



81 Cullen Street, Nimbin, NSW 2480

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Lismore City Council  
PO Box 23A  
LISMORE 2480

27 September 2021

Via email to [council@lismore.nsw.gov.au](mailto:council@lismore.nsw.gov.au)  
[Sally.slater@lismore.nsw.gov.au](mailto:Sally.slater@lismore.nsw.gov.au)

Dear Sally,  
**re Draft Nimbin DCP**

While this submission is on the Chamber's letterhead it is a submission that has also had input from and is endorsed by the management committee of Nimbin Community Centre Inc.

Firstly, we would like to thank Council for the extensive engagement that has been undertaken in this review process. We were especially appreciative of the zoom meeting attended by Council staff that saw over 30 community members engaged and subsequent requests for the audio recording of the meeting. Questions not able to be answered during the meeting were followed up and the Chamber sent the staff responses to everyone who attended.

Secondly, we would like to express our appreciation for the acknowledgement given to the importance of addressing the community's concerns about the impact of growth on the village qualities loved by residents, and recognition of the need to address community concerns regarding the impact of growth on inadequate infrastructure. We acknowledge there is only so much a DCP can do in this regard.

In the report to Council in July 2021 it was identified that what is really required for Nimbin is a far more expansive master planning exercise. We concur with that opinion and would ask Council to seriously consider it as the DCP fails to adequately address many issues of community concern but serves to draw attention to them. Climate resilience, adaptation and sustainability would have to be at the top of the list alongside the more practical such as traffic management, delivery of public facilities, failing infrastructure, the impact of population growth and development in rural areas, housing, footpath trading and the impacts of tourism. An

overview of street plantings – heritage value, suitability, lifespan, climate resilience – would also be a valuable component of a master planning exercise.

This submission focuses solely on the DCP as exhibited.

### **Water and demand management**

We acknowledge attempts in the DCP to control growth due to future reticulated water insecurity. For many years Council has been assuring the community that there is an adequate water supply to meet demand. However, in 2019-2020 we experienced a serious water shortage and severe water restrictions. There are many more ETs to come on board and we are meant to rest assured that there is the water to supply them. We appreciate the restrictions recommended throughout the DCP but question the optimism of staff. We are also acutely aware that the village's extraction from Mulgum Creek is destroying the creek downstream of the weir. This is unacceptable.

Council is intent on finding a supplementary water source. We are not advocates of bore extraction as a solution and believe Council should investigate additional storage options, either near the existing storage or, on Falls Road so water can gravity feed back to the treatment system. We strongly urge Council to organise a community engagement process to fully explore options for the future, to educate the community about the severity of the water situation and to implement options to better manage demand.

While we support the principle of dual occupancy providing tanks for the second dwelling, a more equitable approach might be for dwellings to provide tank storage dependent on density of development. To explain, a dual occupancy could be designed to provide small, low-cost 1-2 bedroom housing while next door could be a 4-bedroom home with extensive outdoor gardens relying solely on the reticulated water supply. The ET for both developments could be the same but one is required to provide on-site water storage and the other not.

At the moment the DCP provides no clarity around which developments will be eligible for the remaining reticulated water allotments. To provide certainty around development and for developers perhaps the DCP should provide greater clarity. By example, is there reticulated water for investigation zones or is there not? Is it first in best dressed?

Performance criteria for all relevant precincts should include water conserving garden design. Swimming pools reliant on reticulated water should not be a permissible use.

### **Traffic management**

*3.3 (3) states road design is to provide a reasonable balance between providing for the projected traffic flows and maintenance and required minimum standards and reduction of construction costs to achieve ecologically sustainable development.*

We would suggest that this needs review as too often the balance has been directed to reduction of construction costs at the expense of impact. By example, intersections requiring upgrading were identified in the original DCP for Nimbin village, in its subsequent review and now, in this review. Extensive development has occurred yet not one intersection has been

upgraded and there is no plan to do so that we are aware of, with the possible exception of Alternative way and Cecil Street which is hopefully subject to DA consent. Council missed every opportunity to collect contributions from development to much-needed intersection upgrades. The community has raised the same concerns regarding footpaths, especially in Cecil Street. It took a tragic death for Council to take notice and act, and only then because outside funding was received.

Concerns regarding the impact of traffic on Thorburn Street by development north of Sibley Street, and from the new village residential development, were raised by the community in the earlier consultation and have been a concern for over 10 years. In the July 2021 report to Council, it was stated those concerns were addressed in the development consent for the supermarket. We're talking about far more than a supermarket and, in fact, the original consent conditions for the supermarket, imposed after community lobbying, were subsequently reduced to construction of passing bays on Thorburn Street.

However, it is the cumulative impact of extensive development along Sibley Street within the light industry precinct, the residential traffic from Alternative Way, and the traffic generated by the supermarket, associated shops and stage 2 housing that will combine to profoundly impact on Thorburn Street in years to come. It is already extremely difficult to drive along this street – try it! An option for Council is to consider making Thorburn Street one-way and restricting parking on Sibley Street, between the skate park and Cullen Street, to one side of the road only.

3.3 (5) extends Alternative Way to Cecil Street. The original plans should be amended to ensure it either intersects with Cecil Street as a T intersection and significant traffic calming devices are installed along Alternative Way. Once completed Alternative Way will encompass extensive residential development and community safety should be paramount. In our opinion, the current design encourages speeding. We understand the developer intends to seek realignment of the road. If it delivers safer and more environmentally considerate outcomes. We would support this.

### **Cullen Street Beautification**

It's positive to see the plan, the result of extensive consultation, retained in the DCP. It would be great to see it further progressed as no work has been done on main street beautification for over 10 years. There have been spontaneous and inappropriate plantings over the years, due to the absence of a coordinated approach, plantings which have subsequently involved expensive removal and generated objections as shade and ambience disappears with a chain saw.

### **Western Car Park**

Pedestrian access from the car park to Cullen Street, formalising right of ways, properly retaining and landscaping the eastern batter in the western car park and tree planting have been in the planning since the car park was constructed. They are still in the planning and while it's important not to lose sight of these ambitions (which are small in the big picture) it is somewhat farcical unless Council seriously plans to bring the plans to fruition. Inclusion combined with inaction when there is a clearly identified need only serves to generate resentment! The car park is often the first encounter of Nimbin for many visitors and, even

though it is a small part of the big picture, it is important to have a unified planning approach to landscaping architecture throughout the car park.

A need to acquire land to meet future car parking needs has long been identified. A preferred location has been identified but this is not included in the DCP. It should be.

### **Pedestrian and cycleway facilities**

1.2 has the objective of ensuring the commercial hub, public spaces and residential areas are well planned and integrated with pedestrian and cycleway facilities. There is no obvious integration for new or existing development. In fact, cycleways and footpaths do not seem to appear anywhere in the DCP. If they are to be subject to future planning this should be mentioned by way of explanation. If not, preferred networks should be built in.

### **Commercial precinct**

Entertainment facilities are a new inclusion under preferred land use. We would suggest that this needs some explanation given the impact on previous live music entertainment venues following complaints from neighbours.

The DCP also does not currently identify preferred use precincts for monthly and weekly markets. Currently they are held in the commercial precinct and the community precinct.

### **S7.11 (formerly S94) funds**

Where are these being spent? The Chamber has been trying to clarify this for some time but staff have been unable to supply specific answers. There is no evidence of S7.11 funds collected for community facilities and open space being spent in Nimbin – where surely the bulk of the funds collected in the northern catchment would have come from. So where have they been spent and where is the nexus? This is not specifically a DCP issue but it's one of the few mechanisms for growth to contribute to the need generated – otherwise the need remains unmet unless other funds can be found.

### **Light industry precinct**

An objective of the light industry precinct should include minimising the impact of traffic movement on Thorburn Street by avoiding high traffic generating industry.

Preferred land uses identify water intensive uses such as garden centres and plant nurseries. While admirable uses water needs to be supplied from non-reticulated purposes

### **Investigation Precinct**

We support the principle of investigation zones providing their own water and this being spelt out in the DCP. In addition to the objectives identified Council needs to build in 'to contribute to a safer intersection at Cullen & Cecil Street.' Developers always argue their development has minimal impact but it's the cumulative impact that is of concern. It has been recognised for a very long time that this intersection is dangerous and needs upgrading. However, no development has been required to contribute funds and Council has done nothing to facilitate action. Once Alternative Way joins with Cecil St that intersection will become much busier, and

it is essential Council start planning for the works. There are other intersections identified in the DCP, but this would be the priority.

Within a new residential development is it an option for Council to prescribe that a certain percentage of a proposed development be set aside for low-cost housing? Or require collaboration with social housing NGOs? Or, provide incentives for developing low-cost housing? Creative solutions need to be found given the housing crisis we are facing (compounded by Covid and rising prices) and the incredible need for social housing.

### **Live/work Precinct**

A live/work precinct is an admirable idea but again, it will increase the traffic impact on Cecil Street with no plans to upgrade the intersection with Cullen Street. Water intensive work uses such as nurseries should not be considered unless providing their own water.

### **Community Village Precinct**

Nimbin tennis courts in Cullen Street have never been identified as community owned property. This was an oversight in the original DCP and should be rectified. It is important that neighbouring development in this precinct does not impact on the use of night lighting (existing) for the 2 courts or general evening use of the facility. 7 Sibley St is also community owned. In addition preferred land uses should recognise there are commercial uses conducted within the community precinct.

### **Rainbow Road Walking Track**

Throughout the document this project should be referred to as Nimbin's Rainbow Road Walking Track rather than trail. We strongly support recognition and inclusion of this significant community initiative. An objective should be added that relates to the tourism value of the project and community land in general e.g. to add to the visitor experience through the provision of a high quality tourism product that showcases village culture.

### **Protection of Significant Vegetation 3.2 table 1**

Should this table recognise the heritage listed grounds within Nimbin Community Centre, 81 Cullen Street? A botanical survey of 81 Cullen Street has identified and recorded all vegetation. There is also some significant vegetation on 11a Alternative Way, planted as part of a koala food corridor in the early 1990s.

### **Heritage**

There is no doubt heritage should be valued, giving recognition to both pre-Aquarian and post-Aquarian heritage. The Aquarius Festival was almost 50 years ago. It arguably shaped this region, and certainly Nimbin village, forever. Council's heritage study was undertaken in the 1990s and is absolutely due for review.

Two developments come to mind where strongly held community opinions were discounted by "experts" and Council staff. There is no point having a DCP that says subject to public exhibition when the opinions that are reflected in the public exhibition process reflecting community views are discounted.

Laneways – a point of contention. The fire site laneway redevelopment was requiring a heritage look to buildings along the laneway from staff whereas the proposed “Cubes” development saw glorified containers and fencing in full view on exiting the western car park approved alongside the removal of a very “cute” house on the main street.

At the rear of buildings on the western side of Cullen Street containers have been approved for cheap on-site storage. It’s a dog’s breakfast look approved by Council in a heritage conservation zone. The DCP needs to provide far greater direction around heritage provisions than is currently the case and community opinion needs to be given much greater sway.

### **Flood affected areas**

We concur that the flood hazard analysis gives only a broad indication. Some of the area of the Rainbow Road walking track identified as medium flood hazard is actually not directly affected by flooding. Construction of a walking track across 11a Alternative Way should be guided by on ground observation at the time of recent flood rains which were close to the 1-in-100-year event (November 2020) and not refined and expensive modelling plans. It is a small catchment and provision of the dam has the effect of slowing and controlling water release, which should be acknowledged.

### **Climate resilience & sustainability (p3)**


It is not clear how the DCP addresses these issues. Questions were asked at the zoom forum but were not really answered. Maybe they are addressed in other planning documents, but it would be useful to reference that in the DCP under 1.3.

### **Village precincts**

A development application for *a non-preferred land use* should only be considered where it can be demonstrated that there is no suitable land available within the preferred precinct and there is a community need for the development.

We appreciate this is a lengthy submission covering different elements but trust you will have time to consider and address the concerns and issues raised.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Diana Roberts", followed by a period.

Diana Roberts  
President NimCoC