

General Manager/Town Clerk
Lismore City Council
P.O. Box 23A
LISMORE NSW 2480

3 February 1994

Dear Sir

Q48

LISMORE CITY COUNCIL RECEIVED 10 FEB 1994	
FILE No. S/6-3-523-1	
LETTER No. 94-1246	ALLOC. P.S.

Copy
Fin
Rob
Graham
Kavaly

Don
Craft
Cunningham
Dentice
Spore

12477
0200
1744

RE: MULTIPLE OCCUPANCY DEVELOPMENT

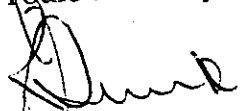
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NSW Agriculture's major concern with this Development Control Plan is the 10 ha minimum required for the creation of a multiple occupancy. NSW Agriculture contends that this is far too small a parcel of land to allow for the proper resourcing and design of a multiple occupancy or any rural subdivision. It is our contention that to set a larger minimum of say 30 ha does not necessarily preclude smaller rural landholders from becoming involved in multiple occupancy but will ensure that standard of design and works is much higher than the proposed three dwelling M.O.'s.

A contentious component of the SEPP15 and Multiple Occupancy provisions generally is the requirement for less than 25% of the holding to be good agricultural land as defined by NSW Agriculture. However, we believe that this provision should be retained. We are currently working on a revision of Chapter 9 of the Rural Lands Evaluation Manual to try to make it more 'user friendly' to assist applicants in more accurately defining the extent of Class 3 or better agricultural land.

I trust these comments are of assistance.

Yours faithfully,


J. D. WILLIAMS
Regional Director of Agriculture

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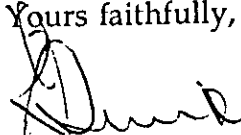
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Regional Director of Agriculture

Rule 12/2/94 re Process of DCP ^{Ref}

1 A draft DCP may go on display before going to Council. If this happens there is no requirement for it to go a public exhibition after approval by Council. Such 'approval' is in effect final approval.

It is not gazetted and concurrence of the DCP is not required.

The DCP becomes effective from the date on which it is advertised as being approved by Council.

The same process includes any amendments to an existing DCP.

In the no case, \therefore changes may be readily made at any Council meeting.

Will such a DCP hold up in Court? Yes, particularly where it has consistently applied.

Prob on share structures

Dep

2. Shares as shown on map but not >

#1A

But for unaffiliated ones
2 classes of common stock.

A) Forest/creek/cow area - all together.

B) Orchards, (Berries of) not in common.
Produce owned. Like a tree and
some

TIC v Co, Crucial thing - 1 share holder not to
hold group reason. is with Co this can
justify. (e.g.) but TIC 95% : it's covent
could to show deed would stand up.

Cap gain tax : on share.

left stuff of Seattson
covering letter to DCP

2/2/94

DCP

Donin.

Howe this is useful to you in this
form. If you need it addressed to
Kisamore Council rather than Pan Com
just let me know
or do a cut & paste job
with a new addressee!

cheers
Doni

P.S.

I am sending out copies of the DOP
M.O. survey ad to all our MOAG
group. Already several have said
to me they don't get the Cotts H. Advocate &
wouldn't have been aware of the survey had
I not alerted them!

Doni

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

(Second Page)
MEMORANDUM FOR THE DIRECTOR
SUBJECT: [REDACTED]

TO: SAC, [REDACTED]

FROM: SAC, [REDACTED]
DATE: [REDACTED]
SUBJECT: [REDACTED]

REFERENCE: [REDACTED]

Spoke with Wilcox 10/2/94 advising
JEP comments in next few days.

internal/DEP

This should (all options in some shape & form to address)

Include this path in DA.

If progressive eg DA in principle for staged.

Stage 1: Duration to form a team.

eg. in 200 & advise, commit & budget of the whole thing.

Duration from this would be a team but not.

- hence Council has the money to do it. I see

that the council meets the spirit & letter of the

No ground, as yet, for stage 2 policy re
internal/subject.

Even if it was stage 1, I'm not sure it's possible
for Council to have a complaint.

Ask DEP to keep a list of & keep note of issues
to be addressed in a potential council.

Steps: Council to make a list of issues to be
addressed in a potential council.

1. Council to make a list of issues to be
addressed in a potential council.

2. Council to make a list of issues to be
addressed in a potential council.

^{Duit}
DEP-MO REC

- ✓ Raf
- ✓ Eddie
- ✓ Daniel
- ✓ Spain
- Di +
- ✓ Kevin
- ✓ Danis
- ✓ Simon

Jack Wyatt
prelude to sep.
Ross Fuyth

3.12.1 Staging details of a multiple occupancy shall be submitted with the original development application or submitted at a later date as an application for amendment to development consent under Section 102 of the Environmental Planning and Assessment Act.

3.12.2 Where on-site community facilities are proposed, staging proposals must give due regard to these facilities in early stages of development. It will not be permitted to fully develop all residential buildings as a first stage following by community facilities at a later stage. Both shall, as far as it is practical, be simultaneously developed, although the development of community facilities may precede residential buildings, and may also be used as transitional accommodation.

3.12.3 Building applications may be submitted over a period of time for each stage of development.

3.13.1 No holding approved for multiple occupancy shall be developed for the purpose of a residential flat building, tourist accommodation, motel, hotel or caravan park except where development for such purposes is permissible under the provisions of the City Lismore Local Environmental Plan 1992.

3.13.2 Nothing in this clause prohibits the development on-site of ancillary uses other than dwelling houses or agriculture, providing that these uses are intended primarily to serve the needs of people living on the land. Example of such uses are schools, community facilities, home and light industries and workshops.

3.14.1 If it is identified that multiple occupancy development will cause an increased demand for public amenities and public services, the dedication of land or a monetary or an in kind contribution or a combination of these shall be required under Section 94 of the Environmental Planning and Assessment Act 1979, as amended. This will occur as a condition of development consent and be to the upgrading of those amenities services.

- Rural road upgrading.
- Community and recreation facilities.
- Public open space.
- Bush fire fighting facilities.
- State emergency services.

3.14.2 Contributions attributed to each dwelling may be paid at the time of submission of a building application for that dwelling rather than paying the total contribution at the commencement of the multiple occupancy development. However, the contribution payable shall be at the rate at the time of submission of the building application or at the time of payment (when payment is made prior to submission of the building application). It should be noted that contributions are generally increased on a yearly basis generally in line with Consumer Price Index or similar.

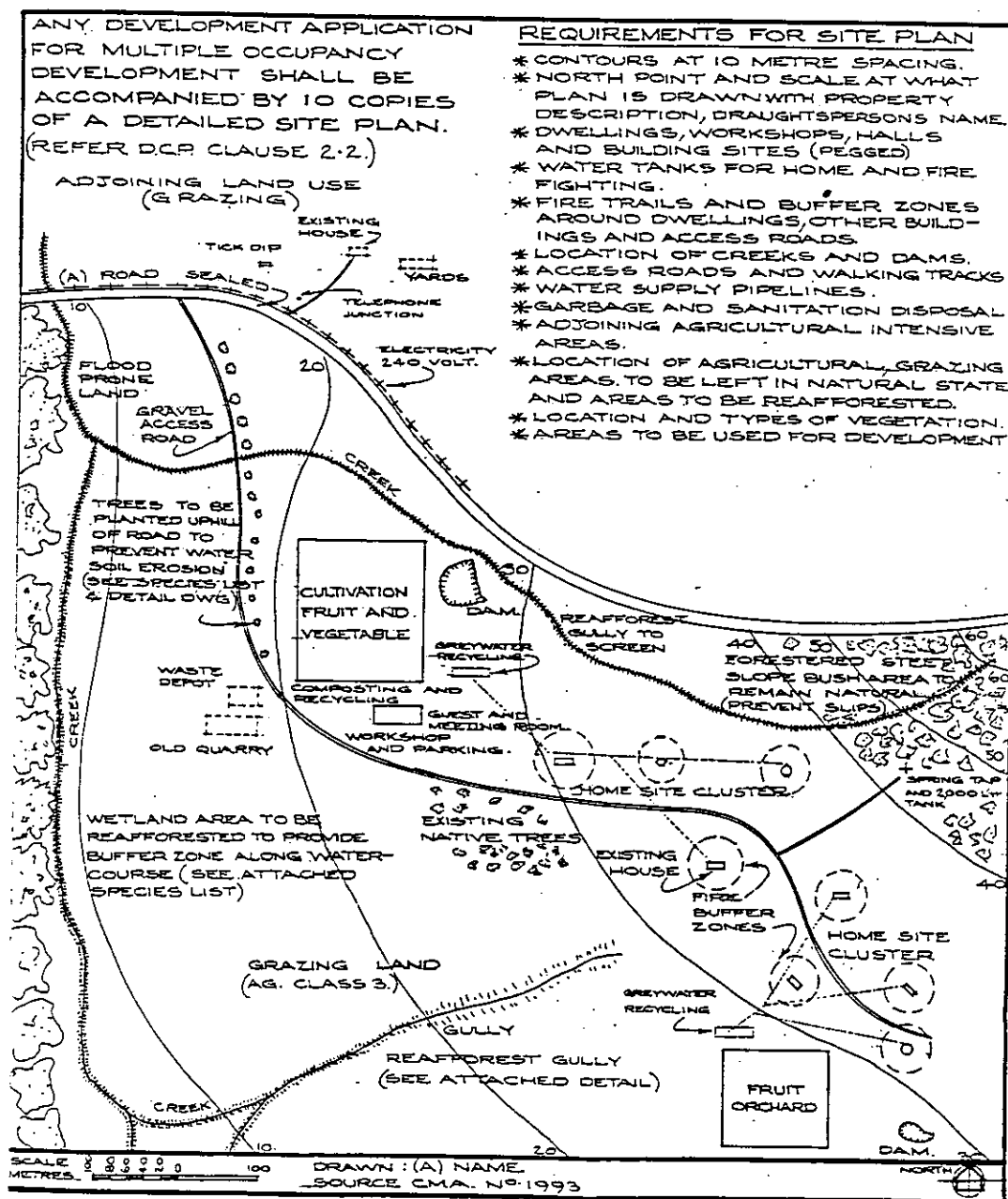
3.14.3 Council will give consideration to in kind contributions under Section 94(2c)(b) being labour or works or other contribution, as part or all of the contribution required if such works are identified in the applicable S94 Plan.

3.14.4 When a Section 94 contribution has been found to be required, and where the applicants:

- propose a long-term staged development; and/or
- propose a large staged development; and/or
- can show economic hardship;

the Council will give consideration to deferment of contribution and/or the contribution to be made by instalments.

INDICATIVE SITE PLAN AND REQUIREMENTS



It is important that systems be so designed to ensure effective longterm operation with minimal environmental impact.

3.7 Waste Disposal

3.7.1 In order to reduce health hazards to occupants, all non recyclable solid wastes shall be stored in fly proof containers and preferably taken to Council's tip.

3.7.2 Alternatively, non-recyclable solid waste may be disposed into a communal trench on site which:

- a) Is placed not in direct view from any public road, adjoining property, main community access road, dwelling house, expanded dwelling house or community centre;
- b) Is placed a minimum of 100 metres from any dwelling house, expanded dwelling house, community centre or watercourse;
- c) Is not located in any water catchment strata so as to avoid contamination of any water source or watercourse;
- d) Is concealed by topography, existing planted vegetation;
- e) Is excavated on the contour with excavated material stored on the side;
- f) Has vehicular access; and
- g) Is operated in accordance with directions of Council's Environmental Health and Building Services Division.

3.7.3 Any common area used to store contained waste shall comply with Items (a), (b) and (f) above.

3.7.4 Composting of all organic wastes is encouraged. Council's Environmental Health and Building Services Division should be contacted for advice and location of rural recycling pick-up points and centres.

3.8 Prime Crop and Pasture Land and Adjoining Land Uses

3.8.1 Multiple occupancy development is not permitted where more than 25% of the holding consists of Prime Crop and Pasture Land.

3.8.2 No dwelling houses, expanded dwelling houses, solid waste disposal or waste collections points shall be permitted within any area of prime crop and pasture land as defined. These areas shall be reserved for agricultural and horticultural uses only. Sheds associated with these uses may be permitted on prime crop and pasture land if other appropriate sites are not available.

3.8.3 To determine and avoid any potential land use conflicts the applicant shall consider adjoining agricultural uses and have undertaken an adjoining land owner survey. This information should be included in the statement of environmental effects and address issues such as:

- natural features (hills, vegetation, watercourses etc)
- distances between the proposed development and adjoining land uses.
- competing water demands.
- noise.
- agricultural spray and chemical application.
- control of domestic animals.

- intensive agricultural land use (dairies, piggeries, horticulture etc).
- quarries.
- fencing etc.
- noxious weed and feral animal control.

3.8.4 An agricultural suitability assessment including maps shall be provided where the holding comprises any prime crop and land.

3.9 Cemeteries

Applicants are encouraged to consider the setting aside of a suitable area of land for the establishment of cemeteries at the time of making a development application. Approval for the establishment of cemeteries is subject to requirements of Council's Environmental Health and Building Services Division as determined by Council Policy No. 06.02.11.

3.10 Utility Services

Connection of telephone and electricity supply to the holding is optional. Where connection is proposed written evidence should be provided with the development application indicating availability of supply and proposed location of the reticulation system.

3.11 Fire Protection

3.11.1 A fire management plan should be submitted with all development applications for multiple occupancy development. This management plan shall be incorporated into the statement of environmental effects and address the following issues:

- a) Landscaping and fire protection breaks and zones.
- b) Access for emergency vehicles and overall site layout to fire fighting facilities.
- c) Building design criteria.
- d) Internal organisational and consultation processes (eg local brigades and Council's Fire Control Officer).
- e) Equipment to be provided.

3.11.2 Adequate fire breaks shall be provided to protect each living area and to inhibit the escape of any fire from the area.

3.11.3 Each building should have an area surrounding it not less than 5 metres in width kept clear of flammable material (such as fallen leaves, bark or twigs) except for cultivated garden.

3.11.4 Any dwelling house or dwelling unit sited in a designated high bushfire risk area and within 20m of any forest exceeding 1 ha in area shall have a fire refuge preferably adjacent to the dwelling house or within 100 metres of the dwelling house.

3.11.5 Fire refuges referred to above are to be either a pond, dam or river of adequate size or an above or inground enclosure constructed with non-combustible materials so as to shield the interior from any direct radiation of heat from a fire outside the refuge. Fire refuges shall have a floor area of 0.35m² per person served by the refuge. Council's Fire Control Officer can advise on fire refuge design and location.

3.11.6 Where any dwelling house or dwelling unit is sited in a designated high bushfire risk area and adjoining any forest area, consideration should be given to reduction of the tree canopy.

3.11.7 The occupiers of each building shall maintain adequate fire fighting facilities and are encouraged to join appropriate strategies in conjunction with local fire brigades, Council's Fire Control Officer and neighbours.

- 3.4.3 All building applications shall be made jointly by the full ownership of the holding and the prospective residents of the building. Delegated representatives must provide with the building application written proof of such delegation from the full ownership or prospective resident, or both.
- 3.4.4 No building shall be erected on top of prominent ridge lines, land liable to flooding, seepage, slip or mass movement, or on prime crop and pasture land.
- 3.4.5 No building shall exceed 8 metres in height measured vertically from mean natural ground level to the highest point.
- 3.4.6 Building setbacks from boundaries should recognise the adjoining land uses and if required buffer areas shall be provided.
- 3.4.7 Buildings should be clustered in one or more areas rather than dispersed across the holding to save costs and to give better protection in the event of a fire and to encourage the community objectives of multiple occupancies.
- 3.4.8 In order to provide for transitional accommodation during the process of construction of permanent dwelling houses Council issues licenses for temporary accommodation. Licenses are subject to the following requirements:
- owners to occupy the temporary accommodation
 - licences not being transferable
 - development and building consents to be obtained within twelve months of licence date of issue
 - adequate water and sanitary facilities to be provided prior to temporary occupation.

Development approval for the multiple occupancy use of the land is required prior to the issue of any temporary accommodation licences.

3.5 Water Supply

In the development of land for multiple occupancy purposes the impact on water resources should be examined in detail. Developments should not be reliant on creek and river supply for domestic use and preferably provide stored or ground water reserves for agricultural and fire protection purposes.

- 3.5.1 Adequate water supply shall be available to each dwelling house or expanded dwelling house.
- 3.5.2 A piped water supply shall be provided to each kitchen, fed from an appropriate source. Such a source could be roof water collection tanks, springs, bores or dams independent of existing creek and river supplies and having a demonstrated drought reliability. A minimum of 5000 litres storage per person for domestic use is suggested if supply is from roof water.
- 3.5.3 It is recommended that water supply quality be tested to ensure it is safe for drinking. Council's Health and Building Department can provide suitable testing advice.
- 3.5.4 In designated medium or high fire risk areas, appropriate reserved supplies of water for fire fighting purposes shall be maintained in suitable tanks or dams, if adequate permanent pools in creeks or rivers are not available. For advice on the appropriate capacity of these reserves consult Council's Fire Control Officer. Any water pumped or reticulated in pipes from these sources shall be laid underground where possible. It is recommended that connection points with standard fittings for fire hoses be placed at intervals and at the end of any such reticulated water lines especially near or at access roads to the property. Where pressure or flow is not adequate, a standby pump is strongly recommended.
- 3.5.5 A Water Management Plan addressing the following issues is to be provided (see 2.2.4 above) at the time of submitting an application for multiple occupancy in excess of ten dwelling sites (smaller developments may be also required to provide this information):

- location of drainage lines, ground water, bores, wells, springs, dams, swamps, floodplains and seasonal wet areas.
- location, source and capacity of water supply for domestic, agricultural and fire prevention uses.
- vegetation buffers between areas of development and waterways.
- access erosion and sediment control measures.
- land clearing and shaping.
- drainage facilities and discharge points.

3.6 Effluent Disposal

- 3.6.1 All dwelling houses or expanded dwelling houses shall be served by an earth closet, pit toilet, composting toilet, septic system or approved equivalent. Such closets or systems shall be in conformity with the requirements of Council's Environmental Health and Building Services Division and approved by the Health Department of NSW (Council has a list of systems so approved). Some systems not approved may also be permitted after consultation with Council's Environmental Health and Building Services Division. Septic systems must have an adequate water supply.
- 3.6.2 The location, construction and size of absorption trenches should be discussed with Council's Environmental Health and Building Services Division.
- 3.6.3 No pit, closet, sullage or septic effluent absorption trench shall be located within 50 metres of any water course.
- 3.6.4 All kitchen sullage shall pass through an approved grease trap.
- 3.6.5 No sullage water shall be discharged direct onto the ground without passing through adequate grease traps or other suitable facilities approved by Council's Environmental Health and Building Services Division.
- 3.6.6 Council may require the provision of an effluent disposal report where a development exceeds ten (10) dwelling sites and/or site characteristics or experience suggest constraints to on-site disposal of waste.

The report shall include/address the following matters:-

1. A contour plan of the dwelling sites at maximum 500mm intervals and to an approved scale, including significant site features, eg drainage lines and watercourses, escarpments, rock outcrops and significant trees.
2. Details of site assessment procedures for each individual allotment including reference to AS 1547 and to other recognised standards/practices. Effluent loadings, soil characteristics, biomass permeability and the impact of ground and surface water should also be addressed. Potential effluent reduction by water conservation practices or devices may also be included.
3. Provide information on the longterm capability of the land to accept effluent and include minimum design details for effluent disposal systems and shall address the follow:
 - i) Provision of dual occupancy or expanded dwelling developments;
 - ii) Replacement of effluent disposal areas;
 - iii) Identify preferred areas on each home management area for effluent disposal and identify likely house sites. Effluent disposal areas should not be subject to any vehicular traffic and should be clear of areas utilised for general recreation.
 - iv) Details of surface and subsoil drainage in relation to effluent disposal areas.
 - v) Management practices to ensure optimum long term operation of site disposal systems.

2.2.7 Advertising

All applications for approval of multiple occupancy shall be notified to adjoining owners and advertised at least once in a local newspaper. This advises that the details of the application may be inspected at Council Offices for a period of 21 days, and within that period, submissions will be received in support of or in objection to proposals. Where an objection is made, reasons for the objection shall be set out in the submission.

The period of exhibition will extend to 40 days where a development proposes ten (10) dwelling sites or more.

2.2.8 Ownership and Responsibility

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, notices issued by Council in respect of the multiple occupancy holding.

3.0 DEVELOPMENT GUIDELINES AND MANAGEMENT**3.1 Area of Holding, Consolidation and Subdivision**

The land subject of the application should be of an area environmentally capable of meeting the impact and demands of the development.

3.1.1 The minimum area of a hold on which multiple occupancy may be approved shall be 10ha.

3.1.2 Any application for multiple occupancy on a holding consisting of more than one parcel, portion or like, shall, within 40 days of Council development consent, make application for consolidation of title, except where such consolidation is not possible.

3.1.3 The future subdivision of any holding granted multiple occupancy status is prohibited.

3.2 Ownership, Density and Common Land

3.2.1 The proposed rules, articles of association, deeds of agreement or trust documents binding the various persons comprising the ownership group, is to be prepared so as to ensure the land is owned in its entirety in common and that the majority of adult residents have an ownership interest in the land. This document shall be provided to Council for consideration.

3.2.2 The density of residential accommodation should reflect the environmental capacity of the land and the social aspirations of the ownership group. The density of residential accommodation permissible within State Environmental Planning Policy No. 15 is much greater than that which occurs within most existing multiple occupancies in the Lismore local government area. The average dwelling density is currently one dwelling per 9 ha land.

Development of residential accommodation on a multiple occupancy holding generally should not exceed one dwelling per 5 ha. Fractional numbers will be rounded up or down where the calculated number is more or less than one half. To maintain the sustainability of ownership and protect the development and environment from excessive population the number of adult residents shall not exceed one person per 2 ha.

The following table gives a comparison of the densities suggested in the DCP and State Environmental Planning Policy No. 15.

Area (ha)	Maximum no. of dwellings
	DCP
	SEPP #15

10	3 Clustered only	4
20	4	7
30	6	9
40	8	12
50	10	14

3.2.3 Dwelling should be clustered unless a dispersed arrangement can be demonstrated to be an environmentally better solution. Where dwellings are to be clustered the density of residential accommodation will be permitted in accordance with Clause 9 of the State Environmental Planning Policy No. 15 (attached to this Plan).

3.3 Access

3.3.1 Public road access to a holding shall be via a constructed road which may have a gravel surface and which is not required to be flood free.

3.3.2 Any road access connecting a constructed road reserve to a boundary of the subject holding shall:

a) Have a width suitable for:-

- two-way traffic where such a road serves a minimum of 5 dwelling houses;
- one-way traffic where such a road serves less than 5 dwelling houses, providing suitable two-lane passing points are provided at such intervals as suit topography and traffic visibility distances.

b) Have a surface suitable for two-wheel drive motor vehicles.

c) Not be required to be flood free.

3.3.3 Standards for internal access roads within the subject holding are generally for the owners to decide, but shall not exceed a grade of 20% unless constructed in bitumen or concrete. Roads shall be constructed and drained to provide most weather access and to minimise soil erosion. Where roads are on sloping land, it is recommended that the Department of Conservation and Land Management be consulted for advice.

Vehicle access to individual dwelling sites is optional. Emergency access by four-wheel drive to within at least 15 metres of each dwelling-house or dwelling-unit must be provided.

3.3.4 Access to a holding may be by use of right way providing satisfactory legal opinion supports the use of the right of way by the proposed multiple occupancy development and the access is constructed in bitumen or concrete equivalent to Council's adopted road standards.

3.4 Buildings

3.4.1 A building approval for each building must be obtained from Council before erecting or altering any building on the holding unless otherwise advised by Council's Environmental Health and Building Services Division. Each residential and communal building must comply with the Local Government Act and Building Code of Australia, except for ancillary farm buildings where Council may dispense with the need for a formal building application.

3.4.2 All building applications shall be in general conformity with the development approval or amended development approval as granted by Council. A building application may be submitted concurrently with a development application or application for amendment of development approval.

2.0 APPLICATION PROCESSES, INFORMATION REQUIREMENTS AND ASSESSMENT

2.1 Assessment: "Matters for Consideration"

The Council shall not consent to a development application for the carrying out of multiple occupancy development on rural land unless it has made an assessment of:

- "Matters for Consideration" as established in Section 90(1) of the Environmental Planning and Assessment Act 1979 (attached to this Plan).
- "Matters for Council to consider" as established in Clause 8 of State Environmental Planning Policy No. 15.
- Requirements as established in this plan.

2.2 Information Requirements - How to Apply

2.2.1 Development applications for multiple occupancy development should be prepared by persons qualified and skilled in their respective fields. The name, address, appropriate qualification and experience are to be included with the appropriate report.

2.2.2 Applications for multiple occupancy development are to be made on the development application form obtainable from Council together with the prescribed fee and ten (10) copies of the following:

- a plan showing the complete holding; and
- a statement of environmental effect of the development.

2.2.3 Plans:

The plan is to be drawn to a scale of at least 1:5000 and preferably at 1:2000 with a maximum 10m contour interval and showing:

- Location, boundary dimensions, area of holding, north point and distance from the nearest centre of population;
- Existing forest and cleared areas, water courses and dams;
- Any land slips, potentially unstable areas, floodprone areas;
- Location and uses of existing buildings and improvements;
- The proposed uses of the land, including areas for dwelling houses or expanded dwelling houses, other buildings, home gardens, agriculture, re-forestation, access tracks, water supply facilities, wildlife refuges or reserves and any other special features such as stages of development.

Where practicable, individual house sites should be shown;

- Any part of the land that is prime crop and pasture land. Prime crop and pasture land means land identified as having an agricultural suitability of Class 1, Class 2 or Class 3 or land of merit for special agricultural uses;
- The location and source of any water supply, electricity, telephone and waste disposal systems for the dwellings; and
- The proposed access from a public road to the area or areas in which the dwellings are to be situated.

2.2.4 Statement of Environmental Effects

The report should be presented in a manner which addresses each of the relevant "matters of consideration" as described in 2.1 above. The following specific matters should also be addressed in the statement of environmental effects:

- A description of the proposed development, an indication of the anticipated number of persons and number of dwelling houses to be accommodated on the land, including, if applicable, the number of persons and dwelling houses at each stage of the development and the anticipated timing of such stages. (Council recognises the diverse evolutionary nature of multiple occupancy and recognises that precise figures and timing are not necessarily appropriate);
- A description of the ownership structure or body, its objectives, and current owners of the holding;
- A plan of land use management including a statement of the objectives of the proposed multiple occupancy in relation to the use of the land.

The specific issues to be addressed in the management plan include:

- * water supply management
 - * waste management and effluent disposal
 - * fire protection
 - * erosion and sediment control
 - * existing and future agricultural uses
 - * noxious weed and animal control
 - * fauna and flora and protection
 - * internal access;
- Assessment of the effect on the environment of endangered fauna with regard to Section 4A of the Environmental Planning and Assessment Act.
 - Consideration of the economic and social impact of the development in relation to the following services and facilities:
 - * education
 - * shops
 - * public halls, sports and recreation facilities
 - * bushfire services
 - * public transport
 - * impact on adjoining land use;
 - Consideration of the visual impact of the development on the environment, landscape or scenic qualities of the locality.
 - Documentation is required to demonstrate the origin and purpose of the development. This should consider the nature and length of relationships and social and environmental aspirations of intending occupiers.

2.2.5 On-site Requirements

All dwelling sites are to be identified by a numbered peg/stake, internal access routes are to be pegged at 20m intervals and the location of water sources identified. An assessment of water supply flow rate quantity, drought reliability and quality is to be provided.

2.2.6 Additional Information

Council may, within 21 days of receipt of the application, require, in accordance with Clause 32 of the Environmental Planning and Assessment Regulation 1980, additional information considered necessary to properly assess the application.

DRAFT DEVELOPMENT CONTROL PLAN NO. 20 - MULTIPLE OCCUPANCY OF RURAL LANDS

(S/546)

1.0 INTRODUCTION

1.1 Citation

This plan may be cited as Development Control Plan No. 20 - Multiple Occupancy of Rural Lands.

1.2 Aims and Objectives

1.2.1 To facilitate sustainable rural settlement in harmony with the environment through the multiple occupancy of rural land oriented to a common group by:

- a) Enabling people to erect multiple occupancy dwellings on a single allotment of land to be occupied as their principle place of residence, to share facilities and resources and to develop the land for communal purposes;
- b) Encouraging a community based and an environmentally sensitive approach to rural settlement;
- c) Facilitating development in a low cost manner which both protects the environment and does not create a demand for the unreasonable or uneconomic provision of public amenities or public services by Council or other public authorities;
- d) Enabling people (particularly those on low incomes) to pool their resources to develop low cost housing within a wide range of communal rural living opportunities; and
- e) Assisting the proper management, development and conservation of natural and man made resources, including agricultural land, natural areas, forests and waters for the purpose of promoting the social and economic welfare of the community and a better environment.

1.2.2 To guide intending applicants in the selection of suitable land, design of multiple occupancy developments, and in making of development applications for multiple occupancy development.

1.3 Land To Which This Plan Applies

This plan applies to all the land zoned under the Lismore Local Environmental Plan 1992 as 1(a)(General Rural Zone), 1(b)(Agriculture Zone) and 1(r)(Riverlands Zone).

1.4 Commencement

1.4.1 This plan shall be effective from / / 1994.

1.4.2 Schedule 1 lists any amendments to this Development Control Plan.

1.5 Variations

1.5.1 This Plan may be varied only by a decision in a manner provided for in the Environmental Planning and Assessment Act 1979 and Regulation 1980.

1.5.2 Where Council is of the opinion that strict compliance with a specified numerical standard or requirement is unreasonable or unnecessary, it may permit such a variation notwithstanding the above clause. In all cases where a departure or variation is sought, the aims and objectives of the Plan must, in the opinion of Council, be met.

1.6 Relationship to Other Planning Instruments

1.6.1 This Plan is to be read in conjunction with Lismore Local Environmental Plan 1992, The North Coast Regional Environmental Plan 1988 and State Environmental Planning Policy No. 15 - Multiple Occupancy of Rural Lands.

1.6.2 State Environmental Planning Policy No. 15 - Multiple Occupancy of Rural Lands is the principal planning instrument which enables multiple occupancy of rural land in the City of Lismore Local Government Area.

The purpose of this Development Control Plan is to provide specific direction and development controls for multiple occupancy development on rural lands in the City of Lismore Local Government Area and to assist in achieving the objectives of State Environmental Planning Policy No. 15 and the relevant objectives of the Lismore Local Environmental Plan 1992.

A Copy of State Environmental Planning Policy No. 15 is attached to this plan.

1.6.3 City of Lismore Local Environmental Plan 1992 contains two special provisions which relate to rural development.

These provisions are:

- a) Clause 17: Development on ridgetops in rural areas.
- b) Clause 33: Buffer zones to avoid potential land use conflicts.

1.6.4 Other Development Control and Section 94 Contribution Plans:

This Multiple Occupancy Development Control Plan applies to specific matters and should be read in conjunction with the following:

- a) Any applicable area specific rural community services and facilities plan.
- b) Section 94 Contributions Plans for Rural Roads, Public Open Space, State Emergency Services and Bushfire Services.
- c) Development Control Plan No. 27 - 'Buffer Areas'.

1.7 Definitions

"Multiple occupancy" means the residential occupation in individual and/or expanded dwellings in a cluster or dispersed settlement pattern of rural land, owned in common, where three or more dwellings occupy one holding.

"Expanded dwelling" means one dwelling house developed under the following circumstances:

1. All habitable structures exist within a circle of 60 metres diameter;
2. Structures to be connected by all weather paths easily traversed;
3. Structures not to be used as holiday accommodation for hire, but by their permanent occupants only;
4. Only one kitchen and laundry facility present;
5. There being an identifiable common (living) room to be so used;
6. All structures within the expanded house cluster require a building permit through a building application and compliance with Ordinance 70. A the development application stage only a site layout with dimensioned room sites and uses is required;

The November 16. report to Council indicated that Council was seeking further legal opinion regarding the application of the aims and objectives of SEPP#15. In particular those which relate to the creation of opportunities for an increase in the rural population in areas which are suffering or likely to suffer decline in services due to rural population loss. Copy of the legal opinion is attached to this report. The opinion suggests that Council in relation to the sub-clause relating to population loss is empowered to consider but is not bound by that aim and determine the application having regard to other statutory provisions.

One additional submission from the Nimbin Ratepayers Association was received after the period of exhibition of Council's preferred planning strategies. Copy of that submission is attached to this report. Generally the Association supported Council's adopted planning strategy.

A copy of the draft Development Control Plan has been distributed separately with the Business Paper, for the information of Council.

OTHER DEPARTMENTS COMMENTS Not requested

Declaration:

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

RECOMMENDATION (PLAN99)

That, Council, pursuant to Clause 21 of the Environmental Planning and Assessment Regulation resolve to prepare Draft Development Control Plan No. 20 - Multiple Occupancy of Rural Lands and place same on public exhibition for a period of eight (8) weeks until February 11, 1994 pursuant to Clause 22 of the Environmental Planning and Assessment Regulation 1980.


(M R Scott)
DEVELOPMENT
CONTROL PLANNER


(G Meineke)
MANAGER-STRATEGIC
PLANNING


(N Juradowitch)
DIVISIONAL MANAGER-
PLANNING SERVICES

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- No. 1 Amendment Schedule
- No. 2 State Environmental Planning Policy No. 15 - Multiple Occupancy of Rural Lands
- No. 3 S90(1) "Matters for Consideration" Environmental Planning and Assessment Act, 1979.
- No. 4 Indicative Site Plan and Requirements

LISMORE CITY COUNCIL

DRAFT DEVELOPMENT CONTROL PLAN NO. 20

MULTIPLE OCCUPANCY OF RURAL LANDS

DECEMBER 1993

'A' SECTION

DIVISIONAL MANAGER PLANNING SERVICES REPORT

SUBJECT/FILE NO.: DRAFT DEVELOPMENT CONTROL PLAN NO. 20 - MULTIPLE OCCUPANCY OF RURAL LANDS (MRS:MY/S/523)

PREPARED BY: Development Control Planner - Mr M Scott

REASON: To inform Council of the preparation of a Draft Development Control Plan for multiple occupancy of rural lands.

OBJECTIVE: To gain Council's approval for the exhibition of Draft Development Control Plan No. 20 - Multiple Occupancy of Rural Lands.

CONTENT

Information:

Council will be aware of the series of reports and public consultations undertaken during 1993 in respect of this form of rural development. Council, at the November 16, Ordinary Meeting, resolved to remain within State Environmental Planning Policy No. 15 pending the outcome of the current State review of the Policy and prepare a multiple occupancy Development Control Plan for purposes of exhibition and further consultation.

The objective of the Development Control Plan is to guide intending applicants and establish a set of localised performance and management standards for this form of development.

The draft plan reflects the outcomes of previous consultations and is generally consistent with the existing State Policy. The draft plan recommends a lower residential density than that permitted within SEPP#15. In the Lismore Local Government Area the average dwelling to area ratio is one dwelling/nine (9) ha. The majority of existing developments have chosen land which is generally of moderate to poor agricultural land, often for low cost reasons, which are likely to support fewer persons than properties with a high content of good agricultural land, water supply, access etc.

In terms of social effect it appears from the tenor of submissions made from existing communities that in the use of the maximum density formula, little, if any, scope is provided for future dwellings (children relatives etc). Further, a multiple occupancy community is best developed and more likely to work successfully as a result of shared visions, values and interests ie, based on social needs not theoretical maximum capacities. The proposed use of a lower density calculation, although a numerical standard is considered an appropriate mechanism to permit growth within communities, limit the opportunities for speculative exploitation and ensure that the density is assessed in terms of land capability capacity and the social aspirations of the prospective community members. Higher densities similar to the maximums permitted in SEPP#15 would only be considered where land capability is high and development is clustered.

This is page 3 of the Business Paper comprising portion of minutes of an Ordinary Meeting of the Lismore City Council held on December 14, 1993.

GENERAL MANAGER

MAYOR

17-1-94
Malcolm

DCP

40 targt. out to selected
mo and ^{pass.} in the selected parties.

Draft DEP-MO

P1. Lfs. (and) to explanation of will heirs.

P4 max density at DA stage and LGH now permits
app - principle.

'Limiting the app for spec. exp' can be achieved
by other means.

(last line) determination of land capability & industrial

P2.

DDP

To send burial data

6-1-6



Stunning and beautiful, but it's also in danger

This male Richmond Birdwing gracing today's front page is regarded as Australia's most stunning butterfly. It also is native to the Big Scrub, and it is endangered. Turn to page 5 to read how local schoolchildren are working to bring back the butterfly. LEFT: The 10cm high Richmond Birdwing feeding on a melaleuca flower. BELOW: A close-up of the birdwing resting on a bottlebrush flower. Its feeding 'tongue', or proboscis, is coiled ready for use.



Bandagee feeling want to down pass
roads. Mo's trained & member
& trained - sub group.
of Tentable.

18/12/93 Di L DCP

MO. DCP.

U draft to Council. 14th.
No consultation with P & C despite verbal agreement to
involve. [Ed my offer to prep draft in Jan & then accept-
ance of this!!!!]

at present, & pending the State review.
Nick motivated in case DCP drop SCOW-15

O Rotapay Letter as mo.

By Louis Riddell. needs to be considered re DCP
Items for DCP - mo
of Current state of land when they get it.
The Pre Control of Burnoff
of GB conflict res. - should be in it.

Nick said. illegal MO since SQU re MO.
Info from Peter Cottrell. Old Insp.

Di is sending me: -

as Copy draft DCP - Ext Ind.

of Riddell letter

Nick saying not really & accurately but just
talk.

Re S. 94 Di queries why roads not public & falls
(not controlled by Council) unable to collect
£ 94 via legal opinion.

Attachments to lcc.

Draft DEP-MO

Rest getting copied

ATTACHMENT 1:

AMENDMENT SCHEDULE

NO.	DATE	ITEM AMENDED
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1		
---	--	--

2		
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3		
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ATTACHMENT 2:

STATE ENVIRONMENTAL PLANNING POLICY NO. 15 - MULTIPLE OCCUPANCY OF RURAL LAND (as at December 1993)

State Environmental Planning Policy No 15 — Multiple Occupancy of Rural Land

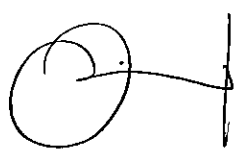
[SEPP No 15 insrt Gaz 12 of 22 January 1988; erratum Gaz 41 of 26 February 1988; Gaz 48 of 21 April 1989; Gaz 7 of 12 January 1990; Gaz 109 of 31 August 1990; Gaz 152 of 23 November 1990; Gaz 183 of 27 December 1991; Gaz 55 of 1 May 1992]

[121,405] Citation

1 This Policy may be cited as State Environmental Planning Policy No 15 — Multiple Occupancy of Rural Land.

[121,410] Aims, objectives, etc

- 2 The aims, objectives, policies and strategies of this Policy are —
- (a) to encourage a community based and environmentally sensitive approach to rural settlement;
 - (b) to enable —
 - (i) people to collectively own a single allotment of land and use it as their principal place of residence;
 - (ii) the erection of multiple dwellings on the allotment and the sharing of facilities and resources to collectively manage the allotment; and
 - (iii) the pooling of resources, particularly where low incomes are involved, to economically develop a wide range of communal rural living opportunities, including the construction of low cost buildings; and
 - (c) to facilitate development, preferably in a clustered style —
 - (i) in a manner which both protects the environment and does not create a demand for the unreasonable or uneconomic provision of public amenities or public services by the State or Commonwealth governments, a council or other public authorities;
 - (ii) in a manner which does not involve subdivision, strata title or any other form of separate land title, and in a manner which does not involve separate legal rights to parts of the land through other means such as agreements, dealings, company shares, trusts or time-sharing arrangements; and
 - (iii) to create opportunities for an increase in the rural population in areas which are suffering or are likely to suffer from a decline in services due to rural population loss.



[121,415] Land to which this Policy applies

3 (1) Except as provided by subclause (2), this Policy applies to land within the cities, municipalities and shires specified in Schedule 1.

(2) This Policy does not apply to land specified in Schedule 2.

[121,420]

4 [cl 4 rep Gaz 41 of 26 February 1988]

[121,425] Amendment of certain environmental planning instruments

4 (1) Each environmental planning instrument specified in Column 1 of Schedule 3 is amended by omitting the clause or matter specified opposite that instrument in Column 2 of that Schedule.

(2) Nothing in this clause is taken to have omitted clause 29 from Hastings Local Environmental Plan 1987, being the clause inserted into that plan by Hastings Local Environmental Plan 1987 (Amendment No 10) on 31 August 1990.

[subcl (2) insrt Gaz 152 of 23 November 1990]

[cl 4 renumbered Gaz 41 of 26 February 1988]

[121,430] Interpretation

5 (1) In this Policy —

“council”, in relation to the carrying out of development, means the council of the area in which the development is to be carried out;

“dwelling” means a room or suite of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile;

“ground level” means the level of a site before development is carried out on the site pursuant to this Policy;

“height”, in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point;

“home improvement area” means the area of land, not exceeding 5000 square metres, around a dwelling;

“prime crop and pasture land” means land within an area —

- (a) identified, on a map prepared before the commencement of this Policy by or on behalf of the Director-General of Agriculture and deposited in an office of the Department of Agriculture, as Class 1, Class 2 or Class 3 or as land of merit for special agricultural uses;
- (b) identified, on a map prepared after the commencement of this Policy by or on behalf of the Director-General of Agriculture marked “Agricultural Land Classification Map” and deposited in an office of the Department of Agriculture, as Class 1, Class 2 or Class 3 or as land for special agricultural uses; or
- (c) certified by the Director-General of Agriculture, and notified in writing, by or on behalf of the Director-General of Agriculture to the council, to be prime crop and pasture land for the purposes of this Policy;

“the Act” means the Environmental Planning and Assessment Act 1979.

(2) For the purposes of this Policy, the council may, in respect of development proposed to be carried out pursuant to this Policy, treat 2 or more dwellings as a single dwelling if it is satisfied that, having regard to the sharing of any cooking or other facilities and any other relevant matter, the dwellings comprise a single household.

[cl 5 renumbered Gaz 41 of 26 February 1988]

[121,435] Relationship to other planning instruments

6 Subject to section 74(1) of the Act, in the event of an inconsistency between this Policy and another environmental planning instrument, whether made before, on or after the day on which this Policy takes effect, this Policy shall prevail to the extent of the inconsistency.

[cl 6 renumbered Gaz 41 of 26 February 1988]

[121,440] Multiple occupancy

7 (1) Notwithstanding any provision in an environmental planning instrument concerned with the use of land for the purposes only of a dwelling or dwellings (as the case may be) in rural or non-urban zones, development may, with the consent of the council, be carried out for the purposes of 3 or more dwellings on land to which this Policy applies within such a zone where —

- (a) the land comprises a single allotment not subdivided under the Conveyancing Act 1919 or the Strata Titles Act 1973;
- (b) the land has an area of not less than 10 hectares;
- (c) the height of any building on the land does not exceed 8 metres;
- (d) not more than 25 per cent of the land consists of prime crop and pasture land;
- (e) the part of the land on which any dwelling is situated is not prime crop and pasture land;
- (f) the development is not carried out for the purposes of a motel, hotel, caravan park or any other type of holiday, tourist or weekend residential accommodation, except where development for such purposes is permissible under the provisions of another environmental planning instrument in the zone;
- (g) slopes in excess of 18 degrees do not occur on more than 80 per cent of the land; and
- (h) the aims and objectives of this Policy are met.

[subcl (1) am Gaz 152 of 23 November 1990]

(2) The council may consent to an application made in pursuance of this clause for the carrying out of development whether or not it may consent to an application for the carrying out of that development pursuant to any other environmental planning instrument.

(3) Nothing in subclause (1)(b) shall be construed as authorising the subdivision of land for the purpose of carrying out development pursuant to this Policy.

[cl 7 renumbered Gaz 41 of 26 February 1988]

[121,445] Matters for council to consider

8 (1) A council shall not consent to an application made in pursuance of clause 7 unless it has taken into consideration such of the following matters as are of relevance to the development the subject of that application:

- (a) the means proposed for establishing land ownership, dwelling occupancy rights, environmental and community management will ensure the aims and objectives of this Policy are met;
- (b) the area or areas proposed for erection of buildings, including any proposals for the clustering of buildings;
- (c) the area or areas proposed for community use (other than areas for residential accommodation and home improvement areas);

- (d) the need for any proposed development for community use that is ancillary to the use of the land;
- (e) the availability and standard of public road access to the land;
- (f) the availability of a water supply to the land for domestic, agricultural and fire fighting purposes and, where a proposed water supply is from a river, creek, dam or other waterway, the effect upon other users of that water supply;
- (g) if required by the applicant, the availability of electricity and telephone services;
- (h) the availability of community facilities and services to meet the needs of the occupants of the land;
- (i) whether adequate provision has been made for waste disposal from the land;
- (j) the impact on the vegetation cover of the land and any measures proposed for environmental protection, site rehabilitation or reafforestation;
- (k) whether the land is subject to bushfires, flooding, soil erosion or slip and, if so, the adequacy of any measures proposed to protect occupants, buildings, internal access roads, service installations and land adjoining the development from any such hazard;
- (l) the visual impact of the proposed development on the landscape;
- (m) the effect of the proposed development on the present and potential use, including agricultural use, of the land and of lands in the vicinity;
- (n) whether resources of coal, sand, gravel, petroleum or other mineral or extractive deposits will be sterilised by the proposed development;
- (o) the effect of the proposed development on the quality of the water resources in the vicinity;
- (p) any land claims by local aboriginals and the presence of any aboriginal relics and sites;
- (q) whether the land has been identified by the council as being required for future urban or rural residential expansion;
- (r) whether the development would benefit an existing village centre suffering from a declining population base or a decreasing use of the services provided in that centre.

(2) The council shall not consent to an application made in pursuance of clause 7 for the carrying out of development on land for the purposes of 4 or more dwellings unless the site plan accompanying the application identifies —

- (a) vegetated areas requiring environmental protection or areas where rehabilitation or reafforestation will be carried out;
- (b) any part of the land which is subject to a risk of flooding, bush fire, landslip or erosion or any other physical constraint to development of the land in accordance with this Policy;
- (c) any part of the land that is prime crop and pasture land;
- (d) any areas of the land to be used for development other than for dwellings;
- (e) the source and capacity of any water supply, electricity, telephone and waste disposal systems for the dwellings; and
- (f) the proposed access from a public road to the area or areas in which the dwellings are to be situated.

[cl 8 renumbered Gaz 41 of 26 February 1988]

[121,450] Density of development

9 (1) Subject to subclause (2), a council shall not consent to an application made in pursuance of clause 7 for the carrying out of development on land unless the number of proposed dwellings on the land, together with any existing dwellings on the land, does not exceed the number calculated in accordance with the formula specified in Column 2 of the Table to this clause opposite the area of the land specified in Column 1 of that Table.

(2) If the number calculated in accordance with the formula as referred to in subclause (1) includes a fraction, the number shall be rounded up to the nearest whole number in the case of a fraction of one-half or more or rounded down to the nearest whole number in the case of a fraction of less than one-half.

TABLE

Column 1	Column 2
Area of land	Number of dwellings where A represents the area of the land the subject of the application (measured in hectares)
Not less than 10 hectares but not more than 210 hectares	$4 + \frac{(A - 10)}{4}$
More than 210 hectares but not more than 360 hectares	$54 + \frac{(A - 210)}{6}$
More than 360 hectares	80

(3) Even if the number of proposed dwellings on land the subject of an application made in pursuance of clause 7 together with any existing dwellings on the land does not exceed the maximum number of dwellings permitted by subclause (1), the council shall not consent to the application if those dwellings are so designed that they could, in the opinion of the council, reasonably accommodate in total more people than the number calculated by multiplying that maximum number of dwellings by 4.

[cl 9 renumbered Gaz 41 of 26 February 1988]

[121,455] Subdivision prohibited

10 (1) Where development is carried out on land pursuant to this policy, the issue of a council clerk's certificate, under the Local Government Act 1919, or of a council's certificate under the Strata Titles Act 1973, required for the subdivision of the land is prohibited.

(2) Subclause (1) does not apply with respect to the subdivision of land for the purpose of —

- (a) widening a public road;
- (b) making an adjustment to a boundary between allotments, being an adjustment that does not involve the creation of any additional allotment;
- (c) rectifying an encroachment upon an allotment;
- (d) creating a public reserve;
- (e) consolidating allotments; or
- (f) excising from an allotment land which is, or is intended to be, used for public purposes, including drainage purposes, bush fire brigade or other rescue service purposes or public conveniences.

[cl 10 renumbered Gaz 41 of 26 February 1988]

[121,460] Advertised development

11 (1) This clause applies to development to be carried out pursuant to a consent referred to in clause 7, being development for the purposes of 4 or more dwellings (whether existing or proposed dwellings).

(2) Pursuant to section 30(4) of the Act, the provisions of sections 84, 85, 86, 87(1) and 90 of the Act apply to and in respect of development to which this clause applies in the same manner as those provisions apply to and in respect of designated development.

[cl 11 renumbered Gaz 41 of 26 February 1988]

[121,465] Monitoring of applications

12 Where a council receives an application made in pursuance of clause 7, the council shall, within 30 days of determining the application, forward a copy of the application to the Secretary together with a copy of the notice of the determination of the application.

[cl 12 renumbered Gaz 41 of 26 February 1988]

[121,470] Suspension of certain laws

13 (1) For the purpose of enabling development to be carried out in accordance with this Policy or in accordance with a consent granted under the Act in relation to development carried out in accordance with this Policy —

- (a) section 37 of the Strata Titles Act 1973; and
- (b) any agreement, covenant or instrument imposing restrictions as to the erection or use of buildings for certain purposes or as to the use of land for certain purposes,

to the extent necessary to serve that purpose, shall not apply to the development.

(2) Pursuant to section 28 of the Act, before the making of this clause —

- (a) the Governor approved of subclause (1); and
- (b) the Minister for the time being administering the provisions of the Strata Titles Act 1973 referred to in subclause (1) concurred in writing in the recommendation for the approval of the Governor of that subclause.

[cl 13 renumbered Gaz 41 of 26 February 1988]

[The next page is B 20,337]

[121,475]

SCHEDULE 1

(cl 3)

Armidale	Kempsey
Ballina	Kyogle
Barraba	Lake Macquarie
Bathurst	Lismore
Bega Valley	Maclean
Bellingen	Manilla
Bingara	Merriwa
Blayney	Mudgee
Bombala	Mulwaree
Casino	Murrurundi
City of Greater Cessnock	Muswellbrook
City of Greater Lithgow	Nundle
City of Maitland	Nymboida
City of Shoalhaven	Oberon
Coffs Harbour	Orange
Cooma-Monaro	Parry
Copmanhurst	Port Stephens
Cowra	Quirindi
Dumaresq	Richmond River
Dungog	Rylstone
Eurobodalla	Scone
Evans	Singleton
Glen Innes	Tallaganda
Gloucester	Tamworth
Goulburn	Tenterfield
Grafton	Tweed
Great Lakes	Ulmarra
Greater Taree	Uralla
Guyra	Walcha
Inverell	Yallaroi

[Sch 1 am Gaz 48 of 21 April 1989; Gaz 7 of 12 January 1990; Gaz 109 of 31 August 1990; Gaz 152 of 23 November 1990; Gaz 183 of 27 December 1991; Gaz 55 of 1 May 1992]

[121,480]

SCHEDULE 2

(cl 3)

Land which is a national park, historic site, nature reserve, Aboriginal area, state recreation area, protected archaeological area or game reserve within the meaning of the National Parks and Wildlife Act 1974.

Land which is a reserve within the meaning of Part IIIB of the Crown Lands Consolidation Act 1913 or which is vacant land within the meaning of that Act.

Land which is subject to the Western Lands Act 1901.

Land which is a State forest, flora reserve or timber reserve within the meaning of the Forestry Act 1916.

Land which, under an environmental planning instrument, is within an area or zone (within the meaning of that instrument) identified in that instrument by the description —

(a) Coastal lands acquisition;

- (b) Coastal lands protection;
- (c) Conservation;
- (d) Escarpment;
- (e) Environment protection;
- (f) Environmental protection;
- (g) Open space;
- (h) Rural environmental protection;
- (i) Scenic;
- (j) Scenic protection;
- (k) Water catchment;
- (l) Proposed national park,
or identified in that instrument by a word or words cognate with any word or words used in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), or (l) or by a description including a word or words so used and any other word or words.

Land to which Eurobodalla Rural Local Environmental Plan 1987 applies.

[Sch 2 am Gaz 152 of 23 November 1990]

[121,485]

SCHEDULE 3

(cl 4)

Column 1 Environmental Planning Instrument	Column 2 Clause or Matter
Interim Development Order No 40 – Lismore	15, 16(3) and Schedule 6
Interim Development Order No 2 – Shire of Bibbenluke	23
Interim Development Order No 1 – Shire of Evans	28, 29, 30 and Schedule 5
Interim Development Order No 1 – Shire of Terania	13A and 13B(3)
Interim Development Order No 1 – Shire of Ulmarra	13A
Interim Development Order No 1 – Shire of Woodburn	13B
Interim Development Order No 1 – Shire of Byron	11B and Schedule 8
Gloucester Local Environmental Plan No 4	18
Great Lakes Local Environmental Plan No 28	12
Nymboida Local Environmental Plan 1986	12 and 15
Orange Local Environmental Plan No 11	29
Tweed Local Environmental Plan 1987	34

[Sch 3 am Gaz 41 of 26 February 1988; Gaz 48 of 21 April 1989; Gaz 152 of 23 November 1990; Gaz 183 of 27 December 1991]

[The next page is B 20,349]

ATTACHMENT 3:

S90(1) "MATTERS FOR CONSIDERATION" ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 as amended (as at December 1993)

[100,495] Matters for consideration

90 (1) In determining a development application, a consent authority shall take into consideration such of the following matters as are of relevance to the development the subject of that development application: —

(a) the provisions of —

- (i) any environmental planning instrument;
- (ii) any draft environmental planning instrument that is or has been placed on exhibition pursuant to section 47(b) or 66(1)(b);
- (iii) any draft State environmental planning policy which has been submitted to the Minister in accordance with section 37 and details of which have been notified to the consent authority; and
- (iv) any development control plan in force under section 51A or 72 that applies to the land to which the development application relates;

(a1) the provisions of —

- (i) any conservation agreement entered into under the National Parks and Wildlife Act 1974 and applying to the whole or part of the land to which the development application relates; and
- (ii) any plan of management adopted under that Act for the conservation area to which the agreement relates;

(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;

(c1) the effect of that development on any wilderness area (within the meaning of the Wilderness Act 1987) in the locality;

(c2) whether there is likely to be a significant effect on the environment of endangered fauna;

(d) the social effect and the economic effect of that development in the locality;

(e) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance 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) whether the land to which that development application relates is unsuitable for that development by reason of its being, or being likely to be, subject to flooding, tidal inundation, subsidence, slip or bush fire or to any other risk;

(h) the relationship of that development to development on adjoining land or on other land in the locality;

(i) whether the proposed means of entrance to and exit from that development and the land to which that development application relates are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles within that development or on that land;

- (j) 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;
- (k) whether public transport services are necessary and, if so, whether they are available and adequate for that development;
- (l) whether utility services are available and adequate for that development;
- (m) 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;
- (m1) whether that development is likely to cause soil erosion;
- (n) 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;
- (o) the existing and likely future amenity of the neighbourhood;
- (p) any submission made under section 87;
- (p1) without limiting the generality of paragraph (a), any matter specified in an environmental planning instrument as a matter to be taken into consideration or to which the consent authority shall otherwise have regard in determining the development application;
- (q) the circumstances of the case;
- (r) the public interest; and
- (s) any other prescribed matter.

[subs (1) am Act 66 of 1991 s 5 and Sch 2; Act 1 of 1992 s 13; Act 90 of 1992 s 4 and Sch 1]

(2) A reference in this section to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application.