

Call for administrator

Andrew - ^{LET} wrong not to
accuse REP - Denbuden
unless good reason
- this neg' inquiry

~~A/Repdus as Repd. Letter if Repd. tends~~

of Find LES for Andrew Bleed

Δ = Generating works
Prohib.

Zones for MO.

- Zone 1(a) (Global Rural Area) — OK
1(b) (Primary Horticulture) Δ
1(c) (Rural Res. > 10 ha) Δ
1(d) Investigation. Δ
1(e) Riverlands — Δ
1(f) Special Area — Δ
2(a) Open space/private — Δ
2(b) Water Catchment. — OK

total 8

* Inquiry

○ See Dave L. p25. + notes

○ Stream bank protection

2(v) Village. — Δ

total 9 zones, rural.

a further radiation check of the subject land and you will be notified
in due course of the results.

Yours faithfully,


**JOHN SKIMMINGS,
FOR REGIONAL DIRECTOR**

P.M.C.
for [unclear] [unclear]

Ulae

Pete Davies - Kersley Soil Con.
Carol Clever Con

TCM Committee

Area committee Minister of transport -

T. Cuthbert Area Committee Howell
C. H. A.

Dr. Demitris discussion paper.

Q photocopy conditions of motel as a model. on Business
Paper



Rainbow Power Company Pty. Ltd.

70 Cullen St., Nimbin N.S.W. 2480

Phone (066) 89 1430 - Fax (066) 89 1109

11 September 1990.

Town Planning Department
Lismore City Council
PO Box 23A
Lismore NSW 2480

Dear Sirs,

re: Draft LEP

We apologise for the lateness of this submission.

However, it has just been brought to our attention that the definition of 'generating works' in the Model provisions and adopted by the Draft LEP is rather open to varying interpretation.

We also note that it is proposed to prohibit this use in zones 1(b), 1(c), 1(o), 1(r), 5, 6(b) and 2(v).

The intent is presumably to define large or commercial type generators providing power to industry and the general population on 'mains' power.

However, a narrow or literal interpretation of the definition could include a single rural homestead with a petrol/diesel generator of any size, solar, wind or a micro hydro installation.

We would recommend that Council redefine this provision to exclude the provision of on-site stand alone power systems for rural, residential or other permissible land uses. We would be pleased to further discuss with Council officers a more appropriate exact wording of the definition.

Thank you for your consideration.

Yours faithfully,

Dave Lambert
Director



Olive Whistler

THE BIG SCRUB ENVIRONMENT CENTRE

INC.

88A Keen Street, Lismore 2480.
Phone (066) 21 3278

PCH



Pink Orchid

SUBMISSION TO THE LISMORE DRAFT LOCAL ENVIRONMENT PLAN 1990

Prepared by Andrew Steed

31st August 1990

The Big Scrub Environment Centre wishes to lodge the following submission to the Lismore draft Local Environment Plan 1990. In summary the Centre wishes to clearly state the following:-

* The Centre requests a Public Hearing into the draft LEP under section 68(1) of the Environmental Planning & Assessment (EPA) Act 1979.

* the Centre regards the draft Local Environment Plan as being totally inadequate to achieve the objectives of the EPA Act, in particular, section 5 (a) (i) and (vi), which states:-

The objects of this Act are-

(a) to encourage-

(i) the proper management, development and conservation of natural and man-made resources, including agricultural land, forests, water, minerals, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment; and

(v) the protection of the environment.

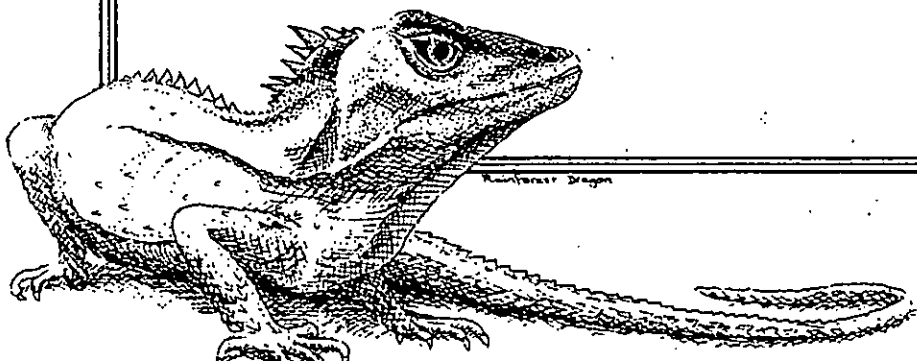
* The Centre recommends the inclusion of Environmental Protection Zones for areas including Wetlands, Koala Habitat, Rainforest remnants, slip/soil erosion prone land and all river and stream banks 30m each side of all watercourses.

* The Centre recommends that major deposits of extractive material are zoned for Extractive Industries.

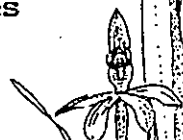
* The Centre recommends that items of aboriginal and the natural environment are included on the Heritage Register.

* The Centre recommends the replacement of dual occupancy from being a prohibited use in rural areas, with a special provision that must be considered in all dual occupancy applications.

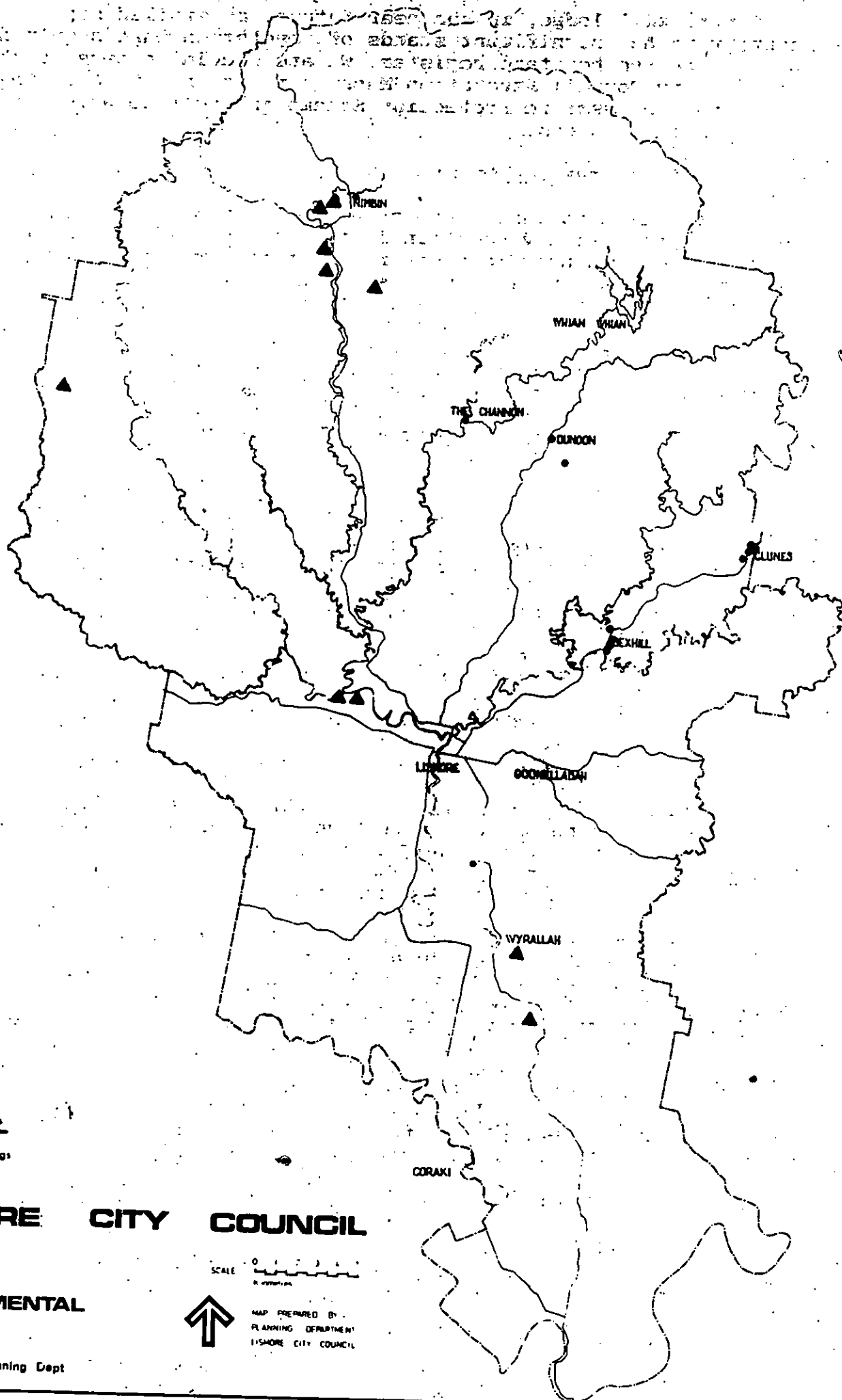
* The Centre recommends the adoption of a City wide Rural Tree Preservation Order that protects all native trees and requires Council consideration and approval before exemption.



Rainforest Dragon



Pink Fingers



MAP 1

HERITAGE

- ▲ Aboriginal sites
- Historic buildings

LISMORE CITY COUNCIL

LOCAL
ENVIRONMENTAL
STUDY

10 Source: Planning Dept

SCALE 0 1 2 3 4
Kilometres



MAP PREPARED BY
PLANNING DEPARTMENT
LISMORE CITY COUNCIL

* The Centre objects to the inconsistencies between the North Coast Regional Environment Plan, 1988 (REP) and requests that the draft LEP is redrafted to comply with the requirements of the North Coast REP.

* The Centre requests that under section 68(4)(d)(iii) the Council shall include in its report to the Secretary of the Dept of Planning the inconsistencies with the North Coast REP relating to:-

- a) Wetlands and fishery habitats (REP clause 13)
- b) Extractive Industry Zones (REP clause 17)
- c) Environmental Protection Zones (REP clause 29)
- d) Heritage Items and Areas (REP clause 35)

* The Centre requests that the Lismore draft LEP is not granted Ministerial concurrence under section 70 of the EPA Act until all inconsistencies with the North Coast REP have been rectified.

* The Centre objects to the omission of a Rural Tree Preservation Order and does not believe that clause 30 of the Draft LEP is inadequate in its protection of rural habitats.

* The Centre wishes to resubmit its submission to the first Lismore draft LEP exhibited in 1987 as we believe the detailed recommendations contained in that submission are still relevant to the current Lismore draft LEP.

* The Centre recommends that the proposed zone tables attached in our submission to the first Lismore draft LEP are adopted in the current Lismore draft LEP.

* The Centre requests that it reserves the right to submit further information to substantiate this submission at a future date, either to the Council or to a Public Hearing. This applies in the mapping of natural environment heritage areas.

Background Information

The changes to the current draft LEP, and the delay in re-exhibiting the new draft LEP, is of major concern to the Big Scrub Environment Centre and its members. We believe that the controversial nature of the LEP is grounds for Public Hearings to be held under s.68 of the Environmental Planning and Assessment Act, 1979, and would like to request you to consider this issue as a matter of importance.

It is extremely important that Lismore Council is not allowed to adopt a LEP that is inconsistent with the objectives of the EPA Act, the North Coast Regional Environment Plan (REP) and the adjacent Local Environment Plans (LEP) of Byron and Ballina Shires as this will set a precedent for all future local Environment Plans yet to be adopted.

Ballina Shire has had its LEP in operation since 1987 after exhibiting the dLEP in 1985 and Byron Shire has had its LEP in operation since 1988 after exhibiting the dLEP in 1986. Byron Shires both held Public Hearings into their respective dLEPs and these resolved many of the controversial issues.

13
After the Public Hearings Byron and Ballina both adopted its respective LEP without requiring a second dLEP. The success of the Public Hearings in resolving the issues of the Byron and Ballina dLEPs is a clear signal that there should be Public Hearings into the Lismore dLEP. Public Hearings are the only forum where the inconsistencies of the Lismore dLEP and the concerns of the public can be expressed and dealt with properly and without bias.

North Coast Regional Environment Plan

The following comparative examples between the LEPs of Ballina and Byron Shire show a clear inconsistency between the Lismore dLEP and the Ballina and Byron LEPs. There are also substantial inconsistencies between the Lismore dLEP and the North Coast Regional Environment Plan (REP) as outlined in the following headings of Environmental Protection Zones, Extractive Industries and Heritage Items.

The North Coast REP (cl 4) states that "in the event of any inconsistency between the North coast REP and any other environmental planning instrument (eg, LEP) applying to the land to which this plan applies, this plan shall, to the extent of the inconsistency, prevail".

Clearly in the case of the inconsistencies outlined below it is clear that the North coast REP should prevail over the Lismore dLEP without a doubt.

As the North Coast REP was a document produced through extensive public participation it is unacceptable that it is being ignored in the current Lismore dLEP. There are certainly more than adequate grounds for calling public hearings into the Lismore dLEP on the basis of its non compliance with the North Coast REP.

The Centre recommends that the Lismore LEP is not adopted until there is consistency with the North Coast REP and objects to any justification of the inconsistencies that may be put forward by the Lismore Council in its report to the Secretary of the NSW Dept of Planning.

Environmental Protection Zones

Without considering coastal protection zones, both Ballina and Byron Shire LEPs have 5 Environmental Protection zones including wetlands, habitat, scenic escarpment, water catchment and buffer/scientific zones.

The first Lismore dLEP had 3 Environmental Protection Zones for scenic protection, riverland protection and water catchment. The current Lismore dLEP has only one Environmental Protection Zone for water catchment and this does not effectively control tree removal.

The removal of 2 Environmental Protection Zones is not consistent with the EPA Act (s.5) objectives to encourage the protection of the environment and the proper management, development and conservation of natural resources.

The dLEP does not identify and protect the important SEPP 14 wetlands Number 114, 115 and 119 at Bagotville and Tuckean Swamp, and this is clearly inconsistent with the North Coast REP (cl 13) which requires wetlands and fishery habitats to be zoned for environmental protection.

It is also inconsistent with the North Coast REP (cl 29) which requires a dLEP to provide Environmental Protection Zones for significant wetlands, scenic areas, rainforests, wildlife habitats and potential wildlife corridors. The Lismore dLEP fails to protectively zone important SEPP 14 wetlands, as mentioned, and the numerous wildlife habitats and Big Scrub rainforest remnants.

The Centre recommends that all SEPP 14 wetlands should be zoned in an Environmental Protection Zone 7(a)- Wetlands that clearly states the objectives and requirements of SEPP 14. The Centre also recommends that all remnants of the Big Scrub Rainforest should be zoned Environmental Protection Zone 7(j)- Scientific, and that Koala Habitat areas such as Goonellegah-Whyrallah-Tucki should be zoned Environmental Protection Zone 7(k)-Wildlife Habitat.

The Centre further recommends that all streambank land, slip/soil erosion prone land and all land classified by the Dept of Agriculture as Class 4 and 5 (NOT Prime Agriculture) should be zoned for Environmental Protection according to the location and degree of environmental Hazard.

Dual Occupancy

Dual Occupancy is allowable in rural areas in both Ballina and Byron LEPs through a special provision that requires certain factors are considered before approval is given. This was also the case in the first Lismore dLEP. However in the new Lismore dLEP dual occupancy (except where the dwellings are attached) is prohibited in all rural areas.

The Centre recommends that Council require all dual occupancies to be advertised development and require all proposals to be subject to a special provision when under consideration, as is the case in both Byron and Ballina LEPs.

Extractive Industries - Quarries

Byron and Ballina LEPs both provide for an extractive industries zone. Despite having about 40 active quarries, the Lismore dLEP does not have an extractive industry zone and is inconsistent with the EPA Act objectives mentioned previously, and with the North Coast REP (cl 17) which requires that major deposits of extractive material are zoned for that use.

The Centre recommends that all major deposits of extractive material are zoned in an extractive zone to protect the future resources and adjoining land uses.

Heritage Items and Areas

The Lismore dLEP contains a schedule of heritage sites and areas but this schedule does not include any aboriginal or natural environment sites or areas. With at least ten known aboriginal sites, (see attached map 1) including the Tucki Bora Ring and Nimbin Rocks, these should be included on the heritage schedule as should the remnants of the Big Scrub Rainforest.

The omission of such heritage items is inconsistent with the North Coast REP (cl 35) which requires a dLEP to protect and conserve all items of environmental heritage.

The Centre recommends that the Aboriginal items shown on Map 1 should be included on the heritage register all with any other sites/items identified by the national Parks & Wildlife Service

The Centre will lodge, in the near future, a detailed map identifying the significant stands of vegetation that should be included on the heritage register. We are seeking access to the Lismore City Council Vegetation Maps that were produced by the NRCAE under a Bushfire Protection Scheme in order to accurately delineate these areas.

Rural Tree Preservation Order

The Centre believes that there should be a Rural TPO to protect the remaining native vegetation in the City Council area. The TPO should be comprehensive and cover all trees over 3m except for noxious weeds and exotics such as Camphor Laurel, Privet and Indian Coral trees.

An excellent example of a suitable TPO is that of the Byron shire council which includes heathland vegetation and a set of considerations that must be taken into account before granting approval to tree destruction. It has not interfered with farmers' rights and effectively protects the Shire's important tree habitats.

Public Hearings

The differences between the Byron and Ballina LEPs and the Lismore dLEP, and the inconsistencies between the Lismore dLEP and the EPA Act objectives and the North Coast REP, is unacceptable in planning and environmental protection terms.

The Lismore LEP is too important to be left in the hands of a Council unable to satisfy the objectives of the EPA Act and the requirements of the North Coast REP. The Centre urges the Lismore City Council to hold a Public Hearing into this submission.

Conclusion

The Centre requests that this submission is given due and proper consideration as being representative of the members of the Big Scrub Environment Centre. The centre is supported by many local individuals and organisations and this submission is the result of considerable liaison and discussion over the Lismore dLEP.

The recommendations of the Centre have been thoroughly researched and are not based on spurious argument but on logical and rational discussion, existing examples and relevant documents. As such we believe that this submission carries substantial local community support and opinion and thus deserves more detailed consideration than individual submissions.

Further information will be lodged with the Council in the near future as it comes to available. We look forward to presenting our case at a Public Hearing and thank Council in anticipation of being able to participate in the Public Hearing.

On behalf of the Big Scrub Environment Centre,

Andrew Steed, Information Officer.



Rainbow Power Company Pty. Ltd.

70 Cullen St., Nimbin N.S.W. 2480

Phone (066) 89 1430 - Fax (066) 89 1109

*LEP Sub by
Rainbow*

Town Planning Dept
Lismore City Council
PO Box 23
Lismore
NSW 2480

3-9-90

Dear Sir,

We would like to lodge an objection to the Draft LEP with respect to the restrictive provisions of the rural zone.

Our Company is now one of the major businesses in Nimbin and we would like to expand our operation further. We would like to develop a property to include a factory (light industry), a retail and wholesale premises, caretakers residence and display centre for solar, wind and hydro technology.

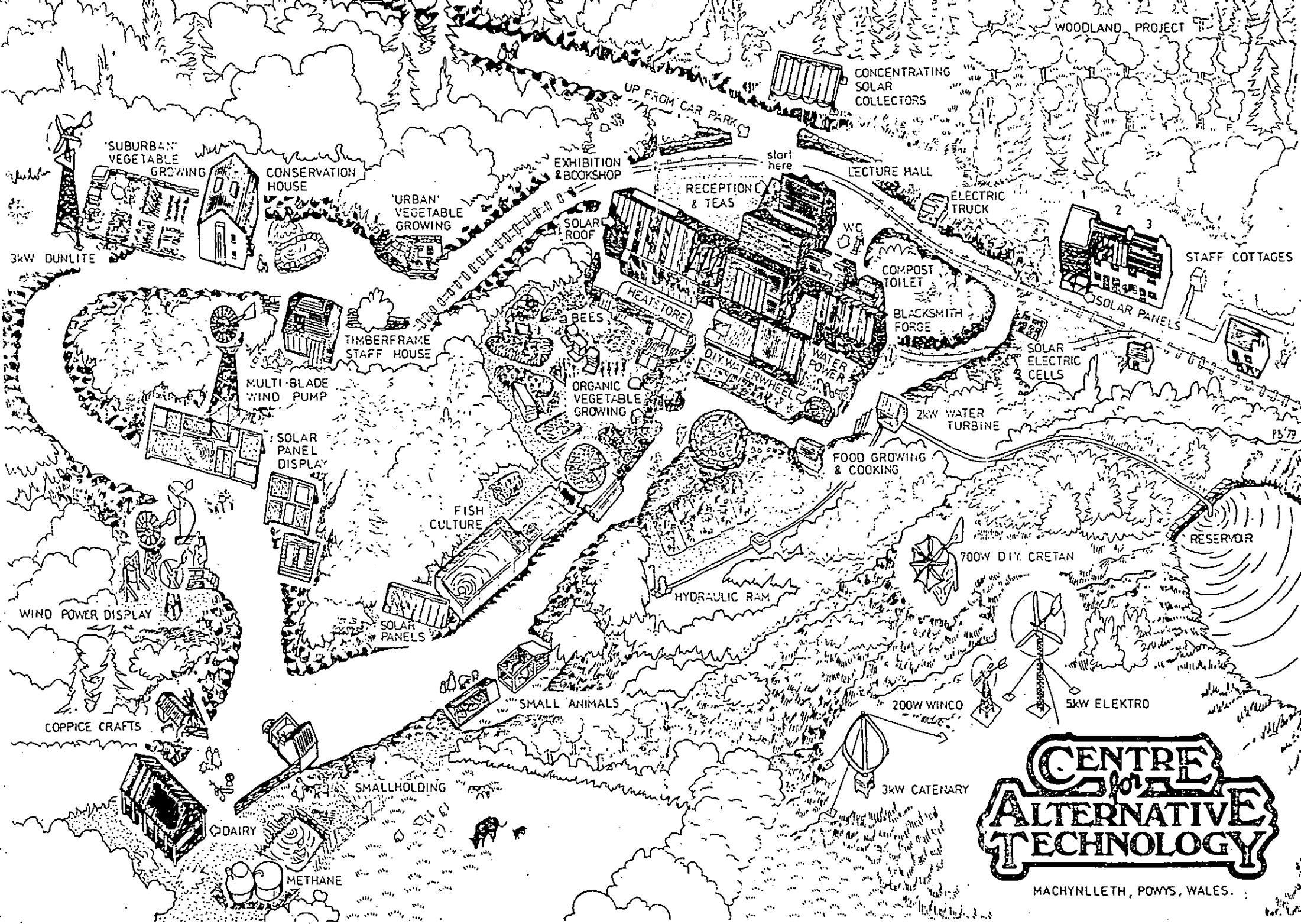
The property we have in mind is presently owned by Gordon Hensen. It is presently used as a storage yard for an earth moving businesses and is the first property out of the Nimbin Village zone on the way to Nimbin Sawmill / Gungas Road. The property is about three quarters of an acre in size and would allow ample space for parking, truck access and display purposes. The existing retail premises is constrained by suitable access and parking difficulties.

This sort of development would be a major tourist attraction for Nimbin and would provide much needed development and employment in the area. A similar development is very successful in Wales (UK) and a sketch plan is attached. The Company in association with Austrade and the Lismore Development Agency is about to embark on a major overseas export drive. The lack of suitably zoned land in the Nimbin area could prevent this much needed business development.

We would ask Council to remove some of the constraints in the present IDO and Draft LEP which would prohibit this type of development.

Yours Faithfully

Dave Lambert
Company Secretary



CENTRE for ALTERNATIVE TECHNOLOGY

MACHYNLLETH, POWYS, WALES.

Lismore City Council

Bike ways

LISMORE DRAFT LOCAL ENVIRONMENTAL PLAN 1990

Get stats on no in car area

Put Ques in notice for discussion

+ list of ref to have on hand eg. EPA's

generally - good to better than prev sleep

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

LISMORE DRAFT LOCAL ENVIRONMENTAL PLAN 1990

I, the Minister for Planning, in pursuance of Section 70 of the Environmental Planning and Assessment Act, 1979, make the local environmental plan set out hereunder.

Minister for Planning.

Sydney,

1990.

PART 1

PRELIMINARY

Citation

1. This plan may be cited as "Lismore Local Environmental Plan, 1990".

Aims, objectives

2. (1) The general aim of this plan is to provide a flexible planning framework that allows for the maintenance and development of a prosperous, attractive and well serviced living environment which reflects the values, needs and aspirations of the Lismore community.

(2) The objectives of this plan are -

(a) the economy -

- (i) stimulate and strengthen the role of Lismore as a regional centre;
- (ii) provide a range of opportunities which will improve employment opportunities in Lismore; and
- (iii) create opportunities to stimulate tourism and attract visitors to Lismore;

(b) transport -

- (i) provide for the efficient movement of goods and people by encouraging adequate road, rail and air transport systems;

(c) community development -

- (i) provide opportunities for the establishment of community, health and welfare facilities in accessible locations for residents;

(d) heritage -

- ✓ (i) to conserve the environmental heritage of the Council of the City of Lismore;
 - ✓ (ii) to integrate heritage conservation into the planning and development control processes;
 - ✓ (iii) provide for public involvement in the matters relating to the conservation of the Council of the City of Lismore's environmental heritage;
 - (iv) ensure that new development is undertaken in a manner that is sympathetic to and does not detract from the heritage significance of the items and their settings, as well as streetscapes and landscapes of and the distinctive character that they impart to the Council of the City of Lismore.
- (e) housing -
- (i) provide a choice in residential living styles and an equitable and appropriate provision of utility services;
- (f) leisure and learning -
- (i) reinforce the function of Lismore as a regional centre for education, sport, culture and recreation;
- (g) natural environment -
- (i) sustain and enhance the city's natural systems, features and processes including native fauna and flora;
- (h) landscape -
- (i) improve the existing landscape of urban and rural Lismore to enhance the image of the City, the characteristics of each location, the built environment, and the quality of life for the community; and
- (i) natural hazards -
- (i) minimise the adverse effects of natural hazards, particularly flood and fire.

Land to which plan applies

3. This plan applies to all land within the City of Lismore as shown on the map, with boundaries as indicated on that map.

Relationship to other environmental planning instruments

4. (1) This plan repeals -
- (a) Interim Development Order No. 40 - Lismore;
 - (b) Lismore Local Environmental Plan Nos. 1-28;

- (c) such other local environmental plans and deemed environmental planning instruments as, immediately before the appointed day, applied to the land to which this plan applies.

(2) Clauses 6, 9 and 10 of State Environmental Planning Policy No. 4 - Development Without Consent do not apply to the carrying out of certain development in conservation areas.

Arrangement

5. This plan is divided as follows:

Part I - Preliminary - cl. 1-8

Part II - General Development Provisions - cl. 9-10.

Part III - Special Provisions

Division 1 - Rural Development - cl. 11-17

Division 2 - Urban Development - cl. 18-23

Division 3 - Environmental Heritage - cl. 24-30

Division 4 - General Provisions - cl. 31-37

Interpretation

6. In this plan, except in so far as the context or subject matter otherwise indicates or requires:

"abattoir" means a building or place used for the slaughter of animals or birds whether or not animal by-products are processed, manufactured or distributed;

"advertising" means the use of a building or place, for the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display involves the erection of a structure, or the carrying out of a work;

"alter", in relation to a heritage item or to a building or work within a conservation area, means -

- (a) the making of structural changes to the outside of the heritage item, building or work; or
- (b) the making of non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work not including the maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work;

"amusement parlour" means any premises wherein an amusement device, consisting of a pinball machine, pool table, a billiard table or coin operated amusement device or the like, is provided for the entertainment of the public, with the exception of any premises the subject of a Publican's Licence under the Liquor Act or any premises used for an approved commercial purpose, wherein not more than two coin operated amusement devices only are provided;

"animal establishment" means a building or place principally used for the breeding, boarding, training, keeping or caring of birds, cats, dogs, horses, fish, crustaceans, insects or the like, or

animals where they are primarily penned, including piggeries and cattle feed lots, generally requiring the importation of food other than food supplement from sources outside the land on which such activities are conducted;

"animal sale yards" means an area primarily used for the sale of animals;

"appointed day" means the day upon which this plan is gazetted;

"bulky goods showroom" means a building or place used for the sale by retail or auction, the hire or display of items (whether goods or materials) which are of such a size, shape or weight as to require -

- (a) a large area for handling, storage or display; or
- (b) direct vehicular access to the site of a building or place by members of the public, for the purpose of loading items into their vehicles after purchase;

but does not include a building or place used for the sale of foodstuffs or clothing or a motor showroom;

afternoon
"bush fire hazard reduction" means a reduction or modification (by controlled burning or mechanical or manual means) of material that constitutes a bush fire hazard;

"caravan park" means a site used for the purpose of -

- (a) placing movable dwellings (as defined in Section 289 E (i) of the Local Government Act, 1919) for permanent accommodation; or otherwise temporary accommodation by tourists; or
- (b) the erection, assembly or placement of cabins for temporary accommodation by tourists;

"child care establishment" means a building or place used for the purpose of caring for or supervising children which -

- (a) caters for more than five under school age children where these children are not related to the owner;
- (b) may include an educational function;
- (c) may operate for the purpose of gain, but does not include a building or place providing residential care for those children;

"communications facility" means a building, structure, work or place used permanently for the purpose of transmitting or receiving signals for purposes of communication, including radio masts, towers, satellite discs and the like;

"community facility" means a building or place owned or controlled by a public authority or a body of persons which may provide for the physical, social, cultural, or intellectual development or welfare of the local community, and includes an art and/or craft gallery; health centre; information centre; kiosk; museum;

library; youth centre; restroom; neighbourhood centre; welfare centre; senior citizens centre; or the like, but does not include a building or place elsewhere defined;

"convenience shop" means a shop selling or hiring a variety of small consumer goods and may include:

- (a) a place used for the fuelling of motor vehicles, involving the retail sale of petrol, oil and petroleum products; a cafe; take-away food; postal services; and/or video hire services;

where the gross floor area does not exceed 100 square metres;

"council" means the council of the City of Lismore;

"demolition", in relation to a heritage item or to a building or work within a heritage conservation area, means the damaging, defacing, destruction, pulling down or removal of the heritage item, building or work in whole or in part;

"Department" means the Department of Planning;

"dual occupancy" means development consisting of two dwellings on one lot of land but does not include a building elsewhere defined;

"duplex dwelling" means a building containing two, but not more than two dwellings on one lot of land;

"exhibition dwelling" means a new dwelling-house not used as a dwelling, that is used for a pre-determined period for the exhibition of the dwelling-house or interior household appliances or products and may include a sales office;

"existing holding" means either:

- (a) the area of a lot, portion or parcel of land, identified by reference to the council's rates notice, as it was at the appointed day; or
- (b) where a person owned two or more adjoining or adjacent lots, portions or parcels of land, identified by reference to the council's rates notice, their combined area, as it was on the appointed day; or
- (c) where a person owned two or more lots, portions or parcels of land, not necessarily adjoining or adjacent, but used in association as identified by reference to the council's rates notice, their combined area, as it was at the appointed day;

"goods transport terminal" means a building or place used for the principal purpose of the bulk handling of goods for transport by road, rail, river or air, including facilities for the loading and unloading of vehicles or craft used to transport those goods and for the parking, servicing and repair of those vehicles or craft;

*forestry does this =
reforestation as
distinct from
woodlot*

"heritage conservation area" means an area of heritage significance to the Council of the City of Lismore described in Schedule 6;

Channa Butts Factory
"heritage item" means a building, work, relic, tree or place of heritage significance to the Council of the City of Lismore described in Schedule 5;

"home occupation" means an occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve -

- (a) the registration of the building under the Factories, Shops and Industries Act, 1962;
- (b) the employment of more than one person other than those residents;
- (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise;
- (d) the display of goods, whether in a window or otherwise; or
- (e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident);

"industry" means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or any articles for a commercial purpose, but excludes development elsewhere defined;

"landscape" means character, visual quality or picture of the environment of a particular location or area and may include both natural and man-made elements.

"licensed premises" means a building or place which is licensed under the Liquor Act, 1982, to permit the sale of liquor for consumption both on and away from the building or place and includes hotels, taverns and registered clubs but does not include a liquor outlet;

"liquor outlet" means a building or place which is licensed under the Liquor Act, 1982, to permit the sale of liquor for consumption away from the licensed premises;

"maintenance" means the continuous protective care of the fabric of a heritage item and its setting;

"marina" means a pontoon, jetty, piers, or the like used, or intended to be used, to provide moorings for boats used for pleasure, or recreation, whether or not operated for the purpose of gain, and may include the provision of -

- (a) slipways;

(b) facilities for the repair, maintenance and fueling of, or the provision of accessories and parts for boats, or boating enthusiasts; and

(c) foodstuff, but does not include a shop;

"materials, recycling yard" means a building or place used for collecting, dismantling, storing, abandoning or recycling of second hand or scrap materials for the purpose of resale;

"medical centre" means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only;

"passenger transport terminal" means any building or place used for the assembly, dispersal and convenience of passengers travelling by any form of passenger transport including any required facilities for parking, manoeuvring, storage or routine servicing of any vehicle forming part of that undertaking;

"recreation area" means an area used for outdoor sporting, leisure or recreation activities and may include clubhouse facilities, spectator facilities or shelters, but does not include a building or place elsewhere specifically defined in this plan;

"relic" means any deposit, object or material evidence (terrestrial or underwater) relating to the use or settlement of the area of the Council of the City of Lismore which is 50 or more years old;

ie = MO =

"residential building" means a building or group of buildings erected on one lot of land containing three or more dwellings;

"recreation vehicle area" means an area designated as a recreation vehicle area by the Director or the State Pollution Control Commission by order published in the Gazette;

"restaurant" means a building or place, the principal purpose of which is the provision of food to people for consumption on those premises and may include entertainment facilities;

"restricted premises" means a building or place used or intended for use as a shop in which:

- (a) any classified publications (other than unrestricted publications) within the meaning of the Indecent Articles and Classified Publications Act, 1975, are available for sale or rental to the public;
- (b) a business to which Section 10 of the Indecent Articles and Classified Publications Act, 1975, applies is conducted; or
- (c) a business is conducted, an object of which is the display or exhibition of any article that is primarily concerned with sexual behaviour, but which is not printed matter;

"rural industry" means the handling, treating, processing or packing of primary products and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality unless

such activity is part of the agricultural activity of the property (e.g. dehusking plants used at a macadamia plantation);

0/ "rural tourist facility" means a building or place which is used to provide tourists with an education on the growing, production or processing of rural products which are grown or cultivated on the same lot of land or promote an appreciation of the natural environment and may include a restaurant and/or accommodation for overnight guests;

"service station" means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products, whether or not the building or place is ancillary to or incidental to the major purpose for one or more of the following purposes -

- (a) the hiring of trailers;
- (b) the retail selling or the installing of spare parts and accessories for motor vehicles;
- (c) washing and greasing of motor vehicles;
- (d) repairing and servicing of motor vehicles (other than body building, panel beating, or spray painting);
- (e) the retail selling or hiring of small convenience consumer goods where the gross floor area is not greater than 100 m²;

"the map" means the series of maps marked "Lismore Local Environmental Plan, 1989;

"transport depot" means a building or place used for the parking or storage of motor powered or motor drawn vehicles used in connection with a passenger or goods transport undertaking, or any business, industry, or shop;

"veterinary hospital" means a building or place used for diagnosing, surgically or medically treating animals, whether or not animals are kept on the premises for the purposes of treatment;

1/ "wholesale plant nursery" means a building or place used for either the growing or storage of plants pending their sale in large quantities for the purposes of resale or agriculture;

Adoption of model provisions

7. The Environmental Planning and Assessment Model Provisions, 1980, are adopted for the purpose of this plan with the exception of clauses 6, 8, 14, 15, 16, 17, 23, 29, 33, 34 and 35(c) and the definitions of "advertising structure", "advertisement", "airline terminal", "bus depot", "bus station", "child care facility", "Department", "general store", "home occupation", "hotel", "industry", "junk yard", "professional consulting rooms", "refreshment room", "residential flat building", "road transport terminal", "rural industry", "service station", "transport terminal", in clause 4(1).

Consent authority

8. The council shall be the consent authority for the purposes of this plan.

PART 2

GENERAL DEVELOPMENT PROVISIONS

Zone identification

9. Land to which this plan applies shall be within a zone specified hereunder and as shown on the map:

- ✓ Zone No. 1(a) - (General Rural Zone) - with black edging and lettered "1(a)".
- ✓ Zone No. 1(b) - (Primary Horticultural Zone) - with black edging and lettered "1(b)".
- ✓ 710 ha Zone No. 1(c) - (Rural Residential Zone) - with black edging and lettered "1(c)".
- ✓ Zone No. 1(d) - (Investigation Zone) - with black edging and lettered "1(d)".
- Zone No. 1(f) - (Forestry Zone) - with black edging and lettered "1(f)".
- ✓ Zone No. 1(r) - (Riverlands Zone) - with black edging and lettered "1(r)".
- Zone No. 2(a) - (Residential Zone) - with black edging and lettered "2(a)".
- Zone No. 2(f) - (Residential (Flood Liable) Zone) - with black edging and lettered "2(f)".
- Zone No. 2(v) - (Village Zone) - with black edging and lettered "2(v)".
- Zone No. 3(a) - (Business Zone) - with black edging and lettered "3(a)".
- Zone No. 3(b) - (Neighbourhood Business Zone) - with black edging and lettered "3(c)".
- Zone No. 3(f) - (Services Business (flood liable) Zone) - with black edging and lettered "3(f)".
- Zone No. 4 - (Industrial Zone) - with black edging and lettered "4".
- ✓ Zone No. 5 - (Special Uses Zone) - with black edging and lettered "5".
- Zone No. 6(a) - (Open Space (Public) Zone) - with black edging and lettered "6(a)".
- ✓ Zone No. 6(b) - (Open Space (Private) Zone) - with black edging and lettered "6(b)".
- Zone No. 6(p) - (Open Space (Proposed) Zone) - with black edging and lettered "6(p)".

Zone No. 7 - (Water Catchment Zone) - with black edging and lettered "7".

Zone No. 8 - (National Parks Zone) - with black edging and lettered "8".

Zone objectives and development control table

10. (1) The objectives of each zone are set out in the table to this clause under the heading "Objectives of Zone" appearing in the matter relating to the zone.

(2) Except as otherwise provided by this plan, in relation to land within a zone specified in the table to this clause, the purposes (if any) for which -

- (a) development may be carried out within development consent;
- (b) development may be carried out only with development consent;
- (c) development may be carried out only with development consent granted after the provisions of subclauses (3) and (4) have, except as provided by subclause (5) been complied with; and
- (d) development is prohibited;

are specified under the headings "Without development consent", "Only with development consent", "Advertised development - only with development consent" and "Prohibited", respectively, appearing in the matter relating to the zone.

(3) The provisions of sections 84, 85, 86, 87(1) and 90 of the Act apply to and in respect of development (not being designated development) referred to in the table as Advertised Development - only with Development Consent in the same way as those provisions apply to and in respect of designated development.

(4) A development application to carry out development (not being designated development) referred to in subclause (1) shall be accompanied by an environmental impact report which is prepared by a suitably qualified person in accordance with the matters specified in schedule (1).

(5) Where development (not being designated development) referred to in subclause 2(c) involves only alterations or additions to existing development, being alterations or additions of a minor nature which, in the opinion of the council, do not to any significant extent change the scale, size or degree of the existing development, subclauses 3 and 4 shall not apply to the development or the application in respect of the development.

TABLE

ZONE No. 1(a) (GENERAL RURAL ZONE)

1. Objectives of zone

The objectives are to -

- (a) encourage the use of the land primarily for agricultural purposes;

- (b) accommodate a wide range of agricultural uses and development ancillary to agricultural land use that support and strengthen the rural economic base;
- (c) encourage development that does not adversely affect the quality of life or unduly increase the cost of service provision for the existing community;
- (d) limit the development of non-agricultural uses to those which do not adversely affect the rural environment;
- (e) guide a pattern of development that maintains and enhances the character of the rural environment;
- (f) control development that may restrict the function of or create a traffic hazard along classified and other formed roads; and
- (g) permit recreational and tourism orientated activities that are compatible with the rural environment.

2. Without development consent

Agriculture (other than animal establishments); bush fire hazard reduction; forestry; home occupation.

3. Only with development consent

Any purpose other than a purpose specified in item 2, 4 or 5.

4. Advertised development - only with development consent

Airfields; caravan parks or mobile home parks for permanent occupation; helipads and heliports; industries (other than home, light, rural, extractive, offensive or hazardous or industries directly dependent upon or associated with extractive industries); service stations.

5. Prohibited development

Amusement parlours; bulky goods showrooms; commercial premises; dual occupancy (except where the two dwellings are attached); duplex dwellings; liquor outlets (other than those physically attached to and operated or to be operated as part of an approved convenience shop); passenger transport terminals; residential buildings; restricted premises; shops (other than convenience shops); warehouses.

ZONE No. 1(b) (PRIMARY HORTICULTURAL ZONE)

1. Objectives of zone

The objectives are to -

- (a) preserve areas of higher quality horticultural land and ensure efficient use of such land;
- (b) permit a range of activities that support the agricultural industries being conducted on the land and limit development that may, in the opinion of council, reduce the agricultural production potential of the land;

of MO on steep slopes
Are MO on 1(b)

- (c) control development that may restrict the function of or create traffic hazards along classified roads; and
- (d) enable tourist facilities to be provided that promote an appreciation of the rural environment and associated agricultural and horticultural activities whilst ensuring the continued economic viability of the land.

2. Without development consent

Agriculture (other than animal establishments); bush fire hazard reduction; forestry; home occupation.

3. Only with development consent

Any purpose other than a purpose specified in item 2, 4 or 5;

4. Advertised development - only with development consent

Abattoirs; airfields; extractive industries; helipads and heliports; service stations.

5. Prohibited development

Amusement parlours; boarding house; bulky goods showrooms; caravan parks; car repair stations; cemeteries and crematoriums; clubs; commercial premises; dual occupancy (except where the two dwellings are attached); drive-in-theatres; duplex dwellings; extractive industries; generating works; goods transport terminals; hospitals; industries (other than extractive, home, light or rural industries); institutions; licensed premises; liquor outlets (other than those physically attached to and operated or to be operated as part of an approved convenience shop); materials recycling yards; medical centres; motels; motor showrooms; offensive or hazardous industries; passenger transport terminals; recreation establishments; recreation facilities; recreation vehicle areas; residential buildings; restricted premises; shops; tourist facilities (other than rural tourist facilities); transport depots; warehouses.

ZONE No. 1(c) (RURAL RESIDENTIAL ZONE)

1. Objectives of zone

The objectives are to -

- (a) provide opportunities for rural residential living in areas in close proximity to existing villages and urban areas where services are readily and economically accessible;
- (b) create a buffer, where desirable, of rural residential land between the existing urban area and primary agricultural land;
- (c) preserve and enhance the amenity of the rural residential area by requiring the preparation of an environmental impact report or development control plan prior to the development of the land; and
- (d) ensure that lots sizes are compatible with existing land use.

Existing ones?

contradiction

does this mean no

2. Without development consent

Agriculture (other than animal establishments); bush fire hazard reduction; forestry; home occupation.

3. Only with development consent

Any purpose other than a purpose specified in item 2, 4 or 5.

4. Advertised development - only with development consent

Educational establishments; hospitals; institutions; medical centres; recreation establishments; recreation facilities; restaurants; rural tourist facilities; veterinary hospitals.

5. Prohibited development

Abattoirs; advertising (other than advertising erected for council purposes or directly related to approved development being conducted on the land); airfields; amusement parlours; boarding houses; bulky goods showrooms; bulk stores; caravan parks; car repair stations; cemeteries and crematoriums; clubs; commercial premises; drive-in theatres; dual occupancy (except where the two dwellings are attached); generating works; goods transport terminals; helipads and heliports; hospitals; industries (other than home industries); licensed premises; liquid fuel depots; liquor outlets (other than those physically attached to and operated or to be operated as part of an approved convenience shop); materials recycling yards; mines; motels; motor showrooms; passenger transport terminals; recreation facilities; recreation vehicle areas; residential buildings; restricted premises; sawmills; service station; shops; stock and sales yards; tourist facilities; transport depots; warehouses.

What is to stop not going to permit these under owner had for rezoning & make additional at least

1. Objectives of zone

The objectives are -

- to identify land which is to be investigated in respect of its suitability for rezoning to enable more intensive development;
- to ensure that development within the zone is compatible with the anticipated future development of the land;
- to ensure that development maintains the existing character of the locality and minimises disturbance to the scenic value of the landscape through clearing, earthworks, access roads and construction of buildings; and
- to ensure that development does not create unreasonable or uneconomic demands, or both, for provision or extension of public amenities or services.

2. Without development consent

Agriculture (other than animal establishments); bush fire hazard reduction; forestry; home occupations.

provided excludes deforestation, dams etc any clearing by earth included in it.

3. Only with development consent *def?*

Dwelling houses; home industries; public utility undertakings, recreation areas; recreation establishments; roadside stalls; rural industries ancillary to an existing use; utility installations; wholesale plant nurseries.

4. Advertised development

Animal establishments; caravan parks; community facilities; restaurants; retail plant nurseries; service stations.

5. Prohibited development

Any other purpose other than specified in item 2, 3 or 4 and purpose which does not meet the objectives in item 1.

ZONE No. 1(f) (FORESTRY ZONE)

1. Objectives of Zone *This should be sep from Parks*

The objectives of this zone are to permit forestry activities, carried out by or on behalf of the Forestry Commission of N.S.W.

2. Without development consent *What about N.G.W?*

Agriculture, any purpose authorised under the Forest Act, 1916, or any purpose ancillary or incidental to such a purpose; bush fire hazard reduction. *implies zoning of private land not just state land.*

3. Only with development consent

Utility installations. *excluded by Govt. policy.*

4. Advertised development - only with development consent

Extractive industries; mines. *implies no other exclusion in other areas*

5. Prohibited development *roads, noise, dust etc not to be*

Any purpose other than a purpose specified in item 2, 3 or 4.

ZONE NO. 1(r) (RIVERLANDS ZONE)

1. Objectives of Zone *bullshit the opposite.*

The objectives are to -

(a) ensure the land is used to optimise its production potential;

(b) permit a range of activities that support the agricultural industries being conducted on the land and limit development that may, in the opinion of council, reduce the agricultural production potential of the land;

(c) control development that may restrict the function of or create a traffic hazard along classified and other formed roads; and

(d) limit the development of non-agricultural uses, except those which will not be adversely affected by flooding.

2. Without development consent

Agriculture (other than animal establishments); airfields; bush fire hazard reduction; forestry; home occupation.

3. Only with development consent

Any purpose other than a purpose specified in items 2, 4 or 5.

4. Advertised development - only with development consent

Abattoirs; airfields; extractive industries; helipads and heliports; service stations.

5. Prohibited development

Amusement parlours; boarding houses; bulky goods showrooms; bulk stores; caravan parks; car repair stations; cemeteries and crematoriums; clubs; commercial premises; drive-in-theatres; dual occupancy (except where the two dwellings are attached); duplex dwellings; generating works; goods transport terminals; hospitals; industries (other than extractive, home light or rural industries); institutions; licensed premises; liquor outlets (other than those physically attached to and operated or to be operated as part of an approved convenience shop); materials recycling yards; medical centres; motels; motor showrooms; offensive or hazardous industries; passenger transport terminals; recreation establishments; recreation facilities; residential buildings; restricted premises; shops; tourist facilities (except boat sheds and boat landing facilities, marinas); playgrounds, water sport facilities, houseboats); warehouses.

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pels on
etc

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Piggemils Thronia

Thronia C Rd, Thronia St.

ZONE No. 2(a) (RESIDENTIAL ZONE)

1. Objectives of zone

The objectives are to -

- encourage a wide range of housing densities and types whilst maintaining the existing character of each residential area;
- ensure the development of all land adequately provides for the demand for physical services and community facilities created by the additional population; and
- permit development for other than residential purposes, except where the scale, type and traffic generating aspects of the development will significantly alter the landscaping character or amenity of the surrounding residential area.

2. Without development consent

Bush fire hazard reduction; dwelling houses on land with an area greater than 400 m²; home occupations.

3. Only with development consent

Any purpose other than a purpose specified in item 2, 4 or 5.

4. Advertised development - only with development consent

Caravan parks; caravan parks or mobile home parks for permanent occupation; cemeteries and crematoriums; child care establishments; clubs; communications facilities; community facilities; educational establishments; hospitals; institutions; medical centres; motels; motor showrooms on land specified in Schedule 4; places of assembly; places of public worship; recreation establishments; recreation facilities; residential buildings; restaurants; retail plant nurseries; veterinary hospitals; wholesale plant nurseries.

5. Prohibited development

Abattoirs; advertising structures (other than relating to approved development being conducted on the land); airfields; airline terminals; amusement parlours; animal establishments; bulky goods showrooms; bulk stores; bus depots; bus stations; car repair stations; commercial premises; convenience shops (except where located at a distance greater than 400 metres from an existing convenience shop, neighbourhood shopping centre or commercial centre); drive-in theatres; extractive industries; generating works; goods transport terminal; helipads and heliports; industries (other than home industries); licensed premises; liquid fuel depots; liquor outlets (other than those physically attached to and operated or to be operated as part of an approved convenience shop); materials recycling yards; mines; motor showrooms (except where specified in Schedule 5); passenger transport terminals; public buildings; recreation vehicle area; restricted premises; roadside stalls; rural tourist facilities; sawmills; service stations; shops; stock and sales yards; tourist facilities; transport depots; warehouses.

ZONE No. 2(f) (RESIDENTIAL (FLOOD LIABLE) ZONE)

1. Objectives of zone

The objectives are to -

- (a) discourage use for residential purposes, whilst allowing existing residential use to continue;
- (b) encourage light industrial development, provided that it is compatible with the flood characteristics of the land and surrounding existing residential land use;
- (c) minimise the adverse effects of flooding on existing development; and
- (d) encourage the development of the river corridor and surrounds for recreational purposes compatible with flooding.

2. Without development consent

Agriculture (other than animal establishments); bush fire hazard reduction; forestry.

3. Only with development consent

Any purpose other than a purpose not specified in item 2, 4 or 5.

4. Advertised development - only with development consent

Bulky goods showrooms; bulk stores; clubs; light industries; motor showrooms; places of assembly; places of public worship; recreation facilities; service stations; warehouses.

5. Prohibited development

Abattoirs; airfields; amusement parlours; animal establishments; boarding houses; caravan parks; car repairs stations; cemeteries and crematoriums; clubs; commercial premises; drive-in theatres; dual occupancy; duplex dwellings; dwelling houses; educational establishments; exhibition dwellings; extractive industries; generating works; goods transport terminals; helipads and heliports; hospitals; industries (other than light industries); institutions; licensed premises; liquid fuel depots; liquor outlets (other than those physically attached to and operated or to be operated as part of an approved convenience shop); materials recycling yards; medical centres; mines; motels; passenger transport terminals; recreation establishments; recreation vehicle areas; residential buildings; restaurants; restricted premises; roadside stalls; rural industries; rural tourist facilities; sawmills; shops; stock and sales yards; tourist facilities; transport depots; veterinary hospitals;

ZONE No. 2(v) (VILLAGE ZONE)

1. Objectives of zone

The objectives are to -

- (a) retain the character of the rural villages;
- (b) provide for the development of a full range of rural village facilities that are compatible with the character and amenity of the village; and
- (c) ensure that adequate provision is made for water supply, sewage, refuse disposal and community facilities.

2. Without development consent

~~Handwritten: Bush fire hazard reduction~~ dwelling houses on land with an area greater than 400 square metres.

3. Only with development consent

Any purpose other than a purpose specified in item 2, 4 or 5.

4. Advertised development - only with development consent

Caravan parks; caravan parks or mobile home parks for permanent occupation; educational establishments; ~~Handwritten: helipads and heliports;~~ hospitals; institutions; licensed premises; ~~Handwritten: light and rural industries;~~ materials recycling yards; recreation establishments; recreation facilities.

5. Prohibited development

Abattoirs; airfields; animal establishments; cemeteries and crematoriums; drive-in theatres; industries (other than home, light and

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rural industries); generating works; liquid fuel depots; mines; offensive or hazardous industries; recreation vehicle areas; restricted premises; sawmills; stock and sale yards.

+ extended

ZONE No. 3(a) (BUSINESS ZONE)

1. Objectives of zone

The objectives are to -

- (a) encourage the development and expansion of retail, commercial and professional activities which strengthen the City's role as a regional centre;
- (b) ensure that adequate provision is made for car parking; and
- (c) encourage facilities which minimise the adverse effects of flood.

2. Without development consent

Bush fire hazard reduction; home occupation.

3. Only with development consent

Any purpose other than a purpose specified in item 2, 4 or 5.

4. Advertised development - only with development consent

Nil.

5. Prohibited development

Abattoirs; airfields; animal establishments; caravan parks; cemeteries and crematoriums; drive-in theatres; dual occupancy; duplex dwellings; dwelling houses (other than those physically attached to or used in conjunction with purposes permissible with development consent); exhibition dwellings; helipads and heliports; industries (other than home and light industries); liquid fuel depots; materials recycling yards; mines; offensive or hazardous industries; recreation vehicle areas; residential buildings (other than those attached to and erected or proposed to be erected above an existing and approved business operating at street level); rural tourist facilities; sawmills; stock and sale yards.

ZONE No. 3(b) (NEIGHBOURHOOD BUSINESS ZONE)

Objectives of zone

The objectives are to -

- (a) accommodate, in convenient locations, neighbourhood services where the scale and type of development is appropriate to the needs of the neighbourhood and is compatible within the amenity of the surrounding neighbourhood; and

ensure that neighbourhood services do not detract from the service role of other commercial centres.

ad

2. Without development consent

Bush fire hazard reduction; home occupation.

3. Only with development consent

Advertising, child care establishments, commercial premises, community facilities, convenience shops, dual occupancy, duplex dwellings, dwelling houses, home industries, home occupation, liquor outlets, medical centres, recreation facilities, retail plant nurseries, shops, utility installations.

4. Advertised development - only with development consent

Amusement parlours; communications facilities; motels; residential buildings; restaurants; service stations; veterinary hospitals.

5. Prohibited development

Any purpose other than a purpose specified in item 2, 3 or 4.

ZONE No. 3(f) (SERVICES BUSINESS (FLOOD LIABLE) ZONE)

1. Objectives of zone

The objectives are to -

- (a) encourage the establishment and development of businesses that -
 - (i) require direct vehicular access; and/or
 - (ii) sell bulky goods;
- (b) allow for the development of services, businesses and light industries that support the business, industrial, rural and tourism activities of the City and the region; and
- (c) encourage facilities which are not adversely affected by flooding but does not permit shops.

2. Without development consent

Bush fire hazard reduction; home occupation.

3. Only with development consent

Any purpose other than a purpose specified in items 2, 4 or 5.

4. Advertised development - only with development consent

Light industries.

5. Prohibited development

Abattoir; airfields; amusement parlours; animal establishments; caravan parks; car repair stations; cemeteries and crematoriums; convenience shops (except where it is located at a distance greater than 400m from an existing convenience shop, neighbourhood shopping centre or commercial centre); drive-in theatres; dual occupancy; duplex dwellings; dwelling houses (other than those lawfully erected prior to the

appointed day or physically attached to and used in conjunction with purposes permissible with development consent); educational establishments; exhibition homes; forestry; generating works; helipads and heliports; hospitals; industries (other than light industries); institutions; liquid fuel depots; liquor outlets; materials recycling yards; mines; recreation establishments; recreation vehicle areas; residential buildings; restricted premises; roadside stalls; rural industries; rural tourist facilities; sawmills; shops; stock and sale yards; tourist facilities.

ZONE No. 4 (INDUSTRIAL ZONE)

1. Objectives of zone

The objectives are to -

- (a) provide sufficient land in suitable locations for a broad range of industrial uses;
- (b) ensure the efficient use of industrial land;
- (c) allow non-industrial uses which are ancillary to industry or which are the retail sale of bulky goods or do not significantly affect the existing or potential viability of industry in the area; and
- (d) ensure that development does not adversely affect the flooding characteristics of the area or increase the hazard of flooding for adjoining land uses.

2. Without development consent

Bush fire hazard reduction; home occupation.

3. Only with development consent

Any purpose other than a purpose specified in items 2, 4 or 5.

4. Advertised development - only with development consent

Bulky goods showrooms; clubs; educational establishments; extractive industries; licensed premises; offensive or hazardous industries; places of assembly; places of public worship.

5. Prohibited development

Abattoirs; airfields; amusement parlours; animal establishments; boarding houses; caravan parks; commercial premises (other than those used in conjunction with an approved industrial use and situated in the same land as that industry or referred to in schedule 2); crematoriums and cemeteries; communications facilities; convenience shops; drive-in theatres; dual occupancy; duplex dwellings; dwelling houses or residential buildings (other than those used in conjunction with an approved industrial use and situated on the same land as that industry; helipads and heliports; hospitals; institutions; medical centres; mines; motels; recreation establishments; recreational vehicle areas; residential buildings; restaurants; restricted premises; roadside stalls; rural tourist facilities; shops (other than those situated on land on which industry is conducted and used for the purpose of the sale

of goods manufactured on the land or those referred to in schedule 2); stock and sale yards; tourist facilities.

ZONE No. 5 (SPECIAL USES ZONE)

1. Objectives of zone

The objectives are to -

- (a) designate lands which are now used or are intended to be used for particular public or community purposes; and
- (b) ensure the land is used for a purpose appropriate to its location and community needs.

2. Without development consent

Bush fire hazard reduction.

3. Only with development consent

what not Roads; the particular purpose indicated by black lettering on the map; any public purpose or any purposes ordinarily incidental to such purposes.

4. Advertised development - only with development consent

Any purpose permitted in the adjoining zone. *check examples of this*

5. Prohibited

Any purpose other than a purpose specified in item 2, 3 or 4.

ZONE No. 6(a) (OPEN SPACE (PUBLIC) ZONE)

1. Objectives of Zone

The objectives of this zone are to -

- (a) ensure access by the general public to adequate open space areas to meet the needs of all residents and provide opportunities to enhance the total environment of the City of Lismore; and
- (b) allocate lands which will adequately provide both active and passive open space areas to service the present and future recreational needs of residents and visitors.

2. Without development consent

Works for the purposes of gardening, landscaping or bush fire hazard reduction.

3. Only with development consent

Agriculture; cemeteries and crematoriums; child care establishments; community facilities; forestry; golf courses; roads; recreation areas; utility installations; (other than gas holders or generating works) any purpose incidental to a purpose referred to in this section.

4. Advertised development - only with development consent

Industry / Helipads and heliports; marinas; places of assembly; recreation facilities.

5. Prohibited development

Any other purpose other than a purpose not specified in items 2, 3 or 4.

ZONE No. 6(b) (OPEN SPACE (PRIVATE) ZONE)

1. Objectives of Zone

The objective is to permit a range of recreational and tourist activities on land in private ownership.

2. Without development consent

Bush fire hazard reduction.

3. Only with development consent

Private land / Agriculture; bowling greens; car parking areas; cemeteries and crematoriums; child care establishments; cycleways; dwelling-houses used in conjunction with an approved use listed in this item; forestry; golf courses; recreation areas; utility installations.

4. Advertised development - only with development consent

Clubs; helipads and heliports; marinas; places of assembly; racecourses; recreation establishments; recreation facilities; recreation vehicle areas; restaurants; showgrounds; tourist facilities; ancillary to a purpose for which development consent has been granted.

5. Prohibited development

Any purpose other than a purpose specified in item 2, 3 or 4.

ZONE No. 6 (p) (OPEN SPACE (PROPOSED) ZONE)

1. Objectives of Zone

The objectives of this zone are to -

- (a) rezone land which will be dedicated to the council or acquired by the council for open space or public recreational purposes; and
- (b) to prevent the development of the land ~~will~~ in this zone for purposes that may jeopardise its future use as open space.

2. Without development consent

Works for the purposes of gardening, landscaping or bush fire hazard reduction.

LISMORE DRAFT LOCAL ENVIRONMENTAL PLAN 1990

3. Only with development consent

Agriculture; cemeteries and crematoriums; child care establishments; community facilities; forestry; golf courses; recreation areas; utility installations; (other than gas holders or generating works) any purpose incidental to a purpose referred to in this section.

4. Advertised development - only with development consent

Helipads and heliports; marinas; places of assembly; recreation facilities.

5. Prohibited development

Any other purpose other than a purpose not specified in items 2, 3 or 4.

ZONE No. 7 (WATER CATCHMENT ZONE)

1. Objectives of Zone

The objectives of this zone are to -

- (a) protect and preserve the quality of the public water supply catchment area;
- (b) provide an adequate supply of public reticulated water;
- (c) permit development that will not have a significant detrimental effect on the quantity or quality of the water supply;
- (d) ensure the rural character is maintained and disturbances to the landscape through clearing and roadworks are minimised; and
- (e) limit the extent of land uses which use pesticides and herbicides or other pollutants to ensure that runoff water is not detrimentally effected.

2. Without development consent

Contradiction

Agriculture (other than plant nurseries, intensive horticulture or animal establishments); bush fire hazard reduction; home occupations; forestry.

3. Only with development consent

Any purpose other than a purpose specified in item 2, 4 or 5.

4. Advertised development - only with development consent

Airfields; extractive industries; helipads and heliports; rural tourist facilities.

5. Prohibited development

Abattoirs; amusement parlours; animal establishments; boarding houses; bulky goods showrooms; caravan parks; car repair stations; cemeteries and crematoriums; clubs; commercial premises; drive-in theatres; dual occupancy (except where the two dwellings are attached); duplex dwellings; exhibition dwellings; garbage disposal areas; goods

transport terminals; hospitals; industries (other than home and rural industries); institutions; licensed premises; liquid fuel depots; liquor outlets (other than those physically attached to and operated or to be operated as part of an approved convenience shop); materials recycling yards; medical centres; mines; motels; motor showrooms; offensive or hazardous industries; passenger transport terminals; recreation vehicle areas; residential buildings; restricted premises; sawmills; service stations; shops; stock and sale yards; tourist facilities; transport depots; warehouses.

ZONE No. 8 (NATIONAL PARKS ZONE)

1. Objectives of Zone

The objectives of this zone are to identify those lands included in national parks as advised by the Director of National Parks and Wildlife.

2. Without development consent

Any purpose authorised under the National Parks and Wildlife Act, 1974, or any purpose ancillary or incidental to such purposes; bush fire hazard reduction.

3. Only with development consent

Nil.

4. Advertised development - only with development consent

Nil.

5. Prohibited development

Any purpose other than a purpose specified in item 2, 3 or 4.

PART 3

SPECIAL PROVISIONS

Division I - Rural Development

Subdivision of land

11. A person may subdivide land to which this plan applies with the consent of the council and in accordance with this division.

Subdivision and development in rural zones

12. (1) The council may consent to the subdivision of land for agriculture, forestry or a dwelling house within the zones shown in Column I of the table to this clause, where the area of each lot to be created is not less than the amount shown opposite that zone in Column II of the table.

TABLE

COLUMN I Zone	COLUMN II Area
Rural 1(a) General Agriculture Zone	40 ha
Rural 1(b) Primary Horticultural Zone	20 ha
Rural 1(r) Riverlands Zone	40 ha
Rural 1(c) Rural Residential Zone	0.2 ha
Rural 1(d) Investigation Zone	40 ha
Environmental Protection 7(c) Water Catchment Zone	40 ha

(2) Notwithstanding subclause (1), the council may consent to the subdivision of land within Zone No. 1(b) for the purpose of horticulture where the area of each lot to be created is not less than 13 hectares providing:

- (a) a plan of management and a financial feasibility report is prepared by the applicant and is to the satisfaction of the council.

(3) In determining an application pursuant to subclause (2) the council shall consider the following matters:

- (a) an opinion from the Department of Agriculture and Fisheries regarding the area and quality of land and its potential horticultural productivity;
- (b) the likely effects, both economic and otherwise, that the proposed subdivision will have on agricultural/horticultural industries in the area and the resources employed by or in connection with those industries;
- (c) the likely effects, both economic and otherwise, that the proposed subdivision will have on the use and development of other land and resources in the area;
- (d) whether there are any reasonable alternatives to the proposed subdivision in the circumstances;
- (e) the effect of the existence of, or potential to erect, a dwelling;
- (f) the cumulative effect of similar proposals if concurrence is granted;
- (g) the likelihood of the proposed lots remaining available for horticultural use; and
- (h) the adequacy of the water supply to the proposed lots.

(4) The council may consent to the subdivision of land within any Rural Zone to create a lot for a purpose lawfully permitted within that zone (other than agriculture, forestry, a dwelling-house or a rural worker's dwelling), where such lot:

- (a) is of a satisfactory shape and frontage for the purpose for which it is intended;

(b) does not cause a traffic hazard or creates or tends to create ribbon development along a road; and

(c) is lawfully used for a purpose other than agriculture, forestry, or a dwelling-house by reason of the substantial commencement of that use for which development consent has been obtained.

(5) The council may consent to a subdivision to adjust common boundaries between rural lots where:

(a) the area of any lot created in a zone or part thereof specified in Column I of the table to clause 12(1) is not decreased in area below the area specified in Column II of the table shown opposite that zone;

(b) no additional lots are created; and

(c) the council is satisfied that the objectives of the zone are met.

(6) Nothing in this clause shall prohibit or restrict a subdivision for any of the following purposes:

(a) the opening or widening of a public road;

✓ U (b) adjustments to common property boundaries where the area of the existing lots is unaltered; or

(c) rectifying an encroachment on an existing lot.

(7) In determining an application, pursuant to subclause (1), as this clause relates to the subdivision of Rural 1(c) Rural Residential zoned land, the council shall consider the requirements of any development control plan and, in particular, the following matters when determining the minimum area of subdivision -

(a) the capability and suitability of the land for the intended purpose;

(b) the proximity of the land to a village or urban centre;

(c) the availability of water supply to each lot;

(d) the ability to adequately dispose of sewage on site;

(e) the provision for the disposal of stormwater;

(f) the adequacy of the existing road system and the safety of the proposed access to the subdivision; and

(g) the desirability of a range of lot sizes.

Dwelling-houses

13. (1) The council, where no dwelling-house exists, may consent to the erection of a dwelling-house on:

(a) any lot created by subdivision in accordance with Clause 12;

- (b) any lot lawfully created and in existence prior to the appointed day; or
- (c) an existing holding;

where the lot or existing holding -

- (d) contains a suitable dwelling site which is not flood liable in the 1 percent flood event and readily accessed from the point of entry from a public road;
- (e) is of a suitable shape and size for the on-site disposal of septic waste, as verified by absorption tests to the satisfaction of the council; and
- (f) has a suitable point of access to and from a public road which will not cause a traffic hazard.

(2) The council may consent to the erection of one or more dwellings on a lot subdivided in accordance with consent referred to in Clause 12(4) provided -

- (a) the council is satisfied that each dwelling will be ancillary to the use of the land for a purpose (other than agriculture, forestry, a dwelling-house or a rural workers dwelling) for which development consent has been granted; and
- (b) that each dwelling is necessary for that use; and
- (c) the use for which consent was granted has been established or is being established.

Rural Workers Dwellings

14. (1) This clause applies to land within zones 1(a), 1(b), 1(d) and 7.

(2) Rural workers dwellings may, with the consent of the council, be erected on a parcel of land within the zones referred to in subclause (1), provided -

- (a) the dwelling is to be occupied by a worker directly engaged in the agricultural employment on that land;
- (b) the nature of the agricultural enterprise clearly requires that the rural workers reside on that land;
- (c) any other workers dwellings on that land are used by persons substantially engaged in agricultural employment on that land; and
- (d) the erection of the additional dwelling will not significantly reduce the suitability of the land for agriculture.

(3) A rural workers dwelling may, with the consent of the council, be erected on a lot to which this clause applies on which a rural workers dwelling is already in existence if the total number of dwellings does not exceed one for each 40 hectares on land zoned 1(a), 1(d) or 7, and one for each 20 hectares on land zoned 1(b).

Rural Residential Development

15. (1) This clause applies to land within Zone No. 1(c).

(2) The council shall not consent to development on land to which this clause applies unless:-

- (a) it has considered any development control plan prepared in accordance with the matters specified in schedule 1;
- (b) the size and shape of each lot created is in the opinion of the council satisfactory having regard to the topography of the land;
- (c) arrangements satisfactory to the council have been made for the provision of a reticulated water supply, an electricity supply and disposal of stormwater and sewage effluent on each lot created;
- (d) arrangements satisfactory to the council have been made to protect, preserve or manage environmental issues identified in the development control plan.

(3) After seven years from the date on which Lismore Local Environmental Plan 1990 is published in the Gazette, the council shall not consent to the subdivision of land within Zone No. 1(c) as shown on the map marked Lismore Local Environmental Plan 1990, unless subdivision approval under the Local Government Act, 1919, has been given for the creation of at least 25 percent of the expected lot yield from each parcel of land within that zone and the lots registered with the Registrar General in each area as shown on the map.

(4) In this clause -

- (a) "likely lot yield" may be either as defined in a development control plan applying to the land or if such a plan does not exist, then the average number of lots determined by applying the minimum development standards for subdivision in this zone as permitted by Lismore Local Environmental Plan 1990; and
- (b) "parcel of land" means an area of land held under a separate title on the appointed day.

Development Along Main Roads

16. (1) The council shall not consent to an application to carry out development on land which has frontage to a main road, unless -

- (a) access to that land is provided by a road other than the main road, wherever possible; and
- (b) in the opinion of the council, safety and efficiency of the main road will not be adversely affected by -
 - (i) the design of the access to the proposed development;
 - (ii) the emission of smoke or dust from the proposed development; and

- (iii) the nature, volume or frequency of vehicles using the main road to gain access to the proposed development.

(2) Notwithstanding the provisions of subclause (1), the council shall not consent to the development of land within Zone No. 1(a), 1(b), 1(c), 1(d) or 7 for any purpose listed in schedule 3 if the development of the land for the purpose will have direct access to -

- (a) a main road; or
- (b) a road connecting a main road, and the access to that road is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the main road.

Development on Ridgetops in Rural Areas

17. (1) This clause applies to land within Zone No. 1(a), 1(b), 1(c), 1(d), 1(r) and 7(c).

(2) The council may consent to the carrying out of development on or near any ridgeline visible from any public road on land to which this plan applies where, in the opinion of the council, the development is likely not to detract from the visual amenity of the rural area.

(3) Where the development is a building the council shall make an assessment as to whether it should impose conditions relating to -

- (a) the height and location of the building;
- (b) reflectivity of materials;
- (c) likely effect on the stability of the land; and
- (d) the bush fire hazard.

Division II - Urban Development

Subdivision of Land

18. (1) This clause applies to land within Zone No. 2(a) and 2(v).

(2) The council shall not consent to development on land to which this clause applies unless -

- (a) it has considered a development control plan prepared in accordance with the matters specified in schedule 1;
- (b) each separate lot of land created by the subdivision has an area of not less than 450 square metres having regard to the topography of the land, except where there is to be erected on land to which this clause applies a duplex or residential flat building or mobile home park, approved for separate or permanent occupation, the council may consent to a subdivision of the land into not less than five (5) lots each having an area not less than 225 square metres;
- (c) arrangements satisfactory to the council have been made for the provision of a reticulated water supply, an electricity supply and disposal of stormwater and sewage effluent on each lot created; and

- (d) arrangements satisfactory to the council have been made to protect, preserve or manage environmental issues identified in the development control plan.

(3) After seven years from the date on which Lismore Local Environmental Plan 1990 is published in the Gazette, the council shall not consent to the subdivision of land within Zone No. 1(c) as shown on the map marked Lismore Local Environmental Plan 1990, unless subdivision approval under the Local Government Act, 1919, has been given for the creation of at least 25 percent of the expected lot yield from each parcel of land within that zone and the lots registered with the Registrar General in each area as shown on the map.

(4) In this clause -

- (a) "likely lot yield" may be either as defined in a development control plan applying to the land or if such a plan does not exist, then the average number of lots determined by applying the minimum development standards for subdivision in this zone as permitted by Lismore Local Environmental Plan 1990; and
- (b) "parcel of land" means an area of land held under a separate title on the appointed day.

Dwellings

19. (1) A dwelling-house shall not be erected on land with an area of less than 400 square metres without the consent of the council.

(2) The council may consent to the erection of a single dwelling on land with an area not greater than 400 square metres where the council is satisfied that the design of the dwelling is compatible with the lot size and surrounding neighbourhood and that adequate open space is available.

(3) The council shall not consent to the erection of a residential flat building on land referred to in Zones 2(a) and 2(v) unless the lot has an area of not less than 1,000 square metres.

Urban Dual Occupancy

20. (1) This clause applies to land within Zone No. 2(a) and 2(v).

(2) Where, in the pursuance of this plan, development for the purposes of a dwelling-house may be carried out on a lot of land to which this clause applies, a person may, with the consent of the council, create a dual occupancy, provided that -

- (a) the area of the land is not less than 400 square metres where the dwellings are to be attached and not less than 600 square metres where the dwellings are to be separate;
- (b) adequate provision exists for the supply of water and the disposal of stormwater and sewerage;
- (c) the land remains unsubdivided; and
- (d) the site coverage of the two (2) dwellings to the land does not exceed 50 percent.

Medical Centres

21. (1) This clause applied to land within zone No. 2(a).

(2) Notwithstanding the provisions of Clause 10, the council shall not grant consent to an application for the development of a medical centre on land to which this clause applies unless;

- (a) the land is situated in close proximity to the Lismore Base Hospital; and
- (b) traffic likely to be generated by the development will not significantly reduce the efficiency of traffic entering or moving from the Central Business District.

Development on Flood Affected Land

22. (1) This clause applies to all land to which this plan applies.

(2) The council, when considering development involving the erection or alteration of buildings on land that is subject to flooding, shall consider, in addition to those matters listed under Section 90 and any development control plans relating to flood affected issues of the Environmental Planning and Assessment Act, 1979 -

- (a) the need for the floor level to be at or above the assessed standard flood level;
- (b) the degree of flood proofing and the need for flood free storage;
- (c) the need for access to the development when the land is flooded;
- (d) the cumulative effect of carrying out the development on the functioning of the floodway; and
- (e) whether the development will increase the risk to life and property and the likely need for the evacuation of persons.

(3) Notwithstanding the provisions of clause 10, the council shall not consent to the erection of a building on land designated on any development control plan map as floodway unless the building is to be used for the purpose of flood emergency or utility services or in the opinion of the council the development will provide a necessary service to the community in that location.

Retail Sale of Bulky Goods

23. (1) This clause applies to any application to use land with Zone Industrial 4 for the retail sale of bulky goods.

(2) Subject to subclauses (3) and (4), nothing in this plan shall prevent a person, with the consent of the council, from carrying out development to which this clause applies.

(3) The council shall not consent to an application made under subclause (1) unless it is satisfied that -

- (a) suitable land for the development is not available in any nearby business centre;
- (b) to grant consent would not, by reason of the number of retail outlets which exists or are proposed on land within Zone Industrial 4, detract from the predominantly industrial nature of the zone; and
- (c) the proposed development will not detrimentally affect the viability of any business centre.

Division III - Environmental Heritage

Heritage Items

24. (1) A person shall not, in respect of a heritage item listed in Schedule 5 -

- (a) demolish or alter the building or work;
- (b) damage or move the relic, including excavation for the purpose of exposing the relic;
- (c) damage or despoil the place or tree;
- (d) erect a building on or subdivide land on which the building, work or relic is situated or that comprises the place; or
- (e) damage any tree on land on which the building, work or relic is situated or on the land which comprises the place,

except with the consent of the council.

(2) The council shall not grant consent to a development application under subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of its setting.

Development in the vicinity of heritage items

25. The council shall not grant consent to an application to carry out development on land in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

Heritage conservation areas

26. (1) This clause applies to those heritage conservation areas specified in Schedule 6.

(2) A person shall not, in respect of a heritage conservation area listed in Schedule 6 -

- (a) demolish or alter a building or work within the area;
- (b) damage or move a relic, including excavation for the purpose of exposing or removing a relic, within the area;
- (c) damage or despoil a place within the area; or

(d) erect a building on or subdivide land within the area, except with the consent of the council.

(3) The council shall not grant consent to an application made in pursuance of subclause (1), being an application to erect a new building or to alter an existing building, unless the council has made an assessment of:

- (a) the pitch and form of the roof;
- (b) the style, size, proportion and position of the openings for windows and doors; and
- (c) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing buildings in the heritage conservation area.

(4) The council shall not grant consent to an application under subclause (1) unless it has taken into consideration that extent to which the carrying out of the proposed development would affect the heritage significance of the heritage conservation area.

(5) Nothing in clauses 6, 9 or 10 of State Environmental Planning Policy No. 4 - Development Without Consent authorises the carrying out of development referred to in subclause (1) without the need to obtain development consent.

Heritage advertisements and notifications

27. (1) Except as provided by subclause (2) -

(a) the provisions of sections 84, 85, 86, 87(1) and 90 of the Act apply to an in respect of -

- (i) the demolition of a building or work that is a heritage item;
- (ii) the demolition of a building or work within a heritage conservation area; and
- (iii) the use of a building or land referred to in clause 28 for the purpose which, but for that clause, would be prohibited under this plan; and

(b) where a person makes a development application to demolish a building or work that is a heritage item, the council shall not grant consent to that application until 28 days after the council has notified the Secretary of the Heritage Council of its intention to do so.

(2) Subclause (1) does not apply to the partial demolition of a heritage item or a building or work within a heritage conservation area if, in the opinion of the council, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the heritage item, building or work in relation to the environmental heritage of the Council of the City of Lismore.

Provisions relating to heritage items covered by a conservation instrument

28. Clauses 24, 25 and 27 shall not apply where the building, work, relic or place that is a heritage item or is within a heritage conservation area is the subject of a conservation instrument within the meaning of, and made pursuant to, Part II of the Heritage Act, 1977.

Conservation incentives

29. (1) Nothing in this plan prevents the council from granting consent to an application to -

- (a) the use, for any purpose, of a building that is a heritage item or the land on which the building is erected; or
- (b) the use, for any purpose, of a building within a conservation area or of the land on which the building is erected,

if it is satisfied that -

- (c) the proposed use would have little or no adverse effect on the amenity of the area; and
- (d) the conservation of the building depends on the council granting consent under this clause.

(2) When considering an application to erect a building on land on which there is situated a building which is a heritage item, the council may -

- (a) for the purposes of determining the floor space ratio; and
- (b) for the purposes of determining the number of parking spaces to be provided on the site, exclude from its calculation of the floor space of the buildings erected on the land, the floor space of the item, but only if the council is satisfied that the conservation of the building depends upon the council granting consent under this clause.

Vegetation Management

30. (1) The council shall encourage the preservation of the areas of significant remnant forest shown on the map by horizontal hatching.

Division IV - General Provisions

Development of Land on Adjoining Boundaries

31. (1) This clause applies to land within 50 metres of a boundary between any two zones except zone 7 and any other zone unless any boundary change reducing the area of the 7 zone is justified in the opinion of the council.

(2) Subject to clause (3), development may, with the consent of the council, be carried out on land to which this clause applies for any purpose for which development may be carried out in any adjoining zone.

(3) The council shall not consent to the carrying out of development referred to in subclause (2) unless, in the opinion of council,

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the carrying out of the development is desirable due to design, ownership, servicing or similar requirements.

Acquisition of Lands

32. (1) This clause applies to land within Zone No. 5 or 6(p).

(2) The owner of any land to which this clause applies within a zone specified in Column I of the Table to this subclause may, by notice in writing, require the public authority specified in Column II of the Table opposite that use to acquire that land -

TABLE

Column I	Column II
Open Space	Council
Special Uses (Education)	Department of Education or University of New England
Special Uses (Main Road)	Roads and Traffic Authority

Use of Land Pending Acquisition

33. (1) Land to which clause 32 applies, other than Special Uses (Main Road), may be developed for any purpose, with the consent of council and the concurrence of the public authority specified, prior to its acquisition by the public authority concerned.

(2) On land zoned Special Uses (Main Road), the Roads and Traffic Authority, on receipt of such a notice referred to in clause 32 must acquire the land if -

- (a) the land is vacant; or
- (b) the land is vacant, but -
 - (i) the land is included in the 5 year works program of the R.T.A. current at the time of receipt of the notice; or
 - (ii) the R.T.A. has decided not to give concurrence under subclause (3) to an application for consent to the carrying out of development on the land; or
 - (iii) the R.T.A. is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time,

but the R.T.A. is not required to acquire the land if it might reasonably be required to be dedicated for public road.

(3) A person may, with the consent of the council and the concurrence of the R.T.A., carry out development on land within zone No. 5,

- (a) for a purpose for which development may be carried out on land in an adjoining zone;
- (b) any other purpose which is compatible with development which may be carried out in an adjoining zone.

(4) In deciding whether to grant concurrence to proposed development under this clause, the R.T.A. must take the following into consideration:

- (a) the need to carry out development on the land for the purpose for which the land is reserved;
- (b) the imminence of acquisition;
- (c) the likely additional cost to the R.T.A. resulting from the carrying out of the proposed development.

(5) Land acquired under this clause may be developed, with the consent of the council, for any purpose, until such time as it is required for the purpose for which it was acquired.

(6) In this clause -

"R.T.A." means the Roads and Traffic Authority constituted under the Transport Administration Act 1988;

"Vacant land" means land on which, immediately before the day on which a notice under subclause (2) is given, there were no buildings, other than fences.

Community Use of Special Use Sites

34. (1) This clause applies to all land within Zone No. 5 zoned for special uses.

(2) Notwithstanding any other provisions of the plan, the council may consent to the use of the land or buildings to which this clause applies, for community purposes and may include the commercial operation of those facilities and sites.

Mobile Home Parks and Caravan Parks for Permanent Occupation

35. (1) This clause applies to all land within Zone No. 1(a), 2(a) and 2(v).

(2) In determining an application, pursuant to subclause 1, the council shall consider the requirements of any development control plan and, in particular, the following matters when determining a development application -

- (a) the capability and suitability of the land for the intended purpose;
- (b) the proximity of the land to a village or urban centre;
- (c) the availability of water supply to meet the needs of the proposed development;
- (d) the availability of a reticulated sewerage system to meet the needs of a proposed development;
- (e) the provision for the disposal of stormwater;
- (f) the adequacy of the existing road system and the safety of the proposed access to the development; and

- (g) the visual impact of the proposed development and the adequacy of any measures to reduce this impact.

Buffer zones

36. (1) This clause applies to all land within zones 2(a), 2(v), 2(f) and 1(c).

(2) Notwithstanding clause 10, the council shall not consent to residential development, including subdivision for residential or rural residential purposes, unless the distance between an activity listed in column I in the table to this subclause and the proposed development is greater or equal to the distance specified in column II.

COLUMN I	COLUMN II
Cattle Dips	0.2 kilometres
Cattle Feed Lots	1 kilometre
Chicken Farms	0.5 kilometres
Dairies	0.5 kilometres
Intensive Horticulture	0.5 kilometres
Piggeries	1 kilometre
Refuse Disposal Areas	0.4 kilometres
Sewerage Treatment Works	0.4 kilometres

Suspension of certain laws, etc..

37. (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, any agreement, covenant or instrument imposing restrictions as to the erection of or use of buildings for certain purposes or as to the use of land for certain purposes, to the extent necessary to serve that purpose, shall not apply to development carried out in accordance with this plan.

(2) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclause (1).

SCHEDULE 1

Procedures referred to in Clauses 10(4) and 15

Matters to be considered:

1. A full description of the development proposed by the application including legal land description, land area, number and size of the lots proposed to be created, access and road layout.
2. A statement of the objectives of the proposed development and how it relates to the objectives of the plan and zone.
3. A full description of the existing environment including existing land use, slope, aspect, geology, soils, flood liability, vegetation, fauna and hydrology likely to be affected by the proposed development, if carried out.
4. Identification and analysis of the interaction between the proposed development and the natural and human made environment through the use of systems maps, for example, habitat, vegetation, open space, recreation system, drainage system and movement system (road, bicycle, pedestrian).
5. Identification of the likely impacts of the proposed development on the surrounding natural and human made environment and the means proposed to reduce any adverse impacts, e.g. visual impact controls, storm water impact controls, erosion controls, traffic impact controls and proposals for providing community facilities.
6. Justification of the proposed development in terms of environmental, economic and social considerations.
7. Measures to be taken in conjunction with the proposed development to protect the environment and the assessment of the likely effectiveness of those measures.
8. Any feasible alternatives to the carrying out of the proposed development and reasons for choosing the latter.
9. Consequences of not carrying out the proposed development.
10. Likely increase in demand for facilities or services as a result of the development.
11. Any other matter notified in writing to the applicant by the council after consultation with the council's City Planner.

SCHEDULE 2

Purposes referred to in Clause 10
Zone 4 (Industrial Zone)

Accounting and Computer Facilities
Banking Facilities
Take Away Food Shops
Coffee Shops

SCHEDULE 3

Purposes for which council shall not grant consent
along main roads in rural zones unless the
requirements for access set out in Clause 16 are met:

Animal Sales Yards
Bulk Stores
Caravan Parks
Car Repair Stations
Clubs
Commercial Premises
Educational Facilities
Hospitals
Hotels
Industries (other than home or rural industries)
Institutions
Junk Yards
Licensed Premises
Liquid Fuel Depots
Material Recycling Yards
Mines
Motels
Passenger Transport Terminals
Places of Public Assembly
Places of Public Worship
Recreation Establishments
Recreation Facilities
Restaurants
Retail Plant Nurseries
Roadside Stalls
Saw Mills
Service Stations
Stock and Sales Yards
Transport Depots
Warehouses

SCHEDULE 4

Locations for motor showrooms referred to in clause 10
Zone No. 2(a) Residential Zone).

D.P. 710264 Lot 11 ,
83 Ballina Street
LISMORE.

D.P. 366471 Lot 1
165 Ballina Street
LISMORE.

D.P. 363894 Lot 2
85 Ballina Street
LISMORE.

D.P. 11917 Lot 9
169 Ballina Street
LISMORE.

D.P. 363894 Lot 3
87 Ballina Street
LISMORE.

D.P. 11917 Lot 10
171 Ballina Street
LISMORE.

D.P. 780149 Lot 1
89 Ballina Street
LISMORE.

D.P. 11917 Lot 11
173 Ballina Street
LISMORE.

D.P. 10839 Lot 6
91 Ballina Street
LISMORE.

D.P. 11917 Lot 12
175 Ballina Street
LISMORE.

D.P. 305032 Lot 7
93 Ballina Street
LISMORE.

D.P. 206321 Lot 1
177 Ballina Street
LISMORE.

D.P. 11132 Lot 1
95 Ballina Street
LISMORE.

D.P. 11917 Lot 14
179 Ballina Street
LISMORE.

D.P. 11132 Lot 2
97 Ballina Street
LISMORE.

D.P. 12620 Lot 39
181 Ballina Street
LISMORE.

D.P. 11132 Lot 3
99 Ballina Street
LISMORE.

D.P. 12620 Lot 40
183 Ballina Street
LISMORE.

D.P. 11132 Lot 4
101 Ballina Street
LISMORE.

D.P. 12620 Lot 41
187 Ballina Street
LISMORE.

D.P. 798193 Lot 1
103 Ballina Street

D.P. 12620 Lot 42
189 Ballina Street

LISMORE.

D.P. 783050 Lot 1
107 Ballina Street
LISMORE.

D.P. 152227 Lot 1
109 Ballina Street
LISMORE.

D.P. 152227 Lot 2
27 Cathcart Street
LISMORE.

D.P. 305032 Lot 3
144 Dawson Street
LISMORE.

D.P. 305032 Lot 4
146 Dawson Street
LISMORE.

D.P. 338768 Lot 1
2 Hayward Street
LISMORE.

D.P. 153629 Lot 3
10 Hayward Street
LISMORE.

D.P. 153629 Lot 4
12 Hayward Street
LISMORE.

D.P. 153629 Lot 5
14 Hayward Street
LISMORE.

D.P. 153629 Lot 2
8 Haywood Street
LISMORE.

LISMORE.

D.P. 331974 Lot 1
193 Ballina Street
LISMORE.

D.P. 12620 Lot 83
8 Spring Street
LISMORE.

D.P. 12620 Lot 82
10 Spring Street
LISMORE.

D.P. 12620 Lot 81
12 Spring Street
LISMORE.

D.P. 206321 Lot 2
7 First Avenue
LISMORE.

D.P. 12620 Lot 38
9 First Avenue
LISMORE.

D.P. 11917 Lot 27
2 Clarice Street
LISMORE.

D.P. 366471 Lot 2
2A Clarice Street
LISMORE.

D.P. 11917 Lot 28
4 Clarice Street
LISMORE.

D.P. 11917 Lot 29
6 Clarice Street
LISMORE.

SCHEDULE 5

Items of the Environmental Heritage referred to in
Clauses 24, 25, 27, 28 and 29

Address	Building/Site/Area
Ballina Road Cnr Jubilee Street	Rochdale Theatre
Ballina Road 106	Northcott House formerly St. Peter's Anglican Church/Tulloona
Ballina Road 164	Rochdale Community Centre
Ballina Street 121	Houses Group
Bridge Street	Winsome Hotel
Cambrian Street 2 Cnr. Coleman Street	House etc.
Cathcart Street 42	House
Dawson Street 1	St. Mary's Presentation Convent
Keen Street Cnr. Magellan Street	Church of Christ
Keen Street Cnr. Magellan Street	Northern Rivers Collage of Adv. Ed.
Keen Street 9 Cnr. Orion Street	St. Andrews Rectory
Keen Street 188	St. Paul's Presbyterian Church
Lake Street opposite Pitt Street	Richmond River High School
Leycester Street 6	St. Carthage's Roman Catholic Cathedral
Magellan Street Cnr. Molesworth Street	Post Office
Military Rd. East Side bounded by Airforce and Crawfords Rds.	General Cemetery
Molesworth Street 40	Police Station
Molesworth Street 131-133	Museum and Art Gallery
Molesworth Street 165	Municipal Building
Molesworth Street 179	Memorial Baths
Molesworth Street 180	Commonwealth Bank
Molesworth Street 185	The Lismore Clinic
Molesworth Street 186	Public Works Department Office
Molesworth Street Within Spinks Park	Boer War Monument
Molesworth Street Within Spinks Park	Rotunda
Union Street	Railway Station
Union Street Cnr Bridge Street	Colmans Bridge
Uralba Street Cnr. Dibbs Street	Armstrong House formerly Kia-Ora
Woodlark Street Cnr. Keen Street	Uniting formerly Methodist Church
Woodlark Street Cnr. Keen Street	Northern Rivers Lifeline Centre
	Formerly Church Hall
Woodlark Street 22 Cnr. Molesworth St.	T. & G. Building and Tower
Wyrallah Road 13	Clovelly
Zadoc Street Cnrs. Keen & Coleman Sts.	St. Andrew's Anglican Church
Zadoc Street 3 Cnr. Molesworth Street	House
Zadoc Street 6 Cnr. Coleman Street	Uniting Church Manse formerly Methodist Parsonage
	House
Zadoc Street 7	Court House
Zadoc Street opposite Coleman Street	

RURAL:

Monaltrie Road off Wyrallah Road	Wilson Family Private Cemetery on
South East of Lismore, 300yds	Monaltrie.
North of Monaltrie Homestead	
Wyrallah Rd. Cnr. Monaltrie Rd.	Monaltrie Homestead etc.

BEXHILL

Gibsons Lane	Church of Good Shepherd
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Graces Road

Snow Street
Withers Street

Open Air Cathedral Lismore Road
School of Arts
House with Art Nouveau Porch
School and weather shed

BUNGABBEE

Bungabbee Fernside Road

St Thomas Anglican Church

CLUNES

Booyong Road Cnr Clunes Road
Clunes Road Cnr Jarvis Road
Walker Street
Walker Street

St Peters Anglican Church
St Johns Presbyterian Church
Coronation Hall
Uniting Church and former Manse

DISPUTED PLAINS

Lismore- Kyogle Road

House (Disputed Plains Homestead)

DUNOON

James Road
Raywood Road

St Andrews Presbyterian Church
Cedarville House

ELTHAM

Eltham Road Cnr Mayfield Street
Mayfield Street

St Marks Anglican Church
Masonic Temple

NIMBIN

Cullen Street

Freemansons Hotel

THE CHANNON

The Channon Road

Channon Butter Factory

SCHEDULE 6

Heritage Conservation Areas referred to in Clauses 26, 27, 28 and 29

DALLEY STREET URBAN CONSERVATION AREA:

The Urban Conservation Area comprises Nos. 1-57 Dalley Street, located on the southern side of Dalley Street between Wyrallah Road and Dibbs Street.

GERARD'S HILL URBAN CONSERVATION AREA:

Generally includes that area bounded by Keen Street, Ballina Street, Wyrallah Road, Esyth Street and the rear property boundaries of Elton Street, Cathcart Street, James Street, Dawson Street and Elkington Street.

LAUREL AVENUE URBAN CONSERVATION AREA:

Laurel Avenue from Hunter Street to No. 104 Laurel Avenue, but excluding on the southern side, Brewster Street to No. 115 and No. 147 to Hunter Street. The area also includes properties fronting Diadem Street between Laurel Avenue and Uralba Street.

ST. ANDREWS URBAN CONSERVATION AREA:

The block bounded by Molesworth, Orion, Keen and Zadoc Streets, as well as buildings on the southern side of Zadoc Street from Molesworth Street to and including the Courthouse complex of buildings.

get typed up full list defences in alpha order

Have checked
generating plant

forestry native/woodlotting private crown
ecor incentives (rate rebates)
stream bank protection DCP

quarries DCP

Set up table matrix of def. v zones permitted

set up post, computer operators

Add in NS, Apply for ~~the~~ ^{vol} ~~the~~ ^{ing} work
with/on DLDP (Acc) Research Project
Vol-ne. in the field of

Break up work party to examine block of zones

Call in special interest groups
eg sports groups

J. Hamilton

19/12/87

**nimplan draft
of a draft development control plan
for the village of nimbin
in the city of lismore**

INTRODUCTION

This Draft Development Control Plan deals with social, economic, settlement, access, natural resources and ecological issues. It sets requirements and provides guidance on the preparation and processing of local development and building applications, on development opportunities and likely future needs, and on the way in which the effects of growth and development are to be managed.

The legal framework (to be described by council planners)...

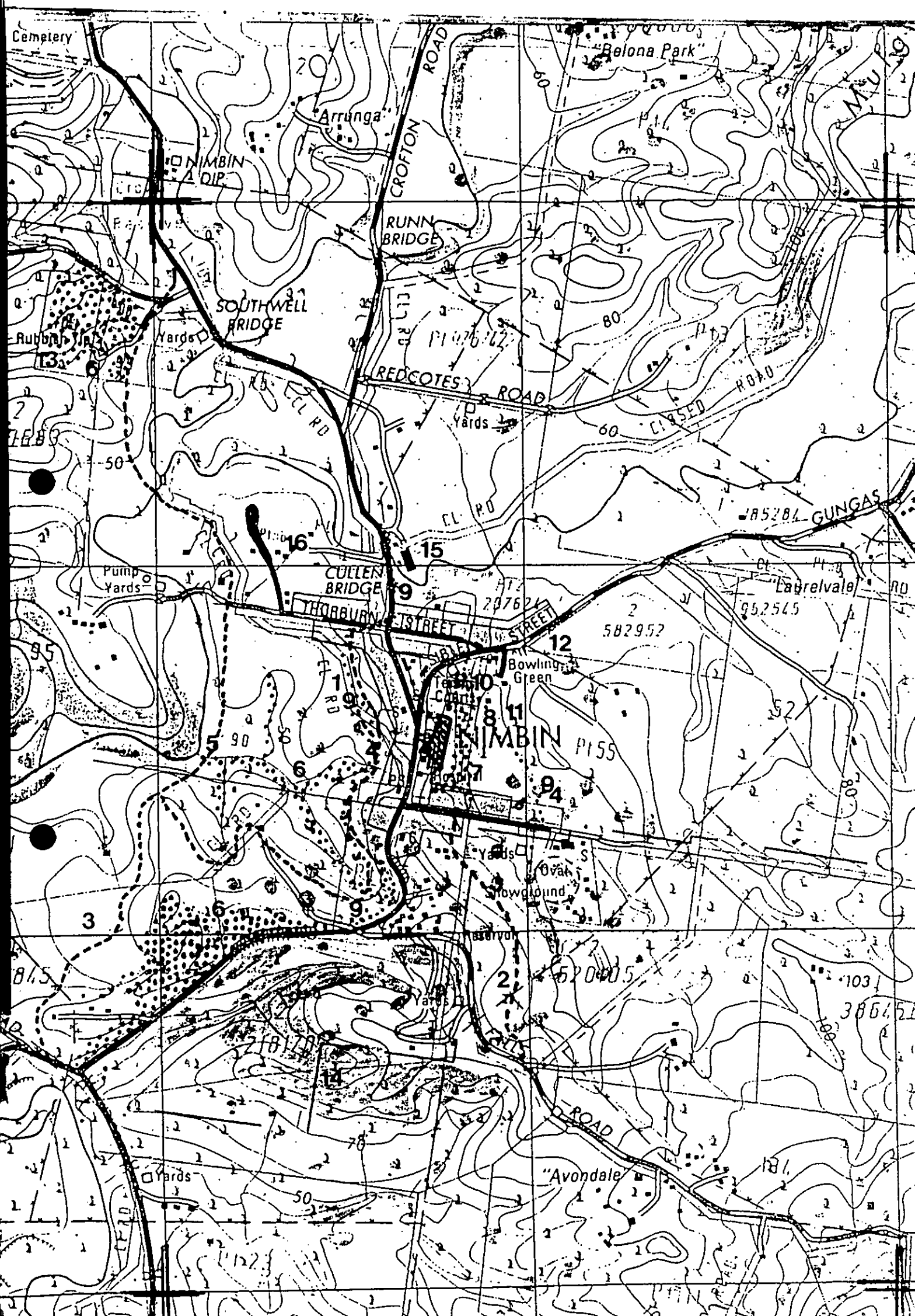
This draft Draft DCP has been prepared by Nimplan, the Nimbin and District Planning Committee set up by the Nimbin and District Progress Association from August 1986 through 1987.

The District may be defined as those areas within the catchments of Goolmangar and Mulgum Creeks, and including the upper parts of Tuntable and Websters Cks and which use the village as a social, medical, entertainment and shopping centre. Various natural features are of particular relevance through their various impacts on the socio-economic character of the village.

The Village may be defined as a total rectangular area, encompassing the cadastral boundaries of present village blocks with the environs being of planning importance, for a total rectangular area of approximately 1.5 x 2 km. See Map.

The resource information on which this Draft DCP is based is provided in the Appendices, which detail the existing facilities or history and present situation.

Discussed below are overall goals, the objectives and principles for various categories of interest, and some methods and recommendations for achieving these aims.



LEGEND FOR NIMPLAN MAP

1. Seswice/Through Rd.
2. West Road
3. Allsop's Road
4. Parking Areas
5. "Falls" Swimming Hole
6. Proposed revegetation
7. Botanical Park/Recreation
8. BMX track ?
9. Cycle Tracks
10. Public Laundry/Showerblock
11. New Sports Area
12. Light Industrial Zone
13. Possible Sewerage Treatment
14. Barry Walker Arboretum
15. Bush Factory
16. Youth Hostel

b. Sanitation and Waste Disposal

Objective: To minimise the detrimental effects of wastes and maximise their economic benefit in both the short and longterm.

Principles: The disposal of wastes should be managed so that detrimental effects are minimised, and the biological value retained;

Wastes should be recycled preferably locally, to maximise economic and biological return.

Recommendations: As the highest priority, to develop and install a biological waste disposal system for the village.

Appropriate categories for waste disposal may be: biological wastes, storm water, grey water, compost, paper, glass, plastics, metals, chemicals.

Jobs may be created to carry out this separation and redirection.

c. Health, Welfare and Medical

Objectives: To improve health and welfare services in the area; to improve public awareness of the needs, methods and attitudes required to ensure adequate health and welfare in the community.

Principles: To encourage and maintain the development of a full range of health and medical services and facilities in the village;

to identify community needs especially those particular to the district;

to support the employment of community workers as required to address specific problems;

to enlist the aid of under-employed people in the community to provide needed services, with financial support as needed for non-wage costs and materials.

d. Water supply

Objective: To supply an adequate volume and pressure of high quality potable water to the village, preferably in a naturally pure condition.

Principles: To minimise and seek to avoid the addition of chemicals;

to improve the reticulation system to avoid contamination and failures;

to filter the water to remove silt and turbidity;

to monitor water quality for contamination or organisms which genuinely endanger public health;

to support the use of rainwater tanks to minimise demand, particularly on new smallholdings.

3. HERITAGE

a. Village

Objective: To maintain and enhance the present character of the village.

Principles: Building materials should be compatible with those presently in use;
building designs should be harmonious with the established styles;
developments should be compatible with or helpful to the social and natural environments;
existing unsympathetic structures should be modified or relocated.

Recommendations: The National Trust registration of features in and around the village should be encouraged;
the present public toilets should be modified or relocated.

b. Natural

Objectives: To encourage and develop an attitude of caring for the natural environment as being worthy of full respect in its own right, and of being essential to our own life;
to maintain and restore the natural heritage of the district;
to improve the aesthetic appeal and biological health of the man-modified environment.

Principles: Areas remaining which represent the natural environment before white settlement should be retained and managed for their own benefit in perpetuity;
to encourage the conservation and restoration of appropriate vegetation on and adjacent to important natural areas, such as waterways and ridgelines.

4. EDUCATION

Objective: To encourage the community and visitors to enlarge their understanding, pursue their education, and improve their skills.

Principles: The Departments of Education and Technical and Further Education should consult with Council and residents to ensure that the provision and use of education facilities are matched to community needs.
Facilities should be available to residents of all ages.

THE GOALS of this Draft DCP are:

1. To promote the balanced development of the village and district, to improve its residential and rural environments and ecosystem in general and facilitate the orderly and economic development and optimum use of its resources, consistent with conservation of important natural and manmade features and resources and so as to meet the needs and aspirations of the community;
2. To encourage Council to embark upon a loans program to satisfy the needs of the village and district.
3. to coordinate activities related to development in the district so there is optimum social and economic benefit to the community;
4. to involve the community in the development and management of the Nimbin Village and district; and
5. to facilitate the co-ordination of government development agencies.

The goals are to be implemented by specifying:

1. objectives for the future planning and development of the district;
2. principles to guide public authorities, the private sector and the community on likely future needs, opportunities and requirements, and the manner in which the effects of future growth and change may be managed.

1. COMMUNITY FACILITIES

a. Sports

Objective: To maximise local access to a full range of sporting activities and facilities.

Principles: To identify and secure lands adjacent to the village with the potential for passive or active recreation so that they may be developed or retained for future development for these purposes; and
to seek assistance from local developers or government development agencies to develop the facilities desired.

e. Recreation and Leisure

Objective: To provide opportunities for the widest possible range of passive and active recreational pursuits.

Principles: To encourage the enjoyment of the area's natural resources, while avoiding any identifiable threat to their quality, in perpetuity;
to provide more recreational facilities and opportunities adjacent to the village, and improve access to those existing.

f. Cultural

Objective: To encourage cultural development whilst respecting the history of the area, its present diversity and possible constructive futures.

Principles: To record, maintain and respect the historical values of the village and district;
to maintain the village's openness to social, intellectual, artistic and technological experimentation and endeavour.

2. TRANSPORT FACILITIES

a. Roads

Objective: To maintain and improve vehicular and pedestrian access within the developing village, and through it.

Principles: To encourage the provision of roads of a standard reflecting the amount, type and importance of traffic which they carry;
to provide for efficient new residential service roads of minimal grade;
to maintain the option of a second through road or bypass;
to improve the provision and convenience of public transport;
to give pedestrians adequate freedom and safety;
to minimise the potential for conflict between pedestrians and vehicular traffic.

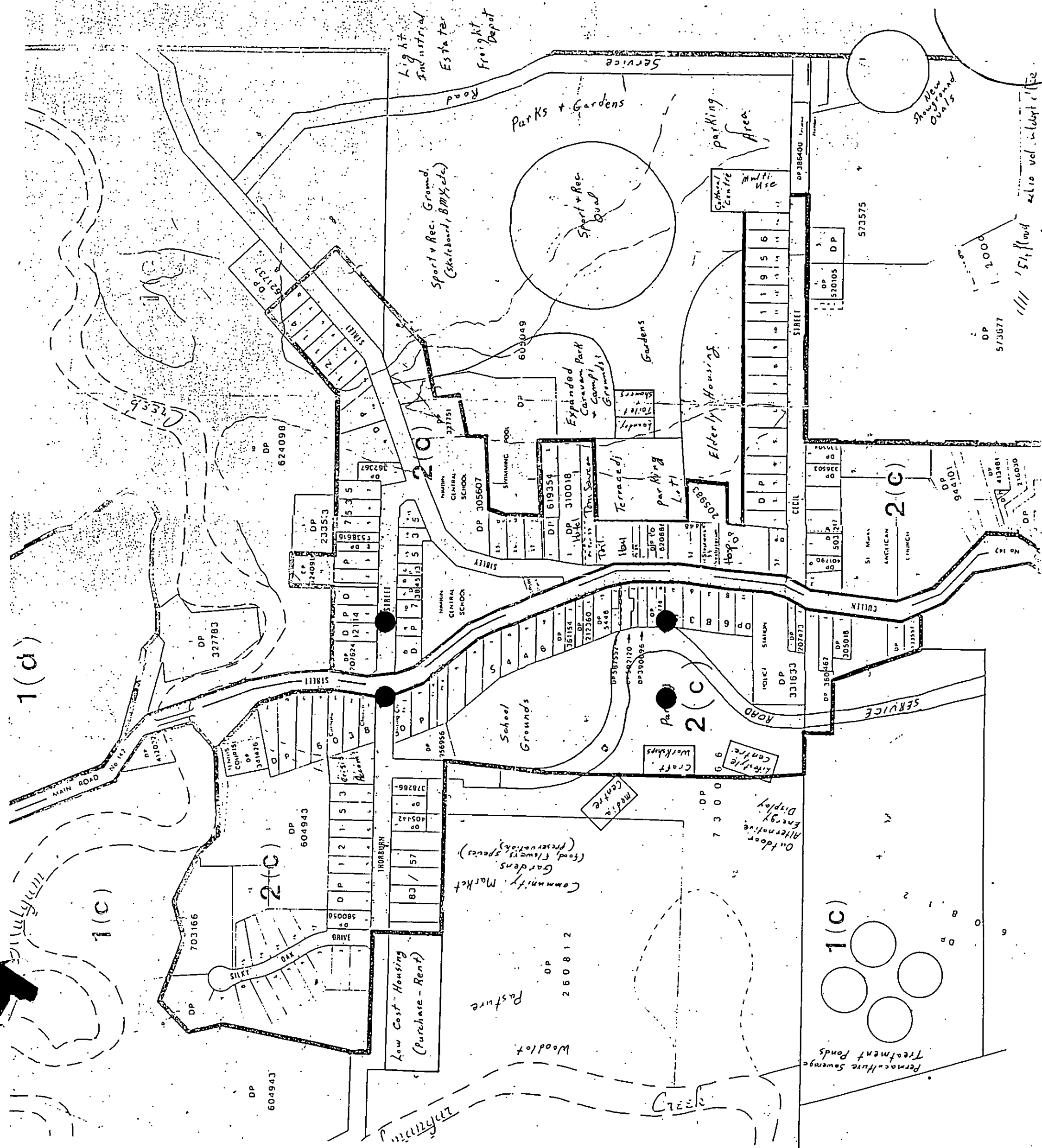
Recommendations: To experiment with the proposed roundabout;
to explore the concept of a 10 kph traffic zone within the shopping centre;
to plan and seek to implement a second through road.

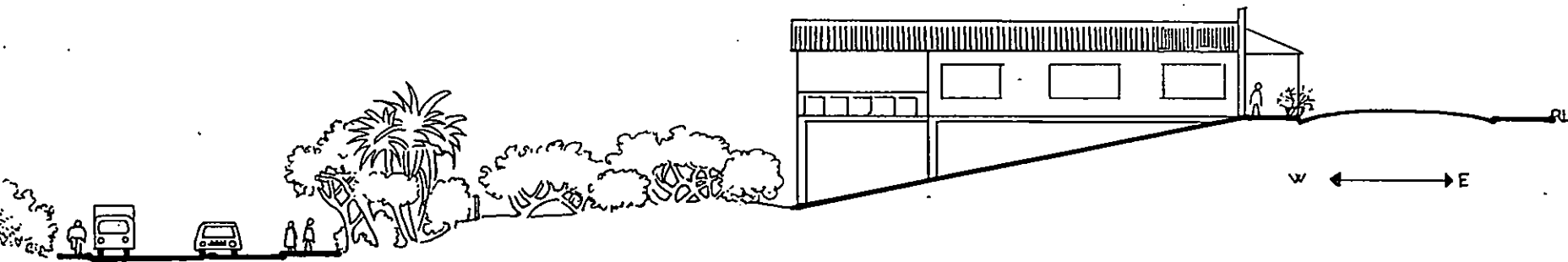
b. Parking

Objective: To provide adequate parking for residents, commercial premises, and visitors.

Principles: To provide off-street landscaped parking;
to provide off-street service access to commercial premises;
to encourage development agencies to provide additional parking spaces in the village centre.

Recommendation: As a high priority, to double the availability of parking spaces in and adjacent to the shopping centre.





8. HOUSING

Objective: To provide a variety of housing for future population growth within and around the village.

Principles: To encourage a variety of housing options, for visitors and residents;
to provide for an increase of up to 250 new permanent residences in the village over the next twenty years;
to provide for the needs of any particular group who may be disadvantaged;
to provide emergency accommodation facilities;
to ensure that new construction blends with both built and natural environments.

Recommendations: Emergency or short-term accommodation is a high priority;
a building height restriction of two stories above ground.

9. ZONING

Objective: To keep open the maximum of options for development of the village environs., by zoning the surrounds as 1(d) in the draft LEP. See Map.

Principles: To reserve flood prone land for sporting fields and recreational areas;
to negotiate with the Education Department to allow the development of a service road, forest belt, parking area and possible through/or bypass road, adjoining the commercial area (see Drawing);
to investigate the possibility of new residential and access roads as shown on the Map;
to provide for a green belt surrounding the existing village, see Map and Drawing.

10. FUTURE PLANNING

Objective: To maintain a local input into future planning and development control related to the village and its district.

Principles: A representative local group should review this development control plan at five year intervals, with an objective of providing maximum local participation;
a standing local committee such as the Nimbin and District Progress Association should be involved in consideration of projects or DA's not clearly within these aims and principles, or of such nature as may cause local concern.

LEGEND FOR NIMPLAN MAP

1. Service/Through Rd.
2. West Road
3. Allsop's Road
4. Parking Areas
5. "Falls" Swimming Hole
6. Proposed revegetation
7. Botanical Park/Recreation
8. BMX track-?
9. Cycle Tracks
10. Public Laundry/Showerblock
11. New Sports Area
12. Light Industrial Zone
13. Possible Sewerage Treatment
14. Barry Walker Arboretum
15. Bush Factory
16. Youth Hostel

5. RURAL

a. Agriculture

Objective: To maintain and enhance the viability and fertility in perpetuity of all lands suitable for agriculture.

Principles: The better agricultural lands are to be maintained wherever possible and residential encroachment minimised; controls on agricultural practices shall be encouraged to be simplified, consistent, and coordinated between public authorities;

Lismore City Council should assist in the coordination and implementation of the policies of Government; aesthetic and habitat values should be considered as a component of a viable farm when determining applications to alter or develop agricultural lands; diversity of operations on farm is to be preferred over monoculture, in the interests of economic stability and the protection of agricultural lands.

b. Forestry

Objective: To encourage reforestation or continuation of ecologically sustainable forestry as an economic strategy.

Principles: Slopes steeper than 25° should be reforested; native tree cover and vegetation should be retained or re-established on visually prominent ridgelines, along waterways to a width of 20 m either side, and on other unstable areas; the Lismore City Council and the community should assist policing of clearing or other abuse of land and issuing of licences where appropriate.

c. Fire

Objective: To provide for the protection of life, the human environment and its infrastructure as well as of the natural ecosystem as a whole.

Principles: Hazard reduction measures should reflect the natural fire frequencies and hazards; the onus for maintaining protection from wildfire should be on the individual whose assets may be at risk; Lismore City Council may stipulate minimum precautions against the escape of fire from houses and developments; land occupiers and owners should be encouraged to plan for fire management in cooperation with the local Bush Fire Brigades; where one landmanager's neglect to follow these principles endangers the life or property of another, Section 13 of the Bush Fires Act (1949)(as amended) may be invoked.

6. COMMERCE

a. Retail

Objectives: To provide for and support a variety of retail business activity, centred on the existing shopping area.

Principles: To provide for development of commercial activities compatible with the conservation of the character of the village and its environs;
cooperative or worker participation industries or businesses are to be encouraged.

b. Service

Objective: To provide for and support a variety of service and maintenance industries, whether commercial, voluntary or labour-exchange based.

Principle: To identify and locate appropriate services.

Recommendation: Lismore City Council should provide and expand its shower and laundry facilities;
Council should continue their management of the caravan park and swimming pool;

c. Light Industry

Objective: To accept and support local light industry, under appropriate environmental safeguards.

Principles: To identify a location for the growth of a light industrial neighbourhood;
to encourage the development of a renewable resources based industrial park;
labour intensive industries should be encouraged;
recycling and other environmentally beneficial industries are to be preferred;
industries producing toxic wastes or radiations are unacceptable.
Recommendation: To zone for a light industrial area along Sibley St., beyond the existing dwellings.

7. TOURISM

Objective: To support local industry catering to visitors, without endangering the quality of life presently existing.

Principles: Accommodation for visitors should not exceed one quarter of the residential accommodation in any community;
tourist or visitor facilities should be in keeping with the existing character of the village and its environs, and blend with the natural environment;
Lismore City Council should assist the local control and development of appropriate facilities.



your say in our future!

Jack Hughes

"This survey is to find out the opinions of local people about the future of Nimbin Village. The questions and your answers will be combined with others to identify areas of concern that we want Council to take up when preparing the detailed village plan for Nimbin and the area surrounding the village. The interview will take about 15 - 20 minutes. Thank you for your co-operation ..."

1. No name is necessary, this survey will be kept anonymous! 292 SURVEYS

2. Please identify your relationship to Nimbin (✓ box)

Village resident ☐ 12% Village worker / shop keeper ☐ 4%
Area resident ☐ 68% Visitor ☐ 10% Yrs..... 0 - 2 19%
Other ☐ 2% 2 - 5 24%

and, if a resident, the number of years you have been here ☐ 5-15 52%
15+ 5%

3. Which age group do you fit into? (✓ box)

0-18 ☐ 12% 18-30 ☐ 23% 31-50 ☐ 56% over 50 ☐ 9%

4. Do you own your own home ☐ 42% live in a multiple occupancy ☐ 37%, rent privately or publicly ☐ 35% or are you homeless ☐ 3%?

5. Are you a primary producer ☐ 14%, otherwise employed ☐ 35%, unemployed ☐ 14% do you in any case receive unemployment benefits ☐ 28%?

The following questions concentrate on several areas of concern which will be dealt with in turn.

6. CONTROL OF PLANNING.

6.1 Are you content to leave the planning for the future of Nimbin to the Lismore City Council and the Planning Dept?

YES ☒ 72% NO ☐ 93%

6.2 Do you wish to be consulted and given opportunities to influence the future of Nimbin through the Council?

YES ☐ 94% NO ☐ 6%

6.3 Would you contribute directly to, or vote for a local committee to have a major role in shaping the future of Nimbin?

YES ☐ 94% NO ☐ 6%

6.4 Are you in favour of larger residential lots?

YES ☐ 71% NO ☐ 29%

6.5 Should the village commercial uses be extended?

YES ☐ 81% NO ☐ 19%

7. SOCIAL ISSUES GENERALLY

7.1 Of all the social issues facing local people in Nimbin, which particular concern should be treated first? (✓ box)

unemployment ☐ 31% local health ☐ 6% drug abuse ☐ 26%
homelessness ☐ 27% income support ☐ 5% other ☐ 5%

7.2 Would you support the provision of more housing in Nimbin?

YES ☒ 88% NO ☐

If yes, what sort of housing should be provided;

Elderly housing ☐ 10% visitors accom ☐ 17% youth refuge ☐ 30%
public rental ☐ 36% other ☐ 7%

7.3 Do you support more recreation outlets and youth activities?

YES ☐ 94% NO ☐ 6%

If yes, what sort of facilities should be provided;

describe briefly

7.4 Are there enough educational resources in the area available to local people?

YES ☐ 43% NO ☐ 57%

If no, what sort of resources should be provided?

describe briefly

8. BROAD ENVIRONMENTAL ISSUES

8.1 Are you aware of the proposed sewerage scheme for Nimbin?

YES ☐ 57% NO ☐ 43%

If yes, do you support the proposal? YES ☐ 47% NO ☐ 53%

If no, have you any alternative proposals or advice on shortcomings?

.....
8.2 Are you satisfied with local water quality? YES ☐ 22% NO ☐ 78%

If no, what changes would you propose?

please describe

8.3 Are there any air or noise pollution sources that should be treated? YES ☐ 42% NO ☐ 58%

If yes, please identify source and proposed remedial action.

.....
8.4 Are you in favour of "greening" the main street of Nimbin and surrounding areas? YES ☐ NO ☐

If yes, what specific ^{92%} ^{8%} measures would you propose?

describe.....

9. TOURISM AND INDUSTRIAL DEVELOPMENT

9.1 Do you favour increasing tourism to Nimbin village ?

YES ☒ NO ☐

If yes, in what form ? 76% 24%

describe

If no, would you favour reduction ☐ 5% or elimination ☐ 1%

9.2 Do you favour light industrial development close to Nimbin ?

YES ☐ NO ☒

If yes, in what form ? 54% 46%

describe

9.3 Is there any other form of development which would be suitable for the area ? YES ☒ 80% NO ☐ 20%

If yes, please describe and locate if possible

.....
Any ideas on employment generators ?

.....
9.4 Do you support tourist accomodation on farms ?
YES ☒ 81% NO ☐ 19%

10 TRAFFIC MANAGEMENT, PARKING AND PUBLIC TRANSPORT

10.1 Which of the following traffic management plans would you prefer ? Number ☒ 1 most preferred, ☐ 2, ☐ 3 .

a. Leave existing conditions with no change ☐ 13%

b. Provide road diversion for heavy traffic
(if preferred, where) ☐ 31%

c. Give pedestrians priority in main street and reduce
traffic speed to 10 kph. (i.e. "shared zone")... ☐ 37%

d. Provide service roads only to commercial uses ☐ 19%

10.2 Do you think special parking areas should be set aside close to Cullen Street ? YES ☒ 88% NO ☐ 12%

If yes, could you propose locations

10.3 Are you satisfied with the present public transport provisions ? YES ☒ 54% NO ☐ 46%

If no, what changes would you like to see ?

describe

11. NIMBIN CHARACTER AND BUILDINGS

11.1 Do you agree with the National Trust and others that Nimbin has a special character that should be protected? YES ☒ 94% NO ☐ 6%
If yes, do you think that controls should be exercised to make all new buildings conform to that special character:
in the main street? YES ☒ 79% NO ☐ 21%
elsewhere in Nimbin? YES ☒ 59% NO ☐ 41%

11.2 Is there any building or feature in Nimbin that you find offensive and which could be changed? YES ☐ 62% NO ☒ 38%

If yes, please identify

12. SUMMARY

Please consider the following broad areas of concern carefully, and nominate your order of importance for priority action by all levels of government. Number ☒ 1 most important, then ☐ 2 etc.

- a. That social issues including unemployment, health and welfare should have the highest priority for attention ☒ 29%
- b. That environmental issues including (sewage) pollution and the "greening of the street" should have the highest priority ☐ 28%
- c. That encouraging tourism and development e.g. industrial areas should have the highest priority ☐ 14%
- d. That managing local and through traffic, parking and the public transport facilities should have the highest priority ☐ 9%
- e. That preserving the character of Nimbin and its appearance should have the highest priority ☐ 20%

If you have any ideas or suggestion not fully covered by this survey - please add a separate sheet to this form.

* * *

Thank you for your assistance. The results of this survey will be incorporated into a report to the Lismore City Council from the Task Force, and a copy lodged at the Nimbin Neighbourhood and Information Centre prior to the local government elections in September. In addition, a display will be mounted at the Annual Show on 26th and 27th September, 1987.

Nimbin and District Planning Task Force.

The following Nimbin District Organisations have elected representatives to serve the Nimbin District Task Force:-

- * Nimbin Agricultural and Industrial Society
- * Tuntabla Co-ordination Co-operative
- * Nimbin Sports Association
- * Nimbin Neighbourhood and Information Centre
- * Nimbin Chamber of Commerce
- * Rural Resettlement Task Force
- * Nimbin Health and Welfare Council
- * Nimbin Youth Group
- * Nimbin Central School Parents and Citizens Assoc.
- * Nimbin and District Progress Association

The role of the Task Force is to identify the expanding needs of the District around Nimbin taking into account the broad range of environmental and operational issues.

The range of issues being considered by local community Groups are listed as follows and the Group Co-ordinator's name and telephone contact is shown:-

- *Group 1 - Sporting Facilities, Recreation.
Co-ordinator - Peter Patterson - 891372 (W) 891364 (H)
- *Group 2 - Sewerage, Drainage and Floods, Creeks, Soil Erosion, Water Supply.
Co-ordinator - Mike Shegog - 891280 (H) 212235 (W) Power Supply.
- *Group 3 - Transport, Roads, Pedestrians & Ambience, Parking.
Co-ordinator - Don Johnston - 891258
- *Group 4 - Building Standards, Building Protection-Architecture, Heritage, Businesses.
Co-ordinator - Adrian Williamson 891377 (W) 891586 (H)
- *Group 5 - Social Environment, Medical, Population, Culture, Noise Pollution.
Co-ordinator - Dick Hopkins - 891285
- *Group 6 - Vegetation, Landscape, Treescape, Environmental Protection, Fire.
Co-ordinator - Ian Dixon - 891211
- *Group 7 - Boundaries, Catchment Area and Zones (including maps and photographs,) Land Ownership, Industry (Primary & Secondary,) Employment, Co-operatives, Local Economy.
Co-ordinator - Di Kivi - 891492 (messages)
- *Group 8 - Educational, Community Facilities, Youth Services.
Co-ordinator - Dave Faulkner - 891508
- *Group 9 - Low Cost Housing, Flats, Residential.
Co-ordinator - Dave Lambert - 891430 (H) 891492 (messages)
- *Group 10 - Tourism.
Co-ordinator - Ramon Tighe - 891205 (W) 891582 (H)

We invite you to join one or more of the local community groups, particularly where you have an appropriate interest or skill, and you can express your interest by ringing the particular group Co-ordinator or the Task Force Secretary. If you are unable to join for any reason, we invite you to submit written comments, photocopies of appropriate printed information or loan of publications or photographs.

Before December 1987, we hope to have for community display a Development Control Plan and community comment will be invited on the Plan and the extensive local community reports.

Don Johnston, Chairperson - 891528

Mike Shegog, Secretary - 891280 (H)
212235 (W)

Nimbin and District Planning Task Force, P.O. Box 84, NIMBIN.MSW 2480.
Telecom Area Code: 066.

**Sub-Group
Co-ordinators:**

The chairperson called for volunteers to serve as co-ordinators or members of issues sub-groups:

- One (1) -Peter Patterson - co-ordinator
Dave Faulkner - member
- Two (2) -Mike Shegog - co-ordinator
- Three (3) -Don Johnston - co-ordinator
Peter Reynders - member
- Four (4) -Adrian Williamson - co-ordinator
Bill Charter - member
- Five (5) -Dick Hopkins - co-ordinator
Kingsley Pearson
Rosemary Leonard - members
- Six (6) -Ben Rotteveel - co-ordinator
Ian Dixon:Martha Paitson - members
- Seven (7) -Di Kivi - co-ordinator
Lisa Yeates:Mac Nicholson - members
- Eight (8) - Rosemary Leonard - co-ordinator
Dave Walker:Suzie Kivi:Simon Leonard:
MikeShegog - members
- Nine (9) -Dave Lambert - co-ordinator
- Ten (10) -Ramon Tighe - co-ordinator
Ben Rotteveel - member

**Sub-Group Working
Papers:**

PeterReynders (Town Planner) recommended that the working papers be prepared by each sub-group and a minute presentation be given at each meeting and sub-group working papers be exchanged between sub-groups. Papers should include photos; drawings; maps; present background and skeleton outline of objectives.

**Boundary of
Catchment Area:**

It was resolved on the motion of Mike Shegog and Lisa Yeates "That the co-ordinator of the Boundary sub-group prepare a report on the possible catchment area by 13/11/86.

**Determination of
Objectives:**

It was resolved that the objectives be determined at the November, 1986, meeting, and terms should be defined; e.g. "recreation."

**Collection of
Planning Data:**

Include Council zoning maps - assessment of tourism - record steps taken - planning handbook at the end of our exercise. Peter Syson advised that the council can provide some resources, particularly maps. Council will provide a map for each Task Force representative when boundary is known.

**Formal Letter to
Council:**

It was resolved that we write to the Lismore Council advising that we have established a planning task force and that we are seeking support of Council Aldermen and Officers and for us to be kept informed of planning proposals as they arise.

Next Meeting Date:

13 November, 1986 (Thursday):7.30pm: Nimbin Hall Annexe.

Mike Shegog - 21 2235 (W) - 891280 (H)

- 1 -

Minutes of the second meeting of Nimbin District Community Groups to develop Environmental Strategic Plan for the Nimbin District held at 7.30pm on 2 October, 1986, at the Community Health Centre, Nimbin.

Present:

The meeting was chaired by Don Johnston and was attended by Harold Fredericks (Deputy Mayor,) Mac Nicholson (Alderman) Peter Reynders, Peter Syson and Mark Norris (Council Officers,) and 15 representatives of community groups.

Apologies:

Don Greene (Alderman,) Martha Paitson, Kingsley Pearson, Peter Patterson. Apologies accepted on the motion moved by Di Kivi and Dave Faulkner.

Minutes of last meeting:

It was resolved on the motion of Dav Lambert and Ben Rotteveel "That the minutes of the meeting on 4 September 1986, as circulated, be confirmed.

Inward correspondence:

It was resolved on the motion of Lisa Yeates and Dick Hopkins "That the letter from the Nimbin Central School Parents & Citizens Assoc. advising that the representatives elected were Rosemary Leonard and Dave Faulkner " be received.

Financial Report:

The Secretary reported that seven (7) community groups had contributed to the initial operating costs, the sum of \$70.00, and the stationery expenditure to date has been \$37.72 - leaving a balance of \$32.38. It was resolved on the motion of Mike Shegog and Dave Faulkner "That the financial report be adopted. The Secretary reported that the Nimbin Progress Assoc. had agreed at its meeting on 2 October, 1986, to be responsible for the Task Force's future funding beyond that initial operating costs contributed by the representative community groups. It is hoped that part of the funds will be raised by over-printing a 1987 year planner with Nimbin Community Groups' meeting dates and selling for .50¢ each.

Meeting Place:

The Secretary reported that the Community Health Centre meeting room was available for meetings and the rent was \$5.00 per meeting. After some discussion concerning the size of the room it was resolved on the motion of Ben Rotteveel and Lisa Yeates "That future meetings be held at the Nimbin Hall Annexe."

Grouping of Issues:

Even though the meeting agreed that most of the issues and sub-groups overlapped, it was resolved "That the grouping of issues, as prepared by the Chairperson and Secretary, be adopted."

Additional Issues:

The Secretary reported that it was expected that additional issues will be added from time to time. Issues added at the meeting were:
"Power (including underground power)" was added to sub-group two (2.)
"Building standards" was added to four (4.)
"Land ownership" - "Local economy" - and "Industry (primary and secondary)" was added to seven (7.)
"Youth Services" was added to eight (8.)
"Residential" was added to nine (9.)

LISMORE CITY DRAFT LOCAL ENVIRONMENT PLAN, 1990

Lismore City Council is exhibiting the draft Local Environment Plan for the second time after failing to resolve the issues raised the last eight years.

The plan covers the whole of the City Council area from Nimbin to Woodburn and Benley to Rous. It will affect every resident and citizen of this area.

The written plan and 9 zoning maps are currently available for examination at the Big Scrub Environment Centre and copies are for sale.

Please write a submission to Lismore City Council now!

The plan will affect agricultural, commercial, industrial and residential activities without adequate or proper environmental protection. See overleaf for the major failings and concerns about the draft plan as it is exhibited.

It is too important to let this plan be approved with such major deficiencies.

EXHIBITION TOO SHORT

The plan is on exhibition until **Sept 3rd only**. This is far too short for a large document of such critical importance to the future of the Lismore City Council.

When Casino Council recently exhibited their draft Local Environment Plan they willingly extended the submission period. Surely Lismore Council could do the same.

If you do nothing else at this stage please write to Council and request an extension period for public exhibition and submission to at least 3 months. We have waited 3 years for this new draft and it must not be rushed through the important public participation process.

PARTICIPATE: IT'S YOUR FUTURE!!!

MAJOR PROBLEMS & ISSUES

There are many concerns about the plan including the following summaries:-

- * inadequate environmental protection zones, including no scenic escarpment or habitat zones;
- * no controls on land clearing in water catchment zones;
- * no extractive industries zones despite there being about 40 active quarries;
- * severe restriction of dual occupancy;
- * no aboriginal heritage study;
- * no aboriginal or natural environment sites included on heritage register;
- * non compliance with the North Coast Regional Environmental Plan;
- * Inconsistencies with adjacent LEPs

BYRON and BALLINA LEPs

Both Byron and Ballina have LEPs that contain a number of different environmental protection zones. A far better situation to manage our environment with care than the 2 zones proposed in the Lismore dLEP.

Similarly, both Byron and Ballina held extensive Public Hearings into the determination of submissions into their respective LEPs

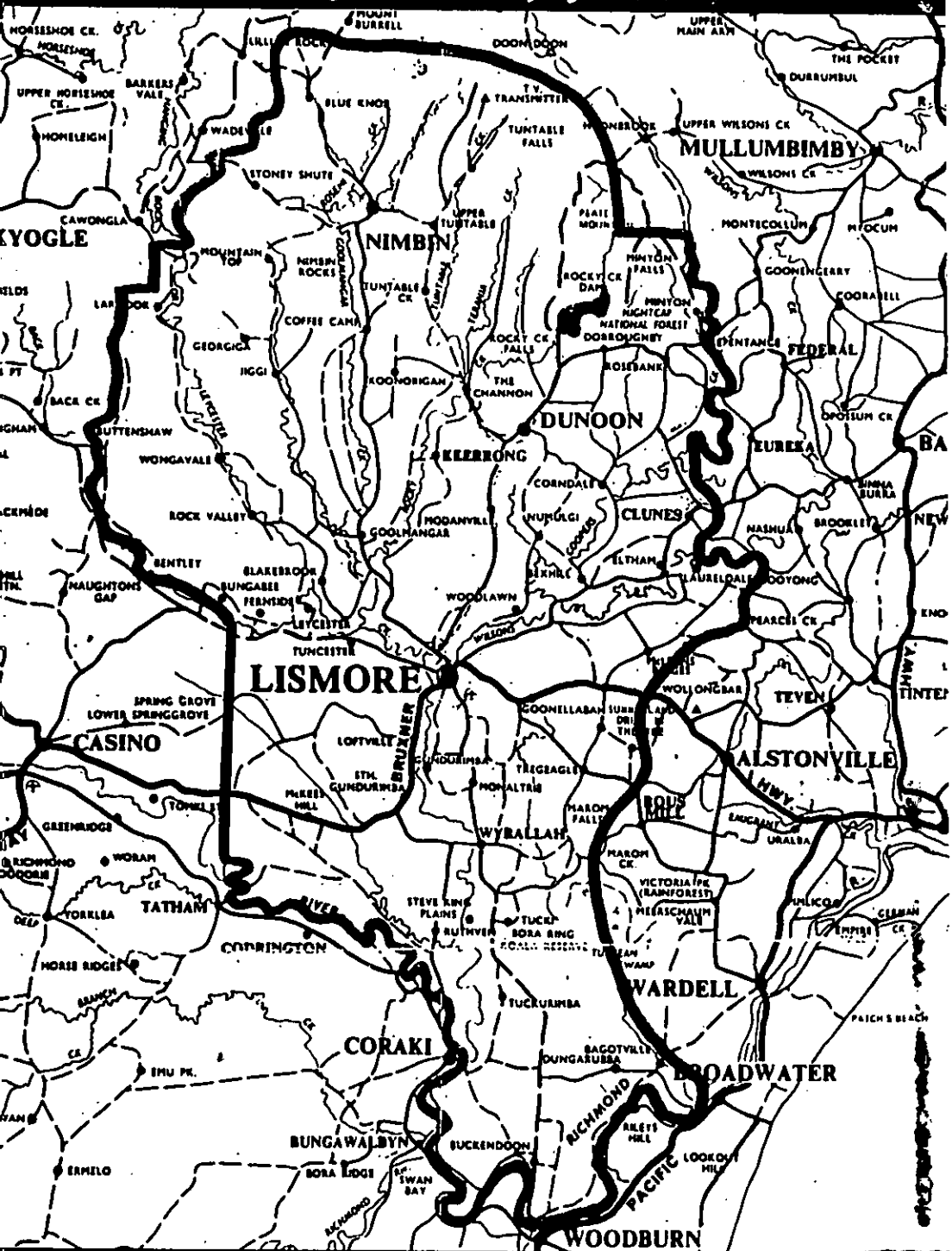
Public Hearings Needed

The dLEP must have Public hearings if the whole community is to have a fair hearing. There must be no bias from lobbying of Councillors. In your submission request a Public Hearing.

Send your submission to:-

**draft Local Environment Plan
Lismore City Council
PO Box 23a
Lismore NSW 2480**

Boundaries of the new 'City of Lismore'



THE CITY OF LISMORE

DRAFT LOCAL ENVIRONMENTAL PLAN 1990

SUBMISSION OUTLINE

To assist you in preparing your submission on the draft plan, the following outline is provided as a guide. You may use another format or headings if you feel this will better express your views.

It is suggested that your submission should include the following information:

- (1) Name.
- (2) Address
Phone No.
- (3) The Land about which the submission is concerned.

N.B. If only one or a few lots or portions, please give Lot Number, D.P. Number, Parish and/or address.

- (4) The Land's Proposed Zoning in draft plan.
(e.g. Rural 1(a), Residential 2(f), Environmental Protection (Water Catchment) 7, etc.).
- (5) Your Proposed Zoning for the the land.
- (6) Submission Details.
(Outline your planning reasons to support any change to the draft plan.)
- (7) Public Hearing.

The Council may seek a public hearing under the Environmental Planning and Assessment Act, 1979 to assess the public submissions, if this is deemed necessary following the exhibition.

If you require to present a submission to the Commissioner conducting the public hearing (should there be one), please indicate this in your submission.

All submissions should be in writing, marked: "Draft L.E.P. 1990", signed, dated and addressed to:

The General Manager/Town Clerk,
Lismore City Council,
P.O. Box 23A,
LISMORE. 2480

They must be received no later than 3rd September, 1990.

For further enquiries, contact David Kanaley or Peter Reynders phone 211540.

TO: Diana / Human Environment Centre / Pen Com

FROM: Dave Lambert 22/7/90

RE: Draft LEP

LEP

I have had a quick look at the LEP. My
initial views on it include:

Multiple Occupancy

There is no mention of it which is curious. Earlier
'unofficial' drafts restricted M.O. to the old Terenure
parishes.

The net effect of no mention of M.O. in the Draft
LEP would appear to mean that SEPP 15 prevails
+ therefore M.O. will be permissible with consent
in rural areas or properties larger than 10 ha.

This status quo is perhaps the best thing we could
hope to achieve - no new 'rules' always seem to
restrict something more than it already is.

Perhaps the only disadvantage of not mentioning it
is that with the LEP silent on the issue, the future
of M.O. relies on the new gov't retaining SEPP 15 in
its present form. It appears that even conservative gov'ts
tend to retain the status quo + M.O.

We could lobby to repeat the SEPP 15 enabling
clauses in the draft LEP but they would be at the

risk of P. Reynolds & Council putting in restrictions
in white areas (bush fire zones, steep land,
certain parish boundaries) where M.O. would be
prohibited.

My initial view is that we should let
'sleeping dogs lie'!

Other General Comments

Page 11 - Clause 2 - 'forestry' permissible without
consent!!

Page 23 - Clause 2 - 'forestry' & 'bush fire reduction'
permitted in a water catchment zone!!

Page 25 - Table - this means that small acreages
will no longer be available except in Villages
& a small 1 (a) zone.

It is popular thought that small blocks are bad
on planning & environmental grounds (population
& services are dispersed, developers make a lot of money etc).

However, it must be remembered that ending the
availability of 2-5 acre blocks will cause supply
to dry up & land prices to rise. This has the
undesirable effect of pushing up the price of land &
housing.

[Signature]

Wallace Road,
The Channon,
2480

31.8.90

General Manager and Town Clerk,
Lismore City Council,
LISMORE, 2480

Dear Sir,

re: Submission to the Draft Local Environmental Plan 1990.

My submission re the DLEP is not yet completed. I aim to have this to you in the next several weeks. If this is not convenient for you I would be obliged if you would advise me accordingly.

Thanking you.

Yours faithfully,

.....
Peter Hamilton

DRAFT

PRELIMINARY POSITION STATEMENT ON THE NEED FOR A CHANGE IN THE DECISION MAKING STRUCTURE OF THE LISMORE CITY COUNCIL IN RESPECT TO DETERMINING DEVELOPMENT AND BUILDING APPLICATIONS

While there is a need for a change in the personnel in council, this of itself is not enough in my view, to address the frequent inappropriate and inadequate decisions made by Council.

I view that this can be meaningfully addressed only by a structural change in the Council's decision making process.

Ideas which come to mind in this regard include:- the creation of a rural municipality within the City Council, the creation of a separate rural Shire, the creation of planning "precincts" covering the rural area, where a committee of a few aldermen together with local citizens, determine planning and building applications, (such as the practice implemented by the North Sydney Council), and the extended use of Council Committees under ss. 527 and 530A of the Local Govt. Act. (Where "rural" areas are involved in the above, these may bear a relationship to Water Management Catchment Areas).

The bulk of the planning and building decision on applications made to Council, are in fact not made by Council aldermen but are made by unaccountable "faceless" men (sic) in the back rooms of the Council. All development applications for example, are "processed" by a "Development Control Unit". There is no opportunity for public input when decisions are made or public scrutiny of the decision making process of this body!

In respect to planning matters it seems appropriate to consider, as an interim measure, that a Planning Administrator be appointed to get planning administration in the Lismore City Council "... back on the rails".

The circumstances surrounding the recent decision to approve the development of an Hotel in The Channon, is but a further example of Council's incompetence and inability to responsibly address their obligations under the Planning Act.

It is as though there is a "conspiracy" to undermine the Planning Act by taking a "gung-ho" approach and ignoring their own professional staff advice on the legal requirements to be addressed in the planning legislation.

From interviews with individual aldermen it is apparent that there is an abysmal ignorance of even the most elementary requirements of the planning legislation, for example that "social impact" is required to be considered as a factor in the determination of an application.

I invite comment, suggestions, energy, publicity, informal discussions and the like, with a view to a public examination of the attributes of the available options, and the introduction of "a meaningful Council decision making structure".

I would seek that all candidates standing for the next Council election in September 1991, state their position in respect to such "structural decision making" reform.

Yours for ourselves as adults, our children who will replace us, and the environment that will stand witness to our actions and our inactions.

=====
Peter Hamilton, Wallace Road, The Channon, 2480

27 August 1990

FOR GOVERNMENT OF THE PEOPLE, BY THE PEOPLE, FOR THE PEOPLE

noted PR



Multiple Occupancy Of Rural Land

State Environmental Planning Policy No. 15



Department of Environment and Planning

Multiple Occupancy Of Rural Land

State Environmental Planning Policy No. 15

Department of Environment and Planning
Sydney 1988

FOREWORD

The growing interest in different types of rural lifestyles has meant that new forms of development must be considered in planning for many parts of New South Wales.

Since 1980, the State Government has encouraged multiple occupancy - where people pool their resources to acquire and jointly operate a rural property - in suitable circumstances. Few councils, however, provide for such developments in their planning controls.

The Government has decided to introduce a State environmental planning policy which provides a framework for allowing multiple occupancy in particular rural areas of New South Wales, subject to strict planning controls.

I encourage all people interested in multiple occupancy and the planning of rural areas to observe the aims of the policy and maintain the balance between the development and conservation of our rural areas.



BOB CARR
Minister for Planning and Environment
and Minister for Heritage

This booklet explains the State Government's policy on multiple occupancy of rural land. More information is available from the Department of Environment and Planning. The policy will be reviewed after 12-18 months of operation and comments are welcome. They should be addressed to the Regional Manager, Northern Regions Office, PO Box 6, Grafton, NSW, 2460.

The Department hopes to publish a multiple occupancy handbook with more detailed advice by mid 1988.

Head Office
175 Liverpool Street, Sydney 2000
Phone: (02) 266 7111

Western Sydney Office
31-39 Macquarie Street, Parramatta 2150
Phone (02) 689 8111

Northern Regions
49 Victoria Street, Grafton 2460
Phone: (066) 42 0622

Hunter Office
20 Auckland Street, Newcastle
Phone (049) 26 2566

South Eastern Office
251 Crawford Street, Queanbeyan 2620
Phone (062) 97 6911

Botany Office
52 Bay Street, Rockdale 2216
Phone (02) 597 1233

Illawarra Office
84 Crown Street, Wollongong 2500
Phone (042) 28 4644

January 1988

INTRODUCTION

What is multiple occupancy?

Multiple occupancy is a type of rural development where a group of people, not necessarily related to each other, live on a single property in several dwellings.

These people usually have the desire to:

- . live as a community and build a number of dwellings in a rural setting on unsubdivided land as their main place of residence;
- . manage the land for communal purposes in an environmentally sensitive way; and
- . pool their resources to develop communal rural living opportunities.

Farming is not necessarily intended as the primary source of income.

Various forms of legal organisation are possible but subdivision of the land, including strata subdivision under the Strata Titles Act, 1973 is not. Legal titles giving separate entitlement to a small part of the land plus the sharing of common land has been shown to be a form of subdivision and is prohibited under the multiple occupancy policy.

Multiple occupancy entails the sharing of the land and communal ownership of the whole land holding. People, often on low incomes, may either pool their resources to purchase land collectively or purchase a share in an existing community. They may seek approval from the local council to build and/or occupy either a dwelling or part of an expanded house. This form of community rural lifestyle can be achieved and sustained at a much lower cost than separate, conventional, urban and rural residential situations. It is the rural equivalent of people sharing a house in an urban area.

Where does the multiple occupancy policy apply?

The policy applies to many local government areas in the coastal and tablelands parts of New South Wales, but it excludes the Newcastle, Sydney and Wollongong areas and the ACT and Kosciusko subregions. The municipalities and shires where it applies are listed in Schedule 1 to the policy (at the rear of this booklet).

Multiple occupancy is excluded from national parks, nature reserves, areas zoned for environment protection and coastal protection, and areas where more than 80 per cent of the land has slopes in excess of 18 degrees. A range of environmentally related criteria must be met before development approval can be granted under the policy.

It is also not permitted on prime crop and pasture land and the development must be designed to minimise impact on existing agriculture. Furthermore, multiple occupancy cannot be approved on blocks where more than 25 per cent of the land is 'prime crop and pasture land'.

What area of land is needed for multiple occupancy?

The minimum area for a multiple occupancy approval under the policy is 10 hectares. A formula determines the number of dwellings permissible. On 10 hectares four dwellings are allowed; on 200 hectares, 51 are possible; and a maximum of 80 dwellings are possible on blocks of 360 hectares or more.

Multiple occupancies on smaller blocks may be allowed, provided there are good planning grounds for such approval.

Types of housing on multiple occupancy properties

Housing arrangements on multiple occupancy properties vary from dispersed single family dwellings to clusters of expanded houses where groups of buildings function as a dwelling-house, with shared facilities such as a kitchen and bathroom (Figure 1).

'Clustered' and 'dispersed' settlements are two forms of development (Figure 2). The clustered form is generally preferred because it minimises the impact of development and construction, facilitates a single services corridor, and encourages community living.

Non-residential development

Under the multiple occupancy policy, schools, community facilities and workshops could also be permitted as long as they are intended primarily to serve the needs of people living on the land and are minor in scale.

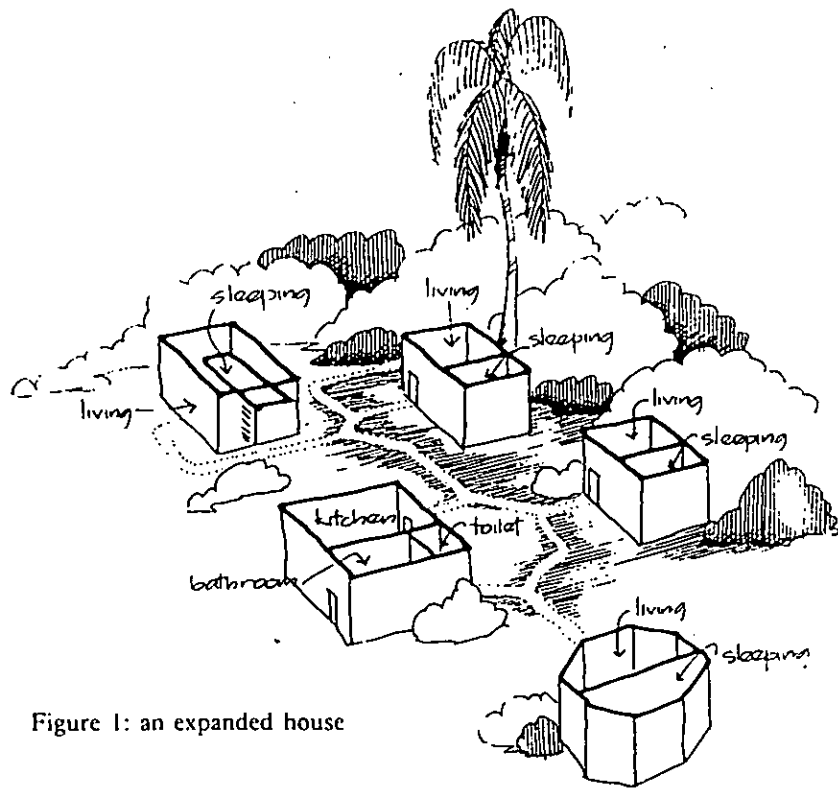


Figure 1: an expanded house

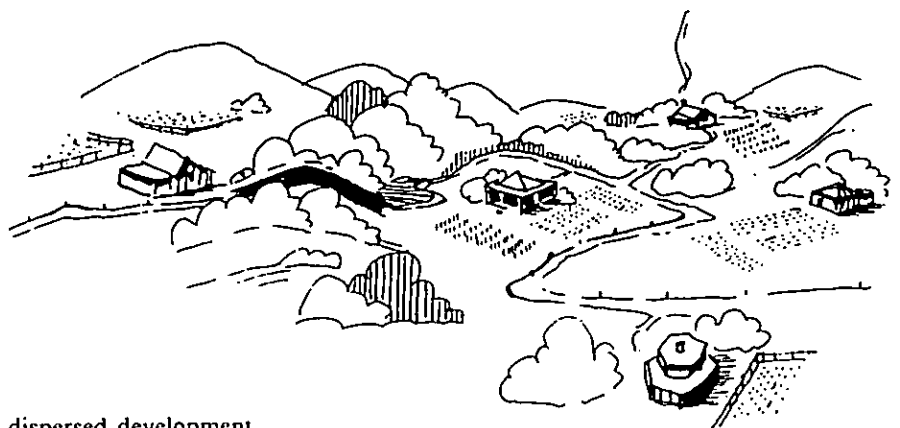
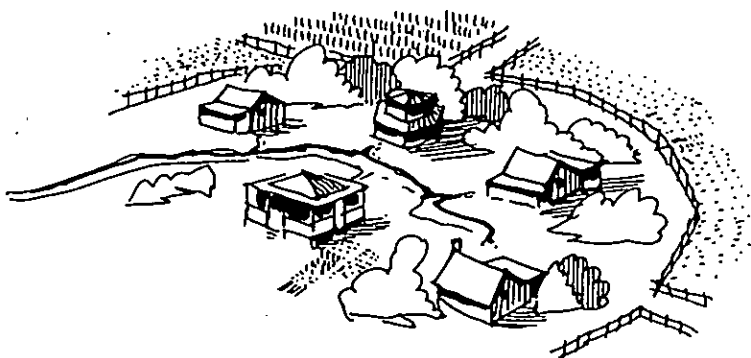


Figure 2: clustered and dispersed development

Contributions for services payable to council

The Minister for Planning and Environment has issued a direction under section 94A of the Environmental Planning and Assessment Act, 1979 to limit contributions for services and community facilities to a maximum of \$1950 per dwelling. The actual amount to be charged will be determined by individual councils having regard to the characteristics and location of the proposed multiple occupancy.

Existing developments

Some existing multiple occupancy-style developments have been created without development consent. Often they have been in areas where there were no local planning controls to deal with multiple occupancy. Some of these developments may not meet all the conditions laid down in the policy. The Department of Environment and Planning is available to advise people in this situation and local councils to help them to comply with planning provisions.

How to apply for multiple occupancy

People interested in multiple occupancy should make a development application to their local council. The council may approve of the proposal subject to it meeting the planning provisions specified in the policy and being in an appropriately zoned area.

When more than four dwellings are intended, a map showing the characteristics of the land and the proposed development must be included. In these cases, the council will advertise the proposal for public comment before determining the application.

If the property consists of several parcels of land, these should be consolidated when the development application is made.

EXPLANATORY NOTES

STATE ENVIRONMENTAL PLANNING POLICY NO 15

Multiple Occupancy of Rural Land

- Clause 1 gives the name of the policy.
- Clause 2 states the aims and objectives of the policy.
- Clause 3 defines specific local government areas to which the policy applies. These are listed in Schedule 1. Clause 8(1) limits the applicability of the policy within those areas to rural and non-urban zones. Schedule 2 details lands in rural areas to which the policy does not apply, such as national parks, State forests and scenic protection areas.
- Clause 4 deletes multiple occupancy provisions in local environmental planning instruments existing at the date this policy came into effect. This avoids confusion between this policy and any local environmental planning instrument which contained multiple occupancy provisions prior to the policy.
- Clause 5 defines the terms used in the policy. Note the definition of 'dwelling' allows the concept of expanded dwelling-houses. These are intended to meet the needs of people, not necessarily related, who wish to live as a single household but in two or more separate structures with shared facilities. This concept is more specifically stated in clause 5(2).
- Clause 6 states the relationship of this policy to other planning instruments. This policy prevails in the event of an inconsistency between it and any other instrument. The date of the making of another instrument does not affect the interpretation of this clause.

Clause 7

subclause (1) provides that multiple occupancy is a development requiring the council's consent for two or more dwellings on any rural or non-urban land to which this policy applies. Before a council may consent to a multiple occupancy development, however, it must ensure that certain conditions are met. These conditions are clearly stated in clause 7(1)(a) to (h).

Subclause (2) states that this policy allows a development application to be made even though it may be prohibited under another planning instrument including any local environmental plan. It is an elaboration of clause 4.

Subclause (3) refers to the condition in 7(1)(b) that land which is the subject of a multiple occupancy development application must be at least 10 hectares in area. Subclause (3) recognises that in most local environmental planning instruments the minimum area for subdivision is more than 10 hectares. It ensures that a subdivision that would otherwise be illegal under a planning instrument cannot be carried out through the use of this policy.

Clause 8

lists the matters that a council must consider before determining an application for multiple occupancy.

Subclause (1) applies to all applications which will result in two or more dwellings.

Subclause (2) lists additional matters that must be considered where an application will result in four or more dwellings. It prevents a council giving its consent to a multiple occupancy development application proposing four or more dwellings unless the site plan accompanying the application contains the additional information clearly stated in clause 8(2)(a) to (f).

Clause 9

determines the density of multiple occupancy development which may be permitted on an allotment.

Subclause (1) gives the formulae for calculating the maximum number of dwellings permissible, including any existing dwellings, based on the area of the allotment. To determine the maximum number of dwellings permissible, substitute the area of the subject land for the letter 'A' in the appropriate formula in Column 2 of the table. The answer is easily calculated.

Clause 9 also provides the maximum permissible density for a given area of land. When it has considered the matters listed in clause 8, a council may determine that a lesser density is more appropriate for a particular development application.

The formulae are designed so that the density of development decreases as the area of the subject land increases.

On more than 360 hectares the maximum number of dwellings permissible is 80 regardless of how much larger than 360 hectares the land area is.

Subclause (2) states that if the number of permissible dwellings results in a fraction of one half or greater, it shall be deemed to constitute one whole dwelling. If the fraction is less than one half, it shall not be deemed to constitute a dwelling and the fraction is ignored.

Subclause (3) requires that density is also limited by an assessment of the accommodation needs for a population maximum at an average of four persons per permissible dwelling. This provides a way to judge an application which includes expanded dwellings.

Clause 10

prohibits subdivision of land as part of a multiple occupancy development under this policy. Subclause (2) permits minor subdivisions for particular purposes such as widening a public road, creating a public reserve or consolidating allotments.

- Clause 11 provides for multiple occupancy development of four or more dwellings to be advertised for public comment. This clause recognises the fact that the environmental impact of larger multiple occupancy developments is likely to be greater and should be subject to public scrutiny. Public comment can then be taken into consideration by a council in reaching its decision.
- Clause 12 enables the Department of Environment and Planning to monitor and review the policy. This is considered necessary as it is not known how well the demand for multiple occupancy will be met by this policy. Any particular areas of concern should be identified within 12-18 months of its operation.
- Clause 13 suspends provisions of section 37 of the Strata Titles Act, 1973; and any agreement, covenant or instrument which would otherwise prevent multiple occupancy from being carried out in accordance with (i) this policy; and (ii) the consent of the relevant council made under the Environmental Planning and Assessment Act, 1979 in accordance with this policy.
- SCHEDULE 1 lists the local government areas to which the policy applies.
- SCHEDULE 2 lists land that is rural or non-urban but is excluded from the policy.
- SCHEDULE 3 removes existing multiple occupancy clauses from local environmental plans.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

STATE ENVIRONMENTAL PLANNING POLICY No. 15 - MULTIPLE OCCUPANCY OF RURAL LAND

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Environmental Planning and Assessment Act 1979, has been pleased to make the State Environmental Planning Policy set forth hereunder in accordance with the recommendation made by the Minister for Planning and Environment. (83-10203).

Minister for Planning
and Environment

Sydney, 1988.

Citation

1. This Policy may be cited as State Environmental Planning Policy No. 15 - Multiple Occupancy of Rural Land.

Aims, objectives etc.

2. The aims, objectives, policies and strategies of this Policy are -

- (a) to encourage a community based and environmentally sensitive approach to rural settlement;
 - (b) to enable -
 - (i) people to collectively own a single allotment of land and use it as their principal place of residence;
 - (ii) the erection of multiple dwellings on the allotment and the sharing of facilities and resources to collectively manage the allotment; and
 - (iii) the pooling of resources, particularly where low incomes are involved, to economically develop a wide range of communal rural living opportunities, including the construction of low cost buildings; and
-

(c) to facilitate development, preferably in a clustered style -

- (i) in a manner which both protects the environment and does not create a demand for the unreasonable or uneconomic provision of public amenities or public services by the State or Commonwealth governments, a council or other public authorities;
- (ii) in a manner which does not involve subdivision, strata title or any other form of separate land title, and in a manner which does not involve separate legal rights to parts of the land through other means such as agreements, dealings, company shares, trusts or time-sharing arrangements; and
- (iii) to create opportunities for an increase in the rural population in areas which are suffering or are likely to suffer from a decline in services due to rural population loss.

Land to which this Policy applies

3. (1) Except as provided by subclause (2), this Policy applies to land within the cities, municipalities and shires specified in Schedule 1.

(2) This Policy does not apply to land specified in Schedule 2.

Amendment of certain environmental planning instruments

4. Each environmental planning instrument specified in Column 1 of Schedule 3 is amended by omitting the clause or matter specified opposite that instrument in Column 2 of that Schedule.

Interpretation

5. (1) In this Policy -

"council", in relation to the carrying out of development, means the council of the area in which the development is to be carried out;

"dwelling" means a room or suite of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile;

"ground level" means the level of a site before development is carried out on the site pursuant to this Policy;

"height", in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point;

"home improvement area" means the area of land, not exceeding 5000 square metres, around a dwelling;

"prime crop and pasture land" means land within an area -

(a) identified, on a map prepared before the commencement of this Policy by or on behalf of the Director-General of Agriculture and deposited in an office of the Department of Agriculture, as Class 1, Class 2 or Class 3 or as land of merit for special agricultural uses;

(b) identified, on a map prepared after the commencement of this Policy by or on behalf of the Director-General of Agriculture marked "Agricultural Land Classification Map" and deposited in an office of the Department of Agriculture, as Class 1, Class 2 or Class 3 or as land for special agricultural uses; or

(c) certified by the Director-General of Agriculture, and notified in writing, by or on behalf of the Director-General of Agriculture to the council, to be prime crop and pasture land for the purposes of this Policy;

"the Act" means the Environmental Planning and Assessment Act 1979.

(2) For the purposes of this Policy, the council may, in respect of development proposed to be carried out pursuant to this Policy, treat 2 or more dwellings as a single dwelling if it is satisfied that, having regard to the sharing of any cooking or 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 2 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 10 hectares;
- (c) the height of any building on the land does not exceed 8 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;
- (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.

Matters for council to consider

8. (1) A council shall not consent to an application made in pursuance of clause 7 unless it has taken into consideration such of the following matters as are of relevance to the development the subject of that application:

- (a) the means proposed for establishing land ownership, dwelling occupancy rights, environmental and community management will ensure the aims and objectives of this Policy are met;
- (b) the area or areas proposed for erection of buildings, including any proposals for the clustering of buildings;
- (c) the area or areas proposed for community use (other than areas for residential accommodation and home improvement areas);
- (d) the need for any proposed development for community use that is ancillary to the use of the land;
- (e) the availability and standard of public road access to the land;

- (f) the availability of a water supply to the land for domestic, agricultural and fire fighting purposes and, where a proposed water supply is from a river, creek, dam or other waterway, the effect upon other users of that water supply;
- (g) if required by the applicant, the availability of electricity and telephone services;
- (h) the availability of community facilities and services to meet the needs of the occupants of the land;
- (i) whether adequate provision has been made for waste disposal from the land;
- (j) the impact on the vegetation cover of the land and any measures proposed for environmental protection, site rehabilitation or reafforestation;
- (k) whether the land is subject to bushfires, flooding, soil erosion or slip and, if so, the adequacy of any measures proposed to protect occupants, buildings, internal access roads, service installations and land adjoining the development from any such hazard;
- (l) the visual impact of the proposed development on the landscape;
- (m) the effect of the proposed development on the present and potential use, including agricultural use, of the land and of lands in the vicinity;
- (n) whether resources of coal, sand, gravel, petroleum or other mineral or extractive deposits will be sterilised by the proposed development;
- (o) the effect of the proposed development on the quality of the water resources in the vicinity;
- (p) any land claims by local aboriginals and the presence of any aboriginal relics and sites;
- (q) whether the land has been identified by the council as being required for future urban or rural residential expansion;
- (r) whether the development would benefit an existing village centre suffering from a declining population base or a decreasing use of the services provided in that centre.

(2) The council shall not consent to an application made in pursuance of clause 7 for the carrying out of development on land for the purposes of 4 or more dwellings unless the site plan accompanying the application identifies -

- (a) vegetated areas requiring environmental protection or areas where rehabilitation or reafforestation will be carried out;
- (b) any part of the land which is subject to a risk of flooding, bush fire, landslip or erosion or any other physical constraint to development of the land in accordance with this Policy;
- (c) any part of the land that is prime crop and pasture land;
- (d) any areas of the land to be used for development other than for dwellings;
- (e) the source and capacity of any water supply, electricity, telephone and waste disposal systems for the dwellings; and
- (f) the proposed access from a public road to the area or areas in which the dwellings are to be situated.

Density of development

9. (1) Subject to subclause (2), a council shall not consent to an application made in pursuance of clause 7 for the carrying out of development on land unless the number of proposed dwellings on the land, together with any existing dwellings on the land, does not exceed the number calculated in accordance with the formula specified in Column 2 of the Table to this clause opposite the area of the land specified in Column 1 of that Table.

(2) If the number calculated in accordance with the formula as referred to in subclause (1) includes a fraction, the number shall be rounded up to the nearest whole number in the case of a fraction of one-half or more or rounded down to the nearest whole number in the case of a fraction of less than one-half.

TABLE

Column 1	Column 2
Area of land	Number of dwellings where A represents the area of the land the subject of the application (measured in hectares)
Not less than 10 hectares but not more than 210 hectares	$4 + \frac{(A - 10)}{4}$
More than 210 hectares but not more than 360 hectares	$54 + \frac{(A - 210)}{6}$
More than 360 hectares	80

As 4 dwellings

(3) Even if the number of proposed dwellings on land the subject of an application made in pursuance of clause 7 together with any existing dwellings on the land does not exceed the maximum number of dwellings permitted by subclause (1), the council shall not consent to the application if those dwellings are so designed that they could, in the opinion of the council, reasonably accommodate in total more people than the number calculated by multiplying that maximum number of dwellings by 4.

Subdivision prohibited

10. (1) Where development is carried out on land pursuant to this Policy, the issue of a council clerk's certificate under the Local Government Act 1919, or of a council's certificate under the Strata Titles Act 1973, required for the subdivision of the land is prohibited.

(2) Subclause (1) does not apply with respect to the subdivision of land for the purpose of -

- (a) widening a public road;
- (b) making an adjustment to a boundary between allotments, being an adjustment that does not involve the creation of any additional allotment;
- (c) rectifying an encroachment upon an allotment;
- (d) creating a public reserve;
- (e) consolidating allotments; or
- (f) excising from an allotment land which is, or is intended to be, used for public purposes, including drainage purposes, bush fire brigade or other rescue service purposes or public conveniences.

Advertised development

11. (1) This clause applies to development to be carried out pursuant to a consent referred to in clause 7, being development for the purposes of 4 or more dwellings (whether existing or proposed dwellings).

(2) Pursuant to section 30(4) of the Act, the provisions of sections 84, 85, 86, 87(1) and 90 of the Act apply to and in respect of development to which this clause applies in the same manner as those provisions apply to and in respect of designated development.

Monitoring of applications

✓

12. Where a council receives an application made in pursuance of clause 7, the council shall, within 30 days of determining the application, forward a copy of the application to the Secretary together with a copy of the notice of the determination of the application.

Suspension of certain laws

13. (1) For the purpose of enabling development to be carried out in accordance with this Policy or in accordance with a consent granted under the Act in relation to development carried out in accordance with this Policy -

- (a) section 37 of the Strata Titles Act 1973; and
- (b) any agreement, covenant or instrument imposing restrictions as to the erection or use of buildings for certain purposes or as to the use of land for certain purposes,

to the extent necessary to serve that purpose, shall not apply to the development.

(2) Pursuant to section 28 of the Act, before the making of this clause -

- (a) the Governor approved of subclause (1); and
 - (b) the Minister for the time being administering the provisions of the Strata Titles Act 1973 referred to in subclause (1) concurred in writing in the recommendation for the approval of the Governor of that subclause.
-

SCHEDULE 1

(Cl. 3)

Armidale	Kyogle
Ballina	Lake Macquarie
Barraba	Lismore
Bathurst	Maclean
Bega Valley	Manilla
Bellingen	Merriwa
Bingara	Mudgee
Blayney	Mulwaree
Bombala	Murrurundi
Byron	Muswellbrook
Casino	Nambucca
City of Greater Cessnock	Nundle
City of Greater Lithgow	Nymboida
City of Maitland	Oberon
City of Shoalhaven	Orange
Coffs Harbour	Parry
Cooma-Monaro	Port Stephens
Copmanhurst	Quirindi
Dumaresq	Richmond River
Dungog	Rylstone
Eurobodalla	Scone
Evans	Severn
Glen Innes	Singleton
Gloucester	Tallaganda
Goulburn	Tamworth
Grafton	Tenterfield
Great Lakes	Tweed
Greater Taree	Ulmara
Guyra	Uralla
Hastings	Walcha
Inverell	Wingecarribee
Kempsey	Yallaroi

SCHE D U L E 2

(Cl. 3)

Land which is a national park, historic site, nature reserve, Aboriginal area, state recreation area, protected archaeological area or game reserve within the meaning of the National Parks and Wildlife Act 1974.

Land which is a reserve within the meaning of Part IIIB of the Crown Lands Consolidation Act 1913 or which is vacant land within the meaning of that Act.

Land which is subject to the Western Lands Act 1901.

Land which is a State forest, flora reserve or timber reserve within the meaning of the Forestry Act 1916.

Land which, under an environmental planning instrument, is within an area or zone (within the meaning of that instrument) identified in that instrument by the description -

- (a) Coastal lands acquisition;
- (b) Coastal lands protection;
- (c) Conservation;
- (d) Escarpment;
- (e) Environment protection;
- (f) Environmental protection;
- (g) Open space;
- (h) Rural environmental protection;
- (i) Scenic;
- (j) Scenic protection;
- (k) Water catchment;
- (l) Proposed national park,

or identified in that instrument by a word or words cognate with any word or words used in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) or (l) or by a description including a word or words so used and any other word or words.

SCHEDULE 3

(Cl. 4)

COLUMN 1	COLUMN 2
Environmental Planning Instrument	Clause or Matter
Interim Development Order No. 40 - Lismore	15, 16(3) and Schedule 6
Interim Development Order No. 2 - Shire of Bibbenluke	23
Interim Development Order No. 80 - Shire of Coffs Harbour	24A
Interim Development Order No. 1 - Shire of Evans	28, 29, 30 and Schedule 5
Interim Development Order No. 1 - Shire of Severn	13A
Interim Development Order No. 1 - Shire of Terania	13A and 13B(3)
Interim Development Order No. 1 - Shire of Ulmarra	13A
Interim Development Order No. 2 - Shire of Wingecarribee	The matter in Column I of the Table to clause 66 relating to Portions 26, 27 and 28, Parish of Bundanoon, Penrose and the matter specified opposite thereto in Column II of that Table
Interim Development Order No. 1 - Shire of Woodburn	13B
Interim Development Order No. 1 - Shire of Byron	11B and Schedule 8
Gloucester Local Environmental Plan No. 4	18
Great Lakes Local Environmental Plan No. 28	12
Nymboida Local Environmental Plan 1986	12 and 15
Orange Local Environmental Plan No. 11	29

Schedule 3 (Continued)

COLUMN 1	COLUMN 2
Environmental Planning Instrument	Clause or Matter
Wingecarribee Local Environmental Plan No. 55	Schedule 7 to clause 42 relating to Portions 4, 45 and 48 Clemens Road, Jellore.
Tweed Local Environmental Plan 1987	34
Hastings Local Environmental Plan 1987	29
Nambucca Local Environmental Plan 1986	16A

Monday is deadline for planning comments

By **TREVOR PIMM**,
council liaison officer for
the Friends of the Koala

What is needed in a Local Environmental Plan (LEP) is a strategy, a plan for the future, a guide to the development of the area. It should highlight what will happen as the population increases.

Where will the people live? What facilities will the people have? What industries will be encouraged to provide employment? Where will they be located? What agricultural pursuits be encouraged? What safeguards will be applied to avoid pollution? How will conflict between developments be avoided?



This article was supplied by The Big Scrub Environment Centre and represents its views

All these, and other questions are to be addressed by a LEP. Does the Lismore LEP answer the questions?

No! The LEP is a static document, a set of regulations and little more. At best it shows land recommended for residential development which, according to the 1988 Residential Development Strategy, may last to the end of the 1990's. But even in this, it shows a disregard for common sense.

It shows not only a lack of planning, but a refusal to follow the requirements of the North Coast Regional Environmental Plan (REP) 1988, as well as recommendations from the Department of Agriculture. In particular, the REP states in clause seven under Principles for Housing: A LEP shall contain provisions that separate land zoned for residential use from land zoned for agricultural use.

Surely, that is an objective that should be included in the Lismore LEP.

But is it? The LEP maps show agricultural and residential zones side by side. In fact, Lismore City Council is considering medium density land bordering macadamia plantations. This is inconsistent with their own comments in the draft LEP statement that there should be half-kilometre spacing between intensive horticulture and residential development (LEP p37, S6).

So what is the council's position in relation to residential development?

Such disregard for expert opinion and State requirement will leave young families, in particular, with a time bomb of worry for their future health.

While the plan indicates what can or can't be done in various zones, with or without consent and it gives some minimal areas for rural and residential development, there appears to be no attempt to be forward looking and make plans for the development and beautification of an integrated community.

What is there in the LEP that tells us what Lismore may be like in 10 or 20 years time?

Some of the items that

needed addressing immediately are simple community facilities, cultural activities, libraries, community halls, swimming pools, green belts, botanic gardens, nature walks, exercise parks, traffic free cycleways etc.

Lismore may have numerous sporting ovals, but they are bare, bleak and windswept areas. Beautification of these areas with trees and gardens is essential. Does the Council have a plan for this?

Then what about swimming facilities? There is one inadequate Olympic pool that cannot even cater for the present number of school students, let alone swimming clubs. Where has the council allowed space for additional swimming facilities to service a population of nearly 40,000 that is expected to increase to 50,000 in 10 years time?

Where is the plan for new library facilities? The present library operates from an inadequate, flood-prone building that should be replaced by new buildings in the population centres of East Lismore and

Goonellabah and provide a more frequent service to rural communities.

The flood-prone art gallery, rotting senior citizens centre and unattractive Rochedale Theatre are antiquated and inadequate. Lismore urgently needs proper community facilities that cater for the whole community.

Where is the council's strategy for this sort of development in the future?

Does the council have a strategy in the LEP that will assist in the reduction and prevention of riverbank erosion? Such a strategy would require an Environmental Protection Zone and possibly a rural Tree Preservation Order. Apparently, the council was worried by backlash from farmer groups so, has deleted these two items from the LEP.

But farmers are not fools, they know the value of their soil, streams and riverbanks for these are the basis of their livelihood. They know if they lose their soil they will lose their income. There would be very few farmers today who demand complete tree removal from their land.

If you want any of these issues answered, then it is essential that you tell the council by this Monday (September 3). If so requested by enough people, the council may hold public hearings where people may state their needs in relation to the LEP.



NIB Health Funds Ltd. are pleased to announce the appointment of **Scott's Newsagency** as our agent in the **Lismore District**. Their friendly staff will • accept applications and payment for new members • existing members may pay their contribution • and for your convenience claims may be left to be forwarded to our head office for processing.

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WEEKENDER

Tree preservation order 'essential'

By CATHERINE POTTER

With the third draft of the Lismore Local Environment Plan (LEP) now open for submissions, the issue of rural Tree Preservation Orders has again surfaced within our region.

The first draft of the Lismore LEP in 1987 contained strong protection for remnant rural native vegetation through the inclusion of a Rural Tree Preservation Order (TPO).

Unfortunately there was a loud outcry from some sectors of the farming community who unjustifiably claimed that the existence of a rural TPO would unduly restrict their farming operations.

This resulted in the Lismore City Council ignoring the recommendations of their own planner and excluding a rural TPO from the 1989 and 1990 drafts of the LEP.

Many councils in NSW are moving to include rural TPOs in their LEPs as there is growing awareness of the importance of maintaining, and indeed increasing, vegetation cover.

The principal regulation



This article was supplied by The Big Scrub Environment Centre and represents its views

for tree protection and preservation is the Tree Preservation Order.

Local councils throughout the State are empowered under the Environmental Planning and Assessment Act (1979) to gazette TPOs which limit the removal and damage of trees in their area.

Under the provisions of the TPO, written consent from councils is required before trees can be cut down, topped, lopped, removed or wilfully destroyed.

The Byron Shire Council introduced a TPO in 1984 which requires written consent for the removal of any tree within the shire more than three metres high, other than noxious weeds, camphor laurel and coral trees. This TPO was

amended in 1989 to include all coastal heathlands currently not covered by protective zonings.

During the whole of last year, 93 applications were received by the Byron council for the removal or lopping of trees on properties within the shire. Of these, 79 were granted subject to their replacement with a suitable species and the remaining 14 applications were refused. One of the refusals involved an application for selective logging on 200 acres of land at Main Arm.

The Byron council is keen to point out that the TPO is not intended or designed to obstruct an individual's desire to clear land for a house site or agriculture or to thin trees to permit adequate sunlight in living or recreation areas.

Its purpose is to prohibit senseless destruction of trees and the loss of valuable wildlife habitats, significant specimen trees and environmentally valuable stands of vegetation.

To enable them to make fair judgements of applications for tree clearing, the Byron council also has cri-

teria for evaluating applications.

These include whether the application will result in any adverse effect on any stand of vegetation which has environmental or visual significance; constitutes any significant wildlife habitat or corridor; is a buffer zone to a sensitive environment; has historical significance; maintains rare and endangered fauna or flora; or is within 20 metres of a waterway.

The council also takes into account whether the tree represents a danger to property or life and whether it is part of a plantation established for timber purposes.

Farmers who wish to undertake tree removal for legitimate reasons are therefore able to receive consent from the council for such operations.

During 1989, 10 alleged breaches of the TPO were reported to Byron council and investigated. Two of these unauthorised clearing operations were of a serious nature and the council prosecuted the land holders.

The Lismore City Council has taken an antiquated attitude towards rural tree protection by refusing to include a TPO in the LEP. The council has tried to cover itself by including a special provision in the LEP which states that 'the council shall encourage the preservation of the areas of significant remnant forest shown on the map'.

In this day and age where it is generally accepted that land degradation is the greatest environmental problem in Australia and 'regreening' projects are growing up all over the country, it is an anomaly for a council to take such a gutless approach to ensuring protection of remnant rural vegetation.

Certainly some land holders will do the right thing by their land, but others will not and unnecessary land clearing will continue to create environmental problems unless it is controlled through legislation such as a TPO.

Consider the absurdity of producing an LEP which identifies native forest of significance and zones a special Water Catchment Protection area, but fails to impose any restriction over forestry or clearing operations within those areas.

This is exactly what the draft LEP now on public display does.

With the production of an LEP, the Lismore council has the opportunity to foresee potential environmental and development problems and to create a plan which will be able to deal with such problems. Similar models exist and are workable from both a farming and conservation view point.

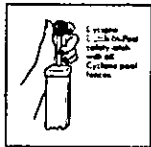
Residents of the Lismore region need to let their council know now that a rural Tree Preservation Order is an essential part of a Local Environment Plan for the 1990s.

11.8.90

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LISMORE

Small is great in world of bonsai

Lismore Bonsai enthusiasts are preparing their small plants for a display in the Lismore Uniting Church on Saturday, September 22, says Peter Stace, of Summerland Bonsai Society.

Bonsai is the art of growing plants in miniature, with the aim of appreciating natural plant form and season in the confines of our own living area.

The practice of growing bonsai plants was developed in China and Japan over the past centuries. In Australia many people, young and old, are using their leisure hours to appreciate and participate in this four dimensional art form.

Bonsai enthusiasts develop their plants into small versions of their forest cousins.



4.8.90

Young suicide toll jumps 30pc

ADELAIDE. — "I just want to die and be forgotten. I wish I had the button for the atomic bomb — I'd push it."

The speaker is a 15-year-old boy on the verge of joining the most disturbing roll call in Australia — the list of young men who have committed suicide.

Thirty years ago only one in 20 males who died between the ages of 15 and 24 took their own lives. The figure is now one in six and still growing.

Since 1970 there has been a 30 percent increase in teenage suicides.

Boys account for almost the entire rise since the number of girls killing themselves has remained steady. The number of 15 to 19-year-old boys suiciding has trebled; in the 20-24 age group suicides have doubled.

Whichever way you look at them the statistics make depressing reading.

Australia is by no means alone. In Norway, teen suicides rose by 224 percent in 20 years, in Switzerland it's 80 percent, in Canada 50 percent, in the US 40 percent.

Why is it happening? What causes such despair among the young across the world? Experts tried to come up with the answers at a conference in Adelaide.

According to sociologist Riaz Hassan, no single factor can be blamed. Rather, it's a combination of problems such as youth unemployment, changes to the family, drug and alcohol abuse, violence in the media and the psychological pressures associated with modern living.

Professor Hassan, of Flinders University, has also identified another problem he feels lies at the root of many suicides.

Young people, he says, feel powerless to alter their lives. They are being granted more and more citizenship rights but the ability to

exercise them still depends on the approval of their parents or society.

"By citizenship rights I mean the gradual extension of civil, economic, welfare and legal rights which are being extended to adolescents by the State," Prof Hassan says.

"The extension of these rights does not automatically lead to the actual experience of them. Even when adolescents do exercise their rights many have difficulty coping with the repercussions.

"For example one consequence of receiving unemployment benefits may be increasing numbers of adolescents living away from home in chronic poverty and isolation which then produces a new set of social and psychological pressures. Other researchers have listed emotional isolation, myths about male independence and access to firearms as major contributory factors.

A study in NSW found the biggest rises in suicide rates had oc-

curred in rural shires. Guns were the instruments of death in 75 percent of cases.

Psychiatrist Dr Michael Dudley, one of the authors of the study, says gun ownership in the bush is about three times higher than in urban areas.

"The community has to put gun control back on the agenda if it's serious about tackling the suicide problem."

Schoolteachers may have a major role to play in halting the trend.

In Western Australia a youth suicide prevention unit has been set up within the Ministry of Education and teachers and other school staff will be briefed on identifying and helping potential suicide victims.

Officials also believe suicide has a place in school curricula, provided it is discussed sensitively and appropriately.

WEEKENDER

Officer gives insight into Aboriginal lore



By SABU DUNN

Hi, my name is Sabu Dunn, I am the new Aboriginal Sites Liaison Officer for the Lismore district of the National Parks and Wildlife Service.

I was born in Condobolin NSW in the Wiradjuri tribal area. My totem is the 'Black Duck'. I am 'Ngyampaa' descended with a small portion of Hindu blood — hence my name.

I mention this as I hope to be working with all the surrounding local Aboriginal land councils, Aboriginal organisations and Aboriginal people on matters concerning their heritage.

I am also looking forward to working with developers, shire councils, and other Government agencies, as well as with private individuals who have knowledge or require assistance with matters relating to Aboriginal sites and culture.

Conservation of land by Aboriginal people: The conservation of our land and environment begins at the beginning of time — a time before the dreamtime, a time when the Almighty Being sent his spiritual beings called 'Budjerams' to divide the land into territories.

The land was bare and hard as stone and it extend-



With the permission of the Thungutti elders this ring was constructed in 1977 for the filming of 'The Chant of Jimmy Blacksmith'.

ed out into the sea, to where the sea is now. There were no men and women on the land, only birds, fish, reptiles and animals. Budjeram were placed on the land to protect its territory and people.

During the dreamtime, the Almighty Being placed Aboriginal people on the land and they were given territories and a Budjeram to protect them.

The Almighty Being also sent other spiritual beings to create the landscape and to make the first lores for our people to live by.

The land provided everything for our people, from their daily supply of food to giving them an explanation for their existence.

The land fulfilled both their physical and spiritual needs. Our people were guided by a religion and culture which had 50,000 years of tradition behind it and they maintained a relationship with the environ-

ment which allowed them to survive under harsh and inhospitable conditions.

Our people did not think of owning the land. Instead, they thought of the land as owning them, and this sense of belonging to the land is still strong among our people today.

When our people crossed the land in search of food they did not see themselves in conflict with the environment, the land, the plants and animals. They saw themselves as part of them, as part of the whole total dreamtime creation.

Conservation lores

Our lores were made to protect and conserve our land, our environment and all that is created by the Almighty Being.

● **Meat lore:** When you are born you are given a meat name. Your name can be any species of reptile, bird, fish or animal. You cannot hunt or kill your

own meat.

This lore protects various species of birds, fish, reptiles and animals in any traditional territory.

● **Initiation lore:** You cannot eat certain kinds of birds, fish, reptiles or animals according to initiation lore and status.

This lore also protects various species of birds, fish, reptiles and animals.

● **Hunting lore:** You cannot hunt and kill any species of animals during the mating season. After the mating season you can only hunt the male species.

This lore is to protect various species of animals and to make sure that there are plenty to hunt.

● **Fishing lore:** You cannot catch fish during the spawning season.

This lore is to make sure that there are plenty of various species of fish to catch each year.

You cannot collect shellfish during spawning season and, after spawning season, you can only collect a certain size that is considered edible.

This lore is to ensure that there is always plenty of various types of shellfish to collect as a food source each season.

● **Collecting of plant foods:** When collecting plant foods, you ensure that you do not kill the plants and collect in a manner so

the plant reproduces next season.

● **Removal of bark and wood:** When removing wood and bark from trees you make sure that the tree does not die. The tree is allowed to continue to grow and produce oxygen to sustain life.

The lores of our people have been passed on to carry out the practices of the conservation of our land today.

Few Europeans are able to comprehend our relationship with the land and environment, which leads to the misconception by many that our people and our culture have nothing to offer.

The spirits of our land are crying out for our land to be restored and to protect what is left.

Most Europeans do not listen to warnings of the seasons like we do — that bad things will happen to them if they continue to have no respect for what is not theirs but that which is the Almighty Being's. When the spirits of the land begin to leave, it will be too late to save anything.

Before it is too late, learn from our culture and our people how to protect the land and environment. We have 50,000 years of knowledge and learning to offer.

I can be contacted at the Alstonville District NPWS Office, telephone 28 1177.

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CEDAR POINT

Consumers along the Summerland Way north of the Bentley Road turn-off at Cedar Point to the Kyogle Cemetery, including Duncans Mill on Monday, August 6, 1990, from 8.30 am to 11.30 am.

ELLANGOWAN ROAD

Consumers along the Ellangowan Road from Ramsey's property to but not including Loader's property, and in Fardons Road and Hockey's Lane on Tuesday, August 7, 1990, from 8.30 am to 2 pm.

MYOCUM-TYAGARAH-KENNEDYS LANE

Consumers in Tyagarah Road from L. Whitaker and T. Doherty to W. Planter, including Benloro Lane from Tyagarah Road to Cox and Day, Kennedys Lane from Smith's Place to Lot 5 "Baly", including Kennedy and "Tall Bamboos" on Tuesday, August 7, 1990, from 8.30 am to 3.30 pm.

EVANS HEAD

Evans Head consumers in Park Street between Poplar Lane and Illawong Lane, including Poplar Lane, Waratah Lane, Davis Lane, Nos. 45 and 50 Woodburn Street, the Silver Sands Caravan Park, the Kiosk, the Library, and the R.R.S.C. Office and Hall on Tuesday, August 7, 1990, from 8.30 am to 3.30 pm.

BRICKELLA

Brickella consumers on the Pacific Highway from the Northern Rivers Electricity Dept south to the Monterey Ranch and including Whites Road, also including the first three consumers in Gap Road on Wednesday, August 8, 1990, from 8.30 am to 3.30 pm.

PIORA-WOOROOWOOLGAN AREA

Consumers along the Bruxner Highway from Benns Road to Piora Hall including Benns Road, on Sextonville Road from Wooroowoolgan and The Bend area to Mison's property at Dodies Bight, the eastern end of Lower Dyraba and the southern end of Bundocks Lane on Wednesday, August 8, 1990, from 8.30 am to 3.30 pm.

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17 SOUTHERN CROSS DRIVE, BALLINA

Acid rain, the pulp mill and the dam



This article was supplied by The Big Scrub Environment Centre and represents its views

By LLOYD SMITH

It is gratifying to report that there is now scientific support for the environment from The Royal Society of Health on two past issues — the proposed pulp mills and water storage dams — and strangely enough the two issues are linked.

The RSH Journal (June 1990, vol 110, No 3) leads with a definitive article 'Acid Rain', which clearly shows

that this menace has dire effects on both those who breathe and the fish trapped in polluted water bodies.

It explains what acid rain is, how it is formed and the unavoidable threat it poses wherever a big industry mixes with residential development.

The future prosperity for all the cities and shires in north-eastern NSW surely lies in providing a healthy, unpolluted place for people to live in and tourists to visit.

it. This makes economic sense, as well as environmental sense.

It is time to make a firm resolve that there will be no smoke stacks or pipes spewing out sulphuric waste products into either our rivers or atmosphere.



A pulp mill would provide a handful of jobs but not the permanent prosperity based on a solid increase in home-

owners and visitors.

People come to the North Coast because of its outstanding natural environmental features and it is essential to maintain these while allowing for population increases.

The immediate need is for more available building sites at reasonable prices for residential use on our hillsides.

The economic bonanza within reach of any community meeting the housing needs of escapees from the

cities will be based on small rather than big building blocks.

Many people who would like to move to the North Coast are probably deterred from coming to our region by the present scarcity and price of land.

It should be a top priority of local governments to make as many small blocks available at as low a price as possible.

A basic traditional planning principle is that low-lying arable land should be used for growing food and that hillsides are the ideal sites for homes. But not many people want two hectares of steep hillside on which to retire.

What people do want is privacy and a view, a few trees and flowers. What is needed is only enough land (even as small as 500 square metres) to provide for a landscaped home with private swimming pool and water storage capacity (preferably under the house) and a modern septic system for disposal of wastewater safely without nuisance or maintenance.

The technology for all that is not only available but also inexpensive.

If the home owner wants to indulge in more extensive fruit or vegetable growing, then allotments on lower, level ground should be available. People will want fresh fish too, and the RSH article has a lot to say about the harmful impacts of sulphur emissions on fish as well as on trees and water.

The current proposal to cover arable land with a dam to supply water that can be collected and stored on the home lot just doesn't make sense.

The cost to the whole community of dams and reticulation is simply not competitive with the minor cost of on-site water storage. To provide under-the-house or tank storage is a one-off investment that adds very little to the cost of building a

home — a cost that is more than offset by the saving in buying a small rather than large block of land. And the owner is doing the paying — not the community.

There are places in the world where the rainfall is so low that piping water from distant places is unavoidable.

That does not apply at all here in north-eastern NSW, and as the RSH article points out, there are places where the rain water is not drinkable because the community has short-sightedly permitted sulphur-emitting industry.

The rainwater in this region is palatable. Reticulated water is usually unpalatable because of the treatment required to counter the pollution it has picked up in storage. Even in small towns like Mullumbimby the water tastes terrible.



Why should we put up with the bureaucratic bungling that manages a perfect resource in a way that converts it into something unpleasant at high and on-going cost? Doesn't covered, on-site storage under the owner's control make more sense?

It would not be too outlandish to visualise the house of the future operating without connections to centralised power, water supply or sewer. Nor would it be beyond the ability of architects to design footings for buildings with significant water storage capacity without increasing the cost beyond reason.

What most of us want are effective, low-tech, low-cost, commonsense techniques which are compatible with the joys of quiet, relaxed country living.

Lloyd Smith retired to the North Coast from his work as a health inspector and discovered the joys of community living.

Kangaroo 89.

Some members of the Australian Army were extremely disappointed by Lieutenant Harris' performance.

Not every Lieutenant devotes his or her time to the smooth running of the Army.

22 years old Lieutenant David Harris, for example, found himself in the Northern Territory last year as part of the Kangaroo 89 exercise.

His job? To try to make life for the Australian Army as difficult as possible — Lt. Harris was the enemy.

For two months he, his 39 troops and the hundreds of thousands of dollars' worth of military equipment entrusted to him, would be required to be totally self-sufficient.

And while this may sound like a whole lot of fun, the underlying responsibility and pressures to perform were immense.

But Lt. Harris is Duntroon trained.

Rather than worry about the prospect of failure, he set about this challenging task in a rational, professional manner.

Just as his Duntroon training had taught him. As he points out, "It showed me how to look at things objectively and find solutions to problems."

Mind you, certain members of Kangaroo 89's 'Allied Forces' wished that Lt. Harris hadn't paid quite so much attention at Duntroon.

Do you have what it takes?

If you're interested in becoming an Army Officer, you'll need to be between 18 and 23 (25 if you have a tertiary qualification).



You must have satisfactorily completed Year 12, or its equivalent, and be medically fit to Army standards.

If you satisfy the entry criteria, you may be eligible for selection to the Royal Military College, Duntroon. While there, you will be paid a cadet's salary.

For further information, or to apply for Army Officer training, contact your local

Army Careers Office. You'll find it listed at the front of the White Pages under the Commonwealth Government, Department of Defence listing.

Or, since applications for January 1991 entry close soon, post the coupon today to: Freepost 2600A GPO Box XYZ, in your capital city.

Name _____ RMC.13.305.50

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Computer game helps unravel birds' mystery

KINGSTON, Rhode Island (Reuter). — Using a computer, scientists have for the first time recreated the flocking behaviour of birds and believe they know why birds fly in formation without an apparent leader.

A team led by zoologist Frank Heppner of the University of Rhode Island said flocks appeared spontaneously on the computer screen if each of the simulated 'birds' was programmed to follow a few commonsense rules.

Under the rules, each 'bird' was attracted to other 'birds' and to a central roost area. When they got too close to each other they tried to fly apart to prevent a collision. They also tried to fly at a preferred speed, even against random forces designed to simulate wind gusts.

"What this means is that birds would not need to have a terribly sophisticated nervous system in order to do these wonderful pirouettes, turnings and wheelings you see," said Dr Heppner,

who has spent 20 years "trying to figure out how these co-ordinated flocks work".

"We spent a lot of time trying to find a leader and figuring out how he co-ordinated things. We were stymied, stuck," he said. "I was ready to go into another business."

The inspiration for the simulation came when the zoologist saw a computer game in which dots began to move in co-ordination if they were programmed to follow a few simple rules.

Dr Heppner linked up with Ulf Grenander, an applied mathematician at Brown University, who transformed the rules into a single equation the computer could understand.

Dr Grenander said it is now clear why flocking birds do not have a clearly defined leader — they don't need one.

Dr Heppner said the findings had brought calls from United States aviation officials trying to find better methods for air traffic control.

2 7.8-90 Pan Com Meeting with Phil Dristone re MO & DLEP
at Env. Centre, Numbur

Mac present & 30 locals.

Phil

If there are but few/minor objectors, these will be
noted and if applic. changed. It will not necessarily
be readmitted. I've got no objections of this order

Nicholson (Nans brother) is a Surveyor &
offered/sought pass. interest in community
title Act.

Would appear that this would be pass. where
present land/zones provided subdivision
eg rural rezoning or land > 40 ha

Phil hope ONE will be holding a conference
before end of the year on "Fragmentation
of Rural Land."

I sought confirmation that MO could SEPP15
possible in my 8 zones, subject to
merit test. Yes OK

Eddie Asked about Envir. Protection Zones?
No explanation why dropped

Mac REP requires Env. Prot zones

DLEP discussed at recent NORPAC meeting. There
will have to be massive outcry for DLEP
to enforce REP circumstances

Mac proposed freezing a tax deductible
as incentive

Phil. Making 20m stream banks' designated
'development' would put too much strain
on staff to administer.

Numbur Village & Rocks should be Heritage Item.

No mention of the culture/bonai etc

In response to my proposal on stream bank protection & need for Council to reinforce against this Phil said why didn't we challenge Port Co etc. such continued reclamation.

Phil said there may be a case for a Port Approval - Control/abandoning officer

Phil Mobilehome park in Syd had its own sewage system. Why not section of Nindin also!!

Phil no inquiry. A Commissioner has been looked but, objections indicate acceptance.

'Rural fragmentation of land' is his 'pet' concern.

The Capital Gains Tax laws on wealth taxes pushing out the middle income/cheap homes, as this lowers the value in the area. A mix is seen by Phil as desirable.

DLEP

Extra Heritage Area - Nightcap
cedar log
original cedar stand.
abv site. / hona / manua site.
Protesters Falls

Aboriginal input

Discouraging / consider why non voters / non electors.

Use constructive criticism - lift from my LEP sub

lift / quote folk songs of area (see Jeff. - ? (CDW))

Tourism is at expense of someone else.

Change of Council structure needed - ie URB / rural
philosophy. What is needed is system that
facilitates govt by the people.

DLEP = Drafted Evaluation Plan.

Use Dylan & my dogs as illus.

Other better factories, Numbur / Donson

Roby Park one of few / if not only city in the world
that can boast of having pristine rainforest.

Stream bank protection - Ozone Consider (see
Ozone Report)
Designate stream banks & slopes.

Finalise rural strategy

Called as 'wonder of the world'. Joint LEP to cover it
as an entity.