

Applicants Revised Conditions of Consent

(15/12/94)

C = LCC Conditions
NA = No agreement

1=C All buildings constructed, work carried out, or use of buildings or land, subject to any amendment or modification or amendment or modification called for in the following conditions or any subsequent building permit, shall be in accordance with the details in the plan(s) and supporting documents submitted with the application, a copy of which are attached to this consent.

2=2 Payment of levies under section 94 of the Local Government Act 1993 and the Section 64 as a contribution towards the provision of public services or amenity identified in the attached schedule be paid at the rate(s) current at the date the building approval is. The rates and amounts applying at the date of this notice, totalling \$29,889, are set in the schedule for your information. Where the total contribution payable exceeds \$1,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc must be paid prior to release of the subdivision linen plan in the case of subdivision and prior to release of building approval for other development.

3 NA

That Standing Street be extended from the gateway in Standing Street to the entrance to the property, and that such extension be of the same width and confirmation as the existing gravel road, at no cost to Council, and be responsible for the full cost and maintenance of this work for a period of twelve months from the date of approval of work.

4=C Full design plans of proposed roadworks to satisfy the third condition(s) are to be submitted for approval by the Divisional Manager-Engineering Services prior to commencement of construction of any water, sewerage, drainage or roadworks.

5. = < Provision be made for vehicular accesses from the road pavement to the development by the construction of a pipe crossings, at no cost to the Council, in accordance with the Council's standards, details of which are obtainable from the Council's Engineering division
6. = < Subdivision of the land is prohibited and the land shall remain in one lot.
7. = < That the land be jointly owned by the adult occupiers of the land and used as their principal place of residence.
8. = < Effluent discharge from all buildings that are to be erected shall be disposed of in a manner approved by the Divisional Manager-Environmental Health and Building Services. Proposed effluent disposal systems shall be located a minimum 50 metres from any watercourse (including associated rural outbuildings).
9. = < Any use of the land or of a building, other than for forestry, agriculture, and residential on an approved site, shall be subject to separate development consent of Council.
10. = < No building or structure shall be erected or commenced to be erected unless building consent has been obtained from the Council (excluding water tanks and garden sheds less than 10m² in area).
11. = < That Council receive internal road designs and written certification to satisfy Condition No. 12 from a qualified Engineer experienced in soils mechanics and road design that:
- i) the vehicular access provided to all sites is stable and will not be affected by landslip or subsidence above or below the access, and that adequate drainage is provided, and
 - ii) that soil erosion stabilisation and sedimentation control measures as recommended by the Department of Land Conservation and Management are in place prior to the submission for, and release of building approval for any buildings to be used for habitable purposes.

12=C That all weather 2 wheel drive vehicular access be constructed and maintained from the Council maintained all weather road access to the dwelling sites, at no cost to Council.

13=C That a person qualified in soil hydraulics and waste water management prepare a report on each site regarding the adequacy of the soil and its capabilities to dispose of all septic effluent water from each dwelling, should that form of waste water disposal be proposed. A copy of the relevant site report to be submitted to Council with each building application prior to approval being given.

14=C Excavation of slopes for road works and building sites are to be designed so that the minimum feasible excavation is achieved.

● C15 Deleted.

=C16 15 No tree of any species in areas mapped as "protected lands" be ringbarked, cut down, lopped, injured or damaged without the prior consent of the Department of Conservation and Land Management.

=C17 16 That no construction of residences or any other structures be permitted in the vicinity of the existing road reserve until such time as either -
a) an identification survey of the road reserve has been carried out by a registered surveyor, or
b) an application to purchase the subject road reserve has been approved by the Crown Lands Service arm of the Department of Conservation and Land Management.

● =C18 17 Any building application will not be released until a Certificate from a recognised practicing Structural Engineer certifying that the design of the building has taken into account the soil or other geological foundation conditions relating to the site. Dwelling construction is to be commensurate/compatible with the topography of the respective sites.

=C19 18 That the buildings be clad with a non-reflective material and be of an earthy colour.

=C20 19 There by no objectionable noise at any time emitted from the development.

- 20 The land to be so used as not to interfere with the amenity of
=C21 the area.
- 21 Sediment control measures shall be put into place and be
=C22 properly maintained to prevent soil erosion and the transport
of sediment off the development site or into natural or made
drainage lines or watercourses during rainfall and runoff. All
disturbed areas shall be stabilised and be revegetated by
turfing or an approved seeding method within 14 days of
completion of earthworks in each part of the development.
It is a requirement that the topsoil be preserved for use with
the site revegetation. Details showing sediment control
measures and revegetation works shall be submitted and be
approved prior to any earthworks commencing.
- 22 Benching, i.e. cutting, filling or levelling of the land to
=C23 create building platforms does not form part of this approval
and will only be considered in conjunction with a Building
Application to build on the land.
- 23 No dwelling house or internal access bulk earthworks are to
=C24 commence on-site, prior to the release of the building
application and Council approved road design.
- 24 All dwellings to be erected must comply with Australian
=C25 Standard #3959 with regard to construction materials and
methods.
- 25 Water storage facilities be installed with adequate capacity
=C26 and located to assist in the fire protection of the
development.
- 26 A suitable fire alarm, capable of being heard from anywhere
=C27 within the area enclosed by the perimeter fire break, be
installed.
- 27 A suitable person be appointed as Fire Protection Overseer, to
=C28 be responsible for fire protection, maintenance of equipment
and liaison with the Local Bush Fire Brigade.
- 28 Fire controls are to be carried out and areas can be either
NA
See C29 burnt, ploughed, cleared or slashed on a five (5) year rotation
basis, so as to reduce the internal fire hazard.

- 29 A Perimeter fire break around each cluster, measuring 20 m wide horizontal, cleared of all flammable forest litter and undergrowth and be placed on a contour avoiding existing forests, having a ground fuel load of not more than eight tonnes per hectare (slashed grass). The fire break to be to the satisfaction of the Council and will be maintained at all times and maybe subject to inspections by the Council.
- NA
See C30
- 30 A primary protection zone is to be established for a distance of not less than 20 m horizontal from any dwelling or any ancillary building and shall be kept clear of all combustible materials, other than grass, at all times and with a ground fuel load not exceeding three tonnes per hectare (maintained lawns) and not including the perimeter firebreaks. Existing trees and shrubs will be allowed in this area. New trees to be no higher than 3 m and no more than 10% canopy cover, but no trees will be allowed within 10 m of the main building (maintained lawns only)
- = C31
- 31 The following fire fighting equipment to standards approved by the Bush Fire Council of NSW be provided and maintained at all times to the satisfaction of the Council's fire Control Officer:
- = C32
- a. a 8 h.p. fire fighting pump;
 - b. six (6) knapsacks;
 - c. 100 m of 20 mm fire protection hose; and
 - d. two "Dial-a-jet" nozzles.
- 32 A turn around of 15 m be provided at the end of each access road that is not a through road, allowing fire trucks to turn for fire fighting.
- = C33
- 33 Internal Fire Breaks - The internal road system to be used as a secondary fire break and is to be cleared to a width of 10 m horizontally and cleared of all rubbish and having a ground fuel load of not more than eight tonnes per hectare (slashed grass). The fire break to be to the satisfaction of the Council and will be maintained at all times and will be subject to a yearly inspection by the Council.
- = C34
- 34 Reticulated Water Supply Scheme A 38 mm ID reticulated fire fighting/water main to be installed, fitted with approved fittings and be to Council standards. The main to have a 600 mm cover and covered with a metal dust for protection.
- = C35

35 That the NSW National Parks and Wildlife Service be immediately advised in the event of the discovery of any aboriginal sites or relics as a consequence of the development.

=c36
c37 Deleted.

36 That survey and documentation verifying the location of the proposed spring source of water supply in the Village cluster in relation to land boundaries be provided prior to commencement of any development works in that cluster.

NA
See c38

37 No further dwelling sites are permitted on the land. The density of residential accommodation has reached the maximum permissible in accordance with Clause 9 of State Environmental Planning Policy No. 15 - Multiple Occupancy of Rural Lands. No temporary dwellings to be erected without Council approval.

NA
See c39

38 Water from Rocky Creek is only to be used for Agricultural purposes with the specific approval and licensing from the relevant licensing authority (Department of Water Resources). In the event that spring and roof water supply is inadequate for domestic and associated use this water supply shall be augmented by connecting to Council's reticulated water system.

=c40

39 Submission of detailed landscape plan (in duplicate), for approval in conjunction with the relevant building application, indicating the name of shrub and tree species to be planted, mature height of trees and location of grassed and paved areas.

=c41

40 Building site no's 1, 2, 3 and 4 are to be landscaped with species that will provide a visual buffer from the village of The Channon and Channon road when mature. This landscaping to be planted not later than the release of the building application for that site.

NA
See c42

41 Engineering details relating to all road works, retaining walls and sewerage works be submitted and approved by Council prior to the commencement of any works.

=c43

42 A minimum storage of 45,000 litres of water shall be provided at each cluster.

NA
See c44

43 A minimum of 22,500 litres of water shall be provided at each dwelling site for domestic purposes. Water details of proposed water supply shall be submitted for consideration with the building application to erect a dwelling on the site.

NA
See C44

44 Prior to the release of any building approval, other than site 5, the access road and services of that cluster are to be constructed.

NA
See C45

45 Standing Street is to be upgraded (as per Condition 3) prior to the release of the third dwelling approval at the Village cluster.

NA
See C45

NA Council Notes 1-5 inclusive, deleted.

Council addendum of 12.12.94

46 = C1 That a person qualified in soil hydraulics and waste water management prepare a report on each site with regard to effluent disposal which shall be in accordance with draft AS1547, with particular attention to sites 1, 2 and 5. A copy of the relevant site report to be submitted to Council with each building application prior to approval being given.

47 = C2 Any building application of buildings and associated work including effluent disposal will not be released until a Certificate from a recognised practising Structural/Geotechnical Engineer certifying that the design of the building has taken into account the soil or other geological foundation conditions relating to the site. Dwelling construction is to be commensurate/compatible with the topography of the respective sites.

48 = C3 A suitable plan of ongoing management shall be submitted with the effluent disposal design and should indicate mechanism to be put in place for the ongoing management of the plan.

ANSON V LISMORE CITY COUNCIL

in the Land and Environment Court No 10239 of 1994

Date 14/12/94

Without Prejudice Conditions

Reference your "Without Prejudice Conditions" of 5/12/94 we propose the following, (a cumulative list): —

Your item

- 3 Deletion of the sentence "The road reserve to be extended as a dedicated road reserve to cover this work."
- 15 Delete in toto.
- 29 The words "Control Burns" to be replaced with "Fire controls."
- 30 After "A perimeter fire break" insert around each cluster."
(Comment: for clarity, particularly for benefit of objectors to the DA).
- 37 Delete in toto.
- 38 The final sentence commencing "If this source..." to the end, be deleted.
- 42 To read, "Building site no's 1, 2, 3 and 4 are to be landscaped with species that will provide a visual buffer when viewed from the Village of The Channon and Channon Road when mature. This landscaping to be planted not later than the release of the building application for that site."

In lieu of 44:

44A "A minimum of 45,000 litres of water shall be provided at each cluster.

44B . A minimum of 22,500 litres of water shall be provided at each dwelling site for domestic purposes. Water details of proposed water supply shall be submitted for consideration with the building application to erect a dwelling on a site."

In lieu of 45:

45A "Prior to the release of any building approval, other than site 5, the access road and services to that cluster are to be constructed.

45B Standing Street is to be upgraded (as per Condition 3) prior to the release of the third dwelling approval at the Village Cluster."

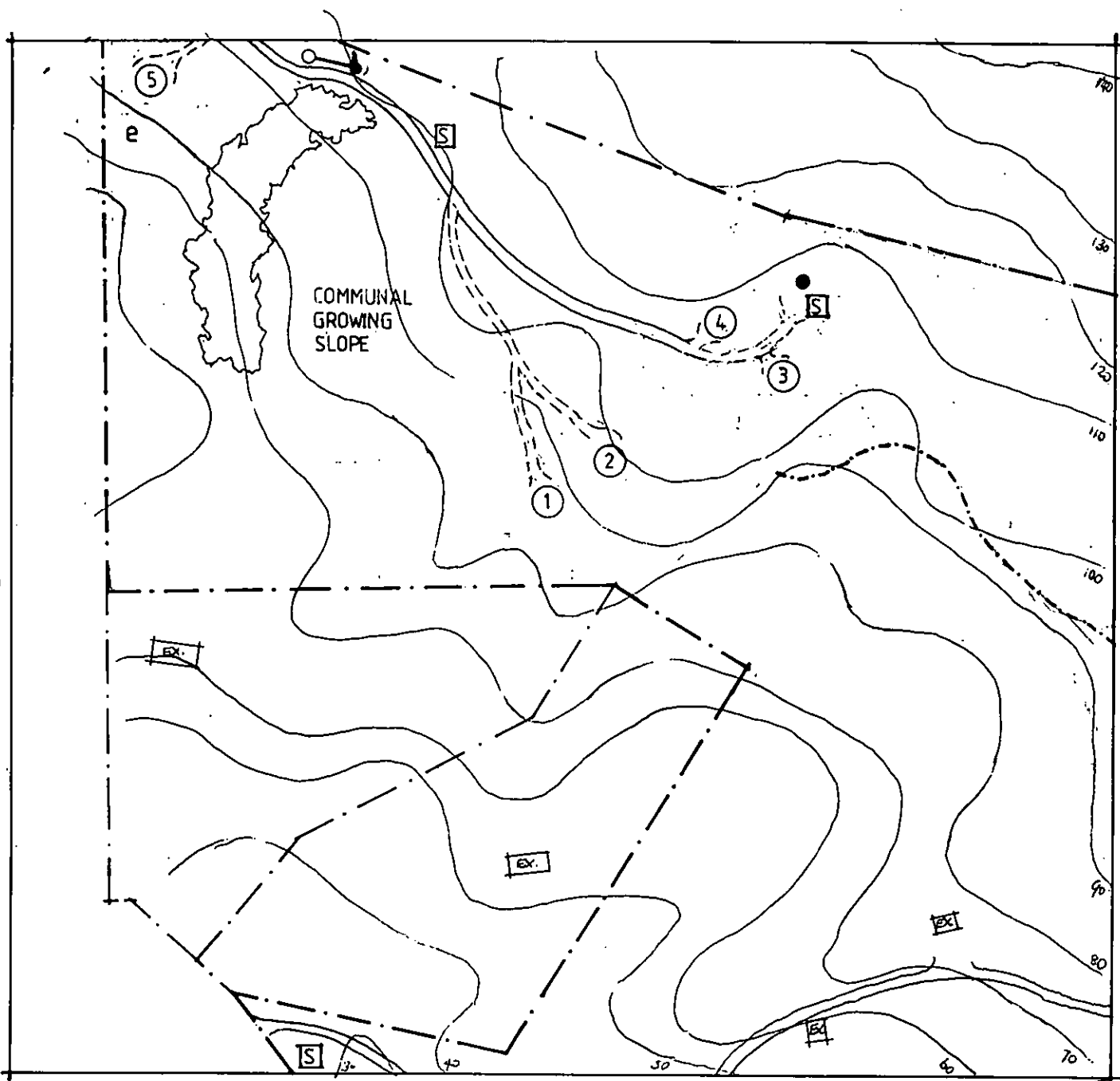
Notes 1 — 5 inclusive, deleted.

Addendum of 12.12.94

Items 1, 2, 3 accepted.

Package deal

The respondent's Condition 3 is accepted, subject to the above ammendments being accepted by Council.



LEGEND

SKETCH ONLY - SUBJECT TO SURVEY

--- PROPERTY BOUNDARY

① PROPOSED HOUSE SITES

[EX.] EXISTING BUILDINGS

--- EXISTING WALKING TRACK TO BE UPGRADED

● SPRING - TO BE PIPED ABOVE ROAD INTO SETTLING TANK

== EXISTING ROADS

== PROPOSED DRIVEWAYS

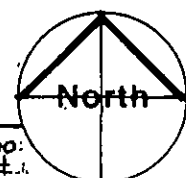
● 10,000 GALLON TANK TO BE AVAILABLE FOR FIRE FIGHTING AND TO INCORPORATE AREA FOR FIRE TRUCK ACCESS AND TURNING

--- PROPOSED CULLY REGENERATION

[S] PROPOSED COMMUNAL SHEDS

SCREEN PLANTING TO BE INITIATED ON SOUTHERN ASPECTS OF ALL HOUSE SITES TO MODERATE WINDS

Illustration 4 As A MENDED 13.12.94



Balanced Systems
Planning Consultants

PO Box 36, Bangalow, 2479
Ph/fax 066-895301

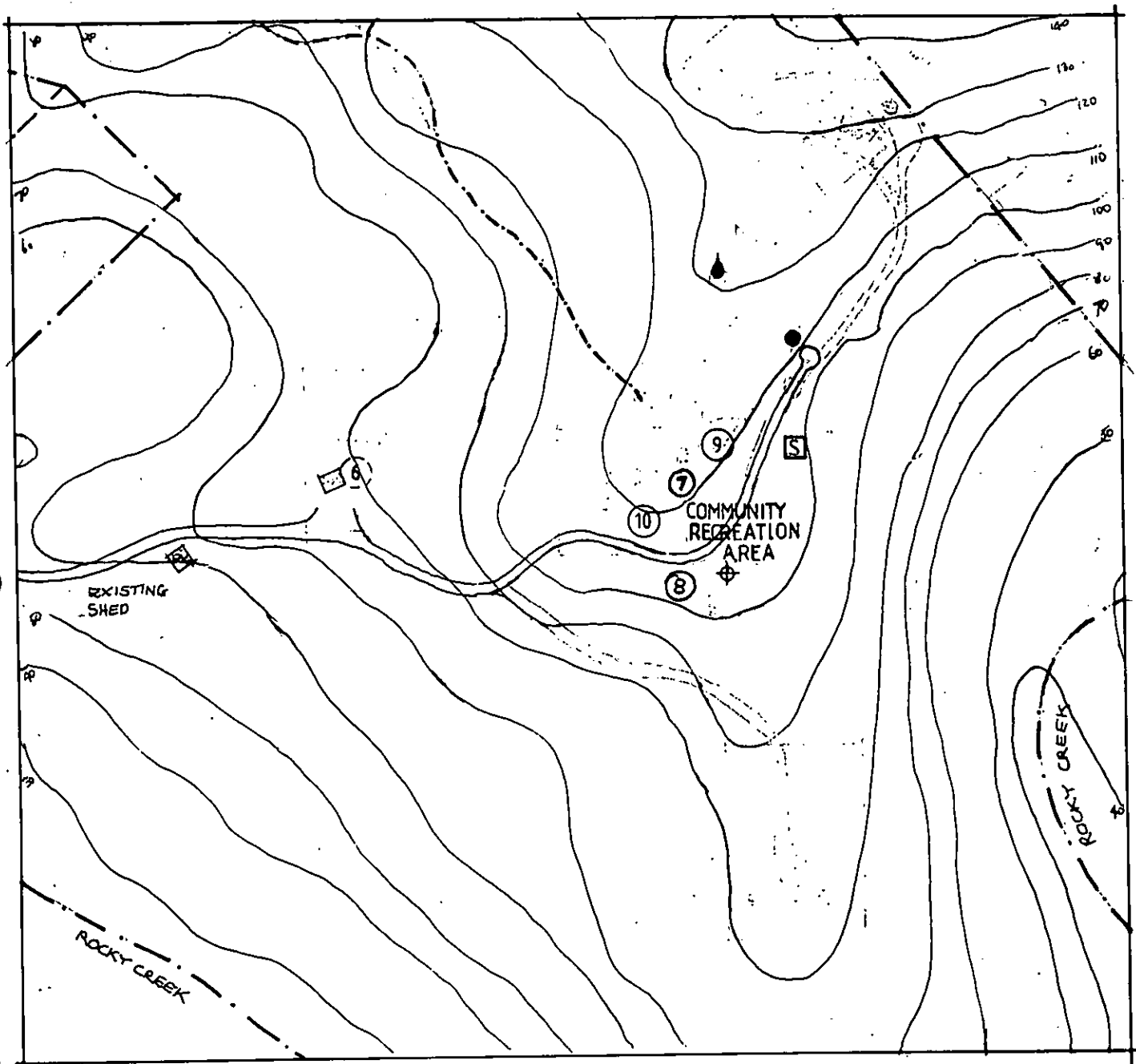
Job No.: 94-106

Drawn by:
Chris Barnett B Arch.
PO Box 154
Mullumbimby 2482

Date: 25.10.93

Scale: 0 10 20 m 40:

VILLAGE CLUSTER 97



LEGEND

--- PROPERTY BOUNDARY

⑥ EXISTING APPROVED DWELLING TO BECOME SHARIS 6

--- EXISTING WALKING TRACK TO BE UPGRADED

== EXISTING ROAD CONCRETE TRACKS TO BE EXTENDED FROM THE CHANNON ROAD TO EXISTING DWELLING

--- PROPOSED DRIVEWAY

⑦ PROPOSED HOUSE SITES

● 10,000 GALLON TANK TO BE AVAILABLE FOR FIRE FIGHTING AND TO INCORPORATE AREA FOR FIRE TRUCK ACCESS AND TURNING

SKETCH ONLY - SUBJECT TO SURVEY

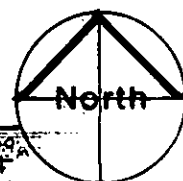
● SPRING WITH STORAGE BODY

SCREEN PLANTING TO BE INITIATED BETWEEN SITES

⑤ PROPOSED COMMUNAL SHED

⊕ EXISTING SHRINE STRUCTURE

Illustration 5 As AMENDED 13.12.94



Balanced Systems
Planning Consultants

PO Box 36, Bangalow, 2479
Ph/fax 066-885301

Job No.: 94-106

Drawn by:
Chris Barnett B Arch.
PO Box 154
Mullumbimby 2482

Date: 25-10-93
AMENDED NOV 94

Scale: 1:10,000

FOREST CLUSTER 97A

Our Consent No.	Their Consent No.	Proposed Group No			Comments
		A	B	C	
1	1	A			Not incl. by sec. I suggest deleting.
2	2	A			
3	3		B		
4	4	A			
5	5	A			
6	-				
7	6	A			
8	7	A			
9	8	A			
10	9	A			
11	10	A			
12	11	A			
13	12	A			
14	13	A			
15	14	A			
16	-				Deleted by us and sec.
17	16	A			
18	17	A			
19	18	A			
20	19	A			
21	20	A			
22	21	A			
23	22	A			
24	23	A			
25	24	A			
26	25	A			They have used Waleolus Report not Mcnister 1 March.
27	26	A			
28	27	A			
29	28	A			
30	29		B		

Our No	Their No	Proposed Group		
		A	B	C
31	30	A		
32	31	A		
33	32	A		
34	33	A		
35	34	A		
36	35	A		
37	36	A		
38	37		B	
39	38		B	
40	39	A		
41	40	A		
	41		B	C
	42			C
	43			C
	44			C
	45			C

} to be deleted

^{Done} Minor variation. I suggest acceptance of their proposal inclusion in "A".

Re: Notes. I consider these are NOT conditions of consent (c/c). Graham to clarify with Riley.
If they are c/c, then should be numbered as such.
If they are NOT c/c then they should be dropped. If they insist, and we ~~cannot~~ agree to have included, it should be "without prejudice" so as to make the point to the Judge that this is cluttering up the c/c.

BONDFIELD RILEY

JACK RILEY
DAVID M. RILEY
MATTHEW J. RILEY
ADAM D. RILEY
MELINDA L. CLARK

SOLICITORS & NOTARY

P.O. BOX 165, LISMORE, 2480
FACSIMILE (066) 21 9039
DX 7712 LISMORE

15 MOLESWORTH STREET,
LISMORE, N.S.W. 2480

TELEPHONE (066) 21 9000

OUR REF MR:SS

YOUR REF

5 December, 1994

Mr. G. Irvine,
"Moondani",
Falls Road,
NIMBIN 2480

FAX 858648

Dear Mr. Irvine,

RE: LISMORE CITY COUNCIL ATS ANSON
NO. 10239 OF 1994 LAND & ENVIRONMENT COURT

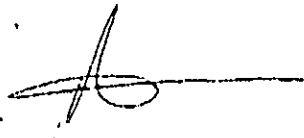
We enclose Conditions of Consent in the rules. We also enclose a copy of our letter of 2nd instant as to witnesses required which was forwarded last week.

Yours faithfully,

BONDFIELD RILEY,

Per:

Encls.



BONDFIELD RILEY

JACK RILEY
DAVID M. RILEY
MATTHEW J. RILEY
ADAM D. RILEY
MELINDA L. CLARK

SOLICITORS & NOTARY
P.O. BOX 185, LISMORE, 2480
FACSIMILE (066) 21 9059
DX 7712 LISMORE

19 MOLESWORTH STREET,
LISMORE, N.S.W. 2480
TELEPHONE (066) 21 9000

OUR REF MR:SS

YOUR REF.

2 December, 1994

Mr. G. Irvine,
C/- "Moondani"
Falls Road,
NIMBIN 2480

COPY FOR YOUR
INFORMATION

Dear Sir,

RE: LISMORE CITY COUNCIL ATS ANSON
NO. 10239 OF 1994

We advise that we require the attendance of Mr. Rob Doolan and Mr. John Lyons for cross examination on the hearing of this matter.

Yours faithfully,

BONDFIELD RILEY,

Per: 

WITHOUT PREJUDICE CONDITIONS

1. All buildings be constructed, works carried out, or use of buildings or land, subject to any amendment or modification called for in the following conditions or any subsequent building permit, be in accordance with the details contained in the plan(s) and supporting documents submitted with the application, a copy of which are attached to this consent.
2. Payment of levies under Section 94 of the Environmental Planning and Assessment Act and Section 64 of the Local Government Act 1993 as a contribution towards the provision of public services or amenity identified in the attached schedule be paid at the rate(s) current at the date building approval is granted. The rates and amounts applying at the date of this notice, totalling \$29,889, are set out in the schedule for your information. Where the total contribution payable exceeds \$1,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc must be paid prior to release of the subdivision linen plan in the case of subdivision and prior to release of building approval for other development.
3. The applicant or the developer provide the following roadworks with associated stormwater drainage structures, designed and constructed in accordance with the Council's adopted road and drainage standards, at no cost to the Council, and also be responsible for the full cost of any maintenance of this work, considered necessary by the Council's Engineering Division, for a period of twelve months from the date of approval of the work: a 5.0 m wide formation with a gravel width of 5.0 m comprising a minimum of 150 mm of compacted gravel, from the end of the bitumen sealed pavement in Standing Street to the vehicular access point to the property. The Road reserve to be extended as a dedicated road reserve to cover this work. After satisfactory completion of all roads and drainage, a works-as-executed set of plans be submitted to the Council by a suitably qualified Engineer or Surveyor.
4. Full design plans of proposed works including retaining walls etc to satisfy condition(s) be submitted for approval by the Divisional Manager-Engineering Services prior to commencement of construction of any water, sewerage, drainage or roadworks.
5. Provision be made for vehicular accesses from the road pavement to the development by the construction of a pipe crossings, at no cost to the Council, in accordance with the Council's standards, details of which are obtainable from the Council's Engineering Division.
6. Subdivision of the land is prohibited and the land shall remain in one lot.
7. That the land be jointly owned by the adult occupiers of the land and used as their principal place of residence.
8. Effluent discharge from all buildings that are to be erected shall be disposed of in a manner approved by the Divisional Manager-Environmental Health and Building Services prior to commencement of works. Proposed effluent disposal systems shall be located a minimum 50 metres from any watercourse (including associated rural outbuildings).
9. Any use of the land or of a building, other than for forestry, agriculture, and residential on an approved site, shall be subject to separate development consent of Council.
10. No building or structure shall be erected or commenced to be erected unless building consent has been obtained from the Council (excluding water tanks and garden sheds less than 10m² in area).
11. That Council receive internal road designs and written certification to satisfy condition no. 13 from a qualified Engineer experienced in soils mechanics and road design that:
 - i) the vehicular access provided to all sites is stable and will not be affected by landslip or subsidence above or below the access, and that adequate drainage is provided, and
 - ii) that soil erosion stabilisation and sedimentation control measures as recommended by the Department of Land Conservation and Management are in place prior to the submission for, and release of building approval for any buildings to be used for habitable purposes.

26. Water storage facilities be installed with adequate capacity and located to assist in the fire protection of the development.
27. A suitable fire alarm, capable of being heard from anywhere within the area enclosed by the perimeter fire break, be installed.
28. A suitable person be appointed as Fire Protection Overseer, to be responsible for fire protection, maintenance of equipment and liaison with the Local Bush Fire Brigade.
29. Control Burns are to be carried out and areas can be either burnt, ploughed, cleared or slashed on a five (5) year rotation basis, so as to reduce the internal fire hazard.
30. A perimeter fire break, measuring 20 m wide horizontal, cleared of all flammable forest litter and undergrowth and be placed on a contour avoiding existing forests, having a ground fuel load of not more than eight tonnes per hectare (slashed grass). The fire break to be to the satisfaction of the Council and will be maintained at all times and maybe subject to inspections by the Council.
31. A primary protection zone is to be established for a distance of not less than 20 m horizontal from any dwelling or any ancillary building and shall be kept clear of all combustible materials, other than grass, at all times and with a ground fuel load not exceeding three tonnes per hectare (maintained lawns) and not including the perimeter fire breaks. Existing trees and shrubs will be allowed in this area. New trees to be no higher than 3 m and no more than 10% canopy cover, but no trees will be allowed within 10 m of the main building (maintained lawns only).
32. The following fire fighting equipment to standards approved by the Bush Fire Council of NSW be provided and maintained at all times to the satisfaction of the Council's fire Control Officer:
 - a. a 8 h.p. fire fighting pump;
 - b. six (6) knapsacks;
 - c. 100 m of 20 mm fire protection hose; and
 - d. two "Dial-a-jet" nozzles.
33. A turn around of 15 m be provided at the end of each access road that is not a through road, allowing fire trucks to turn for fire fighting.
34. Internal Fire Breaks - The internal road system to be used as a secondary fire break and is to be cleared to a width of 10 m horizontally and cleared of all rubbish and having a ground fuel load of not more than eight tonnes per hectare (slashed grass). The fire break to be to the satisfaction of the Council and will be maintained at all times and will be subject to a yearly inspection by the Council.
35. Reticulated Water Supply Scheme - A 38 mm ID reticulated fire fighting/water main to be installed, fitted with approved fittings and be to Council standards. The main to have a 600 mm cover and covered with metal dust for protection.
36. That the NSW National Parks and Wildlife Service be immediately advised in the event of the discovery of any aboriginal sites or relics as a consequence of the development.
37. Electricity, if required, is to be underground.
38. That survey and documentation verifying the location of the proposed spring source of water supply to the village cluster in relation to land boundaries be provided prior to commencement of any development works in that cluster. If this source of supply is not with the applicants land then alternate sources of water supply are to be proven to Councils satisfaction, eg The Channon reticulated supply, on site bores or spring.

39. No further dwelling sites are permitted on the land. The density of residential accommodation has reached the maximum permissible in accordance with Clause 9 of State Environmental Planning Policy No. 15 - Multiple Occupancy of Rural Lands.
40. Water from Rocky Creek is only to be used for Agricultural purposes with the specific approval and licensing from the relevant licensing authority (Department of Water Resources). In the event that spring and roof water supply is inadequate for domestic and associated use this water supply shall be augmented by connecting to Council's reticulated water system.
41. Submission of a detailed landscape plan (in duplicate), for approval in conjunction with the relevant building application, indicating the location and name of shrub and tree species to be planted, mature height of trees and the location of grassed and paved areas.
42. Building site no's 1, 2, 3 and 4 are to be landscaped with mature species that provide a visual buffer when viewed from the village of The Channon and Channon Road. The landscaping to be established prior to commencement of works.
43. Engineering details relating to all road works, retaining walls and sewerage works are to be submitted and approved by Council prior to the commencement of any works.
44. A minimum of 45,000 litres of water shall be provided to each dwelling site for domestic purposes. Water proposed to be used for drinking purposes shall meet potable water standards. Full details of proposed water supply shall be submitted for consideration with the building application to erect a dwelling on a site.
45. No dwellings are to be erected, sites occupied or Building Application's approved for any site until access and services requirements have been completed in accordance with the consent.

NOTE 1: The Local Government Act provides that all buildings and alterations, including retaining walls, to be subject to the issue of a building permit from the Council. Issue of this consent in no way implies that the building(s) comply with all of the provisions of the Local Government Act and the Building Code of Australia. Application forms are available from the Health and Building Department for this purpose. Please note that no the building work or site works are to commence until a building permit has been issued.

NOTE 2: Council requires the Council's Engineering Division to certify the satisfactory completion of all civil works prior to the release of building approval. This means that bonding arrangements for construction of civil works will not be accepted. The exception will be for maintenance of work periods and/or by written approval of Council.

NOTE 3: Your development application is shown to be in a high bush fire hazard area in accordance with Council's Bush Fire Hazard Maps and will be subject to fire conditions, upon development in accordance with Department of Planning Circular 74.

NOTE 4: Your development application is shown to be adjoining high bush fire hazard area in accordance with Council's Bush Fire Hazard Maps and may be subject to fire conditions, upon development in accordance with the Department of Planning Circular 74.

NOTE 5: Your Section 94 Contribution will go to Dunoon Bush Fire Brigade, the sum being \$1350.

BONDFIELD RILEY

SOLICITORS & NOTARY

P.O. BOX 165, LISMORE 2480
FACSIMILE (066) 21 9059

DX 7761 LISMORE

15 MOLESWORTH STREET,
LISMORE, N.S.W. 2480

TELEPHONE (066) 21 9000

JACK RILEY
DAVID M. RILEY
MATTHEW J. RILEY
ADAM D. RILEY
MELINDA L. CLARK

OUR REF MR:SS

YOUR REF MR. SCOTT

22 November 1993

The General Manager,
Lismore City Council,
DX 7761
LISMORE

LISMORE CITY COUNCIL RECEIVED	
23 NOV 1993	
FILE NO.	
LETTER NO.	ALOC

FAXED
22 11 93

Dear Sir,

RE: ADVICE ON SEPP 15 MULTIPLE OCCUPANCY OF RURAL LAND

We refer to the writer's numerous phone discussions with your Mr. Scott and enclose a copy of Counsel's Advice. Would you please peruse same and phone the writer to discuss at your convenience.

Yours faithfully,

BONDFIELD RILEY

Per: 

Enclosure (3) 

5/523

93-10024

Attention: Graham Irvine
To be collected.

Greg Newport

Windsor Chambers

8th Floor
225 Macquarie Street
Sydney, N.S.W. 2000
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DX 650 SYDNEY

19 November 1993

Messrs. I. G. Bondfield Riley & Fiford,
Solicitors,
DX 7712 LISMORE

Dear Sirs,

RE: ADVICE ON SEPP 15 MULTIPLE OCCUPANCY OF RURAL LAND
LISMORE COUNCIL

I refer to your letter of 3 November 1993, seeking my advice in respect of the proper construction of the aims, objectives, policies and strategies ("the aims") contained in clause 2 of the said Policy.

I advise as follows:

1. The aims of the Policy are specifically included to demonstrate what work the policy has to do. By this I mean that it assists the Council in understanding the subsequent statutory provisions and the proper construction to be applied to those provisions. That interpretation which best meets "the aims, objectives, policies and strategies stated in the Policy shall be preferred." (See s25(3) EPA Act 1979). The statutory provisions of s25 are, in effect, consistent with the common law "purposive approach" enunciated by the Courts (see Auckland Lai v. Warrington SC 58 LGRA 276).
2. Upon examination of clause 2 of the said Policy and as a matter of proper legal construction, the three subclauses must be read conjunctively. However, this does not, in my opinion, require that each of the said sub-clauses must be given equal weight in determining whether a particular development satisfies the said aims. In simple terms the consent authority is required to test the particular development forms against the complete aims and then form an opinion as to whether or not it satisfies those aims. Should the consent authority form the opinion that the objectives are not satisfied, it is clearly with power to refuse the application. In such circumstances a person dissatisfied may appeal (s.97 EPA Act) and by way of a hearing de novo the Court may overturn that decision. However, in such circumstances, the Court assumes the role of the Council and may adopt the same purposive approach.

On the other hand, should the Council approve development, after forming the opinion that the said aims are satisfied; such a decision of an administrative body may only be overturned where the Court is clearly shown that the Council's decision was not reasonably open to it and it was manifestly absurd or unreasonable. (See Minister v. Peko Wallsend 62 CLR 14).

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3. I understand from the material contained in my Brief that the central focus is clause 2(c)(iii) of the Policy wherein the aim is expressed to relevantly be to facilitate development, preferably in a clustered style, to create opportunities for an increase in the rural population in areas which are suffering or likely to suffer from a decline in services due to rural population loss. Again, as I understand the concern of Council, it is of the opinion that there are very few areas where there is the likelihood of a decline in services due to rural population loss. Rather, the position is that the Council area is a relatively high growth area. In such circumstances is Council empowered to simply reject the applications because the area is not one where there is the likelihood of rural population loss?
4. I opine that the Council is not able to use the particular aim as a blanket reason for refusal of development applications for Multiple Occupancy of Rural Land. It must be recalled that the particular purpose is permissible with the consent of Council and a particular aim cannot be used as a sole basis for rejection of development application. (See s25(2) EPA Act 1979.)
5. This conclusion becomes evident when one looks at other environmental planning instruments which by separate clause link the permissible development to the said objectives. My instructing Solicitor may be aware of some environmental planning instrument which direct that the Council is not to grant consent unless it is of the opinion that the carrying out of the development is consistent with the objectives of the zone. In Dach v. Yarrowluma S.C. 79 LGRA 220 at 224 the Court considered such a provision in circumstances where the particular development was permissible with consent but arguably inconsistent with the objectives. The Court relevantly held that such a clause is a matter that "more pertinently should be taken into account where the Council is required to exercise its discretion whether or not to grant or refuse a consent. It is nevertheless important to understand what the objectives of the planning instrument are. The Court accepts that the construction of the Local Environment Plan should be given a practical outcome consistent with the reasonable interpretation. The approach should not be over-technical."

Similarly the NSW Court of Appeal decision of Coffs Harbour Environment Centre v. Coffs Harbour C.C. 74 LGRA 185 at 193 considered the reverse situation where the tables provided that a particular purpose was "prohibited" unless the Council was satisfied that the carrying out of the development is generally consistent with one or more of the objectives of this zone." The Court held that as a matter of proper construction it could not be interpreted to permit an "anti pathetic development".

-3-

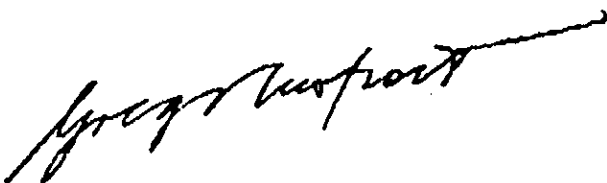
6. In the present circumstances there are no express provisions within the Policy which attempt to direct the Council not to grant consent unless it is of the opinion that the carrying out of the development is consistent with the aims. In my opinion it follows that the Council is not empowered to use the particular objective (2)(c)(iii) as a basis for blanket rejections of development which is otherwise permissible with consent.
7. On proper construction of clause 2(c)(iii) the sub-clause only has work to do where there is identified suffering or likely suffering from a decline in services due to rural population loss. If no such areas are identified, Council is empowered to disregard that aim and thereafter determine the application, having regard to other statutory provisions where such areas are not identified, the particular sub-clause cannot be used as a basis for blanket rejection of such development applications. This is not in contradiction to my opening remarks that the sub-clauses must be read conjunctively. In brief, they are all required to be read and if they have no work to do they may thereafter be disregarded.

It is clear that the Council is otherwise empowered to refuse a development application for Multiple Occupancy of Rural Land pursuant to the Policy if it is of the opinion that other statutory provisions are not satisfied. Such statutory provisions may include the remaining aims contained in clause 2 of the Policy.

8. For the sake of completeness, I advise my instructing Solicitor that in circumstances where the Council is of the opinion that there is no likelihood of rural population loss in its area, it could seek exclusion from application of the Policy.

I would be pleased to discuss any aspect of this advice with my instructing Solicitor should the need arise.

Yours faithfully,



GREG NEWPORT

B11 - 17

SEPP-15 Extract

other facilities and any other relevant matter, the dwellings comprise a single household.

Relationship to other planning instruments

6. Subject to section 74(1) of the Act, in the event of an inconsistency between this Policy and another environmental planning instrument, whether made before, on or after the day on which this Policy takes effect, this Policy shall prevail to the extent of the inconsistency.

Multiple occupancy

7. (1) Notwithstanding any provision in an environmental planning instrument concerned with the use of land for the purposes only of a dwelling or dwellings (as the case may be) in rural or non-urban zones, development may, with the consent of the council, be carried out for the purposes of three or more dwellings on land to which this Policy applies within such a zone where -

- (a) the land comprises a single allotment not subdivided under the *Conveyancing Act 1919* or the *Strata Titles Act 1973*;
- (b) the land has an area of not less than ten hectares;
- (c) the height of any building on the land does not exceed eight metres;
- (d) not more than 25 per cent of the land consists of prime crop and pasture land;
- (e) the part of the land on which any dwelling is situated is not prime crop and pasture land;
- (f) the development is not carried out for the purposes of a motel, hotel, caravan park or any other type of holiday, tourist or weekend residential accommodation, except where development for such purposes is permissible under the provisions of another environmental planning instrument in the zone;
- (g) slopes in excess of 18 degrees do not occur on more than 80 per cent of the land; and
- (h) the aims and objectives of this Policy are met.

(2) The council may consent to an application made in pursuance of this clause for the carrying out of development whether or not it may consent to an application for the carrying out of that development pursuant to any other environmental planning instrument.

(3) Nothing in subclause (1)(b) shall be construed as authorising the subdivision of land for the purpose of carrying out development pursuant to this Policy.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Extract

Statement of aims, etc, in environmental planning instruments

25. (1) An environmental planning instrument shall state the aims, objectives, policies and strategies whereby that environmental planning instrument is designed to achieve any of the objects of this Act.

(2) Except as provided by subsection (3), a statement referred to in subsection (1) does not affect the construction or effect of any other provision of the environmental planning instrument in which the statement is made.

(3) Where a provision of an environmental planning instrument is genuinely capable of different interpretations, that interpretation which best meets the aims, objectives, policies and strategies stated in that instrument shall be preferred.

(4) A failure to comply in any respect with subsection (1) does not affect the validity, construction or effect of an environmental planning instrument.

(5) This section does not apply in the case of a deemed environmental planning instrument.

Defined at s 4: deemed environmental planning instrument; environmental planning.

Objects of this Act

See s 5.

SEPP No 10—Construction to promote state objectives of policy and reduce scope for avoidance. See *North Sydney MC v Lyenko & Assoc Pty Ltd* noted under cl 6, 7 and 8 of SEPP No 10.

✓
Anson vs. Lismore City Council
Land and Environment Court
File number 10239 of 1994

CL
V
~~Applicants proposed Conditions of Consent~~

See note 243

△
~~Revised~~
Applicants ~~proposed~~ Conditions of Consent

~~(based on Council's proposed Conditions of Consent
in the Report to Council of 1 March 1994)~~

(15.12.94)

- ✓ 1 All buildings constructed, work carried out, or use of buildings or land, subject to any amendment or modification or amendment or modification called for in the following conditions or any subsequent building permit, shall be in accordance with the details in the plan(s) and supporting documents submitted with the application, a copy of which are attached to this consent.
- ✓ 2 Payment of levies under section 94 of the Local Government Act 1993 and the Section 64 as a contribution towards the provision of public services or amenity identified in the attached schedule be paid at the rate(s) current at the date the building approval is. The rates and amounts applying at the date of this notice, totalling \$29,889, are set in the schedule for your information. Where the total contribution payable exceeds \$1,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc must be paid prior to release of the subdivision linen plan in the case of subdivision and prior to release of building approval for other development.
- 0
C
3 That Standing Street be extended from the gateway in Standing Street to the entrance to the property, and that such extension, including ~~associated stormwater drainage structures, designed and constructed in accordance with Council's adopted standards, at no cost to Council.~~
That such extension be of the same width and confirmation as the existing road. *at no cost to Council and be responsible for gravel.*
- ✓ 4 Full design plans of proposed roadworks to satisfy the third condition(s) are to be submitted for approval by the Divisional Manager-Engineering Services prior to commencement of construction of any water, sewerage, drainage or roadworks.

for the full cost of maintenance of this work for a period of twelve months from the date of approval of work.

1 240

- ✓ 5. Provision be made for vehicular accesses from the road pavement to the development by the construction of a pipe crossings, at no cost to the Council, in accordance with the Council's standards, details of which are obtainable from the Council's Engineering division

Not used by loc
6. ~~That all relevant provisions of State Environmental Planning Policy No. 15 Multiple Occupancy of Rural Lands be complied with at all times.~~

their 6 = 7.1
✓ Subdivision of the land is prohibited and the land shall remain in one lot.

their 7 8.7
That the land be jointly owned by the adult occupiers of the land and used as their principal place of residence.

their 8 9.8
✓ Effluent discharge from all buildings that are to be erected shall be disposed of in a manner approved by the Divisional Manager-Environmental Health and Building Services. Proposed effluent disposal systems shall be located a minimum 50 metres from any watercourse (including associated rural outbuildings).

✓ 10.9
their 9 Any use of the land or of a building, other than for forestry, agriculture, and residential on an approved site, shall be subject to separate development consent of Council.

their 10 11
✓ No building or structure shall be erected or commenced to be erected unless building consent has been obtained from the Council (excluding water tanks and garden sheds less than 10m² in area).

✓ 12
their 11 That Council receive internal road designs and written certification to satisfy Condition No. 13 from a qualified Engineer experienced in soils mechanics and road design that:

i) the vehicular access provided to all sites is stable and will not be affected by landslip or subsidence above or below the access, and that adequate drainage is provided, and

ii) that soil erosion stabilisation and sedimentation control measures as recommended by the Department of Land Conservation and Management are in place prior to the submission for, and release of building approval for any buildings to be used for habitable purposes.

✓ 1812 That all weather 2 wheel drive vehicular access be constructed and maintained from the Council maintained all weather road access to the dwelling sites, at no cost to Council.
their 12

✓ 1813 That a person qualified in soil hydraulics and waste water management prepare a report on each site regarding the adequacy of the soil and its capabilities to dispose of all septic effluent water from each dwelling, should that form of waste water disposal be proposed. A copy of the relevant site report to be submitted to Council with each building application prior to approval being given.
their 13

○ 1814 Excavation of slopes for road works and building sites are to be designed so that the minimum feasible excavation is achieved.
their 14

they have deleted
~~1815 (deleted)~~

✓ 1815 No tree of any species in areas mapped as "protected lands" be ringbarked, cut down, lopped, injured or damaged without the prior consent of the Department of Conservation and Land Management.
their 16

✓ 1816 That no construction of residences or any other structures be permitted in the vicinity of the existing road reserve until such time as either -
their 17
a) an identification survey of the road reserve has been carried out by a registered surveyor, or
b) an application to purchase the subject road reserve has been approved by the Crown Lands Service arm of the Department of Conservation and Land Management.

✓ 1817 Any building application will not be released until a Certificate from a recognised practising Structural Engineer certifying that the design of the building has taken into account the soil or other geological foundation conditions relating to the site. Dwelling construction is to be commensurate/compatible with the topography of the respective sites.
their 18

✓ 2018 That the buildings be clad with a non-reflective material and be of an earthy colour.
their 19

✓ 2119 There by no objectionable noise at any time emitted from the development.
their 20

✓ 230
then 21 The land to be so used as not to interfere with the amenity of the area.

✓ 231
then 22 Sediment control measures shall be put into place and be properly maintained to prevent soil erosion and the transport of sediment off the development site or into natural or made drainage lines or watercourses during rainfall and runoff. All disturbed areas shall be stabilised and be revegetated by turfing or an approved seeding method within 14 days of completion of earthworks in each part of the development. It is a requirement that the topsoil be preserved for use with the site revegetation. Details showing sediment control measures and revegetation works shall be submitted and be approved prior to any earthworks commencing.

✓ 242
then 23 Benching, i.e. cutting, filling or levelling of the land to create building platforms does not form part of this approval and will only be considered in conjunction with a Building Application to build on the land.

✓ 243
then 24 No dwelling house or internal access bulk earthworks are to commence on-site, prior to the release of the building application and Council approved road design.

✓ 244
then 25 All-dwellings to be erected must comply with Australian Standard #3959 with regard to construction materials and methods.

✓ 245
then 26 Water storage facilities be installed with adequate capacity and located to assist in the fire protection of the development.

✓ 246
then 27 A suitable fire alarm, capable of being heard from anywhere within the area enclosed by the perimeter fire break, be installed.

✓ 247
then 28 A suitable person be appointed as Fire Protection Overseer, to be responsible for fire protection, maintenance of equipment and liaison with the Local Bush Fire Brigade.

○ 28
30 then 29 Fire controls are to be carried out and areas can be either burnt, ploughed, cleared or slashed on a five (5) year rotation basis, so as to reduce the internal fire hazard.

NSB They have based their conditions on Malcolm's original Report NOT as per adopted minutes of March 1. Particularly relevant to 30, as discussed by Council. 243 Our wording conforms with the adopted resolution

around each cluster

A Perimeter fire break, measuring 20 m wide horizontal, cleared of all flammable forest litter and undergrowth and be placed on a contour avoiding existing forests, having a ground fuel load of not more than eight tonnes per hectare (slashed grass). The fire break to be to the satisfaction of the Council and will be maintained at all times and maybe subject to inspections by the Council.

A primary protection zone is to be established for a distance of not less than 20 m horizontal from any dwelling or any ancillary building and shall be kept clear of all combustible materials, other than grass, at all times and with a ground fuel load not exceeding three tonnes per hectare (maintained lawns) and not including the perimeter firebreaks. Existing trees and shrubs will be allowed in this area. New trees to be no higher than 3 m and no more than 10% canopy cover, but no trees will be allowed with 10 m of the main building (maintained lawns only)

The following fire fighting equipment to standards approved by the Bush Fire Council of NSW be provided and maintained at all times to the satisfaction of the Council's fire Control Officer:

- a 8 h.p. fire fighting pump;
- six (6) knapsacks;
- 100 m of 20 mm fire protection hose; and
- two "Dial-a-jet" nozzles.

A turn around of 15 m be provided at the end of each access road that is not a through road, allowing fire trucks to turn for fire fighting.

Internal Fire Breaks - The internal road system to be used as a secondary fire break and is to be cleared to a width of 10 m horizontally and cleared of all rubbish and having a ground fuel load of not more than eight tonnes per hectare (slashed grass). The fire break to be to the satisfaction of the Council and will be maintained at all times and will be subject to a yearly inspection by the Council.

Reticulated Water Supply Scheme A 38 mm ID reticulated fire fighting/water main to be installed, fitted with approved fittings and be to Council standards. The main to have a 600 mm cover and covered with a metal dust for protection.

✓375
then 36 That the NSW National Parks and Wildlife Service be immediately advised in the event of the discovery of any aboriginal sites or relics as a consequence of the develop

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then 37 (delete)

then 38 (delete)

4037 No furth
then 39 density
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then 40 Water 1
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water system.

36 That survey and documentation
verifying the location of the
proposed spring source of water
supply to the Village cluster in
relation to land boundaries be
provided prior to commencement
of any development works in that
cluster.

39 Submission of a detailed landscape plan (in duplicate), for approval in conjunction with the relevant building application, indicating the location and name of shrub and tree species to be planted, mature height of trees and the location of grassed and paved areas.

40 42
39 To read, "Building site no's 1, 2, 3 and 4 are to be landscaped with species that will provide a visual buffer when viewed from the Village of The Channon and Channon Road when mature. This landscaping to be planted not later than the release of the building application for that site."

41 Engineering details relating to all road works, retaining walls and sewerage works are to be submitted and approved by Council prior to the commencement of any works.

In lieu of 44: storage

42 44A "A minimum of 45,000 litres of water shall be provided at each cluster.

43 44B A minimum of 22,500 litres of water shall be provided at each dwelling site for domestic purposes. Water details of proposed water supply shall be submitted for consideration with the building application to erect a dwelling on a site."

In lieu of 45:

44 45A "Prior to the release of any building approval, other than site 5, the access road and services to that cluster are to be constructed.

45 45B Standing Street is to be upgraded (as per Condition 3) prior to the release of the third dwelling approval at the Village Cluster."

Fin middle of page
END

FAX 219059

FAX 866737

Attention: Matthew Riley

Herewith proposed conditions
without prejudice.

I may be reached on 866737 (PH/FAX No)
after 8am tomorrow Thursday.

I cannot be reached on this
number after 10pm tonight.

Peter Hamilton

Attention: Mathew Riley

ANSON v LISMORE CITY COUNCIL

in the Land and Environment Court No 10239 of 1994

Date: 14-12-94

Without Prejudice Conditions

Reference your "Without Prejudice Conditions" of 5.12.94 we propose the following, (a cumulative list): -

Your item

- 3 Deletion of the sentence "The Road Reserve to be extended as a dedicated road reserve to cover this work".
- 15 Delete in toto.
- 29 The words "Control Burns" to be replaced with "Fire controls".
- 30 After "A perimeter fire break" insert "around each cluster"
[Comment: For clarity, particularly for benefit of objectors to the DA]
- 37 Delete in toto.
- 38 The final sentence commencing "If this source..." to the end, be deleted.

42 To read, "Building site, no's 1, 2, 3 and 4 are to be landscaped with species that will provide a visual buffer when viewed from the village of the Chemon and Chemon Road when mature. This landscaping to be planted not later than the release of the building application for that site."

In lieu of 44

44A

"A minimum of 45,000 litres of water shall be provided at each cluster."

44B

A minimum of 22,500 litres of water shall be provided at each dwelling site for domestic purposes. Water details of proposed water supply shall be submitted for consideration with the building application to erect a dwelling on a site."

In lieu of 45

45A

"Prior to the release of any building approval, other than Site 5, the access road and services to that cluster are to be constructed."

45B

Standing Street is to be upgraded (as per condition 3) prior to the release of the third dwelling approval at the Village Cluster."

Notes 1-5 inclusive, deleted.

Addendum of 12.12.94

Items 1, 2, 3 accepted.

Package Deal

The respondent's Condition 3 is accepted,
subject to the above amendments
being accepted by Council.

7/11 (V)
**ANSON VS. LISMORE CITY COUNCIL,
LAND AND ENVIRONMENT COURT, NO 10239 OF 1994**

WITHOUT PREJUDICE

**PROPOSED CONDITIONS OF CONSENT
ON WHICH THERE IS AGREEMENT
BETWEEN THE APPLICANT AND THE RESPONDENT
AS OF 9 DECEMBER 1994.**

A1 All buildings constructed, work carried out, or use of buildings or land, subject to any amendment or modification or amendment or modification called for in the following conditions or any subsequent building permit, shall be in accordance with the details in the plan(s) and supporting documents submitted with the application, a copy of which are attached to this consent.

A2 Payment of levies under section 94 of the Local Government Act 1993 and Section 64 of the Local Government Act 1993 as a contribution towards the provision of public services or amenity identified in the attached schedule be paid at the rate(s) current at the date the building approval is granted. The rates and amounts applying at the date of this notice, totaling \$29,889, are set in the schedule for your information. Where the total contribution payable exceeds \$1,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. must be paid prior to release of the subdivision linen plan in the case of subdivision and prior to release of building approval for other development.

A3 Full design plans of proposed works including retaining walls etc. to satisfy conditions are to be submitted for approval by the Divisional Manager-Engineering Services prior to commencement of construction of any water, sewerage, drainage or roadworks.

A4 Provision be made for vehicular accesses from the road pavement to the development by the construction of a pipe crossings, at no cost to the Council, in accordance with the Council's standards, details of which are obtainable from the Council's Engineering division.

A5 Subdivision of the land is prohibited and the land shall remain in one lot.

A6 That the land be jointly owned by the adult occupiers of the land and used as their principal place of residence.

A7 Effluent discharge from all buildings that are to be erected shall be disposed of in a manner approved by the Divisional Manager-Environmental Health and Building Services prior to the commencement of work. Proposed effluent disposal systems shall be located a minimum 50 metres from any watercourse (including associated rural outbuildings).

A8 Any use of the land or of a building, other than for forestry, agriculture, and residential on an approved site, shall be subject to separate development consent of Council.

noted in a previous report that it was essential that system wide inservice training programs be developed and that State education departments were responsible to ensure that inservice training was systemic and inherent in professional development.³⁶

4.74 A number of witnesses advised of the expense and difficulty in withdrawing teachers from schools in order for them to receive training in these aspects. One teachers' union believed that teacher professional development could be done either inservice or 'on the job' or both. A teacher educator stated that the idea of taking teachers out of schools and placing them somewhere for a semester was not really necessary. The approach that that institution had adopted was to work with schools on the premises.³⁷

4.75 The Committee accepts the view of most teacher training institutions that the skill of classroom management and providing an appropriate approach which would address and minimise violent behaviour, is best obtained in the school environment. States and Territories must ensure that ongoing professional development programs are available to all teachers.

4.76 The Committee noted in its previous report on learning difficulties that the training of teachers in special education had become more essential. States and Territories were integrating, in normal classrooms, students with various learning and behavioural difficulties. It was the Committee's view that all teachers needed training in special education to enable them to address special learning difficulties in whole class situations.³⁸ One university cautioned against requiring teachers to take courses in special education. It stated that the problem with making conflict management and behaviour resolution compulsory, was that upcoming teachers would no longer look at the management of normal children but those from varying non-normal social circumstances. It stated that:

...by singling out only the violent and abusive children this action seems to be more reactive than pro-active focusing more on the teacher than children.³⁹

4.77 The Committee disagrees and considers that the development of these special skills in teachers will give them the wide range of skills necessary for the classrooms of the 1990's and beyond.

Exclusion and Alternative Programs

4.78 The Students at Risk (STAR) component of the National Equity Program for Schools directly addresses violence in schools through targeted projects. The overall objective of the component was to identify those students most at risk of not completing secondary school and encouraged their continued participation by supporting a range of school based projects, at, or in connection with, selected Government and non-Government secondary schools.

A9 No building or structure shall be erected or commenced to be erected unless building consent has been obtained from the Council (excluding water tanks and garden sheds less than 10m² in area).

A10 That Council receive internal road designs and written certification to satisfy Condition No. 13 from a qualified Engineer experienced in soils mechanics and road design that:

i) the vehicular access provided to all sites is stable and will not be affected by landslip or subsidence above or below the access, and that adequate drainage is provided, and

ii) that soil erosion stabilisation and sedimentation control measures as recommended by the Department of Land Conservation and Management are in place prior to the submission for, and release of building approval for any buildings to be used for habitable purposes.

A11 That all weather 2 wheel drive vehicular access be constructed and maintained from the Council maintained all weather road access to the dwelling sites, at no cost to Council.

A12 That a person qualified in soil hydraulics and waste water management prepare a report on each site regarding the adequacy of the soil and its capabilities to dispose of all septic effluent water from each dwelling, should that form of waste water disposal be proposed. A copy of the relevant site report to be submitted to Council with each building application prior to approval being given.

A13 Excavation of slopes for roadworks and building sites are to be designed and approved by Council's Engineering Services Division prior to commencement of works.

A14 No tree of any species in areas mapped as "protected lands" be ringbarked, cut down, lopped, injured or damaged without the prior consent of the Department of Conservation and Land Management.

A15 That no construction of residences or any other structures be permitted in the vicinity of the existing road reserve until such time as either -

- a) an identification survey of the road reserve has been carried out by a registered surveyor, or
- b) an application to purchase the subject road reserve has been approved by the Crown Lands Service arm of the Department of Conservation and Land Management.

A16 Any building application will not be released until a Certificate from a recognised practicing Structural Engineer certifying that the design of the building has taken into account the soil or other geological foundation conditions relating to the site. Dwelling construction is to be commensurate/compatible with the topography of the respective sites.

A17 That the buildings be clad with a non-reflective material and be of an earthy colour.

A18 There be no objectionable noise at any time emitted from the development.

A19 The land to be so used as not to interfere with the amenity of the area.

A20 Sediment control measures shall be put into place and be properly maintained to prevent soil erosion and the transport of sediment off the development site or into natural or made drainage lines or watercourses during rainfall and runoff. All disturbed areas shall be stabilised and be revegetated by turfing or an approved seeding method within 14 days of completion of earthworks in each part of the development. It is a requirement that the topsoil be preserved for use with the site revegetation. Details showing sediment control measures and revegetation works shall be submitted and be approved prior to any earthworks commencing.

A21 Benching, i.e. cutting, filling or levelling of the land to create building platforms does not form part of this approval and will only be considered in conjunction with a Building Application to build on the land.

A22 No dwelling house or internal access bulk earthworks are to commence on-site, prior to the release of Council approved road and retaining wall designs.

A23 All dwellings to be erected must comply with Australian Standard #3959 with regard to construction materials and methods.

A24 Water storage facilities be installed with adequate capacity and located to assist in the fire protection of the development.

A25 A suitable fire alarm, capable of being heard from anywhere within the area enclosed by the perimeter fire break, be installed.

A26 A suitable person be appointed as Fire Protection Overseer, to be responsible for fire protection, maintenance of equipment and liaison with the Local Bush Fire Brigade.

A27 A Perimeter fire break, measuring 20 m wide horizontal, cleared of all flammable forest litter and undergrowth and be placed on a contour avoiding existing forests, having a ground fuel load of not more than eight tonnes per hectare (slashed grass). The fire break to be to the satisfaction of the Council and will be maintained at all times and maybe subject to inspections by the Council.

A28 A primary protection zone is to be established for a distance of not less than 20 m horizontal from any dwelling or any ancillary building and shall be kept clear of all combustible materials, other than grass, at all times and with a ground fuel load not exceeding three tonnes per hectare (maintained lawns) and not including the perimeter firebreaks. Existing trees and shrubs will be allowed in this area. New trees to be no higher than 3 m and no more than 10% canopy cover, but no trees will be allowed within 10 m of the main building (maintained lawns only)

A29 The following fire fighting equipment to standards approved by the Bush Fire Council of NSW be provided and maintained at all times to the satisfaction of the Council's fire Control Officer:

- a. a 8 h.p. fire fighting pump;
- b. six (6) knapsacks;
- c. 100 m of 20 mm fire protection hose; and
- d. two "Dial-a-jet" nozzles.

A30 A turn around of 15 m be provided at the end of each access road that is not a through road, allowing fire trucks to turn for fire fighting.

4.87 The AEU believed that the proportion of the school community which was highly disruptive was around three per cent of students, and that policies, resources and facilities needed to increase to deal more adequately with severely disruptive students. It argued that schools should not be run, and teaching and learning not determined, by a small proportion of the school population with behaviour problems.⁴¹

4.88 The costs associated with providing alternative places for disruptive students were high. During a visit to Boys' Town at Engadine in Sydney the Committee noted the high staff to student ratio of one staff member to six students. It seems as the behaviour worsens, the ratio becomes even higher. The Committee visited Oxley Detention Centre in Brisbane, a detention centre for young criminal offenders. The College had places for twenty detainees and had an establishment of over fifty staff.⁴²

4.89 The lack of sufficient and suitable places for students suspended or excluded from mainstream education for both the short and long term, was a concern raised with the Committee. It was argued that to exclude students from one school, and simply place them in another school for the period of their exclusion, was fundamentally flawed. They were not only not wanted at the other school, but also were not taught anything that might provide them with alternative strategies to perpetrating violence.

4.90 Evidence from Boys' Town at Engadine suggested that in New South Wales at least 'exclusion' was a limbo somewhere between long term suspension and expulsion, which was not documented in official statistics:

While there are official procedures for arranging and documenting exclusion, it is the experience of this agency that students/parents receive this message more implicitly and covertly and are discouraged from continuing with a search for an educational placement.⁴³

4.91 Evidence from Boys' Town also suggested that a large number of students who were victims of domestic violence could be maintained in mainstream schooling if school systems were more aware of what was occurring in households and introduced appropriate school support structures for those students. The evidence argued that when the student and his home situation was understood by a teacher, the teacher felt less personally threatened by the student's non-standard approaches and responses. They were then able to be more flexible in dealing with these students and to provide support structures for them.

4.92 The Committee is also convinced that if the senior curriculum was modified to make it more relevant to some students, anti social behaviour could be significantly reduced.

4.93 One alternative for young people who had fallen through the net of mainstream schooling and who were becoming caught up in the Juvenile Justice

A31 Internal Fire Breaks - The internal road system to be used as a secondary fire break and is to be cleared to a width of 10 m horizontally and cleared of all rubbish and having a ground fuel load of not more than eight tonnes per hectare (slashed grass). The fire break to be to the satisfaction of the Council and will be maintained at all times and will be subject to a yearly inspection by the Council.

A32 Reticulated Water Supply Scheme: A 38 mm ID reticulated fire fighting/water main to be installed, fitted with approved fittings and be to Council standards. The main to have a 600 mm cover and covered with a metal dust for protection.

A33 That the NSW National Parks and Wildlife Service be immediately advised in the event of the discovery of any aboriginal sites or relics as a consequence of the development.

A34 No further dwelling sites are permitted on the land. The density of residential accommodation has reached the maximum permissible in accordance with Clause 9 of State Environmental Planning Policy No. 15 - Multiple Occupancy of Rural Lands.

A35 Water from Rocky Creek is only to be used for Agricultural purposes with the specific approval and licensing from the relevant licensing authority (Department of Water Resources). In the event that spring and roof water supply is inadequate for domestic and associated use this water supply shall be augmented by connecting to Council's reticulated water system.

WITHOUT PREJUDICE

**PROPOSED CONDITIONS OF CONSENT
ON WHICH THERE IS DISAGREEMENT
BETWEEN THE APPLICANT AND THE RESPONDENT
AS OF 9 DECEMBER 1994.**

B 1. RESPONDENT'S CONDITION 3

The applicant or the developer provide the following roadworks with associated stormwater drainage structures, designed and constructed in accordance with the council's adopted road and drainage standards, at no cost to the council, and also be responsible for the full cost of any maintenance of this work, considered necessary by the Council's Engineering Division, for a period of twelve months from the date of approval of the work: a 5.0 m wide formation with a gravel width of 5.0 comprising a minimum of 150 mm of compacted gravel, from the end of the bitumen sealed pavement in Standing Street to the vehicular access point on the property. The Road reserve to be extended as a dedicated road reserve to cover this work. After satisfactory completion of all roadworks and drainage, a work-as-executed set of plans be submitted to the council by a suitably qualified Engineer or Surveyor.

Applicant original condition 3

That Standing Street be extended from the gateway in Standing Street to the entrance to the property, and that such extension, including associated stormwater drainage structures, designed and constructed in accordance with Council's adopted standards, at no cost to Council.

That such extension be of the same width and confirmation as the existing road.

B 2. RESPONDENTS'S CONDITION 15

Reference to dwelling site no 7 and 8 is to be deleted from the approved plans. These dwelling sites are to be relocated in a position contiguous with dwelling sites no 9 and 10 within the forest cluster. An ammended site plan is to be submitted for approval.

**Applicant's original condition 16
(deleted in toto)**

B 3. RESPONDENT'S CONDITION 29

Control burns are to be carried out and areas can be either burnt, ploughed, cleared or slashed on a five (5) year rotation basis, so as to reduce the internal fire hazard.

Applicant's condition 30

Fire controls are to be carried out and areas can be either burnt, ploughed, cleared or slashed on a five (5) year rotation basis, so as to reduce the internal fire hazard.

B 4. RESPONDENT'S CONDITION 37

Electricity, if required, is to be underground.

bringing the community, the police and the victim into confrontation with the child so he or she:

...gets it between the eyes from the person whose house has been burgled, or the person whose car has been converted. It is not just some judge that they can laugh at. It is not the police who they think of as their enemies.

It is called a community conference with the police, the victim and the parents who will have much more ongoing effect over that young person's behaviour.⁴⁶

4.99 It was also argued that the conditions applying to the provision of a summary protection order made them too difficult to obtain. It was recommended that temporary or short term summary protection orders, of say one month's duration, should be available to the police to implement while the judicial processes were 'grinding on'.

4.100 The general view expressed on legal processes was that victims should not be left powerless and vulnerable by a judicial system which failed to deal adequately with the perpetrator of the violence. Penalties needed to act as a deterrent to youth violence, and the legal processes needed to support the victims and their families.

4.101 Other matters raised with the Committee were:

- an improvement in the legal protection afforded to teachers who had to restrain violent students;
- the right of parents to be able to sue both teachers and students who bully;
- the need for third parties such as teachers and principals who were witnesses to incidents involving students to be able to bring charges to bring the perpetrators to justice;
- the refusal of the judiciary to conduct trials to deal with violent acts by youths, when evidence was circumstantial; and
- the effects of drugs and alcohol in society and their effect on young people.

Funding

4.102 The Committee visited one school which, within the space of four years, was able to change from a violent and unsafe place, into a school where violence had decreased, pupils felt safe and learning outcomes had improved. These ends were achieved within the school's existing human and financial resources.⁴⁷ It was also found in research into bullying in Australia, that schools that had adopted active anti bullying policies which involved staff, parents and pupils, irrespective of how well or poorly resourced they were, reported low instances of bullying.⁴⁸

4.103 While the Committee notes that a great deal can be achieved without additional resources, the achievement of positive outcomes places often unreasonable pressures on teaching staff. In its previous report *The Literacy Challenge*, the

Applicant's condition 38
(deleted in toto)

B 5. RESPONDENT'S CONDITION 38

That survey and documentation verifying the location of the proposed spring source of water supply to the village cluster in relation to land boundaries be provided prior to the commencement of any development works in that cluster. If this source of supply is not within the applicants land then alternate sources of water supply are to be proven to Council's satisfaction, eg The Channon reticulated supply, on site bores or springs.

Applicant's condition 39
(deleted in toto)

B 6. RESPONDENT'S CONDITION 41

Submission of a detailed plan (in duplicate), for approval in conjunction with the relevant building application, indicating the location and name of shrub and tree species to be planted, mature height of trees and the location of grassed and paved areas.

Applicant
(deleted in toto)

B 7. RESPONDENTS CONDITION 42

Building site no's 1, 2, 3, and 4 are to be landscaped with mature species that provide a visual buffer when viewed from the village of The Channon and Channon Road. The landscaping to be established prior to commencement of works.

APPLICANT
(deleted in toto)

B 8. RESPONDENT'S CONDITION 43

Engineering details relating to all roadworks, retaining walls and sewerage works are to be submitted to Council prior to the commencement of any works.

APPLICANT
(deleted in toto)

B 9. RESPONDENTS CONDITION 44

A minimum of 45,000 litres of water shall be provided to each dwelling site for domestic purposes. Water proposed to be used for drinking purposes shall meet potable water standards. Full details of proposed water supply shall be submitted for consideration with the building application to erect a dwelling on a site.

APPLICANT

A minimum of 22,500 litres of water shall be provided to each dwelling site for domestic purposes. Water proposed to be used for drinking purposes shall meet potable water standards. Full details of proposed water supply shall be submitted for consideration with the building application to erect a dwelling on a site.

B 10. RESPONDENTS PROPOSED CONDITION 45

No dwellings are to be erected, sites occupied or Building Applications approved for any site until access and service requirements have been completed in accordance with the consent.

APPLICANT
(deleted in toto)

RESPONDENT:

Note 1. The Local Government Act provides that all buildings and alterations, including retaining walls, to be subject to the issue of a building permit from the Council. Issue of this consent in no way implies that the building(s) comply with all of the provisions of the Local Government Act and the Building Code of Australia. Application forms are available from the Health and Building Code of Australia. Application forms are available from the Health and Building Department for this purpose. Please note that no building work or site works are to commence until a building permit has been issued.

Note 2 Council requires the council's Engineering Division to certify the satisfactory completion of all civil works prior to the release of a building approval. This means that bonding arrangements for construction of civil works will not be accepted. The exception will be for maintenance of work periods and/or by written approval of Council.

Note 3 Your development application is shown to be in a high bush fire hazard area in accordance with Council's Bush Fire Hazard Maps and will be subject to fire conditions, upon development in accordance with Department of Planning Circular 74.

Note 5 Your section 94 Contribution will go to Dunoon Bush Fire Brigade, the sum being \$1350.

Applicant:
(delete notes in toto).

End of list B

Anson vs. Lismore City Council
Land and Environment Court
File number 10239 of 1994

*Applicants Combined (one numbered)
List of Conditions of Consent as given to
Riley (and as on 12th Mar. 1994 not used by accs)
Without Prejudice*

**PROPOSED CONDITIONS OF CONSENT
ON WHICH THERE IS AGREEMENT
BETWEEN THE APPLICANT AND THE RESPONDENT
AS OF 9 DECEMBER 1994.**

CCRAP

A1 All buildings constructed, work carried out, or use of buildings or land, subject to any amendment or modification or amendment or modification called for in the following conditions or any subsequent building permit, shall be in accordance with the details in the plan(s) and supporting documents submitted with the application, a copy of which are attached to this consent.

A2 Payment of levies under section 94 of the Local Government Act 1993 and Section 64 of the Local Government Act 1993 as a contribution towards the provision of public services or amenity identified in the attached schedule be paid at the rate(s) current at the date the building approval is granted. The rates and amounts applying at the date of this notice, totaling \$29,889, are set in the schedule for your information. Where the total contribution payable exceeds \$1,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. must be paid prior to release of the subdivision linen plan in the case of subdivision and prior to release of building approval for other development.

A3 Full design plans of proposed works including retaining walls etc. to satisfy conditions are to be submitted for approval by the Divisional Manager-Engineering Services prior to commencement of construction of any water, sewerage, drainage or roadworks.

A4 Provision be made for vehicular accesses from the road pavement to the development by the construction of a pipe crossings, at no cost to the Council, in accordance with the Council's standards, details of which are obtainable from the Council's Engineering division.

A5 Subdivision of the land is prohibited and the land shall remain in one lot.

A6 That the land be jointly owned by the adult occupiers of the land and used as their principal place of residence.

A7 Effluent discharge from all buildings that are to be erected shall be disposed of in a manner approved by the Divisional Manager-Environmental Health and Building Services prior to the commencement of work. Proposed effluent disposal systems shall be located a minimum 50 metres from any watercourse (including associated rural outbuildings).

A8 Any use of the land or of a building, other than for forestry, agriculture, and residential on an approved site, shall be subject to separate development consent of Council.

A9 No building or structure shall be erected or commenced to be erected unless building consent has been obtained from the Council (excluding water tanks and garden sheds less than 10m² in area).

A10 That Council receive internal road designs and written certification to satisfy Condition No. 13 from a qualified Engineer experienced in soils mechanics and road design that:

i) the vehicular access provided to all sites is stable and will not be affected by landslip or subsidence above or below the access, and that adequate drainage is provided, and

ii) that soil erosion stabilisation and sedimentation control measures as recommended by the Department of Land Conservation and Management are in place prior to the submission for, and release of building approval for any buildings to be used for habitable purposes.

A11 That all weather 2 wheel drive vehicular access be constructed and maintained from the Council maintained all weather road access to the dwelling sites, at no cost to Council.

A12 That a person qualified in soil hydraulics and waste water management prepare a report on each site regarding the adequacy of the soil and its capabilities to dispose of all septic effluent water from each dwelling, should that form of waste water disposal be proposed. A copy of the relevant site report to be submitted to Council with each building application prior to approval being given.

A13 Excavation of slopes for roadworks and building sites are to be designed and approved by Council's Engineering Services Division prior to commencement of works.

A14 No tree of any species in areas mapped as "protected lands" be ringbarked, cut down, lopped, injured or damaged without the prior consent of the Department of Conservation and Land Management.

A15 That no construction of residences or any other structures be permitted in the vicinity of the existing road reserve until such time as either -
a) an identification survey of the road reserve has been carried out by a registered surveyor, or
b) an application to purchase the subject road reserve has been approved by the Crown Lands Service arm of the Department of Conservation and Land Management.

A16 Any building application will not be released until a Certificate from a recognised practicing Structural Engineer certifying that the design of the building has taken into account the soil or other geological foundation conditions relating to the site. Dwelling construction is to be commensurate/compatible with the topography of the respective sites.

A17 That the buildings be clad with a non-reflective material and be of an earthy colour.

A18 There ~~is~~ no objectionable noise at any time emitted from the development.

A19 The land to be so used as not to interfere with the amenity of the area.

A20 Sediment control measures shall be put into place and be properly maintained to prevent soil erosion and the transport of sediment off the development site or into natural or made drainage lines or watercourses during rainfall and runoff. All disturbed areas shall be stabilised and be revegetated by turfing or an approved seeding method within 14 days of completion of earthworks in each part of the development. It is a requirement that the topsoil be preserved for use with the site revegetation. Details showing sediment control measures and revegetation works shall be submitted and be approved prior to any earthworks commencing.

A21 Benching, i.e. cutting, filling or levelling of the land to create building platforms does not form part of this approval and will only be considered in conjunction with a Building Application to build on the land.

A22 No dwelling house or internal access bulk earthworks are to commence on-site, prior to the release of Council approved road and retaining wall designs.

A23 All dwellings to be erected must comply with Australian Standard #3959 with regard to construction materials and methods.

A24 Water storage facilities be installed with adequate capacity and located to assist in the fire protection of the development.

A25 A suitable fire alarm, capable of being heard from anywhere within the area enclosed by the perimeter fire break, be installed.

A26 A suitable person be appointed as Fire Protection Overseer, to be responsible for fire protection, maintenance of equipment and liaison with the Local Bush Fire Brigade.

A27 A Perimeter fire break, measuring 20 m wide horizontal, cleared of all flammable forest litter and undergrowth and be placed on a contour avoiding existing forests, having a ground fuel load of not more than eight tonnes per hectare (slashed grass). The fire break to be to the satisfaction of the Council and will be maintained at all times and maybe subject to inspections by the Council.

A28 A primary protection zone is to be established for a distance of not less than 20 m horizontal from any dwelling or any ancillary building and shall be kept clear of all combustible materials, other than grass, at all times and with a ground fuel load not exceeding three tonnes per hectare (maintained lawns) and not including the perimeter firebreaks. Existing trees and shrubs will be allowed in this area. New trees to be no higher than 3 m and no more than 10% canopy cover, but no trees will be allowed within 10 m of the main building (maintained lawns only)

A29 The following fire fighting equipment to standards approved by the Bush Fire Council of NSW be provided and maintained at all times to the satisfaction of the Council's fire Control Officer:

- a. a 8 h.p. fire fighting pump;
- b. six (6) knapsacks;
- c. 100 m of 20 mm fire protection hose; and
- d. two "Dial-a-jet" nozzles.

A30 A turn around of 15 m be provided at the end of each access road that is not a through road, allowing fire trucks to turn for fire fighting.

A31 Internal Fire Breaks - The internal road system to be used as a secondary fire break and is to be cleared to a width of 10 m horizontally and cleared of all rubbish and having a ground fuel load of not more than eight tonnes per hectare (slashed grass). The fire break to be to the satisfaction of the Council and will be maintained at all times and will be subject to a yearly inspection by the Council.

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A33 That the NSW National Parks and Wildlife Service be immediately advised in the event of the discovery of any aboriginal sites or relics as a consequence of the development.

A34 No further dwelling sites are permitted on the land. The density of residential accommodation has reached the maximum permissible in accordance with Clause 9 of State Environmental Planning Policy No. 15 - Multiple Occupancy of Rural Lands.

A35 Water from Rocky Creek is only to be used for Agricultural purposes with the specific approval and licensing from the relevant licensing authority (Department of Water Resources). In the event that spring and roof water supply is inadequate for domestic and associated use this water supply shall be augmented by connecting to Council's reticulated water system.

End of list A. Ditto A' Heading

**PROPOSED CONDITIONS OF CONSENT
ON WHICH THERE IS ~~DIS~~AGREEMENT
BETWEEN THE APPLICANT AND THE RESPONDENT
AS OF 9 DECEMBER 1994.**

B 1. RESPONDENT'S ~~CONDITION~~ (3)

The applicant or the developer provide the following roadworks with associated stormwater drainage structures, designed and constructed in accordance with the council's adopted road and drainage standards, at no cost to the council, and also be responsible for the full cost of any maintenance of this work, considered necessary by the Council's Engineering Division, for a period of twelve months from the date of approval of the work: a 5.0 m wide formation with a gravel width of 5.0 comprising a minimum of 150 mm of compacted gravel, from the end of the bitumen sealed pavement in Standing Street to the vehicular access point on the property. The Road reserve to be extended as a dedicated road reserve to cover this work. After satisfactory completion of all roadworks and drainage, a work-as-executed set of plans be submitted to the council by a suitably qualified Engineer or Surveyor.

Applicant original Condition (3)

That Standing Street be extended from the gateway in Standing Street to the entrance to the property, and that such extension, including associated stormwater drainage structures, designed and constructed in accordance with Council's adopted standards, at no cost to Council.
That such extension be of the same width and confirmation as the existing road.

B 2. RESPONDENTS'S ~~CONDITION~~ 15

Reference to dwelling site no 7 and 8 is to be deleted from the approved plans. These dwelling sites are to be relocated in a position contiguous with dwelling sites no 9 and 10 within the forest cluster. An ammended site plan is to be submitted for approval.

Applicant's original condition 16
(deleted in toto)

B 3. RESPONDENT'S ~~CONDITION~~ 29

Control burns are to be carried out and areas can be either burnt, ploughed, cleared or slashed on a five (5) year rotation basis, so as to reduce the internal fire hazard.

Applicant's condition 30

Fire controls are to be carried out and areas can be either burnt, ploughed, cleared or slashed on a five (5) year rotation basis, so as to reduce the internal fire hazard.

B 4. RESPONDENT'S CONDITION 37
Electricity, if required, is to be underground.

Applicant's condition 38
(deleted in toto)

B 5. RESPONDENT'S CONDITION 38

That survey and documentation verifying the location of the proposed spring source of water supply to the village cluster in relation to land boundaries be provided prior to the commencement of any development works in that cluster. If this source of supply is not within the applicants land then alternate sources of water supply are to be proven to Council's satisfaction, eg The Channon reticulated supply, on site bores or springs.

Applicant's condition 39
(deleted in toto)

B 6. RESPONDENT'S CONDITION 41

Submission of a detailed plan (in duplicate), for approval in conjunction with the relevant building application, indicating the location and name of shrub and tree species to be planted, mature height of trees and the location of grassed and paved areas.

Applicant
(deleted in toto)

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Building site no's 1, 2, 3, and 4 are to be landscaped with mature species that provide a visual buffer when viewed from the village of The Channon and Channon Road. The landscaping to be established prior to commencement of works.

APPLICANT
(deleted in toto)

B 8. RESPONDENT'S CONDITION 43

Engineering details relating to all roadworks, retaining walls and sewerage works are to be submitted to Council prior to the commencement of any works.

APPLICANT
(deleted in toto)

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A minimum of 45,000 litres of water shall be provided to each dwelling site for domestic purposes. Water proposed to be used for drinking purposes shall meet potable water standards. Full details of proposed water supply shall be submitted for consideration with the building application to erect a dwelling on a site.

APPLICANT

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B 10. RESPONDENTS PROPOSED CONDITION 45

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APPLICANT

(deleted in toto)

RESPONDENT:

Note 1. The Local Government Act provides that all buildings and alterations, including retaining walls, to be subject to the issue of a building permit from the Council. Issue of this consent in no way implies that the building(s) comply with all of the provisions of the Local Government Act and the Building Code of Australia. Application forms are available from the Health and Building Code of Australia. Application forms are available from the Health and Building Department for this purpose. Please note that no building work or site works are to commence until a building permit has been issued.

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Note 5 Your section 94 Contribution will go to Dunoon Bush Fire Brigade, the sum being \$1350.

Applicant:
(delete notes in toto).

End of list B

