

**WITHOUT PREJUDICE  
DRAFT  
CONDITIONS OF DEVELOPMENT CONSENT**

**EXTRACT re S.94**

2. Payment of levies under Section 94 of the Environmental Planning and Assessment Act and Section 64 of the Local Government Act 1993 as a contribution towards the provision of public services or amenity identified in the attached schedule be paid at the rate(s) current at the date building approval is granted. The rates and amounts applying at the date of this notice, totalling \$91,965, are set out in the schedule for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc must be paid prior to release of building approval for the development.
3. The applicant or the developer provide the following roadworks with associated stormwater drainage structures, designed and constructed in accordance with the Council's adopted road and drainage standards, at no cost to the Council, and also be responsible for the full cost of any maintenance of this work, considered necessary by the Council's Engineering Division, for a period of twelve months from the date of approval of the work: a 7.0 m wide formation with a gravel width of 5.0 m comprising a minimum of 150 mm of compacted gravel, from the development site to Jiggi Road. After satisfactory completion of all roads and drainage, a works-as-executed set of plans be submitted to the Council by a suitably qualified Engineer or Surveyor.
4. The applicant or developer reconstruct, at no cost to the Council, a 6.0 m wide reinforced concrete causeway located on Davis Road to the satisfaction of the Divisional Manager-Engineering Services.
5. The applicant or developer, at no cost to Council carry out the following works on Davis Bridge; a 125mm, reinforced concrete deck overlay. These works are to cater for additional traffic generated by the development.  
  
Full engineering details of the proposed works are to be submitted to Council's Engineering Services Department for approval prior to the commencement of works. These works are to be completed prior to the release of any Building Applications.
6. Full design plans of proposed engineering works to satisfy conditions 3, 4 and 5 be submitted, as separate plans from the Building Application Plans, for approval by the Divisional Manager-Engineering Services prior to commencement of construction of any drainage or roadworks.
7. Provision be made for vehicular access from the road pavement to the development by the construction of a pipe crossing, at no cost to the Council, in accordance with the Council's standards, details of which are obtainable from the Council's Engineering Division.

## DATA INPUT

~~NORTH COAST REGION~~

[illegible]

**LISMORE CITY COUNCIL****DEVELOPMENT CONSENT NO: 93/754****ADDRESS: 136 Jiggi Road, Jiggi****To be read in conjunction with advice of development consent.**

The levies imposed by Condition No. 2, as contributions towards the cost of meeting increased demand for public services and amenities that will result from the development, are identified in this Schedule.

The rates and amounts shown against the various items are those current at the date of this notice. If these levies are not paid within twelve (12) months of the date of this consent these rates shall be increased annually from the date of this notice, in accordance with the percentage increase from the date of approval to the date of payment, as notified by the Building Price Index (Sydney).

The following Levies are charged under Section 94 of the Environmental Planning and Assessment Act 1979 and amounts payable are set out below.

Levy	Area	Account No.	No. of ET's	Cost Per ET	Amount Payable
<b>OPEN SPACE</b>					
The North-West	-Citywide	1643-1	15	342 *	\$5,130
<b>COMMUNITY FACILITIES</b>					
The North-West	-Local	1650-8	15	944 280	\$4,200
	-Citywide	1650-1	15	331 *	\$4,965
	-Admin&Depot	1650-12	15	133	\$1,995
<b>RURAL ROADS</b>					
	Jiggi Road	902551-01		3035	
	MR 142	900142-20		1840	
			15	4875	\$73,125
<b>SES</b>					
	All Areas	1695-1	15	26	\$390
<b>BUSHFIRE</b>					
	Nimbin DBA	1690-3	15	113	\$1,695
	Central Control Room (all areas)	1690-6	15	31	\$465
<b>TOTAL</b>					<b>\$91,965</b>

\* Note: The levy incorporates a 25% discount in accordance with Council's S94 Plan.

Total levies at current rates (actual amount to be calculated when final plan submitted).

A COPY OF THIS ADVICE MUST BE  
PRESENTED WHEN MAKING PAYMENT

RECEIPT NO:  
DATE:

CASHIER:

Dian Vigna  
22 Chaseling Ave  
SPRINGWOOD 2777

GOC.751

Greg O'Connor (066) 211 751

29 July 1994

Dear Dian

Thank you for your application for a cadetship to undertake tertiary training in special education in 1995.

You will be contacted in the near future if you are required to attend an interview.

Greg O'Connor  
Manager Student Support Services

ACCEPTABLE

#2. AN <sup>ACCEPTABLE</sup> EXPLANATION AS TO HOW THE FIGURES FOR OPEN SPACE, COMMUNITY FACILITIES AND RURAL ROADS ARE DETERMINED <sup>NB #1 & 2 deleted being edited opening address.</sup>  
A WITHDRAWAL OF THIS OBJECTION.

#3. THE FACT THAT #2 ABOVE IS BEING APPLIED TO THIS CONSENT WITH A NOTIFIED FIGURE OF \$91,965 FOR 15 DWELLINGS, MAKES THIS CONDITION (WITH A NOTIFIED \$73,125 AVAILABLE FOR RURAL ROADS), A "DOUBLE DIP" ON COUNCIL'S PART. S.E.P.P. IS CAPERS FOR PEOPLE "ON LOW INCOMES" TO DEVELOP "LOW COST BUILDINGS" — THIS CONDITION IGNORES THIS FACT. IF FULL OWNERSHIP RIGHTS OF TITLES APPLIED, AS IN A SUBDIVISION, THIS CONDITION MAY HAVE SOME RELEVANCE.  
THE STAGES OF DEVELOPMENT ON THIS PROPERTY WITH CONSENT MAY ONLY RESULT IN 3 OR 4 FAMILIES PER YEAR SETTLING ON THE PROPERTY UNTIL ALL PERMITTED STAGES ARE DEVELOPED. AN OCCUPANCY RATE OF DWELLINGS MAY BE AS LOW AS ONE PERSON AND THAT BEING FOR AS LITTLE AS 51% OF ANY GIVEN YEAR.

#4, #5. AS ABOVE. THAT "ANY BUILDING APPLICATIONS" CAN ONLY BE ~~RECEIVED~~ "RELEASED" AFTER "THESE WORKS ARE ... COMPLETED" PREVENTS EVEN A SINGLE DWELLING ~~FROM BEING~~ CONSTRUCTED. PERHAPS STAGING THE EXTENT OF "THESE WORKS" AROUND SAY 4 BUILDING APPLICATIONS MAY MITIGATE THE IMPACT OF THIS CLAUSE UPON THE FIRST BUILDING APPLICANT. IN ANY CASE THIS IS ANOTHER EXAMPLE OF THE "DOUBLE DIP." SEE DA 93/691 REVISED ON THIS

#6. THIS IS PREVIOUS ON #3, #4 AND #5.

#22. BY REMOVING THE WORDS ~~"EXTERNAL AND ..."~~ THIS CLAUSE IS ACCEPTABLE.

#29. THE FULL INTENT OF THIS CLAUSE IS TO BE ACCEPTABLY EXPLAINED. NEGOTIATIONS RE THE 300M. (APPROX.) BY 20M (APPROX) CLOSED ROAD MAY BE USEFUL BEFORE THIS CLAUSE IS FOUND ACCEPTABLE.

FINAL NOTE: CLAUSES #3, #4 & #5 ARE UNACCEPTABLE AS PRESENTED.

*[Signature]*

CLOSE SCRUTINY OF THE AERIAL PHOTOGRAPH (FROM C.A.L.M.) INDICATES THAT DWELLING SITES #7 AND #8 ARE 585 m. AND 600 m. AWAY FROM THE DAIRY RESPECTIVELY. DCP 27 PROVIDES FOR A BUFFER OF 600 m. FROM A DAIRY AND WITH SUITABLE LAND BARRIERS AND BIOLOGICAL BUFFERS #7 CAN BE PERMITTED — OR REMOVED A LITTLE TO THE N.E. TO COMPLY. AMENDED PLAN KNOWN AS APPENDIX 5(a) IN EXHIBIT 1, FOLIO 3 WHEN SUPERIMPOSED ON THIS AERIAL PHOTOGRAPH DEMONSTRATES THIS POINT CLEARLY. IN ANY CASE, NUMEROUS DWELLINGS ARE ALREADY (OR PLANNED TO BE BUILT ON CONCESSIONAL LOTS OF 2 Ha.) WELL INSIDE THIS 600 m. BUFFER ZONE. SEE THIS IN COMAUL'S ULEP 1992 AND THE LOCALISED CLUSTERS OF SETTLEMENT PATTERNS. ALREADY EXISTENT AND YET TO BE PLANTED BIOLOGICAL BUFFERS CAN DEAL WITH THE PROVISIONS OF DCP 27 FOR HORTICULTURAL PRACTICES.

THE APPLICANTS CONCUR WITH THE RECOMMENDATION THAT AN ARCHEOLOGICAL ASSESSMENT OF THE SITE BE MADE AS TO THE PRESENCE OF ABORIGINAL SITES AND RELICS. WE ASK FOR SOME FINANCIAL ASSISTANCE FROM COUNCIL WHEN THIS IS CARRIED OUT.

WE ACKNOWLEDGE THE INCREASE IN DWELLING DENSITY ON THIS LAND COMPARED WITH THE LOCALITY. HOWEVER, WITHIN 9 KMS DUE W AND 7 KMS. DUE N THERE ARE TWO M.O.'S WITH SIMILAR DWELLING SITE NUMBERS AS THIS PROPOSAL. ALL ARE COMPLIANT WITH S.E.P.P. 15 REGULATIONS WHICH ALLOW FOR THIS INCREASED DENSITY ON SINGLE ALLOTMENTS.

THE D.A. PROVIDES EVIDENCE OF CONFORMING TO APPLICABLE STANDARDS IN BUILDINGS, ROAD SURFACE & ALIGNMENT, TRANSPARATION BED AND DAM DESIGNS (SEE FOLIO 435 ON ROAD SPECIFICATIONS IN EXHIBIT 1, EXHIBIT 18 FOR AS 1547 ON TRANSPARATION BED SPECIFICATIONS, FOLIO 437 ON DAM SPECIFICATIONS, AND REPORTS OF KAREN BYRNE & ASSOCIATES IN FOLIOS 361-434 ON BUILDING SPECIFICATIONS IN EXHIBIT 1, AND TREVOR JONES & ASSOCIATES IN FOLIOS 298-305 AND EXHIBITS H, N).

THE LETTER FROM C.A.L.M. 22/10/93, EXHIBIT D INDICATES A GOOD ROAD CONSTRUCTION STANDARD, AND A GOOD SITE FOR A 3.4 MEGALITRE DAM AT D4 AS SHOWN IN EXHIBIT A (APPENDIX 7(a)). THIS HIGH RAINFALL AREA ALLOWS US TO BE INDEPENDENT OF DAM AND SPRING SOURCES - 100 SQUARE METRES OF ROOF PROVIDES 136,000 LITRES, WHICH IS 250% ABOVE THE AVERAGE ANNUAL USAGE OF A DWELLING WITH 3 PEOPLE.

ROADS RE-ALIGNMENT AS SHOWN IN EXHIBIT N CAN BE UNDERTAKEN IN THE EVENT THAT AULEDES SUP<sup>"J"</sup> IS FOUND TO BE PROBLEMATIC

THE PLANNER'S REPORT FOR DA 93/754, UNDER SECTION 90(1)(i)&(j) ON "ACCESS PARKING AND LOADING" THAT "COUNCIL'S ENGINEERING DEPARTMENT HAVE NOT EXPRESSED CONCERN REGARDING THIS ISSUE SUBJECT TO THE PAYMENT OF APPROPRIATE S.94 LEVIES" AND "IT IS CONSIDERED UNLIKELY THAT THE DEVELOPMENT WILL GENERATE TRAFFIC IN EXCESS OF THE CAPACITY OF THE ROAD SYSTEM...." THIS IS UNDER THE HEADING "TRAFFIC GENERATED, THE ROAD SYSTEM"

THE REPORT OF CHRIS LONGERGAN IN EXHIBIT G DEALS WITH ALL MAJOR ISSUES OF VISUAL AMENITY, PATTERN OF SETTLEMENT, BUSH-FIRE RISK REDUCTION, WATER QUALITY & EFFLUENT DISPOSAL, DENSITY, SOIL EROSION AND SEDIMENTATION, BUFFER ZONES, LANDSLIDE HAZARDS, PUBLIC INTEREST AND IMPACT ON PRIME AGRICULTURAL LAND. SEE FOLIO 293, EXHIBIT I FOR DEPT. OF AGRICULTURE COMMENT ON THE "POTENTIAL FOR CONFLICT BETWEEN THIS [DAIRY] OPERATION AND THE MO APPARS LIMITED." ANOTHER LETTER (NOT IN EVIDENCE) STATES THAT "THE TOTAL AREA OF APPROXIMATELY 4 HA. IS INSUFFICIENT FOR ITS [CLASS 3 AGRICULTURAL LANDS] PROTECTION...." SEE ALSO FOLIOS 343-360 FOR REPORTS IN THE DA. ON THESE ISSUES, AND FOLIOS 440-451 FOR PLANS ON THESE ISSUES, AND VERBAL EVIDENCE ON COUNCIL'S STATEMENT OF ISSUES #1-16 BY CHRIS LONGERGAN.

IT IS EVIDENT FROM FLOS 176-288 (i.e., SUBMISSIONS OF OBJECTION FROM THE PUBLIC, THAT 19 ARE WRITTEN ON A FORM LETTER FORMAT, 15 DERIVE FROM AREAS FROM ABOUT 7 TO 70 KMS. AWAY FROM THE PROPOSED DEVELOPMENT, 2 MENTION SUPPORT FOR THE DEVELOPMENT, 4 MAKE NO MENTION OF ANY ISSUES, 2 DERIVE FROM THE SAME OBJECTOR, 4 FROM THE SAME COMMITTEE AND 2 FROM A MARRIED COUPLE AT THE SAME ADDRESS. ONLY 6-7 ARE FROM NEIGHBORS <sup>LIVING OR LIKELY TO LIVE</sup> WITHIN 550 METRES OF THE DEVELOPMENT. ALL ISSUES OF RELEVANCE HAVE BEEN ADDRESSED THROUGHOUT THE TWO AND ONE HALF YEARS OF THIS DA PROCESS.

RETURNING THIS LAND TO GRAZING PURPOSES IS CLEARLY DETRIMENTAL TO ITS WELL-BEING. MUD-SLIDES AND HILLSIDE CREEP HAVE BEEN EXACERBATED BY GRAZING PRACTICES AS WELL AS DE-FORESTATION. THE LANDSCAPING PLANS OF THIS PROPOSAL WITH AS MANY AS 10,000 TREES CAN HELP TO KEEP THIS SITE ALIVE, VIABLE AND BEAUTIFUL. THE REMOVAL OF CATTLE AND THE COMPLETE TREATMENT OF ALL GREY-WATER EFFLUENT IN A TRANS-PARATION BED AND ORGANIC BREAKDOWN OF HUMAN WASTE IN COMPOSTING TOILETS COMPLETELY REMOVES ALL FACIAL AND CHEMICAL POLLUTANTS FROM THIS SITE AND THEIR ONFLOWING EFFECT FROM THE TOTAL CATCHMENT AREA AND WATERWAYS.

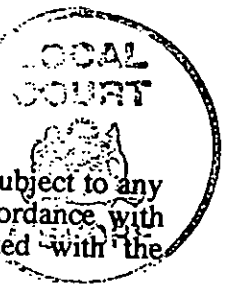
THE APPLICANTS' EXPERTS' REPORTS AND EVIDENCE DERIVES FROM PEOPLE WHO HAVE LIVED IN THIS AREA AND WORKED IN THIS AREA FOR SEVERAL DECADES. THEY WERE CHOSEN BECAUSE OF THEIR LOCAL KNOWLEDGE AND EXPERTISE, AND THEIR LOCAL REPUTATIONS FROM OTHER WORK DONE IN THIS AREA.

THE APPLICANTS, JONATHAN AND THEANA, AS AGENTS FOR THE COMMON TENANTS HAVE SUCCESSFULLY OBTAINED CONSENT (DA 92/633) FOR A SIMILAR SIZED M.O. NEARBY AND HAVE LIVED IN THIS AREA FOR 4 YEARS. BOTH THE PROPERTY KNOWN AS "ADAMA" (HEBREW FOR "FERTILE EARTH" OR "MOTHER EARTH") AND THE SUBJECT PROPERTY IN JIGBI SING AT THE PROSPECT OF BEING LOVED AND REHABILITATED IN THE Caring ways which their tenants are BRINGING TO THEM. IT IS DIFFICULT TO OFFER EMPIRICAL EVIDENCE OF THIS, BUT IT IS CERTAINLY HEART- FELT.

THANK-YOU, YOUR HONOUR, WITH INTEGRITY, Jonathan



**WITHOUT PREJUDICE  
DRAFT  
CONDITIONS OF DEVELOPMENT CONSENT**



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

- ESTIMATED  
TOWNSHIP / 8  
PERSONS / DW.*
2. Payment of levies under Section 94 of the Environmental Planning and Assessment Act and Section 64 of the Local Government Act 1993 as a contribution towards the provision of public services or amenity identified in the attached schedule be paid at the rate(s) current at the date building approval is granted. The rates and amounts applying at the date of this notice, totalling \$91,965, are set out in the schedule for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc must be paid prior to release of building approval for the development.

3. The applicant or the developer provide the following roadworks with associated stormwater drainage structures, designed and constructed in accordance with the Council's adopted road and drainage standards, at no cost to the Council, and also be responsible for the full cost of any maintenance of this work, considered necessary by the Council's Engineering Division, for a period of twelve months from the date of approval of the work: a 7.0 m wide formation with a gravel width of 5.0 m comprising a minimum of 150 mm of compacted gravel, from the development site to Jiggi Road. After satisfactory completion of all roads and drainage, a works-as-executed set of plans be submitted to the Council by a suitably qualified Engineer or Surveyor.

4. The applicant or developer reconstruct, at no cost to the Council, a 6.0 m wide reinforced concrete causeway located on Davis Road to the satisfaction of the Divisional Manager-Engineering Services.

5. The applicant or developer, at no cost to Council carry out the following works on Davis Bridge; a 125mm, reinforced concrete deck overlay. These works are to cater for additional traffic generated by the development.

Full engineering details of the proposed works are to be submitted to Council's Engineering Services Department for approval prior to the commencement of works. These works are to be completed prior to the release of any Building Applications.

6. Full design plans of proposed engineering works to satisfy conditions 3, 4 and 5 be submitted, as separate plans from the Building Application Plans, for approval by the Divisional Manager-Engineering Services prior to commencement of construction of any drainage or roadworks.

7. Provision be made for vehicular access from the road pavement to the development by the construction of a pipe crossing, at no cost to the Council, in accordance with the Council's standards, details of which are obtainable from the Council's Engineering Division.

8. That all weather two wheel drive vehicular access be constructed and maintained from the Council maintained all weather road access to each dwelling site, at no cost to Council.

9. That the developer prepare and submit to Council internal road designs and written certification to satisfy condition no. 8 from a qualified Engineer experienced in soil mechanics and road design or certifying that:

- a) The vehicular access provided to all sites is stable and will not be affected by landslip or subsidence above or below the access, and that adequate drainage is provided; and

- b) That soil erosion stabilisation and sedimentation control measures as recommended by the Department of Land Conservation and Management are in place prior to the submission for, and release of building approval or recognition for any buildings to be used for habitable purposes.
10. That a certificate from a Qualified Engineer experienced in soil mechanics be submitted, prior to the issue of any building permit, certifying that proper investigation has been made and the site is stable and will not be affected by landslip or subsidence above or below the site when the proposed building is erected and that adequate drainage has been provided.
11. The applicant is to undertake steps to ensure the provision of telephone services is taken into consideration, in consultation with Telecom Australia. Written evidence to be produced indicating this action has commenced.
- OK. 12. That all relevant provisions of State Environmental Planning Policy No. 15 - Multiple Occupancy of Rural Lands be complied with at all times. See also note 2.
13. Subdivision of the land is prohibited and that the land remain in one lot.
14. That the land be jointly owned by the adult occupiers of the land and used as their principal place of residence. Documentary evidence is to be supplied to Council at the time of submission of Building Applications for additional dwellings detailing means of establishing land ownership, dwelling occupancy rights and community management.
15. That the location and design of any dams proposed to be constructed on the land be subject to approval from Council and/or the Department of Conservation and Land Management prior to commencement construction.
16. Written certification from a qualified Engineer experienced in soil mechanics and dam design and construction is to be provided to Council prior to dam construction certifying that all dam sites are stable and will not be affected by landslip, erosion or subsidence and that there is adequate provision for over-topping in spill way design in the event of 1:50 year flood rainfall.
17. That all buildings be clad with a non-reflective material and be of an earthy colour.
18. There be no objectionable noise at any time emitted from the development.
19. The land to be so used as not to interfere with the amenity of the area.
20. Sediment control measures shall be put into place and be properly maintained to prevent soil erosion and the transport of sediment off the development site or into natural or made drainage lines or watercourses during rainfall and runoff. All disturbed areas shall be stabilised and be revegetated by turfing or an approved seeding method within 14 days of completion of earthworks in each part of the development. It is a requirement that the topsoil be preserved for use with the site revegetation. Details showing sediment control measures and revegetation works shall be submitted and be approved prior to any earthworks commencing and be maintained for the full length of the maintenance period.
21. Benching (i.e. cutting, filling or levelling) of the land to create building platforms does not form part of this approval. Further details are to be submitted and approved by Council prior to the commencement of works.
22. No dwelling house earthworks or internal access bulk earthworks are to commence on-site, prior to the release of Council approved ~~external~~ and on-site road and on-site dam designs. Refer condition no's 4, 5 and 16.
23. All dwellings to be erected must comply with Australian Standard #3959 with regard to construction materials and methods.
24. That the applicants prepare a detailed land management study addressing the following issues:

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

This strategy is to be submitted to Council for approval prior to release of any Building Applications for habitable structures. (SPC)

25. That the NSW National Parks and Wildlife Service be immediately advised in the event of the discovery of any aboriginal sites or relics as a consequence of the development.
26. No tree of any species in areas mapped as 'protected lands' be ringbarked, cut down, lopped, injured or damaged without the prior consent of the Department of Conservation and Land Management.
27. No further dwelling sites are permitted on the land. The density of residential accommodation has reached the maximum permissible in accordance with Clause 9 of the State Environmental Planning Policy No. 15 - Multiple Occupancy of Rural Lands.
28. Building site no's 1, 2, 3, 4, 5, 6, 7 and 8 are to be landscaped with semi-mature species that will provide a visual buffer from Davis Road when mature. This landscaping is to be planted not later than the release of the building application for that site.
29. A biological landscape buffer for the <sup>FOOT</sup> full length of the common adjoining eastern, ~~southern~~ and ~~northern~~ boundaries is to be established in accordance with Development Control Plan No. 27. Details are to be submitted to Council for approval prior to or at the submission of any Building Application for habitable structures.
30. A minimum of 22,500 litres of water shall be provided to each dwelling site for domestic purposes. Water proposed to be used for drinking purposes shall meet potable water standards and be a minimum 5,000 litre/person stored capacity. Full details of proposed water supply shall be submitted for consideration with the building application to erect a dwelling on a site. Additionally for fire fighting purposes water storage of 45,000 litres shall be provided to each cluster of dwellings
31. A suitable fire alarm, capable of being heard from anywhere within the area enclosed by the perimeter fire break, be installed.
32. A suitable person be appointed as Fire Protection Overseer, to be responsible for fire protection, maintenance of equipment and liaison with the Local Bush Fire Brigade.
33. Hazard Reductions are to be carried out and areas can be either burnt, ploughed, cleared or slashed on a 5 year rotation basis, so as to reduce the internal fire hazard.
34. Fire Breaks Installation - All Perimeter Fire Breaks to are to be installed upon receipt of development approval.
35. A perimeter fire break, measuring 20 m wide horizontal, cleared of all flammable forest litter and undergrowth and be placed outside and not including the Radiation Zone and be as far as possible from the outer perimeter of the Radiation Zone, maybe placed on a contour within the existing forest, having a ground fuel load of not more than eight tonnes per hectare (slashed grass) along all boundaries. The fire break to be to the satisfaction of the Council and will be maintained at all times and maybe subject to inspections by the Council.
36. A primary protection zone is to be established for a distance of not less than 20 m horizontal from any dwelling or any ancillary building and shall be kept clear of all combustible materials, other than grass, at all times and with a ground fuel load not exceeding three tonnes per hectare (maintained lawns). Existing trees will be allowed in this area, but no trees will be allowed within 10 m of the main building (maintained lawns only).

37. A turn around of 15 m be provided at the end of each access road that is not a through road, allowing fire trucks to turn for fire fighting.
38. **Internal Fire Breaks** - The internal road system to be used as a secondary fire break and is to be cleared to a width of 10 m horizontally and cleared of all rubbish and having a ground fuel load of not more than eight tonnes per hectare (slashed grass). The fire break to be to the satisfaction of the Council and will be maintained at all times and will be subject to a yearly inspection by the Council.
39. Details of bushfire prevention measures be submitted to Council and approved prior to commencement. All approved works to be completed prior to commencement of dwelling construction.
40. Any use of the land or of a building, other than for forestry, agriculture, residence (and water tanks) on an approved site shall be subject to a specific development consent of Council.
41. That a person qualified in soil hydraulics and waste water management prepare a report on each site regarding the adequacy of the soil and its capability to dispose of all septic effluent water from each dwelling, should that form of waste water disposal be proposed. A copy of the relevant site report to be submitted to Council with each building application prior to approval being given.
42. Effluent discharge from all buildings that are to be erected shall be disposed of in a manner approved by the Divisional Manager-Environmental Health and Building Services prior to commencement of works. Proposed effluent disposal systems shall be located a minimum 50 metres from any water course (including associated rural outbuildings).
43. No building or structure shall be erected or commenced to be erected unless building consent has been obtained from the Council.

## NOTES

1. The Local Government Act provides that all buildings and alterations, including retaining walls, to be subject to the issue of a building permit from the Council. Issue of this consent in no way implies that the building(s) comply with all of the provisions of the Local Government Act and the Building Code of Australia. Application forms are available from the Environmental Health and Building Services Division for this purpose. Please note that no the building work or site works are to commence until a building permit has been issued.
2. Council in determining this development application has attached any necessary conditions to ensure that the development would have reasonable protection from bush fires. Council is in receipt of reliable information that the land is in a high bush fire hazard area.
3. This consent is issued in accordance with the provisions as established within State Environmental Planning Policy No. 42 - Multiple Occupancy of Rural Land (Repeal). Copy Attached. (SPC)

LISMORE CITY COUNCIL

DEVELOPMENT CONSENT NO: 93/754

ADDRESS: 136 Jiggi Road, Jiggi

To be read in conjunction with advice of development consent.

The levies imposed by Condition No. 2, as contributions towards the cost of meeting increased demand for public services and amenities that will result from the development, are identified in this Schedule.

The rates and amounts shown against the various items are those current at the date of this notice. If these levies are not paid within twelve (12) months of the date of this consent these rates shall be increased annually from the date of this notice, in accordance with the percentage increase from the date of approval to the date of payment, as notified by the Building Price Index (Sydney).

The following Levies are charged under Section 94 of the Environmental Planning and Assessment Act 1979 and amounts payable are set out below.

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**OPEN SPACE**

The North-West	-Citywide	1643-1	15	342 *	\$5,130
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**COMMUNITY FACILITIES**

The North-West	-Local	1650-8	15	944 280	\$4,200
	-Citywide	1650-1	15	331 *	\$4,965
	-Admin&Depot	1650-12	15	133	\$1,995

→ 11,160

**RURAL ROADS**

Jiggi Road	902551-01	3035		
MR 142	900142-20	1840		
		4875	15	\$73,125

**SES**

All Areas	1695-1	15	26	\$390
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**BUSHFIRE**

Nimbin DBA	1690-3	15	113	\$1,695
Central Control Room (all areas)	1690-6	15	31	\$465

<b>TOTAL</b>				<b>\$91,965</b>
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\* Note: The levy incorporates a 25% discount in accordance with Council's S94 Plan.

Total levies at current rates (actual amount to be calculated when final plan submitted).

A COPY OF THIS ADVICE MUST BE  
PRESENTED WHEN MAKING PAYMENT

RECEIPT NO:  
DATE:

CASHIER:

By Chris Konnegan  
As submitted to the Court by Jonathan

L.E.P./S.E.P. 15 / E.P.A Act OBJECTIVES.

## APPEAL SUMMARY

Refusal Notice 93/754, Proposed 16 Dwelling Multiple Occupancy,  
Lot 41 D.P. 802597, 136 Davis Road, Jiggi.

### PLANNING CONSIDERATIONS

#### ZONING OF LAND - LISMORE SHIRE L.E.P. 1992.

This 58.09 ha. property is located within a Rural 1(a) Zone under the provisions of Lismore Shire L.E.P. 1992.

The proposed Multiple Occupancy is permissible with the consent of Council pursuant to the provisions of the Rural 1(a) Landuse Table, and also under the provisions of State Environmental Planning Policy No. 15 "Multiple Occupancy of Rural Land".

#### OBJECTIVES OF RURAL 1(a) ZONE.

##### Objective (a)

"To encourage and permit a range of uses creating a pattern of settlement at a scale and character that maintains or enhances the natural, economic, cultural, social amenity of the rural environment of the City of Lismore;"

The application is likely to comply with this objective due to:-

The development will enhance the natural environment by reforestation, stabilisation of slopes, stabilisation of creek banks, and creation of wildlife corridors.

The development will enhance the economic environment by the broadening of the economic base of the Shire, and the multiplier effect such development has for the areas building industry and retail sector.

The development will enhance the cultural environment and the social amenity of the area by creating cultural diversity, broadening the social base of the area, adding new ideas and members to local community groups e.g. Land Care, and encouraging better utilisation of local halls and facilities.

##### Objective (b)

"To encourage and permit a pattern of settlement which does not adversely affect the quality of life of residents and visitors and maintains the rural character."

The applications compliance with this objective is detailed above, as well as being located in an area displaying a dense settlement pattern as a result of the previous concessional allotment policies of Council.

##### Objective (c)

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

The technical reports which accompany the D.A. and have been given as evidence, prove that the development is compatible with the physical characteristics of those section of the site proposed for development.

The development proposes extensive revegetation for screen planting, bushfire mitigation, and habitat corridor creation. These features not only ensure reduction of visual impact, but when added to the spatial buffers which already exist, e.g. 540 metres to the S.W. Dairy, ensure that conflicting uses will not be created.

Objective (d)

"To allow the use of land within the zone for agricultural purposes and for a range of other appropriate purposes, whilst minimising conflict between other uses and intensive agriculture;"

The site is large enough to provide adequate spatial separation between the proposed dwelling sites and the existing and possible future development of adjacent lands for agriculture. This will be further effected by the proposed screen plantings.

The site will still remain available for agricultural development, in particular herb farming, hydroponics, and orchards.

Objective (e)

"To restrict the establishment of inappropriate traffic generating uses along main road frontages;"

The site does not have a main road frontage.

Objective (f)

"To ensure sound management of land which has an extractive or mining industry potential and to ensure that development does not adversely affect the potential of any existing or future extractive industry;"

Not applicable.

Objective (g)

"To enable the provision of rural tourist accommodation and facilities only where such facilities are compatible with the form and density of the nature of the locality, and;"

Not applicable.

Objective (h)

"To permit the development of industries that are appropriately located in the rural environment;"

Not proposed, although home industries may be developed in the future.



S.E.P.P. NO. 15

**CLAUSE 2 S.E.P.P. NO. 15 OBJECTIVES**

**OBJECTIVE(a)** The proposed Multiple Occupancy satisfies Objective (a) S.E.P.P. No. 15, i.e encouraging a Community Based and Environmental sensitive approach to rural development by:-

- 1) Having Common Ownership, common lands, common facilities and a combined approach to land care and management.
- 2) Enhancing the cultural environment and the social amenity of the area creating cultural diversity, broadening the social base of the area adding new ideas and members to local community groups, e.g. Land Care and encouraging better utilisation of local halls and facilities.
- 3) It will also enhance the natural environment by reforestation stabilisation of slopes, stabilisation of creek banks, and creation of wildlife corridors.

**OBJECTIVE(b)** (i) The property is collectively owned through a Tenants in Common agreement, and is to be used by the owners as their principle place of residence.

(ii) Multiple dwellings and a commonly owned community building are proposed.

(iii) Resources are to be pooled to the extent that access roads, community building maintenance, and infrastructure needs are shared.

As such the proposed Multiple Occupancy satisfies Objective (b) of S.E.P.P. No. 15.

**OBJECTIVE(c)** (i) The development occurs within the environmental character and constraints of the site, and will be self-reliant for access, power, water, and effluent treatment.

(ii) All land is common, and no subdivision is proposed.

(iii) The general area suffered severe population loss following the decline of the north coast dairy industry. This 16 dwelling Multiple Occupancy, and similar developments, have helped reversed this trend.

As such the proposed Multiple Occupancy satisfies Objective (c) of S.E.P.P. No. 15.

**CLAUSE 8 "Multiple Occupancy"**

- (a) The land comprises a single allotment as required.
- (b) The property has an area of 58.09 ha. which is over the 10 ha. Development Standard contained in this Clause.
- (c) No dwelling will exceed 8 metres.
- (d) The property which is zoned Rural 1(a), is only class 4 to 5 agricultural land, with the small class three lands not being significant.
- (e) None of the dwellings occupy prime agricultural land, although, small scale agricultural activities in the form of house gardens and small orchards etc are proposed. The dwelling sites are so located such that they will not compromise the above agricultural activities, or other agricultural activities in the area.
- (f) No tourist accommodation is proposed.
- (g) Less than 80% of the property has slopes in excess of 18 degrees.
- (h) The aims and objectives of S.E.P.P. No. 15 are satisfied by all aspects of this proposal as previously detailed.

As can be seen, the proposed Multiple Occupancy satisfies all of the requirements of Clause 8 of S.E.P.P. No. 15.

**CLAUSE 9 "Matters for Council to consider"**

**CLAUSE 9(1).**

**(a) OWNERSHIP**

Joint ownership by all land owners is achieved by the existing Tenants in common agreement.

**(b) DWELLING SITES**

All dwelling sites are unconstrained and marked on the submitted site plan.

**(c) COMMUNITY USE**

All common land is usable, and a community building is proposed on the site.

**(d) COMMUNITY USE NEED**

The community building is identified on the site plan, and is freely accessible to each site. The building will be used for meetings and recreation by the owners.

**(e) ACCESS**

Access to the development is obtained via the existing access point off Davis Road. Sight distance at the access point are good.

By Councils own engineers report, the local roads are adequate to meet the likely minimal increase in traffic proposed. These roads provide easy access to all of the major centres in the area.

Davis Road is an all weather gravel sealed road and it is considered that no works are necessary along this short section of road to cope with the small amount of traffic generated by this development, particularly as car pooling is a feature of communities such as this.

**(f) WATER SUPPLY**

Adequate rainfall exists for water collection via roof tanks. This supply can be supplemented by dams within the property.

The property is located within the area defined by the Bureau of Meteorology as Region 1 (Richmond Tweed).

In site specific terms, this property experiences an Average Annual Rainfall of 1803mm 71"

This figure supports the viability of the current situation, which is to provide much of the water for the development via the roof / tank collection method.

**(g) (1) ELECTRICITY SUPPLY**

Northern Rivers Electricity has advised that electricity supply is already connected to the property from the existing mains system. Solar panels are also to be used on site.

**(g) (2) TELEPHONE SUPPLY**

Telecom advises that Telecom cables can easily be connected to the dwellings on site from the local Exchange Network.

**(h) SERVICES**

A school bus services the area for students attending high school, and primary school. Jiggi school is located within a short push bike ride of the property for the convenience of children, the local hall is only a short drive away, and a community building is provided on site for use by residents.

Other more major amenities are located in the near-by towns of Lismore, Nimbin, & Goolmangar.

The impact these 16 dwellings have on demands for these services is very minor.

**(i) WASTE DISPOSAL**

**Garbage Collection**

Garbage from the development will be taken by residents to the local Tip, with all organic matter composted on site.

**Sewerage**

Effluent from all dwellings is treated by non polluting Composting Toilets, with grey water treated as per expert advice.

**(j) IMPACT ON ENVIRONMENT**

The development involves minimal site works other than minor access upgrading, creation of a transpiration bed and minor site works on dwelling sites.

No existing trees will be affected, particularly as access roads and cleared land for dwelling sites exist. No appreciable change in the character of the site or its surrounding area will result from the approval of this existing situation.

All domestic effluent is to be treated in accordance with Councils requirements and visually the development will be well screened and unobtrusive.

The entire site was extensively disturbed by vegetation clearance during the early part of this century when timber was extracted from the area. This was followed by decades of stock grazing resulting in the loss of much of the previous top soil.

All of the existing stands of native trees on site are to remain undisturbed by the proposed Multiple Occupancy.

The property does contain some significant habitat areas, where regrowth wet sclerophyll forest provides a broad eco-base which supports a wide diversity of wildlife. These areas of regenerating habitat are being assisted by an extensive native tree planting programme, which has been undertaken by the owners over the past 2 years, and is to continue as detailed in the development application to ensure effective screening, creation of wildlife corridors, and the stabilisation of slopes and creek banks.

The D.A. describes the fauna and flora found on the property.

**(k) PHYSICAL CONSTRAINTS**

**BUSHFIRE CONTROL** The existing dwelling sites, being in close proximity to grazing land and areas of forest, are at certain times of the year in a moderate to high hazard area.

This bush fire risk is to be mitigated by the fire hazard reduction works to be undertaken by the residents, to reduce the fuel to area ratio around each dwelling, and to plant radiation shields on the outer edge of the 40 metre buffer zone.

This ensures that the risk of wild fire and fire risk to dwellings or the community building is dramatically reduced.

A 40 metre hazard reduction radii is to be established around dwellings in accordance with Councils adopted guide lines. These will take the form of garden and lawn areas, or a fuel reduced forest floor planted with fire retardant trees.

#### Fire Brigade Access:

The existing access road will provide easy access to the building sites and the farm in general for all bush fire vehicles.

These roads also act as fire breaks as well as emergency escape routes, with vehicle access at each end of the property.

This not only protects the buildings and the flora and fauna of the area, it also helps reduce the risk of Wild Fire.

Water tanks marked and designated for FIRE USE ONLY are to be located adjacent to each dwelling.

#### Maintenance:

On going maintenance will include fuel reduction within both inner and outer radiation zones, cleaning out all gutters of leaves and bark, and maintenance of all fire fighting equipment.

#### Dwelling Design:

All eaves are to be enclosed, all gutters will be of a non leaf collecting design, and all roofing is metal.

Window sizes to the north/west are to be kept small, and all windows will be fitted with metal gauze mesh to prevent the entry of sparks or fire brands. This will further lessen the hazard to the development.

The establishment of gardens and trees will not only add to the rural amenity of the area, it will above all create fire retardant and radiant heat shields at the edge of the buffer area to further protect dwellings.

#### PHYSICAL CHARACTERISTIC

This has been addressed by expert evidence where it has been proven that the dwelling sites chosen are not at risk of major earth movement, and that dwellings can be designed for these areas of minimal risk, using pole foundation techniques, such that the safety of life and property is assured.

#### (1) IMPACT ON LANDSCAPE

The development is located in an area where a similar settlement pattern currently exists through the previous Concessional Lot Policy, and other Multiple Occupancy developments.

The proposed M.O. is permissible under both the provisions of the Lismore L.E.P. and S.E.P.P. No. 15.

The development site is to be heavily revegetated to effect visual softening and general screening of the site, and dwellings will be of earth tone colours with non reflective roofs.

The evidence shows, that with composting toilets and grey water treatment, that the development will not cause pollution of any kind to enter the local creek systems.

This is in contrast with the dairy farm to the south where evidence given to this court by the operator shows that raw effluent is piped directly onto the ground above creek areas.

The approval of this existing M.O. is thus in keeping with the existing and likely future character of the area, and will not prejudice existing or proposed developments.

All dwelling sites are located below the dominant eastern forested ridge line, and will in general be hidden or visually softened from view of neighbouring properties and local roads by existing and proposed vegetation. Visual impact will thus be negligible.

**(m) AGRICULTURAL IMPACT**

The land slopes to the west, and is in any case Class 4-5 Ag. Land. The small sections of Class 3 land (7%) are too small to be regarded as a viable agricultural unit, and their use by the residents for gardens and orchards will not prejudice the agricultural viability of the area. Further, adjacent landuses cannot be seen to be threatened by the use of this property for M.O. due to the tree planting proposed, effecting buffers, its isolation from other agricultural uses and its location on the extreme outer buffer of the Dairy to the South. Particularly where this is mitigated by Cold Air Drainage Patterns and Dominant wind vectors.

**(n) IMPACT ON EXTRACTIVE INDUSTRIES.**

No effect on Mining or Quarrying resources as none exist on the property or in the area.

**(o) IMPACT ON WATER QUALITY**

The proposed development will have no adverse impact on the water quality of the area either now or in the future, for the following reasons.

In order to ensure that no domestic effluent enters the local drainage system, waste treatment systems are to be used in relation to each dwelling. This will keep nutrient levels below those normally produced by single dwelling grazing farms and thus be compatible with the local drainage system.

Here it is important to note that as minimal road works are necessary for this M.O.s' development, and all dwelling sites exist, and are already cleared, erosion and loss of top soil is most unlikely and as such the problem of this development affecting phosphorous levels within the local drainage system, by way of eroded top soil, is not at issue.

**(p) ABORIGINAL LAND CLAIMS**

No known land claims or sites exist on the property, nor have any been identified in any previous Shire studies.

**(q) IMPACT ON FUTURE PLANNING.**

This area is not identified for Rural Residential expansion by Lismore Council, nor is it in close proximity to any existing Rural Residential areas.

**(r) SOCIAL INTERACTION.**

This Multiple Occupancy which seeks 16 dwelling sites is an important component of the economic diversity of the Shires economy, and assists in the continued success of small local business and community activities by providing a population base for them.

The social and economic benefits of the development are:-

- a) the provision of low cost residential accommodation.
- b) the broadening of the economic base of the Lismore Shire, and the multiplier effect such development has for the areas building industry and retail sector. And
- c) most importantly, the minor impact such development has on the environment, compared with higher density residential developments or even most forms of agriculture.

This developments economic, environmental and social benefits to future residents, and the Shire are:-

- a) The rural neighborhood environment which is created as a direct function of its design.
- b) Its natural beauty and outlook.
- c) Its location in close proximity to large well serviced urban areas.
- d) Its close proximity to three regional airports, bus networks, and the local railway stations.
- e) Its situation only a short distance from local Schools.
- f) The developments environmental integrity and the steps to be taken to ensure that it does not have an adverse impact.

Prior to 25-30 years ago the locality and this property in particular was characterised by marginal grazing and dairy farms. The decline of these landuses led to a general decline in population numbers and a decline in the level of services available.

The development will thus further strengthen the economic and social base of the area and from this it follows that the developments social and economic effect will therefore be a positive one.

**CLAUSE 9(2)**

- (2) The submitted site plans and expert evidence provided satisfy the requirements of Clause 9(2) by providing full physical details of the site.

**CLAUSE 10 "Density"**

The property is zoned Rural 1(a) and has an area of 58.09 ha.

Under the provisions of this Clause 10, the maximum number of dwellings permissible is 16.023.

**CLAUSE 11 "Subdivision prohibited"**

No subdivision of the allotment is proposed.

In summary, the proposed M.O. satisfies most of the requirements of S.E.P.P. No 15.

## **E.P.A. ACT OBJECTIVES**

This 16 M.O. dwelling and a community building proposal, satisfies the objectives of the E.P.A. Act as follows :

Section 5(a)(i). "to encourage the proper management, development and conservation of natural and man-made resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;"

The proposal is to create M.O. dwellings in such a way that they do not result in the over development of the site, and in fact better utilises this gently undulating, already cleared, and minimally constrained allotment satisfy this objective.

Section 5(a)(ii). "to encourage the promotion and co-ordination of the orderly and economic use and development of land;"

The 16 dwellings, as stated, are located so as to maintain the environmental viability of the property, as well as the integrity of the surrounding regrowth environment.

The 16 dwellings, optimises the use of a property within the constraints of it's land form, landuse and environmental quality by permitting better site management.

The use of the property in this environmentally sensitive and economically correct manner, fully satisfies objective (ii) of the Act.

Section 5(a)(iii). "to encourage the protection, provision and co-ordination of communication and utility services;"

The 16 dwellings are to be self reliant for Access, Water, and Sewer, with Power & Telephone lines able to service the development site when required.

One thing the dwellings will not do is add to the amount of road maintained by Council. This will not eventuate as no new public roads are to be created, and all internal roads are maintained by the owners.

The approval of the dwellings therefore results in a development that makes no significant demands on local utility services.

As such the development satisfies Objective (iii) of the E.P.A. Act, and the objectives of S.E.P.P. No. 1.

Section 5(a)(iv). "to encourage the provision of land for public purposes;"

The community building will provide a place for residents to meet and relax.

However, no public open space provision is required as part of M.O. development apart from section 94 considerations.

Thus, the development satisfies E.P.A. Act Objective (iv).

Section 5(a)(v). "to encourage the provision and co-ordination of community services and facilities;"

The approval of this development may necessitate the payment of a contribution to Lismore Shire Council for the upgrading of community services and facilities in the area.

This would result in the development satisfying E.P.A. Act Objective (v).

Section 5(a)(vi). "to encourage the protection of the environment;"

As previously stated, the existing development has been effected in such a way as to rationalise the management and use of the property within the environmental constraints of the site, and permit the utilisation of the large unconstrained areas of the site for the 16 dwellings, while at the same time preserving the environmental integrity of the property, and the areas water quality.

Intensive replanting programmes are proposed, and actually have been commenced with over 4,000 trees planted to effect visual screening, create wildlife corridors, and to stabilise slopes, creek banks and gullies.

It is clearly evident from this that the proposed development fully satisfies the requirements of Objective (vi) of the E.P.A. Act.



# Draft Opening Address: Not Delivered

## AN OVERVIEW - REASONS FOR APPEAL 10353 OF 1994

### HISTORY:

OCT. '91

THREE AND A HALF YEARS AGO THEANA & I FORMED AN INFORMAL, FRIENDLY PARTNERSHIP TO FIND LAND ON WHICH TO DEVELOP A MULTIPLE OCCUPANCY (M.O.). WE FOUND A SUITABLE PROPERTY ON WHICH WE NOW RESIDE, AND THE SUBJECT PROPERTY AT J1661.

NOV. 11.

MAR 3, '92

THREE YEARS AGO, SIX OTHER CO-PURCHASERS, WITH US, BOUGHT THE 51 HA. PROPERTY NOW KNOWN AS "ADAMA" FOR \$88,000 IN LARNOOK. THEANA & I PREPARED, AND SUBMITTED WITHIN 7 MONTHS, A 22 PAGE DEVELOPMENT APPLICATION (DA 92/633).

OCT. 10.

CONSENT FOR A 14 DWELLING M.O. WAS NOTIFIED 1 MONTH BEFORE SUBMISSION OF DA 93/112

- FEB 2, '93

SEPT 22, '92

TWO AND A HALF YEARS AGO, 10 OTHER CO-PURCHASERS, WITH US, BOUGHT THE 58.09 HA. PROPERTY IN J1661 FOR \$88,000. THEANA AND I AGAIN PREPARED, AND SUBMITTED WITHIN 6 MONTHS, AN ALMOST IDENTICAL 26 PAGE DA.

- MAR 3, '93

FOR THIS SIMILAR PROPERTY AND SIMILAR DEVELOPMENT JUST 9 KILOMETRES AWAY.

OVER THE THREE MONTHS FOLLOWING SUBMISSION OF THIS DA, ADDITIONAL INFORMATION

JUNE 15.

- INCLUDING TWO GEOTECHNICAL REPORTS, EXTRA PLANS, RESPONSES TO SUBMISSIONS, REBUTTAL TO PLANNER'S REPORT - OVERVALUED THE ORIGINAL PROPOSAL. THIS WAS REFUSED PREMATURELY

SIX MONTHS AFTER THIS REFUSAL, A 200 PAGE DA, STILL MODELLED ON OUR SUCCESSFUL FIRST D.A. FOR A 14 DWELLING-SITE M.O. IN LARNOOK (ADAMA) AND

DEC 21.

APRIL 19, '94

AUG 2, '94

NOV. 22, '94

ADDRESSING ALL ISSUES RAISED IN THE PREMATURELY REFUSED DA WAS SUBMITTED & REFUSED.

TWO MEDIATION CONFERENCES HAVE ALSO BEEN REFUSED

### POLITICS:

SINCE THE ONLY SIGNIFICANT VARIABLES IN THESE 3 DAs SUBMITTED BY THEANA AND I, ARE THE AMOUNT OF ORGANISED PUBLIC OBJECTION, AND THE DEVELOPMENT CONTROL PLANNER WHO FAILED TO OBJECTIVELY HANDLE IT - PRODUCING A HIGHLY BIASED ASSESSMENT OF DA 93/112, WHICH HAD A CARRY-OVER EFFECT ON THE DA 93/154 - I INTEND TO SHOW THAT THE EXTRA REPORTS FROM VARIOUS PROFESSIONALS IN THE FIELD OF SOIL CLASSIFICATION, GEOTECHNICAL AND STRUCTURAL ENGINEERING AND PLANNING HAVE BEEN LARGELY IGNORED OR PEREMPTORILY DISMISSED AS "INADEQUATE" BECAUSE OF THE POLITICISING OF THIS PROPOSAL.

THIS PROPOSAL HAS BECOME THE TEST CASE FOR A SMALL BUT VOCAL GROUP OF RATE-PAYERS WHO ARE PROTESTING ABOUT RATING INEQUITIES IN THIS COUNCIL

1. DISCRIMINATION AND PREJUDICE AGAINST M.O.s. AND THEIR OCCUPANTS IS EVIDENT IN MANY OF THE PUBLIC SUBMISSIONS. PREJUDICE AND BIAS FROM COUNCIL STAFF AND SOME COUNCILLORS HAS BEEN DEMONSTRATED IN THEIR HANDLING OF THIS PROPOSAL.

THEANA AND I ARE NEW TO THE FIELD OF PLANNING AND ENVIRONMENTAL LAW. OUR SUCCESSFUL EXPERIENCE WITH OUR FIRST D.A. FOR "ADAMA" ENCOURAGED US TO HELP OTHERS ESTABLISH A "LOW COST BUILDINGS" OPTION AT JIGGI. WHILST OUR LAYMAN'S LANGUAGE AND APPROACH TO THE JIGGI D.A.s MAY BE UN-ACCEPTABLE TO PLANNERS, THE PUBLIC, AND THE COUNCILLORS, IT CAN BE SEEN WHEN SCRUTINISED WITHOUT THE PRE-CONDITION OF BIAS AND PROFESSIONAL PRIGGERY, THAT WE HAVE ADEQUATELY ADDRESSED ALL ISSUES RAISED.

IT IS DIFFICULT TO BE SEEN AND HEARD WHEN MANY ARE CLATTORING OVER ISSUES OUTSIDE THE SCOPE OF THIS PROPOSAL. "THERE ARE NONE SO DEAF AS THOSE WHO DO NOT WANT TO HEAR," AND "THEY CAN'T SEE THE FOREST FOR LOOKING AT THE TREES" ARE OLD, BUT APT ADAGES HERE. <sup>SOME</sup> PEOPLE ARE SO BUSY LOOKING FOR PROBLEMS THAT THEY FAIL TO SEE THE SOLUTIONS.

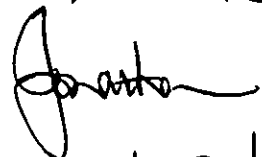
WHEREVER POSSIBLE I HAVE PROVIDED FACTS AND EVIDENCE BASED ON REAL PHYSICAL TESTS, ON-SITE OBSERVATIONS AND LABORATORY ANALYSES. THESE HAVE BEEN IGNORED OR DISMISSED WITH PRE-EMPTIVE ASSUMPTIONS AND OPINIONS AND BIASED ATTITUDES AND PREDICTIONS. IN A PROPOSAL SUCH AS THIS THERE ARE MANY POSSIBLE OUTCOMES. A RESPONSIBLE, COURAGEOUS APPROACH TO THESE POSSIBILITIES IS THE ETHOS OF THIS DEVELOPMENT.

I AM PLEASED TO HAVE THE OPPORTUNITY FOR AN OBJECTIVE AND EQUITABLE HEARING OF THIS PROPOSAL BEFORE THIS COURT.

I AM JONATHAN, AND I SPEAK FOR THE 14 ADULTS AND 4 YOUNG CHILDREN CURRENTLY COMPRISING THE COMMON TENANCY, AND THOSE YET TO COME.

THANK-YOU.

WITH INTEGRITY.

  
JONATHAN 27/3/95

Jonathan

Edited Issues as used  
in the hearing

his Council

# STATEMENT OF ISSUES

LISMORE CITY COUNCIL at JONATHAN

Development Application 93/754

1. Whether the development is consistent with the objectives A, B and C of the General Rural Zone 1(a) Lismore Local Environmental Plan 1992.
2. Whether the proposed development will detract from the visual amenity of the rural area and whether it will adversely impact upon the landscape and scenic quality of the locality.
3. The likely effect of the carrying out of the development on the stability of the land and whether erosion and landslip hazards will adversely affect development and in particular the internal road system and proposed dam sites.
4. The likely bushfire hazard.
5. The proposal does not provide an adequate buffer area as required by item 3 of the Council's DCP 27.
6. Whether the proposal satisfies clause 33 of LEP 92 and whether it is compatible with land uses in the locality which may cause conflict with the proposed development.
7. The proposal does not comply with the requirements of Council's DCP 20 for Multiple Occupancy dwellings.
8. The proposal is inconsistent with clause 2(c)(1) of SEPP 15 in that it is likely to create a demand for unreasonable or uneconomic provision of amenities by the Council.
9. Whether the proposed development is likely to adversely impact upon the water quality of existing water sources.
10. Whether the land is suitable for on-site disposal of effluent in the manner proposed in the development application.
11. Whether the proposed development encroaches onto or is likely to adversely affect the agricultural use of lands identified as prime agricultural lands, and whether there is likely to be a conflict with those agricultural uses.
12. Whether adequate provision is made for a permanent and reliable supply to potable and not-potable water.
13. Whether the proposed density of the development constitutes an over-development of the site.

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TRIVOR  
CONSIDER WORK  
COMPOSTING TOILETS  
BEING DEVELOPED  
FOR GROW LATER

AKIS \*

C.F. WHOLE SHIRE

14. Whether in the public interest the development ought to be approved given the substantial objection to the development.
15. The registered proprietor of Lot 1 in D.P. 822865 has not consented to the lodgement of the subject development application pursuant to s.77 of the EPA Act.
16. The proposal does not provide adequate details to enable a proper consideration of those matters raised in s.90(1)(e), (h) (c2) of the EPA Act and clause 8(1)(p) of SEPP 15.

See KATH'S  
LETTER 2/8/94  
\*

CHRIS

FOR COMMENTS  
4 SITE

CONSIDER TO CONSIDER

CHARACTER,  
LOCATION

BULK

SCALE

SHAPE

SIZE

HEIGHT

DENSITY

DESIGN

EXTERNAL APPEARANCE

RELATIONSHIP TO ADJOINING  
DEVELOPMENT

ENDORSEMENT FAYNA

Jonathan 200

Original Issues

Original

STATEMENT OF ISSUE

1. Whether the proposed development is in conflict with objectives (b) and (c) of the general Rural 1(a) zone pursuant to Lismore Local Environmental Plan 1992.
2. Whether the proposed development complies with the provisions of Clause 17 of the Lismore Local Environmental Plan 1992.
3. Whether pursuant to Clause 33 of the Lismore Local Environmental Plan 1992 the proposed development will be compatible with specified land use located in the locality which may cause conflict with proposed development.
4. Whether the proposed development complies with Lismore City Council Development Control Plan No. 27 - Buffer Areas.
5. Whether the proposed development complies with the Lismore City Council Development Control Plan No. 20 - Multiple Occupancies of Rural Lands.
6. Whether the proposed development complies with Clause 2 of SEPP No. 15 - Multiple Occupancy of Rural Land.
7. Whether the Council may consent to the proposed development when all the aims and objectives of SEPP 15 Clause 2 are not met as required pursuant to Clause 7 (1)(h).
8. Whether the proposed development involves a subdivision or other form of separate land title or in the manner which involves separate legal rights to parts of the land through an agreement or arrangement in contravention of Clause 2(c)(ii) of SEPP 15.
9. Whether the proposed development impacts adversely on the environment due to an adverse impact on the water quality of existing water sources.
10. Whether the land in the proposed development is suitable for on site disposal of effluent in the manner proposed in the Development Application.
- ~~11. Whether the proposed home occupation sites.~~
12. Whether the proposed development is suitable given the instability of the land and past history of landslip.
13. Whether the proposed dwelling site locations are in areas subject to landslip and movement which make development on the specified sites inappropriate.
14. Whether the proposed density of settlement constitutes an over development of the land.

15. Whether the proposed development impacts adversely on the landscape and scenic quality of the locality.
16. Whether the land is subject to slip;
17. Whether the land is subject to high bush fire risk;
18. Whether erosion and landslip hazards will adversely affect the internal road system and proposed dam sites as set out in the Development Application.
19. Whether the proposed development is likely to exacerbate the soil erosion problems of the site.
20. Whether there is an adequate public transport to and from the proposed development site.
21. Whether there are utility services available to the subject property from Northern Rivers Electricity and Telecom.
22. Whether the Council has not been provided with sufficient information which would enable it to consider the matters raised pursuant to Section 90(1)(e) the Environmental Planning Assessment Act.
23. Whether the Council has been provided with sufficient information which would enable it to assess the relationship of the proposed development to the development on adjoining land and other land in the locality and in particular to the existing dairy to the south of the development site pursuant to Section 90(1)(h).
24. Whether a number of dwelling sites have inadequate setback to adjoining agricultural uses and whether such inadequate setback create a potential for conflict with those agricultural uses.
25. Whether several dwelling sites and associated improvements areas encroach onto or adversely affect agricultural use of land identified as prime agricultural land.
26. Whether the substantial public interest generate and receipt by Council of 61 written objections indicate that the proposed development is not in public interest.
27. Whether the amenity of the neighbourhood now and in the future would be significant and altered to the detriment of the existing residents.
28. Whether the proposed Development Application complies with Section 77(1)(b) of the Environment Planning Assessment Act 1979 in that the registered proprietor of land known as Lot 1 in D.P. 822865 has not consented to the use of his land which has been included in the Development Application.

29. Whether the proposed Development Application complies with Section 77(1)(b) of the Environment Planning Assessment Act 1979 in that all of the registered proprietors of land have not consented to the application.
30. Whether the proposals for supply and storage of water are adequate.
31. Whether pursuant to Section 90(1)(c2) of the Act an adequate report has been submitted to identify fauna on a site and any impact as a result of the development.
32. Whether any reports have been provided to Council to enable it to consider the matter raised in Clause 8(1)(p) of SEPP 15.