

Internal referral responses

DA No. 5.2021.221.1

To undertake staged subdivision comprising 742 residential lots, 2 neighbourhood business lots, 1 residue lot (future residential), 14 public reserve lots and associated infrastructure, 45 new roads, road widening and road closures, bulk earthworks, essential services (water, sewer, power & telecommunications), stormwater management facilities, landscaping and environmental rehabilitation.

DEVELOPMENT APPLICATION REPORT APPROVALS REGISTER REPORT

BY

ENVIRONMENTAL HEALTH

DA NO: 5.2021.221.1

Development: To undertake staged subdivision comprising 742 residential lots, 2 neighbourhood business lots, 1 residue lot (future residential), 14 public reserve lots and associated infrastructure, 45 new roads, road widening and road closures, bulk earthworks, essential services (water, sewer, power & telecommunications), stormwater management facilities, landscaping and environmental rehabilitation.

The proposal is classified as nominated integrated development and threatened species development. The development is also integrated development in accordance with s4.46 of the Environmental Planning and Assessment Act 1979. Approval from NSW Natural Resource Access Regulator is required in accordance with Water Management Act 2000, approval from NSW Roads and Maritime Service in accordance with Roads Act 1993 and approval from NSW Rural Fire Service in accordance with Rural Fires Act 1997.

COMMENTS:

Assessment Team site inspection undertaken. Key matters of riparian buffers and stormwater and noise management principles embedded within DCP. NRAR reviewing works impacting upon natural waterways. Rous Water have made representations in relation to water quality performance standards for drinking water catchments. Rous are seeking the standard of 'neutral or beneficial effect' to satisfy the objectives of Clause 6.4 Lismore LEP.

Briefings were provided to the Northern Regional Planning Panel on the 15 February 2022 and again on the 23 August 2022. Through these briefings it was identified that significant additional information/technical reporting/concurrence referrals were outstanding preventing the assessment of the application to be reasonably completed. The status of the application has not progressed since the last briefing and as such the NRPP has requested Council to finalise its assessment report by the 28 November 2022. This EHO referral is completed on the information held by Council as of the nominated date. Key matters that require further information include:

-
- The map displays the following labels and features:
- Roads:** HEWITT ROAD, BOORERIE ROAD, PAGOTTOS RIDGE ROAD, DUNOON ROAD.
 - Creeks:** CREEK.
 - Precincts:** PRECINCT 1, PRECINCT 2, PRECINCT 3, PRECINCT 4, PRECINCT 5, PRECINCT 6, PRECINCT 7, PRECINCT 8.
 - DP Numbers:** DP 1080956, DP 1080955, DP 1080954, DP 1080953, DP 249836, DP 178337, DP 596437, DP 570028, DP 623619, DP 623618, DP 610290, DP 1191678, DP 610290, DP 184190, DP 303295, DP 1243923, DP 537418, DP 537418, DP 1044983, DP 1214953, DP 211381, DP 134814.

CONTAMINATED LAND

A review of the previous technical reporting associated with the initial planning proposal was requested through pre-lodgement discussions to validate the currency of reporting and to form a view as to whether it is reasonable to rely upon the technical findings.

Coffey Geotechnics – Statement Letter November 2017 confirmed that they undertook a review of the following previous environmental assessments:

The report references are:

- GEOTALST03488AA-AE, 30 May 2012 – Preliminary Environmental Site Assessment, 300 hectares, East of Nimbin Road and West of Dunoon Road for North Lismore Plateau Landowners Project Control Group.
- GEOTALST03488AC-AB, 15 February 2013 – Site Contamination Assessment, North Lismore Plateau Rezoning Project, North Lismore NSW.

Coffey's state that:

We have reviewed the initial 2012 report and the subsequent 2013 report carried out as part of this assessment.

Based on a review of Coffey's reports we considered the previous findings to be current for the site. This included:

'Based on the findings of the Site Contamination Assessment it is concluded that these former and current horticultural lands within the North Lismore Plateau study area have a low potential for contamination and that an additional Phase 2 Environmental Site Assessment is not required'

Coffey do however recommend that an 'Unexpected Finds Protocol' be implemented. While we have assessed that the potential for contamination on the site is low, it is possible on any site that contamination may be uncovered during construction works.

The protocol should be included in the Construction Environmental Management Plan (CEMP) or similar documentation to be prepared for development of the site. This would document procedures for managing discovery of contamination during the works, and detail procedures for addressing these issues if they arise during construction works on site.

Coffey Geotechnics conclude that the 2012 and 2013 environmental assessment reports remain valid.

A further technical report was presented from RCS Group addressing potential site contamination associated with existing OSMS systems dated April 2021. The purpose of the report being to identify wastewater management systems that are planned to be removed during the subdivision construction process once dwellings can be connected to the proposed reticulated system. This matter can be appropriately managed by conditions of development consent for appropriate stages of the development.

No further technical reporting is required. Conditions of consent are recommended on this matter.

NOISE IMPACTS

Technical report 'Environmental Noise Impact Assessment - North Lismore Plateau Development Dunoon and Nimbin Roads, North Lismore' prepared by CRG Acoustic Consultants dated June 2012 is recognised within and has guided Clause 7.3 Element – Recommended Noise Mitigation Measures for New Dwellings Chapter 10 – North Lismore Plateau Urban Release Area. The

technical report assisted in the final planning proposal and development of Chapter 10 with the expectation that more detailed development applications will be made providing additional detail demonstrating achievement of adopted principles.

Chapter 10 – North Lismore Plateau Urban Release Area recognises the noise environment of the locality is impacted by existing commercial and industrial uses including the Lismore Showground and Lismore Speedway. The ‘acoustic controls’ within the Chapter are stated as advisory only. This was a key planning decision determined through the final planning proposal process. The performance criteria of Chapter 10 ‘encourages’ dwelling design (orientation, layout, shielding and building shell treatments) to achieve reasonable noise amenity in habitable rooms. Design solutions, representative of modelled noise exposure levels is illustrated in the following table from Chapter 10:

Objective	
To protect the acoustic amenity of residents from noise generated from the existing and on-going operations of nearby commercial land uses and events held at the Lismore Showground including Lismore Speedway, Lismore Kart Club, and other motor sports.	
Relevant Development Principles: 4 and 5	
Performance Criteria (advisory only)	Acceptable Solutions (advisory only)
<p>P1 Dwellings achieve reasonable internal noise amenity and/or 40 dB(A) in habitable rooms (refer to Definitions).</p> <p>Acoustic treatments give consideration to:</p> <ul style="list-style-type: none"> Building location and orientation on the lot (e.g. increase the setback of the building and the habitable rooms within it, from the noise source). Modifications to the floorplan/ room layout so that non-habitable rooms are located closest to the noise source and provide a buffer to the habitable rooms in the house. Shielding of the building by topography, barriers or other buildings. Courtyards are shielded by the building itself or by perimeter walls/ fencing. Building shell treatments such as masonry walls, thick glazing, double glazing, acoustic window and door seals, wall and ceiling insulation, 10mm ceiling plaster board. <p>Refer: NSW Department of Planning interim guideline ‘Development Near Rail Corridors and Busy Roads’ for information on acoustic treatment of buildings.</p>	<p>A1.1 Dwellings located at the 55 dB(A) noise contour line (refer to Appendix E - Noise Contour Map) or greater, meet the acceptable solutions listed below:</p> <p>Acceptable solutions for each noise range:</p> <p>55 dB(A) to 60 dB(A)</p> <ul style="list-style-type: none"> Provision of air-conditioning or sealed mechanical ventilation to habitable rooms. <p>60 dB(A) to 65 dB(A)</p> <ul style="list-style-type: none"> Provision of air-conditioning or sealed mechanical ventilation to habitable rooms; and Laminated glass in operable acoustic grade frames and seals for windows and sliding doors (Rw rating 25 – 30) of habitable rooms; and Standard wall and roof/ ceiling construction*. <p>65 dB(A) to 70 dB(A)</p> <ul style="list-style-type: none"> Provision of air-conditioning or sealed mechanical ventilation to habitable rooms; and Laminated glass (Rw rating 30 – 35) in operable acoustic grade frames and seals for windows and sliding doors; and Standard wall and roof/ceiling construction*. <p>70 dB(A) to 72 dB(A)</p> <ul style="list-style-type: none"> Provision of air-conditioning or sealed mechanical ventilation to habitable rooms; and Laminated glass or double glazing in acoustic grade frames and seals for windows and sliding doors (Rw rating 35 – 37); and Standard wall and roof/ceiling construction* with insulation batts in voids.
* Standard wall and roof/ceiling construction may include:	
<p>Roof/Ceiling</p> <ul style="list-style-type: none"> Tiled pitched roof with plasterboard flat ceiling; Metal pitched roof with minimum 10mm plasterboard flat ceiling; Tiled flat or skillion roof with a 150mm air gap and minimum 10mm plasterboard ceilings. <p>Walls</p> <ul style="list-style-type: none"> Masonry veneer; Weatherboard. 	
<p>Note: The construction of standard wall and roof/ceilings shall meet the general installation requirements for walls as contained in the Building Code of Australia (Sound Insulation - 3.8.6.3).</p>	

Appendix E – Noise Map Chapter 10 – North Lismore Plateau Urban Release Area Lismore Development Control Plan illustrates that the southern and central sections of the subdivision proposal are within the 55 – 65 dB(A) (speedway/showground) noise contours. Acceptable design solutions are identified within Chapter 10. The applicant has identified potential lots that will fall within

the 'noise impact' area and has identified that dwelling design will be addressed at future development stages to meet the nominated internal residential amenity performance standards.

To ensure that future construction meets the noise objectives of Chapter 10 a condition of development consent is recommended that requires the development of a Section 88(b) instrument (Conveyancing Act 1919) for impacted residential lots identified within the document 'Schedule of Noise Affected Residential Lots, Business Lots and Reserves' prepared by RCS Group.

An assessment of potential noise impacts from the proposed neighbourhood business precinct will be assessed at the time of individual development applications to enable more detailed assessment of design.

The Noise Impact Assessment by CRG also assessed the impacts of road traffic noise. This assessment was undertaken in light of the '*NSW Road Noise Policy*'. Further the assessment applied the indoor sound levels for noise sensitive habitable rooms standards as nominated within the NSW Department of Planning 'Development near Rail Corridors and Busy Roads – Interim Guideline' publication. The technical report modelled road traffic noise to year 2022. In relation to road traffic noise impacts the report states:

Based upon the predicted levels presented in Table 9 above, road traffic noise impacts along the existing local road network, at the completion of the North Lismore Plateau development, are generally within 1 dB of the daytime and night-time criterion levels prescribed within the "*NSW Road Noise Policy*" with the exception of the predicted daytime level from the southern section of Dunoon Road. As the average person cannot generally detect a 3 dB variation in sound pressure level a 2 dB exceedance is unlikely to cause annoyance and is typically considered an acceptable outcome.

The technical reports acoustic recommendations for road traffic noise notes that 'the recognised internal noise criteria can be achieved through acoustic barrier treatments for ground floor levels and building shell treatments however the application of barriers will largely depend upon how the finished ground level of lots relate to the grade of Dunoon Road. If the finished ground height of the lots varies greatly from Dunoon Road than the height of the required acoustic barrier could vary greatly making them not reasonable or feasible. If acoustic barriers are not applied then acoustic building shell treatments may need to be applied to all floor levels of future dwellings'.

Site inspections undertaken confirmed the significant challenges in addressing road traffic noise due to the finished ground level differential between Dunoon Road and the development particular nominated precincts 1,2, 4 & 6 that have proposed lots immediately adjacent to Dunoon Road.

In recognition of the 'deemed to comply' solution recommended for the management of intrusive noise being building shell treatments and in recognition of the topographical challenges for the effective use of barriers is it considered reasonable that external noise impacts (speedway etc. & road traffic noise) be managed through appropriate built design. To support this strategy it is also important to recognise that the 'North Lismore Plateau Urban Release Area Structure Plan' identifies a potential vegetative buffer between the development and Dunoon Road corridor. This is further recognised within Chapter 10 – Element 6.3 - P10.2 states that ...*'street trees and/ or vegetative buffers are installed where appropriate along the Dunoon Road frontage of the development, to provide improved amenity along this primary interface and help integrate the new development with its surrounds'*.

This vegetative planting, although having minimal impact upon the acoustic environment have will provide a significant benefit to general amenity enjoyed by properties adjoining Dunoon road through privacy, filtering of road emissions etc. The final design of the landscape buffer will need to be determined as part of the subdivisions approved landscape plan.

To ensure that future construction meets the noise objectives of Chapter 10 a condition of development consent is recommended that requires the development of a Section 88(b) instrument (Conveyancing Act 1919).

To determine a final schedule of lots it is recommended that the applicant review the document 'Schedule of Noise Affected Residential Lots, Business Lots and Reserves' prepared by RCS Group to include lots impacted by road traffic noise. The amended reporting will be required to be undertaken by an appropriately qualified acoustic consultant supported by appropriate modelling.

The SEE and supporting technical reports identify that the basalt ridge/plateau top (Precinct 7) offers the potential for sourcing fill and road materials for the development. Crushing and screening as well as blending to stockpile will be required. This nominates a significant quarrying activity having the potential to have significant impacts (construction emissions) upon adjoining rural dwellings. To address these impacts

a precinct specific Construction Noise Management Plan will be required to be developed to address the potential intrusive noise impacts upon the off-site receiver(s). The plan will be required to be supported by further acoustic assessment undertaken by a qualified acoustic consultant demonstrating compliance with nominated NSW EPA Guidelines.

The assessment of noise impacts cannot be finalised until the additional information above is submitted and assessed.

ON-SITE SEWAGE MANAGEMENT

The proposed development will be serviced by a reticulated sewer system.

As noted in the contaminated land comments existing on-site sewage management systems servicing existing dwellings will be decommissioned and sites remediated as part of the subdivision infrastructure works. The timing would be undertaken in response to approved stages.

A standard condition has been nominated.

ENVIRONMENTAL IMPACTS (Amenity)

See noise comments above.

The proposal includes works within 40m of mapped waterway/stream(s) and is categorised as integrated development. The Natural Resources Access Regulator has sought further information as part of the assessment of this matter. As the development works will require a 'Controlled Activity Approval' issued by the NRAR it is considered appropriate that NRAR be recognised as the appropriate regulatory authority and any final design/works impacting upon natural waterways be determined through the issue of NRAR General Terms of Approval if issued. The concurrence of the Natural Resource Access Regulator (treatment of second order waterway) remains outstanding.

In recognition of the scale of the development proposal detailed sediment and erosion control plans, dust management plans, construction noise management and an overarching Construction Management Plan would be required to support any future Subdivision Works Certificate. These matters can be adequately managed through the imposition of appropriate conditioning.

The Structure Plan identifies a potential vegetative buffer to Dunoon Road. In light of acoustic challenges and adopted noise principles the planting of a vegetative buffer between the development site and Dunoon Road is recommended for overall amenity benefits. Chapter 10 – Element 6.3 - P10.2 states that *'where subdivision has frontage to Dunoon Road, this is a highly visible interface*

with the existing urban area. Development provides weed removal within the Dunoon Road road reserve and street trees and/ or vegetative buffers are installed where appropriate along the Dunoon Road frontage of the development, to provide improved amenity along this primary interface and help integrate the new development with its surrounds'. The final design of the landscape buffer will need to be determined as part of the subdivisions approved landscape plan.

The assessment of amenity impacts cannot be finalised until the additional information above is submitted and assessed.

STORMWATER / TREATMENT DEVICES

Chapter 10 - North Lismore Plateau Urban Release Area requires subdivisions to comply with *'Lismore Development Control Plan Part A Chapter 22 – Water Sensitive Design'*.

The Statement of Environmental Effects refers to the comprehensive stormwater management plan prepared by Australian Wetlands Consulting – *'Final Stormwater Management Strategy Allura Parklands'* dated March 2021. The Technical reporting includes MUSIC modelling (*Model for Urban Stormwater Improvement Conceptualisation*) and concludes that the proposed treatment train (bioretention devices, rainwater tanks and wetland) will satisfy the water quality performance objectives as required by *Chapter 22 – Water Sensitive Design*. To ensure the environmental values of the downstream receiving environment are not significantly impacted. The technical report notes that WSD represents a tool for urban development that aims to retain the pre-development hydrology through the design of the urban layout that allows for stormwater capture and treatment prior to release to the local environment.

The applicant has further responded to Councils feedback that the design feature of bio pods within road pavements throughout the subdivision is not supported. Councils position is in response to traffic safety and asset management concerns.

Rous County Council has made the following submission in relation to the adopted water quality performance measures within Chapter 22 and their adequacy for the protection of a drinking water catchment:

RCC considers that in order to demonstrate that development is “sited and will be managed to avoid any significant adverse impact on water quality and flows” (as required by the *Lismore Local Environmental Plan 2012*), then a ‘neutral or beneficial effect on water quality’ approach and assessment criteria should be applied to significant developments being undertaken within drinking water catchment areas.

RCC has prepared an indicative Development Control Plan (DCP) for developments in drinking water catchments - as stated in the RCC DCP documentation, RCC requires proponents of development to undertake stormwater modelling of the proposed stormwater management approach in order to demonstrate that a ‘neutral or beneficial effect’ can be achieved in relation to surface water quality (details of this are attached).

In order to demonstrate that the development proposal achieves a neutral or beneficial effect on water quality, the quality of runoff from the pre-development site should be compared with that from the post-development site including proposed stormwater treatment measures (such as water sensitive design elements) that may be needed to mitigate pollutant loads and concentrations resulting from the proposed land use change.

RCC recommends that the storm water treatment train be designed with consideration that the development is located within a water supply catchment and that a ‘neutral or beneficial effect on water quality’ test be applied to any proposed stormwater management approach.

If Rous’ ‘neutral or beneficial’ test for stormwater quality cannot be demonstrated, it is possible that the proposed development will exacerbate what is already an unacceptable receiving environment in relation to water quality. The *Stormwater Management Strategy* provides a good mix of treatment options, however should be extended to meet the enhanced performance objective of the ‘neutral or beneficial effect on water quality’ test.

The performance standard recommended by RCC is not currently the adopted standard within Chapter 22 – Water Sensitive Design Lismore Development Control Plan. The ‘neutral or beneficial’ test for stormwater quality has been adopted by other authorities including the Sydney Catchment Authority however council has consistently applied the performance standards of Chapter 22 for broad acre subdivisions to demonstrate that Clause 6.4 Drinking Water Catchments of the Lismore LEP have been adequately addressed.

The SMP outcomes demonstrate that the stormwater quality performance criteria contained in Chapter 22 – Water Sensitive Design Lismore Development Control Plan can reasonably be satisfied however Council does not accept the proposed design and asset management risk.

Without acceptance of a proposed ‘stormwater treatment chain’ and concurrence from NRAR stormwater impacts cannot be finalised.

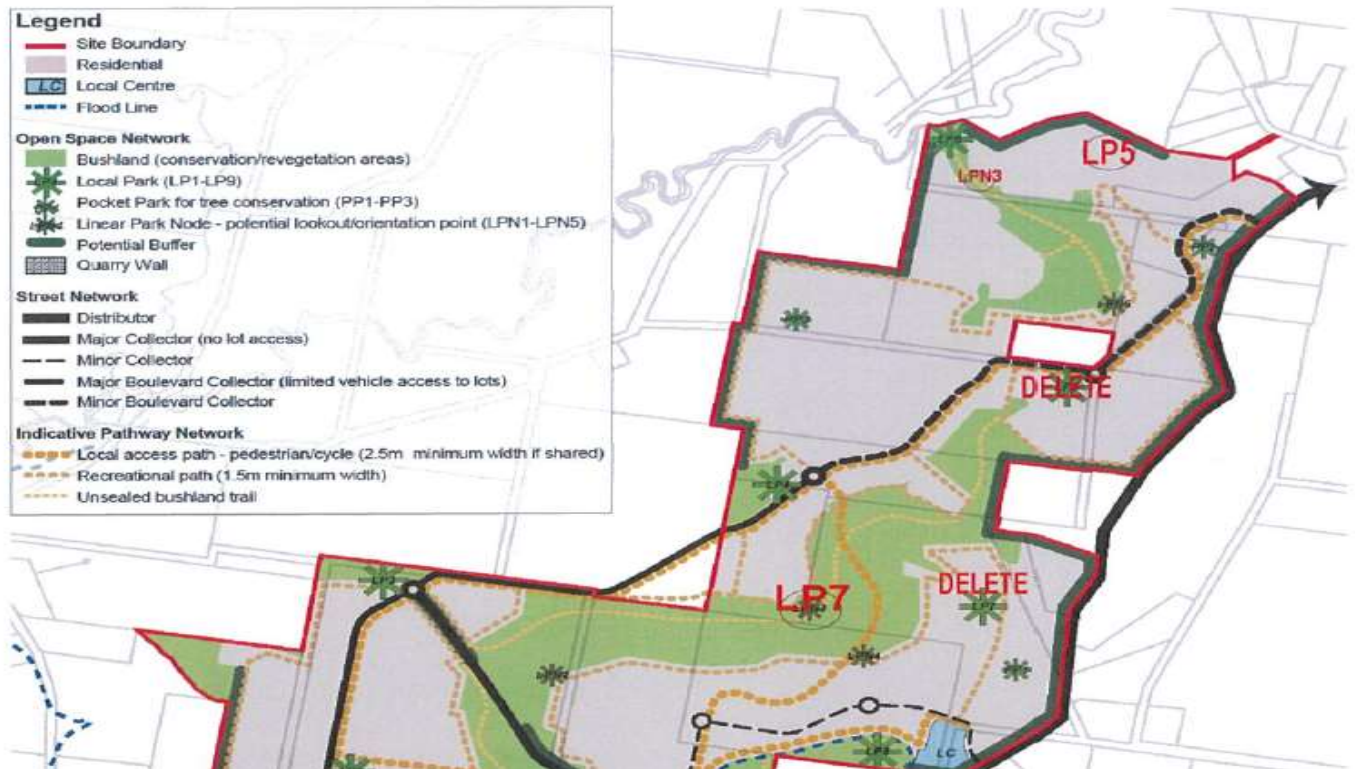
BUFFERS

See noise & amenity comments (offsite activity impacts & road corridor buffer).

The application is supported by the technical report ‘Land Use Conflict Risk Assessment’ prepared by Stephen Fletcher & Associates Pty Ltd dated April 2021. The technical report addresses the adjoining agricultural lands interface and identifies that the majority of adjoining land uses are either rural residential or grazing and considers that rural residential uses are compatible with the planned residential estate. The reporting does not address offsite commercial/industrial activities that have the potential to impact on the precinct being the Lismore Speedway. Such conflicts are specifically addressed through planning principles within Chapter 10.

Recent review of Chapter 11 has considered that grazing lands present a potential conflict where significant infrastructure is located (yards etc). The review has not identified any intensive agricultural activities that would require buffer protection.

No further technical reporting is required.





DEVELOPMENT APPLICATION REPORT APPROVALS REGISTER REPORT BY

WATER & SEWER ADDITIONAL INFORMATION

DA NO: 5.2021.221.1

Development: To undertake staged subdivision comprising 742 residential lots, 2 neighbourhood business lots, 1 residue lot (future residential), 14 public reserve lots and associated infrastructure, 45 new roads, road widening and road closures, bulk earthworks, essential services (water, sewer, power & telecommunications), stormwater management facilities, landscaping and environmental rehabilitation.

The proposal is classified as nominated integrated development and threatened species development. The development is also integrated development in accordance with s4.46 of the Environmental Planning and Assessment Act 1979. Approval from NSW Natural Resource Access Regulator is required in accordance with Water Management Act 2000, approval from NSW Roads and Maritime Service in accordance with Roads Act 1993 and approval from NSW Rural Fire Service in accordance with Rural Fires Act 1997.

The consent authority is the Northern Regional Planning Panel.

Property Number: P3450

Date Lodged: 05/05/2021

Date of Referral: 14/6/2022

Mrs S J Thatcher

Senior Development Assessment Officer

(Planning)

Please complete comments by: 24/6/2022

Premises: DP 118555 lot 1, DP 772626 lot 3, DP 755729 lot 35, DP 772626 lot 2, DP 772626 lot 1, DP 303296 lot 2, LOT: 1 DP: 596437, LOT: 20 DP: 1148069, LOT: 1 DP: 1191684, LOT: 21 DP: 1148069, LOT: 1 DP: 1243923, LOT: 2 DP: 1243923, LOT: 1 DP: 1213795, DP 755729 lot 113, DP 570029 lot 2, LOT: 1 DP: 1192319, 101 Dunoon Road NORTH LISMORE, 103 Dunoon Road NORTH LISMORE, 103A Dunoon Road NORTH LISMORE, 103B Dunoon Road NORTH LISMORE, 103C Dunoon Road NORTH LISMORE, 103D Dunoon Road NORTH LISMORE, 263 Dunoon Road NORTH LISMORE, 273 Dunoon Road NORTH LISMORE, 273A Dunoon Road NORTH LISMORE, 15 Pagottos Ridge Road NORTH LISMORE, 9 McLeay Road NORTH LISMORE, 11 McLeay Road NORTH LISMORE, 41 McLeay Road NORTH LISMORE, 43 McLeay Road NORTH LISMORE, 54 McLeay Road NORTH LISMORE, 54A McLeay Road NORTH LISMORE

ADDITIONAL INFORMATION: (if required please advise immediately)

Please ensure that you have checked TRIM to see if there are any submissions that need to be read in conjunction with your assessment.

COMMENTS:

This application seeks to obtain approval for a large residential subdivision in the order of 744 Lots on land known as North Lismore Plateau (NLP). The land comprises several land holders and presents a subdivision to be constructed in seven (7) Stages or Precincts. The land has been previously rezoned. The rezoned land is subject to a specific NLP DCP and Infrastructure Delivery Plan (IDP) including a localised Draft internal DSP for water and sewerage services between developers of the whole NLP rezoning.

WATER REQUIREMENTS

Water supply works and infrastructure is required for this development. The water supply works has two facets. The works required to service other developers and rezoned land on the NLP and the works required to reticulate a town water supply with the public street network of the individual Precincts.

In general terms the preliminary concept plans submitted by the applicant are consistent with the IDP and cater for the service delivery to adjoining and neighbouring land holders.

Pending development consent the proponents will be conditioned to make an application under s68 of the Local Government Act for approval to carry out water supply works to service the development. Such an application will then provide sufficient Engineering plans and details to determine the application to a standard suitable for Civil works construction prior to the issue of a Subdivision Works Certificate.

SEWER REQUIREMENTS

Similar to the water supply infrastructure the sewer system is also subject to an overarching sewer reticulation concept in the IDP for the provision of trunk mains to service the development.

Again, the preliminary concept plans for sewer servicing are generally in accordance with the IDP to deliver where possible a conventional gravity sewer system. However, site specific Survey and design analysis have determined that some pockets or clusters within the 744 Lot development of undulating terrain, conventional gravity sewers cannot be achieved.

In this regard Council Policy No. 5.17.9 – Pressure Sewer Systems and 7.2.3 – Private Sewage Pump Stations would apply and clusters that cannot be physically or economically constructed will be permitted to be serviced by Pressure Sewer systems. Pressure sewer systems only provides the public infrastructure required within the road reserves and a point of connection to each parcel of land.

Properties subject to a pressure sewer system will have a Positive Covenant on Title of the land to install and manage their own pump to sewer system all at their own costs at the time of lodging an application for dwelling construction. Council will not manage private, on-property assets. Council's objective is to pursue as far as possible all endeavours to construct conventional gravity sewers.

Pending development consent the proponents will be conditioned to make an application under s68 of the Local Government Act for approval to carry out sewerage works to service the development. Such an application will then provide sufficient Engineering plans and details to determine the application to a standard suitable for Civil works construction prior to the issue of a Subdivision Works Certificate.

LEVIES

Section 64 levies do apply to this development.

The application of Levies for water supply and sewerage is twofold. Levies applicable under the broader LCC DSP and Levies specifically applicable to NLP developers (referred to as the Draft North Lismore Plateau Internal Development Servicing Plan for Water and Wastewater) for cost sharing asset infrastructure construction where the trunk infrastructure services benefit other development sites.

Firstly the number of ET's need to be established based on the subdivision layout plan **Drawing No. 17048-LL-2-1 Issue 2 dated 01/03/21**. This plan indicates creation of 742 Residential Lots and 2 Neighbourhood / Business Lots. Levies are not applicable to Public Reserves. It is proposed for this application to apply the minimum or basic allowance of 1ET per lot for the two business Lots effectively making 744 Lots under this plan.

There is seven (7) existing dwellings on the development site with existing water connections providing for an ET credit of 7ET existing.

Six proposed Lots in the development exceed 2000m² and will be subject to 1.2ET water.

Summary Water

- A total of 744 total lots minus 6 large lots = 738 Standard Lots = 738ET
- 6 large Lots at 1.2ET each = 7.2ET
- Total demands 738 + 7.2 = 745.2ET
- Less Credit of 7 ET for existing dwellings and water connections. 745.2-7 = 738.2ET.
- Total additional demands for the development = 738.2ET

Summary Sewer

- No credits apply for sewer.
- Total number of Lots to be created 744.
- Additional demands for sewer 744ET

Note:-

1. the two commercial Lots will be levied 1ET and any additional ET's to be determined subject to future Development Application for building works.
2. The individual Precincts are quite large and likely to be constructed in substages. In this regard the development consent will be structured to allow levies to be extracted based on the number of Lots produced with each Subdivision Works Certificate or Subdivision Works Certificate application

TRADE WASTE

Not applicable to subdivision of land.

FIRE SERVICES

Fire services will be constructed by placement of fire hydrants on reticulation mains within the development.

DEVELOPMENT APPLICATION REPORT

APPROVALS REGISTER REPORT

BY

PARKS & RESERVES

ADDITIONAL INFORMATION

DA NO: 5.2021.221.1

Development: To undertake staged subdivision comprising 742 residential lots, 2 neighbourhood business lots, 1 residue lot (future residential), 14 public reserve lots and associated infrastructure, 45 new roads, road widening and road closures, bulk earthworks, essential services (water, sewer, power & telecommunications), stormwater management facilities, landscaping and environmental rehabilitation.

The proposal is classified as nominated integrated development and threatened species development. The development is also integrated development in accordance with s4.46 of the Environmental Planning and Assessment Act 1979. Approval from NSW Natural Resource Access Regulator is required in accordance with Water Management Act 2000, approval from NSW Roads and Maritime Service in accordance with Roads Act 1993 and approval from NSW Rural Fire Service in accordance with Rural Fires Act 1997.

The consent authority is the Northern Regional Planning Panel.

Property Number: P21207

Date Lodged: 05/05/2021

Date of Referral: 14/6/2022

Mrs S J Thatcher

Senior Development Assessment Officer

(Planning)

Please complete comments by: 24/6/2022

Premises: DP 118555 lot 1, DP 772626 lot 3, DP 755729 lot 35, DP 772626 lot 2, DP 772626 lot 1, DP 303296 lot 2, LOT: 1 DP: 596437, LOT: 20 DP: 1148069, LOT: 1 DP: 1191684, LOT: 21 DP: 1148069, LOT: 1 DP: 1243923, LOT: 2 DP: 1243923, LOT: 1 DP: 1213795, DP 755729 lot 113, DP 570029 lot 2, LOT: 1 DP: 1192319, 101 Dunoon Road NORTH LISMORE, 103 Dunoon Road NORTH LISMORE, 103A Dunoon Road NORTH LISMORE, 103B Dunoon Road NORTH LISMORE, 103C Dunoon Road NORTH LISMORE, 103D Dunoon Road NORTH LISMORE, 263 Dunoon Road NORTH LISMORE, 273 Dunoon Road NORTH LISMORE, 273A Dunoon Road NORTH LISMORE, 15 Pagottos Ridge Road NORTH LISMORE, 9 McLeay Road NORTH LISMORE, 11 McLeay Road NORTH LISMORE, 41 McLeay Road NORTH LISMORE, 43 McLeay Road NORTH LISMORE, 54 McLeay Road NORTH LISMORE, 54A McLeay Road NORTH LISMORE

COMMENTS:

The Landscape Plans for the Allura Parklands Estate was last updated in May 2022, and generally fulfil the broad requirement for landscaping detail. However, the detail provided within these plans do not clearly demonstrate how they meet the requirements of the DCP.

Examples:

1. DCP – P10.2

There is no Landscape Plan available for various locations along the Dunoon Road interface, particularly VB3 (Vegetation Buffer). There is a plan available for Local Park Node 4, but this is above the road and not a significant visual concern.

2. DCP – 6.4 Element – Public Open Space

A concise 'Landscape Plan' is required that shows clearly how the proposal aligns with the Performance Criteria and Acceptable Solutions within the DCP. The plans submitted do provide a good 'visual' of the proposal, however, it is not possible to, or not easily interpreted, how each meets the criteria set out in the performance criteria etc. Additional information required how each complies with the criteria set out within the DCP.

DECLARATION OF INTEREST

Is there any declaration of interest to be made by me in this matter ☐ Yes ☒ No

ASSESSMENT DELEGATIONS

Is the holistic assessment of this proposal within my delegations ☐ Yes ☒ No

Martin Soutar

Project Manager – Infrastructure & Open Space

14 November 2022

10 June 2021

Our reference: 2100801

Mrs Sue Thatcher
Senior Development Assessment Officer (Planning)
Lismore City Council
43 Oliver Avenue, Goonellabah, NSW 2480

Dear Mrs Thatcher,

**Re: Development Application No. 5.2021.221.1 North Lismore Plateau -
Summary review of Myall Coast Archaeological Services (undated)
Aboriginal Cultural Heritage Management Plan**

Baker Archaeology was engaged by Lismore Council to provide Aboriginal heritage peer review services in relation to Development Application No. 5.2021.221.1 (the DA). I am a consultant archaeologist who has worked in the field of Aboriginal archaeological heritage for 30 years and am a full member of the Australian Association of Consulting Archaeologists.

This letter presents a summary review of the undated report by Mr Len Roberts, trading as Myall Coast Archaeological Services, entitled "Aboriginal Cultural Heritage Management Plan for Baigham (Sleeping Lizard) Northern Section North Lismore Plateau Urban Release Area" report to Stephen Fletcher & Associates (the ACHMP). Although the report does not include a date, I note that the digital pdf file is dated 27 May 2021 and the report is "Attachment 7..." to a bundle of DA-related files.

I have reviewed the ACHMP report and find it does not provide the level of information required by relevant Heritage NSW guidelines, the relevant Development Control Plan (DCP) or "The Conservation Plan" publication to which the DCP refers as a necessary guideline. The shortcomings are numerous, and the proponent would be well-advised to completely revisit the Aboriginal heritage requirements of the DCP and relevant guidelines.

An amended ACHMP should pay greater attention to all aspects of the relevant guidelines as well as:

- Correct reference to applicable legislation;
- Succinct summary of the methods and findings of past Aboriginal cultural heritage (ACH) investigations;
- Succinct summary of past Aboriginal consultation relating to North Lismore Plateau;

- Detailed documentation of Aboriginal consultation for this ACHMP report;
- Detailed definition of ACH values both tangible (including the registered Aboriginal site located within the land) and intangible;
- A succinct statement of cultural heritage significance in accordance with the Burra Charter;
- Clarification of how ACH values may be impacted by development and how those impacts are to be mitigated; and
- Ongoing management of ACH values.

Note that these bullet points do not comprise an exhaustive list of issues to be addressed. The author of a revised ACHMP should adhere to all relevant guidelines, including those referred to above.

Another suitable Heritage NSW guideline that provides a useful management plan structure is *Declared Aboriginal Places: Guidelines for Developing Management Plans* (OEH 2017). I recommend the author of a revised ACHMP pay particular attention to section 3 of that guideline entitled "Elements of a Management Plan".

The current ACHMP report is not satisfactory.

Yours faithfully,



Neville Baker
Director - Archaeologist

9 February 2022

Our reference: 2100801

Mrs Sue Thatcher
Senior Development Assessment Officer (Planning)
Lismore City Council
43 Oliver Avenue, Goonellabah, NSW 2480

Dear Mrs Thatcher,

**Re: Development Application No. 5.2021.221.1 North Lismore Plateau –
Review of Proponent responses to Council re Aboriginal Heritage**

Baker Archaeology was engaged by Lismore Council to provide Aboriginal heritage peer review services in relation to Development Application No. 5.2021.221.1 (the DA). I am a consultant archaeologist who has worked in the field of Aboriginal archaeological heritage for 30 years and am a full member of the Australian Association of Consulting Archaeologists.

For this project to date I have provided a letter of review dated 10 June 2021 (appended) commenting on the Aboriginal Heritage Management Plan prepared by Mr Len Roberts of Myall Coast Archaeological Services and submitted to Council by the proponent with the DA. I have provided advice by email dated 8 September 2021 commenting on the proponent's position that refuses to prepare relevant Aboriginal heritage reports required under statutory processes for the DA.

Council has requested review and comment on the proponent's recent responses to Council regarding Aboriginal heritage. In this letter I review two documents: 1) a Myall Coast Archaeological Services supplementary report, and 2) comments in an email from Mr Tony Riordan responding to Heritage NSW rejection of Aboriginal heritage documents. In summary, the proponent argues that prior Aboriginal heritage reports should be considered satisfactory for the DA and that a proposed covenant with the registered Aboriginal parties should be considered a satisfactory approach to managing Aboriginal heritage values on the land.

In my opinion the proponent's resistance to preparation of the requested Aboriginal heritage reports fails to meet Council's statutory requirements for the same reasons as stated in my earlier advice.

The Myall Coast Archaeological Services Supplementary Report

I address the main points of the letter headed "SUPPLEMENTARY REPORT Residential Estate, at the northern section of the North Lismore Plateau Urban Release Area (NLPURA) dated 15 January 2022 signed by Len Roberts under letterhead "Myall Coast Archaeological Services" which is the business name for Mr Roberts.

Page 2.

Comment:

This development proposal is not integrated development as the proposal will not harm an Aboriginal Place or object.

As stated in previous review, there is a registered Aboriginal archaeological site (AHIMS site 04-04-0227) as well as intangible Aboriginal socio-cultural value to the DA land. Development plans may warrant application for an AHIP and therefore may trigger integrated development – but we don't know, because no Aboriginal heritage reports have been produced in accordance with relevant guidelines to demonstrate how this registered Aboriginal site 04-04-0227 is to be managed within the development. The documents from Mr Roberts do not address statutory requirements for an Aboriginal Cultural Heritage Assessment Report and Aboriginal Cultural Heritage Management Plan completed in accordance with Heritage NSW guidelines and Council requirements under the DCP. There's not even a map of Aboriginal sites or the proposed development impacts in the undated ACHMP. The absence of an acceptable ACHAR and ACHMP in any development approval leaves Council unacceptably vulnerable to legal challenge.

Page 3.

Comment:

The proposal was not assessed under Due Diligence code as it was a planning proposal and a significant development but was assessed in accordance with the Standard code for Archaeological investigations of Aboriginal Heritage as outlined in following sections.

I believe the guidelines being referred to by Mr Roberts is the *Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010)*.

Mr Roberts has not submitted any report addressing the requirements of the cited Code.

Page 3.

Comment:

The planning proposal was assessed and investigated to determine what Aboriginal cultural values were present and the nature and extent of those values and what extent the proposal may impact on those values.

The following Aboriginal Heritage Assessments were carried out for the North Lismore Plateau Urban Release Area;

AINSWORTH HERITAGE, 2014 Archaeological Research Design North Lismore Plateau. Unpublished report for Winten Property Group and Lismore City Council.

~ Archaeological Excavation Report: North Lismore Plateau – Test Pit 6, North Lismore, NSW (February 2018) Unpublished report for Winten Property Group and Lismore City Council.

North Lismore Plateau NSW, Cultural Heritage Assessment. Converge Heritage + Community unpublished report prepared for North Lismore Plateau Landowners Project Control Group.

Fox, I. 2013. Preliminary report: archaeological test pit excavations - North Lismore Plateau. Unpublished report prepared for Lismore City Council, Winten Property Group and The Plateau Group. Ian Fox and Associates: Burringbar, New South Wales

Habgood, P. 2012. North Lismore Plateau, NSW, Cultural Heritage Assessment. Unpublished report prepared for the North Lismore Plateau Landowners Project Control Group. Converge Heritage + Community: Brisbane, Queensland.

☐ REMNANT Archaeology - AN ABORIGINAL ARCHAEOLOGICAL TECHNICAL REPORT - NORTH LISMORE PLATEAU, LISMORE LGA, NEW SOUTH WALES A Report To: • The North Lismore Plateau Control Group (NLP-PCG) & North Lismore Plateau Registered Aboriginal Parties (NLP-RAPs)

Mr Roberts correctly identifies the fact that past investigations have been conducted across the wider North Lismore Plateau Release Area. What is missing for the proponent's DA documentation is specific impact assessment from this specific development proposal, identification of specific Aboriginal cultural heritage values, significance assessment and management measures developed through analysis of past work, supplemented by new fieldwork where appropriate, and subject to rigorous documented Aboriginal consultation in accordance with guidelines.

These reports do not need to be long, but they do need to be prepared. Simply stating that previous reports have been prepared is not satisfactory.

Page 4.

Comment:

The investigations generally covered the entire area to be developed. However, as there were three distinct "landowners" namely, Winten Property, Northern landowners and Lismore Council, there needed to be 2 distinct development applications for future subdivision but only 1 proposal for the planning proposal/rezoning application. The results of the investigations concluded that although there were intangible attributes to the area, mainly, the sleepy lizard landscape, which was of extreme significance to the Aboriginal people, there was limited tangible evidence. Nonetheless Aboriginal objects were identified particularly on the Winten Land and potential archaeological deposits. The reports recommended that programs of test excavation be undertaken to determine

the nature and extent of potential archaeological deposits that would inform the requirement to apply for an Aboriginal Heritage Impact Permit.

Mr Roberts is again referring to past reports cited above and does not provide the new ACHAR and ACHMP required by Council.

Page 5.

Comment:

The test excavations were conducted in accordance with the prescribed standards and requirements and the results subsequently registered on the Aboriginal Heritage Management System.

Mr Roberts is again referring to past reports cited above and does not provide the new ACHAR and ACHMP required by Council. There is no indication in Mr Roberts' documents that new test excavations were conducted on the registered Aboriginal site within the DA land.

Page 5.

Comment:

The Lismore Council established a joint Registered Aboriginal Parties consultation group (RAP). This was unusual but not inappropriate for a council to do. The consultation guidelines mandate the establishment of such a group by the proponent. As the initial proposal was a planning proposal for a rezoning of the land Council took a co-ordinating role as Council land was involved in the proposal, Council was a proponent. The RAP was continually involved in the assessments and discussions with formal records of the meetings kept.

Mr Roberts is again referring to past reports cited above and does not provide the new ACHAR and ACHMP required by Council. There are no records of Aboriginal consultation in Mr Roberts' documents.

Thereafter the report makes reference to results of past assessments in a manner that does not meet Council's requirements.

Page 8 makes several inaccurate statements about ACHMPs being required by Heritage NSW whereas the ACHMP is required by Council, not Heritage NSW. The report states on page 6 that there is one Aboriginal site, "The Winton Land contained several Aboriginal Objects. The Northern Land contained one Aboriginal Object.". But then on page 8 states there are "no objects to be considered" within the proponent's land. In my reading of the AHIMS site card for Aboriginal site 4-4-227 which falls within the DA land, there are specific management requirements for the site contents requested by the RAPs. There is no mention of this in Mr Roberts' documents.

There is confusing discussion that on the one hand an ACHMP was not required, but then states that an ACHMP was prepared by the proponent to meet the DCP requirements. As stated earlier, the submitted ACHMP does not meet acceptable standards.

The mention of a "covenant" between the Aboriginal community is opaque. There is an unacceptable lack of documented Aboriginal consultation or agreement to this covenant in documents provided. There is no agreement outlined in Mr Roberts' undated ACHMP, just an appendix that seems to foreshadow an agreement as shown in the following extract from that document.

SCHEDULE 3

Covenant of Intangible Heritage works

Prior to development consent, the proponent in consultation with the RAP will develop a list of all agreed works/features as a checklist to confirm completion.

This list is not for public exhibition as it may contain commercial and or cultural sensitivities.

It is an agreement between the RAP and proponent that will be a condition of development consent.

The Proponent Comments in response to Heritage NSW

Council has advised me that Mr Tony Riorden wrote the following in an email responding to Heritage NSW "returning" Aboriginal heritage documentation advising it did not meet requirements,

This is not necessary and should not have happened as the actual Aboriginal Cultural Heritage Assessment Report prepared for the whole of the North Lismore Plateau Rezoning Area has already been accepted and approved under the rezoning process.

What was required by Council for the Allura Parklands DA was a Cultural Heritage Management Report to fit in with the overarching Aboriginal Cultural Heritage Assessment Report already approved.

The department's response has been raised by Council in its Stop The Clock letter and will be addressed as above, in response to the Stop the Clock notice.

In my opinion Mr Riorden's response does not adequately address statutory requirements for Aboriginal heritage assessment. My previous comments on the Aboriginal heritage assessment process followed for the DA apply.

Conclusion

In conclusion, I find that the documents provided do not meet Council's requirements for acceptance. An ACHAR and ACHMP meeting relevant guidelines and Council's requirements is required.

Yours faithfully,



Neville Baker
Director – Archaeologist

Attached: Baker Archaeology letter to Council of 10 June 2021

BY

ENVIRONMENTAL HEALTH (ON-SITE) ADDITIONAL INFORMATION

DA NO: 5.2021.221.1

Development: To undertake staged subdivision comprising 742 residential lots, 2 neighbourhood business lots, 1 residue lot (future residential), 14 public reserve lots and associated infrastructure, 45 new roads, road widening and road closures, bulk earthworks, essential services (water, sewer, power & telecommunications), stormwater management facilities, landscaping and environmental rehabilitation.

The proposal is classified as nominated integrated development and threatened species development. The development is also integrated development in accordance with s4.46 of the Environmental Planning and Assessment Act 1979. Approval from NSW Natural Resource Access Regulator is required in accordance with Water Management Act 2000, approval from NSW Roads and Maritime Service in accordance with Roads Act 1993 and approval from NSW Rural Fire Service in accordance with Rural Fires Act 1997.

The consent authority is the Northern Regional Planning Panel.

Property Number: P3450

Date Lodged: 05/05/2021

Date of Referral: 14/6/2022

Mrs S J Thatcher

Senior Development Assessment Officer

(Planning)

Please complete comments by: 28/6/2022

Premises: DP 118555 lot 1, DP 772626 lot 3, DP 755729 lot 35, DP 772626 lot 2, DP 772626 lot 1, DP 303296 lot 2, LOT: 1 DP: 596437, LOT: 20 DP: 1148069, LOT: 1 DP: 1191684, LOT: 21 DP: 1148069, LOT: 1 DP: 1243923, LOT: 2 DP: 1243923, LOT: 1 DP: 1213795, DP 755729 lot 113, DP 570029 lot 2, LOT: 1 DP: 1192319, 101 Dunoon Road NORTH LISMORE, 103 Dunoon Road NORTH LISMORE, 103A Dunoon Road NORTH LISMORE, 103B Dunoon Road NORTH LISMORE, 103C Dunoon Road NORTH LISMORE, 103D Dunoon Road NORTH LISMORE, 263 Dunoon Road NORTH LISMORE, 273 Dunoon Road NORTH LISMORE, 273A Dunoon Road NORTH LISMORE, 15 Pagottos Ridge Road NORTH LISMORE, 9 McLeay Road NORTH LISMORE, 11 McLeay Road NORTH LISMORE, 41 McLeay Road NORTH LISMORE, 43 McLeay Road NORTH LISMORE, 54 McLeay Road NORTH LISMORE, 54A McLeay Road NORTH LISMORE

Please ensure that you have checked TRIM to see if there are any submissions that need to be read in conjunction with your assessment.

COMMENTS:

This application seeks to obtain approval for a large residential subdivision in the order of 744 Lots on land known as North Lismore Plateau (NLP). Sewerage services are proposed for the development and existing On-Site Sewage Management Systems (OSSM) are to be decommissioned, removed and rehabilitated.

ON-SITE SEWAGE MANAGEMENT

The applicant has provided a technical report “Contaminated Land Assessment Addendum to Report by Coffey Geotechnics On-Site Septic Systems 14/04/21” that identifies the On-Site Sewage Management Systems are to be decommissioned and removed and the dwellings connected to sewer. Appropriate conditioning is nominated so that existing on-site sewage management systems (including treatment device, pipe work and land application area) are to be removed and the site remediated in accordance with the technical report prior to the release of any Subdivision Certificate.

On the 15th June 2022 Council received additional information that requested;

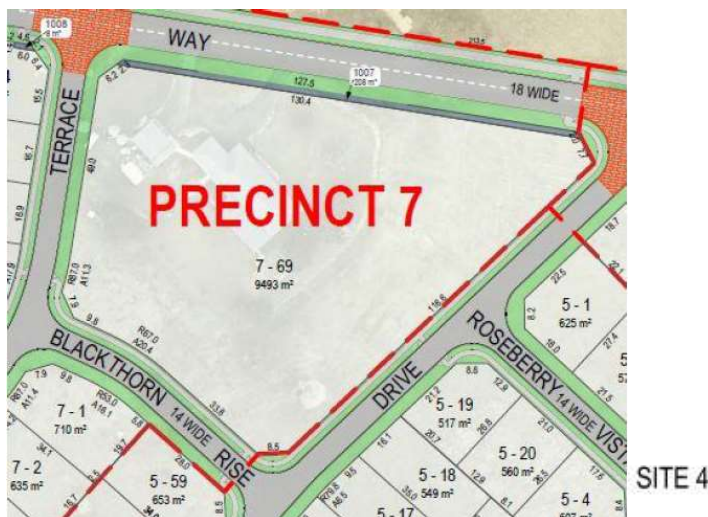
“The proponent wishes to include the existing dwellings into the DA as Stage 1 to allow for the dwelling and curtilage area to be excised from the balance of the existing holding, such that only the residue land is contributed to the future development. The layout of the retained dwellings is as per the proposed Lot Layout and the existing dwellings are intended to remain serviced as is currently serviced until such time as development reaches the retained dwelling, at which time, existing services will be relinquished in favour of full residential servicing.

A plan highlighting the dwellings to be retained is provided in the attached Annexure H.

Originally the landowners were requiring the existing dwellings to be retained, however, at this point, only the dwelling located within Precinct 7 and shown as Lot 7-69 is to be retained for the purposes of this approval.

The OSSM located in Precinct 7 shown in Annexure H does not Section 5.4.1(f) buffers to property boundaries in Council’s On-Site Sewage and Wastewater Management Strategy and would require additional works to ensure that the excised holdings meet Councils On-Site Sewage and Wastewater Management Strategy.

Annexure H



Sec 6 – Ancillary 17048-AP-2-1 – Part 1 Septic Systems



Council requested the following information on the 6 July 2022 to clarify the statement received in the 15th June 2022.

“Please provide a staging plan to include the existing dwellings as Stage 1 to allow for the dwelling and curtilage area to be excised from the balance of the existing holding, such that only the residue land provides for future development.

Please clarify the statement that only the dwelling shown as Lot 7-69 is to be retained for the purposes of this approval.

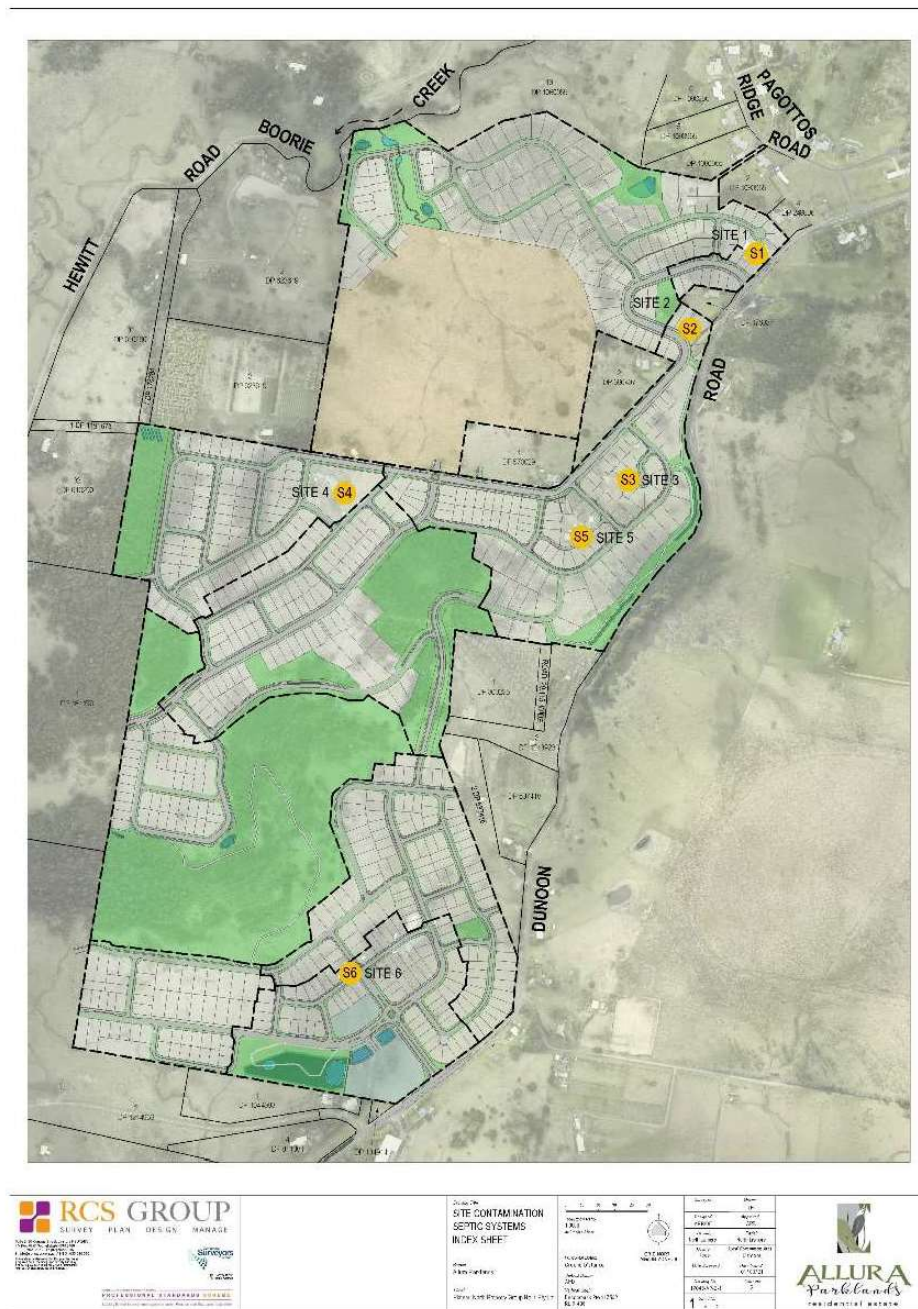
Additionally, you are required to provide information relating to the existing on-site sewage management systems (OSSM) that are proposed to be temporarily retained. This would be in the form of an OSSM report to address (at a minimum) Section 5.4.1(f) buffers to property boundaries in Council’s *On-Site Sewage and Wastewater Management Strategy*.”

No staging plan has been received with the additional information requested. Appropriate reporting is required so that existing on-site sewage management systems (including treatment device, pipe work and land application area) that encroach upon adjoining land as per Section 5.4.1(f) buffers to

property boundaries in Council's On-Site Sewage and Wastewater Management Strategy can be assessed and actioned appropriately.

Location of existing OSSM systems

Figure 1. Site Contamination - Septic Systems



DEVELOPMENT APPLICATION REPORT APPROVALS REGISTER REPORT BY

ERM OFFICER/ECOLOGIST ADDITIONAL INFORMATION

DA NO: 5.2021.221.1

Development: To undertake staged subdivision comprising 742 residential lots, 2 neighbourhood business lots, 1 residue lot (future residential), 14 public reserve lots and associated infrastructure, 45 new roads, road widening and road closures, bulk earthworks, essential services (water, sewer, power & telecommunications), stormwater management facilities, landscaping and environmental rehabilitation.

The proposal is classified as nominated integrated development and threatened species development. The development is also integrated development in accordance with s4.46 of the Environmental Planning and Assessment Act 1979. Approval from NSW Natural Resource Access Regulator is required in accordance with Water Management Act 2000, approval from NSW Roads and Maritime Service in accordance with Roads Act 1993 and approval from NSW Rural Fire Service in accordance with Rural Fires Act 1997.

The consent authority is the Northern Regional Planning Panel.

Property Number: P3450

Date Lodged: 05/05/2021

Date of Referral: 14/6/2022

Mrs S J Thatcher

Senior Development Assessment Officer

(Planning)

Please complete comments by: 24/6/2022

Premises: DP 118555 lot 1, DP 772626 lot 3, DP 755729 lot 35, DP 772626 lot 2, DP 772626 lot 1, DP 303296 lot 2, LOT: 1 DP: 596437, LOT: 20 DP: 1148069, LOT: 1 DP: 1191684, LOT: 21 DP: 1148069, LOT: 1 DP: 1243923, LOT: 2 DP: 1243923, LOT: 1 DP: 1213795, DP 755729 lot 113, DP 570029 lot 2, LOT: 1 DP: 1192319, 101 Dunoon Road NORTH LISMORE, 103 Dunoon Road NORTH LISMORE, 103A Dunoon Road NORTH LISMORE, 103B Dunoon Road NORTH LISMORE, 103C Dunoon Road NORTH LISMORE, 103D Dunoon Road NORTH LISMORE, 263 Dunoon Road NORTH LISMORE, 273 Dunoon Road NORTH LISMORE, 273A Dunoon Road NORTH LISMORE, 15 Pagottos Ridge Road NORTH LISMORE, 9 McLeay Road NORTH LISMORE, 11 McLeay Road NORTH LISMORE, 41 McLeay Road NORTH LISMORE, 43 McLeay Road NORTH LISMORE, 54 McLeay Road NORTH LISMORE, 54A McLeay Road NORTH LISMORE

ADDITIONAL INFORMATION: (if required please advise immediately)

COMMENTS:

This referral is the consolidated review of the up-to-date information provided by the applicant (ecologist), including letters 03/02/22 and 8/6/22 in response to a targeted meeting held with the ecologist on the 7/4/22 at Lismore City Council Corporate centre and an RFI dated 04 /5/22.

Biodiversity Conservation Act 2016 & Biodiversity Conservation Regulation 2017

No updates to the Biodiversity Development Assessment Report (BDAR) have been received, the assessed BDAR was certified on 29/04/22. The BDAR is no longer accessible on the Biodiversity Offset Assessment Management System (BOAMS), consequently the BAM Credit calculations cannot be assessed.

Subsequent to an outstanding updated BDAR there is insufficient detail provided to enable a full ecological assessment.

An updated BDAR should include detail regarding:

- Mapping and assessment of scattered paddock trees/small stands of trees including the relevant BAM calculations,
- A clear map of native trees including Koala Food Trees (KFT's) to be retained within proposed development footprint,
- Further detail regarding the assessment process for the clear determination of the presence and absence of each candidate species credit species including effort and limitations to surveys,
- Clear justification for conducting surveys for threatened flora outside the specified times,
- Explanation of the methodology for mapping the Hairy Joint Grass species polygons and justification for excluding some areas of PCT 887,
- Reassessment and identification of indirect impacts on habitats and threatened species during construction phase with particular reference to the threatened microbats and bird species known to occur on the site. and
- Further detail regarding proposed road strike mitigation measures that address habitat enhancement and connectivity.

According to Greenloaning further detail regarding proposed flora and fauna impact mitigation measures and proposed riparian / storm water treatments is to be reported on by others developing the Threatened Species Management Plan & Vegetation Management Plan etc. Accepting that the Environmental Management Plan components are somewhat draft and revision can be conditioned at this point in the assessment all plans need to be holistic.

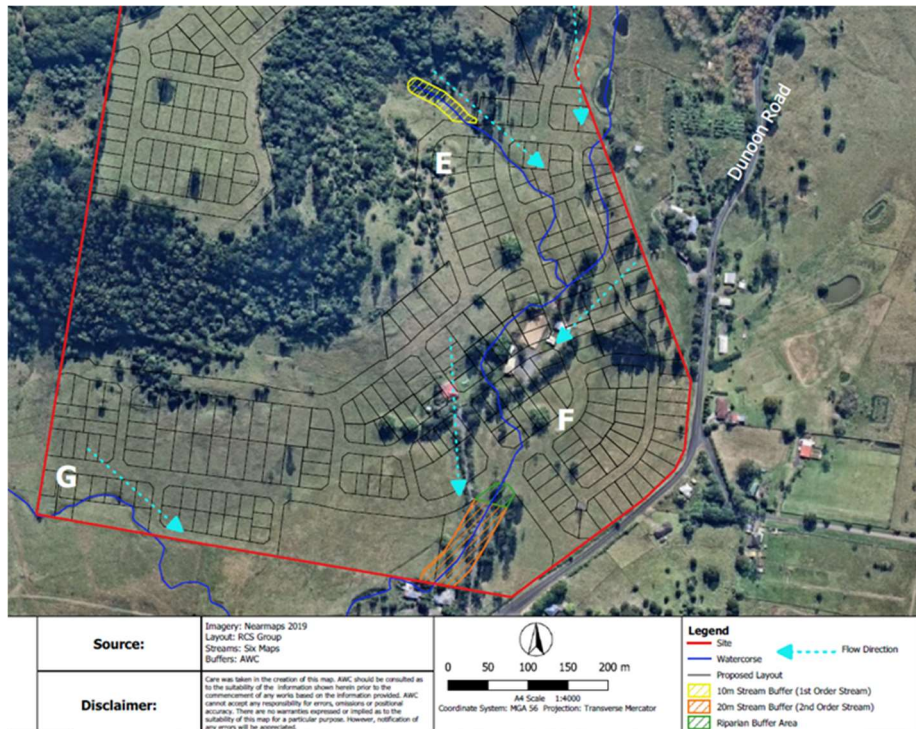
State Environmental Planning Policy (Biodiversity and Conservation) 2021

The site is outside of the planning area for the *Comprehensive Koala Plan of Management for South-east Lismore*.

- Matters relevant koala SEPP at the time of the DA lodgement were addressed in the BDAR,
- Two koala food trees (KFTs) are reported to be onsite. One historical koala record onsite between 2004 – 2006 – precinct 8 – lot 2 DP 772626. Vegetation and habitat on site is reported to not constitute core koala habitat in accordance of the definition within the relevant koala SEPP.
- The BDAR reported a targeted search (SAT) for the koala was undertaken 2012. The current 2017 study was limited to identifying koala food trees on site.
- It is noted that where two KFT's are recorded on site, the actual location of the trees is not reported nor is there a plan of trees that are to be retained (as described above under BC Act). Greater certainty is required regarding the proposed treatment of KFT within the proposed development footprint.

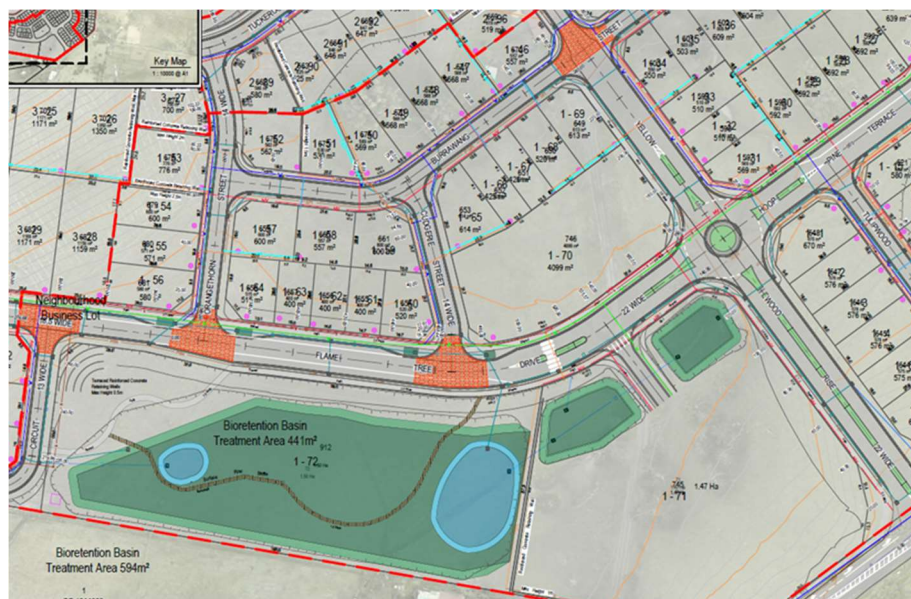
Water Management Act 2000

Further information is required to enable determination. The concept and project design broadly meets the specifications and guidelines provided by the Office of Water with the exception of the piped & bio pod treatment of second order waterway name (F) in Precinct 1. Currently there is an outstanding General Terms of Approval from NRAR.



The proposed piped and bio pod treatment of waterway F in the southern precinct(s) is not a supported solution as it does not meet the Water Management Act and riparian corridor management objectives that seek to maintain environmental function of waterways.

- Existing watercourses are to be retained, and vegetated riparian corridors are established throughout the North Lismore Plateau site.
- Where authorised non riparian uses are proposed within the outer 50% of VRZ clear demonstration of the applied averaging rule must be provided as per “the Guidelines for riparian corridors on waterfront land” NSW Office of Water, July 2012
- Management of the Vegetated Riparian zones, storm water detention areas must be shown in the Vegetation Management plan as required by the DCP Chapter 10.



In response to a request for further information the “*Gunninah report Annexure B NRAR issues*” reiterates support for the piping and bio pod treatments of the waterways in residential areas.

Rural Fires Act 1997

RFS Bush fire APZ's and perimeter tracks are proposed to occur on private property further detail is required enable determination.

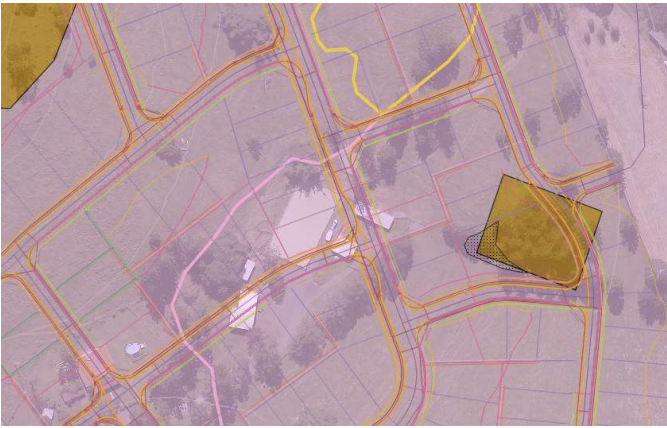
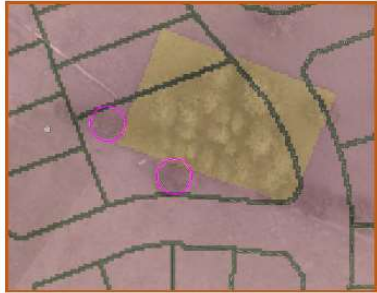
- Both the VMP mapping and the Bushfire report must demonstrate (consistently with each other) that both the objectives are achieved. That is both inner and outer APZ not to be accommodated within reserves and C2 and C3 Zones.

**Lismore LEP and DCP Chapter 10: North Lismore Plateau Urban Release Area
Element - Flora and Fauna Conservation**

Intrusion of lot layout into C Zones in precincts 2 and 6 is addressed by the ecologist in additional information.

Some intrusion into C Zones has reportedly been adopted through adjustments to the layout. Additional rational provided that there are areas of R1 Zone “surrendered” to conservation however there is no certainty of this approach due to zoning and there are no updated civil design drawings or BDAR to support this statement.

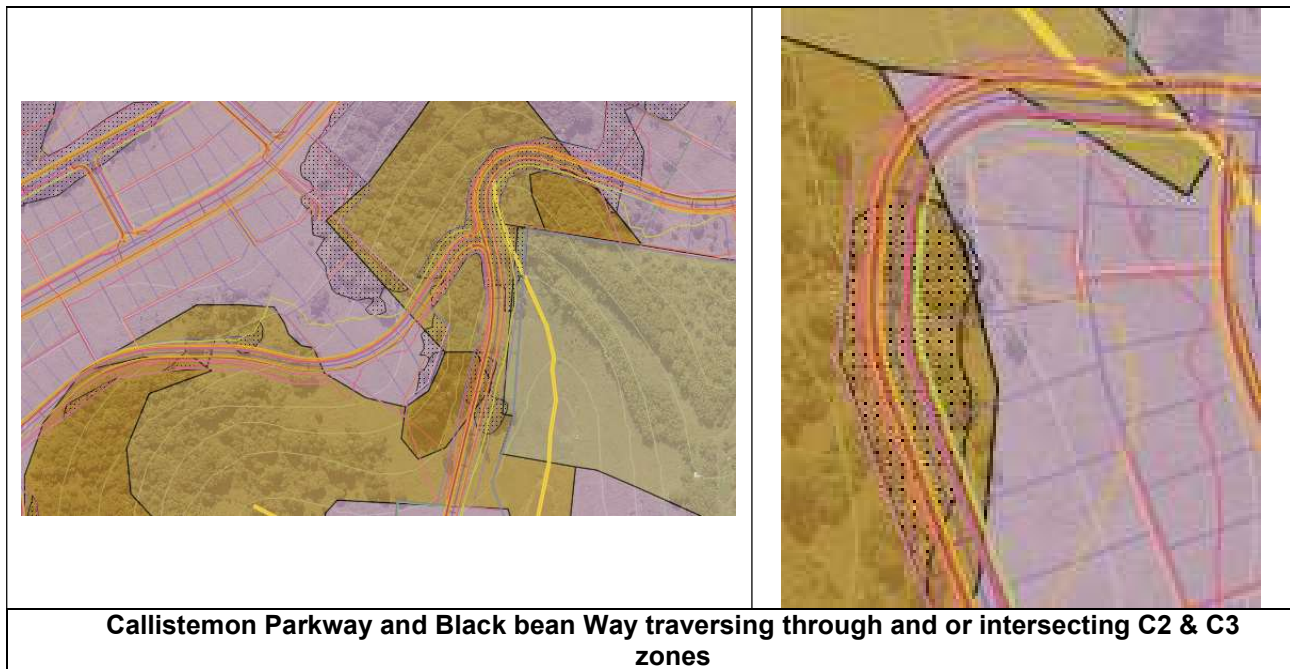
The matter of the design of Hoop Pine Reserve in Precinct 2 and impact on C2 zone is somewhat addressed – the submitted design provides for better retention of the existing Hoop Pine stand (unfortunately the result will be awkward mixed zoning). The Biodiversity Development Assessment Report data (left) shows the hoop pine patch (hatched) removed from the patch contrary to the rational (right) that the two hoop pines (circled in pink) would be retained. See Figure 4.2 in the BDAR

	 <p>Figure 2 - Public Park - Hoop Pine reserve</p>
<p>BDAR Mapping</p>	<p>Response mapping</p>

The proposed route of Callistemon Parkway and Black Bean Way is not supported due to insufficient steps have been taken to avoid in the first instance and minimise the impacts on the identified biodiversity values within the C2 and C3 zones, specific reasons:

- Causes excessive fragmentation of High Conservation Value (HCV) vegetation relative to patch size,
- Increases edge effect causing light pollution and weed threat to retained HCV vegetation,
- Decrease in habitat suitability to threatened fauna known to occur on the site,
- Increased road strike potential due to positioning roads through high conservation value vegetation patch,
- Insufficient assessment of the indirect impacts resulting form fragmentation created by the has been provided, as well as potential impacts on fauna from traffic traversing this sensitive area,
- Imposition of long term difficult to manage biosecurity liability to council for future roadside HCV vegetation management.
- Engineering concerns must be addressed so that a wholistic approach is taken, from the earthworks cross sections presented the impact of the cutting the road has a footprint of up to 60 meters and perhaps much wider when it comes to construction and

h. Is inconsistent with the NLP Structure Plan and the objectives and the C2 and C3 Zones.



Further information including a brief analysis of site constraints is to justify impacts was provided by the consultant ecologist, Greenloaning on the 8/6/2022. Based on the information provided it is considered that in proposing the scale and position of **Callistemon Parkway and Black Bean Way** that insufficient steps have been taken to avoid and minimise the impacts on the identified biodiversity values within the C2 and C3 zones.

Further to the concern that the alignment of roads connecting the northern and southern precincts causing fragmentation of C zones the consultant ecologist has provided additional justifications regarding requiring the road link. The north to south link via proposed Callistamon Drive and Black Bean Way provides option to align other services eg: stormwater, sewerage and water main routes. In the interest of wholistic assessment water and sewer could confirm if there are workable alternate routes that avoid C Zones.

Apparently, an alternate route was investigated however it was found to be in conflict with a sensitive aboriginal cultural heritage matter (the alternate route is not known as the location heritage matter is protected).

Vegetation Protection DCP Chapter 14

The Vegetation Protection DCP Chapter 14 is not addressed in the Statement of Environmental Effects, the BDAR or the Vegetation Management Plan and as such insufficient information has been provided to assess impacts in accordance with the Lismore Development Control Plan 14.

Any vegetation removal that is ancillary to an activity that requires development consent under Part 4 of the *Environmental Planning and Assessment Act 1979* (eg. construction of a building, subdivision of land) or where the vegetation is associated with a heritage item, heritage precinct or Aboriginal place of heritage significance, must be clearly identified with the development application.

The application does not include information about the vegetation or the proposed treatment of the native vegetation in the R1 zone, specifically:

- A plan that shows the location and extent of the vegetation proposed to be removed in relation to property boundaries and existing or proposed buildings and existing other vegetation (Figure 2 below is an example of such a plan.)
- Reason for proposed vegetation removal

- Identification of species, number of trees and/or area (m2) of other native vegetation including ground covers not defined as tree to be removed. Photographs showing structural and vegetative features such as any hollows, type of bark, leaves, flowers and fruits (if present) may be used to identify vegetation for removal.
- Approximate heights and diameter

Potentially this aspect of the information may be adequately provided for through applying the streamlined assessment module – Scattered trees assessment of the BAM 2020.

The development application has not adequately demonstrated compliance with the Ecological Setbacks from High Conservation Value areas as set out in Table 4 of the DCP are met in the design, specifically.

Criteria / HCV 'Red Flag' Features	Ecological Setback
High Conservation Value vegetation and habitat – as per criteria in the Lismore Biodiversity Management Strategy	
Areas of land identified as containing threatened species or populations listed under the Biodiversity Conservation Act 2016 or EPBC Act 1999	30m
Areas of land identified as containing endangered ecological communities (EECs) listed under the <i>Biodiversity Conservation Act 2016</i> or <i>EPBC Act 1999</i>	30m
Areas of land identified as key habitat for threatened species under the Biodiversity Conservation Act 2016 or EPBC Act 1999 or for species of local conservation priority (as identified by Milledge 2012).	30m
Areas of land identified as supporting riparian, wetland and estuarine native vegetation other than Coastal Management SEPP 2018 mapped wetlands.	According to Strahler system & Local wetland 20m Important Wetland 50m
Areas of land identified as supporting any type of rainforest .	20m
Areas of land identified as supporting native vegetation defined as old-growth forest .	30m
Other Areas	
Bushland on slopes greater than 18 degrees.	10m
Isolated hollow bearing native trees	20m
Flying fox camps 50m	50m
Raptor Nest	50m

Additionally in accordance with the Element - Flora and Fauna Conservation of DCP 10 and related to the Vegetation Protection DCP

- The Vegetation Management Plan should specifically include measures to
- Rehabilitate native vegetation on side slopes on the eastern slopes (including Dunoon Road)
- Provide for connections through the sight
- Retain existing Koala food trees and provide for additional plantings where relevant,
- Specific measures to conserve habitat movement corridors of the *Echindna* with dual respect for the species and in acknowledgment of the cultural heritage significance of the species at the location.

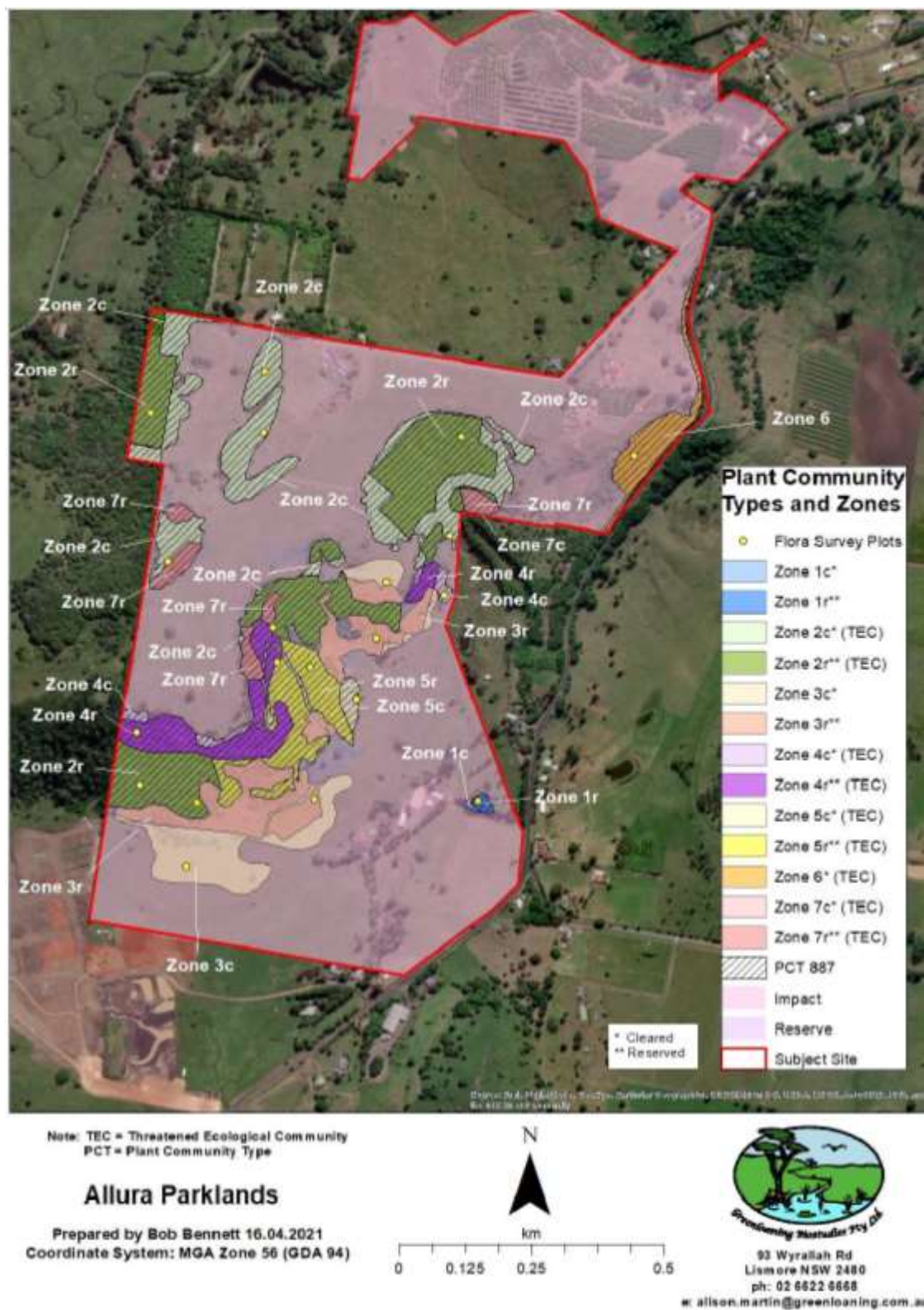


Figure 4.2 Vegetation Zones, Plant Community Type (PCT), Vegetation Survey Plots and Zones with “r” are Retained and Zones with “C” are Cleared – All R1 zone is assumed Cleared/ impacted. (Source BDAR Greenloaning)



Subject to further detail it is assumed that only the native vegetation within the depicted Vegetation Management Zones will be retained (Source VMP AWC)

No Conditions of Consent are recommended at this point.

FINALISATION OF REFFERAL - TO BE COMPLETED BY REFERRAL OFFICER

I have:

- (i) Completed my comments;
- (ii) Completed the referral and emailed link to Assessment Officer from TRIM; and
- (ii) Closed off the Authority Tracking for the referral

DECLARATION OF INTEREST

Is there any declaration of interest to be made by me in this matter ☐ Yes ☒ No

ASSESSMENT DELEGATIONS

Is the holistic assessment of this proposal within my delegations ☒ Yes ☐ No

REFERRAL OFFICER'S NAME: Virginia Seymour

DATE: 08/11/22

DEVELOPMENT APPLICATION REPORT APPROVALS REGISTER REPORT BY

DEVELOPMENT ENGINEER

DA NO: 5.2021.221.1

Development: To undertake staged subdivision comprising 742 residential lots, 2 neighbourhood business lots, 1 residue lot (future residential), 14 public reserve lots and associated infrastructure, 45 new roads, road widening and road closures, bulk earthworks, essential services (water, sewer, power & telecommunications), stormwater management facilities, landscaping and environmental rehabilitation.

The proposal is classified as nominated integrated development and threatened species development. The development is also integrated development in accordance with s4.46 of the Environmental Planning and Assessment Act 1979. Approval from NSW Natural Resource Access Regulator is required in accordance with Water Management Act 2000, approval from NSW Roads and Maritime Service in accordance with Roads Act 1993 and approval from NSW Rural Fire Service in accordance with Rural Fires Act 1997.

The consent authority is the Northern Regional Planning Panel.

Property Number: P3450

Date Lodged: 05/05/2021

Date of Referral: 15/11/2022

Mr C Bradridge

Development Assessment Officer (Planning)

Please complete comments by: 29/11/2022

Premises: DP 118555 lot 1, DP 772626 lot 3, DP 755729 lot 35, DP 772626 lot 2, DP 772626 lot 1, DP 303296 lot 2, LOT: 1 DP: 596437, LOT: 20 DP: 1148069, LOT: 1 DP: 1191684, LOT: 21 DP: 1148069, LOT: 1 DP: 1243923, LOT: 2 DP: 1243923, LOT: 1 DP: 1213795, DP 755729 lot 113, DP 570029 lot 2, LOT: 1 DP: 1192319, LOT: 2 DP: 1213795, LOT: 2 DP: 1191684, 101 Dunoon Road NORTH LISMORE, 103 Dunoon Road NORTH LISMORE, 103A Dunoon Road NORTH LISMORE, 103B Dunoon Road NORTH LISMORE, 103C Dunoon Road NORTH LISMORE, 103D Dunoon Road NORTH LISMORE, 263 Dunoon Road NORTH LISMORE, 273 Dunoon Road NORTH LISMORE, 273A Dunoon Road NORTH LISMORE, 15 Pagottos Ridge Road NORTH LISMORE, 9 McLeay Road NORTH LISMORE, 11 McLeay Road NORTH LISMORE, 41 McLeay Road NORTH LISMORE, 43 McLeay Road NORTH LISMORE, 54 McLeay Road NORTH LISMORE, 54A McLeay Road NORTH LISMORE, 84 McLeay Road NORTH LISMORE, 177A Hewitt Road BOOERIE CREEK

ADDITIONAL INFORMATION: (if required please advise immediately)

Please ensure that you have checked TRIM to see if there are any submissions that need to be read in conjunction with your assessment.

COMMENTS:

This referral is based on the significant issues that were identified during the pre-lodgement meetings, DA process, and Request for Information's. given the significance of these issues it is my opinion that to satisfy them a substantial redesign of the development would be required. The other engineering aspects of the external road network, earthworks, public transport, utility services and flooding could be satisfied and conditioned appropriately. However, it is again important to note that these aspects are heavily dependent on any redesign that is required by the significant issues highlighted in this report.

INTERNAL ROADS

Geometry

The applicant submitted a table containing the road details for the estate after this was requested during an RFI. This table has been assessed against Table 1 of DCP Part B Chapter 10 and can be seen as Attachment 1. The assessment shows numerous roads that do not comply with the DCP and there has been no justification provided to these non-compliances. Therefore, at the current time the proposed road characteristics cannot be supported due to a lack of information being supplied and their noncompliance with Table 1 of the DCP.

Grade

The submitted plans show roads with grade more than 16% and in some cases up to 20%. This did not meet the requirements of DCP Part B Chapter 10 and thus justification for the proposed variations to the DCP for the roads more than 16% was sought. The justification was to also be accompanied by a typical access design for each situation of grade exceedance (<1%, 1-2%, 2-3% and 3-4%) that complies with the Northern Rivers Development and Design Manual Section D3.08.

The applicant provided justification in response to the RFI that relied on existing roads within the Lismore LGA being non-compliant. Council advised this justification was not adequate and that it needed to be site specific.

Further additional information was received in June 2022 after an online meeting with the applicant where the number of roads exceeding the grade requirements had been significantly reduced. However, from this additional information no justification has been provided as to how these grades are unavoidable or how the variation meets the performance criteria of the DCP. There is currently insufficient justification provided in relation to road grades to support the current road layout.

Other

In response to a redesign request from the planner to remove a number of battle axe lots Council was provided with a plan titled Revised Lot Layout dated 8/6/2022, this plan showed for a road with a cul-de-sac (shown below) that had not previously been on an plan set. The only information is that the road has a grade of approximately 20% and is therefore non-compliant with the DCP. No additional details have been provided for the proposed road and therefore on that basis Council cannot support it.

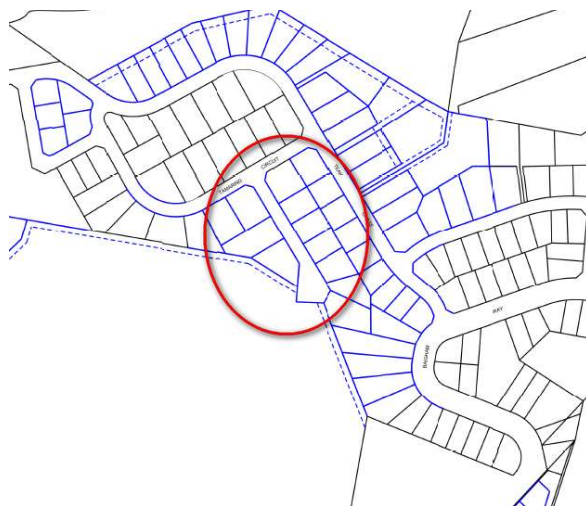


Figure: Extract from Revised Lot layout

TRAFFIC

The Traffic Impact Assessment (TIA) references the estate as being called “Yellowwood” with the staging starting in the north (opposite to what is shown on plans). The RFI dated 22 October 2022 requested that the TIA be updated with the correct subdivision name, staging and to address any concerns raised by TfNSW.

The response received by the applicant in February 2022 stated, *“The report is still in the process of being updated and will be provided in Appendix H – Revised Traffic Impact Assessment.”* To date this updated TIA has not been provided to Council and thus there is insufficient to assess the traffic impacts of his development.

LOT FRONTAGES – VEHICULAR ACCESS

The Slope Analysis plans showed that many lots across the subdivision had frontages in excess of 25% slope and as advised in prelodgement meetings this would not be supported by Council. The maximum grade for a residential driveway is 25% and frontages steeper than this cause non compliances with future dwelling applications. Council advised there are two options in regard to this issue:

- a) Redesign the earthworks to ensure lot frontages have a maximum grade of 25%; or
- b) Provide driveway designs to indicative building envelopes for any lot with a frontage that exceeds 25%. These driveways will then be required to be constructed with the subdivision works.

Additional information received in June 2022 identified that 24 lots have frontages in excess of 25% grade. The applicant provided an example steep driveway design for 1 lot only. As the initial request was for the maximum grade to be reduced or a driveway design for each lot be supplied, there is insufficient information at this time to support the current lot layout.

STORMWATER

Council advised the applicant (during prelodgement meeting and request for information) that it did not support the use of “Biopod” stormwater devices that were shown within the stormwater management plan (SWMP). It was requested that these elements be redesigned and preferably removed in favour of end of centralised line treatments. The SWMP also referenced the use of 10kL rainwater tanks for each lot with an assumption that 5kL will be dedicated to active storage. Council advised that we could not prescribe the use of a tank that is greater than the Basix requirements (3kL) and therefore it was requested that the SWMP be amended to remove the on-site detention from each lot or alternatively provide details that each lot will be provided with the storage volume during the subdivision works.

Additional information was received in February 2022 and the usage of rainwater tanks had been removed, Comment from the consultant was that “The Allura Parklands SWMP report can be updated to remove the use of tanks if required but they are not essential to managing peak discharge across the development area”

However, in regard to the use of “Biopods” this was still shown. Council has had subsequent phone conversations with the stormwater consultant where it was agreed that an alternative solution will be considered. Additional information was supplied in June 2022 in regard to stormwater, however this information was to just gain Council’s opinion on the updated Music modelling.

Council to date has not received and amended SWMP plan based on the development not utilising “Biopods” therefore as this technical report has not been submitted the development has not satisfied the requirements of DCP Chapter 22 and the development cannot be supported from a stormwater quality perspective

GEOTECHNICAL

Review of the geotechnical report submitted with the DA raised some serious concerns relating to the areas shown as very high landslip risk, shown red on the map extract below. As the area is classed as very high landslip risk Council does not support residential development and infrastructure within this area. It must also be noted that this geotechnical assessment was not supplied during any pre-lodgement meetings otherwise Council would have raised this issue before the submission of the DA.

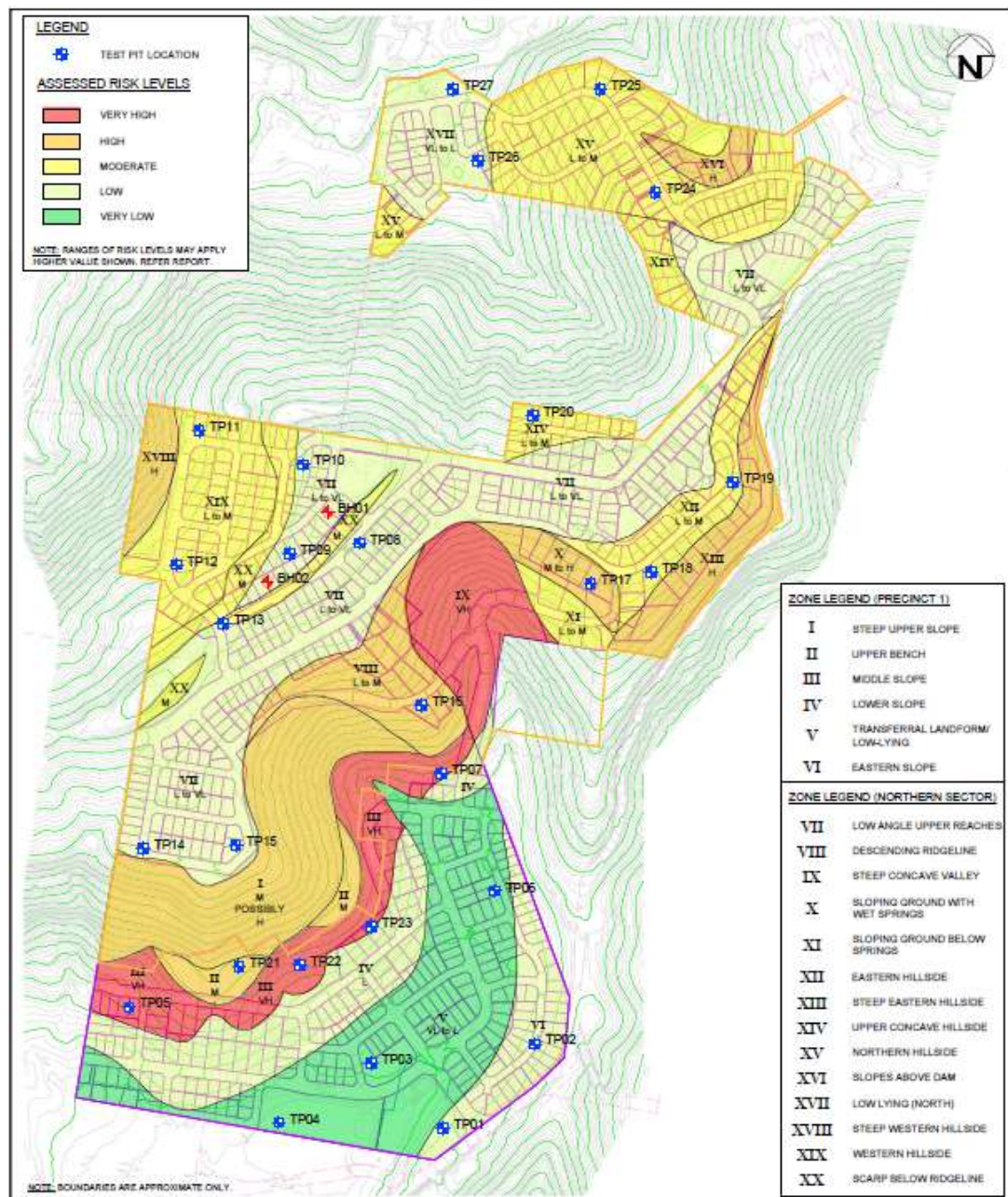


Figure: Slope Risk Assessment from Geotechnical Assessment

Council acknowledges that the geotechnical assessment does provide some options to reduce the risk of land slip however, this appears to only relate to “dwelling specific studies”. It is also noted that the proposed roads, being identified as Calistemon Parkway and Blackbean Way have non-compliant road grades, which is considered a dangerous situation in this location.

Additional information was requested to provide design details on how the very high landslip risk areas could be managed and utilised for the subdivision in a safe way.

After this RFI various meeting (in person and online) were held with the applicant to inform them of what Councils expectations were in regards to satisfying the geotechnical RFI and that if the information was not submitted, Council could not support roads or allotments in those areas. The minutes of the meetings were conveyed to the applicant in an RFI format with the additional information request for the geotechnical stating;

- *Provide wholistic justification for the road/s traversing the areas highlighted in the Landslip Risk Map in red and marked IX VH. The Landslip Risk Assessment for Zone IX states “The assessed risk for Zone IX (Moderate to Very High) is not considered tolerable per Table 11.3, and will hence require specific engineering investigation and design advice for the development of the roadway. Any lots within this zone will need a detailed geotechnical*

- *engineering assessment undertaken which is to further consider the slope risk and engineering measures required for development. For the residential lots, it is envisaged that significant subsoil and surface drainage measures and engineered retention structures will be required. With these measures installed, it is envisaged that the likelihood of instability will reduce by one or two magnitudes; resulting in a maximum of **Moderate** risk for the residential lots, which is considered tolerable.”*
- *The justification must demonstrate to Council there is an acceptable level of risk for not only the roads but also the surrounding allotments with regard to potential for land slip. Council requires certainty that the allotments in the VIII, X and XI areas will have no risk of land slip for future dwelling construction. (See also further elements below)*
- *The information shall be supported by a constraints overlay that looks at any flow-on effect as a result of the infrastructure being located in this very high risk area.*
- *An assessment of bushfire threat on the parcels of land within the orange area denoted as VIII Low to Medium, and any further impact on vegetation / ecology as a result of any APZs needs to be provided.*
- *Ecological impacts as a result of the fragmentation created by the roadways needs to be addressed, as well as potential impacts on fauna from traffic traversing this sensitive area.*
- *Provide a detailed scope and design of the works required to reduce the risk level for any residential allotments or road infrastructure in Zone III and Zone IX. The scope and design shall also consider any areas of very high slope risk adjacent to the residential allotments or road infrastructure.*

In response to this RFI and after a further online meeting with Council staff to discuss moving the geotechnical issue forward a further Geotechnical Report was submitted. The report was reviewed with the following findings.

Geotechnical Report Issues	Comment
Section 5.1 – Assumptions The consultant has assumed the soil profile based on nearby samples and no new samples were taken in the area of concern	The RFI from 4 May 2022 requested that justification be provided. In this regard as no sampling has been undertaken and they are just assuming the soil profile, therefore I do not believe that adequate justification has been provided
Section 5.3.1 Case 1 The consultant is relying on 1V:1H batters for the typical sections	Council does not nor has ever supported steep batters, typically we support 1:4 with some exceptions being made for 1:2 if properly vegetated, but to my knowledge never 1:1
Section 5.3.3 case 3 The consultant is relying on 1V:1H batters for the typical sections	Council does not nor has ever supported steep batters, typically we support 1:4 with some exceptions being made for 1:2 if properly vegetated, but to my knowledge never 1:1
4 th May 2022 RFI Letter Dot Point E subpoint 3	No constraints overlay show to determine full extent of works. Allura Parklands Additional Geotechnical Assessment is more preliminary design and does not show detailed designs or limits of works
4 th May 2022 RFI Letter Dot Point E subpoint 6	Allura Parklands Additional Geotechnical Assessment is more preliminary design and does not show detailed designs or extent works required
4 th May 2022 RFI Letter Dot Point E subpoint 7	Allura Parklands Additional Geotechnical Assessment is more preliminary design and does not show detailed designs or extent of works required

As can be seen in the table above the geotechnical consultant and applicant made a variety of assumptions that were not previously discussed with Council. Further to this the RFI relating to this issue had 7 dot points requiring input from various professions and not just geotechnical.

Therefore, upon review of all geotechnical information provided for the areas marked as very high landslip risk, a final RFI was sent to applicant which stated;

Adequate justification has not been provided to support the road/s traversing the areas highlighted in the Landslip Risk Map in red (as shown on page 2 of Council's correspondence dated 22 October 2021 and page 3 of Council's correspondence dated 4 May 2022). Additionally, the following is advised:

- a) It is reiterated that the roads proposed in this location are not in accordance with the adopted 'Urban Release Area Structure Plan' (Appendix A) in DCP Chapter 10 – NLPURA.*
- b) The information provided did not include a constraints overlay to address any flow on effect as a result of the infrastructure being located in this very high risk area. The information provided is preliminary design only and does not show detailed designs or limits of work.*
- c) The consultant's report assumes the soil profile based on nearby samples and no new samples were taken in the area of concern.*
- d) The consultant report is relying on 1V:1H batters for the typical sections. Council does not support steep batters to this extent.*
- e) The justification did not demonstrate to Council that there is an acceptable level of risk for not only the roads but also the surrounding allotments with regard to potential for land slip.*
- f) This section of the North Lismore Plateau was zoned C2 Environmental Management and C3 Environmental Conservation as a result of extensive research, including ecological / vegetation and planning constraints mapping, during the charrette process and the re-zoning of the land proposed for development at the North Lismore Plateau.*
- g) The subdivision layout must be updated to remove the roads from this location within the proposed development.*
- h) In the interests of progressing the development application no further discussion or*
- i) correspondence will be entered into regarding this issue.*
- j) It is acknowledged the level of non-compliance with maximum road*

There has been no additional geotechnical information submitted to address the points above, nor has the lot layout been amended to remove infrastructure and lots from within the very high landslip risk areas. Therefore, as the requested information has not been submitted (or amended) the application in its current form cannot be supported from a geotechnical perspective as Council cannot be certain that the areas of very high landslip risk will not adversely impact the development.

DCP COMPLIANCE TABLE – Relevant to Development Engineering

LISMORE DEVELOPMENT CONTROL PLAN		
	Complies Yes/No	Relevant Comments
North Lismore Plateau		
Urban Subdivision		
6.1 Stormwater Management	No	As discussed above in the Stormwater section Council has not been provided with updated information to adequately assess the DA
6.5 Pedestrian and cycle path network	Yes	Based on the plans provided adequate pedestrian and cycle paths appeared to be included.
6.6 Staging of infrastructure delivery	No	Staging is still unclear with technical documents referencing different staging to the staging plans provided.
6.7 External Road works	Yes	Contributions collected from the development will be put towards completing the upgrades required by the IDP Note: TIA has incorrect staging and thus this would need to be adjusted so it's consistent with IDP
6.8 Internal Street design	No	Refer to roads section above and Attachment 1. Various roads throughout development do

		not comply with Table 1 and therefore do not satisfy this element of the DCP. No justification has been provided to date for the variations. Street design is also inconsistent with the structure plan, in this regard the Calistemon Parkway and Blackbean Way roads are shown on the structure plan.
Table 1 – NLP Street Network Characteristics	No	Refer to roads section above and Attachment 1, various roads throughout development do not comply with Table 1. No justification has been provided to date for the variations
Flood Prone Lands		
Residential	Yes	The developer has demonstrated that only cut earthworks will be undertaken within the flood impacted area and that the flood impacted area is limited to the parks/open space section of the development. All residential allotments will be above the 1% AEP flood event level.
Commercial	Yes	Commercial lands will be above the 1% AEP flood event level.

CONDITIONS:

Due to the lack of information supplied in response to the RFI's and the major issues of Stormwater, Geotechnical, and Roads it is not possible to provide conditions for this development as the application is not supported in its current format. It is also expected that to address the major issues identified above will require a redesign of the the development and thus a reassessment of that design.

*****Have I checked that all standard conditions relate to the proposed development**

✓ Yes

FINALISATION OF REFFERAL - TO BE COMPLETED BY REFERRAL OFFICER

I have:

- (i) Completed my comments;
- (ii) Completed the referral and emailed link to Assessment Officer from TRIM; and
- (ii) Closed off the Authority Tracking for the referral

DECLARATION OF INTEREST

Is there any declaration of interest to be made by me in this matter ☐ Yes ☒ No

ASSESSMENT DELEGATIONS

Is the holistic assessment of this proposal within my delegations ☒ Yes ☐ No

REFERRAL OFFICER'S NAME: Lucas Myers

DATE: 16/11/2022

Attachment 1 - DCP Part B Chapter 10 – Table 1 Assessment

Reference No:	Road Name:	DCP Classification	Pavement Width	Carriageway Width	Reserve Width	Footpath Width	DCP Compliance Comment
1	Alyxia Chase	Local Street	7	3.5	14	1.5	Compliant
2	Doughwood Street	Access Place	6	3	13	N/A	Verge width does not match DCP and should be a minimum of 3.5m
3	Orange Bark Street	Access Place	6	3	13	N/A	Verge width does not match DCP and should be a minimum of 3.5m
4	Foambark Circuit	Access Place	6	3	13	N/A	Verge width does not match DCP and should be a minimum of 3.5m
5	Macadamia Circuit	Local Street/Access Place	7/6	3.5/3	14/13	1.5/ N/A	Verge width does not match DCP and should be a minimum of 3.5m
6	Mudgerabah Court	Access Place	6	3	13	N/A	Compliant
7	Baigham Way	Boulevard Collector Major/Minor	14/12	6	24/22	2.5	All characteristics do not match DCP, suspect this has been done based on DA17/270 and DA20/462 however this justification has not been provided
8	Lemon Myrtle Circuit	Local Street	7	3.5	14	1.5	Compliant
9	Rubus Court	Access Place	6	3	13	N/A	Verge width does not match DCP and should be a minimum of 3.5m
10	Brushbox Street	Local Street	7	3.5	14	1.5	Compliant
11	Myrtle Lane	Lane	5.5	2.75	7.5	N/A	Verge width does not make sense and the overall characteristics to do add up
12	Aniseed Crest	Local Street	7	3.5	14	1.5	Compliant
13	Blueberry Ash Way	Collector (Minor)/Local Street	9.5/7	3.5	18.5/14	2.5/1.5	Verge width does not match DCP and should be 4.0m, Footpath width does also not match but suggest this is to tie in with DA17/270 and DA20/462, however no justification has been provided.
14	White Cedar Circuit	Local Street	7	3.5	14	1.5	Compliant
15	Fig Street	Local Street	7	3.5	14	1.5	Compliant
16	Bleeding Heart Terrace	Local Street	7	3.5	14	1.5	Compliant
17	Coolamon Street	Local Street	7	3.5	14	1.5	Compliant
18	Breynia Grove	Access Place	6	3	13	N/A	Verge width does not match DCP and should be a minimum of 3.5m
19	Pepperberry Street	Local Street	7	3.5	14	1.5	Compliant
20	Arytera Rise	Local Street	7	3.5	14	1.5	Compliant
21	Frangipani Drive	Local Street	7	3.5	14	1.5	Compliant
22	Roseberry Vista	Local Street	7	3.5	14	1.5	Compliant
23	Chain Vista	Local Street	7	3.5	14	1.5	Compliant
24	Dianella Vista	Local Street	7	3.5	14	1.5	Compliant
25	Kangaroo Circuit	Local Street	7	3.5	14	1.5	Compliant
26	Snow Wood Street	Access Place	6	3	13	N/A	Verge width does not match DCP and should be a minimum of 3.5m
27	Corkwood Street	Access Place	6	3	13	N/A	Verge width does not match DCP and should be a minimum of 3.5m
28	Black Bean Way	Local Street	7	3.5	14	1.5	Compliant
29	Callistemon Parkway	Local Street	7	3.5	14	1.5	Compliant
30	Hystrix Street	Collector (Minor)/Local	9.5/7	3.5	18.5/14	2.5/1.5	All characteristics do not match DCP, suspect this has been done based on DA17/270 and DA20/462 however this justification has not been provided
31	Hoop Pine Terrace	Street Boulevard Collector Entry/Collector Minor	13.5/9.5	5.5/3.5	22/18.5	2.5	
32	Liriope Circuit	Access Place	6	3	13	N/A	Verge width does not match DCP and should be a minimum of 3.5m
33	Red Gum Street	Local Street	7	3.5	14	1.5	Compliant
34	Tuckeroo Crest	Local Street	7	3.5	14	1.5	Compliant

35	Silky Oak Street	Local Street	7	3.5	14	1.5	Compliant
36	Burrawang Street	Local Street	7	3.5	14	1.5	Compliant
37	Lime Grove	Local Street	7	3.5	14	1.5	All characteristics do not match DCP, suspect this has been done based on DA17/270 and DA20/462 however this justification has not been provided
38	Yellow Wood Rise	Boulevard Collector Entry/Collector Minor	13.5/9.5	5.5/3.5	22/18.5	2.5	
39	Ficus Drive	Boulevard Collector Entry/Collector Minor	13.5/9.5	5.5/3.5	22/18.5	2.5	All characteristics do not match DCP, suspect this has been done based on DA17/270 and DA20/462 however this justification has not been provided
40	Cudgerie Street	Local Street	7	3.5	14	1.5	Compliant
41	Thorn Street	Local Street	7	3.5	14	1.5	Compliant
42	Wattle Circuit	Access Place	6	3	13	N/A	Verge width does not match DCP and should be a minimum of 3.5m
43	Whalebone Street	Access Place	6	3	13	N/A	Verge width does not match DCP and should be a minimum of 3.5m

- Notes:**
1. Based on the values in the table the heading “carriageway width” does not make sense and I believe this is supposed to read “verge width”. Thus the assessment is based on this column being verge width.
 2. Cells shown in orange are where a non-compliance with the DCP has occurred.
 3. It is noted that some characteristics are similar to roads that were approved with DA17/270 and DA20/462, however there has been no justification provided with this application to vary from the DCP.

Subject	North Lismore Plateau - DA 21/221 - Referral for Review - Roads & Traffic Impact
TRIM Record No	BP21/495:DA21/221
Item Number	5.2



A referral has been received from Council's Planning area for the Traffic Advisory Committee to review roads and traffic impacts for Development Application DA21/221 at 101 Dunoon Road, North Lismore.

Background

A referral has been received from Council's Planning area for the Committee to review proposed intersections included with the modified Development Application No. 2021/221.1.

The proposed development is a staged subdivision comprising:

- 742 residential lots
- 2 neighbourhood business lots
- 1 residue lot (future residential)
- 14 public reserve lots and associated infrastructure
- 45 new roads, road widening and road closures.

This matter was raised in March 2019 in conjunction with a request for a speed zone review.

4.1 Request for Speed Zone Review - Dunoon Road and Link Road to North Lismore Plateau, North Lismore

Request received from Council's Development Engineer for the Committee to provide feedback for a speed reduction on Dunoon Road from 80 kph to 60 kph in the vicinity of the proposed intersection for the link road to the North Lismore Plateau development.

Dunoon Road is a classified main road and provides a link between Lismore to rural areas to the north. In the vicinity of the proposed primary spine road to the North Lismore Plateau, estimated vehicle ADT is approximately 3,000 vehicles per day with a current speed environment of 80 kph.

The request for a speed reduction from 80kph to 60kph is between the end of the existing 50 kph speed zone opposite the Lismore Showgrounds, north to approximately 92 Dunoon Road (approximately 1km). This section will include the proposed intersection layout required as part of the North Lismore Plateau.

The proposed intersection treatment is a channelised 'T' junction with dedicated Type AUL and Type CHR treatments. This speed reduction will determine infrastructure design criteria layouts and queuing lengths.

Accident history indicates no recorded accidents between 2013-2018, and six between 2000-2012 including three injury related incidents.

Speed zones in New South Wales are determined by the RMS in line with NSW Speed Zoning Guidelines, with consideration to road safety and traffic priorities. Speed zones are assessed on current road standards, existing

Traffic Advisory Committee Meeting held 16 June 2021 - North Lismore Plateau - DA 21/221 - Referral for Review - Roads & Traffic Impact	1
--	----------

infrastructure and development and connecting road networks or accesses. RMS Network and Safety Services Manager has been consulted by Council's Planning staff, with the following feedback being received:

"On analysis of the current conditions along Dunoon Road the 80 kph speed zone has been deemed suitable as per the guidelines. Notwithstanding this and taking the future works into consideration as per point 8 of your email below Roads and Maritime can provide in principle agreement to reduce the speed limit subject to the following conditions being satisfied:

- 1. Council has considered the potential implications of the change to the wider network function of Dunoon Road and is in agreeance that the proposed speed limit reduction would not adversely impact the local and/or regional network i.e. cause undue traffic delay/congestion.*
- 2. Supporting road infrastructure has been planned to reinforce compliance with the proposed speed limit reduction such as self-regulating intersection treatments (roundabouts), increased signage and delineation measures and traffic calming devices where appropriate.*

To satisfy the above conditions I suggest that Item 1 be submitted to Lismore's local traffic committee for comment and consideration as an informal item. Item 2 will require the submission of detailed design concepts which confirm the features of the infrastructure. Item 2 is particularly important as speed zones which do not meet the NSW guidelines can lead to compliance issues and, when combined with infrastructure designed for lower operating speeds, unacceptably lead to increase poor road safety outcomes. The implementation timeframe of reducing the speed zone would need to be negotiated dependent upon the development works schedule."

RECOMMENDED that:

1. The matter of reducing the speed zone on Dunoon Road from 80 kph to 60 kph starting at the end of the current 50 kph zone near the Lismore Showgrounds be deferred to a future meeting pending consultation with relevant Council staff in regard to:
 - a. *"Council has considered the potential implications of the change to the wider network function of Dunoon Road and is in agreeance that the proposed speed limit reduction would not adversely impact the local and/or regional network i.e. cause undue traffic delay/congestion; and*
 - b. *Supporting road infrastructure has been planned to reinforce compliance with the proposed speed limit reduction such as self-regulating intersection treatments (roundabouts), increased signage and delineation measures and traffic calming devices where appropriate".*
2. Council's Development & Compliance team provide detailed designs to the NSW Roads and Maritime Services for assessment as requested to review proposed infrastructure planned in conjunction with the development.
3. Detailed design plans for the intersection be forwarded to the Traffic Advisory Committee for review.
4. Community consultation be undertaken for the proposed reduced speed zone.

Conclusion

Various road upgrade works are planned for the North Lismore Plateau project and listed in the attached Traffic Impact Assessment – refer pages 30 and 31 of Attachment 3.

The Committee to review the proposed road upgrades and provide feedback.