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ADAM D. RILEY
MELINDA L. CLARK

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. 

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.
Could be waived if Dick sets up will sign
- ✓ 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. *Code.*
- ✓ 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.

Dropped Deleted

Jan 7

Jan 8

Jan 9

Jan 10

Jan 11

Jan 10

12. 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. 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 capability 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. 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.
15. Reference to dwelling sites no. 7 and 8 is to be deleted from the approved plans. These dwelling sites are to be re-located in a position contiguous with dwelling sites no. 9 and 10 within the "forest cluster". An amended site plan is to be submitted for approval.
16. 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.
17. That no construction of residences or any other structures be permitted in the vicinity of the existing road reserve until such time as either:
- an identification survey of the road reserve has been carried out by a registered surveyor, or
 - 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.
18. 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.
19. That the buildings be clad with a non-reflective material and be of an earthy colour.
20. There be no objectionable noise at any time emitted from the development.
21. The land to be so used as not to interfere with the amenity of the area.
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.
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.
24. No dwelling house earth works or internal access bulk earthworks are to commence on-site, prior to the release of Council approved road and retaining wall designs.
25. All dwellings to be erected must comply with Australian Standard #3959 with regard to construction materials and methods.

- ✓ 26. Water storage facilities be installed with adequate capacity and located to assist in the fire protection of the development.
Dor 27
- ✓ 27. A suitable fire alarm, capable of being heard from anywhere within the area enclosed by the perimeter fire break, be installed.
Dor 28
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.
Dor 29
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.
Dor 30
- ✓ 30. 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.
Dor 31
- ✓ 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).
Dor 32
- ✓ 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:
Dor 33
- 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.
Dor 34
- ✓ 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.
Dor 35
- ✓ 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.
Dor 36
- ✓ 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.
Dor 37
37. Electricity, if required, is to be underground.
Dor 38
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.
Dor 39
Dropped

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~~ ^{when 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 ^{22,500} 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.

LIBRARY TECHNICIAN

Possession of TAFE level qualifications is usually required.

Membership (Technician Level) of the Australian Library and Information Association (ALIA) may assist with employment opportunities.

RECOGNITION PROCEDURES:

Seek employment.

Consult NOOSR publications for comparability to Australian qualifications.

If desired apply for membership of the ALIA.

PROFESSIONAL ASSOCIATION:

Australian Library and Information Association (ALIA)
PO Box E44
Queen Victoria Terrace
CANBERRA ACT 2601
Ph: (06) 285 1877
Fees: \$60.00 (assessment)
(from) \$65.00 (membership)

Date of Issue: July 1992

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PA.

WITHOUT PREJUDICE CONDITIONS

- 13 ✓ 1. 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.
- 18 ✓ 2. 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.
- (New) ✓ 3. 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.
4. ~~That the buildings be clad with a non-reflective material and be of an earthy colour.~~

Notes dropped

44

29 ^{new} OK

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, to be deleted.

42 To read, "Building sites 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.

~~In lieu of 44~~

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 -

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 respondents Condition 3 is accepted, subject to the above amendments being accepted by Council.

Comments to our proposed Conditions of Consent.

44A. Do not use the word "tank" (singular) as it may be more convenient to store in several tanks having this total capacity.

44B. Note DCP-20 cl 3.7.6 provides for 5000 litres/person at each house site. So for say a 4 person house this is 20,000 litres which is less than proposed here.

45A NB Condition 11 has also to be satisfied. This strategy allows for building approval on Site 5 to proceed prior to upgrading of Standing St or construction of the internal road.

45B Reason: To relate the increase of traffic on Standing Street to building approvals.

It is unreasonable to require upgrading of Standing St. when buildings may not be built for some time.

NB in this regard, the cost of the access road is already a considerable economic expense required to be undertaken before any building approvals are released (apart from Site 5).