 15C CO-ORDINATES ADOPTED FROM L.I.C.
ON 16TH NOVEMBER 1998 H.ADJ. 95173

SHORT LINE & CURVED BOUNDARY TABLE				
LINE	BEARING	DISTANCE	ARC	RADIUS
1	17° 16' 20"	2.83		
2	335° 58' 50"	34.525 CH	34.545	290
3	159° 24' 05"	1.565		
4	159° 24' 05"	10.95		
5	143° 54' 45"	5.705		

PLAN FORM 2

SURVEYOR'S REFERENCE: 98/574 (CHECKLIST)

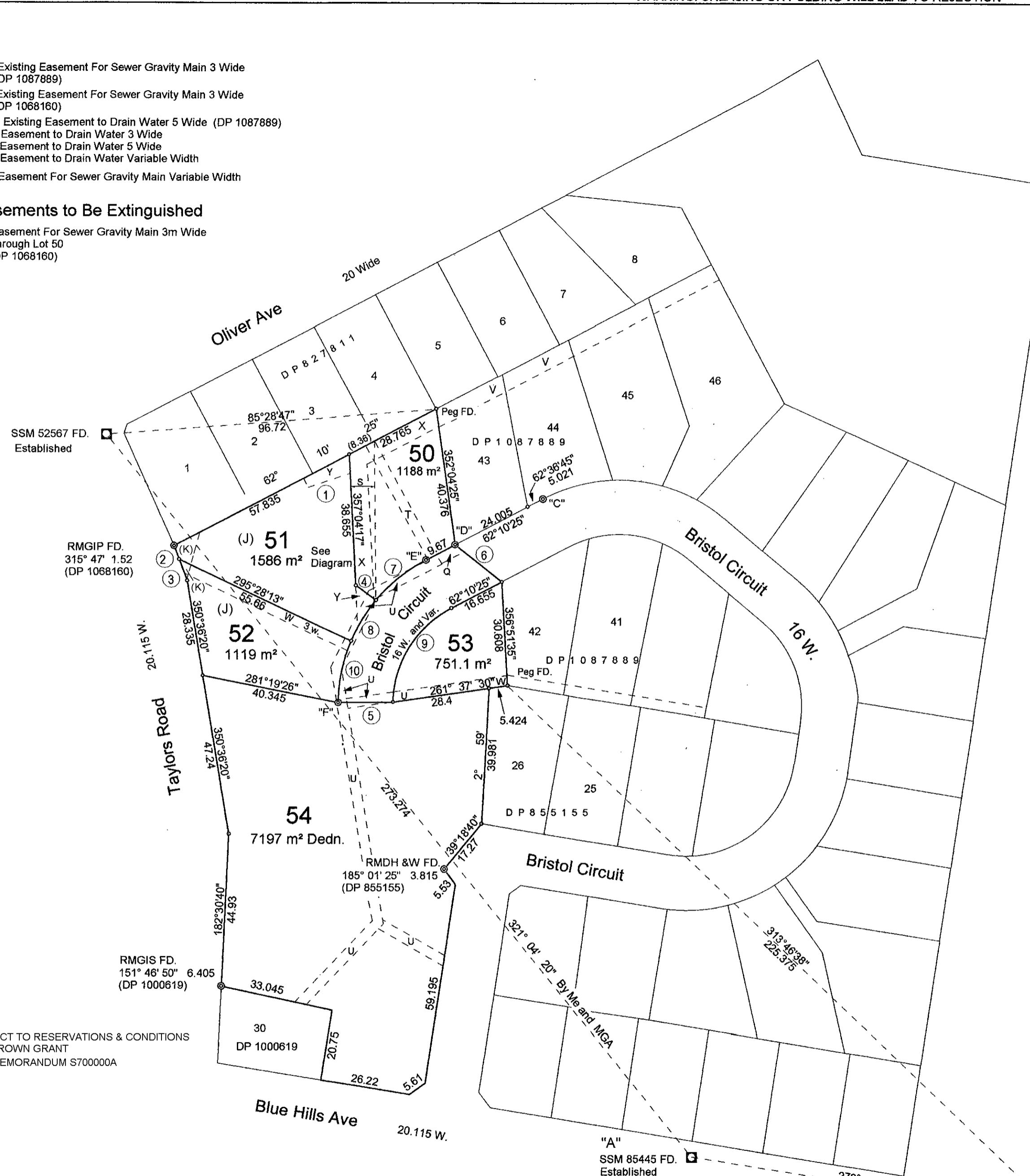
WARNING: CREAMING OR FOLDING WILL LEAD TO REJECTION

Attachment 4 – Parent DP & 88B for the Primary Development Lot

- Q -- Existing Easement For Sewer Gravity Main 3 Wide
(DP 1087889)
- U -- Existing Easement For Sewer Gravity Main 3 Wide
(DP 1068160)
- V -- Existing Easement to Drain Water 5 Wide (DP 108788)
- W -- Easement to Drain Water 3 Wide
- X -- Easement to Drain Water 5 Wide
- Y -- Easement to Drain Water Variable Width
- S -- Easement For Sewer Gravity Main Variable Width

Easements to Be Extinguished

T -- Easement For Sewer Gravity Main 3m Wide
Through Lot 50
(DP 1068160)



AND EXCLUDES MINERALS & IS SUBJECT TO RESERVATIONS & CONDITIONS
I FAVOUR OF THE CROWN - SEE (J) CROWN GRANT
(K) MEMORANDUM S700000A

Short Lines

Number	Bearing	Distance
1	71°06'50"	12.87
2	339°24'05"	4.32
3	339°24'05"	6.63
4	306°09'04"	7.35
5	89°26'09"	16.005
6	308°38'45"	17.489

Curved Lines

Number	Radius	Arc Length	Chord Bearing	Chord Distance
7	48	18.88	230°54'14"	18.76
8	48	14.125	211°12'13"	14.075
9	32	34.14	211°36'38"	32.545
10	48	18.65	191°38'30"	18.535

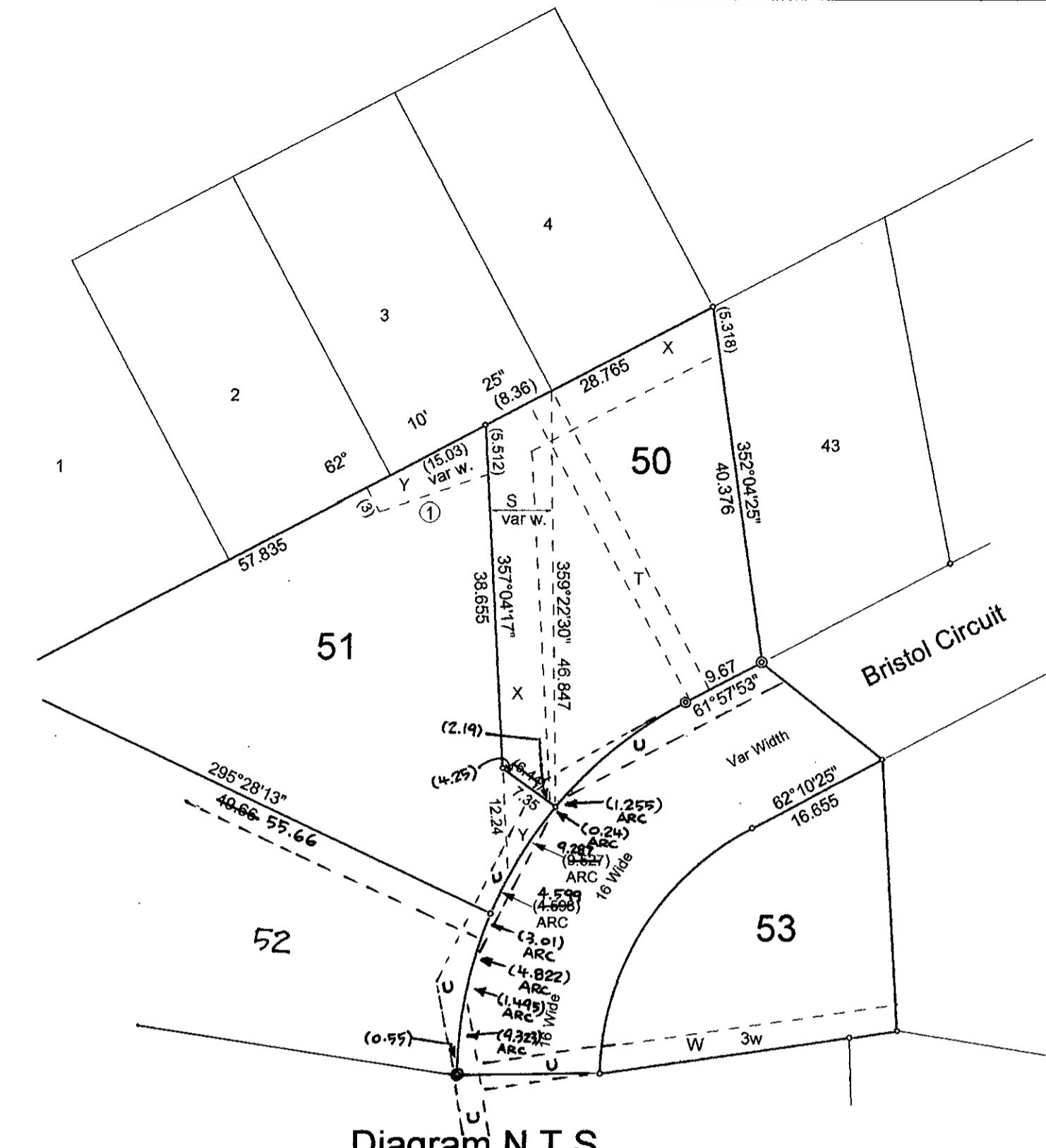


Diagram N.T.S.

SURVEYING REGULATION 2006 CLAUSE 32(2)					
MARK	MGA CO-ORDINATES		CLASS	ORDER	AHD LEVEL
	EASTING	NORTHING			
SSM 52567	533793.066	6811594.652	B	U	
SSM 65727	534073.006	6811364.971	B	U	
SSM 85445	533964.703	6811382.156	B	U	

Reference Marks

Corner	Bearing	Distance	Description
C	266°38'40"	10.332	RM DH&W FD. (DP.1087889)
D	330°16'50"	3.339	RM DH&W FD. (DP 1087889)
E	358°26'	3.79	RM DH&W
E	331°32'	12.87	RM DH&W
F	268°43'	3.192	RM DH&W
F	268°42'	12.712	RM DH&W

"B"
SSM 65727 FD.
Established

<p>Surveyor: JOHN LAWRENCE NEWTON</p> <p>Date of Survey: 18/9/2008</p> <p>Surveyors Ref: 07/284</p>	<p>PLAN OF</p> <p>Subdivision of Lot 47 DP 1087889</p>
---	--

LGA: Lismore
Locality: Goonellabah
Subdivision No.: 13. 2004.93.1
Lengths are in metres. Reduction Ratio 1:1000

DP1137015 P

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 2 sheet(s)

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.



DP1137015 S

PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919,
AS AMENDED IT IS INTENDED TO CREATE:-

1. EASEMENT TO DRAIN WATER 3
2. EASEMENT TO DRAIN WATER 5 WIDE
3. EASEMENT TO DRAIN WATER VARIABLE WIDTH
4. EASEMENT FOR SEWER GRAVITY MAIN VARIABLE WIDTH
5. RESTRICTIONS ON USE OF LAND

TO EXTINGUISH:-

1. EASEMENT FOR SEWER GRAVITY MAIN 3 WIDE (VIDE DP 1068160)

IT IS INTENDED TO DEDICATE THE EXTENSION OF BRISTOL CIRCUIT 16 WIDE AND VARIABLE WIDTH TO THE PUBLIC AS PUBLIC ROAD SUBJECT TO EASEMENTS FOR SEWER GRAVITY MAIN 3 WIDE VIDE DP 1087889 AND DP 1068160

Registered: 08-04-2009



Title System: TORRENS

Purpose: SUBDIVISION

PLAN OF SUBDIVISION OF LOT 47 DP 1087889

LGA: LISMORE

Locality: GOONELLABA

Parish: LISMORE

County: ROUS

Surveying Regulation, 2006

I, JOHN LAWRENCE NEWTON
of Newton Denny Chapelle

a surveyor registered under the Surveying Act, 2002, certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying Regulation, 2006 and was completed on: 18/9/2008

The survey relates to
LOTS 50 TO 53

(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)

Signature Dated: 18/09/2008
Surveyor registered under the Surveying Act, 2002

Datum Line: A-B

Type: Urban

Plans used in the preparation of survey/compilation
DP1000619 DP 876840 DP 855155 DP 805421
DP 872986 DP 827811 DP 1068160
DP 10087889

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE: 07/284

Consent Authority: LISMORE CITY COUNCIL

Date of Endorsement: 25 February 2009

Accreditation no:

Subdivision Certificate no: 13.2004.93.1

File no: DA 2004 93

* Delete whichever is inapplicable.

* OFFICE USE ONLY

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 sheet(s)

PLAN OF SUBDIVISION OF LOT 47 DP 1087889

DP1137015

Registered:



08-04-2009

Subdivision Certificate No: 13.2004.93.1

Date of Endorsement: 25 February, 2009

THE COMMON SEAL OF THE COUNCIL OF THE CITY OF LISMORE WAS HERETO AFFIXED PURSUANT TO A RESOLUTION OF THE COUNCIL PASSED ON
THE 10th DAY OF *February* 2008

MAYOR Jenny Dowell

PAUL G OSULLIVAN
GENERAL MANAGER

**Instrument Setting out Terms of Easements or Profits à Prendre intended to be created or released
and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to
Section 88B Conveyancing Act 1919**



(Sheet 1 of 4 sheets)

DP1137015 B

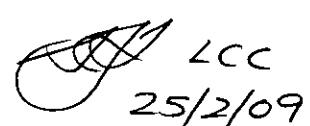
Subdivision of Lot 47 in DP 1087889 covered by
Subdivision Certificate No. 13. 2004. 93.1
of 25 / 2 / 09

**Full name and address of
the owner of the land:**

THE COUNCIL OF THE CITY OF LISMORE of
43 Oliver Avenue, Goonellabah 2480

PART 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre restriction or positive covenant to be created and referred to in the plan	Burdened lot(s) or parcel(s)	Benefited lot(s), road(s), bodies or Prescribed Authorities
1.	Easement to drain water 3 wide	52 53	Lismore City Council Lots 41 & 42 in DP 1087889
2.	Easement to drain water 5 wide	50	Lots 43-46 inclusive in DP 1087889, Lot 4 in DP 827811 and Lismore City Council
3.	Easement to drain water variable width	51	50, Lots 43-46 inclusive in DP 1087889, Lots 2, 3 & 4 in DP 827811 and Lismore City Council
4.	Easement for sewer gravity main variable width	50	Lismore City Council
5.	Restrictions on use of land	50-53 inclusive	<i>AND EVERY LOT Each other of those lots burdened (EXCEPT LOT 54)</i>


LCC
25/2/09

Instrument Setting out Terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919

(Sheet 2 of 4 sheets)

DP1137015

Subdivision of Lot 47 in DP 1087889 covered by
Subdivision Certificate No. 13. 2004. 93. 1
of 25 / 2 / 09

PART 1A (Release)

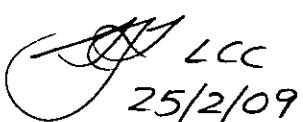
Number of item shown in the intention panel on the plan	Identity of easement or profit à prendre to be released and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1.	Easement for sewer gravity main 3 wide (vide DP 1068160)	50	Lismore City Council

PART 2 (Terms)

Note: where the terms of the easement are defined in the Conveyancing Act 1919 no terms are to be included in Part 2 of the Section 88B Instrument unless the statutory terms are to be modified.

4. Terms of easement numbered 4 in the plan:

- (a) Full and free right and liberty for the Authority Benefited and its servants, agents and contractors together with implements and machinery to enter upon the easement site to lay, maintain, alter, enlarge, replace or duplicate pipes, manholes, junctions and sidelines.
- (b) The Authority Benefited shall be responsible for the cost of any work in connection with the construction, maintenance, alteration, enlargement, replacement or duplication of any pipes, manholes, junctions or sidelines. Such responsibility shall not extend to any damage caused to the pipeline and/or structures as a direct consequence of the actions of the landowner or his agents. Such damages shall be repaired at the owner's expense.
- (c) Neither the registered proprietor of the lot burdened nor his agent nor any person authorised by him shall plant any trees or shrubs within the site of the easement.
- (d) The registered proprietor of the lot burdened shall not erect, construct or place within the site of the easement any building, outbuilding, garden shed or other structure whatsoever. The Water and Wastewater Manager of the Authority Benefited may approve construction of outbuildings of light construction erected on removable concrete or clay paving slabs which would be capable of removal for maintenance or replacement of pipeline.


LCC
25/2/09

**Instrument Setting out Terms of Easements or Profits à Prendre intended to be created or released
and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to
Section 88B Conveyancing Act 1919**

(Sheet 3 of 4 sheets)

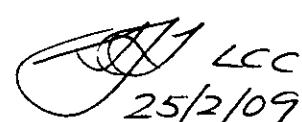
DP1137015

Subdivision of Lot 47 in DP 1087889 covered by
Subdivision Certificate No. 13. 2004. 93. 1
of 25/ 21/ 09

- (e) The Prescribed Authority will take all reasonable precautions to ensure as little disturbance as possible to the lot burdened and will restore that surface as near as practicable to its original condition. This shall extend to any disturbance caused to land adjoining the easement site.
- (f) If a term or condition of this instrument is or becomes invalid or unenforceable, the remaining terms and conditions shall be valid to the fullest extent permitted by law.

5. Terms of restriction numbered 5 in the plan:

- (a) No building shall be erected or permitted to remain erected on any lot burdened consisting of materials from a previously erected building or structure and no existing building or structure shall be re-erected on any lot burdened;
- (b) No building of pole construction shall be erected or permitted to remain erected on any lot burdened;
- (c) No building shall be erected or permitted to remain erected on any lot burdened having a roof of reflective material;
- (d) Except with the approval of Lismore City Council no residential building shall be erected upon a lot burdened having external walls constructed of materials other than brick, brick veneer, timber, cement render, glass, and/or stucco, granosite, granotex or material similar thereto PROVIDED THAT fibro cement sheeting may be used in conjunction with the previously approved materials provided the area of such fibro cement sheeting so used does not exceed twenty per centum of the total external area of the walls of such building;
- (e) No building separate from the main residential building shall be erected upon a lot burdened unless such separate building or buildings are of materials similar in character, texture and nature to that of the said main residential building except that a lawn locker or garden shed may be erected provided it has dimensions not exceeding 3 metres x 3 metres x 3.5 metres in height and is of non-reflective materials;
- (f) No dwelling shall be erected upon any lot having a ground floor area of less than 150 m² including attached garages, patios and/or verandahs;


ccc
25/2/09

**Instrument Setting out Terms of Easements or Profits à Prendre intended to be created or released
and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to
Section 88B Conveyancing Act 1919**

(Sheet 4 of 4 sheets)

DP1137015

Subdivision of Lot 47 in DP 1087889 covered by
Subdivision Certificate No. 13. 2004. 93. 1
of 25/2/09

(g) Except where such fencing is required by any legislation or regulation relating to the enclosing of a swimming pool no fence shall be erected or permitted to remain erected along the street boundary of any lot burdened or along either side boundary between the street boundary and the front alignment of any main building erected or to be erected on any lot burdened PROVIDED THAT in the case of any lot having a frontage to two or more streets the street boundary herein referred to shall be deemed to be that to which the main building erected on the lot burdened shall face and any other street boundary shall be deemed to be a side boundary;

(h) No dividing fence shall be erected on any lot burdened to divide it from any adjoining lot owned by The Council of the City of Lismore without the consent of the Council of the City of Lismore but such consent shall not be withheld if such fence is erected without expense to The Council of the City of Lismore and in favour of any person dealing with the owner for the time being of any lot burdened such consent shall be deemed to have been given in respect of every such fence for the time being erected and upon transfer of such adjoining lot by The Council of the City of Lismore this restriction shall become absolutely void.

Name of Authority empowered to release, vary or modify all restrictions and easements referred to in the plan:

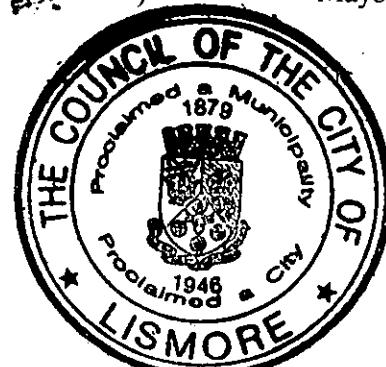
The Council of the City of Lismore

THE COMMON SEAL of THE COUNCIL
OF THE CITY OF LISMORE was hereunto
affixed pursuant to a resolution of the
Council in the presence of:

General Manager

Paul G O'Sullivan

Jenny Dowell
Mayor Jenny Dowell



Attachment 5 – Building Covenant Review

Covenant Restriction	Comment
(a) No building shall be erected or permitted to remain erected on any lot burdened consisting of materials from a previously erected building or structure and no existing building or structure shall be re-erected on any lot burdened;	No materials from a previous building and no re-erected buildings are proposed.
(b) No building of pole construction shall be erected or permitted to remain erected on any lot burdened;	Pole construction is not proposed.
(c) No building shall be erected or permitted to remain erected on any lot burdened having a roof of reflective material;	Reflective roof material is not proposed.
(d) Except with the approval of Lismore City Council no residential building shall be erected upon a lot burdened having external walls constructed of materials other than brick, brick veneer, timber, cement render, glass, and/or stucco, granosite, granotex or material similar thereto <u>PROVIDED THAT</u> fibro cement sheeting may be used in conjunction with the previously approved materials provided the area of such fibro cement sheeting so used does not exceed twenty per centum of the total external area of the walls of such building;	<p>The covenant restricts fibro-cement cladding and the proposal includes James Hardie Axon fibre-cement cladding for upper storeys.</p> <p>The design does integrate brick facework and expressed timber battens consistent with the covenant's intended material palette.</p> <p>The design approach provides a balanced mix of compliant traditional materials with contemporary, durable elements suitable for modern housing.</p> <p>The outcome remains sympathetic to the covenant while supporting delivery of affordable housing through reasonable, cost-effective construction methods.</p>

Covenant Restriction	Comment
(e) No building separate from the main residential building shall be erected upon a lot burdened unless such separate building or buildings are of materials similar in character, texture and nature to that of the said main residential building except that a lawn locker or garden shed may be erected provided it has dimensions not exceeding 3 metres x 3 metres x 3.5 metres in height and is of non-reflective materials;	The only standalone structures are the bin storage areas, and these are constructed in the same non-reflective materials and finishes used elsewhere in the development to ensure they integrate unobtrusively with the built form.
(f) No dwelling shall be erected upon any lot having a ground floor area of less than 150 m ² including attached garages, patios and/or verandahs;	The development comprises three separate building forms, each with a ground-floor footprint greater than 150m ² . While the individual dwellings within these buildings are under 150m ² , the overall building footprints exceed the minimum requirement, ensuring an appropriate and consistent scale while also delivering much-needed housing diversity.
(g) Except where such fencing is required by any legislation or regulation relating to the enclosing of a swimming pool no fence shall be erected or permitted to remain erected along the street boundary of any lot burdened or along either side boundary between the street boundary and the front alignment of any main building erected or to be erected on any lot burdened PROVIDED THAT in the case of any lot having a frontage to two or more streets the street boundary herein referred to shall be deemed to be that to which the main building erected on the lot burdened shall face and any other street boundary shall be deemed to be a side boundary;	For the purposes of this provision, the Bristol Street frontage is treated as the primary street boundary. No front boundary fencing is proposed. The only fencing within the Bristol Street front setback is located in front of Building 1B and comprises a low, partly transparent fence and a small block wall providing security and screening to the private terraces and bin storage areas (refer to Figure 1 below). The Council Assessment Report has already considered this treatment and found it to be a reasonable and appropriate streetscape outcome.

Covenant Restriction	Comment
<p>(h) No dividing fence shall be erected on any lot burdened to divide it from any adjoining lot owned by The Council of the City of Lismore without the consent of the Council of the City of Lismore but such consent shall not be withheld if such fence is erected without expense to The Council of the City of Lismore and in favour of any person dealing with the owner for the time being of any lot burdened such consent shall be deemed to have been given in respect of every such fence for the time being erected and upon transfer of such adjoining lot by The Council of the City of Lismore this restriction shall become absolutely void.</p>	<p>As the proposed fencing is to be constructed by Council on Council land, the provision does not apply to this development.</p>

Figure 1. Proposed Fencing for Building 1B