

MASTER

*The Council of the City of Lismore*

*Council Chambers*

*43 Oliver Avenue, Boonellabak, N.S.W.*

TELEPHONE (066) 25 0500  
FACSIMILE (066) 25 0400

P.O. BOX 23A,  
LISMORE, 2480  
DX 7761

ALL COMMUNICATIONS TO  
GENERAL MANAGER

IN REPLY PLEASE QUOTE



CONTACT Mr Scott-250500

MRS:MR: DA93/754

Planning Services

28th April, 1994

**Environmental Planning and Assessment Act, 1979.**

**NOTICE TO APPLICANT OF DETERMINATION OF A  
DEVELOPMENT APPLICATION**

Application No. 93/754

To: Jonathan  
PO Box 11  
ROCK VALLEY 2480

on behalf of KA Haeusler, TL Haeusler, A & P Hoang, PR Wisdom, MP & JT  
Doohan, AG Doohan, VP Stott, G Pless, CA Steel, AM Dick and Theana.

Pursuant to Section 92 of the Environmental Planning and Assessment Act, notice is hereby given of the determination by the Council of your application received 21/12/93 for the following development:

A multiple occupancy development of rural lands comprising the establishment of sixteen (16) dwelling sites, including a community building and relating to Lot 41 DP 802597, 136 Davis Road, Jiggi.

The development application has been **REFUSED**.

The reasons for the refusal are:

- 1 The development could adversely impact on existing water quality and the land is unsuitable for on-site disposal of effluent, as proposed in the application.
- 2 The proposed density of settlement constitutes an overdevelopment of the land given the site stability problems and the visual prominence of a number of the dwelling locations.
- 3 The application does not comply with Section 77(1)(b) of the EP & A Act 1979 (as amended). One of the shareholders has not signed the application and consent has not been given by the owner of Lot 1 DP 822865 for the use of his land in association with this application.
- 4 The development does not comply with Council's Development Control Plan No. 27 - Buffer Areas, particularly in relation to adequacy of separation of dwellings from adjoining agricultural land uses.
- 5 The development will have an adverse impact upon the residential amenity of adjoining land holders and residents in the locality.



- 6 A substantial number of the proposed dwellings are in visually prominent locations and will have an adverse impact on the scenic and landscape qualities of the locality.
- 7 That the character, density and location of dwelling sites proposed within the development are inconsistent with the character, location and density of existing residential settlement of the locality.
- 8 That the land is subject to slip and high bushfire risk. A significant number of proposed dwelling sites are unsatisfactory because of landslip hazards.
- 9 That insufficient consideration has been given to impacts on and from adjoining development, in particular the existing dairy to the south of the development land.
- 10 Erosion and landslip hazards will adversely affect the internal road system and proposed dams.
- 11 That the development (in particular internal access roads and potential dam sites) is likely to exacerbate soil erosion problems.
- 12 Approval of the development is not in the public interest as evidenced by the extent of public objection.
- 13 The development is inconsistent with objectives (B) and (C) of the General Rural Zone 1(a), Lismore City Council LEP 1992, as relate to:
  - a) pattern of settlement which does not adversely affect the quality of life of residents and visitors and the maintenance of a rural character, and
  - b) ensuring development on land which is suitable and economically capable of the development and so as not to create conflicting uses.
- 14 The proposed dwellings have inadequate setback to adjoining agricultural uses and create a potential for conflict with those agricultural uses.
- 15 Several dwelling sites and associated improvement areas encroach onto or adversely affect agricultural use of land identified as prime agricultural land.
- 16 The development does not comply with Clause 2(c)(ii) of SEPP #15 as relates to the issue of separate title and subdivision.

In accordance with the conditions of Section 93, this decision is effective from 28/4/94 unless an appeal is lodged in accordance with Section 97.

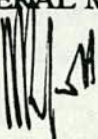
Your attention is drawn to extracts from the Act printed on the attached sheet.

Yours faithfully,

P T Muldoon  
**GENERAL MANAGER**

per:-

enc





# *The Council of the City of Lismore*

*Council Chambers  
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GENERAL MANAGER

IN REPLY PLEASE QUOTE

MRS:MR: DA93/754.....

CONT **Mr Scott-250500**

..... **Planning Services** .....

**April 28, 1994**

Peter Hamilton  
**BYRON BAY NSW 2481**

*1/50 Paterson St*

Dear Sir/Madam,

Reference is made to your letter making a submission in respect to proposed development at Lot 41 DP 802597, 136 Davis Road, Jiggi.

In accordance with Section 95, of the Environmental Planning and Assessment Act, 1979, you are advised that the Council has determined the application by **REFUSING** consent.

The development consented to is not designated development as defined by Section 98 of the Environmental Planning and Assessment Act, 1979. The Act provides no provision for appeal by persons who have made submissions to the Council.

A copy of the notice of determination forwarded to the applicant and notes on the relevant parts of the Act are attached for your information.

Yours faithfully

P T Muldoon  
**GENERAL MANAGER**

per:-



enc



LISMORE CITY COUNCIL  
INFORMATION RELATING TO COUNCIL'S DEVELOPMENT CONSENT

For Other than DESIGNATED DEVELOPMENT  
Decisions Under the Environmental Planning and Assessment Act

Date from which Consent Operates

Section 91 of the Environmental Planning and Assessment Act provides that the consent shall become effective and operate from the date endorsed upon the notice, except in the case of designated development to which objections have been lodged, when the consent shall become effective 28 days after the consent is issued.

Where an appeal is lodged, either by the applicant or an objector in respect to designated development, the consent shall cease to be and not become effective until the appeal has been determined.

The consent shall be void if on appeal the development is refused.

Appeal by Applicant

Section 97 of the Act confers on an applicant who is dissatisfied with the determination of the consent authority, a right to appeal to the notice. If such an appeal is made, that Section entitles each person who objected against designated development under Section 87 of the Act, to be given notice of that appeal and, upon application being made to the Court, to be heard at the hearing of the appeal.

Appeals by Third Parties

There is no provision within the Act for a third party (objector) to appeal against the consent issued by the Council.

Lapsing of Consent

Where any person claims that the issue of a consent has been incorrectly granted or otherwise is invalid, action may be taken in accordance with Section 123 of the Act within three months of the public notice of the issue of the consent.

Section 99 of the Act provides that a consent shall lapse unless the development has commenced within two years of the date of the consent unless the Council has, before lapsing of the consent on application, extended the period to three years. Where development has been commenced, but the work not completed within the specified time, the Council may issue a notice requiring completion of the work within a specified time, being not less than twelve months.

Decisions Under the Local Government Act

Appeal by Applicant

Section 341 provides that any applicant who is aggrieved by any decision of a Council on his application under Part 12, Subdivision, may lodge an appeal with the Court.

---

For further explanation or details of the precise procedure and conditions, reference should be made to the respective Acts or contact the Council's Planning Department or your legal advisor.

Appeal forms are available from the Court of Petty Sessions.



Jiggi DA.

Subdivision

In publicity is shown as

- as area 4th

, or, - is shown as location

Malcalans letter says this and  
Newport's view of OK. for 2nd lot,  
is conditional upon agreement.



Di 20/4/94 (after meeting) Jiggi DA

The legal opinion (saying re Fin-C that a CT to a member is a breach of the Policy) presented via a Mayoral minute, as an additional ground for refusal.

Public access: 2 for, 2 against.

Resolution: To adopt the Mayoral minute, inscribe this as grounds for refusal, and refuse the DA. Carried unanimously.

Ms 822

~~For more information on the DA~~

Jonathan had rung Di at 7am this morning



13/4/94

## Refusal Grounds.

Jonathan DA  
To go to meeting.  
12.4.94

- { 60 petitions + petitions
- { 4 in support (from outside the area)

- ownership.

o 19(1-b) Act

o Not signed DA by stat.

o Can't not sign by

Houston has not signed for "as"  
through property.

Dr. Derrida - our developer.

o Buffer/DCP not met.

Generally environmental grounds inadequate.



10/3/94

MO

Malcolm Scott re Jonathan DA

① 7(1)(g) slope 18° or not more 20% 25

② Subdivision? Reply  
my letter? Next week hopefully  
being handled by Malcolm.

③ Jonathan creation of a falsis.  
1994 1994 Part XII Interpretation Subdiv.  
(c) proceeding = "falsis" under RPA Act.

1/ Malcolm says he has both CT's / was  
given same by an objector (who first or  
displey, but significance seems not to be  
appreciated)

I drew this to his attention. & Part XII  
"Subdivision" (c) 'creation of a falsis'.  
He agrees that on general reading would seem  
to be a breach.



THE COUNCIL OF THE CITY OF LISMORE

OLIVER AVENUE, GOONELLABAH, LISMORE

DEVELOPMENT APPLICATION

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

SECTION 77 (3)

To: The Town Clerk

P.O. Box 23A

Lismore N.S.W 2480

DX 7761 Lismore: FAX 25 0400

Telephone (066) 25 0500

OFFICE USE ONLY

File No.:

Assessed Fee:

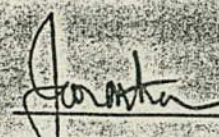
Receipt No.:

Property No.:

1  
A  
P  
P  
L  
I  
C  
A  
N  
T

Name: ..JONATHAN..and..THEANA.....  
block letters please  
Property  
Company Name: ..JIGGI COMMUNITY.....  
(if applicable)  
Full Postal Address: ..P.O. BOX 1029 LISMORE 2480.....  
Postcode: ..2480.....  
Telephone: Area Code: ..066 Home: ....880..176. Business: .....

I hereby apply for consent to  
carry out the development  
described below



SIGNATURE OF APPLICANT  
or person signing on behalf of  
applicant.

2  
O  
W  
N  
E  
R  
(S)

Name: ....SEE ANNEXURE SHEET.....  
Full Postal Address: ..P.O. BOX 1029 LISMORE.....  
Postcode: ..2480.....  
Telephone: Area Code: ..066 Home: ..880..176.... Business: .....

I, being the owner of the land to  
which the application relates,  
hereby consent to the making of  
this application.

SIGNATURE OF OWNER(S)

3  
L  
A  
N  
D

N<sup>o</sup>: ..41... Street/Road: .....DAVIS RD..... Suburb/Locality: ...JIGGI.....  
Lot N<sup>o</sup>: ..41... DP: .....802597... Area: ..58.09 HA metres<sup>2</sup>/hectares  
Parish: ..NIMBIN..... Assessment N<sup>o</sup>: ...../...../...../.....

4  
D  
E  
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T

Description of proposal for which development consent is sought (e.g. new building, subdivision):  
.....MULTIPLE OCCUPANCY OF 16 DWELLINGS..... COMMUNITY STORE/HALL.....  
INFORMATION CENTRE, RECYCLING CENTRE, WORKSHED, MACHINERY  
AND STORAGE SHED.  
Proposed use of building/land: .....MULTIPLE OCCUPANCY..... 16 DWELLINGS.....  
Description of all existing development or other activity for which the land is presently used  
(e.g. dwelling, vacant): .....VACANT LAND.....



5

C  
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T

Estimated cost of the development (where it involves the erection of a building or the carrying out of work)

\$ .....

Note: Estimate will be checked against current Building Cost Indices.

6

I  
M  
P  
A  
C  
T

Environmental Impact of the development.

The application is to be accompanied by either:

- ☐ (a) an environmental impact statement (in the case of designated development only)
- ☐ (b) a statement of environmental effect (see notes)

The Development Application addresses all

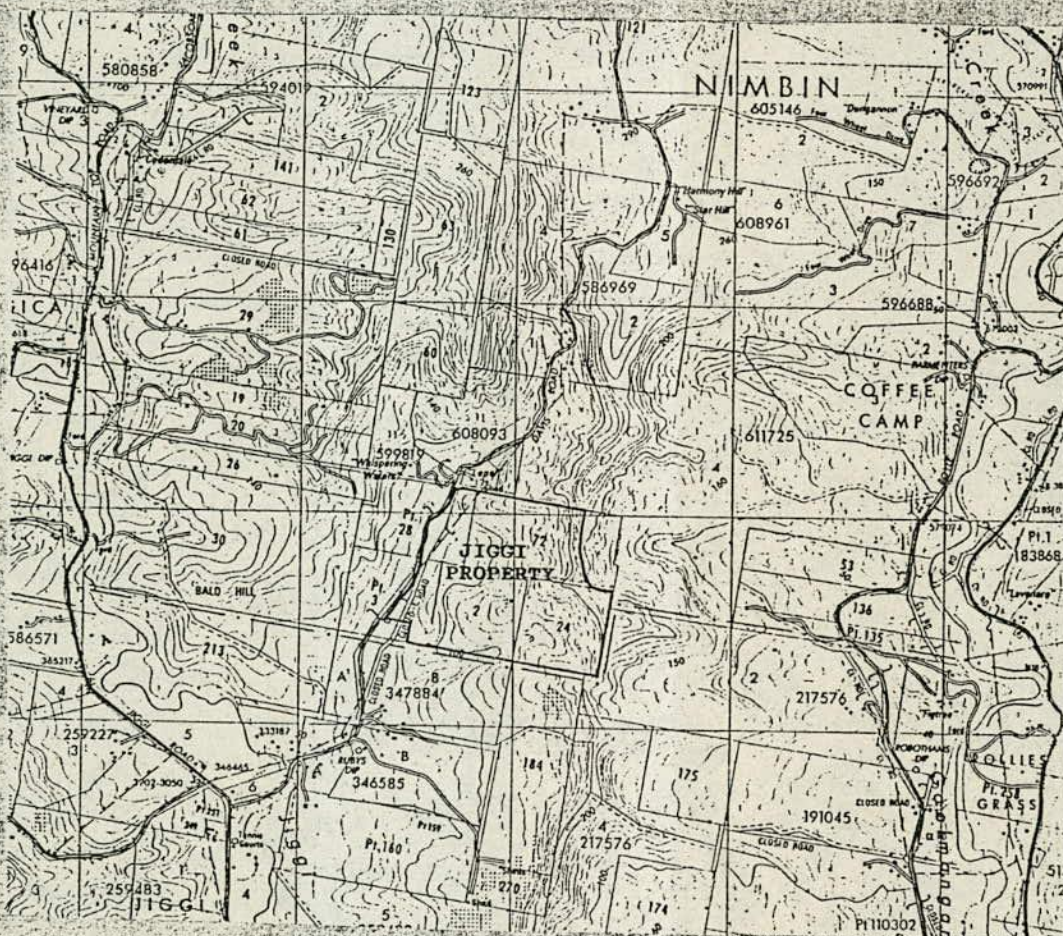
☐ delete which ever is inapplicable Environmental issues

7

S  
I  
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S  
K  
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H

Locality Plan (locate north by arrow)

Please provide a rough sketch of the locality of the land to which this application refers (including cross streets).





# ANNEXURE SHEET

DEVELOPMENT APPLICATION FOR MULTIPLE OCCUPANCY

AT - LOT 41 DAVIS RD., JIGGI

DP - 802597

## OWNER

## SIGNATURE & DATE

KYLIE ANN HAEUSLER

K. Haessler

TANYA LEE HAEUSLER

T. Haessler

Arron + Pam HOANG

Haessler + P. Hoang 1/3/93

JONATHAN

Jonathan 3/3/93

Heana

Heana 3/3/93

Peter Robert Wisdom

P. Wisdom 3/3/93

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NB This DA defective in that not all  
share holders have signed!!!



DEVELOPMENT APPLICATION FOR

MULTIPLE OCCUPANCY OF RURAL LAND

AT Lot 41 DAVIS ROAD, JIGGI

CITY OF LISMORE SHIRE

PARISH OF NIMBIN

COUNTY OF ROUS

LOT 41

DP 802597

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## INTRODUCTION

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This application is for the approval of a Multiple Occupancy of sixteen dwellings at the property identified as Lot 41 Davis Rd., Jiggi.

This Application has been prepared based on the requirements of State Environmental Planning Policy No. 15 - Multiple Occupancy of Rural Land, specifically:

AIMS, OBJECTIVES etc., page B11 - 15, 2.;

INTERPRETATION, page B11 - 16, 5. (1);

MULTIPLE OCCUPANCY, page B11 - 17, 7. (1);

MATTERS FOR COUNCIL TO CONSIDER, pages B11 - 18 & 19, 8 (1), (a) - (r) and 8 (2), (a) - (f).

Guidelines for the Submission of Development Applications

(included in the Development Application form) have been used as a guide. Other references are listed on page 10. Departmental consultations are listed on page 10. Correspondence with various Departments follows the main body of the Application.

Five copies of EXISTING SITE PLAN and five copies of THE PROPOSED DEVELOPMENT are included with the Application. Seven copies of the complete D.A. are available for presentation to the various relevant departments.

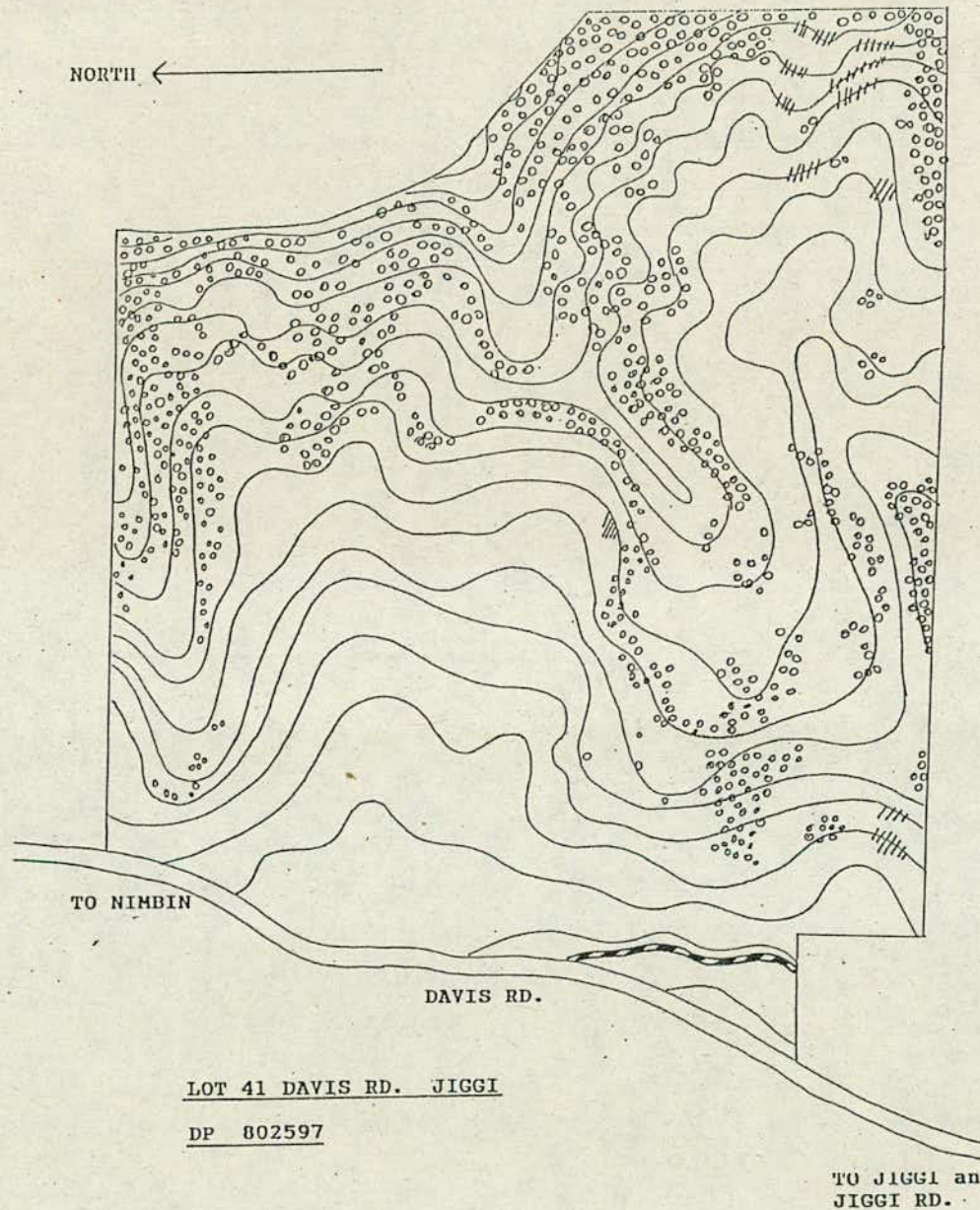
It is proposed that this Development Application be adopted as the property's initial COMMUNITY LAND MANAGEMENT POLICY after Council approval.

## INTRODUCTION CONT.

Page 2

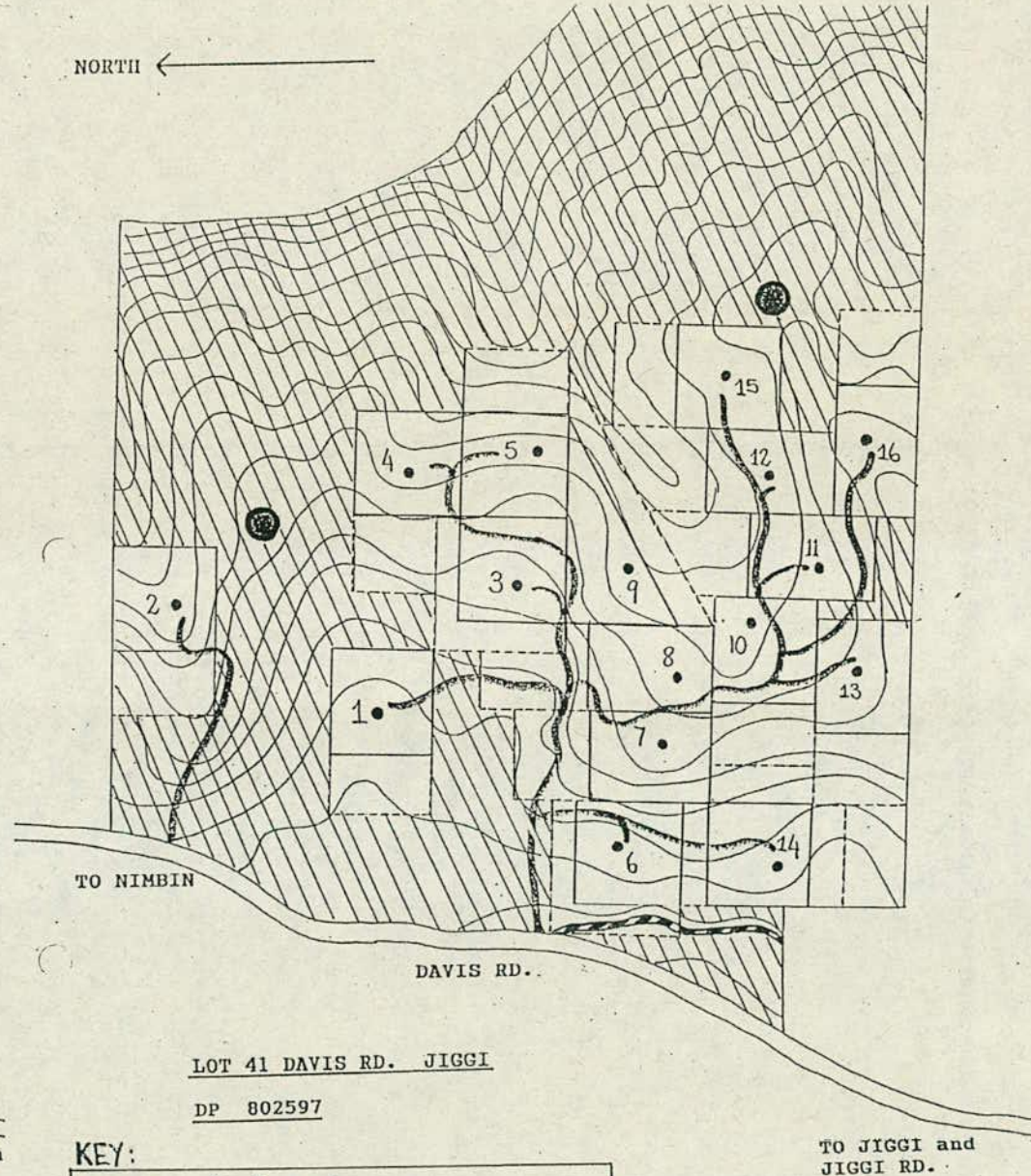
Share holders have been given adequate opportunity to view the Application, discuss proposals, make suggestions for alterations and/or additions, and have signed the Application. Copies of the Development Application (D.A.) have been made available to present share holders. The D.A./Community Land Management Policy will be made available for perusal and signing by new share holders prior to becoming community members.





# KEY:

SCALE: 1 : 5,000	AREA: 58.09 HA
Native forest areas. Possible bushfire risk.	BOUNDARY DIMENSIONALS:
Generally clear areas with scattered timber	North: 617.70m
Ship areas	South: 1137.87m
Un-named creek	East: 838.45m
	West: 668.65m



# KEY:

SCALE: 1 : 5,000

- DWELLING SITES WITHIN 10,000sq METRE "HOME IMPROVEMENT" AREAS and ATTACHED MANAGEMENT AREAS.
- COMMON LAND AREAS
- COMMUNITY DAMS
- PROPOSED ACCESS ROADS

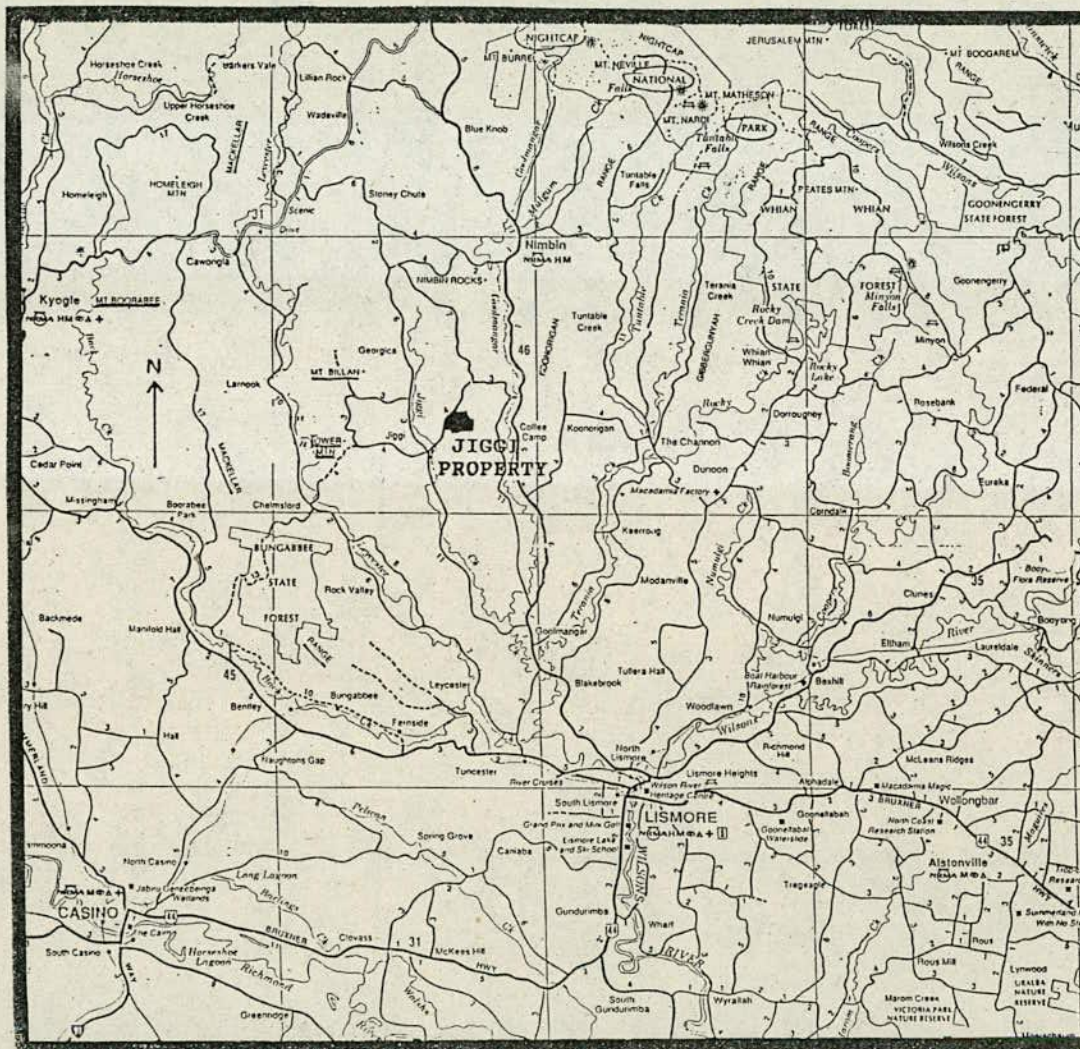


# PROPERTY DESCRIPTION

Page 5

**LOCATION** 24 km north of Lismore on Davis Rd., at Jiggi; 18 km south west of Nimbin; 38 km south east of Kyogle.

**ACCESS** Sealed road from Lismore to the Davis Rd. intersection on Jiggi Rd. Access to Nimbin and Kyogle have sealed and unsealed sections of road.

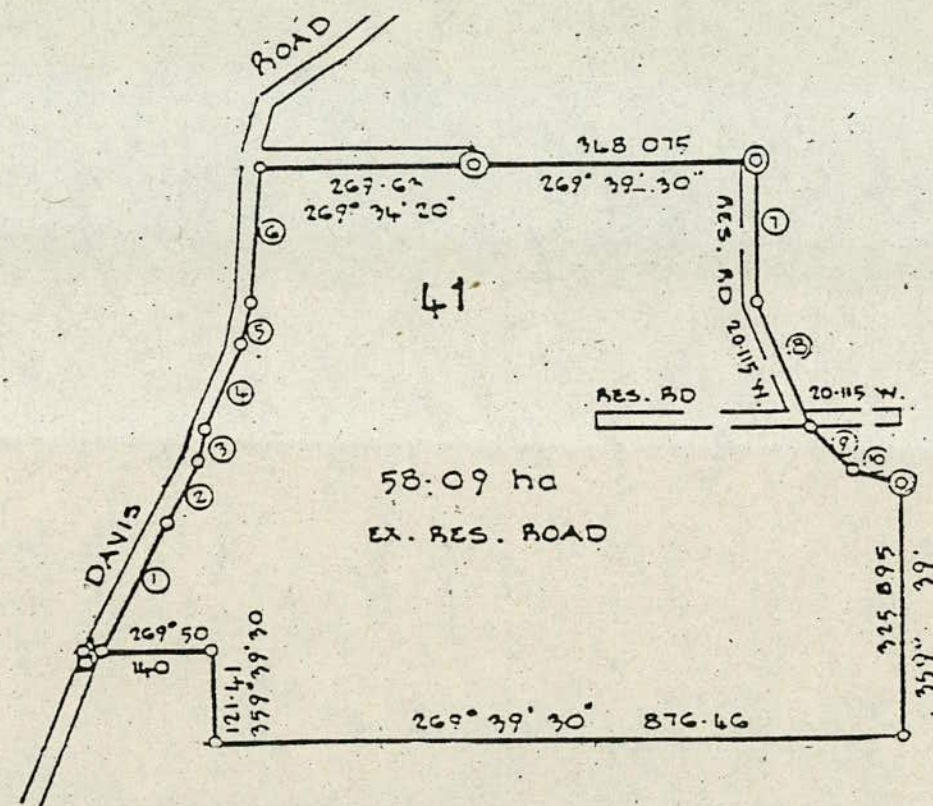


# PROPERTY DESCRIPTION

Page 6

**AREA/SIZE** 58.09 hectares/143.54 acres  
Boundary measurements are as follows:

SOUTH	1137.87m
NORTH	617.70m
EAST	838.45m
WEST	668.65m





## TOPOGRAPHY

Steep to gently sloping from the east boundary to creek-flats at the western boundary, two large clear gullies with watercourses running from east to the frontal creek, a large, generally clear plateau in the mid-southern area, many timbered gullies and ridges, small areas of Class 4 Agricultural land, generally fertile soil.

## ASPECT

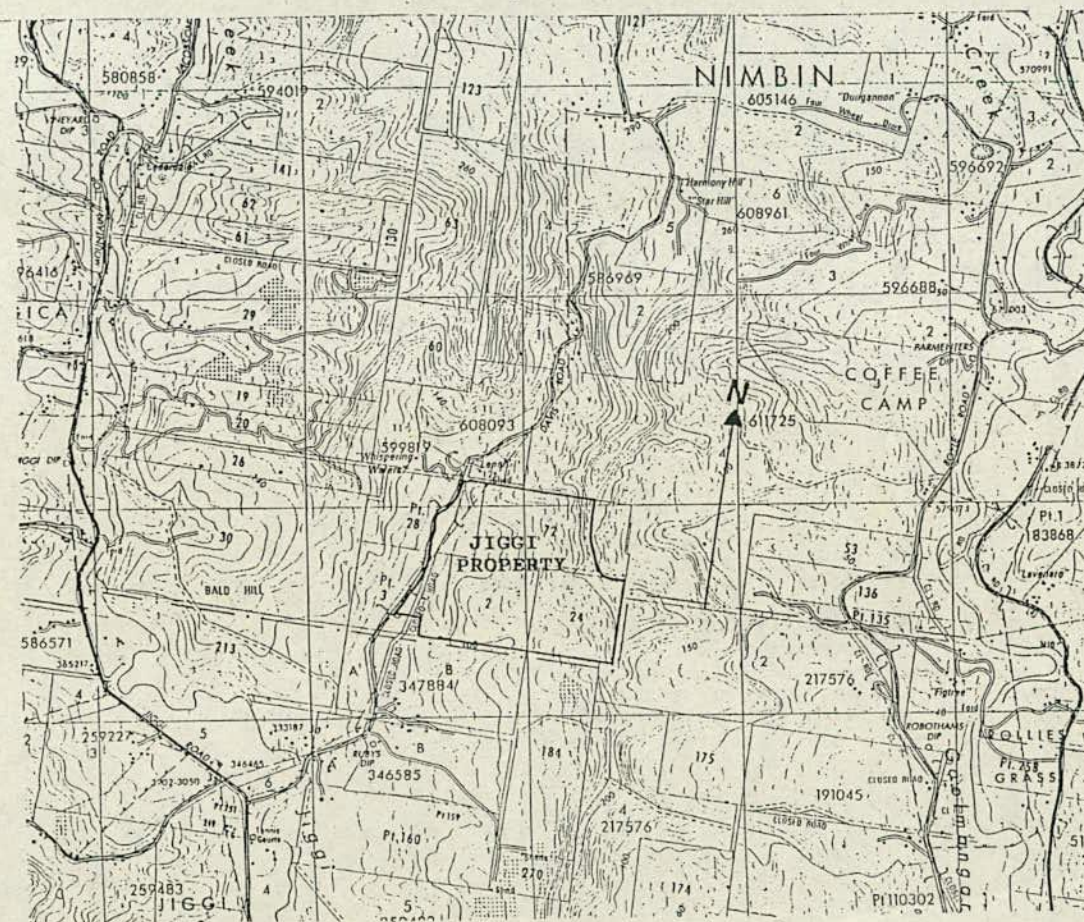
Steep to gently sloping from east to west and into two large valley areas on the northern and southern sides of the property. Views to the north, south and west from the plateau area.

- \* To provide low cost land ownership and settlement;
- \* To develop and maintain a prosperous, attractive and well serviced living environment which reflects the Official Notice of Environmental Planning and Assessment Act 1979 - Lismore Environmental Plan 1992.

## OBJECTIVES

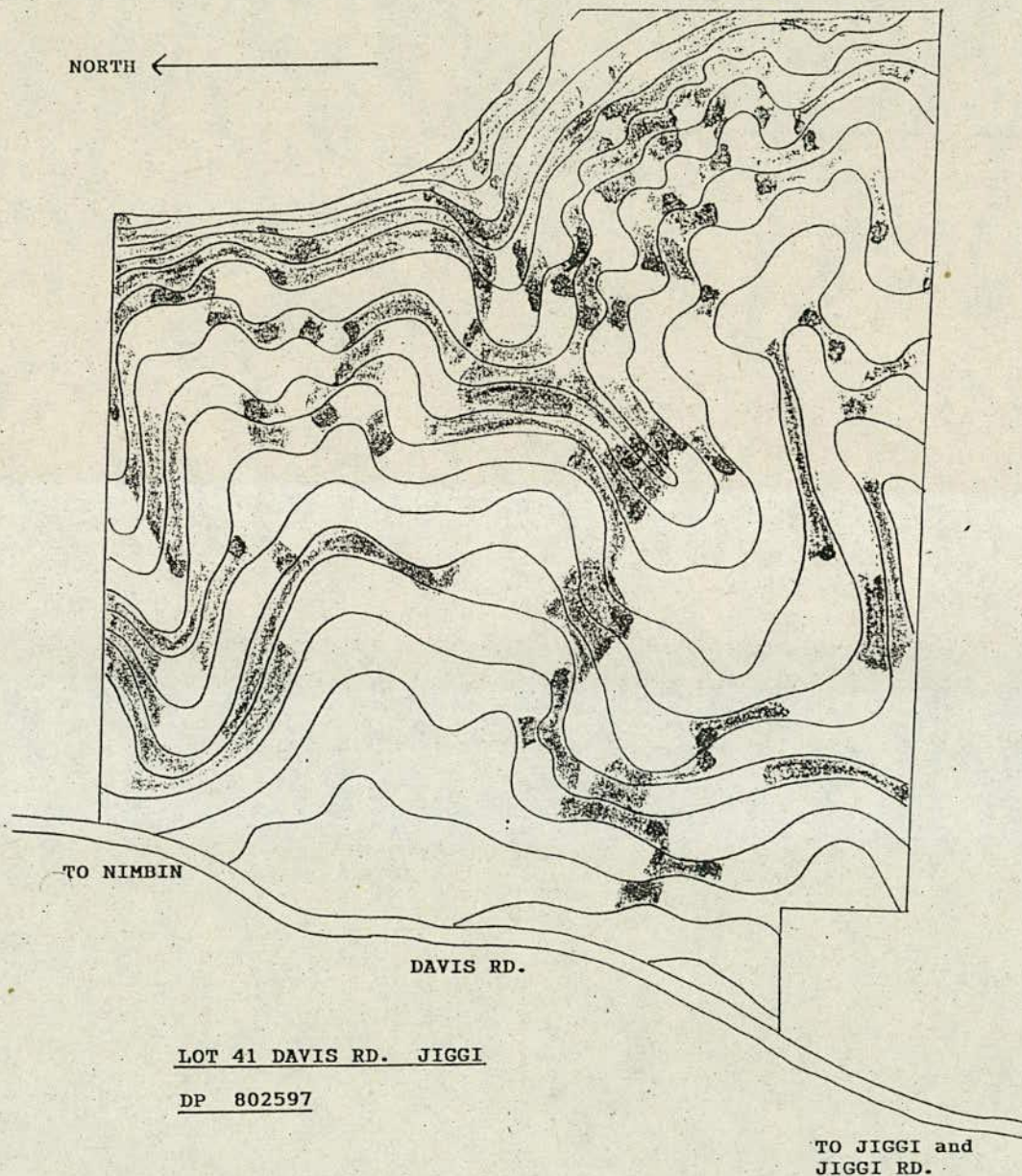
- \* To adopt a simple rural oriented way of life;
- \* To establish a community based and environmentally sensitive approach to settlement on rural land;
- \* To collectively own a single allotment of land to be used as a principal place of residence;
- \* To erect multiple dwellings on the allotment, share facilities and collectively manage the allotment;
- \* To pool resources for facility development;
- \* To utilise the land in a productive capacity eg. to provide a proportion of food and/or income;
- \* To facilitate development in a manner which both protects and enhances the environment with emphasis on -

flora and fauna preservation  
 soil conservation  
 conservation of water quality and quantity  
 preservation and enhancement of landscape and scenic quality  
 efficient use of prime agricultural land  
 preservation of development on adjoining and nearby land  
 addressing traffic and road access issues.





NORTH ←



\*\* SHADED AREAS DENOTE AREAS WITH SLOPES  
OF MORE THAN 18 DEGREES

Page 9

IN ACCORDANCE WITH STATE ENVIRONMENTAL PLANNING POLICY NO. 15 -  
MULTIPLE OCCUPANCY OF RURAL LAND :

- \* 16 dwellings are proposed under the formula  $4 + \frac{(A - 10)}{4}$
- \* the land comprises of a single allotment not subdivided under the Conveyancing Act 1919 or the Strata Titles Act 1973
- \* the area of the land is 58.09 hectares
- \* there are no buildings on the land
- \* there are small areas of Class 3 and Class 4 Agricultural Land
- \* less than 25% of the land is prime crop and pasture land
- \* no dwelling is proposed on prime crop and pasture land
- \* development is proposed for dwellings, community buildings and facilities
- \* less than 80 % of the land has slopes of more than 18 degrees (see chart on following page)
- \* the aims and objectives of S.E.P.P. No. 15 are met.

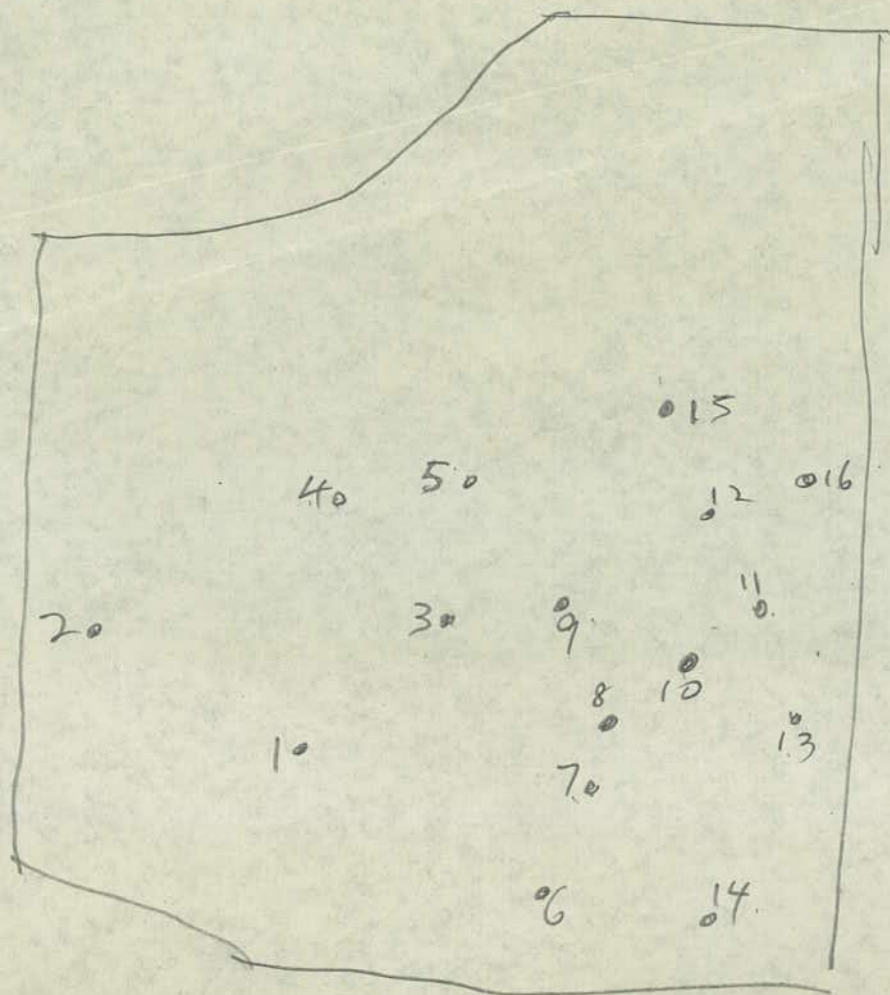
FACILITIES TO BE DEVELOPED

Access roads  
Community water storage and pump for fire-fighting purposes  
Water reticulation scheme for domestic use  
A.C. power connection and Telecom  
Community store, hall, information centre, recycling centre  
Workshed with A.C. power source  
Machinery and storage shed

PROPOSED IMPROVEMENTS

Dispersed dwellings  
Community buildings and facilities  
Reafforestation program  
Creek-bank and gully stabilisation  
Forest buffer zones to adjacent properties  
Rainforest regeneration  
Secure boundary fences  
Weed control  
Permaculture development  
Organic gardening  
Dams in appropriate locations





Overlay to Slope map

No house sites on land  $> 18^\circ$



CONSULTATIONS

Page 10

THIS DEVELOPMENT APPLICATION HAS BEEN PREPARED IN CONSULTATION WITH -

COUNCIL OFFICIALS - Hugh Johnson, John Mohead, Kieren Wade, Nick Jurodowitch  
 DEPARTMENT OF AGRICULTURE - Bob Smith.  
 SOIL CONSERVATION SERVICE - Mark Stanton Cook, Mike Robbins.  
 N.S.W. NATIONAL PARKS AND WILDLIFE SERVICE - Steve Phillips, Sabu Dunn, David Charley.  
 WATER RESOURCES COMMISSION - Laurie Moar  
 GEOTECHNICAL ADVICE - Kieren Byrne  
 GEOTECHNICAL REPORT - Col Jenkins

REFERENCES

THIS DEVELOPMENT APPLICATION HAS BEEN PREPARED WITH REFERENCES TO -

CLASSIFICATION OF AGRICULTURAL LAND - Lismore City Council  
 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - LISMORE LOCAL ENVIRONMENT PLAN 1992

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECTION 90

DEVELOPMENT APPLICATION ADVICE - MULTIPLE OCCUPANCY

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

MULTIPLE OCCUPANCY DEVELOPMENT - FEASIBILITY STUDY - LAND COMMISSION OF N.S.W. 1984.

AGRICULTURAL CLASSIFICATION OF LAND (SECOND APPROXIMATION) - SECTION 9.3 - THE CLASSIFICATION SYSTEM

CONFLICTS BETWEEN HOUSES AND HORTICULTURE (R.J. SMITH) - DEPARTMENT OF AGRICULTURE.

GUIDELINES FOR SEDIMENT AND EROSION CONTROL IN SMALL AREA RURAL SUBDIVISIONS (APPENDIX A) - SOIL CONSERVATION SERVICE.

GUIDELINES FOR SMALL AREA RURAL SUBDIVISION PLANNING AND LAND MANAGEMENT (APPENDIX B) - SOIL CONSERVATION SERVICE.

ROAD CONSTRUCTION - EROSION AND SEDIMENT CONTROL ON URBAN AND RURAL DEVELOPMENT - SOIL CONSERVATION SERVICE.

ENDANGERED FAUNA (INTERIM PROTECTION) ACT 1991 - DEPARTMENT OF PLANNING.

ENDANGERED FAUNA (INTERIM PROTECTION) ACT 1991 - GUIDELINES FOR APPLICANTS, CONSENT AUTHORITIES AND DETERMINING AUTHORITIES - N.S.W. NATIONAL PARKS AND WILDLIFE SERVICE.

MATTERS FOR COUNCIL TO CONSIDER - IN RESPONSE TO STATEENVIRONMENTAL PLANNING POLICY 15 - MULTIPLE OCCUPANCY OF RURALLAND - Pages B11 - 18 & 19 - 8. (1)

A.

LAND OWNERSHIP

Established under Tenancy in Common on Freehold Title. Each tenant owns all of the land and has legal rights to a share, or shares, under Tenancy in Common. 16 shares are proposed using S.E.P.P. 15 guidelines for 16 dwellings.

DWELLING OCCUPANCY RIGHTS

Established by internal agreement where each Tenant has co-purchased the land with a specific area chosen for erecting a dwelling and managing surrounding land.

ENVIRONMENTAL AND COMMUNITY MANAGEMENT

This Development Application becomes the COMMUNITY LAND MANAGEMENT POLICY after Council approval.

COMMUNITY LAND MANAGEMENT POLICY includes:

- \* co-operative management of the whole property
- \* assignment of dwelling sites and surrounding management areas
- \* development and maintenance of access roads and community facilities
- \* construction and maintenance of community buildings
- \* environmental management and land use

Community Land Management Policy, in accordance with S.E.P.P. - 15 guidelines, proposes that each shareholder is assigned a HOME IMPROVEMENT AREA of 10,000sq. metres to erect a dwelling. An area of 6,000 sq. metres around each Home Improvement Area is allotted for management on behalf of the community within the guidelines of the Community Land Management Policy.

Development and management of community buildings, facilities and improvements to the land is a whole community activity funded on a co-operative basis through an ongoing internal budgetting system with quarterly input. Dwelling construction and individual management projects are funded by individual shareholders.



## MATTERS FOR COUNCIL TO CONSIDER

Page 12

B.

### AREAS PROPOSED FOR THE ERECTION OF BUILDINGS

DISPERSED DEVELOPMENT OF 16 DWELLINGS IS PROPOSED UNDER S.E.P.P. 15 GUIDELINES AND IN ACCORDANCE WITH THE OBJECTIVES OF THE LISMORE LOCAL ENVIRONMENT PLAN 1992 GENERAL RURAL ZONE (1a).

#### Specifically DISPERSED DEVELOPMENT:

\* "creates a pattern of settlement that maintains and enhances the natural, economic, cultural, social and scenic amenity of the rural environment" - dispersed housing is the pattern in this locality.

\* "permits a pattern of settlement that maintains the rural character and does not adversely affect the quality of life of residents and visitors" - dispersed home-sites are compatible with the already existing pattern of rural residences in the Jiggi area.

\* "allows the use of land for agricultural and other purposes and minimises conflict with other uses in adjacent land areas" - dispersed dwellings and allotted management areas for management on behalf of the community allows sharing of land for development/use in agricultural pursuits such as organic farming and permaculture as well as for dwelling construction and general home gardening. Dispersal of dwelling sites limits the concentration of buildings to specific areas which are proposed with regard to the practical use of the land, privacy between adjacent dwelling sites and the minimisation of environmental, visual and auditory impact to the surrounding local area. Common land areas and forest buffer zones are proposed to ameliorate possible conflict with residential and other uses on adjacent properties.

\* "to ensure sound management of the land" - A Community Land Management Policy which provides for allotted management areas of a total of 16,000 sq. metres (including the 10,000 sq. metres Home Improvement Area) allows a large portion of the land to be managed on a basis of individual action and self-determination (within the guidelines of the Community Land Management Policy) and provides each tenant with easy access to the area he/she is managing. Combined management of the remaining 80 acres offers the possibility of community involvement in the development of community facilities and buildings, environmental management and agricultural development.

## MATTERS FOR COUNCIL TO CONSIDER

Page 13

B.

### AREAS PROPOSED FOR THE ERECTION OF BUILDINGS

#### Specifically DISPERSED DEVELOPMENT: CONT

\* "permits the development of home/cottage and/or rural industries that are appropriate in the rural environment" - possible developments by proposed occupants are:

- permaculture development
- organic gardening
- bush/rainforest regeneration
- aquaculture
- home/market gardens
- cottage crafts/arts

#### ALSO SUPPORTING THE DISPERSAL OF DWELLINGS IS:

\* the size and shape of the land (768 x 768 metres average) suggests the use of the central area for the majority of dwellings sites with a small number near the north and south boundaries. Proposed use of the central area on the property may reduce the impact on the local environment and adjacent residents.

\* the diverse topography - natural forest regrowth on fairly steep slopes, scattered timber on hills and slopes, and in gullies, sloping native pastures and a large almost central plateau of mixed timber and clear land, suggests an efficient use of all available usable dwelling space through a dispersal of the majority of the dwellings on the central plateau, some dwellings on the lower slopes near the plateau and a few located near the north and south boundaries.

\* the use of the central plateau for the majority of dwellings. This eases the impact of traffic with the main access road beginning at the front centre of the property, proceeding to the plateau and then towards the back of the plateau and dwelling sites located there. Dwelling sites located away from the plateau are serviced by smaller access tracks off the main access road or off Davis Rd., in the case of the site near the northern boundary. Traffic is therefore concentrated in the centre of the property away from neighbouring properties. This reduces visual, auditory and environmental impact.

A COMMUNITY STORE/HALL/INFORMATION CENTRE/RECYCLING CENTRE and a MACHINERY/STORAGE SHED are proposed on common land near the main access point off Davis Rd. at the front of the property.



**C.**

### AREAS FOR COMMUNITY USE

The land is used as a whole by the whole community according to the guidelines of this Development Application, which may become the initial Community Land Management Policy after Council approval.

The Community Land Management Policy defines:

\* **ALLOTTED MANAGEMENT AREAS** - for management by individuals on behalf of the community. An area of 16,000 sq. metres (4 acres) management area which includes the 10,000 sq. metre "Home Improvement Area".

\* **COMMON LAND AREAS** - 80 acres includes : access roads, recreational areas, preserved forests, reafforestation areas, buffer zones to adjacent lands, creek-bank and gully stabilisation areas, common agricultural zones, and community dams.

D.

PROPOSED DEVELOPMENTS FOR COMMUNITY USE - ANCILLARY TO  
THE USE OF THE LAND

\* **COMMUNITY BUILDINGS AND FACILITIES** - including community hall/store, information centre, recycling centre, workshed with A.C. power access, community water scheme, water storage and pump for fire-fighting purposes.

E.

### PUBLIC ROAD ACCESS

A sealed road from Lismore to Davis Rd. and then 2km of gravel road provides good access to the property. Jiggi Rd. continues on through Georgica to Stoney Chute as an unsealed road and Davis Rd. continues on to Lodge Rd. near Nimbin Rocks.

Access onto the property is proposed by an internal access road as indicated on the development plan, built in consultation with relevant skilled and experienced individuals in accordance with Council conditions and Conservation and Land Management guidelines.

F.

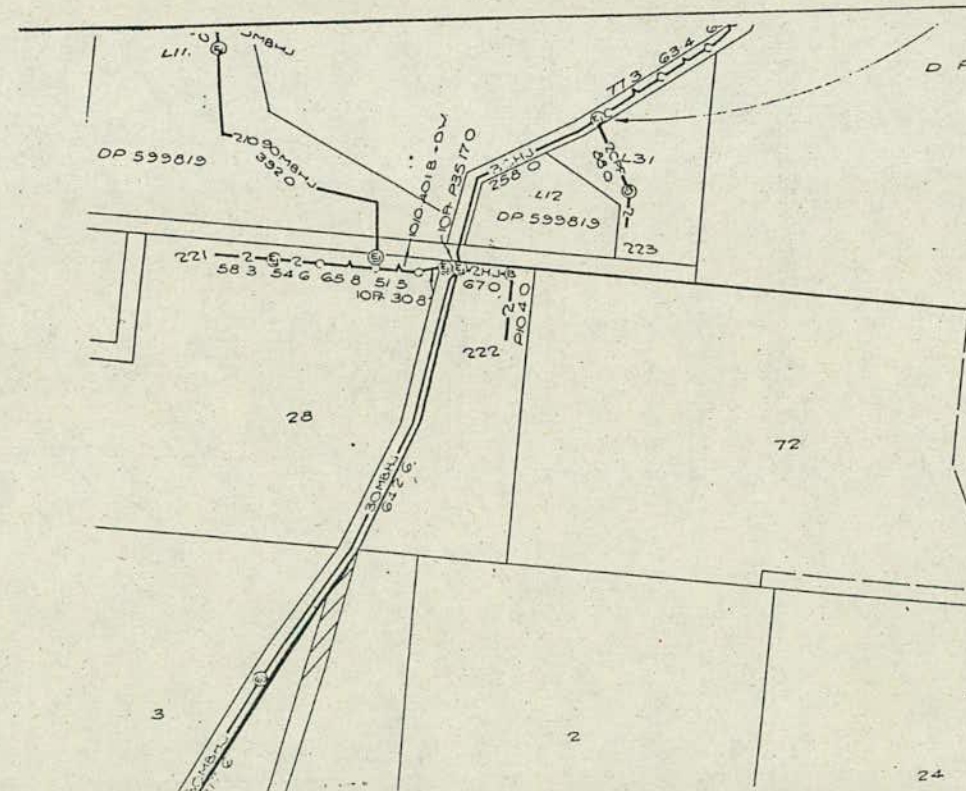
## WATER SUPPLY

A community developed water scheme is planned to access water from the un-named creek, natural springs and community dams, in compliance with Department of Water Resources guidelines and consultation with regard to availability, suitability and affect on other users of the supply.

Individual catchment of rainwater in rainwater tanks is encouraged. Geotechnical consultants have indicated the presence of two possible damsites for community dams.

**G.**

TELECOM - Connection points are available as indicated below.

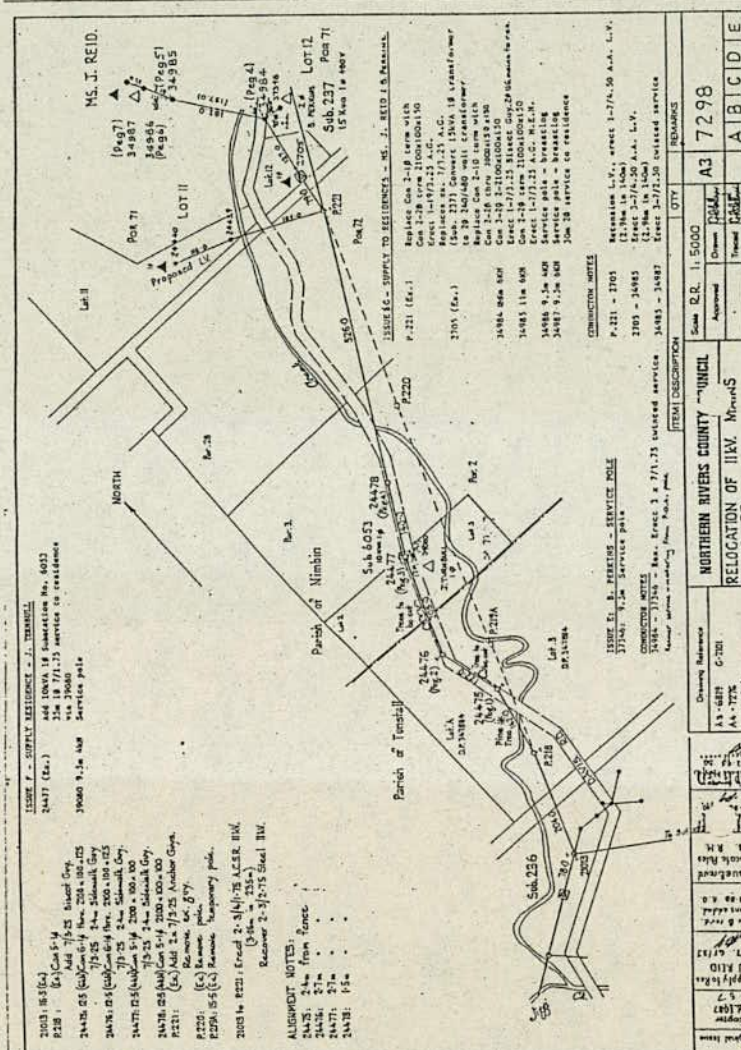




6

## NORTHERN RIVERS ELECTRICITY

Access is available as indicated on the N.R.E. map below.



## H.

## COMMUNITY FACILITIES

The property is situated 24 kilometres from Lismore City which offers all the facilities of a major regional centre. A scheduled daily bus service from Lismore to Jiggi and back, morning and evenings, provides transport to city workplaces and schools, and also to the local Jiggi Public School. Mail is delivered to roadside boxes on Davis Rd.

The development of a Multiple Occupancy settlement provides the possibility and advantages of sharing available individual resources such as finance, labour, skills, experience, expertise and transport. Facilities and services can be developed on a co-operative community basis, and may be of advantage to the wider community.

I.

## WASTE DISPOSAL

Recycling is encouraged as a Community Land Management Policy. A community recycling centre is planned for paper products, aluminium cans, tins and glass products to be made available for re-use by community members and/or collection by, or delivery to recycling firms as advertised in the City of Lismore Recycling Directory. Composting of household organic waste is recommended.

## J.

## IMPACT ON VEGETATIVE COVER OF THE LAND

The proposed development suggests minimal negative impact and nominal positive impact on the vegetative cover of the land. Dwellings are proposed in generally clear areas which have been investigated by a qualified Geotechnical Engineer (see report in Correspondence section). Community buildings and facilities are proposed in accordance with the information given on the house-site areas in this report. Further consultation is recommended to minimise bush-fire risk, reduce the possibility of erosion and sedimentation and for site rehabilitation during and after the construction of dwellings, community buildings and facilities, dams and access roads.

A Community Land Management Policy of forest preservation, protection and regeneration is proposed to combat the effects of overgrazing and deforestation which has resulted in areas of slip. It is proposed that a "LANDCARE GROUP" be established to access the skills, experience and resources of established earthcare organisations and individuals in the restabilisation of the land, creation of wildlife corridors and general re-vegetation.



K.

**BUSH-FIRE RISK**

The land is subject to bush-fire risk being in a **high risk** area. The Community Land Management Policy proposes that:

- \* dwellings and buildings are constructed in generally clear areas, a minimum of 10 metres from any trees with no over-hanging branches;
- \* 20 metres clearance of bladey grass be maintained from the corners of all dwellings and buildings;
- \* a sufficient supply of water be maintained at all dwelling sites for fire-fighting purposes;
- \* the community acquire a portable fire-fighting pump;
- \* vehicular access be maintained to and from all dwellings;
- \* a fire-access track be established to the eastern boundary of the property;
- \* a weed control program be introduced and maintained;
- \* the community nominate a Fire Control Officer to develop and introduce a Fire Management Plan;
- \* fire retardant species be planted around dwellings, buildings, access roads, edges of forest and other high risk areas.

**FLOODING**

Infrequent flash-floods are confined to low-lying creek flats. No dwellings are proposed in these low lying areas. Access roads crossing the creek and gullies are proposed to be designed and constructed to address possible flood situations.

**SOIL EROSION AND SLIP**

A Conservation and Land Management consultation and investigation of the property suggested a preliminary Geotechnical Report to assess the suitability of the land for the proposed use as a Multiple Occupancy. This report is included in the Correspondence Section. The report states that the topography is varying in gradient, with several small catchments and that much of the land is slip prone. It also states that the sites were selected for their stability from the overall land area and all seriously slip prone areas are avoided. Comment from another Geotechnical specialist indicated that all sites were suitable. It is proposed that each dwelling site, community building site and access road site be thoroughly investigated at the stage of Building Application or design to establish suitable construction methods and to offset erosion and sedimentation during and after the construction phase.

Community Land Management Policy proposes that all developments on the property including dwelling and building construction, access road construction and the establishment of community facilities follow the guidelines indicated by Lismore City Council, Conservation and Land Management and Geotechnical Investigations.

L.

**VISUAL IMPACT**

Minimal visual impact is proposed through:

- \* dispersal of dwellings
- \* visually pleasing placement and design of dwellings, buildings and community facilities
- \* dwellings in visually private areas where practical
- \* landscaping around dwellings, buildings and access roads to increase visual privacy
- \* protection and regeneration of native forests
- \* creek-bank and gully stabilisation through regeneration of native species
- \* formation of a Landcare Group to restabilise and reforest the land
- \* weed control

M.

**EFFECTS ON THE PRESENT AND POTENTIAL USE OF THE LAND**

The land has small areas of Class 3 & 4 Agricultural Land and has been used primarily for cattle grazing. Grazing and deforestation has resulted in destabilisation of the land in many areas. The prime focus of the group settling on the land is to restabilise through reforestation programs based on Permaculture and assistance/guidelines/resources of individuals and groups involved in earthcare. A Landcare Group is proposed to access these resources and the resources of departments such as Conservation and Land Management, Department of Water Resources, National Parks and Wildlife, Department of Agriculture, the Forestry Commission and local Environment Centres.

The use of land in the vicinity is mainly for cattle grazing and general rural residential. Cattle grazing in nearby areas has little scope for creating conflict. Cattle grazing by the community is discouraged. Possible conflict with neighbouring residences may be based on the desire for established households to retain the property and surrounding area as it is. This proposal is a legal proposal based on regulations and guidelines of relevant Statutory Authorities and developed in accordance with those and Council regulations.

The dwelling sites are sufficiently spread to maintain privacy and seclusion from each other and neighbouring dwellings. Landscaping and forest regeneration may further enhance the visual impact. The possibility exists that a positive effect on the local area is established through the development of a "community" atmosphere, the availability of some facilities to the wider community, an increase in school attendance at the local school, extra man/woman power to handle bush-fires, as well as the skills, expertise, and the social and cultural contributions of community members to the local area.



N.

## EFFECT ON RESOURCES AND MINERAL DEPOSITS

There is no indication of a possible sterilisation of resources (coal, sand, gravel, petroleum, mineral or other extractive deposit) by the proposed development.

O.

## EFFECT ON WATER RESOURCES

Maintenance of water quality is proposed through-

- \* suitably designed and constructed effluent disposal systems (approved by Council)
- \* utilisation of the recycling centre for waste disposal
- \* composting of household organic waste
- \* organic gardening
- \* cattle discouraged on the land
- \* stabilisation of the land to reduce erosion and sedimentation
- \* design and construction of dwellings, community buildings, access roads and facilities according to Council, Conservation and Land Management and Geotechnical guidelines
- \* establishment of a Landcare Group to restabilise the land and reduce the possibility of erosion, sedimentation and slip

Maintenance of water quantity in the un-named creek is proposed through-

- \* catchment and storage of large quantities of water in dams and tanks during the wet season
- \* storage of rainwater in rainwater tanks
- \* construction of community and individual dams
- \* accessing of natural springs

P.

## LAND CLAIMS BY ABORIGINALS

Written information from National Parks and Wildlife (see Correspondence Section) suggests the possibility of aboriginal sites in the area. It is proposed that the NSW National Parks and Wildlife be notified immediately in the event of discovery of any aboriginal sites or relics.

Q.

## FUTURE URBAN OR RESIDENTIAL EXPANSION

No indication has been given by Council that the land is required for future urban or residential expansion.

R.

## BENEFIT TO AN EXISTING VILLAGE CENTRE

There is a small existing village centre consisting of a community hall located some distance from the school. The village may benefit from the proposed development through increase in numbers in the community providing skills, social and cultural input and a general sense of "community" to the local area.

S.

## ENDANGERED FAUNA (INTERIM PROTECTION) ACT 1991

Guidelines from the National Parks and Wildlife state that-

"a Fauna Impact Statement is only required when a development or activity is likely to have a SIGNIFICANT effect on the environment of endangered fauna"

The matters for consideration in determining whether "significant" effect will result are addressed under the GUIDELINES FOR APPLICANTS, CONSENT AUTHORITIES AND DETERMINING AUTHORITIES as follows-

(A) THE EXTENT OF MODIFICATION OR REMOVAL OF HABITAT, IN RELATION TO THE SAME HABITAT TYPE IN THE LOCALITY;

The proposed development is likely to have minimal effect on the habitat as a result of modification or removal. A large percentage of the land is clear as a result of cattle grazing and deforestation. Dwellings, community buildings and facilities are planned in generally clear areas. No direct modification or removal of habitat is proposed.

(B) THE SENSITIVITY OF THE SPECIES OF FAUNA TO REMOVAL OR MODIFICATION;

The proposed development plans protection, preservation and regeneration of native habitat.

(C) THE TIME REQUIRED TO REGENERATE CRITICAL HABITAT, NAMELY, THE WHOLE OR ANY PART OF THE HABITAT WHICH IS ESSENTIAL TO THE SPECIES;

Any existing habitat of native fauna is proposed to be protected, preserved and increased through reforestation.



MATTERS FOR COUNCIL TO CONSIDER

Page 22

S. ctd.

**ENDANGERED FAUNA (INTERIM PROTECTION) ACT 1991**

(D) THE EFFECT ON THE ABILITY OF THE FAUNA POPULATION TO RECOVER, INCLUDING INTERACTIONS BETWEEN SUBJECT LAND AND ADJACENT HABITAT THAT MAY INFLUENCE THE POPULATION BEYOND THE AREA PROPOSED FOR DEVELOPMENT OR ACTIVITIES;

A policy of protection, preservation and regeneration of the native habitat is proposed to improve the ability of native fauna to recover from population decline due to deforestation from overgrazing and tree-felling. Adjacent habitats are pasture and native forest. Planned regeneration of native forest and rainforest may encourage fauna to increase in numbers and move from already established habitats into new areas. Wildlife corridors are proposed under the establishment of a Landcare Group.

**(E) ANY PROPOSAL TO AMELIORATE THE IMPACT**

The Community Land Management Policy intends to protect and improve the habitat for native fauna through-

- \* preservation and regeneration of native forest species
- \* creek-bank and gully stabilisation through planting of native trees and shrubs
- \* weed control
- \* soil conservation strategies
- \* placement, design and construction of dwellings, buildings, access roads and facilities for minimal environmental impact
- \* bush-fire protection strategies
- \* water quality and quantity conservation strategies
- \* establishment of a simple rural oriented life style
- \* establishment of a Landcare Group

(F) WHETHER THE LAND IS CURRENTLY BEING ASSESSED FOR WILDERNESS BY THE DIRECTOR OF NATIONAL PARKS AND WILDLIFE UNDER THE WILDERNESS ACT 1987 AND WHETHER ANY CONSERVATION AGREEMENT APPLIES TO WHOLE OR PART OF THE LAND UNDER THE NATIONAL PARKS AND WILDLIFE ACT 1974;

Neither of these apply to the land in question.

**(G) ANY ADVERSE EFFECT ON THE SURVIVAL OF THAT SPECIES OF PROTECTED FAUNA OR OF POPULATIONS OF THAT FAUNA;**

Community Land Management Policy protects and preserves native habitat to ensure survival of native species already present and proposes to increase the size of habitat to encourage increases in the populations of those species.

**JL JENKINS & ASSOCIATES**  
INSULTING CHARTERED ENGINEERS  
Structural, Civil, Geotechnical

POSTAL ADDRESS  
P.O. BOX 12  
MACLEAN. 2463.

RES. 84 JUBILEE STREET,  
MACLEAN. 2463.  
PHONE (066) 45 2637  
MOBILE 018 654 192

48 JONSON STREET,  
BYRON BAY. 2481.  
PHONE (066) 85 7141

6/18 COLDSTREAM STREET,  
YAMBA. 2464.  
PHONE (066) 46 1130

276 KEEN STREET,  
LISMORE. 2480.  
PHONE (066) 21 8535

OUR REF: CWJ/LKS

9th February 1993.

The Town Clerk.  
LISMORE CITY COUNCIL.  
P.O. Box 23A,  
LISMORE N.S.W. 2480.

Dear Sir,

RE: PROPOSED MULTIPLE OCCUPANCY LOT 41, DP 802597  
DAVIS ROAD, JIGGI - STABILITY OF HOME SITES  
REPORT.

1: This is the report on suitable home sites within the Proposed Multiple Occupancy.

INTRODUCTION:

The land in question is Lot 41, DP 802597, Davis Road, Jiggi. The land is in the Tertiary Volcanics. It is mainly balckish soil from decomposition of Basaltic Rock with a substantial rock content remaining.

The Topography is varying in gradient and there are several small drainage catchments.

Much of the land is slip prone.

The purpose of this investigation and report is to find suitable home sites which can be built upon with appropriate security against slippage.

Several sites were chosen for examination and they were marked with a single peg on the site and named all as marked on the accompanying plan.

The sites were selected for their stability from the overall land area and all seriously slip prone land was avoided.

SPECIAL COMMENTS:

Whilst all named sites are not seriously slip prone comments are made site by site to point out some relevant details special to each site. All sites are reactive and need sensible footing design. Stability comments site by site pertain to slip not reactivity.

.... /2



RE: PROPOSED MULTIPLE OCCUPANCY LOT 41, DP 802597, DAVIS ROAD, JIGGI  
Cont:

SITE 1:

A stable well drained spur. Access construction practical but awkward. Power lines intrude a great deal probably making this site unsuitable due to lack of area clear of power lines.

Probably not viable due to lack of area for home construction.

SITE 2:

A stable well drained spur. Access construction practicable though awkward. Plenty of room for home construction.

SITE 3 A & B:

Small flatish knoll on now very stable remains of old Colluvium. Slipped into current location Tens of Thousands of years ago now. Access good. Large home site.

SITES 4 & 5:

Flatish ledge on hillside Colluvium in place for Thousands of years. Stable now. Needs care to preserve drainage and prevent water getting into foundations.

Reasonable home site area. Access fair.

SITES 6 & 7:

Steep hill side site with localized spur shape. Access good. Care needed with drainage. Would suit pole home.

SITES 8, 9, 10, 11 & 12:

All around a sloping plateau area. Very stable. Access a little awkward but practicable. Plenty of room for home.

SITE 13:

Similar to sites 8 to 12 but needing more care with drainage.

SITES 14 & 15:

Steep hill side site with localized spur shape. Access good. Care needed with drainage. Would suit pole home.

SITE 16:

A very nice site. However, access very very difficult and expensive. Probably not viable due to difficulty of access.

.... /3

RE: PROPOSED MULTIPLE OCCUPANCY LOT 41, DP 802597, DAVIS ROAD, JIGGI  
Cont:

CONCLUSIONS:

1: All sites are practicable.

2: Sites 1 and 16 however are not very good due to lack of area and extra ordinarily difficult access respectively.

3: Sites 2 - 15 and A to C are all practical.

4: Extra care to provide sound drainage to maintain stability is needed on Sites 4, 5, 6, 7, & 14.

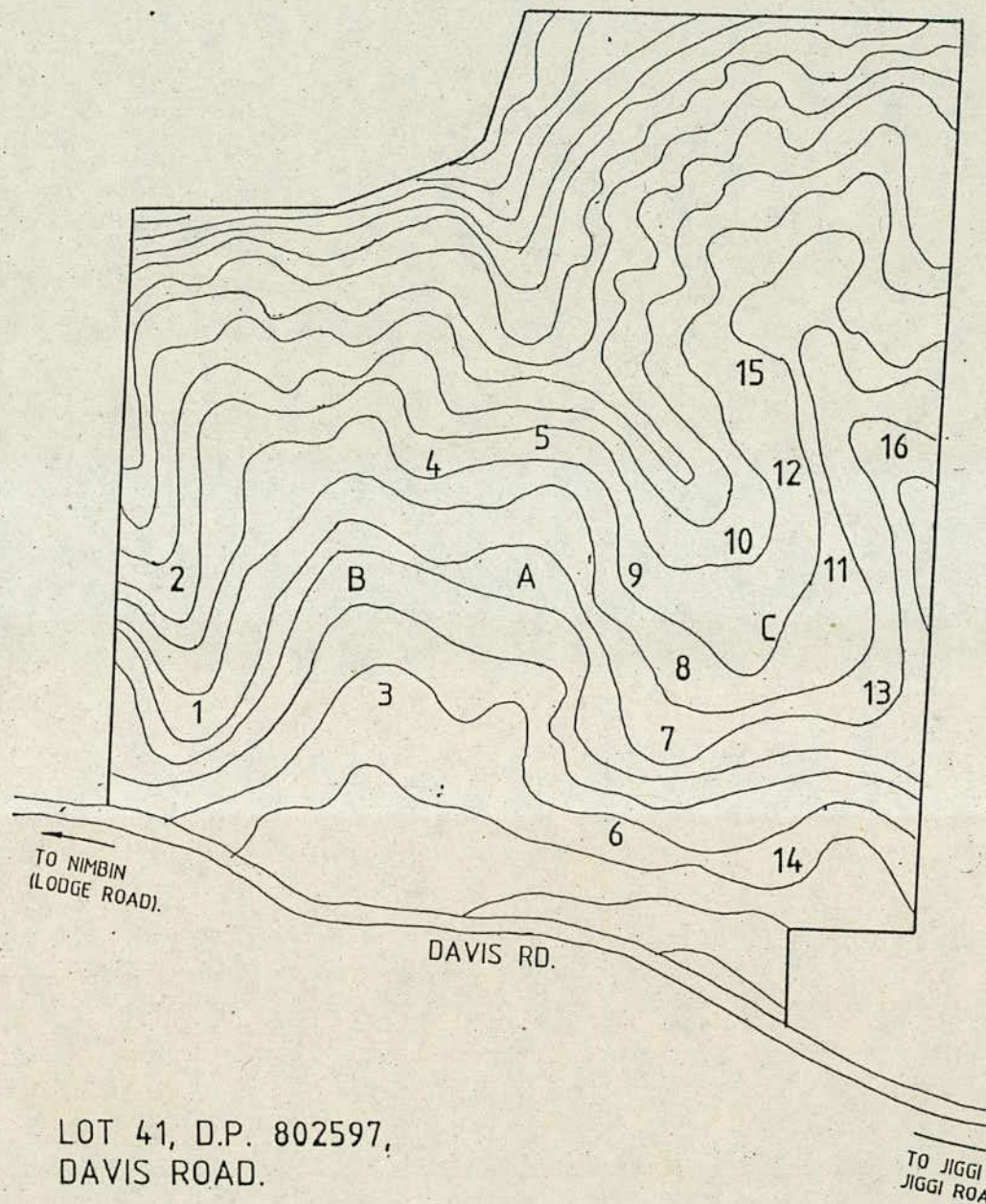
5: Footings should be designed to suit proposed residences individually bearing in mind the reactive nature of the soil, the drainage conditions and the home design.

Should you require any further information, please ask.

Yours faithfully,  
COL JENKINS & ASSOCIATES

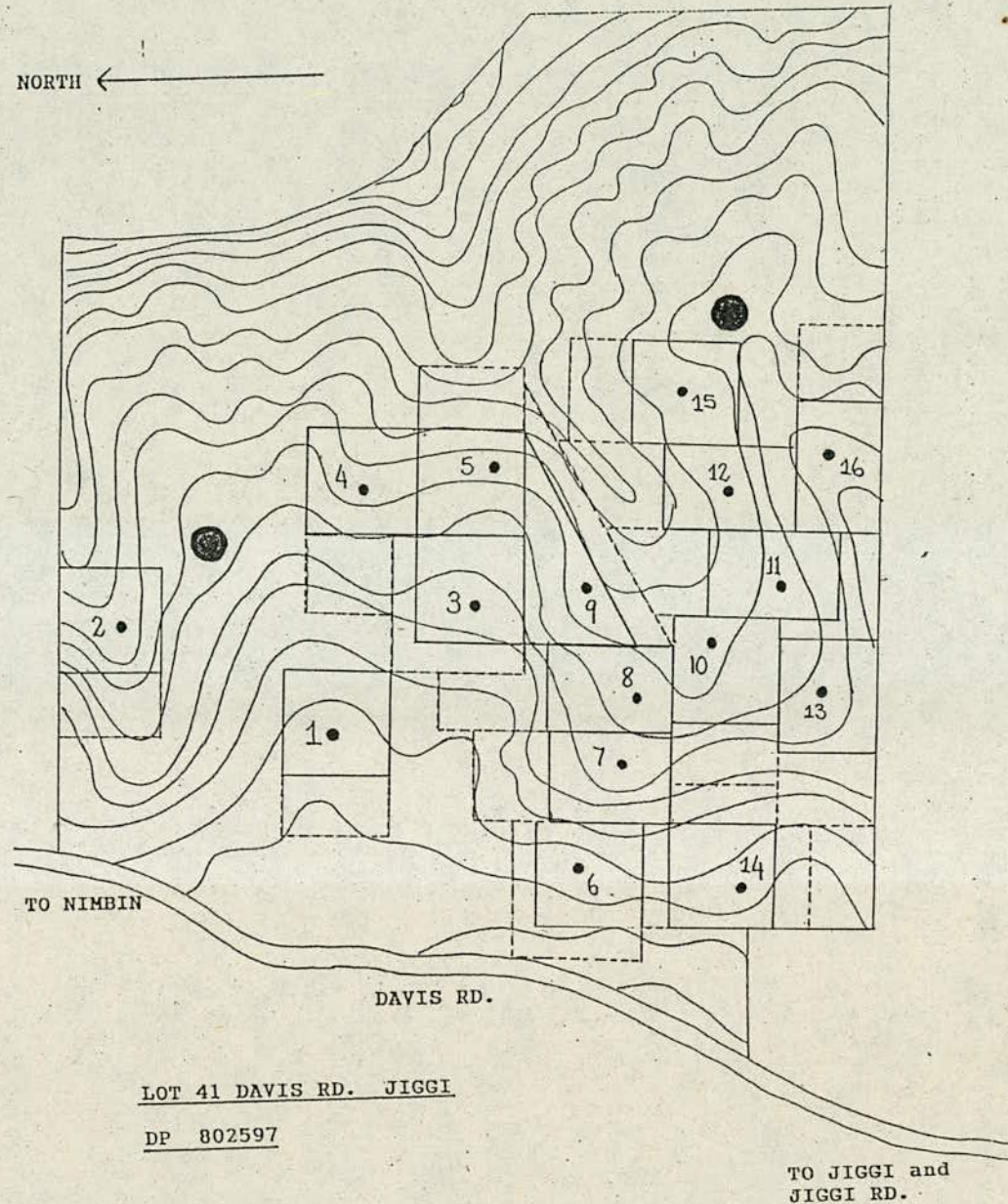
  
Colin W. Jenkins.





LOT 41, D.P. 802597,  
DAVIS ROAD.

LOCATION PLAN OF  
TEST SITES.



LOT 41 DAVIS RD. JIGGI

DP 802597

\* NOTE ALTERATION OF HOUSE SITE 1 to POSITION 3, and HOUSE SITE 10 to POSITION C ON THE GEOTECHNICAL REPORT MAP ON PREVIOUS PAGE.



MARK STANTON-COOK and  
MIKE ROBBINS  
SOIL CONSERVATION SERVICE  
P.O. BOX 376  
CASINO N.S.W. 2470

THEANA and OTHERS of  
the JIGGI PROPERTY  
C/- "ADAMA", MULVENA RD.  
WONGAVALLE N.S.W. 2480  
PH. (066) 880 176  
2.11.92

Dear Sirs,

I am requesting guidelines and information that may be beneficial in the preparation of a Development Application for Multiple occupancy to be submitted to the Lismore City Council next month.

The property is situated on Davis Rd., Jiggi and may be identified as Lot 41, DP 802597, as shown on the locality and contour maps included.

Please forward any pertinent information and guidelines and raise any issues that may be addressed for your department in regard to a development application of this nature so that these may be responded to in the application submitted to the Council. Also an inspection of the property in regards to land slip and erosion may be useful prior to the D.A. presentation if that is agreeable to either of Mike or Mark, or both. This was organised on a previous property known as "ADAMA" and the resulting inspection and information provided by Mike Robbins proved highly useful and may be appreciated once again.

As I intend to submit this D.A. in Early December, a prompt response is greatly appreciated.

Kind Regards to you BOTH,

*Theana*

THEANA.

Our Ref: 774  
Your Ref: Ltr. 2.11.92

11 November, 1992

Theona and Others of Jiggi Property  
c/- "Adama", Mulvena Road  
WONGAVALLE NSW 2480

Dear M/s Theana,

In regard to your letter requesting guidelines and other matters you should address in relation to the proposed Multiple Occupancy on Lot 41, DP 80259997 the following information is provided.

#### Mass Movement

The Department has identified that significant areas of the property are affected by mass movement especially the lower slopes and considers the majority of the area at high risk to mass movement. It is highly recommended that before any development is considered that a geotechnical investigation be made of the property in relation to:

1. Stable building sites.
2. Stable access roads.
3. Suitable, proposed dam sites (construction of dams in mass movement areas can cause further problems).
4. Location of any proposed septic system (poor location of absorption trenches can also cause further mass movement problems).

#### Protected Lands

Areas of the property (see map attached) contain areas of Protected Lands under Section 21 of the Soil Conservation Act 1938 in respect to slopes in excess of 18 degrees. Regulation in respect to tree injury/destruction applies to such land and the proponents must seek advice and an Authority from our Department if any tree destruction/injury is proposed on this Protected Land. Severe penalties can be imposed on persons if an Authority is not issued from our Department for tree destruction/injury on Protected Lands.

*No ref to min area - not requiring  
such notice*



DEPARTMENT OF  
CONSERVATION AND  
LAND MANAGEMENT

Richmond Arcade  
Cnr Walker &  
Canterbury Sts  
PO Box 376  
Casino NSW 2470

Phone (066) 62 4477  
(066) 62 4286  
Fax (066) 62 1954





DEPARTMENT OF  
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#### Other Matters for Consideration

- a) Whether the land is suitable for the proposed land usage and its effect if located on unique and productive soils.
- b) It should be determined whether the soils are suitable for effluent disposal and be designed to address the specific soils and slope conditions.
- c) It should be determined that each dwelling have a reliable water supply.
- d) The development should incorporate programs for the prevention and/or control of soil erosion on-site and off-site during the development and maintenance phases.
- e) Internal road construction on many multiple occupancies, especially their poor design can lead to severe erosion and sediment problems. Emphasis should be placed on adequate design, especially road drainage to minimise these effects.

Our Department considers this proposed multiple occupancy a commercial venture and any request for a detailed inspection and report would be carried out on a consultancy basis.

Information previously provided to you in regard to the proposed "Adama" Multiple Occupancy may assist you in the preparation of your development application.

Yours faithfully,

*M. Stanton-Cook*  
M. Stanton-Cook  
District Manager  
CASINO

Our File: 774

1 December, 1992

Theana and Others of Jiggi Property  
C/- "Adama",  
Mulvena Road  
WONGA VALE NSW 2480

Dear Theana,

From my inspection with you of the proposed Multiple Occupancy (Lot 41, DP 8025 9997) at Davis Road on the 30th November, I consider that the development is feasible.

The mass movement hazard should however, be treated seriously.

Recent mass movement in the form of earth and debris slides is severe on the steeper slopes and there is evidence of older earthflows and slumps on the lower slopes. There are, however, a number of more stable areas that are probably suitable for this development. Due to the risk of instability to any proposed development, a geotechnical report is considered essential.

The report should provide the following information -

1. A hazard map showing recent landslip areas and the older, potentially unstable areas.
2. Building sites should be assessed for suitability and risk.
3. A planned road system following areas of least risk.
4. Appropriate road design to minimise runoff into potentially unstable areas.
5. Location of stable areas for dam sites.

Yours faithfully,

*M.J. Robins*  
M.J. Robins  
Investigating Officer



Our File: 774

1 December, 1992

Theana and Others of Jiggi Property  
C/- "Adama",  
Mulvena Road  
WONGAVALLE NSW 2480

Dear Theana,

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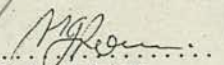
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5. Location of stable areas for dam sites.

Yours faithfully,

  
M.J. Robins  
Investigating Officer



DEPARTMENT OF  
CONSERVATION AND  
LAND MANAGEMENT

Richmond Arcade  
Cnr Walker &  
Canterbury Sts  
PO Box 376  
Casino NSW 2470  
Phone (066) 62 4477  
(066) 62 4286  
Fax (066) 62 1954

SABU DUNN  
NATIONAL PARKS AND  
WILDLIFE SERVICE  
SUITE 9  
COLONIAL ARCADE  
75 MAIN STREET  
ALSTONVILLE.

THEANA and OTHERS of  
THE JIGGI PROPERTY  
C/- "ADAMA", MULVENA RD.,  
WONGAVALLE N.S.W. 2480  
PH. (066) 880 176  
2.11.92

Dear Mr. Dunn,

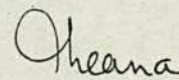
I am requesting information on Aboriginal Sites, relics, and land claims which may be of significance in the preparation of a Development Application for Multiple Occupancy to be submitted to the Lismore City Council next month.

The property is situated on Davis Rd, JIGGI and may be identified as Lot 41, DP 802597, as shown on the locality and contour maps included.

Please forward pertinent information and guidelines, and raise any issues to be addressed for your department in regard to a development application of this nature so that these may be responded to in the application submitted to the council.

As the application is intended to be submitted in early December, a prompt response is appreciated.

Kind Regards'

  
Theana



Letter from Theana 2.11.92 not incl.  
to NPWS.

13 November 1992

Ms. Theana,  
C/- "Adama", Mulvena Rd.  
WONGAVALLE. N.S.W. 2480

Our reference: F/0358  
Your reference:

Dear Theana.

Re: Letter Requesting information for Lot 41.  
DP 802597.

I have received your letter, dated 2.11.92. requesting information about Aboriginal sites and Land Claims, for the areas around the Jiggi property and other surrounding areas at Adama.

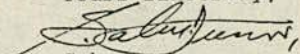
I have searched our files and have found no sites recorded for these immediate areas, and I have been in touch with the Gugin Guddaba Local Aboriginal Land Council, (Kyogle) to ascertain if they have other information concerning the areas.

The Gugin Guddaba (L.A.L.C.) informed me that they have not liaised with all the community, and will inform me as soon as they do. They request a full archaeological study be done for these areas to ascertain if sites are in the area or not? They want a local Aboriginal person to assist with the survey, and a monitor employed when development is carried out, where the soil is being excavated, etc.

We the N.P.&W.S. recommend that this simple request be implemented to prevent any damage to Aboriginal sites, historic sites.

Please feel free to contact me any time on 281177 or write to this address P.O. Box 91, Alstonville 2477.

Yours Sincerely,

  
Sabu Dunn,  
A.S.L.O.,  
Lismore District,  
For DIRECTOR.



NSW  
NATIONAL  
PARKS &  
WILDLIFE  
SERVICE

LAURIE MOAR,  
WATER RESOURCES DEPARTMENT  
50 VICTORIA ST.,  
GRAFTON

THEANA and OTHERS of the  
JIGGI PROPERTY  
C/- "ADAMA", MULVENA RD.,  
WONGAVALLE N.S.W. 2480  
PH. (066) 880 176  
2.11.92

Dear Sir,

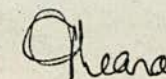
I am requesting information and guidelines that may be of assistance in the preparation of a Development Application for Multiple Occupancy to be submitted to the Lismore City Council next month.

The property is situated on Davis Rd., JIGGI and may be identified as Lot 41, DP 802597, as shown on the locality and topographical maps included.

Please forward any information and raise any issues that may be addressed for your department so that these may be responded to in the application that is submitted to Council.

As the application is intended to be submitted in early December, a prompt response is appreciated.

Kind Regards,



THEANA

Lismore District  
Suite 9  
Colonial Arcade  
75 Main Street  
Alstonville  
PO Box 91  
Alstonville 2477  
Fax: (066) 28 35  
Tel: (066) 28 11

Head Office  
43 Bridge Street  
Hurstville NSW  
Australia  
PO Box 1967  
Hurstville 2220  
Fax: (02) 585 61  
Tel: (02) 585 64



Water Supply: The proponent should provide details of the proposed sources of water eg. town water, surface water, groundwater or off-creek storages. Water licenses from the Department may be required and any application will be reviewed in the light of its effects on the environment and other water users. If granted, a license may contain conditions limiting the amount of water to be abstracted and buffer zones may be imposed.

..12

-2-

Protection of Water Resources: Details of measures designed to protect both groundwater and surface water resources from contamination by runoff and effluent should be outlined. The location of all existing bores and wells within 500 metres from the subdivision should be identified and details of their purpose and current status provided.

Riverine Corridor Management: You are reminded of the requirements of Section 23A of the Rivers & Foreshores Improvement Act whereby permit is required prior to any excavations or works occurring within 40 metres of the banks of any stream. For tidal streams the Public Works Department is the consent authority and for non-tidal streams it is the Department of Water Resources.

Wetlands Management: Wetlands are a very important component of a catchment system. They are important aquatic habitats for flora and fauna; have a significant flood retention function; are important sources of emergency water supplies during drought and bushfire; function as waste assimilators and nutrient recyclers; and are important aesthetic environments. All SEPP14 wetlands should be identified.

Vegetation Management: Any tree removal within 20 metres of a prescribed stream requires an authority from Protection Board under Section 21D of the Soil Conservation Act whereby an authority is required prior to the destruction of any trees within 20m of a prescribed stream. A list of prescribed streams is available from our Grafton office.



With Compliments

*Laurie Brown*

*These are the issues of interest to DWR - please phone for clarification of any items - John Schmidt would be the appropriate person to contact - but not available until 16th Nov.*

Department of Water Resources  
Level 1, 50 Victoria Street, Grafton • P.O. Box 371, Grafton NSW 2460 • Tel (066) 42 0500 Fax (066) 43 1161

Rural Subdivision and Rural Residential: The Department of Water Resources has the responsibility under the Water Act to ensure protection of the State's water resources. Rural Subdivision and Rural Residential development can place considerable pressure on the water resources in terms of water quantity and quality. Any subdivision proposal should include an assessment of the effects on the water resource (including groundwater) and any measures taken to minimize detrimental effects.

When assessing license applications to pump surface or groundwater the Department may apply conditions limiting the amount of water that can be abstracted and may impose a buffer zone between the proposed development and any watercourse. In a poorly designed subdivision these conditions could limit the productive use of the land.

Groundwater: The location of any groundwater bores in the vicinity of the proposal, or any control measures to prevent potential groundwater contamination needs to be addressed. Adequate measures must be taken to ensure that groundwater contamination does not occur.

\*

Water Quality: All effluent treatment and disposal systems must comply to Environment Protection Authority standards and must be suitably sited and maintained to prevent potential surface water and/or groundwater contamination. The Department encourages the implementation of vegetated buffer zones of at least 20 metres in width, either side of watercourses, to protect surface water quality.

Water Quantity: The source of water supply for the subdivision must be stated. All groundwater bores will require a license from this Department. Any proposed surface water abstractions may require a license from this Department under the Water Act. Such licenses are reviewed in the light of their potential impacts on other water users and the environment, and certain restrictive conditions may apply.



Council's Solicitors have advised:

1. "that Council after proper consideration of the material supplied to it should form an opinion as to whether all the objectives comprised in SEPP 15, Clause 2 are able to be met. If Council is of the opinion that the aims and objectives comprised in Clause 2 of SEPP 15 can be met then Council may approve the development application so far as it satisfies the aims and objectives. Council's decision with respect to this aspect can only be set aside on appeal."
2. That the application and material subsequently supplied to Council is sufficient for Council to form the view that the development will not constitute a subdivision.
3. That the "home improvement area" of 10,000m<sup>2</sup> is clearly outside the definition under Clause 5(1) of SEPP#15, and that the provisions of SEPP#1 cannot be used to circumvent the definition. "Therefore, clearly the proposal for a "home improvement area" to exceed 5,000m<sup>2</sup> is not permissible under SEPP#15 and Council has no power to approve the development in this regard." Case law was supplied regarding the use of SEPP#1 in respect of defined standards.
4. That after perusing the relevant Certificates of Title it was suggested that no inference can be drawn to indicate that the applicant is unable to comply with the provisions of Clause 2(b)(i) as relates to principal place of residence.
5. Advise was also provided that if Council considers it does not have sufficient information to properly consider the application pursuant to the Act this must be clearly stated as reasons for refusal. Council was also advised that it cannot grant development consent subject to certain aspects being clarified at a later time. Case law was supplied to the effect.

#### 8 ASSESSMENT UNDER SECTION 90 OF THE E. P. & A. ACT

90(1)(a)(i)

The provision of any Environmental Planning Instruments (E.P.I.)

The land is zoned General Rural 1(a) under Lismore Local Environmental Plan 1992. The development is permissible in the zone by the enabling provisions of cl.7 of SEPP#15. The Planning Department. is of the opinion that the proposed development is in conflict with the following two objectives of the zone:

"(b) to encourage and permit a pattern of settlement which does not adversely affect the quality of live of residents and visitors and maintains the rural character" and

"(c) to ensure development occurs only on land which is suitable for and economically capable of that development and so as not to create conflicting uses"

In relation to other provisions of the LEP, clause 17 applies. This clause relates to development on ridgelines in rural areas and requires that Council consider the following issues as they relate to visual amenity of the rural area and the community interest: Height and location of any buildings, reflectivity of materials, the likely effect of carrying out the development on the stability of the land, bushfire hazard, landscaping proposals, and the viability of the land. Council is not in a position to assess height and external finishes of future buildings. Insufficient information has been supplied to determine the effect on the stability of the land. The land is mapped as a high bushfire risk area. No detailed landscaping proposals are provided in relation to the potential visual impact of road systems and building locations.

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X- The application is also subject to the provisions of clause 33 of the LEP, which states that the Council shall not consent to "residential development ..unless the applicant has demonstrated to the satisfaction of Council, that the proposed development will be compatible with specified land use in the locality, which may cause conflict with the proposed development". Dairies are defined as "specified land uses". The applicant has made only a superficial and inconclusive assessment of the impact of the development on the continued operation of the dairy. Conflicts between existing rural and residential developments are well documented, and relate to issues such as absence, access, catchment management, co-operation, dust, drainage and fencing, for example. The adjoining dairy farmer as have NORCO and the local branch of the Dairy Farmers' Association expressed concern regarding future possible conflict between the land uses. Council staff are unaware of situations where a multiple occupancy has caused the cessation of the operation of a dairy, however to create a situation where this may occur would be inappropriate. The dairy is approximately 450m from the southern property boundary. A minimum of 500m separation between housing and dairies has been adopted by other North Coast Councils. Three or four house sites are close to 500m from the dairy and could in the future claim some adverse affectation from the dairy.

The application is subject to the provisions of State Environmental Planning Policy No. 15- Multiple Occupancy of Rural Lands. (see section 9)

- 90(1)(a)(ii) Any draft E.P.I. that is or has been placed on exhibition  
The recently exhibited amending draft Local Environmental Plan has no effect in respect of this proposal.
- 90(1)(a)(iii) Any draft State Policy  
Not applicable
- 90(1)(a)(iv) Any Development Control Plan  
Not applicable
- 90(1)(a1)(i) Conservation Agreements  
Not applicable
- 90(1)(a1)(ii) Any Plan of Management  
Not applicable
- 90(i)(b) The impact of the Development on the Environment  
See sections 4, 5, 6 and 7. Considerable concern has been expressed by representatives from the Government Departments of Health, Water Resources, Conservation and Land Management, Council's Health and Building Department and long-time and adjoining landowners regarding the proposed means of effluent disposal and the capability of the land to satisfactorily cope with effluent generated as a consequence of the proposal when fully developed. No satisfactory means to address this situation have been proposed. A similar situation exists in relation to erosion and sedimentation control and the stability of the land in relation to road and dam site location and design. With information currently supplied to Council it is considered that the development will have an adverse impact on the environment.

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90(1)(c)

Effect on the Landscape

Landscape is a commonly used term which is often difficult to define conceptualise objectively. The concept embraces the items that make up the scene (views from a road or vantage point) and will include arrangement of physical features (ridgelines, vegetation, water courses etc), patterns of landuse (dwellings, fences, the use of particular paddocks etc). Scenic assessment should take some account of community values, although it is acknowledged that there is some degree of subjectivity regarding this issue.

The land forms part of a significant north/south ridgeline system with minor "spurs" running east/west off the main ridgeline, creating a natural amphitheatre central to the land. It is considered that the land has significance to the existing rural landscape qualities of the locality.

Dwelling sites 1,3,4,5,6, and 14 and community buildings (2) and recycling facilities are visible from Davis Road immediately to the west of the amphitheatre. Sites 8,9,10, and 13 will possibly be evident from a point south along Davis Road looking north. It is considered the development will have a substantial visual impact on the existing natural features of the land and as a consequence that of the locality. Although it is noted that landscaping will reduce such impact, insufficient information is supplied in the application to suggest a strong commitment to landscaping.

The cultural landscape of the area is dominated by the existing pattern of housing settlement. Historically, clustering of dwellings has occurred near the intersection of the Davis and Jiggi Roads and the creek, with a dispersed pattern of settlement occurring along Davis Road as concessional lots of sizes 2-10ha have developed. Dwellings to area of land occurs at an average ratio of 1/21ha. The proposed development will have a ratio of 1/1.6ha. for the area of the main settlement, excluding the common lands and 1/3.6ha. including the common lands. The pattern of settlement a consequence of the proposed development is not consistent with that of the area. It is further noted that several of the dwelling sites and the community buildings are in locations of visual prominence and will change the existing landscape.

90(1)(c1)

Effect on Wilderness Area

Not applicable

90(1)(c2)

Effect on Environment of Endangered Fauna

The National Parks and Wildlife Service have not raised any concern in relation to the effect on endangered fauna. Although several objectors have raised concerns relating to unleashed domestic dogs from the lands straying onto adjoining lands and chasing wildlife.

90(1)(d)

The Social Effect and the Economic Effect of that Development in the Locality

Considerable concern has been expressed by many local objectors as to adverse social and economic effect of the development. Council Planning staff are not qualified to make comments on the social effect of the development, although it is considered that the concerns expressed regarding adverse social impact are largely unfounded.

In relation to economic effect the development will have an overall positive impact to the local government area, via increased building and development

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*why not?*

activities, although there will be an increased demand on services and resources e.g. water, roads, transport, schools etc. No comment is made regarding adverse economic effect on adjoining lands as a consequence of multiple occupancy development.

90(1)(e)

External appearance, design etc.

Detailed information on the sixteen (16) dwellings and the community buildings are not included in the application. Sites only, are identified. Building consent is required prior to the erection of buildings on multiple occupancy developments and are at the time subject to specific building assessment. General conditions are normally set down in the consent notice and specific requirements of SEPP#15 established which provide for appropriate development control. Building applications are then advertised for public comment. This process recognises that multiple occupancies take a period of time to develop.

*missing the boat*

In relation to this application, concern is expressed in relation to the location of the dwelling sites and the lack of information regarding site stability and disposal of effluent. The proposal in terms of the existing rural character significantly exceeds the existing dwelling to land ratio found in the locality. The density of development proposed maximises the provisions under SEPP#15. It may well be that a reduced number of dwelling sites would be more compatible with the capability of the land, the pattern of settlement and local residents.

90(1)(f)

Size of Parcels, siting of buildings

The size of the land meets minimum requirements established under SEPP#15, and is held in the one title.

The siting of the dwellings is in a dispersed pattern, it is noted that SEPP#15 definitely prefers a clustered form of development, and historically the Council has sought to achieve clustering to avoid problems such as that which may be experienced with erosion and sedimentation associated with long internal roads, particularly where the land is steep and unstable. Similar observations could be made in regards the ability of emergency services to access people and property in times of bushfire and access by ambulance.

*but support with evidence it does not*

Clustering will reduce the impact on adjoining lands and agricultural land within the development.

Clustering also physically facilitates a spirit of co-operation which it is submitted is one of the key elements of a successful communal development and expressed in the objectives of SEPP#15.

90(1)(g)

Hazards, flooding, slip, erosion etc.

See sections 3, 6 and 7, it is considered the applicants have not paid sufficient regard to the hazard limitations that exist on the land.

90(1)(h)

Relationship to other land in the locality

*→*

The applicant has not provided sufficient information to satisfy Council that the development is compatible with adjoining land use in the locality as established by clause 33 of the LEP.



90(1)(i)

Access parking and loading

The land is accessible from a formed, gravelled public road. The road is subject to periodic flooding, this is not seen as a major impediment to the use of the land for multiple occupancy or other uses permissible in the zone. It is noted that the road is on a two yearly maintenance schedule and that additional traffic generated as a consequence of the development will cause additional "premature" wear and tear on the road. Councils Engineering Department. have not expressed concern regarding this issue subject to the payment of appropriate s94 levies.

Concern is expressed in relation to the location and preliminary design details supplied by the applicant for internal road systems. The land has been identified as subject to slip and mass movement, issues noted by local objectors to the development. On the basis of information supplied to-date it appears impossible that Councils normal requirement that all dwelling sites be accessed by an all weather two wheel drive standard road can be met.

90(1)(j)

Traffic generated, the road system

It is considered unlikely that the development will generate traffic in excess of the capacity of the road system, although additional impact on the road system will occur as a consequence of the development. The Engineering Department. in accordance with previous Court rulings, that the amount of traffic generated by similar developments equates to two vehicle movements per day have recommended s94 levies towards rural road improvement.

90(1)(k)

Public transport

The statements regarding the adequacy of public transport to and from the Jiggi area from Lismore are not correct. See section 9.

90(1)(l)

Utility Services

See section 9. The capacity of electricity and telephone services is not stated, although both services are located to the land and appear to be adequate.

90(1)(m)

Landscaping Trees

The development does not require removal of any significant vegetated areas. Extensive landscaping would be provided to assist in screening houses.

90(1)(m1)

Likely to Cause Soil Erosion

Given the advise provided to the applicant from CALM and the consultant engineer for the applicant and subsequent advise to Council, as a result of the formal processes of consultation, concern is expressed that there exists a strong likelihood of soil erosion resultant from poorly located and designed roads and dams.

90(1)(n)

Representation by Public Authorities

See section 6 "Submissions from Public Bodies"

90(1)(o)

The amenity of the neighbourhood, now and in the future

The existing settlement pattern of the locality is characterised by the existence of concessional lots, similar sized and larger rural holdings. See above. Many submissions raise issues of amenity, of particular concern is the location of dwelling site #2 which overlooks and will adversely impact on the privacy of residents of an existing residence to the north.

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- 90(1)(p) Submissions under Section 87 of the Act  
See Section 4, 5 and 6.
- 90(1)(p1) Any matter specified in an environment planning instrument as a matter to be taken into consideration or to which the consent authority shall otherwise have regard in determining the development application  
See section 9 "Assessment under SEPP 15".
- 90(1)(q) The circumstances of the case  
The property has been inspected by Councils Planning, Health and Building, and Engineering staff. At the time of inspection on 17/5/93 the following developments/structures were observed on the land:  
\* site #2 pole structure and camping amenities, rough tent structure and garden.  
\* site #12 a garden shed evidence of habitation and garden area.  
\* site #5 the placement of a caravan, not used for habitable purposes, temporary occupation permit given for the land at site #3.  
\* a black plastic camping structure behind some bushes near the creek below site #6.  
Councils Planning and Building staff advised a person by the name of G.Pless who was observed carrying building materials to site #2 that the development had not been approved and that he should not carry out any further work without the consent of Council. The applicant was advised of this situation. The pole structure at 1/6/93 been further developed to a point where roofing iron can be placed on the structure, Council's Health and Building Department. have issued a "show cause" notice to the owners of the land regarding this matter.
- 90(1)(r) The public interest  
See Sections 4, 5 and 6 and SEPP 15 Assessment. This proposal has generated considerable public interest, some 39 written objections from people in the area, from adjoining landowners and from people currently living on small three site multiple occupancies further along Davis Road, together with an objecting petition containing 105 signatures.  
Many of the submissions made appear to the Planning Department. to be very relevant, particularly those from persons who have lived in the area for some time.  
It is considered that approval of the application would not be in the public interest, as clearly evidenced by the extent of public concern created by the application.
- 90(1)(s) Other prescribed matters  
Not applicable



9 ASSESSMENT UNDER STATE ENVIRONMENTAL PLANNING POLICY NO. 15:  
MULTIPLE OCCUPANCY OF RURAL LAND

Clause 2 - Aims and Objectives:

(a) community based and environmentally sensitive rural settlement: the application makes several positive environmental statements in relation to the development of the land, for example, reafforestation, creek bank and gully stabilisation, creation of forest buffer zones, weed control, permaculture development and organic gardening. No detail is supplied in relation to these statements.

(b)(i) collective ownership and principal place of residence: the land is in one title (lot 41 DP 802597, area 58.09ha.), the application indicates that ownership will be established as "Tenancy in Common on Freehold Title", where each tenant owns all of the land and has legal rights to a share, or shares, under Tenancy in common. Sixteen shares are proposed. Although considerable concern has been expressed in relation to the notion of principal place of residence it appears that no inference can be drawn that the applicants cannot comply with this objective.

(b)(ii) erection of multiple dwellings and collective sharing of resources and management of the land: the application makes provision for community management via the stated community land management policy. "Home improvement areas" of 10,000m<sup>2</sup> to erect a dwelling are proposed, with an additional 6,000m<sup>2</sup> around each home improvement area as a "management area" on behalf of the community. The provision of the 10,000m<sup>2</sup> is apparently based on Department of Health guidelines with respect to effluent disposal, however the stated 10,000m<sup>2</sup> "Home Improvement Area" is in direct contravention to the definition of "Home Improvement Area as described in SEPP#15 cl.5(1) "meaning an area of land not exceeding 5,000 square metres, around a dwelling". This issue appears "catch 22" for without the 10,000m<sup>2</sup> area the Health Department has expressed concern regarding minimum waste disposal areas, but under the policy any area in excess of 5,000m<sup>2</sup> is effectively prohibited. However an amendment to the application could be made to comply, provided a satisfactory means was provided to permit waste disposal on common lands.

(b)(iii) pooling of resources to economically develop a range of communal rural living opportunities, particularly for low income groups: this objective is very difficult for Council to realistically assess. Although no information has been supplied in the application which may assist Council to make a decision as to whether or not the objective can be complied with. The policy does not restrict multiple occupancy to low income earners.

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

(i) which protects the environment and does not create a demand for unreasonable or uneconomic provision of public services and amenities: the development is a dispersed form of rural multiple occupancy, for the reasons stated by the applicants as listed in Section 2 of this report. Dispersed development is of concern to the local bushfire brigade, the pattern of dispersal is also of concern should all residents wish connection to the electricity or telephone grid/systems. Dispersed settlement pattern requires additional internal roads, which given the reactive and unstable nature of the land may result in occurrence of mass movement, slip, erosion, sedimentation and further land degradation which has a broader community cost.

(ii) prohibition of subdivision and separate legal rights to parts of the land: From information supplied to Council it does not appear that this proposal may constitute a subdivision.

(iii) opportunities to create increase in rural populations which are suffering decline in

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services due to population loss: Councils Community Services Section have commenced preparation of a community services plan for the North/West Rural Sector of the LGA, until this process is complete Council cannot make an informed decision as to whether or not the area is suffering population decline and loss of services as a consequence of population decline. The Policy does not prohibit multiple occupancy in areas not in decline it however indicates a preference for the form of development in those areas.

**Clause 7 - Multiple Occupancy - SEPP 15 Requirements:**

1(a) Land holding: satisfactory, one holding, no subdivision appears to be proposed or implied under the Conveyancing Act 1919 or Strata Titles Act 1973.

1(b) Land area to be greater than 10ha: The land has an area of 58.9ha., the proposal meets the criteria.

1(c) Height of buildings not to exceed 8 metres: Information relating to this requirement is not usually sought by Council at the stage of seeking development consent for multiple occupancy, and is usually addressed as a condition of development consent.

1(d) Not more than 25 % prime crop and pasture land: from information supplied to-date it appears that approximately 7% of the land is Class 3 agricultural land.

1(e) Dwelling location relative to prime crop and pasture land: from information supplied to-date it appears that 3 dwelling sites are within Class 3 lands and that 7 "Home Improvement Areas" fall within lands mapped as Class 3. It is noted that no report regarding this issue has been produced to satisfy the Department of Agriculture's requirements although a report provided to Council 3/6/93 has now been forwarded to the Department. On information supplied to-date by the applicant the development fails to meet the criteria.

1(f) Other development (motel, hotel, caravan park, tourist accommodation) not permissible in the zone: not applicable, residential and agricultural uses are proposed.

1(g) Slopes greater than 18 degrees on greater than 80% of land: approximately 23 % of the land contains slopes in excess of 18 degrees (30 %).

1(h) Aims and objectives: Refer legal opinion, section 7. It is considered that the proposal does not meet objective 2(c)(i) as relates to clustered development, as discussed above.

**Clause 8 - Matters for Council to Consider:**

1(a) Proposed land ownership, dwelling occupancy rights and community and environmental management: The proposed means of land ownership appears to be satisfactory. Concern as expressed in regards the applicants been realistically able to comply with the requirement that the land be used as the principal place of residence does not appear relevant. Statements regarding environmental management have been made although no detail is provided. In regards community management the proposal is in obvious conflict with the definition of "home improvement area" as stated in SEPP#15.

1(b) Area proposed for buildings and clustering proposals: The development proposes a dispersed form of development, the State Policy "prefers" a clustered settlement pattern. It appears the dispersal of dwelling sites has been a consequence of the physical limitations of the land, and attempts to mitigate future conflicts within the settlement for agricultural and

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other uses. However it is considered that such issues may well be best resolved by all the applicants in the initial processes involved in preparing the development concept prior to the DA been formally submitted. see Section 90(1)(f) assessment and that the land may not be suited to a development this size.

1(c) Area for proposed community use: The applicants have clarified to an extent the location, number and type of community buildings proposed. The site for the community buildings is indicated to be approximately 80m west of the Davis Road entrance. Given that the area generally has not received "typical" rainfall occurrence for sometime, and that the vegetation (grass cover) is lush some concern is expressed that the applicants may find soil conditions difficult to permit erection of the complex proposed. The proposed recycling yard within 80m. of Davis Road is of concern in terms of impact on the existing landscape qualities of the locality.

1(d) Need for proposed development for community use ancillary to the use of land: The need for the facilities proposed has been stated for use by the occupants of the land.

1(e) Availability and standard of public road access: Councils Engineering Department has not raised any concerns regarding the availability and standard of public road access to the development. It is noted that Davis Road is subject to periodic localised flood inundation. This is not seen as a major impediment to the use of the land for a form of multiple occupancy development.

1(f) Availability of water for domestic, agricultural and fire protection and impact on other users of supply: The application indicates a planned community developed water scheme proposed to access water from the un-named creek, natural springs and community dams in compliance with Department. of Water Resources guidelines and consultation, together with individual catchment of rainwater encouraged. Two possible dam sites were initially identified, additional information supplied by the applicants and their consulting engineer suggest a dam size of between 2 to 10 megalitres and some 8 likely sites.

In respect of water supply the following issues are of concern:

- \* concern by CALM that the dam site to the south of the land is located on unstable land. The objection by the adjoining owner to the south indicated that a dam previously located in area this failed.

- \* the un-named creek was observed to run dry during recent period of low rainfall and therefore cannot be relied upon. It is noted that the dairy to the south is partially reliant on this resource.

- \* no information is supplied regarding the location, suitability or capacity of the natural springs, refer comments from Water Resources.

- \* the alterations to the map supplied by the applicants consultant engineer by the applicant suggests that no investigation of the dam site has been made.

- \* no detailed information estimating the demand for water by 16 dwellings for domestic, agricultural and fire fighting reserves and the availability ( quantity, quality and location) of water is supplied.

1(g) Availability telephone and electricity: The application indicates the availability of telephone and electricity. No documentation from either Telecom or Northern Rivers Electricity regarding the capacity of the respect grids is supplied.

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1(h) Availability of community services and facilities: A community hall, primary school and various sporting and recreational facilities exist at Jiggi. The land is within relatively close proximity (1/2 hours drive) to Lismore where all services and facilities are located. Statements made in the application are not correct regarding bus services to the area. The application indicates "a scheduled daily bus service from Lismore to Jiggi....and also to the local Jiggi School". Discussions with the operator of the service indicate that a bus service runs only during the school term on Mondays to Fridays, excluding public holidays, the service departs Jiggi at 8am and returns about 4.20pm, and that no service is located along Davis Road.

1(i) Disposal of waste: Concern is expressed regarding both the level of information supplied and the capability of the land to adequately dispose of greywater and sewerage effluent. Refer also to comments made by the Department. of Water Resources, CALM, and Department. Health. The information supplied by the applicant does not satisfactorily address Councils request for additional information.

1(j) Impact on vegetation systems: There is no significant impact upon the existing vegetation. The applicants have indicated a desire to reafforest and rehabilitate degraded areas on the property, preserve existing native flora and fauna, establish wildlife corridors along existing gully systems, control exotic plant growth and feral animals and landscape areas between dwelling sites and Davis Road settlement. No detail is provided to support these statements. The National Parks and Wildlife Service have indicated that the proposal is unlikely to adversely impact on endangered fauna. The application indicates further consultation to minimise risk of bushfire, and erosion and sedimentation. Given the advise provided to the applicants by various Government Bodies to the applicants, it is considered this information should have been supplied with the application.

1(k) Hazard assessment: The land is within a mapped high bushfire hazard area. The local brigade has expressed concern regarding proposals made in the application as regards lack of formal consultation prior to making the application, fire protection measures outlined, and the very nature of the dispersed settlement pattern. Councils Fire Control Officer has indicated conditional support of the application.

The land is subject to periodic flooding, particularly in the area adjoining the un-named creek. The natural amphitheatre and central area of the land during wet periods according to local submissions becomes very "boggy". Concern is expressed that the preliminary road design information supplied has not taken sufficient account the existing and likely drainage and soil conditions of the land. The occurrence of periods of heavy rain on the internal road system, which in parts traverses land with slopes in excess of 25%, and which are possibly subject to mass movement and slip is of concern.

CALM has expressed concern to the applicants and Council regarding the possible incidence of mass movement and slip on the land. The applicants have not supplied sufficient information to alleviate concerns that either the dwelling sites, roads systems, or future dam sites are stable.

1(l) Visual impact: The proposed development will have a significant impact on the existing rural landscape qualities of the locality. It is noted that landscaping will take many years to establish. See section 7.



1(m) Effect on present and potential land use of adjoining and land in vicinity: The application indicates that adjoining lands are used for cattle grazing. A 100 milking head dairy farm adjoins the proposed development. Little consideration is made in the application of possible impacts on the existence of the dairy and the operational parameters and requirements of the enterprise. Council staff are unaware of situations where a developed multiple occupancy has resulted in the closure of an established rural enterprise, however the application has failed to address and/or supply information on issues such as weed control, maintenance of boundary fences (expensive and usually shared on a 50:50 basis), and maintenance of an available water supply via the creek system which will effect the operation of the dairy. The issue of possible sedimentation of milk as a consequence of additional traffic on the road is not a matter on which Planning staff are qualified to comment. There is a cattle dip site south of the land, however it is of a distance not to cause any concern. No quarries are located in the vicinity of the land.

1(n) Extractive deposits: No known proven extractive deposits have been identified in and around the proposed development areas.

1(o) Effect on quality of water resources: The possible impact of the development on the quality of the existing water resources in the area is of concern. Information has not been supplied that clarifies issues such as effluent disposal, dwelling site and road access stability and suitable location of dam sites. Refer also to comments made by Government Departments regarding this issue.

1(p) Aboriginal claims, relics or sites: no known sites of Aboriginal significance are identified. The National Parks and Wildlife Service indicated that a appropriate survey be conducted of the site prior to the development commencing.

1(q) Future urban or rural residential expansion: The land has not been identified as been required for future urban or rural residential expansion.

1(r) Benefit to existing village centre: The development by virtue of potentially placing additional people in the area will provide a positive economic benefit to service businesses in the village of Goolmangar and the City of Lismore. Information as to whether or not the area or nearby village are suffering population losses has not as yet been finalised. However, from the nature of submissions received, it appears to be the opinion of locals that the area is not suffering population decline.

2 Site Plan Information for developments in excess of 4 dwellings.

Great concern is expressed regarding the accuracy of the plans submitted with the application. Plans are included which do not show scale, and contour elevations/heights. Where a scale is indicated (1:5,000), the dimensions of the land when scaled (measured) do not correspond with the dimensions of the deposited plan (land title). Plans/maps submitted by the consultant engineer appear to be summarily altered/amended by the applicant without consideration as to the impact on the integrity of the accompanying report.

2(a) Environmental protection areas: Native forest areas are shown, although the source of the information is not stated. None of the lands subject to the 'Protected Lands' provisions of the Soil Conservation Act are shown. Areas where rehabilitation or reafforestation will be carried out are shown on a map supplied 3/6/93 - no detail is provided.



2(b) Hazard mapping: The plans supplied 3/6/93 describe land subject to flooding. Photographic evidence supplied to Council suggests that the land adjoining the un-named creek is flood prone. Plans do not adequately describe land subject to bushfire risk or landslip. Considerable attention has been drawn to the actual and potential incidence of mass movement and landslip on the land by Officers of CALM and the consulting engineer.

2(c) Prime Crop and Pasture Land: the extent of prime crop and pasture land as defined in SEPP#15 was not mapped in the original application report. A map subsequently supplied by the applicants consultant has shown 3 dwelling sites and 7 "home improvement areas" in Class 3 lands. This contradicts cl.7(1)(e) of SEPP#15. *but apply 71c*

2(d) Other Development: Areas of the land to be used for development other than for dwellings was not initially indicated. Information subsequently supplied indicates the location for the proposed community buildings. The maps do not show areas for creek-bank and gully stabilisation, forest buffer zones to adjacent properties, location of a fire access track on the eastern boundary.

2(e) Source and Capacity of Water, Electricity, Telephone and Waste Disposal: Source and capacity of water supply (creek, accurate dam sites, ground water reserves) is not shown. Waste disposal is not adequately addressed given the limitations of the land slope and soil types. Electricity and telephone connections are shown, no information is provided regarding systems capacity.

2(f) Access: Access roads are located, concern is expressed that the contour information shown on the maps is not consistent with the location of the roads as pegged on ground by the applicant. Sections of the internal road to dwelling site #2 exceed an existing slope gradient measured to be 18 degrees (about 33%); similarly the pegged road location to sites #7,8,9,10,11,12,13,15 and 16 exceed in sections, slope of 15 degrees (about 28%) together with section which can be best described as been on the edge of an escarpment. This is of serious concern in relation to physical access, i.e. the Fire Control Officer's four wheel drive did not proceed up the pegged road; the extent of cut and fill to make the road trafficable would be large; the impact on land stability is unknown; erosion and slip as a consequence is very likely. No access is shown to site #9 on plans submitted 3/3/93.

**Clause 9 - Density of Development:**

The applicants have maximised but not exceeded the density of the site in accordance with the requirements of SEPP #15. Utilising the formula, the density of the development on the land of area 58.09ha shall not exceed  $16.4 + (58-10)/4 = 16$ .

The Council is not in a position to assess the total number of dwellings in relation to the maximum number of persons that could possibly live on the land (64) as historically the Council as not sought information on house design at Development Application stage.

**Clause 10 - Future Subdivision:**

Future subdivision is prohibited by SEPP #15.



**10 MEETING WITH APPLICANTS 3/6/93**

On Thursday 3/6/93 the applicants (Jonathan, Theana and Alan) conducted a meeting with Council's Chief Planner, N Juradowitch and Development Control Planner, M Scott. The purpose of the meeting was to discuss various aspects of the application and provide information in light of the submissions. A copy of the summary of the submissions as appears in the business paper, had at the applicants' request, been provided to permit them to address issues which they considered of relevance to the application. A copy of the summary of submissions was also provided to the objectors.

The applicants' response to the submissions is enclosed separately for all Aldermen at the request of the applicant. This response has been reviewed and does not provide any significant additional information which warrants any changes to the report as now presented to Council. Council should note the changes in dwelling and dam site locations on Appendices 2, 3, 3(a), 4, 6 and 6(a). The maps shown as Appendices 6 and 6(a) were provided by the applicants on 3/6/93 together with a detailed agricultural report. The agricultural report has been referred to the Department of Agriculture. A response by the Department should be available at the Council meeting.

**11 CONCLUSION**

The proposed development as currently before Council does not comply, in the opinion of Council's Planning Department, with SEPP #15, nor is it consistent with or satisfy many of the general requirements for Council to consider under S90(1) of the Act. The application has not provided sufficient information for Council to adequately assess the following key issues. (This is list not exhaustive - refer Sections 6 and 7.)

- \* availability of water;
- \* adequate means of waste disposal;
- \* prevention of soil erosion;
- \* protection of future occupants, buildings, internal access roads and adjoining land from the hazards of bushfire, slip and mass movement, and
- \* impact on adjoining development.

It is considered that where a proposed development is unsuitable and major modifications will be needed before development can occur, whether or not by means of conditions, Council should not attempt to facilitate the development by permitting certain aspects to be clarified at a later time. A consent must be "final" and essentially in the form proposed in the application and define or limit, as the case may be, the use to which the land may be put. Where sufficient information has not been provided and consent granted the Council would not only be vulnerable to appeal against its decision under S123 of the Act, but also would be permitting a development which may have undesirable impacts.

Additionally, concern is expressed that the development as proposed will have an adverse impact on the existing landscape and scenic qualities of the locality and that it proposes a pattern and density of settlement that is not compatible with the character and location of existing rural and residential development in the locality. The relative dwelling to land area ratios have been previously stated in the report. It is further noted, as a matter of comparison, that the average dwelling densities on multiple occupancies on land in excess of 30ha. in the local government area, around the Nimbin area, are one dwelling/19ha. and that most existing developments have not sought to maximise the "development potential" of the land.

*at this time*

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The refusal of this application, however, does not preclude the applicants "rethinking" the environmental capabilities of the land and undertaking a more thorough and detailed site assessment, having regard to the environmental planning issues and constraints outlined by Council and relevant State agencies. An amended proposal should be submitted which includes a thorough investigation of the site, reduction in number of dwelling sites, information on land stability as it relates to dwellings; access and waste disposal with greater attention to existing land use and settlement. A dispersed form of development may be more appropriate for this difficult site.

In conclusion the broad nature of public interest generated by the application suggests that applications for large multiple occupancies will have to be very carefully and professionally prepared, particularly where site characteristics create constraints for development. In all probability applicants should possibly be consulting with not only the regulators, but also the communities in which these forms and other forms of rural and rural residential development are proposed.

**Declaration:**

'I hereby declare, in accordance with Section 46E 3(a) of the Local Government Act, that I do not have a pecuniary interest in the matter/s listed in this report.'

**RECOMMENDATION (ADM166)**

A That Council, as the consent authority, refuse development approval to Development Application No.93/112 for the establishment of a sixteen site multiple occupancy of rural lands for the following reasons:-

**1. INFORMATION SUPPLIED**

- 1.1 That the application does not provide sufficient information for Council to properly assess the application, particularly in relation to -
- \* availability of water;
  - \* adequate means of waste disposal;
  - \* prevention of soil erosion;
  - \* protection of future occupants, buildings, internal access roads and adjoining land from the hazards of bushfire, slip and mass movement, and
  - \* impact on adjoining development.

**2. STATE ENVIRONMENTAL PLANNING POLICY NO.15: MULTIPLE OCCUPANCY OF RURAL LANDS.**

- 2.1 Clause 2: Aims and objectives: that the proposed development is inconsistent with the following objective:  
(b) Cl.2(c)(i) as relates to the stated preference that developments be clustered in a manner which protects the environment.
- 2.2 Clause 5(1): Interpretation: that the proposed development is in conflict with the definition of "home improvement area" meaning an area of land, not exceeding 5000 square metres, around a dwelling. The application indicates a "home improvement area" of 10000 square metres together with an additional 6000 square metres as an "allotted management area"

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## 2.3 Clause 7(1): Multiple Occupancy:

- (a) that the development does not comply with cl.7(1)(e) as relates to the location of dwellings on prime agricultural land as defined. Information supplied by the applicant indicates that 3 dwellings are located on land classified as prime crop and pasture land, additionally the "home improvement areas" of 7 dwellings are located within prime crop and pasture land.
- (b) that the development does not comply with cl.7(1)(h) as relates to the meeting of the objectives of the policy, in particular objective 2(c)(i) as relates to preference for clustered settlement pattern.

## 2.4 Clause 8(1): Matters for Council to Consider:

- (a) that the development does not provide sufficiently for the clustering of buildings, and conflicts with the stated preference of the Policy for clustering of dwelling sites. Cl.8(1)(b).
- (b) that insufficient and inadequate information has been provided for Council to adequately assess availability of water supply to the land for domestic, agricultural, and fire fighting purposes and the effect upon other users of the supply of water where it is proposed to utilise the un-named creek. Cl.8(1)(f).
- (c) that insufficient and inadequate information has been provided for Council to assess whether adequate provision has been made for the disposal of effluent waste from the land. Cl.8(1)(i).
- (d) that the land is subject to high bushfire risk, and risk of soil erosion, and that inadequate measures are proposed to protect occupants, buildings, internal access roads and land adjoining the development from such hazards. Cl.8(1)(k).
- (e) that the development will have an adverse impact on the on the existing rural landscape qualities of the locality. Cl.8(1)(l).
- (f) that insufficient and inadequate information has been provided for Council to assess the effect of the proposed development on the existing dairy to the south of the subject land. Cl.8(1)(m).
- (g) that insufficient and inadequate information has been provided for Council to assess the proposal to utilise ground-water reserves and for the protection of surface and ground waters from possible contamination from effluent disposal systems given the high rainfall characteristics of the area, soil types and land slope. Cl.8(1)(o).

## 2.5 Clause 8(2): Site Plans:

- (a) General: that the plans accompanying the application are inadequate, showing no scale, contour intervals, and source of information.
- (b) Cl.8(2)(a): that vegetated areas requiring environmental protection are not shown and where rehabilitation or reafforestation is proposed this information is not sufficiently detailed.
- (c) Cl.8(2)(b): that areas subject to a risk of flooding, landslip, and erosion are not shown, and that areas subject to bushfire risk is not specifically identified.
- (d) Cl.8(2)(e): that the capacity of water supply, electricity, telephone and waste disposal for dwellings is not shown.
- (e) Cl.8(2)(f): that access to dwellings is not sufficiently detailed nor has proper account been made to the effect of slip and mass movement on the land.

## 3. SECTION 90(1) ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979, AS AMENDED.

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TOWN CLERK

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MAYOR



- 3.1 s90(1)(a)(i): Lismore Local Environmental Plan 1992.
- (a) the development is inconsistent with objectives (b) and (c) of the General Rural Zone 1(a) as relate to:
- \* pattern of settlement which does not adversely affect on the quality of life of residents and visitors and the maintenance of a rural character, and
  - \* ensuring development on land which is suitable and economically capable of the development and so as not to create conflicting uses.
- (b) insufficient information has been provided to satisfy the provisions of Clause 33 as it relates to buffer zones to avoid potential land use conflicts.
- 3.2 s90(1)(b): Impact on the Environment: That the development is likely to cause harm to the environment ( effluent disposal, potential for mass movement and slip as relate to dwellings, internal access roads and dam sites), and that insufficient means are outlined to protect the environment.
- 3.3 s90(1)(c): Landscape/scenic qualities: That the development will have an adverse impact on the scenic and landscape qualities of the locality.
- 3.4 s90(1)(e): Character, location and density: That the character, density and location of dwelling sites proposed within the development are inconsistent with the character location and density of existing residential development of the locality.
- 3.5 s90(1)(f): Siting of Dwellings: That the proposal for a dispersed pattern of settlement is unacceptable for reasons of unnecessary lengths of internal roads, and an overdevelopment of the land given the physical limitations of the land.
- 3.6 s90(1)(g): Suitability of land: That the land is subject to slip and high bushfire risk.
- 3.7 s90(1)(h): Adjoining development: That insufficient information and regard has been given to adjoining development, in particular the existing dairy to the south of the development land.
- 3.8 s90(1)(i): Access: That insufficient information has been supplied in regards the location and design of the internal road system, and that access to all dwelling sites will not be achieved to Council standards that all sites be two wheel drive vehicle accessible.
- 3.9 s90(1)(k): Public Transport: That there is inadequate public transport to the land.
- 3.10 s90(1)(l): Utility services: That insufficient information has been supplied by the applicant in regards capacity of electricity and telephone to the land.
- 3.11 s90(1)(m1): Soil Erosion: That the development (in particular internal access roads and potential dam sites) is likely to cause soil erosion.
- 3.12 s90(1)(n): Public Authorities: That concerns expressed by The Department. of Conservation and Land Management, Department. of Water Resources and Department. of Health as relate to risk of slip, mass movement, water quality and quantity, and effluent disposal are not sufficiently and adequately addressed.
- 3.13 s90(1)(o): Amenity: That the proposed development will have an adverse impact on the existing and future rural amenity of the locality.

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TOWN CLERK

MAYOR



3.14 s90(1)(q): Circumstance of the Case: that some development has commenced without the prior consent of Council.

3.15 s90(1)(r): Public Interest: That the development is not in the public interest as evidenced by the large number of objections from landholders in the locality.

- B That Council would reconsider an amended application for a development which is more compatible with the characteristics of the site and locality and which -
- a) includes a thorough geotechnical investigation of the land and dwelling sites;
  - b) reduces the number of dwelling sites; and
  - c) provides for a clustering of the development to reflect the environmental capabilities of the land and effluent disposal constraints.

(M R Scott)

DEVELOPMENT CONTROL PLANNER

(N Juradowitch)

CHIEF PLANNER

*Total 33 grounds  
which do not incl  
item 2(c)(iii)*



Jiggi Residents Committee  
C/o M & R Laycock  
Davis Road Jiggi  
4th February 1994

DA 93/754  
Development Proposal/Application lot 41 D.P. 802597,  
136 Davis Road Jiggi.

Dear Councillor,  
Coffey Partners International Pty Ltd (C.P.I.) were commissioned by The Jiggi Residents Committee to conduct an independent review of the geotechnical aspects of the proposed development of rural land at 136 Davis Road Jiggi.

Coffeys Partners indicate that the geotechnical reports provided and submitted in support of the Jiggi development provide insufficient detail to enable them to make a responsible decision as to the feasibility of the development.

"Council's solicitors have advised that if council considers, it does not have sufficient information to properly consider the application pursuant to the Act this must be clearly stated as reasons for refusal. Council was also advised that it cannot grant development consent subject to certain aspects being clarified at a later time. Case law was supplied to this effect". (L.C.C. Business Paper, 15th June 1993, P34).

Council's Planning Department indicates, "where sufficient information has not been provided and consent granted the council would not only be vulnerable to appeal against its decision under S123 of the Act, but also would be permitting a development which may have undesirable impacts". (L.C.C. Business Paper, 15th June 1993, P46).

This development is not in the public interest as clearly evidenced by the estimated 50 odd objections and 198 objecting petition signatures.

Accordingly we attach for your attention a copy of the Coffey Partners report.

Yours Sincerely  
Jiggi Residents Committee

Per M & R Laycock.

*M. Laycock.*  
*R. Laycock*



Jiggi Residents Committee

**REVIEW OF GEOTECHNICAL ASPECTS  
OF DEVELOPMENT APPLICATION REPORTS  
FOR 136 DAVIS ROAD, JIGGI**

Report NR849/1-A February, 1994.

**Coffey Partners International Pty Ltd**

A.C.N. 003 692 019

Consulting Engineers, Managers and Scientists  
Environment • Geotechnics • Mining • Water Resources







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Figure 1: Typical Cross-Section of Flanks of Plateau and Ranges

Important Information about your Geotechnical Engineering Report





## 1.0 INTRODUCTION

Coffey Partners International Pty.Ltd. (CPI) were commissioned by the Jiggi Residents Committee to conduct an independent review of the geotechnical aspects of the proposed development of rural land at 136 Davis Road, Jiggi in the Northern Rivers District of New South Wales.

The documents that have been examined are:-

- Development Application, Multiple Occupancy of Rural Land at 136 Davis Road, Jiggi, City of Lismore, Parish of Nimbin, County of Rous dated 21/12/93.
- Town Planning Report by Geolink dated 8th April, 1993, Reference: 908-93/135.
- Set of 27 colour photo prints taken from various locations showing apparent slope failures.
- One enlarged aerial photograph of the area.

## 2.0 COMPANY EXPERIENCE

CPI have carried out numerous slope stability assessments for residential developments in the Northern Rivers area of New South Wales. In addition to individual site reports, a number of regional assessments have been completed in N.S.W. and Queensland. Some examples of regional slope stability studies include the following:-

- Ballina Shire Council - March 1986  
Slope Instability of Residential Areas of Ballina Shire, Geotechnical Zoning Survey.
- Detailed Landslip Study in the Coolum View Terrace to Pertaka Street Area, Buderim Mountain, September 1982.
- Maroochy Shire Council - September 1981  
Landslip Occurrence at Buderim Mountain.
- Warringah Shire Council - July 1975  
Preliminary Classification of Stability Risk Areas within "A" Riding.
- Preliminary Assessment of Slope Stability of Southern Slopes, Newport Plateau, February 1973.





CPI have had previous involvement relating to this site and in November 1992 were invited by Theana and others to submit an estimate of fees and costs to carry out geotechnical studies for the proposed 16 dwellings, associated access roads, and to indicate potential dam sites. The general area has a Lismore Basalt Land Classification of Class I and II. A Class I area encompasses zones of excessively steep slopes many of which are actively unstable and generally should not be developed. A Class II area has moderately steep to steep slopes and development should only be undertaken after detailed engineering evaluation. During the preparation of the proposal, discussions were held with Soil Conservation who had visited the site and described the conditions as "horrible" but considered that development might be feasible. Soil Conservation advised that the whole of the lower slopes were moving with evidence of tension cracks over the area. Preliminary advice was given by CPI to Theana and others that the site conditions were complex with known instability. CPI had not visited the site during this period.

### 3.0 OVERVIEW OF DOCUMENTS PROVIDED

The geotechnical reports provided to us and submitted in support of the Jiggi development application do not address many of the issues which are fundamental to the assessment of the feasibility of development of unstable land. The regional geological maps do not show numerous landslips which are known to neighbouring property owners and regional stability in the form of hazard zoning has not been carried out. There is insufficient data to inform the reader as to the proximity of the proposed development to known unstable areas. The sustainability of an on-site sewage effluent disposal system is not addressed, nor is the impact on the environment and slope stability considered. Comments on dam locations do not address fundamental geotechnical aspects such as erosion, stability and the ability of dams to hold water. No geotechnical data in the form of borehole logs or laboratory test results is presented in support of the conclusions.

It is our opinion, on the basis of our understanding of the site, that the geotechnical reports do not present the "complete picture" with respect to regional geology and slope stability and do not adequately consider the impact of the proposed development on the site conditions. Insufficient detail has been provided to enable the reader to make a responsible decision as to the feasibility of the development. The absence of fundamental considerations with respect to slope stability may result in large scale landslip and soil erosion as a result of inappropriate development.





#### 4.0 REGIONAL GEOLOGY

According to published geological maps and reports of the area this property is underlain by the Lismore Basalt Formation which in turn overlies the Kangaroo Creek Sandstone.

It is our understanding that the regional geology comprises basaltic to rhyolite volcanic rock types with textures ranging from near scoriaceous (i.e. cellular or containing small voids) to massive coarsely crystalline, interbedded with horizons of diatomite (i.e. fine silica powder) and unconsolidated clay, sand and gravel. Underlying these volcanic rocks are massive bedded coarse grained, quartzose sandstones with minor quartz pebble horizons. These sedimentary rock types subcrop in valley floors northwest of Lismore, i.e. occur close to but below the ground surface in an area which covers the Jiggi Creek Valley.

The present day Jiggi Creek has eroded down through the basalt volcanic rock types towards the underlying sedimentary rocks. Often valleys formed in basalt by this process have rather precipitous slopes, leading from the characteristically flat topped ridges forming a plateau. Examples of this are widespread throughout the Northern Rivers area of New South Wales and in South East Queensland where basalt formations occur. Due to the nature of the soil materials and the slope angles, deposits of colluvium are commonly found in this type of terrain, that is material that has moved downslope under the influence of gravity.

The floor of the present day Jiggi Valley comprises alluvium deposits.

#### 4.1 Geotechnical Implications

##### 4.1.1 Steep Slopes

The geotechnical implications of this regional geological setting is that due to the generally steep slopes along valley sides in basaltic terrain, landslips are common. They occur on slopes and benches on the flanks of basalt volcanic plateaus. Any developments on or adjacent to these steep slopes can be expected to aggravate this slope stability problem.

##### 4.1.2 Weaker Interbeds

Several types of landslides have been recognised in various topographical and geological situations as shown in Figure 1. Although this example is from the South East Queensland area the geology is very similar to that at the Jiggi site. This example together with the rock descriptions in Section 2.0 of this report, show that basalt typically has various interbeds of different rock types which may have a lower shear strength. The interbeds of sedimentary material comprising unconsolidated clay, sand and gravel together with diatomite described in





the Jiggi area would certainly have a lower shear strength than the adjacent basalt rock. The potential exists for slope stability failure surfaces to pass through these weaker layers described above.

#### 4.1.3 Groundwater

These weaker layers often have a higher permeability than the surrounding basalt and therefore act as aquifers for groundwater flow, as indicated in Figure 1. The groundwater conditions of this geological scenario have a major influence on the occurrence of slope instability. The significant factors are the horizontal layering of the more porous zones which can act as perched aquifers feeding water horizontally out onto the flanks of the plateau, where it may be confined by the presence of relatively impermeable colluvium as shown in Figure 1 just above the basalt sandstone contact. This geological contact is an example of a sandstone subcrop as found in the Jiggi area. In our experience slope instability is common in basalt terrain and in particular near the basalt/sandstone subcrop in the Northern Rivers area of New South Wales and in South East Queensland.

A relatively thin soil layer overlying bedrock with a lower permeability on a slope may result in a raised groundwater table. This results in relatively high groundwater pore pressures in the limited soil thickness causing reduced effective shear strengths along potential failure surfaces through the soil cover. The occurrence of groundwater springs may be an indicator of the occurrence of this situation.

#### 4.1.4 Black Earths

Black earths may be found in basalt slopes either as in-situ residual material or in colluvium deposits where drainage is poor. These soils are generally highly plastic, susceptible to cracking and have a high montmorillonite content.

The potential for shrink-swell movements of the soil and loss of strength on saturation needs to be assessed and considered in the design of foundations.





## 5.0 DISCUSSION

In the following sections the geotechnical aspects relevant to each component of the proposed development are discussed. An attempt has been made to summarise the scope of work required to enable an informed assessment to be made of the site conditions and the feasibility of the proposed development.

### 5.1 Slope Stability

It is current practice when assessing regional slope stability to present a hazard map which identifies existing landslips and zones the area with respect to the risk of future landslide. This has not been carried out for the Jiggi site.

Hazard mapping generally requires the services of a fully qualified Engineering Geologist or Geotechnical Engineer with considerable experience in slope stability investigations.

It is not technically feasible to assess the stability of a particular site in absolute terms such as stable or unstable. However, the degree of risk of slope movement can be assessed by the recognition of surface features supplemented by limited information on the regional and local subsurface profile and with the benefit of experience gained in similar geological environments. The degree of risk is categorised below.

TABLE 1

#### CLASSIFICATION OF RISK OF LANDSLIP WITHOUT DEVELOPMENT

CLASS	EXPLANATION
LOW	A landslide is very unlikely
MODERATE	A landslide is unlikely
HIGH	There is some risk of a landslide

By using this risk classification the whole site is zoned into low, moderate or high risk as interpreted from the landform features recognised on site together with subsurface investigations.





The landforms shown in the coloured photographs of the Jiggi site provided to us strongly suggest the presence of many slips across the area. It is estimated that about eleven areas photographed indicate evidence of past slope instability extending from the lower slopes near the road which leads to the property through to the more precipitous slopes near the highest parts of the property.

CPI have not visited the site to date, but on the basis of the available data, it is considered that most of the Jiggi site would be zoned as moderate or high risk of instability. The geotechnical reports provided mention evidence of soil movement at most of the selected house sites.

Generally it is not economically viable to develop areas of high risk of instability since structures need to be designed to accommodate large ground movements. Areas of moderate risk may be developed subject to detailed site investigations and appropriate design.

Site investigations may take the form of test pits or drill holes. Such investigations should extend through any potentially unstable soils into competent material and should note the presence or otherwise of groundwater. Soil samples recovered during investigations may be tested in the laboratory to determine index parameters or shear strengths. In-situ testing such as Standard Penetration testing or hand penetrometer tests may also be carried out. The results of the full laboratory and in-situ testing program should be presented to substantiate interpretations and conclusions made.

## 5.2 Building Foundation Design

No foundation designs have been presented for the proposed structures which are mostly located in or close to zones of instability. It has been generally advised that pole houses would be suitable but no recommendations are given on founding depths.

It must be accepted that the risks associated with hillside construction are greater than construction on level ground in the same geological environment. The impact of development may be adverse and imprudent construction techniques can increase the potential for movement. The development of high risk areas may not be economically viable.

The risk of landslip class as defined in Table 1 above, will determine what foundations and associated hillside practice should be adopted.

Irrespective of landslip zones, the development of hillside sites requires special consideration. No advice is given in this regard although standard sheets are available summarising good and poor hillside practice.





### 5.3 Sewage Disposal

Insufficient information has been provided to enable a responsible decision to be made as to the sustainability of an on-site wastewater disposal system.

Investigations relating to the on-site disposal of sewage effluent should address the soil types in the proposed disposal area; the general subsurface profile including depths to rock and regional or perched groundwater tables and the capacity of the soil to sustain an on-site wastewater disposal system. In particular the sustainability of the disposal system will depend on regional rainfall and evaporation and the proximity of groundwater tables.

Issues that need to be addressed include the flowpath and destination of wastewater seepages, the treatment of effluent by the soil including the removal of nutrients and pathogens, the projected effluent quality and the impact on receiving watercourses.

The impact of infiltration from absorption trenches on slope stability has not been assessed.

On sites where rock occurs at shallow depths, effluent may migrate downslope along the soil/rock contact under the action of gravity. If a number of effluent disposal systems occur in series on a long slope the cumulative effects which may arise due to downslope flow needs to be considered.

### 5.4 Access Roads

The proposed access roads traverse relatively steep slopes which may be potentially unstable and therefore site specific investigations and slope stability assessments are required. If such investigations have been carried out they have not been reported.

It would be expected that site investigations would be carried out to assess the geotechnical conditions for use in stability analyses. In particular, the design of embankments on slopes needs to consider the impact of the increased loads on the natural slope stability, drainage to prevent the build-up of groundwater pressures, benching of the natural soils, "keying in" of fills and scour and erosion. Cuttings should be designed to accommodate the regional geology with attention given to erosion protection and batter slopes. Embankments on cuttings generally cannot be constructed in active slip areas without large expenditure on remedial measures to arrest ground movement.

Where culverts or pipes pass through embankments, hydrological studies should be completed to assess the required culvert/pipe capacity.





It appears from the information provided that none of the above has been carried out.

#### 5.5 Dams

The reports do not present any details of dam design such as hydrological studies relating to storage capacities and spillway design. No geotechnical studies have been reported on the dam wall foundations or storage basins.

Geotechnical aspects relevant to dam wall design are permeability of foundation soils, stability and the potential for dispersion. Preliminary spillway design should consider erosion and downstream conditions that might be at risk by the discharge of water.

Slope stability around the reservoir needs to be assessed. Often in zones of marginal stability, the introduction of groundwater can trigger instability of natural slopes.

The suitability of on-site material for dam wall construction should be assessed and advice given on the need for a cutoff beneath the dam wall to prevent seepage losses.

The potential for erosion of the reservoir area resulting in silting of the reservoir storage requires examination.

#### 6.0 ESTIMATE OF FEES AND COSTS

As requested we have estimated our fees and costs to prepare a geotechnical report for the site which addresses the issues raised above. Without visiting the site to assess conditions first hand, it is estimated that fees and costs would be between \$5000 and \$8000 depending on the extent of field investigation required in unstable areas.

For and on behalf of

COFFEY PARTNERS INTERNATIONAL PTY.LTD.



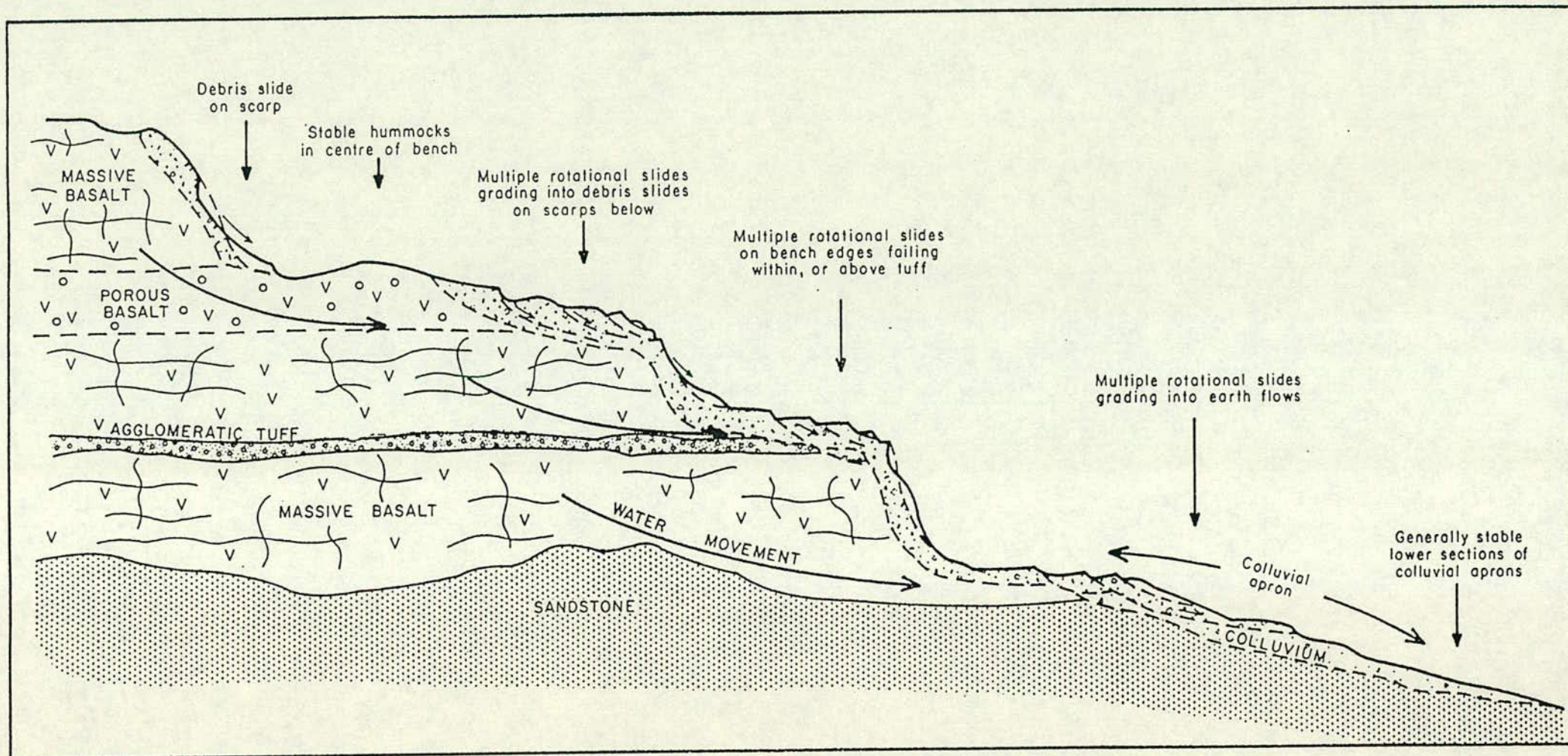


Figure 1 : Typical cross-section of flanks of plateau and ranges

Reprinted from: Geological Survey of Queensland Record 1983/84  
 "Slope Stability and its Constraints on Closer Settlement  
 in the Canungra - Beechmont - Numinbah Area, South East  
 Queensland" by W.F. Willmott.



# IMPORTANT INFORMATION ABOUT YOUR GEOTECHNICAL ENGINEERING REPORT

As the client of a consulting geotechnical engineer, you should know that site subsurface conditions cause more construction problems than any other factor. ASFE/The Association of Engineering Firms Practicing in the Geosciences offers the following suggestions and observations to help you manage your risks.

## **A GEOTECHNICAL ENGINEERING REPORT IS BASED ON A UNIQUE SET OF PROJECT-SPECIFIC FACTORS**

Your geotechnical engineering report is based on a subsurface exploration plan designed to consider a unique set of project-specific factors. These factors typically include: the general nature of the structure involved, its size, and configuration; the location of the structure on the site; other improvements, such as access roads, parking lots, and underground utilities; and the additional risk created by scope-of-service limitations imposed by the client. To help avoid costly problems, ask your geotechnical engineer to evaluate how factors that change subsequent to the date of the report may affect the report's recommendations.

Unless your geotechnical engineer indicates otherwise, do not use your geotechnical engineering report:

- when the nature of the proposed structure is changed, for example, if an office building will be erected instead of a parking garage, or a refrigerated warehouse will be built instead of an unrefrigerated one;
- when the size, elevation, or configuration of the proposed structure is altered;
- when the location or orientation of the proposed structure is modified;
- when there is a change of ownership; or
- for application to an adjacent site.

Geotechnical engineers cannot accept responsibility for problems that may occur if they are not consulted after factors considered in their report's development have changed.

## **SUBSURFACE CONDITIONS CAN CHANGE**

A geotechnical engineering report is based on conditions that existed at the time of subsurface exploration. Do not base construction decisions on a geotechnical engineering report whose adequacy may have been affected by time. Speak with your geotechnical consultant to learn if additional tests are advisable before construction starts. Note, too, that additional tests may be required when subsurface conditions are affected by construction operations at or adjacent to the site, or by natural events such as floods, earthquakes, or ground water fluctuations. Keep your geotechnical consultant apprised of any such events.

## **MOST GEOTECHNICAL FINDINGS ARE PROFESSIONAL JUDGMENTS**

Site exploration identifies actual subsurface conditions only at those points where samples are taken. The data were extrapolated by your geotechnical engineer who then applied judgment to render an opinion about overall subsurface conditions. The actual interface between materials may be far more gradual or abrupt than your report indicates. Actual conditions in areas not sampled may differ from those predicted in your report. While nothing can be done to prevent such situations, you and your geotechnical engineer can work together to help minimize their impact. Retaining your geotechnical engineer to observe construction can be particularly beneficial in this respect.

## **A REPORT'S RECOMMENDATIONS CAN ONLY BE PRELIMINARY**

The construction recommendations included in your geotechnical engineer's report are preliminary, because they must be based on the assumption that conditions revealed through selective exploratory sampling are indicative of actual conditions throughout a site. Because actual subsurface conditions can be discerned only during earthwork, you should retain your geotechnical engineer to observe actual conditions and to finalize recommendations. Only the geotechnical engineer who prepared the report is fully familiar with the background information needed to determine whether or not the report's recommendations are valid and whether or not the contractor is abiding by applicable recommendations. The geotechnical engineer who developed your report cannot assume responsibility or liability for the adequacy of the report's recommendations if another party is retained to observe construction.

## **GEOTECHNICAL SERVICES ARE PERFORMED FOR SPECIFIC PURPOSES AND PERSONS**

Consulting geotechnical engineers prepare reports to meet the specific needs of specific individuals. A report prepared for a civil engineer may not be adequate for a construction contractor or even another civil engineer. Unless indicated otherwise, your geotechnical engineer prepared your report expressly for you and expressly for purposes you indicated. No one other than you should apply this report for its intended purpose without first conferring with the geotechnical engineer. No party should apply this report for any purpose other than that originally contemplated without first conferring with the geotechnical engineer.

## **GEOENVIRONMENTAL CONCERNS ARE NOT AT ISSUE**

Your geotechnical engineering report is not likely to relate any findings, conclusions, or recommendations



about the potential for hazardous materials existing at the site. The equipment, techniques, and personnel used to perform a geoenvironmental exploration differ substantially from those applied in geotechnical engineering. Contamination can create major risks. If you have no information about the potential for your site being contaminated, you are advised to speak with your geotechnical consultant for information relating to geoenvironmental issues.

#### **A GEOTECHNICAL ENGINEERING REPORT IS SUBJECT TO MISINTERPRETATION**

Costly problems can occur when other design professionals develop their plans based on misinterpretations of a geotechnical engineering report. To help avoid misinterpretations, retain your geotechnical engineer to work with other project design professionals who are affected by the geotechnical report. Have your geotechnical engineer explain report implications to design professionals affected by them, and then review those design professionals' plans and specifications to see how they have incorporated geotechnical factors. Although certain other design professionals may be familiar with geotechnical concerns, none knows as much about them as a competent geotechnical engineer.

#### **BORING LOGS SHOULD NOT BE SEPARATED FROM THE REPORT \***

Geotechnical engineers develop final boring logs based upon their interpretation of the field logs (assembled by site personnel) and laboratory evaluation of field samples. Geotechnical engineers customarily include only final boring logs in their reports. Final boring logs should not under any circumstances be redrawn for inclusion in architectural or other design drawings, because drafters may commit errors or omissions in the transfer process. Although photographic reproduction eliminates this problem, it does nothing to minimize the possibility of contractors misinterpreting the logs during bid preparation. When this occurs, delays, disputes, and unanticipated costs are the all-too-frequent result.

To minimize the likelihood of boring log misinterpretation, give contractors ready access to the complete geotechnical engineering report prepared or authorized for their use. (If access is provided only to the report prepared for you, you should advise contractors of the report's limitations, assuming that a contractor was not one of the specific persons for whom the report was prepared and that developing construction cost esti-

mates was not one of the specific purposes for which it was prepared. In other words, while a contractor may gain important knowledge from a report prepared for another party, the contractor would be well-advised to discuss the report with your geotechnical engineer and to perform the additional or alternative work that the contractor believes may be needed to obtain the data specifically appropriate for construction cost estimating purposes.) Some clients believe that it is unwise or unnecessary to give contractors access to their geotechnical engineering reports because they hold the mistaken impression that simply disclaiming responsibility for the accuracy of subsurface information always insulates them from attendant liability. Providing the best available information to contractors helps prevent costly construction problems. It also helps reduce the adversarial attitudes that can aggravate problems to disproportionate scale.

#### **READ RESPONSIBILITY CLAUSES CLOSELY**

Because geotechnical engineering is based extensively on judgment and opinion, it is far less exact than other design disciplines. This situation has resulted in wholly unwarranted claims being lodged against geotechnical engineers. To help prevent this problem, geotechnical engineers have developed a number of clauses for use in their contracts, reports, and other documents. Responsibility clauses are not exculpatory clauses designed to transfer geotechnical engineers' liabilities to other parties. Instead, they are definitive clauses that identify where geotechnical engineers' responsibilities begin and end. Their use helps all parties involved recognize their individual responsibilities and take appropriate action. Some of these definitive clauses are likely to appear in your geotechnical engineering report. Read them closely. Your geotechnical engineer will be pleased to give full and frank answers to any questions.

#### **RELY ON THE GEOTECHNICAL ENGINEER FOR ADDITIONAL ASSISTANCE**

Most ASFE-member consulting geotechnical engineering firms are familiar with a variety of techniques and approaches that can be used to help reduce risks for all parties to a construction project, from design through construction. Speak with your geotechnical engineer not only about geotechnical issues, but others as well, to learn about approaches that may be of genuine benefit. You may also wish to obtain certain ASFE publications. Contact a member of ASFE or ASFE for a complimentary directory of ASFE publications.

\* For further information on this aspect reference should be made to "Guidelines for the Provision of Geotechnical Information in Construction Contracts" published by the Institution of Engineers Australia, National Headquarters, Canberra, 1987.

**ASFE** THE ASSOCIATION  
OF ENGINEERING FIRMS  
PRACTICING IN THE GEOSCIENCES  
8811 COLESVILLE ROAD/SUITE G106/SILVER SPRING, MD 20910  
TELEPHONE: 301/565-2733 FACSIMILE: 301/589-2017



'A' SECTION

DIVISIONAL MANAGER-PLANNING SERVICES' REPORT

SUBJECT/FILE NO.: DA93/754 - ESTABLISHMENT OF MULTIPLE OCCUPANCY -  
136 DAVIS ROAD, JIGGI  
(HAJ/LM: DA93/754)

PREPARED BY: Acting Manager-Development Control Mr H Johnson

REASON: Receipt and advertising of Application.

OBJECTIVE: To inform Council of the current situation with regard to the  
processing of this application.

CORPORATE PLAN REF: N/A

PROGRAMME BUDGET REF: N/A

CONTENT

Information:

Council received a formal development application for the establishment of a 16 dwelling site multiple occupancy upon Lot 41, DP 802597, known as 136 Davis Road, Jiggi on December 21, 1993. The application was subsequently advertised in The Northern Star on December 22, 1993 until January 24, 1994. Adjoining owners were also notified of the development proposal.

During the exhibition period, residents requested that the period for comment be extended. The exhibition period was subsequently extended until February 4, 1994. At the expiration of this period 59 submissions have been received, raising objections to the development application and two submissions have been received in favour of the proposal. In addition to these submissions a petition has been received against the proposal containing 200 signatures.

The Jiggi Residents' Committee has also commissioned a geotechnical report from Coffey Partners International and have submitted this to Council as part of its overall submission.

Issues Raised Within the Submissions

The objections received outlined the following issues as major points of concern with regard to the development:-

- \* Insufficient information pertaining to adequacy of effluent disposal.
- \* Geotechnical stability of the site indicates major slip areas, and hence these areas are not suitable for residential development of this nature.
- \* The visual impact of the proposal will be significant and will have a negative impact on the residential amenity of the area.
- \* Major concerns with regard to bush fire hazard emanating from this proposal.
- \* The proposed multiple occupancy is incompatible with the adjoining surrounding agricultural land uses, with specific reference to a dairy to the south of the site.
- \* Traffic impact upon the existing road system and the bridge located on Davis Road will result in degradation of the system.

This is page 5 of the Business Paper comprising portion of minutes of an Ordinary Meeting of the Lismore City Council held on February 15, 1994.

GENERAL MANAGER

MAYOR



- \* Major concern with regard to availability of water on site, and the impact of the proposed development on the existing water resources.
- \* The proposed internal accesses are traversing highly unstable areas and represent major erosion problems on the site.

The report received from Coffey Partners International (Refer Appendix 1) raises a number of issues of concern with regard to the geotechnical report submitted within the body of the application by Kieran Byrne & Associates. Coffey Partners have disputed the assessment made by Kieran Byrne & Associates, and are of the opinion that a more substantial geotechnical study should be carried out to identify areas of significant slip and geotechnical concern.

Comments from Council's Health & Building Department

Council's Health & Building Department has commented on the proposal and raised a number of concerns with regard to the proposed effluent disposal system for the development. The following issues need to be addressed before assessment of the application can be completed:-

- 1 Provide a contour plan of each home improvement area (maximum 5,000m<sup>2</sup>) area at maximum 500mm intervals and to a minimum scale of 1:500. The plan is to include significant site features, i.e. watercourses and escarpments. *which states at least 1:5000 & preferably at 1:2000 with a max. 10m contour interval*
- 2 Provide details of site assessment procedures for each dwelling site, including reference to Australian Standard AS1547, and to other recognised standards/practices. (It is considered that the information submitted within the geotechnical report is insufficient). Effluent loading, soil characteristics, biomass permeability and the impact of ground and surface waters should also be addressed. Potential effluent reduction by water conservation practices or devices may be included for each dwelling site covering an area of 5,000m<sup>2</sup>. The proposed 30m trench for each dwelling is considered to be inadequate and regard should be given to Council's publication "Effluent Disposal for Unsewered Dwellings".
- 3 Provide information on the long term capability of the land to accept on site effluent disposal, including minimum design details for effluent disposal systems. The information shall address the following:-
  - a) Provision for replacement of effluent disposal areas.
  - b) Identify preferred areas on each dwelling site for effluent disposal and identify likely house sites. Effluent disposal areas should not be subject to any vehicular traffic and should be clear of areas utilised for general recreation and crop growing.
  - c) Detail of surface and subsoil drainage in relation to effluent disposal areas for each dwelling site.
  - d) Management practices to ensure optimum long term operation of site disposal systems for each dwelling site.
  - e) The location of proposed and future effluent disposal a minimum of 50m from any creek, bore or dam.
- 4 Provide details and a site plan showing the location of the proposed garbage bins that will contain non-recyclable matter which will be disposed at Council's Wyrallah Road garbage depot. Information on proposed method of disposal is also required.



# LISMORE CITY COUNCIL - MEETING HELD FEBRUARY 15, 1994

DMPS REPORT - DA93/754

- 3 -

## Town Planning Consideration

The Planning Services Division has initially assessed this application, and subject to a recent site inspection by Council's Planning Services Manager and Senior Development Control Planner, has indicated that a number of the sites with specific reference to sites located within the basin, being sites 2, 3, 4 and 5, are located in an area which may be an unstable landslip area and hence it is considered that these sites may not be suitable for residential development. Further assessment of these sites is necessary.

In view of the extent of the submissions received and the dissenting report received from Coffey Partners International and Health & Building concern in relation to the geotechnical suitability of the site, further information was requested relating to these matters.

Subject to prompt receipt of this information it is anticipated that a full report will be submitted to the Council meeting on March 1, 1994, in which all relevant issues will be canvassed. A reduction in the number of sites may alleviate the concerns of the residents, reduce the impact the development will have upon the surrounding area and avoid unstable building areas.

## FINANCIAL SECTION N/A

## OTHER DEPARTMENT COMMENTS


(See conditions set by Environmental Health & Building Services above.)

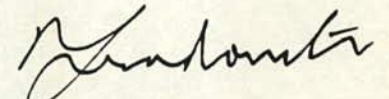
### Declaration:

'I hereby declare, in accordance with Section 459 of the Local Government Act, that I do not have a pecuniary interest in the matter/s listed in this report.'

## RECOMMENDATION (PLAN23)

That the report regarding DA93/754 be received and noted.

  
(N.A. Johnson)  
ACTING MANAGER-  
DEVELOPMENT CONTROL

  
(N. Juradowitch)  
DIVISIONAL MANAGER-  
PLANNING SERVICES

30m Geotech  
reports  
should have  
been prepared  
- no will make  
other available

### Health & Bldg - Term

1. want landform detail of each home site - most developers are being asked to do this e.g. clones, has been asked to do this
2. 30m trench - no assessment been done by developer, 40m? min.
4. No idea why this is here?

Mc  
D.A. gives consent to no. of sites having must ascertain no of appropriate sites  
Need grid testing around house sites to further ascertain stability of site

This is page 7 of the Business Paper comprising portion of minutes of an Ordinary Meeting of the Lismore City Council held on February 15, 1994.

GENERAL MANAGER

MAYOR



18/4/93

$$894 = \frac{32600}{16} \times 16 \quad 1.$$
$$\begin{array}{r} 16 \overline{) 32600} \\ \underline{160} \phantom{00} \\ 166 \phantom{00} \\ \underline{160} \phantom{00} \\ 60 \phantom{00} \\ \underline{48} \phantom{00} \\ 120 \phantom{00} \\ \underline{112} \phantom{00} \\ 80 \phantom{00} \\ \underline{80} \phantom{00} \\ 0 \end{array}$$

Est Cost (no DA) checked against current Bld Cost Indices

DA92/633 m.o. 1057 Camongla Rd Larnook

Business Paper 5.19.93 p5. 16 sites

Conditions on DA 92/633

3. All CEPP15 provisions to be complied with at all times

4. Consolidate the 2 parcels of land before BA release

5. Subdiv prohibited

6. The land be jointly owned by adult occupants & used as their principal place of residence

10. effluent discharge 50m from any watercourse or adjacent land subject to land slip

11. On site garbage disposal

✓ 16 sites app in principle only - to be subject to sep. bld app. redress if none?

23. no houses in fire break areas - winding path.

27. phone provision - not clear if this is mandatory or not? & why? fire?

28. internal roads in accord with C.A.M. guidelines  
Can be this general. (see case law)

47. [Dwellings to be sited so as not to interfere with existing flight paths of planes spraying existing banana plantations against ... Carson / Robert / Brown / Hepburn / Faller / Friedrichs Defeated.]



Comments on DA 93/112

41 Davis Rd - Jiggi - 16 sites Jonathan & Theana

P4. Map of sites & 'home improvement' areas - rectangular patches - not ecologically arranged

P9. 16 dwellings is max using formula  $4 + \frac{(A-10)}{4}$   
NB. This is not merit based.

58.09 ha.

Class 3 & 4 Ag. land

Less than 25% is prime crop & pasture

No dwelling prep on ...

< 80% has slopes of > 18°

11 a) Tenancy in Common on freehold title

b) Home Imp area <sup>(HIA)</sup> = 10,000 m<sup>2</sup> (CEPRIS)

6000 m<sup>2</sup> around each HIA allotted

for management on behalf of the community (see Com Land Management Policy)

12 "dispersed housing is the pattern in this locality"  
This used as justification for dispersion on site viz  
no communal bld or communal bld's etc.

viz

"dispersed home sites compatible with already existing rural residential in Jiggi area."

Community Land Management Policy provides an area of 10,000 m<sup>2</sup> (incl 10,000 HIA) to be managed on basis of indiv action & self determination

This is a fiddle of 10,000 as max HIA?

OK to have allocated land on ment to phase holders



but this mechanical basis smacks of bad division  
 & is inconsistent with spirit & letter of CEPPIS

The extra 6000 m<sup>2</sup> is in fact communal land & ought  
 to be shown sep or as a buffer for other land.  
 It should not be seen to be a breach of CEPPIS.

13. Store/Hall/Info centre/recycle centre.  
 & Machine/storage shed near main access entrance  
 - Site not shown on Page 4 Map.  
 Though to be <sup>on</sup> common land, must be on perimeter of settlement  
 rather than central etc

16000 m<sup>2</sup> (incl 10000 m<sup>2</sup> HIA) for indiv. management is not in  
 the spirit of the CEPPIS.

While allocation of land to individual persons is not  
 objected to it is not approp - it is in the spirit of  
 CEPPIS to indicate that there is an indiv entitlement  
 greater than 10,000/residence. ie it is not  
 technically permissible (which is not claimed)  
 but implies it is so, (which is alluded to be  
 being the case).

Once this principle accepted, it could become  
 a precedent for subsequent DA & hesitance  
 could become seen to be the acceptable model  
 for other Councils - as has happened before.

The extra 6000 m<sup>2</sup> is a matter for internal agreement  
 (details of which should be required to be provided  
 to Council for approval in principle - with H&A or  
 subsequently, incl any decisions bearing on "land  
 entitlement" which may breach CEPPIS.



Building the 6000 m<sup>2</sup> into the SA "codifies" this procedure/arrangement & it could be argued gives "Council's blessing" & endorsement to this - eg this could be used as a selling aid that new share holders are entitled to 16,000 m<sup>2</sup>.

It could also be held, that any variation of the boundaries of this 6000 m<sup>2</sup> or its use, would require Council Approval.

This is not necessary under CEPP/5, & I submit not in the best interests of the community who has as an aim to have as high level as much as possible self determination in their internal land management.

It also would involve Council in unnecessary paper work etc to have to deal with this every time, even a small variation, was sought. This I submit is an unnecessary burden on Council & an intervention not one which is required by CEPP/5.



18. Fire Risk

Approp policy to refer to whose scale of "fire risk" (ie fire ref.) as the scale being sought to equate to a State standard.

It is relative in a local context (due to high rainfall of CSIRs) & may/can be important/critical in future amendments to the LUP land use goes in a way which discriminates against MVs generally.

19

Visual Impact

- The notion that "dispersal of dwelling" is justified, to achieve min visual impact is a value judgement considered to be more akin to urban development, rather than 'communal development'.

If eg all 16 units were within view of each other it is being implied that this would be undesirable from a community point of view!

What is reasonable is that there be min vis impact from the public road, and local scenic vantage points. of + vantage etc

p 20. Ab. Sites

Identify before <sup>DA</sup> approval by consultation with Ab Land Council & relevant Tribal elders.

This is I wish, to be a standard 'countryside' policy



Jenkins & Co - Engineers.

"much of the land is slip prone."

Site 1. stated 'unsuitable'.

" 16. prob. not viable

Conclusion - all sites practical

CAH M Letter of 11-11-92 re Protected Land

The notification of tree destruction protection has had  
an escape clause viz an area > 2 ha!

Council ought not rely on CAH M's protection  
re TPO/condition to SA

CAH M Letter Dec 1 - 92

"mass movement to be treated thoroughly"

NPOD Letter of 13-11-92

Ab. monitor to be built into condition of SA  
as requested. It will not be so, just by  
virtue of this letter

Water Resource p17.

Type of Sewage - Water based?



27/5/93

Jonathan to MO.

2nd DA figg 39 objections  
MO's ~~developed~~ <sup>inflation</sup> adding and?

Do [Anubhanga <sup>replied to me.</sup> <sup>His reply due</sup> by June 15] can be deferred.  
It is required to formula ~~re~~ no. of inter  
Ramparts over ~~at~~ <sup>19 sites</sup> ~~net~~ <sup>net</sup> ~~tech~~ <sup>tech</sup> ~~through~~ <sup>through</sup> 19 sites OK  
incl efficient disposal =  
He 4 yrs in MO 1 1/2 yrs ago.



Limon

NO

S.94 controlled... of Council for details/  
re suggest I contact deadline  
Council advised  
on recheck

Coming

of Dep<sup>o</sup> Rural Res. Dep. Council  
last year. re  
preservation of rural quality



25/3/93

Dear Peter,

The enclosed took a while as I had to get permission from the applicants to be allowed to copy the D.A.

I've enclosed the D.A. for Tiggi as well as the consent conditions for Adama. Ring me if you need to confirm anything or want further info.

Residents in the Tiggi area are having a public meeting on Saturday to discuss this. Most objections seems to relate to density - they'd be happy to accept 5 or 6 dwellings.

I'd appreciate your comments plus return of the material as soon as you can. I'm unsure when Council will be dealing with it and will ring tomorrow to find out.

I found the stuff on Fasto Bucks & Denston amusing.

Regards,

Armin

D.A

PS. This is the 2nd M.O. where many of the objectors have been friends of mine - a sticky/tricky situation



Nick expected to make  
see to reduce to 10 nits. if last one  
a model.  
free to meeting of 20 April.  
Bris paper need car Di on 13 April.

---

Do 8.90 am. April 23rd.



prosecution for the carrying out of building work without the approval of Council.

- 4 The Chief Planner's Reports of 15/12/92 and 19/1/93 be received and noted.

(Aldermen Irwin/Larsen)

Voting: Unanimous

(DA92/342)

DA92/633 - Multiple Occupancy, 1057 Cawongla Road, Larnook  
(Copy attached)

A MOTION WAS MOVED that the report be received and Council -

- A Issue delegation to the Chief Planner to approve the use of Lot 1, DP 397013 and Lots 2 and 3, DP 254363 known as 1057 Cawongla Road, Larnook for the purpose of establishing a multiple occupancy containing fourteen (14) dwelling sites, (amended application) subject to the following conditions.

- B Delegate authority to the Chief Planner, subject to the concurrence of the Development Control Unit, to approve variations of a minor and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.

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

- 2 This approval does not include the community workshop. A separate development application and a building application will be required to be submitted for Council approval.

- 3 That all relevant provisions of State Environmental Planning Policy No. 15: Multiple Occupancy of Rural Lands be complied with at all times.

- 4 The consolidation of all separate parcels of land into one allotment being Lot 1, DP 397013 and Lots 2 and 3, DP 254363 under one title and lodged with the Registrar General's Department before building plans are released.

- 5 Subdivision of the land is prohibited and that the land remain in one lot.

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

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

- 8 That the location and design on any dams proposed on the land be subject to consultation with the Department of Conservation and Land Management prior to construction.

- 9 That the applicants prepare a detailed land management study addressing the following issues:-

- a) water supply collection and management - capacity and location and use for agricultural, domestic and fire protection purposes;  
b) eradication of noxious weeds on the land and consultation with the Far North Coast County Council;

- c) future use of the land not required as home improvement areas and community building including detail such as fencing and pasture improvement (if required);  
d) sewage and waste water management.

- 10 Effluent discharged from all buildings to be erected shall be disposed of in a manner approved by the Chief Environmental Health Officer; proposed effluent disposal systems remaining a minimum 50 metres from any watercourse or adjacent to land that may be subject to mass movement.

- 11 On site disposal of garbage to be to the satisfaction of the Chief Environmental Health Officer.

- 12 Any use of the land or of a building, other than for forestry, agriculture, residence (and water tanks) on an approved site, shall be subject to a specific development consent of Council.

- 13 No building or structure shall be erected or commence to be erected unless building consent has been obtained from the Council. (excluding water tanks and garden sheds less than 10m<sup>2</sup> in area).

- 14 That levies as a contribution towards the provision of public services or amenity identified in the attached schedule be paid at the rate(s) current at the date building approval is granted. The rates and amounts applying at the date of this notice, totalling \$57,395 are set out in the schedule for your information.

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

- 16 The dwelling sites indicated on the development application plans are approved in principle only and each dwelling is to be individually identified on site and is subject to separate building approval.

- 17 A suitable person be appointed as Fire Protection Overseer, to be responsible for fire protection and liaison with the Local Bush Fire Brigade.

- 18 Fire Breaks Installation - All Perimeter Fire Breaks to are to be installed upon receipt of development approval.

- 19 A perimeter fire break, measuring 10 m wide horizontal, cleared of all flammable forest litter and undergrowth and be placed on a contour avoiding existing forests, having a ground fuel load of not more than eight tonnes per hectare (slashed grass) along the northern fence line from the Larnook Road to just past Lot 11, turning south to follow the bush line crossing the existing fire trail going around the boundary of Lots 5 and 4 coming back to Mulvena Road at the start of the concrete strips then to follow the southern boundary back to Larnook Road. The fire break to be to the satisfaction of the Council and will be maintained at all times and maybe subject to inspections by the Council.

- 20 A primary protection zone is to be established for a distance of not less than 20m of proposed Lots 1,2,3A,4,5,6,7,8,9,10, 13 and 25m of proposed Lots 11, 12 and 14 horizontal from any dwelling or any ancillary building.

- 21 A turn around of 8m be provided at the end of each access road that is not a through road, allowing fire trucks to turn for fire fighting.

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

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- 23 No houses are allowed in the area for the perimeter or the radiation fire zones.
- 24 Excavation of slopes for roadworks and building sites are to be designed so that the minimum feasible excavation is achieved.
- 25 Sediment control measures shall be put into place and be properly maintained to prevent soil erosion and the transport of sediment off the development site or into natural or made drainage lines or watercourses during rainfall and runoff. All disturbed areas shall be stabilised and be revegetated by turfing or an approved seeding method within 14 days of completion of earthworks in each part of the development. It is a requirement that the topsoil be preserved for use with the site revegetation. Details showing sediment control measures and revegetation works shall be submitted and be approved prior to any earthworks commencing.
- 26 Benching (i.e. cutting, filling or levelling) of the land to create building platforms does not form part of this approval and will only be considered in conjunction with a development or building application to build on the land.
- 27 The applicant is to undertake steps to ensure the provision of telephone services is taken into consideration, in consultation with Telecom Australia. Written evidence to be produced indicating this action has commenced.
- 28 The development of infrastructure, including road upgrading and drainage to be in accordance with any relevant guidelines of the Department of Conservation and Land Management.
- 29 All dwellings are to be located a minimum of 50 metres from the creek and dam.
- 30 Provide an adequate vegetative buffer zone of 50 metres from the creek. (A list of appropriate riparian species is available from the Department of Water Resources, Grafton.)
- 31 Building line setback be 15 metres from the road alignment to the closest point of the building measured at right angles to the boundary.
- 32 That a certificate from a qualified engineer experienced in soil mechanics be submitted, prior to the issue of the building permit, certifying that proper investigation has been made and sites 4, 5, 6, 11, 12, 13 and 14 are stable and will not be affected by landslip or subsidence above or below the site when the proposed building is erected and that adequate drainage has been provided.
- 33 That all weather vehicular access be constructed and maintained from the Council maintained all weather road access to the dwelling site, at no cost to Council.
- 34 That water storage facilities installed as part of the development, the subject of this consent, be provided with a 38mm. female threaded connection with gate valve or ball valve, in a location accessible to fire fighting vehicles.
- 35 Water storage facilities be installed with adequate capacity and located to assist in the fire protection of the development.
- 36 A minimum of 45,000 litres of water shall be provided to each dwelling site for domestic purposes. Water proposed to be used for drinking purposes shall meet potable water standards. Full water supply details shall be submitted for consideration with the building application to erect a dwelling on a site.
- 37 That this consent is in respect of the location of the proposed buildings as

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- 38 depicted on the attached plans only.
- 38 Geotechnical supervision of the development shall be undertaken for all areas subject to any reshaping, cutting or filling and a detailed plan shall be submitted to Council showing the extent of these areas. Each house site lot shall have a geotechnical assessment or report and copies of such reports shall be furnished to Council with the building application.
- 39 No bulk earthworks associated with the erection of dwelling houses are to commence on-site, prior to the release of the building application.
- 40 That a person qualified in hydraulics prepare a report on each site regarding the adequacy of the soil being capable in disposal of all septic effluent water from each dwelling. A copy of the relevant site report be submitted to Council with each building application prior to approval being given.
- 41 A comprehensive plan of management, prepared in conjunction with the Fire Control Officer and Brigade Captain, outlining fire management controls and fire prevention methods to be submitted to Council by the developer for approval.
- 42 That sites 4, 6 and 8 are to be landscaped with advanced native tree species to screen the dwellings from direct view from the existing dwelling owned by Hawkes and Nichol. These plantings are to be established prior to the building application being released.
- 43 The pump located on the dam is to be suitably sound proofed to the satisfaction of Council's Chief Building Surveyor.
- 44 Removal of established trees on all house sites is not permitted without Council approval. Appropriate screen landscaping is to be provided to house sites in close proximity to Mulvena Road.
- 45 That all dwelling sites that are visible from Cawongla Road are to be landscaped with advanced species, to screen the buildings from direct view. The landscaping is to be established prior to release of building plans.
- 46 All dwellings are to have a minimum setback of 15m from the side and rear boundaries.

**NOTE 1:** The Local Government Act provides that all buildings and alterations, including retaining walls, to be subject to the issue of a building permit from the Council. Issue of this consent in no way implies that the building(s) comply with all of the provisions of the Local Government Act and Ordinance 70. Application forms are available from the Health and Building Department for this purpose. Please note that no the building work or site works are to commence until a building permit has been issued.

**NOTE 2:** Your Section 94 Contribution will go to Larnook Bush Fire Brigade, the sum being \$1,950.  
(Aldermen Roberts/Carson)

AN AMENDMENT WAS MOVED that the motion be adopted subject to Condition 20 being varied to read ... "A primary protection zone is to be established for a distance of not less than 20m of proposed Lots 1,2,3A,4,5,6,7,8,9,10, 13 and 25m of proposed Lots 11, 12 and 14 horizontal from any dwelling or any ancillary building and shall be kept clear of all combustible materials, other than grass, at all times and with a ground fuel load not exceeding three tonnes per hectare (maintained lawns). Existing trees and shrubs will be allowed in this area. No trees will be allowed within 10 m of the

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main building (maintained lawns only)." and the addition of Condition 47 as follows:-

47 Dwellings are to be sited so as not to interfere with existing flightpaths of planes spraying existing banana plantations.  
(Aldermen Larsen/Spash)

On submission to the meeting the AMENDMENT was APPROVED and became the MOTION.

Voting for: Aldermen Swientek, Spash, Larsen, Crowther, Wilson and Baxter.

Voting against: Aldermen Carson, Roberts, Irwin, Hepburn, Gallen, and Fredericks.

The Mayor declared the amendment CARRIED.

On submission to the meeting the MOTION was DEFEATED.

Voting for: Aldermen Swientek, Spash, Larsen and Crowther.

Voting against: Aldermen Carson, Roberts, Irwin, Hepburn, Gallen, Wilson, Baxter and Fredericks.

#### RECOMMITTAL MOTION:

9/93 **RESOLVED** that the Chief Planner's report on DA92/633 be recommitted.

(Aldermen Larsen/Swientek)

Voting: Unanimous

Upon adoption of the Recommittal Motion the Mayor declared that the motion as moved and seconded by Aldermen Roberts/Carson and the amendment as moved and seconded by Aldermen Larsen/Spash in respect of DA92/633 were before the meeting for determination.

On submission to the meeting the AMENDMENT was APPROVED and became the MOTION.

Voting for: Aldermen Swientek, Spash, Larsen, Crowther, Wilson and Baxter.

Voting against: Aldermen Carson, Roberts, Irwin, Hepburn, Gallen and Fredericks.

The Mayor declared the amendment CARRIED.

On submission to the meeting the MOTION was DEFEATED.

Voting for: Aldermen Swientek, Spash, Larsen and Crowther.

Voting against: Aldermen Carson, Roberts, Irwin, Hepburn, Gallen, Wilson, Baxter and Fredericks.

10/93 **RESOLVED** that the report be received and Council -

A Issue delegation to the Chief Planner to approve the use of Lot 1, DP 397013 and Lots 2 and 3, DP 254363 known as 1057 Cawongla Road, Larnook for the purpose of establishing a multiple occupancy containing fourteen (14) dwelling sites, (amended application) subject to the following conditions.

B Delegate authority to the Chief Planner, subject to the concurrence of the Development Control Unit, to approve variations of a minor and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.

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- 1 All buildings be constructed, works carried out, or use of buildings or land, subject to any amendment or modification called for in the following conditions or any subsequent building permit, be in accordance with the details contained in the plan(s) and/or supporting documents submitted with the application, a copy of which is/are attached to this consent.
- 2 This approval does not include the community workshop. A separate development application and a building application will be required to be submitted for Council approval.
- 3 That all relevant provisions of State Environmental Planning Policy No. 15: Multiple Occupancy of Rural Lands be complied with at all times.
- 4 The consolidation of all separate parcels of land into one allotment being Lot 1, DP 397013 and Lots 2 and 3, DP 254363 under one title and lodged with the Registrar General's Department before building plans are released.
- 5 Subdivision of the land is prohibited and that the land remain in one lot.
- 6 That the land be jointly owned by the adult occupiers of the land and used as their principal place of residence.
- 7 That the NSW National Parks and Wildlife Service be immediately advised in the event of discovery of any aboriginal sites or relics as a consequence of the development.
- 8 That the location and design on any dams proposed on the land be subject to consultation with the Department of Conservation and Land Management prior to construction.
- 9 That the applicants prepare a detailed land management study addressing the following issues:-
  - a) water supply collection and management - capacity and location and use for agricultural, domestic and fire protection purposes;
  - b) eradication of noxious weeds on the land and consultation with the Far North Coast County Council;
  - c) future use of the land not required as home improvement areas and community building including detail such as fencing and pasture improvement (if required);
  - d) sewage and waste water management.
- 10 Effluent discharged from all buildings to be erected shall be disposed of in a manner approved by the Chief Environmental Health Officer; proposed effluent disposal systems remaining a minimum 50 metres from any watercourse or adjacent to land that may be subject to mass movement.
- 11 On site disposal of garbage to be to the satisfaction of the Chief Environmental Health Officer.
- 12 Any use of the land or of a building, other than for forestry, agriculture, residence (and water tanks) on an approved site, shall be subject to a specific development consent of Council.
- 13 No building or structure shall be erected or commence to be erected unless building consent has been obtained from the Council. (excluding water tanks and garden sheds less than 10m<sup>2</sup> in area).
- 14 That levies as a contribution towards the provision of public services or amenity identified in the attached schedule be paid at the rate(s) current at the date building approval is granted. The rates and amounts applying at the date of this notice, totalling \$57,395 are set out in the schedule for your information.
- 15 That the buildings be clad with a non-reflective material and be of an earthy colour.

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- 16 The dwelling sites indicated on the development application plans are approved in principle only and each dwelling is to be individually identified on site and is subject to separate building approval.
- 17 A suitable person be appointed as Fire Protection Overseer, to be responsible for fire protection and liaison with the Local Bush Fire Brigade.
- 18 **Fire Breaks Installation** - All Perimeter Fire Breaks to are to be installed upon receipt of development approval.
- 19 A **perimeter fire break**, measuring 10 m wide horizontal, cleared of all flammable forest litter and undergrowth and be placed on a contour avoiding existing forests, having a ground fuel load of not more than eight tonnes per hectare (slashed grass) along the northern fence line from the Larnook Road to just past Lot 11, turning south to follow the bush line crossing the existing fire trail going around the boundary of Lots 5 and 4 coming back to Mulvena Road at the start of the concrete strips then to follow the southern boundary back to Larnook Road. The fire break to be to the satisfaction of the Council and will be maintained at all times and maybe subject to inspections by the Council.
- 20 A **primary protection zone** is to be established for a distance of not less than 20m of proposed Lots 1,2,3A,4,5,6,7,8,9,10, 13 and 25m of proposed Lots 11, 12 and 14 horizontal from any dwelling or any ancillary building and shall be kept clear of all combustible materials, other than grass, at all times and with a ground fuel load not exceeding three tonnes per hectare (maintained lawns). Existing trees and shrubs will be allowed in this area. No trees will be allowed within 10 m of the main building (maintained lawns only)."
- 21 A turn around of 8m be provided at the end of each access road that is not a through road, allowing fire trucks to turn for fire fighting.
- 22 **Internal Fire Breaks** - The internal road system to be used as a secondary fire break and is to be cleared to a width of 10 m horizontally and cleared of all rubbish and having a ground fuel load of not more than eight tonnes per hectare (slashed grass). The fire break to be to the satisfaction of the Council and will be maintained at all times and will be subject to a yearly inspection by the Council.
- 23 No houses are allowed in the area for the perimeter or the radiation fire zones.
- 24 Excavation of slopes for roadworks and building sites are to be designed so that the minimum feasible excavation is achieved.
- 25 Sediment control measures shall be put into place and be properly maintained to prevent soil erosion and the transport of sediment off the development site or into natural or made drainage lines or watercourses during rainfall and runoff. All disturbed areas shall be stabilised and be revegetated by turfing or an approved seeding method within 14 days of completion of earthworks in each part of the development. It is a requirement that the topsoil be preserved for use with the site revegetation. Details showing sediment control measures and revegetation works shall be submitted and be approved prior to any earthworks commencing.
- 26 Benching (i.e. cutting, filling or levelling) of the land to create building platforms does not form part of this approval and will only be considered in conjunction with a development or building application to build on the land.
- 27 The applicant is to undertake steps to ensure the provision of telephone

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- services is taken into consideration, in consultation with Telecom Australia. Written evidence to be produced indicating this action has commenced.
- 28 The development of infrastructure, including road upgrading and drainage to be in accordance with any relevant guidelines of the Department of Conservation and Land Management.
- 29 All dwellings are to be located a minimum of 50 metres from the creek and dam.
- 30 Provide an adequate vegetative buffer zone of 50 metres from the creek. (A list of appropriate riparian species is available from the Department of Water Resources, Grafton.)
- 31 Building line setback be 15 metres from the road alignment to the closest point of the building measured at right angles to the boundary.
- 32 That a certificate from a qualified engineer experienced in soil mechanics be submitted, prior to the issue of the building permit, certifying that proper investigation has been made and sites 4, 5, 6, 11, 12, 13 and 14 are stable and will not be affected by landslip or subsidence above or below the site when the proposed building is erected and that adequate drainage has been provided.
- 33 That all weather vehicular access be constructed and maintained from the Council maintained all weather road access to the dwelling site, at no cost to Council.
- 34 That water storage facilities installed as part of the development, the subject of this consent, be provided with a 38mm. female threaded connection with gate valve or ball valve, in a location accessible to fire fighting vehicles.
- 35 Water storage facilities be installed with adequate capacity and located to assist in the fire protection of the development.
- 36 A minimum of 45,000 litres of water shall be provided to each dwelling site for domestic purposes. Water proposed to be used for drinking purposes shall meet potable water standards. Full water supply details shall be submitted for consideration with the building application to erect a dwelling on a site.
- 37 That this consent is in respect of the location of the proposed buildings as depicted on the attached plans only.
- 38 Geotechnical supervision of the development shall be undertaken for all areas subject to any reshaping, cutting or filling and a detailed plan shall be submitted to Council showing the extent of these areas. Each house site lot shall have a geotechnical assessment or report and copies of such reports shall be furnished to Council with the building application.
- 39 No bulk earthworks associated with the erection of dwelling houses are to commence on-site, prior to the release of the building application.
- 40 That a person qualified in hydraulics prepare a report on each site regarding the adequacy of the soil being capable in disposal of all septic effluent water from each dwelling. A copy of the relevant site report be submitted to Council with each building application prior to approval being given.
- 41 A comprehensive plan of management, prepared in conjunction with the Fire Control Officer and Brigade Captain, outlining fire management controls and fire prevention methods to be submitted to Council by the developer for approval.
- 42 That sites 4, 6 and 8 are to be landscaped with advanced native tree species to screen the dwellings from direct view from the existing

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- dwelling owned by Hawkes and Nichol. These plantings are to be established prior to the building application being released.
- 43 The pump located on the dam is to be suitably sound proofed to the satisfaction of Council's Chief Building Surveyor.
- 44 Removal of established trees on all house sites is not permitted without Council approval. Appropriate screen landscaping is to be provided to house sites in close proximity to Mulvena Road.
- 45 That all dwelling sites that are visible from Cawongla Road are to be landscaped with advanced species, to screen the buildings from direct view. The landscaping is to be established prior to release of building plans.
- 46 All dwellings are to have a minimum setback of 15m from the side and rear boundaries.

NOTE 1: The Local Government Act provides that all buildings and alterations, including retaining walls, to be subject to the issue of a building permit from the Council. Issue of this consent in no way implies that the building(s) comply with all of the provisions of the Local Government Act and Ordinance 70. Application forms are available from the Health and Building Department for this purpose. Please note that no the building work or site works are to commence until a building permit has been issued.

NOTE 2: Your Section 94 Contribution will go to Larnook Bush Fire Brigade, the sum being \$1,950.

(Aldermen Gallen/Irwin)

Voting for: Aldermen Carson, Roberts, Irwin, Hepburn, Gallen, Larsen, Crowther and Fredericks.

Voting against: Aldermen Swientek, Spash, Wilson and Baxter. ✓  
(DA92/633)

#### SUSPENSION OF STANDING ORDERS:

11/93

RESOLVED that standing orders be suspended and Council now deal with the undermentioned matters:-

Chief Planner's Report - Northern Ridges Fauna Impact Study

Chief Planner's Report - Corndale Quarry

Executive Manager-Administrative Services' Report - Road Closure and Purchase Application - Road Reserve, Intersection Donnans Road, High Street, Lismore Heights

Chief Environmental Health Officer's Report - Koala Long Day Care Centre Acquisition of Land for Expansion of Recreation Area

Chief Planner's Report - Resignation and Replacement of Community Project Officer, Ms D Podlich

"A" Correspondence Item 3 - J S M Cooper

(Aldermen/Roberts/Irwin)

Voting: Unanimous

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- services is taken into consideration, in consultation with Telecom Australia. Written evidence to be produced indicating this action has commenced.
- 28 The development of infrastructure, including road upgrading and drainage to be in accordance with any relevant guidelines of the Department of Conservation and Land Management.
  - 29 All dwellings are to be located a minimum of 50 metres from the creek and dam.
  - 30 Provide an adequate vegetative buffer zone of 50 metres from the creek. (A list of appropriate riparian species is available from the Department of Water Resources, Grafton.)
  - 31 Building line setback be 15 metres from the road alignment to the closest point of the building measured at right angles to the boundary.
  - 32 That a certificate from a qualified engineer experienced in soil mechanics be submitted, prior to the issue of the building permit, certifying that proper investigation has been made and sites 4, 5, 6, 11, 12, 13 and 14 are stable and will not be affected by landslip or subsidence above or below the site when the proposed building is erected and that adequate drainage has been provided.
  - 33 That all weather vehicular access be constructed and maintained from the Council maintained all weather road access to the dwelling site, at no cost to Council.
  - 34 That water storage facilities installed as part of the development, the subject of this consent, be provided with a 38mm. female threaded connection with gate valve or ball valve, in a location accessible to fire fighting vehicles.
  - 35 Water storage facilities be installed with adequate capacity and located to assist in the fire protection of the development.
  - 36 A minimum of 45,000 litres of water shall be provided to each dwelling site for domestic purposes. Water proposed to be used for drinking purposes shall meet potable water standards. Full water supply details shall be submitted for consideration with the building application to erect a dwelling on a site.
  - 37 That this consent is in respect of the location of the proposed buildings as depicted on the attached plans only.
  - 38 Geotechnical supervision of the development shall be undertaken for all areas subject to any reshaping, cutting or filling and a detailed plan shall be submitted to Council showing the extent of these areas. Each house site lot shall have a geotechnical assessment or report and copies of such reports shall be furnished to Council with the building application.
  - 39 No bulk earthworks associated with the erection of dwelling houses are to commence on-site, prior to the release of the building application.
  - 40 That a person qualified in hydraulics prepare a report on each site regarding the adequacy of the soil being capable in disposal of all septic effluent water from each dwelling. A copy of the relevant site report be submitted to Council with each building application prior to approval being given.
  - 41 A comprehensive plan of management, prepared in conjunction with the Fire Control Officer and Brigade Captain, outlining fire management controls and fire prevention methods to be submitted to Council by the developer for approval.
  - 42 That sites 4, 6 and 8 are to be landscaped with advanced native tree species to screen the dwellings from direct view from the existing

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~~Di~~ ~~no further~~

\$5.94 \$3000 X 10 9.8

Channon

use directly

(Di)  
O

2 wks of return for sought by  
60. days. 5.96 (1) be not supported  
by Council

Hugh Johnson (Ulaohn away)

13 - 42

Di is asking Nick for doc of land purchase  
of no 2 c(ii)



Jonathan DA

Di. 14.2.94.

She has spoken with Nick (w my Elton) & neighbour  
Jaggi share holder

He has seen whole CT <sup>of 16 shares</sup> with Jonathan holding  
2 shares - Trust & 2 for community use.  
12 Names of which 6 to Jonathan - then (i.e.  
2 in their own name)

Said Vic has CT of 1/16 of unsubdivided land.  
(Others entitled to get their own CT but so far  
have not done so as cost = £200.)

Ron Hepburn apparently has seen the CT, possibly  
obtained (by neighbours) from Land Title Office

Nick has no problem with HIA and any agreements  
relating to this as being an internal  
Arrangement (not ex. 5000 m<sup>2</sup>)

Nick says looks like rejection will be necessary grounds  
of

- \* unsuitability of site for more 6-8 sites
- \* Coffey report.
- \* photos of land by neighbours - re  
slip/chip etc.
- \* enlarged aerial.

- \* Kieren Burns Geotech report is not  
given for the site overall
- \* forage bin sites not specified

1  
Rec is to go to next meeting 1 March.



Jonathan

Empower Jonathan by putting to him,  
is he really motivated to help low  
achieving <sup>or</sup> ~~not~~ shared communal living?

If so - emphasis needs to be placed  
on the social dev. the social  
coherence of the core group of  
share holders

Experience shows that this is difficult,  
& slow process & requires time.  
This social development plan requires  
as much, & more attention, than  
any of the physical development  
plans ~~and~~ <sup>reg'd</sup> under the Policy  
+ S. 90

The fact that credence is not given to  
it in the legislation ought not to be  
taken that it is not important.

The notion of bringing together say 6-12  
disparate struggles to lab & the  
expect them to become a viable  
& strong movement is not  
supported by the evidence & experience



Jonathan DA

Council meeting 1/2/94

Peter Wisdom spoke in accusatory time. (Jonathan not there.)

Peter Lensen asked Nick of Council's costs if Jonathan appeared against 60 days' Nick replied a few £100!!

Council accepted recommendation, not to elect

Report will go to next meeting in 14 days



30/1/94

Inuing an Jonathan.

Inuing ne Jonathan  
+ 2Cii

Property law.

RP Act Definition

~~Def~~ Dealing (model of agreement)

Act interpretation text

Agreements <sup>to</sup> transfer | in "Equity textbook."  
" to assign |.

Dictionary: agreement = an arrangement between people.

of cl 8      Sec 8A  
+ 262

Use caveat.  
with lapse

of Warwick.

Land Title Office  
Reg General

'Injunction' alternative

internal community.

in  
'aims & objectives' if after DA as end of consent.

Staged DA.

DOC.  
John Hemington. - Parker.



Sales to 1 who <sup>comes</sup>  
Sant ~~thru~~ Cy  
T in Cam Yes  
% of prop for  
repeating.



- See 201 Manual for guidelines.
- See condition re soldiers in previous report.

~~2 R/Vision~~

- Post Iantha adds to Nick with procedure & 2011 ref etc.

~~10d of itself ~~is~~ is indicative that ~~this way~~ it~~  
~~be a conducting~~  
 ○ Rec. contravene the Policy 2011 & justifies/ requires a 'show cause' (revoking) why cannot should not assume the P.A. does not satisfy 2011 is a prima facie evidence, requiring

○ Rec

is if it considered that the lot/show is a prima facie

On what grounds can it be considered that latter is not prima facie evidence that 2011 is being complied with.

R/ Garry Atkinson

R/ ~~Beal~~ Judy John Sheldon



of Nick Gradwick re Jonathan DA - Port Yadda

Policy

§(1)(a)

details of land ownership  
dwelling, occupancy rights eg sale, renting of a dwelling  
decision making process into to be followed  
in determining the admin of in resp to the  
"Community Management"

What does exist (if any).

If not, then statements of principle, aims etc.  
set by the community, as a collectively  
decided

on a shared/collectively  
determined basis.

In this case 12 of 14 share/plots

What does a share <sup>purchase/ownership</sup> in a lot entitle a  
shareholder to?

Doc - articles, rules, constitution  
rules, policy resolutions,

or like contractual agreements  
or other means such as, agreements, deeds, etc.  
company shares, trusts or kind sharing  
arrangements

(ex xii)



28/1/94

Di. re Jonathan DA

Hugh T gave her copy of DA (less forested reports which she is getting)

Hugh has been given the job on basis of being more senior than Malcolm & more cost experience. It is assumed Nick is preparing for appeal!)

Hugh says detention possible but not recommended (on ground that objections have had normal time - but note he says locals have sought their own forested reports - presumably from a different engineer. This could be reasonable grounds for detention.

Advised her. Malcolm is supporting more density as OK as

- " it meets the density formula  
or if all greenwood went for a lower density  
have been examined & met.

Meeting for all Councillors on site 9 Feb  
& public inspections on 5 & 12th?

Hugh (has not seen Jonathan add) re lot/share but views this of itself is not a grounds for rejection of DA. Why not?

Hugh is seeing Nick about this & getting contract of sale details.

He sees it as being something that can be carried in condition of approval.

Present indication is that Council will recommend approval!



Jonathan DA

21/1/94

Hugh has taken over from Malcolm.  
Malcolm wrote the report up to  
date but Hugh has taken over.  
He is not familiar with it as yet.

Rec to Council meeting is, so is  
pass, but not recommended on  
grounds that it has had its normal  
period.

Re Max density. Malcolm views is  
max is app. in the circumstances  
of this case. Nick accepts this.



Viv Stott.

Colin Scott & Kieran Wade had all out to the property re the extra structure (tent & Caravan?) & this ended up in an "obscene slapping match" (my words) "swearing" "threatening court action". All Kemp permits have lapsed. Viv does not support SA for 16 & believes no way 16 would be approved. Crowther said to him in private meeting he could not support 16 but something less acceptable.

Viv (& others?) & prepared to settle for less. Tell cant stop Jonathan doing his thing.

As they will all need to sign appeal application, & this is unlikely to happen, an appeal will not be lodged & shut down if it does.

NB Sale document is 1 page only.

Papa who acts for Viv <sup>presumably</sup> says under ASC rules, a prospectus is needed to sell shares, but can be sold - provided not "advertised"?

The main neighbours now opposing the SA are the people from whom the property was bought! They now constantly monitor the planning & design by architects & presumably advice Council.

R. Newton is adjoining property owner, a large



(2)  
cattle property.

[NB Rixin is neighbour to Black Horse Cr. Community]

CT for  $\frac{1}{16}$  share of property now possible  
& obtained for VW. Each member to  
get their own CT in due course. The  
sale of this is unrestricted, as it is  
Totten title.

Viv saw the potential problem of one member  
obtaining a loan in mortgage from say  
a bank, not being able to repay,  
the bank foreclosing on the whole  
property/title.

He had Beatts draw up an "agreement",  
for all members to sign, that they  
would not take action in the Supreme  
court in the sale of their share.  
They refused to sign. One person saying  
he may one day want to take action  
to protect his rights & achieve his needs.

Viv's loan was originally made by the Elkhorn  
Credit Union. This taken over by Farmers  
& Union who say they are handling it,  
but want to do it for others as review this  
agreement. ie this situation is a one off  
case, & is not the rule/policy.

Share formers have long had finance available.  
How is this? Jonathan has sold shares to 2 sisters  
with apl. He asks as trustee.



Jonathan DA

rec to call for contractual doc of Jonathan

Me to Advise Jonathan how to satisfy 2cii?

c/Vivian



10/12/94

○ 24 Jan Jonathan DA Malcom -  
now 4 Feb. <sup>to go to</sup> ~~for~~ meeting 15th

○ No date for mo survey