



LISMORE CITY

DRAFT LOCAL ENVIRONMENTAL PLAN

1986



The Lismore City Draft Local Environmental Plan is placed on public exhibition to allow the community to participate in its making. The Plan provides the statutory blue print for the future development of the urban and rural areas of Lismore and it will guide Council's management of land use in the City into the 1990's.

The continued growth of Lismore as the north coast's regional centre is of the utmost importance; however, that growth must be measured in terms of employment opportunities, capital investment, public amenity and environmental quality. This is what a Local Environment Plan is all about.

All residents are invited to participate in the future planning of the City and submissions should be made prior to 5th June, 1987.

Copies of the Plan and its supporting material are available from the exhibition or the Council's Planning Department.

R. W. SCULLIN,
MAYOR.

LISMORE CITY COUNCIL
APRIL, 1987.

THE PLANNING PROCESS IN NEW SOUTH WALES

Planning in New South Wales is provided for by the Environmental Planning and Assessment Act, 1979. The Act basically provides that State and Regional matters are the responsibility of the State and local matters being the responsibility of the local Council.

The overall philosophy of the Act is to provide a balance between human and natural systems by ensuring that the environmental impact of proposed changes is fully assessed and provided for prior to change taking place. In the Act, the term 'environment' means the natural, social, economic and man-made systems which interact together.

PLANNING IN LISMORE CITY

To equip the Council with a modern package of planning instruments to cater for the growth and management of the City towards the turn of the century, the Council, in 1983, resolved to prepare a City-wide Draft Local Environmental Plan. This Plan will replace the existing planning instruments which were introduced in 1974.

This Draft Plan is based on the Council's adopted policies as well as a series of studies:—

1. "People", a study of Lismore City's demographic profile.
2. "Rural Issues", a discussion paper on the future issues of the rural environment.
3. "Rural Strategies", a study of the rural environment of Lismore and its possible future.
4. "Lismore: Its Economy", a study of the economy of Lismore.
5. "Urban Strategies", a study of the existing urban structure of the City and its possible future.

The Council's planning policies will be rewritten into 'Development Control Plans' which will support the Draft Plan when it comes into force. The Control Plans that are being prepared include:—

- Residential Development — referring to different densities and areas of residential development, both in the urban and rural context;
- Heritage Items — referring to historic buildings and structures;
- Environmental Controls — referring to the preservation and development of the rural and urban environment; and
- Industrial Development — referring to the development of industrial land.

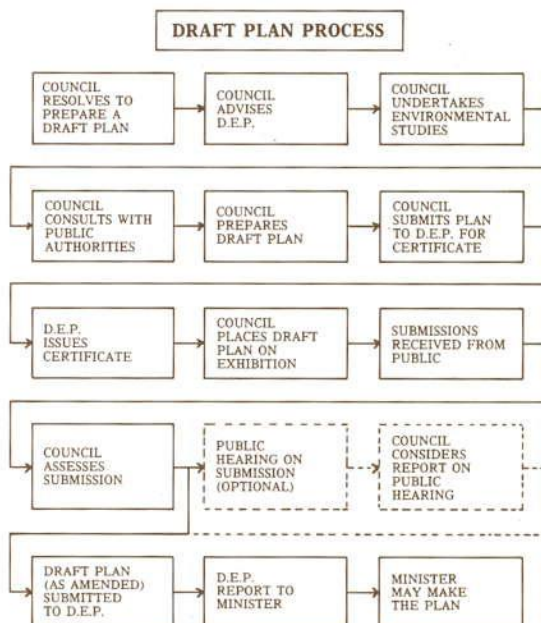


THE PLAN MAKING PROCESS

The following diagram identifies the plan making process and the stage the plan is currently up to.

Two (2) main studies have led to the principles of the Draft Plan: the 'Rural Strategies' and the 'Urban Strategies' documents. The Rural Strategies discussion paper was placed on public exhibition in

1983 and submissions were received at that time. This current stage involves the exhibition of both the 'Urban Strategies' and the Draft Plan and hence, submissions are called for on both documents and the accompanying maps. The Council will consider any submissions and a public enquiry, if called for, prior to presenting the plan to the Minister for Planning and Environment for gazettal.



CONTENTS OF THE PLAN

The Draft Plan comprises a written document and three zoning maps: urban; rural; and villages.

The written component of the Draft Plan is divided into a plain English version and the planning instrument. The planning instrument contains definitions, zoning provisions and special provisions. The land use zones encourage certain land uses and prohibit others, whilst the special provisions outline how and where certain permissible land uses may be developed.

THE AIMS OF THE DRAFT PLAN

(1) The general aims of this plan are:—

- (a) to encourage the proper management, development and conservation of the natural and man-made resources to provide the social and economic welfare of the community and to provide a better environment;
- (b) to ensure adequate land is available in suitable locations for the needs of a range of beneficial and appropriate land uses; and
- (c) to review the existing planning controls which apply to the land shown on the map.

(2) The particular aims of this plan are:—

- (a) to divide land into the zones and to achieve in respect of these zones the objectives specified for that zone;
- (b) to provide the framework to guide the Council in the making of development control plans for certain developments which—
 - (i) specify development standards and requirements; or
 - (ii) nominate desirable locations;
- (c) to ensure economic and efficient provision of public services and amenities or the appropriate land uses;

Open Space 6 — Open Space Zone

Public parks are an important asset to the City's residential neighbourhoods and the City itself. Existing and proposed parklands receive this zone so as to ensure recreational facilities are provided in the future.

Environmental Protection 7(a) — Scenic/Escarpment Protection Zone

Council has recognised the need to protect some of the natural features of the City. Of prime importance in this zone is the conservation of soil resources, natural vegetation and visual amenity, whilst encouraging the replanting of key areas on farms. Agriculture is still permissible however a management approach is required.

Environmental Protection 7(b) — River Lands Protection Zone

This zone affects the urban land located within the designated flood hazard areas; i.e. where the further development of buildings will exacerbate the socio-economic cost of flooding to the community.

Environmental Protection 7(c) — Water Catchment Protection Zone

The quality of water designated for human consumption is an important issue, hence the designation of catchment areas to the public water storage system. The zone retains the ability to use the land for agriculture and other land uses but

requires that they do not detrimentally affect that water quality.

Parks and Forests 8 — National Parks, Nature Reserves and Forests Zone

This zone designates those areas controlled under the National Parks and Wildlife Act and Forestry Act.

The detailed objectives and permitted land uses are listed in the Draft Plan. Whilst Clause 12 of the instrument provides some flexibility to the boundary of all Rural, Residential, Commercial, Special Use and Open Space Zones, changes to zone boundaries have to be justified.



SUBMISSIONS

The plan making process, as defined by the Act, provides that the Council must consider any written submission to the Draft Plan which was made within the specified time period.

The exhibition period is for two months commencing on Monday, 30th March, and finishing on Friday, 29th May. Submissions will be received up until 4.30 pm, Friday, 5th June, 1987.

Submissions on the Draft Plan must be made in writing, clearly outlining the reason for the submission and addressed to the Town Clerk.

POSTAL ADDRESS: Town Clerk, Lismore City Council, P.O. Box 23A, Lismore, 2480.

EXHIBITION

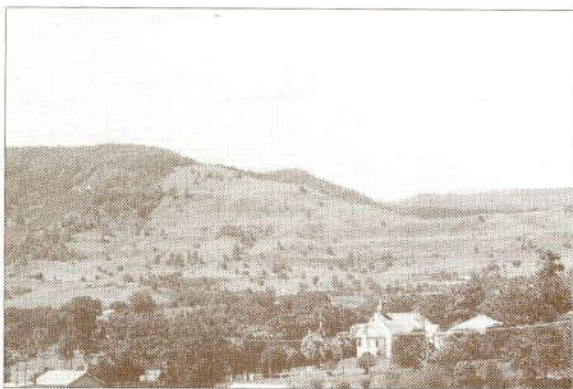
The Draft Plan will be placed on exhibition at the following venues:—

VENUE	DATES	PUBLIC MEETING
Lismore: cnr. Conway & Carrington Streets	30-3-87 — 29-5-87 Monday-Friday, 10 am-4 pm*	Thursday, 21st May 7.30 pm, CITY HALL

* Except Public Holidays and Village Exhibition Dates.

Dunoon Public Hall	Monday, 18th May, from 10 am	Monday, 18th May, 7.30 pm
Nimbin Public Hall	Wednesday, 22nd April from 10 am	Wednesday, 22nd April 7.30 pm
Clunes Public Hall	Thursday, 14th May, from 10 am	Thursday, 14th May, 7.30 pm

- (d) to strengthen and enhance the Lismore Urban Centre's regional role;
- (e) to identify, encourage and enhance the continual development of the Central Business District as it maintains its role as the principal commercial centre in the district;
- (f) to identify and improve significant landscape and townscape elements within the City of Lismore;
- (g) to ensure the conservation and enhancement of the historic, architectural and aesthetic character of the City of Lismore;
- (h) to reduce the incidence of damage in areas subject to natural hazards; and
- (i) to encourage concentrated rural population growth so as to minimise the need to provide additional dispersed services and facilities.



LAND USE ZONES AND OBJECTIVES

The Draft Plan controls land use by the allocation of specific zones to certain areas of the City. The definition of the zones by boundaries drawn on the maps and by the objectives and allowable uses listed within the instrument provides:—

1. predictability in what residents can expect land to be used for;
2. a guide to developers and business people as to the likely direction of change to the business and industrial areas;
3. direction to developers as to where land can be developed and for what purposes; and
4. a framework which will assist the City Council to manage the City's economy, population, social infrastructure and natural systems.

The zones contained in the Draft Plan and their objectives are as follows:—

Rural 1(a) — General Agricultural Zone

This zone permits a wide variety of agricultural uses and some industries. The uses must however be compatible with the rural character of the area. The minimum subdivision size will be 40 ha.

Rural 1(b) — Agricultural Protection Zone

Prime horticultural land has been identified so the potential types of agricultural pursuits have been limited to those that will best use the land. Subdivision size reflects that efficient use of the land can be undertaken on smaller parcels. Minimum subdivision is 20 ha.

Rural 1(c) — Small Agricultural Lots Zone

The quality of this land, although not necessarily high in agricultural terms, does allow for the provision of hobby farms, and intensive agriculture. The zone has been centred around existing urban areas so that the provision of services is not exacerbated.

Minimum subdivision size is 10 ha.

Rural 1(d) — Investigation Zone

Council has identified areas that "may" be suitable for future urban or large parcel development. Although a wide variety of uses are permissible Council will only favourably consider development that will not compromise the future use of the land. Future urban or other development of the land will have to be justified by "real demand".

Minimum subdivision size is 40 ha.

Residential 2(a) — General Residential Zone

There is one basic residential zone proposed in which all densities of dwelling construction and a variety of community and non-residential uses are permissible. Densities will be regulated by a Development Control Plan which will also allocate the areas for certain densities. This document is not complete at this stage, but will be placed on public exhibition prior to being implemented.

Minimum subdivision size is 250 square metres.

Residential 2(b) — Rural Residential Zone

This zone covers areas that were previously considered rural hobby farms however the land is not being used as farms and hence its major use is residential. The difference between this zone and the other residential zones is the retention of the rural surrounds.

Minimum subdivision size is 5,000 square metres.

Residential 2(c) — Residential Village Zone

This zone offers a wide variety of uses compatible with a village character and amenity. Shops and other non-residential land uses are permitted but are limited in size.

Minimum subdivision size is 250 square metres.

Business 3(a) — General Business Zone

The retail and office centre of Lismore has to contain a wide variety of land uses and this is permitted by the zone. The main objective is to keep Lismore City as the regional centre for the north coast.

Business 3(b) — Service Business Zone

The central business district of the City needs servicing by light industry, showrooms and distribution centres. This has been provided around its periphery.

Business 3(c) — Neighbourhood Business Zone

Local shops and offices provide an important service to residential suburbs, however they should not provide the services more appropriate to the central business district.

Industrial 4 — General Industrial Zone

The normal development associated with industrial areas are continued however the sale of bulky goods, display centres and vehicle parts and accessories have been included.

Special Uses 5 — Special Use Zone

This designates those areas used for public purposes such as hospitals, schools, water and sewerage facilities and Council's major quarry.

(continued overleaf)



- PERMANENT RESIDENTIAL**
- dwellings
 - dual occupancy
 - residential flat buildings
 - cluster housing
 - aged persons
 - multiple occupancy
 - worker's dwellings
 - home occupations

1(a)	1(b)	1(c)	1(d)	2(a)	2(b)	2(c)	3(a)	3(b)	3(c)	4	5	6	7(a)	7(b)	7(c)	8
C	C	C	C	WC	C	C	X	X	C	X	C	X	C	X	C	WC
C	C	C	C	C	C	C	X	X	X	X	X	X	C	X	X	X
X	X	X	X	C	X	C	X	X	C	X	C	X	X	X	X	X
X	X	X	X	C	X	C	X	X	C	X	X	X	X	X	X	X
X	X	X	X	C	X	C	X	X	C	X	C	X	X	X	X	X
C	X	C	X	X	X	X	X	X	X	X	C	X	C	X	X	X
C	C	X	C	C	X	X	X	X	X	X	X	X	X	C	X	X
WC	WC	WC	WC	WC	WC	WC	X	X	WC	X	X	X	C	C	C	C

- TOURIST**
- caravan parks
 - camping grounds
 - rural tourist facilities
 - motels
 - tourist facilities
 - refreshment rooms
 - bed and breakfast
 - recreation area

C	X	X	C	X	X	C	X	X	X	X	C	X	X	C	X	WC
C	X	X	X	X	X	C	X	X	X	X	C	X	X	C	C	WC
C	X	C	X	X	X	C	C	X	X	X	C	X	X	C	C	WC
C	X	X	X	X	X	C	C	C	X	X	X	X	X	X	X	X
C	X	C	X	X	X	C	C	X	X	X	C	C	X	C	X	WC
C	X	X	X	X	X	C	C	C	C	C	X	X	X	X	X	WC
C	X	X	X	X	X	C	C	X	X	X	X	X	X	C	C	X
C	X	C	C	C	C	C	C	X	X	X	C	C	C	C	C	WC

- RETAIL/COMMERCIAL**
- general store
 - shops
 - commercial offices
 - motor showrooms
 - retail plant nurseries
 - hotels
 - taverns
 - restricted premises
 - home offices

C	X	X	C	C	C	C	C	X	C	X	X	X	X	X	X	WC
X	X	X	C	X	X	C	C	X	C	X	X	X	X	X	X	X
X	X	X	C	X	X	C	C	C	C	C	C	X	X	X	X	WC
X	X	X	X	X	X	C	C	C	X	X	X	X	X	X	X	X
C	X	C	C	C	X	C	C	C	X	C	X	X	X	C	C	X
X	X	X	X	X	X	C	C	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	C	X	X	X	X	X	X	X	C	X
C	X	C	X	C	C	C	C	X	WC	X	X	X	C	C	C	X

- COMMUNITY**
- institutions
 - hospitals
 - places of public assembly
 - places of public worship
 - educational facilities
 - clubs
 - child care centres

C	X	C	X	X	C	X	X	X	X	X	C	X	X	X	X	X
C	X	C	X	C	C	C	C	X	X	X	C	X	X	X	X	X
C	X	C	X	C	C	C	C	X	C	X	C	C	X	X	X	WC
C	X	C	X	C	C	C	C	X	C	X	C	X	X	X	C	X
C	X	C	C	C	C	C	C	X	C	X	C	X	X	X	C	WC
C	X	C	C	C	C	C	C	C	C	X	C	C	X	C	C	X
C	X	C	C	C	C	C	C	C	C	X	C	X	X	X	C	X

WC — without consent; C — consent required; X — prohibited — check specific requirements in Draft Plan

UTILITY

- cemeteries
- transport terminal
- utility installations
- liquid fuel depots
- extractive industry
- service station
- generating works
- bus station
- airline terminal
- aerodromes

1(a)	1(b)	1(c)	1(d)	2(a)	2(b)	2(c)	3(a)	3(b)	3(c)	4	5	6	7(a)	7(b)	7(c)	8
C	X	C	X	X	X	C	C	X	X	X	C	C	X	C	C	WC
X	X	X	X	X	X	C	X	X	X	C	C	X	X	C	X	X
C	C	C	C	C	X	C	C	X	X	C	C	C	C	C	C	X
C	X	C	X	X	X	X	X	X	X	X	C	X	X	C	X	X
C	X	C	X	X	X	X	C	X	X	X	C	X	C	C	C	X
C	X	C	X	X	X	C	C	C	C	C	X	X	X	C	X	X
C	X	C	X	X	C	C	C	X	X	X	C	X	X	C	X	X
X	X	X	X	X	X	C	C	X	X	X	X	X	X	C	C	X
X	X	X	X	X	X	C	C	X	X	X	C	X	X	C	C	X
X	X	X	X	X	X	C	C	X	X	X	C	X	X	C	C	X

INDUSTRIAL

- industry
- sawmill
- junk yard
- warehouse
- offensive/hazardous industry
- car repair station
- bulk store
- home industry

C	C	C	C	X	X	C	C	C	X	C	X	X	X	X	X	X
C	X	X	X	X	X	C	C	X	X	C	X	X	X	X	X	X
C	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X
X	X	X	X	X	X	C	C	C	X	C	X	X	X	X	X	X
C	X	X	X	X	X	X	C	X	X	C	X	X	X	X	C	X
X	X	X	X	X	X	C	C	C	X	C	X	X	X	X	X	X
X	X	X	C	X	X	C	C	C	X	C	C	X	X	X	X	X
C	C	C	C	C	C	C	C	C	C	X	X	X	X	X	C	X

AGRICULTURE

- non-intensive agriculture
- forestry
- stock and sale yards
- abattoirs
- clearing of land
- plant nursery

WC	WC	WC	WC	C	WC	C	C	X	X	X	X	C	C	C	C	X
WC	WC	WC	X	X	C	C	C	X	X	X	X	C	X	C	C	WC
C	X	X	X	X	X	X	C	X	X	X	X	X	X	C	X	X
C	X	X	X	X	X	X	C	X	X	X	X	X	X	C	C	X
C	C	C	C	C	C	C	WC	X	WC	C	C	C	C	C	X	WC
C	C	X	X	C	X	C	C	C	X	C	X	X	X	C	C	WC

RURAL

- roadside stalls
- rural industry
- timber yard

C	X	C	X	X	X	C	C	X	X	X	X	X	X	C	C	X
C	C	C	C	X	X	C	C	X	X	C	X	X	X	C	C	X
C	X	X	X	X	X	C	C	X	X	C	X	X	X	C	X	X

OTHER

- subdivision
- recreation facility

C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	WC
X	X	C	X	C	C	C	C	C	X	C	C	X	X	C	C	WC

WC — without consent; C — consent required; X — prohibited — check specific requirements in Draft Plan

Please refer
P

~~DRAFT~~

JAGERA
P.O. Box 36
Bengelaw .2479.

Robb Community

Town Clerk
Lismore City Council
P.O. Box 23A
Lismore 2480.

RE: Submission to Lismore Draft Local Environmental Plan - 1986.

1. Jagera requests the opportunity to participate in a Public Hearing, undertaken by the Offices of the Commissioners of Inquiry, into the objectives, form and content of the Draft LEP.

2. This submission relates to land located at Whian Whian, described as Lot 3 DP 621179, being 21 hectares and totally within the proposed Small Agricultural Lot Zone - 1(c).

3. Reference is made to our submission to the preceding LES and more recent correspondence entitled Registration of Existing Rural Community dated 28-7-86.

4. ARBITRARY LOCATIONAL RESTRICTIONS FOR MULTIPLE OCCUPANCY - CLAUSE 22(1)
It is submitted that no legitimate planning justification is present in the proposal to restrict Multiple Occupancy to meaningless Parish boundaries.

This provision is contrary to Councils LES recommendations prepared by Councils professional planners, in conflict with the Draft SEPP for Multiple Occupancy, a restriction on the objectives of the Draft LEP and hardly good contemporary planning.

RECOMMENDATION: That Clause 22(1) be amended by deleting reference to Parishes:

5. ARBITRARY DETERMINATION OF MINIMUM PROPERTY AREA FOR MULTIPLE OCCUPANCY - CLAUSE 22(1a)(i)

It is submitted that no legitimate planning justification is evident in the determination of minimum property area for Multiple Occupancy.

This provision is contrary to the recommendations of the Councils preceding LES, in conflict with the intent of the Draft SEPP for Multiple Occupancy and restricts the achievement of the Draft LEPs objective

RECOMMENDATION: That the Draft LEP be amended to provide that the minimum property area for Multiple Occupancy be in accordance with the recommendations of Councils LES namely 20 hectares for land the subject of this submission.

6. PROHIBITION ON PROVISION OF VISITOR ACCOMMODATION FOR MULTIPLE OCCUPANCY - CLAUSE 22(4).

It is submitted that this subclause conflicts with Draft LEP objectives which relate to economic development, employment generation, resource management and rational landuse planning.

The absence of strategic policies (and consequent LEP objectives and provisions) for tourist opportunities significantly restricts the success of the Draft LEP. The region has few choices for economic development and employment generation; Council should ensure that its planning does not stifle an industry such as tourism which can be sustainable, low impact and labour intensive.

RECOMMENDATION: That the Draft LEP be amended to include objectives and provisions for sound tourism development.

That Clause 22(4) be amended to permit tourist accommodation in Multiple Occupancy where such tourist accommodation is ancillary to the Multiple Occupancy.

7. JAGERA- ENABLING MULTIPLE OCCUPANCY PROVISIONS

Jagera submits that the Draft LEP be amended such that enabling provisions for Multiple Occupancy apply to this property.

Reasons for this include:

- * The recommendations of Councils preceding LES support such.
- * Consistency with the provisions with the forthcoming SEPP.
- * Jagera, initiated in 1981, is a bone-fide Multiple Occupancy with a demonstrated record in sound landuse policies and internal management.

RECOMMENDATION: That the Draft LEP be amended such that Multiple Occupancy enabling provisions apply to this property.

As a min. should not be more restrictive in area than under 1 DO

PETER
for your info
I might get another
less site specific
submission done.

RESPONSE FORM

CITY OF LISMORE

GENERAL POLICY FOR THE DETERMINATION OF
APPLICATIONS FOR APPROVAL OF MULTIPLE OCCUPANCY OF
RURAL FARMS

KNOWN AS MULTIPLE OCCUPANCY CODE

Adopted 8th August, 1980

PREAMBLE

NOTES FOR SUBMISSION TO MULTIPLE OCCUPANCY COMMITTEE

This Code applies to land within the City of Lismore referred to in clause 15 of Interim Development Order No. 40 - City of Lismore on which development for residential purposes comprising permanent dwelling or living accommodation may be carried out with the consent of Council.

M1 THE AIMS AND OBJECTIVES OF THE CODE

- 1.01 To encourage the proper management, development and conservation of natural and man-made resources including agricultural land, natural areas, forest, minerals and waters for the purpose of promoting the social and economic welfare of the community and a better environment.
- 1.02 To encourage the promotion and co-ordination of the orderly and economic use in development of land.
- 1.03 To encourage the protection, provision and co-ordination of communication and utility services.
- 1.04 To encourage the protection of the environment.
- 1.05 To protect existing land owners against unreasonable intrusion on their lifestyle or their use and enjoyment of their land.

M2 DEFINITIONS

- 2.01 For the purposes of this Code and any application for approval by Council under the Code, the meanings ascribed to various words and phrases by the Local Government Act, 1919, as amended, or the Environmental Planning and Assessment Act, 1979, shall apply unless inconsistent with the text of the Code.
- 2.02 The following words and phrases shall have the particular meanings ascribed to them hereunder.
- 2.03 LIVING UNIT - The area of a building occupied by a single family usually consisting of parents and their children who live and act in accordance with the conditions maintained by the accepted head of the family.

- 2.04 **MULTIPLE OCCUPANCY** - The occupation of expanded or individual buildings on a clustered or dispersed basis by a group or groups of individuals with an ownership interest in the entire parcel of rural land at density levels in excess of that permitted by the Environmental Planning Instrument (being one dwelling for each parcel together with approved worker dwellings).
- 2.05 **PARCEL OF LAND** - All the land owned by a group of people or body seeking approval to the multiple occupancy of land in accordance with this Code.
- 2.06 **PUBLIC ROAD NETWORK** - The public roads that have been constructed to Council's standards and are maintained by Council for the benefit of the public.

M3 AREA OF PARCEL

- 3.01 The minimum area of land on which multiple occupancy may be approved shall be 40 hectares.
- 3.02 The land subject to approval for multiple occupancy shall be that contained in one portion or lot of an area in excess of 40 hectares.
- 3.03 Where land consists of several portions or lots, Council may grant approval for the use of the land for multiple occupancy conditional upon the consolidation of the various lots into one single parcel prior to the development being carried out.

M4 OWNERSHIP

- 4.01 The land to which a multiple occupancy application refers shall be owned in its entirety in common by at least two-thirds of all adult persons residing on the land or by co-operative or other approved corporate body of which the residents of the land are shareholders.
- 4.02 The articles of association, deed of agreement or trust document binding the various persons comprising the ownership group is to be in a form and manner approved by Council.
- 4.03 A caveat in the name of the Council is to be placed on all the land in the parcel preventing the disposal of any part of the parcel by direct sale or subdivision without the written consent of Council.
- 4.04 The owners as nominated on the application form shall be responsible for all commitments and obligations to Council and shall receive, on behalf of all owners and tenants, any notices issued by Council in respect of the parcel of land.

- 4.05 All application for development in accordance with the approved control plan shall be made jointly by the owners and the resident who will occupy the building.

M5 APPLICATIONS

- 5.01 All applications for approval of multiple occupancy shall be accompanied by a plan showing the full extent of the parcel to which the application applies and detailing thereon the overall concept including the location of dwellings, other buildings, areas to be used for home gardens, agriculture, re-forestation, access tracks, water supply facilities and any other special features.
- 5.02 The plan referred to in 5.01, should the application be approved, will become the development control plan for the development.
- 5.03 The application shall also be accompanied by a statement setting out the aims and objects of the owners and a detailed submission setting out the various environmental factors which will be affected by the development, what action is proposed to be taken to ensure protection of the environment and what development proposals and land use controls are envisaged to ensure compliance with the various requirements of this Code.
- 5.04 All applications for approval of multiple occupancy shall be advertised at least once in a newspaper circulating in the district advising that details of the application may be inspected at the Council's offices for a period of twenty-eight (28) days and that within that period any interested person may inspect the plans and written submission attached to the application.
- 5.05 Within the period nominated in the advertisement, Council will receive representations in support or in objection to the proposal.

M6 CONSENT

- 6.01 At the expiry of the period nominated in 5.04, Council may at a suitable meeting consider the application.
- 6.02 In determining the application, Council shall have particular regard to the following matters in addition to those matters set out in Section 90 of the Environmental Planning and Assessment Act, 1979:
- a) the suitability of the land for the purpose having in regard its character, area, location, capacity to accommodate additional population and to its relationship generally to adjoining lands, community facilities and services and also existing and future land use in the locality;

- b) the environmental quality of the development assessed with particular reference to the following factors that Council considers relevant -
 - i) the vista seen from any public road;
 - ii) the existing and proposed use of the principal part of the parcel;
 - iii) the use of adjoining lands;
 - iv) the effect of the proposed development on surface runoff and soil erosion;
 - v) the effect of the proposed development on the silvicultural use of the land;
 - vi) the likelihood of natural stream pollution; and
 - vii) agricultural suitability;
- c) the effect on the continued existing use of adjoining lands;
- d) the implications for adjoining property owners who have made representations to Council; and
- e) the degree of compliance with the requirements of this Code, the Local Government Act and Ordinance or regulations of Council.

M7 ACCESS

- 7.01 That part of the access track from the constructed public road network to the boundaries of the parcel shall have a surface suitable for travel by conventional motor cars in all weathers.
- 7.02 All living units must be sited so as to have reasonable access.

M8 DENSITY OF OCCUPATION

- 8.01 Development of the parcel shall not exceed the following densities:
 - a) the total number of living units shall not exceed the ratio of one unit for each two hectares of the total parcel; and
 - b) the density of living units within a circle with a radius of 55 metres (an area of approximately one hectare) centred on the location of the proposal shall not exceed four existing units.

M9 SERVICES

9.01 Approval of a multiple occupancy development proposal cannot be inferred as placing any obligation on Council to provide or support applications for community facilities such as:

- * improvements to the public road network;
- * water or sewerage services;
- * electricity supply;
- * telephone facilities;
- * post office or mail services;
- * community hall;
- * sporting or recreational facilities;
- * shops;
- * bus services;
- * schools;
- * baby health or medical clinics; or
- * library.

M10 APPROVAL OF BUILDINGS

10.01 Following the approval to use certain lands for a multiple occupancy development, application shall be made to Council for development approval of all buildings other than those used solely for agricultural purposes.

10.02 All applications shall be in conformity with the development control plan approved by Council unless prior consent to the amendment of the control plan has been granted.

10.03 Buildings shall conform to the respective requirements of this Code and the Ordinances under the Local Government Act.

M11 FIRE PROTECTION

11.01 Adequate fire breaks shall be provided to protect each living area aimed to prevent the escape of any fire from the area.

11.02 Each building shall have an area surrounding it, not being less than five metres in width, kept clear of weeds, vegetation or flammable material except for cultivated gardens.

11.03 The occupiers of each building shall maintain adequate fire fighting facilities.

M12 WATER

12.01 Adequate water supply shall be available to each building used as a living unit.

12.02 A piped water supply shall be available to each kitchen fed from an approved source.

- 12.03 Reserved supplies of water for fire fighting purposes shall be maintained in suitable tanks or dams.

M13 DRAINAGE

- 13.01 Sullage and septic systems, in conformity with the relevant requirements of the Health Department, shall be provided for each building used as a living unit.
- 13.02 No sullage or septic effluent absorption trench shall be located within 50 metres of any water course.
- 13.03 No sullage water shall be discharged direct onto the ground without passing through adequate grease traps or other suitable facilities approved by the Health Department.

M14 BUILDINGS

- 14.01 No buildings shall be located within 50 metres of any perennial water course.
- 14.02 No buildings shall be erected without prior development and building approval having been obtained from Council in writing.
- 14.03 Any building erected without having first obtained the necessary approvals or in contravention of an approval, shall be subject to an immediate demolition order and prosecution (maximum fine \$200 plus \$20 per day for each continuing day). They have the option of evoking the provisions of Section 317B of the Local Government Act by which an illegally constructed building may, as an option to demolition, be brought up to the required standards.
- 14.04 While ever a demolition order or prosecution is pending against the owners of a multiple occupancy farm, Council reserves the right to refuse to consider any further applications for development of the parcel.
- 14.05 No temporary buildings, tents, caravans or the like shall be erected without prior issue of a movable dwelling permit and compliance with any conditions contained therein.
- 14.06 All buildings used for residential purposes shall have self contained facilities in accordance with the requirements of the Local Government Act Ordinances.

LISMORE CITY COUNCIL

STANDARD REQUIREMENTS FOR

SUBDIVISION OF LAND

AUGUST, 1979.

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SECTION 1SUBDIVISION REQUIREMENTS1.1 APPLICATIONS - GENERAL

- 1.1.1 Application for subdivision shall be made on Council's form in duplicate.
- 1.1.2 Each application shall include four (4) copies of the proposed plan on stiff paper, not less than foolscap size, showing the design to scale in ink or other permanent form of marking.
- 1.1.3 Dimensions and area of each allotment in metric terms shall be shown, together with sufficient detail to locate the subdivision. All land involved in the subdivision shall be shown on the plan.
- 1.1.4 The application must be made by the owner, or a person acting on behalf of the owner. Where a person other than the owner, or agent, wishes to apply for a subdivision of a parcel, the written consent of the owner must be submitted.
- 1.1.5 All information nominated on the application form must be supplied in full including the FULL name(s) of the registered owner(s) of the land. Failure to complete the form correctly will cause unnecessary delay and may result in the application being returned for completion by the applicant.
- 1.1.6 Where there are existing buildings on the land their location should be shown on the sketch plan. The information is required to determine the suitability of the subdivision.
- 1.1.7 Each allotment created must conform to the relevant Planning Instrument requirements regarding dimensions, area and number that may be created and also have frontage to a constructed public road.
- 1.1.8 Council will grant consent to a subdivision based on the sketch plan submitted. The consent is not effective, however, until the final subdivision plan, prepared in accordance with Clause 1.4, has been signed by the Town Clerk and registered with the Registrar General.
- 1.1.9 Subdivision consents granted are void if the final plan is not lodged for signature within the period stated in the consent advice. Council may grant annual extensions with or without alteration to conditions or fees, for a further period not exceeding three years.

1.2 URBAN SUBDIVISION - SPECIAL REQUIREMENTS

- 1.2.1 All plans shall be to scale with a reduction ratio not greater than 1:500.
- 1.2.2 Where more than five allotments are proposed to be created and a new road is required, the sketch plan shall show, in addition to the requirements of Clause 1.1, contours at 1 metre intervals except where the average natural slope is less than 1 in 100 where contour intervals shall be 0.5 metres supported by spot levels.
- 1.2.3 The width of all new roads shall be shown together with any easements proposed for drainage or any other purpose.
- 1.2.4 Tree Preservation Orders are in existence covering all urban areas and all trees in excess of 3 metres in height shall be shown on the plan. Subdivisions must be so designed so as to preserve all healthy trees.
- 1.2.5 Council requires that the building line for all residential allotments, including corner allotments, be 6 metres from the road alignment and the dimensions of all allotments should be such as to permit the erection of a dwelling in conformity with the building line and boundary setback requirements.

1.2.6 The corners of allotments at road intersections shall be splayed or rounded so as to provide for at least a triangular area with a base of 5 metres as road widening.

1.2.7 Allotment sizes shall exceed the minimum requirements of the Planning Instrument applicable to the land and this should be ascertained before planning commences.

1.3 CONDITIONS OF CONSENT

1.3.1 Council when granting consent to any subdivision will make the consent subject to the relevant conditions contained in the following subclauses 1.3.2 and 1.3.3.

1.3.2 Standard Conditions to Apply to All Subdivisions

(A) Within Urban Lismore to Create Allotments for any Purpose

- (i) Satisfactory provision be made to drain all roof water from existing buildings and/or proposed buildings to be erected on the land direct to Council's drainage system or by means of piped drainage lines within easements created over adjoining lands.
- (ii) Evidence to be produced that the Northern Rivers County Council will provide electricity to each allotment.
- (iii) Evidence to be produced that Telecom Australia will provide underground plant to each allotment created.
- (iv) A contribution fixed annually be paid in respect of each residential allotment created towards Public Garden and/or Open Space improvements.
- (v) A contribution to be fixed annually as set out below be paid in respect of each new allotment created:
 - a) towards water storage augmentation.
 - b) towards water main reticulation extension or enlargement where required.
 - c) a contribution to be determined towards trunk water main extension or enlargement where required.
- (vi) A contribution to be fixed annually as set out below be paid in respect of each allotment created:
 - a) towards sewerage treatment works augmentation.
 - b) towards sewer main reticulation extension or enlargement where required.
 - c) towards trunk sewer main extension or enlargement and/or sewer pump station establishment where required.
- (vii) No tree shall be ringbarked, cut down, lopped, removed or damaged in contravention of the tree preservation order applicable to the land.
- (viii) The surveyor shall furnish a certificate that all drainage pipes are located within the respective easements.

(B) Rural Small Holdings Zone - Richmond Hill

- (i) A contribution fixed annually towards the provision of water supply mains and storage augmentation in respect of each allotment created. (Subject to reduction where existing mains may be utilised).
- (ii) No tree shall be ringbarked, cut down, lopped, removed or damaged in contravention of the tree preservation order applicable to the land.

1.3.2 (C) Villages and Rural Small Holding Zones in Former Terania Area

- (i) A contribution to be fixed annually towards provision of water storage in respect of each new allotment created.
- (ii) A contribution equal to the full cost for providing the necessary water mains within the subdivision where required.
- (iii) No tree shall be ringbarked, cut down, lopped, removed or damaged in contravention of the tree preservation order applicable to the land.

(D) All Non Urban Subdivisions

- (i) A contribution to be fixed annually in respect of each new allotment created towards general road improvements.

1.3.3 Standard Conditions to Apply where it is Proposed to Open a New Road

- (A) (i) All roads are to be constructed to the relevant Council standard as set out in Section 3.
- (B) Engineering design plans for all roadworks to be submitted for approval before work commences showing the following detail:
 - (i) Plan and longitudinal section of all roads.
 - (ii) Cross-sections of all roads at regular intervals.
 - (iii) Longitudinal section of all kerb returns.
 - (iv) Plan and longitudinal sections of all drainage lines.
 - (v) Details of all drainage calculations in conformity with Council's standard.
- (C) (i) The surveyor shall furnish a certificate that all roads have been laid out in accordance with the approved plans.
- (D) (i) The consent granted to the subdivision is conditional on the engineering design plans showing that the road can be constructed in accordance with the requirements of the code and no departures will be approved.

1.3.4 The amounts of contribution called for in subclause 1.3.2 as fixed for 1979 are:

	\$
For Public Garden and/or Open Space Improvements	100
For water supply storage augmentation in Lismore	100
For water main reticulation in Lismore	100
For sewerage treatment works augmentation	150
For sewer main reticulation	200
For trunk sewer main, where required	200
For water supply augmentation and mains at Richmond Hill	1330
For water supply augmentation in valleys and small holdings in Former Terania Area	350
For general road improvements in non urban areas	300

1.3.5 Each of the amounts referred to in 1.3.4 will be adjusted annually by an amount based on the movement in the Consumer Price Index to the previous December Quarter and any other cost factor which may be approved by Council.

1.3.6 Where an urban subdivision fronts a road not constructed to the standards nominated in Section 3 Council may require the applicant to meet the cost of kerb and gutter, drainage and half width road construction or widening where any of these items are not in existence.

1.3.7 Where a rural subdivision fronts a road which is not constructed to Council standards or currently maintained by Council, Council may require the applicant to meet the cost of constructing the road to the full rural standard.

1.4 FINAL PLANS

- 1.4.1 The final or original plan shall be prepared on linen or transparent film in accordance with the requirements of the Registrar General's Department.
- 1.4.2 All proposed easements, new roads, Public Reserves required to be provided as conditions of consent shall be shown on the plan and detailed in an accompanying Form 21 as provided for in Section 88B of the Conveyancing Act.
- 1.4.3 Where a restriction to use a covenant is to be imposed, in addition to the required statements of intent on the plan, the following words shall be added:
- "as set out in the accompanying instrument signed by the Town Clerk."
- 1.4.4 Drainage easements in favour of the Council are required to cover all drainage lines including inter allotment drainage and also natural water courses where considered desirable.
- 1.4.5 Where the natural surface or constructed batter is at a slope steeper than 5 verticle to 1 horizontal immediately adjacent to new roadworks, an easement of support will be made in favour of Council covering the area outside the road reserve with a slope steeper than 5 to 1.

SECTION 2SUBDIVISION LAYOUT2.1 SIZE OF ALLOTMENTS

- 2.1.1 The minimum allotment sizes and frontages are prescribed in the respective Planning Instruments.
- 2.1.2 Fan shaped allotments providing for a frontage of less than the prescribed width may be permitted provided the width of the allotment at the prescribed building line is equal to or greater than the minimum requirement.
- 2.1.3 Hatchet shaped allotments may be permitted provided the access shaft is at least 3.5 metres wide and the area of the lot excluding the area of the shaft exceeds the minimum allotment area requirement.

2.2 MATTERS TO BE CONSIDERED

- 2.2.1 In considering any application for subdivision Council is required by the Environmental Planning Act to take into consideration the following matters:
 - (a) The provisions of any Environmental Planning Instrument or Development Control Plan applying to the land.
 - (b) The impact of that development on the environment (whether or not the subject of an environmental impact statement) and, where harm to the environment is likely to be caused, any means that may be employed to protect the environment or to mitigate that harm;
 - (c) The effect of that development on the landscape or scenic quality of the locality;
 - (d) The social and economic effect of that development in the locality.
 - (e) The character, scale, density and height of that development;
 - (f) The size and shape of the land to which that development application relates, the siting of any building or works thereon and the area to be occupied by that development;
 - (g) The relationship of that development to development on adjoining land or on other land in the locality;
 - (h) Whether the proposed means of entrance to and exit from that development and the land to which that development application relates are adequate;
 - (i) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect of that traffic on the movement of traffic on that road system;
 - (j) Whether public transport services are necessary and, if so, whether they are available and adequate for that development;
 - (k) Whether utility services are available and adequate for that development.
 - (l) Whether adequate provision has been made for the landscaping of the land to which that development application relates and whether any trees or other vegetation on the land should be preserved;
 - (m) Any representations made by a public authority in relation to that development application, or to the development of the area, and the rights and powers of that public authority;
 - (n) The amenity of the neighbourhood;
 - (o) Any submission properly made when the Planning Instrument was prepared relating to the development;
 - (p) The circumstances of the case;
 - (q) The public interest; and
 - (r) Any other prescribed matter.

2.2.2 Council is also required by the provisions of the Local Government Act to consider the following matters:

- (a) The size and shape of each separate parcel;
- (b) The length of road frontage of each separate parcel;
- (c) The situation and planning of the separate parcels in relation to public convenience, present and prospective;
- (d) The existing and proposed means of access to each separate parcel;
- (e) Whether the district is or probably will be a residential district;
- (f) The drainage of the land, the drains proposed to be constructed and the drainage reserves and drainage easements to be provided;
- (g) Whether the land has been declared unsuitable for building upon under the provisions of the Public Health Act, 1902;
- (h) Whether the land is subject to flooding or tidal inundation;
- (i) Whether the land is or probably will be subject to subsidence or slip.

2.2.3 Where the subdivision provides for the opening of a new road:

- (a) The method of draining the road necessary in the circumstances, present and prospective, and the disposal of the drainage;
- (b) The drainage reserves or drainage easements to be provided;
- (c) The character of construction of the road necessary in the circumstances, present and prospective, and the necessity for the erection of road signs as part of the work of that construction;
- (d) Whether or not kerbing, guttering and footpaths should be provided;
- (e) The treatment of junctions or intersections of roads;
- (f) The classification of the road;
- (g) Whether the district is a residential district; and
- (h) If any proposed new road will be a lane, whether or not a lane should be permitted, in the circumstances.

SECTION 3
ROAD STANDARDS

3.1 ROAD WIDTHS

3.1.1 The minimum road reserve and carriage way widths as set out below shall be provided where ever a new road is opened.

TABLE

ROAD TYPE	RESERVE WIDTH	CARRIAGE WAY WIDTH BETWEEN KERBS	FORMATION WIDTH
<u>Land Zoned Residential or Village</u>			
Through Roads and Bus Routes (more than 360 lots)	20.00	13.00	
Feeder Roads (121 to 360 lots)	18.00	11.00	
Residential Streets (up to 120 lots)	16.00 15.00	9.00 8.00	
Cul-de-sacs (max. 8 lots)	15.00	7.50	
Cul-de-sac Turning Circle	14.00 13.00 radius	10.00 radius	
<u>Land Zoned Industrial or Commercial</u>			
Through Roads	Dependant on purpose and classification		
Distributor Roads	23.00	13.00	
Access Road	20.00	10.00	
<u>Land Zoned Non Urban</u>			
Through Road	20.00	6.00 sealed	8.00
Access Road & Cul-de-sacs. Cul-de-sac not more than 3 lots	20.00	7.00 gravel	7.00
<u>Land Zoned for Small Holdings (1c)</u>		5.00 gravel	5.00
Through Road	20.00	1.00 6.00 sealed	9.00
Access Road	20.00	6.00 7.00 sealed	8.00
Turning Circles	13.00 16.00 radius	6.00 radius sealed	7.00 8.00 radius

3.1.2 Where steep natural crossfalls exist the road reserve width shall be increased so that a grade line drawn from the top of the kerb to the natural surface at the boundary shall not be steeper than 15 percent.

3.1.3 Carriage way widths shall be measured as the distance between the faces of upright kerbs at the gutter invert.

- 3.1.4 Where lay back kerbs are permitted, the distance shall be measured between the gutter inverts.

3.2 ROAD CONSTRUCTION

- 3.2.1 Roads within urban areas (excluding small holding zones) shall be sealed full width between kerbs with either a two coat flush seal or 25 mm Hot mix surface.
- 3.2.2 Roads within non urban zones shall be gravelled for the full formation width and sealed for 6 metre width with a two coat flush seal where stated.
- 3.2.3 Road cross-sections shall normally provide for a crown at the centre line. In special circumstances an off set crown or single crossfall sections may be approved provided special provision is made to handle drainage so that the "sheeting" of water across the pavement will be prevented.
- 3.2.4 Lane widening and super elevation need not be provided for access roads and Residential streets.

3.3 KERB AND GUTTER

- 3.3.1 Integral kerb and gutter with a 150 mm vertical kerb shall be provided on each side of the carriage way in all urban roads.
- 3.3.2 Layback kerb will only be permitted in cul-de-sacs and at special locations in Residential streets approved by the City Engineer.

3.4 ROAD GRADES

- 3.4.1 The maximum longitudinal grade shall not exceed 16 percent except in special circumstances approved by the City Engineer when grades with an absolute maximum of 20 percent may be permitted subject to access to each individual lot being satisfactory.

3.5 INTERSECTIONS

- 3.5.1 Intersections should be designed to ensure adequate road safety and minimum interference to through traffic movement.
- 3.5.2 Maximum sight distance requirements shall be met on all intersecting roads.

3.6 FOOTPATHS - Urban Roads

- 3.6.1 Footpaths shall be graded towards the kerb with a fall of 4 percent for a distance of at least 1.5 metres on both sides of the road.
- 3.6.2 The high side footpath cross-section shall be such as to permit the laying of water mains one metre behind the kerb.
- 3.6.3 The crossfall of the footpath beyond 1.5 metres from the kerb shall not exceed 4 horizontal to 1 vertical in fill situations and 3 horizontal to 1 vertical in cut situations.

3.7 SIGHT DISTANCE

- 3.7.1 Minimum sight distance requirements shall be the aggregate of the stopping distance if vehicles travelling in opposing directions at the design speed. See paragraph 5.2.5.

3.8 DESIGN SPEEDS

3.8.1 The following minimum design speeds shall be adopted:

Residential Streets	40 km/hr
Industrial Access Roads	40 km/hr
Non Urban Access Roads	40 km/hr
Through Roads - Residential	50 km/hr
Through Roads - Non Urban	80 km/hr
Through Roads - Industrial	50 km/hr

3.9 DRAINAGE

- 3.9.1 Drainage structures shall be of sufficient capacity to carry the design storm as calculated in accordance with Sections 5.5 and 5.6 for the total catchment contributing to the stream discharge.
- 3.9.2 Sub-soil drains will be required in any locations where cuts occur and due to the surrounding terrain ground water may be expected, and in circumstance where it is considered that ground water or surface water infiltration will affect fill material, such as in filled gullies.
- 3.9.3 The location of all sub-soil drains should be shown on the plans by a notation on the longitudinal section.
- 3.9.4 Should indications during construction call for additional sub-soil drains, they shall be provided at the direction of the City Engineer.
- 3.9.5 Where practicable the sub-soil drains shall be located under the kerb line and at least 300 mm below the underside of the sub-base.
- 3.9.6 The minimum sub-soil drain diameter shall be 75 mm.
- 3.9.7 The minimum gradient of sub-soil drains shall be 1 percent.
- 3.9.8 Sub-soil drains shall be placed in trenches with a minimum width of 300 mm and back filled with approved clean granular material with maximum size of 10 mm to the underside of the sub-base.
- 3.9.9 Inter allotment drainage shall be provided where roof and surface water cannot be satisfactorily collected and diverted into the kerb and gutter or stormwater drainage system fronting the allotment or where this water will flow onto adjoining land.

SECTION 4

ROAD DESIGN PLANS AND SPECIFICATION

4.1 GENERAL

- 4.1.1 All plans shall be on standard size A1 sheets with a boarder and title block in the lower right hand corner. The number of sheets in the set shall be recorded in the title.
- 4.1.2 Dimensions shall be in S.I. Metric Units.
- 4.1.3 Scale reduction ratios shall conform to the following:
- | | | |
|--|-------------|------------------------------------|
| (a) Plans - Urban Roads | 1:500 | |
| - Rural less than 500 m length | 1:1000 | |
| - Rural over 500 m length | 1:2000 | |
| (b) Longitudinal Sections - horizontal | as for plan | |
| - vertical | 10:1 | exaggeration of horizontal |
| (c) Cross-sections - Natural scale | 1:100 | |
| or | 1:200 | |
| (d) Drainage Plans - longitudinal section - hor. | 1:500 | |
| - vert. | 1:50 | |
| (e) Catchment areas - urban | 1:500 | |
| - rural | 1:200 | or as appropriate to define areas. |
| (f) Kerb Returns - horizontal | 1:500 | |
| - vertical | 1:50 | |
| (g) Road Junctions - Plan | 1:500 | |

4.2 PLANS

4.2.1 Details on the plan shall include:

- (a) All proposed roads and their position in relationship to existing roads.
- (b) Road names or identification numbers.
- (c) Position of lot boundaries - dimensions need not be shown.
- (d) All easements, existing and proposed.
- (e) All existing features and structures, water courses, swamps, etc.
- (f) All proposed structures.
- (g) Road centre lines and chainages.
- (h) Limits of the work.
- (i) Drainage line centre lines.
- (j) Locations of drainage pits.
- (k) Kerb and gutter lines.
- (l) Radius of all curves.
- (m) Bench marks and reference points.
- (n) Contours at intervals of 1 metre or if slope is less than 1 percent, at 0.50 metre intervals.

4.3 LONGITUDINAL SECTIONS

4.3.1 Details shown on the longitudinal sections shall include:

- (a) Existing natural levels.
- (b) Design centre line levels.

- 4.3.1 (c) Grades and intersection level.
- (d) Vertical curve lengths.
- (e) Chainage.
- (f) Centre line intersection of branch roads.
- (g) Low points on sag vertical curves.
- (h) Over lapping grade detail beyond limits of work.
- (i) Sight distance where applicable.
- (j) Location of sub-soil drainage.
- (k) Lane widening where applicable.
- (l) Location of protection fencing.
- (m) Location of guide posting.
- (n) Location of centre line marking.
- (o) Location of structures.

4.4 CROSS SECTIONS

- 4.4.1 Cross sections are to be shown at intervals of 20 metres for urban development and 50 metres for rural roads and at all tangent and transition points.
- 4.4.2 Each section shall show the natural surface and design section with pegged centre line level and design centre line level shown.
- 4.4.3 A typical section shall be fully dimensioned showing offset distances from pegged centre line crossfalls and levels.
- 4.4.4 Where crossfalls or offsets vary from the typical section, these shall be shown on the relevant sections.

4.5 DRAINAGE

- 4.5.1 Longitudinal sections of all pipe lines shall show:
 - Natural surface levels
 - Pipe invert levels at all changes of grade
 - Diameter and class of pipe
 - All pits
 - Location of any other services which would affect construction.
- 4.5.2 Catchment area detail shall be shown on plan showing the location of all pits and sub catchment areas.
- 4.5.3 Details of all drainage calculations set out on Council's standard calculation sheet shall be provided for all drainage entry points and, if necessary, at changes in pipe grade.

4.6 ROAD INTERSECTIONS

- 4.6.1 Where a proposed road intersects with an existing road or another proposed road a detailed plan extending at least 30 metres from the centre line intersection shall be submitted showing:
 - All kerb return radii
 - Location of all drainage pits
 - Location of any other service facilities
 - Modification to existing road surfaces and drainage.

- 4.6.2 Longitudinal sections shall be shown for all kerb returns at intersections and cul-de-sac turning circles.

4.7 STRUCTURES

- 4.7.1 Where structures are proposed these may be constructed in accordance with standard plans by reference to a standard plan number.
- 4.7.2 Where modification to standard plans or other than standard designs are proposed full details should be shown on suitable plans and details of any engineering design submitted for checking.

4.8 SPECIFICATION

- 4.8.1 All road design plans shall be accompanied by a specification setting out the details of the work proposed setting out standards for materials and workmanship.
- 4.8.2 Council's standard specification shall be used where appropriate.
- 4.8.3 The specification shall contain provisions that Council shall be notified at the following stages:
- (a) Seven days before work commences advising name and address of contractor and commencement date.
 - (b) Completion of earth works.
 - (c) Trenches ready for pipe laying.
 - (d) Pipes jointed and ready for back filling.
 - (e) Completion of sub-base to underside of kerb and gutter.
 - (f) Prior to commencing kerb and gutter construction after preparation of form work or guide lines.
 - (g) Completion of base course ready for sealing.

4.9 MATERIALS

- 4.9.1 All materials shall be subject to quality testing.
- 4.9.2 Council will carry out testing at the cost of the applicant when staff and facilities are available. Samples should be submitted in ample time so that arrangements for testing can be made or the samples forwarded to an outside testing authority.
- 4.9.3 Subject to the availability of Council's Soil Testing Officer the following delay times can be anticipated:

Materials grading and cover requirements	7 days
In-situ densities - sub grades or clays	2 days
Granular material - first test	2 days
Subsequent tests	1 day

- 4.9.4 The following requirements will need to be determined by means of Soils Laboratory Testing:

- (a) Cover requirements for sub-grade.
- (b) Cover requirements of proposed sub-base and base materials to be determined from pilot samples if the pit has not been previously evaluated.
- (c) Actual cover requirements of material in sub-base and base course as placed and worked (if considered necessary by Council).
- (d) Compaction tests for sub-grade, sub-base and base course.

4.9.5 Cover requirements will be calculated in accordance with the New South Wales Department of Main Roads Materials Manual.

4.9.6 Minimum compaction requirements measured as the density-in-situ shall be for:

- | | |
|--|-------------------------|
| (a) Embankment (fill) and sub-grade | 95% of max dry density |
| (b) Selected sub-grade | 95% of max dry density |
| (c) Sub-base and base course | 100% of max dry density |
| (d) Gravel/shoulders | 100% of max dry density |
| (e) Gravel pavement - not to be surfaced | 90% of max dry density |

SECTION 5

DESIGN TECHNIQUES

5.1 GENERAL REFERENCES

- 5.1.1 Policy for Geometric Design of Rural Roads - N.A.A.S.R.A.
 Guide for the Design of Typical Urban Intersections - N.A.A.S.R.A.
 Guide for Geometric Design of Major Urban Roads - N.A.A.S.R.A.
 Data for Design of Two Lane Rural Roads (Form 892) - N.S.W. D.M.R.
 Guide to Traffic Engineering Practice - N.A.A.S.R.A.

5.2 ALIGNMENT

- 5.2.1 Residential streets shall be designed so that they are aesthetically acceptable. Sharp angles in kerb lines, unnecessary deviations from straight alignment, excessive changes in grade and "dead spots" in vertical alignment should be avoided.
- 5.2.2 Changes of grade at or near tangent points should be avoided. Where possible, vertical curves should not overlap horizontal curves.
- 5.2.3 The general minimum longitudinal gradient of the centre line of kerb and gutter should be 0.50 percent with an absolute minimum of 0.33 percent for short lengths only.
- 5.2.4 Vertical curves shall be provided where the algebraic sum of the grade change is equal to or in excess of 1.0 percent.
- 5.2.5 The length of crest vertical curves shall be in excess of that required to produce the minimum sight distances set out below for the appropriate design speed. These figures may require adjustment where steep grades are involved.

Design Speed	Min. Stopping Sight Distance	
	urban	rural
40 km/hr	40 60 m	100 m
50 km/hr	60 100 m	140 m
60 km/hr	70 140 m	180 m
80 km/hr	110 220 m	260 m
100 km/hr	-	315 m

- 5.2.6 Sag vertical curves shall be provided to limit the vertical acceleration to an absolute 0.1 gn and the desirable for riding comfort of 0.05 gn.

5.3 INTERSECTIONS, JUNCTIONS AND CUL-DE-SACS

- 5.3.1 Information to assist in the design of intersections is contained in a paper by Mr J. McKierral of the Department of Main Roads and N.A.A.S.R.A. publication, "Guide for the Design of Typical Urban Intersections".
- 5.3.2 The following recommendations for safe subdivisional design extracted from "Guide to Traffic Engineering Practice" published by N.A.A.S.R.A. should be observed when designing the road network.
- (i) A limited access design should be provided where possible with access to major highways bordering the area limited to 400 m intervals.
 - (ii) Continuous through streets extending from one major street to another should be avoided.
 - (iii) Collector streets should, if possible, only exit into one major street and continuous cross streets on them should be avoided.

- 5.3.2 (iv) As far as possible four-legged and multi-way intersections should be avoided.
- (v) Y junctions where the intersecting legs meet at acute angles should be avoided.
- (vi) Within the subdivision the use of T junctions is to be preferred rather than four-legged or multi-way intersections. A Victorian study has shown that the replacement of one four-legged intersection by two T junctions may be beneficial with minor roads only, and not beneficial with major roads or with a combination of major and minor roads (Ref.22).
- (vii) Where two T junctions in close proximity are adopted to avoid four-legged intersection layout, the stagger in alignment should be long enough for the two legs to operate properly as separate junctions. If the stagger is too short there is a tendency for traffic to cut corners and to use the two junctions as a single intersection. It is considered that an absolute minimum stagger of 40 m centre-to-centre of the minor roads should be provided.
- (viii) Where a crossing consists of two T junctions it is preferable to make the stagger of the right-left type to eliminate the dangerous right turn from a major into a minor road.
- (ix) Adjacent intersections must be far enough apart to operate independently.
- (x) Intersections or junctions should not be located close to bridges, railroads, embankments and other obstructions which restrict visibility. All proposed junctions and intersections should be related to ground contours and visibility requirements.
- (xi) Where a collector road discharges onto a major road which will be carrying heavy traffic volumes, two staggered junctions, unless signal controlled, can be as dangerous as a direct crossover. This may happen since traffic flows on the major road are so heavy that traffic attempting to use two T junctions has to perform dangerous weaving manoeuvres with the high speed main traffic flows. In such a case a direct crossover may be better design. However, when signal controls are adopted, two junctions which can be operated on a two-phase system may offer higher capacity than a single intersection which may have to be operated on three signal phases if turning vehicles are numerous.
- (xii) Provide sufficient truncation of junctions and intersections to ensure good visibility. Many existing truncations are inadequate for present traffic needs.

5.3.3 Kerb returns of roads expected to carry omnibuses or long vehicles shall be dangerous with compound curves.

5.3.4 Minimum curve radii shall be:

At intersections	8 m radius
Cul-de-sac turning circle	10 m radius
Turning circle - lead in	24 m radius

5.3.6 Gully pits should be located at the tangent points of the lead in radius of intersections and cul-de-sacs on steep grades.

5.4 CROSS SECTIONS

5.4.1 The normal cross section grading of the pavement shall be 3 percent for bituminous sealed pavements, 2.5 percent for bituminous concrete pavements and 4 percent for unpaved roads and shoulders.

5.4.2 Footpaths shall have a fall of 4 percent towards the kerb, intersections excepted.

5.4.3 Pavement depths shall be subjected to materials testing of the sub-grade.

5.4.4 For design purposes the following depths may be adopted:

Alluvial black clay	450 mm
Decomposed basalt (brown)	250 mm
Red basaltic soil undisturbed	200 mm

5.4.5 Except as provided for in 3.6.3 for urban roads batters to fills shall not exceed $1\frac{1}{2}$ horizontal to 1 vertical and in cuts 1 horizontal to 1 vertical.

5.5 URBAN DRAINAGE CALCULATION

5.5.1 Design Criteria for catchment areas not exceeding 25 km^2 , or for steep catchments up to 50 km^2 , adapted from Chapter 12 of the Australian Rainfall and runoff (A. R. & R.) 1977 with amendments from the A. R. & R. workshop of December, 1977. This procedure is a guide to be adopted and it will be amended again in the future.

5.5.2 Type of catchment as ultimately planned: Design Recurrence Interval

- | | |
|--|----------|
| (a) Intensely developed business, commercial and industrial areas. and areas where flooding would cause serious damage or inconvenience. | 25 years |
| (b) Other business, commercial and industrial areas and intensely developed residential areas. | 10 years |
| (c) Sparsely developed residential areas and areas such as parks and playing fields. | 5 years |

The City Engineer may require an amendment on these intervals owing to the effect on the catchment's ultimate development causing possible surcharge or flooding.

5.5.3 Width of Gutter Flow:

- (i) Not to exceed 2.2 m in normal circumstances.
- (ii) Maximum width of 3.00 m for residential streets with low density traffic and very flat longitudinal grades.

5.5.4 Co-efficient of run-off curves to be generally used are "Suburban residential with gardens," for residential blocks, and "impervious roofs and concrete for roadways," with values up to 0.95 for the latter.

5.5.5 Enclosed are:

- (i) Time of overland flow Fig. 12.2 A. R. & R.
- (ii) Rainfall intensity frequency duration curves (Alstonville) Fig. 3 (vi).
- (iii) Co-efficient of run-off for urban catchments Fig. 12.5 A. R. & R.
- (iv) Recommended concrete roughness values (K_s) for Colebrook White equations.
- (v) Discharge characteristics for pipes flowing full $K = 0.60$. Fig. 4.
- (vi) Drainage Calculation Sheet (extra copies available from Council).

5.5.6 Drainage Calculation Sheet

The Lismore City Council Standard Form, as attached.

- (1) Component - Reference point on drainage line

- (2) Type of surface - Inspection of site
 - (3) Length of overland flow - Scale from catchment plan
 - (4) Slope of overland flow - Calculate from catchment plan
 - (5) Time of overland flow - found from Fig. 12.2 A. R. & R.
 - (6) Gutter length - Scale from plan
 - (7) Gutter slope - Calculate from plan
 - (8) Time of gutter flow - Initially estimated and corrected later, if necessary, after discharge is found (Col. 17)
 - (9) Pipe length - Scale from plan
 - (10) Time of Pipe flow - Initially estimated and corrected later if necessary, after the discharge has been found (Col. 17)
 - (11) Time of concentration - Sum of columns (5), (8) and (10) with 0.1 H as the lower limiting factor
 - (12) Rainfall Intensity - From rainfall intensities of various frequencies and durations for north-eastern New South Wales. (Adopt rainfall intensity frequency duration curve for Alstonville - Region VI.) See Fig. 3 (vi).
 - (13) Catchment Area km^2 or ha.)
 - (14) Co-efficient of Run-off)
 - (15) Equivalent impervious areas)
- These values are found for each different type of surface in the catchment. (Co-efficient of run-off from Fig. 12.5 A. R. & R.)
- (16) Total equivalent impervious areas - The sum of the values in Col. (15) for each catchment.
 - (17) Discharge - $Q = F C I A$

where Q = Maximum rate of discharge, cu.m./sec.

I = Rainfall Intensity, mm/hr

A = Catchment Area sq. km or ha.

C = Co-efficient of run-off

F = Factor of proportionality, the value of which depends on units used.

F = 0.278 for km^2 or 0.00278 for ha.

Values from Col. (12) and (16) to be substituted into equation.

- (18) Width of Gutter Flow - found from Fig. 12.12 or 12.13. Restrict width of flow to 2.2 m.
- (19) Type of Gully Pit - Double grating ordinary kerb inlet $0.04 \text{ m}^3/\text{sec}$ plus half of the flow in excess of $0.04 \text{ m}^3/\text{sec}$. Double grating with extended kerb inlet $0.08 \text{ m}^3/\text{sec}$ plus half of the flow in excess of $0.08 \text{ m}^3/\text{sec}$.

Note: Surface flow from the high sides of roads shall be collected into inlet structures spaced generally at regular intervals, subject to sag point, vehicular crossing, easement and pathway locations and limited to the following general minimum spacing for pipe lines on grade:

<u>Class of Road</u>	<u>High Side Spacing m</u>	<u>Low Side Spacing m</u>
Feeder, Through or Bus Route Roads	75	125
Residential Streets	100	200

- (20) Gully Pit Inflow - Flow which enters gully pit
- (21) Gully Pit By-pass - Flow which by passes gully pit
- (22) Gully Pit % Inflow - $100 \times \text{Col. (20)} \div \text{Col. (17)}$
- (23) Limit of Upstream Water Surface - This is designed maximum water level at upstream end of pipe (usually 150 mm below the level of invert of gutter).

- (24) Limit of Downstream Water Surface - This designed maximum water level at downstream end of the pipe (usually 150 mm below the level of the invert of the gutter).
- (25) Diameter of Pipe - The pipe diameter is estimated and the value corrected if necessary after the values in Cols. (26) - (29) have been found.
- (26) Hydraulic Gradient - Found from either Eq. 12.3 or Figs. 12.10 (A. R. & R.)
- (27) Pipe Friction Head Loss - The product of Col. (26) and Col. (9) represents the friction head loss along the pipe.
- (28) Head Loss at entrance and exit of pipe - May be found in Fig. 12.8. For velocity below those shown, refer to charts for hydraulic design of channels and pipes.
- (29) Head Loss - This value is the total head which the water loses as it flows into, through and out of a pipe and is the sum of Col. (27) and Col. (28)
- (30) Revised Downstream Water Surface - This is the revised value of the design maximum water level at the downstream end of the pipe and need only be entered if the value found by subtracting Col. (29) from Col. (23) is less than the value in Col. (24).
- (31) Upstream Upper Limit of Obvert - This is the highest level at which the obvert at the upstream end of the pipe may be laid and is found by subtracting Col. (28) from Col. (23). This is to allow for the kinetic energy and the entrance head losses.
- (32) Downstream Upper Limit of Obvert - This is the highest level at which the obvert at the downstream end may be laid and is the lower of the values in Col. (24) and Col. (30).

- 5.5.7 Note: (a) Do not add the discharge values for each catchment to give a total discharge. Re-calculate the new discharge for the total catchment with time of concentration and intensity, etc.
- (b) Design for anticipated land use of catchment area.
- (c) The key for a practical calculation is the correct selection of the time of concentration.
- (d) During the design, consider the surcharge effect because the scheme will suffer a surcharge when the design occurrence interval is exceeded.

(e) *Maximum velocity allowable in any pipe system is 8.0m per second.*

5.6 RURAL DRAINAGE CALCULATIONS

- 5.6.1 To be completed in accordance with M.R. Form No. 317A (Metric), as amended. (Current edition is January, 1976.)
- 5.6.2 Particular reference should be given to paragraph 2.3 - flood recurrence intervals.
- 5.6.3 Adopt the calculation sheet of M.R. Form No. 317A, as attached.
- 5.6.4 The low density rural development calculation may also be based on the urban drainage calculation procedure.
- 5.6.5 The discharge from low density rural development shall not be less than 0.20 cu.m./sec. per hectare.
- 5.6.6 The minimum pipe diameter shall be 375 mm.

5.7 INTER ALLOTMENT DRAINAGE CALCULATION

- 5.7.1 To be provided in accordance with paragraph 3.9.9.

- 5.7.2 Reference should be made to the attached schedule for the determination of the pipe size of the system.
- 5.7.3 The pipe may be either concrete, asbestos cement or U.P.V.C. with a storm-water classification.
- 5.7.4 A "Y" junction shall be provided at the lowest point in the allotment and suitably blanked off until required.
- 5.7.5 A concrete junction pit will be constructed at a change of pipe size or change in direction.

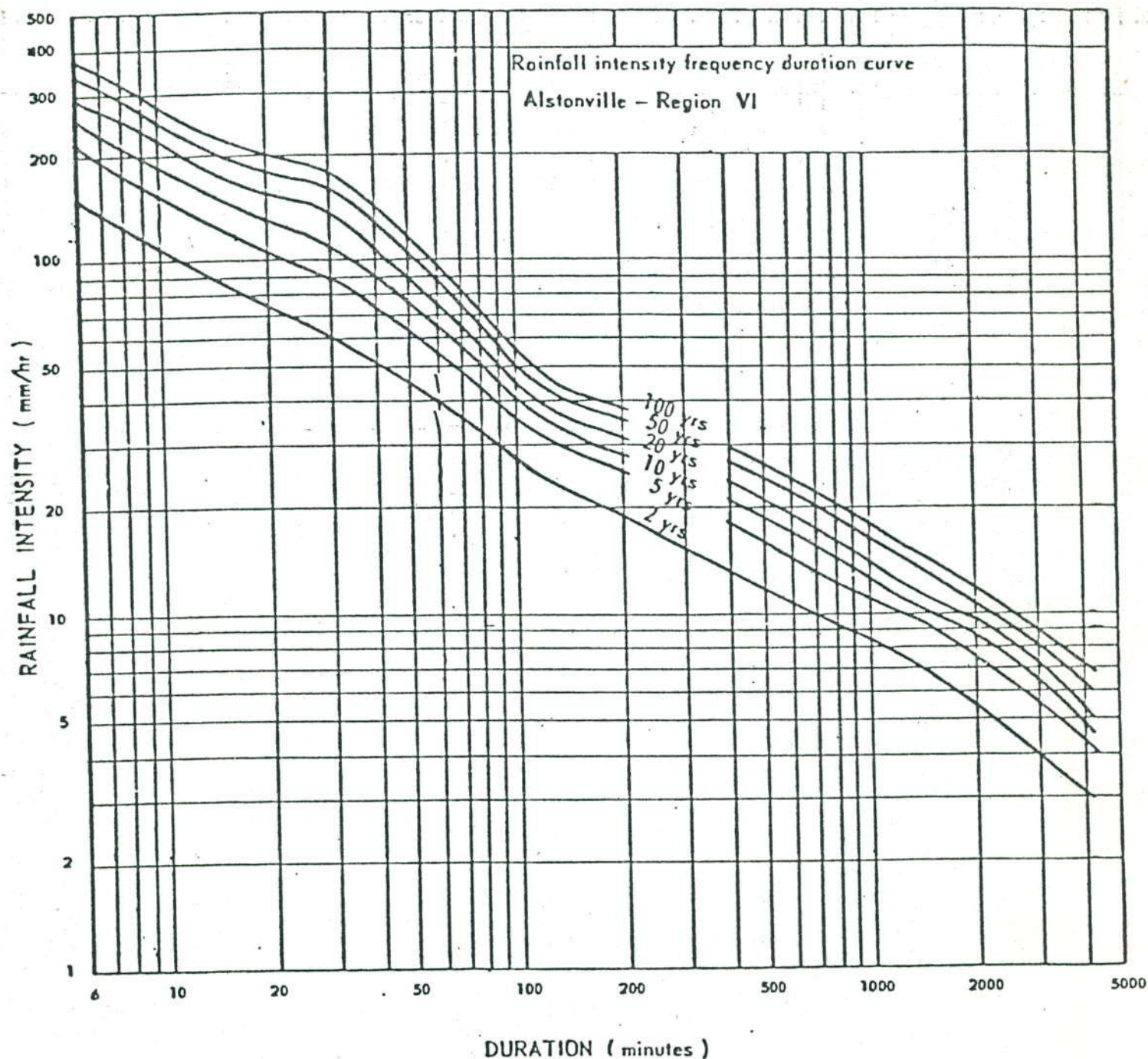
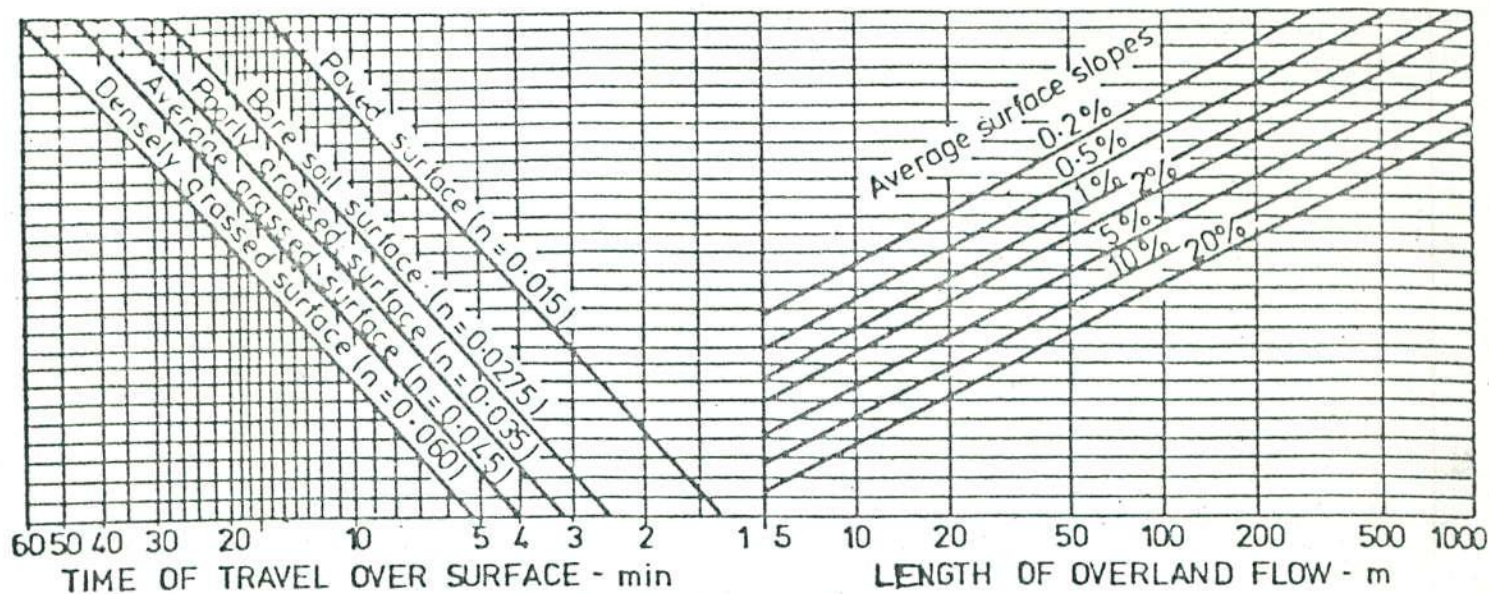


Figure 3 (vi)—Rainfall intensity Frequency duration Curve—Alstonville-Region VI (from Bureau of Meteorology Analysis).

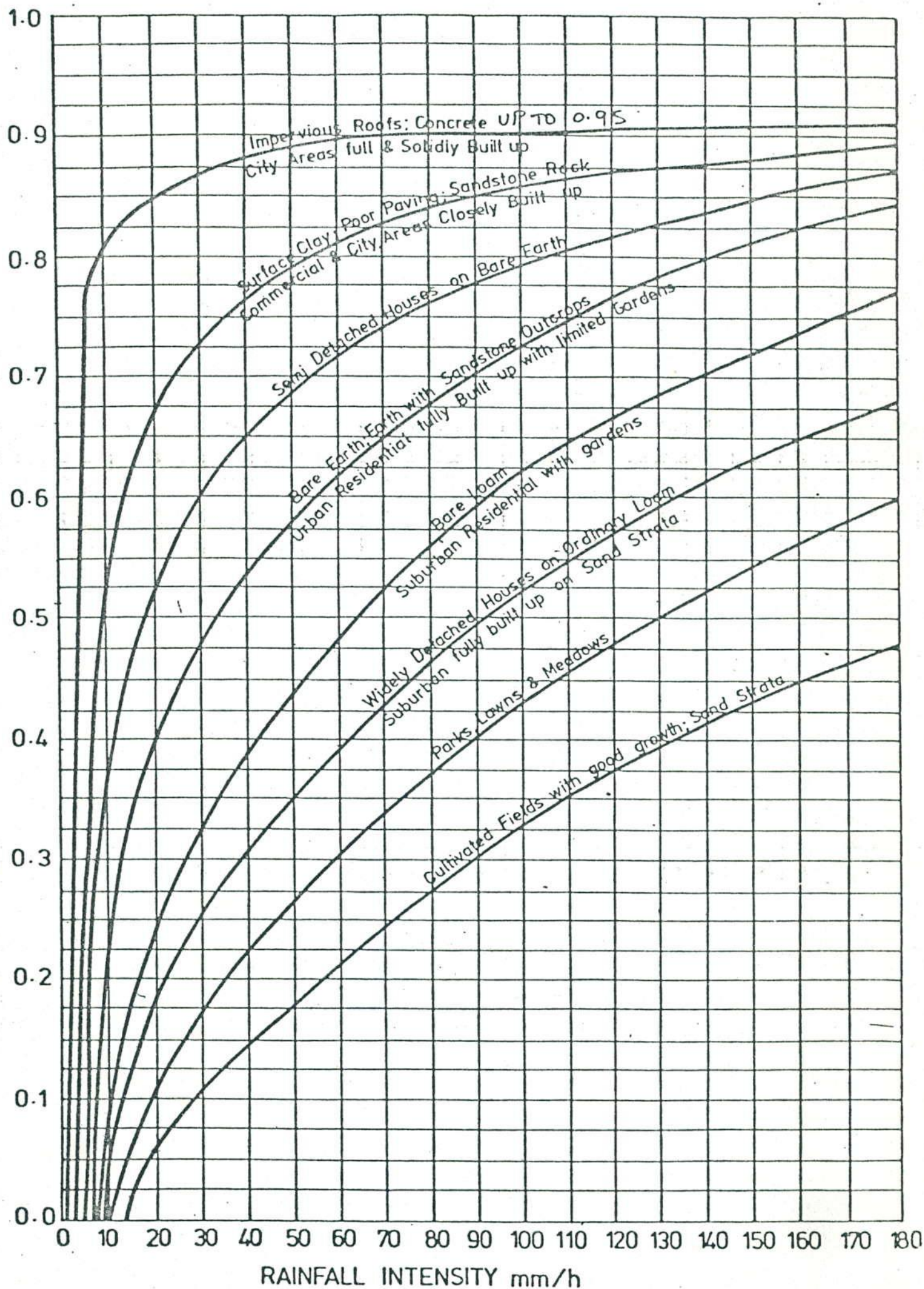


Fig. 12.5 – Runoff coefficients for urban catchments.

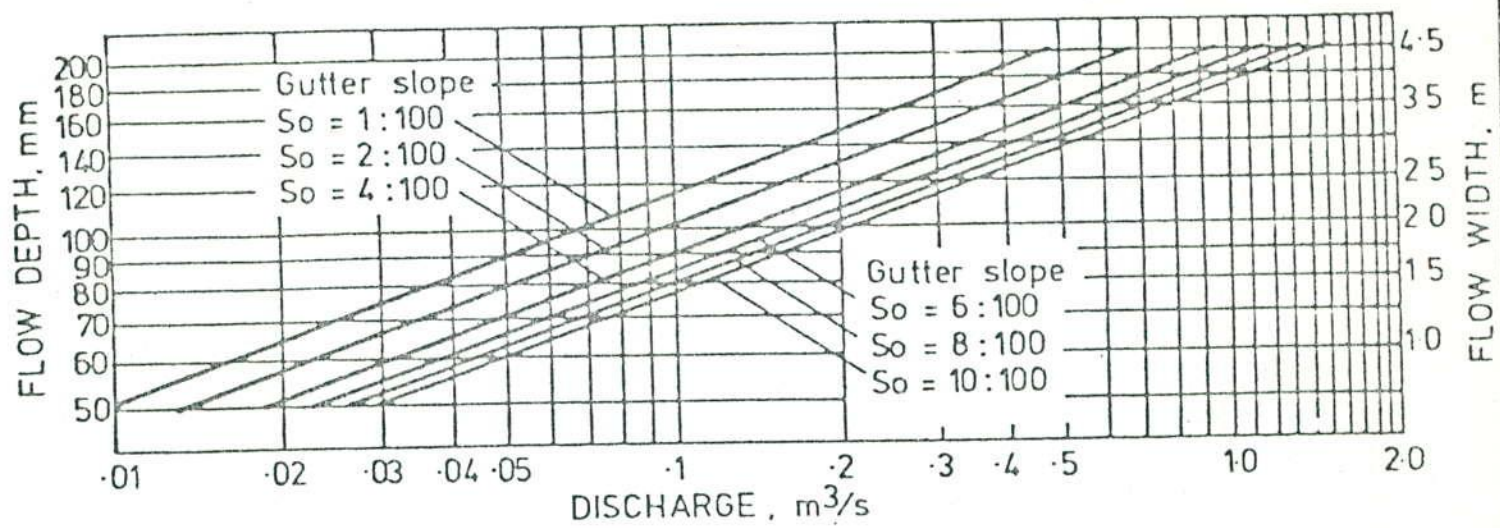


Fig. 12.12 - Gutter discharge (road crossfall 1:25).

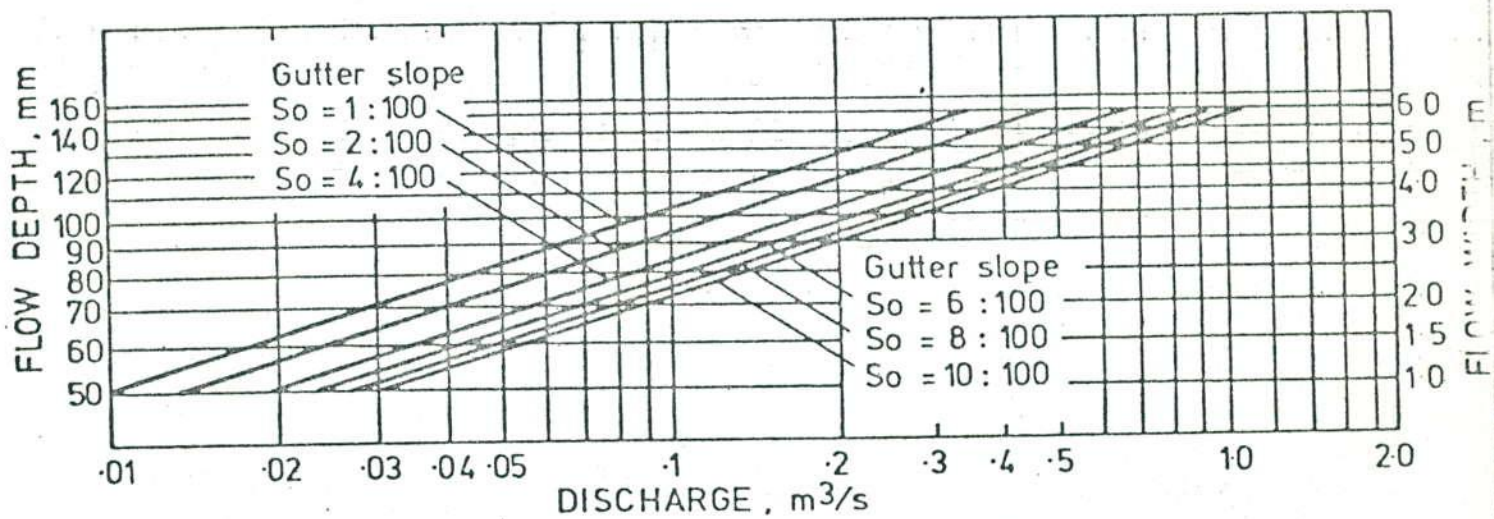


Fig. 12.13 - Gutter discharge (road crossfall 1:50).

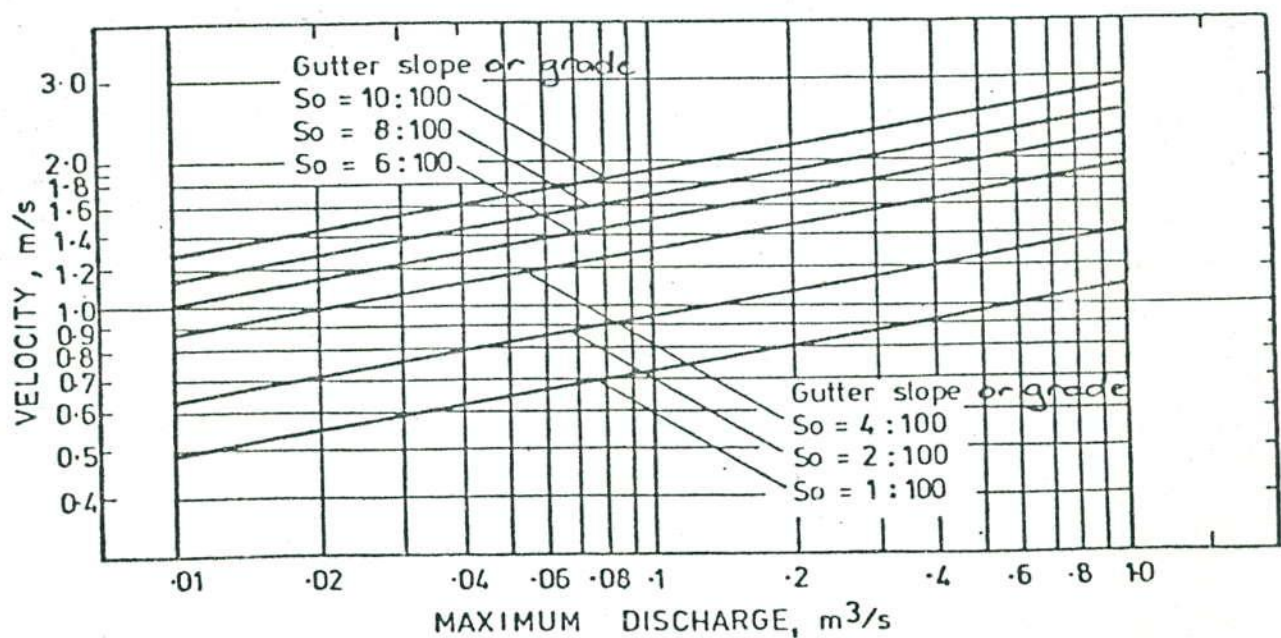


Fig. 12.3 - Average gutter velocity (road crossfall 1:25) for gutter slope S_o .

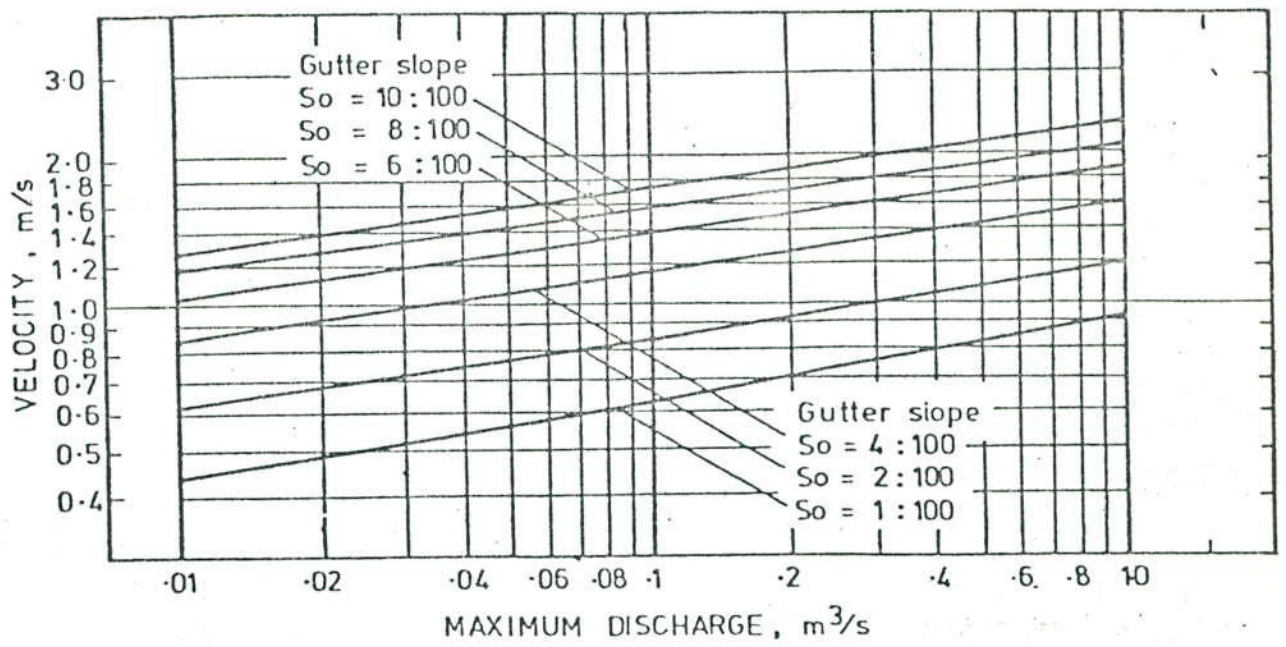


Fig. 12.4 – Average gutter velocity (road crossfall 1:50) for gutter slope S_o .

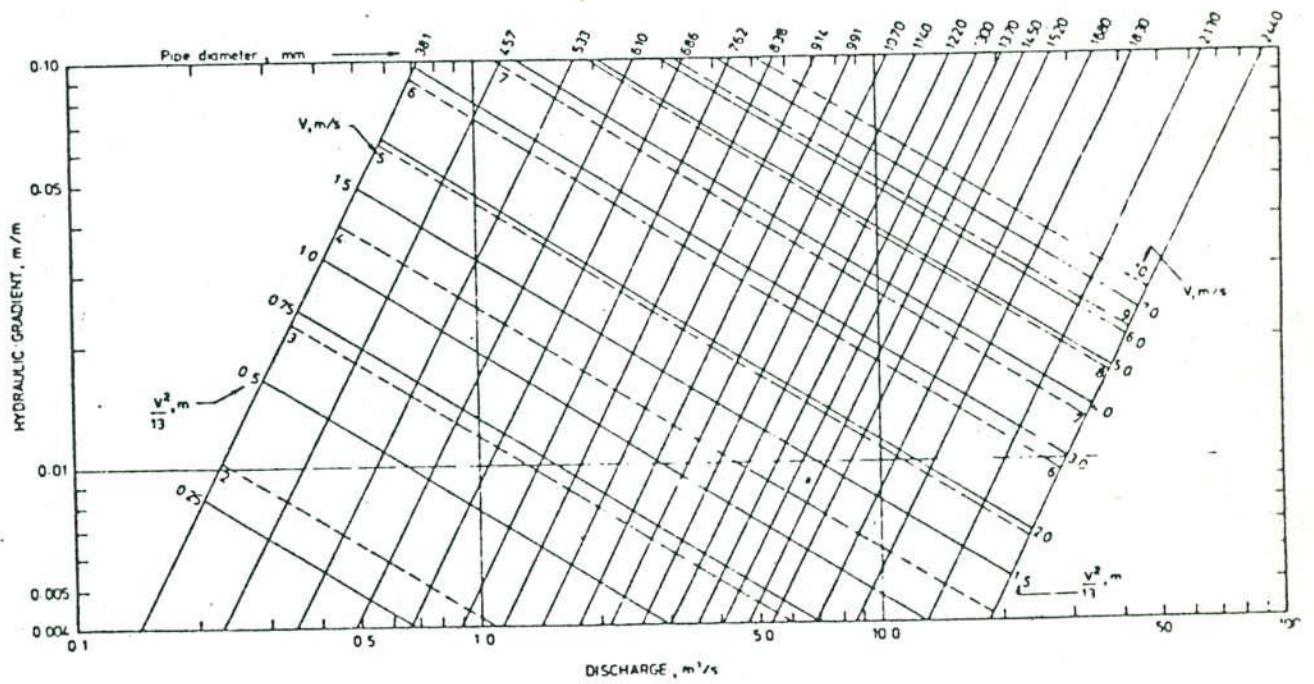


Fig. 12.10 – Pipe head losses ($k_s = 0.6$).
Source: Derived from Ref. 12.2.

LIST OF SURFACES WITH ROUGHNESS $k = 0.6\text{mm}$

GOOD examples of:

Riveted steel pipes, untuberculated, 6mm or under plates (girth riveted only).
Water mains slightly attacked by tuberculation (up to 20 years use).
Concrete class 2. Monolithic construction against rough forms, rough texture precast pipes, or cement gun surface (for very coarse textures, take $k = \text{size of aggregate in evidence}$).
Butt jointed drain tile.
Glazed brickwork.

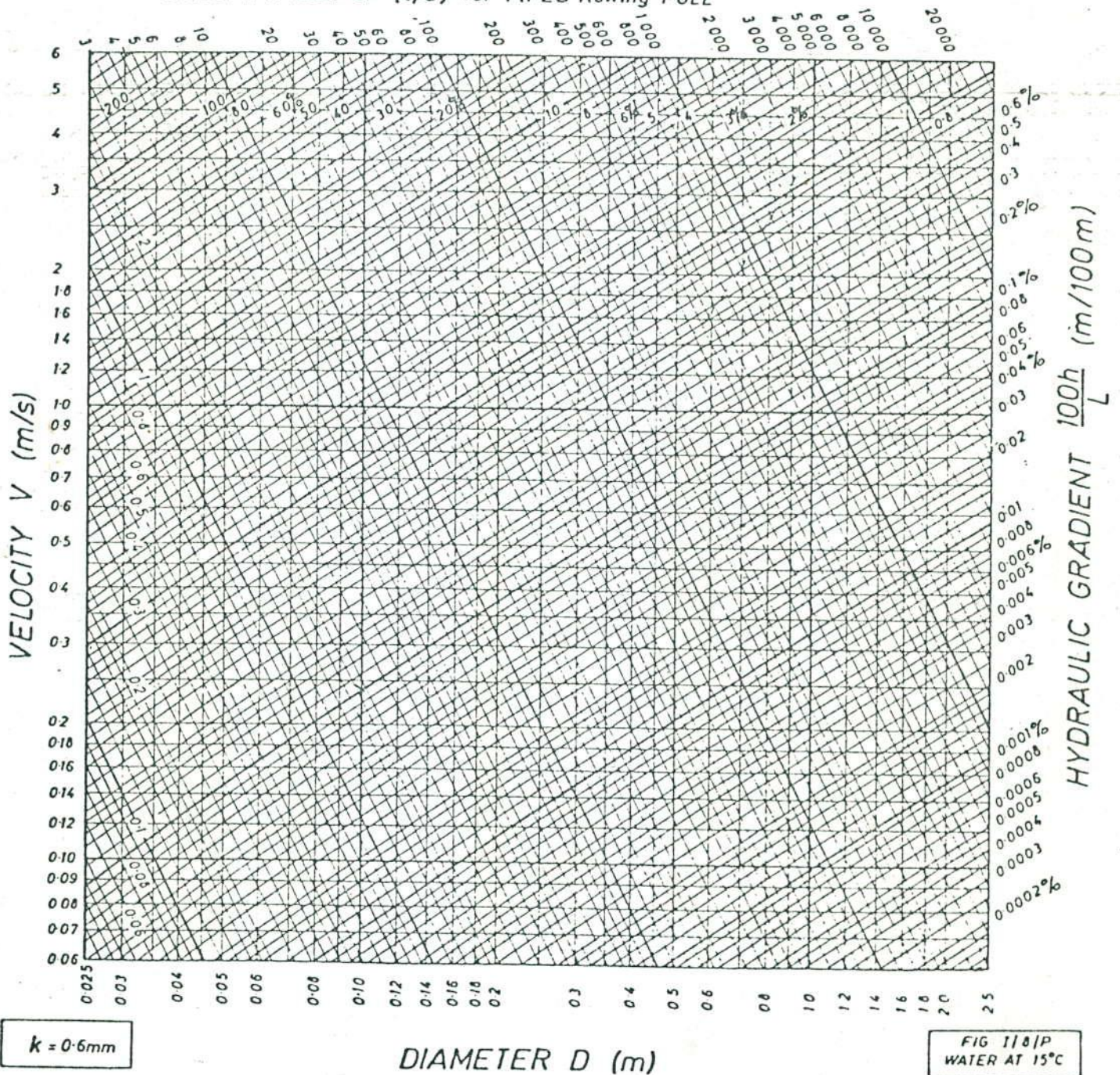
NORMAL examples of:

Mature foul sewers, slimed to not more than 6mm.
Rusty wrought iron.
Wood stave pipes, planed plank flumes.
Concrete class 3. Monolithic construction against steel forms, wet-mix or spun precast pipes, or with cement or asphalt coating.
Smooth trowelled surfaces.

POOR examples of:

Uncoated cast iron pipes.
Late relined pipes.
Glazed vitrified clay, dia. 600 mm and over in 1m units, or 300mm and over in 0.6m

DISCHARGE Q (l/s) for PIPES flowing FULL



INTER LOT DRAINAGE SYSTEM
(NUMBER OF LOTS TO BE DRAINED)

ASSUMING
200 m² / ROOF (0.02 ha)
C = 0.95
I = 220 mm/hr.
t_y = 5 YEAR
Q = 11.6 l/sec.

[illegible]

Urban Drainage Design Calculation Sheet

[illegible]

PROJECT
Location

Design by
Ref No

Date _____
Sheet No _____

CITY OF LISMORE

WATERWAY CALCULATIONS

SUBJECT:

*S.H./T.R./M.R./Dev.R.No.
LISMORE CITY COUNCIL
*Municipality of
Bridge over
*at/between
Waterway Calculations

REFERENCE:

1. GENERAL

- (a) Previous waterway calculations have been/have not been* made before.
- (b) Previous calculations: date by whom
Frequency years
M =; L =; C =;
S =; K =; I_{av} =; Q =- (c) Same as (b) for other locations upstream and downstream from the
subject site on the same stream (give file numbers):
.....
.....
.....- (d) Compare with catchment and for stream nearest in characteristics from
Tabulated Record of prior work
.....
.....

2. SOURCES OF INFORMATION

Form 18, dated
Survey Plans
Military Map, 1" = 1M., or 1:50 000 code
.....
Strategic Map, 1" = 4M., or 1:250 000 code
.....
Shire Map, reg. no.
Parish Map, reg. no.
Aerial Mosaics, code
Aerial photos, code Nos.
Ground photos, reg. Nos.
Field Book
Level Book
Other Sources
.....

* Strike out as necessary

3. DISCHARGE FROM CATCHMENT

Basic Data:

- (a) Catchment Area M = sq. km
 (b) Length from top of watershed to site L = km
 (c) Weighted average slope H = %
 (d) Shape of catchment, factor S =

(reported, or calculated from

- (e) Coefficient of Run-off C =

(adopted

Reasons for discrepancies, if any

- (f) Rainfall Factor K =

- (g) Index m =

(assumed

- (h) Chezy's number ch

(calculated

- (j) Assumed Time of Concentration
- T_a
- = minutes

- (k) Isopleth of Standard Deviation =

- (m) Standard Deviation S.D., =

- (n) Frequency Function
- F_y

$$*F_{100} =; \quad *F_{50} =; \quad *F_{20} =$$

$$(CFKS) =; \quad (CFKS)^{0.15} =$$

$$M^{0.1} =; \quad H^{0.4} =$$

- (p) Time of Concentration. Final

$$T = \frac{14.3L}{ch (CFKS)^{0.15} M^{0.10} H^{0.40}} = \text{ hours,}$$

$$\text{or } t = \text{ minutes}$$

$$\text{Overland flow time} = \text{ minutes}$$

$$\text{Total time of concentration} = \text{ minutes}$$

See (j) Difference =%

- (q) Rainfall Intensity.

$$\text{Focal } I_{oy} = \frac{25 KF_y}{(t + 5)^m} = \text{ mm/hour.}$$

$$\text{Average } I = I_{av} = \times I_{oy} = \text{ mm/hour.}$$

* Strike out as necessary

3. (r) Discharge: $Q = 0.278 C I_{av} M = \dots m^3/s$

Remarks:

4. CHECK OF FLOOD LEVELS BY CHANNEL FLOW FORMULAE

(a) Stream configuration and other physical features - * allow, the check
do not allow

(b) Slope at site: $h = \dots$

(c) Section taken * u/s, on centre line, d/s
at ° angle to flow.

(d) Assume H.F.L. for calculated years frequency
discharge of m^3/s R.L.

	Left	Centre	Right
Waterway, W sq. metres
Wetted Perimeter, P. metres
Hydraulic Radius, R. metres
Coeff. of Roughness, n_s

	Left	Centre	Right
Chezy's number, ch
$\sqrt{R.h}$
Velocity, m/s ($ch \sqrt{R.h}$)
Discharges, m^3/s
Total discharge $Q = \dots m^3/s$			

Compare with (d)

Adjustment of H.F.L. between site and cross section taken for
calculation.

H.F.L. at section taken

Adjustment:-

*Rise/fall

Distance x slope at site

H.F.L. at site

Remarks

4. (e) Reported highest flood level at R.L. same section as for (c), same slope at site.

	Left	Centre	Right
W square metres
P metres
R metres
n
ch
\sqrt{Rch}
V
Q

Total discharge m³/s

Compare with (d).

Remarks:
.....
.....

5. TYPE AND SIZE OF THE STRUCTURE PROPOSED

.....
.....
.....
.....

6. LOCATION

7. WATERWAY through bridge to H.F.L. R.L.

W = m² (square to flow)

Velocity through bridge

V = m/s

Afflux:

.....
.....
.....
.....
.....

8. DETERMINATION OF DECK LEVEL ON CENTRE LINE, MIDSPAN OF BRIDGE

(a) Based on Calculated flood level

Calculated H.F.L. R.L.	.....
Afflux	.....
Clearance	.....
Crossfall	.....
Girders and Deck	.....

8. (b) Based on Reported flood level

Reported H.F.L. R.L.	.....
Afflux	.....
Clearance	.....
Crossfall	.....
Girders and Deck	.....
R.L.	<u>.....</u>

Recommended that R.L. be adopted as deck level on centre line of the proposed bridge at midspan.

CITY OF LISMORE

MULTIPLE OCCUPANCY CODE

ADOPTED BY COUNCIL ON 8TH AUGUST, 1980.

CITY OF LISMORE

GENERAL POLICY FOR THE DETERMINATION OF APPLICATIONS

FOR APPROVAL OF MULTIPLE OCCUPANCY OF RURAL FARMS

KNOWN AS MULTIPLE OCCUPANCY CODE

PREAMBLE

This Code applies to land within the City of Lismore referred to in clause 13A of Interim Development Order No. 1 Terania on which development for residential purposes comprising permanent dwelling or living accommodation may be carried out with the consent of Council.

M1 THE AIMS AND OBJECTIVES OF THE CODE

- 1.01 To encourage the proper management, development and conservation of natural and man-made resources including agricultural land, natural areas, forest, minerals, and waters for the purpose of promoting the social and economic welfare of the community and a better environment.
- 1.02 To encourage the promotion and co-ordination of the orderly and economic use in development of land.
- 1.03 To encourage the protection, provision and co-ordination of communication and utility services.
- 1.04 To encourage the protection of the environment.
- 1.05 To protect existing land owners against unreasonable intrusion on their lifestyle or their use and enjoyment of their land. *This "protection" might conflict with M1.04 and S. 5(a) iv of the EPA act (MW). "Intrusion into lifestyle is a matter for civil law not Planning law. (DEP)*

M2 DEFINITIONS

- 2.01 For the purposes of this Code and any application for approval by Council under the Code, the meanings ascribed to various words and phrases by the Local Government Act, 1919, as amended, or the Environmental Planning and Assessment Act, 1979 shall apply unless inconsistent with the text of the Code. *The Code cannot override definitions in Acts (DEP)*
- 2.02 The following words and phrases shall have the particular meanings ascribed to them hereunder.
- 2.03 LIVING UNIT The area of a building occupied by a single family usually consisting of parents and their children who live and act in accordance with the conditions maintained by the accepted head of the family. *amend. (DEP) (PH)*
- 2.04 MULTIPLE OCCUPANCY The occupation of expanded or individual buildings on a clustered or dispersed basis by a group or groups of individuals with an ownership interest in the entire parcel of rural land at density levels in excess of that permitted by the Environmental Planning Instrument (being one dwelling for each parcel together with approved worker dwellings). *Delete as cannot be said to be in excess of 100 (DEP) Amend (DEP) (PH)*
- 2.05 PARCEL OF LAND All the land owned by a group of people or body seeking approval to the multiple occupancy of land in accordance with this Code.
- 2.06 PUBLIC ROAD NETWORK The public roads that have been constructed to Council's standards and are maintained by Council for the benefit of the public.

2.07 Expanded House: (DEP)

M3 AREA OF PARCEL

- 3.01 The minimum area of land on which multiple occupancy may be approved shall be 40 hectares. *change to 20 ha.*
- 3.02 The land subject to approval for multiple occupancy shall be that contained in one portion or lot of an area in excess of 40 hectares.

- 6.02 (a) the suitability of the land for the purpose having in regard its character, area, location, capacity to accommodate additional population and to its relationship generally to adjoining lands, community facilities and services and also existing and future land use in the locality;
- (b) the environmental quality of the development assessed with particular reference to the following factors together with any other factors that Council considers relevant - *Delete - car & be additional to FPA Act* (DEP)
- (i) the vista seen from any public road;
 - (ii) the existing and proposed use of the principal part of the parcel;
 - (iii) the use of adjoining lands;
 - (iv) the effect of the proposed development on surface runoff and soil erosion;
 - (v) the effect of the proposed development on the silvicultural use of the land;
 - (vi) the likelihood of natural stream pollution; and
 - (vii) agricultural suitability.
- (c) the effect on the continued existing use of adjoining lands;
- (d) the implications for adjoining property owners who have made representations to Council; and
- (e) the degree of compliance with the requirements of this Code, the Local Government Act and Ordinances or regulations of Council.

M7 ACCESS

7.01 That part of the access track from the constructed public road network to the boundaries of the parcel shall have a surface suitable for travel by conventional motor cars in all weathers.

7.02 All living units must be sited so as to have reasonable access. *needs definition*
(DEP) (MW) (PH)

M8 DENSITY OF OCCUPATION

- 8.01 Development of the parcel shall not exceed the following densities -
- (a) the total number of living units shall not exceed the ratio of one unit for each two hectares of the total parcel; and
 - (b) the density of living units within a circle with a radius of 55 metres (an area of approximately 1 hectare) centred on the location of the proposal shall not exceed four existing units.

Delete & amend to 1/ha unless 100 is amended.

M9 SERVICES

9.01 Approval of a multiple occupancy development proposal cannot be inferred as placing any obligation on Council to provide or support applications for community facilities such as:

(PH) *amend*

improvements to the public road network; and building approved
water or sewerage services;
electricity supply;
telephone facilities;
post office or mail services;
community hall;
sporting or recreational facilities;
shops;
bus services;
schools;
baby health or medical clinics;
library.

Subject to S. 288A of L.G.A.

(PH)

- 14.05 No temporary buildings, tents, caravans or the like shall be erected on the land without prior issue of a movable dwelling permit and compliance with any conditions contained therein.
- 14.06 All buildings used for residential purposes shall have self contained facilities in accordance with the requirements of the Local Government Act Ordinances.

(DEP)

(PH)

delete or amend.

Submission to Lismore City Council regarding
Local Environmental Study - Discussion Paper No. 3

- Rural Strategies -

COMMENT RE CONSTRAINTS TO DEVELOPMENT OF AGRICULTURAL LAND.

Scope of Strategy.

The aim of preserving prime agricultural land is to be commended but only as far as it goes. The broader aim of preserving agricultural industry must be more appropriate.

Prevailing Land Use Incentives.

The Strategy takes "land use" as the only controllable factor and recommends that this be constrained dictatorially.

The more important factor which has not been included in the study is the human element. Yet it too is controllable, although by incentive rather than by direction.

Viability of farming enterprises is a notable exclusion from all quoted statistics. Yet it can be extracted and is obviously important for this is the primary cause of the prevailing trends. Obviously, the profitability of a venture will reflect in its capital value. If, as in other more supportive countries, our prime agricultural land had a high value then the lure of subdivision would diminish of its own accord.

Page 57 of the Study quotes 1982 statistics to show that the Gross Return (contribution to the economy) earned by agriculture was only 9% of the invested capital. The actual return to the primary producer would be as low as the national average - about 2% ! This situation has deteriorated since then.

Responsibility for the Preservation of Prime Land.

There is an additional pressure on farmers created by the same set of circumstances. Because he has worked for years to produce society's most important product at such a poor rate of return, he has not been able to accumulate capital reserves which would enable him to retire with dignity. His only recourse is to use the alternative value of his land. Although the preservation of his land for agriculture may be important, why should he be asked to bear the cost ?

Relevance to Multiple Occupancy.

The natural source of income for communities on rural land should be from farm production but this is extremely difficult under our existing unsupported marketing and general agricultural policies. There can be no unbiased reason for the suggestion in the study that these groups should be denied the use of prime agricultural land if they wish to use it for prime agricultural purposes.

Areas Needing Further Study by Planners.

a) Viability of existing farm enterprises.

b) Recommendations to improve viability.

This may be largely beyond the scope of Lismore's Planning Department but could be broadly addressed with the help of other departments. It may well be that over-specialisation by local government bodies is as much of a problem as the problems they attempt to solve.

c) The changing nature of agriculture.

Current expectations are that holdings in the Lismore district will mostly be an inappropriate size by the turn of the century. It is anticipated that they will need to be either greater than 1000 ha. for viable broadacre farming or less than 20 ha. for intensive family farming.

Andrew B.

CITY OF LISMORE.—TREE PRESERVATION ORDERS.—Council, by resolution at a meeting on 23rd March, 1978, made tree preservation orders for the purpose of securing the amenity or of preserving existing amenity of the areas defined in the Schedule, prohibiting the cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees whatsoever without the written consent of the Council.

SCHEDULE

1. In respect of Interim Development Order No. 36, City of Lismore, pursuant to clause 20: The whole of the area defined in schedule A of the Order. Generally described as that portion of the former City of Lismore east of Gallagher Avenue.

2. In respect of Interim Development Order No. 1, Shire of Terania, pursuant to clause 21: The areas zoned as Non-urban 1 (c) (Small Holdings) and as Villages and shown as such on the I.D.O. Control Map as amended by amendments Nos 1 to 4. Generally described as the Small Holdings areas at Bexhill, Modanville and Nimbin and also the Villages of Bexhill, Clunes, Dunoon, Goolmangar, Nimbin and The Channon.

3. In respect of Interim Development Order No. 1, Shire of Gundurimba, pursuant to clause 21: The areas zoned as Non-urban "Special Area", Non-urban 1 (c) (Small Holdings) and as Villages and shown as such on the I.D.O. Control Map as amended by amendments Nos 1 and 2. Generally described as the Small Holdings areas at Chilcott's Grass and Richmond Hill and the Villages of Gundurimba, North Woodburn and Wyrallah.

Any person desiring to cut down, lop or remove any tree within the defined areas should first make contact with Council's Town Planning Department and seek approval to the work.

B. C. STEVENS, Town Clerk, Lismore City Council, P.O. Box 23A, Lismore, 29th March, 1978. 9483—\$32.40

PLANNING DEPARTMENT

LEVIES 1987

SUBDIVISIONS

Open Space - Development (based on 115 m ² per lot) contribution in lieu	\$2.80 per m ²
Provision of Land	\$5.00 per m ²
Water Supply - Lismore Augmentation	\$455.00 per lot
Lismore Mains Extension	\$365.00 per lot
City Acres Augmentation	\$455.00 per lot
City Acres Mains Extension	\$680.00 per lot
Clunes, Dunoon and Nimbin Augmentation	\$800.00 per lot
Clunes, Dunoon and Nimbin Village Zones Mains Extension	\$380.00 per lot
Clunes, Dunoon and Nimbin Rural Zones Mains Extension	Actual Cost
North Woodburn	Actual Cost
Richmond Hill (fixed by Richmond River County Council)	
- adjacent to trunk main	\$907.00 per lot
- all other connections	\$1,814.00 per lot
Sewerage - Augmentation	\$520.00 per lot
Mains Extension	\$985.00 per lot
Trunk Mains/Pump Station	\$855.00 per lot
Rural Road Improvement	\$2,440.00 per lot
Urban Road Improvement	\$650.00 per lot
Underground Telecom Cable (joint trench with water supply)	\$110.00 per lot

FLAT DEVELOPMENTS

	<u>Second Unit</u>	<u>Successive Units</u>
Open Space - Development	80.00	201.00
Provision of Land	144.00	360.00
Water Supply	114.00	284.00
Sewerage	130.00	325.00
Road Improvement	162.00	406.00

MULTIPLE OCCUPANCY

Rural Road Improvement - Minimum	\$1,500.00 per dwelling
Maximum	\$3,500.00 per dwelling

All levies are payable when the final subdivision plan or the building plan relating to the approved development is submitted for approval.

The levy applicable to a subdivision or development consent shall remain fixed for a period of twelve months from the date of the consent. Thereafter, the amount shall be that fixed by the Council from time to time and current when the final plan or the building application is submitted for consent.



CITY OF LISMORE

APPLICATION NO:/.....

BUILDING APPLICATION

ORDINANCE 70 OF THE LOCAL GOVERNMENT ACT, 1919, AS AMENDED

The Town Clerk,
Sir,

I, the undersigned hereby make application for the approval of the plans and specifications of the building described hereunder and declare that the following particulars are correct in every detail and that, if the application is approved the building will be erected in strict conformity with the plans and specifications submitted thereunder, and in accordance with the provisions of Ordinance 70 and the regulations of the Council, and furthermore that the building be substantially commenced within twelve months from the date hereon.

PARTICULARS:

Description of Building Work CLASS FIRE ZONE
(Here state whether dwelling, addition, flat, garage, resiting, Commercial. If Commercial or Industrial state use of same).
CONSTRUCTION TYPE: NEW, EXTENSION, RESITING
Type of Materials to be used: EXTERNAL WALLS ROOF FLOOR
State whether new or secondhand materials are to be used
Total area all floors. Contract cost of building.
\$
Name of Owner
Address Post Code Phone
Name of Builder Licence No.
Permit No.
Address Post Code Phone

LOCATION OF BUILDING:

ASSESSMENT NO.
Street or Road No. Side of Street
District Parish
Lot Section Portion D.P. 625 235
Frontage Depth Area

SIGNATURE OF APPLICANT:
(INDICATE OWNER/BUILDER/ARCHITECT)

Address Phone Date

SCHEDULE OF FEES:

Building Fee: Basis of Calculation	Building Fee	\$
Minimum Fee \$5.00	Dev. Applic. Fee	\$
First \$5,000 - 0.5% of contract price	Gutter Crossing	\$
Additional \$95,000 - 0.3% of contract price	Footpath Crossing	\$
Additional \$150,000 - 0.2% of contract price	Sewerage Plan	\$
Exceeding \$250,000 - 0.1% of contract price	Septic Tank	\$
FOR OFFICE USE	B.L.B. Insurance	\$
OFFICE STAMP	Water Connection	\$
	Resiting Dwelling Bond	\$
	Landscape Bond	\$
	Open Space Levy	\$
	Water Supply Levy	\$
	Sewerage Works Levy	\$
TO COLLECT/POST OUT		\$
TO OWNER/BUILDER		\$
PLEASE COMPLETE OTHER SIDE	TOTAL	\$

SKETCH MAP OF LOCALITY

- NOTE:
- (a) The responsibility is on the applicant to ensure that there are no drainage easements or other encumbrances on the property. You are further advised to contact Council's Engineering Department in this regard.
 - (b) Before taking up occupation of premises, it will be necessary to make application to Council's Health Department for a final inspection.
 - (c) It is the owners responsibility to ensure that the building is erected on the correct block of land and complies with all requirements regarding distances from all boundaries.



CITY OF LISMORE

APPLICATION NO:/.....

BUILDING APPLICATION

ORDINANCE 70 OF THE LOCAL GOVERNMENT ACT, 1919, AS AMENDED

The Town Clerk,

Sir,

I, the undersigned hereby make application for the approval of the plans and specifications of the building described hereunder and declare that the following particulars are correct in every detail and that, if the application is approved the building will be erected in strict conformity with the plans and specifications submitted thereunder, and in accordance with the provisions of Ordinance 70 and the regulations of the Council, and furthermore that the building be substantially commenced within twelve months from the date hereon.

PARTICULARS:

Description of Building Work CLASS FIRE ZONE

(Here state whether dwelling, addition, flat, garage, resiting, Commercial. If Commercial or Industrial state use of same).

CONSTRUCTION TYPE: NEW, EXTENSION, RESITING

Type of Materials to be used: EXTERNAL WALLS ROOF FLOOR

State whether new or secondhand materials are to be used

Total area all floors.

Contract cost of building.

..... \$

Name of Owner CO-ORDINATION CO-OPERATIVE LTD.
P.O BOX 26,

Address NIMBIN, N.S.W. 2480 Post Code Phone

Name of Builder Licence No.

CO-ORDINATION CO-OPERATIVE LTD.
P.O BOX 26, Permit No.

Address NIMBIN, N.S.W. 2480 Post Code Phone

LOCATION OF BUILDING:

ASSESSMENT NO.

Street or Road No. Side of Street

District Parish

Lot Section Portion D.P.

Frontage Depth Area

COLLECT/POST OUT

SIGNATURE OF APPLICANT:

CO-ORDINATION CO-OPERATIVE LTD.

(INDICATE OWNER/BUILDER/ARCHITECT)

P.O BOX 26,

Address NIMBIN, N.S.W. 2480 Phone Date

SCHEDULE OF FEES:

Building Fee: Basis of Calculation Building Fee \$

Minimum Fee \$5.00 Dev. Applic. Fee \$

First \$5,000 - 0.5% of contract price Gutter Crossing \$

Additional \$95,000 - 0.3% of contract price Footpath Crossing \$

Additional \$150,000 - 0.2% of contract price Sewerage Plan \$

Exceeding \$250,000 - 0.1% of contract price Septic Tank \$

FOR OFFICE USE OFFICE STAMP B.L.B. Insurance \$

Water Connection \$

Resiting Dwelling Bond \$

Open Space Levy \$

Water Supply Levy \$

Sewerage Works Levy \$

\$

\$

PLEASE COMPLETE OTHER SIDE

TOTAL \$

SKETCH MAP OF LOCALITY

- NOTE:
- (a) The responsibility is on the applicant to ensure that there are no drainage easements or other encumbrances on the property. You are further advised to contact Council's Engineering Department in this regard.
 - (b) Before taking up occupation of premises, it will be necessary to make application to Council's Health Department for a final inspection.
 - (c) It is the owners responsibility to ensure that the building is erected on the correct block of land and complies with all requirements regarding distances from all boundaries.

LISMORE CITY COUNCIL
DEVELOPMENT CONTROL PLAN NO. 1

1. This plan may be cited as Lismore City Development Control Plan No. 1.
2. This plan specifies standard conditions and levies that may be imposed as part of Council's consent to development for a subdivision of land, multiple occupancy of land or construction and use of residential flat buildings.
3. This plan applies to all land within the City of Lismore.
4. This plan relates to and shall be read in conjunction with Interim Development Order No. 40 - City of Lismore.
5. Each development consent to an application seeking consent to the creation of new allotments in a residential zone that have frontage to a new road or a road that has not been constructed may contain a condition requiring that each allotment so created shall be serviced only by underground electricity and telephone utility services.
6. Each development consent to an application seeking consent to the creation of a new allotment in any zone may contain a condition requiring that provision shall be made to drain all roof water from any existing building and/or proposed new buildings that may be erected on the land direct to Council's drainage system or where this is not feasible, by means of inter-allotment drainage lines constructed over adjoining land which shall be within drainage easements granted in favour of Council.
7. (1) Each development consent to an application seeking consent to the creation of an allotment in a residential zone or to construct a residential flat building may contain a condition requiring the payment of a levy or provision of land as a contribution towards -
 - (a) The provision and development of open space;
 - (b) Upgrading of the urban road network in the neighbourhood;
 - (c) Augmentation of water supply storage;
 - (d) Extension of water supply mains if required;
 - (e) Augmentation of sewerage treatment facilities;
 - (f) Extension of sewer mains if required;
 - (g) Provision of sewer trunk mains where required;
 - (h) Provision of sewer pump stations where required.(2) The provision of open space provided for in subclause (1)(a) above shall be provided by -
 - (a) Dedication and suitable preparation for acceptable public use and maintenance by Council of 115 m² of open space for each new lot created of which 20 m² shall be children's playground and 50 m² suitable for active recreation. Any land offered as open space which is unsuitable for residential development shall not be included in the determination of the contributing area;
 - (b) At Council's discretion all or part of the contribution required by subclause (a) may be converted to a monetary amount based on the current in globe land value and development costs. Provided that where the development in one or more stages will exceed 40 lots, children's playground space must be dedicated and developed in accordance with the provisions set out above;
 - (c) Where stage development is proposed and all the required open space contribution is not satisfied by way of dedication of land within the stage being released, a cash contribution of any balance shall be made which will be refundable on dedication of the equivalent open space area in a later stage.

- (3) The levies provided for in subclause (1) shall be fixed by Council from time to time and shall be calculated as a reasonable proportion of the cost of providing the facility or service having regard to the anticipated population likely to be accommodated by an allotment or residential flat unit.
- (4) The levy rates applying to residential flat development shall bear the relationship to the rates determined for a residential allotment created by subdivision for a similar service as set out below:

For the first new residential flat unit on an allotment	Nil
For the second residential flat unit on the allotment	25%
for each successive residential flat unit on the allotment	62.5%

8. (1) Each development consent to an application seeking Council's consent to a rural subdivision to create new allotments on which a dwelling may be erected in any rural zone or to extend an existing or establish a new multiple occupancy development may contain a condition requiring the payment of a levy to be applied towards the upgrading of the rural road network that it is anticipated will be required to provide for the increased population in rural zones.
- (2) The levy shall be fixed by Council from time to time and shall be calculated as a reasonable proportion of the estimated cost to Council of upgrading the road network as a result of the anticipated number of rural lots to be created.
- (3) The rate to apply to multiple occupancy developments shall be the rate applying to a rural lot created by subdivision divided by 7.5 and multiplied by the maximum number of persons permitted to be permanently resident on the land, the subject of the development consent, as specified in the development consent.
9. (1) Each development consent to an application seeking Council's consent to the creation of a lot within a business or industrial zone may contain a condition requiring the payment of a levy as a contribution towards -
- (a) Extension of water supply mains if required;
 - (b) Extension of sewer mains if required;
 - (c) Provision of sewer trunk mains if required.
- (2) The rate of levy to apply to each new lot shall be the same as that determined for a lot created by subdivision as provided for in clause 5 for a similar service.
10. The provisions of this plan setting out that Council may require the payment of a levy towards upgrading of the road network or extensions to utility services in no way negates Council's power to either refuse the application or to require upgrading of the means of access or utility services on the grounds that the existing means of access is not satisfactory or the utility services are not adequate or available to the development in a form capable of handling the increased population created by the development.

ADOPTION BY COUNCIL IN ACCORDANCE WITH SECTION 72 OF THE
ACT AND PART 3 OF THE REGULATIONS ON 8TH JUNE, 1982.

PLANNING DEPARTMENT

LEVIES - 1983

SUBDIVISIONS

Open Space	- Development (based on 115m2 per lot) cont. in leiu	2.00 per m2
	Provision of land	4.00 per m2
Water Supply	- Lismore Augmentation	300.00 per lot
	Lismore Mains Extension	400.00 per lot
	City Acres Augmentation	300.00 per lot
	City Acres Mains Extension	450.00 per lot
	Clunes, Dunoon & Nimbin Augmentation	530.00 per lot
	Clunes, Dunoon & Nimbin Mains Extension	Actual Cost
	North Woodburn	Actual Cost
	Richmond Hill (Fixed by R.C.C.)	2010.00 per lot*

* Reduced rate where no new main is required.

Sewerage	- Augmentation	340.00 per lot
	Mains Extension	655.00 per lot
	Trunk Mains/Pump Station	565.00 per lot
Rural Road Improvement		1750.00 per lot
Urban Road Improvement		450.00 per lot
Underground Telecom Cable (joint trench with water supply)		70.00 per lot

FLAT DEVELOPMENTS

	<u>2nd Unit</u>	<u>Successive Units</u>
Open Space - Development	58.00	145.00
Provision of land	115.00	288.00
Water Supply	75.00	188.00
Sewerage	85.00	212.00
Road Improvement	112.00	281.00

MULTIPLE OCCUPANCY

Rural Road Improvement	233.00 per head
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All levies are payable when final subdivision plan, or building plan relating to the approved development is submitted for approval.

The levy applicable to a subdivision or development consent shall remain fixed for a period of twelve months from the date of the consent. Thereafter the amount shall be that fixed by Council from time to time and current when final plan or building application is submitted for consent.

ADOPTED BY COUNCIL 14/12/82

FIGURES

Road levy. - rural subdivision \$1925 per lot (note not on per head basis.)

if dual occupancy then based on urban levy

village sub-di. ~~\$1925~~ \$425

urban levy \$425

At the moment m.o. Rural Road Improvement Levy = \$257.00 per head.

Under proposed levy

Average rates - gravel only \$66,000 per km
bitumen sect. Item 1 a) \$85,000

Item 2 \$85,000

Item 3 \$110,000

Item 4 a) \$400 / m² deck area bridge

\$1 b) \$575 / m² deck area of bridge.

PLANNING DEPARTMENT

LEVIES 1987

SUBDIVISIONS

Open Space - Development (based on 115 m ² per lot) contribution in lieu	\$2.80 per m ²
Provision of Land	\$5.00 per m ²
Water Supply - Lismore Augmentation	\$455.00 per lot
Lismore Mains Extension	\$365.00 per lot
City Acres Augmentation	\$455.00 per lot
City Acres Mains Extension	\$680.00 per lot
Clunes, Dunoon and Nimbin Augmentation	\$800.00 per lot
Clunes, Dunoon and Nimbin Village Zones Mains Extension	\$380.00 per lot
Clunes, Dunoon and Nimbin Rural Zones Mains Extension	Actual Cost
North Woodburn	Actual Cost
Richmond Hill (fixed by Richmond River County Council)	
- adjacent to trunk main	\$907.00 per lot
- all other connections	\$1,814.00 per lot
Sewerage - Augmentation	\$520.00 per lot
Mains Extension	\$985.00 per lot
Trunk Mains/Pump Station	\$855.00 per lot
Rural Road Improvement	\$2,440.00 per lot
Urban Road Improvement	\$650.00 per lot
Underground Telecom Cable (joint trench with water supply)	\$110.00 per lot

FLAT DEVELOPMENTS

	<u>Second Unit</u>	<u>Successive Units</u>
Open Space - Development	80.00	201.00
Provision of Land	144.00	360.00
Water Supply	114.00	284.00
Sewerage	130.00	325.00
Road Improvement	162.00	406.00

MULTIPLE OCCUPANCY

Rural Road Improvement - Minimum	\$1,500.00 per dwelling
Maximum	\$3,500.00 per dwelling

All levies are payable when the final subdivision plan or the building plan relating to the approved development is submitted for approval.

The levy applicable to a subdivision or development consent shall remain fixed for a period of twelve months from the date of the consent. Thereafter, the amount shall be that fixed by the Council from time to time and current when the final plan or the building application is submitted for consent.

ADOPTED BY THE COUNCIL 1/12/86

(c) in the case of land having a frontage to a road (other than a main or arterial road within Zone No. 1 (b), 1 (c1) or 1 (c3)) closer than the distance specified in Column V of the Table opposite that purpose to the nearest alignment of the road.

(2) Nothing in subclause (1) shall prevent a person, with the development consent of the council, from erecting a building for any purpose (other than for the purpose of a caravan park, hotel or motel)

on land in any zone, within the distances prescribed in subclause (1) where, in the opinion of the council—

- (a) the levels, depths or other exceptional physical conditions of the land make it necessary or expedient to do so; and
- (b) the erection of the building will not—
 - (i) cause a traffic hazard; or
 - (ii) create or tend to create ribbon development along a road.

TABLE

Column I	Column II	Column III	Column IV	Column V
Zone	Purpose	Distance in metres from alignment	Distance in metres from centreline	Distance in metres from alignment
1 (b), 1 (c1)	Hotel, caravan park	45	65	..
1 (b), 1 (c1)	Industry	30	50	..
1 (b), 1 (c1), 1 (c3)	Any purpose other than of a hotel or an industry.	18	38	..
1 (a1), 1 (a2), 1 (b), 1 (c1), 1 (c2), 1 (c3)	Any purpose .. .. .	..	..	15
2 (a), 2 (b), 2 (c), 2 (d), 2 (e), 2 (f), 4 (a), 4 (b).	Any purpose .. .. .	..	..	6

(h) by inserting after clause 22 the following clause:

Payment towards provision or improvement of amenities or services

23. As a consequence of the carrying out development in accordance with this order (as in force when the development is carried out), this order identifies a likely increased demand for the public amenities and public services specified in Schedule 7 and stipulates that dedication or a contribution under section 94 (1) of the Environmental Planning and Assessment Act, 1979, or both, may be required as a condition of any consent to that development.

(i) by inserting after Schedule 6 the following Schedule:

Schedule 7

(Cl. 23)

Public amenities and public services

1. Community facilities.
2. Public open space.
3. Roads, cycleways and walkways.
4. Public car parks.
5. Water, sewerage and drainage purposes.
6. Embellishment and landscaping of the public amenities and public services specified in this Schedule. (1962)



[Published in Government Gazette No. 167 of 2nd December, 1983.]

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

LISMORE LOCAL ENVIRONMENTAL PLAN No. 3

I, the Minister for Planning and Environment, in pursuance of section 70 of the Environmental Planning and Assessment Act, 1979, make the local environmental plan set out hereunder. (81-1844)

ERIC BEDFORD,

Minister for Planning and Environment.

Sydney, 2nd December, 1983.

LISMORE LOCAL ENVIRONMENTAL PLAN No. 3

Citation

1. This plan may be cited as "Lismore Local Environmental Plan No. 3".

Aims, objectives, etc.

2. This plan aims to amend Interim Development Order No. 40—Lismore so as to—

- (a) correct errors and omissions in the Order;
- (b) amend the existing provisions relating to building line setback so as to simplify interpretation and make uniform provisions for similar zones;
- (c) correct minor drafting errors in the existing interim Development Control Map;
- (d) amend Interim Development Control Map so that certain land currently zoned Rural is rezoned Residential 2 (a) or Residential 2 (b);
- (e) amend the Interim Development Control Map so that certain land in Baillie and Terania Streets currently zoned Residential 2 (b) is rezoned General Business; and
- (f) amend the Interim Development Control Map so that land that is within a floodway at South Lismore and currently zoned Residential 2 (b), Residential 2 (d) or Industrial 4 (a) is rezoned Rural.

Land to which plan applies

3. This plan applies to the whole of the land within the City of Lismore.

Relationship to other environmental planning instruments

4. This plan amends Interim Development Order No. 40—Lismore in the manner set out in clause 5.

Amendment of Interim Development Order No. 40—Lismore

5. Interim Development Order No. 40—Lismore is amended—

- (a) (i) by inserting after the definition of "council" in clause 3 (1) the following definition:
"development" means development within the meaning of the Environmental Planning and Assessment Act, 1979;
- (ii) by omitting the definition of "I.D.C. Map" from clause 3 (1) and by inserting instead the following definition:
"I.D.C. Map" means the series of maps bound in a book, the title sheet of which is marked "City of Lismore Interim Development Control Map referred to in Interim Development Order No. 40—Lismore", deposited in the office of the council, as amended by the maps marked as follows and so deposited: Lismore Local Environmental Plan No. 2; Lismore Local Environmental Plan No. 3;
- (iii) by inserting after the definition of "I.D.C. Map" in clause 3 (1) the following definition:
"Model Provisions, 1980" means the Model Provisions, 1980, (clause 14 excepted);
- (b) (i) by omitting clause 5 and by inserting instead the following clause:
5. Except as otherwise provided in this Order, the purposes—
(a) for which development may be carried out without development consent;
(b) for which development may be carried out—
(i) only with development consent but where that consent cannot be refused; and
(ii) subject to such conditions as may be imposed under section 91 of the Environmental Planning and Assessment Act, 1979;

(c) for which development may be carried out only with development consent; and

(d) for which development is prohibited, on land within each of the zones specified in Column I of the Table to this clause are respectively shown opposite thereto in Columns II, III, IV and V of that Table.

- (ii) by omitting the heading to Column III of the Table to clause 5 wherever occurring and by inserting instead the following heading:

Column III

Purposes for which development may be carried out subject to such conditions as may be imposed by the council.

- (iii) by omitting from the matter relating to Zone Nos 2 (a), 2 (d) and 2 (e) in Column V of the Table to clause 5 the words "terrace buildings;" wherever occurring;

- (iv) by omitting from Column V of the Table to clause 5 the matter relating to Zone No. 2 (b) and by inserting instead the following matter:

Bulk stores; caravan parks; car repair stations; commercial premises; generating works; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; refreshment rooms; roadside stalls; sawmills; service stations; shops; stock and sale yards; timber yards; transport terminals; warehouses.

- (v) by omitting from the matter relating to Zone No. 2 (f) in Column I of the Table to clause 5 the matter "V" and by inserting instead the matter "2 (f)";

- (vi) by omitting from the matter relating to Zone No. 4 (b) in Column IV of the Table to clause 5 the matter "IV" and by inserting instead the matter "V".

- (vii) by omitting from Column V of the Table to clause 5 the matter relating to Zone No. 4 (b) and by inserting instead the following matter:

Caravan parks; car repair stations; commercial premises; dwelling-houses or residential flat buildings (other than those used in conjunction with an industry and situated on the land on which the industry is conducted); educational establishments; hospitals; hotels; industries (other than offensive or hazardous industries or liquid fuel depots); institutions; junk yards; mines; motels; motor showrooms; places of assembly; places of public worship; refreshment rooms; sawmills; shops; stock and sale yards; transport terminals.

- (c) (i) by omitting from paragraph (d) (i) of the definition of "existing holding" in clause 6 (2) the matter "2" and by inserting instead the matter "(ii)";

- (ii) by omitting from clause 6 the words "on or after 20th October, 1967";

- (d) by omitting from clause 8 (6) the words "Shire Clerk" and by inserting instead the words "Town Clerk";

- (e) by omitting from clause 11 the matter "2 (b) or 2 (c)" and by inserting instead the matter "2 (b), 2 (c), 2 (d) or 2 (e)";

- (f) by omitting from clause 12 the matter "2 (a)" and by inserting instead the matter "2 (a), 2 (b), 2 (c), 2 (d) or 2 (e)";

- (g) by omitting clause 13 and the Table thereto and by inserting instead the following clause and Table:

13. (1) Except as provided in subclause (2), a person shall not erect a building on land within a zone or part thereof specified in Column I of the Table to this clause for a purpose specified in Column II of that Table shown opposite that zone—

- (a) in the case of land having a frontage to a main or arterial road which has a width of not less than 40 metres, closer than the distance specified in Column III of that Table opposite that purpose to the nearest alignment of the road;

- (b) in the case of land having a frontage to a main or arterial road which has a width of less than 40 metres, closer than the distance specified in Column IV of that Table opposite that purpose to the centreline of the road; or



[Published in Government Gazette No. 121 of 29th August, 1980.]

LOCAL GOVERNMENT ACT, 1919

NOTIFICATION OF SUSPENSION OF PROVISIONS OF THE CITY OF LISMORE PLANNING SCHEME AS RESPECTS CERTAIN LAND WITHIN THE CITY OF LISMORE, RESCISSION OF CERTAIN INTERIM DEVELOPMENT ORDERS AND THE MAKING OF INTERIM DEVELOPMENT ORDER NO. 40—LISMORE

I, the Minister for Planning and Environment, having considered a report by the New South Wales Planning and Environment Commission, do, by this my notification—

- (a) in pursuance of section 342Y of the Local Government Act, 1919, suspend the provisions of the City of Lismore Planning Scheme as respects the lands to which the scheme applies; and
- (b) in pursuance of section 342U (5) of that Act rescind all interim development orders relating to lands within the City of Lismore to the extent that each interim development order applies to land within the City of Lismore, as are in force at the date of this notification; and
- (c) in pursuance of section 342U (1A) of that Act and as required by sections 342U (5A) and 342Y (3) of that Act and in pursuance of section 7 (3) of the Local Government (Town and Country Planning) Amendment Act, 1962, make the interim development order as set out in Schedule "A" relating to all land within the City of Lismore, being the land to which the interim development orders referred to in paragraph (b) hereof related, together with the land referred to in paragraph (a) hereof. (79-1947)

ERIC BEDFORD,

Minister for Planning and Environment.

Sydney, 29th August, 1980.

SCHEDULE "A"

PART I—PRELIMINARY

Citation

1. This order may be cited as "Interim Development Order No. 40—Lismore".

2. This order is divided as follows—

PART I—Preliminary—cll. 1-4.

PART II—General Restrictions on Development—cl. 5.

PART III—Special Provisions—cll. 6-22.

3. (1) In this order, except in so far as the context or subject matter otherwise indicates or requires—

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

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

"duplex dwelling" means a residential flat building containing two, but not more than two, dwellings;

"floor space" includes all wall thicknesses, ducts, vents, staircases and lift wells, but does not include—

- (a) any car-parking space in the building provided to meet the standards required by the council (but not car parking space provided in excess of those standards) or any internal access to any such car parking space;
- (b) space used for the loading or unloading of goods; and

(c) lift towers, cooling towers, machinery and plant rooms and any storage space related thereto;

"flood prone land" means land shown on the I.D.C. Map by diagonal hatching;

"former planning instrument" means—

- (a) the City of Lismore Planning Scheme Ordinance; or
- (b) any interim development order relating to land in the City of Lismore, Shire of Gundurimba or Shire of Terania in force at the appointed day;

"I.D.C. Map" means the series of maps bound in a book, the title sheet of which is marked "City of Lismore Interim Development Control Map referred to in Interim Development Order No. 40—Lismore, signed by the Minister for Planning and Environment and deposited in the office of the council, or a duplicate series of those maps similarly identified, deposited in the office of the Commission;

"statutory authority" includes a statutory body, a Government Department, the Police Department (Traffic Branch), the Totalizer Agency Board and the Traffic Authority of New South Wales;

"zone" means land referred to in Column I of the Table to clause 5 and shown on the I.D.C. Map by distinctive colouring or edging or in some distinctive manner as referred to in that Column for the purpose of indicating the restrictions imposed by this order on the development of land.

(2) The operation in relation to any land within the City of Lismore of Division 7 of Part XIII of the Local Government Act, 1919, and of any Ordinance made thereunder as continued in force by section 7 of the Local Government Act, 1962, are hereby suspended.

4. (1) Except as provided in subclause (2) this order pursuant to section 342U (3) of the Act, adopts wholly by reference the provisions obtained in the Interim Development Model Provisions, 1980.

(2) Clause 49 (2) of the Interim Development Model Provisions, 1980 applies only to the development referred to in clauses 23, 25 and 26 of Interim Development Order No. 1—Shire of Gundurimba.

PART II

General Restrictions on Development

5. Subject to Parts I and III, the purposes—

- (a) for which development may be carried out without the consent of the council;
- (b) for which development may be carried out subject to such conditions as may be imposed by the council under clause 14 (1) (a) of The Interim Development Model Provisions, 1980;
- (c) for which development may be carried out only with the consent of the council; and
- (d) for which development is prohibited on land within each of the zones specified in Column I of the Table to this clause are respectively shown opposite thereto in Columns II, III, IV and V of that Table.

TABLE

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on I.D.C. Map	Purposes for which development may be carried out <i>without</i> the consent of the Council	Purposes for which development may be carried out <i>subject to</i> such conditions as may be imposed by the Council pursuant to clause 14 (1) (a) of the Model Provisions, 1980	Purposes for which development may be carried out <i>only with</i> the consent of the Council	Purposes for which development is prohibited
1. RURAL: (a1) Rural "A1" Light Brown.	Agriculture (other than pig keeping, poultry farming and cattle feed lots); forestry.	Dwelling houses referred to in clause 8 (2) (a).	Any purpose other than those referred to in Column II, III or V.	Bulk stores; caravan parks; car repair stations; commercial premises; generating works; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; refreshment rooms; residential flat buildings; roadside stalls; sawmills; service stations; shops (other than general stores); stock and sale yards; timber yards; transport terminals; warehouses.
(a2) Rural "A2" Light brown with dark scarlet edging and lettered 1 (a2).	Agriculture; forestry.	Dwelling houses referred to in clause 8 (2) (a).	Any purpose other than those referred to in Column II, III or V.	Motor showrooms; residential flat buildings; shops (other than general stores).
(b) Rural "B" Light brown with dark scarlet edging and lettered 1 (b).	Agriculture; forestry.	.....	Any purpose other than those referred to in Column II or V.	Bulk stores; car repair stations; commercial premises; junk yards; liquid fuel depots; motor showrooms; offensive or hazardous industries; residential flat buildings; roadside stalls; shops; timber yards; transport terminals; warehouses.
(c1). Rural "C1" Light brown with dark scarlet edging and lettered 1 (c1).	Agriculture; forestry.	.....	Any purpose other than those referred to in Column II or V.	Motor showrooms; residential flat buildings; shops other than general stores.
(c2) Rural "C2". (c3) Rural "C3". Light brown with dark scarlet edging and lettered 1 (c2) or 1 (c3).	Agriculture (other than pig keeping, poultry farming and cattle feed lots); forestry.	.....	Any purpose other than those referred to in Column II or V.	Bulk stores; caravan parks; car repair stations; commercial premises; hotels; industries (other than home industries); junk yards; mines; residential flat buildings; refreshment rooms; roadside stalls; service stations; shops; timber yards; transport terminals; warehouses.
2. RESIDENTIAL: (a) Residential "A". Light scarlet.	.....	.....	Any purpose other than those referred to in Column V.	Advertising structures; bulk stores; caravan parks; car repair stations; commercial premises; drive-in-theatres; generating works; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; refreshment rooms; residential flat buildings (other than duplex dwellings or units not exceeding two storeys for aged persons); roadside stalls; sawmills; service stations; shops; stock and sale yards; terrace buildings; timber yards; transport terminals; warehouses.

TABLE—continued

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on I.D.C. Map	Purposes for which development may be carried out <i>without</i> the consent of the Council	Purposes for which development may be carried out <i>subject to</i> such conditions as may be imposed by the Council pursuant to clause 13 (1) (a) of the Model Provisions, 1980	Purposes for which development may be carried out <i>only with</i> the consent of the Council	Purposes for which development is prohibited
(b) Residential "B". Light scarlet with dark scarlet edging and lettered 2 (b).	Any purpose other than those referred to in Column V.	Bulk stores; caravan parks; car repair stations; commercial premises; generating works; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motor showrooms; places of assembly; refreshment rooms; roadside stalls; sawmills; service stations; shops; stock and sale yards; transport terminals; warehouses; terrace buildings; timber yards.
(c) Residential "C". Light scarlet with dark scarlet edging and lettered 2 (c).	Any purpose other than those referred to in Column V.	Bulk stores; caravan parks; commercial premises; generating works; hotels; industries other than those specified in Schedule 2; institutions; junk yards; liquid fuel depots; mines; motels; places of assembly; roadside stalls; sawmills; shops (other than those specified in Schedule 1); stock and sale yards; transport terminals; warehouses.
(d) Residential "D". Light scarlet with dark scarlet edging and lettered 2 (d).	Any purpose other than those referred to in Column V.	Caravan parks; commercial premises; generating works; hotels; industries referred to in Schedule 3; institutions; junk yards; liquid fuel depots; mines; motels; places of assembly; roadside stalls; sawmills; shops (other than those referred to in Schedule 1) stock and sale yards; terrace buildings; timber yards; transport terminals.
(e) Residential "E". Special Light scarlet with dark scarlet edging and lettered 2 (e).	Any purpose other than those referred to in Column V.	Bulk stores; caravan parks; car repair stations; commercial premises (other than those used for the provision of medical services, medical supplies or medical equipments; generating works; hotels; industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; refreshment rooms; residential flat buildings (other than those used in conjunction with permissible commercial purposes, professional consulting rooms or chemist shops); roadside stalls; shops (other than a chemist shop); stock and sale yards; terrace buildings; timber yards; transport terminals; warehouses; sawmills; service stations.
(f) Village or Township uncoloured with dark scarlet edging and lettered V.	Any purpose other than those referred to in Column V.	Institutions; junk yards within 90 metres of a main road; mines; offensive or hazardous industries.
3. BUSINESS: (a) General Business Light blue.	Commercial premises referred to in Schedule 5 the floor space of which does not exceed 1500 square metres; shops the floor space of which does not exceed 1000 square metres.	Any purpose other than those referred to in Column III or V.	Caravan parks; dwelling houses (other than those physically attached to or used in conjunction with commercial premises or shops); industries referred to in Schedule 3; institutions; junk yards; liquid fuel depots; mines; road transport terminals.

TABLE—continued

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on I.D.C. Map	Purposes for which development may be carried out <i>without</i> the consent of the Council	Purposes for which development may be carried out <i>subject to</i> such conditions as may be imposed by the Council pursuant to clause 13 (1) (a) of the Model Provisions, 1980	Purposes for which development may be carried out <i>only with</i> the consent of the Council	Purposes for which development is prohibited
(b) Business Transitional "B". Light blue with dark scarlet edging and lettered 3 (b).	Any purpose other than those referred to in Column V.	Caravan parks; generating works; hospitals; institutions; industries (other than those referred to in Schedule 2); junk yards; liquid fuel depots; mines; road transport terminals; sawmills; stock and sale yards.
(c) Neighbourhood Business "C". Dark Blue.	Dwelling houses or residential flat buildings (physically attached to and used in conjunction with any other purpose referred to in this column); shops; purposes referred to in Schedule 4.	Any purpose other than those referred to in Column IV.
(d) Special Business "D". Light blue with scarlet edging and lettered 3 (d).	Hotel; motel.	Any purpose other than those referred to in Column IV.
4. INDUSTRIAL: (a) General Industrial. Purple.	Any purpose other than those referred to in Column V.	Abattoirs; airline terminals; amusement parks; caravan parks; commercial premises (other than banks or timber yards); dwelling houses or residential flat buildings (other than those used in conjunction with an industry and situated on the land on which such industry is conducted); educational establishments; extractive industries; hospitals; institutions; mines; motels; offensive or hazardous industries; places of assembly; places of public worship; roadside stalls; shops (other than those referred to in Schedule 1); stock and sale yards.
(b) Offensive or Hazardous Industry "B". Purple with dark scarlet edging and lettered 4 (b).	Any purpose other than those referred to in Column IV.	Caravan parks; car repair stations; commercial premises; dwelling houses and residential flat buildings (other than those used in conjunction with an industry and situated on the land on which such industry is conducted); educational establishments; hospitals; hotels; industries (other than offensive or hazardous industries); liquid fuel depots; institutions; junk yards; mines; motels; motor showrooms; places of assembly; places of public worship; refreshment rooms; sawmills; shops; stock and sale yards; transport terminals.
5. SPECIAL USES: (a) Special Uses "A". Yellow with scarlet lettering.	The particular purposes indicated by the scarlet lettering on the I.D.C. Map.	Any purpose ordinarily incidental to the purpose referred to in Column III; roads; drainage; utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Column III or IV.

TABLE—continued

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on I.D.C. Map	Purposes for which development may be carried out <i>without</i> the consent of the Council	Purposes for which development may be carried out <i>subject to</i> such conditions as may be imposed by the Council pursuant to clause 13 (1) (a) of the Model Provisions, 1980	Purposes for which development may be carried out <i>only with</i> the consent of the Council	Purposes for which development is prohibited
(b) Special Uses "B". (Railways) Mauve purple.	.....	.....	Railway purposes (including any purpose authorised under the Government Railways Act, 1912); drainage; roads; utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Column IV.
(c) Special Uses "C". (Roads). Grey.	.....	Roads.	Any purpose ordinarily incidental to the purpose referred to in Column I.1; drainage; utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Column III or IV.
6. (a) OPEN SPACE "A". Existing Recreation. Dark green.	.....	Any purpose authorized by Division 2 or 3 of Part XIII of the Act; race courses; snow grounds; sports grounds.	Agriculture; camping areas; caravan parks; drainage; forestry; parking; roads; utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Column III or IV.

PART III

Special Provisions

6. (1) This clause applies to land within Zone Nos 1 (a1), 1 (a2) or 1 (b).

(2) In this clause—

"concessional allotment" means—

- an allotment excised in accordance with clause 12 (2) or (3) of Interim Development Order No. 1—Shire of Terania as it was prior to the 29th November, 1974, from an existing parcel within the meaning of clause 12 (6) of that order;
- an allotment excised in accordance with clause 12 (2) or (3) of Interim Development Order No. 1—Shire of Terania as in force after 29th November, 1974, from land within the meaning of clause 12 (6) of that order;
- an allotment excised in accordance with clause 11 (2) or (3) of Interim Development Order No. 36—City of Lismore from land within the meaning of clause 11 (6) of that order;
- an allotment excised in accordance with clause 12 (2) or (3) of Interim Development Order No. 1—Shire of Gundurimba as it was prior to the 9th August, 1974, from an existing parcel within the meaning of clause 12 (6) of that order;
- an allotment excised in accordance with clause 12 (2) or (3) of Interim Development Order No. 1—Shire of Gundurimba after the 9th August, 1974, from land within the meaning of clause 12 (6) of that order;
- an allotment referred to in subclause 5 (a); or
- an allotment referred to in subclause 5 (b).

"existing holding" means—

- in relation to land to which Interim Development Order No. 36—Shire of Lismore applied—
 - except as provided in subparagraph (ii) the area of a lot, portion or parcel of land as it was at the 1st March, 1974; or
 - where as at the 1st March, 1974, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of the area of those lots, portions or parcels as they were as at the 1st March, 1974;

(b) in relation to land to which Interim Development Order No. 1—Shire of Terania applied—

- except as provided in subparagraph (ii) the area of a lot, portion or parcel of land as it was at the 3rd November, 1967; or
- where as at the 3rd November, 1967, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of the area of those lots, portions or parcels as they were as at the 3rd November, 1967;

(c) in relation to land to which Interim Development Order No. 1—Shire of Gundurimba applied—

- except as provided in subparagraph (ii) the area of a lot, portion or parcel of land as it was at the 14th March, 1969; or
- where as at the 14th March, 1969, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of the area of those lots, portions or parcels as they were as at the 14th March, 1969; or

(d) in relation to land to which the City of Lismore Planning Scheme applied—

- except as provided in subparagraph (2) the area of a lot, portion or parcel of land as it was at the appointed day; or
- where as at the appointed day a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of the area of those lots, portions or parcels as they were as at the appointed day.

(3) Except as provided by subclause (9), land to which this clause applies shall not be subdivided without the consent of the council.

(4) The council may consent to an application to subdivide land to which this clause applies if each separate allotment of land created by the subdivision has—

- an area of not less than 40 hectares;
- a ratio of depth to frontage satisfactory to the council having regard to the purpose for which the allotment is or is intended to be used; and
- where the allotment has a frontage to a main or arterial road, a frontage to that road of not less than 400 metres.

(5) Subject to subclause (6) the council may consent to an application to subdivide land within Zone No. 1 (a1), 1 (a2) or 1 (b) (not being land which forms the whole or part of an existing holding of less than 10 hectares in area) for either or both of the following purposes:

- (a) to create an allotment of less than 40 hectares but not less than 2 hectares if the council is satisfied that—
 - (i) the allotment is intended to be used for the purpose of agriculture;
 - (ii) the ratio of depth to frontage is satisfactory having regard to the intended use of the allotment for the purpose of agriculture; and
 - (iii) where the allotment has a frontage to a main road, the frontage is not less than 200 metres;
- (b) to create an allotment of less than 40 hectares but not less than 1 000 square metres if the council is satisfied that a dwelling-house is or will be erected on the allotment and is or will be actually occupied by—
 - (i) the owner of the land, as at the appointed day;
 - (ii) a relative of that owner; or
 - (iii) a person employed or engaged by that owner in the use, for the purpose of agriculture, of land belonging to that owner which adjoins or is adjacent to the allotment.

(6) The total number of concessional allotments that may be created (whether by one or more subdivisions made at any time on or after 20th October, 1967) from an existing holding is—

- (a) where the area of the existing holding is less than 20 hectares but not less than 10 hectares—1;
- (b) where the area of the existing holding is less than 30 hectares but not less than 20 hectares—2;
- (c) where the area of the existing holding is not less than 30 hectares—3.

(7) The council may grant consent in respect of an application to subdivide land to which this clause applies so as to create an allotment of less than 40 hectares if the council is satisfied that—

- (a) the allotment is intended to be used for a purpose (other than agriculture, forestry or a dwelling-house) for which it may be used without or only with the consent of the council;
- (b) the ratio of depth to frontage is satisfactory having regard to the purpose for which the allotment is intended to be used; and
- (c) where the allotment has a frontage to a main or arterial road, the frontage is not less than 200 metres.

(8) The council shall not grant consent in respect of an application to subdivide land to which this clause applies so as to create an allotment other than an allotment referred to in subclause (4), (5), (7) or (9).

(9) The consent of the council to the subdivision of land to which this clause applies is not required if the subdivision is for any one or more of the following purposes—

- (a) to open a public road (not involving the creation of an allotment referred to in subclause (4), (5) or (7)) or to widen a public road;
- (b) to make minor adjustments to common property boundaries;
- (c) to enlarge the area of an existing holding by amalgamating that existing holding with one or more existing holdings; or
- (d) to rectify an encroachment upon an existing holding.

(10) The council shall maintain—

- (a) a register in which shall be recorded all decisions given by the council in accordance with this clause; and
- (b) a map showing the location of all subdivisions made in accordance with this clause,

and the register and the map shall be available for inspection by an officer of the Commission.

7. (1) Land within Zone No. 1 (c1), 1 (c2) or 1 (c3) shall not be subdivided without the consent of the council.

(2) The council shall not consent to the subdivision of the land within a zone specified in column I of the Table to this clause unless—

- (a) each allotment created in the subdivision has an area of not less than the area specified in column II of the Table shown opposite that Zone;

(b) in the case of land within Zone No. 1 (c2)—

- (i) the average size of the allotments to be created in the subdivision is not less than 0.6 hectares;
- (ii) the size of each allotment created is, in the opinion of the council, satisfactory having regard to the topography of the land; and
- (iii) arrangements satisfactory to the council have been made for the provision of a reticulated water supply and an electricity supply on each allotment created;

(c) in the case of land within Zone No. 1 (c3)—

- (i) for each allotment created in a subdivision having an area of not less than 0.1 hectares, but not more than 0.2 hectares, there are at least 10 allotments having an area of not less than 2 hectares;
- (ii) not more than one-half of the land being subdivided is subdivided into allotments having an area of not less than 0.5 hectares but not more than 2 hectares;
- (iii) each allotment having an area of not less than 2 hectares has a frontage of not less than 90 metres;
- (iv) each allotment having an area of not less than 0.5 hectares, but not more than 2 hectares, has a frontage of not less than 45 metres;
- (v) each allotment having an area of not less than 0.1 hectares, but not more than 0.5 hectares, has a frontage of not less than 30 metres; and
- (iv) each allotment has a ratio of depth to frontage which is, in the opinion of the council, suitable for the purposes of which the land is proposed to be used.

TABLE

Column I	Column II
Zone	Area (in hectares)
1 (c1)	0.4
1 (c2)	0.3
1 (c3)	0.1

8. (1) This clause applies to land within Zone No. 1 (a1), 1 (a2) or 1 (b).

(2) A dwelling-house may, with the consent of the council, be erected on land to which this clause applies if the land—

- (a) has an area of not less than 40 hectares;
- (b) comprises the whole of an existing holding within the meaning of clause 6 (2) (or such an existing holding affected only by a subdivision made on or after the appointed day for one or more of the purposes referred to in clause 6 (9) (a)-(d)), the area of which is less than 40 hectares and on which no dwelling-house is erected and the council is satisfied that—

- (i) there will be adequate vehicular access to the dwelling-house;
- (ii) the erection of the dwelling-house will not create or increase ribbon development along a main road; and
- (iii) adequate public utility services are or will be available to the existing holding;

(c) is a concessional allotment within the meaning of paragraph (a), (b), (c), (d) or (e) of the definition of "concessional allotment" in clause 6 (2);

(d) is a concessional allotment within the meaning of paragraph (f) of the definition of "concessional allotment" in clause 6 (2) and the council is satisfied that the dwelling-house is ancillary or subsidiary to the present or intended development or use of the land for the purpose of agriculture; or

(e) is a concessional allotment within the meaning of paragraph (g) of the definition of "concessional allotment" in clause 6 (2) and the council is satisfied that the dwelling-house will be actually occupied by a person referred to in clause 6 (5) (b) (i), (ii) or (iii);

(f) is an allotment created in accordance with clause 12 (1) of Interim Development Order No. 1—Shire of Terania as it was prior to 29th November, 1974;

(g) is an allotment created in accordance with clause 12 (1) of Interim Development Order No. 1—Shire of Gundurimba as it was prior to 9th August, 1974.

(3) One additional dwelling-house may, with the consent of the council, be erected on land to which this clause applies which has an area of not less than 40 hectares for each 40 hectares of the land if the council is satisfied that each additional dwelling-house will be actually occupied by a person employed or engaged by the owner of the land in the use, for the purpose of agriculture, of that land or land belonging to the owner which adjoins or is adjacent to that land.

(4) An additional dwelling-house of the kind referred to in subclause (3) which, but for this subclause, could not be erected, may be erected with the consent of the council and the concurrence of the Commission.

(5) A dwelling-house may, with the consent of the council, be erected on an allotment of land to which this clause applies on which another dwelling-house is erected if the first-mentioned dwelling-house is intended to wholly replace the second-mentioned dwelling-house.

(6) The Shire Clerk of the council may issue a certificate to the effect that land specified or described in the certificate is—

- (a) an existing holding to which subclause (2) (b) applies; or
- (b) a concessional allotment to which subclause (2) (c) applies.

9. (1) A person shall not erect a dwelling-house on an allotment of land within Zone No. 1 (c1), 1 (c2) or 1 (c3) without the consent of the council.

(2) The council shall not consent under subclause (1) unless the allotment—

- (a) is an allotment created in accordance with clause 7; or
- (b) is an allotment in existence as a separate allotment at the appointed day.

10. (1) The council shall not consent to the erection of a dwelling-house on an allotment of land within a zone specified in Column I of the Table to this clause unless the allotment—

- (a) has an area not less than that shown opposite that Zone in Column II of the Table;
- (b) has a width at the front alignment of the dwelling-house of not less than the distance shown opposite the zone in Column III of the Table.

(2) Nothing in this clause prevents the council from consenting to the erection of a dwelling-house on an allotment of land in a zone referred to in subclause (1) having an area or a width at the front alignment of the dwelling-house less than that prescribed in that subclause where the Town Clerk certifies that the allotment was in existence as a separate allotment on the appointed day.

TABLE

Column I	Column II	Column III
	sq metres	metres
2 (a)	500	16.5
2 (b), 2 (c)	510	16.5
2 (f)	560	18

11. The council shall not consent to the erection of a residential flat building or a boarding-house on an allotment of land within Zone No. 2 (b) or 2 (c) unless the allotment—

- (a) has an area not less than 740 square metres; and
- (b) has a frontage to any road of not less than 18 metres

12. The council shall not consent to the erection of a duplex dwelling on an allotment of land within Zone No. 2 (a) unless the allotment—

- (a) has an area of not less than 550 square metres; and
- (b) has a frontage to any road of not less than 18 metres.

13. (1) Except as provided in subclause (2) or (3) a person shall not erect a building on land within a zone or part thereof specified in Column I of the Table to this clause for a purpose specified in Column II of that Table shown opposite that zone—

- (a) in the case of land having a frontage to a main or arterial road which has a width of not less than 40 metres, closer than the distance specified in Column III of that Table opposite that purpose to the nearest alignment of the road; or
- (b) in the case of land having a frontage to a main or arterial road which has a width of less than 40 metres, closer than the distance specified in Column IV of that Table opposite that purpose to the centre-line of the road.
- (c) in the case of land having a frontage to a road (other than an arterial or main road) which has a width of not less than 20 metres, closer than the distance specified in Column V of the Table opposite that purpose to the nearest alignment of the road; or
- (d) in the case of land having a frontage to a road (other than an arterial or main road) which has a width less than 20 metres, closer than the distance specified in Column VI of that Table opposite that purpose to the centreline of the road.

(2) Nothing in subclause (1) shall prevent the council from consenting to the erection of a building for the purpose of agriculture on land within Zone No. 1 (b), 1 (c1), 1 (c2) or 1 (c3) within the distances prescribed in subclause (1) where, in the opinion of the council—

- (a) the levels of depths or other exceptional physical conditions of the land make it necessary or expedient to do so; and
- (b) the erection of the building will not—
 - (i) cause a traffic hazard; or
 - (ii) create or tend to create ribbon development along the road.

(3) Nothing in subclause (1) shall apply to land within the townships of Beshill, Clunes, Dunoon or Nimbin.

TABLE

Column I	Column II	Column III	Column IV	Column V	Column VI
Zone	Purpose	Distance in metres from alignment	Distance in metres from centreline	Distance in metres from alignment	Distance in metres from centreline
1 (b), 1 (c1), 1 (c2), 1 (c3) ..	Hotel, Caravan Park.	45	65	..	..
1 (b), 1 (c1), 1 (c2), 1 (c3) ..	Industry.	30	50	..	..
1 (b), 1 (c1), 1 (c2), 1 (c3) ..	Any building other than a motel or industry.	18	38	..	..
1 (a2), 1 (b), 1 (c2), 1 (c3) ..	Any building.	..	..	15	25
2 (f) (That part not being the part referred to below).	Any building.	..	..	10	30
2 (f) (That part being the townships of Gundurimba, North Woodburn and Wyrallah).	Any building.	..	..	8	18

14. A person shall not erect a hotel, motel or caravan park on land—

- (a) within Zone No. 1 (a1) or 1 (a2), unless the area of the land is not less than 2 hectares;
- (b) within Zone No. 1 (b) unless—
 - (i) the area of the land is not less than 4 hectares; and
 - (ii) where the land has frontage to a main or arterial road the frontage is not less than 200 metres; or
- (c) within Zone No. 1 (c1), 1 (c2) or 1 (c3) unless—
 - (i) the area of the land is not less than 2 hectares; and
 - (ii) where the land has a frontage to a main or arterial road the frontage is not less than 200 metres.

15. (1) This clause applies to those parts of lands in the Parishes of Boorabee, Bungabee, Jiggi, Nimbin, Hanging Rock, Terania and Whian Whian edged brown on the I.D.C. Map as are situated—

- (a) within the City of Lismore; and
- (b) within Zone No. 1 (a1) or 1 (a2).

(2) Nothing in this order prevents development for residential purposes comprising permanent dwelling or living accommodation being carried out on land to which this clause applies with the consent of the council subject to compliance with the following conditions—

- (a) the land upon which the development is carried out—
 - (i) has an area of not less than the minimum area for subdivision prescribed by clause 11 (4) (a);
 - (ii) is and remains unsubdivided either under the Local Government Act, 1919, or the Strata Titles Act, 1973, so as to comprise a single parcel;
 - (iii) is owned in its entirety in common by at least two-thirds of all adult persons residing on the land or is otherwise owned on behalf of those persons; and
- (b) the residential accommodation shall not exceed that reasonably required to house one person for each hectare of the land.

(3) In considering an application for consent under this clause the council shall have particular regard to the environmental suitability of the land for the proposed development.

(4) Nothing in subclause (2) (a) (ii) shall prevent the council from determining an application for consent under this clause in respect of land in more than one parcel but any consent granted hereunder shall be subject to the requirement that the land be consolidated into a single parcel prior to the development being carried out.

(5) Whenever land is developed in accordance with this clause the following development on that land is prohibited:

- (a) development for the purposes of a hotel, motel, caravan park, or any other type of holiday, tourist or weekend residential accommodation; and
- (b) subdivision of the land either under the Local Government Act, 1919, or the Strata Titles Act, 1973.

16. (1) Permission is hereby granted in respect of each of the parcels of land described in Schedule 6 for the following development:

- (a) development of the land for residential purposes comprising permanent dwelling or living accommodation; and
- (b) the use of the buildings in existence on the aforesaid land at the date upon which this clause takes effect for the purposes referred to in paragraph (a).

(2) Permission granted by subclause (1) in respect of any development referred to in subclause (1) (a) shall—

- (a) operate, in relation to the erection of any buildings, so as to permit only the erection of those buildings in existence on the aforesaid land, at the date upon which this clause takes effect; and
- (b) in addition to its taking effect in accordance with subclause (1), and without prejudice to that subclause, be deemed to have been granted by this order as in force immediately before the day upon which that development was commenced, on that day.

(3) Nothing in this clause shall prevent the application of clause 15 in respect of any land the subject of this clause but in any such application the development permitted by this clause shall be taken into account for the purposes of clause 15 (2) (b).

17. Where an application is made to the council for consent or approval to subdivide land for the purposes of erecting a dwelling-house, and that land adjoins Crown land (whether reserved for a specific purpose or not), the council shall before determining the application consult with the Department of Lands and shall take into consideration any representations made to it as a result of such consultation.

Buildings, etc., not to be erected within Zone No. 5 (c), without consent

18. (1) Except as provided in subclause (2), a person shall not, on land within Zone No. 5 (c), erect a building or carry out or alter a work of a permanent character or make or alter a permanent excavation other than a building or a permanent work or a permanent excavation required for or incidental to the purpose of a road and a person shall not spoil or waste land so as to render it unfit for that purpose.

(2) Where it appears to the council that the purpose to which land within Zone No. 5 (c) may be put cannot be carried into effect within a reasonable time after the appointed day, the owner of the land may, with the consent of the council and of the Commissioner for Main Roads, erect a building or carry out or alter a work of a permanent character or make or alter a permanent excavation.

(3) A consent granted under this clause shall be subject to such conditions (including conditions with respect to the removal or alteration of the building, work or excavation, or any such alteration of a work or excavation, or the reinstatement of the land or the removal of any waste material or refuse, with or without payment of compensation) as the council thinks fit, and to such conditions as the Commissioner for Main Roads requires to be imposed.

(4) Nothing in this clause shall operate so as to prohibit the erection of a fence on land within Zone No. 5 (c).

Acquisitions

19. (1) The owner of any land within Zone No. 5 (c) in relation to which the council has refused to give its consent under clause 18 (2) may by notice in writing require the council to acquire that land.

(2) Upon receipt of a notice referred to in subclause (1), the council shall acquire the land to which the notice relates.

20. A person shall not carry out development on any land having frontage to a main or arterial road and another road unless access to that land is gained exclusively from that other road.

Concurrence of the Commission

21. The council shall not consent to—

- (a) development for the purpose of an industry (other than an extractive industry, home industry, offensive or hazardous industry or rural industry) on land within Zone No. 1 (a1) or 1 (a2);
- (b) development for the purpose of a caravan park, hotel, industry (other than extractive industry, home industry, offensive or hazardous industry or rural industry), mine, refreshment rooms or service station on land within Zone No. 1 (b);
- (c) development for the purpose of a hotel or motel on land within Zone No. 3 (d); or
- (d) the carrying out of any subdivision or to the creation of any new means of vehicular access on land within Zone No. 1 (a1), or 2 (a) having frontage to the Bruxner Highway, between that land and the Highway,

without the concurrence of the Commission.

Registers

22. The council shall retain and catalogue a copy of every plan of subdivision approved by it and upon registration of each such plan in the office of the Registrar General, shall clearly mark on a copy of a map of its area the location of the land to which that plan relates with a reference to the catalogued copy.

Schedule 1

Butcher's shop.
Chemist's shop.
Confectionery and milk bar.
Greengrocer's shop.
Grocer's shop.
General store.
Hardware shop.
Produce store.
Smallgoods and sandwich shop.
Newsagency.
Tobacconist and hairdressing shop.

Schedule 2

Aerated waters and cordial manufacture.
 Boot and shoe repairing.
 Bread, cake and pastry manufacture.
 Builder's yard.
 Carrier's establishment.
 Car repair station.
 Cycle repairing.
 Dressmaking.
 Dry-cleaning and dyeing.
 Electrician's workshop.
 Farrier's workshop.
 Fuel merchant's establishment.
 Laundry.
 Lawn mower repairing.
 Milk distributing depot.
 Painter's workshop.
 Plant nurseries.
 Plumber's workshop.
 Radio mechanic's workshop.
 Rubber vulcanizing and tyre retreading.
 Service station.
 Signwriter's workshop.
 Tailoring.
 Toy making.
 Undertaker's establishment.
 Veterinary surgeon's establishment.
 Any home industry not specified above.

Schedule 3

Agricultural machinery manufacture.
 Aluminium products manufacture.
 Asbestos cement products manufacture.
 Bag and sack (textile) manufacture.
 Boot and shoe manufacture.
 Bottle factory.
 Boiler works.
 Brass foundry.
 Brick, tile and pipe works.
 Electric machinery manufacture.
 Engineering workshop (heavy).
 Extractive industries.
 Fibrous plaster manufacture.
 Fireclay products manufacture.
 Glass products manufacture.
 Grain milling.
 Iron foundry.
 Machinery manufacture (heavy).
 Match manufacture.
 Motor vehicle manufacture and assembly.
 Offensive and hazardous industries.
 Panel beating works.
 Sawmill.
 Steel products manufacture (heavy).
 Stock and sale yards.
 Stone cutting and crushing works.
 Welding works.

Schedule 4

Bread, cake and pastry manufacture.
 Boot and shoe repairing.
 Dental surgery.
 Dressmaking.
 Dry cleaning and dyeing agency.
 Electrician's workshop.
 Home industries.
 Lending library.
 Photographic studio.
 Professional consulting rooms.
 Radio and television mechanic's workshop.
 Service station.
 Tailoring.

Schedule 5

Butcher's shop.
 Chemist's shop.
 Clothing shop.
 Confectionery shop.

Crockery shop.
 Delicatessen.
 Electrical appliances shop.
 Florist's shop.
 Footwear shop.
 Fruit and Vegetable shop.
 Furniture shop.
 Grocery and Health Food shop.
 Hardware shop.
 Jewellery and watchmaker's shop.
 Leathergoods and travel goods shop.
 Musical instruments shop.
 Optical goods shop.
 Philatelist's shop.
 Photographic apparatus and material shop.
 Small arms and ammunition shop.
 Smallgoods shop.
 Sports requisites shop.
 Stationery shop (Books and Newspaper).
 Tobacconist's and hairdresser's shop.
 Wine and spirit merchant's shop.
 Agency offices other than T.A.B.
 Banks.
 Finance and property company premises.
 Friendly and Benefit Society premises.
 Insurance Offices.
 Professional chambers.

Schedule 6

Description of parcels of land referred to in clause 16

- Parcel 1—Portions 120 and 121, Parish of Boorabee (known as Mackellar Range Trust).
 Parcel 2—Part portion 126, Parish of Boorabee, being lot 1, Deposited Plan 354225 (known as Elysian Farm).
 Parcel 3—Portions 21, 22, 35, 36, 37, 38, 39, 47, 52 and 142, Parish of Nimbin (known as Nimbin Rocks Co-operative).
 Parcel 4—Portion 84, Parish of Whian Whian (known as Rainbow Falls).
 Parcel 5—Part portion 20, Parish of Whian Whian, being lot 2, Deposited Plan 582835 (known as Dharmananda).
 Parcel 6—Part portion 30, Parish of Whian Whian, being lot 11, Deposited Plan 601178 (known as Bodhi Farm).
 Parcel 7—Portions 132, 133 and 137, Parish of Nimbin, and lot 3, shown in Subdivision Application No. 79/143 approved by the Lismore City Council.
 Parcel 8—Lot 2 shown in Subdivision Application No. 79/143 approved by the Lismore City Council.
 Parcel 9—Portion 81, Parish of Terania (known as Paradise Valley).
 Parcel 10—Part portions 30 and 32, Parish of Whian Whian, being lot 12, Deposited Plan 601178 (known as Freecloud).
 Parcel 11—Portion 43, Parish of Hanging Rock (known as Indavar).
 Parcel 12—Part portion 104, Parish of Terania, being lot 2, Deposited Plan 591391.
 Parcel 13—Part portion 54, Parish of Whian Whian, being lot 1, Deposited Plan 574139.
 Parcel 14—Portions 71 and 79, Parish of Terania (known as Sam's Gully).
 Parcel 15—Lot 2, Deposited Plan 522761, lot 4, Deposited Plan 575079 and lot B, Deposited Plan 389381, Parish of Terania (known as Tuntable Falls—West Side).
 Parcel 16—Portion 26, Parish of Whian Whian.
 Parcel 17—Portion 36 and part portion 37, Parish of Terania, being lot 3, Deposited Plan 599123.
 Parcel 18—Part portion 42, Parish of Terania, being lot 2, Deposited Plan 593665.
 Parcel 19—Part portion 55, Parish of Nimbin, being lot 1, Deposited Plan 227248 (known as High Street).
 Parcel 20—Part portion 21, Parish of Whian Whian, being lot 1, Deposited Plan 573694 (known as Crystal).
 Parcel 21—Part portion 21, Parish of Whian Whian, being lot 2, Deposited Plan 591496.
 Parcel 22—Part portion 85, Parish of Terania, being lot 1, Deposited Plan 574981.
 Parcel 23—Part portion 42, Parish of Terania, being lot 3, Deposited Plan 593665. (3603)

COLUMN 1

COLUMN 2

COLUMN 3

EXISTING "CODE" PROVISION

SUGGESTED AMENDMENT

REASON

CITY OF LISMORE

CITY OF LISMORE

MULTIPLE OCCUPANCY CODE

MULTIPLE OCCUPANCY
COMMUNITIES ON FARMS

Suggest title could be more explicit and use words from the Terania I.D.O.

There is no provision for a "code" in the Environmental Planning and Assessment Act. The appropriate mechanism is making a Development Control Plan, under S.72 of the Act in accordance with Clauses 19 - 25 of the Regulations. This enables the document to have status as a head of consideration when deciding development applications under Section 90.

ADOPTED BY COUNCIL ON 8th AUGUST, 1980

DEVELOPMENT CONTROL
PLAN UNDER SECTION
72 of the E.P. & A.
ACT 1979

DATE OF ADOPTION

R.R.T.F. file under : R.R.T.F. Submissions

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CITY OF LISMORE

GENERAL POLICY FOR THE DETERMINATION OF
APPLICATIONS FOR APPROVAL OF MULTIPLE
OCCUPANCY OF RURAL FARMS KNOWN AS
MULTIPLE OCCUPANCY CODE

DEVELOPMENT CONTROL PLAN

FOR MULTIPLE OCCUPANCY
COMMUNITIES ON FARMS (ALSO KNOWN
AS "HAMLET DEVELOPMENT")

Changes as on cover page.

Include reference to popular terms
for ready comprehension.

PREAMBLE

Replace existing clause reference by:

Update reference

This Code applies to land within the City
of Lismore referred to in (Clause 13A
of Interim Development Order No. 1,
Terania) on which development for
residential purposes comprising perma-
nent dwelling or living accommodation
may be carried out with the consent
of Council.

"Clause 15(1) of Interim Develop-
ment Order No. 40, Lismore."

M1 THE AIMS & OBJECTIVES OF THE CODE

Reword 1.01 as:

1.01 To encourage the proper management,
development and conservation of natural
and man-made resources including
agricultural land, natural areas,
forest, minerals, and waters for the
purpose of promoting the social and
economic welfare of the community and
a better environment.

1.02 To encourage the promotion and co-
ordination of the orderly and economic
use and development of land.

1.03 To encourage the protection,
provision and co-ordination of commun-
ication and utility services.

1.04 To encourage the protection of the
environment.

1.01 To provide for multiple
occupancy on farms whilst meeting
environmental, social and other
objectives in the E.P. & A. Act as set
out in 1.02 to 1.05 following:

1.01	renumber	1.02
1.02	"	1.03
1.03	"	1.04
1.04	"	1.05
1.05	"	1.06

1.06 delete "their lifestyles or"

1.01 - 1.05 The objectives 01 to 04
are general objectives of the Act.
They are only objectives here insofar
as they relate to Hamlet Development.
Objective 01 should put the rest in
context. Many of the objectives of the
Act are not really met by a development
control plan, so that existing 1.01 -
1.05 could be deleted leaving new 1.01
only.

New 1.06 (Old 1.05)
'Intrusion into lifestyle' is a matter
for civil law enforcement. Planning law
relates to the use of the land. This
whole provision could be deleted as it
appears to be discriminatory.

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1.05 To protect existing land owners against unreasonable intrusion on (their lifestyle or) their use and enjoyment of their land.

a separate building which is a ^{part} component of an expanded dwelling house

DEFINITIONS

2.01 For the purposes of this Code and any application for approval by Council under the Code, the meanings ascribed to various words and phrases by the Local Government Act, 1919, as amended, or the Environmental Planning & Assessment Act, 1979, shall apply (unless inconsistent with the text of the Code).

~~DELETE~~ "unless inconsistent with the text of the Code".

AMEND "Code" to "Development Control Plan".

The "code" cannot override definitions in Acts.

Bring into line with E.P. & A. Act provisions.

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2.02 The following words and phrases shall have the particular meanings ascribed to them hereunder.

2.03 LIVING UNIT The area of a building occupied by a single family usually consisting of parents and their children who live and act in accordance with the conditions maintained by the accepted head of the family. ^{D.H. or E.D.H.} ~~REPLACE~~ 2.03 with: "2.03 DWELLING UNIT an area of a building or buildings occupied by a group of individuals who live and act in accordance with conditions accepted by the group."

This covers the traditional family group as well as the extended family and group living situation of many hamlet dwellers. The present definition in 2.03 only refers to a nuclear family situation.

2.04 MULTIPLE OCCUPANCY The occupation of expanded or individual buildings on a clustered or dispersed basis by a group or groups of individuals with an ownership interest in the entire parcel of rural land (at density levels in excess of that permitted by the environmental planning instrument (being one dwelling for each parcel together with approved worker dwellings)).

2.04 ~~DELETE~~ "at density worker dwellings"

2.04 REWORD: "MULTIPLE OCCUPANCY. The occupation on a clustered or dispersed basis of rural properties in common ownership, by means of individual buildings or expanded houses."

The density levels are permitted by I.D.O. 40 and cannot therefore be described as being in excess of the IDO provisions.

The rewording follows Circular 44 and makes it clear that the "clustered or dispersed basis" refers to the land.

2.05 PARCEL OF LAND All the land owned by a group of people or body seeking approval to the multiple occupancy of land in accordance with This Code. ADD "2.07 EXPANDED HOUSE A group or cluster of buildings which together function as a dwelling house, ~~dwelling unit or class 1 building.~~"

2.06 PUBLIC ROAD NETWORK The public roads that have been constructed to Council's standards and are maintained by Council for the benefit of the public.

This concept is suited to an arrangement where several physical structures ^(living units) together perform the function of a traditional dwelling house and so is appropriate for use in the hamlet situation. It also accords with definition 2.04.

AREA OF PARCEL

3.01 The minimum area of land on which multiple occupancy may be approved shall be 40 hectares.

3.02 The land subject to approval for multiple occupancy shall be that contained in one portion or lot of an area in excess of 40 hectares.

3.03 Where land consists of several portions or lots, Council may grant approval for the use of the land for multiple occupancy conditional upon the consolidation of the various lots into one single parcel prior to the development being carried out.

M4 OWNERSHIP

4.01 The land to which a multiple occupancy application refers shall be owned in its entirety in common by at least two-thirds of all adult persons residing on the land or by co-operative or other approved corporate body of which the residents of the land are shareholders.

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4.02 The articles of association, deed, 4.02 DELETE of agreement or trust document binding the various persons comprising the ownership group is to be in a form and manner approved by Council.

This goes beyond the requirement of the I.D.O. or Circular 44. An applicant must demonstrate 4.01 and this is enough.

4.03 A caveat in the name of the Council is to be placed on all the land in the parcel preventing the disposal of any part of the parcel by direct sale or subdivision without the written consent of Council.

4.03 DELETE "A caveat preventing the"

INSERT "When land is approved for multiple occupancy the I.D.O. prevents"

The I.D.O. already prohibits such sale or subdivision but a caveat is an extra unnecessary expense which discriminates against m.o. users. It is apparently not possible for old system title.

4.04 The owners as nominated on the application form shall be responsible for all commitments and obligations to Council and shall receive on behalf of all owners and tenants any notices issued by Council in respect of the parcel of land.

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4.05 All applications for development in accordance with the approved control plan shall be made jointly by the owners and the resident who will occupy the building.

M5 APPLICATIONS

5.01 All applications for approval of multiple occupancy shall be accompanied by a plan showing the full extent of the parcel to which the application applies and detailing thereon the overall concept including the location of dwellings, other buildings, areas to be used for home gardens, agriculture, re-forestation, access tracks, water supply facilities and any other

5.01 DELETE "the location of dwellings" and ADD "the specification of areas within which dwelling units or expanded dwelling houses will be located."

The appⁿ should similarly specify areas for other buildings.

Definitions changed as per earlier comments. If Council is prepared to assist flexibility by approving areas within which a dwelling may be sited, then this should be made clear. ~~It~~ This will avoid the need for further development approval when later buildings are sought, as long as they are approved

5.02 The plan referred to in 5.01, should the application be approved, become the development control plan for the development.

5.02 ~~DELETE~~ "development control plan will for",
INSERT "approved scheme guiding"

This has a specific and different meaning in the E.P. & A. Act and the suggested wording avoids it.

5.03 The application shall also be accompanied by a statement setting out the aims and objects of the owners and a detailed submission setting out the various environmental factors which will be affected by the development, what action is proposed to be taken to ensure protection of the environment and what development proposals and land use controls are envisaged to ensure compliance with the various requirements of this Code.

5.03 INSERT after "aims and objectives of the owners" the words "in relation to the use of the land"

It is beyond the I.D.O. to require any other such information and this should be clear.

5.03 ~~DELETE~~ "this code" add "this Development Control Plan"

In line with new legislation - see comments on title page.

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5.04 All applications for approval of multiple occupancy shall be advertised at least once in a newspaper circulating in the district advising that details of the application may be inspected at the Council's offices for a period of twenty-eight (28) days and that within that period any interested person may inspect the plans and written submission attached to the application.

Possibly
5.04 ~~DELETE~~ "28 days"
INSERT "14 days" or "21 days"

A provision requiring advertising should be put in the I.D.O. and not here. 28 days is a long period when Council is required to deal with an application in 40 days overall. Clause 10(3)6 of the Model Provisions provides 14 days for other advertised development - why not adopt the same here?

5.05 Within the period nominated in the advertisement, Council will receive representations in support or in objection to the proposal.

26 CONSENT

6.01 At the expiry of the period nominated in 5.04 Council may at a suitable meeting consider the application. ~~DELETE~~ "may"; INSERT "will"

Council is required to deal with an application.
N.B. The E.P. & A. Act requires that applications be dealt with in 40 days (S.96(1)(a)).

6.02 In determining the application Council ~~shall~~ have particular regard to the following matters in addition to those matters set out in Section 90 of the Environmental Planning & Assessment Act, 1979.

6.02 ~~DELETE~~ "in additionAct 1979".

The matters listed can only expand on Council's interpretation of Section 90 - they can't be additional to Section 90, which is a complete list of heads of consideration. This reflects the status of the Development Control Plan - it is subordinate to the deemed Local Environmental Plan (I.D.O. 40) which is in turn subordinate to the Act.

6.02 (a) the suitability of the land for the purpose having in regard its character, area, location, capacity to accommodate additional population and to its relationship generally to adjoining lands, community facilities and services and also existing and future land use in the locality;

(b) the environmental quality of the development assessed with particular reference to the following factors together with any other factors that Council considers relevant -

6.02 (b)
~~DELETE~~ "together withconsiders relevant"
INSERT "together with any other factors which affect the environmental suitability of the land"

Council is bound to limit its consideration to matters in the policy, the Act, or the I.D.O. (see Section 15(3) of I.D.O.)

- (i) the vista seen from any public road
- (ii) the existing and proposed use of the principal part of the parcel;
- (iii) the use of adjoining lands;

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- (iv) the effect of the proposed development on surface runoff and soil erosion;
- (v) the effect of the proposed development on the silvicultural use of the land;
- (vi) the likelihood of natural stream pollution and
- (vii) agricultural suitability.

(c) the effect on the continued existing use of the adjoining lands;

(d) the implications for adjoining property owners who have made representations to Council; and

(e) the degree of compliance with the requirements of this Code, the Local Government Act and Ordinances or Regulations of Council.

(e) DELETE "Code"; INSERT "development control plan".
Possibly delete whole section?

As before.

People must comply with Acts and Ordinances, can we really accept degrees of compliance, and then judge between one applicant and another?

M7 ACCESS

7.01 That part of the access track from the constructed public road network to the boundaries of the parcel shall have a surface suitable for travel by conventional motor cars in all weathers.

7.02 All living units must be sited so as to have reasonable access.

7.02 What is "reasonable access"?

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M8 DENSITY OF OCCUPATION

8.01 Development of the parcel shall not exceed the following densities -

8.01 DELETE

New 8.01 INSERT "Applicants must demonstrate that as a result of their proposals the density of occupation will not exceed that reasonably required to house one person per hectare of the holding".

- (a) the total number of living units shall not exceed the ratio of one unit for each two hectares of the total parcel; and
- (b) the density of living units within a radius of 55 metres (an area of approximately 1 hectare) centred on the location of the proposal shall not exceed four existing units.

The I.D.O. sets out the density of occupation as one person per hectare maximum. This document cannot introduce a different control (dwellings per hectare). If Council wants to use dwellings per hectare it should seek to amend the I.D.O. The provision under (b) prevents clustering which may be environmentally desirable in some cases. The whole of 8.01 should be removed and the rewording adopted. There are mechanisms for using different controls and the Department can advise on this.

M9 SERVICES

9.01 Approval of a multiple occupancy development proposal cannot be inferred as placing any obligation on Council to provide or support applications for community facilities such as:

- improvements to the public road network;
- water or sewerage services;
- electricity supply;
- telephone facilities;
- post office or mail services;
- community hall;
- sporting or recreational facilities;
- shops;
- bus services;
- schools;
- baby health or medical clinics;
- library.

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M 10 APPROVAL OF BUILDINGS

10.01 Following the approval to use certain lands for a multiple occupancy development, application shall be made to Council for development approval of all buildings other than those used solely for agricultural purposes.

10.02 All applications shall be in conformity with development control plan approved by Council unless prior consent to the amendment of the control plan has been granted.

10.03 Buildings shall conform to the respective requirements of this Code and the Ordinances under the Local Government Act.

10.01 DELETE. Substitute:
"Applicants will need to submit an application for development (planning) approval and building (Local Govt. Act) approval. These may be done together providing all information is included."

10.02 DELETE. Substitute:
"Where there is an existing development approval, building applications should comply with the development approval. If they do not, an amendment or extension of the development approval must be sought."

"Approval to use lands" is the same as "development approval". Only one application should be required.

To make the distinction between D.A. and B.A. approval clear and indicate an amended D.A. is needed if a B.A. goes beyond it. However, if there is an existing D.A. for the land, only a B.A. is needed.

M 11 FIRE PROTECTION

11.01 Adequate fire breaks shall be provided to protect each living area aimed to prevent the escape of any fire from the area.

11.02 Each building shall have an area surrounding it not being less than 5 metres in width kept clear of weeds, vegetation or flammable material except for cultivated gardens.

11.03 The occupiers of each building shall maintain adequate fire fighting facilities.

11.02 Amend to read "each building shall have an area surrounding it kept clear of flammable material."

Where is the basis for specifying such details?

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M 12 WATER

12.01 Adequate water supply shall be available to each building used as a living unit.

12.01 ~~DELETE~~ "building used as a living unit" INSERT "expanded house".

and house or expanded house.

A single source of supply to each expanded house is only needed. Where there are communal facilities there is no need for further supply points.

12.02 A piped water supply shall be available to each kitchen fed from an approved source.

What is an "approved source"?

12.03 Reserved supplies of water for fire fighting purposes shall be maintained in suitable tanks or dams.

M 13 DRAINAGE

13.01 Sullage and septic systems in conformity with the relevant requirements of the Health Department shall be provided for each building used as a living unit.

13.01 ~~DELETE~~ "septic"; INSERT "sewerage".

13.01 For "building" substitute *house or* "expanded house".

Not only septic systems meet Department of Health requirements - in some areas cesspits are adequate, certainly in the basalt soils of the Lismore area. One such system per expanded building is adequate.

13.02 No sullage or septic effluent absorption trench shall be located within 50 metres of any water course.

Is this standard invariable?

13.03 No sullage water shall be discharged direct onto the ground without passing through adequate grease traps or other suitable facilities approved by the Health Department.

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M 14 BUILDINGS

14.01 No buildings shall be located within 50 metres of any perennial water course.

14.01 This distance could vary with soil and site conditions. It might be varied if applicants can prove there would be no adverse environmental effects.

14.02 No buildings shall be erected without prior development and building approval having been obtained from Council in writing.

^{dwelling}
No houses or expanded dwelling houses
As per 14.01

1. Bldgs for ag. 1 for do not require consent in Council's rural zones

Ag & for do require Bldg approval.

Such an order is subject to appeal.

This is a Council option, not an option for applicants.

14.03 Any building erected without having first obtained the necessary approvals or in contravention of an approval shall be subject to an immediate demolition order and prosecution (maximum fine \$200 plus \$20 per day for each continuing day). They have the option of evoking the provisions of Section 317B of the Local Government Act by which an illegally constructed building may, as an option to demolition, be brought up to the required standards.

14.03 ~~DELETE~~ "immediate"

14.03 ~~DELETE~~ "They have required standards".

14.04 While ever a demolition order or prosecution is pending against the owners of a multiple occupancy farm, Council reserves the right to refuse to consider any further applications for development of the parcel.

14.04 ~~DELETE~~

Council is bound to consider any application submitted to it.

14.05 No temporary buildings, tents, caravans or the like shall be erected on the land without prior issue of a movable dwelling permit and compliance with any conditions contained therein.

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14.06 All buildings used for residential purposes shall have self contained facilities in accordance with the requirements of the Local Government Act Ordinance.

14.06 ~~DELETE~~ "buildings" and INSERT "dwelling units and expanded houses".

It is not necessary to require such facilities for individual buildings if they ~~don't~~^{only} function as a dwelling unit. _{part}

15. LOCATIONS

Insert a description and map of areas where the policy applies.

Useful to make the document a complete information source.

16. RESTRICTIONS

No land approved for multiple occupancy can be subdivided or used for a hotel, motel, caravan park or any other type of holiday, tourist, or weekend residential accommodation.

Useful to draw attention to restrictions in I.D.O. 40

17. BASIS FOR THIS DEVELOPMENT PLAN

The details of this Development Plan have been adopted by Council following a process of Public Exhibition and comment. They conform to the provisions of the relevant environmental planning instruments:

Provides a complete reference to aid and expand comprehension. The public exhibition allows people to comment on provisions which will affect them.

- (a) deemed Local Environmental Plan: City of Lismore I.D.O. 40 gazetted on 29/8/80:
- (b) State Planning Authority Circular Nos. 35 & 44 referred to in Minister's Direction under Section 117 of the E.P. & A. Act, 1979, as made on 27/8/80

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