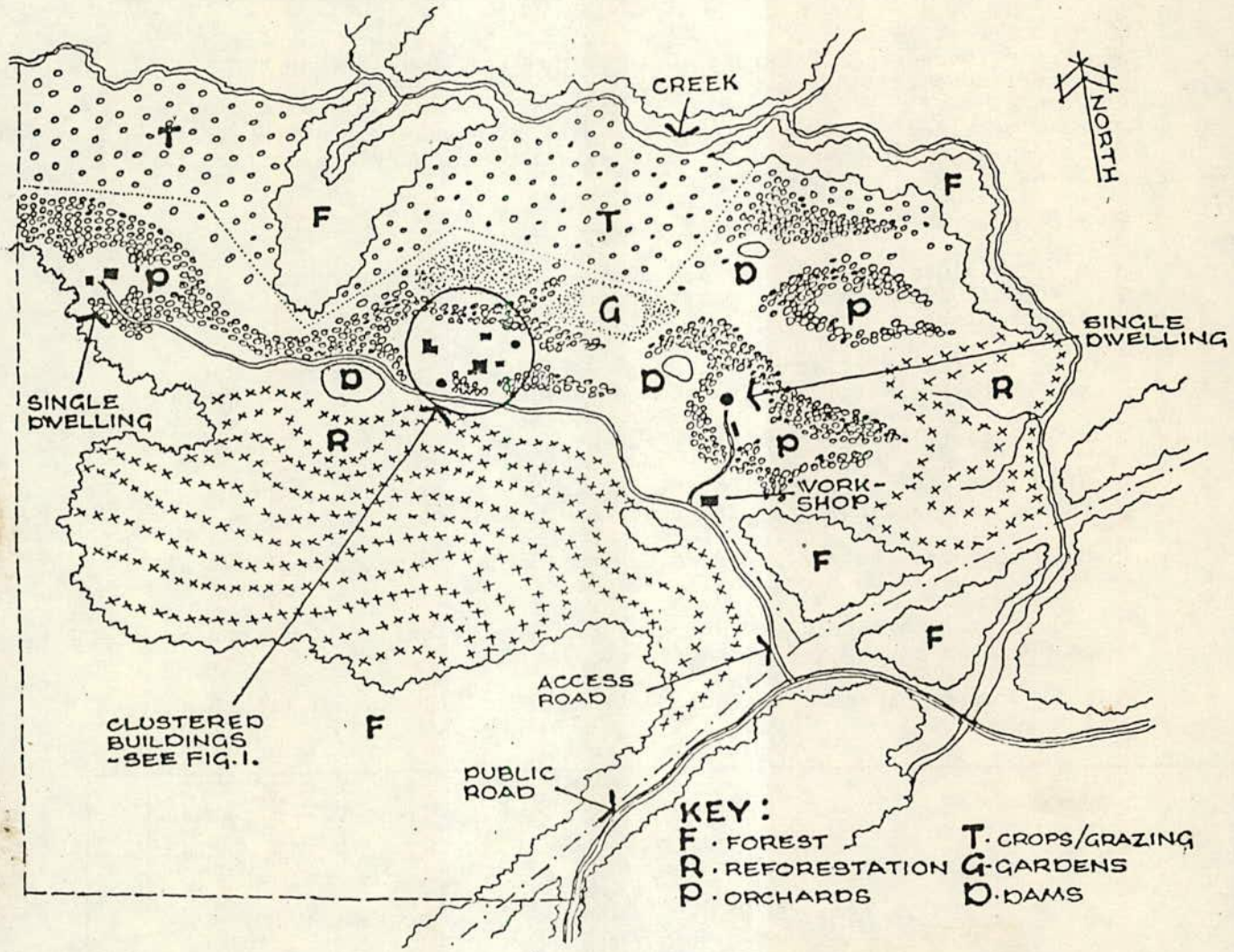
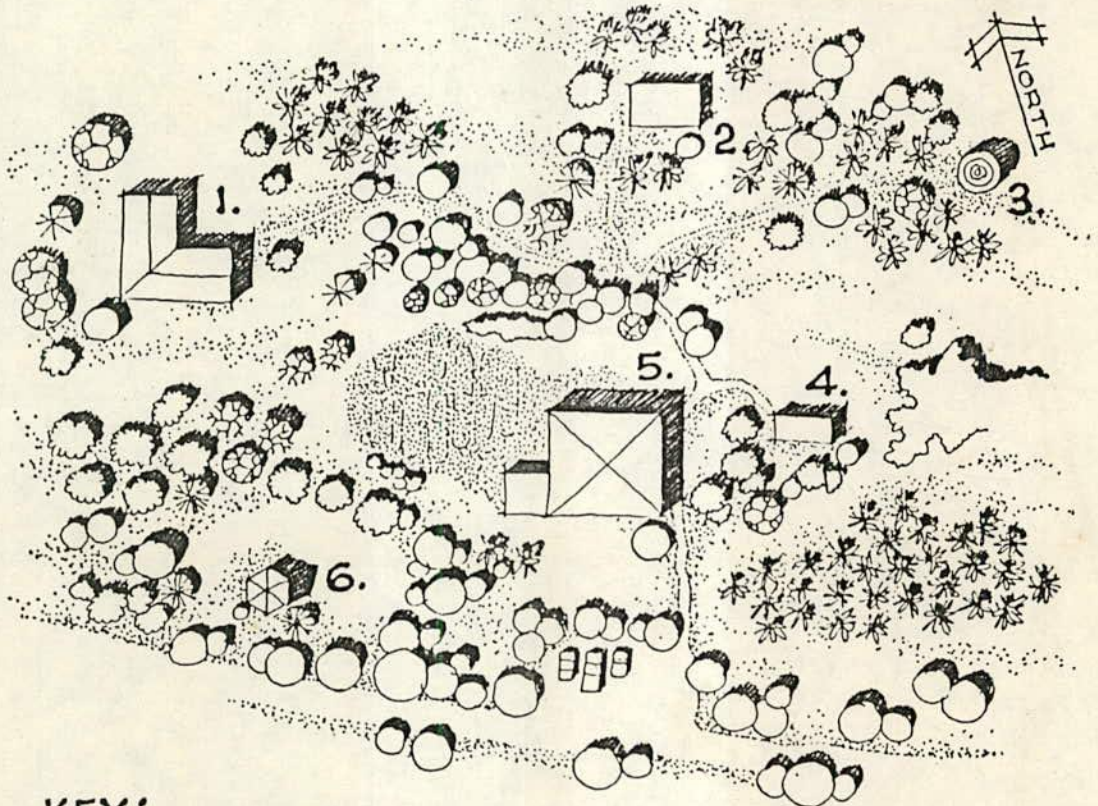
A MULTIPLE OCCUPANCY SETTLEMENT





KEY:

1. SELF-CONTAINED DWELLING
2. BEDROOM/WORKROOM HOUSE
3. SINGLE ROOM HOUSE
4. BATHROOM/LAUNDRY/TOILET
5. COMMUNAL LIVING/KITCHEN
6. SINGLE ROOM HOUSE

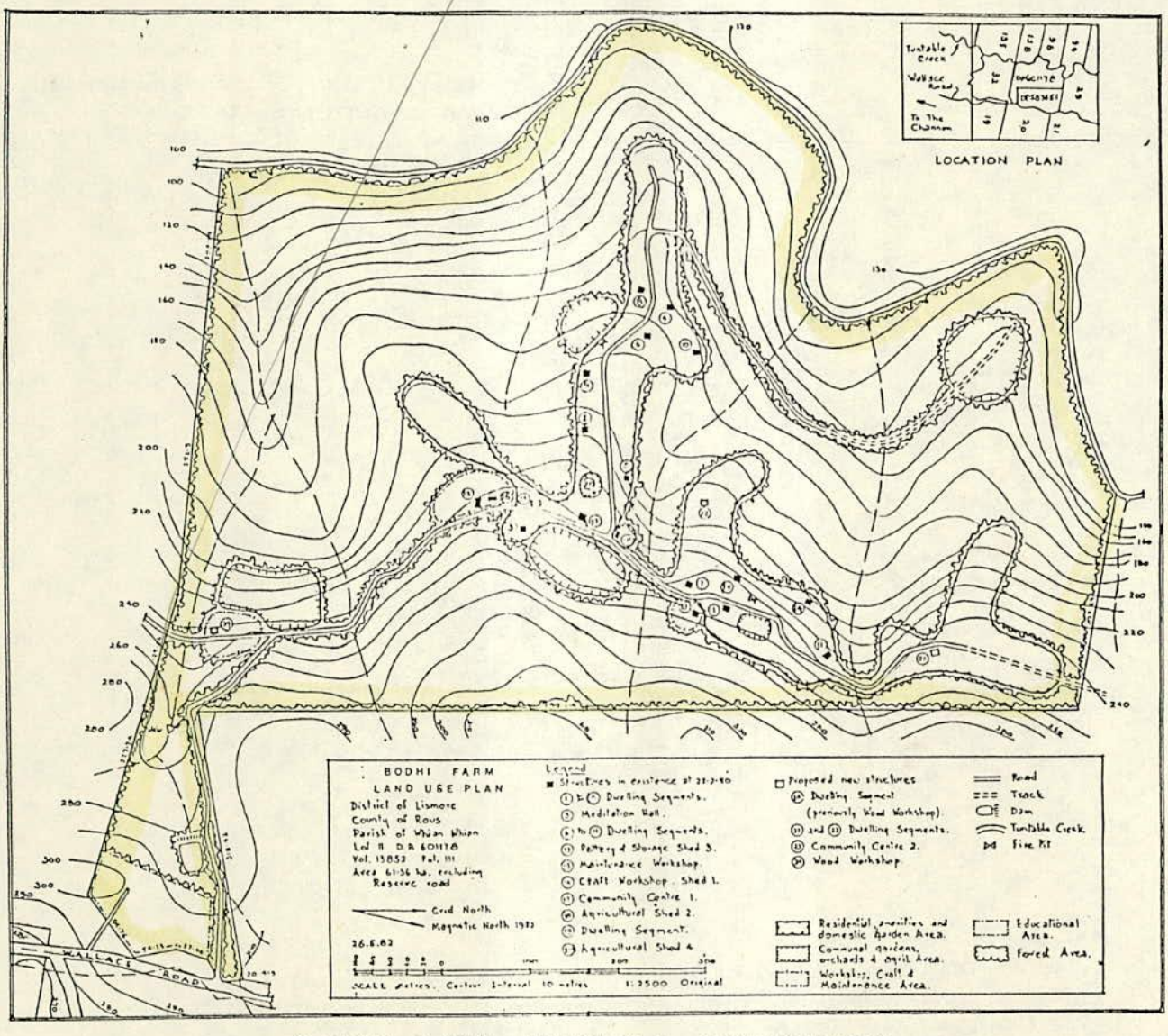
FIGURE 1.

E.B.

CHECKLIST OF ADVANTAGES OF M.O. (Multiple Occupancy) SETTLEMENT

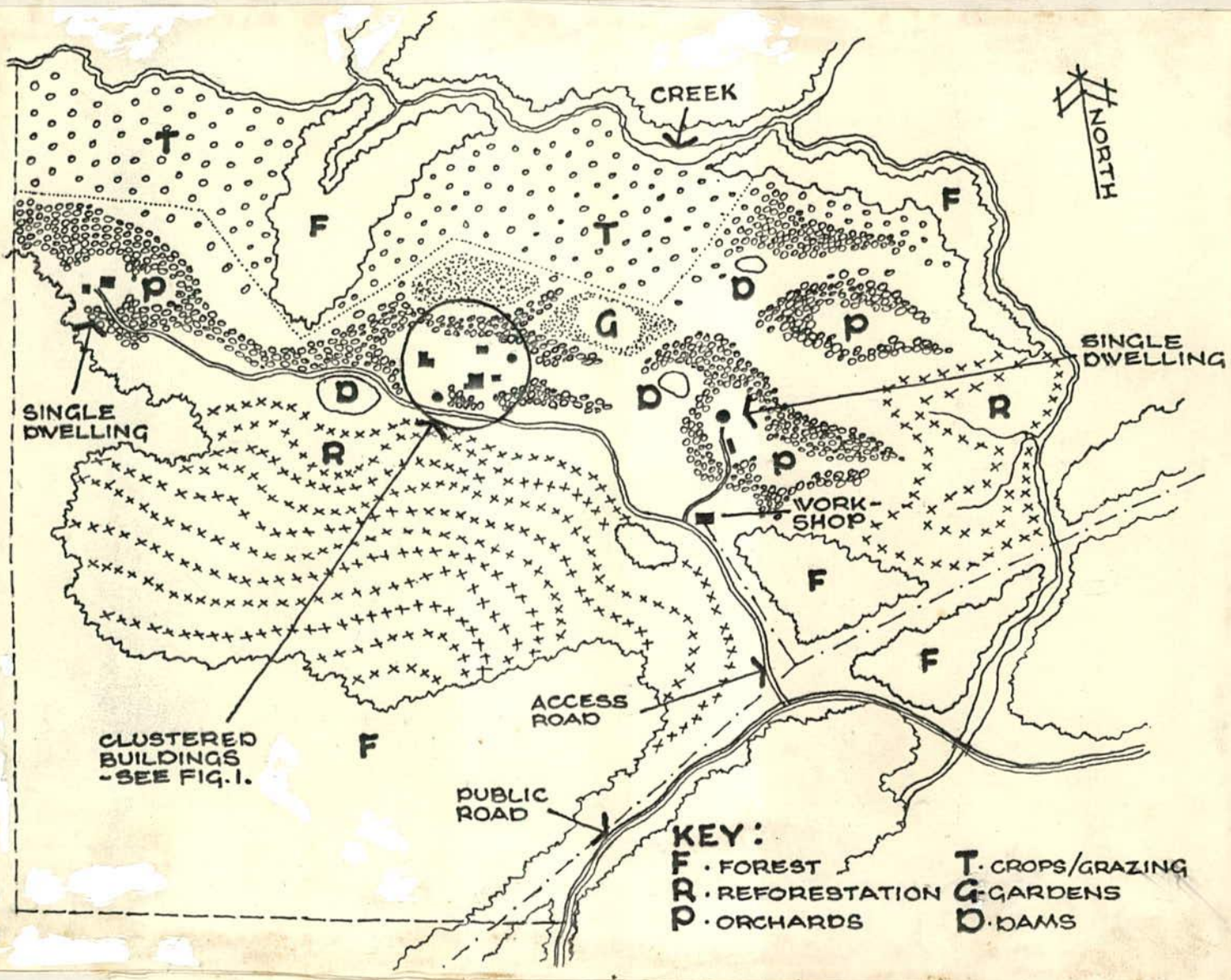
29

- M.O. lifestyle offers a high quality of life. It has been chosen by many because it provides a higher quality of life than that experienced in other situations.
- M.O. provides a viable lifestyle. Many have been living in rural communities for over a decade and express that they are settled for life.
- M.O. provides a healthy lifestyle.
- M.O. provides a supportive environment for owner-built home buiding. Such homes are cost efficient, healthy and socially acceptable.
- M.O. settlement relieves reliance on the local council for town water, town electricity and town sewerage.
- M.O. lifestyle is economically advantageous.
- M.O. settlers contribute positively to the local council through rates. (Such rates are higher for M.O. than for local farmers.)
- M.O. relieves the the pressure on urban areas by settling in rural areas, usually on degraded farm lands.
- M.O. farms contribute to environmental enhancement by noxious weed eradication and by reforestation etc.
- M.O. provides a positive social environment for personal growth and family life.



BODHI FARM MULTIPLE OCCUPANCY

A MULTIPLE OCCUPANCY SETTLEMENT



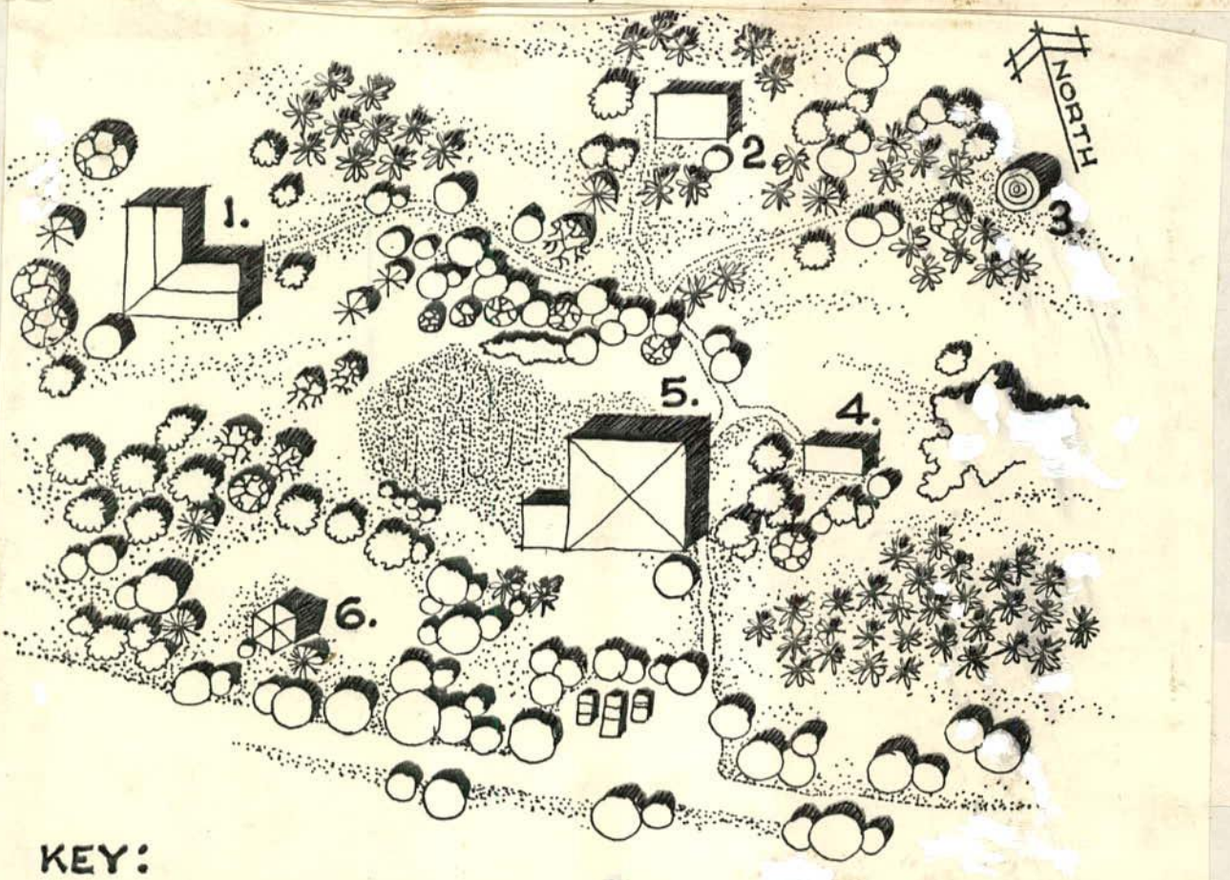
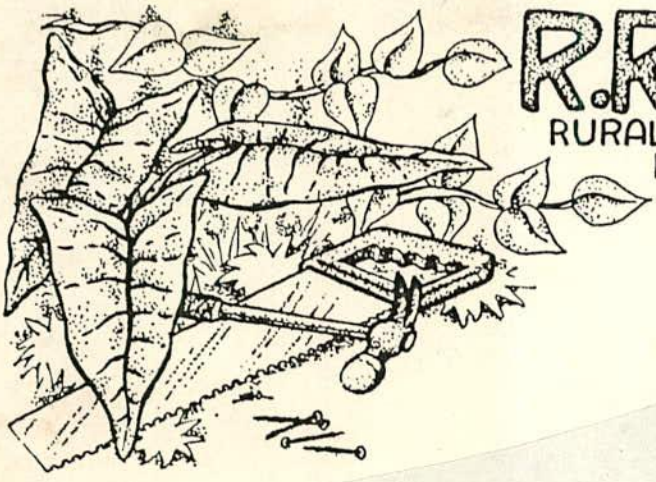


FIGURE 1.



R.R.T.F.

RURAL RESETTLEMENT TASK FORCE
P.O. BOX 62 NIMBIN 2480 N.S.W.

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SUBMISSION BY THE

R U R A L R E S E T T L E M E N T T A S K F O R C E

ON THE

D R A F T L O C A L E N V I R O N M E N T A L P L A N

LISMORE CITY COUNCIL - 1987

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Part A. ABBREVIATIONS AND INTRODUCTION

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ABBREVIATIONS

CMA	Central Mapping Authority
Council	Lismore City Council
DA	Development Application
DEP	Dept. of Environment and Panning
DCP	Development Control Plan
DLEP	Draft LEP
EPA Act	Environmental, Planning and Assessment Act
FERN	Far North Coast Environmental Resource Network
LDO	Lismore "Development Options", Paper
LEP	Local Environmental Plan
LES	"Lismore Its Economy & Possible Future Strategies"
MO	Multiple Occupancy
NCEC	North Coast Environment Council
NPWS	National Parks and Wildlife Service
RLEM	DEP Rural Land Evaluation Manual
REP	Regional Environmental Plan
RRTF	Rural Resettlement Task Force
RS	Lismore "Rural Strategy", Paper
RSI	Lismore "Rural Study Issues", Paper
SEPP-MO	Draft State Environmental Planning Policy #15 - Multiple Occupancy.

INTRODUCTION

1.1 The RRTF makes the following submission on the Lismore Draft Local Environmental Plan.

1.2 The RRTF congratulates the Council on the preparation of the DLEP. The comments and recommendations below are made in the spirit of constructive criticism and we hope that these will be found to be helpful.

1.3 The RRTF responds in the affirmative, to the invitation on the public hand-out sheet Submission (P2-1-16/3) to explain our submission more fully at a Public Hearing.

We take it as reasonable to read this hand-out sheet as inferring that a public hearing is to be held, yet find this in conflict with the statement in the printed brochure that the "The Council will consider (holding) ... a public enquiry".

Without in any way limiting our expectation that there will be a public hearing, we recommend:-

RECOMMENDATION

> "That a public enquiry be held into the Draft LEP under s.68 of the EPA Act utilizing the services of the Commissioners of Inquiry" (Recommendation 1.1)

1.4 The RRTF is primarily concerned with MO settlement and hence our interests are mainly directed to the Draft 7(a) zone. We see however, that many of the proposed zones bear on, and effect new settlers, and hence this submission is made in respect to a number of the proposed zones. These are listed below.

1.5 The interests and concerns of the RRTF overlap in many respects, with those of the Big Scrub Environment Centre and our LEP Working Party has worked in close association with their Working Party with a view to avoiding duplication of energy where possible, and with the aim to present a wholistic and integrated submission of recommendations. Not withstanding this our submission is a stand-alone submission.

---------- End of Part A ----------

****

Part B. GENERAL COMMENTS AND RECOMMENDATIONS ON THE DRAFT LEP

****

2.1 We find that many of the draft zones (and provisions attached thereto) are very broad in character, and consider that the real effect and implications of many of the proposals may only safely and satisfactorily be evaluated, in the context of an examination of the relevant DCP. We note in the DLEP brochure that four of these DCP's are in the process of being prepared. We submit that it would have been most helpful had these DCP's been on display with the DLEP.

RECOMMENDATION

"That if possible, the draft DCP's (currentlty being prepared) be placed on public exhibition before Council makes a final decision on the LEP". (Recommendation 1.2)

2.2 As an example of the need for specific DCP's we cite the situation of the proposal to permit "extractive industries" (with consent) in the 7(a) zone. To permit "extractive industries" in this zone in the absence of an aceptable DCP for same is, we suggest, a self evident contradiction of the stated aims for this zone. (This particular issue is addressed more fully below.)

2.3.1 As an example of the need for strategy statements we draw attention to the absence of a strategy statement on tourism. The DLEP refers to the importance of tourism and the need for the preservation of the visual quality of the countryside. We support the proposal to preserve and enhance the visual quality of the rural landscape. With a "major" suggestions like "to help set up tourist packages in the region which can be sold to large operaters such as Ansett" (LDO p.iii), it is clear that the impact of tourism could indeed be great.

2.3.2 The references to tourism in such papers as the RS and LES papers do not, we submit, amount to a strategy. Nor do we view that the Council's participation in the Summerland Tourist Authority, as any substitute for such a strategy.

2.3.3 The northern section of Lismore shares with the Byron, Kyogle and Tweed Councils, the southern rim of the Mt. Warning caldera. The core of this local area has received international acclaim by virtue of its listing as a World Heritage Park. In view of the potential increase of tourism to this area we submit that it is essential a) that Lismore has a tourism strategy, and b) that this strategy be integrated with those of the neighbouring councils.

2.3.4 We can envisage a situation where low key tourist facilities could be a sympathetic land use in the Draft 7(a) zone and be consistent with the proposed objectives. We can however, also envisage a situation where for example a "total (wildernes) tourist destination" may be proposed adjacent to one of the World Heritage Parks (for example at the end of an already sealed road, such as exists at Mt. Nardi)! Note in this regard the suggestion of

"encouragement of inland resorts and cabin developments in the hills close to State forests and National Parks". (LDO p.13.)

2.3.5 We submit that the publication "Keeping Byron Unique: A Tourism Strategy", prepared by the Byron Council [1985] in connection with their DLEP, might to advantage, be considered as a model toursim strategy, for at least the northern portion of the Lismore area.

2.3.6 We appreciate that in preparing the DLEP (particularly with respect to tourism), the Council has not had available the Draft REP. As the Draft REP has now been issued, we submit that consideration should be given to this and other recent documents such as the "NSW Tourism Commission Report" and "Tourism and the Environment" published by the NCEC.

2.3.7 A similar situation prevails in connection with the Mt. Warning Caldera Management Plan being prepared by the NPWS. We understand that the release of this Management Plan is imminent.

2.3.8 In the absence of a tourism stategy and relevant DCP, we are unable to give our unconditional support to any zone, that could permit undefined tourist development.

RECOMMENDATION

"That if possible, a tourism strategy be prepared before Council makes a final decision on the LEP and that this strategy takes into account the Draft REP (particularly with respect to tourism), the Mt. Warning Caldera Management Plan and other recent documents on tourism." (Recommendation 1.3)

2.4.1 Other issues which have important implications on rural land use include policies on village sewerage and on the sealing of country roads. Little reference is made to existing policies in the DLEP literature and yet such items bear significantly on the quality of the environment and on appropriate economic and environmental planning.

2.4.2 Despite the references to road works in the RS and the LES it would seem that the critical "policy" statement on country roads under Council's jurisdiction is contained in the "Capital Works Programmes for the Ensuring Four Years: Report to the Works Committee 5.7.83". The so called "Visionary Objective" stated in this report is, "To seal all roads to maximum speed design standards in (the) shortest possible time". For a number of reasons, which we are prepared to elaborate on, if requested, we consider that if such an objective ever was appropriate and realistic, then it is not so today.

2.4.3 We submit that such policies should now be re-evaluated in terms of Part V of the EPA Act.

RECOMMENDATION

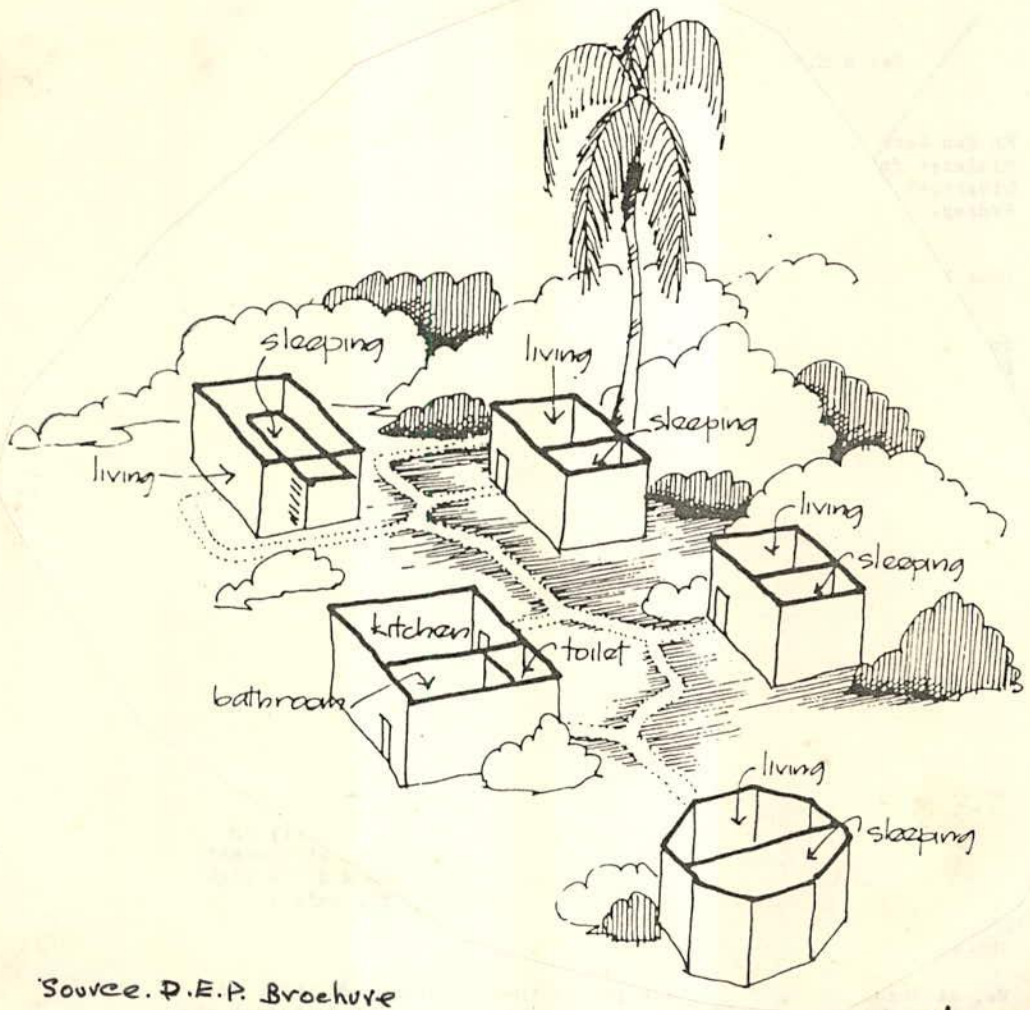
"That if possible, the policies for new sewerage systems in villages and rural roads under Council's jurisdiction, be reviewed in terms of Part V of the EPA Act before Council makes a final decision on the LEP." (Recommendation 1.4)

2.5.1 In addition to all of the social and planning issues relating specifically to Lismore, we also wish to see the LEP forming, in conjunction with neighbouring LEP's, a wholistic and integrated plan for the local sub-region. We submit that in this sub-region because; the pattern of settlement, the typography, the scenic quality, the vegetation cover, and the wildlife, are such that the whole of this area should be treated as one socio-ecological area for the purpose of planning.

2.5.2 A number of the recomendations made below are motivated by the desire to achieve these objectives. We submit that where appropriate, compatability be sought between the provisions in the DLEP and those in adjoining LEP's. This is not to suggest that we expect the wording, or permissible development need be identical, but by the same token we do not wish to see them so divergent as to result in contradictory land use at the border.

2.5.3 We submit that where practical, relevant zones and zone numbers, between adjoining LEP's should be the same for the sake of consistency within the sub-region (at least), to assist public comprehension and to avoid "mystification".

---------- End of Part B ----------



Source. D.E.P. Brochure

Expanded House

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Part C. SPECIFIC COMMENTS AND RECOMMENDATIONS ON THE DRAFT LEP

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(The comments and recommendations below follow the chronological order of clauses as set out in the DLEP. Comments, where these occur on the "Plain English Version" and the "Draft Zone Land Use Table", are incorporated into this Part. Recommendations are made in the context in which they arise and are then summarised (under the relevant zones as proposed in the DLEP) and listed in Part D below.

3.1.1 CLAUSE 2(2)(d) Aims, Objectives, etc.

This clause states that it is the aim of the DLEP to "strengthen and enhance Lismore's regional role" (our emphasis). It is not clear to us what the Council sees this "regional" role to be; or by what or whose authority Lismore assumes this role, as a basis for planning?

3.1.2 This is not to suggest that the Council does not have a "regional" role, but in the absence of definition, our view of this "role" may be quite different to that of the Council. It could also be that other Councils may not agree with Lismore's assumptions in this regard! We submit that there is an onus on Council to spell out the terms of its perceived "regional" role, in the context of the Draft REP.

RECOMMENDATION

"That Council give definition to its perceived 'regional' role while the LEP is still in the Draft stage". (Recommendation 2.1)

3.2.1 Apart from and separate to, the relationship of Lismore to the region, is the question of Lismore's urban centre in relationship to the rest of the land in the Council area.

3.2.2 In general we consider it to be a misnomer to call the whole of the land in this local government area, a "city". We suggest that the bulk of the land is, and should be recognised as, rural country land. We submit that this rural land, from a social, ecological and planning point of view, has perhaps more in common with rural land in adjoining Shires, than it does with the Lismore urban centre.

3.2.3 We submit that there is a prima facia case for splitting the present area into two administrative and planning areas viz. an urban area ie. the "city", and a rural area. We acknowledge from a planning point of view, that there are varied and complex problems to be addressed in the urban centre. A similar situation exists for the rural areas. We submit that these could be more cost effectively addressed if each of these had aims and objectives addressed more to their respective problems. We submit that the objectives in the relevant DLEP zones be rephrased to give effect to this concept.

RECOMMENDATION

"That clause 2 of the Draft LEP be rephrased to give effect to separate aims and objectives for the 'urban' area, and the 'rural' area". (Recommendation 2.2)

3.3.1 Notwithstanding the above recommendation, the following comments are made in respect to the DLEP in its present form.

If it is assumed that simply because Lismore has a large concentration of population it therefore follows that there is some regional "role", "expectation" or "justification" for unlimited urban expansion, then we would seriously question this as a valid basis for planning.

3.3.2 Likewise, if it is argued that because Lismore contains the largest concentration of commerce in the region, (as may be inferred from subclause (e), therefore by some self evident right, this "justifies" an aim of infinite urban growth, then we would submit that this is an inappropriate assumption on which to base the LEP.

3.3.3 Simarlarly, we do not accept as a valid assumption, in the absence of substantiating evidence, the notion that "big is better".

3.3.4 If good arguments are advanced for continued commercial or other forms of urban growth, then we submit that some clear guidelines should be presented nominating the upper limits to such growth.

3.3.5 We submit that history has shown that there can be problems in containing a growing city once it reaches a certain threshold. The evidence seems to be that despite the best of plans, city growth can become a force unto itself. (We submit that the ribbon development on the Ballina Highway from Lismore is an example of this force.) We do not suggest that Lismore has reached this point, but by the same token, we do not wish this point to be reached.

3.3.6 If tourism is to play an increasingly important part in the economic viabilty of Lismore over the next several decades, then it may be that multi-focal centres may be a more appropriate social and economic solution, than the ever expanding growth of the present urban centre. We submit that the DLEP does not adequately address this issue.

RECOMMENDATION

"That definition be given to the desirable upper limits of growth for the Lismore urban centre and acknowledgement of this be made in the relevant zone objectives".
(Recommendation 2.3)

---

4. CLAUSE 6. Interpretation

We submit that the following amendments and additions be made to the definitions, in this clause.

Add. "bush fire hazard reduction" means a reduction or modification of all types of combustible material, principally ground fuel, by burning, chemicals, mechanical or manual means in order to reduce the hazard of bushfires in accordance with the Bushfires Act 1949;

REASON. We use this as a zone provision below. This definition is that used in the Byron DLEP.

"clearing of land" Under sub-clause (e) to this definition, we suggest that the exclusions extend to include Councils's list of declared noxious trees.

"dual occupancy" 1. The "owner" of the land may for example, be a Bank or other corporate body. We suggest rewording to allow for this possibility. 2. Assuming Council's stated desire to permit dual occupancy as detached structures is approved by the DEP, then we recommend that the definition, specifically states that dual occupancy is permissible in an attached or detached form.

Add. "environmental facilities" means a structure or work which provides for:

(a) nature study or display facilities such as walking tracks, board walks, observation decks, bird hides or the like; or

(b) environmental management or restoration facilities such as bush regeneration, swamp restoration, erosion and run-off prevention work or the like.

REASON. We use this as a zone provision below. This definition is based on that used in the Byron DLEP.

Add. "plant nursery" means a building or place used either as a retail or wholesale plant nursery, or both.

REASON. See the Rural 1(d) Zone item 3.2 for reason and comment.

Add. "prescribed stream" has the meaning given to this term in the Water Act.

REASON. We use this term in a zone provision.

Add. "resource recycling centre" means a building or place (not being a junk yard) used for the storage, display and sale of new and/or recycled building materials, household appliances, fittings, loose sand and metal (not exceeding a total area of 50 square m), reinforcing rods, PVC pipes, ancillary tools and the like.

REASON. A Resource Recycling Centre (RRC) is seen to take the form of a building supply "emporium" and to this extent is distinctly different to the traditional "junk yard" and timber yard.

A RRC is seen as providing a valuable service to the community by facilitating the recycling of building materials etc. and the provision of new materials, not readily available other than in the Central Business District.

Apart from the economic savings in such items there could also be a saving in the transport costs by not having to travel to Lismore, for what may be a small item. There could also be a saving to the community by virtue of reduced traffic on the roads.

Due to the possible space requirements of such a centre it is not envisaged that a Village would necessarily be sought as a preferred location for a RRC. A RRC could be expected to be landscaped and contain parking facilities and may even have recreational facilities for children etc.

It is not clear to us what might be permissible in a "display centre" as defined. If it should be the intention that a "display centre" could permit the above use, then we would support its use in lieu of the above proposal subject to the wording being amended along the following lines:-

"display centre" means a building or place used for the display, sale or exchange of new or secondhand products and materials used in agricultural, housing or industrial pursuits.

<u>"rural tourist facility"</u> We recommend that this be reworded to read: "means a building or place which is used to provide tourists with a low key rural educational or tourist facility. These facilities may include a refreshment room and/or accommodation components;"

REASON. We see this facility as having the potential to generate local employment by providing low key tourist facilities with little or no additional capital outlay. Such development should be ancillary to the approved use of the land. This provision should be available on MO properties as well as rural properties, notwithstanding clause 22(4). See item 13.7.1-4 below, in this regard.

We draw attention to the fact that the Byron DLEP permits this facility on MO's. We submit that it is appropriate to have consistency with the Byron LEP in this regard, as we envisage the possibility of there being a network of bushwalking paths from the Nightcap Range to the coast. The provision for example, of bed and breakfast facilities in this network could we suggest, provide a service to the tourists and economically benefit local residents.

The limitation of "education ... to the growing of products ... on the same allotment of land", as proposed in the DLEP, is considered to be unnecessarily restrictive, counter productive and difficult to impossible to monitor and we recommend its deletion.

Add, "wood lots" means timber planted and grown specifically for harvesting.

REASON. We use this term as a zone provision.

.....

RECOMMENDATION

"That amendements to Clause 6 'Interpretation' as detailed, be adopted." (Recommendation 6.1)

---

5. CLAUSE 7. Adoption of Model Provisions

1. In general we find the attitude to, and method of using the Model Provisions, to be highly unsatisfactory. We submit that it is difficult for the lay person to appreciate the relevance and significance of the Model Provisions. Normally it is difficult to impossible to even obtain a copy of same. We recommend that all terms which it is desired shall apply, either be incrporated into the DLEP, or be included in a Schedule, or failing this, these be published by Council as an accompanying document to the LEP.

2. A number of the clauses in the Model Provisions, have been excluded from the DLEP. No description is given as to what these clauses relate to, and no explanation or reason is given for their exclusion. We presume there are good reasons for the exclusion of the clauses for example, that such provisions are superseded by relevant provisions in the DLEP. If this is the case then we would question why other clause, such as 31, 32, 34 and 35 have not been excluded for the same reason.

3. If Schedule 1 of the Model Provisions is to be retained, then we recommend that an exclusion be made in Clause (2) of all references effecting the erection of electricity supply poles and the placement of overhead supply lines by an electricity authority.

REASON and COMMENTS. The location of electricity poles and supply lines both in urban and rural areas, are an important factor effecting the visual quality of the landscape. The evidence suggests that electricity poles and lines are placed with little if any regard to the overall design of the streetscape or the rural landscape. In the urban area poles are often located without regard for trees, hence requiring constant lopping. In the rural area, poles on ridgelines are a common sight. We therefore recommend the above exclusion to give Council the opportunity to integrate all proposed development and hence enhance the visual quality of the landscape.

4.1 With respect to dams (clause 29 in the Model Provisions) we submit in the strongest possible terms that this should not be an exclusion. We submit that dams may constitute major earth works, may require extensive clearing, may significantly effect the scenic quality of the landscape, the water table and the habitat it supports. This is not to suggest that we are opposed to dams. Our concern is that this form of development should be managed in the best interests of the environment as a whole.

4.2 We do not consider that the provisions in Clause 35 - Tree Preservation or control in the form of "clearing of land" being permissible only with consent, as sufficient to control the construction of dams. If there are other good reasons for excluding dams from requiring development consent under the Model Provisions, then we recommend that "dams" be added to all relevant zones as requiring consent, for example in the 1(a), 7(d) and 7(k) Zones.

4.3 Consideration may be given to fixing a minimum capacity, below which consent is not required. Subject to circumstances 2ML may be an appropriate minimum.

.....

RECOMMENDATION

"That amendments to Clause 7 'Adoption of Model Provisions' as detailed, be adopted." (Recommendation 7.1)

---

6. CLAUSE 9. Zone Identification

That the folowing amendments and additions be made to Column II in the Zone Identification Table.

(Submissions are made in respect to items marked with an "*".)

* Rural 1(a) - General Rural Zone
Rural 1(b) - Agricultural Protection Zone
Rural 1(c) - Small Agricultural Lot Zone
* Rural 1(d) - Investigation Zone
* Rural 1(e) - Extractive Resources Zone
* Rural 1(f) - Forestry Zone

Residential 2(a) - General Residential Zone
Residential 2(b) - Rural Residential Zone
Residential 2(c) - Residential village Zone

Business 3(a) - General Business Zone
Business 3(b) - Service Business Zone
Business 3(c) - Neighbourhood Business Zone

Industrial Zone 4
Special Use Zone 5
Open Space 6 - Open Space Zone

* Environmental Protection 7(a) - Wetlands Zone
* Environmental Protection 7(c) - Water Catchment Zone
* (Environmental Protection 7(a) - Scenic Escarpment Zone)
* Environmental Protection 7(d) - Scenic/Escarpment Zone
* Environmental Protection 7(j) - Scientific Zone
* Environmental Protection 7(k) - Habitat Zone

* Parks and Forests 8 - National Parks and Nature Reserves

RECOMMENDATION
"That amendments to Clause 9 'Zone Table' as detailed, be adopted." (Recommendation 9.1)

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7. CLAUSE 10. Zone Objective and Development Control

We submit the following amendments and additions to the proposed zones. Comments are made, and reasons given for the proposals.

RURAL 1(a) - GENERAL RURAL ZONE

(i) Objectives of Zone

The objectives of this zone are:-

(a) to enable agricultural activities and a range of uses which are compatible with the rural character of the area to take place in a manner which will protect or enhance the scenic quality of the landscape;

(b) to ensure that any development does not make undue demand for provision of public amenities or services;

(c) to control development that may restrict the function of or create traffic hazards along classified main roads;

(d) to identify lands which in the opinion of Council possess a limited capability for development;

(e) to enable the provision of rural tourist accommodation and facilities where such facilitits are compatible with the form and density of the nature of the locality.

(ii) Without Consent:-

Agriculture (other than intensive animal husbandry and, other than within 20 m of either side of a prescribed stream); home occupation.

(iii) Only with Consent:-

Any other purpose than a purpose specified in item (ii) or (iv).

(iv) Prohibited:-

Bulk stores; commercial premises; industries (other than rural, light, or home industry; display centres, resource recycling centre); extractive industry (other than for quarries not exceeding a maximum total of say 5-10,000 cubic m.); offensive or hazardous industry; fuel depots; hotels; medical centres; motor showrooms; residential buildings; restricted premises; service stations; shops (other than general stores); transport terminals; warehouses.

REASONS and COMMENTS.....

1.1 It is submitted that the title of this zone should be "General Rural Zone" rather than "General Agricultural Zone", because although agriculture is the primary land use, it is by no means the

only use. We submit that it is inappropriate, perhaps even discriminatory, to refer to these other uses as "agriculture".

1.2 Further more we point out that the term "Rural", is used in the RLEM and in the Byron DLEP.

2. The Objectives of the Zone have been expanded to include specific recognition of the scenic qualities of the landscape; the option to identify land having "limited capability for development"; and the provision for low key tourist facilities.

3.1.1 In sub-clause (ii) "forestry" has been deleted as permissible without consent. To so permit this without consent could result in use inconsistent with the objective to protect and enhance the scenic quality of the landscape. In addition, to permit this without consent could be inconsistent with the provisions of Clause 35 - Tree Preservation. "Forestry" would be permissible with consent.

3.1.2 In making the proposal in 1.1 above, we do so without any desire to restrict the bona fide harvesting of forest products. Our concern is to encourage sound management policies, which take into account for example provisions for rehabilitation. We are concerned to see that there are adequate provisions to control the clear felling of forest areas.

3.1.3 We propose that "light" industry be permissable with consent, as we consider this can be carried on in a way which is consistent with the Objectives. For many such an activity could be an important source for income.

3.1.4 We support "extractive industry" being a prohibited development other than for quarries not exceding a maximin total of say 5-10,000 cubic m. We propose that a new Extractive Resources 1(e) Zone be created, to cater for this use. See below for details.

3.1.5 "Recreational facilities" are proposed be permissible with consent, as it is considered that there may be situations where such facilities could be a source of income and contribute to the quality of rural life. It is assumed of course, that in considering any such development proposal, Council would have due regard to maintaining the scenic quality of the landscape.

Proposed New Hatched Area

4.1 We recommend below that the Scenic/Escarpment 7(a) Zone as proposed in the DLEP be deleted and that a new Scenic/Escarpment 7(d) Zone be created. The balance of the land is to be amalgamated with the Rural 1(a) Zone. (For details and reasons, see comments on the Scenic/Escarpment 7(a) Zone and proposed new Scenic/Escarpment 7(d) Zone below.)

4.2 It is proposed that the Rural 1(a) Zone be divided into two sections based on the general capability of the land for development:-

(a) Land within the Rural 1(a) Zone which is not hatched, be generally considered to have few constraints.

(b) Land within the Rural 1(a) Zone which Council considers to have a "limited capability for development" be constrained due to such factors as steepness, vegetation, visual significance, flooding, bush fire hazard or lack of accessibility. It is recomeded that this area be shown on the map as a hatched area. The provisions proposed should apply to this area are basically those detailed in Clause 28 of the DLEP.

4.3 In respect to land which may have "limited capability for development" we recommend that consideration be given to:

* slope;
* vegetation cover (see for example, the 1986 CMA 1:25,000 maps and current or pending aerial photographs);
* the existing and potential road network;
* flooding;
* high bushfire risk areas;
* results of ground inspection;
* scenic quality (as per the method outlined in the RLEM to produce three levels of "quality");
* position in the water catchment area;
* soil capability (from eg. Soil Conservation capability maps)
* agricultural capability (from eg. Agricultural capability maps) and the like.

4.4.1 In the Plain English Version of the 7(a) Scenic/Escarpment Zone it is stated that the proposed zone takes into account, for example: scenic quality; slope; land of poor agricultural quality and land of high environmental. In pactice however the boundary appears to relate to slope only as evidenced by the close fit to a contour line.

4.4.2 Basicaly we see the hatched area as being the timbered foothills to the escarpments and ridgetops and that the boundary of the proposed hatched area be determined on the basis of the above factors and not soley on slope. We wish to emphasise that we do not consider the perimeter of the hatched area as being simply the boundary of the 7(a) zone as proposed in the DLEP.

5.1 With respect to the scenic quality of the landscape, particularly in the timbered foothills and adjoining areas, we are concerned at the erosion of the visual landscape due to single houses being built on ridgetops. There are many examples of houses that have been permitted to build in visually prominent places. These we consider are a travesty of reasonable aesthetic values and undermine the Objectives to preserve and enhance the visual quality of the landscape.

5.2 The cumulative effect of this form of "visual pollution" is such that we recommend there be a special clause in the DLEP addressing this issue viz:

RECOMMENDATION

"That the following new clause be added to Division 3:-

Development on Ridgetops

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

(2) The Council shall not consent to the carrying out of development on or near any ridgeline on land to which this plan applies where in its opinion that development is likely to significantaly detract from the visual amenity of the area." (Recommendation 10.1)

(This provisions is based on that in the Byron DLEP).

REASON. This recommendation will give efect to the Objectives and to the "Skyline Control Policy" outlined in the RS p.89.

RURAL 1(d) - INVESTIGATION ZONE

(i) Objectives of Zone

The objectives are:-

(a) to identify land which is to be investigated in respect to its suitability for rezoning at a later date for other uses;

(b) to identify land which is to be investigated in respect of its environmental quality and or extractive resource potential with particular reference to natural ecosystems, flora and fauna associations and extractive resources;

(c) to ensure that development within the zone is compatible with the anticipated future development of the land;

(d) to ensure that development maintains the existing character of the locality and minimises disturbance to the landscape through clearing, earthworks and access roads;

(e) to ensure that development does not create unreasonable and/or uneconomic demands, for the provision or extension of public amenities or services;

(f) to encourage the preservation and enhancement of the scenic quality of the landscape.

(ii) Without Consent:-

Agriculture (other than intensive animal husbandry and other than within 20 m of either side of a prescribed stream); home occupation.

(iii) Only with Consent:-

Bulk stores; caravan parks; clearing of land; commercial premises; community facilities; dual occupancy; dwelling houses; home industries; multiple occupancy; institutions; medical centres; public buildings; public utility undertakings; recreation areas; plant nurseries ; roadside stalls; rural industries; shops; tourist facilities; utility installations; resource recycling centres; environmental facilities.

(iv) Prohibited:-

Any other purpose not specified in item (ii) or (iii).

REASONS and COMMENTS.....

1. The DLEP proposes a Rural 1(d) - Investigation Zone aimed

at potential urban or village growth centers. Our proposal is to make this a general Investigation Zone, that may be used in a wide range of applications, including areas for potential population growth centers.

2. The Objectives for this zone are based on those used in the Byron DLEP while the wording of Objective (b) is that recommended for inclusion by Commissioner Simpson. (Byron Inquiry Report p.19).

3.1 In Zone provision (iii), it is considered that any distinction between retail and wholesale plant nurseries in the Lismore rural area is a superficial one. It seems to us that it is unreasonably restrictive to specify the type of plant nursery in the DLEP, and further view that it would be difficult to impossible to monitor. Where the objective of a plant nursery is to sell wholesale, we understand that it is not unusual for sales also to be made by retail.

3.2 Further more the decision to sell, either wholesale or retail, or both, is a situation that can change from year to year, depending upon maturing stock and market demand etc. We therefore recommend that in all relevant zones provisions, "plant nurseries" should not be qualified. If there are extenuating circumstances in a particular DA for a plant nursery, there are ample provisions in all relevant zone Objectives and under the s.90 heads of consideration to control inappropriate development.

3.3 In provision (iii), "multiple occupancy" and "resource recycling centre" have been added as being consistent with the Objectives and because of their similarity to other included uses. "Environmental facilities" has been included as an appropriate use for example, where the area was under consideration as a future Habitat Zone.

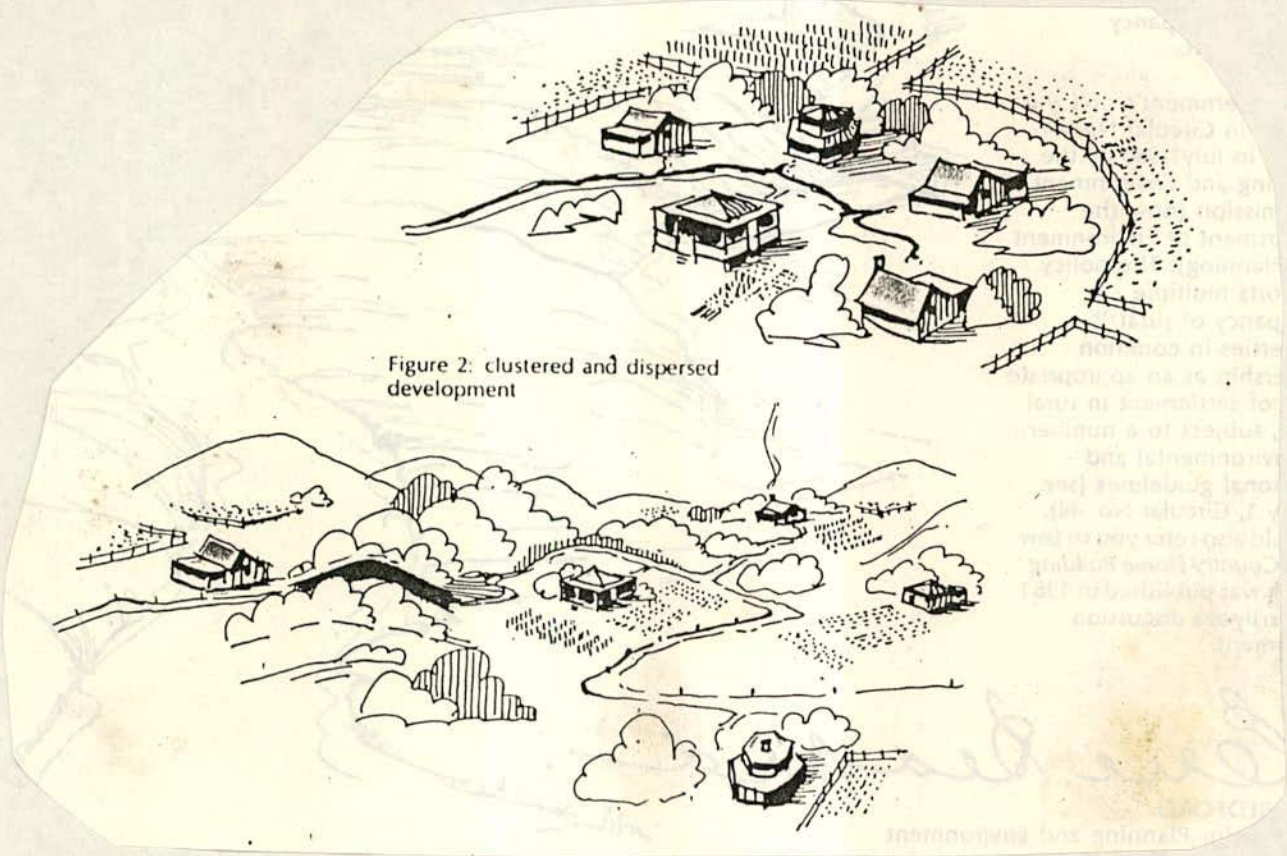


Figure 2: clustered and dispersed development

RURAL 1(e) - EXTRACTIVE RESOURCES ZONE

(i) Objectives of Zone:-

The objectives of this zone are:-

(a) to identify and ensure sound management of land which has an extractive or mining industry potential;

(b) to ensure that development on land within the zone is compatible with extractive industry developments and does not adversely affect the potential of any existing or future extractive industry development of the land.

(c) to ensure that development does not significantly detract from the scenic quality of the landscape, as viewed from public roads, neighbouring properties or scenic vantage points.

(ii) Without Consent:-

Agriculture (other than within 20 m of either side of a prescribed stream).

(iii) Only with Consent:-

Dwelling houses; extractive industries; forestry; home industries; industries (other than offensive or hazardous industries); open space; plant nurseries; roads; utility installations.

(iv) Prohibited:-

Any other purpose not specified in items (ii) and (iii).

REASONS and COMMENTS.....

1. We submit that quarries in the Lismore Council area account for major scars on the landscape. We recognise the need for quarries and that there will be a continuing need for these, particularly for road maintence and any further settlement. Our concern is that there be adequate control over new development in excess of a minimum size, management plans for the rehabilitation of quarry sites on closure, and determination of "existing use" rights.

2. We consider that a zoning provision is needed to address the situation in the rural area generally and to meet the objectives in the Draft REP (p.59) and, the DEP "Rural Lands Policy for the North Coast Region of NSW" 1985, (p.13). We support the continued application of Clause 32 of the Model Provisions.

3. Apart from the above reasons for the inclusion of the proposed zone, good planning reasons to do so include; protecting such resources from incompatible forms of development, and informing near-by land owners and potential developers of the possible presence of an extractive activity.

4. We recommend that Council consider undertaking an extractive industry study, that is quarry specific and makes specific reference to "existing use" rights and, the extent of "cut and borrow" operations deemed necessary before such work ought properly be considered to be "designated development", and the minimum area below which extraction may occur either with consent under the provisions of a DCP, or without consent. It is not considered appropriate that a small extractive activity should need to be "spot" rezoned.

5. For a preliminary checklist of items that we suggest be considered in this regard see Appendix 1.

6. The provisions in this zone are based on those in the Byron DLEP.

RURAL 1(f) - FORESTRY ZONE

(i) Objectives of Zone:-

Objectives of this zone are:-

(a) to identify lands for forestry purposes;

(b) to identify lands reserved under the Forestry Act, for the purpose of state forests;

(c) to encourage th growth of vegetation cover that will enhance the scenic quality of the landscape.

(ii) Without Consent:-

Any purpose authorised by or under the Forestry Act, or purpose ancillary or incidental to such purpose.

(iii) Only with Consent:-

Forestry.

(iv) Prohibited:-

Any other purpose.

REASONS and COMMENTS.....

1. For explanation and reasons for the separation of the National Parks, Nature Reserves and Forest Zone into two zones, see notes under the National Parks and Nature Reserves 8 - Zone.

2.1 The objectives of this zone have been deliberately worded to provide a zoning that may be applied to private as well as public lands. It is viewed that some land owners may voluntarily seek to have their land classified as a private forest. For some the motivation may be for aesthetic or environmental reasons, while for others it may be for utilitarian reasons, such as providing a tourist attraction in a "private" wilderness area.

For whatever reason, such a process is likely to enhance the scenic quality of the landscape as a whole.

2.2 Exclusion of such land as "agricultural" land to minimise payment of the Pastures Protection Board levy, may attract some owners to seek this zoning.

3. The provisions in this zone are based on those used in the Byron DLEP.

(For comments on the Scenic/Escarpment 7(a) Zone, see under the new 7(e) Zone below.)

ENVIRONMENTAL PROTECTION 7(a) - WETLANDS ZONE

(i) Objectives of Zone:-

The objectives of this zone are:-

(a) to identify and preserve estuaries and wetlands and allow such to continue to function as feeding and breeding areas for birdlife, shellfish and fish;

(b) to encourage the protection and enhancement of the scenic quality of the landscape;

(c) to prohibit development within the zone that is likely to have a detrimental effect on the habitat or landscape qualities of the wetland area;

(d) to enable development of public works and environmental facilities where such development would not have a significant detrimental effect on the habitat or landscape qualities of the wetland area.

(ii) Without Consent:-

Nil

(iii) Only with Consent:-

Agriculture (other than animal establishments, the building of levees, drains, clear felling or within 20 m of a prescribed stream), hazard reduction; environmental facilities; drains; home industries; open space; roads; utility installations (other than gas holders and high tension transmission towers).

(iv) Prohibited:-

Any purpose other than a purpose specified in item (iii).

REASONS and COMMENTS.....

1. We submit that this Zone is required for the protection of all wetlands in the Council area, and not just those detailed under SEPP#14 - Wetlands. This proposal is in accordance with the recommendation in the RS p.88 item 5. We draw attention in this regard to Commissioner Simpson's statement "I take the view that all SEPP#14 lands should be zoned 7(a) - Wetlands. All other wetlands and the like should be zoned 7(k) - Habitat." (Byron Inquiry p.48). We have no objection if it is preferred to follow this recommendation.

2. The Zone number 7(a) is recommended because it is proposed in the RLEM and is used in the Byron DLEP. As we propose that the

7(a) zone used in the DLEP be deleted, it will be available for reallocation. In the event that the 7(a) zone in the DLEP is not deleted, then we would submit that it be given some other number and that the number "7(a)" be retained for Wetlands, for the reasons stated above.

3. RECOMMENDATION

"That the following new clause be added in Division 3:-

Development Adjoining Wetlands

(1) A person shall not clear, drain, excavate or fill land to which this clause applies without the consent of Council.

(2) The Council shall not consent to the carrying out of development on or adjacent to land within Zone 7(a) unless it has taken into consideration:-

(a) the likely affects of the development on the flora and fauna found in the wetland;

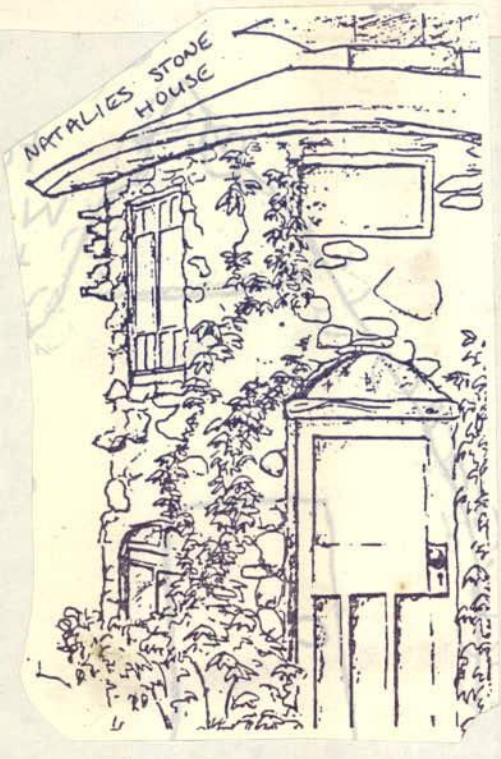
(b) the likely affects of the development on the quality and quantity of the water table; and

(c) the effect on the wetlands due to any proposed clearing, draining, excavation or filling."

(Recomendation 10.2)

REASON. To provide protection for wetlands due to development on land in the water catchment area adjoining the wetlands.

4. The provisions in this zone are based on those in the Byron DLEP.



ENVIRONMENTAL PROTECTON 7(c) - WATER CATCHMENT ZONE

(i) Objectives of Zone:-

(a) to prevent development within the zone which would have a significant detrimental effect on the quality and quantity of the water supply;

(b) to ensure that development maintains the rural character of the locality and minimises disturbances to the landscape through clearing, earthworks and access roads, so as to avoid erosion;

(c) to ensure land uses which use pesticides, herbicides or other toxic substances are kept to a minimum to maintain the natural quality of run-off water;

(d) to enable the carrying out of appropriate uses on the land within the zone in a sound manner which conserves or enhances the environmental amenity, or scenic quality of the locality.

(ii) Without Consent:-

Nil

(iii) Only with Consent:-

Any purpose other than a purpose not specified in item (iv).

(iv) Prohibited:-

Advertising structures; bulk stores; caravan parks; car repair stations; clearing of land; commercial premises; community facilities; drive-in theatres; dual occupancies; duplexes; exhibition centres; extractive industries; generating works; hospitals; hotels; industries (other than home industries and rural industries); institutions; intensive animal husbandry; junk yards; liquid fuel depots; medical centres; mines; motels; motor showrooms; multiple occupancy; places of assembly; professional offices; refreshment rooms; residential buildings; sawmills; service stations; shops; stock and sale yards; taverns; timber yards; transport terminals; tourist facilities; warehouses; utility installations.

REASONS and COMMENTS.....

1. The additions to the provisions of this zone are proposed with the view of strengthening the objectives, particularly with respect to the control of toxic substances and the level of water quality. The additions used are based on those in the Byron DLEP.

2. It is considered that any development, other than passive recreation, in the Mulgum Creek and Rocky Creek Dam catchment areas, is inappropriate and unnecessary, and it is recommend;

RECOMMENDATION

"That the following new clause be added in Division 3:-

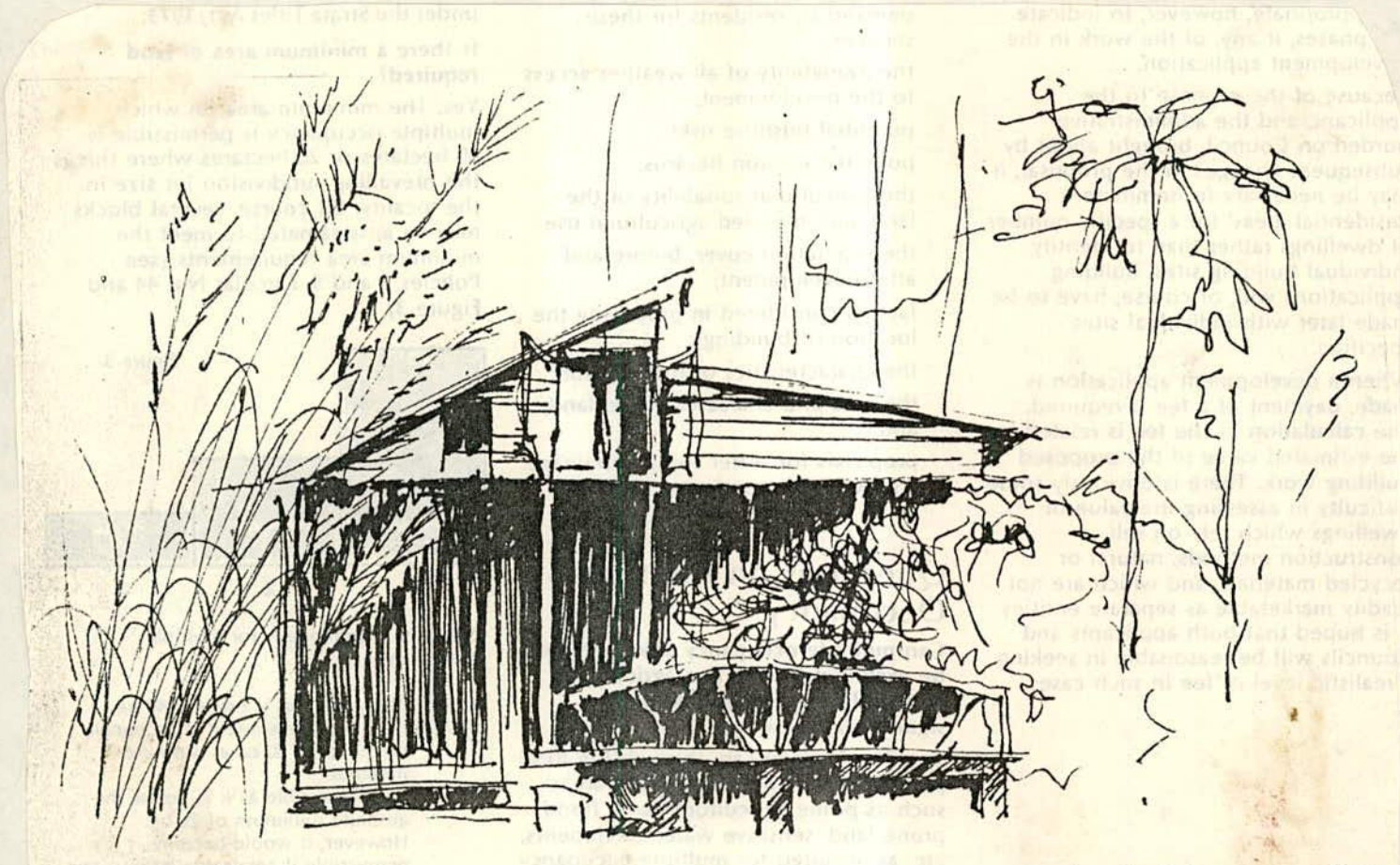
Development in Certain Water Catchment Areas

(1) This clause applies to the land zoned Environmental Protection 7(c) - Water Catchment assocaited with the Mulgum Creek Dam and the Rocky Creek Dam.

(2) No development shall be permitted in the land specified in sub-clause (1), other than passive recreation. (Recommendation 10.3)

3. The second use of the term "Protection" in the title of this zone has been deleted, as it is considered to be redundant.

4. Under Prohibited uses "utility installations" has been added as it is considered that these are an inappropriate development or activity, in this zone.



Community building on an M.O.

ENVIRONMENTAL PROTECTION 7(a) - SCENIC/ESCARPMENT ZONE

1.1 In general we submit that the proposal in the DLEP for the 7(a) area are on the one hand, inappropriate and unnecessarily restrictive with regard to the capability of the land for development, and the uses traditionally practiced in this area; while on the other hand, are not restrictive enough to meaningfully protect bona fide scenic and escarpment features.

1.2 We hence propose that the 7(a) Zone be discarded and that a new Scenic/Escarpment 7(d) Zone be created to protect the scenic and escarpment features. The balance of the old 7(a) Zone to be amalgamated with the Rural 1(a) Zone. (In the Rural 1(a) Zone it is proposed that an area of "limited capability for development" be established and shown as a hatched area. This hatched area may be similar to, but not necessarily the same as the balance of the 7(a) zone. For details see the Rural 1(a) Zone).

1.3 For details of the options considered in arriving at this proposal see Appendix 2.

RECOMMENDATION

"That the 7(a) Zone in its present form be deleted, and that a new Environmental Protection 7(d) - Scenic/Escarpment Zone be delineated, consisting of an area more in keeping with that shown in the RS paper and the balance of the area be amalgamated with the Rural 1(a) Zone." (Recommendation 10.4)

REASONS and COMMENTS.....

2.1 It is proposed that the new Scenic/Escarpment Zone 7(d) be confined precisely to ridgelines, cliffs, waterfall areas, rock outcrops (eg Nimbin Rocks), boat landing areas, scenic vantage points and the like.

2.2 This proposal is in accordance with the Scenic 7(d) and, Escarpment 7(e) guidelines in the RLEM. It also follows more the area and concept proposed in the RS paper.

3.1 It seems that the motivation behind proposing such a large Scenic/Escarpment 7(a) Zone in the DLEP, may have been a desire to protect and enhance the scenic quality of the landscape. We whole heartedly support this objective. We believe however, that the cumulative recommendations in this submission go as far, or perhaps even further, towards achieving this objective.

3.2 In this regard we draw attention to the many occasions in this submission, that we recommend the strengthening of provisions to protect and enhance the scenic quality of the landscape. These occasions include the general objectives of the DLEP, and the objectives in relevant rural zones. We submit that if these recommendatins are accepted, then the Council could achieve its primary objective with respect to the scenic quality of the landscape.

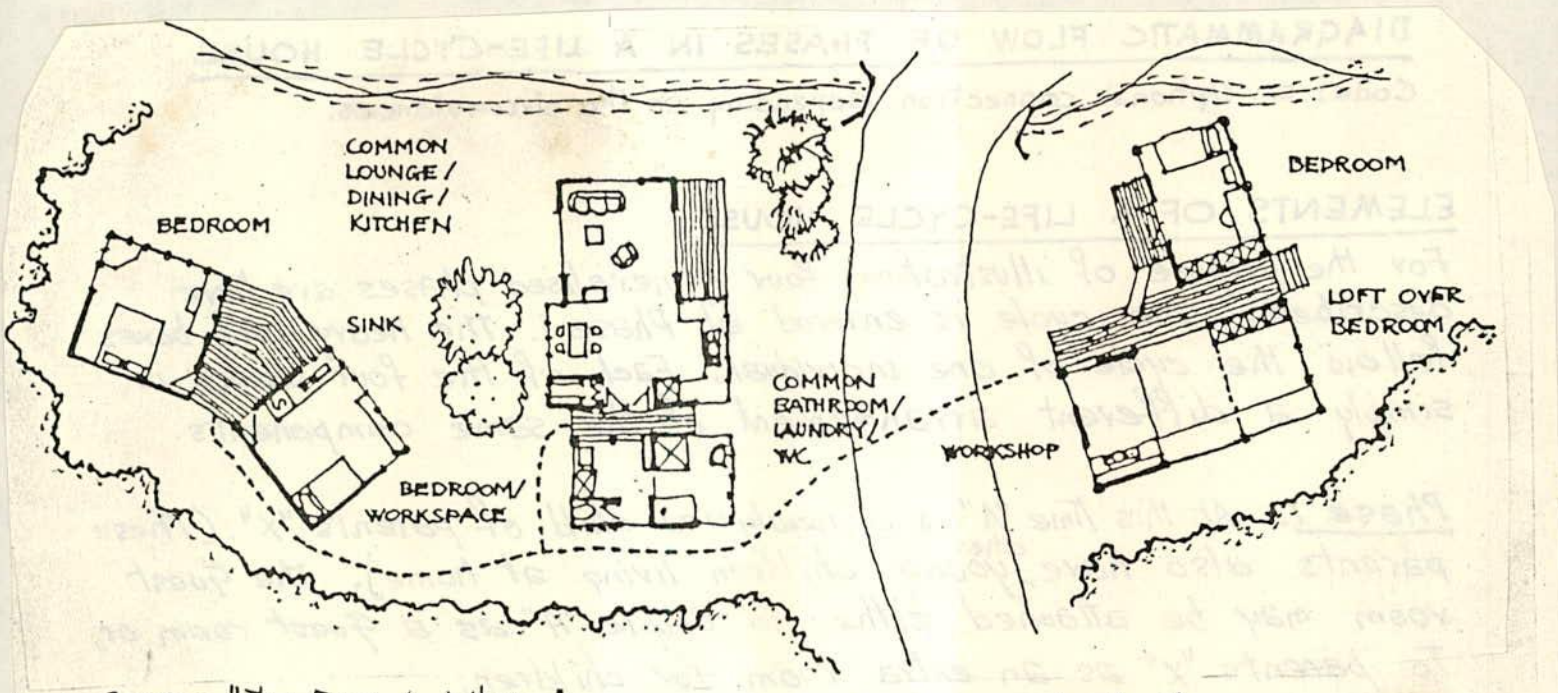
4. For details of the proposed new 7(d) Scenic/Enhancement Zone see below, and for details of extension to the Rural 1(a) Zone, see above.

5. In the event that the Council decides to make significant changes either to the provisions of the proposed 7(a) zone, or to the extent of area involved, then we would appreciate being able to comment on such a proposal, before the Council makes a final decision on this matter. We make the following recommendation in this regard:

RECOMMENDATION

"That if the Council proposing to make significant changes either to the provisions or areas of the 1(a) or 7(a) Zones to that proposed in the DLEP, then Council gives all those who have made a submission on the DLEP the opportunity to comment on the new proposals, before Council makes a final decision to submit the DLEP for approval." (Recommendation 10.5)

COMMENT. We draw attention in this regard to Commissioner Simpson's recommendation in respect to the Byron Shire viz. "That any proposed amendements to the exhibited DLEP be re-advertised". (Byron Inquiry Report p.40). We support this recommendation.



Source "The Expanded House"
D. McNamara. Technical Assistance Group
Dept. of Architecture. Sydney University.
Unpublished

Expanded House

ENVIRONMENTAL PROTECTION 7(a) - SCENIC/ESCARPMENT ZONE

ENVIRONMENTAL PROTECTION 7(d) - SCENIC/ESCARPMENT ZONE

(i) Objectives of Zone:-

The objectives of this zone are:-

(a) to protect and enhance major landscape features and to preserve prominent hillslopes and ridgelines;

(b) to minimise soil erosion from escarpment areas and prevent development in geologically hazardous areas;

(c) to prohibit development within the zone that is likely to have a visually disruptive effect on the scenic quality and the amenity of the area;

(d) to enable development for certain purposes where such development would not have a detrimental effect on the scenic quality and amenity of the area.

(ii) Without Consent:-

Home occupation.

(iii) Only with Consent:-

Agriculture; clearing of land; dwelling house; dual occupancy; multiple occupancy; rural tourist facility; environmental facilities; car park; bushfire hazard reduction; roads; generating works; recreation areas; home office; camping grounds.

(iv) Prohibited:-

Any other purpose not specified in item (iii).

REASONS and COMMENTS.....

1. The reasons for deleting the 7(a) Scenic/Escarpment Zone as proposed in the DLEP and, the creation of a new 7(d) Scenic/Escarpment Zone, and the amalgamation of the balance of the area with the Rural 1(a) Zone, are given in the 7(a) Scenic/Escarpment Zone above.

2. If any doubt occurs as to the extent of the area that should be provided to protect the scenic or escarpment feature then we suggest that the 1(d) Investigation Zone be used until such time as it is possible to determine the appropriate boundary. This proposal is in accordance with the recommendation made by Commissioner Simpson (Byron Inquiry Report p.21).

3. In general we hope that the development approved in this Zone would not be obtrusively visible from a public road, by neighbours or from a scenic vantage point. It is proposed nevertheless, that

residential development be permitted (with consent) to give Council the opportunity to approve sensitive development that is consistent with, and may contribute to, the Objectives of this zone. The provision of on-site bush fire fighting facilities, is one such way that sensitive development may help to protect such areas.

4. For further comment on MO in an Environmental Protection Zone see item 13.8.1 below.

ENVIRONMENTAL PROTECTION 7(j) - SCIENTIFIC

(i) Objectives of Zone:-

The objectives of this zone are:-

(a) to identify and protect areas of scientific interest;

(b) to restrict and control development within the zone to that which is related to the scientific interest;

(c) to prohibit any activity likely to have a detrimental effect on the site;

(d) to encourage passive recreation and an understanding of natural systems where this will not have any detrimental effect on the site;

(e) to enhance the visual quality of the landscape.

(ii) Without Consent:-

Nil

(iii) Only with Consent:-

Development compatible with or ancilliary to the scientific interest; environmental facilities.

(iv) Prohibited:-

Any other purpose not specified in items (ii) and (iii).

REASONS and COMMENTS.....

1. We submit that a Scientific Zone is required because there is no other zone that appropriately identifies and protects areas having special scientific interest.

2. We have chosen the Scientific 7(j) Zone as suggested in the RLEM and see that this zone may be applied to either public or private land.

3. We see this zone as restricting or prohibiting development or activities that may be detrimental to the subject of scientific interest and that the provisions enable greater control than is provided in the Habitat 7(k) zone.

4.1 Where consideration of Aboriginal culture has been acknowledged in local planning schemes it has been customary to limit this to the archaelogical record through the use of the Archaelogical 7(g) zone, or to amalgamate this with the Scientific 7(j) Zone. (The RLEM unfortunately reinforces this view).

4.2 As we live with Aborigines in this area, we wish to acknowledge their culture as a living culture, and that it should

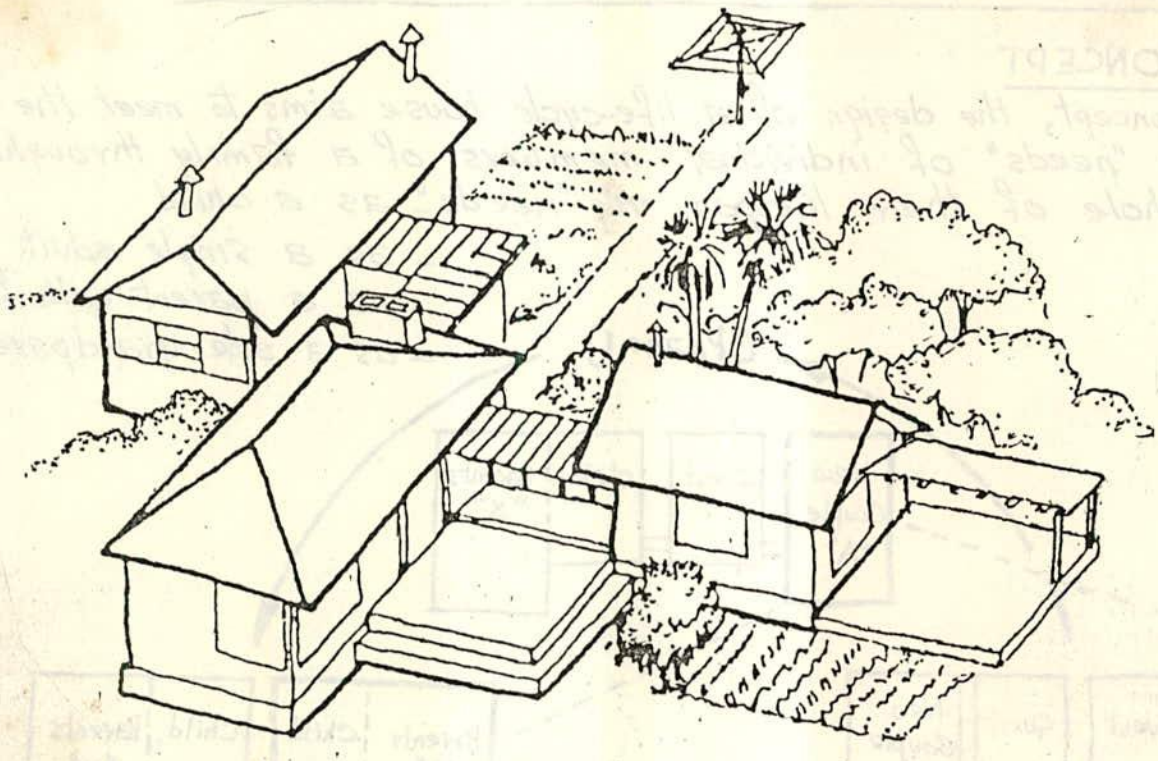
not be seen as one that can simply be confined to the archaelogical record. For the same reason we would find it an anathema to use the "Scientific" zone to protect land for ritual or cultural use by contemporary Aborigines. We recommend the use of the Habitat 7(k) Zone for this purpose.

5.1 We note and support Commissioner Simpsons's recommendation that a Scientific Zone be included in the Byron DLEP.

5.2 We see this zone as having the following characteristics:

a. being for a specific scientific purpose;
b. relating to high environmental value;
c. likely to be small in size;
d. likely to be few in number;
e. likely to be required permanently or for a long time.

6. The provisions in this zone are based on the FERN "Draft Land Use Tables".



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ENVIRONMENTAL PROTECTION 7(k) - HABITAT

(i) Objectives of Zone

The objectives of this zone are:-

(a) to identify and protect significant vegetation and wildlife habitats for conservation purposes and, to enhance the visual quality of the landscape;

(b) to prohibit development within the zone that is likely to have a detrimental effect on the wildlife habitats which exist;

(c) to enable the carrying out of development which would not have a significant detrimental effect on the wildlife habitats;

(d) to identify and protect sites of significance to contemporary Aborigines and to prohibit development within the zone that is likely to have a detrimental effect on the significance of the sites;

(e) to enable the carrying out of development which would not have a major detrimental effect on the significance of such land to Aborigines.

(ii) Without Consent:-

Nil

(iii) Only with Consent:-

Agriculture (other than intensive animal husbandry and clearing of land); camping grounds; bushfire hazard reduction; home industries; open space; roads; utility installations (other than gas holders and high tension transmission towers); environmental facilities; activities or development by Aborigines ancillary to Aboriginal cultural practice.

(iv) Prohibited:-

Any purpose other than a purpose specified in item (iii).

REASONS and COMMENTS.....

1. A need is seen to provide "environmental protection" for; forest remnants (rainforest, seed-bank tree stands, etc.); flora and wildlife corridors, flora/fauna enclaves and the like. See also "Protection of Important Forest Remnants" in the RS p.89. (It is assumed that road verges, gullies and the like, will be controlled under a DCP).

2.1 A need is also seen to be able to protect places of cultural significance for contemporary Aborigines. Where such places are still part of local Aboriginal culture we propose that the Habitat Zone be used for this purpose. (For further comment in this regard see the 7(j) Scientific Zone above).

2.2 The foothills to the Nimbin Rocks are an example of one such area that might be considered for zoning under this category. (Attention is drawn to the fact that not all Aboriginal sites of significance are prominent landmarks such that they may coincidently attract zoning under the Scenic/Escarpment 7(d) Zone.)

2.3 We would stress that it is not proposed that this zone should be used for normal domestic residential purposes, but rather by elders who may have ritual or "custodial" type responsibilities, or for the purpose of the "security" of the site.

2.4 The provisions in this zone should not be confused with the "Aboriginal areas", under the jurisdiction of the NPWS in Zone 8.

2.5 If any difficulty is encountered in fusing Aboriginal use of the land for specific purposes, with vegetation and wildlife habitat requirements, then we suggest that this zone could be separated into two Habitat classes viz. 7(k1) and 7(k2), or failing this the creation of a Special Uses - Aboriginal Zone.

3. As an example of the need for integration of provisions with those in neighbouring DLEP's we draw attention to the fact that a Habitat 7(k) Zone in the Byron Shire, forms a boundary with the Lismore Council area.

4.1 An example of the need for a Habitat 7(k) Zone are the remnant rainforest and swampforest stands in the Big Scrub area. A number of these remnants are identified in Map 9 in the RS. We submit that all such remnants satisfying the zone objectives, should be zoned either Habitat 7(d) or where appropriate Scientific 7(j). In the event that there is insufficient time to determine the appropriate category or area before Council makes a final decision on the DLEP, that such areas be zoned Investigation 1(d).

4.2 Where vegetation stands are close together and there is evidence of wildlife movement between such habitats, then we submit that consideration should be given to providing a Habitat 7(k) zone as a "corridor" between such stands.

5.1 The identification and classification of the various Environmental Protection Zones, may be a time consuming task for Council staff and call on specialised knowledge. If this proves to be the case, then we recommend that Council engage appropriate consultants to carry out this work. We understand that such consultants are available in this locality.

5.2 We understand that the NPWS are considering undertaking research on remnant vegetation stands in the Big Scrub area. If this takes place, then we recommend there be close liaison with the NPWS in preparing Habitat and other Environmental Protection Zones.

6. The provisions in this zone have been based on those in the Byron Shire DLEP.

NATIONAL PARKS AND NATURE RESERVES 8 - ZONE

We submit that lands under the National Parks and Wildlife Services Act should be zoned separately to the lands under the Forestry Act. We draw attention to DEP Circular 13 which states that all State forests should be zoned 1(f).

(1) Objective of Zone:-

Objectives of the zone are:-

(a) to identify those lands included in national parks, nature reserves and aboriginal areas as advised by the Director of the National Parks ad Wildlife Service.

(ii) Without Consent:-

Any purpose authorised by or under the National Parks and Wildlife Act, or any purpose ancillary or incidental to such purpose.

(iii) Only with Consent:-

Nil.

(iv) Prohibited:-

Any other purpose.

REASONS and COMMENT.....

1. That lands relating to the National Parks and Wildlife Services Act are exclusively concerned with wildlife and environmental protection, while lands relating to the Forestry Act are a mixture of environmental protection, timber harvesting and silviculture.

2. Separate zones, as proposed here, are used in the Byron DLEP and the division in this way will provide consistency from the Nightcap Range to the coast.

RECOMMENDATION

"That any private land offered and accepted for any environmental protection zoning, be elligible for consideration as "dedicated land" for the purpose of a s.94 contribution." (Recommendation 10.6)

REASON. To encourage private land owners to voluntarily seek recognition of, and protection for, environmentally sensitive land.

RECOMMENDATION

"That amendments to Clause 10 'Zone Objective and Development Control' as detailed, be adopted." (Recommendation 10.7)

8.0 CLAUSE 11. Development Which Must be Advertised

8.1 It is recomended that Clause 11(2) include "development within 20 m of a prescribed stream". REASON. To give effect to s.5(c) of the EPA Act viz "to provide increased opportunity for public involvement and participation in environmental planning and assessment".

8.2 It is further recommended that this provision include development proposed by public authorities (ie. those public authorities where Council cannot reject a DA). If necessary the relevant clauses in the Model Provision be conditioned to give Council this entitlement. (Note. It is proposed that this entitlement relates to advertising the proposed development only. It is not proposed to change the entitlement that public authorities enjoy under the Model provisions).

9.0 CLAUSE 16 No title

9.1 Add the following new sub-clause:

(1)(c) meets the requirements of Clause 17 and Clause 28(6).

REASON. To bring together reference to all clauses relating to subdivision, to aid clarity and comphrension.

10.0 CLAUSE 17 Minimum Allotments for Horticultural Land Use

10.1 Delete reference to Environmental Protection 7(c) Water Catchment Zone. REASON. We see no good planning reason to permit subdivision in a Water Catchment Zone below that provided in Clause 15. We submit that any land use intensification in this zone is likely to run contrary to the Objectives of this zone, particularly with respect to water quality.

11.0 CLAUSE 20. Rural Worker's Dwelling

11.1 In SUB-CLAUSE 20(3)(a) and (b) we recommend that the word "argicultural" be replaced with "rural". REASON. We draw attention to the use of the term "Rural" in the title to this clause, and see no good reason why the provision of such dwellings be confined to agricultural activities only. We can envisage for example that a need could arise for such a dwelling associated with a "rural tourist facility".

12.0 CLAUSE 21 Rural Dual Occupancy

12.1.1 SUB-CLAUSE 21(2)(c). We recommend that this sub-clause read:

> "erect two delling-houses (which may be detached) on an allotment zoned Rural 1(a), 1(b) or 1(c) provided not more than two dwellings (excluding any rural worker's dwellings) will be created or result on that allotment." (Our additions underlined.)

12.1.2 REASON. This sub-clause seems to infer that "detached" dwellings are permissible. The intention of the additional wording is to make this option, explicit.

12.1.3 We recommend that no minimum area apply to this provision for the reason that it is arbitary and no reason has been offered why same should apply. We submit that the provisions of sub-clause (3) enable Council to refuse consent if there should be extenuating circumstances to do so. Further, as urban dual occupancy is permissible on a 500 square m. area, there does not seem to be any good reason to create a gap between this and the proposed 10 ha. minimum for rural dual occupancy.

12.2 SUB-CLAUSE 21(3)(a) and (b). We recommend that these two sub-clause be deleted for the reason that these issues are adequately covered elsewhere either in the DLEP or in the EPA Act.

12.3.1 SUB-CLAUSE 21(3)(a). In the event that it is decided to retain this sub-clause then we recommend that Council specify what criteria will be used to determine the likelihood of bushfire.

We note in this regard, the finding in the RS (p.26);

> "The incidence of bush fires in the Lismore district is not high, however, in the right combination of seasons and weather conditions a number of eucalypt forest areas are at risk."

12.3.2 We also note that the Bushfire Hazard - Map 8, proposes three hazard areas (high, medium and low), and that a portion of the proposed 7(a) area falls in what is shown as a "high" risk area. We consider it appropriate to take bushfire risk areas into account, when considering a development application. We do not consider it appropriate however, to automatically restrict development to low or medium fire risk areas. Similarly, an application falling within the low risk area, should not automatically be accepted on this account.

12.3.3 We recommend that each case be considered on its merits and that criteria and a DCP be formulated for the benefit of all concerned.

12.4.1 SUB-CLAUSE 21(3)(c). We recommend that this sub-clause be deleted as we consider this provision to be unnecessarily

restrictive. No reason is included in the DLEP literature to support this view. By inference we assume the "reason" may be extra road usage. We submit that the best evidence that is available on the likely demand for rural dual occupancies, is the Planners North "Report on Dual Occupancy", 1987.

12.4.2 This Report indicates that in the Ballina Shire Council area, where rural dual occupancy has been availanle for some years, the requests amount to 3-4 applications per year. We suggest that a similar figure is likely to prevail in the Lismore area, once the "pent-up" backlog has been satisfied. In view of the likely small number of applicants for rural dual occupancy, we do not consider that it is necessary or appropriate to restrict these to sites having access to a sealed road.

12.5 SUB-CLAUSE 21(4). In respect to this sub-clause we would point out that if dual dwellings were constructed on say an 80 ha. property, that this should not prohibit the owners from subsequently subdividing if this becomes their wish.

13.0 CLAUSE 22 Multiple Occupancy

13.1 SUB-CLAUSE 22(1). It is recommended that this clause be replaced with:

"This clause applies to land within the Zones; Rural 1(a), 1(b), 1(c), 1(d) and Environmental Protection 7(d)."

REASONS and COMMENTS.....

13.1.1 In respect to the Environmental Protection 7(a) Zone as proposed in the DLEP, we have made the recommendation above, that this zone be discarded and that a new Scenic/Escarpment 7(d) Zone be created which is restricted specifically to the scenic and escarpment features.

13.1.2 If the new proposed new 7(d) area is small in size then dwellings of any type are probably inappropriate. On the other hand, if the area is extensive (though still greatly reduced by comparison with the 7(a) zone as proposed in the DLEP) then dwelling houses and the like, may well be appropriate and consistent with the Objectives.

13.1.3 For the purpose of this submission we have taken the latter view. We consider that as a matter of principle whenever a dwelling house is considered appropriate, then dual occupancy and MO should also be acceptable, subject of course to appropriate constraint. We consider that to draw some distinction between these forms of housing would be discriminatory.

13.1.4 If it is viewed that MO has the potential for more buildings and a greater density of settlement, then we would point out that Council has ample discretion to determine a density level, as a condition of consent to a DA.

13.1.5 We recommend that MO be permissible in a number of the rural zones and in the proposed new 7(d) zone.

13.1.6 We have no objection for MO not to be permissible in the 7(d) zone provided that residential structures of any type are also excluded.

13.2.1 We recommend that the dotted line indicating the southern boundary to the MO area, be deleted. This boundary formed by five Parishes is an arbitary boundary, and no valid planning reason has been offered as to why it should be maintained.

13.2.2 This recomendation is in accordance with the Draft SEPP-MO viz. "this policy applies to all land within the State which, under an environmental planning instrument, is within a "Rural" or Non-urban" zone or area." (Clause 3.1)

13.3.1 SUB-CLAUSE 22(2)(a)(i). It is recommended that this clause read:

"has an area of not less than that provided, in the relevant zones, in Clause 15 above;"

REASONS and COMMENTS.....

13.3.2 The Draft SEPP-MO proposes that the minimum area be 40 ha. (Clause 6(b)). Policy Three in the DEP "Discussion Paper" accompanying the Darft Policy states however, that:

> "Holdings ... should generally have a minimum area of 40 ha., with an absolute minimum of 20 ha. where such is the prevailing subdivision lot size in the locality."

13.3.3 A minimum area of 20 ha. is proposed in the RS. (p.87).

13.3.4 In the event that the SEPP-MO, should provide an absolute minimum of 10 ha. then we would recommend the use of this figure. This would mean that where subdivision of 10 ha. is permissible under Clause 15 eg. in the Rural 1(c) zone, then MO should be permissible on such a lot.

13.3.5 We draw attention to the situation where there may be existing illegal MO's on an area below 40 ha. which Council wishes to approve. To give Council discretion in this situation, we recommend that a "deemed to comply" provision be included in the DLEP.

13.4.1 SUB-CLAUSE 22(2)(b). It is recommended that this clause be replaced with:

> "Is owned in its entirety in common by at least two-thirds of all adult persons residing on the land or is otherwise owned on behalf of those persons;"
>
> (This is the wording used in IDO 40 - Lismore.)

REASONS and COMMENTS.....

13.4.2 The proposal to require all shareholders to have an equal share is, we submit inappropriate, unnecessary and unreasonable in the circumstances. In the formation stage of a MO there is often the need for members to purchase multiple shares, so as to finance

purchase of the property. The surplus shares being progressively transferred as new members are obtained.

13.4.3 A further reason why multiple shares are appropriate is to meet the needs of parents who wish to hold a share for a child, until they come of age. We support this as a practical and reasonable procedure. The above wording is the same as that used in the DEP Circular 44, (Policy 6). In addition we consider that the present clause has successfully stood the test of time since its introduction in 1980.

13.4.4 The reasons for wishing to change the wording in the DLEP from that used in IDO-40 are not given. If there are extenuating circumstances which Council has encountered in this regard, then we would suggest that there be a "saving" sub-clause to cater for the special circumstance.

13.5.1 SUB-CLAUSE 22(2)(c). We recommend that this clause read:

> "the residential accommodation shall not exceed that reasonably required to house one person for each hectare of land.

REASONS and COMMENTS.....

13.5.2 This wording is recommended in Circular 44 (Policy 7) and is used in IDO-40. We submit that no valid planning reasons have been given to support the change as proposed.

13.5.3 We understand that, in 1980, when the IDO was amended to permit MO in Lismore, the motivation in setting a maximum density was directed more towards prohibiting speculative development than it was to controlling MO density. Within this figure it was considered that settlement would be self regulating; or if Council considered it necessary to impose a maximum density, then this could be determined on the basis of the carrying capacity of the land.

13.5.4 Given all these circumstances, and the opportunity to monitor settlement over a number of years, we consider that the above formula has achieved the primary objective of prohibiting speculative development, while enabling MO settlement density to be worked out on the basis of merit.

For these reasons we support the retention of the above formula.

13.5.5 Alternative Recomendation to that proposed in 13.4.1. above.

The Draft SEPP-MO (Clause 8.) proposes a density formula related to dwellings. If it is desired to use "dwellings" as the unit of measurement, then we recommend that the formula proposed in the Draft SEPP-MO (or gazetted SEPP-MO if available), be the formula used in the DLEP.

13.5.6 It is submitted that if an Investigation Zone or any Environmental Protection Zone apply to MO land, then the area of such zoning should not be deducted, for the purpose of calcuating density in accordance with the provisions of Clause 22.

It is hence recommended that this situation be made clear in Clause 22(2). REASON. To avoid possible confusion in future intrepretation.

13.5.7 With respect to the applicability of rural worker's dwellings on MO, we recommend these be permissible where they meet the provisions of Clause 20 and provided that the maximum density permissible under Clause 22 is not exceeded.

13.6 SUB-CLAUSE 22(3) We submit that a case could arise where an applicant owns two contiguous lots of land, each 40 ha. or more. We do not see any good reason to insist on consolidation in such a case, and suggest that the clause provide exemption to cover such an eventually.

13.7.1 SUB-CLAUSE 22(4) We support the spirit and intent of this clause and are aware that the wording is that used in Circular 44 (Policy 9). We draw attention however, to the note on Policy 9 viz:

> "This policy should not be used to prohibit temporary accommodation associated with teaching or workshops activities proposed for bona fide new settler communities. This clause is designed to prevent exploitation of the policy for commercial purposes not associated with the alternative lifestyles of settlers."

13.7.2 In item 4 above, (refering to DLEP Clause 6. Interperation), we propose amendment to the term "rural tourist facility". It is our desire and intention that the definition of this term, should satisfy Policy 9 in Circular 44. We consider that the key to achieving this is that such development or activity is "ancillary to" the use of the land for MO.

13.7.3 We consider that the provision of a "rural tourist facility", has the potential to generate income, to provide a distinctive and attractive facility, which is consistent with the objectives of the Draft SEPP-MO, and is low key in terms of environmental impact. For these reasons we have been moved to broaden the definition proposed in the DLEP. In so doing however, it is our desire to stay within the terms of the Policy stated above.

13.7.4 On the understanding that a "rural tourist facility", as defined, is a permissible use in zones where MO is permissible then we support the retention of Clause 22(4) in its present form.

13.8.1 MO in an Evironmental Protection Zone, and the Draft SEPP-MO

MO is proposed as a permissible use (with consent) in the Environmental Protection 7(d) - Scenic/Escarpment Zone. We draw attention however to Clause 3 in the Draft SEPP-MO which states that this policy does not apply to land specified in Schedule 1. Schedule 1, specifies the relevant land as being within an Environmental Protection Zone. In a submission to the DEP on the Draft SEPP-MO we drew attention to this situation for their comment. The DEP have replied:

"The proposed state policy does not prevent a council from subsequently bringing in a local plan to allow MO on more sensitive zones if it is considered that such development will not comprimise the objective of the zoning."

14.0 CLAUSE 23 Development Adjoining Arterial Roads

14.1.1 In the DLEP it is proposed that this clause apply to "main" and "arterial" roads. While "main road" is defined in the Model Provisions, "arterial road", is not. In either case we submit, that it is difficult to impossible for a member of the public to know which are the main and arterial roads refered to on the DLEP plan. We also consider that the Council may wish to apply this clause to certain roads, which are not so defined under the Main Roads Act. We hence recommend that the term "designated road" be defined in Clause 6 of the DLEP, and used in Clause 23, in lieu of "main" and "arterial".

14.1.2 We further recommend that such roads be identified on the DLEP map, or otherwise Scheduled. (We draw attention in this regard to the Byron DLEP, which uses a similar procedure to that recommended here).

14.2 It is recommended that "intensive animal husbandry" be added to Schedule 1. REASON. To protect the visual quality of designated roads.

14.3 That "Retail plant nurseries" in Schedule 1, be replaced with "Plant Nurseries". We can see no good reason why wholesale plant nurseries should be a permitted exemption.

14.4 In Schedule 1, Clause 25 should read Clause 23.

15.0 CLAUSE 28 Development Within Zone Environmental Protection 7(a) - Scenic/Escarpment

15.1 It is recommended that the title of this Clause be changed to:

CLAUSE 28 Development Within the Rural 1(a) - Hatched Area

REASON. See comments on the 7(a) and 7(d) Zones above.

15.2 SUB-CLAUSE 28(1). We recommend that this sub-clause read:

"this clause applies to land zoned Rural 1(a) - Hatched, being land which in Council's opinion, has limited capability for development."

REASON. As for 15.1 above.

15.3 SUB-CLAUSE 28(3). In line one, after "The Council shall not", add "consider or". REASON. The wording is such that it may

be read that consent is granted on presentation of a management plan, regardless of the acceptibility of this plan.

15.4 SUB-CLAUSE 28(5)(c). In the last line delete "place" and substitute "road." REASON. The sky is a public place. It is not considered reasonable to require screening from the air.

16.0 CLAUSE 30 Items of Environmental Heritage

16.1 It is recommended that the Heritage items listed in the RS p.31-32 and as shown on the Heritage Map 10, be Scheduled in connection with this Clause. REASON. To positively identify and give recognition to items of environmental heritage.

17.0 CLAUSE 35 Tree preservation

17.1 We support the proposal that tree preservation shall apply to all land, subject to certain exceptions eg. for "wood lots" (for definition see addition in Clause 6), sustainable yield forest harvesting, and declared noxious species etc.

17.2 It appears to us, that the effectiveness of such a policy will depend however, upon a DCP that will provide protection to meet the objective of this clause. We submit that the adequacy or inadequacy of this clause, can only effectively be evaluated in the context of a DCP. We recommend that the production of such a DCP receive a high priority.

17.3 We recommend that the provisions of this clause apply equally to all public bodies and authorities, and in particular to the Northern Rivers Electricity Authority. Where the Crown may be exempt from the provisions in this LEP in respect to tree lopping etc, then we recommend that the Council ensure that the provision of Part V of the EPA Act is strictly followed with the view of achieving a uniform tree protection policy, across the whole of the Council area.

17.4.1 We draw attention to the following statement in the RS p.25:-

> "The Water Act provides that for certain prescribed streams, which include many of those within the Council boundaries, that no person shall damage or remove any tree within 20 m of the bank or bed of any prescribed stream or lake. At present, these provisions are administered by the Soil Conservation Service on behalf of the Water Resources Commission. The Soil Conservation Service has recommended that these provisions be included in any Local Environment plan for rural areas. (Our emphasis).

17.4.2 We wish to state in the strongest possible terms our concern that adequate and effective protection be given to the 20 m area on both sides of prescribed streams.

17.4.3 We propose this protection because:-

* a high percentage of the stream banks are constantly grazed to the stream edge;
* the cumulative area involved if tree covered, could enhance the scenic quality of the landscape;
* stream bank trees help to limit the rate of movement of flood waters;
* stream banks if vegetated, provide important corridors for wildlife (particularly for birds);
* stream bank trees contribute to the stabilisation of the banks and mitigate soil erosion;
* a tree canopy mitigates the effect of frost and helps stabilise water temerature;
* stream bank trees provide shade for recreational activities such as picnicing;

RECOMMENDATION

"That in any zone where agriculture, forestry or other "activities" are proposed as permissible without consent, that the priviso be added '(other than within 20 m on either sides of a prescribed stream)'. That implimentation of this provision be covered in a DCP." (Recommendation 17.1)

REASONS and COMMENTS.....

17.4.4 We submit that this proposal would achieve the above Objective and meet the request of the Soil Conservation Service.

17.4.5 (We would support the Council in any publicity or education programme directed to informing stream bank land owners of the community and environmental benefits that could flow from the rehabilitation of stream banks; not to mention their legal responsibility in this regard.)

17.4.6 We maintain that Council and the community at large, stand to gain if stream banks are rehabilitated in this way. We therefore submit that it is in Council's interest to take appropriate action as requested by the Soil Conservation Service.

17.4.7 While we support the statutory 20 m. wide protection of stream banks, we wish to register that from an environmental point of view, this is but a nominal figure. We note that the Nature Conservation Council of NSW recommend on ecological grounds that this strip be 40 m. wide. We understand that the actual width needed at any particular point, may vary depending upon a number of factors including: water flow characteristics; soil fertility and erosion pattern; nature and range of local flora and fauna; micro climate; latitude and altitude. For these reasons we support the recommendation that the strip be 40 m wide.

RECOMMENDATION

"That for the purpose of planning, a strip 40 m wide on both sides of prescribed streams, be suitably protected. That if it can be shown in any particular case, that a lesser width is appropriate, that this width may be reduced with consent, down to a minimum of 20 m." (Recommendation 35.1)

COMMENT. If this recommendation is accepted then we would see that the 20 m figure in Recommendation under item 17.4.3 above, be increased to 40 m.

18.0 CLAUSE 38 Suspension of Certain Laws, etc.-

18.1 We recommend that this clause be written in plain English for ease of comprehension.

18.2 The Plain English Version of this clause implies that the express purpose of the clause is to permit certain cladding on buildings. If this is the sole intention then we recommend that the clause be worded accordingly. If this is not the case then the wider ramifications should be conveyed in the Plain English Version. As it stands the descrition in the Plain English Version is deceptive.

.....

RECOMMENDTION

"That the following Clauses as amended, be adopted:-

Clause 11. 'Development Which Must be Advertised'
Clause 15. 'Subdivision of Rural Land'
Clause 16. 'No title'
Clause 17. 'Minimum Allotments for Horticultural Land Use'
Clause 20. 'Rural Worker's Dwelling'
Clause 21. 'Rural Dual Occupancy'
Clause 22. 'Multiple Occupancy'
Clause 23. 'Development Adjoining Arterial Roads'
Clause 28. 'Development Within Zone Environmental Protection 7(a) - Scenic/Escarpment'
Clause 30. 'Items of Environmental Heritage'
Clause 35. 'Tree Preservation'
Clause 38. 'Suspension of Certain Laws, etc.'"

(Recommendation 40.1 [Clauses 11, 16, 17, 20, 21, 22, 23, 28, 30, 35, 38.])

---------- End of Part C ----------

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Part E. SUMMARY LIST OF RECOMMENDATIONS

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GENERAL

"That a public enquiry be held into the Draft LEP under s.68 of the EPA Act utilizing the services of the Commissioners of Inquiry." (Recommendation 1.1)

.....

"That if possible, the draft DCP's (currentlty being prepared) be placed on public exhibition before Council makes a final decision on the LEP." (Recommendation 1.2)

.....

"That if possible, a tourism strategy be prepared before Council makes a final decision on the LEP and that this strategy takes into account the Draft REP (particularly with respect to tourism), the Mt. Warning Caldera Management Plan and other recent documents on tourism." (Recommendation 1.3)

.....

"That if possible, the policies for new sewerage systems in villages and rural roads under Council's jurisdiction, be reviewed in terms of Part V of the EPA Act before Council makes a final decision on the LEP." (Recommendation 1.4)

.....

CLAUSE 2.

"That Council give definition to its perceived 'regional' role while the LEP is still in the Draft stage." (Recommendation 2.1)

.....

"That clause 2 of the Draft LEP be rephrased to give effect to separate aims and objectives for the 'urban' area, and the 'rural' area." (Recommendation 2.2)

.....

"That definition be given to the desirable upper limits of growth for the Lismore urban centre and acknowledgement of this be made in the relevant zone objectives." (Recommendation 2.3)

.....

CLAUSE 6.

"That amendements to Clause 6 'Interpretation' as detailed, be adopted." (Recommendation 6.1)

.....

CLAUSE 7.

"That amendments to Clause 7 'Adoption of Model Provisions' as detailed, be adopted." (Recommendation 7.1)

.....

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Part D. COMMENTS ON THE "DRAFT ZONE LAND USE TABLE"
WHERE THESE HAVE NOT BEEN ADDRESSED IN Part C

****

18.1.0 In respect to Zone 1(a);

18.1.1 If "non-intensive agriculture" means "non- intensive animal husbandry" then we suggest the later term be used; but if not then the former term should be defined.

18.1.2 "plant nursery" has not been defined. (See our proposal for its inclusion in Clause 6.)

18.1.3 "timber yard" does not appear to be defined. If this is to be retained then perhaps it should be defined.

18.1.4 Comments on other terms are made in the Rural 1(a) Zone in Part C above.

18.2 In respect to Zone 7(a), comments have been made in Part C above.

18.3 In respect to all Zones, we submit that "Home Occupation" should be permissible without consent wherever a dwelling catagory is permissible, in accordance with the recommendation in the Draft REP and the priviso in the Model Provisions.

18.4 In respect to all Zones where "agriculture" and "forestry" are shown as permissible without consent, then these should read "agriculture (other than within 20 m on either side a prescribed stream)" and "forestry (other than 20 m on either side of a prescribed stream". For reasons see our comments in Clause 35 above.

18.5 In respect to all Zones we question why "public utility undertaking" has been omitted from the Land Use Guide.

---------- End of Part D ----------

.....

CLAUSE 9.

"That amendments to Clause 9 'Zone Table' as detailed, be adopted." (Recommendation 9.1)

.....

CLAUSE 10.

"That the following new clause be added to Division 3:-

Development on Ridgetops

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

(2) The Council shall not consent to the carrying out of development on or near any ridgeline on land to which this plan applies where in its opinion that development is likely to significantaly detract from the visual amenity of the area." (Recommendation 10.1)

.....

"That the following new clause be added in Division 3:-

Development Adjoining Wetlands

(1) A person shall not clear, drain, excavate or fill land to which this clause applies without the consent of Council.

(2) The Council shall not consent to the carrying out of development on or adjacent to land within Zone 7(a) unless it has taken into consideration:-

(a) the likely affects of the development on the flora and fauna found in the wetland;

(b) the likely affects of the development on the quality and quantity of the water table; and

(c) the effect on the wetlands due to any proposed clearing, draining, excavation or filling."

(Recomendation 10.2)

.....

"That the following new clause be added in Division 3:-

Development in Certain Water Catchment Areas

(1) This clause applies to the land zoned Environmental Protection 7(c) - Water Catchment assocaited with the Mulgum Creek Dam and the Rocky Creek Dam.

(2) No development shall be permitted in the land specified in sub-clause (1), other than passive recreation."

(Recommendation 10.3)

.....

.....

"That the 7(a) Zone in its present form be deleted, and that a new Environmental Protection 7(d) - Scenic/Escarpment Zone be delineated, consisting of an area more in keeping with that shown in the RS paper and the balance of the area be amalgamated with the Rural 1(a) Zone." (Recommendation 10.4)

.....

"That if the Council proposing to make significant changes either to the provisions or areas of the 1(a) or 7(a) Zones to that proposed in the DLEP, then Council gives all those who have made a submission on the DLEP the opportunity to comment on the new proposals, before Council makes a final decision to submit the DLEP for approval." (Recommendation 10.5)

.....

"That any private land offered and accepted for any environmental protection zoning, be elligible for consideration as "dedicated land" for the purpose of a s.94 contribution." (Recommendation 10.6)

.....

"That amendments to Clause 10 'Zone Objective and Development Control' as detailed, be adopted." (Recommendation 10.7)

.....

CLAUSE 17.

"That in any zone where agriculture, forestry or other "activities" are proposed as permissible without consent, that the priviso be added '(other than within 20 m on either sides of a prescribed stream)'. That implementation of this provision be covered in a DCP." (Recommendation 17.1)

.....

CLAUSE 35.

"That for the purpose of planning, a strip 40 m wide on both sides of prescribed streams, be suitably protected. That if it can be shown in any particular case, that a lesser width is appropriate, that this width may be reduced with consent, down to a minimum of 20 m." (Recommendation 35.1)

.....

CLAUSES 11, 16, 17, 20, 21, 22, 23, 28, 30, 35, 38.

"That the following Clauses as amended, be adopted:-

Clause 11. 'Development Which Must be Advertised'
Clause 16. 'No title'
Clause 17. 'Minimum Allotments for Horticultural Land Use'
Clause 20. 'Rural Worker's Dwelling'
Clause 21. 'Rural Dual Occupancy'
Clause 22. 'Multiple Occupancy'

Clause 23. 'Development Adjoining Arterial Roads'
Clause 28. 'Development Within Zone Environmental Protection 7(a) - Scenic/Escarpment'
Clause 30. 'Items of Environmental Heritage'
Clause 35. 'Tree Preservation'
Clause 38. 'Suspension of Certain Laws, etc.'"

(Recommendation 40.1 [Clauses 11, 16, 17, 20, 21, 22, 23, 28, 30, 35, 38.])

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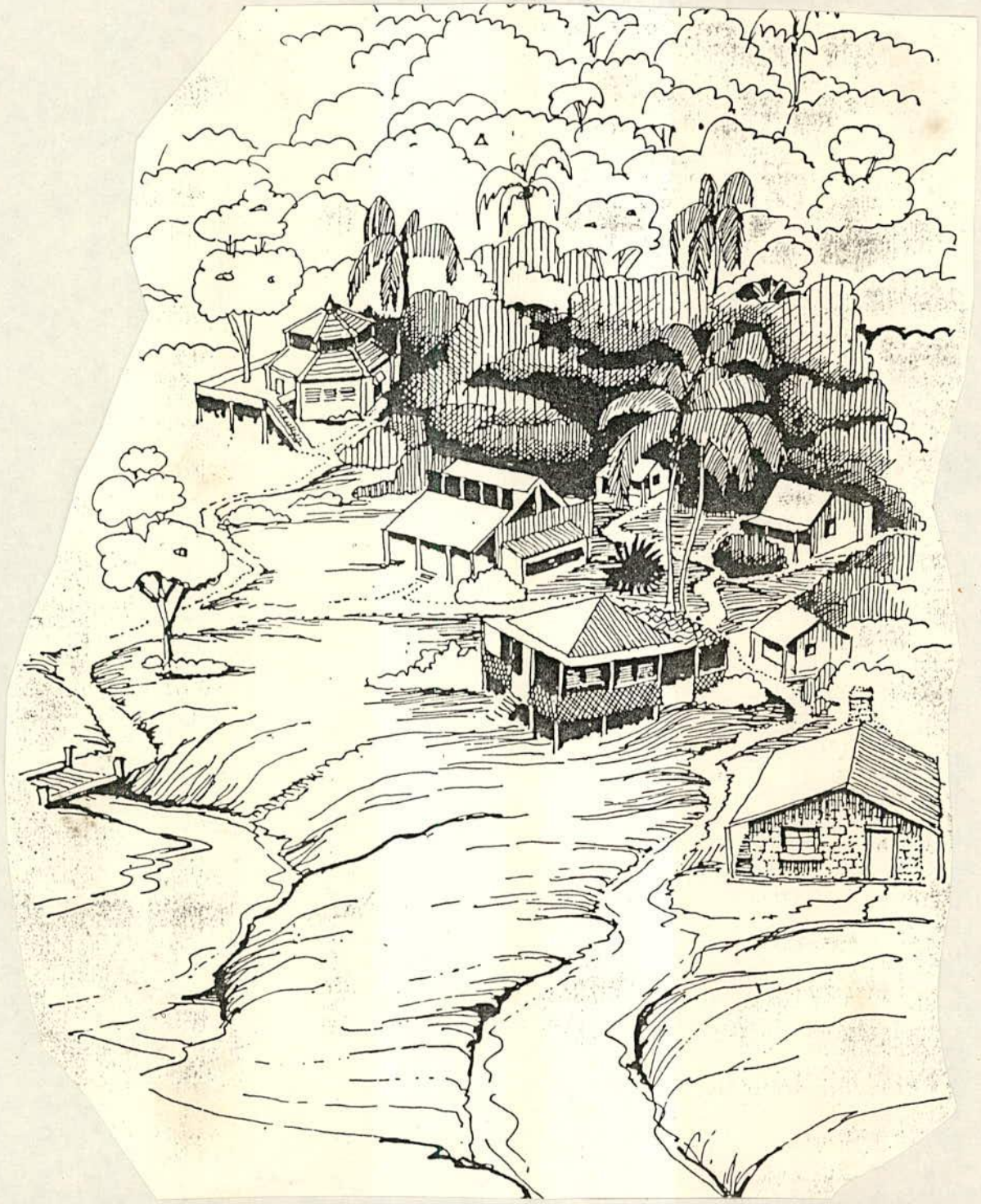
This submission is made in respect to the following clauses: 2, 6, 7, 9, 10, 11, 16, 17, 20, 21, 22, 23, 28, 30, 35, 38.

********** End of Part E **********



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Part F. APPENDIX

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APPENDIX 1.

PRELIMINARY CHECKLIST OF ITEMS FOR CONSIDERATION

IN THE PREPARATION OF A D.C.P. - EXTRACTIVE RESOURCES

1. NEW QUARRIES AND LIKE EXTRACTIVE WORKS

That all new quarries etc, on public or private land shall:-

* submit a DA in accordance with the provisions for "designated development";

* comply with the DEP's "Requirements Regarding Environmental Impact Statement For Extractive Industries";

* meet the proposed objectives for "Extractive Industry" in the Draft REP.

That before approving development Council shall consider the desirability of imposing condition such as the following:-

have top soil saved and stored in a suitable condition, for use in rehabilitation;

have a land form on completion of the use of the site, that is compatible with the surrounding natural land form;

have a drainage system that melds with the prevailing natural drainage system;

provides access to the "rear" of the site;

is such that no final vertical quarry face is visible from a public road or by neighbours.

That rehabilitation of a quarry include:-

the final slope, batter or face; to contain "pockets", holes, ledges, terraces or the like, permiting vegetation to be planted, take root and be maintained;

replanting with appropriate flora, preferably using local species;

all necessary steps to prevent soil erosion;

all necessary steps to provide public safety (including the provision of fencing where there is a steep face or where stock may be present);

that there be provision for watering, maintenance (eg. replacement due to loss) and general nuture until vegetation is well established (viz. this may require an ongoing obligation for a number of years);

provision when considered necessary, for a bond against default.

2. EXISTING QUARRIES AND LIKE EXTRACTIVE WORKS

Where there are existing quarries etc. consideration be given to the following:-

extraction from all "unlawful" quarries cease until there is an approved DA;

Counci's Policy (K4) viz "Council shall extract only from approved pits (ie. those given Council development consent)", be fully implimented;

where there is extraction under "existing use" rights which is inconsistent with the LEP and DCP, then every effort be made to arrive at a management plan consistent with the DCP;
time;

owners of unapproved quarries with "existing use" rights, be advised at what point further extraction would constitute an "intensification" of use under the EPA Act and would then require the submission of a DA.

APPENDIX 2.

ALTERNATIVE OPTIONS CONSIDERED IN SELECTING A PROPOSED ENVIRONMENTAL PROTECTION 7(d) SCENIC/ESCARPMENT ZONE

1. In selecting a proposed new 7(e) Scenic/Escarpment Zone, three options have been considered. (The reasons for recommending the deletion of the 7(a) Scenic/Escarpment Zone as proposed in the DLEP, are given in Clause 10 above.)

The following three options are considered:-

1.1 OPTION (A), to retain the 7(a) zone (less the new 7(e) and any other environmental protection zones), modify the attached conditions, and expand the method used to determine the perimeter of same.

1.2 OPTION (B), to discard the 7(a) zone and amalgamate this (less the new 7(e) and any other environmental protection zones), with the Rural 1(a) zone.

1.3 OPTION (C), to discard the 7(a) zone and amalgamate this (less any environmental protection zone areas) with the General Rural 1(a) zone. That an area of "limited capability for development" be determined and shown as a hatched area.

Details of these three option are given below:-

2.1 OPTION (A) ....TO RETAIN THE 7(a) ZONE AND MODIFY THE TERMS.

2.2 In this option the 7(a) zone may be seen to be an intermediate zone between the Scenic/Escarpment 7(d) zone and the General Rural Zone 1(a).

2.3 If retained, the objectives of this zone would in our view, need to be extensively amended.

2.4 Generally it is seen that this zone would consist of the steep timbered foothills to the escarpments and ridgelines.

3.1 OPTION (B) .....TO DISCARD THE 7(a) AREA AND AMALGAMATE IT WITH THE RURAL 1(a) ZONE

3.2 In this option it is proposed that the remainder of the 7(a) zone be amalgamated with the Rural 1(a) zone. This arrangement would approximate to the present situation under IDO-40.

4.1 OPTION (C) .....TO DISCARD THE 7(a) AREA AND AMALGAMATE IT (less any environmental protection zones) WITH THE RURAL 1(a) ZONE. THAT AN AREA OF "LIMITED CAPABILITY FOR DEVELOPMENT" BE DETERMINED AND SHOWN AS A HATCHED AREA.

4.2 In this option the 7(a) zone is discarded as a separate zone, the remainder of the area (after allowing for environmental protection zones), is amalgamated with the Rural 1(a) Zone. An area of "limited capability for development" be determined, and shown as a hatched area. The terms of this "limitation" to be specified in the LEP.

4.3 A variation of Option A and Option C, is to change the zone from an Environmental Protection Zone to a Rural Zone eg. Rural 1(g) - Agricultural/Scenic Zone.

CONCLUSION

5.1 Option (A) is rejected, because the amendments that we see should be in place, are such that the provisions would be similar to those in the Rural 1(a) zone. This being the case, we do not see that a separate zone is appropriate, or necessary.

5.2 Option (B) is rejected, because we view that there are areas in the foothills to proposed Scenic/Escarpment 7(d) zone, that have but a "limited capability for development".

5.3 Option (C) has been selected as our preferred choice, because we consider that the proposed land use in the two areas are essentially the same. Any differences between these two areas we submit, are in effect one of degree, and hence do no require or justify a separate zone.

RECOMMENDATION

"That the 7(a) zone as proposed in the DLEP, be deleted and a new 7(d) Scenic/Escarpment Zone be created to provide protection for the precise scenic and escarpment features. That the remainder of the 7(a) zone be amalgamated with the Rural 1(a) zone. In the Rural 1(a) zone an area of "limited capability for development" be determined, and shown as a hatched area."

---------- End of Part F ----------

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R U R A L R E S E T E L E M E N T T A S K F O R C E

BACKGROUND TO THE RRTF
SUBMISSION ON THE LOCAL ENVIRONMENTAL PLAN
Lismore Council

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The RRTF submission on the Draft Local Environmetal Plan has been prepared not just in the context of commenting on the Draft LEP as a stand alone document (where we expect our comments may not have a great deal of impact), but in the broader context:

* of laying the ground work for a submission to a public hearing (where we expect our comments may have more impact), or in the event of the Council not deciding to hold a public hearing, then to the Council,

and * of preparing the basis for a submission to the DEP at the time they will be considering the Draft Plan when submitted by Council. (Where we would expect to receive a better hearing).

and * to address many of the "unspoken, values, attitudes and beliefs underlying the "justification" for the inclusion or exclusion, of certain proposals in the Draft LEP. Issues which stand out in the regard include:

that infinite growth is a desirable and practical objective, (Variations of this are that "quality" is dependent upon "quantity" and that the resources of the earth are not finite.)

that rampant tourism, would be a good thing,

that the rural area of Lismore is as yet, the undeveloped suburban area for the central business district,

that the only contribution that Aborigines have to make is contained in the archeological record,

that the only good road, is a sealed road,

that having disused quarries leaving a major scar on the landscape, is a fact of life,

that town sewerage is desirable for all villages as a self evident fact,

that the town supply of electricity is necessary for an acceptable quality of life.

and * of working towards the formulation of our own polices that are environmentally responsible, ethically acceptable and socially appropriate (now and for the days that lie ahead).

Our submission has been prepared with the objective of meeting the above criteria.

If there is an Inquiry we will be able to elaborate on our submission and submit additional material and suggestions. Your comments on our submission and information on planning issues which you consider have not been adequately addressed in the Draft LEP, would be appreciated.