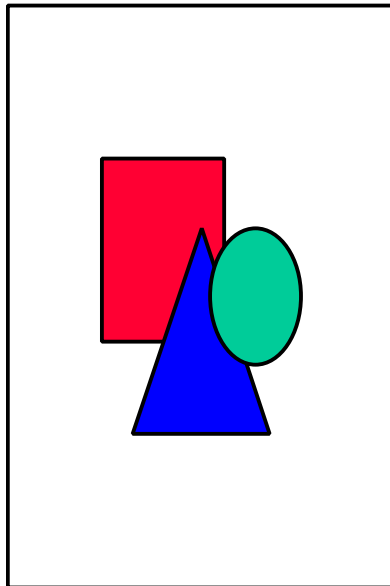


COUNCIL Business Paper



November 17, 1998



NOTICE OF COUNCIL MEETING

An **ORDINARY MEETING** of LISMORE CITY COUNCIL will be held at NUMULGI COMMUNITY HALL on **TUESDAY,**

NOVEMBER 17, 1998, at 6.30pm and members of Council are requested to attend.

Members are requested to attend at 6.00pm to meet residents informally.

(Ken Gainger)

GENERAL MANAGER

November 10, 1998

COUNCIL BUSINESS AGENDA

November 17, 1998

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OPENING OF MEETING AND PRAYER (MAYOR):	
APOLOGIES AND LEAVE OF ABSENCE	
CONFIRMATION OF MINUTES - October 27, 1998	
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CITY OF LISMORE

NOTICE OF RESCISSION MOTION

I hereby give notice of my intention to move at the next meeting of the Council the following Rescission motion:

That Council rescind its decision of October 27, 1998 (Min. 395/98) concerning Development Application 98/154 for the erection of 41 mini storage sheds and luggage locker storage.

COUNCILLO R D J Roberts

COUNCILLO R F F Swientek

COUNCILLO R R M Irwin

DATE October 29, 1998

COMMENT BY COUNCILLOR ROBERTS:

Following Council's meeting of October 27, the Officers in charge of Nimbin Police Station have advised that contrary to information provided to Council by the applicant they are strongly opposed to the erection of storage sheds at 80 and 82 Cullen Street, Nimbin. The Police further state that they did not advise the applicant that "...in their opinion the existence of mini storage sheds would not alter the way drugs are used or dealt in Nimbin" as stated in Council's business paper.

As Council has been misled on this issue I believe it is appropriate for Council to reconsider its decision. A written and/or verbal submission will be made to Council by the Police either before or at the Council meeting.

(98-17914: D98/154)

CITY OF LISMORE

NOTICE OF MOTION

I hereby give notice of my intention to move at the next meeting of the Council the following motion:

- 1 *That Council make a submission to the RTA on the EIS of the proposed Alstonville bypass Bruxner Highway.
Further that Council ask the RTA to examine the feasibility of establishing the bypass to the south of Alstonville/Wollongbar coming off the Cumbalum Interchange and connecting with Lismore City Council's proposed new north-eastern route, avoiding Bexhill and Clunes.*
- 2 *That Council ask the RTA to do anticipated costings of:*
 - a) *New Bypass connecting with Bruxner Highway as exhibited, showing Bruxner Highway interchange and connecting costs.*
 - b) *Anticipated upgrading of Bruxner Highway between conclusion of the proposed bypass and Lismore in the next 20 years.*
 - c) *Costs associated with having connections and interchange built to connect with Lismore City Council's proposed north-eastern route and for the bypass to follow to the south of Alstonville and Wollongbar.*
- 3 *That Council factor in expenditure and/or savings to be made and any impact the above proposals may have on Council's arterial road system that may assist the RTA in considering a southern Bypass route and any efficiencies that may be gained from such a proposal .*

COUNCILLO F F Swientek
R

DATE November 4, 1998

STAFF COMMENT BY GROUP MANAGER-CITY WORKS:

- 1 Staff have had a quick look at the Alstonville bypass proposal and have been very impressed with the quality of the EIS and long term planning of the whole proposal.

I have previously had discussions with the RTA regarding the potential to construct the Bangalow Road on a new alignment avoiding the townships of Bexhill and Clunes. While they could see some merit in this approach, they believed that this was very unlikely as the construction funding was being provided in small annual increments. This effectively means the only possible means of constructing a new road is by closely paralleling the existing road system.

Unless very large lumps of money are allocated to the North Coast this proposal is not likely to be implemented irrespective of the relative merit of the proposal.

- 2 The RTA advises that the type of road proposed is currently costing approximately \$1M per km.i.e. 20km. costs \$20M.
- 3 I do not have sufficient information to comment on this point and it may well require Council to commission further work on our traffic model to give a detailed answer to the question. This would cost a minimum of \$5,000.

(98-18198: S516)

CITY OF LISMORE

NOTICE OF MOTION

I hereby give notice of my intention to move at the next meeting of the Council the following motion:

That should the Rescission Motion relating to DA98/154 (Min. No. 395/98) be approved, then Council refuse consent to Development Application 98/154 on the following grounds:

- 1. Pursuant to Section 90(1)(c) of the EP & A Act the proposal will detract from the scenic quality and amenity of the locality.*
- 2. Pursuant to Section 90(1)(e) of the EP & A Act the external appearance of the sheds will detract from the amenity of the adjoining properties.*
- 3. The proposal is an inappropriate use within the draft Nimbin Conservation Area.*
- 4. The proposal does not comply with Objective (d) - Heritage of Development Control Plan No. 9 - Village of Nimbin.*
- 5. Pursuant to Section 90(1)(d) of the EP & A Act the proposal will have an adverse social impact.*
- 6. The proposal does not comply with Objective (i) - Signs of Development Control Plan No. 9 - Village of Nimbin.*
- 7. The proposal does not comply with Objective (f) - Natural Environment & Landscaping of Development Control Plan No. 9 - Village of Nimbin.*
- 8. Pursuant to Section 90(1)(r) of the EP & A Act the proposal is not in the public interest for the abovementioned reasons.*

COUNCILLO D J Roberts
R

DATE November 4, 1998

A comment is being prepared by the Crime Prevention Development Officer and will be forwarded to Councillors prior to the meeting.

(98-18200: D98/154)

CITY OF LISMORE

NOTICE OF MOTION

I hereby give notice of my intention to move at the next meeting of the Council the following motion:

That this Council, in response to Mr Causley's kind invitation, ask him to make 'specific approaches' to the relevant Ministers on our behalf. Initially, the specific issues be direct payment of FAG's and constitutional recognition of local government.

COUNCILLO G A Wilson
R

DATE November 4, 1998

STAFF COMMENT BY:

Manager-Financial Services

In respect to the direct payment of financial assistance grants (FAG), concerns have been raised by a number of local government industry representatives that the proposal for all the GST revenues to be transferred to the control of State Governments, could result in a reduction in FAG funding to local government. However I have also read Federal Government comments that the transfer of GST revenues to the State Governments will be dependent on FAG payments not declining in real terms. This is the key point, that whether it is the Federal or State Government responsible for FAG funding, no council can afford for these funds to decline any further. What local government should be pushing for is a real increase in this funding as the current level is totally inadequate to maintain or improve our existing infrastructure.

Group Manager-Corporate & Community Services

Constitutional recognition of Local Government was considered by the Australian people in a referendum in 1988. Unfortunately this question became "lost" in the political debate associated with other referendum questions and was lost.

The LGSA supports such constitutional recognition and in fact has this objective as part of its own constitution.

This issue will also be debated at the 1998 National General Assembly of Local Government being held November 9-11, 1998. Councillors attending this Assembly will be able to advise of the outcome of this debate at the meeting.

(98-18197: S180)

CITY OF LISMORE

NOTICE OF MOTION

I hereby give notice of my intention to move at the next meeting of the Council the following motion:

- 1. That Council establish costings for the construction of the Goonellabah Aquatic and Leisure Centre on the Goonellabah Town Centre Site with an expanded main pool complex to 50 metres to fulfil the criteria for benchmark requirements established by the joint venture proposal at SCU.*
- 2. That all financial inputs from Section 94 Levies - local and citywide, Council reserves, general fund loans and any other Council resources that could be earmarked for such a joint venture proposal at Goonellabah be accounted for to show the financial impact on General Fund and ratepayers, both short and long term, both with and without closure of the Memorial Baths.*
- 3. That these costings and financial inputs be made available to all potential joint venture providers to make an adequate assessment of the viability of such joint venture proposals.*

COUNCILLO F F Swientek
R

DATE November 4, 1998

STAFF COMMENT BY MANAGER-FINANCIAL SERVICES:

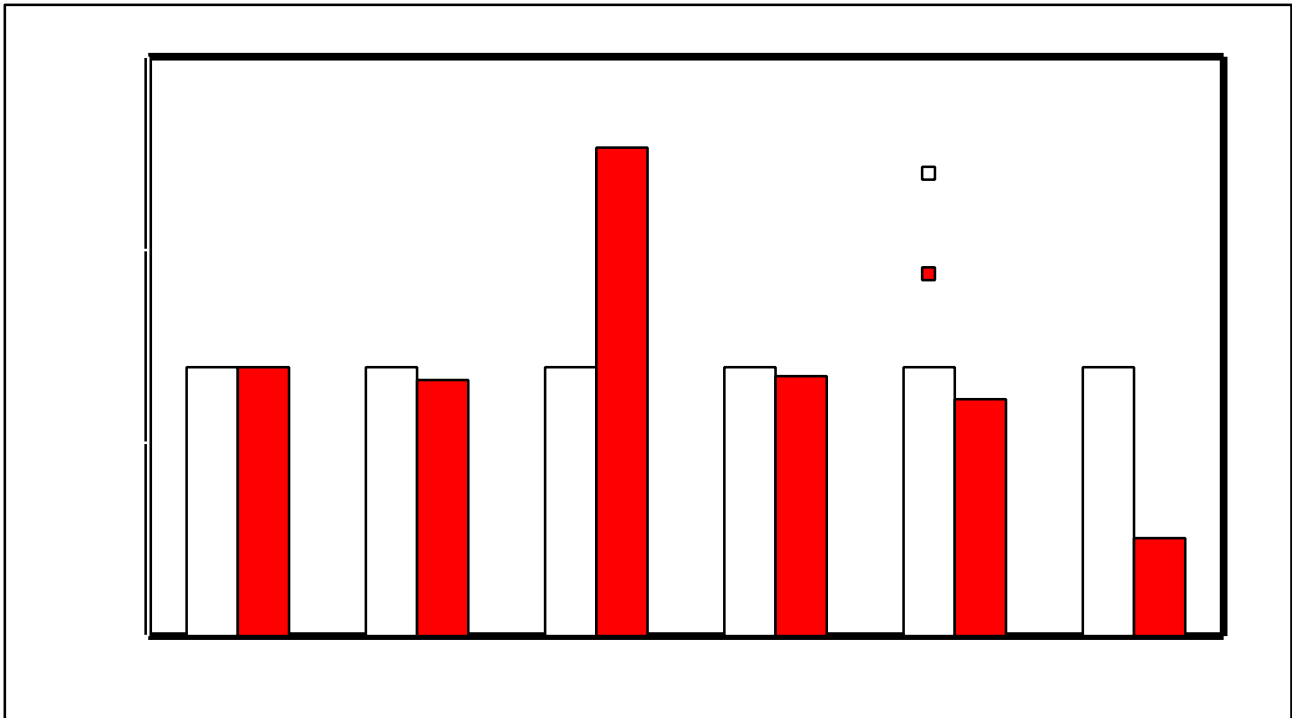
As outlined at the two workshops to date, a 25 metre leisure centre at Goonellabah is not affordable to Council, as it ties up our loan program for a number of years (see graph below). An extension of this proposal to 50 metres, will only exacerbate this situation. The major problem with any Goonellabah option is that Council does not get the \$4 million cash injection that SCU is offering with the joint venture proposal.

Goonellabah Leisure and Aquatic Centre (25 metre indoor pool)

Estimated Capital Cost \$6.4 million

Potential Funding Option	\$
Commnity Facilities Reserve 100%	1,100,000
Sec. 94 City Wide 100%	144,000
Sec. 94 Urban East 100%	768,000
Grants	0
Loan Funds - Current Budget	538,000
Loan Funds - Future Budget	3,850,000

Impact on Current Loan Program



Subject/File No: FUNDING OPTIONS FOR THE CLUNES OLD SCHOOL SITE
BEING LOT 111 DP 859126
(CWK:CD:P25786)

Prepared By: Group Manager Business and Enterprise - Craig Kelly

Reason: To respond to a resolution of Council

Objective: To identify the most appropriate funding scenario.

Management Plan NA
Activity:

Background:

Council resolved at the December 9, 1997 meeting that:

1. Council acquire the Clunes Old School site for the sum of \$110,000 and that this be initially funded out of the Property Reserves Fund.
2. That the means for funding the purchase of the site be subject to consideration at budget time.

Council adopted the 1998/99 Management Plan at its June 23, 1998 meeting with the proposed funding option being from loan funds for an amount of \$110,000. The alternative funding options to loan funds are considered in this report.

Funding Options:

The funding options available for the Clunes Old School site purchase include:

- S94 Community Facilities
 - S94 Open Space
 - Sale of the Smith Street Recreation Reserve
 - Sale of surplus land on the Clunes Old School Site
 - Loan Funds
1. S94 Community Facilities

The Section 94 Committee resolved at the March 10, 1998 meeting (attached) that the funding provided in the 'Local Community Facilities Works Program - Table 9 - Clunes - Bexhill - Eltham' (attached) for the relocation and repair of the existing Clunes school building for

community purposes could be used to offset the loan as the eventual and intended use of the monies is the same. This will provide \$12,500 towards the purchase price of \$110,000.

There are sufficient funds available in the catchment fund for this purpose. No other works are proposed from these funds during 1998/99.

Report - Funding Options for the Clunes Old School Site

2. S94 Open Space

Included in the 'Local Open Space Works Program - Table 7- Clunes - Bexhill - Eltham' (attached) are two projects which relate specifically to Clunes. These projects are:

- a) Smith Street Reserve - Playground Equipment \$30,000 (S94 - \$15,000)
- b) Park Adjoining School Oval - Land and Embellishment - \$40,000 (S94 - \$40,000)

With regard to the Smith Street Reserve, the Manager - Parks and Reserves has commenced this project by undertaking community consultation and engaging a landscape architect. It would not appear appropriate at this point to reallocate funds from Smith Street as a community expectation has already been raised.

A park adjoining the new school site was proposed as part of a DA lodged relating to the subdivision of land for which these funds were specifically identified. The likely cost of acquisition and embellishment are more than funds provided in the plan however there are no other clear opportunities to build a full size oval in Clunes. The new school site is also central to the proposed development of the Clunes Village. Accordingly it would appear appropriate to continue to collect funds for this purpose.

3. Sale of the Smith Street Reserve

The Smith Street Reserve was dedicated under the Section 94 Plan, is classified as Community Land and is part leased by the Clunes Community Preschool until 2012. The land is relatively flat, grassed and maintained by the Parks and Reserves Section.

There has been no development of the site since its dedication in December 1990. I am advised by the Group Manager - Corporate and Community Services that, prior to any sale, such land would require reclassification. Section 32(2) of the Local Government Act (1993) specifies that such reclassification is only possible where the land in question is found unsuitable for the provision, extension or augmentation of public amenities.

Given the character of the said reserve it would appear unlikely that a reclassification to operational could be justified given the criteria of S32(2) of the Local Government Act (1993). Therefore the sale of the Smith Street Reserve is not supported.

4. Sale of Part of the Clunes Old School Site

The only other option available is the possible sale of part of the Clunes Old School site. This option could be considered once the operational classification of the land is complete. Council resolved that no part of the site would be sold prior to consultation with the Clunes community. Therefore any possible action on this must be preceded by consultation and then identification of any land that is considered to be surplus to the requirements of the community.

Further information on this option should be prepared by the Property Services Manager for consideration by the Group Manager - Business and Enterprise.

Report - Funding Options for the Clunes Old School Site

5. Loan Funds

The Property Reserve was seen as a short-term source of funding for this site. The above options look at longer term funding however they are unlikely to provide immediate funding for the entire purchase price of \$110,000. The only option for short-term reimbursement of the Property Reserve Fund is for a loan to be initiated and the interest expense to be paid out of the General Fund. Clearly the more funds that can be allocated to the purchase from other sources the less burden this purchase will place on the General Fund. It should be noted that this expenditure is included in the 1998/99 Management Plan.

Manager - Financial Services Comments - Paul Hickey

The 1998/99 Management Plan includes \$110,000 in loan funding to reimburse the Property Reserves for the purchase of this asset. However, taking into account Council's future capital works program (i.e. pool replacement, aerodrome development, flood levee etc) any action that can be taken to reduce our loan borrowings should be endorsed. The one item immediately available, as mentioned in the report, is the Community Facilities - Section 94 levies, of \$12,500. If this option was endorsed, issues that will need to be addressed are;

- i) the current wording in the Section 94 Plan will need to be amended to "site acquisition and facility development". The Section 94 Committee has recently resolved to take this on board as part of the Section 94 Plan review; and
- ii) there appears to be a perception in the Clunes Community that Section 94 levies will be provided for further improvements to the facilities. If the funds are used for the acquisition costs, then no further Section 94 levies will be available for enhancements and this will need to be clearly communicated to the community.

In my opinion, the funding of future works on this facility will need to be handled carefully as Council is not in a position to fund more and more community facilities. Considering the conditions recently placed on the Nimbin Community for the former Nimbin school site, Council needs to be consistent and firmly place the onus on the Clunes community to raise funds for further improvements. It needs to be reinforced that Council has already made a significant commitment to this project through its loan borrowings.

Other Group Comments

Manager Parks and Reserves' comments: There has been a lot of debate amongst the Clunes community regarding the merits of holding onto and developing the Smith Street Reserve.

The residents in the immediate vicinity have been quite vocal in their support of retaining the reserve and developing it, as was originally proposed in the Sec 94 Open Space plan. As a consequence, Council has not resolved to dispose of the land to date and the development of a playground facility is listed in the Sec 94 Capital Works program for this financial year.

LISMORE CITY COUNCIL - Meeting held November 17, 1998

Report - Funding Options for the Clunes Old School Site

To this end, Parks and Reserves staff convened a public meeting (September 5, 1998) to consult with the nearby residents and seek their comments in relation to a playground development. It was obvious at this meeting that the community does have expectations that Smith Street Reserve will be developed as originally planned.

Conclusion

Based on the information provided, the only guaranteed funding available to supplement the loan funds is the \$12,500 from the S94 - Community Facilities Plan. Of the other options the sale of part of the Clunes Old School Site should be investigated by the Property Services Manager. Discussions with the management committee should commence to ascertain any surplus land on the site and possible impediments to disposal of such land. Should such a sale eventuate the proceeds would be used to repay the loans required to support the initial purchase.

Before this final option could be considered any shortfall in the funding options would be funded by a commercial loan borrowed by Council with interest commitments funded by the general fund.

Recommendations (ENT36)

- 1 That the purchase of the Clunes Old School Site be funded on the following basis:

• Section 94 Community Facilities	\$ 12,500
• Loan Funds	<u>97,500</u>
TOTAL	<u>\$110,000</u>

- 2 That the Property Services Manager commence consultation with the representatives of Clunes community and interested parties to identify any surplus land associated with the Old School site and submit a further report to Council..

- 3 In accordance with the expressed intention of the Section 94 Committee, the current wording in the Section 94 Plan be amended to “site acquisition and facility development” as part of the review of the Section 94 Plan.

- 4 That the Smith Street site be retained for development as a community reserve.

- 5 That the Manager-Parks & Reserves undertake further consultation with the Clunes community/community organisations in preparing /finalising a Plan of Management for the Smith Street Reserve and the Business Plan for the Clunes Old School site and submit these to Council for consideration.

- 6 That the Manager-Parks & Reserves enter discussions with the Clunes community/community organisations concerning future community support and assistance for the development and on-going maintenance of the Smith Street Reserve and the Clunes Old School site.

- 7 That S.94 funds not be released for expenditure on the development of either the Smith Street Reserve or the Clunes Old School site until the Plan of Management, the Business Plan and maintenance agreement are in place and have been endorsed by Council.

LISMORE CITY COUNCIL - Meeting held November 17, 1998

Subject/File No: DEVELOPMENT APPLICATION NO. 98/123 - 32 LOT RESIDENTIAL SUBDIVISION LOCATED AT 116 FISCHER STREET, GOONELLABAH, BEING LOT 2 DP 858807 (DC:MJK: DA98/123)

Prepared By: Development Assessment Planner - Damian Chapelle

Reason: Residential subdivision greater than 30 lots.

Objective: Council's determination of the "Deferred Commencement" Development Application.

Management Plan Development Assessment
Activity:

1 PRECIS

Applicant

Gallen Hart and Associates (now Aspect North) , PO Box 1134, Lismore on behalf of Starlite Crescent Pty Ltd.

Zoning

The subject site is zoned 2(a) Residential and 1(a) General Rural pursuant to Clause 9 of the Lismore Local Environmental Plan 1992.

Location

116 Fischer Street, Goonellabah, being Lot 2 DP 858807.

Proposal

The proposal is to subdivide 12.59 hectares of land into thirty one (31) residential allotments and one (1) residual parcel. Excluding the residue parcel, proposed lots range from 1,100m² to 6,900m². The applicant is proposing to create development allotments whereby lots may be further subdivided in future, hence a concept plan has detailed that the site contains the potential for a total of fifty two (52) lots to be created should the development potential be recognised.

Background

The subdivision design is similar to that in DA94/173 for the same site, which Council approved on June 20, 1994. This consent has the potential to create eighty eight (88) lots over five stages. In addition, Council approved DA95/535 which proposed the creation of twelve (12) lots in Casurina Drive. The approval of Development Application 94/173 was prior to the adoption of State Environmental Planning Policy No. 44 and thus areas of koala habitat were approved to be removed as part of the development consent through the inclusion of dwelling construction and road infrastructure. Further, the application did not take into consideration the Threatened Species Conservation Act, and thus an eight point test was not required to be submitted to address the effects upon any endangered species or ecological communities.

Key Issues

From the assessment of the original plan and associated information, key issues include:

- SEPP No. 44 - Koala Habitat,
- Utilisation of Clause 28 - Buffer Area to encompass non-residential land,
- Maximisation of lot yield on residential land.

2 SUBMISSIONS FROM THE PUBLIC

The application was advertised for a period of ten (10) days between Thursday, June 4 to Monday, June 15, 1998. No submissions were received.

3 OTHER GROUP COMMENTS

Subdivision Unit

No objections are raised to the Development Application, subject to the inclusion of specified conditions of consent as identified within the Recommendation of this Report.

Building and Regulation Section

No objections are raised to the Development Application, subject to the inclusion of specified conditions of consent as identified within the Recommendation of this Report.

Environmental Health Section

No objections are raised to the Development Application, subject to the inclusion of specified conditions of consent as identified within the Recommendation of this Report.

Parks and Reserves Section

Council's Parks and Reserves Section raise no objection to the amended subdivision design, subject to the adoption of the recommendations of the Koala Plan of Management for the Oakland Estate as itemised in the conditions of consent.

4 PUBLIC AUTHORITY COMMENTS

NSW National Parks and Wildlife Service

A copy of the development proposal was forwarded to NSW National Parks and Wildlife Service for comment on the natural heritage values of the subject property. NPWS reviewed the application and provided comments on Aboriginal cultural heritage values and provisions of SEPP 44 - Koala Habitat Protection.

NPWS identified that the Statement of Environmental Effects did not address potential impacts on Aboriginal sites or Aboriginal cultural heritage. NPWS considers that an assessment should involve consultation with the local Aboriginal community and that the proponent should then incorporate measures necessary to adequately address any concerns raised by the Aboriginal community regarding Aboriginal cultural heritage issues. The applicant has contacted the Aboriginal Cultural Branch of NSW National Parks and Wildlife Service to identify if the subject land is surveyed as a site of Aboriginal cultural significance. NPWS advise that the site has no such status. Notwithstanding this finding, it is considered that any consent issued should take the form of a

LISMORE CITY COUNCIL - Meeting held November 17, 1998

Development Application No. 98/123 - 32 Lot Subdivision

“Deferred Commencement” Consent, subject to confirmation from the Local Aboriginal Land Council (LALC) that the site is not of Aboriginal cultural significance. Further, it is prudent that a condition be included requiring the applicant to notify National Parks and Wildlife Service and the local Aboriginal community should any Aboriginal site or relic be identified during the construction of the subdivision and that the appropriate licence be obtained pursuant to the National Park and Wildlife Act.

NPWS noted that the Koala Management Study for Goonellabah and East Lismore (Australian Koala Foundation 1995) details koala usage of the area which includes the subject land. The Study found that koalas were widespread in this area and showed preference for a number of specific tree species as primary browse trees. It is also noted that the population was under consistent threat from a number of factors including habitat loss, fragmentation, disease, dog attacks and risks associated with integration into urban areas.

In response to the comments received from NPWS, Council’s Parks and Reserves Section and the Planning and Development Group held discussions with the proponent and formalised the preparation of a Plan of Management addressing koala habitat and the integration of the urban development with the existing food species located on site. The Plan of Management necessitated an amendment to the original proposal which included a road re-alignment to preserve all the major koala food species habitat, and a lot layout amendment to locate building envelopes away from areas which may necessitate the removal of trees.

An assessment has been undertaken pursuant to State Environmental Planning Policy (SEPP) No. 44 - Koala Habitat Protection which is discussed in more detail elsewhere within this report. Although NPWS considered the subject site to be a potential koala habitat under the provisions of SEPP 44, a detailed tree plot and species identification revealed that communities of koala food trees considered to be food tree species were below 15% of the total number of trees in the upper and lower strata. Hence the site was not considered to be a potential koala habitat, pursuant to SEPP 44.

4 ASSESSMENT UNDER SECTION 90 OF THE E.P. & A ACT -

90(1)(a)(i) **The provision of any Environmental Planning Instruments (EPI)**

The subject land is zoned 2(a) Residential and 1(a) General Rural Zone under the provisions of the Lismore Local Environmental Plan 1992. Subdivision within the 2(a) Residential Zone is permissible pursuant to Clause 19 of the Lismore Local Environmental Plan 1992. To facilitate the subdivision of the portion of the site zoned 1(a) General Rural, the applicant is seeking to utilise the provisions of Clause 28 of the Lismore Local Environmental Plan 1992.

‘Clause 28 - Development of Land Near Adjoining Zones’ applies to all land within 50 metres of a boundary between any two zones. Development may, with the consent of Council, be carried out on land to which this clause applies for any purpose for which development may be carried out in an adjoining zone. Consequently, the applicant is seeking to extend the provisions of the 2(a) Residential Zone to allow the subdivision to be permissible upon land zoned 1(a) General Rural.

Council must take into consideration the design, ownership, and servicing or similar requirements of the development. All these matters have been adequately addressed.

The location of the sewer line upon a property has traditionally dictated the boundary limit of Residential zones. However, in this instance the 1(a) General Rural land is more appropriately serviced for urban purposes.

It is considered that the utilisation of the 50 metre buffer is appropriate in this instance. All residential development will be within the 50 metre buffer upon land zoned 1(a) and as previously noted, all existing services are available to the subject site. The lots in the 1(a) zoned portion are to be of a lower density to ameliorate any issues concerning flora and fauna and the topography of the site, which is moderate to steep sloping.

‘Clause 20A - Dwellings in Urban Areas’ refers to the inclusion of lots specifically identified for dual occupancy development. The clause requires at least 25% of the total number of allotments to be created be identified as dual occupancy allotments. The applicant has advised Council that Clause 20A will not be utilised and dual occupancy development will therefore be subject to Council approval.

Council’s Urban Development Strategy which was developed following extensive community consultation undertaken for Council’s 2020 Strategy identifies urban consolidation and urban expansion areas. The subject site is located in the Goonellabah South Catchment, and is identified as an urban expansion area with a density of development of 15 dwellings per hectare. Whilst it is recognised that the proposed development has an average of 8.5 dwellings per hectare, which is considerably lower than the required density, it is considered that the nature of the site with regard to topographical constraints and the proposed retention of significant vegetation requires a lower density to be provided.

North Coast Regional Environmental Plan 1988

The North Coast Regional Environmental Plan (REP) is the principal statutory instrument specified in regional and state planning policies and as such replaces other previous Section 117 Directions. The approach adopted by the REP is to specify objectives and directions on a range of matters to be met and undertaken by Councils when preparing Local Environmental Plans and considering Development Applications. Relevant provisions include:

Clause 12 - Impact on Agricultural Resources. It is considered that the proposed development will not have an adverse effect upon the adjoining general rural zoned land since the residue lot is identified for future development in Council’s Urban Development Strategy and an appropriate landscape buffer is required in the development.

Clause 28 - Natural Environment Objectives. This aims to protect areas of natural vegetation and wildlife from destruction and to provide corridors between significant areas, whilst protecting the scenic quality of the region. As detailed, the proposed development has been amended to preserve areas of significant habitat value, provide for additional plantings and ameliorate any effects upon the natural environment.

Development Application No. 98/123 - 32 Lot Subdivision

Clause 41 - Urban Housing Objectives and Clause 43 - Development Control Residential Development . It is considered that the density of the development has been maximised without adversely effecting the environmental features of the land. The proposed development is adopting a “green street” design which provides an efficient form of internal road, and pedestrian design to the satisfaction of Council’s Subdivision Unit. Further, in accordance with the REP, conditions have been included to minimise sedimentation and erosion through the provision of Sediment and Erosion Plans to be approved by Council prior to the release of the Construction Certificate.

Clause 64 - Community Services Objectives and Clause 66 - Development Control Adequacy of Community and Welfare Services. It is considered that adequate facilities exist in the Goonellabah locality to cater for an additional thirty one (31) residential allotments.

Clause 77 - Recreation Objectives and Section 82 - Development Control Sporting Fields or Specialised Recreation Facilities. It is considered that the location of open space, which has been provided within previous approvals issued for Stage 1 of the Oakland Estate, caters for adequate pedestrian and cycleway access.

State Environmental Planning Policies (SEPPs)

SEPP 44 - Koala Habitat Protection. Matters concerning SEPP 44 have previously been addressed within Section 3.

90(1)(a)(ii) **Any draft E.P.I. that is or has been placed on exhibition** N/A

90(1)(a)(iii) **Any draft State Policy** N/A

90(1)(a)(iv) **Any Development Control Plan**

Development Control Plan No. 32 - West Goonellabah applies and sets out specific requirements for urban subdivision as follows:

Aims and Objectives

The aim of the plan is to preserve bushland habitat areas and nominate preferred patterns of landuse and road layouts for the precinct.

Road systems have been designed to integrate the future road network of the precinct with the existing adjoining road network. A hierarchical road system is integrated into the design of the development with emphasis on inter-connectivity of each stage and future subdivisions. The road design as submitted by the applicant meets the objectives of inter-connectivity between existing and future residential development. However, the internal road access does not follow the identified road alignment as detailed within DCP No. 32. This is not considered to be detrimental to the application as it has facilitated the preservation of Koala Habitat.

The applicant has submitted a test of significance for all individual and clusters of trees on the subject land, including an accurate tree plot in accordance with the Development Control Plan. The test of significance was prepared by a suitably

qualified biologist and forwarded to NSW National Parks and Wildlife for comment. The Flora and Fauna Report also encompassed the provisions of SEPP No. 44 - Koala Habitat, and eight point tests pursuant to Section 5A of the Environmental Planning and Assessment Act. National Parks and Wildlife have commented on these matters as detailed within Section 4 of this report.

Open Space - formal open space areas have been provided on adjoining land, in accordance with the Development Control Plan.

Generally, the proposal is in accordance with Development Control Plan No. 32 - West Goonellabah, concerning the proposed road network and urban bushland.

90(1)(a1)(i) Conservation Agreements

No Conservation Agreements are applicable to this application.

90(1)(a1)(ii) Any Plan of Management

As previously discussed in this report, the applicant has prepared a Plan of Management for koala habitat within the subject development. Council's Parks and Reserves Section has reviewed the Plan of Management and has concurred with its recommendations.

90(1)(b) The impact of the Development on the Environment

Most of the site has been cleared of its native vegetation. Dense tree vegetation occurs in the north-western portion of the site, associated with the creek line which enters the property. Sparse tree vegetation occurs in others parts of the site, except for the southern portion which is virtually devoid of trees. The applicant engaged a Flora and Fauna expert to undertake an assessment of the proposal and determine the environmental significance of the site. The Flora and Fauna Assessment has divided the property into two (2) communities as follows:

- a) Community 1 - Closed Forest (Cinnamomum eucalyptus). The study detailed that the condition of the community is very poor, relative to its original structure and status. The community has obviously been grossly disturbed in the past, and almost completely cleared on at least one occasion. A cluster of young Tallowoods occur as part of this community near the northern boundary. The young Tallowoods, in addition to the presence of some young trees of other native species indicate that regeneration of the native community is occurring. This assessment was partially supported by Council's Parks and Reserves Section. It was considered that the community was of moderate value and the subdivision design amended accordingly to preserve significant species located in this community.
 - b) Community 2 - Closed Grassland. This community is in extremely poor condition relative to its original forest condition. The community is dominated by exotic grass species (kikuyu, buffalo grass, carpet grass) with a number of established/mature Brushbox, Tallowood, Forest Redgum, Rosewoods, and Blackwood Wattles occurring in various locations. The north-eastern slopes of this community have Forest Redgums regenerating in good numbers.
-

It is considered that the proposed road re-alignment is advantageous to the preservation of the significant species within Community 1 and thus the proposal is not considered to have an adverse effect upon the existing environment.

90(1)(c) Effect on the Landscape

It is acknowledged that the subject development will have an effect upon the landscape of the area, with the proposed development and subsequent dwellings occupying an area that was previously undeveloped. The subdivision design has taken into consideration the visual prominence of the site and proposes the following measures:

- Provision of a vegetative buffer zone along the western parameters of the site.
- Extensive retention of existing vegetation on site.
- Lower density development.

These measures will reduce the effect of the proposal upon the landscape of the locality.

90(1)(c1) Effect on Wilderness Area N/A

90(1)(c2) Effect on Environment of Endangered Fauna

The Flora and Fauna Assessment prepared for the subject Development Application has included an eight point test pursuant to Section 5A of the Environmental Planning and Assessment Act to determine whether there is likely to be a significant effect on threatened species, populations or ecological communities. The eight point test was undertaken for the following species:

- Black Flying Fox;
- Common Bent Wing Bat;
- Little Bent Wing Bat;
- Greater Broad Nosed Bat;
- Northern Long Eared Bat;
- Koala.

The report identified that for all species, except the koala, the development of the subject site is unlikely to adversely impact upon or alienate movement corridors and foraging habitat. It is therefore unlikely to place the local population at risk of extinction.

The comments as previously discussed in this report in relation to SEPP 44 - Koala Habitat Protection, identified that less than 15% of the total tree canopy included vegetation listed within Schedule 2 as being Koala habitat, thus the site was not considered to be core habitat. The proposal involves the removal of only a relatively small area of potential habitat for the species. Adjacent habitat areas support higher densities of Grey Gum and Forest Red Gum, hence the local population is not likely to be placed at risk of extinction.

- 90(1)(d)** **The Social Effect and the Economic Effect of that Development in the Locality**
Adequate facilities exist to service the proposed development. Transport, schools, and community services are all located in close proximity to the subdivision.

The proposed development provides further opportunity for residential housing within an appropriate location in the Lismore area.

It is considered that the proposed development will not have an adverse social and economic effect on the locality.

- 90(1)(e)** **External appearance, design etc.**
As discussed within this report, the applicant will utilise vehicular access from Fischer Street and Casurina Drive, with the construction of internal access linking to the existing road reserve west of Elizabeth Avenue. The development includes lots which are significantly greater than the 400m² minimum allotment size and available for future subdivision. Lots located to the west of the internal road have been increased in size to preserve existing vegetation. The design of the subdivision provides for adequate solar orientation to all identified building envelopes, pedestrian access and open space opportunities.

- 90(1)(f)** **Size of Parcels, siting of buildings**
The applicant has made provision for building envelopes upon each property where significant vegetation is retained, and where a lot has been identified as a future development parcel. It is considered that provision of building envelopes upon each property maximises the benefits of the existing site and addresses any existing topography or climatic issues to ensure energy savings can be maximised.

- 90(1)(g)** **Hazards, flooding, slip, erosion etc.**
The subject site has not been identified as prone to flooding, slip, erosion, etc. However, it is considered that appropriate conditions requiring the provisions of geotechnical assessments for each site, sedimentation control measures during construction and bush regeneration on steeper sites be incorporated in any consent issued by Council.

- 90(1)(h)** **Relationship to other land in the locality**
The subject site is adjoined by land zoned Residential and is consistent with the settlement pattern within the immediate locality. Land to the south is identified within Council's Urban Development Strategy as 'Future Residential Expansion'.

The subject development is a logical extension of the existing approved residential areas in south Goonellabah.

- 90(1)(i)** **Access parking and loading**
The proposed means of vehicular entry and exit are considered appropriate and take into account adjoining residential development. The proposed subdivision will connect with adjoining properties in the south Goonellabah locality. This will be

Development Application No. 98/123 - 32 Lot Subdivision

achieved by the extension of Fischer Street through to Shearman Drive and by the construction of Casurina Drive.

Council's Subdivision Unit has not required the applicant to upgrade Elizabeth Avenue for the full length of the subject development as no lot has access from this road. Consequently, Road No. 1 will require a cul-de-sac at the northern end and a pedestrian link.

90(1)(j) Traffic generated, the road system

The proposed development will generate an additional 310 daily vehicle trips. Road standards have therefore been based on the full development potential (ie 51 lots) to the satisfaction of Council's Subdivision Unit. Section 94 Contributions are also provided for urban arterial roads at the equivalent of \$3,202 per allotment.

90(1)(k) Public transport

Public transport in the locality comprises an existing urban bus service. All lots are in close proximity to this service.

90(1)(l) Utility Services

The subject site is well serviced with the appropriate electricity, telephone, water and sewerage utility services.

90(1)(m) Landscaping Trees

The proposed development has respected the need to preserve existing vegetation, particularly established urban bushland vegetation in the north-western portion of the subject site. A landscape plan which details the recommendations made within the Koala Management Plan and Council's Landscape Guidelines, is required to be submitted for approval by Council's Parks and Reserves Section prior to the release of the Construction Certificate.

90(1)(m1) Likely to Cause Soil Erosion

Soil erosion and sedimentation protection measures are included as conditions of consent. Individual allotment development proposals will be dealt with by Council's Environmental Health and Building Services Section at the Development Application stage.

90(1)(n) Representation by Public Authorities

As discussed, the proposal was forwarded to NSW National Parks and Wildlife Service who have provided comments concerning cultural heritage and SEPP 44 - Koala Habitat.

90(1)(o) The amenity of the neighbourhood, now and in the future

It is considered that the provision of open space and urban bushland associated with the previous approvals issued for the residential estate will enhance amenity levels for future residents of this subdivision proposal and adjoining land.

90(1)(p) Submissions under Section 87 of the Act N/A

90(1)(p1) Any matter specified in an environment 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

All specific matters contained within the Environmental Planning Instrument have been addressed adequately within the application made to Council.

90(1)(q) The circumstances of the case

The particular circumstances of the case have been addressed in this report.

90(1)(r) The public interest

Matters of public interest were addressed within Section 2 of this report.

90(1)(s) Other prescribed matters

- | | |
|---|---|
| a) Adequate provision for disabled persons. | N/A |
| b) NSW Coast Government Policy. | N/A |
| c) Effect on protected or endangered fauna and habitat. | Addressed previously within this report |
| d) Means to mitigate effect or harm on fauna. | Addressed previously within this report |
| e) Endanger any species of flora. | Addressed previously within this report |

5 CONCLUSION

The proposed subdivision design represents a significant improvement over that previously approved within Development Application No. 94/173 in terms of environmental impacts.

The proposed development is generally consistent with the requirements of Development Control Plan No. 32 with the exception of proposed road alignment which has been modified to cater for existing significant fauna and therefore considered to be an appropriate variation.

It is considered that the adoption of Clause 28 which allows for the provision of a 50 metre buffer between zones is appropriate in this instance and will allow all building envelopes to be located upon land utilising the provisions of the 2(a) Residential Zone.

The requirement for the applicant to obtain confirmation from the Local Aboriginal Land Council that the site is not of Aboriginal cultural significance is considered reasonable in this instance, notwithstanding that the site is not a registered Aboriginal site on the NSW National Parks and Wildlife database.

The proposal is an acceptable form of development for the subject land and its conditional support by way of a "Deferred Commencement" development consent is therefore warranted.

RECOMMENDATION (PLA45)

- A That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Control Unit, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.

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- B That Council, as the consent authority, approve "Deferred Commencement" for Development Application 98/123 to create thirty one (31) residential allotments and one (1) residue lot, on the subject property described as Lot 2 DP 858807, being 116 Fischer Street, Goonellabah.

DEFERRED COMMENCEMENT

- 1 This consent will not take effect until the applicant satisfies Council that Condition 2 has been met.
- 2 That confirmation be obtained from the Local Aboriginal Land Council that the subject site is not of Aboriginal cultural significance.

STANDARD

- 1 In granting this development consent, Council requires:

- All roads, and/or
- lot boundaries, and
- areas subject to any amendment or modification called for in the following conditions

be substantially in accordance with the stamped approved plan(s) No. 3215/9 and dated October 21, 1998 and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

Reason: To correctly describe what has been approved. (EPA Act Sec 90)

DRAINAGE

- 3 Hard surface areas, landscaped areas, roof water and subsoil drainage systems shall be designed so all water is directed to a Council approved drainage system to prevent discharge runoff onto adjoining land. This system shall be constructed in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.
- 4 Measures shall be put in place to control stormwater runoff. These control measures shall prevent soil erosion and the transport of sediment from the development site into either:
- natural drainage courses
 - constructed drainage systems, or
 - waterways.

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Details of sediment control measures and revegetation works shall be submitted for Council approval prior to release of the engineering plans.

- 5 A practising qualified surveyor is required to furnish a certificate confirming:

- all drainage lines have been located within the respective easements,
- roadworks are in accordance with the approved design plan, and
- any other structures like retaining walls are located in accordance with the approved design plan.

Reason: To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 90(1)(h))

Reason: *To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 90(1)(g))*

Reason: *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 90(1)(j) and Local Government Act Sec 33(f))*

EARTHWORKS

6 A certificate from a practising qualified engineer experienced in soil mechanics is required before engineering plans can be approved. The certificate shall state that proper investigation has been made to verify:

- civil engineering works including retaining walls have been assessed as structurally adequate,
- civil engineering works will not be affected by landslip either above or below the works,
- civil engineering works will not be affected by subsidence either above or below the works, and
- adequate drainage has been provided.

7 Site works in connection with the construction of the subdivision shall be carried out between the following hours:

Monday to Saturday - 7 am to 7 pm.

No works in connection with the construction of the subdivision shall be carried out on any Sunday or Public Holiday. All works carried out on the site shall be managed to minimise the impact on all residential premises in the vicinity.

8 A water truck designed to suppress dust from exposed surfaces and access roads shall be available at the site or in the immediate vicinity.

9 Screening and blending activities shall be restricted on windy days to minimise the generation of dust. Alternatively, water sprays shall be installed on this equipment.

10 Geotechnical supervision of all allotments in the development shall be undertaken with special attention to areas to be reshaped, cut or filled. A detailed plan shall be submitted to Council showing the extent of these areas. Each allotment in the subdivision shall have a geotechnical assessment or report for the benefit of any future purchaser and copies of such reports shall be submitted to Council prior to release of the final plan. Such assessment or report shall include a site classification in accordance with Australian Standard 2870.1 "Residential Slabs and Footings".

Reason: *To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 90(1)(g))*

Reason: *To preserve the amenity of the area and traffic safety. (EPA Act Sec 90(1)(o))*

Reason: *To protect the environment. (EPA Act Sec 90(1)(b))*

Reason: *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 90(1)(j) and Local Government Act Sec 33(f))*

ROADS

- 11 The applicant or developer shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time. The applicant or developer shall be responsible for any costs, including maintenance, for a period of twelve months from the date of approval of the work. Required roadworks include:
- a) Construction of an urban, bitumen sealed road shape with a width of 9 m between kerbs from end of the existing pavement in Casurina Drive to the intersection of the proposed Road No. 1 in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.
 - b) Construction of an urban, bitumen sealed road shape with a width of 9 m between kerbs from end of the existing pavement in Fischer Street to the end of the existing pavement in Shearman Drive in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.
 - c) Construction of an urban, bitumen sealed road shape with a width of 6 m between kerbs incorporating paved parking for a single vehicle behind the kerb at the frontage of each new lot in proposed Road No. 1 from the extension of Casurina Drive to Elizabeth Avenue in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.
 - d) Construction of all intersection layouts are to be in accordance with AUSTRROADS Part V, Intersection Upgrades, giving particular attention to sight distance.
 - e) All roads are to be designed for a minimum road speed of 40km/h.
 - f) Construction of a cul-de-sac at the end of proposed Road No. 1 providing a minimum reverse radius of 14 metres and sealed pavement of 10 metres from the centre of the face of the kerb.

A practising qualified surveyor or engineer shall submit a "works-as-executed" set of plans showing the satisfactory completion of all roads and drainage works required by this consent.

- 12 Full design plans of the proposed engineering works to satisfy condition(s) 10 shall be submitted to Council. Such plans shall be separate from the Subdivision plans. Such plans must be approved by Council's City Works Group before construction of drainage or road works are commenced. A practising qualified surveyor or engineer shall submit a "works-as-executed" set of plans showing the satisfactory completion of all roads and drainage works required by this consent.
- 13 The grade from the road pavement to each lot shall permit the construction of vehicular access in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time. Engineering design working drawings shall provide evidence of the feasibility of lot access. Such drawings shall be submitted for Council approval prior to the issue of a Construction Certificate.
- 14 The access shaft of Lot 21 is to be a minimum of 20 metres wide and designed to allow for the construction of a roadway for any future development.

Reason: To ensure an adequate road network in accordance with adopted standards. (Local Government Act Sec 332)

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Reason: *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 90(1)(j) and Local Government Act Sec 33(f))*

PEDESTRIAN ACCESS

- 15 The applicant or developer shall construct a 2 metre wide reinforced concrete, paving block or equivalent footpath in a 4 metre wide pathway reserve between Lots 29 and 30 and Lots 22 and 23, leading from proposed Road No. 1 to the parcels of open space.
- 16 The applicant or developer shall construct a 2 metre wide reinforced concrete, paving block or equivalent footpath in a 4 metre wide pathway reserve from the eastern side of Road No. 1 to the western side of Fischer Street.

Reason: To meet the anticipated demand for open space by residents of the development. (EPA Act Sec 94)

SUBDIVISION

- 17 The applicant or developer shall place allotment number identification on the frontage kerb and gutter to indicate the side boundaries and/or access shafts.
- 18 The applicant or developer shall submit a final linen plan for Council approval. Such plan/s shall be accompanied by a \$1,600 final linen plan checking fee.
- 19 That the NSW National Parks and Wildlife Service and the Local Aboriginal Land Council be immediately advised and construction works cease immediately in the event of the discovery of any Aboriginal sites or relics as a consequence of the development.

Reason: To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 90(1)(i))

Reason: To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated July 1995 as required by the increased population or activity. (EPA Act Sec 94)

Reason: To protect the environment. (EPA Act Sec 90(1)(b))

PUBLIC UTILITIES

- 20 Prior to release of the final linen plan, the applicant or developer in consultation with Telstra Australia, shall ensure the provision of telephone services is taken into consideration. Written evidence from Telstra Australia shall be required confirming action has commenced and relevant payments have been made.
- 21 Prior to release of the final linen plan, written evidence from NorthPower shall be required confirming that NorthPower shall provide electrical power to each lot and that charges for the extension of electricity supply have been paid.

Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 90(1)(o))

WATER AND SEWERAGE

- 22 The applicant or developer shall provide water works to service the development. The works shall include:
- a) A conventional water reticulation that comprises a water service to each allotment. Water reticulation works shall be designed and constructed in accordance with Council's adopted standards. Any costs shall be the responsibility of the applicant or developer. The applicant or developer shall be responsible for the full cost of any associated water
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maintenance considered necessary by Council's Business and Enterprise Group for a period of twelve months from the date of approval of the works. A practising qualified surveyor shall submit a "works-as-executed" set of 1:1000 transparency plans showing these works.

- b) Council has resolved that the availability of a water to urban/rural land subdivision is only guaranteed for two years from the date of this consent. This offer expires on >.

To guarantee the availability of a water service to the development, the Section 64 Levies set out in the attached Schedule shall be paid in full before >. After payment in full, a letter of Guarantee of Supply shall be issued. This letter shall not replace the need for the applicant or developer to apply to Council under s.26 of the Water Supply Authorities Act 1987 for a compliance certificate and obtain from Council such a certificate.

- 23 The water supply connection shall be designed, installed and maintained to prevent contaminants from being introduced into Lismore City Council's potable water supply system.

Full details of the proposed backflow method and cross connection controls shall be designed and installed in accordance with Australian Standard 3500.1 and submitted with the Engineering Plans.

- 24 Neither fill nor any building or other structure shall be placed over Lismore City Council's sewer main when such fill or structure falls:

- i) within a distance from the main measured by projecting a 45° angle from the invert of the main to surface level

OR

- ii) within 1.5m of the main.

- 25 The applicant or developer is responsible for ensuring that the existing water and sewer pipe in the easement is not damaged while performing the works. If the existing water and sewer pipe is damaged during the course of performing the works, the applicant or developer will:

- notify Lismore City Council immediately when the breakage occurs, and
- repair the damage at no cost to Lismore City Council.

- 26 Full design plans of the proposed engineering works to satisfy condition(s) shall be submitted to Council. Such plans shall be separate from the subdivision plans. Such plans must be approved by Council's Business and Enterprise Group before construction of any water and sewerage works are commenced.

- 27 The applicant or developer, at no cost to Council, is to connect the 100mm water main along Fischer Street to the 100mm water main along the southern side of Elizabeth Avenue.

- 28 The applicant or developer, at no cost to Council, is to connect the 100mm water main running between proposed Lots 4 and 33 (in the unnamed road) to the 225mm water main running on the northern side of Lot 35 DP 841587.

- 29 The applicant or developer, at no cost to Council, is to dedicate an easement 2 metres wide over the existing and proposed 150mm sewermain and a 5 metre wide easement over the existing 300mm sewer main in existing Lot 2 DP 858807.
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- 30 The applicant or developer shall comply with all requirements of the Water Supply Authority regarding the connection of water supply and sewerage services to the development. A Section 27 Certificate issued under the Water Supply Authorities Act 1987 must be submitted to Council prior to commencement of building works.

Reason: *To ensure that the Council's existing sewer services are not overloaded. (EPA Act Sec 90(1)(l))*

Reason: *To ensure adequate protection of utility services. (EPA Act Sec 90(1)(l))*

Reason: *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 90(1)(j) and Local Government Act Sec 33(f))*

LANDSCAPING

- 31 The management strategies, as identified within Section 4 of the James Warren and Associates Environment Consultants Koala Plan of Management, Oaklands Estate, Goonellabah, shall be complied with at all times and subject to the following amendments.

- Condition 7 - Fire Management Plan shall be prepared and submitted prior to release of the final plan at no cost to Council.
- Condition 8 - Weed tree species shall be removed at no cost to Council, prior to release of the final plan of survey.
- Condition 15 be deleted.

- 32 The proposed development in the vicinity of the following trees shall be suitably designed not to adversely affect the continued preservation of the trees and their likely future growth habits. Council grants no consent to the pruning or removal of these trees.

TREES

Significant trees on the site identified by James Warren & Associates and accurately survey located as indicated on Figure 3.

- 33 To allow for the preservation of a root zone, excavation works and level changes shall not be undertaken within the specified radius of the trunk of the following trees.

In addition, the Applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any of the following trees.

<u>SPECIES</u>	<u>LOCATION</u>	<u>RADIUS FROM TRUNK</u>
<i>Significant trees on the site identified by James Warren & Associates</i>	<i>Accurately survey located as indicated on Figure 3 of the Koala Management Plan.</i>	<i>Within existing dripline</i>

- 34 The following replacement trees are to be planted to compensate for the 'loss' of koala food trees east of the proposed road.

<u>SPECIES</u>	<u>LOCATION</u>	<u>DIMENSION (metres)</u>
<i>Eucalyptus tereticornis Eucalyptus microcorys Corymbia intermedia</i>	<i>As indicated on plan attached</i>	<i>Tubestock</i>

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- 35 These replacement planting trees to be planted in accordance with Condition No. 30 of the Koala Plan of Management shall be maintained by the Applicant in a healthy and vigorous condition until they attain the minimum height for protection by Council's Tree Preservation Order. Prior to protection by Council's Tree Preservation Order, any of the aforementioned trees found to be in a poor condition (*damaged, dying or dead*) shall be replaced by the Applicant with a tree of the same species at no cost to Council.
- 36 A detailed landscaping plan (in duplicate) shall be submitted to Council prior to release of the final linen plan. Landscaping plans shall be in accordance with Council's Landscaping Code and the requirements of Development Control Plan No. 27 - Buffer Areas and other relevant Development Control Plans. Species identified in Council's Landscaping Code shall be planted wherever possible. Landscaping plans shall indicate:
- location of Council's sewer (if applicable)
 - proposed location for planted shrubs and trees
 - botanical name of shrubs and trees to be planted
 - mature height of trees to be planted
 - location of grassed areas
 - location of paved areas
 - location of trees identified for retention in the development application plans
 - provisions of street planting
 - provision of wildlife corridor
 - identification of trees to be removed by civil works.

Council approved landscaping shall be completed prior to the release of the Construction Certificate. Landscaping shall be maintained at all times to the satisfaction of Council. Trees identified for retention in the development application plans shall not be removed without separate Council approval.

- 37 In accordance with Recommendation No. 9 of the Koala Plan of Management prepared by James Warren and Associates, the applicant shall plant 300 seedlings at no cost to Council. The seedlings may be planted in public reserves, the planting should also occur as a corridor of trees planted on the western boundary of Lots 19 to 31 and incorporate primary and secondary browse species. The wildlife corridor incorporating the planting of the seedlings shall be identified on the Landscape Plan to be submitted to Council prior to release of the Construction Certificate.
- 38 Trees to be removed shall be tagged prior to release of the Construction Certificate.

Reason: To ensure that appropriate landscaping is provided. (EPA Act Sec 90(1)(m))

SECTION 88B INSTRUMENT

- 39 The following matters shall be included within a Section 88B Instrument for each title created in accordance with the Conveyancing Act 1919:
- a) No tree identified within Figure 3 of the Koala Plan of Management, Oaklands Estate Goonellabah, prepared by James Warren and Associates may be ringbarked, cut down, lopped, removed or damaged without the consent of Lismore City Council.
 - b) Property fences shall have a minimum 20cm clearance at the bottom of the fence to promote the continued free movements of koalas;
 - c) A secure area on each property is required for dogs where the quality of life of the animal is satisfied and their behaviour is not detrimental to neighbourhood amenity, residential safety and wildlife.
 - d) The nomination of building envelopes on the final plan of survey, as identified on the approved subdivision development consent plan.

- 40 Condition No. 39 shall be complied with at all times.
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Reason: To ensure legal application of conditional requirements.

AMENITY

41 The construction of the subdivision shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.

Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 90(1)(o))

ADVERTISING

42 All outdoor advertising material, signs or decorative materials (including flags or bunting) shall be approved by the Council prior to erection, in accordance with Development Control Plan No. 24 Outdoor Advertising Structures (as amended). A separate application shall be submitted.

Reason: To preserve the appearance of the area. (EPA Act Sec 90(1)(o))

SECTION 94 CONTRIBUTIONS

43 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore City Council S94 Contributions Plan 1994 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the subdivision linen plan is released. The rates and amounts applying at the date of this notice, totalling \$276,887, 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. shall be paid prior to the release of the subdivision linen plan.

Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the percentage increase from the date of approval to the date of payment, as notified by the Building Price Index (Sydney).

Reason: To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated July 1995 as required by the increased population or activity. (EPA Act Sec 94)

NOTE 1: Water and/or Sewerage Headworks levies payable under the Water Supply Authorities Act 1987 totalling \$227,230 are to be paid to Council prior to release of the Compliance Certificate under Section 27 of the Act.

NOTE 2: All lots created shall be maintained by regular mowing, slashing or the like. Maintenance shall prevent excessive growth of vegetation to reduce fire hazard and/or vermin.

NOTE 3: The final linen plan shall not be released by Council until all conditions of Development Consent Notice 98/123 have been complied with to the satisfaction of Council.

NOTE 4: Section 94 Contributions levied for Urban Bushland have been credited \$17,700 as agreed with between Lismore City Council and Northern Rivers Development Corporation Pty Limited. No credits are available for Urban Bushland, should further residential lots be created for the subject site.

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LISMORE CITY COUNCIL

DEVELOPMENT CONSENT NO: 98/123
ADDRESS: 116 Fischer Street, Goonellabah

Consent date: November 11, 1998

To be read in conjunction with advice of development consent.

The levies imposed by Condition No. 43, 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 July 1 each year 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
Open Space					
Urban Catchment (East)	- Local	1643-3	31	1145	\$35,495
	- Citywide	1643-1	31	599	\$18,569
Urban Bushland					
Rest of Goonellabah/East Lismore/Lis Heights		1644-2	2	608	\$1,216
Street Trees					
Urban Catchment (East)		1643-22	31	149	\$4,619
Community Facilities					
Urban Catchment (East)	- Local	1650-3	31	2014	\$62,434
	- Citywide	1650-1	31	1011	\$31,341
Urban Roads					
Arterial Roads					
Urban Catchment (East) res		1655-3	31	3202	\$99,262
SES					
All areas		1695-1	31	34	\$1,054
Footpaths					
Goonellabah	Trunk	1680-4	31	101	\$3,131
	Connector	1680-5	31	98	\$3,038
	Internal	1680-9	31	337	\$10,447
Cycleways					
Urban West and East Catchments		1680-8	31	29	\$899
City Centre Upgrading					
Residential		1685-1	31	122	\$3,782
Miscellaneous					
Final Plan Checking Fee		1413-2	32	50	\$1,600
Total					\$276,887

ET'S CORRECT - PLANNING SERVICES OFFICER DATE/...../.....

LEVIES CORRECT - FINANCIAL SERVICES OFFICER DATE/...../.....

LISMORE CITY COUNCIL - Meeting held November 17, 1998

Development Application No. 98/123 - 32 Lot Subdivision

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

DATE:

RECEIPT NO:
CASHIER:

COUNCIL USE ONLY

Cashier to Note:

This section must be completed by a Financial Services Officer prior to receipt.

I hereby certify that the fees payable have been checked to ensure that;

- a) the number of ET's is in accordance with the development application;
- b) the cost per ET is in accordance with the relevant Section 94 and/or Section 64 Plan applicable, as at the date of development application approval;
- c) the building price index has been applied to the schedule of Section 94 and Section 64 fees, where the period between the date of consent and the date of payment is in excess of twelve (12) months.

.....
FINANCIAL SERVICES OFFICER

...../...../.....
DATE

LISMORE CITY COUNCIL - Meeting held November 17, 1998

Development Application No. 98/123 - 32 Lot Subdivision

LISMORE CITY COUNCIL

DEVELOPMENT CONSENT NO: 98/123
ADDRESS: 116 Fischer Street, Goonellabah

To be read in conjunction with advice of development consent.

The levies imposed by Note No. 1 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 and amounts payable are set out below.

Levy Area	Account No.	No. of ET's	Cost Per ET	Amount Payable
Water and Sewerage Headworks Levies are charged under Division 2 of Part 3 of the Water Supply Authorities Act 1987 (as amended) of the Local Government Act 1993 and amounts payable are set out below.				
Water Headworks				
Urban Reservoir Zone				
Goonellabah				
- Wyreema Avenue	8175-1	31	1898	\$58,838
Rous County Council				
All areas except Nimbin Per Allotment	9200-2	31	1257	\$38,967
Sewerage Headworks				
Goonellabah	7175-1	31	4175	\$129,425
Total				\$227,230

ET'S CORRECT - WATER & SEWER SERVICES OFFICER DATE/...../.....

LEVIES CORRECT - FINANCIAL SERVICES OFFICER DATE/...../.....

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

DATE:

RECEIPT NO:
CASHIER:

LISMORE CITY COUNCIL - Meeting held November 17, 1998

Subject/File No: SPECIAL RATE VARIATION - CITY SAFE INITIATIVE - LISMORE UNLIMITED REQUEST
(RS:S640)

Prepared By: Expenditure Accountant - RM Santin

Reason: Request by Lismore Unlimited to gain access to the special rate funds

Objective: For Council to determine request

Management Plan Activity: Traffic, Enforcement and Lighting

Background:

Council resolved at the June 23, 1998 meeting to apply ‘..for a special rate increase to raise \$250,000 in funds for the Citysafe Initiative. If the application is successful, a report is to be presented to Council outlining guidelines for the administration of the funds...’

The Citysafe Initiative provides for \$120,000 for a ‘Beat Patrol’ of which \$60,000 is from Council and \$60,000 is from the special rate variation.

As Councillors would be aware, this application was successful and Lismore Unlimited is in the process of preparing a ‘Plan of Management’ for the funds.

Lismore Unlimited has now requested access to these funds prior to Council considering the guidelines for administration of the funds.

Details:

The first request relates to the trial use of security officers within the CBD in May 1997. This trial was organised by Lismore Unlimited and was to be funded jointly by Lismore Unlimited, Council and local business. Unfortunately, a number of pledges failed to meet their commitments, which resulted in a shortfall in funding of \$5,705.

- Lismore Unlimited requests that this shortfall be funded from the Citysafe Initiative funds.

The second request relates to the provision of security services in the CBD from July 7 to August 29, 1998 costing \$4,008. Lismore Unlimited determined to continue the patrols to minimise the negative impact which followed the conclusion of the 1997 trial. It is understood that Council was not consulted on this decision.

- Lismore Unlimited requests that the costs associated with the provision of security services be funded from the Citysafe Initiatives funds.

Public Consultations:

NA

Other Group Comments:

NA

Conclusion

The intention of the 'Beat Patrol' component of the special rate variation was clearly to provide a security service for the CBD during 1998/99.

Consequently, it is difficult to draw a nexus between the request for \$5,705 for security services incurred in 1996/97 from these funds. It should be noted that the total cost for this trial was \$14,405 of which Council contributed \$4,000 and Lismore Unlimited (City Wide) \$1,000. This would suggest that Lismore Unlimited is yet to meet its full commitment.

On the other hand, in relation to security services for July/August (\$4,008) this year, there is a direct relationship with the funding. The only issue which requires consideration is whether Council is to support the decision by Lismore Unlimited to commit these funds on our behalf without any consultation.

Recommendation (COR60)

- 1 Lismore Unlimited be advised that Council is unable to meet the request to fund \$5,705 from the special rate variation funds for security services in 1996/97, as the funding specifically relates to services to be provided in 1998/99.
- 2 Lismore Unlimited be advised that Council is disappointed with the fact that no consultation took place in relation to the commencement of security services in July/August 1998 and that in the future, under no circumstances, are commitments for these funds to be made without prior Council approval.
- 3 Council reimburse Lismore Unlimited \$4,008 for security services in July/August 1998.

LISMORE CITY COUNCIL - Meeting held November 17, 1998

Subject/File No: ROAD WIDENING - BRUXNER HIGHWAY (SH16) EAST OF MEDIA CENTRE TO PINEAPPLE ROAD
(GRD:SW:P25045:P26278)

Prepared By: Graeme Davis - Property Services Manager

Reason: Request by City Works to acquire land to enable realignment of SH16 (Between Holland Street and Richmond Hill Road)

Objective: To gain Council approval to commence compulsory acquisition over Lots 41 & 42 in DP 868366, as agreement cannot be treated over compensation with Mr HR Rose - owner of subject land

Management Plan N/A

Activity:

Background:

I draw Council's attention to Property Services report on the above subject, dated June 23, 1998, where upon the following was resolved (minutes 243/98refers)

- 1 That Council authorise the General Manager to negotiate with Mr Rose and/or his designated representatives up to the value agreed in the report for Lots 41/42, DP 868366.
- 2 That Council resolve to affix the seal and signatures to any contract of sale - transfer certificate necessary to complete the transaction should the negotiates succeed.
- 3 That while the above negotiations continue the Council resolve to commence proceedings for compulsory acquisition to acquire Lot 41 in DP 868366 under the Land Acquisition (Just Terms) Compensation Act 1991.
- 4 That an application be made to the Minister for Local Government for approval to proceed on acquisition as described above.
- 5 That Lot 42, DP 868366 be acquired, if at all possible, by private treaty at the same time as acquisition of Lot 41 is proceeding.
- 6 That this information be made available for release on December 23, 1998.

Unfortunately, to date no amicable agreement has been reached between Council and Mr Rose, and or representatives. Negotiations were continued by Business and Enterprise with the representatives of Mr Rose however those representatives refused to negotiate within realms of the two independent valuations obtained by Council. At this point Council had no option but to commence compulsory acquisition proceedings.

On briefing Council's legal adviser (Mr Tony Pagatto of Walters Solicitors) he further advised that Property Services recommendation of June 23, 1998 should be reinforced in order to gain the optimum advantage when such application is lodged with the Department of Local Government for approval; Accordingly, I now recommend that in addition to resolution number 243/98 Council

adopt the following in regards to Council's application for compulsory acquisition of Lot 41/42 DP 868366.

Recommendations

- 1 That the Council proceed under Section 178(2) of the Roads Act to acquire by compulsory process land in the Local Government Area of Lismore, parish of Lismore and County of Rous being Lot 4 in Deposited Plan 579045;
- 2 That Council forthwith make application to the Minister for Local Government for approval to acquire the said land by compulsory process to Section 178(2) of the Roads Act;
- 3 That Council forthwith apply for the Governor under Section 19 of the Land Acquisition (Just Terms Compensation) Act to gazettal of an acquisition notice in relation to the said land.

i;B&E:GDReport Road Widening

Subject/File No: RECREATION NEEDS STUDY - EXECUTIVE SUMMARY
(JB:LC:S575)

Prepared By: Recreation Officer - John Bancroft

Reason: Request by Council August 25, 1998

Objective: Have Council endorse the content (timeframes, resources allocation) of the Executive Summary

Management Plan

Activity:

Background:

Council on August 25, 1998, considered a report on Recreation Study matters that detailed the history, processes, submissions and outcomes of the project embarked upon by external consultants Michael King & Associates.

Council resolved as follows:

1. Council signal its "in principle" adoption of the recommendations, excluding reference to the aquatic centre, determined via the Recreation Study process and detailed in Vol. 1 of the Recreation Needs Study document (pages 26, 27, 28, 30, 31, 33, 35, 36, 38, 39, 41 and 42) and subject to the reference to the Section 94 Officer on Page 33 being deleted and replaced by the Group Manager - Planning and Development.
2. A further report on resource allocation, project timeframes relevant to Study, recommendations etc. be forwarded to Council in the future for consideration and determination.

As requested Michael King and Associates have compiled an Executive summary (copy attached) that details resource allocation, timeframes etc.

The purpose of this document is to have Council consider the summary and adopt/amend it accordingly.

The study has already been viewed and amended by the Recreation Needs Study Steering Committee. The Steering Committee consisted of Cr F Swientek, Cr D Roberts, Cr E Cole, John Bancroft, David Edwards, Sandy Pimm and Phil Sarin.

The Steering Committee's charter was to oversee the consultancy until its completion.

The Executive Summary

The summary (upon its adoption) will be the continual reference document for staff and Councillors with respect to the outcomes of the study.

LISMORE CITY COUNCIL - Meeting held November 17,1998

It details the recommendations specific to the focus areas determined by the Steering Committee and Council. Further to this it nominates the staff groups responsible for enacting the project and the desirable timeframes i.e. High (1-2years 1999/2000), Medium (3-4 years 2001-2002) and Low (5 years plus 2003 →).

Recreation Needs Study - Executive Summary

FOCUS/SERVICE AREA - COMMENTS

The following comments are provided relevant to the service areas listed. The comments are to provide thoughts and identify possible future problems, actions with respect to the recommendations should they be adopted.

Regional Indoor Aquatic Centre

The "Aquatic" component was excluded from the Recreation Study resolution August 25, 1998. The matter is subject to further feasibility investigations by Council with a view to determining the matter early 1999.

Local Pools

Local pools also have the potential to be influenced by the Aquatic Feasibility process. Nonetheless the issues surrounding safety/shade etc have resulted in such matters being given a "high" priority.

Indoor Stadiums - Sport Recreation & Leisure Hall

The Steering Committee expressed its desire to investigate development of such a facility in the not too distant future (1999/2000). The issues affecting such a matter are the Aquatic Study (if another party is interested in a joint venture on the proposed site), usage of Section 94 levies and design and construction costs (should it happen).

Sporting Reserves

The recommendations contained in this section seem to have the general support of all consulted i.e. LDSA, Steering Committee etc.

School Recreation Facilities

Several informal agreements are already operative. The notion to formalise further usage has merit though we must be careful the Council does not inherit someone else's problems/costs.

Recreation Land

With respect to Councils Cycleway Plan the Steering Committee is of the opinion that priority projects should go ahead regardless of whether matching RTA contributions are acquired.

Playgrounds

The concept of play boundary zones will require some thought. At this point in time it is intended to commence such planning on the basis of geographical locations i.e. North, South, East, Central and Goonellabah (West and East).

Recreation Needs Study - Executive Summary

Public Halls/Community Centres

A significant amount of information relevant to this section has been acquired via the Recreation Study Survey process.

Waterways

The Waterways section of the document was widely discussed and is of particular interest to many. The current state of Wilson's River and Lismore Lake no doubt have created such interest. Council has indicated on several occasions its desire to remediate its Waterways though substantial funding is required. Such funding is hard to identify.

Councils Parks and Reserves Section have worked substantially on Lismore Lake Remediation Plans and have consulted with interested parties on several occasions.

The notion to form a Waterways Review Group may be problematic.

Advantages of a Waterways Review Group

- Such a group, given support, may further the cause and assist with remediation work and the funding search.
- The Group may have particular expertise or appropriate experiences that are of benefit to Council and the community.
- Submission for funding may be supported by such a group.
- Other Government Departments input could be acquired i.e. Waterways, Land and Water Conservation.

Disadvantages of a Waterways Review Groups

- It may be perceived that the Group is discussing some matters that have already been extensively reviewed.
- It may create a false expectation. Funding cannot be guaranteed.
- It may stretch Council's resources.

As is evident, good or bad could result. Nonetheless, the Steering Committee considers it necessary to call for expressions in order to gauge the level of interest in forming a Waterways Review Group. Potential applicants need to be briefed on the capabilities/authority levels of such a group prior to Council considering the matter .

Information and Communications

Staff will investigate the option to incorporate Recreation news items into existing Council and Sport and Recreation newsletters in order to inform of Councils projects.

Regional Sport and Recreation Centre

The committee prioritised "Regional Projects" as follows:

1. Indoor Aquatic Complex
 2. Indoor Sport, Leisure and Recreation Centre
-

Recreation Needs Study - Executive Summary

3. Synthetic Hockey Field - Hepburn Park
4. Riverview Park Athletics

With respect to the appointment of an Events Co-ordinator, Council will be considering such an issue as per the Events Strategy outcomes, in conjunction with its 1999/2000 budget deliberations.

Recreation Funding Schemes

The LDSA is currently pursuing the implementation of the recommendations:

- Rural scheme documentation has been amended accordingly
- Urban scheme implementation is awaiting a complete review of the Crozier Oval situation.

Manager - Financial Services Comments

One of the key benefits of a study such as this, is that it can provide guidance to staff and councillors in relation to financial planning issues. The next step from that is to ensure adequate funds are provided to implement the recommendations. It is pleasing to note that upon reviewing the executive summary it does appear that the majority of the recommendations listed are achievable from a financial perspective.

Conclusion

Undoubtedly a significant number of the Recreation Needs Study Findings will require further reports to Council. Affected staff members and groups will have to continually communicate and co-ordinate an ongoing enactment of the adopted study resolutions. Monthly reports are to be provided to management. The Recreation Need Study Steering Committee will have completed its tasks once matters are adopted and the consultancy completed.

Recommendation Cor57

1. Council adopt the Recreation Needs Study Executive Summary document and endorse all recommendations contained therein.
2. The Recreation Needs Study Steering Committee be disbanded and members be thanked for their input.

Subject/File No: COMMUNICATIONS FACILITIES IN LISMORE LEP 1992
(PS: S158)

Prepared By: Group Manager-Planning and Development – Phil Sarin

Reason: Council request.

Objective: Council’s determination on whether to introduce a definition of “communications facilities” in the next LEP amendment.

Management Plan Strategic Planning
Activity:

Background:

At Council’s June 1998 meeting consideration of a report on Communications Facilities was deferred to further examine the proposed definition of ‘communications facility’ to be included in the LEP.

A copy of the previous report to Council is included as an attachment to the Business Paper.

The report recommended the inclusion of the following definition from the Telecommunications Act, 1997 which reads as follows:

“communications facility” means a facility used for communications, other than “low-impact” facilities as described in the Telecommunications Act, 1997.

Under this Act, low impact facilities are defined in some detail and listed in a schedule against areas (Residential, Commercial, Industrial, and Rural) in which they are permissible.

Low impact facilities cannot be:

- designated overhead power lines,
- a tower that is not attached to a building (freestanding structure),
- a tower attached to a building and more than 5 metres high,
- an extension to a tower that has previously been extended,
- an extension to a tower, if the extension is more than 5 metres high.

Overhead cabling and new mobile telecommunication towers therefore cannot, by this definition, be low-impact facilities. Their consideration in any zone would require the consent of Council. In addition to the above list, no facility is considered low impact if it is to be located in an environmentally sensitive area (such as our 7(a), 7(b) and 8 zoned areas). It should be noted that the abovementioned list is not complete but covers the facilities with the greatest potential visual impact. For a complete list of “low-impact” facilities refer to the attachment.

In the previous report to Council it was recommended that this definition be included in our LEP and the translation of the areas listed in the schedule attached to the Telecommunications Act correspond with the zones in our LEP which best fit the area descriptions.

Communications Facilities in Lismore LEP 1992

Accordingly it is recommended that “low-impact” facilities be described in the LEP as follows:

Permissible without development consent (all types of “low-impact” facilities) in zones:
1(a), 1(b), 1(c), 1(d), 1(f), 4(a).

(most types of “low-impact” facilities) in zones:
2(a), 2(f), 2(v), 3(a), 3(b), 3(f), 5, 6(a), 6(b).

Prohibited (all types of “low-impact” facilities in zones: 7(a), 7(b), 8).

Council should note that it is not possible to vary or modify the definition of “low-impact” facility or the areas listed in the schedule which identify where “low-impact” facilities may be installed. The Telecommunications Act is a Commonwealth Government Act and any reference to its provisions/definitions in our LEP must be consistent with the intent of the Act.

It is, however, open to Council to consider how it wishes to list larger telecommunication facilities (ie those not defined as “low-impact”), in terms of their status in the LEP.

The previous report to Council recommended that medium to high impact facilities be listed in the LEP as follows:

Permissible with development consent in zones 1(a), 1(b) 1(f), 1(r), 3(a), 3(b) and 3(f).

Permissible as advertised development in zones 4(a), 5.

Prohibited in zones 1(c), 1(d), 2(a), 2(f), 2(v), 6(a), 6(b), 7(a), 7(b) and 8.

If Council is of the view that medium to high impact facilities should undergo greater public scrutiny, even in rural and business zones, an alternative to the above list could be to delete the permissible with development consent category and add the rural and business zones to the permissible as advertised development list.

At the previous Council meeting there was some discussion about imposing height limits on medium to high impact facilities such as communication towers in rural, business, commercial and industrial zones. To pursue this approach it would be necessary to introduce a new ‘local’ definition into the LEP for such structures and then specifically list structures, which exceed the maximum height limit, as prohibited development in these zones. I would be reluctant to pursue this approach as the impact of a structure could still be significant in these zones even if it met the height limit criteria. This suggestion could be considered superfluous since all freestanding structures require the consent of Council in all zones. The opportunity is therefore available to Council to consider each proposal on its merits.

As mentioned in the previous report, Council staff are preparing a “Telecommunications Code” which will contain guidelines for the siting and design of facilities. This code will be presented to Council for adoption and will be used in assessment process for proposals.

Communications Facilities in Lismore LEP 1992

Public Consultations

Should Council resolve to include this item in the next Lismore LEP Amendment (to be advised), the amendment will be exhibited for 28 days for public comment.

Other Group Comments

Sought previously. Refer attachment.

Conclusion

The inclusion of this item in the LEP will correct an existing anomaly (no communications facility definition) and give Council a greater say in the siting and design of communications facilities in rural, industrial, residential, commercial and environmentally sensitive areas.

Recommendation (PLA83)

That Council resolve to include this item in the next Lismore LEP Amendment.

Subject/File No: LOCAL GOVERNMENT STRUCTURAL REFORM COMMITTEE
(S34)

Prepared By: General Manager

Reason: Draft Memorandum of Understanding received from LG Structural Reform Committee for consideration.

Objective: Council to become a signatory to the MOU.

Management Plan

Activity:

Background:

The Local Government and Shires Associations of NSW have undertaken a strategy of voluntary structural reform for local government in NSW to promote discussion between neighbouring Councils about how they may cooperate to provide better services to the communities they serve.

A discussion paper titled “*Voluntary Structural Reform in NSW Local Government*” was prepared and circulated to all Councils in March 1997. A series of ten discussion sessions were conducted around the State in April and May to take participants through the paper. Over 500 Mayors, Councillors and senior staff attended. These sessions indicated general support for the Associations’ strategy.

As well as producing the discussion paper and conducting information sessions, the Associations, with funding provided through the Commonwealth Government’s Local Government Development Program, made facilitators available to assist Councils in the first part of the review process, that is:

- to identify the most suitable combination of Councils to participate in the review process
- to identify issues for review and options for structural reform, and
- to establish arrangements, resources, and a timetable for the review.

Through the initiative of Tweed Shire Council, a meeting of Mayors and General Managers from Lismore, Tweed, Byron, Ballina, and Richmond River Councils was held in Mullumbimby on 17th November, 1997. Cr. Irwin and myself attended as Lismore Council’s delegates. This meeting was facilitated by Roland Nagel, a local government consultant appointed by the LGSA. A number of subsequent meetings have also been held and these have also been intermittently attended by representatives of Kyogle Shire and NOROC.

The Present Situation:

The most recent meeting of the Committee was held at Mullumbimby on 28th September, 1998, and was attended by representatives from Lismore, Tweed, Byron and Kyogle Councils. Ballina Council and NOROC delegates remain participants but submitted apologies for this meeting due to other commitments. Richmond River and Casino Councils have decided not to continue with their participation in this forum due to their mutual decisions to explore an amalgamation of those two Councils.

LISMORE CITY COUNCIL - Meeting held November 17, 1998

This meeting culminated in a draft MOU being agreed upon between the participants. This MOU, a copy of which is included as an attachment to the Business Paper, is presented to the Council for consideration and endorsement.

Local Government Structural Reform Committee

Should the participant Councils each endorse the MOU, the Committee will develop a Project Brief and make application through the LGSA for funding to enable us to pursue Stage Two of the Voluntary Structural Reform Agenda, which involves:

- Investigation, research and documentation of information for the assessment of the options;
- Provision of comprehensive data to facilitate the analysis of the points of commonality and difference between the Councils; and
- Consultation with stakeholders likely to be affected by the review.

As can be seen from scrutinising the MOU document, the review is to be wide-ranging and will not merely focus on boundary adjustments. Issues such as resource sharing, performance bench-marking, corporatisation of business units, shared information technology, cooperative social planning, and common fee structures are fundamental to local government reform, and have the potential to deliver cost savings and better service delivery for our communities.

Manager - Financial Services Comments

Not required.

Public Consultations

Not required at this time.

Other Group Comments

Not required.

Conclusion

Lismore Council should enthusiastically embrace this opportunity in the community interest through their endorsement of the MOU. I commend the following recommendation to the Council.

Recommendation

1. That the Voluntary Structural Reform Committee be commended on its initiative in developing an acceptable basis for progressing local government reform in the Northern Rivers region.
2. That Council endorse the Memorandum of Understanding and apply the Council seal thereto.

Subject/File No: CENSUS DATA ANALYSIS
(PS: S394)

Prepared By: Group Manager Planning & Development and Manager, Economic Development – P Sarin and G Newton

Reason: Council request.

Objective: Further analyse population growth data and other information to ascertain reasons for residential location preferences.

Management Plan Strategic Planning
Activity:

Background:

At Council's June, 1998 meeting a report, which included an analysis of the 1996 Census figures, was received and noted. Council also resolved as follows:

“The Group Manager-Planning & Development and Manager-Economic Development prepare a further report being a critical analysis of the more recently available data and examine why Lismore is failing to attract residential development/expansion interest compared to Alstonville and Wollongbar. Such a report to include a comparison of rates, headworks charges and Section 94 levies.”

The comparison data that has been collected gives a broad overview of growth trends in the region, average costs to develop land for residential purposes, an indication of housing and land prices and other economic data collected by Council's Economic Development Unit. It must be stressed that while this information provides some useful figures from which to draw a regional comparison on locational preference, it is not a formally constituted market research analysis of why people choose to live where they do. Such a study would be a costly exercise requiring experts to research, survey and analyse the issue. If the recent expressions of interest for undertaking additional market research for the joint venture aquatic facility project are any indication, the likely costs would be in the order of \$20-\$25,000.

Regional Growth Comparison

A number of charts and tables have been put together from available Census data. As Council will recall, the previous report provided a comprehensive comparison of Council-wide and local area growth patterns between 1991 and 1996. It is not proposed to repeat the information in this report.

The far north coast experienced the highest growth rate in the State at 12.9% over the 91-96 period or an annual rate of 2.6%. Lismore Council's growth rate was 3.8% for this period, significantly less than our neighbouring coastal councils which ranged from 14.9% to 23.4% but better than our inland neighbours which experienced population declines of 3.1% and 4.7%.

At a more local level, a comparison chart has been prepared for the Goonellabah, Wollongbar and Alstonville areas. This shows the significant growth experienced in all three areas – Goonellabah (22.9%), Wollongbar (46.5%) and Alstonville (16.5%).

Census Data Analysis

Land and House Prices, Rates

Average residential allotment prices, not surprisingly, generally show a steady increase as one moves closer towards to the coast. Kyogle and Casino come in as the most affordable at \$25,000 and \$27,500, respectively. Prices then climb from around \$55,000 in the Goonellabah area to \$135,000 in parts of Lennox Head and Byron Bay.

Over the past 18 months in the Lismore urban area there has been a steady volume of land and house sales recorded and a slight decline of 1.0% in the average value of homes sold. The average house price has been \$121,000 for this period and average land prices have remained around the \$50,000 mark.

Council will recall that the findings of the Affordable Housing Strategy, presented to Council last June, concluded that *'open market affordability (for buyers and renters) is quite good, relative both to other parts of NSW and to the situation a few years ago'*. This is reflected in the steady growth in residential loans over the past eighteen months.

Council's average rate per residential assessment of \$528 (1996/97 figure) continues to be well above our north coast neighbours, which range from \$222 to \$434.

Developer Contributions

Our Section 94 levies continue to be among the highest in the region at \$8,221 per residential allotment in urban areas. Rates in other councils range from \$574 to \$9,276. The Section 94 Committee is progressively reviewing the current performance of the Plan, rationalising the number of projects and methodology for collecting levies in some sections, considering options for indexing the levies and the means by which levies can be secured to offer greater flexibility to developers to facilitate the commencement of projects. A revised plan will be presented to Council for its consideration by next June.

The local development industry, as Council would be well aware, has expressed its concern over the amount levied for residential development under Section 94. What is important to note is that with charges increasing under the Building Price Index and land values remaining relatively static or even in decline in some areas, the incentive to commence already approved projects is not there as profit margins are minimal or non-existent. While a reduction in fees and charges would certainly help, so too would a pick up in the generally static market. Economic growth and job creation are likely to be the key drivers of improvements in this area.

Section 27 levies (commonly referred to as Section 64 charges) total \$7,645 per residential allotment in urban areas. This figure is comparable to the larger coastal councils, which provide similar infrastructure services (\$6,120 to \$9,787). Our current charges have not been increased for the past year pending the outcome of the Section 94 Plan review.

Other Research Findings

The University of Queensland's Australian Housing and Urban Research Institute (AHURI) recently published a study on regional populations. The findings of the study confirm what has long been a nation-wide trend – despite the pull the big cities continue to have on young people, in particular, the research shows that a greater proportion of Australians have shifted to the coasts, mainly north for the warmth, chasing jobs and lifestyles.

Census Data Analysis

Inland Australia continues to decline with both jobs and people seeping to the coast. Only a handful of rich, mixed-farming regions with big towns processing agricultural products and providing services such as universities and government offices have prospered.

The study examined 58 regions across Australia looking at the decline or increase of shares in the national population between 1986 and 1996. It also looked at the so-called 'hot spots' and 'cold spots' for employment over the same decade.

The top six areas were: Moreton (Gold Coast, Sunshine Coast and Ipswich), Brisbane, Perth, far north Queensland (Cairns), Wide Bay-Burnett (Hervey Bay) and south-west Western Australia (Margaret River).

The Richmond-Tweed region came in at seventh overall and was in a statistical division category where the share of national population increased at a greater rate than the share of national employment over the period 1986 to 1996. The highest employment growth sector for the region was in the number of accommodation, cafes and restaurant services workers. This tends to suggest that the tourism and services sector industries continue to be principle drivers in the economy and the lifestyle choice factor a major drawcard for population migration to the region.

Analysis

The information presented in the Goonellabah, Wollongbar and Alstonville comparison chart clearly demonstrates a significant variation in average land prices and population growth. All areas experienced significant growth but appear to cater for slightly different housing markets.

The average price of land in Alstonville is significantly higher and will probably remain so given that land available for further development is very limited. Population growth will slow significantly as the remaining growth areas are developed. It should be noted that Alstonville has almost reached the threshold population of 5,000 persons set by the Ballina Council some years ago. Their current LEP provisions do not propose any further new growth or increase in current population densities.

Wollongbar is in a rapid expansion phase at the moment with a large area of land potentially available for further development currently under investigation. Almost half of the threshold population of 4,500 persons has been achieved.

Both Alstonville and Wollongbar are well serviced with a range of local facilities and, given their 'village' character with clearly defined urban expansion limits, are perceived to be more 'exclusive'. This is certainly reflected in the higher land values when compared with the Goonellabah area.

The Goonellabah area, while offering a more affordable housing option, is not as well serviced in terms of local facilities and, to state the obvious, needs a developed town centre from both a social and economic perspective to compete on equal terms. It is also part of a wider and larger urban area and is therefore never likely to have the same 'village' appeal of these neighbouring smaller centres.

While the average rate per residential assessment in Lismore is much higher than in neighbouring councils it is doubtful that this is likely to have a major bearing on locational preference. The rates

Census Data Analysis

component represents a small part of the 'affordability' factor for people considering a major investment such as the purchase of land or a home.

Developer contributions are an issue from a local perspective in that the contribution and development cost per land value ratio in Lismore is the highest in the region. This factor combined with a static housing market and low land prices is having a significant impact upon the viability of the local property development industry. As discussed elsewhere in the report, there are a number of initiatives that staff and the Section 94 Committee are evaluating to assist in reducing the level of contributions and the way in which they are collected to stimulate more growth in this sector of the economy. The Economic Development Unit is also considering developing an incentive scheme for this sector once the implementation component of the recently adopted Incentives for Investment policy has been finalised. A resolution of Council to this effect would formalise the commencement of this work.

The evidence from the recent study on population and employment distribution by the AHURI confirms that major shifts to the coastal regions continue at the expense of inland Australia. In the local context, the population comparisons for Lismore and our regional neighbours mirror this trend. An interesting finding of this research is that those non-coastal towns and rural cities which fared better have done so where their local economies have a strong link with the processing of agricultural products and they provide services such as universities and government offices. Lismore is well placed to build on its existing relationship with the Southern Cross University by continuing to support projects like 'Cellulose Valley' and other joint ventures.

Despite being more 'affordable' from a housing choice perspective than our adjoining coastal councils it is unlikely that we will be able to compete with nation-wide trends of coastal migration for lifestyle reasons. Council's establishment of the Economic Development Unit to foster better ties between Council and the local business community is a positive step towards generating ideas and strategies to strengthen the economic base of Lismore and enhance its position as a regional centre. The spin-offs in creating greater confidence and employment prospects for the region will flow on to all markets including the housing sector.

Public Consultations Not sought.

Other Group Comments Not required.

Conclusion

The data assembled for Council's information gives an indication of the possible reasons for locational preference in the region. It is not a definitive analysis of the issue supported by expert and independent research, survey and evaluation.

Nevertheless, it provides useful comparative data which confirms that Council's focus on strategies and actions to stimulate the local economy by strengthening links with the business community and addressing concerns of the local property development industry are soundly based.

Recommendation (PLA84)

Census Data Analysis

- 1 The report be received and its contents noted.
- 2 The Economic Development Unit be requested to commence work on the expansion of the Incentives for Investment Policy to include a package for the housing industry sector following the completion of the implementation component of the current policy.

Subject/File No: ECONOMIC INCENTIVES CONTRIBUTION FUND
(S640, S726)

Prepared By: Manager - Financial Services - Paul Hickey

Reason: Council Resolution 253/98

Objective: Determine Funding Source

Management Plan Economic Development

Activity:

Background:

Council, at the July 14, 1998 meeting adopted an "Incentives for Investment Policy" as prepared by the Manager - Economic Development (resolution 253/98). Included in this policy was the recommendation that Council set aside \$100,000 per annum, up to a maximum of \$300,000, as funding to offset the cost of any developer charges that Council may waive in accordance with this policy. For example, if Council waives or reduces Section 94 levies, it will then be necessary for Council to pay those levies. As part of the original resolution Council asked for details as to how such a contribution fund could be financed. This report addresses that issue.

Information

What needs to be made clear up front, regarding potential funding sources, is that this is yet another Council request that places further strain on an already limited revenue base. The nature of this policy could result in this item, the annual transfer of \$100,000 becoming recurrent, in other words, each year funds will need to be set aside to finance this contribution. Unless Council begins to identify costs, which are going to be reduced to offset the funding of items such as this, the situation will soon arise where an already stretched budget, may eventually "snap". The more funds that are expended on recurrent items, the fewer funds are available for the ever-increasing list of capital works urgently needed and demanded by the community.

With the above in mind and recognising that Council has adopted the policy, three recommended funding strategies are;

1. The simplest answer to the question of funding is that Council specifically allocates the required amount as part of the annual budget process. It will then have to compete against other priorities of Council and will be clearly open and accountable.
2. A second alternative is for Councillors to identify specific recurrent programs that should be reduced or cancelled to offset the cost of this fund. It is quite easy to list such items, however it is Councillors who firstly need to agree and then be prepared to suffer the political ramifications of such decisions. This is the preferred solution from a financial perspective, as it does not result in any further deterioration in Council's operating budget.

3. Finally, as this is a Business and Enterprise Group activity, a third funding option could be to place a dividend on the Business and Enterprise Group's commercial activities. For example a 15% dividend placed on the average operating profit for the quarry, waste disposal, crematorium and commercial property programs will raise the \$100,000 required.

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Economic Incentives Contribution Fund

The major disadvantage of this is that it takes funds away from areas, where major capital investments are regularly required and it is a fairly exorbitant dividend. Also it is once again not the best financial management practice to finance recurrent expenditure from reserve funds.

Public Consultations

The original report was adopted following consultation with various industry groups.

Comments - Group Manager - Business and Enterprise

I concur with the general thread of the report. I would however see that the most substantial aspect of the incentives policy refers to the non financial incentives proposed and while those are not dealt with in this report it is important that all do not lose sight of this.

The alternate funding scenario that I would propose is a reserve to be allocated for this purpose. The maximum amount funded from any given year would be \$100,000. Once the reserve reached \$300,000 no further funds would be allocated. If the reserve had a balance at year end of say \$225,000 then the amount to be funded from general revenue would be \$75,000 in a given year. If substantial incentives were paid for whatever reason and the balance of the reserve was \$150,000. The maximum contribution would be \$100,000.

I would agree that a dividend from Business and Enterprise activities would be a reasonable source of such funds however I would propose that this source be used for a maximum of 50% of the actual level required. Financial Services would have the task each year of striking the necessary dividend rate necessary to achieve the desired result.

For the purposes of positioning Lismore City Council as a City that means business a resolution of the funding of the incentives policy cannot come too quickly.

Comments - Manager - Economic Development

The establishment of an Incentives Contribution Fund is an aspect of the overall incentives policy and it provides a means of facilitating investment without legally compromising Council's Section 94 Plan and other contribution mechanisms.

It must also be noted that discounting is merely one aspect of the Incentives for Investment Policy which includes other incentives such as deferred payment and investment project facilitation.

The Incentives for Investment Policy is to be reviewed each year, with an annual report written, to give full details of all incentives utilised under this policy. This process will allow annual review of the policy by Council.

Conclusion

There is no straightforward answer to the financing of this contribution fund. Any increase in operating costs only results in less funding being available for essential capital works or services. In

Economic Incentives Contribution Fund

preparing the annual Council budget, the primary aim of Councillors and staff, should be at least to try and maintain the level of capital works being undertaken each year. It is clearly evident that Council is already under-funding its capital works program and any further deterioration in operating revenues or increase in operating expenses, only helps to exacerbate this situation.

Taking into account the Group Manager - Business and Enterprise's comments the recommendation that follows strikes a balance between placing a dividend on Business and Enterprise activities, matched against savings having to be identified by Councillors or staff in the operating budget.

Finally, it should also be mentioned that the 1998/99 budget continues to operate at a deficit, with a number of areas being closely monitored to ensure they do not go over-budget; i.e. legals, transit centre, parks and child care. Therefore it is recommended that the contribution fund not be established in this year's budget.

Recommendation (COR59)

- 1 That no funds be allocated in the 1998/99 budget for the developer's incentive contribution fund.
- 2 That funds for the developer's incentive contribution fund be allocated in the 1999/2000 budget, as follows;
 - 50% of the annual contribution of \$100,000 to be funded by a dividend placed on the Business and Enterprise Group's commercial activities; and
 - the balance of \$50,000 be allocated each year as part of Council's annual budget process.
- 3 That all funds transferred to the Contribution Fund be treated as a reserve, with the maximum balance to be held being \$300,000 and the maximum annual contribution set at \$100,000.

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Subject/File No: APPOINTMENT OF CONSULTANT - POLICY FOR RURAL LANDSHARING COMMUNITIES
(HM: S668)

Prepared By: Manager Strategic Planning - Helen Manning

Reason: To comply with Council's resolution 320/98.

Objective: Council's determination of consultant to prepare the Policy.

Management Plan Strategic Planning
Activity:

Introduction

At its meeting of August 25, 1998, Council considered a report on rural residential development and SEPP 15 - Rural Landsharing Communities and resolved:

- “1. *That Council pursue its own policy for rural landsharing opportunities and seek exemption from SEPP No. 15;*
2. *That Council appoint a consultant to carry out this work and that a short list of consultants be presented to Council for its determination;*
3. *That the consultant be appointed to the Rural Settlement Strategy Steering Committee;*
4.
5.
6.
7. ”

Accordingly, a brief for the preparation of the policy was prepared and a copy is in the Attachment to this Business Paper for Councillors' information. Local knowledge and experience of rural development generally, and multiple occupancy in particular, were considered important; only three consultancies were considered to have relevant expertise and experience and were invited to submit proposals. These were:

- ASPECT North;
- GeoLINK;
- Mr Malcolm Scott, Consultant Town Planner.

The proposals submitted by each consultancy are reproduced in the Councillors' Attachment to the Business Paper.

Background

SEPP 15 - Rural Landsharing Communities was re-introduced by the State Government in April 1998. Since that time a number of telephone enquiries have been received by the Planning and Development Group, but no Development Applications have been submitted. Debate regarding the issue at the Council meeting of August 25, indicated that there may be little demand for this form of

development and that the preparation of Council's Policy was to be a quick, low-key and inexpensive process. Nevertheless, the Policy must be sufficient to enable Council to gain exemption from SEPP 15, and to allow satisfaction of genuine demand in accordance with the recommendations of the adopted Affordable Housing Strategy.

Appointment of Consultant - Policy for Rural Landsharing Communities

The current Budget contains no allocation for the preparation of this Policy, however funds will be allocated from the Rural Settlement Strategy allocation for the preparation of locality development strategies, in the hope that another mechanism for funding these strategies may be identified when necessary. In regard to the third item of the resolution, Council is reminded that all consultants charge for their time and in the absence of an identified budget allocation for this Policy it is likely to be more cost effective for the chosen consultant to attend Steering Committee meetings only to present a draft Policy for comment, and to discuss response to submissions after exhibition, rather than to become a member of the Committee. Appointment of the consultant to the Committee would also result in a conflict of interest situation, as the consultant would be part of a Committee which would advise and comment on his work. It is for this reason that the planning and development consultants already on the Steering Committee were not invited to submit proposals. It is therefore recommended below that the chosen consultant be invited to attend relevant Committee meetings rather than becoming a Committee member.

Consultants' Proposals

All three consultants submitted proposals by the required deadline and which met the requirements of the brief. It is obvious from the proposals that all consultants could prepare the Policy to Council's satisfaction; however there are some differences in methodology and experience, and substantial differences in cost, that should be considered. The proposals were evaluated under the headings of methodology, output, relevant experience, timing and costs.

ASPECT North - In accordance with the headings in the brief, ASPECT North proposes to address the heads of consideration in SEPP 15 and allow for variation in local conditions, such as inclusion of prime agricultural land etc. Community consultation is proposed to comprise a series of meetings with residents of existing multiple occupancies in order to gauge views on advantages, disadvantages, and future development objectives. Appropriate planning controls would be formulated in consultation with Council officers and the Steering Committee, but should comprise an LEP amendment and possibly a DCP. Personnel preparing the Policy would be Mr Graham Meineke, who as a former Council officer has considerable experience in the planning aspects of rural development, and Mr Dick Smith, who is experienced in road engineering and upgrading in rural areas.

Proposed timing is 10 weeks to presentation of a draft Policy. The cost is \$14,250, which covers research and policy preparation, two community consultations, one meeting during exhibition, two meetings with the Steering Committee, one draft policy and three copies of the final policy.

GeoLINK - proposes reviewing Council's current information on rural development and rural landsharing communities, liaison with Council officers about local conditions and issues, verification fieldwork, preparation of an options matrix, review of SEPP 15 to determine acceptable provisions, liaison with DUAP, preparation of draft policy and presentation to Steering Committee, setting up a public display and preparing an information brochure, liaison with key stakeholders, review of public submissions and amending the draft Policy accordingly, and preparing an LEP amendment in consultation with Council planners and DUAP.

Timing is completion of the work within three months, for a fee of \$21,500. This fee would cover all site investigations, attendance at two Steering Committee meetings, research and production of

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Appointment of Consultant - Policy for Rural Landsharing Communities

the Policy. Personnel to be involved would be Mr Stephen Brown as Project Officer, with contributions from Mr Stephen Connelly for site analysis, policy options and the final recommendations to Council. Mr Connelly has considerable experience in rural settlement planning on the North Coast, although the projects listed in his proposal do not include any such work for Lismore City.

Malcolm Scott, Consultant Town Planner - proposes reviewing current information, consulting with DUAP and Pan Community Council in order to determine key aspects of the Policy and their appropriate statutory context, identification of options for determination by the Steering Committee, preparation of the policy, draft LEP and other locational guidelines if required, attendance at relevant Committee meetings and any public meetings required, evaluating submissions and preparing the final policy. Mr Scott has been involved in the assessment of applications and the preparation of strategic planning guidelines for rural landsharing development, and a site assessment of all multiple occupancies in the LGA while employed by Council.

Mr Scott proposes a collaborative (with staff and Steering Committee) approach to undertaking the work, with costs based on an hourly rate for the work actually carried out. His estimate of the time involved results in a proposed cost of \$4,550, although should additional work be required by the Steering Committee this could increase.

He would be available to start the work within two weeks of appointment and subject to the receipt of satisfactory information from Council and other bodies would be able to formulate a draft report for consideration and exhibition with the Rural Settlement Strategy.

Consideration

The proposal by Mr Malcolm Scott, Consulting Town Planner, is preferred not only on the basis of lower costs but more importantly because of his previous experience with multiple occupancy development in Lismore. This experience means that less time must be spent by staff in briefing him on the issues involved. His approach also has the advantage of flexibility both in ability to address issues arising from DUAP, the Steering Committee, and consultations and in the costing on an hourly rate rather than a flat fee. Mr Scott has previously been appointed to produce the draft DCP 28 Subdivision and various development proposal evaluations, and has completed this work to a high standard, and within time and budget allocated.

Manager - Financial Services Comments

As briefly mentioned in the report, Council has set aside \$26,000 in this year's budget for the Rural Residential Strategy. The \$26,000 is fully funded from reserves. There is no objection to transferring approximately \$5,000 of this funding to the Rural Landsharing Communities Policy, however the only issue is the funding of the Rural Residential Strategy when it takes place. Remembering that the current budget is in deficit, it is unlikely that the shortfall of \$5,000 will be found and the Rural Residential Strategy may well have to be completed next financial year.

(Note: The Rural Residential Strategy is being undertaken in-house and its funding will not be affected; it is the Locality Development Strategies that the amount of \$26,000 is budgeted for this year and which will have to be funded in the next financial year.)

Appointment of Consultant - Policy for Rural Landsharing Communities

Public Consultations

Both the Rural Settlement Strategy and the Rural Landsharing Communities Policy will be exhibited for public comment. Both will be submitted to the Steering Committee and then to Council for endorsement before being exhibited.

Other Group Comments Not requested.

Recommendation (PLA82)

That Council:

- (a) Determine that Mr Malcolm Scott, Consultant Town Planner, be appointed to prepare Council's Rural Landsharing Communities Policy;
- (b) That the other consultants be advised and thanked for their interest in undertaking the work;
- (c) That, rather than Mr Scott being appointed to the Steering Committee which could result in unnecessary costs and a conflict of interests, he be invited to attend meetings of the Committee only where relevant to the preparation of the Rural Landsharing Communities Policy.

Subject/File No: MEMBERSHIP OF PUBLIC TRANSPORT ADVISORY PANEL -
ADDITIONAL COMMUNITY REPRESENTATIVE
(HM:MJK: S135/7)

Prepared By: Manager-Strategic Planning - Helen Manning

Reason: To advise Council of application for membership of Panel.

Objective: To obtain Council's endorsement of Panel's recommendation to appoint
additional community representative.

Management Plan Strategic Planning
Activity:

Introduction:

The Public Transport Advisory Panel meets monthly and provides a useful and productive forum for discussion and advice on public transport issues in Lismore and the North Coast Region.

Panel Membership

Its current membership comprises:

Councillors Roberts and Gates. (Cr Gallen receives all Panel Business Papers and Minutes).

Community Representatives

Dr Robert Weatherby (Chairperson)

Mr Simon Cripps-Clark

Ms Therese Crollick

Representatives of Public Transport Providers

Kirklands - Mr Alan Folpp

Lismore Taxis - Mr Peter Joyce

Community Transport - Ms Colleen Thomas

Traffic Committee Representative

Bill MacDonald

Servicing Officer

Manager-Strategic Planning - Helen Manning.

As originally constituted, the Panel contained eight (8) citizen representatives. Of these, Ms Kath Fisher and Ms Meg McGrath have resigned, Dr Stuart White has left Lismore, and neither Ms J Lang or Mr W Goode attend meetings nor submit apologies and so have been deleted from the membership list.

Since the initiation of the Panel, Council has resolved to limit the size of Committees and Panels to ten (10) members only, and therefore it is not proposed to replace all five (5) citizen representatives

listed above. Instead, the replacement of two (2) only community representatives is proposed, which will bring the Panel membership to ten (10) people (excluding staff, who do not have voting rights).

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Membership of Public Transport Advisory Panel

Application for Membership

Following advertising of the vacancy for two (2) community representatives, one (1) application was received from Ms Candace Saric. The application letter is in the attachment to this Business Paper. In summary Ms Saric states that she is a development officer with the Lismore Amateur Cycling Club, is interested in promoting cycling interests and safe alternative transport in Lismore, and has acted as an advocate for safe alternative transport while living on the Sunshine Coast.

Ms Saric's application was considered by the Panel at its meeting of October 21, 1998, at which it was resolved to invite her to become a community representative on the Panel.

Manager - Financial Services Comments Not required.

Public Consultations

A further advertisement will be placed in "The Echo" seeking another community representative.

Other Group Comments Not required.

Recommendation (PLA80)

That Council endorse the resolution of the Public Transport Advisory Panel that Ms Candace Saric be invited to join the Panel as a Community Representative.

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Subject/File No: WUDI COUNTY VISIT
(S390)

Prepared By: Corporate Development Officer - Paul Parry

Reason: Invitation for delegation to visit

Objective: Consider invitation – proposed date early March 1999

Management Plan

Activity:

Background:

In June of this year Council played host to a Chinese delegation from Wudi County.

At a Civic Reception our Mayor and County Magistrate from Wudi exchanged gifts and signed a memorandum on behalf of the Council's to enhance future friendships and trade between the two Cities.

The delegation comprising both business and government representatives held meetings with local business people to discuss the prospects of creating business and trade links. Both Lismore and Wudi hosted banquets that provided opportunities to further develop business ties and friendships, during which an invitation was proposed for a return visit by a Lismore delegation. I briefly discussed the concept of a return visit with their tour leader who offered to assist with the interpretation of future communications, as well as assisting with arranging the tour itinerary, if Council wishes to reciprocate the visit.

Wudi County has since sent an official letter to the Mayor extending an invitation for a Lismore delegation to visit Wudi in early March 1999. The invitation has been discussed with the Mayor and General Manager and a preliminary costing was obtained through the Wudi delegation tour leader. Following is the interim itinerary:

- Proposed departure March 2, return March 14. Cities included Shanghai, Hangzhou, Jinian, Wudi and Beijing. A number of meetings are proposed with businesses and industries. Inspections of industries and visits to education institutions, as well as sight seeing are planned.
- Cost \$2300.00 per person. Cost covers international flight, internal flights, accommodation and most meals.

If Council was to accept the invitation the above details will be confirmed before publicly announcing the tour. Given it is the inaugural tour to Wudi County and that there is an emphasis upon building closer business and trade ties, it is suggested that 20 places be reserved for councillors/ council staff and the business fraternity.

Building personal relationships between individual families is also a vital aspect in the development of sister city relations. Thus the general community needs to be encouraged and invited to book the remaining 20 places.

Recommendation

- a) That Council accept the invitation extended by the Magistrate of Wudi County.
- b) That the itinerary and costing be confirmed before publicly advertising the tour
- c) That the delegation number be restricted to forty (40) with 20 placements being reserved for councillors, essential council staff and business representatives.

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Subject/File No: COUNCIL MEETINGS AND PUBLIC CONTACT FORUMS IN RURAL LOCATIONS
(GW/LM: S4)

Prepared By: Manager-Administrative Services - Graeme Wilson

Reason: Policy to meet in rural locations.

Objective: Determine schedule.

Management Plan Corporate Management
Activity:

Background:

Council's Policy 1.2.7 of open government states Council will meet three times a year at village locations and will also conduct three Public Contact Forums at rural locations.

In the current year two rural Council meetings have been held, the first at The Channon in February and the other at Wyrallah in May. The third meeting for this year is tonight's meeting at Numulgi.

All three Public Contact Forums - Caniaba, Tregagle and Rock Valley - have been conducted, all with good attendance from local residents.

It is proposed that Council continue both practices in 1999 and in this regard the following schedule of venues is suggested:-

- | | | |
|---------------------------|-------------|---------------|
| a) Council meetings: | February 23 | Marom Creek |
| | May 18 | Eltham |
| | November 23 | Tullera |
| b) Public Contact Forums: | March 1 | Tunable Creek |
| | June 21 | Koonorigan |
| | September 6 | Dungarubba |

Manager - Financial Services Comments

Not requested.

Public Consultations

Not required.

Other Group Comments

Not requested.

Recommendation (COR55)

That the schedule of venues, as outlined below be adopted.

- | | | |
|----------------------|-------------|-------------|
| a) Council meetings: | February 23 | Marom Creek |
|----------------------|-------------|-------------|
-
-

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	May 18	Eltham
	November 23	Tullera
b) Public Contact Forums:	March 1	Tunable Creek
	June 21	Koonorigan
	September 6	Dungarubba

LISMORE CITY COUNCIL - Meeting held November 17, 1998

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD
OCTOBER 21, 1998 AT 10.00 AM. (WJMacD:CA:S352)

Present: Mr Bill Moorhouse (*Chairperson*), Councillor Cole, Messrs Greg Sciffer (*Roads and Traffic Authority*), Chris Mallam (*Lismore Unlimited*), Snr Const Brian Buckley (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*) and Mr Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*).

Apologies: Apologies for non-attendance on behalf of Mr Bill Rixon MP, Ms Bernadette Alvos & Councillors Gallen, Gates and King were received and accepted and leave of absence granted.

Minutes of Traffic Advisory Committee Meeting - September 16, 1998

Members were advised that the Minutes of the meeting held on September 16, 1998 were adopted by Council at its meeting of October 6, 1998, excluding Item No's 17, 18, 19 and 20.

Item No. 17 (*Rowing Club Carpark*)

The Committee noted Council's resolution. Mrs Lynette Murphy was present for this item and was invited to state her concerns relating to the paid parking proposal. Mrs Murphy supplied results of a carpark survey she had undertaken of Councils off-street carparks which indicated that the carparks were not being fully utilized. Mr Mallam pointed out that the times the surveys were taken were not necessarily indicative of the real situation as many vehicles were removed from the carparks at lunchtime. The Committee explained the reasons for the proposed paid parking in the Rowing Club Car Park, however Mrs Murphy stated that she did not support such a proposal as this would be an additional cost some families may not be able to afford. (P15856)

Item No. 18 (*Sale of Vehicles on Roadsides*)

The Committee noted Council's resolution. (S374)

Item No. 19 (*Intersection of Ballina and Hunter Streets, Lismore*)

The Committee noted Council's resolution. (R6002, R6030)

Item No. 20 (*RTA Technical Direction on Pedestrian Facilities*)

The Committee noted Council's resolution. (S363, S342)

Disclosure of Interest: Nil

Correspondence:

1. **A White;** suggesting that centre line-marking be extended for the full length of Dalley Street, East Lismore.

LISMORE CITY COUNCIL - Meeting held November 17, 1998

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD
OCTOBER 21, 1998 AT 10.00 AM. (WJMacD:CA:S352)

It was suggested that a broken white line could be more appropriate than a double white line as this would still allow kerbside parking. Snr Const. Buckley raised concerns that a broken white line may encourage some motorists to overtake, and so it was suggested that a better alternative may be to install double white lines at all the intersections along Dalley Street, between Dibbs Street and Military Road. This would provide some centre line delineation.

TAC186/98 **RECOMMENDED** that a double white centre line be installed at all intersections along Dalley Street between Dibbs Street and Military Road. (98-15329:R7426)

2. **Mrs W Seager**; drawing attention to the difficulty experienced by motorists when exiting from the Wyrallah Road Shopping Centre onto Wyrallah Road due to the close proximity of the taxi rank and seeking its relocation. The situation was made worse when the new bubble taxis were parked on the rank due to their height. The problem would only increase along with patronage at the Shopping Centre.

TAC187/98 **RECOMMENDED** that a meeting be held with a representative of the Taxi Co-Op with a view to relocating the rank to a more suitable location. Note: Mr MacDonald has since met with Lismore Taxis and they are investigating the possibility of relocating the rank to the University. This would obviously resolve the problem. (98-15342:S352)

3. **Lismore South Primary School Council**; drawing attention to the need for a pedestrian crossing on Molesworth Street in the vicinity of the City Hall and Heritage Park.

The Committee noted that this issue had been the result of an appeal to the Regional Committee which had recommended that a pedestrian crossing was not the most appropriate facility bearing in mind its part time use.

TAC188/98 **RECOMMENDED** that a pedestrian refuge be installed in Molesworth Street, south of Bounty Street. (98-16022:R7322,S342)

4. **Mr G & Mrs E Ablett**; supporting the proposed road closure of the upper section of Barham Street, Lismore.

D Newell; setting out his concerns for the proposed road closure.

Mr J O'Reilly objecting to proposed location of road closure.

The Committee was advised that the proposed closure of the southern section of Barham Street has been advertised and three submissions had been received as indicated above. One supporting the closure as proposed and the other two supporting the road closure but at the Wanda Drive end and not the Beaumont Drive end. It was pointed out that access to the two properties off the section of Barham Street in question was far safer from the Wanda Drive end even though this meant an increase in trip length to and from the two properties. The Beaumont Drive end of Barham Street was narrow and steep and maintenance would always be a problem, even though one of the current owners has indicated that he would accept responsibility for same, ownership could change in the future. Mr O'Reilly is one of the property owners directly affected. The other owner/resident was interviewed and did not care which end the road was closed. Councils Water & Sewerage Department had also indicated that their preference of access to the pump station in this section of Barham Street was via Wanda Drive.

TRAFFIC ADVISORY COMMITTEE MEETING HELD OCTOBER 21, (Cont'd)

It was pointed out that other users such as service vehicles and visitors to the properties in question also needed to be considered in relation to safe access.

TAC189/98 **RECOMMENDED** that Barham Street be permanently closed to through traffic by means of suitable barriers being placed south of Beaumont Drive.

(98-16428,98-16764,98-17098:R7410)

5. **Rev P Playsted;** outlining the difficulty experienced by pedestrians in crossing Conway Street in the vicinity of the Post Office and suggesting the need for a pedestrian crossing to be installed.

Mr MacDonald advised that he had observed pedestrians crossing Conway Street, between Molesworth and Carrington Streets, on a number of occasions at either of the three refuge locations currently provided with little delay or conflict being experienced. There was however, a need to investigate the need for some type of pedestrian facilities in Conway Street, between Carrington and Keen Streets & Keen and Dawson Streets. It was suggested that the extension of the centre median along Conway Street through its intersection with Carrington Street would also increase pedestrian safety by reducing turning movements.

TAC190/98 **RECOMMENDED** that a study of vehicle and pedestrian movements be carried out for the whole of Conway Street, between Molesworth and Dawson Street.

TAC191/98 **FURTHER RECOMMENDED** that a plan of proposed traffic facilities be produced, including the extension of the median along Conway Street through Carrington Street, and this be submitted back to the Committee for further consideration along with the results of any surveys undertaken. (98-16440:R7307)

6. **Loft Restaurant;** applying for the partial closure of Nesbitt Lane to vehicular access and extension of the paved section of Magellan Street to include the entrance to the restaurant, as well as seeking the general beautification and lighting upgrade of Nesbitt Lane.

Mr Moorhouse pointed out that drainage at the start of Nesbitt Lane had been upgraded as part of the Magellan Street reconstruction and there was a need to now upgrade Nesbitt Lane and all the inner CBD lane system. The need for upgrading lighting in Nesbitt Lane would also be investigated.

TAC192/98 **RECOMMENDED** that this be referred to Councils Design Section to produce and plan and estimate for the staged upgrading of the lane system and this be referred back to the Committee for further consideration.

(9816527:R7323,P21006)

7. **M/s K Crosby;** expressing concern for the lack of pedestrian facilities when crossing Keen Street to reach the new Bus zone in the vicinity of Lismore Central and seeking the installation of a pedestrian crossing.

The Committee noted that the Cool Rocks Cellars had now changed ownership and the new owners had undertaken to prepare a suitable plan of traffic facilities in Keen Street adjacent to Lismore Central for Council's consideration. To date nothing had been received.

TAC193/98 **RECOMMENDED** that Mr MacDonald follow up this matter with a view to having a plan of any proposals for the next meeting. (98-16851:S342)

8. **JA & Mrs CM Dickson**; seeking suitable treatment of Walker Street, Clunes, between Ryces Drive and the Fire Station, to prevent the excessive speed of vehicles.

The Committee noted that there was already a watts profile speed bump in Walker Street towards the northern end. Mr MacDonald advised that Walker Street and the subdivisions off Walker Street were part of the proposed extension of the 50kph speed limit to be introduced into villages. It was suggested that the 50kph signs that were to be installed at the start of Walker Street could include the children symbol sign as proposed by the RTA together with the 50 being painted on the road. This would help highlight the new reduced speed limit.

TAC194/98 **RECOMMENDED** that the above action be taken and the writer be advised accordingly. (98-16865:S352,R1302)

9. **NSW Roads & Traffic Authority**; forwarding a copy of the revised implementation guidelines for the 50 kph urban speed limit initiative.

The Committee noted the additional signage that could be used as part of the 50kph urban limit and that the RTA had offered up to \$3000 for appropriate advertising. It was felt that the best way to promote the new limits and the areas to which they refer is by way of radio advertising which is aimed more directly at car drivers.

TAC195/98 **RECOMMENDED** that the above be noted and that Council's Road Safety Officer submit a proposal to the RTA to gain funding for advertising to include radio as outlined above. (98-16881:S352)

General Business

10. **Reinstatement of Bus Zone - Carrington Street**

Councillor Larsen has requested that consideration be given to the reinstatement of the Bus Zone at Carrington Street, in the vicinity of Lismore Central.

Mr MacDonald advised that Kirklands had confirmed that numbers using the new Bus Zone in Keen Street had increased and the fact that buses now travelled around the outer-perimeter of the super block and back onto Spinks Park was much more efficient in terms of bus movements. Council had also recently received a request for an additional shelter at the new site which would indicate a large patronage. Although buses could turn from Magellan Street into Carrington Street it was extremely tight which increased the risk of damage to buses or footpaths. It was also noted that Council was looking at extending the centre median along Conway Street which would block right turns out of Carrington Street into Conway Street. Access to Keen Street from Lismore Central had been acknowledged as an issue by the owners.

TAC196/98 **RECOMMENDED** that the Bus Zone be retained in Keen Street and that Council continue to pursue the issue of pedestrian access to the zone with the Centre owners. (R7303)

TRAFFIC ADVISORY COMMITTEE MEETING HELD OCTOBER 21, (Cont'd)

11. **Lismore Carpark Survey**
This item has been dealt with at the start of the Minutes. (S353)
12. **Pedestrian Refuge - Ballina Street (Below Hunter Street)**
The Committee to consider the need to reinstate the refuge.
The Committee noted that the underpass had now been in operation for some weeks and appeared to be working extremely well and without any major incidents.

The reinstatement of the pedestrian refuge below Hunter Street would be a duplication of facilities and was not considered necessary.
TAC197/98 **RECOMMENDED** that the pedestrian refuge not be reinstated. (R6002)
13. **Relocated Pedestrian Crossing - Ballina Street (Near Keen Street)**
Mr MacDonald advised that Council had received several reports from motorists regarding near-misses with pedestrians using the pedestrian crossing at the new location on the corner of Ballina and Keen Streets. Two lanes of traffic in each direction contributed to this problem. Although existing signs were clearly visible it was felt that additional large reduce speed signs that were removed from either side of the crossing that was at the intersection of Ballina Street and Hunter Street could be of some benefit. Mr Sciffer also suggested that the pedestrian legs signs at the crossing could be highlighted with a fluorescent background.
TAC198/98 **RECOMMENDED** that the above action be taken. (R6002)
14. **Pedestrian Facilities - Rotary Drive**
The Committee to consider the Parks & Reserves Manager's comments regarding the possibility of a footpath through Rotary Park.
The Committee noted the Manager's comments that there are endangered species in Rotary Park and that any footpath works would be unlikely to have the consent of relevant authorities. It was suggested that any footpath could be of suspended timber construction that would reduce any environmental effects of such a proposal like erosion. Councillor Cole advised that she would raise the issue at the next meeting of the Civic Design panel. Meanwhile, Mr Moorhouse suggested that it may be possible to widen the inside lane of Rotary Drive which would then allow for the installation of guardrail to protect pedestrians using the existing footpath.
TAC199/98 **RECOMMENDED** that the widening proposal be referred to Council's Design Section for investigation and preparation of a plan and estimate for further consideration. (R7133,P6588)
15. **Pedestrian Refuges - Dalley Street (Near Lismore High School)**
The Committee to consider the need for pedestrian refuges on Dalley Street in front of the Lismore High School.
Mr Moorhouse advised that students coming from the Military Road end of Dalley Street were not using the existing marked pedestrian crossing further along the street. It was felt that there may be a need for the existing crossing to be upgraded to include a refuge and possibly an additional refuge towards Military Road. This would depend on available room and whether it conflicted with bus movements exiting the bus bay area.
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LISMORE CITY COUNCIL - Meeting held November 17, 1998

TRAFFIC ADVISORY COMMITTEE MEETING HELD OCTOBER 21, *(Cont'd)*

TAC200/98 **RECOMMENDED** that this item be referred to Council's Design Section for investigation on the possible upgrading of the existing pedestrian crossing to include a refuge and the possibility of providing an additional refuge between the bus bay and Military Road. (R7426)

16. **Intersection of Bank Street/Forest Road, North Woodburn**

Members were advised that the intersection was controlled by Stop signs on both Bank Street and Kilgin Road at their intersection with Forest Road. Although the signs were clearly visible it would appear that some motorists were either disobeying the signs or not seeing them. It was pointed out that an advanced warning 'cross roads' symbol sign existed on Forest Road but not the other three legs which included the bridge from Woodburn. It was suggested that centre islands may be able to be installed in Bank Street and Kilgin Road, however, it was felt that this would make it difficult for cane trucks to negotiate the intersection.

TAC201/98 **RECOMMENDED** that advanced warning 'cross road' symbol signs be installed in Bank Street, Kilgin Road and on the bridge. (R5725,R5708)

17. **Vehicle Speeds on Bruxner Highway past Summerland Machinery Building**

Councillor Cole raised concerns regarding the increase of near misses between vehicles wishing to turn into the Summerland Machinery Building and through traffic. It was suggested that the current occupier of the site should have been made to upgrade the intersection to include shoulder widening, however, it would appear this was not done at the DA stage. The area in question was within a 100kph zone and as more developments were proposed along the road it was felt that a reduced limit of at least 80kph may be more appropriate.

TAC202/98 **RECOMMENDED** that a speed zone survey be carried out with a view to introducing a 80kph zone from the end of the existing 60kph zone south of Three Chain Road to a point south of the lake entrance and this be forwarded to the RTA for approval.

18. **Brown & Jolly Centre - Carpark Control**

As the Centre's Manager, Mr Mallam raised problems being experienced with motorists parking all day in the private carpark at the rear of the centre off Carrington Street. Mr Mallam requested Council's assistance in having Council's Officers police the carpark as part of Council's off-street carpark patrols. Mr MacDonald confirmed that this would be possible, however, a suitable agreement would need to be drawn up outlining responsibilities. Mr Mallam agreed to meet any establishment costs of such an agreement, including signposting. It was suggested that a one hour time limit would be the most appropriate.

TAC203/98 **RECOMMENDED** that action be taken to instigate such an agreement as outlined above after which Council's Law Enforcement Officers would enforce parking regulations.

19. **Pedestrian Refuge in Oliver Avenue**

Mr Sciffer raised concerns regarding the lack of linemarking on the approaches to the recently installed pedestrian refuge in Oliver Avenue.

TAC204/98 **RECOMMENDED** that additional linemarking be installed either side of the new refuge in Oliver Avenue.

This concluded the business and the meeting terminated at 12.30 pm.

LISMORE CITY COUNCIL - Meeting held November 17, 1998

TRAFFIC ADVISORY COMMITTEE MEETING HELD OCTOBER 21, (Cont'd)

ENFORCEMENT CO-ORDINATOR

DOCUMENTS FOR SIGNING AND SEALING

The following documents have been prepared in accordance with previous resolutions of the Council and/or the provisions of the Local Government Act, 1993 and other relevant statutes.

It is now proposed that the Council authorise the signing and sealing of these documents.

Recommendation:

The following documents be executed under the Common Seal of Council:-

S88B Instrument - Sale of Proposed Lot 1 Caniaba Raod, Loftville
Subdivision - Addition to Airport Extension land.
(98-16513: D95/202)

Lease - Council to ACE - North Coast Inc.
Lease of Council property at 59 Magellan Street for 12 months from July 1, 1998.
(98-17353: P6397)

Linen Plans for Skyline Road Upgrade
For lodgement at the Land Titles Office.
(98-17603: R5102,R5103)

LISMORE CITY COUNCIL - Ordinary Meeting held October 27, 1998

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, October 27, 1998 AT 6.03PM.

Present: Her Worship the Mayor, Councillor Irwin; Councillors Cole (from 6.29pm), Crowther, Gates, King, Larsen, Roberts, Swientek and Wilson, together with the General Manager; Group Managers-Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Strategic Planning, Development Assessment Planners (Brendan Toohey and Damian Chapelle) and Manager-Administrative Services.

391/98 **Apologies/Leave of Absence:** Apologies for non-attendance on behalf of Councillors Champion and Gallen were received and accepted and leave of absence granted.
(Councillors Larsen/Swientek)
Leave of absence was granted to Councillor Riddell by Council on March 31, 1998.

392/98 **Minutes:** The Minutes of the Ordinary Meeting held on October 6, 1998, were confirmed.
(Councillors Larsen/Cole)
The Minutes of the Special Meeting held on October 26, 1998, (tabled) were confirmed.
(Councillors Larsen/Cole)

PUBLIC ACCESS SESSION:

Prior to the commencement of the meeting, a Public Access Session was held at which Council was addressed by the following:-

Mr Chris Garlick - Rescission Motion - Corndale Quarry

(See Minute No. 398-399/98)

Mr Garlick spoke on behalf of surrounding residents. He advised that they were not against the quarry. He referred to existing use levels, the area quarried and use of the quarry. He referred to a level of use of 20,000 tonnes per annum.
(98-16545: Z3)

Mr Terry Collins re Report - DA98/148 - 2 Lot Subdivision, 468 Corndale Road, Corndale

(See Minute No. 394/98)

Mr Collins briefly touched on existing use rights of the quarry and the crusher, statutory declarations lodged and previous discussion before Council.
(Z3)

Mrs Taylor and Mr L Walker re Report - DA98/148 - 2 Lot
Subdivision, 468 Corndale Road, Corndale

(See Minute No. 394/98)

Mr Walker refuted a number of the conditions of refusal.

Mrs Taylor referred to advice from staff on the subdivisional potential of the land. She spoke of the suitability of the site for rural residential subdivision and urged Council to forward it to DUAP for consideration.

(D98/148)

Mr Gary Herne re DA98/154 - Commercial Premises Containing
41 Mini Storage Sheds and Luggage Locker Storage, at Lots 5 &
6 DP 5446, 82 & 80 Cullen Street, Nimbin

(See Minute No. 395/98)

Mr Herne spoke of the need and support for the development, its compliance with zoning requirements, minimal visual impact from Cullen Street and the landscape treatment to the school. He stressed the development would not increase drug usage.

(D98/154)

Ms Robyn Hunt re DA98/154 Commercial Premises Containing 41
Mini Storage Sheds and Luggage Locker Storage, at Lots 5 & 6
DP 5446, 82 & 80 Cullen Street, Nimbin

(See Minute No. 395/98)

Ms Hunt advised she was the Principal of Nimbin Central School and spoke of the concern of staff of the impact of the development on the safety of children. She referred to childproof fencing, need to increase landscaping, drainage concerns and a security gate.

(D98/154)

Mr Lindsay Walker re Report - Lismore Flood Mitigation Scheme

(See Minute No. 396-397/98)

Mr Walker advised the route was the same as approved by Council in 1997. He spoke to the report and urged Council to show leadership by proceeding with this proposal.

(S107)

SUSPENSION OF STANDING ORDERS:

393/98

RESOLVED that -

1 Standing orders be suspended and Council now deal with the undermentioned matters:-

- Report - DA98/148 - 2 Lot Subdivision, 468 Corndale Road, Corndale

LISMORE CITY COUNCIL - Ordinary Meeting held October 27, 1998

- DA98/154 - Commercial Premises Containing 41 Mini Storage Sheds and Luggage Locker Storage, at Lots 5 & 6 DP 5446, 82 & 80 Cullen Street, Nimbin
- Report - Lismore Flood Mitigation Scheme
- Rescission Motion - Corndale Quarry

2 That prior to considering the Rescission Motion, Council meet in Committee-of-the-Whole to consider associated legal advice from Phillips Fox.

(Councillors Larsen/Swientek)

Voting Against: Councillors King and Crowther.

Development Application No. 98/148 - 2 Lot Subdivision, 468
Corndale Road, Corndale, Being Lot 152, DP 874524

(Copy attached)

A MOTION WAS MOVED that the report be received and Council support the development application and SEPP 1 objection, and seek concurrence of DUAP on the basis that it is consistent with surrounding landuse.

(Councillors Gates/Larsen)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Wilson, King, Cole, Swientek and Crowther.

394/98 **RESOLVED** that the report be received and -

A That Council refuse Development Application No. 98/148 for a proposed two (2) lot rural subdivision located at 468 Corndale Road, Corndale, being Lot 152 DP 874524 for the following reasons:

- 1 The subdivision does not comply with the minimum lot size in accordance with the provisions of Clause 11(1) of the Lismore Local Environmental Plan 1992.
- 2 The State Environmental Planning Policy No. 1 Objection to the minimum lot size in accordance with Clause 11(1) of the Lismore Local Environmental Plan 1992 is not supported.
- 3 The proposal is not consistent with the objectives of the Lismore Local Environmental Plan 1992 1(a) General Rural Zone and 1(r) Riverland Zone.
- 4 The proposal is not consistent with the North Coast Regional Environmental Plan 1988 Clause 6 Agricultural Resources.
- 5 The proposal is not consistent with the North Coast Regional Environmental Plan 1988 Clause 12 Development Control and Agricultural Activities.
- 6 The proposal is not consistent with Clause 19 of the North Coast Regional Environmental Plan 1988.
- 7 The proposal is not consistent with Clause 20 of the North Coast Regional Environmental Plan 1988.
- 8 The proposed development does not comply with the provisions of Development Control Plan No. 27 - Buffer Areas (Section 90(1)(a)(iv)).
- 9 The proposed development may create a conflicting landuse with surrounding landuses.

(Councillors Swientek/Crowther)

Voting Against: Councillors Irwin, Larsen and Gates.

Dissenting Vote:

Councillor Irwin.

(D98/148)

Development Application 98/154 - Commercial Premises
Containing 41 Mini Storage Sheds and Luggage Locker Storage,
at Lots 5 & 6 DP 5446, 82 & 80 Cullen Street, Nimbin

(Copy attached)

A MOTION WAS MOVED that the report be received and -

A That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Control Unit, to approve variations of a minor

nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.

B That Council, as the consent authority, consent Development Application 98/154 for the erection of Commercial Building containing forth one (41) mini storage sheds and luggage locker storage, at Lots 5 and 6 DP 5446, 82 and 80 Cullen Street, Nimbin subject to the following conditions;

1 In granting this development consent, Council requires:

- All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
- All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
- Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with the stamped approved plan(s) No. 98/272 Sheet 1 and 2 and dated 9/6/98 and supporting documents submitted with the application. Copies of the approved plan are attached to this consent.

Reason: To correctly describe what has been approved. (EPA Act Sec 92(1))

BUILDING CONDITIONS

2 The mini storage sheds and luggage locker buildings shall be clad with a soft non-reflective material compatible with the environment of the locality. Associated colour schemes are to be submitted to Council for approval with the building application.

3 Prior to the commencement of building construction, details from a practising structural engineer, are to be submitted to council for approval, certifying that the footings and/or slab have been designed to suit the site conditions.

Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 90(1)(o))

Reason: To comply with the provisions of Local Environmental Plan 1992 - City of Lismore. (EPA Act Sec 90(1)(a))

Reason: To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 90(1)(j) and Local Government Act Sec 33(f))

DRAINAGE

4 Hard surface areas, landscaped areas, roof water and subsoil drainage systems shall be designed so all water is directed to a Council approved drainage system to prevent discharge runoff onto adjoining land. This system shall be constructed in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.

5 Measures shall be put in place to control stormwater runoff. These control measures shall prevent soil erosion and the transport of sediment from the development site into either:

- natural drainage courses
- constructed drainage systems, or
- waterways.

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Details of sediment control measures and revegetation works shall be submitted for Council approval prior to release of any building approval.

6 The applicant or developer shall make satisfactory provision for stormwater to be directed through piped drains that are constructed according to Council's Development Standards & Construction Manual (February 1993) as amended from time to time. All roof water from any proposed building and/or surface water from paved areas shall be directed to a Council approved drainage system. All piped drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the applicant or developer.

7 A practising qualified surveyor is required to furnish a certificate confirming:

- all drainage lines have been located within the respective easements,
- roadworks are in accordance with the approved design plan, and
- any other structures like retaining walls are located in accordance with the approved design plan.

Reason: To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 90(1)(h))

Reason: To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 90(1)(g))

Reason: To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 90(1)(j) and Local Government Act Sec 33(f))

ROADS

8 The applicant or developer shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time. The applicant or developer shall be responsible for any costs, including maintenance, for a period of twelve months from the date of approval of the work. Required roadworks include:

b) Construction of a kerb and gutter and bitumen sealed road, from the face of the existing kerb to the existing sealed pavement, for the full frontage of the land in Cullen Street.

A practising qualified surveyor or engineer shall submit a "works-as-executed" set of plans showing the satisfactory completion of all roads and drainage works required by this consent.

9 Full design plans of the proposed engineering works to satisfy condition(s) shall be submitted to Council. Such plans shall be separate from the building application. Such plans must be approved by Council's City Works Group before construction of drainage or road works are commenced. A practising qualified surveyor or engineer shall submit a "works-as-executed" set of plans showing the satisfactory completion of all roads and drainage works required by this consent.

Reason: To ensure an adequate road network in accordance with adopted standards. (Local Government Act Sec 332)

EARTHWORKS

10 Bulk earthworks shall not commence on site before release of any building approval.

Reason: To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 90(1)(g))

VEHICULAR ACCESS

11 Redundant road pavement, kerb and gutter or foot paving, including any existing entrances or other special provisions shall be reinstated in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.

- 12 Driveways, access aisles and parking areas shall be provided with a bitumen sealed or other approved surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.
- 13 All loading and unloading shall take place within the property boundaries.
- 14 Vehicular access from the road pavement to the development shall be provided by the construction of a six (6) metre wide gutter crossing, in accordance with the Council's Development and Construction Manual (February 1993) as amended from time to time.
- 15 Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction, in accordance with Council's Development Control Plan No. 18 Off Street Carparking Requirements. All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition.
- Reason: To ensure an adequate road network in accordance with adopted standards. (Local Government Act Sec 332)*
- Reason: To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 90(1)(i))*
- Reason: To ensure adequate access to and from the development. (EPA Act Sec 90(1)(i))*

CARPARKING

- 16 Provision shall be made for two (2) carparking spaces as shown in red on the approved plans with a bitumen sealed/paved or equivalent surface constructed and landscaped in accordance with the requirements of the Council's Development Control Plan No. 18 Off Street Carparking Requirements.
- 17 A sign shall be erected to clearly indicate off-street parking is available.
- 18 All vehicles connected with the premises shall be parked or garaged within the property at all times.
- Reason: To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 90(1)(i))*
- Reason: To ensure the free flow of traffic and comply with traffic regulations. (EPA Act Sec 90(1)(j))*
- Reason: To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 90(1)(i))*

PEDESTRIAN ACCESS

- 19 Access to the building and public spaces shall be provided in accordance with the requirements of the Department of Planning Technical Bulletin No. 17 - "Access to Public Spaces for Disabled People" and the Building Code of Australia.
- Reason: To ensure that adequate provision is made for access to and from the development for disabled people. (EPA Act Sec 90(1)(s))*

LANDSCAPING

- 20 A detailed landscaping plan (in duplicate) shall be submitted to Council prior to release of the building application. Landscaping plans shall be in accordance with Council's Landscaping Code and relevant Development Control Plans. Species identified in Council's Landscaping Code shall be planted wherever possible. Landscaping plans shall indicate:
- location of Council's sewer
 - proposed location for planted shrubs and trees
 - botanical name of shrubs and trees to be planted
 - mature height of trees to be planted
 - location of grassed areas
 - location of paved areas
 - location of trees identified for retention in the development application plans.

Council approved landscaping shall be completed prior to the use and/or occupation of the development. Landscaping shall be maintained at all times to the satisfaction of Council.

Reason: *To ensure that appropriate landscaping is provided. (EPA Act Sec 90(1)(m))*

- 21 The applicant is to negotiate with the adjoining landowners, being the Department of School Education, to obtain permission to establish an appropriate landscape buffer along the full length of the southern and western sides of the development site. Pending such permission being obtained from the Department of School Education, the landscaping is to be carried out at the applicant's expense. Such landscaping is to be detailed on the landscaping plan as required in Condition 20.

WATER AND SEWERAGE

- 22 Neither fill nor any building or other structure shall be placed over Council's sewer main when such fill or structure falls:

i) within a distance from the main measured by projecting a 45° angle from the invert of the main to surface level

OR

ii) within 1.5m of the main.

Reason: *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 79C(b))*

AMENITY

- 23 The land use shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.

- 24 All unsightly matter shall be stored out of sight from any adjacent premises or public place.

Reason: *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 90(1)(o))*

ENVIRONMENTAL

- 25 Any chemicals and oils are to be stored in a secure bunded area with a holding capacity of 110% of the largest container. (Where flammable and combustible liquids are stored, compliance standards relating to flammable and combustible liquids as specified in Australian Standard 1940-1993 - "The Storage and Handling of Flammable and Combustible Liquids" shall be implemented), and approval is to be obtained from the Workcover Authority before commencing associated works.

Reason: *To protect the environment. (EPA Act Sec 90(1)(b))*

DEVELOPMENT

- 26 Side and rear boundary fences are to be provided to a minimum height of 1.8 metres.

Reason: *To preserve the appearance of the area. (EPA Act Sec 90(1)(o))*

SIGNS/ADVERTISING/LIGHTING

- 27 Any further outdoor advertising material, signs or decorative materials (including flags or bunting) shall be approved by the Council prior to erection, in accordance with Development Control Plan No. 24 Outdoor Advertising Structures (as amended). A separate application shall be submitted.

- 28 Signage shall be non-reflective and non-iridescent to minimise any possible distraction to traffic.

- 29 This consent does not allow the use of any outdoor display lighting to illuminate the sign without the approval of Council.

- 30 The sign shall be securely affixed to the supporting structure.

- 31 Provision is to be made for the illumination of the common areas at the rear and accessway of the site, only, throughout the hours of darkness. (SPC)
-

- 32 Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties. (SPC)

Reason: To preserve the appearance of the area. (EPA Act Sec 90(1)(o))

Reason: To preserve the amenity of the area and traffic safety. (EPA Act Sec 90(1)(o))

- 33 The sign is to be set back from Cullen Street as close to the house as possible without impacting intrusively upon the house.

SECTION 94 LEVIES

- 34 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore City Council S94 Contributions Plan 1994 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the building approval is granted. The rates and amounts applying at the date of this notice, totalling \$9,120, are set out in the schedule for your information. All contributions, bonds etc. shall be paid prior to the release of the building approval.

Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the percentage increase from the date of approval to the date of payment, as notified by the Building Price Index (Sydney).

Reason: To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated July 1995 as required by the increased population or activity. (EPA Act Sec 94)

(Councillors Larsen/Gates)

AN AMENDMENT WAS MOVED that the report be received and -

- A** That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Control Unit, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.

- B** That Council, as the consent authority, consent Development Application 98/154 for the erection of Commercial Building containing forth one (41) mini storage sheds and luggage locker storage, at Lots 5 and 6 DP 5446, 82 and 80 Cullen Street, Nimbin subject to the following conditions;

- 1 In granting this development consent, Council requires:

- All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
- All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
- Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with the stamped approved plan(s) No. 98/272 Sheet 1 and 2 and dated 9/6/98 and supporting documents submitted with the application. Copies of the approved plan are attached to this consent.

Reason: To correctly describe what has been approved. (EPA Act Sec 92(1))

BUILDING CONDITIONS

- 2 The mini storage sheds and luggage locker buildings shall be clad with a soft non-reflective material compatible with the environment of the locality. Associated colour schemes are to be submitted to Council for approval with the building application.
-

- 3 Prior to the commencement of building construction, details from a practising structural engineer, are to be submitted to council for approval, certifying that the footings and/or slab have been designed to suit the site conditions.
- Reason:** *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 90(1)(o))*
- Reason:** *To comply with the provisions of Local Environmental Plan 1992 - City of Lismore. (EPA Act Sec 90(1)(a))*
- Reason:** *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 90(1)(j) and Local Government Act Sec 33(f))*

DRAINAGE

- 4 Hard surface areas, landscaped areas, roof water and subsoil drainage systems shall be designed so all water is directed to a Council approved drainage system to prevent discharge runoff onto adjoining land. This system shall be constructed in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.
- 5 Measures shall be put in place to control stormwater runoff. These control measures shall prevent soil erosion and the transport of sediment from the development site into either:
- natural drainage courses
 - constructed drainage systems, or
 - waterways.
- All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Details of sediment control measures and revegetation works shall be submitted for Council approval prior to release of any building approval.
- 6 The applicant or developer shall make satisfactory provision for stormwater to be directed through piped drains that are constructed according to Council's Development Standards & Construction Manual (February 1993) as amended from time to time. All roof water from any proposed building and/or surface water from paved areas shall be directed to a Council approved drainage system. All piped drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the applicant or developer.
- 7 A practising qualified surveyor is required to furnish a certificate confirming:
- all drainage lines have been located within the respective easements,
 - roadworks are in accordance with the approved design plan, and
 - any other structures like retaining walls are located in accordance with the approved design plan.
- Reason:** *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 90(1)(h))*
- Reason:** *To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 90(1)(g))*
- Reason:** *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 90(1)(j) and Local Government Act Sec 33(f))*

ROADS

- 8 The applicant or developer shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in
-

accordance with Council's Development and Construction Manual (February 1993) as amended from time to time. The applicant or developer shall be responsible for any costs, including maintenance, for a period of twelve months from the date of approval of the work. Required roadworks include:

- b) Construction of a kerb and gutter and bitumen sealed road, from the face of the existing kerb to the existing sealed pavement, for the full frontage of the land in Cullen Street.

A practising qualified surveyor or engineer shall submit a "works-as-executed" set of plans showing the satisfactory completion of all roads and drainage works required by this consent.

- 9 Full design plans of the proposed engineering works to satisfy condition(s) shall be submitted to Council. Such plans shall be separate from the building application. Such plans must be approved by Council's City Works Group before construction of drainage or road works are commenced. A practising qualified surveyor or engineer shall submit a "works-as-executed" set of plans showing the satisfactory completion of all roads and drainage works required by this consent.

Reason: *To ensure an adequate road network in accordance with adopted standards. (Local Government Act Sec 332)*

EARTHWORKS

- 10 Bulk earthworks shall not commence on site before release of any building approval.

Reason: *To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 90(1)(g))*

VEHICULAR ACCESS

- 11 Redundant road pavement, kerb and gutter or foot paving, including any existing entrances or other special provisions shall be reinstated in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.
- 12 Driveways, access aisles and parking areas shall be provided with a bitumen sealed or other approved surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.
- 13 All loading and unloading shall take place within the property boundaries.
- 14 Vehicular access from the road pavement to the development shall be provided by the construction of a six (6) metre wide gutter crossing, in accordance with the Council's Development and Construction Manual (February 1993) as amended from time to time.
- 15 Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction, in accordance with Council's Development Control Plan No. 18 Off Street Carparking Requirements. All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition.
- 16 A security gate be installed across the entrance at the rear of the house.

Reason: *To ensure an adequate road network in accordance with adopted standards. (Local Government Act Sec 332)*

Reason: *To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 90(1)(i))*

Reason: *To ensure adequate access to and from the development. (EPA Act Sec 90(1)(i))*

CARPARKING

- 17 Provision shall be made for two (2) carparking spaces as shown in red on the approved plans with a bitumen sealed/paved or equivalent surface constructed and

landscaped in accordance with the requirements of the Council's Development Control Plan No. 18 Off Street Carparking Requirements.

18 A sign shall be erected to clearly indicate off-street parking is available.

19 All vehicles connected with the premises shall be parked or garaged within the property at all times.

Reason: To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 90(1)(i))

Reason: To ensure the free flow of traffic and comply with traffic regulations. (EPA Act Sec 90(1)(j))

Reason: To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 90(1)(i))

PEDESTRIAN ACCESS

20 Access to the building and public spaces shall be provided in accordance with the requirements of the Department of Planning Technical Bulletin No. 17 - "Access to Public Spaces for Disabled People" and the Building Code of Australia.

Reason: To ensure that adequate provision is made for access to and from the development for disabled people. (EPA Act Sec 90(1)(s))

LANDSCAPING

21 A detailed landscaping plan (in duplicate) shall be submitted to Council prior to release of the building application. Landscaping plans shall be in accordance with Council's Landscaping Code and relevant Development Control Plans. Species identified in Council's Landscaping Code shall be planted wherever possible. Landscaping plans shall indicate:

- location of Council's sewer
- proposed location for planted shrubs and trees
- botanical name of shrubs and trees to be planted
- mature height of trees to be planted
- location of grassed areas
- location of paved areas
- location of trees identified for retention in the development application plans.

Council approved landscaping shall be completed prior to the use and/or occupation of the development. Landscaping shall be maintained at all times to the satisfaction of Council.

22 The applicant is to negotiate with the adjoining landowners, being the Department of School Education, to obtain permission to establish an appropriate landscape buffer along the full length of the southern and western sides of the development site. Pending such permission being obtained from the Department of School Education, the landscaping is to be carried out at the applicant's expense. Such landscaping is to be detailed on the landscaping plan as required in Condition 20.

Should the Department of School Education not agree to the vegetation buffer being located on its land, the development be redesigned to allow a vegetation buffer to be planted between the fence and the school on the applicant's land.

Reason: To ensure that appropriate landscaping is provided. (EPA Act Sec 90(1)(m))

WATER AND SEWERAGE

23 Neither fill nor any building or other structure shall be placed over Council's sewer main when such fill or structure falls:

- i) within a distance from the main measured by projecting a 45° angle from the invert of the main to surface level

OR

- ii) within 1.5m of the main.
-

Reason: To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 79C(b))

AMENITY

- 24 The land use shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.
- 25 All unsightly matter shall be stored out of sight from any adjacent premises or public place.

Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 90(1)(o))

ENVIRONMENTAL

- 26 Any chemicals and oils are to be stored in a secure bunded area with a holding capacity of 110% of the largest container. (Where flammable and combustible liquids are stored, compliance standards relating to flammable and combustible liquids as specified in Australian Standard 1940-1993 - "The Storage and Handling of Flammable and Combustible Liquids" shall be implemented), and approval is to be obtained from the Workcover Authority before commencing associated works.

Reason: To protect the environment. (EPA Act Sec 90(1)(b))

DEVELOPMENT

27 Side and rear boundary fences are to be provided to a minimum height of 1.8 metres.

Reason: To preserve the appearance of the area. (EPA Act Sec 90(1)(o))

SIGNS/ADVERTISING/LIGHTING

28 Any further outdoor advertising material, signs or decorative materials (including flags or bunting) shall be approved by the Council prior to erection, in accordance with Development Control Plan No. 24 Outdoor Advertising Structures (as amended). A separate application shall be submitted.

29 Signage shall be non-reflective and non-iridescent to minimise any possible distraction to traffic.

30 This consent does not allow the use of any outdoor display lighting to illuminate the sign without the approval of Council.

31 The sign shall be securely affixed to the supporting structure.

32 Provision is to be made for the illumination of the common areas at the rear and accessway of the site, only, throughout the hours of darkness. (SPC)

33 Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties. (SPC)

34 The sign is to be set back from Cullen Street as close to the house as possible without impacting intrusively upon the house.

Reason: To preserve the appearance of the area. (EPA Act Sec 90(1)(o))

Reason: To preserve the amenity of the area and traffic safety. (EPA Act Sec 90(1)(o))

SECTION 94 LEVIES

35 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore City Council S94 Contributions Plan 1994 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the building approval is granted. The rates and amounts applying at the date of this notice, totalling \$9,120, are set out in the schedule for your information. All contributions, bonds etc. shall be paid prior to the release of the building approval.

Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the percentage increase from the date of approval to the date of payment, as notified by the Building Price Index (Sydney).

Reason: To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated July 1995 as required by the increased population or activity. (EPA Act Sec 94)

(Councillors Roberts/Swientek)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillors Larsen, King, Cole, Gates and Crowther.

395/98 **RESOLVED** that the report be received and -

A That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Control Unit, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.

B That Council, as the consent authority, consent Development Application 98/154 for the erection of Commercial Building containing forth one (41) mini storage

sheds and luggage locker storage, at Lots 5 and 6 DP 5446, 82 and 80 Cullen Street, Nimbin subject to the following conditions;

- 1 In granting this development consent, Council requires:
 - All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
 - All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
 - Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions and be substantially in accordance with the stamped approved plan(s) No. 98/272 Sheet 1 and 2 and dated 9/6/98 and supporting documents submitted with the application. Copies of the approved plan are attached to this consent.

Reason: To correctly describe what has been approved. (EPA Act Sec 92(1))

BUILDING CONDITIONS

- 2 The mini storage sheds and luggage locker buildings shall be clad with a soft non-reflective material compatible with the environment of the locality. Associated colour schemes are to be submitted to Council for approval with the building application.
- 3 Prior to the commencement of building construction, details from a practising structural engineer, are to be submitted to council for approval, certifying that the footings and/or slab have been designed to suit the site conditions.

Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 90(1)(o))

Reason: To comply with the provisions of Local Environmental Plan 1992 - City of Lismore. (EPA Act Sec 90(1)(a))

Reason: To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 90(1)(j) and Local Government Act Sec 33(f))

DRAINAGE

- 4 Hard surface areas, landscaped areas, roof water and subsoil drainage systems shall be designed so all water is directed to a Council approved drainage system to prevent discharge runoff onto adjoining land. This system shall be constructed in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.
- 5 Measures shall be put in place to control stormwater runoff. These control measures shall prevent soil erosion and the transport of sediment from the development site into either:
 - natural drainage courses
 - constructed drainage systems, or
 - waterways.All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Details of sediment control measures and revegetation works shall be submitted for Council approval prior to release of any building approval.
- 6 The applicant or developer shall make satisfactory provision for stormwater to be directed through piped drains that are constructed according to Council's Development Standards & Construction Manual (February 1993) as amended from time to time. All roof water from any proposed building and/or surface water from

paved areas shall be directed to a Council approved drainage system. All piped drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the applicant or developer.

- 7 A practising qualified surveyor is required to furnish a certificate confirming:
- all drainage lines have been located within the respective easements,
 - roadworks are in accordance with the approved design plan, and
 - any other structures like retaining walls are located in accordance with the approved design plan.

Reason: *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 90(1)(h))*

Reason: *To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 90(1)(g))*

Reason: *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 90(1)(j) and Local Government Act Sec 33(f))*

ROADS

- 8 The applicant or developer shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time. The applicant or developer shall be responsible for any costs, including maintenance, for a period of twelve months from the date of approval of the work. Required roadworks include:

- b) Construction of a kerb and gutter and bitumen sealed road, from the face of the existing kerb to the existing sealed pavement, for the full frontage of the land in Cullen Street.

A practising qualified surveyor or engineer shall submit a "works-as-executed" set of plans showing the satisfactory completion of all roads and drainage works required by this consent.

- 9 Full design plans of the proposed engineering works to satisfy condition(s) shall be submitted to Council. Such plans shall be separate from the building application. Such plans must be approved by Council's City Works Group before construction of drainage or road works are commenced. A practising qualified surveyor or engineer shall submit a "works-as-executed" set of plans showing the satisfactory completion of all roads and drainage works required by this consent.

Reason: *To ensure an adequate road network in accordance with adopted standards. (Local Government Act Sec 332)*

EARTHWORKS

- 10 Bulk earthworks shall not commence on site before release of any building approval.

Reason: *To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 90(1)(g))*

VEHICULAR ACCESS

- 11 Redundant road pavement, kerb and gutter or foot paving, including any existing entrances or other special provisions shall be reinstated in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.

- 12 Driveways, access aisles and parking areas shall be provided with a bitumen sealed or other approved surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.

- 13 All loading and unloading shall take place within the property boundaries.
- 14 Vehicular access from the road pavement to the development shall be provided by the construction of a six (6) metre wide gutter crossing, in accordance with the Council's Development and Construction Manual (February 1993) as amended from time to time.
- 15 Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction, in accordance with Council's Development Control Plan No. 18 Off Street Carparking Requirements. All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition.
- Reason: To ensure an adequate road network in accordance with adopted standards. (Local Government Act Sec 332)*
- Reason: To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 90(1)(i))*
- Reason: To ensure adequate access to and from the development. (EPA Act Sec 90(1)(i))*

CARPARKING

- 16 Provision shall be made for two (2) carparking spaces as shown in red on the approved plans with a bitumen sealed/paved or equivalent surface constructed and landscaped in accordance with the requirements of the Council's Development Control Plan No. 18 Off Street Carparking Requirements.
- 17 A sign shall be erected to clearly indicate off-street parking is available.
- 18 All vehicles connected with the premises shall be parked or garaged within the property at all times.
- Reason: To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 90(1)(i))*
- Reason: To ensure the free flow of traffic and comply with traffic regulations. (EPA Act Sec 90(1)(j))*
- Reason: To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 90(1)(i))*

PEDESTRIAN ACCESS

- 19 Access to the building and public spaces shall be provided in accordance with the requirements of the Department of Planning Technical Bulletin No. 17 - "Access to Public Spaces for Disabled People" and the Building Code of Australia.
- Reason: To ensure that adequate provision is made for access to and from the development for disabled people. (EPA Act Sec 90(1)(s))*

LANDSCAPING

- 20 A detailed landscaping plan (in duplicate) shall be submitted to Council prior to release of the building application. Landscaping plans shall be in accordance with Council's Landscaping Code and relevant Development Control Plans. Species identified in Council's Landscaping Code shall be planted wherever possible. Landscaping plans shall indicate:
- location of Council's sewer
 - proposed location for planted shrubs and trees
 - botanical name of shrubs and trees to be planted
 - mature height of trees to be planted
 - location of grassed areas
 - location of paved areas
 - location of trees identified for retention in the development application plans.
- Council approved landscaping shall be completed prior to the use and/or occupation of the development. Landscaping shall be maintained at all times to the satisfaction of Council.
- 21 The applicant is to negotiate with the adjoining landowners, being the Department of School Education, to obtain permission to establish an appropriate landscape
-

buffer along the full length of the southern and western sides of the development site. Pending such permission being obtained from the Department of School Education, the landscaping is to be carried out at the applicant's expense. Such landscaping is to be detailed on the landscaping plan as required in Condition 20.

Reason: *To ensure that appropriate landscaping is provided. (EPA Act Sec 90(1)(m))*

WATER AND SEWERAGE

22 Neither fill nor any building or other structure shall be placed over Council's sewer main when such fill or structure falls:

i) within a distance from the main measured by projecting a 45° angle from the invert of the main to surface level

OR

ii) within 1.5m of the main.

Reason: *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 79C(b))*

AMENITY

23 The land use shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.

24 All unsightly matter shall be stored out of sight from any adjacent premises or public place.

Reason: *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 90(1)(o))*

ENVIRONMENTAL

25 Any chemicals and oils are to be stored in a secure bunded area with a holding capacity of 110% of the largest container. (Where flammable and combustible liquids are stored, compliance standards relating to flammable and combustible liquids as specified in Australian Standard 1940-1993 - "The Storage and Handling of Flammable and Combustible Liquids" shall be implemented), and approval is to be obtained from the Workcover Authority before commencing associated works.

Reason: *To protect the environment. (EPA Act Sec 90(1)(b))*

DEVELOPMENT

26 Side and rear boundary fences are to be provided to a minimum height of 1.8 metres.

Reason: *To preserve the appearance of the area. (EPA Act Sec 90(1)(o))*

SIGNS/ADVERTISING/LIGHTING

27 Any further outdoor advertising material, signs or decorative materials (including flags or bunting) shall be approved by the Council prior to erection, in accordance with Development Control Plan No. 24 Outdoor Advertising Structures (as amended). A separate application shall be submitted.

28 Signage shall be non-reflective and non-iridescent to minimise any possible distraction to traffic.

29 This consent does not allow the use of any outdoor display lighting to illuminate the sign without the approval of Council.

30 The sign shall be securely affixed to the supporting structure.

31 Provision is to be made for the illumination of the common areas at the rear and accessway of the site, only, throughout the hours of darkness. (SPC)

32 Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties. (SPC)

33 The sign is to be set back from Cullen Street as close to the house as possible without impacting intrusively upon the house.

Reason: *To preserve the appearance of the area. (EPA Act Sec 90(1)(o))*

Reason: To preserve the amenity of the area and traffic safety. (EPA Act Sec 90(1)(o))

SECTION 94 LEVIES

34 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore City Council S94 Contributions Plan 1994 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the building approval is granted. The rates and amounts applying at the date of this notice, totalling \$9,120, are set out in the schedule for your information. All contributions, bonds etc. shall be paid prior to the release of the building approval.

Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the percentage increase from the date of approval to the date of payment, as notified by the Building Price Index (Sydney).

Reason: To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated July 1995 as required by the increased population or activity. (EPA Act Sec 94)

(Councillors Larsen/Gates)

Voting Against: Councillors Irwin, Roberts and Swientek.
(D98/154)

Lismore Flood Mitigation Scheme

(Copy attached)

A MOTION WAS MOVED that the report be received and Council reaffirm the levee route as outlined in the SKP Report to this meeting.

(Councillors Wilson/Cole)

AN AMENDMENT WAS MOVED that the report be received and -

- 1 Council reaffirm the levee route as outlined in the SKP Report to this meeting.
- 2 Council concur, in principle, with the proposed treatment of the levee wall through the sensitive areas of Lismore, as presented to Council in the visual displays supplied by "Virtual Architecture" and this aspect be further considered during the EIS process.

(Councillors Gates/Swientek)

On submission to the meeting the AMENDMENT was APPROVED and became the MOTION.

Voting Against: Councillors Irwin, Roberts and Wilson.

396/98 **RESOLVED** that the report be received and -

- 1 Council reaffirm the levee route as outlined in the SKP Report to this meeting.
- 2 Council concur, in principle, with the proposed treatment of the levee wall through the sensitive areas of Lismore, as presented to Council in the visual displays supplied by "Virtual Architecture" and this aspect be further considered during the EIS process.

(Councillors Gates/Swientek)

Voting Against: Councillors Irwin and Roberts.

Dissenting Vote:

Councillor Irwin.

LISMORE CITY COUNCIL - Ordinary Meeting held October 27, 1998

-
- 397/98 **FURTHER RESOLVED** that the total cost of the scheme be defined as “cost of design and construction of the levee”.
(Councillors Swientek/Crowther)
Voting Against: Councillors Irwin, Roberts and Wilson.
(S107)

RESCISSION MOTION

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE:

- 398/98 **RESOLVED** that Council now exclude the press and public and meet in Committee of the Whole to consider the following matter:-

Legal Advice - Phillips Fox (Tabled)
(Councillors Larsen/Wilson)

RESUMPTION OF OPEN COUNCIL:

When the Council had resumed its former sitting, the General Manager reported that Council, meeting in Committee of the Whole, had resolved to exclude the press and public during its consideration of the beforementioned matters to preserve the confidentiality of legal information but no recommendation was forthcoming.

- 399/98 **RESOLVED** that the General Manager’s report of Council meeting in Committee of the Whole be received and adopted.
(Councillors Larsen/Roberts)

Corndale Quarry

(Copy attached)

Formal notice having been given by Councillors Irwin, Wilson and Larsen it was **MOVED** that the decision on Corndale Quarry approving an existing use extraction rate of 44,000cu.m. be rescinded.
(Councillors Larsen/Wilson)

AN AMENDMENT WAS MOVED that Council defer discussion of this motion until Council receives a more detailed report clarifying the issue of the accuracy of historical extraction rates.

(Councillor Swientek)

The amendment **LAPSED** for want of a seconder.

On submission to the meeting the **MOTION** was **DEFEATED**.

Voting Against: Councillors King, Cole, Swientek, Gates and Crowther.

Dissenting Vote:

Councillors Irwin, Roberts and Wilson.

(Z3)

RESUMPTION OF STANDING ORDERS:

LISMORE CITY COUNCIL - Ordinary Meeting held October 27, 1998

400/98 **RESOLVED** that standing orders be resumed.
(Councillors Wilson/Larsen)

REPORTS:

DA98/148 - 2 Lot Subdivision, 468 Corndale Road, Corndale
(See Minute No. 394/98)

DA98/154 - Commercial Premises Containing 41 Mini Storage Sheds and Luggage Locker Storage, at Lots 5 & 6 DP 5446, 82 & 80 Cullen Street, Nimbin
(See Minute No. 395/98)

Draft Amendment No. 51 to Lismore Local Environmental Plan 1992 - Second Regular Update for 1998
(Copy attached)

401/98 **RESOLVED** that the report be received and pursuant to Section 54 of the Environmental Planning and Assessment Act, Council resolve to -
A prepare draft Amendment No. 51 to Lismore Local Environmental Plan 1992 containing the following matters:

- 1 Rezoning of land at Lismore Airport for the development of the new terminal.
 - 2 Rezoning of land at Tuncester to 4 Industrial Zone in accordance with Council's Industrial Land Study.
 - 3 The development of a service station adjacent to the Hilltop Hotel, Bruxner Highway, Goonellabah.
 - 4 Insertion of a clause relating to land zoned 6(a) Recreation to the effect that Council is not required to purchase the land so zoned if it has resolved to rezone it.
- B** To exhibit the proposed draft LEP in accordance with the Best Practice Guideline published by the Department of Urban Affairs and Planning in January 1997 titled "LEP's and Council Land - Guidelines for Councils Using Delegated Powers to Prepare LEP's Involving Land that is or was Previously Owned or Controlled by Council".

(Councillors Crowther/Cole) (S724)

Lismore Flood Mitigation Scheme
(See Minute No. 396-397/98)

Rochdale Hall Management Agreement
(Copy attached)

402/98 **RESOLVED** that the report be received and -
1 That Council resolve not to call public tenders for the management of Rochdale Hall, as the input by the LTC over the last 20 years (in kind) is clearly in the wider

community's interest and contributes greatly to the operational efficiency of the Hall.

- 2 That Council retains ownership of Rochdale Hall, for as long as it can provide a public facility to the Goonellabah community, at a "break-even" financial position. Should this situation change (at whatever point in time), then an investigation into the possible sale be undertaken forthwith.
- 3 That Council invite the Lismore Theatre Company (LTC) to enter into a new management agreement over the public hall/theatre (Rochdale) situated at 159 Ballina Road, Goonellabah for a term of 5 years.
- 4 That the Mayor and General Manager affix the seal of Council to the agreement when presented.
- 5 That the Mayor write to the Committee of Lismore Theatre Company thanking them for their continued and sustained service to the community.

(Councillors Gates/Crowther) (P583)

**Notice Of Motion - Abandonment of Water Consumption Charges
as a Result of a Major Break**

(Copy attached)

403/98 **RESOLVED** that the report be received and -

- 1 An increase in excess of 200% over the average of the four previous accounts be rated as substantial.
- 2 Only a break in the lines leading to the house would qualify.
- 3 The concession only be available to houses and non-profit community groups and and exclude non-residential consumers.
- 4 A qualified plumber and a statutory declaration from the owner is sufficient proof where a Council staff member does not view the break.
- 5 The concession to be linked to the property and only to be granted once.
- 6 The consumer must justify 'merit' for consideration.
- 7 The General Manager or his nominated delegate must approve the 'merit' referred to in Recommendation 6 above.
- 8 Based on actual claims paid, a specific funding allocation may be required for consideration as part of the budgeting process - this should be reported at quarterly budget reviews.

(Councillors Swientek/Wilson) (S303)

**Land Classification Of Proposed Acquisition Of 28 City View
Drive, East Lismore**

(Copy attached)

404/98 **RESOLVED** that the report be received and -

- 1 That Lot 6 DP 865421, being open space situated 28 City View Drive, East Lismore, be confirmed as Operational Land on transfer from Mr Wade to Lismore City Council.
- 2 That Lot 6 DP 865421, on transfer, be recorded in Council's Land Register as Operational Land.

(Councillors Swientek/Larsen) (P25878)

Airport Advisory Panel

(Copy attached)

405/98 **RESOLVED** that the report be received and the Airport Advisory Panel be constituted of the following members:

Lismore City Council (2)

Cr John Crowther

Cr Merv King

Aero Engineering (1)

Mr Barry Waters - Aero Enterprise Pty Ltd

RPT Operators (2)

Mr Maurice Gahan - Hazelton Airlines

Mr Colin Fanning - Impulse Airlines

Aero Club (1)

Mr George Somerville

General Aviation (1)

Mr David Wright

Chamber of Commerce (2)

Mr Dick Smith - Aspect North

Public Transport Rep (1)

Mr Peter Joyce - Lismore Taxis

Southern Cross University (1)

Mr Kerry Fenton - Facilities Manager

State Government (1)

Mr Andrew Winton-Brown -

Public Works Department

Community Representatives (1)

Mr Habie Habib

(Councillors Crowther/Larsen) (P9733)

Disposal Of Surplus Council Urban Property

(Copy attached)

A MOTION WAS MOVED that the report be received and in regards to Item 1 of resolution 239/98, this report be received and noted and the following action be approved:

- 1 That Council give public notice of its intention to reclassify as operational land the following properties:
 - a) Lot 23, DP 829442 being 15 Westview Drive, Goonellabah;
 - b) Lot 29, DP 262148 being 3 Barr Scott Drive, Goonellabah; andand that for a period of not less than 28 days, submissions may be made to Council.
- 2 That Council include in the public notice; *“that in accordance with s32(2) Council is of the opinion that owing to the topography of the properties, they are unsuitable for the provision, extension or augmentation of public amenities and public services”*.
- 3 That following expiry of the period of public notice and receipt of submissions, a further report be brought to Council for consideration prior to any reclassification.
- 4 That the City Works Group (Parks and Reserves Section) and Business & Enterprise Group undertake a land assessment of the other surplus properties not proposed for reclassification and implement a maintenance strategy which will limit outgoings and the ongoing financial drain on Council, including possible boundary adjustments on 116 Mountain View Drive and 51 Deegan Drive.
- 5 That a report be presented to Council on the means of ensuring the preservation of trees on Lot 13, DP 252627, being 52 Mountain View Drive.
- 6 That the proceeds of the sale of the land be used for the embellishment of local parks, cycleways, pathways and road safety improvements.

Councillors Wilson/Roberts)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Irwin, King, Cole, Swientek, Gates and Crowther.

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406/98 **RESOLVED** that the report be received and in regards to Item 1 of resolution 239/98, this report be received and noted and the following action be approved:

- 1 That Council give public notice of its intention to reclassify as operational land the following properties:
 - a) Lot 23, DP 829442 being 15 Westview Drive, Goonellabah;
 - b) Lot 29, DP 262148 being 3 Barr Scott Drive, Goonellabah; and
 - c) Lot 13, DP 262627, being 52 Mountain View Drive, Goonellabah,and that for a period of not less than 28 days, submissions may be made to Council.
- 2 That Council include in the public notice; *“that in accordance with s32(2) Council is of the opinion that owing to the topography of the properties, they are unsuitable for the provision, extension or augmentation of public amenities and public services”*.
- 3 That following expiry of the period of public notice and receipt of submissions, a further report be brought to Council for consideration prior to any reclassification.
- 4 That the City Works Group (Parks and Reserves Section) and Business & Enterprise Group undertake a land assessment of the other surplus properties not proposed for reclassification and implement a maintenance strategy which will limit outgoings and the ongoing financial drain on Council, including possible boundary adjustments on 116 Mountain View Drive and 51 Deegan Drive.
- 5 That a report be presented to Council on the means of ensuring the preservation of trees on Lot 13, DP 252627, being 52 Mountain View Drive.
- 6 That the proceeds of the sale of the land be used for the embellishment of local parks, cycleways, pathways and road safety improvements.

(Councillors Cole/Larsen)

Voting Against: Councillor Wilson. (S367)

Options For Extension Of The Wyrallah Road Waste Facility

(Copy attached)

A MOTION WAS MOVED that the report be received and -

- 1 That as a first priority, Council consult with relevant statutory authorities in order to determine the feasibility of options, with the exclusion of Option 1, for extending the life of the existing waste facility, and a further report to be submitted to Council on the outcomes.
- 2 That in conjunction with Recommendation 1, Council commence a process of identifying sustainable, alternative, long term solutions for waste management including:
 - a) potential waste facility sites within the LCC area;
 - b) potential waste facility sites outside the LCC area which could be operated in conjunction with other Councils;
 - c) The use of alternative technologies to reduce reliance on and/or extend the useful life of future landfill operations;
 - d) No consultant be retained without further reference to Council.
- 3 Any costs associated with these investigations be funded from existing Waste Management Reserves.

(Councillors Crowther/Roberts)

AN AMENDMENT WAS MOVED that the report be received and -

- 1 That as a first priority, Council consult with relevant statutory authorities in order to determine the feasibility of options for extending the life of the existing waste facility, and a further report to be submitted to Council on the outcomes, including Options 1, 2 and 3 and the "Pollard Land".
- 2 That in conjunction with Recommendation 1, Council commence a process of identifying sustainable, alternative, long term solutions for waste management including:
 - a) potential waste facility sites within the LCC area;
 - b) potential waste facility sites outside the LCC area which could be operated in conjunction with other Councils;
 - c) The use of alternative technologies to reduce reliance on and/or extend the useful life of future landfill operations;
 - d) No consultant be retained without further reference to Council.
- 3 Any costs associated with these investigations be funded from existing Waste Management Reserves.
- 4 That the comments of the Group Manager-City Works be sought on options 1, 2 and 3 and be included in a report to Council.

(Councillors Gates/Larsen)

On submission to the meeting the AMENDMENT was APPROVED and became the MOTION.

Voting Against: Councillors Wilson, Swientek and Crowther.

407/98 **RESOLVED** that the report be received and -

- 1 That as a first priority, Council consult with relevant statutory authorities in order to determine the feasibility of options for extending the life of the existing waste

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-
- facility, and a further report to be submitted to Council on the outcomes, including Options 1, 2 and 3 and the "Pollard Land".
- 2 That in conjunction with Recommendation 1, Council commence a process of identifying sustainable, alternative, long term solutions for waste management including:
 - a) potential waste facility sites within the LCC area;
 - b) potential waste facility sites outside the LCC area which could be operated in conjunction with other Councils;
 - c) The use of alternative technologies to reduce reliance on and/or extend the useful life of future landfill operations;
 - d) No consultant be retained without further reference to Council.
 - 3 Any costs associated with these investigations be funded from existing Waste Management Reserves.
 - 4 That the comments of the Group Manager-City Works be sought on options 1, 2 and 3 and be included in a report to Council.

(Councillors Gates/Larsen)

Voting Against: Councillors Wilson, Swientek and Crowther.
(P25041)

ADJOURNMENT:

The meeting adjourned at 9.12pm and resumed at 9.24pm.

September 1998 Quarterly Budget Review Statement

(Copy attached)

408/98

RESOLVED that the report be received and -

- 1 Council adopt the September 1998 Budget Review Statement for General, Water and Sewerage Funds.
- 2 This information be submitted to Council's auditor.
- 3 Sufficient funds be retained in the budget to complete the Nimbin Cycleway/Footpath which is currently under construction.

(Councillors Cole/Larsen) (S699)

Quarterly Review - Management Plan 1998/99

(Copy attached)

409/98

RESOLVED that the report be received and the actions undertaken in each of the programmes noted and staff be congratulated on their performance during the quarter ended September 1998

(Councillors Crowther/Larsen) (S4)

Investments Held By Council As At September 30, 1998

(Copy attached)

410/98

RESOLVED that the report be received and noted.

(Councillors Roberts/Larsen) (S170)

Union Picnic Day

(Copy attached)

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411/98 **RESOLVED** that the report be received and Council approve Friday, November 20, 1998 as the Union Picnic Day for members of the abovementioned Unions/Associations.
(Councillors Wilson/Larsen)
Voting Against: Councillor Cole.
(98-16185,98-16233: S25)

Council Meeting Schedule

(Copy attached)

- 412/98 **RESOLVED** that the report be received and -
- 1 That the Council meeting schedule for the remainder of 1998 be:
November 17 (Numulgi), and
December 15
 - 2 That the first meeting for 1999 be February 2, 1999 and thereafter every third Tuesday.
- (Councillors Crowther/Wilson) (S43)

DOCUMENTS FOR SIGNING AND SEALING:

- 413/97 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

Re-certification of S88B Instrument - Council and M & A Walton -
Industry Drive, East Lismore

This was before Council on 6/10/98. Re-certification due to anomaly in wording.
(D97/356)

Loan to FNC Baseball Association - Guarantee by Council

Council on 25/8/98 resolved to act as guarantor for a loan to a maximum of \$120,000.
(P16984)

Discharge of Mortgage - Mr & Mrs E A Say - Lot 26, DP 248151 at
Dunoon

This title deed was held by Council under an old Terania Shire Council mortgage which
was paid out some years ago.
(98-17015: P12708)

Agreement - Council to C K & MM Sharpe - Outdoor Restaurant
Licence - 1/106 Molesworth Street

This licence is for a term of 2 years from date of settlement of sale of the business.
(98-17179: P6894)
(Councillors Larsen/Swientek)

REGIONAL AQUATIC CENTRE WORKSHOP

- 414/98 **RESOLVED** that the General Manager and staff be congratulated on the quality of
their presentations to the workshop held on October 26, 1998.
(Councillors Crowther/Larsen) (S719)

This concluded the business and the meeting terminated at 10.00 pm.

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CONFIRMED this 17TH day of NOVEMBER, 1998 at which meeting the signature herein was subscribed.

MAYOR

