

# COUNCIL Business Paper



**LISMORE**  
*City Council*

**JUNE 29, 1999**



## NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, JUNE 29, 1999, at 6.00pm and members of Council are requested to attend.

(Ken Gainger)  
GENERAL MANAGER

June 22, 1999

# COUNCIL BUSINESS AGENDA

June 29, 1999

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NOTICE OF MOTION

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

*Council advise the roads committee as follows:*

- 1. Council's priority is to rehabilitate existing bitumen roads which have failed or have deformed to a stage whereby they are unsafe to traverse at reasonable speed.*
- 2. The bitumen road network should not be extended at the expense of the existing network.*
- 3. Reverting existing bitumen roads back to gravel should not be considered unless there are exceptional circumstances.*

COUNCILLOR I R Gates

DATE June 16, 1999

STAFF COMMENT BY GROUP MANAGER - CITY WORKS:

Road funding is a resource that is collected from the community and therefore needs to be returned to the community in an equitable manner, bearing in mind factors such as economic benefit and return to the community on the funds invested.

The simplest method is to allocate funding based on traffic counts as all things being equal it is better to spend \$100,000 on a road that carries 1000 vehicles per day than the same \$100,00 on a road that carries only 500 vehicles per day.

In this case we have benefited twice as many people for the same expenditure.

More elaborate systems of allocating funding favour systems that show an economic return to the community. This tends to allocate funds to roads that have higher levels of heavy transport.

Council has a road priority list that tries to combine all the above into a road system categorised as A, B, C and D. A being the highest and D being the lowest.

In allocating Council's scarce reconstruction funding, the first objective has been to maintain the higher level A and B feeder roads at a reasonable trafficable level before providing funds to the less used roads.

In most cases the proposed points 1, 2 and 3 raised in Cr Gates Notice of Motion are incorporated in the current approach.

Traffic volumes and economic importance are not equally spread across the Council area so in some cases road vehicle volumes increase as does the economic importance of the road.

This change in character and community need will mean that there is a need to upgrade one piece of road ahead of another i.e. it may be more important to the current community of The Channon area to have the 3km of Tutable Creek Road sealed even if it means that a failed section of a nearby bitumen side road is not reconstructed.

(99-9789: S745)

NOTICE OF MOTION

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

- 1 *That Lismore City Council acknowledge the public exhibition by Richmond River County Council of its Environmental Impact Statement for the Lismore Flood Levee Scheme which details the following benefits:*
  - a) *Elimination of flooding in Central Lismore up to a gauge height of 10.95m AHD.*
  - b) *Protection from the 1-in-10 year flood for all habitable floors of residences in Central, South and North Lismore.*
  - c) *A reduction in average annual flood damages of \$2.3 million.*
  - d) *Protection from 1-in-10 year flooding of 490 commercial/industrial premises.*
  - e) *Rejuvenation of Lismore's confidence and status as the regional business centre.*
  - f) *Boosting the local economy through an injection of \$9.4 million in new money.*
  
- 2 *That Lismore City Council send a strong message to the community, that it wholeheartedly endorses the Lismore Levee Scheme by lodging a formal submission with Richmond River County Council, during the EIS exhibition period, confirming its willingness to financially support this proposed flood protection scheme for Lismore.*

COUNCILLOR I R Gates

DATE June 16, 1999

STAFF COMMENT BY GROUP MANAGER - CITY WORKS:

The Lismore Levee Scheme has been publicly discussed and promoted for the last 10 years.

The scheme has been high on the Government's priority list for some years.

The best way to ensure that the levee is constructed in the coming years is for Council to publicly support the Levee EIS.

(99-9787: S106)

NOTICE OF MOTION

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

*That Lismore City Council opposes the State Government conducting its Referendum on Electoral Reform to the New South Wales Upper House on Local Government Election Day and further, that Council inform the Premier and our Local Members, Thomas George and Don Page, of its objections.*

COUNCILLOR Ken Gallen

DATE June 15, 1999

COMMENT BY COUNCILLOR KEN GALLEN:

Holding a State Referendum in conjunction with Council elections will create an environment whereby the issues being debated during Council election campaigns will relate to State Government matters, and that local issues and initiatives will be buried. It will create a focus on issues relevant to the State Referendum that have nothing to do with the Local Government Election.

STAFF COMMENT BY GROUP MANAGER CORPORATE & COMMUNITY SERVICES

I contacted the State Electoral Office and they have not received anything definite in relation to this proposal, although it is understood that legislation has been drafted and will be considered in the near future. To conduct a referendum will add extra cost to the election process and if Council is compelled to assist, then it is absolutely necessary that all additional costs be paid for by the State Government.

(99-9742: S14)



NOTICE OF MOTION

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

*That Lismore City Council erect "Nuclear Free Zone" signs around the Local Government area. Further that Council also take any steps necessary to ensure that these signs represent fact and are not just a token gesture.*

COUNCILLOR      G A Wilson

DATE              June 9, 1999

STAFF COMMENT BY TRAFFIC & LAW ENFORCEMENT OFFICER:

At the time of preparing the business paper Council's Sign Shop Manager was on leave so a supplementary report will be submitted to Council when he returns.

(99-9597: S244)

Subject/File No: 1999/2000 MANAGEMENT PLAN  
(RS:S726)

Prepared By: Manager - Finance & Administration - Rino Santin

Reason: Local Government Act 1993 requirement

Objective: Finalise and adopt the Management Plan

Management Plan Activity: Financial Services

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Background:

The Local Government Act 1993 (LGA) requires all Council's to advertise a draft Management Plan each year for a period of twenty eight (28) days, to allow submissions from the public. This Council's Management Plan advertising period closed on Monday, June 21, 1999.

As the closure date for public submissions was after the preparation of this business paper, an addendum report has been forwarded to all Councillors which included a copy of all submissions received and any other 'follow up' details required from the Budget workshop held on June 22, 1999.

Proposed Changes

The Management Plan that was displayed provided for a \$4,000 operating surplus based on Council utilising the full rating notional yield including the special rate increase of \$625,000 first raised in 1997/98.

Since that time, the following changes are proposed to the operating surplus:

**Formal Advice**

1) Richmond River County Council (RRCC) has advised that the annual contribution required from Council has increased in line with the Rate Pegging Legislation of 2.4%. This equates to approximately \$3,000.

RRCC also advised that the following subsidised works program is proposed:

<u>Project</u>	<u>Total Cost</u>	<u>LCC Required</u>	<u>LCC Actual</u>
Lismore Levee Scheme (EIS) (2:1)	180,000	\$60,000	\$30,000
Lismore Floodplain Management Plan (2:1)	51,000	17,000	0
Browns Creek Drain (2:1)	60,000	20,000	0
McPherson's Culvert (2:1)	120,000	40,000	0
Lismore Voluntary Purchases (4:1)	300,000	60,000	33,000
Lismore Levee Scheme (4:1)	500,000	100,000	
Totals	\$1,211,000	\$297,000	\$63,000

Based on this information and assuming all the approvals were received, we need to allocate an additional \$234,000 to meet our contribution towards these works.

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After discussion with the Group Manager - City Works, it is recommended that:

- a) McPherson's Culvert be deferred for further consideration in 2000/2001.
- b) Browns Creek Drain be included pending the outcome of discussion between stakeholders relating to Council Minute 61/99.
- c) All additional funding required to meet the subsidised works program be funded from the Flood Mitigation reserve.

Council needs to be aware that this will fully utilise the Flood Mitigation reserve. This is an issue as the reserve was primarily created to fund our commitment to the Lismore Levee System but has been used for a number of associated activities including, the Lismore Voluntary Purchases, the Lismore Levee Scheme (EIS), the Lismore Floodplain Management Plan and significant acquisitions/development of properties such as the Benelong Motel and Kirklands Bus Services.

What this means is that instead of having a significant proportion of our contribution available in cash should the Levee proceed, we will more than likely have to borrow the funds and use the annual transfer to reserve to fund the loan repayments. While this is not insurmountable, it is a change in the discussed funding scenario.

- 2) The NSW Local Government Grants Commission has advised that the preliminary recommendations for the 1999/2000 Financial Assistance Grants (FAGS) allow for an increase of \$106,100 on the general purposes and \$30,800 on the local roads components. It has been stressed that this information is indicative and may change.

After these changes the operating surplus now stands at \$137,900.

### **Council Resolution**

- 1) LCC/SCU Joint Venture Facility - Council resolved at the June 8 meeting that the term 'capital expenditure' includes design and project management costs.

We have provided in the budget for this facility \$188,000 for project management (\$50,000 - Client Services Unit) and Associated Costs (\$138,000 - Community Consultation, Legals, Advertising, Client Service Staff, Consultants, Inspections etc). This resolution means that these costs must be included as part of Council's overall \$4 million contribution.

From a budget perspective, it would be prudent to reduce the amount borrowed in 2000/2001 by \$188,000 to \$568,000. This will allow some flexibility should the full amount of grant funding not be received. As a result there is no benefit to be realised in 1999/2000.

### **Other Items**

- 1) Integrated Waste Collection Service - The cost advertised in the Management Plan on display for the introduction of this service was \$107 per service. This cost was based on an assumption regarding the expected labour cost involved in the collection and anticipated uptake of the new integrated collection service. Following completion of a new Workplace Agreement with collection staff, which has drivers undertaking expanded duties the cost of the service is now
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higher than originally budgeted. Following a revision of the overall collection budget, it will be necessary to increase the cost per service per year to \$111, so that the service will breakeven.

Given the increased service and the additional hours worked, Lismore City Council will still have one of the lowest charges for urban garbage collection of any of the North East Waste Forum Members.

- 2) Lismore Airport Development - Included in this Business Paper is a report on the Terminal, Taxiway and Carpark tenders for the Airport. There may be adjustments to the Management Plan depending on the adopted resolution.

### Public Consultations

The Management Plan has been advertised in accordance with the LGA.

### Conclusion

As previously stated, this report has been prepared prior to the closure of public submissions on the Management Plan. There may be other issues to be resolved as an outcome of Council's consideration of the submissions received.

In relation to the FAGS increase of \$136,900 no specific recommendation is made as to the application of these funds. Ideally, a surplus of \$50,000 is desirable so as to allow both Council and Management flexibility during the year to deal with any unforeseen negative budget variances. This would leave approximately \$87,900 for Council to allocate to works. Suggestions include Parks & Reserves Maintenance, Roads Maintenance and Roads Construction.

### Recommendation (COR33)

That Council adopt the advertised draft Management Plan including the Budget and Fees & Charges, inclusive of the following;

- 1 Council annual contribution to Richmond River County Council be increased by \$3,000.
- 2 Council agree to the subsidised works program as suggested by Richmond River County Council on the basis that:
  - a) McPherson's Culvert be deferred for further consideration in 2000/2001.
  - b) Browns Creek Drain be included pending the outcome of discussion between stakeholders relating to Council Minute 61/99.
  - c) All additional funding required to meet the subsidised works program be funded from the Flood Mitigation Reserve.
- 3 The charge for the Integrated Waste Collection Service be set at \$111 and the respective budgets be amended.

Subject/File No: 1999/2000 RATES AND CHARGES  
(JB:S384)

Prepared By: Rating Service Co-Ordinator - Mr John Beacroft

Reason: Statutory Obligation

Objective: To set Council's 1999/2000 Rates and Charges

Management Plan Activity: Rates & Charges

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Background:

Council has published its Draft Management Plan, including its Draft Revenue Policy, in accordance with Section 405 (1) of the Local Government Act, 1993.

Section 406 of the Local Government Act, 1993, requires "... Council must take into consideration any submissions that have been made concerning the Draft Management Plan prepared and exhibited...".

Submissions to that Plan were received up until June 21, 1999 in accordance with Sections 405(2)&(3) of the Local Government Act, 1993 and these submissions were considered at this meeting.

Within this report there are various motions which relate to Council's previous decisions in regard to the 1999/2000 rates and charges and by the adoption of the motions, Council's decisions will apply.

In particular, Council resolved at its May 18,1999 meeting as follows :-

***149/99 Resolved that the minute be received and-***

- 1 That Council determine to take up its full notional yield entitlement ( including the \$625,000 special rate variation) in the draft budget and Management Plan for the 1999/2000 financial year and intended to be placed on public exhibition.*
- 2 That Council encourage members of the community to read the budget and Management Plan and to make submissions to Council during the period it is on public display. In this regard Council issue a press release giving a clear and concise explanation(and not justification) of the rate increases and the reasons for refunding accumulated rate revenues.*

The adoption of the rates in the dollar listed in this report will give effect to this resolution.

Manager-Finance & Administration Comments

Not required.

Other Group Comments

Not requested.

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Recommendation (COR30)

**(A) SUBJECT: GENERAL FUND RATES**

Whereas Council has advertised its Draft Management Plan for 1999/2000, in accordance with Section 405 of the Local Government Act, 1993, and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993:

- (i) It is hereby resolved that a **Business Rate** sub-category to be known as the **“Business Inner CBD”** Rate, of **three point three four eight two (3.3482) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 1998, subject to a minimum amount of **three hundred and sixty four dollars forty cents (\$364.40)** per assessment, be now made for the rating year July 1, 1999 to June 30, 2000, on all rateable land within the centre of activity known as the ‘Inner CBD’ and within the area shown in Schedule ‘C’ and which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
  - (ii) It is hereby resolved that a **Business Rate** sub-category to be known as the **“Business Urban”** Rate, of **two point three two two eight (2.3228) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 1998, subject to a minimum amount of **three hundred and sixty four dollars forty cents (\$364.40)** per assessment, be now made for the rating year July 1, 1999 to June 30, 2000, on all rateable land within the centre of activity outside the Inner CBD but within the urban area of Lismore as shown in Schedule ‘D’, which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
  - (iii) It is hereby resolved that a **Business Rate** sub-category to be known as the **“Business Other”** Rate, of **two point zero two five six (2.0256) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 1998, subject to a minimum amount of **three hundred and sixty four dollars and forty cents (\$364.40)** per assessment, be now made for the rating year July 1, 1999 to June 30, 2000, on all rateable land in the City of Lismore but not within the areas defined in Schedules ‘C’ and ‘D’ attached which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
  - (iv) It is hereby resolved that a **Farmland Rate**, to be known as the **“Farmland Rate”** of **point seven nine four two (.7942) of a cent in the dollar**, on the Land Value as at Base Date July 1, 1998, subject to a minimum amount of **three hundred and sixty four dollars forty cents (\$364.40)** per assessment, be now made for the rating year July 1, 1999 to June 30, 2000, on all rateable land in the City of Lismore area, which meets the definition of Farmland as defined in Section 515 of the Local Government Act, 1993.
  - (v) It is hereby resolved that a **Residential Rate** to be known as the **“Residential Rate”** of **one point five four zero three (1.5403) cents in the dollar**, on the Land Value as at Base Date July 1, 1998, subject to a minimum amount of **three hundred and sixty four dollars forty cents (\$364.40)** per assessment, be now made for the rating year July 1, 1999 to June 30, 2000, on all rateable land within the centres of population
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defined in Schedule 'A' attached, meeting the definition of residential land, as set out in Section 516 of the Local Government Act, 1993.

- (vi) It is hereby resolved that a Residential Rate sub-category to be known as **"Residential Billen"** of **one point five four zero three (1.5403) cents in the dollar**, on the Land Value as at Base Date July 1, 1998 subject to a minimum amount of **two hundred and fifty six dollars forty cents (\$256.40)** per assessment, be now made for the rating year July 1, 1999 to June 30, 2000 on all rateable land within the centre of population defined in Schedule 'B' attached, meeting the definition of residential land, as set out in Section 516 of the Local Government Act, 1993.
- (vii) It is hereby resolved that a Residential Rate sub-category to be known as the **"Residential Rural"** rate of **one point one seven zero eight (1.1708) cents in the dollar**, on the Land Value as at Base Date July 1, 1998 subject to a minimum amount of **three hundred and sixty four dollars forty cents (\$364.40)** per assessment be now made for the rating year July 1, 1999 to June 30, 2000 on all land which meets the definition of Residential as defined in Section 516 of the Local Government Act, 1993, except for the land described in Schedules 'A' and 'B' attached to this report.

**(B) SUBJECT: SEWERAGE CHARGES**

Council adopted a user pays charging system for sewerage and trade waste discharges at its November 28, 1995 meeting, Resolution 518/95. The adoption of the following draft resolutions will continue this Policy. In addition, Council's adoption of a charge for the monitoring of grease arrestors and corrugated plate interceptors at its January 27 1998 meeting is provided for within the following motions.

**Sewerage and Trade Waste Charges**

Whereas Council has advertised its Draft Management Plan for 1999/2000 in accordance with Section 405 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993.

**Lismore Sewerage Scheme**

- (i) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the provision of Sewerage Services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of **three hundred and seven dollars (\$307.00)**, per assessment. This charge applies to properties connected to the Lismore Sewerage Scheme and is to be known as the **"Lismore Sewer"** charge for the period July 1, 1999 to June 30, 2000.
- (ii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge, as per the attached Schedule "E", where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of Sewerage Services to a parcel of land connected to the Lismore Sewerage Scheme to be known as the **"Lismore Sewer"**
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**Multiple**” charge for the period July 1, 1999 to June 30, 2000, excluding residential Strata Units.

- (iii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **one hundred and eighty four dollars (\$184.00)** per assessment for all rateable parcels of land within 75 metres of a Lismore Sewer Main and capable of discharging into that main but not connected thereto to be known as the **“Lismore Sewer Unconnected”** charge for the period July 1, 1999 to June 30, 2000.

#### **Lismore Trade Waste Charges**

- (iv) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Lismore Sewer Scheme, as per the attached Schedule “F”, where the charge is indicated by the number of equivalent tenements allocated to an assessment in accordance with the methodology set out in Council’s Sewer Usage Charging Strategy to be known as the **“Lismore Non-Residential Sewer”** charge, except for properties declared by Lismore City Council to be Established Strength Users, for the period July 1, 1999 to June 30, 2000.
- (v) It is hereby resolved that, in accordance with Sections 502 and 539 of the Local Government Act, 1993, a charge be now made, for properties declared by Lismore City Council to be Established Strength Users in accordance with Lismore City Council’s Trade Waste Policy, Section 3.2, to be calculated in accordance with Lismore City Council’s Sewerage Usage Charging Strategy, Section 2.5, as follows:
- A charge of **seventy three cents (73 cents)** per kilolitre of discharge; plus
  - A charge of **one dollar and ten cents (\$1.10)** per kilogram of Biochemical Oxygen Demand; plus
  - A charge of **seventy two cents (72 cents)** per kilogram of Suspended Solids; plus
  - A charge of **one dollar and ninety three cents (\$1.93)** per kilogram of Oils and, or Grease
- to be known as the **“Established Strength”** charge for the period July 1, 1999 to June 30, 2000.

#### **Nimbin Sewerage Scheme**

- (vi) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the provision of Sewerage Services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of **four hundred and thirty seven dollars (\$437.00)** per assessment. This charge applies to properties connected to the Nimbin Sewerage Scheme and is to be known as the **“Nimbin Sewerage”** charge for the period July 1, 1999 to June 30, 2000.
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- (vii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge, as per the attached Schedule "G", where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of Sewerage Services to a parcel of land connected to the Nimbin Sewerage Scheme to be known as the "**Nimbin Sewerage Multiple**" charge for the period July 1, 1999 to June 30, 2000, excluding Residential Strata Units.
- (viii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **two hundred and sixty two dollars (\$262.00)** per assessment for all rateable parcels of land within 75 metres of a Nimbin Sewer Main and capable of discharging into that main but not connected thereto to be known as the "**Nimbin Sewerage Unconnected**" charge for the period July 1, 1999 to June 30, 2000.

#### **Nimbin Trade Waste Charges**

- (ix) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Nimbin Sewer Scheme, as per the attached Schedule "H", where the charge is indicated by the number of equivalent tenants allocated to an assessment, in accordance with the methodology set out in Council's Trade Waste Approvals Policy to be known as the "**Nimbin Non Residential Sewer**" charge for the period July 1, 1999 to June 30, 2000.

#### **Lismore & Nimbin Sewerage Schemes**

- i) It is hereby resolved in accordance with Section 501 of the Local Government Act, 1993, that an annual charge of **fifty dollars (\$50.00)** be now made for the annual inspection of properties connected to either the Lismore or Nimbin Sewer Schemes with grease arrestors or corrugated plate interceptors, to be known as the '**Sewer Inspection**' charge for the period July 1 1999 to June 30 2000.

#### **(C) SUBJECT: WATER CHARGES**

Council has adopted a user pays water charging process. To continue this formula the following motions should be adopted.

#### **Water**

Whereas Council has advertised its Draft Management Plan for 1999/2000 in accordance with Section 405 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993:

- (i) It is hereby resolved that in accordance with Section 501, 503, 539 and 541 of the Local Government Act, 1993 an annual charge be now made for the provision of water and water service availability, based on the size of the water service connected
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to a property. For a property which has two or more water connections, the cost of the services will be the total number of services multiplied by the fixed service charged; in cases where different sized services are connected the sum of the cost of the fixed service charges, except for water connections used solely for fire fighting services, the cost of which shall be **\$84** per fire fighting service; for the year July 1, 1999 to June 30, 2000 to be known as the “**Fixed Service Charge**” is hereby made in respect of:

Size of Service	Fixed Service Charge
20mm	\$ 84
25mm	\$ 140
32mm	\$ 232
40mm	\$ 360
50mm	\$ 562
65mm	\$ 944
80mm	\$ 1,436
100mm	\$ 2,244
150mm	\$ 5,048

- (ii) In accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993 an annual charge, for the availability of water to property not connected to Council's Water Supply but capable of connection thereto and within 225 metres of a Lismore City Council water main in accordance with Section 552 (1)(b) of the Local Government Act, 1993, for the year July 1, 1999 to June 30, 2000, to be known as the “**Water Availability**” charge, of **\$84.00** per assessment is hereby made.
- (iii) In accordance with Section 502 and 503 of the Local Government Act, 1993 for water recorded by the water meter on a property a charge of **eighty five cents (85 cents)** per kilolitre for the year July 1, 1999 to June 30, 2000 to be known as the “**Consumption**” charge is hereby made.

**(D) SUBJECT: DOMESTIC AND NON DOMESTIC WASTE MANAGEMENT SERVICES**

Whereas Council has advertised its Draft Management Plan for 1999/2000 in accordance with Section 406 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993:

- (i) It is hereby resolved that an annual charge be now made, in accordance with Sections 496 of the Local Government Act, 1993, for all land within the declared domestic waste scavenging areas, both urban and rural, maps of which are available at Council's Oliver Avenue Office, not utilising the domestic waste management service provided by Council to be known as the “**waste availability**” charge, of **twenty dollars (\$20.00)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue Office, which are levied the Nimbin Transfer Station Charge, for the period July 1, 1999 to June 30, 2000.

- (ii) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all land within the Lismore City Council area, to be known as the “**Environment Protection**” charge, of **thirteen dollars and twenty five cents (\$13. 25)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council’s Oliver Avenue Office, which are levied the Nimbin Transfer Station Charge, for the period July 1, 1999 to June 30, 2000.
- (iii) It is hereby resolved that an annual charge be now made, in accordance with Sections 501 and 541 of the Local Government Act, 1993, for all land located within the Nimbin Section 94 Plan Area, maps of which are available at Council’s Oliver Avenue Office, for the provision of the Nimbin Transfer Station Facility of **thirty dollars (\$30.00)** per assessment, for properties with multiple units of resident occupancy a charge of **thirty dollars (\$30.00)** per unit of residential occupancy located on each assessment, to be known as the “**Transfer Station**” charge. Properties exempted from this charge within the Nimbin Section 94 Plan Area are those properties paying a Waste Collection or Non-Domestic Waste Management Charge for the period July 1, 1999 to June 30, 2000.
- (iv) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Urban area of Lismore, a map of which is available at Council’s Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and Council collects an approved 240 litre mobile waste bin from that property, of **ninety dollars (\$90.00)** per bin collected per annum, to be known as the “**Urban Non-Domestic Waste**” charge for the period July 1, 1999 to June 30, 2000.
- (v) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties located outside the Urban area of Lismore, a map of which is available at Council’s Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and Council collects an approved 240 litre mobile waste bin from that property, of **ninety nine dollars (\$99.00)** per bin collected per annum, to be known as the “**Rural Non-Domestic Waste**” charge for the period July 1, 1999 to June 30, 2000.
- (vi) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, maps of which are available at Council’s office for the removal, weekly, of a 140 litre approved mobile waste bin. In addition, on a fortnightly basis Council will remove an approved mobile waste bin up to 240 litres. This charge is to be known as the “**Integrated Waste**” collection service for the period July 1, 1999 to June 30, 2000 and will be charged at **one hundred and seven dollars (\$107)** per annum. Additional services will be charged at **one hundred and seven dollars (\$107) per annum**. Services commenced during the charging period will be charged for on a proportional basis.
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- (vii) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act, 1993, for the removal of one approved 240 litre mobile waste bin each week, from domestic premises, located outside the urban area of Lismore but within the declared domestic waste scavenging area, maps of which is available at Council's Oliver Avenue Office, of **ninety nine dollars (\$99.00) per annum**, to be known as the "**Waste Collection Service**" charge, additional services will be charged at **ninety nine dollars (\$99.00) per annum**, for the period July 1 1999 to June 30 2000. Services commenced during the charging period will be charged for on a proportional basis.

**(E) INTEREST CHARGES**

Council is able, under Section 566 of the Local Government Act, to charge interest on outstanding Rates and Charges. The Minister for Local Government has advised, Circular 99/19, that the maximum amount of interest in 1999/2000 is 9.5 %. This Council has generally adopted the maximum interest Rate as the amount to be charged.

- (i) It is hereby resolved that the 1999/2000 interest rate on outstanding Rates and Charges will be **9.5 %**.

Subject/File No: LISMORE CONTRIBUTIONS PLAN  
(PS: S517)

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

Reason: To advise Council of the outcome of public exhibition of the draft plan

Objective: Council adoption of the Lismore Contributions Plan 1999

Management Plan Activity: Strategic Planning

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Background:

Council resolved to publicly exhibit the draft Lismore Contributions Plan 1999 at its meeting held on April 27, 1999.

The plan was subsequently exhibited from April 29 to May 27, 1999. The public notice was placed in the Echo Newspaper. Three submissions were received.

Public Consultations

***1. Aspect North***

*Aspect North strongly supports and congratulates Council in taking the step of exhibiting a new Section 94 Plan, which reduces contributions by a margin of 50%. The reduction in Section 94 Plans will, we believe, lead to an increase in development in Lismore with consequential beneficial effect for everyone.*

*There are a number of issues within the Section 94 Plan that need some clarification as follows:*

***Indexing of Contributions***

*The plan indicates that the levies will be indexed to the consumer price index (Sydney CPI). Clarification is sought when the CPI index will apply to a development approval, ie are the levies payable indexed on the anniversary/anniversaries of the approval, or are the levies to be indexed on the anniversary of the contributions plan (presumably July 1 every year). For example, a Development Application issued on November 1, 1999 will have the same levies applicable to it until November 2, 2000, or will the levies increase on July 1 (the anniversary of the Section 94 Plan).*

*We also seek clarification on whether the CPI is to be indexed on an annual basis, or on a quarterly basis. Annually will be more equitable.*

**Planning and Development Comment**

The current practice with regard to the indexing of contributions will apply, ie the amount levied, as a condition of consent on a development application, remains valid for a period of twelve months from the date of issue of the consent. If levies are not paid within this period, the amount payable is indexed, in the case of the new plan, in accordance with CPI figures for the relevant period. For example, if a development commenced three years after consent was issued the total amount payable will be indexed, using CPI, for a period of three years.

The plan specifies that the contribution rates will be indexed annually at the beginning of the financial year (refer Section 10, page 6).

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***Deferred Payments***

*Clause 7.3 of the Plan provides a number of instances where deferred payment can be made, and arrangements that Council can enter into regarding those deferred payments. We request that another option be included in paragraph 7.3(b), and that is the option of Council having a caveat registered over the subject land. This will permit the land owner to develop the subject land, and upon sale of that land Council is entitled to the Section 94 contribution applicable to the land. This of course saves the landowner from having to register and raise finance for mortgages etc, and also enables Council to obtain the Section 94 levies at a time when the demand for increased services arises (ie at the sale of the land, and presumably the construction of a dwelling or whatever thereon).*

**Planning and Development Comment**

Section 7.3(b) – page 5 of the document does include wording to the effect that Council may consider other means of security for payment of contributions. A covenant is not excluded as a possible option to achieve this objective.

***Typographical Error***

*The last paragraph of Clause 7.3 of the Plan refers to Clause 9. This should be a reference to Clause 10.*

**Planning and Development Comment**

Noted. The plan has been amended accordingly.

***Confirmation of Development Application Wording***

*As we have discussed with you on a number of occasions, the current wording on Development Applications issued indicates that the Section 94 levies applicable to a Development Application shall be those applying at the time of release of linen plan etc. We interpret this to mean that Section 94 levies can increase by the CPI index, or in the current case can be reduced by 50% due to a Council resolution, and the new levy in the amount payable.*

*Could you please confirm the wording in the current Development Applications means that no further Development Application needs to be submitted for approval to gain the advantage of the 50% reduction in Section 94 fees.*

**Planning and Development Comment**

Advice previously provided to Council has confirmed that the contribution payable is calculated using the rate applicable at the time of payment of the contribution. Hence, if a contributions plan is amended at some point in time and an existing consent has yet to be activated – the contribution rate applied will be based on the contributions plan in effect at that time payment is to be made.

*Once again, Council is congratulated and supported in preparing and adopting the contribution plan.*

**2. Lismore Unlimited**

*Lismore Unlimited wholeheartedly supports Council in the preparation of its new Section 94 Plan, and urges the Councillors to adopt the plan as exhibited when it is considered at the appropriate Council meeting.*

*As you will be aware, the Developers Association which is now an integral part of Lismore Unlimited, was initially formed to lobby Council on the subject of Section 94 contributions. The*

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Lismore Contributions Plan

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*Developers Association continually held the view that the Section 94 contributions were excessive. Lismore Unlimited is therefore enthusiastic about the new contribution plan, and supports Council in this regard.*

*Lismore Unlimited believes that the reduction in Section 94 fees will lead to an increase in land development within the city. Such development will be of benefit to the city across the board and will serve to underpin the economic growth of Lismore - an aspect which is decidedly advantageous to the citizens and businesses of the city in particular, and the region in general.*

*Once again, congratulations to Council on the production of the new Section 94 Plan, a document which Lismore Unlimited endorses.*

**3. Lismore City Council Rural Fire Service**

*The Executive Committee of the Captains and Group Captains of Lismore RFS have unanimously endorsed the concept of all Section 94 money being pooled together to enable the whole of Lismore Bush Fire district to benefit. Individual collection "buckets" would never have sufficient funds to allow worthwhile projects. I have enclosed minutes of meetings where this matter has been discussed.*

*While the collection of Section 94 funds is limited by many factors, the most important being growth, the use of these funds to allow the purchase of items such as trucks/vehicles/control centre equipment such as logging recorders, is a welcome addition to the existing equipment supply framework.*

*The following points are worth repeating:*

- *The funding for the equipment provided to RFS is not tied in any way to Section 94 Contributions.*
- *Specific Council budgets are applied in regard to this provision and attract the 87.7% subsidy.*
- *The Section 94 contribution must be a stand-alone item and used as a single dollar item.*
- *The use of these funds must be flexible. The requirement to specify items is necessary but as circumstances change so do requirements. The Plan must reflect this and allow for the Fire Control Officer of the day to make operational decisions in regard to purchase of equipment.*
- *The funds collected from the levy for Bushfire Service equipment are to be pooled and utilised as requested on a Council wide basis.*

**Planning and Development Comment**

The exhibition draft of the plan has been amended to exclude reference to the subsidy in Section 3 on page 42. In addition, the minor equipment items listed in Table 1 on page 43 have been deleted. This has resulted in changes to the contribution rate formula which will see a reduction in the total amount levied for bushfire services over the life of the plan. Despite these changes the contribution rate per ET has been maintained to achieve the 50% target reduction previously agreed to by Council.

The pooling of all contributions into one fund to cover all brigades is a more efficient way of ensuring that the purchase of items of significant cost can occur in a timely fashion. All brigades service the whole of the district in times of emergency so the notion that each brigade should receive a small portion of what amounts to a relatively modest sum is not a practical approach to funding major equipment purchases.

### **Transitional Arrangements**

As reported previously, it will be necessary for Council to transfer the funds collected under the current plan to the new plan. The attachment titled 'Transitional Arrangements' includes amounts (positive and negative balances) held in each component of the current plan and a reference to an equivalent section of the new plan to which funds could be transferred. The amounts are as compiled at 25 March, 1999. These figures are likely to vary by the time the new plan comes into effect (recommended commencement date – 1 July, 1999).

It is recommended that the amounts in positive balance in the current plan as at 30 June, 1999 be transferred to the new plan in accordance with the recommendations outlined in Table 1 of the attachment with the exception that the Bushfire Services amounts be transferred to two sections in the new plan under the headings equipment and facilities. Equipment should include all of the amounts currently listed for each individual brigade and facilities the amount listed under control room.

The current plan components in negative balance should be written-off as it is not practical to adopt a new plan which, in some parts, will be in arrears. Such an approach is likely to setback a number of new projects and make it difficult to achieve the nominated targets dates for the provision of services and facilities.

### Manager - Finance & Administration Comments

The review of the Lismore Contribution Plan will achieve the objective set by Council.

What also needs to be considered is the fact that the revised Plan still requires a significant contribution from Council to meet our obligations over the life of the plan. This will mean that over the next seven years, we will need to provide in the Management Plan sufficient funds to discharge this commitment.

In relation to the suggestion that we 'write off' the overdrawn accounts (\$41,075), it is agreed that it is restrictive on the new plans if this liability is carried forward in that it would delay works from preceding. If it is resolved to do so, and depending on the level of collections between March 25 and June 30, 1999, this amount will need to be funded from accumulated working funds. As expected, this would deteriorate our financial position and is not preferred.

### Other Group Comments

The views of other Groups have been taken into consideration through the input of project team members.

### Conclusion

The new plan includes a number of positive changes aimed at making it more flexible, particularly in the area of the payment of contributions and the staging and timing of the provision of works and services. It has also achieved Council's 50% target reduction rate for the level of developer contributions across all plan components.

There has been positive reaction to the exhibition of the plan and it is therefore recommended that Council resolve to adopt the new plan as attached and dated June 1999.

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Recommendation (PLA42)

- 1 Council, in pursuance of section 94AB of the Environmental Planning and Assessment Act 1979 (as amended) and the Environmental Planning and Assessment Regulation 1998, resolve to make the contributions plan as attached and dated June, 1999 to take effect from 1 July, 1999 and repeal the Section 94 Contributions Plan 1995 on the date of effect of this plan.
- 2 The existing contributions in positive balance collected under the Section 94 Contributions Plan 1995 be transferred to the new plan in accordance with the recommendations outlined in Table I of the attached document titled Transitional Arrangements with the exception that Bushfire Service component amounts be transferred to the new plan under two headings - equipment and facilities.
- 3 The current plan components in negative balance as at June 3, 1999, be written off.

Subject/File No: DEVELOPMENT APPLICATION NO. 99/197 - TO ESTABLISH A RURAL LANDSHARING COMMUNITY CONTAINING 11 DWELLING SITES AND ASSOCIATED INFRASTRUCTURE UPON A RURAL PARCEL OF LAND BEING LOT 7 DP 619992, KNOWN AS 929 BLUE KNOB ROAD, BLUE KNOB (HAJ:MJK: DA99/197)

Prepared By: Development Assessment Planner - Hugh Johnson

Reason: Development Application requested to be considered by Council, by Councillors Gates and Swientek.

Objective: To obtain Council approval.

Management Plan Activity: Development Assessment

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## 1 PRECIS

### **Applicant**

Balanced Systems.

### **Zoning**

1(a) General Rural Zone under the City of Lismore Local Environmental Plan 1992.

### **Location**

Lot 7 DP 619992, 929 Blue Knob Road, Nimbin (refer Annexure 1).

### **Proposal**

The application currently before Council seeks planning consent for the establishment of an eleven (11) dwelling rural landsharing community with associated infrastructure, land and resource management upon Lot 7 DP 619992, known as 929 Blue Knob Road, Nimbin.

### **Key Issues**

Effluent disposal, visual impact, impact on Websters Creek.

## 2 DESCRIPTION OF THE PROPOSAL

As stated above, the current application before Council seeks planning consent for a rural landsharing community containing 11 dwelling sites and associated infrastructure on the abovementioned property. The proposal incorporates the following features:

- Eleven (11) dwelling sites (including the existing dwelling);
  - Community buildings (agricultural sheds, meditation huts and multipurpose shed);
  - Associated roads and parking areas;
  - Associated wastewater, water, electricity and telephone systems;
  - Management strategies relating to water management, waste management, prevention control and management of soil erosion, bush fire management, flora and fauna management - including the control of noxious weeds and noxious animals, provision and maintenance of internal roads, boundary fences, water reticulation, service corridors for telephone and electricity cables and similar matters (refer plan as Annexure 2).
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3 ASSESSMENT UNDER SECTION 79C OF THE E.P. & A ACT -

**79C(1)(a)(i) Any Environmental Planning Instruments (EPI)**

City of Lismore Local Environmental Plan 1992 (as amended) - the application complies with all relevant requirements of this Plan.

Statement Environmental Planning Policy No. 15 - Rural Landsharing Communities is the applicable enabling planning instrument relating to this application. All relevant planning instruments are addressed within this Section of the report.

**Compliance with State Environmental Planning Policy No. 15 - Rural Landsharing Communities**

**Clause 2 - Aims of Policy**

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

***Comments***

As demonstrated within this report and the associated report with the Development Application, the proposal is considered to be consistent with the aims of the policy as follows:

- The development of a rural landsharing community committed to environmentally sensitive and sustainable landuse practices;
- People collectively owning a single allotment of land and using it as their principle place of residence;

- The erection of multiple dwellings in a clustered style on the allotment and the sharing of facilities and resources to collectively manage the allotment;
- The pooling of resources to economically develop and utilise the site;
- Protecting the environment and not creating a demand for the unreasonable or uneconomic provision of public amenities or public services;
- Not involve subdivision of the land or any other form of separate land title.

**Clause 3 - Land to Which this Policy Applies**

**(1) This Policy applies to land within the areas specified in Schedule 1 ,except as provided by this clause.**

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

***Comment***

This Policy applies to all land located within the Local Government Area of Lismore that has a general rural zone classification.

**Clause 4 - Definitions**

**(1) In this Policy.**

***Comment***

Noted.

**Clause 7 - Rural Landsharing Community**

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

**(a) the land comprises a single allotment not subdivided under the Conveyancing Act 1919 or the Strata Schemes (Freehold Development) Act 1973;**

The proposal is consistent with Clause as it is Lot 7 DP 679992.

**(b) the land has an area of not less than 10 hectares;**

Is consistent - with a site area of 38.8 hectares.

**(c) the height of any building on the land does not exceed 8 metres;**

Is consistent - no building on the site will exceed 8 metres in height.

**(d) not more than 25 per cent of the land consists of prime crop and pasture land;**

The subject land is classified on the NSW Agricultural Land classification map as being Class 4 Land (land suitable for grazing, not for cultivation).

**(e) the part of the land on which any dwelling is to be situated is not prime crop and pasture land;**

There is no prime crop and pasture land on the site.

**(f) the part of the land on which any structure or work is to be situated is not land that is a wildlife refuge, wildlife corridor or wildlife management area and development and management of the rural**

**landsharing community does not adversely affect any area identified as a wildlife refuge, wildlife corridor or wildlife management area;**

The proposal before Council is consistent with this sub-clause.

- (g) **the development is not carried out for the purposes of a motel, hotel, caravan park or any other type of holiday, tourist or weekend residential accommodation, except where development for such purposes is permissible under the provisions of another environmental planning instrument in the zone;**

The proposal complies with this clause.

- (h) **the part of the land on which any structure is to be situated does not have a slope in excess of 18 degrees, or has been determined not to be prone to mass movement;**

The proposal complies with this clause in that no dwelling site is located on or near any excessive slope. In terms of geotechnical stability of dwelling sites, the applicant has appended a specialist report and Council's Building and Regulation Section raise no objections to details submitted within this report.

- (i) **the aims of this Policy are met.**

The proposal complies with this clause.

#### **Clause 9 - Matters for Council to Consider**

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

- (a) **the means proposed for establishing land ownership, dwelling occupancy rights, environmental and community management to ensure the aims and objectives of this Policy are met;**

The applicant has adequately addressed this issue in relation to internal management agreements. A condition of Development Consent will be imposed upon the application requiring compliance with conditions.

- (b) **the area or areas proposed for erection of buildings, including any proposals for the clustering of buildings;**

The applicant has adequately carried out a site assessment that has resulted in a site concept which locates the proposed dwellings on appropriately located and physically suitable land.

- (c) **the area or areas proposed for community use (other than areas for residential accommodation and home improvement areas);**

The majority of the site has been allocated as common land, which will be collectively managed by the subject community. The dominant land uses will be organic agriculture, woodlots and habitat regeneration.

- (d) **the need for any proposed development for community use that is ancillary to the use of the land;**

The application seeks Council consent for ancillary community buildings such as a multi-purpose shed, agricultural sheds and a meditation hut. The Planning and Development Group raises no objections to this.

- (e) **the availability and standard of public road access to the land;**  
Council's City Works Group has reviewed the Engineering Report appended to the Consultant's Report at Appendix A. This report details the standard of public road access to the site. The City Works Group raise no objections with regard to the Consultant's information.
- (f) **the availability of a water supply to the land for domestic, agricultural and fire fighting purposes and, where a proposed water supply is from a river, creek, dam or other waterway, the effect upon other users of that water supply;**  
Adequate water supply is available via the harvesting of roof waters and recycling useable waters. A condition of consent will be imposed stating that Websters Creek is not to be used for obtaining any form of water without obtaining relevant consent from the Department of Land and Water Conservation.
- (g) **if required by the applicant, the availability of electricity and telephone services;**  
Electricity and telephone services are available to the proposed development.
- (h) **the availability of community facilities and services to meet the needs of the occupants of the land;**  
Adequate rural community facilities are available within the vicinity of the site.
- (i) **whether adequate provision has been made for waste disposal from the land;**  
The specialist engineering report within Appendix A of the Consultant's Report details the proposed wastewater management system for the community which conforms with the legislative requirements. Council's Environmental Health Section has comprehensively reviewed this document and where necessary, have required the Consultant to submit additional information. Council's Environmental Health Section is satisfied with all information submitted by the applicant.
- (j) **the impact on the vegetation cover of the land and any measures proposed for environmental protection, site rehabilitation or reforestation;**  
There will be no adverse impacts on vegetation of the site. It should be noted that there will be significant revegetation and the implementation of a Land Management Plan will further enhance the site.
- (k) **whether the land is subject to a risk of flooding, bush fires, landslip or erosion or whether there are areas with actual or potential acid sulfate soils and, if so, the adequacy of any measures proposed to protect**
-

**occupants, buildings, internal access roads, service installations, and land adjoining the development from any such hazard;**

The applicant has satisfactorily addressed all the issues in relation to bushfire risk and geotechnical stability.

**(1) the visual impact of the proposed development on the landscape;**

It is considered that the visual impact of the site is not significant, however this will be further enhanced by vegetative buffer screen plantings that will be required as a condition of development consent.

**(m) the effect of the proposed development on the present and potential use, including agricultural use, of the land and of lands in the vicinity, including the need for separation and buffers to avoid landuse conflicts;**

The proposal complies with the above issues, however vegetative buffers will be required to be planted along Websters Creek. The proposed land management plans and organic agriculture, woodlots and environmental repair regime is considered suitable.

**(n) whether resources of coal, sand, gravel, petroleum or other mineral or extractive deposits will be sterilised by the proposed development;**

There is no existence of any quarries within the immediate vicinity of the site.

**(o) the effect of the proposed development on the quality of the water resources in the vicinity;**

It is considered that the proposed development will not have any adverse impact upon the quality of the water resources in the vicinity.

**(p) any land claims by local Aborigines and the presence of any known Aboriginal relics and sites;**

No known Aboriginal claims exist on the site.

**(q) the impact of the proposed development on any heritage item, relic or sites, or on their curtilages;**

No known heritage items are located on the site.

**(r) whether the land has been identified by the council as being required for future urban or rural residential expansion;**

Council's Rural Residential Strategy has not been finalised and hence the site has not been identified for future urban or rural residential expansion.

**(s) whether the development would benefit an existing village centre suffering from a declining population base or a decreasing use of the services provided in that centre.**

N/A

**(2) A council must not consent to an application made in pursuance of clause 7 unless it has taken into consideration a site analysis that:**

**(a) contains information about the site and its surrounds as described in Schedule 3; and**

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The applicant's report addresses the relevant matters listed in Schedule 3. Council's Planning and Development Group are supportive of the findings within the Consultant's Report.

- (b) **is accompanied by a written statement explaining how the design of the proposed development has regard to the site analysis.**

The applicant indicates that neighbouring properties are generally appropriately screened from the proposed development and the proposed additional plantings will further enhance visual screenings. The impact of the development on the overall locality in terms of social, economic and physical factors is considered positive.

#### **Clause 10 - Management Plan**

**A council must not consent to an application made in pursuance of clause 7 unless the applicant has submitted a management plan for the development that makes adequate provision for the following.**

- (a) **water management;**
- (b) **waste management;**
- (c) **prevention, control and management of soil erosion;**
- (d) **bush fire management;**
- (e) **flora and fauna management, including the control of noxious weeds and noxious animals;**
- (f) **provision and maintenance of internal roads, boundary fences, water reticulation, service corridors for telephone and electricity cables and similar matters.**

#### ***Comment***

The applicant has adequately addressed this within Section 4 of the Consultant's Report.

#### **Clause 11 - Density of development**

- (1) **Subject to subclause (2), a council must not consent to an application made in pursuance of clause 7 for the carrying out of development on land unless the number of proposed dwellings on the land, together with any existing dwellings on the land, does not exceed the number calculated in accordance with the formula specified in Column 2 of the Table to this clause opposite the area of land specified in Column 1 of that Table.**
- (2) **If the number calculated in accordance with the formula as referred to in sub clause (1) includes a fraction, the number is to be rounded up to the nearest whole number in the case of a fraction of one-half or more or rounded down to the nearest whole number in the case of a fraction of less than one-half.**



Table

Column 1	Column 2
Area of land	Number of dwellings where A represents the area of the land the subject of the application (measured in hectares)

Not less than 10 hectares but not more than 210 hectares	$\therefore 4 + \frac{(38.78 - 10)}{4}$
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$$4 + 7 = 11$$

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

***Comment***

The proposed development seeks approval for eleven (11) dwellings, which is consistent with the Policy.

**State Environmental Planning Policy No. 44 - Koala Habitat Protection**

The aims of this Policy are as follows:

- To encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas;
- To ensure permanent free populations over their present range;
- To reverse the current trend of population decline.

***Comment***

The applicant in his report has addressed SEPP No. 44 criteria adequately and Council's Planning and Development Group are of the opinion that the proposal is not inconsistent with this Policy.

It should be noted that the regeneration of the site with native species and the attempt to control feral animals with the reduction in ownership of dogs and cats on site will substantially enhance the koala habitat in the area.

**State Environmental Planning Policy No. 55 - Contaminated Lands**

The applicant has reviewed the past land uses and land management practices on the site and has indicated that there is no previous banana growing on the site, nor are there any cattle dips located on the site, based on this and the review of previous land uses, it is considered that there is no reason to suspect the site is contaminated from past land uses or land use practises.

**Section 5A Considerations**

Assessment of Section 5A of the Environmental Planning and Assessment Act 1979 (as amended) effect on threatened species, populations, etc.

For the purpose of this Act, and in particular, in the administration of Sections 77, 90 and 112, the following factors must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

- (a) **In the case of a threatened species, whether the cycle of the species is likely to be disrupted such that a viable local population of the species is likely to be placed at risk of extinction.**

The applicant's report indicates that there are no threatened species, populations or ecological communities likely to be disturbed by the proposal.

- (b) **In the case of an endangered population, whether the life cycle of the species that constitutes the endangered population is likely to be disrupted such that the viability of the population is likely to be significantly compromised.**

The Consultant's Report indicates that no endangered populations, as defined under the Threatened Species Conservation Act (1995) occur on the property.

- (c) **In relation to the regional disturbance of habitat of a threatened species, population or economic or community, where a significant area of known habitat is to be modified or removed.**

As identified within the applicant's report, all significant habitat on this property will be protected as part of the development, and the regrowth vegetation beyond the proposed house sites will be left intact and enhanced by native planting, including those of threatened species.

- (d) **Whether an area of known habitat is likely to become isolated from currently interconnecting or approximate areas of habitat for a threatened species, population or ecological community.**

The applicant has indicated that it is unlikely that the development will adversely impact upon or alienate movement corridors or limit dispersal options for relevant species. The currently cleared areas of the site have resulted from previous agricultural practices, and hence the development, by not increasing these areas, will not isolate any area of known habitat for any threatened species, population or ecological community. Further to this, it may be argued that through the regeneration and planting of natives in the area, it may encourage or establish corridors.

- (e) **Whether critical habitat will be effected.**

The applicant has indicated that no critical habitat will be effected.

- (f) **Whether a threatened species, population or ecological community, or their habitats, are adequately represented in conservation reserves (or other similar protected areas) in the regional environment of the species, population or community.**

There is ample national parks and nature reserves within the North Coast Region.

- (g) **Whether the development or activity proposed is of a class of development or activity which is recognised as a threatening process.**

The applicant in his report, indicates that the development of the land, for the purpose of establishing numerous rural dwellings on pasture land within a large site, together with the extensive environmental repair and revegetation, is not considered to be a threatening process in this instance.

**(h) Whether any threatened species, population or ecological community is at the limit of its known distribution.**

The applicant, within the body of his report, indicates that no threatened species, population or ecological community is likely to be effected by the proposal.

**79C(1)(a)(ii) Any Draft EPI that is or has been placed on Exhibition N/A**

**79C(1)(a)(iii) Any Development Control Plan N/A**

**79C(1)(a)(iv) Any Matters Prescribed By The Regulations**

The planning report that was submitted in support of the Development Application addresses the likely impacts that the development will have. In summary, the report indicates that in relation to natural systems, that as a result of a development of this nature and the substantial increase in physical, economic and knowledge resources introduced to the site, that there will be a significant improvement on land management and habitat values in the locality. The report submitted goes on further to outline land management strategies that Council's Planning and Development Group regards as appropriate.

The positive effects of the proposal in the context of the natural environment include:

- no use of agricultural chemicals;
- further mass plantings of appropriate native species;
- allocating a large portion of the site for natural habitat areas;
- provision of management plan provisions designed specifically to protect nature conservation values (controls on cats and dogs);
- minimal disturbance of native vegetation.

It is unlikely that the proposal will have any adverse impact on the environment of protected fauna, however this is dealt further within the body of this report under the Section relating to Threatened Species Conservation Act.

**79C(1)(b) The Likely Impacts of that Development, including Environmental Impacts on both the Natural and Built Environments, and Social and Economic Impacts in the Locality**

The report further indicates the economic and social effect of the proposal will be positive. There will be a benefit in relation to provision of affordable housing and lifestyle options, enhancing and managing habitat values, increasing agricultural productivity, creating local economic opportunities and will minimise the demand for facility and services.

The application indicates that the community members are committed to ensuring this development becomes a model development, demonstrating a sustainable approach to rural living. A positive effect of the development will be the demonstration of eco-

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sustainable housing, which will be assisted by Professor Bal Saini (ex-Dean of Architectural Faculty, University of Queensland).

The report further indicates that in terms of local economic development, the community intends to grow and market medicinal herbs, in co-operation with Southern Cross University.

The report indicates that there will be no effect on the local amenity, as the locality is currently characterised by rural settlement of a range of lot sizes. Issues in relation to visual impacts of the development will be negated when overall landscaping and screen buffers are established. This will be required as a condition of Development Consent.

**79C(1)(c) The Suitability of the Site for the Development**

The report indicates that the spatial layout of the development is considered satisfactory in regard to the biophysical characteristics of the site and locality. The application has submitted supportive information within the report that assesses the capability of the dwelling sites in terms of effluent and geotechnical suitability. These documents have been assessed by Council's Environment and Building Regulations Sections, and subject to submission of additional details, have been found to be satisfactory.

The report further indicates that the members of the landsharing community are mindful of any bushfire hazard and have planned the development, including the revegetation in a manner to minimise such potential hazards. Council will require via conditions of consent, that adequate water supply, with appropriate fittings will be available. Ground fuel reduction will be carried out around house sites.

**79C(1)(d) Any Submissions made in Accordance with this Act or the Regulations**

The application was placed on public exhibition for a period of fourteen (14) days. At the close of exhibition period three (3) submissions had been received.

One of these submissions did not specifically raise objections to the proposal, however requested that a number of specific issues be reviewed and where possible, conditions of consent be imposed relating to the reviews.

Another submission received was in relation to the development complying with the objectives of multiple occupancy development. The objector indicated that if the property was not owned by people intending to live on the property, then he must submit an objection to the proposal as it will not be in accordance with the planning legislation.

In response to this, the Consultant's Report, and other details associated with the application indicate that the land will be used in accordance with the requirements of SEPP No. 15.

The following issues were raised within the submissions:

- The following points were raised specifically in regard to Sites 8 and 9:

**Road Access** - as there is no existing road here, it is a very steep gradient and a lot of earthworks will have to ensue, and this will have a noise and visual impact on adjoining property.

*Comment:*

It is considered that in general multiple occupancy developments generate significantly lower traffic volumes than a normal residence. In this regard, it is considered that the location of the dwellings and the associated access will have limited impact upon the adjoining properties.

**Site Stability** - As these sites are on the top side of a very steep slope, concern is raised in relation to slippage and water runoff from these sites.

*Comment:*

In response to this Council's Building Regulation and Environmental Health Sections have reviewed the impact upon the sites and raise no objections.

**Visual Impact** - These two sites are on top of a ridge that extends down a slope that overlooks the adjacent property and consequently the positioning of any dwellings on these sites will have a large visual impact.

*Comment:*

In response to this, Council will require that prior to any form of building works on the site, that a substantial vegetative screen be established to minimise the visual impact that any structure on the site will have.

**Sewage and Vicinity to Websters Creek** - the objection raised concerns with regard to possible pollution of Websters Creek via on-site sewage disposal. The objector goes further on to suggest that a solid buffer zone along the creek be established to reduce runoff and help prevent soil erosion into the creek, and create a screen to the adjoining property.

*Comment*

In relation to this issue, Council's Environmental Health Section has reviewed the proposed means of effluent disposal and is satisfied that there will be no impact upon Websters Creek. In relation to the establishment of a vegetative buffer along the creek, this will be imposed as a condition of Development Consent.

- Concern in relation to usage of Websters Creek for water supply.

*Comment*

The Consultant's Report indicates that rainwater will be harvested from the roof of the dwellings and other associated structures to supply water for the development. The report further indicates that outdoor water use will be sourced from the water recycling of reclaimed water. A condition of consent will be imposed stating that should the applicant wish to draw water from Websters Creek, the DLWC approval will be required.

- Poor state of Blue Knob Road.

*Comment*

Council's City Works Group have commented on the proposal and are of the opinion that Blue Knob Road can satisfactorily cater for the additional traffic movements that a multiple occupancy development of this nature will generate.

- The perception that multiple occupancies were not permitted within the rural zones.

*Comment*

Upon gazettal of State Environmental Planning Policy No. 15 - Rural Landsharing Communities, multiple occupancy developments of this nature are permissible with Council consent.

- Concern for wild life within the area.

*Comment*

The applicant, in the report, indicates that the aims of the flora and fauna management are as follows:

- enhance the flora and fauna values to the site and ensure the site plays a positive role in enhancing the flora and fauna values of the locality by the provision of wildlife corridors and revegetation of water courses.
- avoid the introduction of species which may harm native plants for fauna.
- protect water quality and quantity in Websters Creek.
- enhance and protect the scenic and natural features of the land.

The applicant intends to achieve these by the following actions:

- commence a programme of native tree planting on the site with riparian plantings undertaken as a priority.
- plant native vegetation that provides food for fruit doves and other fruit eating species.
- allocate a large portion of the site for habitat purposes, including the riparian corridors, existing forest areas and regrowth vegetation areas to protection native fauna habitat and protect the riparian catchment.
- restrictions on keeping of cats and dogs on the property. Non native fish such as gold fish or mosquito fish, which muddy water and pray on the eggs of native frogs must not be introduced to the dams or to the water courses.
- commence a maintenance programme for the control of noxious weeds.
- control any feral fauna on the property by live trapping if necessary and the collection of any cane toads by regular spot-lighting in warmer weather after rain.
- restriction on the use of poison baits and dangerous pesticides.

**79C(1)(e) The Public Interest**

As can be seen from the body of this report, the development is considered to be in the public interest on a range of matters relating to a choice in affordable housing and lifestyle options, and enhancing and managing habitat values. The development will also assist local economic development and minimise the demand for facilities and services.

The Planning and Development Group recognises that development is consistent with objectives of relevant planning provisions such as the REP, LEP and zone objectives. The applicant states that the project is considered to a good demonstration of

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implementation of the NSW State Government Objectives for Rural Settlement, as defined and described within the Rural Settlement Guidelines for the NSW North Coast. This is a point where Council's Planning and Development Group are in agreeance.

#### 4 CONCLUSION

Based on the information within the body of this report, and the supporting documentation submitted within the Development Application, it is considered that the establishment of an eleven (11) dwelling site rural landsharing community and associated infrastructure upon the subject land will have minimal adverse impact in any form. It is noted that significant conditions of Development Consent will be required to be imposed on the development to reinforce numerous planning issues, however it is the Planning and Development Group's opinion that a development of this nature is suitable for land of this type in this location.

#### RECOMMENDATION (PLA41)

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, approve Development Application 99/197 for the establishment of an eleven (11) site rural landsharing community and associated infrastructure, upon land being Lot 7 DP 619992, known as 929 Blue Knob Road, Blue Knob, 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) Statement of Environmental Effects prepared by Balanced Systems Planning Consultants dated March 1999 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 79C)*

#### DRAINAGE

2 Paved surfaces, landscaped areas, roof water and subsoil drainage systems, shall be designed so all water is directed to a drainage system acceptable to Council to prevent discharge runoff onto adjoining land. Full design details of the proposed drainage system shall be submitted for approval with the Construction Certificate.

*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 79C(b))*

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

- adjoining land
- 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 to the Principal Certifying Authority for approval prior to release of the Construction Certificate.

**Reason:** *To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))*

#### **ROADS**

4 The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). Required roadworks include:

- a) For roads servicing 5 or more dwelling sites, construction of a 7 m gravel pavement on a 7m wide formation with a minimum gravel depth of 300mm. All road slopes in excess of 12% must be sealed and drains concrete lined.
- b) For roads servicing 2 to 4 dwelling sites, construction of a 5 m gravel pavement on a 7m wide formation with a minimum gravel depth of 300mm. All road slopes in excess of 12% must be sealed and drains concrete lined.
- c) For roads servicing 1 dwelling site, construction of a 3 m gravel pavement on a 4 m wide formation with a minimum gravel depth of 300mm,. All road slopes in excess of 12% must be sealed and drains concrete lined.
- d) Construction of an intersection layout at the junction of Blue Knob Road in accordance with AUSTRROADS Pt 5 "Intersections at Grade" giving particular attention to sight distance and intersection angle. All road slopes in excess of 12% must be sealed and drains concrete lined.

In areas of excessive cut or fill (greater than 1.2m) the widths may be reduced to a 5m gravel pavement on a 5 metre formation provide that no more then 30% of the constructed length, or no single length in excess of 80m, is at this reduced standard

An accredited certifier or practising qualified surveyor or engineer shall submit to the Principal Certifying Authority for approval prior to the release of the compliance certificate, a "works-as-executed" set of plans and construction certification. The compliance certificate for construction shall detail satisfactory completion of all roads, drainage and civil works required by this development consent and Construction Certificate.

**Reason:** *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))*



- 5 Full design plans of the proposed engineering works to satisfy condition(s) shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate. If such plans are approved by Council, a checking fee of \$110 per site, totalling \$1,100 is payable on submission of engineering design plans for drainage or roadworks.

**Reason:** *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))*

- 6 The grade from the road pavement to each lot shall permit the construction of vehicular access in accordance with Council's Design and Construction Specification (Vehicular Access). Engineering design working drawings shall provide evidence of the feasibility of lot access. Such drawings shall be submitted for Council approval prior to release of the Construction Certificate.

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

#### **ACCESS**

- 7 An all weather vehicular access shall be constructed and maintained from the road pavement to the proposed dwelling site in accordance with Council's Design and Construction Specification for Vehicular Access.

**Reason:** *To ensure adequate access to and from the development. (EPA Act Sec 79C(c))*

#### **BUILDING**

- 8 A Development Application is to be lodged with the Council for each proposed dwelling and ancillary structure. The application is to include full architectural plans and specifications.
- 9 A Construction Certificate for each structure is to be obtained from the Consent Authority or an Accredited Certifier in accordance with Section 81A(2)(a) of the Environmental Planning and Assessment Act 1979.
- 10 An application is to be made under Section 68 Part C(5) of the Local Government Act 1993 to install a human waste storage facility and effluent disposal system. The subject application is to be submitted with full details of the proposed system in accordance with the requirements of the Guidelines for On-site Sewage Management for Single Households. An application is to accompany each Development Application and is to be site specific.

#### **BUSHFIRE**

- 11 All water lines to individual dwellings should be buried at least 300mm and have clearly marked points adjacent to the site 600mm above ground fitted with a 38mm gate valve or ball valve.
- 12 All dwelling sites and roads should be clearly marked to allow for ease of identification.
- 13 All access and internal road should be built to Council standards and be a minimum of 5m wide and have a minimum of 4 m vertical clearance.
- 14 Any on site water storage should be 45,000 litres. This can be amended providing number one is in place.
- 15 The area is well cleared posing no great threat from bush fire, however the construction and regular maintenance of a perimeter fire break of 20 metres, where terrain permits should be incorporated, all dwelling sites should have a 30 metre radius free of flammable vegetation.
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**ENVIRONMENTAL HEALTH**

- 16 An effluent disposal envelope is to be accurately located on a survey plan for each site. The survey is to indicate the contours of the site and is to be submitted to Council for approval prior to the issue of any Construction Certificates.
- 17 Full construction and working details of the wetlands and disposal area are to be submitted to Council for approval prior to release of any Construction Certificate.
- 18 All constructed wetlands are approved on a trial basis. It will be necessary that all constructed wetlands are monitored on a six monthly basis for a period of two years and reports submitted to Council. Effluent shall be monitored at the inlet and outlet of the wetland and analysed by an approved laboratory for nitrogen, phosphorus, BOD and faecal coliforms.

*Reason: To protect the environment. (EPA Act Sec 79C(b))*

**PLANNING**

- 19 Dwelling Site No's 8 and 9 are to have an established landscaped buffer planted prior to release of the Construction Certificates. This buffer is to provide a visual screen , reducing the impact the dwelling will have on the adjoining owners to the north of the site.
- 20 No approval is issued for the use of Websters Creek for any form of water supply.
- 21 All relevant requirements of SEPP No. 15 - Rural Landsharing Communities, gazetted April 9, 1998, are to be complied with at all times.

**LEVIES**

- 22 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 Construction Certificate is granted. The rates and amounts applying at the date of this notice, totalling \$55,376, are set out in the schedule for your information. Should the proponent wish to pay the Section 94 and Section 64 levies in one instalment, and 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 Construction Certificate is granted.

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)*

**LISMORE CITY COUNCIL**

**DEVELOPMENT CONSENT NO:** 99/197  
**ADDRESS:** 929 Blue Knob Road, Blue Knob

**IMPORTANT TO NOTE**

The rates and amounts shown against the various items below are those applicable as at date of original consent. If these levies are not paid within twelve (12) months of the date of original consent, the rates shall then be increased on an annual basis in accordance with the prevailing Building Price Index (Sydney), as applicable at the time of payment.

To be read in conjunction with advice of development consent.

The levies imposed by Condition No. 22, 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 following Levies are charged under Section 94 of the Environmental Planning and Assessment Act 1979 and amounts payable are set out below.

\* *Note: For discount see Section 94 Plan - 75%*

Levy Area		Account No.	No. of ET's	Cost Per ET	Amount Payable
<b>Open Space</b>					
Nimbin and District	- Local	1643-4	10	158	\$1,580
	- Citywide	1643-1	10	599*	\$1,498
<b>Street Trees</b>					
Nimbin and District		1643-24	10	149	\$1,490
<b>Community Facilities</b>					
Nimbin and District	- Local	1650-4	10	981	\$9,810
	- Citywide	1650-1	10	1011*	\$2,528
<b>Rural Roads</b>					
Blue Knob Road		90014280	10	2477	
Nimbin Road		90014260		<u>1089</u>	
				3566	\$35,660
<b>SES</b>					
All areas		1695-1	10	34	\$340
<b>Bushfire</b>					
Nimbin DBA		1690-3	10	136	\$1,360
Central Control Room (All Areas)		1690-6	10	38	\$380
<b>Cycleways</b>					
Nimbin and District Catchments		1680-11	10	73	\$730
<b>Total</b>					<b>\$55,376</b>

ET'S CORRECT - PLANNING 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:

**COUNCIL USE ONLY**

**Cashier to Note:**

This section must be completed by the Manager-Financial Services, the Expenditure Accountant or the Financial Accountant 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**

Subject/File No: LISMORE AIRPORT - NEW TERMINAL, TAXIWAY & CARPARK  
TENDERS (T99011)

Prepared By: Project Manager - Wes Johnstone

Reason: Council's approval is required for the acceptance of a tender.

Objective: Council to resolve to accept a tender

Management Plan Activity: Aerodrome Operations

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Background:

At its meeting of December 9, 1997, Council endorsed the Lismore City Airport Strategy prepared by the Lismore Airport Focus Group and resolved to undertake a feasibility study for a new terminal at Lismore Airport.

The outcome of the study was reported to the Council at its meeting of July 14, 1998. Council considered the final report of the Lismore City Airport Development Study and resolved to proceed with the construction of a new airport terminal and associated facilities at a maximum cost of \$1.92 million. A copy of Council's resolution is included as Attachment A.

At its meeting of October 6, 1998 Council resolved to undertake the design and construction of the Lismore Airport Terminal Development by a consortium appointed following a selective tendering process. The budget for design and construction of the terminal building and associated civil works is \$1.72 million. The balance of \$200,000 represents Council's project management costs, the costs of consultants, allowance for contingences and allowance for fitout of the terminal building. Council's project management costs were not included in the estimate provided in the Development Study.

Council further resolved, at its meeting of February 23, 1999, to invite three shortlisted consortiums to submit a tender for design and construction of the project. One of the tenderers, Stafford, Moore and Farrington decided not to submit a tender and as a result, the next highest ranked consortium was invited to tender in accordance with Council's resolution. That tenderer was McMaster Queensland. The three tenderers subsequently became:

Greg Clark Building  
Mainbrace Constructions (QLD)  
McMaster Queensland

During the preparation of the tender documents, a review of the estimate of costs included in the Development Study was undertaken. This review revealed that the civil works for the project (ie. roadworks, carpark, earthworks/fill, taxiway etc) may cost approximately \$300,000 to \$400,000 more than the estimate, that is a total estimated cost of approximately \$2.22 to \$2.32 million.

Members of the Airport Study Project Team were consulted when carrying out the estimate review and they acknowledged that some quantities and rates were underestimated in the Development Study.

In addition, during the process of inviting Registrations of Interest for the project, several consortiums expressed the view that the budget was insufficient for the scope of works proposed.

As a result, following consultation with the project team and key stakeholders, provision was made in the tender documents for tenderers to include alternatives which may cost more than the budget. The documents made it clear that a tender which conformed to the budget must be submitted but Council may consider alternative tenders. However, following a preliminary examination of the tenders received and considering the results of the estimate review, this requirement was relaxed and all tenders were considered.

Information

Tenders closed on May 18, 1999 and the following were received:

<b>TENDERER</b>	<b>OPTION</b>	<b>TENDERED PRICE</b>
Greg Clark Building	1	\$2,190,000
	2	\$1,995,377
Mainbrace Constructions (QLD)	A	\$1,720,000
	B	\$2,642,131
	C	\$2,993,684
	D	\$2,442,723
McMaster QLD	1	\$1,689,000

The tenders were assessed by an assessment team consisting of the Chairman of the Airport Advisory Committee, two senior members of staff and the Project Manager.

The tenders were initially assessed for conformance with the conditions of tendering on two criteria:

1. Price
2. Compliance with the technical specification.

The following tenders conformed on the basis of price but not compliance with the technical specification:

<b>TENDERER</b>	<b>OPTION</b>	<b>TENDERED PRICE</b>
Mainbrace Constructions (QLD)	A	\$1,720,000
McMaster QLD	1	\$1,689,000

The following tenders conformed on compliance with the technical specifications but not price:

<b>TENDERER</b>	<b>OPTION</b>	<b>TENDERED PRICE</b>
Greg Clark Building	1	\$2,190,000
Mainbrace Constructions (QLD)	C	\$2,993,684

The following tenders did not conform in either price or compliance with the technical specification:

<b>TENDERER</b>	<b>OPTION</b>	<b>TENDERED PRICE</b>
Greg Clark Building	2	\$1,995,377
Mainbrace Constructions (QLD)	B	\$2,642,131

In accordance with the conditions of tendering, Mainbrace Constructions (QLD) and McMaster Queensland were invited to revise their tenders to conform more closely to the technical specification. The following revised tenders were received:

<b>TENDERER</b>	<b>OPTION</b>	<b>TENDERED PRICE</b>
Mainbrace Constructions (QLD)	D	\$2,442,723
McMaster QLD	2	\$2,067,296

To enable the assessment of a range of options and given that the reviewed estimate was approximately \$400,000 above the budget, the assessment team agreed to assess tenders up to a maximum of 25% (or \$430,000) above the design and construction budget of \$1.72 million (i.e. \$2.15m). Accordingly, the following three tenders were assessed:

<b>Tenderer</b>	<b>Option</b>
McMaster QLD	2
Greg Clark Building	2
Mainbrace Constructions QLD	A

The assessment was carried out using the following selection criteria, which were specified in the tender documents:

- |                        |     |
|------------------------|-----|
| 1. Total Price         | 25% |
| 2. Functionality       | 30% |
| 3. Architectural Merit | 30% |
| 4. Quality and Safety  | 15% |

TOTAL	100%
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The assessment resulted in the following rankings:

<b>Tenderer</b>	<b>Option</b>	<b>Ranking</b>
McMaster QLD	2	1
Greg Clark Building	2	2
Mainbrace Constructions QLD	A	3

### Discussion

The highest ranked tender is the only tender of the three assessed which closely meets Council's requirements as detailed in the Airport Development Study and the Tender Specifications.

The total estimated project costs, based on the highest ranked tender are:

Design and Construction	\$2,067,296	
Council Project Management	\$117,500	
Contingencies and Fitout	\$78,000	(\$50,000 contingency, \$28,000 fitout)
<b>TOTAL</b>	<b><u>\$2,262,796</u></b>	

This cost exceeds Councils budget of \$1.92 million by \$342,796.

The only tender received which falls within the budget is Option A, from Mainbrace Construction (QLD). However, this proposal has significant variations from the Tender Specification, including the following:

ITEM	SPECIFICATION	OPTION A
Floor Area of Building	750 square metres	650 square metres
Check in Counters	2	1
Air Conditioning	Yes	No
Carpark Sealing	Yes	No
Carparks	60 *	25
External Viewing Area	Yes	No
Setdown Shelter	Yes	No
Car Hire Desks	4	Nil
Meeting Room	1	Nil
Business Passenger Lounge	Yes	No
Future Sterile Area	Yes	No

\* Note: Existing terminal has approximately 50 carparks.

Option 2 from Greg Clark Building also has major variations from the specification, as shown in the following table:

ITEM	SPECIFICATION	OPTION 2
Floor Area of Building	750 square metres	640 square metres
Carparks	60	40
Sterile Area Capacity	90	70
Separable Food and Beverage Retailing Area	Yes	No

In addition, the design of the building for this option is not considered to meet Council's objective of making any appropriate entry statement as the gateway to Lismore and the surrounding area.

#### Options for Reducing Costs

The requirements for this project included in the Tender Specification are considered to be the minimum to make this project worthwhile and provide a facility suitable for Lismore. They were determined after detailed consideration by the Lismore Airport Focus Group, the project team for the Airport Development Study and lengthy consultation with the airport stakeholders. However, if costs are to be reduced, the following options are available:



1. Omitting items from Council's specification, for example air conditioning, reduced building floor area and less carparking.

These items were included as a result of the adoption by Council of the Lismore City Airport Strategy and the Lismore City Airport Development Study.

A reduction in the scope of the project will reduce the standard of the facility below that which was considered necessary for Lismore by the authors of the two reports.

2. Relocating the terminal to another site with a potential savings in infrastructure costs.

The site proposed for the terminal was selected after careful consideration by the Lismore Airport Focus Group, which prepared the Lismore City Airport Strategy.

A copy of the section of the report regarding site selection is attached as Appendix B.

This information has been reviewed and a change of site is not recommended.

#### Other Options for Reducing Costs

With regard to the highest ranked tender, that of McMaster QLD, the following options are available for reducing costs without a major compromise of Council's objectives for this project:

	<u>COST</u>
1. Flexible pavement for aircraft taxiway and apron (i.e. not cement stabilised)	\$62,266
2. Flexible pavement for access road and carpark	\$50,659
3. Alter access road so that access to terminal is through carpark	<u>\$28,270</u>
<b>TOTAL</b>	<b>\$141,195</b>

Adoption of these options may result in the following disadvantages:

- a. Flexible pavements are generally more susceptible to moisture than cement stabilised pavements. A cement stabilised taxiway and apron will be likely to reduce delays in opening the airport after flooding and provide a longer pavement life given Lismore's wet climate.

It should be noted that the airport runway has a cement stabilised pavement.

- b. The same comments apply as above. However, because the vast majority of the traffic using the access road and carpark consists of cars, the potential for pavement damage is less likely than that for the taxiway and apron.
- c. Separation of through traffic to the terminal, from the carpark, is desirable because it separates faster moving traffic from vehicle parking, people loading and unloading vehicles, and pedestrians. It also allows for free movement of emergency and service vehicles.

The design of the proposed access road and carpark will enable this feature to be added in the future if desired. However, the cost is likely to be higher than if the work was undertaken as part of this contract.

Manager - Finance & Administration Comments

The total cost for this project is estimated to be \$2,262,796. This is \$342,796 more than that provided in the draft 1999/2000 Management Plan.

The logical source of funds for the additional investment required are loans.

After considering this option, the implications of additional borrowings were applied to the 'Cash Flow Analysis' for the Airport. The additional cost associated with the borrowings, coupled with savings in the operating budget and the proceeds from the sale of two hangar sites, will still result in an operating cash surplus for 1999/2000 and in future years. The assumption used in calculating this result are consistent with those used in the development of the Airport Strategy and Development Study. Finance has previously expressed the concern that it is difficult to see the nexus between a new terminal building and increased passenger numbers. This view has not changed. A copy of the Cash Flow Analysis is attached for information.

It is important to note that this arrangement will reduce the 'flexibility' of the budget. That is, should passenger numbers not increase or costs associated with the operation /development exceed budget expectations, it is possible that a deficit will result. Close scrutiny of the operating performance and development budgets will be required to ensure that any variance is identified early so corrective action, if possible, can be taken.

Public Consultations

Public Consultation for this project was undertaken for both the Lismore City Airport Strategy and the Lismore City Council Airport Development Study. The recommendations from these reports have been included in the specification for this project.

A Social Impact Assessment has also been undertaken and its recommendations will be included in the proposal.

Other Group Comments

Business Enterprise General Manager Group Comments

This is a substantial development for Lismore City. The poor impression that the existing terminal has made on travellers for some years is well documented. This process was commenced through the initiative of the Economic Development Advisory Board as a frontline project to address Lismore's declining infrastructure. Council is now presented with an airport terminal which will provide for the City's foreseeable future as well as presenting a grand entry statement to air and road travellers alike.

I concur with the comments of the Manager-Finance and Administration. Management of this resource is the key to its success. Management of this asset must be in conjunction with our partners, Hazelton Airlines and the General Aviation industry. Accordingly the business plan for the Lismore Airport embraces the recommendation of the Airport Development Study and has provision for a management contract so that the initiative of this Council decision can be realised.

### Conclusion

The revised tender submitted by McMaster QLD (Option 2) will provide a facility which meets the requirements for Lismore Airport, as recommended by the Lismore Airport Strategy and the Lismore City Airport Development Study. It is the lowest priced option which meets the objectives of the tender specification.

If accepted by Council, the completed development will provide a high quality facility which will make a favourable entry statement to Lismore.

Representatives of McMaster QLD have indicated that they will use a high percentage of local sub-contractors and suppliers. If their tender is accepted by Council, a financial assessment will be undertaken using the financial assessment service used by NSW Government Agencies. This will ensure the successful tenderer has the financial capacity to undertake the project and meet commitments.

### Recommendation (GM03)

1. That the tender from McMaster QLD, in the amount of \$2,067,296, be accepted for the design and construction of the Lismore Airport Terminal and associated facilities.
2. The 1999/2000 Management Plan be amended to reflect the increase in loan funds allocated to this project (\$343,000) and the changes in the operating budget detailed in the attached Lismore Aerodrome - Cash Flow Analysis - 1997/98 to 2018/19.

Subject/File No:       OUTDOOR DINING CHARGES REVIEW  
                                  (CWK:CD:S659)

Prepared By:            Group Manager Business & Enterprise - Craig Kelly

Reason:                 Review Charges and Method of Leasing for Outdoor Dining in Lismore

Objective:              Encourage Outdoor Dining with Competitive Charges and Simplify the  
                                  Leasing Process.

Management Plan Activity:   Economic Development

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Background:

Lismore has sought to encourage outdoor dining adjacent to eating premises through the adoption of Policy 5.2.24 Kerbside Dining. This policy was adopted in October, 1994 and last reviewed in July, 1998.

The policy was developed at a time when the regulation of kerbside dining was in its infancy. It is of interest to note that today, some five years after the adoption of the Lismore City Council Policy, other Councils in our region with extensive kerbside dining have not adopted similar policies (see attachments).

The aim of the policy is to outline Council's requirements for kerbside dining areas in the Lismore CBD and to facilitate this form of trading. The policy seeks to do this through broad descriptions of location, dimension, structures, design and landscaping. The policy also sets out a procedure for applying and obtaining a licence to trade. In brief, the steps to be completed by the applicant are:

- (i) a statement of purpose;
- (ii) a survey and plans of the relevant area;
- (iii) the layout of the proposed area identifying if it is a permanent structure or moveable;
- (iv) a plan of the proposed landscape scheme;
- (v) a perspective sketch of the established dining area;
- (vi) a statement regarding the impact on pedestrian and vehicular movements.

An applicant generally would pay to have survey and planning work undertaken by a suitably qualified professional. Once an application is accepted the applicant then pays to have the area valued, by Council's valuer, and a licence agreement drawn up by Council's solicitors. All of which add substantially to the cost of the application.

At present there are seven (7) current kerbside dining licences. For the five (5) years of this policy, this is not overwhelming evidence of the success of the policy in meeting its stated objectives. More importantly there are seven (7) different agreements, based on differing economic circumstances (depending upon when each valuation was undertaken), all concluding at different times. Not only does this create inequity between licensees it also adds to the administrative load for management of the policy.

Under these circumstances it is not surprising that over the past year the Lismore Economic Development Unit (LEDU) has received several complaints about Council's fee structure and lease/licensing procedures for outdoor dining in Lismore.

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These complaints led the LEDU, under the management of Graeme Newton, to undertake detailed research into charges and procedures in other regional cities in relation to outdoor dining. The outcome of this research is summarised below (see attachments).

### **Competitive assessment**

The research undertaken assessed Lismore's competitive position against nine selected local government centres. Those centres on which information was gathered are as follows:

- City of Ballarat;
- Armidale City Council;
- Maroochy Shire;
- Hastings Council;
- Gold Coast City Council;
- Ballina Shire Council;
- Tweed Shire Council.

Due to the different methods of calculation of fees, a standard number of tables and chairs was used to give a direct comparison. The results are displayed in the table attached hereto.

The table shows that some Councils have some of the requirements of the current policy. However, no other Council has as comprehensive a framework for kerbside dining as Lismore City Council.

It is also clear from this table that Lismore's licence fees are well out of step with these other Councils, the most obvious reason for this difference being the inclusion of carparking in the costing of some Lismore licences. Other Councils have either sufficient pedestrian lanes to allow kerbside dining or do not include the cost of car spaces in the calculation of charges.

### **Current Method of Licensing**

The duration of the Licence Agreement is four years, with a review on the second anniversary of the commencement date. Fees are calculated at a rate per chair to be used in the outdoor dining area the subject of the application.

### **Recommended method of licensing**

Based on the above information, there are two areas where improvements could be made to the existing policy. Firstly, the manner in which the licences are issued and managed and, secondly, the rate at which fees are charged.

#### **(a) Issue and Administration of Licences**

It is proposed that the applicant continue to lodge a Development Application as this is a requirement of the Environmental Planning and Assessment Act. The amount of information to be submitted, however, should be substantially reduced. The applicant would be required to submit a written description of the proposal and a plan view including measurements. Where the area is readily identifiable, a survey is not required.

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The licence document is all encompassing. It is a full legal agreement which is designed to protect the interests of Council. It is proposed that this agreement be reviewed to eliminate any detail which is self evident or beyond the spirit of the kerbside policy. The licences should operate concurrently with similar commencement and termination dates. This ensures all agreements are the same and reduces the administration of issue and reissue of licences. With adoption of this approach, the applicant would be required to contribute \$250 to the preparation of the licence.

(b) Licence Rates

It is evident from the comparative information that the rates charged by Council are out of step with the market. It is proposed to move away from the individual valuations for each applicant, to Council meeting the cost of a CBD-wide valuation and this be used as the basis of future applicants for a period of five years. The-CBD wide valuation would set two rates. Firstly, a rate for areas such as Magellan Street where area is set aside for such purposes and, secondly, a rate where encroachment is made onto the roadway. Any resumption of car spaces for kerbside dining would factor the Section 94 plan cost per carpark into the licence rate.

It is proposed to move from the existing rate per chair to a square metre basis of charging.

Manager - Development Assessment Comments:

Subject to a Development Application being submitted in the normal course, there are no objections to the proposed amendments. A more equitable fees and charges system would appear to be the primary factor in encouraging greater use of this kind of development.

Manager - Finance and Administration

The intention of the revised policy is to encourage development of outdoor dining venues by reducing the investment required by developers in both set up and ongoing costs. By comparisons with other Councils, there would appear to be some latitude to do so. These changes have the potential to achieve the objective of the policy.

In relation to the financial impact, we currently receive around \$13,000 per annum from existing developments. The policy specifies that the lease fee is to be used for 'off-street parking in the Lismore CBD'. If we reduce the lease fees, then there will be fewer funds available for the development of parking in the CBD. Given the fact that both the Benelong and Kirklands Carparks have only just been completed, any reduction in fees would not come at a significant cost to the provision of car parking in the CBD at this time.

Manager - Economic Development Unit

I wish to strongly endorse the objectives and methodology of the previous Manager - Economic Development Unit in preparing the research for this report.

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There are several distinct advantages in al fresco dining that Lismore has over the coastal towns. Namely, the absence of strong winds during the evening and a greater number of interesting streetscapes more reminiscent of equivalent European sites which tend to set customer expectations for this type of experience. We should capitalise on this advantage, which should also help to encourage more people into the CBD in the evenings.

Where a simple photograph of the proposed table arrangements can substitute for drawings and help to reduce the complexity and costs of making an application, this should be considered.

The aim should be to drive down the costs of expanding this service to the absolute minimum.

### Group Manager City Works

Council should be encouraging kerbside dining in areas such as Magellan Street and progressively into Carrington Street and the lane system within the CBD, where it does not impact on scarce short-term parking.

The current car parking situation in the CBD is such that there is:

- (a) a shortage of short-term on-street parking around the main blocks;
- (b) ample medium-term parking of approximately two hours in carparks;
- (c) a shortage of accessible long-term parking close to the CBD.

If we are to encourage kerbside dining in the CBD, it should be where it does not impact on the major road system and short-term parking on these roads. Where there is a negative impact, the applicant should be charged the real cost of lost parking etc. The recommendation appears to be addressing this problem.

We have in this policy the opportunity to encourage re-development within the heart of the CBD around Carrington Street and into the lane system.

I can see considerable merit in having no charge for kerbside dining within Carrington Street and the neighbouring lanes.

This would encourage much needed development within the heart of the CBD.

### Conclusion

The objective of the existing Policy 5.2.24 is twofold. Firstly, to outline Council's requirements and, secondly, to facilitate this form of trading. While there is ground to accept that the first objective is achieved, the current policy does not facilitate this form of trading. Rather it adds substantial cost and administration for something that should be encouraged. Through the implementation of a more efficient management process and adoption of more realistic market prices for this form of dining both aspects of the policy's stated objective can be achieved.

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Recommendations (ENT09)

1. That Lismore City Council Policy 5.2.24 Kerbside Dining be redrafted to embody streamlined administrative and charging procedures and be submitted to Council for further consideration prior to being placed on public exhibition.
2. That when the policy is reviewed and adopted by Council a Kerbside Dining Brochure detailing the step-by-step process for applications for outdoor dining approval be produced. This would minimise the confusion that exists and ensure a more customer friendly process.



Subject/File No: DRAFT LISMORE LOCAL ENVIRONMENTAL PLAN 1999  
DRAFT DEVELOPMENT CONTROL PLANS 39, 40 AND 41  
(HM: S739)

Prepared By: Manager, Strategic Planning - Helen Manning  
EPAA Act Project Officer - Warwick Sherring

Reason: To advise Council of the outcome of community consultation

Objective: Council's endorsement of the Draft LEP for its submission to the Minister;  
and Council's adoption of the DCPs.

Management Plan Activity: Strategic Planning

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Background:

At its meeting of February 23, 1999, Council considered a report on the proposed LEP 1999 and DCPs 39 - Exempt Development; 40 - Complying Development; and 41 - Notifications.

Draft LEP 1999 reorganises and consolidates the contents of Lismore LEP 1992 into a logical, colour coded, format. In addition it introduces provisions for 'exempt' and 'complying' development as required by the State Government, makes minor changes to wording to clarify provisions concerning caretakers' residences and temporary use of land, and introduces maps based on cadastral information.

The draft LEP 1999 does not introduce any policy changes or rezone any land.

The draft LEP is required to be gazetted by December 1999; otherwise a State Policy for exempt and complying development will over-ride Council's planning controls.

Lismore LEP 1999 and the Development Control Plans, as amended, are included in the attachment to this Business Paper.

Manager - Finance & Administration Comments

Not requested.

Public Consultations

The draft local environmental plan and the three DCPs were exhibited for public comment for five weeks, from April 22 to May 27, 1999. In addition, copies were sent to all consultants who subscribe to the Development Manual and who may wish to become accredited certifiers. Several consultants gave favourable comments on the new format of the LEP, but did not make submissions.

**Submissions concerning draft LEP**

Two written submissions, one counter and one telephone enquiry were received from the public.

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**Submission from Cr. King:** raised concerns that the wording in the draft plan initially considered by Council referred to 'Provisions applying to all Lismore LGA' and contained the enabling clause for Tree Preservation Orders (TPOs). It was possible for citizens reading the draft plan to be misled into believing that Council was introducing a TPO over all of Lismore.

**Response:** It was agreed that the wording could be misleading, and as a result the heading of the relevant section was changed at exhibition to read 'General Provisions'. (The TPO enabling clause is currently contained in the 'General Provisions' section of LEP 1992.) The TPO clause itself remains unchanged from that within LEP 1992 and simply gives Council the legal power to adopt a TPO if it wishes. Other suggestions from Cr. King regarding the contents of Council's TPO have been referred for consideration in the review of DCP 17- Tree Preservation.

**Submission from Walker & Newton, Consulting Surveyors & Planners:**

(a) applauds re-ordering of the LEP Sections and colour coding.

**Response:** Noted

(b) suggests that two clause numbers at the end of each section be "reserved" for future insertion of any additional clauses.

**Response:** While this is a very good idea, it is unlikely to be agreed by the Parliamentary Counsel. The legally acceptable method of adding unforeseen clauses is to use the number of the preceding clause with the addition of A, B, C etc.

(c) suggests that clause 33(5)(f) be altered so as to be less restrictive.

**Response:** Clause 33 relates to subdivision and development in rural zones. Subclause (5) concerns boundary adjustment subdivision, (a) to (f) being the criteria to be used to evaluate such proposals. Subclause (f) requires the size of the lots or lots to be created to be substantially the same as the original lots, or no lot to be created to have an area of less than 13 ha.

Thirteen hectares is the absolute minimum for subdivision of 1(b) Agriculture land, any applications for which must be accompanied by a plan of management for horticulture and a financial feasibility report to the satisfaction of Council. It is assumed that subclause (f) was included so as to protect good agricultural land from subdivision, by the use of boundary adjustment provisions, into lots too small for agriculture.

The Subdivision Unit has advised that the subclause has been subject to varying interpretations and confusion between the development industry and Council due to interpretations of the word 'substantially'. It is considered that the removal of the subclause would not open the floodgates for poorly designed boundary adjustments due to the performance criteria which remain in the remainder of the clause, which dictate the design and suitability for agricultural purposes. It is recommended that subclause (f) be deleted.

***Submissions from staff***

While on exhibition the draft LEP and DCPs were further considered by the Development Assessment and Building and Regulation Sections, with the result that some additional changes are recommended. These are:

- (a) Table 1 - Exempt and Complying Development Permissible within environmentally sensitive areas. (Page 6 of LEP)

The purpose of this Table is to specify particular provisions relating to exempt and complying development for land that could be considered environmentally sensitive, specifically flood affected land, heritage conservation areas, water catchment areas, natural vegetation and habitat areas, bushfire prone land, National Parks and good agricultural land.

The Table generally advises of the exceptions to exempt and complying development provisions relating to those lands, i.e. Council's consent will be required.

The recommended changes are:

Heritage Conservation Areas - Exempt Column -

Delete 'Access ramps', 'Playgrounds', 'External lighting'

Add to 'Aerials' - "and antennae (domestic use)"

Remainder of Exempt list to be placed in alphabetical order.

Natural Vegetation and Wetlands, Wildlife Habitat, National Parks and Nature Reserves - Exempt Column -

Add after 'All' - "except farm sheds".

The reason for these changes is to clarify the intent of the Exempt and Complying Development DCPs and for consistency with amendments to those DCPs made subsequent to the original draft of the Table. 'Farm sheds' are specified because they are not necessarily ancillary to other development, can be developed in their own right and can have an impact on the environment.

- (b) Delete Clause 49(4)

Clause 49 concerns the subdivision of residential land. Subclause (4) allows strata title subdivision without Council's consent under certain circumstances. The reason for its deletion is that it could result in a building being subdivided in such a manner that fire safety measures, such as alternate means of egress, are prevented by different ownership of certain egress passageways, or prevent access to certain fire safety features such as hose reels, hydrants or extinguishers. Strata subdivision of dwelling units would still be possible under the provisions of DCP 40 Complying Development.

**Submissions concerning draft Development Control Plans.**

***DCP No. 39 - Exempt Development***

Only one comment was received and that was in respect DCP No. 39 'Exempt Development'. The comment was from Telstra and is a State wide initiative by Telstra in response to the change in planning legislation. Basically Telstra is seeking an extension of exemptions which it currently enjoys under the provisions of other legislation. The exemptions will apply to any carrier covered under the Telecommunications Act and not just Telstra. Telstra's request appear reasonable and have generally been recommended for adoption, apart from restricting certain installations in residential areas and certain Special Use zones such as schools and hospitals.

Aside from the Telstra request some amendments are necessary to the advertised DCP No. 39 to correct wording errors and omissions and to add additional exemptions which are considered by staff to be advantageous to include in the DCP.

The recommended amendments to DCP No. 39 are: -

1. **Clause 1.5** In the first line after '*..contains*' alter both numerical values to 'seventy-nine (79).

*Reason:* To accommodate the additional exempted DCP items.

2. **Clause 1.10(2)** Delete all of Subclause and renumber following subclauses.

*Reason:* Recent advice indicates that an owner-builder's permit under the Home Building Act is not required in respect of Exempt Development.

**SCHEDULE ITEMS**

3. **Aerials, Antennae, Microwave Antennae.** In 'Advisory Note' add - "*Clearance from power lines is to be in accordance with the requirements of the Electrical Supply Authority*".

*Reason:* To bring this requirement to the Public's attention.

4. **Aviary** Under '**Construction**' alter '*non-reflective*' to '*low-reflective*'.

*Reason:* To substitute a more reasonable condition,

5. **Barbecue and Entertainment Areas** Under 'Type of Activity' add - "*associated with dwellings*"

*Reason:* To restrict the exemption to domestic situations.

6. **Bus Shelters** Under the **Exemption Circumstances Requirements**' column in the fourth sentence, alter '*Non reflective*' to '*Low reflective*'.

*Reason:* As noted above.

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- 7. Bush Fire Hazard Reduction** In the '**Exemption Circumstances Requirements**' column at the first bullet point, delete '*Work must be*'.
- Reason:* To correct a grammatical error.
- 8. Decks and patios to Dwellings** In 'Advisory Note' column add - "*Timber should be treated or of a durability Class 1 or 2.*"
- Reason:* To bring this preferable practice to public attention.
- 9. Farm Sheds** In 'Exemption Circumstances Requirements' column under "**Size**" add "**Height:** *Maximum 3.6m to top of columns*"  
At the end of the '**Uses**' subsection add, "*A toilet, shower or sink is not installed*".
- Reason:* To correct previous omission.
- 10. Stockyards** Under 'Exempt Circumstances Requirements' Add **Size:** *Maximum 500m<sup>2</sup>*  
Under the Subheading '**Siting**' add after '*dwelling*', "*and 40m from an intermittent watercourse, 100m from a permanent watercourse and 250m from a ground water bore, spring or well*".
- Reason:* To limit potential public health and nuisance problems.
- 11. In Advisory Notes for Air Conditioning Units** Delete '*Noise Control Act 1975*' and insert '*Protection of the Environment Operations Act 1999*'.
- Reason:* to allow for a change in legislation.
- 12.** Place existing Schedule items of '**Decks and Patios to Dwellings**', '**Public Meetings**', '**Scaffolding**' and '**Sunshade Sails**' in correct alphabetical order.
- Reason:* To correct previous listing errors.
- 13.** Apply the Heritage restriction clause under 'Type of Activity' to the following Exempt Development: -Driveways and Pathways; Excavation of Land; Filling of Land; Fowl Pens; Garden Shed-Green Houses; Gazebo; Lattice or Batten Enclosure; Pergola or Trellis; Retaining Walls; Sunshade Sails; Windows, Glazed Areas and External Glazed Doors.
- Reason:* To correct previous omissions.
- 14.** Delete the Heritage restriction from 'Scaffolding' Type of Activity.
- Reason:* Due to the temporary nature of scaffolding this clause is unnecessary.
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15. Add the following new Types of Exempted Development to the Schedule, in alphabetical order.

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES	ADVISORY NOTE
<p><b>Patio or Paving - Erected at natural ground level abutting a dwelling.</b></p> <p><b>Excluding Heritage Items and Heritage Conservation Areas as identified in Schedules 1 and 2 of the Lismore Local Environmental Plan.</b></p>	<p><b>Size:</b> Maximum 20m<sup>2</sup>.</p> <p><b>Siting:</b> Wholly within the allotment boundaries. Not to be erected between a dwelling and a frontage to a Public Road. Not to be erected over sewer main or drainage easements.</p> <p><b>Drainage:</b> Stormwater from the paved surface is not to be directed onto adjoining property.</p> <p><b>Construction:</b> Sufficient step-down is to be provided to prevent the entry of water into the dwelling.</p>	
<p><b>Carport and extensions to carports associated with dwellings</b></p> <p><b>Excluding Items of Environmental Heritage and Heritage Conservation Areas as Identified in Schedules 1 and 2 of the Lismore Environmental Planning Instrument.</b></p>	<p><b>Size:</b> Maximum 25m<sup>2</sup> and maximum 2.4m high.</p> <p><b>Construction:</b> Roof sheeting to be other than zincalume and to be non-reflective. Finish to be compatible with the dwelling. Not to be enclosed.</p> <p><b>Siting:</b> Minimum of 900mm from side or rear boundary. Not to be erected between a dwelling and a Public Road. Located a minimum of 1.5m clear of a sewer main or the equivalent depth of the sewer main, whichever is the greater.</p> <p><b>Drainage:</b> Stormwater to be conducted to the street drainage system or a drainage easement.</p>	
<p><b>Automatic Teller Machine (ATM).</b></p>	<p><b>Installation:</b> Wholly within a Shopping Centre Development or a Shopping Arcade</p>	

	<p>The installation must not reduce a fire egress width or impede pedestrian or vehicle movement within the Shopping Centre.</p> <p>Adequate litter receptacles are to be provided immediately adjacent the machine and a cleaning program is to be instituted.</p> <p>The installation must not alter the effectiveness of any fire safety measure.</p> <p>Defined queuing area be marked on the paving or delineated by other means</p>	
<p><b>Domestic Oil or Solid Fuel Heating Appliances.</b></p>	<p><b>Installation:</b> To be in accordance with AS 1691 Domestic oil-fired appliances, or AS 2918 'Domestic solid fuel burning appliances, or AS 1200 Boiler and pressure vessels.</p> <p>The installation is also to be in accordance with the manufacturer's recommendations and Volume 2 of the Building Code of Australia.</p>	

*Reason:* To allow for additional exempt development types.

16. The following submission has been received from Telstra.

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES	ADVISORY NOTE
<p><b>RADIO ANTENNA OR DISH</b>  <b>Within land zoned Industrial, Rural or non urban, Commercial or Business, Special Use or road.</b></p>	<p>Not more than 1.8 metres in diameter and:</p> <ul style="list-style-type: none"> <li>• The dish to be located on an existing rooftop;</li> <li>• The highest point of the dish is elevated to no more than 4m above the roof of the building upon which the base is attached;</li> <li>• If the dish is not flush mounted and the highest point of the dish is more than 3m above the roof, the dish is to be set back a minimum of 2m from the outermost wall of the building;</li> </ul> <p>If not flush mounted to any steel front facade and if flush mounted to any other part of the building, the dish does not protrude more than 1.5 metres from the facade.</p> <p>Complies with any relevant Australian Standard</p>	

<p><b>PANEL ANTENNA ATTACHED TO A STRUCTURE.</b></p> <p><b>All land other than land which is within an area or zone identified by the description: Coastal land, Conservation, escarpment, Environment protection, Scenic or Scenic protection.</b></p>	<p>Not more than 2.8 metres long.</p> <p>Not to protrude horizontally from the structure by more than 3 metres.</p> <p>Top of antenna or structure not to protrude vertically by more than 5 metres above the building or structure to which it is attached and not more than 3 metres above the highest point of any part of the building or structure to which it is attached.</p> <p>Colour matched to its background or in a colour agreed in writing between the carrier and the consent authority.</p> <p>Complies with Standard.</p>	
<p><b>OMNIDIRECTIONAL AND DIRECTIONAL ANTENNA</b></p> <p><b>Within land zoned Industrial, Rural or non urban, Commercial or Business, Special Use or Road.</b></p>	<p>Not more than 4.5 metres long.</p> <p>Top of antenna or mounting structure not to protrude vertically by more than 6.5 metres.</p> <p>If an antenna is attached to a structure does not protrude horizontally from the structure by more than 3 metres.</p> <p>Complies with the Standard.</p>	
<p><b>DIRECTIONAL ANTENNA AND INSTALLATIONS</b></p> <p><b>All land</b></p>	<p>To service roads, tunnels, railway terminals and railway stations.</p>	
<p><b>MICROCELLS</b></p> <p><b>All land other than land which is within an area or zone identified by the description: Coastal lands, conservation, escarpment, environmental protection, scenic or scenic protection</b></p>	<p>Cabinet not more than 1 cubic metre in volume.</p> <p>Separate antenna not more than 1.2 metres long.</p> <p>Complies with the Standard.</p>	
<p><b>EXTENSION TO A TOWER.</b></p> <p><b>Within land zoned Industrial, Rural or non urban, Commercial or Business Special Use or Road.</b></p>	<p>Height of the extension not more than 7 metres provided that there have been no previous extensions.</p> <p>Complies with the Standard.</p>	
<p><b>TOWER, MAST OR POLE.</b></p> <p><b>Within land zoned Industrial, Rural, Special Use or Road.</b></p>	<p>Height of the tower not more than 12 metres above natural ground level.</p> <p>Must not protrude from the property boundary.</p> <p>Complies with relevant Australian Standards.</p>	



<p><b>UNDERGROUND CONDUIT OR CABLE DEPLOYED BY NARROW TRENCH OR DIRECT BURIAL.</b></p> <p><b>Within land zoned Commercial or Business, Residential, Special use or Road.</b></p>	<p>Not more than 500 metres long.</p> <p>Not more than 450mm wide.</p>	
<p><b>EXTERNAL EQUIPMENT SHELTER</b></p> <p><b>All land other than land which is within an area or zone identified by the description: Coastal lands, Conservation, Escarpment, Environment protection, Open space, Scenic, scenic protection or water catchment.</b></p>	<p>Not more than 3 metres high.</p> <p>With a base area of not more than 7.5 square metres.</p> <p>Colour matched to its background or in a colour agreed in writing between the carrier and the consent authority.</p>	

- Response:*
1. As special use zones include such uses as schools and hospitals it is considered desirable that “any radio antenna or dish only be permitted in special uses zones where they are specified in a low-impact determination”.
  2. Permitting the erection of radio antenna or dishes in road reserves, without input from Council is considered undesirable.
  3. The installation of large antennae or dishes on the facades of buildings without input from Council is also considered undesirable.
  4. The erection of external equipment shelters (cabinets) up to 3m high is considered to be visually intrusive, particularly given their usual prominent location on the streetscape and it is proposed to limit the height of cabinets to 2.1m in residential areas.
  5. It is proposed to attempt to ensure that the addition of antennae or dishes does not result in the cumulative radio emissions exceeding acceptable limits by conditioning the exemptions.

***DCP No. 40 - Complying Development***

It is recommended the following amendments be made to the Clauses as noted, so as to clarify the intent of the respective clauses.

- Clause 16 -                   Amend Heading to read - ***Section 94 Contributions, Levies, Bonds and Charges***  
                                   Add new sentences - *“The levy for S.E.S contribution, if applicable, has been paid to Council.  
                                   The bonds for vehicular crossing and stormwater connection have been paid to Council.  
                                   The charge for a water connection has been paid to Council.  
                                   The long service levy has been paid to Council or the Long Service Payments Corporation.”*

*Reason:* To clarify the issue of fees or charges etc which are required to be paid to Council.

New Clause 17 - renumber existing Clauses 17 and 18.

Heading

**Approvals**

*Council has granted approval for the connection of the premises to the water supply, sewer main and stormwater drainage system.*

*Reason:* To draw to the attention of private certifiers that Council approval is required for certain services.

Clause 17

Delete Clause and insert *"The development does not involve an addition to a structure, or the subdivision of land, additional to any previous development carried out under this DCP. Which will result in an increase in total height or area, over and above the stated complying criteria in this DCP, or which exceeds any limitation imposed by a development standard"*.

*Reason:* To provide for the inclusion of subdivisions in this clause.

Schedule -

Subheading - **Energy Efficiency**

Clause 2.1

First 'dot point' - add after 'NatHERS - *"or comply*

And Clause 2.2

*with Council's Energy Efficiency policy.*

*Reason:* To correct a previous provisional clause in the earlier draft.

Clause 2.9

Subheading - **Subdivisions**

Under the subheading '**Area of Lots**' add to the end of the clause *"of the original lots"*.

Add Subheading - **Battle-axe Subdivisions** - Text

*"Boundary adjustments must not minimise the access width of a battle-axe subdivision or result in the relocation of a battle-axe access handle"*.

Add subheading - **Effluent Disposal** - Text *"The minimum effluent disposal area and boundary setback, required under Council's effluent disposal guidelines must be retained.*

Add subheading - **Maximum Boundary Adjustment** - Text

*"A minimum of ninety percent (90%) of either original lot area must be retained"*

Add subheading - **Buffer Areas** - Text *"Buffer areas required by a prior Development Consent must not be reduced by a boundary adjustment"*.

Add sub-heading - **Dwelling Entitlement:** - Text *"The boundary adjustment does not create any new dwelling entitlement"*.

*Reason:* To ensure that existing development standards are maintained.

Clause 2.10

Under the '**Development**' column add *"of dual occupancies and attached dwellings"*.

*Reason:* To clearly identify the extent of the provision.

### **DCP No. 41 - Notification and Advertising of Development Applications**

It is recommended the following amendments be made to the Clauses as noted, so as to clarify the intent of the respective clauses.

Clause 1.5                    Delete '*prior to*' and insert '*whilst*' in first line.  
                                  Insert '*prior to*' in second line, between '*...preparing and*' and '*submitting Development...*'

*Reason:* To correct a grammatical error.

Clause 3                     Insert in '*Definitions*' in alphabetical order, the following.  
                                  '*Environmental Planning Instrument (EPI) - means a State environmental planning policy, a regional environmental plan, or a local environmental plan, and except where otherwise expressly provided by the Act, includes a deemed environmental planing instrument*'.

*Reason:* To define an Environmental Planning Instrument.

Clause 4.1.1                In the second line, after '*...tables within*' insert '*Lismore.*'

*Reason:* To correct an omission.

Table1                     Alter as per Table 1 in copy of DCP accompanying this report.

*Reason:* To correct errors in the previous table.

Clause 4.3.3                Delete and renumber subsequent clauses.

Table 2                    Delete

*Reason:* To delete a proposal in the draft, which on further consideration is unnecessary.

Clause 4.5.10             In the third line change '*adjoining owners*' to '*owners of adjoining land*'.

*Reason:* To correct a previous error.

Clause 4.5.6                Insert in the first line after '*...supply*' the words '*, for notification purposes,*'.  
                                  Insert in the first line after the letter '*4*', '*(Preferably A4 size)*'

*Reason:* To correct a previous omission.

Subclause (a)             Delete '*show*' at the beginning of the first line.

*Reason:* To correct a previous error.

Clause 4.5.7                Delete '*comma*' after '*lodgement*' and insert after '*application,*' in the first line.

Change '*advertisement*' in second line to '*advertising*'.

*Reason:* To correct a previous error.

Clause 6.4                    In first line change '7.2' to '6.2'.

*Reason:* To correct a previous error.

Clause 7.1                    In the third line delete '*a member of Council's*' and insert '*an*'. In the same line delete '*Mediation Panel*' and insert '*Mediator*'.

*Reason:* To correct a previous error.

Schedule 1                    In the first line of the text of the letter change '*Comply*' to '*Complying*'.

*Reason:* To correct a previous error.

### **Views of Government Departments**

The Department of Urban Affairs and Planning advised that no environmental study was required, and noted two minor alterations required in draft DCP 40 - Complying Development, to remove anomalies between the LEP and the Act, and the DCP. These were done.

The Department of Agriculture has made a late submission which raises policy issues regarding the protection of agricultural land, zoning and planning controls over rural lands generally, and rural workers' dwellings. The Department states that DCP's 39, 40 and 41 do not unduly affect agriculture and as such no comment is provided.

The policy issues raised by the Department should be deferred for more thorough consideration by Council in a later amendment to the LEP. The deadlines imposed by the State Government for the introduction of exempt and complying development provisions does not permit the consideration and public consultation required for the issues raised.

Rural workers' dwellings are to be addressed in the Rural Settlement Strategy which is to be reported to Council on August 10, 1999.

A copy of the Department's submission is in the Attachments to the Business Paper.

### **Other Group Comments**

Comments from other sections have been incorporated into the amended LEP 1999 and development control plans.

### **Conclusion**

Council's adoption of draft LEP 1999 should ensure that it can be sent to Parliamentary Council in early July. It is expected that some delay then will be experienced as all Councils in NSW are operating to the same deadline of gazetted by December, and there will be a large number of draft LEPs lodged with Parliamentary Counsel simultaneously.

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Although Council is able to adopt DCPs 39, 40 and 41, these DCPs will have no effect until the gazettal of LEP 1999, as it is the LEP which introduces the legal provisions for exempt and complying development.

Recommendation (PLA40)

- 1 That Council adopt draft Lismore LEP 1999 for submission to the Minister for Urban Affairs and Planning; and
- 2 That Council adopt DCPs 39, 40 and 41, as amended following exhibition.

Subject/File No: SUBMISSION TO DEPARTMENT OF URBAN AFFAIRS & PLANNING ON PROPOSED CHANGES TO PART 3 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT (S371)

Prepared By: Manager-Strategic Planning - Helen Manning

Reason: To obtain Council's endorsement of submission

Objective: To ensure that Council's views are included in the legislative change.

Management Plan Activity: Strategic Planning

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### Background:

The Environmental Planning and Assessment Act was introduced in 1979. Since that time there have been minimal changes until Part 4 relating to development assessment was updated over the last two years. (LEP 1999 and DCPs 39, 40 and 41 reported elsewhere in this Business Paper represent the implementation of the Part 4 changes.)

Part 3 of the Act relating to the making of plans is now proposed to be changed. Such plans are State Environmental Planning Policies (SEPPs), Regional Environmental Plans (REPs), Local Environmental Plans and Development Control Plans. The Department of Urban Affairs and Planning (DUAP) produced a discussion paper, held two regional workshops and is requesting feedback on the Discussion Paper contents by 30 June. A workshop for Councillors was held on 15 June 1999.

The Discussion Paper is deliberately broad in the issues it raises and does not seek to present definite solutions. Rather, it appears that the State Government is seeking suggestions for improving the system before confirming its position.

### Reasons for Change

The Discussion Paper lists many apparent problems with the current Part 3. In the Lismore context, these are:

- (a) *Complexity:* There are currently 55 State Policies, of which fewer than half apply to Lismore. There is a Regional Environmental Plan which has statutory force as a guideline to the contents of local plans and for development assessment, but there is also the North Coast Urban Planning Strategy and the Northern Rivers Regional Strategy which have no statutory force and their role in local plan making is not clear. In addition there is a plethora of Acts, requirements and policies emanating from various Government Departments, and Lismore itself has 20 Development Control Plans as well as the LEP. The result is that it is becoming increasingly difficult to determine the planning controls applying to a piece of land for the public and for planners!
  - (b) *The long lead times required to make or alter plans:* Some of the procedures required for the making of LEPS arguably add little to the outcomes, but contribute to the inordinate length of time required. The shortest time that a LEP amendment can take in Lismore is
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Submission to DUAP on proposed changes to Part 3 of the EP & A Act.

seven months; eight to nine months is the norm but one recently took twelve months. It is common for a new LGA-wide LEP to take several years for completion.

- (c) *The lack of strategic planning:* Strategic land use planning is not required by the Act; it is the North Coast REP which requires Urban and Rural Development Strategies. These should be augmented by strategies for industrial/commercial/retail development, and for environmental protection, and the planning controls based on the outcomes.
- (d) *Lack of effective community participation in plan making:* The Act specifies a minimum amount of consultation for LEPs and REPs, but none for SEPPs. However Councils are able to undertake more than the minimum at their discretion, which Lismore regularly does. This issue is not seen as critical for Lismore in view of its adopted consultation strategy.
- (e) *The lack of monitoring and review of plans:* Like most other Councils' LEPs, Lismore LEP has a long list of aims and objectives; the performance of the plans in meeting these objectives is never monitored and the reviews of the LEP are based on operational problems and requests for spot rezonings.
- (f) *The inaccessibility of plans for users:* the requirement for the final format of plans to be determined by lawyers means that the wording is legalistic instead of 'plain english'; often an amending LEP on its own makes little sense to the public unless considered with the rest of the LEP, the REP and any applicable DCPs. These are all in separate documents and demand considerable time and dedication to comprehend.

**Key principles for improvement**

From consideration of the above problems, the Discussion Paper suggests that a new system should: be accountable and transparent to users; be outcome oriented and based on a strategic approach; actively involve the community; encourage certainty and consistency in format; manage change more flexibly; involve simple procedures and clearly defined responsibilities; require plans to be regularly reviewed and be accessible and user friendly.

**Key Outcomes**

Based on the above, the Discussion Paper lists five key outcomes for a new plan making system, and describes many possible options for achieving those outcomes. Three models are proposed to meet these outcomes, but it is emphasised that many other models may be possible.

The key outcomes are:

- (a) Improved co-ordination and integration (between the different levels and agencies of government)
- (b) Reduced complexity
- (c) Better communication and participation
- (d) Effective land use controls
- (e) Efficient processes for plan making and review.

For each outcome, possible options are described in the Discussion Paper, then shown on a 'line of change' which moves from minimal to radical change.

The Discussion Paper contains a submission form based on these outcomes. In the interest of simplicity, this form is proposed to be Council's submission, with attachments as necessary.

### **Contents of Submission**

**The submission is in the attachment to the Business Paper, and if endorsed by Council will be faxed to DUAP on 30 June so as to meet the deadline for submissions.**

In summary, the submission proposes that Councils make their own local environmental plans where these are consistent with State and regional requirements; that these requirements be grouped into a 'regional framework' of all State Government requirements and Acts; that the process for the making of plans be simplified; that all State, regional and local plans be held together in one binder; that strategic planning be recognised in the legislation, as should the need to monitor and review strategies and plans; that prohibitions in plans be restricted so as to remove the need for spot rezonings; but that minimal changes be made to consultation and participation requirements so as to allow Council to use its own discretion based on the issues involved and resources available.

The submission makes no comment on the three models set out as examples of possible institutional change, as it is felt that none is entirely advantageous to Lismore.

### Manager - Finance & Administration Comments

Not requested.

### Public Consultations

Not applicable.

### Other Group Comments

Not requested.

### Conclusion

The submission allows Council to participate in the legislative amendment and hopefully to reduce the complexity, time and resource demands of the present system, while increasing its own autonomy.

### Recommendation (PLA39)

That Council endorse the attached submission for forwarding to DUAP.



Subject/File No: PROPOSED SEWERAGE AUGMENTATION INVESTIGATION -  
NORTH WOODBURN  
(TG:CD:S292)

Prepared By: Terry Gobbe - Manager Assets

Reason: To inform Council of Preliminary Discussions with Richmond River Shire Council

Objective: To include North Woodburn in the Investigation of Woodburn Sewerage Augmentation.

Management Plan Activity: N/A

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Background:

On July 6, 1993 a report was presented to Council outlining the problems associated with septic tank systems at North Woodburn. At this meeting Council resolved:

*“That the report be received and Council defer consideration of this matter pending further consultation with Richmond River Shire Council”.*

Richmond River Shire Council is presently in the planning process for the augmentation of Woodburn sewerage system, with the public consultation process planned for July, 1999. On May 25, 1999 Richmond River Shire Council wrote to Council requesting whether Lismore City Council wished North Woodburn to be included in the scheme and the subsequent public consultation.

Due to the time constraints, Richmond River Shire Council requested a prompt reply. Council wrote to Richmond River Shire Council on June 10, 1999 requesting that the sewerage of North Woodburn be included in the public consultation and that formal endorsement of Lismore City Council would be sought at its next meeting.

The previous report to Council highlighted that the sewerage of North Woodburn by conventional gravity system was very expensive and alternative systems should be investigated. Funds have not been allocated in the 1999/2000 budget and would initially require the use of Sewerage Fund reserves for this investigation.

Manager - Finance & Administration Comments

From a financial perspective, the issues that need to be considered include:

- The Sewerage Fund is a ‘user pays’ service. Currently, there are no users of this service in North Woodburn. Consequently, the funding for the public consultation process would be subsidised by existing service users.
  - There are approximately 50 properties in Banks Street which could be sewerage. As this is a relative small base to recover both capital and operating costs of any system, it is likely that some ongoing subsidy from existing users will be required. The same situation applies with the Nimbin Sewerage System and potentially the Clunes Sewerage System.
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If we do proceed past the public consultation stage, to allow for a total assessment of the options, the cost to 'do nothing' should also be included in the evaluation of the scheme.

#### Other Group Comments

##### **Manager - Environmental Health comments:**

The urban 'environment' of North Woodburn has major limitations to the sustainable management of on-site sewage management systems. Protection of the environment, protection of public health and protection of community amenity are performance outcomes of on-site sewage management systems at risk when site constraints such as allotment size, urban density, soil structure and proximity to sensitive waters dominate the 'operational' environment.

The recommendations of this report are fully supported, as they promote a positive action in addressing sustainable sewage management at North Woodburn.

#### Conclusion

The poor state of effluent disposal in North Woodburn is well known. An earlier report by Council's Environmental Health Officer identified 47% of the absorption trenches in North Woodburn as unserviceable.

Therefore, the inclusion of North Woodburn sewerage in the investigation of Woodburn augmentation would be a timely opportunity to allow proper planning of any future discharge and treatment options for North Woodburn.

#### Recommendations (ENT08)

1. North Woodburn sewerage be included in the public consultation process of Woodburn sewerage augmentation.
2. Alternative lower cost options for the sewerage of North Woodburn be investigated as part of the scheme.
3. The amount of \$15,000 be provided from Sewerage Fund reserves to carry out initial investigation of sewerage North Woodburn.

Subject/File No: WASTE MINIMISATION  
(GFQ: S317)

Prepared By: Waste Strategy Officer - Gordon Fraser-Quick

Reason: Advise Council of progress of Integrated Waste Service implementation.

Objective: Information only.

Management Plan Activity: Environmental Health: Waste Minimisation

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Background:

As a result of several years of planning and research Council resolved in 1998 to adopt an Integrated Waste Service for the urban area of Lismore. Council's adoption of the new Weekly Organics-Fortnightly waste service has been a bold move and is an Australian first.

In March 1999 a contract was awarded to Otto Plastics for supply and delivery of 10,900 Mekam bins and a contract was awarded to Nature-Tec Pty Ltd for the reprocessing of organic resources at Wyrallah Road Waste Facility.

The following summarises the actions of Waste Services staff, the Waste Minimisation Team and other key Council staff in relation to the implementation of the new Integrated Waste Service.

Bin delivery.

*Target: 10,900 bins to be delivered in the period up to June 18, 1999 for a cost of \$432,185 or less. Approximately 500 new bins will be held in storage for new customers.*

- Bins delivered up to June 18 - 7,077.
- Bins missed (not delivered) - 23.
- Bins incorrectly delivered (wrong address or too many dropped off) - 10.
- The contract for bin delivery specified a "missed delivery" rate of up to 5%. The rate achieved by the delivery Contractors has been outstanding 0.5%.
- All non deliveries and miss deliveries were rectified within 48 hours of notification by residents.
- A delay of one week in bin delivery was caused by an under supply of wheels and axles to Otto's Brisbane factory by suppliers. All bins will be delivered on time for the commencement of the new service. There are approximately 3,500 bins still to be delivered.

Outcome: **Target achieved on time and on budget.**

Education and awareness activities.

*Target: To maximise community awareness and understanding of the new service within budget and resource constraints.*

- Telephone call centre established.
  - 255 calls taken June 7 to 17, 1999.
  - Two full time temporary Customer Service Officers engaged.
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Waste Minimisation

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- 13 Community group talks delivered (audience exceeds 460 people).
- Information kits (including unique fridge magnets and delivery envelopes for each of the ten new waste service collection districts) designed, printed, packaged and delivered with each bin and an additional 12 requests for additional Information kits.
- Professional quality portable display materials designed and produced. These are being rotated and staffed at Lismore Shopping Square, Lismore Central and Southern Cross University over the next 5 weeks. Display staff are speaking to between 70 - 80 people per day.
- TV, Radio and newspaper advertising designed, produced and "run to air".
- Media launch of new bin deliveries.
- All telephone calls, counter enquiries and resident or ratepayer messages or queries were responded to within 24 hours of receipt (more than 95% of all queries were satisfied within 10 minutes of receipt)

Outcome: **Target achieved on time and on budget.**

Organic Resource Reprocessing Facility development

Target - To plan for commencement of construction of reprocessing facility for commencement of service on July 5, 1999 within the terms of the Contract.

- DA and Statement of Environmental Effects lodged for Lismore Organic Resource Reprocessing Facility (ORRF)
- DA processed and further information and clarification sought
- Four week resource audit period planned
- Site preparation works commenced
- Shredding equipment trials conducted on site

Outcome: **On track and on budget. Concern at implementation phase delays.**

**Comment on Progress**

Implementation of the new service is progressing satisfactorily. Major difficulties have been experienced by the reprocessing contractor in refining the operating system that will be most relevant to the scale of the present and potential future reprocessing opportunities in Lismore. The Contractor remains committed and bound to delivery of the contract on a staged implementation plan.

The scale and design of the system now defined for the site represents at Stage One an investment by the Contractor of around \$1.2 million and will create three full time permanent jobs. The final stage of the ORRF will be an investment of around \$5 million and involve up to 12 full time employees. This investment and job creation is centred around recovery and reprocessing of quality resources which would otherwise continue to be disposed of to landfill.

It should be noted that the first four weeks of operation of the new service activities will be;

- shredding and composting of self haul green waste delivered to the ORRF site. This material will be stockpiled to become the bedding material for the new worm farm installation.
- construction of new worm farm installation.

Waste Minimisation

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- contamination audit. All loads delivered to the Lismore ORRF site by Council kerbside collection vehicles will be deposited next to the landfill trench, spread out and inspected using EPA Audit methodology to identify the nature and level of contamination. Problem (high contamination) collection areas will be targeted for an intensive education campaign to improve participation and reduce contamination. As the worm farm installations will be in the construction phase the assessed material will be pushed into landfill.

The Lismore Organic Resource Reprocessing Facility is targeted to be in full production by mid August. The first loads of kerbside collected resource will be placed into the Lismore ORRF system in the first week of August. A formal launch and celebration with relevant State and Federal Government members and institutions is planned for the first week of Spring.

Organic Resource Collection

Target - To plan collection routes and truck and driver schedules for commencement of collection services on July 5 1999 within the resources of Councils Waste Services.

- Routes and ten Integrated Waste Service collection districts identified.
- Council has reached agreement with the Waste Collection Staff and MEU for the implementation of a six (6) month Work Place Agreement to provide Council with the necessary capacity for the revised service.

Manager - Financial Services Comments Not required.

Public Consultations Not required.

Other Group Comments Not required.

Conclusion

Progress continues towards implementation of the Australian first organic resource recovery and reprocessing facility and Integrated Waste Service.

Recommendation (PLA43)

- 1 That Council note and endorse progress with the implementation of the new Integrated Waste Service.

Subject/File No: INVESTMENTS HELD BY COUNCIL AS AT MAY 31, 1999  
(GB/LM: S170)

Prepared By: Financial Accountant, Graeme Blanch

Reason: To comply with Section 625 of the Local Government Act.

Objective: To invest Council's surplus funds to best advantage to comply with Council's investment policies.

Management Plan Activity: General Purposes Revenues

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Information:

The attached list of investments held by Council with various financial institutions has been made in accordance with Section 625 of the Act and in accordance with Council's investment policies.

Council's total investment for May amounted to \$21,723,857.03 with an average interest return of 4.50%. Average interest rate at the same time last year was 5.17%. Given the absence of any wage pressures, a still high unemployment rate and a favourable outlook for inflation reinforces the view that interest rates will remain stable.

Financial Section

Included in the body of the report.

Public Consultations

Not required.

Other Group Comments

Not requested.

Recommendation

That the report be received and noted.

Present: Mr Bill Moorhouse (*Chairperson*), Councillors Ken Gallen, Eleanor Cole and Merv King, Messrs Thomas George, MP, Lance Vickery (*Roads and Traffic Authority*), Snr Const Brian Buckley (*Lismore Police*), and Mr Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*).

Apologies: Apologies for non-attendance on behalf of Chris Mallam, Councillor Bob Gates and Wendy Johnson were received and accepted and leave of absence granted.

Minutes of Traffic Advisory Committee Meeting - May 19, 1999

Members were advised that the Minutes of the meeting held on May 19, 1999 were adopted by Council at its meeting of June 15, 1999, excluding Recommendations TAC81/99 and TAC82/99.

**With respect to TAC81/99 (Kadina High School)**, Council resolved that signposting at the pedestrian refuge on Kadina Street be upgraded.  
(D990238)

**With respect to TAC82/99 (Kadina High School)**, Council resolved that consideration of the centre median along Kadina Street be deferred to a future Council meeting to allow further information to be presented on the Development Application.  
(D990238)

Disclosure of Interest: Nil

Correspondence:

1. **Lismore Public School P & C Association;** highlighting the high traffic volumes using Pound Street adjacent to the School and suggesting that this section of Pound Street be restricted to one-way traffic movement.

Whilst there was no objection to the one-way (east bound) proposal in principle, there were some concerns about the change in traffic patterns for motorists turning off Ballina Street to access the school. It was noted that it was proposed to install a centre median in Ballina Street to prohibit right turns into Hunter Street as well as construct a roundabout at the intersection of Ballina Street and Diadem Street. As the Hunter Street intersection was fast becoming Lismore's worst intersection in terms of accidents it was felt that the above works should precede any proposal to introduce one way traffic flow in Pound Street. In the meantime it was suggested that a letter drop to Pound Street residents would assist in gauging whether there was wide spread support for the proposal.

**TAC88/99** **RECOMMENDED** that a letter drop to residents of Pound Street be carried out seeking comment on the proposal in conjunction with outlining the longer term proposals for Ballina Street.

**TAC89/99** **FURTHER RECOMMENDED** that the Lismore Public School P&C be advised in accordance with the above.  
(99-7768:R7319,S342)

2. **NSW Roads & Traffic Authority;** seeking comment on the draft risk assessment procedure for *Technical Direction 98/6 - Use of Traffic Calming Devices as Pedestrian Crossings*.

It was difficult to assess the suitability of the Predicted Hazard Index without going through the process of assessing an existing crossing facility. Council had not had time to do this before the meeting as part of the process included pedestrian and traffic counts. There was concern that the recommended actions relevant to the Predicted Hazard Index were not flexible enough to allow Councils to retain devices that were working well.

**TAC90/99** **RECOMMENDED** that Council advise the Authority that it had not had time to properly assess the draft risk assessment procedure and also outline Council's concerns relating to the inflexibility of recommended management actions within the document. (99-8091:S363)

3. **Leycester Ratepayers' Association;** seeking the re-installation of the 'T' intersection sign on Kyogle Road near Leycester Road, and requesting consideration be given to implementing an 80 kph speed zone on Leycester Road.

Members were advised that arrangements had been made to reinstall the missing T-Junction signs on Kyogle Road and Leycester Road. Members were advised that Leycester Road was in reasonably good condition and being a dead end road carried predominately local traffic. Development along the road was such that a reduction in speed limit was not considered warranted.

**TAC91/99** **RECOMMENDED** that the writer be advised that arrangements had been made to reinstall the missing T-Junction signs and that a reduced speed limit was not considered warranted for the reasons set out above. (99-8225:R2752,R2707,S352,R2750)

4. **Lismore Lantern Parade;** seeking permission to conduct its annual parade on June 24, 1999 around the Lismore CBD commencing at 6.00 pm.

Mr MacDonald advised that the organiser of the Lantern Festival, Jyllie Jackson had been around and spoken to all effected businesses in the area and informed them of the proposed closure of Magellan Street. All apparently support the festival and the closure. The Committee had some concerns that the closure included the intersection of Magellan and Carrington Streets. Further discussions would be held with the organisers to ascertain whether this intersection could remain open.

**TAC92/99** **RECOMMENDED** that approval be given for the parade as outlined by the writer.

**TAC93/99** **FURTHER RECOMMENDED** that approval be given for Magellan Street to be closed to through traffic from 5pm to 8.30pm with either Magellan/Carrington Street open or closed depending on further discussions. (99-8653:S74)

5. **NSW Roads & Traffic Authority;** advising of amendments to the role of Traffic Advisory Committees.

Apart from a change in membership of the Local Member as a result of the recent election the role of the Committee remained the same.

**TAC94/99** **RECOMMENDED** that the contents of the letter be noted. (99-8733:S352)



6. **Koonorigan Hall Committee;** requesting consideration be given to imposing a 60 kph speed limit on Koonorigan, Gordon and Cox Roads.  
An inspection of Koonorigan Road revealed that the road was in a poor state of disrepair and was basically a single lane rural road. The alignment and condition of Koonorigan Road prohibited motorists from travelling at excessive speed. It was felt that in the circumstances a 'Drive to Road Conditions' signs either end of Koonorigan Road may be more appropriate.

**TAC95/99** **RECOMMENDED** that the above signs be erected at the earliest opportunity.  
(99-8845:S352,R3101,R3102,R3105)

7. **M/s L Gray;** advising of the inconvenience to her family imposed by the speed bump situated in front of her property at No. 218 High Street, Lismore Heights, and enquiring as to its effectiveness.

It was the general view of the Committee that the existence of the speed bumps either side of the Lismore Heights Primary School had slowed traffic in the general area. It was however interesting that the observations of the resident supported what the Committee had been saying for some time. That is that there is inherent problems with the installation of such devices particularly for residents who live close by. This needed to be kept in mind should requests be made in the future for the installation of speed bumps. It was noted that these speed bumps had been in place for some time and were there prior to the writer moving into the house nearby. It would be difficult to justify to the School community if the devices were now to be removed.

**TAC96/99** **RECOMMENDED** that investigations be made into the need to highlight the bump's existence in an effort to reduce noise levels.

**TAC97/99** **FURTHER RECOMMENDED** that the writer be advised of this action and that Council considered that the devices should remain. (99-9427:R7117)

8. **Mr Michael Wawn;** writing to express concern about the accident rate on Bangalow Road between Lismore and Clunes and asking for a reduction in the speed limit.

The Committee was of the opinion that the speed limit on Bangalow Road was appropriate given the status and condition of the road. It was noted that many of the accidents that had occurred on Bangalow Road were not necessarily speed related. Snr Const Buckley indicated that it would be difficult for Police to enforce a lower speed limit that was not necessarily related to roadside development.

**TAC98/99** **RECOMMENDED** that the writer be advised that the existing speed limit on Bangalow Road was considered to be the most appropriate.  
(99-9480:S352:R4101)

General Business

9. **Proposed Service Station - No. 339 Ballina Road, Goonellabah**

The road layout and intersection details as shown on the plans was considered to be totally inadequate. Previous discussions on this proposal had recommended that a full centre median was required beyond the length of the development with left turn into and left turn out of the service station the only movements that should be allowed. The positioning of the centre median would need to take into account Council's long term proposal for four through lanes of traffic along Ballina Road. The shared exit driveway across Hilltop Hotel land was not considered appropriate.

**TAC99/99** **RECOMMENDED** that the proposal be referred back to the developer with a request that a revised plan be submitted taking the above into consideration.  
(D99/110)

10. **Proposed Taxi Stand - Nimbin**

Mr MacDonald advised that it had been necessary to erect Taxi Stand signs in Cullen Street Nimbin in support of a recently introduced Taxi service in Nimbin. The rank had been established on the eastern side of Cullen Street in the vicinity of the Nimbin Hall.

**TAC100/99** **RECOMMENDED** that the above action be endorsed.

11. **Intersection of Blue Hills Avenue and Taylor Road, Goonellabah**

This intersection had been recently investigated in relation to bus pick up points and whilst it was a T-intersection it was felt that a 'Stop' sign would be of benefit in slowing traffic that was exiting from Bluehills Avenue onto Taylor Road.

**TAC101/99** **RECOMMENDED** that a 'Stop' sign be erected in Bluehills Avenue at its intersection with Taylor Road.  
(R6609,R6608)

12. **Relocation of Taxi Rank - Molesworth Street**

Mr MacDonald advised that as a result of the recent installation of the roundabout at the intersection of Molesworth Street and Magellan Street it was necessary to relocate the pedestrian crossings further back away from the intersection. This meant that the existing taxi rank in front of the Transit Centre either had to be relocated back further south or to a new location. Relocating further south would impinge on the bus zone that was already well used. After discussions with Lismore Taxis they have proposed that they relocate their rank in total, including the two centre rank feeders, to the eastern side of Molesworth Street in front of the old Post Office providing a sign could be installed in front of the Transit Centre pointing across to the new rank location. This would necessitate the relocation of the existing part time bus zone from in front of the Post Office further south.

**TAC102/99**      **RECOMMENDED** that the existing taxi rank, including the two centre spaces be relocated to the eastern side of Molesworth Street in front of the old Post Office.

**TAC103/99**      **FURTHER RECOMMENDED** that the existing part time bus zone in front of the Post Office be relocated further south.

**TAC104/99**      **FURTHER RECOMMENDED** that a suitable sign be erected in front of the Transit Centre pointing across to the new rank. (R7322)

**13.**              **Proposed Closure of Victoria Street, Lismore**

An inspection of Victoria Street was carried out with Lismore Police with a view to identifying the most suitable location to close Victoria Street. All possible options were considered, however, problems were created in other areas depending on where the road was closed. It was felt that with proper planning it would be possible to develop a shared area in which through traffic would travel at significantly slower speeds, hence improving pedestrian safety.

**TAC105/99**      **RECOMMENDED** that this item be referred to Council's Design Section to develop an appropriate plan and estimate and this be referred back to the Committee for further consideration. (R6060)

**14.**              **Angle Parking in Nimbin**

The proposed installation of angle parking in Cullen Street, Nimbin had been investigated prior to the meeting. For the majority of Cullen Street there was insufficient road width to allow for the angle parking maneuver. Whilst the area near the intersection of Cullen and Sibley Streets was wide, the existence of a number of driveways meant that no advantage would be gained by installing angle parking in this area. There was also some concern that conflict with through traffic at this location would cause additional problems.

**TAC106/99**      **RECOMMENDED** that parking in Cullen Street remain in its current form.

**15.**              **Bus Service Drop Off Areas on New Ballina Road**

The Committee was advised that a complaint had been received from the residents of 7 New Ballina Road regarding the lack of a suitable area for the bus to drop off their children. It would appear they had contacted Kirklands to provide the service when they moved into the house some eighteen months ago. The bus currently pulls up in the through lane when travelling up New Ballina Road to let the children off. An inspection of the site revealed that there were limited options available for the bus to pull off the road and the stop had not been approved by Council. Considerable funds would be needed to construct a proper bus layback. Kirklands have been advised of the current problems and they are investigating alternative options. As there was no footpaths leading down to Leicester Street in the area in question it was felt that 'Children Warning' signs could be erected in either direction.

**TAC107/99**      **RECOMMENDED** that the above actions be noted and that 'Children Warning' signs be erected either side of the location in question.

16. **Lismore Central - Delivery Vehicle Parking in Carrington Street**  
There would appear to be ongoing problems due to the lack of a suitable parking area for delivery vehicles particularly for those servicing the shops on the ground floor or fronting Carrington Street at Lismore Central. Many trucks used the existing taxi rank however this was not always possible. Many currently double parked, creating additional problems.  
**TAC108/99** **RECOMMENDED** that a 'No Parking' zone of suitable length be installed immediately south of the existing Taxi Rank in Carrington Street in front of Lismore Central.
17. **Roadworks in Dawson Street**  
The Manager of Roads & Infrastructure advised that it was intended to close Dawson Street at various times during the two weekends of June 19<sup>th</sup>, 26<sup>th</sup> & 27<sup>th</sup> for the purpose of carrying roadworks on the approaches to the roundabout at the intersection of Dawson Street and Woodlark/Uralba Street. This would minimise any disruption to motorists and businesses. The Committee concurred with the proposed closures provided adequate signage was erected to redirect traffic.  
**TAC109/99** **RECOMMENDED** that the above be noted.
18. **Buses Servicing St. Johns College Woodlawn**  
Concerns were raised regarding the increase in the number of buses now servicing the College as a result of the change in the College from a boarding school to a day school. It was understood that investigations were currently underway regarding this issue and the outcomes would be reported back to a future meeting.  
**TAC110/99** **RECOMMENDED** that the above be noted.

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

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CHAIRPERSON

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TRAFFIC & LAW  
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:-

Agreement between Council and Business & Research Management Limited  
Termination of the previous agreement and new agreement from July 1, 1999 for 15 years for the purposes of establishing and operating a tea tree plantation at the Lismore Airport site.  
(S614)

Licence Agreement between Council and North Coast Institute of TAFE  
Use of function room of the Gordon Pavilion at Oakes Oval as an educational establishment commencing April 24, 1999 for 12 months with a 12 month option.  
(99-5713: P15870)

Subdivision Plan - Lot 6, DP 803388 - Airport Road  
Boundary adjustment to increase Lot 6 to an area of 1,000m<sup>2</sup> as approved by DA99/278.  
(D99/278)

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE

A Council may close the public only so much of its meeting as comprises the receipt or discussion of any of the following:-

- a) personnel matters concerning particular individuals;
- b) the personal hardship of any resident or ratepayer;
- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
- d) commercial information of a confidential nature that would, if disclosed:
  - prejudice the commercial position of the person who supplied it, or
  - confer a commercial advantage on a competitor of the council, or
  - reveal a trade secret;
- e) information that would, if disclosed, prejudice the maintenance of law;
- f) matters affecting the security of the council, councillors, council staff or council property;
- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Recommendation:

That the Council exclude members of the press and public from the meeting and move into Committee-of-the-Whole to consider the following matters:-

**Item 1: Report - Skyline Road Upgrading - Investigation Report**

**Grounds for Closure -**

**Section 10D(2):**

- a) Section 10A (2)(a)
- b) Skyline Road Upgrading - Investigation Report
- c) Not required

**Item 2: Notice of Motion - Council's Newsletter**

**Grounds for Closure -**

**Section 10D(2):**

- a) Section 10A (2)(a)
- b) Council's Newsletter
- c) Not required

# LISMORE CITY COUNCIL - Ordinary Meeting held June 8, 1999

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JUNE 8, 1999 AT 6.35PM.

- Present: Her Worship the Mayor, Councillor Irwin; Councillors Champion (from 7.24pm), Cole, Crowther, Gallen, Gates, King, Larsen, Roberts, Swientek and Wilson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Client Services, Contracts Officer, Contracts Engineer, Manager-Roads & Infrastructure and Administrative Services Manager.
- 172/99 Apologies/ Apologies for non-attendance on behalf of Councillors Champion  
Leave of (late) and Riddell (business commitments) were received and  
Absence: accepted and leave of absence granted.  
(Councillors Larsen/Swientek)  
**Voting Against:** Councillor Roberts.
- 173/99 Minutes: The Minutes of the Ordinary Meeting held on May 18, 1999, were confirmed, noting that Councillor Champion had tendered an apology with the General Manager prior to the meeting but that the General Manager (who was on leave) was unable to convey this to the meeting.  
(Councillors Wilson/Larsen)

## PUBLIC ACCESS SESSION:

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

### Ms Robyn Stone re Mayoral Minute - Road Priorities and Practices

(See Minute No. 174/99)

A video depicting a number of rural/gravel roads highlighting their dilapidated state was shown to the meeting. In commentary to the video the speaker stressed this was caused by poor work practices, insufficient maintenance, failed policies and the lack of local input. Urgent action was requested.

(S374)

### Mr Jeff Pollock re Mayoral Minute - Road Priorities and Practices

(See Minute No. 174/99)

Mr Pollock spoke strongly on the poor state of local roads. He urged Council to take action using advice from engineers employed by Council and not from unqualified lay people.

(S374)

### Lindsay Walker re Report - DA98/58 - Proposed Subdivision to Create 27 Village Allotments - Remnant Drive, Clunes

(See Minute No. 179/99)

Mr Walker spoke in support of the development, highlighting the issues of open space, wastewater disposal, downstream pollution and lot size. He detailed the work that had been undertaken to address these concerns. (D98/58)

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Mr A Williams re Report - Section 96 Application to Modify Development Consent - DA96/36 -30 Thorburn Street, Nimbin

(See Minute No. 178/99)

Mr Williams briefly outlined the history of the development and claimed that no-one in the street wanted the kerb and guttering required by the conditions of consent.

(D98/58)

MAYORAL MINUTES:

Road Priorities and Practices

(Copy attached)

A MOTION WAS MOVED that the minute be received and -

- 1 That Council nominate up to 9 community members from the Section 94 areas for membership of the Steering Committee.
- 2 That this Committee undertake as a matter of urgency the following tasks:
  - a) Attend a detailed workshop to be briefed about the road network throughout the City, current Council practices, plant and equipment, funding, legal and insurance limitations and possibilities, and the significant issues from Council's perspective.
  - b) Be involved in a Council-organised observation tour of the City to assess for themselves the nature of the different challenges confronting us.
  - c) Be involved in helping develop criteria for prioritisation of road works, and policies in regard to practices. e.g. should our policy be to spread the money across the City or to do a thorough job once?
  - d) Be the local contacts for their part of the network and give feedback to the other residents. This will be easier in locations where there is an existing Precinct Committee but there are other excellent rural networks such as Progress Associations.
- 3 That Council encourage widespread community participation in the workshop.  
(Councillors Irwin/Larsen)

AN AMENDMENT WAS MOVED that the minute be received and -

- 1 The Road Committee meet urgently to do the job it was elected for, consult with The Channon Precinct Committee, carry out inspections and recommend priorities in time for the next Council meeting.
- 2 The General Manager continue to pursue options which will allow community members to carry out minor roadworks.

(Councillors Gates/Crowther)

On submission to the meeting the AMENDMENT was DEFEATED.

**Voting Against:** Councillors Cole, Gallen, Roberts, Larsen, Wilson, Irwin and Swientek.

174/99 RESOLVED that the minute be received and -

- 1 That Council nominate up to 9 community members from the Section 94 areas for membership of the Steering Committee.
- 2 That this Committee undertake as a matter of urgency the following tasks:



- a) Attend a detailed workshop to be briefed about the road network throughout the City, current Council practices, plant and equipment, funding, legal and insurance limitations and possibilities, and the significant issues from Council's perspective.
- b) Be involved in a Council-organised observation tour of the City to assess for themselves the nature of the different challenges confronting us.
- c) Be involved in helping develop criteria for prioritisation of road works, and policies in regard to practices. e.g. should our policy be to spread the money across the City or to do a thorough job once?
- d) Be the local contacts for their part of the network and give feedback to the other residents. This will be easier in locations where there is an existing Precinct Committee but there are other excellent rural networks such as Progress Associations.

3 That Council encourage widespread community participation in the workshop.  
(Councillors Irwin/Larsen)

**Voting Against:** Councillors Gates and Crowther.  
(S374)

#### Workers' Compensation

(Copy attached) (Tabled)

175/99

RESOLVED that the report be received and -

- 1 That this Council is most concerned at the escalation of workers compensation insurance costs and supports in principle the establishment of a Local Government workers compensation self insurance scheme.
- 2 That the LGSA be commended for its efforts and advised of Council's support.  
(Councillors Irwin/Wilson) (99-9274: S184)

#### NOTICE OF MOTIONS:

##### Vote of No Confidence

(Copy attached)

Formal notice having been given by Councillor Swientek it was MOVED that this Council express a vote of no confidence in the Mayor's failure to consult with, seek authorisation from and to fully inform Lismore City Council on the proposed changes of location of the LCC/SCU/SCU Union Joint Venture Aquatic Centre ahead of addressing the SCU Union Friday May 21, 1999 as reported in The Northern Star.

(Councillors Swientek/Gallen)

On submission to the meeting the MOTION was DEFEATED.

**Voting Against:** Councillors Irwin, Roberts, Larsen, Wilson, King, Cole and Crowther.  
(99-8510: S719)

##### Lismore Leisure & Aquatic Centre Joint Venture Proposal

(Copy attached)

Formal notice was given by Councillor Swientek re **Council resolution 15/99 - Lismore Leisure & Aquatic Centre Joint Venture Proposal with SCU and SCU Union**, that should there be any change of location or any discussion of possible change in location then the matter be brought back to Council for determination.

The motion was WITHDRAWN.

(99-8513: S719)

Cost of Lismore Leisure & Aquatic Centre Joint Venture Proposal

(Copy attached)

- 176/98 Formal notice having been given by Councillor Gates re **Resolution 15/99 - Joint Venture - Item 6, which reads:** “*Council’s capital expenditure on the project is set at the absolute maximum of \$4 million*”, it was RESOLVED that the term “Capital Expenditure” be deemed to include design and project management costs.  
(Councillors Gates/Swientek)  
**Voting Against:** Councillors Irwin, Larsen, Cole, Wilson and Crowther.  
(99-8514: S719)

SUSPENSION OF STANDING ORDERS:

- 177/99 RESOLVED that standing orders be suspended and Council now deal with the undermentioned matters:-

- Section 96 Application to Modify Development Consent - DA96/36 -30  
Thorburn Street, Nimbin
- Report - DA98/58 - Proposed Subdivision to Create 27 Village Allotments -  
Remnant Drive, Clunes  
(Councillors Roberts/Wilson)

Report - Section 96 Application to Modify Development Consent - DA96/36 -30  
Thorburn Street, Nimbin

(Copy attached)

A MOTION WAS MOVED that the report be received and -

- 1 That the application under Section 96 of the Environmental Planning and Assessment Act 1979 lodged with Council on April 19, 1999, for modification of determination of Development Application No. 96/36, dated March 29, 1996, for the two lot village subdivision at Lot 2 DP 835998, be determined as follows:
  - a) That Council refuse the deletion of Condition No. 10 for the provision of kerb and guttering for the full frontage of the subject property.
  - b) That the applicant be required to complete the works in accordance with Condition No. 10 within ninety (90) days from the date of notification of refusal. Should the works not be completed within ninety (90) days, Council shall collect the bond as lodged in 1996 and any subsequent monies required for the works to be undertaken to the current requirements within Council’s Engineering standards.

(Councillors Gates/Crowther)

On submission to the meeting the MOTION was DEFEATED.

**Voting Against:** Councillors Irwin, Roberts, Wilson, King, Cole and Gallen.

A FORESHADOWED MOTION WAS MOVED that the report be received and -

- 1 That the application under Section 96 of the Environmental Planning and Assessment Act 1979 lodged with Council on April 19, 1999, for modification of determination of Development Application No. 96/36, dated March 29, 1996, for the two lot village subdivision at Lot 2 DP 835998, be determined as follows:
  - a) That Council agree to the deletion within Condition No. 10 for the provision of kerb and guttering for the full frontage of the subject property.
  - b) That Condition No. 10 be amended to read:

*“The applicant or the developer provide the following roadworks with associated stormwater drainage structures designed and constructed in accordance with the Council’s adopted road and drainage standards, at no cost to the Council, and also be responsible for the full cost of any maintenance of this work, considered necessary by the Council’s City Works Group, for a period of twelve months from the date of approval of the work; a 3.0 m maximum width bitumen sealed road pavement, measured from the face of the hypothetical kerbline for the full frontage of the land in Thorburn Street. After satisfactory completion of all roads and drainage, a works-as-executed set of plans be submitted to the Council by a suitably qualified Engineer or Surveyor”*

(Councillors Wilson/Roberts)

178/99 RESOLVED that the report be received and -

1 That the application under Section 96 of the Environmental Planning and Assessment Act 1979 lodged with Council on April 19, 1999, for modification of determination of Development Application No. 96/36, dated March 29, 1996, for the two lot village subdivision at Lot 2 DP 835998, be determined as follows:

- a) That Council agree to the deletion within Condition No. 10 for the provision of kerb and guttering for the full frontage of the subject property.
- b) That Condition No. 10 be amended to read:

*“The applicant or the developer provide the following roadworks with associated stormwater drainage structures designed and constructed in accordance with the Council’s adopted road and drainage standards, at no cost to the Council, and also be responsible for the full cost of any maintenance of this work, considered necessary by the Council’s City Works Group, for a period of twelve months from the date of approval of the work; a 3.0 m maximum width bitumen sealed road pavement, measured from the face of the hypothetical kerbline for the full frontage of the land in Thorburn Street. After satisfactory completion of all roads and drainage, a works-as-executed set of plans be submitted to the Council by a suitably qualified Engineer or Surveyor”*

(Councillors Wilson/Roberts)

**Voting Against:** Councillors Larsen, Champion, Swientek, Gates and Crowther.

(D96/36)

Report - DA98/58 - Proposed Subdivision to Create 27 Village Allotments - Remnant Drive, Clunes

(Copy attached)

179/99 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, approve Development Application No. 98/58 for a staged subdivision, being:

- Stage 4 - 2 lots;
- Stage 5 - 2 lots;

Stage 7 - 3 lots and 2 open space (parks) lots.

Stage 8 - 2 lots;

Stage 9 - 3 lots; and

Stage 10 - 5 lots and 1 residue parcel;

and all civil works involved in the construction of the subdivision for the provision of roads, earthworks and on-site drainage.

1 In granting this development consent, Council requires:

- the development,
- all roads/civil works,
- 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. 98/182 titled 'Plan Showing Smoothing of Natural Surface by Design and Plan', No. 98/183 dated 23/4/98 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)*

#### **DEVELOPMENT**

2 Stage 11 shall be subject to a separate Development Application and not form part of this consent.

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

3 Land shown as open space and pathways referred to in condition 44 shall be dedicated as public reserves for recreation and open space. Any dedication costs shall be the responsibility of the proponent.

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

4 That Lot 18 shall be amalgamated with the adjoining park located south east of the lot and be dedicated as public reserve at no cost to Council within Stage 7 of the development.

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

5 Lots 15, 16, 18, 24 and 25 shall be deleted from the subdivision plan and their lot areas amalgamated with adjoining lots. No on-site effluent disposal areas shall be located within the boundary of the abovementioned lots.

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

6 The proponent shall relocate the existing easement and associated pipeline servicing Lot A DP 106973 for the purpose of water supply at existing capacity as follows:

- within the road pavement perpendicular to the road and within a suitable conduit.
- within the road reserve parallel to the road.
- external to all building envelopes or on-site wastewater disposal fields.

Details shall be provided upon the engineering design plans submitted to Council for approval.

#### **LANDSCAPING**

7 A detailed landscaping plan (in duplicate) shall be submitted to Council prior to release of the final plan of subdivision. 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))*

- 8 Written consent from Council shall be obtained before any tree may be ringbarked, cut down, lopped, removed or damaged.

**Reason:** *To conform to the provisions of the Tree Preservation Order, gazetted in accordance with Local Environmental Plan 1992 - (City of Lismore). (EPA Act Sec 90(1)(a))*

- 9 The proponent shall include within the landscape plan to be submitted to Council for approval, details illustrating the removal or eradication from the subject site the following species:

- Cinnamomun camphora (Camphor Laurel)
- Erythrina sykesii (Coral Tree)
- Protasparagus africanus (Asparagus Fern)

- 10 A report is required from a qualified Bush Regenerator prior to the commencement of work giving an appraisal of the present condition of the remnant vegetation to be retained on the "Park" site and the likely impact of the development on the long-term vigour of the trees. The report shall also detail -

- a) A site plan (1:100 or 1:200) showing the existing features. All trees to be located to scale and identified by botanical and common names.
- b) Location and description of protection fences.
- c) Plan of any proposed native vegetation buffer planting around the remnant vegetation.
- d) Species name and estimated quantities (%) of weed species within the site.
- e) Program of works to be undertaken to remove invasive weed species.
- f) Methods to be undertaken to ensure the preservation and longevity of the vegetation to be retained.

With regard to point (f) above, the report shall also consider future development on any adjoining lot and shall detail:

- g) Location of building footprints, underground services and structures in relation to trees.
- h) Any proposed alterations to ground levels or drainage.
- i) Proposed site access.
- j) Proposed stockpiling areas.

#### **SUBDIVISION**

- 11 The applicant or developer shall place allotment number identification at the front boundary corners to indicate the side boundaries and/or access shafts.

**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))*

- 12 The applicant or developer shall submit a final linen plan for Council approval. Such plan/s shall be accompanied by a \$850 final linen plan checking fee.

- 13 Pursuant to Section 88B of the Conveyancing Act 1919, the proponent shall identify all building envelopes upon the final plan of subdivision.
-

- 14 The proponent shall release each stage of the subdivision within two (2) years from the date of release of a previous stage.

**AMENITY**

- 15 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.

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

- 16 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, wastewater, 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))*

- 17 Any noise generated during the construction of the development shall not exceed the limits specified in the Noise Control Manual.

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

**ENVIRONMENTAL HEALTH**

- 18 A Section 88B restriction pursuant to the Conveyancing Act 1919, be placed upon the title of each individual lot requiring:

- a) identification of 1,000m<sup>2</sup> wastewater envelope;
- b) identification of buffer separation distances as follows:
  - 20 metres constructed piped drainage lines,
  - 40 metres natural intermittent waterways and drainage channels,
  - 100 metres to permanent surface waters.
- c) wastewaters to be treated by aerated wastewater treatment systems.

- 19 Bulk earthworks to fill natural drainage lines to be undertaken to ensure compaction ratios not less than representative (bulk density) of the natural soil environment. Certification from a Geotechnical Engineer is required to be submitted to Council for approval prior to release of the final plan of subdivision.

- 20 Individual wastewater disposal area designs shall be submitted and approved by Council prior to construction commencing. The wastewater disposal areas shall be constructed as part of infrastructure works for the subdivision in stages as proposed, prior to release of the final plan of subdivision.

**SECTION 94**

- 21 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 Certificate is released. The rates and amounts applying at the date of this notice, totalling \$160,800, 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 Certificate.

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)

#### **WATER & SEWER**

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 maintenance considered necessary by Council's Water and Sewerage Manager 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) Prior to the release of any building plans the applicant or developer must apply to Council under s.26 of the Water Supply Authorities Act, 1987, and obtain from Council a certificate under s.27 of the Act.

Following the making of an application under s.26 of the Water Supply Authorities Act, Council may require:

- (i) the payment of a monetary contribution towards the cost of construction of certain water and sewerage supply works and drainage channels which benefit or will benefit the land on which the proposed development is to be carried out; and/or
- (ii) the applicant to enter into an agreement which requires the construction of such works.

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

23 The water supply connection shall be designed, installed and maintained to prevent contaminants from being introduced into Council's potable water supply system. Full details of the proposed backflow method and cross connection controls shall be designed in accordance with Australian Standard 3500.1 and submitted with the engineering plans.

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

24 The water supply service shall be sized in accordance with Australian Standard 3500.1 to service the whole development.

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

25 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 plan. Such plans must be approved by the Manager-Water and Sewerage before construction of any water works are commenced.

**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))

26 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 adequate protection of utility services. (EPA Act Sec 90(1)(l))

- 27 An analysis of the Clunes village water reticulation is required to assess the impact of the subdivision on water pressure within the village. Additional lead in water mains may be required to be constructed by the developer as part of this condition.

#### **EARTHWORKS**

- 28 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 have been assessed as stable,
- 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.

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

- 29 Fill material shall not encroach onto any adjoining land without the written consent of the owner of that land.

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

- 30 Prior to the release of the final plan of subdivision, a qualified practising Engineer, experienced in soil mechanics, shall submit documentary evidence in the form of a Geotechnical Investigation Report to Council for approval, certifying that each allotment is suitable for building purposes and classifying each allotment in accordance with Australian Standard 2870 "Residential Slabs and Footings". Any allotment subject to further earthworks during the construction phase will require an amended Geotechnical Report.

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

- 31 Details of the proposed batter plantings shall be submitted to Council for approval prior to release of any building approval.

#### **DRAINAGE**

- 32 Hard surface areas, landscaped areas, roof water and subsoil drainage systems shall be designed by a suitably qualified person experienced in Hydraulic design and submitted to the Council prior to release of the engineering design plans. Drainage is to direct all water to a Council approved drainage system to prevent discharge runoff onto adjoining land. This system shall be constructed in accordance with Council's Development, Design and Construction Manuals (as amended). All piped drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the proponent.

**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))

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

- adjoining land
  - 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 to Council for approval prior to release of the engineering design plans.

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

34 Prior to release of the final plan of subdivision, a suitably qualified person is required to furnish Council confirming:

- all drainage lines have been located within the respective easements,
- roadworks are in accordance with the approved design plan,
- any other structures like retaining walls are located in accordance with the Construction Certificate,
- all stormwater has been directed to a Council approved drainage system.

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

35 All stormwater drainage systems shall be designed in accordance with the EPA publication "Managing Urban Stormwater". Any proposed system shall include an underground pipe drainage system designed for a one in one year storm event and be a minimum 150mm UPVC pipe. The system shall provide a grated inlet pit upstream from all vehicular access points. This system shall be provided along both sides, for the full length of all proposed roads. The design shall also provide for any surcharge to occur over constructed access points ensuring no discharge over the road pavement.

**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))

36 Stormwater first flush / retardation systems shall be designed for all developed catchment areas to prevent increases in flows from the site, the design of these systems shall ensure that the existing water quality of downstream areas is maintained. Where retention ponds are to be provided they shall be designed in accordance with the recommended standards as tabled in Australian Rainfall and Runoff Publication.

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

#### **ROADS**

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

Stages as identified in Walker and Newton Plan No. 98/183 dated April 23, 1998.

#### **Stage 4**

Construction of a 9m wide gravel formation comprising a minimum depth of 300 mm of compacted gravel, and including a bitumen sealed surface 7m wide from the end of the existing pavement in Remnant Drive to the western boundary of lot 9.

**Stage 5**

Construction of a 9m wide gravel formation comprising a minimum depth of 300 mm of compacted gravel, and including a bitumen sealed surface 7m wide from the end of the existing pavement in Remnant Drive to the western boundary of lot 12.

**Stage 7**

Construction of a 9m wide gravel formation comprising a minimum depth of 300 mm of compacted gravel, and including a bitumen sealed surface 7m wide from the end of the existing pavement in Remnant Drive to the southern boundary of Lot 20 and incorporate an intersection in accordance with Austroads pt. 5

**Stage 8**

Construction of a 9m wide gravel formation comprising a minimum depth of 300 mm of compacted gravel, and including a bitumen sealed surface 7m wide from the end of the existing road pavement to the northern boundary of lot 22.

**Stage 9**

Construction of a 9m wide gravel formation comprising a minimum depth of 300 mm of compacted gravel, and including a bitumen sealed surface 7m wide from the end of the existing road pavement to the western boundary of lot 29.

**Stage 10**

Construction of a 9m wide gravel formation comprising a minimum depth of 300 mm of compacted gravel, and including a bitumen sealed surface 7m wide from the end of the existing road pavement to the western boundary of Lot 34.

A practising qualified surveyor or engineer shall submit to Council for approval prior to the release of the final plan of subdivision, a “works-as-executed” set of plans and construction certification. The works-as-executed plans for construction shall detail satisfactory completion of all roads, drainage and civil works required by this development consent and approved engineering design plans.

**Reason:** To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 90(1))

- 38 Full design plans of the proposed engineering works to satisfy conditions of consent shall be submitted to the Council for approval prior to the commencement of construction. If such plans are approved by Council, a checking fee of \$110 per lot, being \$1,870 is payable on submission of engineering design plans for drainage or roadworks.

**Reason:** To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 90(1))

- 39 Road names proposed for the subdivision shall be submitted for Council approval prior to release of the final plan of subdivision. A suitable name for any new road/s shall be in accordance with Council’s adopted policy.

**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))

**VEHICULAR ACCESS**

- 40 Vehicular access from the road pavement to each proposed lot shall be provided by the construction of a crossing with no pipe provided and bitumen sealed from the road pavement to the boundary line in accordance with the Council's Design and Construction Specification for Vehicular Access.

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

- 41 The grade from the road pavement to each lot shall permit the construction of vehicular access in accordance with Council's Design and Construction Specification (Vehicular Access). Engineering design working drawings shall

provide evidence of the feasibility of lot access. Such drawings shall be submitted for Council approval prior to release of the engineering design plans.

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

- 42 The access shaft of Lot 17 within Stage 7, as identified on Walker and Newton Plan No. 98/183 dated April 23, 1998, shall be constructed in accordance with Council's Development, Design and Construction Manuals (as amended). A 3.0 m wide asphaltic concrete (25mm depth) sealed or equivalent surface shall be applied to the full length of the shaft commencing from the road pavement. Provision of the following services:

- water supply
- stormwater
- telephone

shall be installed/conduits laid for the full length of the shaft, prior to construction.

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

- 43 The access shaft of Lots 22, 23 and 27 within Stage 8, as identified on Walker and Newton Plan No. 98/183 dated April 23, 1998, shall be constructed in accordance with Council's Development, Design and Construction Manuals (as amended). A 4.0 m wide asphaltic concrete (25mm depth) sealed or equivalent surface shall be applied to the full length of the shaft commencing from the road pavement. Provision of the following services:

- water supply
- stormwater
- telephone

shall be installed/conduits laid for the full length of the shaft, prior to construction.

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

#### **PEDESTRIAN ACCESS**

- 44 The proponent shall construct a 2m wide reinforced concrete, paving block or equivalent footpath between lots 32 and 33 within a 2m wide reserve within Stage 10, as identified on Walker and Newton Plan No. 98/183 dated April 23, 1998. Leading from the proposed road for the full length of the pathway reserve in accordance with Council's Development, Design and Construction Manuals (as amended). Any costs shall be the responsibility of the proponent.

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

#### **PUBLIC UTILITIES**

- 45 Prior to release of the final plan of subdivision, the proponent shall ensure the provision of telephone services is provided to all lots and including the full length of battle-axe handles. Written evidence from Telstra Australia shall be required confirming action has commenced and relevant payments have been made.

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

- 46 Prior to release of the final plan of subdivision, written evidence from NorthPower shall be required confirming that NorthPower has provided electrical power to each lot, including the full length of battle-axe handles 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))*

## INFORMATION TO APPLICANTS

### ADVISORY NOTES

**NOTE 1:** Water and/or Sewerage Headworks levies payable under the Water Supply Authorities Act 1987 totalling \$42,874 will need to be paid to Council prior to Council issuing a Compliance Certificate under s.26 of the Water Supply Authorities Act 1987.

**NOTE 2:** A connection fee is payable on the connection of a dwelling to the water supply. The current connection fee can be obtained by contacting Council.

**NOTE 3:** On completion of works and prior to issue of a compliance certificate under s.26 of the Water Supply Authorities Act 1987, Council will require a maintenance bond to be paid to Council.

**NOTE 4:** Building approval is required for all retaining wall structures (including rockwalls, sleepers, crib walls and the like) proposed to be erected on the land.

**NOTE 5:** Land fill shall not take place without prior Council approval.

**NOTE 6:** 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 7:** The final linen plan shall not be released by Council until all conditions of Development Consent Notice 98/58 have been complied with to the satisfaction of Council.

(Councillors Roberts/Larsen) (D98/58)

180/99 FURTHER RESOLVED that a copy of the consent be supplied to Mr R Morrow.  
(Councillors Roberts/Larsen)

RESUMPTION OF STANDING ORDERS:  
181/99 RESOLVED that standing orders be resumed.  
(Councillors Wilson/Larsen)

### ADJOURNMENT:

The meeting adjourned at 9.17pm and resumed at 9.35pm.

### REPORTS:

#### Lismore Aquatic & Leisure Centre - Heads of Agreement

(Copy attached)

A MOTION WAS MOVED that any further discussions and decisions be deferred for the new Council to be elected in September 1999 to decide and deliberate upon.

(Councillors Swientek/Gates)

On submission to the meeting the MOTION was DEFEATED.

**Voting Against:** Councillors Irwin, Roberts, Larsen, King, Cole and Crowther.

182/99 RESOLVED that the report be received and -  
1 That SCU be requested to give a written status report on the likelihood that a ninety-nine (99) year lease will be available for the original site, an estimate of how

long it will take to arrange the lease and a clarification of the University's capacity to address the associated traffic management issues.

2 In the event that none of the foregoing are deliverable the Council request the University and the Union to advise this Council, in writing, of their position in regard to an Aquatic Centre on the Maizegrove location.

3 That the advice from the University be reported to a future Council meeting.

(Councillors Irwin/Larsen)

**Voting Against:** Councillors Champion, Swientek, Gallen and Gates.

(S719)

Section 96 Application to Modify Development Consent - DA96/36 -30 Thorburn Street, Nimbin

(See Minute No. 178/99)

DA98/58 - Proposed Subdivision to Create 27 Village Allotments - Remnant Drive, Clunes

(See Minute No. 179/99)

ADJOURNMENT:

183/99 RESOLVED that the meeting be adjourned to Tuesday, June 15, 1999 at 6.00pm in the Council Chambers.

(Councillors Roberts/Wilson)

**Voting Against:** Councillors King, Cole and Swientek.

The meeting adjourned at 10.37pm.

**CONFIRMED** this 29TH day of JUNE, 1999 at which meeting the signature herein was subscribed.

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**MAYOR**

MINUTES OF THE RESUMED ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JUNE 15, 1999 AT 6.04PM.

Present: Her Worship the Mayor, Councillor Irwin (from 6.52pm); Councillors Champion, Cole, Crowther, Gates, King, Larsen, Roberts, Swientek (from 6.08pm) and Wilson (from 6.31pm), together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Contracts Engineer, Contracts Officer and Administrative Services Manager.

Chairperson: In the absence of Her Worship the Mayor Councillor Irwin, Deputy Mayor Councillor Larsen took the chair.

184/99 Apologies/ An apology for non-attendance on behalf of Councillor Irwin (late)  
Leave of was received and accepted and leave of absence granted.  
Absence: (Councillors Champion/Roberts)

REPORTS:

Comprehensive Koala Plan of Management

(Copy attached)

185/99 RESOLVED that the report be received and -

- 1 That as part of the proposed Koala Plan of Management, Council and the Koala Management Plan Steering Committee investigate all means of compensation for landholders affected by any koala management principle that may affect their means of obtaining income from their properties and that may inhibit their accepted farming practices. Methods to be investigated to include rate rebates, differential rating, transferable rights and any other means that may be applicable. Further, Council write to relevant Federal and State Ministers seeking advice and funding options.
- 2 That the findings from these investigations be reported regularly to and considered by the Koala Management Plan Steering Committee and that the selected means of incentives and compensation be included in the Koala Plan of Management.
- 3 That Council adopt the schedule as listed, with the addition of parts 1 and 2 of this motion, to enable completion of a Koala Plan of Management for the Lismore Local Government Area.
- 4 That the Koala Management Plan Steering Committee continue to meet, at least until completion of the Plan of Management.

(Councillors King/Cole) (S680, S310)

Section 64 Plan Review

(Copy attached)

186/99 RESOLVED that the report be received and -

- 1 That consideration of this report be deferred pending completion of:
  - a) The DLWC review of S64 charges;
  - b) The LCC Water and Wastewater Financial Plan being prepared by PWD.

- 2 That a further report be provided to Council once those pre-requisites outlined in (1) are completed, such report to include reference to options for competitive reductions in LCC Section 64 charges.
  - 3 That should the DLWC review of S64 charges not be provided within 3 months, a further report be provided to Council.
- (Councillors Crowther/Gates) (S744)

At this juncture (6.31 pm) Councillor Wilson attended the meeting.

Provision for Cleaning Services - Various Council Assets

(Copy attached)

187/99 RESOLVED that the report be received and -

- 1 That the contract for the provision of cleaning services for the Administration Offices, Laurie Allen Community Centre, Municipal Offices, Molesworth House, Water & Sewerage Works Depot, Gingerbread House Day Care, Works Depot - Brunswick St, Lismore City Library, Nimbin Village, Works Depot - Block B, Parks & Gardens Office, Goonellabah Community Centre and Lismore Art Gallery for the lump sum amount of \$145,737.92 per annum, subject to annual indexation rises, for a three year period with an option to extend the service for a further one year period be awarded to Tempo Cleaning Services.
- 2 That the contract for the provision of cleaning services for the Early Childhood Centre - STH, Early Childhood Centre - CBD, Wyrallah Road Treatment Works, Public Toilets Lismore - CBD, Lismore Airport Terminal and Tourist Information Centre for the lump sum amount of \$ 38,225.94 per annum, subject to annual indexation rises, for a three year period with an option to extend the service for a further one year period be awarded to Ellems Cleaning Services.
- 3 That the contract for the provision of cleaning services for the Waste Facility Offices for the lump sum amount of \$ 1,440.00 per annum, subject to annual indexation rises, for a three year period with an option to extend the service for a further one year period be awarded to Eastland Cleaning Pty Ltd.
- 4 That the contract for the provision of cleaning services for the Goonellabah Library for the lump sum amount of \$ 1,040.00 per annum, subject to annual indexation rises, for a three year period with an option to extend the service for a further one year period be awarded to G & K Campbell.

(Councillors Swientek/Gates) (T99028)

March 1999 Quarterly Budget Review Statement

(Copy attached)

188/99 RESOLVED that the report be received and -

- 1 Council adopt the March 1999 Budget Review Statement for General, Water and Sewerage Funds.
  - 2 This information be submitted to Council's auditor.
- (Councillors Roberts/Cole) (S699)

At this juncture (6.52 pm) the Mayor, Councillor Irwin, attended the meeting.

Management Plan Review March 31, 1999

(Copy attached)

At this juncture (7.01pm) the Mayor, Councillor Irwin, took the chair.

- 189/99 RESOLVED that the report be received, the actions undertaken in each of the programmes noted and staff be congratulated on their performance during the quarter ended March 1999.  
(Councillors Gates/Roberts) (S4)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 19/5/99

(Copy attached)

- 190/99 RESOLVED that the minutes be received and the recommendations contained therein be adopted, excluding Clauses TAC81/99 and 82/99.  
(Councillors Wilson/Cole)

- TAC81/99 - Kadina High School

- 191/99 RESOLVED that signposting at the pedestrian refuge on Kadina Street be upgraded.  
(Councillors Swientek/Larsen)

- TAC82/99 - Kadina High School

- 192/99 RESOLVED that consideration of the centre median along Kadina Street be deferred to a future Council meeting to allow further information to be presented on the Development Application.  
(Councillors Swientek/Larsen)  
(S352)

DOCUMENTS FOR SIGNING AND SEALING:

- 193/99 RESOLVED that the following documents be executed under the Common Seal of Council:-

Subdivision Plan - Lot 2, DP 836906, 34 Greengate Road, Bexhill

Easement for Batter of variable width.

(99-7223: P10923)

Transfer - Council to Oates - Road Closure, Dorroughby

Road Closure at Dorroughby approved by Council on 14/7/98.

(99-8397: P16795)

Subdivision Plan - Lot 71, DP 875676 - Road Widening, Snow Street

72.05 sq.m. area bounding industrial area.

(99-8380: D98-581)

Request to Release Restrictions on Use of Land - 30 Hillcrest Avenue

Request by owner to release easement to drain water which is not being used.

(99-8452: P18015 & P18016)



Agreement - Council & Rainbow Environmental Services  
Remediation of Former Lismore Gasworks Site  
(T99004)

Agreement - Council & Otto Plastics (NSW) Pty Ltd.  
Provision for Supply and Delivery of 140 Litre Mobile Garbage Bins  
(T99009-A)

Annexure to Funding Agreement - Child Care Services  
Funding of \$1,214 towards implementation of the Lismore Outside School Hours Care Service, Koala Long Day Care Centre and Subsidy for Community Worker.  
(99-8762: S389,P15880)

Environment Protection Licence - Wyrallah Road Waste Facility  
New licensing system - period of 12 months from 1/7/99 to 30/6/2000.  
(99-8157: P25041)  
(Councillors Roberts/Wilson)

This concluded the business and the meeting terminated at 7.58 pm.

**CONFIRMED** this 29TH day of JUNE, 1999 at which meeting the signature herein was subscribed.

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**MAYOR**

