

24/7/95

Robin Osborne - re Review of dev.

He spoke with Nick

Not "embarked on any other studies"

except

○ Quovires done/started?

○ "begins" to begin - Sept

○ Industry next, no date set.

1994

✓ Rob
✓ Eddie
✓ Senior
✓ Graham
✓ Robin Osborne

Spence

LISMORE CITY COUNCIL

PLAN OF MANAGEMENT

**DEVELOPMENT CONSENT
INSPECTION AND FOLLOW-UP**

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PLAN OF MANAGEMENT

1. INTRODUCTION

1.1 Background

Council has always endeavoured to provide an efficient and effective service for developers and the community within the Lismore City Council area. This has previously only been evident in the assessment and approval process. Post development control and compliance has however, been relatively limited in scope.

On average, Council has received in excess of 700 Development Applications per annum for the past ten (10) years, the result being that there has been potentially 7,000 Development Applications assessed by Council since 1984. Some of the conditions of consent imposed on developments have required the development to maintain those conditions at all times to the satisfaction of the Council. A typical example is landscaping requirements imposed for commercial, industrial and medium density residential developments.

Another problem associated with the general compliance of development application conditions is the requirement for developers to notify Council prior to occupation, of the need for a building final inspection occurring so that the development complies with all conditions of the Development and Building Applications. This however, occurs irregularly.

The Development Control Section of Planning Services has previously been unable to carry out Post Development Control compliance of Development Applications due to lack of resources. As previously stated, the past eighteen (18) months, has seen the beginning of post development control across a broad spectrum of uses. Elimination of many unnecessary DA's and increased staff resources have given the Development Control Section capacity to undertake a review of consents issued. Such a review is important to ensure that quality of development is maintained and statutory requirements are met.

1.2 Aims and Objectives of the Management Plan

The aim of the Plan of Management is to provide a general framework and time period for post development control and compliance functions within the Lismore City Council area, with a view to achieving the following objectives.

- a) To ensure compliance with development approval conditions and approved plans.
- b) To maintain the quality of development within the City.
- c) To ensure that statutory requirements are met.

1.3 Land Covered by this Plan

This plan applies to all land within the City of Lismore Local Government Area.

2. MANAGEMENT

Council through its Development Control Process regulates development projects. The aim of this management plan is to set out broad goals and general time frames for planning staff to carry out a systematic review of all types of development in the local area.

The most common way in which to achieve such a review is by visually inspecting each property and then checking Council's corresponding records for any deviation from the last given approval. In some instances Council records may not indicate the last approved use. This may be explained by the existence of a activity in a location prior to planning controls coming into force. In other cases the use may be prohibited in the zone, however, due to frequent changes in planning controls those premises may have existing use rights. A third instance is where an activity is commenced in an existing premises without planning approval. This can occur frequently in shopping arcades, factory unit complexes etc.

Subdivisions are not included in this management plan as all subdivisions are checked for compliance prior to release of the subdivision linen plan.

2.1 Major Issues

Commercial Premises

The City of Lismore and surrounding villages are serviced by a multitude of commercial premises. Towards the end of 1994 and continuing through to 1995 it is proposed to conduct a comprehensive study and landuse survey of all commercial 3(a), 3(b) and 3(f) zoned areas and the 2(v) village zones in the City of Lismore area. It is the aim of this study to provide an overview for the update of Council records as well as providing a basemap for continued monitoring of commercial landstocks in the City. This study will also facilitate in highlighting areas in which Council must pay particular attention to the change of businesses without change of use notification of Council.

Industrial Premises

The City of Lismore is serviced by an extensive industrial base. At present, Planning Services is conducting an industrial landstock survey. This survey also includes an assessment of the need for a potential increase in industrial zoned land, as Lismore is predicted to double its population in the next 30 years. A subsequent part of the study is to catalogue each premises so that Council may identify the diversity of industrial uses in the City. As with the commercial study there is the potential for Council to update its records as well as being able to monitor already approved development. The Industrial Study also aims to identify potential areas for future land which may be zoned industrial and also a guideline to how much industrial land will be required to keep up with population growth in the 21st Century. The Preliminary Study is to be completed towards the end of 1994.

Multiple Occupancies

The City of Lismore has at present, sixty four (64) approved Multiple Occupancies (MO's). For the past twelve (12) months Council Planners have undergone a program of liaison and negotiation with Multiple Occupancy communities and the Pan-Community Council regarding the drafting of the MO Development Control Plan No. 20 and the implementation of site inspections for all MO's.

The purpose of the on-site inspection process is to provide an opportunity for Council to review and evaluate existing development and the appropriateness and compliance with conditions of the Development Consent. A period of twelve (12) months has been provided to allow sufficient time for unauthorised MO developments to formally lodge a Development Application to Council and obtain approval for what is in place.

Council proposes to inspect all MO communities irrespective of the form and time for approval. Those communities who have previously contacted Council and indicated agreement to this process, or contacted Council staff under the conditions of the amnesty and consultation process will be contacted first. The amnesty period commenced June 4, 1994.

As previously reported, any timetable/schedule at this time would be dependent upon the response from the MO's. It is proposed that inspections by invitation will continue through to the end of October or later, depending on the work load of Council (DA's), staff leave, etc. From November 1994, until January 1995, it is proposed to again write to those MO's who had not contacted Council to initiate consultations. The target date for completion of inspections and some form of report to Council is by June 1995. It is generally hoped to finalise consultations with all Council known Multiple Occupancies by the expiration of the amnesty period.

Quarries

There exists one hundred and thirty (130) Council known quarries within the City of Lismore area. With the advent of State Environmental Planning Policy (SEPP) No. 37, all quarries were to be formally registered in accordance with the Policy. As previously reported, 71 of the 130 quarries have proceeded through the process of registration. Of the 71 registered quarries, 51 were registered by private landholders and the remaining 20 were identified as being significant by the Engineering Services Division. Council's Quarry Manager has subsequently completed registration of those quarries with concurrence from the individual land owners.

At the end of the registration period, 15 unauthorised quarries were identified within the Council area. Council, formally notified all owner/operators of unauthorised quarries, that Council was unable to register their quarry as the quarry was operating without formal consent. The operators were informed to refrain from further extraction of materials from the subject quarry until satisfactory arrangements had been made with the Council.

As a result of the survey, 44 inactive quarries were identified within the Council area. In most cases these quarries have not operated for a number of years and in many cases existed solely for the establishment of on-site farm roads. Quarry owners in these cases have been required to contact Council to indicate their intent for future use of the quarry. All of these quarry owners and operators will be contacted in the same manner as those relating to the unauthorised quarries, however, in many cases it is noted that these quarries will not be reactivated and hence Council will require the owners of the subject sites to rehabilitate the sites in accordance with Council's DCP No. 29.

Inspections of all unauthorised and inactive quarries will soon be finalised in order to ascertain the physical characteristics of the subject quarries and the potential rehabilitation measures which are to be adopted. Once inspections have occurred, the owners will be notified and Council will further update its records with regard to this matter, towards the end of 1994.

It has been previously reported to Council that a number of quarry operators have indicated that they intend to expand their quarries before September 16, 1995 and thus will be required to lodge development applications prior to the end of the moratorium period. Of those that intend to expand, Blakebrook and Corndale quarries will be required to be accompanied by an Environmental Impact Statement and be assessed as designated development.

At present, it is the aim of the Planning Services Division to have the registration, categorization, compliance and rehabilitation of all quarries within the City completed or in most cases commenced prior to the end of the moratorium period in September 1995.

Medium Density Housing (flats, duplexes)

The advent of State Environmental Planning Policy No. 25 - Residential Allotment Sizes and Dual Occupancy Subdivision enabled dual occupancy development on potentially every residential allotment created. In the City of Lismore it is estimated that between 15-20% of residential allotments have some form of dual occupancy located upon them. This would allow for approximately 2,000 blocks that have had dual occupancy or flats erected upon them.

It is the aim of Planning Services to initiate a comprehensive review of all approved dual occupancies and residential flat buildings within the City of Lismore area. This review is expected to be commenced in 1995 after completion of the MO review. The review will involve the visual inspection of all Council approved developments so that variation/breaches (if any) with the development consent notice as issued, may be remedied. Unauthorised flats will also be identified. It is expected that the review of dual occupancy and flat developments in the City area will be ongoing with random inspections re-occurring on all developments every 2-3 years. As this is a continuing process, dependent on the developers/owners conscientiousness, it would be inappropriate to set firm time periods for the achievement of Councils goals.

Compliance with Development Consents - Post 1990

There has been approximately 2,900 development applications lodged and assessed by Council between 1990 and 1993. Approximately eighteen (18) months ago Planning Services started a comprehensive post development control compliance process. This process aimed to take all development applications lodged since January 1, 1990 and visually inspect those properties for variations/breaches with the development consent notice as issued. To date Planning officers have inspected all of the 1990 Development Applications and approximately half of the 1991 Development Applications. The level of compliance with consent for the 1990 Development Applications was extremely high with only minor breaches in consent occurring in approximately 5% of approved applications. At present the trend is reasonably similar in 1991 when compared to 1990.

It is the aim of Planning Services to keep between 2 - 3 years behind present date so as to allow developers a chance to satisfactorily complete their development. As this is a continuing process, dependent on developers conscientiousness, it is reasonably difficult to set firm time periods to achieve Council's goals. Essentially 12 months of consents will be reviewed each year on a regular basis.

Advertising Signs

At present, Council does not receive annual fees for signage in City or surrounding areas. Council is entitled to charge an annual fee for each sign that a business has displayed, pursuant to Ordinance 55 (retained in the savings provisions of the new Local Government Act). Businesses excluded from this are home occupations, which are only permitted to display a very small sign.

Council recently resolved to upgrade the CBD in terms of functionality and aesthetic appeal. The aim of requiring a license and collecting a fee for signage is to ensure signs conform with Council's Sign Policy and to provide an additional source of income for the beautification of the CBD and business and industrial areas. It is proposed to establish precincts in which the proposed revenue is to be spent. The Civic Design Committee will be involved, together with land owners in determining expenditure programmes.

It is proposed to have 12 precincts within the Local Government Area in which sign fees in those areas are to be collected. These are:

- 1) CBD between Zadoc Street, Dawson Street, Ballina Street and the Wilsons River.
- 2) Lismore Shopping Square.
- 3) Wyrallah Road Shopping Village.
- 4) Rous Road Shopping Village.
- 5) Centenary Drive Industrial Estate.

- 6) North Lismore between Leycester Creek and Wilsons River.
- 7) Goonellabah Town Centre.
- 8) South Lismore (1) South of Railway and West of Wilsons River.
- 9) South Lismore (2) North of Railway, South of Leycester Creek and West of Wilsons River.
- 10) Rest of Lismore (Urban Area).
- 11) Lismore Rural Areas.
- 12) Rural Villages (Nimbin, Clunes, Bexhill, Dunoon, The Channon, Goolmangar, North Woodburn, Wyrallah and Gundurimba).

Though it is recognised that in some of the smaller precincts there will not be a substantial amount of revenue gained from advertising signs, it is envisaged that a reserve of funds could be achieved over the years, then that sum of money may be used to benefit the community by way of upgrades to open space, community facilities, street trees or the like, and even for colour schemes and painting of "main streets".

A review of all advertising structures within the City is to commence late in 1994 and be an ongoing process. It is the aim of Planning Services to have an overview of advertising signs completed by the end of 1994 in order to ensure compliance with sign license requirements. It is not proposed to separately license each sign, but rather issue a single 3 year license for all signs on the premises. Applications would be required for any illegal signs.

Illegal/Unauthorised Landuses

Breaches of planning controls, while not frequent, do occur. Some breaches are deliberate, while the majority inadvertently result through a lack of knowledge of planning regulations by the "offender".

At present, Planning Services staff are made aware of breaches with planning controls by a variety of avenues. The most common way is by visual identification when Council's Town Planners or Health and Building Surveyors are travelling throughout the City. Another common way in which Council is notified of breaches in planning controls is through written notification from local residents within the City.

In the majority of cases, negotiation between the offending party and Council staff has resulted in an amicable situation arising for all parties concerned with appropriate application's submitted and approvals obtained, often at an alternative more suitable location. Very rarely would Council be forced to take legal action against those in breach of the planning controls.

Planning Services has endeavoured to control unauthorised uses within the City, however, in recent times a more concerted effort has been made to address the problem.

As with the other compliance programs previously listed in this plan of management, the monitoring of illegal/unauthorised uses is a continuing process dependant on the vigilance of Council staff and the community as a whole.

3. RESOURCES

Council's Development Control Section has four (4) planners. It is estimated that total planning staff resources devoted to monitoring and reviewing development consents will be 20% of the Section's staff time, ie about 0.8 equivalent persons. In the past about 0.3 equivalent persons have been involved in post approval and illegal landuse work. Improved work practices and reduced numbers of DA's through elimination of many unnecessary DA's enables the additional staff time (0.5 equivalent persons) to be met within existing staff resources.

FAX DOCUMENT FROM PETER HAMILTON

1/50 Paterson Street, Byron Bay, 2481 (066) 858 648 (F/T)

TO:

✓ Robin Osborne

FAX No:

221791

DATE:

20-7-95

Number of pages (excluding this sheet):

7

SUBJECT:

ICC: Inspection of all development.

COMMENTS:

As discussed it would be good if you can get a status report on where each of the issues identified are at, and, target dates for completion, now that the mo report is out of the way.

Regards

Peter

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