

COUNCIL Business Paper



LISMORE
City Council

AUGUST 10, 1999

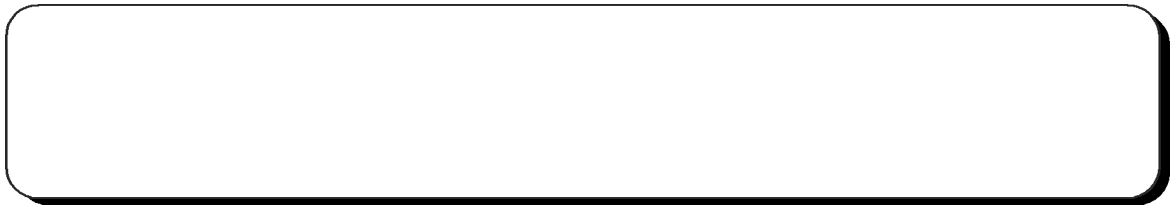


NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, AUGUST 10, 1999, at 6.00pm and members of Council are requested to attend.

(Phil Sarin)
AGENERAL MANAGER

August 3, 1999



PUBLIC ACCESS SESSION:

PAGE NO.

Ms Sharon Hill re Report - S356 Donations

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Mr Anthony Ullmann re Report - DA99/169 - Rural Land Sharing
Community, 8 Potessu Road, Georgica

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PUBLIC QUESTION TIME:

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE

CONFIRMATION OF MINUTES - 20/7/99

CONDOLENCES

DISCLOSURE OF INTEREST

MAYORAL MINUTES

NOTICES OF RESCISSION

NOTICES OF MOTION

1

SUSPENSION OF STANDING ORDERS

(Consideration of the Suspension of Standing Orders to debate matters
raised during Public Access).

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CITY OF LISMORE

NOTICE OF MOTION

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

That Lismore City Council recognise the work put in by the Committee into the Masters Games and particularly the Council staff involved (listed below) and they be sent a letter of thanks by the Mayor and publicly acknowledged.

- *John Bancroft*
- *Leanne Clark*
- *Vicki Walker*
- *Marianne Gregory*
- *Damian Chapelle*
- *Brendan Toohey*
- *Nicole Greenwood*
- *Lyn McLean*
- *Julie Fenwick*
- *Gary Boyd*
- *Lloyd Fielding*
- *Judy Lovett*
- *Sandy Pimm*
- *Janaka Weeraratne*
- *Karen Magnay*

COUNCILLOR P W Larsen

DATE July 23, 1999

Subject/File No: DEVELOPMENT APPLICATION NO. 99/169 - TO ESTABLISH A RURAL LANDSHARING COMMUNITY CONTAINING 5 DWELLING SITES AND ASSOCIATED INFRASTRUCTURE UPON A RURAL PARCEL OF LAND BEING LOT 16 DP 832029, KNOWN AS 8 POTESSU ROAD, GEORGICA
(HAJ:MJK: DA99/169)

Prepared By: Snr 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

1 PRECIS

Applicant

Balanced Systems Planning Consultants.

Zoning

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

Location

Lot 16 DP 832029, 8 Potessu Road, Georgica (refer Annexure 1).

Proposal

The application currently before Council seeks planning consent for the establishment of a five (5) dwelling rural landsharing community with associated infrastructure, land and resource management upon Lot 16 DP 832029, known as 8 Potessu Road, Georgica.

Key Issues

Effluent disposal, impacts on surrounding residential amenity, impacts on Jiggi Creek.

2 DESCRIPTION OF THE PROPOSAL

As stated above, the current application before Council seeks planning consent for a rural landsharing community containing 5 dwelling sites and associated infrastructure on the abovementioned property. The proposal incorporates the following features:

- Five (5) dwelling sites;
- Community buildings (workshop/office, multipurpose shed);
- Associated roads and parking areas;
- Associated wastewater, water, electricity and telephone systems;
- Management strategies relating to land and habitat management (refer Management Plan - Annexure 2);
- Management strategies for utility services.

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. The following section of this report assesses this application in the context of the requirements of the relevant provisions of this Policy and other applicable planning instruments.

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 the site which is located within the Local Government Area of Lismore within rural zoned land.

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 this Clause as it is known as Lot 16 DP 832029.

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

Consistent - with a site area of 61.8 hectares.

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

Consistent - no building on the site will exceed the 8 metre height limit.

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

Consistent - NSW Agricultural Land Classification Map identifies the property as 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 Consultant's Report, submitted with the application, summarises the principles of the internal management agreement which will be finalised and lodged with Council following the receipt of the Development Approval. In this regard a condition of consent will be imposed requiring the submission of the internal management agreement prior to release of Occupation Certificates.

- (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 applicant seeks Council consent for ancillary community buildings such as a workshop and office. 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 assessment.

(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;

The Consultant's Report and associated specialist engineering report has indicated within Appendix A of Balanced System Planning Report details of the availability of water supply to the proposed development. Council's Building and Regulation, and Environment Sections have commented on this proposal and are satisfied with the availability of water to the site.

(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;

In terms of off site community facilities, the normal range of rural community facilities are available to the site, as addressed within the body of the Consultant's Report.

(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, required the Consultant to submit additional

information. Council's Environmental Health Section is satisfied with all information finally 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;

The applicant's report indicates that no adverse impacts will occur in relation to the vegetation of the site, while a range of positive impacts will occur as a result of the land management plan to be implemented. The shareholders already have in place a substantial revegetation programme which will be progressively implemented. The eastern vegetated portion of the site, which has higher environmental values will be reserved for habitat purposes as designated in the management plan.

(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 site is not within a high bushfire risk area, however as detailed in Section 4 of the Consultant's Report, the community is designed to minimise and manage any potential bushfire risks. The specialist's report within Appendix A of the Consultant's Report has assessed the geotechnical stability of the proposed dwelling sites and concludes dwellings can be erected on the site, subject to the recommendations within the report. Further to this, Council's Fire Control Officer has commented on the proposal and raises no specific objections to the application, subject to the imposition of a number of conditions of development consent.

(l) the visual impact of the proposed development on the landscape;

Council is of the opinion that the visual impact of the site is not significant, however whenever a greenfield site is developed for the purposes of establishing a rural landsharing community, there will be an initial impact. In this regard, Council requires that vegetative screen buffers are to be established prior to release of the Construction Certificate for the dwelling houses. It is also noted that the extensive revegetation of the site will further ensure that there will be limited visual impact.

(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 applicant's report indicates that the site is locationally suitable and physically capable for the proposed rural landsharing community which comprises of a mix of rural living, organic agriculture, woodlots and environmental repair and regeneration. The report further states that the proposal will assist in the enhancement of the agricultural and environmental values of the site. Council's Planning and Development Group agrees with

these comments and is of the opinion that the proposed landuse is suitable in this location.

- (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. The illegal dwelling located at the entrance to the subject property will be rendered uninhabitable as a requirement of this consent, and will only be used for the purpose of a community building. In this regard, Council's Environmental Health Officers have imposed a condition upon the consent requiring that the subject building located at the entrance to the property be not used for any purpose other than a community meeting place, and that no sanitary facilities be established within the building, due to its proximity to Jiggi Creek.

- (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**

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	$\therefore 4 + \frac{(61.82 - 4)}{4}$ $4 + 13 = 15$

- (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 five (5) dwellings, which is well below the Policy requirements.

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 consistent with this Policy.

It should be noted that the regeneration of the site with native species and the attempt to control feral animals 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 applicant's report indicates that there will be no significant modification or removal of known habitat for any threatened species, population or ecological community will occur from this proposal.

- (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.**

The applicant's report further indicates that no isolation of areas of habitat for a threatened species population or ecological community is likely.

- (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.**

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.**

National Parks and nature reserves are located within the wider locality.

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

The development of land, to cluster rural dwellings on pasture land within a large site, together with 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.**

No threatened species, population or ecological community is likely to be effected by the proposal.

Lismore Local Environmental Plan 1992

This Section assesses the consistency of the application in relation to the provisions of Lismore Local Environmental Plan 1992. Relevant provisions of the plan relating to this application are as follows:

Clause 2 - Aims and Objectives

The application currently before Council for consideration is consistent with the relevant aims and objectives of the Lismore Local Environmental Plan 1992. The applicant has submitted a report that demonstrates the proposed development is consistent with these aims and objectives.

Clause 9 - Zone Objectives

The subject site is located within the General Rural 1(a) Zone. The objectives of the zone are as follows:

Zone 1(a) (General Rural Zone) Objectives:

- (a) to encourage and permit a range of uses creating a pattern of settlement, at a scale and character that maintains or enhances the natural, economic, cultural, social and scenic amenity of the rural environment of the City of Lismore;**

The pattern of settlement and land uses of rural housing, environmental reservation and agriculture created by this application is considered consistent with this objective, as the scale and character of the proposal enhances all of the above aspects of the rural environment.

- (b) to encourage and permit a pattern of settlement which does not adversely effect the quality of life of residents and visitors and maintains a rural character;**

The development proposal will enhance the rural character, as the built form of the development will not be visually obtrusive, while the overall environmental regeneration and repair aspects of the proposal will enhance the rural values of the area.

- (c) to ensure development only occurs on land which is suitable for and economically capable of that development and so not to create conflicting uses;**

The applicant has submitted a report that demonstrates the proposal will not create conflicting land uses. The site is assessed as being locationally suitable and physically capable for the proposed development and/or agricultural practices that are intended to be carried on within the site.

- (d) to allow the use of land within the zone for agricultural purposes and for a range of other appropriate purposes, whilst avoiding conflict between other uses and intensive agriculture;**

The report submitted with the application indicates that there will be no conflict with intensive agriculture. The proposal integrates organic agriculture, rural housing and environmental repair.

- (e) **to restrict the establishment of inappropriate traffic generating uses along main road frontages;**

N/A

- (f) **to ensure sound management of land which has an extractive or mining industry potential and to ensure the development does not adversely effect the potential of any existing or future extractive industry;**

The subject site is not located near any existing or future extractive industry.

- (g) **to enable the provision of rural tourist accommodation and facilities only where such facility is compatible with the form and density of the nature of the locality;**

N/A

- (h) **to permit the development of industries appropriately located in the rural environment;**

N/A

As can be seen from the above assessment, it is clear that the application currently before Council complies with all applicable zone objectives.

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

City of Lismore Local Environmental Plan 1992;

State Environmental Planning Policy No. 15 - Rural Landsharing Communities;

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

State Environmental Planning Policy No. 55 - Contaminated Lands.

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 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;
- 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 and creating local economic opportunities.

The application indicates that the community members are committed to ensuring this development becomes a model development, demonstrating a sustainable approach to rural living.

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 applicant 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 reviewed by Council's Environment and Building Regulations Sections, and subject to compliance with numerous conditions of development consent, 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 four (4) submissions had been received (a copy of these have been attached as Annexure 3).

The issues raised within the submissions are as follows:

- The land is prime farm land and should not be built on in this nature.
- Jiggi Road and Potessu Road and the intersection do not have the capacity to cater for a development of this nature.
- Potential pollution of Jiggi Creek.
- Excessive amounts of dust and noise emanating from the internal access to the site.
- Loss of land values as a result of multiple occupancy development.
- Adverse impact on the amenity of adjoining owners in relation to traffic noise and residential noise.

Amongst the letters of objection, Council received comment from Mr John Simpson, Senior Environmental Health Officer with the Public Health Unit of Northern Rivers Institute of Health and Research. The letter of objection raises specific issue with regard to issues of environmental health. Council's Environmental Health Section have had extensive discussions with the Northern Rivers Health Service and have subsequently addressed all the concerns raised by Mr Simpson.

In response to the above objections raised to the development, Council's Planning and Development Group are of the opinion that all concerns can be adequately address by conditions of consent.

The land is not classified as prime crop and pasture land by the Department of Agriculture.

In relation to the adequacy of the access road, Council's City Works Group are of the opinion that both Jiggi Road and Potessu Road are of an adequate standard to cater for a development of this nature. In relation to the internal access road, Council's City Works Group have required the applicant to provide a bitumen sealed surface for all sections of the road that exceed 12% in slope. This represents about 60-80% of the road network. By sealing sections of the road, this will specifically address concerns raised by adjoining owners in relation to noise and dust.

Loss of land values is not a consideration in accordance with NSW Statutory Planning Guidelines.

In relation to the visual amenity, a condition of development consent will be imposed requiring that screen plantings be established around dwelling sites prior to release of Construction Certificates. The other concern in relation to the use of the existing dairy bales for habitable purposes has been addressed via a condition of development consent requiring that the subject building not be used for any form of residential occupation and is only to be used as a meeting site or storage site, or any other form of use which does not require the establishment of sanitary facilities.

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 be a good demonstration of implementation of the NSW State Government Objectives for Rural Settlement, as defined and described within the Rural Settlement Guidelines for the NSW North Coast. Council's Planning and Development Group support this statement and subsequently recommend this application for approval.

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 five (5) 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 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 (PLA52)

- 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 99/169 for the establishment of a five (5) site rural landsharing community and associated infrastructure, upon land being Lot 16 DP 832029, known as 8 Potessu Road, Georgica, 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) 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.

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 internal roads servicing 2 or more dwelling sites, construction of a 5 m gravel pavement on a 5m wide formation with a minimum unsealed gravel depth of 150mm. All road slopes in excess of 12% must be sealed with the table drains concrete lined and have a minimum gravel depth of 300mm.
- b) For internal roads servicing 1 dwelling site, construction of a 3 m gravel pavement on a 4 m wide formation with a minimum unsealed gravel depth of 150mm. All road slopes in excess of 12% must be sealed with the table drains concrete lined and have a minimum gravel depth of 300mm.

An accredited certifier or practising qualified surveyor or engineer shall submit to the Principal Certifying Authority 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 4 shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

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 to Council 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))*

VEHICULAR 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 Prior to the release of the Construction Certificate, a qualified practising Engineer, experienced in soil mechanics, shall submit documentary evidence in the form of a Geotechnical Investigation Report to the Principal Certifying Authority 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 79C(b))*

- 9 An application for a Construction Certificate is to be submitted for the required upgrading of the proposed office in order to comply with the Building Code of Australia.

- 10 The primary building elements must be protected against attack by subterranean termites by physical barriers in accordance with AS 3660.1-1995 "Protection of Buildings from Subterranean Termites".

Reason: *Required by Clause B1.1 of the Building Code of Australia.*

- 11 The primary building elements must be protected against attack by subterranean termites. This can be achieved by:

- i) soil treatment in accordance with AS 3660.1-1995 of the subsoil area beneath all on ground concrete slabs forming part of the building, including attached garages, patios and the like. Including, on completion of the building, an external barrier, consisting of at least a 300mm wide horizontal barrier around the perimeter circumferencing all pipes and service facilities, and adjoining a minimum 150mm wide vertical barrier, to the depth of the underslab barrier; or

- ii) other chemical or physical measures which meet the objective of protecting the primary building elements against subterranean termite attack. If this option is chosen, full details are required to be submitted for Council's consideration. Examples of current initiatives in this area are, stainless steel mesh, accredited crushed granite barrier, permanent underslab irrigation systems, CCA treated framing and steel framing.

NOTE 1: The approved chemical for underslab spraying does not provide protection against termites over the economic life of the building.

NOTE 2: Depending on the slab construction a vertical 150 mm wide chemical barrier may be required to the external perimeter of the slab.

NOTE 3: Landscaping and Gardens - Most termite barriers require the area immediately adjoining an external wall to be kept clear of any landscaping or gardens. This is necessary either to prevent the bridging of the termite barrier or to ensure the area is visible for inspection.

Reason: Required by Clause B1.3 of the Building Code of Australia.

- 12 Provide a portable fire extinguisher, containing an extinguishing agent suitable for the risk being protected in accordance with AS2444.

Reason: Required by Clause E1.6 Building Code of Australia.

FIRE CONTROL

- 13 Overall clearances of access road is to be maintained at 5m wide and 4m vertical clearance. This is to enable unobstructed access for heavy tankers.
- 14 All dwelling sites are to be free of flammable vegetation for a radius of 30m around all dwellings.
- 15 The perimeter fire break as described in the proposal should be located as close to the boundary as is practicable given the terrain. The width should be no less than 6 metres and preferably 10 to 15 metres where possible.
- 16 If water supply to individual sites is via on site tanks, then a minimum of 45,000 litres is required. A 38mm or 65mm gate valve should be fitted externally in the delivery line in addition to the normal household delivery line, in such a position as to allow access to fire tankers.
- 17 If the tank is to be located in a position inaccessible to fire tankers, then a 38mm or 65mm poly line is to be taken from the tank and located and clearly marked with a post or similar in a position that affords access. This line should be buried 600mm below ground and terminated with 38mm or 65mm gate valve 300mm above ground.

ENVIRONMENTAL HEALTH

- 18 Details including plans and specifications of the greywater treatment device, artificial wetland (reedbed), sub-surface irrigation bed and compost toilet must be provided with the DA for each dwelling on the property.

Design details must be based on recommendations made in Section 4, Appendix A of the Development Application and Statement of Environmental Effects submitted by Balanced Systems, Planning Consultants dated February, 1999 for the subject property.

Design flows used in the abovementioned report are unsatisfactory and amendments to the design must be made based on a minimum hydraulic load of 100 litres per person per day.

- 19 A management plan must be submitted for each individual wastewater system with the submission of a DA for each dwelling detailing;
- (a) Household practices that will ensure the quality of wastewaters prior to treatment will not adversely affect the integrity of the proposed treatment systems and processes.
 - (b) Ongoing maintenance and monitoring of the system to optimise its performance.
 - (c) Troubleshooting/problem solving in the case of system failure.
 - (d) Plantings including a detailed species listing for the artificial wetland and land disposal area.
 - (e) Soil conditioning/enhancement works for the land disposal area.
- 20 Proposed Community Buildings must not be fitted out with facilities or amenities that result in the production of wastewaters.
- 21 A report must be submitted to Council prior to any work commencing estimating the extent of contamination (if any) posed by primary contaminants, specifically arsenic and organochlorine pesticides.

The report must be undertaken in accordance with the EPA Contaminated Sites series of documents titled "Guidelines for Assessing Banana Plantation Sites" and "Sampling Design Guidelines".

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

PLANNING

- 22 All dwelling sites are to have an established landscaped buffer planted prior to release of the Construction Certificate. This buffer is to provide a visual screen, reducing the impact the dwelling will have on the adjoining owners.
- 23 All relevant requirements of SEPP No. 15 - Rural Landsharing Communities, gazetted April 9, 1998, are to be complied with at all times.
- 24 The illegal dwelling located adjacent to the entrance road is not to be used for any form of residential occupation, and is only to be used as a community building.

LEVIES

- 25 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 Occupation Certificate is granted. The rates and amounts applying at the date of this notice, totalling \$12,373, are set out in the schedule for your information. All contributions, bonds etc. shall be paid prior to the Occupation Certificate being 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 Consumer 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)*

INFORMATION TO APPLICANTS

ADVISORY NOTES

NOTE 1: Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment act, 1979, are to be complied with:

- (i) A Construction Certificate is to be obtained from the Consent Authority or an Accredited Certifier in accordance with Section 81A(2)(a) of the Act.
- (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
- (iii) Council is to be given at least two (2) days notice of the persons intention to commence building works, in accordance with Section 81A(2)(c) of the Act.

NOTE 2: The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue any relevant documentary evidence or certificates.

NOTE 3: This development approval does not guarantee compliance with the Disability Discrimination Act and the developer should therefore investigate their liability under the Act. Council can assist developers by directing them to Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility (Part 1 is mandatory in the BCA).

DATE FROM WHICH CONSENT OPERATES

Section 83 of the Environmental Planning and Assessment Act provides that the consent shall become effective and operate from the date endorsed upon the notice, **except** in the case of designated development to which objections have been lodged, when the consent shall become effective 28 days after the consent is issued.

Where an appeal is lodged, either by the applicant or an objector in respect of designated development, the consent shall remain in deferment and not become effective until the appeal has been determined. The consent shall be void if, on appeal, the development is refused.

COMPLIANCE

The development shall be carried out in accordance with the application, and "approved plans" as may be attached to this consent, and as amended by the foregoing conditions. **All conditions** shall be complied with prior to occupation of the development and, where appropriate, during the operating life of the development.

REVIEW OF DETERMINATION

Under the provisions of Section 82A of the Environmental Planning and Assessment Act 1979, an applicant may request the Council to review a determination of the application. The request for a review must be made within twenty eight (28) days after the date of the determination.

RIGHT OF APPEAL

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Where an appeal is made in the case of a designated development, each person who objected is required to be given notice of the appeal, and will have the right to be heard at that hearing.

Except in the case of designated development, there is no provision within the Act for a third party (objector) to appeal against the consent issued by the Council.

LAPSING OF CONSENT

To ascertain the extent to which the consent is liable to lapse, refer to Section 95 of the Environmental Planning and Assessment Act, 1979.

Section 95 of the Environmental Planning and Assessment Act generally provides that development consent shall lapse after three (3) years from the date of operation of this consent, unless building work, engineering or construction work relating to this development is commenced on the land.

EXTENSION OF CONSENT

In accordance with Section 95A, upon receipt and consideration of written application to the Council, an extension of twelve (12) months may be granted should the consent be valid for a period of less than five (5) years. Written application (including reasons for requesting such extension) is to be submitted to Council at least one month prior to the consent notice expiry date. Council cannot approve any more than one (1) application for a twelve (12) month extension to any consent notice.

NOTICE TO COMPLETE

Where development has been commenced, but the work not completed, Section 121B provides that the Council may issue an order requiring completion of the work within a specified time, being not less than twelve months.

LISMORE CITY COUNCIL**DEVELOPMENT CONSENT NO:** 99/169**ADDRESS:** 8 Potessu Road, Georgica**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 Australian Bureau of Statistics Consumer 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. 25, 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 - 50%*

Levy Area		Account No.	No. of ET's	Cost Per ET	Amount Payable
Open Space					
Nimbin and District	- Local	1643-4	4	81	\$324
	- Citywide	1643-1	4	303*	\$606
Street Trees					
Nimbin and District		1643-24	4	76	\$304
Community Facilities					
Nimbin and District	- Local	1650-4	4	523	\$2,092
	- Citywide	1650-1	4	519*	\$1,038
Rural Roads					
			0.5	14666	\$7,333
SES					
All areas		1695-1	4	17	\$68
Bushfire					
Nimbin DBA		1690-3	4	70	\$280
Central Control Room (All Areas)		1690-6	4	17	\$68
Footpaths					
Nimbin	Connector	1680-6	4	17	\$68
Cycleways					
Nimbin and District		1680-11	4	37	\$148
Bus Shelters					
Nimbin and District		1683-7	4	11	\$44
Total					\$12,373

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

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

LISMORE CITY COUNCIL - Meeting held August 10, 1999

Development Application No. 99/169 - Rural Landsharing Community

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 Lismore Contributions Plan and/or Section 64 Plan applicable, as at the date of development application approval;
- c) the Consumer Price Index has been applied to the schedule of Section 94 fees and the Building Price Index to 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: DRAFT RURAL SETTLEMENT STRATEGY
(HM: S668)

Prepared By: Manager Strategic Planning - Helen Manning

Reason: To advise Council of the contents of the draft Strategy

Objective: To obtain Council's endorsement of the draft Strategy for the purpose of public exhibition and consultation.

Management Plan Activity: Strategic Planning

Background:

On February 13, 1996 Council resolved:

"3. That following the workshop and seminar on rural residential development, Council prepare a rural residential release strategy which identified preferred areas for rural residential development which facilitates such development by way of the rezoning process after subdivision designs are endorsed by Council, with such strategy to be forwarded to the Department of Urban Affairs and Planning for endorsement."

The workshop and seminar were held during 1996. Other events since that time include:

- the release of the 1996 Census data, indicating that population growth in Lismore had slowed;
- the reintroduction by the State Government of SEPP 15, now titled Rural Landsharing Communities.

Council resolved on August 25, 1998 to pursue its own policy for rural landsharing communities and to seek exemption from SEPP 15.

The Rural Settlement Strategy now comprises two documents:

Part A - Rural Residential Subdivision
Detached Dual Occupancy
Rural Workers' Dwellings

Part B - Rural Landsharing Communities

Both documents are in the attachment to this Business Paper. Earlier drafts were circulated to all Councillors but subsequently amendments required by the Steering Committee resulted in minor changes to Part A, but a significant change to Part B (being the deletion of specific localities and the insertion of additional performance criteria).

It is proposed to maintain separate documents at least for public exhibition as different "rules" by the State Government apply to each: rural subdivision is tightly constrained by the requirements of the North Coast Regional Environmental Plan and the 'Guidelines on Rural Settlement on the North Coast of NSW', while provision for rural landsharing communities is required to be "the same as"

Draft Rural Settlement Strategy

SEPP 15, which does not require analysis of demand. However both have been made compatible as far as possible by being based on similar locational criteria.

Council is not able to prohibit rural landsharing communities (formally multiple occupancies); either SEPP 15 or similar provisions are required. However, Council can determine that it will not have any further rural residential subdivision if, for example, it wished to prevent additional population pressure on the rural road system.

If Council wishes to permit rural residential subdivision then such provision must be in accordance with a Strategy agreed by the Director-General of DUAP.

Of surrounding local government areas, neither Tweed nor Ballina make any provision for rural residential subdivision, in Byron only community title subdivision is permitted and Richmond River Shire has an endorsed strategy for rural residential development.

Supply And Demand - Rural Subdivision

As reported to Council on August 25, 1998, demand for rural living opportunities for the past few years has averaged only 11 lots per year, as evidenced by building approvals. A "bank" of 347 approved lots remains either unconstructed or constructed and unsold. A survey of real estate agents' windows in April showed that there were at least 50 rural residential lots for sale in varying localities and at varying prices.

The North Coast Regional Environmental Plan requires demand to be based on building approvals over the last five years plus 30% to allow for choice in lot size, location, etc. Dwellings approved since 1994 on rural residential lots number 56, so demand is calculated to be $56 + 30\% = 73$ over 5 years or approximately 15 per year. This "bank" of approved lots therefore represents 23 years' supply, or enough approved lots to last until 2023. On this basis there is no need at present for Council to prepare a strategy for the release of further rural residential land.

However, the above does not allow for the lapsing of some development consents if the subdivision is not commenced. Nor does it allow for projected population growth over the period to 2020. The draft Rural Settlement Strategy (Part A) assumes that medium range population growth will be achieved and sustained after 2001, i.e. 600 additional people per year to be housed in the local government area, and of these 22% will be looking for housing in rural residential, community title or multiple occupancy developments (NOT rural villages). **It is necessary to make these assumptions in order to justify preparing a Strategy.** Use of these assumptions indicates a possible demand of around 35 dwellings per year.

Discussion with the Deputy Regional Manager of DUAP's Northern Region on June 4, 1999 indicated that DUAP will require demand analysis to be based on the REP method, i.e. average building approvals over past 5 years plus 30%, with projections used only as a check resulting hopefully in a convergence of numbers. This is not the case with Lismore's draft Strategy and therefore some resistance to endorsement by the Department of the Strategy as currently drafted may be expected. Inclusion of additional areas in the Strategy which cannot be related to expected demand is therefore likely to result in the Director-General of the Department refusing to endorse the Strategy.

Using a time horizon of more than 20 to 25 years for a non-essential land use such as rural residential use is not good planning practice for a number of reasons. Firstly, the identification of land for such a use in 30 to 50 years time does not allow for changing community expectations or for changing Government and Council requirements; for instance projected scarcity of fossil fuels may mean that frequent car travel is beyond the means of many people; water quality concerns may be such that septic tanks are no longer approvable and reticulated sewerage may be required with resultant cost implications. Secondly, identification of land long before its time of use means that unrealistic expectations of its value can be raised, with the result that its purchase for other uses may be constrained. Thirdly, identification of many potential development areas means that while each may partially develop, it is possible that none would develop sufficiently to produce a population threshold that would assist current village services to continue and expand, or which would generate enough S94 Contributions to fund demanded services.

As a result, any proposals for inclusion of additional land received during public exhibition must be evaluated in relation to the adopted criteria and expected demand, and will be able to be included in a final Strategy only if other land is deleted from the Strategy and the proposed areas better meet the adopted criteria.

Supply of, and demand for, land for development of rural landsharing communities is addressed within Part B of the Strategy; however both are difficult to quantify with accuracy.

Contents - Part A: Rural Subdivision, Dual Occupancy and Workers Dwellings

The requirements of State and regional policies, and of the Lismore 2020 Strategic Plan, have been included to make explicit the parameters within which the draft Strategy has been prepared.

The methodology for preparation of the draft Strategy has been explained. Land has been evaluated for compliance with locational criteria consistent with State Government requirements and adopted by the Rural Settlement Strategy Steering Committee.

Supply and demand calculations, and the resulting balance, have been explicitly stated. Assuming that a medium population growth rate is achieved and sustained over the next 20 years, the draft Strategy predicts a demand for approximately 800 rural dwelling sites and identifies approximately 1700 hectares of land with development potential for that use. The draft Strategy is based on an assumption of 1 lot per 2 hectares, with a statement that this yield could be higher or lower in individual areas, depending on opportunities and constraints.

Following State Government guidelines which require a 'catchment' approach, land is identified at Wyrallah, Caniaba, Tullera, Nimbin, Modanville, Bexhill, Clunes/Eltham, Richmond Hill/McLeans Ridges and The Channon. Indicative lot yields for individual areas are not stated, as without preparing conceptual subdivision designs for each area, involving road layouts, effluent management systems, drainage and topographical constraints and identification of potential home sites, it is not possible to quantify potential lot yields.

Assumptions have been listed, as have the proposed means of implementation and review.

Provisions for rural attached dual occupancy are virtually the same as those previously contained in LEP 1992.

Provision for rural workers' dwellings is based on the requirements of the Department of Agriculture with modifications suggested by the Steering Committee.

Contents - Part B: Rural Landsharing Communities

This part of the Strategy has been prepared by Planning Consultant Malcolm Scott. It gives an historic overview of rural landsharing community (multiple occupancy) development in Lismore, discusses demand for and supply of land for such development and lists the various options which could be used to identify suitable land. The criteria used for identifying land are almost identical to those used for the rural subdivision part, being based on availability of services and facilities and avoidance of hazards and conflicts. Additional performance criteria included are requirements for land to be within 4 km of facilities and with access from particular roads, all of which are noted on maps within the document.

The draft Strategy Part B contains a proposed LEP amendment to enable development of rural landsharing communities and a draft DCP containing guidelines for applicants.

Requirements for the standard of road access are outlined in Section 5.5 on p. 15 of the draft Strategy. Roads with a minimum 6 metre seal are considered a suitable level of 'primary' access into localities suitable for rural landsharing communities. Land for development must have direct access to roads designed as 'arterial', 'sub-arterial' or 'collector' on Map 8 in the Strategy (excluding State Highways).

A lesser road standard may be considered under certain circumstances for 'secondary' access from the primary access road to the land proposed to be developed.

Manager - Finance & Administration Comments

Not required.

Public Consultations

Ideally there should be widespread consultation to engage the community in a meaningful way. However the resource demands of consultation must be balanced by the need to progress other high priority projects within the Strategic Planning Section, and therefore the exhibition and consultation process is proposed to be long, being three months, rather than intensive.

The consultation strategy is proposed as:

- publicly exhibit the document for three months.
 - issue a press release at the commencement of exhibition.
 - Investigate the cost-effectiveness of placing an article or insert in the 'Community Link' for distribution at the end of August.
 - send the document to Department of Agriculture, Land and Water Conservation, DUAP, NPWS, Mineral Resources and any other relevant government authority.
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- rather than program public information workshops, meetings, etc. use the first 4 - 6 weeks to gauge public interest and undertake public workshops only in the localities in which interest is generated.
- copies to be available free of charge and be placed in all village stores as well as the Council building;
- staff to be available for counter and telephone enquiries between 8.30 and 10.00am and at other times by appointment.
- after the exhibition submissions will be evaluated according to the criteria within the Strategy and projected demand. The advice of DUAP regarding its preferred methodology for assessing demand will be critical for the consideration of submissions requesting inclusion of additional land.

It is possible that submissions received from the public and Government Departments will result in substantial changes to the draft Strategy. If required, the amended Strategy could be re-exhibited.

Other Group Comments

The Steering Committee includes representatives of City Works Group, Environmental Health and Development Assessment Sections, as well as Strategic Planning, and comments of all representatives have been included in the documents.

Views of Steering Committee

The Steering Committee met to consider the draft Strategy on July 6, 12 and 26. The draft Strategy has been amended as required by the Committee. The Committee is concerned that the original intention of multiple occupancies being the provision of low cost housing, be retained. It is also concerned at the inequitable situation in which demand analysis and quotas are required for rural residential development, but not for rural landsharing communities.

In regard to its future, the Committee considers that it should meet to consider submissions at the end of the exhibition period and make a recommendation to Council, then disband.

Options

Council has a number of options for further action, as follows:

1. Take no further action to progress the Strategy.

Should Council determine that it does not wish to place further pressure on rural roads then it is able to resolve not to continue with the draft Strategy, the effect being firstly that there would be no further rural subdivision following the lapsing of current consents, or rural detached dual occupancy, but secondly that SEPP 15 would continue to apply. Updated provisions for rural workers' dwellings could be addressed by LEP amendment as they are not subject to any strategy outcomes.

2. Proceed with Part A (Subdivision) only and not Part B (Rural Landsharing Communities)
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The outcome of this option is that rural residential subdivision could proceed in accordance with the Strategy, and that SEPP 15 Rural Landsharing Communities would continue to apply.

3. Proceed with Part B (Rural Landsharing Communities) only.

The outcome would be that Council would have its own rules for rural landsharing communities but no provision for rural residential subdivision or rural detached dual occupancy.

4. Proceed to exhibition and finalisation of both Parts A and B.

This would provide for rural residential subdivision, rural detached dual occupancy and rural landsharing communities, subject to the agreement of DUAP.

All the above options will still apply following public exhibition.

Conclusion

Although there is little demonstrated demand at present for rural residential development, should adjoining coastal Councils maintain their limitations on rural subdivision it is possible that in the medium term demand could be directed to Lismore. The formulation of a planning framework for rural settlement will ensure that such demand can be addressed if and when it eventuates.

Given Council's previous resolutions on rural development there is an expectation that the Strategy will proceed to public exhibition. Therefore it is recommended that the Draft Strategy be placed on public exhibition.

Recommendation (PLA51)

That Council resolve to publicly exhibit the draft Lismore Rural Settlement Strategy, comprising Part A: Rural Residential Subdivision, Detached Dual Occupancy and Rural Workers' Dwellings, and Part B: Rural Landsharing Communities for a period of three months.

Subject/File No: DRAFT AMENDMENT 50 TO LOCAL ENVIRONMENTAL PLAN
1992 - CELLULOSE VALLEY TECHNOLOGY PARK
(JD: S/718)

Prepared By: Strategic Planner - Jemina Dunn

Reason: To advise Council of the outcome of exhibition of the draft amendment.

Objective: To gain Council's approval to forward the proposed LEP amendment for
Cellulose Valley Technology Park to the Minister for gazettal.

Management Plan Activity: Strategic Planning

Introduction:

In March this year Council considered an application by Southern Cross University for a rezoning of land in East Lismore to allow establishment of Cellulose Valley, a proposed centre for the research, manufacturing and production of herbal medicines. In accordance with Council's resolution of March 30, 1999, the amendment was placed on exhibition for a period of thirty (30) days. A total of three (3) submissions were received and copies have been included as appendices in the attachments to this report

As Councillors will recall the subject site is currently zoned for residential and recreation uses and development of the proposed facilities required the creation of a new zoning under the Lismore LEP, 1992. This zone, Zone 5(b) (Special Uses - Technology Park), would apply to the lower lying developable areas of the site whilst the existing 7(b) Environmental Protection (Habitat) Zone is proposed for the scenic escarpment areas towards the east of the site.

The draft plan was exhibited as Amendment No. 50 to Lismore LEP 1992. However that LEP is soon to be superseded by Lismore LEP 1999 and the Cellulose Valley rezoning should be renamed 'Amendment No. 1 to Lismore LEP 1999'.

Submissions

Submissions were received From the NSW National Parks & Wildlife Service, the Lismore Model Flying Club, and Figtree Drive resident Mr Keith Sadd. Whilst no submissions directly objected to the proposed rezoning all raised issues of concern they wished Council to consider prior to or during the rezoning process.

a) NPWS

Whilst acknowledging that the proposed rezoning of an area of the site for habitat purposes is appropriate, NPWS outlined a number of concerns regarding the actual Cellulose Valley development, considering that these issues should be addressed at the rezoning stage rather than DA assessment.

Issues mainly involved Koala habitat and in this regard NPWS suggested that "*it may be to Council's advantage if the Koala Management Plan be developed prior to the rezoning so that recommendations of the plan can be reflected in the zone boundaries of the site*".

The primary finding of the Fauna Impact Study was that the site “...is clearly koala habitat. Therefore, a Koala Management Plan is mandatory under SEPP 44”. The site is located within an area loosely identified by the 1996 Koala Study to be critical koala habitat. The site concept plan has been developed as a proposal sympathetic to the constraints imposed by the koala population and in many regards the proposed use of the site would be significantly more beneficial to the koala population than the residential development permissible under the current zoning

Due to the time constraints associated with the Cellulose Valley project and the likely benefit to the community resulting from the project it is not desirable that the development be delayed pending completion of the Koala Management Plan. Such action is considered unnecessary in light of the existence of other suitable alternatives that are acceptable to the applicant. In this regard the Strategic Planning Section has consulted with the applicant regarding the inclusion of an addition clause in the LEP which places special requirements on the developer to protect koala habitat on the site and encourage the free unimpeded use of the site by koalas. Specifically the following draft clause has been drafted by the Strategic Planning section and agreed by the applicant:

‘Cellulose Valley’ Technology Park

- (1) *This clause applies to Lot 1 DP 772604, Lot 1 DP 772605; Lot 1 DP 118533 and Lots 471, 472, 473 and 474 in DP 775718, being land generally bounded by Crawford, Military and Skyline Roads, East Lismore.*
- (2) *The Council shall not consent to development for the purposes of a Technology Park unless it is satisfied that:*
 - (a) *all existing trees within the subject site which serve as koala habitat are to be retained or if there is no alternative to removal each is to be replaced on the site with suitable koala habitat species at a ratio of 50:1;*
 - (b) *effective corridors are provided which promote the passage of koalas between areas of habitat;*
 - (c) *existing habitat is to be restored and enhanced;*
 - (d) *measures are proposed to reduce the chances of road kill on roads within the subject site and on those roads where additional traffic will be generated as a result of the development;*
 - (e) *measures are to be taken to restrict access by dogs, including signs to discourage dog walkers;*
 - (f) *any additional requirements of a Koala Management Plan applying to the site are complied with;*
 - (g) *appropriate measures are taken to ameliorate impacts of development on the Wallum Froglet, should it be found to exist on the site.*

It is considered that the addition of this clause will ameliorate any impact on the koala likely to be caused by development on the site and remove the necessity for delay of the rezoning pending outcome of the Koala Management Plan. Despite this there is no guarantee this action will be endorsed by NPWS.

The provisions of DCP No. 32 - West Goonellabah, also apply to the site. This plan identifies some areas, particularly those to the east, to be significant urban bushland. The applicants have proposed that these areas be retained and regenerated as part of the proposal and as detailed above this component of the site is proposed to be rezoned 7(b) Environmental (Habitat) Protection. Specific issues relating to flora and fauna management on the site, particularly in regard to SEPP 44, will need to be further addressed at the Development Application stages.

b) *Lismore Model Flying Club*

The Model Flying Club have stated that whilst they have no objection to the development of the site for the proposed use they have some concern regarding potential implications for the Flying Club. They have sought that Council consult with them throughout future stages of the project to ensure outcomes that minimise impact on the activities of the Flying Club.

c) *Mr Keith Sadd, Figtree Avenue*

Two separate submissions were received from Mr Sadd whose property in Figtree Drive abuts the component of the site to be zoned for habitat purposes. Mr Sadd's submissions raised the issues of Camphor Laurel control on the site and sought that requirements be imposed to require positive steps be taken to eliminate the species from the site. Mr Sadd further raised concern regarding the potential fire hazard the area to be rezoned for habitat purposes would place on properties in Figtree Drive as well as expressing concern that inadequate detail of the proposal was provided to residents.

Contrary to Mr Sadd's concern control of camphor laurel will most likely be facilitated by rezoning of the site for habitat purposes rather than discouraging it. Council could include a condition requiring elimination of the species from the site in future Development Application determinations however there is no mechanism for enforcing such a requirement as part of the current rezoning process. Mr Sadd's concern regarding lack of detail regarding the proposed development arose as a result of full copies of the 100 page rezoning application not being distributed automatically by mail to all residents in the vicinity. Following Mr Sadd advising Strategic Planning Officers that he was unable to attend Council to view the document, a copy was delivered to his residence by staff. Whilst Mr Sadd has raised some legitimate concerns regarding the rezoning it should be noted that the current DCP for the locality already requires the retention of native vegetation in the area currently proposed to be rezoned for environmental purposes.

The provisions of DCP No. 32 - West Goonellabah, also apply to the site. This policy identifies some areas, particularly those to the east, to be significant urban bushland. The applicants have proposed that these areas be retained and regenerated as part of the proposal and as detailed above this component of the site is proposed to be rezoned 7(b) Environmental (Habitat) Protection.

Department of Urban Affairs and Planning

The Department has confirmed that no Local Environmental Study is necessary. It has pointed out, however, that the draft plan may be inconsistent with Clause 80 of the North Coast Regional Environmental Plan relating to existing zonings for public open space, and that Council will need to address this matter before finalising the plan.

Clause 80 of the REP requires that a draft LEP should not substantially reduce existing reservations or zonings of land for public open space. The extent of any such reduction should be considered from the point of view of the total area zoned or reserved for open space within the LGA.

The 6(a) zoned land within the Cellulose Valley site is not in fact public open space, but is privately owned by the University. The imposition of a 6(a) zoning over the land may have reflected a past intention that it be purchased by Council and developed as playing fields; however this has been superseded by the purchase by the University of the "Crawford Estate" and consequent alteration of development plans for the major part of the site. However, it is still the intention of the University to develop the land for playing fields and facilities, and current information is that these would be available to the public. The use of this land for sports facilities, and public access thereto, could be required in a Master Plan or Development Control Plan to be agreed by Council.

The land currently zoned 6(a) is within the 1:100 year flood contour and consequently its development potential is limited. The Cellulose Valley concept plan recognises this by placing playing fields within the area.

The rezoning of the land will not detract from the total area of open space available to the public in Lismore City as it is not currently developed as such and is not likely to come within public ownership for such development. The rezoning will reflect its private ownership and is likely to facilitate the development of the low lying land for sports facilities which are to be available for public access.

The site adjoins Wade Park which is already developed as passive open space. The development of sports fields by the University will complement this use by contributing to the full range of open space uses in Lismore.

The draft plan is consistent with other requirements of the REP.

Regional Traffic Committee

The matter was discussed at the Traffic Advisory Committee's Meeting of April 28, 1999. The Committee noted that "It was felt there would be a need to upgrade the intersection on Military Road as further stages were initiated", however concluded that "there was no real concern raised regarding the proposal". It is accordingly considered that this issue could be addressed during the Development Application process.

Manager - Financial Services Comments

Not requested.

Other Group Comments

Traffic aspects have been considered by the Regional Traffic Committee so no additional referral has been made to the City Works Group.

Conclusion

The proposed development of the subject site for the purposes of a research & technology facility in the manner proposed by Southern Cross University is considered highly appropriate. The land use, if

developed in accordance with the current concept plan will be ecologically sustainable and likely to be increase employment within the City with potential for significant multiplier effects. In addition there is likely to be significant improvement of existing koala habitat on the site which is consistent with the objectives of SEPP 44 and the DCP for the area. Whilst flooding and traffic management are issues it is considered that these matters can be adequately dealt with at Development Application stages.

In conclusion, the site is appropriate for the proposed use due to its proximity to the University and residential areas and transportation routes. The site's areas of flood free land, likelihood of being visually unobtrusive and habitat benefits for endangered species also make the proposed use an appropriate one for the subject site.

Recommendation (PLA53)

That Council adopt the draft Local Environmental Plan as amended following exhibition and forward it to the Minister with the request that the plan be made.

Subject/File No: SECTION 96 APPLICATION - DEVELOPMENT APPLICATION NO. 98/7 FOR THE CREATION OF A RESIDENTIAL VILLAGE SUBDIVISION AT 7 & 39 FREDERICKS ROAD AND 568 CANIABA ROAD, CANIABA, BEING LOTS 1 - 3 DP 836708 (DC:MJK: DA98/7)

Prepared By: Subdivision Unit Development Assessment Planner - Damian Chapelle

Reason: Council Policy 5.2.2 - Council Determination.

Objective: To obtain Council endorsement of the recommendation.

Management Plan Activity: Development Assessment

1 Introduction

Council on August 4, 1998 approved Development Application No. 98/7 for a proposed one hundred and eighty three (183) lot residential village subdivision, to be undertaken over twenty (20) stages. The application was approved, subject to conditions of consent which reflected the nature of the development and extensive community consultation undertaken during the rezoning and Development Application assessment.

The applicant has applied to Council to amend the staging of the approved development, together with related conditions pursuant to Section 96 of the Environmental Planning and Assessment Act 1979.

2 The Site

The application relates to properties described as 7 and 39 Frederick Road and 568 Caniaba Road, Caniaba, being respectively Lots 1 to 3 DP 836708.

The proposed Perradenya Estate is located on the elevated Caniaba Plateau approximately 4km south-west of Lismore and 14km north-east of Casino. At the base of the plateau to the north-east is Lismore Airport, rural and urban fringe areas and the main Lismore City area. The subject property is zoned 2(v) Village, pursuant to the Lismore Local Environmental Plan 1992.

3 Proposal

The proposal presently before Council is a Section 96 Application seeking consent to undertake a modification of the Notice of Determination for Development Application No. 98/7, in order to modify the following aspects of the development:

- The description of the approval to renominate "Stages 1 to 20" to "Precincts 1 to 20" with the introduction of Stages 1, 1A and 2, and Development Areas A - E;
- Condition 1 to include plan DA-ST1 within the description of approved plans, which identifies the amended staging and development area;
- The inclusion of a new condition as follows:

Stage 1 shall consist of all lots within precincts 1 and 9 (excluding Lots 903, 904 and 911), including Lot 1801 from Precinct 18 and Lot 1701 from Precinct 17. Stage 1A shall include all lots within Precinct 10 plus Lots 903, 904, 911 from Precinct 9. Stage 2 shall include all lots within Precincts 19 and 20.

- The inclusion of a new condition as follows:

Creation of development areas A, B, C, D and E shall occur upon approval of the Subdivision Certificate for Stage 2 only.

- The inclusion of a new condition as follows:

Construction of development areas C, D and E shall only proceed subject to Frederick Road being upgraded to the western boundary of the development area, in accordance with Council's adopted engineering design, and in accordance with Condition 57 of this consent.

- Condition No. 51 - delete reference to Stage 9 and adopt the 66th residential block as the threshold number for Rous County Council to create an allotment for the reclamation scheme.
- Condition No. 61 to delete reference to the 33rd allotment; for the roundabout construction and adopt the 38th residential allotment and any additional residential lots over 37.
- Amend all conditions referencing "Stages" to reflect amended precincts and development areas.
- Dedicate all road reserves for the estate within Stage 2 of the development.

4 Comments from Other Council Departments and Government Agencies

The proposed application does not seek to amend the Subdivision design, or community and recreational facilities to be provided as part of the development consent. Consequently, it is not considered necessary in this instance to refer the proposed amendment to any Government agency which provided comments within the initial assessment process.

Council's Subdivision Unit has referred the application internally to the following Sections;

Environmental Health Section

The Environmental Health Section raises no objection to the proposed amendment to Development Application No. 98/7.

Building and Regulation Section

The Building and Regulation Section raises no objection to the proposed amendment to Development Application No. 98/7.

Subdivision Unit

The idea of the dedication of the road reserves through the development lots is not supported. It is considered that there is adequate means of access to each individual development lot and that the proposed layout is entrenched enough to ensure that the site will be developed in the existing layout without requiring the dedication of these road reserves. The dedication of these reserves without construction of the actual roads may leave council open to conflict with any subsequent developer as to whose responsibility it is to construct the roads.

The requirement for the provision of the roundabout after the completion of a specific number of lots was calculated to align with the completion of a stage of development. The roundabout is required at a given level of traffic generation. This level falls between stages. Therefore there is no problem with

increasing this number to align with the completion of the stage as proposed as it is still below the required threshold.

Water and Sewer Section

The Water and Sewer Section raises no objection to the proposed amendment to Development Application No. 98/7.

5 Provisions of Relevant Legislation

Council is in receipt of an application to modify a Notice of Determination pursuant to Section 96 of the Environmental Planning and Assessment Act 1979. Section 96 allows for modifications whereby a consent authority, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority, modify the consent if;

96(2) The provision of relevant Planning Instruments Mandatory Requirements - Section 96 of the Environmental Planning and Assessment Act 1979. Section 96 of the Act provides that a consent authority which has granted development approval may be modified that consent where:

- a) It is satisfied that the development to which the consent as modified relates is substantially the same development;
- b) It has consulted with the relevant Minister or public authority in respect of a condition referred to in Section 82(1) and that the Minister or authority has not, within 21 days after being consulted, objected to the modification of that consent.
- c) It has notified the application in accordance with the Regulations.
- d) Considered any submissions made concerning the proposed modification within the period prescribed by the Regulations.

Further, the consent authority must take into consideration the matters referred to in Section 79C(1).

In determining an application for modification of consents under this Section, the consent authority must also take into consideration such matters referred to in Section 79C(1), as are relevant to the development, the subject of the application.

Planning Comments

The applicant has advised the amendment does not aim to alter the development as approved. The flexibility in the staging of the project allows for the economical development of the subdivision by the developer, whilst providing certainty of Stages 1, 1A and 2 which contains the core of the new village. The applicant proposes five development areas which may be constructed by the developer or by a joint venture agreement, or additionally sold to another developer to complete the approval. Further, the introduction of the development lots may expedite the development of the community and recreational facilities to be provided within the first two stages of the development, compared to later stages (Stages 17 and 18) of the current consent.

In the assessment of the proposed amendment, Council's Planning and Development Group must ensure, with the introduction of development areas, that Council is not disadvantaged by being required to undertake partially completed civil works, should the development not proceed in a logical sequence, along the property's western boundaries (development areas C, D and E). To address this issue, a condition shall be incorporated within the consent whereby area D will not commence development prior to the release of development area C, and again, development area E may not proceed until development area D has been released through the issue of a Subdivision Certificate. By inclusion of the condition the development will not be completed in an adhoc manner thereby mitigating concerns over partially completed stormwater controls, community facilities and civil works.

It should be noted that under the current approval issued by Council, the development was approved over 20 stages. The proponent is therefore able to develop the subdivision by individual stages or alternatively through the amalgamation of stages, depending on market demand. Further, there is the ability for the proponent to sell off stages, and as such it is considered that the proposed amendment does not seek to substantially alter the development principles of the Perradenya Estate.

In regard to the developer's responsibilities within the legal agreement, as endorsed by Lismore City Council and Corpol Properties Pty Ltd on December 18, 1997, a clause currently exists which binds the agreement to successive owners of the title of the land and as such, any person seeking to construct a designated development area would also be subject to the requirement of the legal agreement.

Having regard to the above legislative requirements, Council's Subdivision Unit is satisfied that the development to which the consent (as modified) relates is substantially the same development to that approved by Notice of Determination dated August 11, 1998. Whilst the proposal seeks to modify development conditions, the intent of each condition and the integrity of the development is maintained. It is considered the amended proposal is consistent with the recommendations pursuant to Section 79C of the Environmental Planning and Assessment Act as initially endorsed by Council.

In accordance with Council procedures, a copy of the revised conditions of consent were provided to the applicant for comment. The applicant raised no objection to the revised conditions.

Development Control Plans

Development Application No. 98/7 has been previously assessed under Development Control Plan No. 35 - Caniaba Village, with no objections being raised. In regard to the amendment of the aforementioned conditions, it is considered that the proposal satisfies the principle aims and objectives of the abovestated policies.

6 Summary

Proposal

The application presently before Council is seeking consent for the amendment to the description of the development, Condition No's 1, 10, 11, 51 and 61 together with the inclusion of conditions to reflect the introduction of development areas within the notice of determination for Development Application No. 98/7, for a proposed village subdivision at Lot 1 DP 836708 being 7 and 39 Fredericks Road, and 568 Caniaba Road, Caniaba.

Compliance

The proposal is in compliance with Council's Development Control Plans and Lismore Local Environmental Plan 1992.

Issues

All relevant issues have been dealt with within this report.

Submissions

The Development Application was originally advertised in the Northern Star, and adjoining owners were notified on two occasions. As Council received twenty two (22) objections to the original proposal, notification of the Section 96 Application to those persons who lodged submissions during the exhibition period was required.

The Section 96 Application was placed on exhibition for a period of 10 days from June 30 to July 10, 1999. During the exhibition period Council received two (2) submission from the following:

- 1) C Allison, Fredericks Road, Caniaba; and
- 2) B Allison, Fredericks Road, Caniaba.

Both submissions were identical letters, raising the following matters:

1. The changing of "stage" to "precinct" will give Corpol a legal loophole to change any of the conditions that have already been put into place.

Comment

The proposed amendment to the wording "stage" to "precinct" does not over-ride the standard of works required by the developer through conditions of Development Consent which have been adopted by Council. The proponent is required to comply with all conditions in entirety. The amendment proposes to consolidate the development of the site into 8 distinctive stages, incorporating 20 precincts still to be developed in accordance with the legal agreement and conditions of development consent.

2. Object to changing any of the conditions to the original DA, as one of Lismore City Council's arguments for the development was that it would "kickstart" a village. To pass this amendment will result in a scattered, random subdivision.

Comment

As previously discussed within this report, Council originally approved the application over 20 stages, and thus the proponent was, in accordance with the consent, able to construct the development over individual stages and was not required to release them over a specific period of time. The proposed amendment will not promote scattered development of the Perradenya Estate. It is acknowledged that a developer may wish to commence development of area E in the first instance, following the release of Stages 1, 1A and 2. However, a condition is proposed to be included which prohibits the fragmentation of the Perradenya Estate, requiring the construction of the development to proceed in a managed order being areas C, D and then E.

3. The proposed change will allow the developers to deviate in some form from the original development agreement.

Comment

As discussed previously within this report, a clause of the development agreement requires successive owners to be a signatory of the contract with Lismore City Council, thus binding development requirements. Further, the development agreement is in no way jeopardised by the proposed amendment, as the developer does not wish to amend the agreement with Council, nor the level of civil works or community facilities required within the Development Consent Notice.

4. The random development will place Lot 3 DP 247494, being 176 Fredericks Road, in danger of flash flooding from redirecting stormwater from the Perradenya Estate.

Comment

The initial Development Application was assessed in accordance with the Environment Protection Authority Guidelines "Managing Urban Stormwater", thus ensuring no increase in velocity or flow generated from the Perradenya Estate subdivision to adjoining properties. The stormwater design caters for a 1 in 10 year storm event as required in urban areas. The amendment does not propose to modify the level of works required for stormwater controls, and as such it is considered that the objectives of the EPA Managing Urban Stormwater controls will be met.

Further, condition no. 4 of the current approval requires the applicant to make satisfactory provision for all drained surface water to be directed through drains to an approved system. Consequently, the applicant is required to create drainage easements over all drainage lines over adjoining land, being in this instance all stages and development areas. This will ensure all drainage requirements are provided to service the release of each stage of the development in accordance with Council and Environment Protection Authority standards.

It is considered that the matters raised within submissions received during the public exhibition period do not warrant the refusal of the proposed modification.

Environmental Significance

In terms of this application, any environmental significance from any future development cannot be addressed under this application.

Conclusion

The proposed amendment, as outlined within this report, is considered acceptable under Section 96 of the Environmental Planning and Assessment Act 1979.

Recommendation (PLA50)

- A That the application under Section 96 of the Environmental Planning and Assessment Act 1979 lodged with Council on June 25, 1999, for modification of determination of Development Application No. 98/7, dated August 11, 1998, for a village subdivision, being 168 village allotments, two integrated allotments, one village centre allotment, one water reservoir allotment, two drainage reserve allotments, five public/private open space allotments, five sewer pump station lots and associated earthworks, at Lot 1 - 3 DP 836708, being 7 and 39 Fredericks Road and 568 Caniaba Road, Caniaba, be amended as follows:

- 1 That Council grant the amendment of conditions of Development Consent as follows:

- Amend the description of the development to incorporate the word "precinct".

- **168 Village Allotments**
-

- 2 Integrated Allotments
- 1 Village Centre Allotments
- 1 Water Reservoir Allotment
- 2 Drainage Reserve Allotments
- 6 Public/Private Open Space Allotments
- 5 Sewer Pump Station Lots (numbered 3000 - 3004)
- Associated earthworks and staged as follows:

<u>Stage 1</u>	23 Village Allotments	Precinct 1 - Numbered 101 - 117
		Precinct 9 - Numbered 901 - 912
		<i>(excluding 903, 904, 911)</i>
	1 Public Open Space Allotment	Numbered 116
	1 Water Reservoir Allotment	Numbered 117
	2 Sewer Pump Stations	Numbered 3000 & 3001
	2 Private Open Space Allotments	Numbered 912
		Precinct 18 Numbered 1801
<u>Stage 1A</u>	14 Village Allotments	Precinct 10 Numbered 1001 - 1013
		Precinct 9 Numbered 903, 904, 911
	1 Drainage Reserve	Numbered 1013
<u>Stage 2</u>	19 Village Allotments	Precinct 19 Numbered 1901 - 1908
		Precinct 20 Numbered 2001 - 2009
	1 Private Open Space Allotment	Precinct 17 Numbered 1701
	5 Development Area Allotments	Titled A - E inclusive
<u>Area A</u>	51 Village Allotments	Precinct 2 Numbered 201 - 216
		Precinct 3 Numbered 301 - 313
		Precinct 4 Numbered 401 - 415
		Precinct 5 Numbered 501 - 508
	1 Drainage Reserve	Numbered 415
<u>Area B</u>	2 Integrated Allotments	Precinct 6 - Numbered 601
		Precinct 7 - Numbered 701
	1 Village Centre Allotment	Precinct 8 - Numbered 801
	1 Sewer Pump Station	Numbered 3003
<u>Area C</u>	19 Village Allotments	Precinct 11 - Numbered 1101 - 1110
		Precinct 12 - Numbered 1201 - 1209
		<i>(excluding 1210)</i>
	1 Sewer Pump Station	Numbered 3002
<u>Area D</u>	20 Village Allotments	Precinct 13 - Numbered 1301 - 1312
		Precinct 14 - Numbered 1401 - 1410
	2 Private Open Space Allotments	Numbered 1210, 1410
	1 Sewer Pump Station	Number 3004
<u>Area E</u>	20 Village Allotments	Precinct 15 - Numbered 1501 - 1511
		Precinct 16 - Numbered 1601 - 1609

- Amend Condition No. 1 to incorporate the amended subdivision design which introduces precincts and development areas.

- 1 In granting this development consent, Council requires:
 - All roads, and/or
-

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

be substantially in accordance with the stamped approved plan(s) No., DA98.2 (Issue B), DA98.3 (Issue B), DA98.4 (Issue D), DA98.5 (Issue B), DA98.6 (Issue B) and DA98.7 (Issue B) and dated January 1998, and **Amended Plan No. DA/ST1 Issue C dated July 22, 1999** and/or supporting documents submitted as part of Subdivision Manager's approval for rewording the application. Copies of the approved plan are attached to this consent.

- Amend Condition No. 10 to delete the word "Stage 20" and include the words "the final precinct of the development".

10 The applicant or developer shall be responsible for the establishment and maintenance of drainage reserves until Council has released the final plan of subdivision **for the final precinct of the development**. The legally constituted Community Association to be responsible for upkeep and management of drainage reserves in the Private Open Space lots in the long term.

- Amend Condition No. 11 to delete the word "Stage 20" and include the words "the final precinct of the development".

11 The applicant or developer shall be responsible for the establishment of community open space components as identified in the landscape plan numbered 98.7 Issue A dated January 1998. The applicant or developer shall be responsible for the maintenance of the community open space components until Council has released the final plan of subdivision for **the final precinct of the development**.

- Amend Condition No. 51 to delete the word "Stage 9" and include the words "66th residential lot".

51 The applicant or developer in association with Rous County Council, shall submit a Development Application to Lismore City Council for the creation of an allotment to service the proposed water reclamation scheme prior to the release of **the 66th residential lot**.

- Amend Condition No. 61 to refer to the amended lot and precinct boundaries, hence requiring the roundabout to be constructed at the release of the 38th allotment or any additional residential lots over 38. Further, the condition shall also delete the word "stage" and include the word "precinct".

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

The construction of road pavements comprising of a gravel formation comprising a minimum depth of 300mm of compacted gravel, and including a bitumen sealed surface, in accordance with the following table:

Road No.	Reserve width (m)	Pavement/formation width (m)		Seal width		Comments
		With Traffic Manag't	No Traffic Manag't	With Traffic Manag't	No Traffic Manag't	
1	20.0	9.0	11.0	7.0	9.0	Fredericks Rd. to the Int. of Rd. 2
	18.0	7.5	8.5	5.5	6.5	From the Int. Rd.2 to Rd. 13
2	20.0	9.0	11.0	7.0	9.0	
3	20.0	9.0	11.0	7.0	9.0	
4	16.0	6.0	7.0	4.0	5.0	
5	18.0	7.5	8.5	5.5	6.5	
6	18.0	7.5	8.5	5.5	6.5	
7	16.0	6.0	7.0	4.0	5.0	
8	20.0 (30.0m proposed)	9.0	11.0	7.0	9.0	
9	16.0	6.0	7.0	4.0	5.0	
10	16.0	6.0	7.0	4.0	5.0	
Link Road	20.0	9.0	11.0	7.0	9.0	
11	20.0	9.0	11.0	7.0	9.0	
12	18.0	7.5	8.5	5.5	6.5	
13	16.0	6.0	7.0	4.0	5.0	
Fredericks Rd	20.0	8.0	8.0	6.0	6.0	
Caniaba Rd	20.0	8.4	8.4	6.4	6.4	
Access Rd	16.0	6.0	7.0	4.0	5.0	

These roadworks and associated drainage structures are to be undertaken in the following stages identified in the development application:

Roundabout

A single lane circulating roundabout shall be constructed at the intersection of Fredericks Road and Caniaba Road in accordance with AUSTRROADS guidelines giving particular attention to sight distance. This work shall be completed prior to the release of the **38th allotment or any additional residential lots over 37.**

Traffic calming devices shall be constructed on Caniaba Road between the intersections of Fredericks Road / Caniaba Road and proposed Road No.3 and Caniaba Road in accordance with DCP No. 35.

Intersections

Thresholds as defined in Development Control Plan No. 35, Section 4 shall be placed at the entry point to all streets, roads and cul-de-sacs, within shared driveways, and shall indicate the preferred traffic route through the development.

Stage 1

- Road No. 1- from Fredericks Road to the northern boundary of Lot 1901
- Road No. 2 - from Road No.1 to the western boundary of Lot 912

Road No. 3- Fredericks Road -	from Road No. 1 to the eastern boundary of Lot 106 from the western boundary of Lot 116 to the intersection of Caniaba Road
Stage 1A	
Road No. 6	from Road No. 2 to the western boundary of Lot No. 1008
Footpath Fredericks Road -	from Road No. 6 to Lot 116 from the western boundary of Lot 116 to the Western boundary of lot 1013
Stage 2	
Road No. 1	from the northern boundary of Lot 1901 to Road No. 13
Road No. 12	From road No. 1 to the eastern boundary of lot 2005
Road No. 13	from Road No.1 to the western boundary of Lot 1905
Precinct 1	
See stage 1	
Precinct 2	
Road No. 3	from the eastern boundary of Lot 106 to the eastern boundary of Lot 210
Road No. 4	from Road No. 3 to the southern boundary of Lot No. 205
Precinct 3	
Road No. 3	from the eastern boundary of Lot 210 to the eastern boundary of Lot 306
Caniaba Road	From the intersection of Fredericks Road to the western boundary of Lot 303
Access Road	From the western boundary of Lot 313 to the eastern boundary of Lot 307
Precinct 4	
Road No. 3	from the eastern boundary of Lot 306 to the eastern boundary of Lot 414
Road No. 5	From Road No. 3 to the southern boundary of Lot No. 406
Precinct 5	
Road No. 3	from the eastern boundary of Lot 414 to the eastern boundary of Lot 508
Precinct 6	
Road No. 3	from the eastern boundary of Lot 508 to the eastern boundary of Lot 601
Precinct 7	
Road No. 3	from the eastern boundary of Lot 508 to Caniaba Road including an intersection in accordance with AUSTROADS Pt 5
Precinct 8	
Road No. 3	from the eastern boundary of Lot 508 to Caniaba Road including an intersection in accordance with AUSTROADS Pt 5
Precinct 9	
See stage 1	
Precinct 10	
See stage 1A	

Precinct 11

Fredericks Road From the western boundary of Lot 1102 to Caniaba Rd
Road No. 2 from the western boundary of Lot 1101 to the southern
 boundary of Lot 1110
Road No. 7 From Road No.2 to the western boundary of Lot 1106

Precinct 12

Road No.2 from the northern boundary of Lot No. 1201 to the
 eastern boundary of Lot 1206

Precinct 13

Fredericks Road From the western boundary of Lot 1312 to Caniaba Rd
Road No.2 from the western boundary of lot 1101 to the southern
 boundary of Lot 1311
Road No. 8 from Fredericks Road to Road No. 2
Road No. 9 from Road No. 2 to the eastern boundary of Lot 1307

Precinct 14

Road No. 2 from southern boundary of lot 1311 to the eastern
 boundary of Lot 1404
Link road from road No.2 to the western boundary of Lot 1410

Precinct 15

Fredericks Road from the western boundary of Lot 1510 to Caniaba Rd
Road No. 11 From Fredericks road to the southern boundary of Lot
 1508
Road No. 10 from Road No. 11 to the western boundary of Lot
1504

Precinct 16

Road No. 11 from the southern boundary of Lot 1508 to the eastern
 boundary of Lot 1603

Precinct 17

In accordance with Stage 1 requirements.

Precinct 18

In accordance with Stage 1 requirements.

Precinct 19

In accordance with Stage 2 requirements.

Precinct 20

In accordance with Stage 2 requirements.

During the construction of various Precincts, any damage caused by construction traffic on previous works shall be repaired by the developer at no cost to council. A practising qualified surveyor or engineer shall submit a "works-as-executed" set of plans showing the satisfactory completion of all roads and drainage works required by this consent.

- Amend Condition 63 as follows in bold:

63 Full design plans of the proposed engineering works **for each stage and development area** to satisfy condition(s) shall be submitted to Council **prior to works commencing for each nominated stage and development area**. Such plans shall be separate from the subdivision plans. Such plans must be approved by Council's City Works Group before construction of any drainage or road works are commenced. A checking fee of \$107 per lot, is payable on submission of engineering design plans for drainage or roadworks.

- 2 Insert new conditions addressing the release and construction of the development areas as follows:
- “Creation of development areas A, B, C, D and E shall occur upon approval of the Subdivision Certificate for Stage 2.”
 - “Construction of development areas C, D and E shall only proceed subject to Frederick Road being upgraded to the western boundary of the development area in accordance with Council’s adopted engineering design, in accordance with Condition 57 of this consent.”
 - “Works shall not commence for the construction of Development Area E until the final plan of subdivision has been released for Development Areas C and D inclusive.”
 - “Works shall not commence for the construction of Development Area D until the final plan of subdivision has been released for Development Area C.”

Subject/File No: MISCELLANEOUS SECTION 356 COMMUNITY DONATIONS
(S164)

Prepared By: Tricia Shantz - Acting Manager Community Services

Reason: Miscellaneous Section 356 - Policy Guidelines

Objective: To inform Council of the Section 356 Funding for 1998/99

Management Plan Activity: 1.5

Background:

Council has allocated \$29,500 in its 1999/2000 budget for miscellaneous Section 356 Community Donations. In accordance with Council policy, applications were sought from community groups and a total of forty-one (41) applications totalling \$89,556.06 were received.

The following projects received the most votes from Councillors:

1. Tullera/Modanville Playgroup	\$2,200
2. Lismore City Concert Band	\$2,200
3. Australian Red Cross (NSW)	\$2,000
4. Tower Pre-School	\$2,200
5. Goolmangar-Coffee Camp Rural Fire Service	\$2,000
6. Clunes Playgroup	\$2,200
7. Blue Knob Rural Fire Service	\$2,174
8. Lismore Croquet Club	\$2,000
9. Alphadale Rural Fire Brigade	\$2,200
10. Ballina Lighthouse & Lismore Surf Life Saving Club Inc.	\$2,200
11. Rosebank Community Inc.	\$ 850
12. The Channon Children's Centre	\$1,000
13. Nimbin Rural Fire Service	\$2,200
SUB-TOTAL	\$25,424

The next three projects received five (5) votes each. There is an amount of \$4,076 left to be allocated . The three projects are:

a) Caniaba Rural Fire Service Brigade - **\$2,000**

To bitumen seal the area between the sealed road (Caniaba Rd.) and the concrete driveway of the Firestation to prevent dirt and gravel being washed into the shed and improve traction for the Fire truck when entering the roadway under response conditions. The lack of traction during wet weather, combined with the location of the fire station on a crest and corner, also means that the Fire truck has difficulty entering the roadway quickly.

b) Lismore Theatre Company - **\$1,800**

Funds would be used to purchase a makeup collection (\$300) and lighting equipment (\$1,500) that needs replacing.

c) Company Chaos -

\$2,200

Funds are requested for set materials and construction, \$1,500 and \$700 for costume design and manufacture. This is for a project entitled 'In the Name of Love', which is a mixed ability, community managed and promoted dance workshop performance project exploring and challenging concepts of disability intimacy. It will be performed in support of 'International Day of People with a Disability and will involve volunteer community support for set design and construction.

There are a number of options available to Councillors. These are:

1. Divide the remaining funds between the three projects. This would allow \$1,358 per project and expend all funds.
2. Allocate \$1,250 for each project for a total of \$3,750 with the remaining funds of \$326 held over to meet unexpected requests for Community Donations, to a maximum of \$100 each, for the remainder of this financial year.
3. Fund two projects only and hold the remaining funds over to meet unexpected requests for Community Donations, to a maximum of \$200 each, for the remainder of this financial year.
4. Fund one full project and portions of those two projects that have divided their projects into discrete amounts.

It is suggested that funds be allocated to the three projects and the balance be held over to meet unexpected requests for Community Donations for the remainder of this financial year, ie option 2.

Manager - Finance & Administration Comments

Included in the body of the report.

Other Group Comments

N/A

Recommendation (COR37)

- 1** That 1999/2000 Miscellaneous Section 356 donations be provided to the following thirteen (13) projects:-

1) Tullera/Modanville Playgroup	\$2,200
2) Lismore City Concert Band	\$2,200
3) Australian Red Cross (NSW)	\$2,000
4) Tower Pre-School	\$2,200
5) Goolmangar-Coffee Camp Rural Fire Service	\$2,000
6) Clunes Playgroup	\$2,200
7) Blue Knob Rural Fire Service	\$2,174
8) Lismore Croquet Club	\$2,000
9) Alphadale Rural Fire Brigade	\$2,200
10) Ballina Lighthouse & Lismore Surf Life Saving Club Inc.	\$2,200
11) Rosebank Community Inc.	\$ 850

LISMORE CITY COUNCIL - Meeting held August 10, 1999

Miscellaneous S356 Community Donations

12) The Channon Children's Centre	\$1,000
13) Nimbin Rural Fire Service	\$2,200

2 That the following three projects be allocated \$1,250.

- a) Caniaba Rural Fire Service Brigade
- b) Lismore Theatre Company
- c) Company Chaos

3 That the remaining funds of \$326 be held over to meet unexpected requests for Community Donations to a maximum of \$100 for the remainder of this financial year.

Subject/File No: JUNE 1999 QUARTERLY BUDGET REVIEW STATEMENT
(RS/LM: S699)

Prepared By: Manager – Finance & Administration - Rino Santin

Reason: Clause 9, Local Government (Financial Management) Regulations 1993

Objective: To gain Council's approval to amend the 1998/99 budget to reflect actual or anticipated results.

Management Plan Activity: NA

Background:

The Local Government Act 1993 (LGA) requires the annual budget to be reviewed on a quarterly basis and any significant variances to be reported to Council. This report satisfies the LGA's requirements.

The purpose of this review is to give Council an indication of the final working fund result for 1998/99. At this point in time, the completion and audit of the Financial Statements is still five weeks away, but I am confident that there is unlikely to be a significant change in the reported working funds position. As such, it would be prudent to acknowledge this result as being 'indicative' only.

As distinct from previous reviews, this review has been completed at program level and only significant variances which affect the Working Fund position have been reported. A more informative report will be provided as part of the Financial Statements document. Management will also consider a report on the operating result to assess improvements in reporting and operations.

The pleasing aspect of this review, is that I can report for the first time in 1998/99 that we have an operating surplus, from a working funds perspective, in General Fund. This has been primarily achieved due to Budget Managers working within their budget limitations, which, in itself is a major accomplishment. To complement this, expenses for which we can only exert limited control, such as legal expenses, workers compensation and general insurances have not increased above that budgeted.

General Fund

The 1998/99 Management Plan provided for a working fund deficit of \$123,000. The September review reported savings of \$56,000, the December review reported losses of \$93,600 and the March review reported saving of \$151,000 making a total deficit of \$9,600. This review details a net surplus of \$123,400, which means for 1998/99, operations are budgeted to run at a surplus of \$113,800.

For Council's information, listed below are details of programs with significant variances,

General Manager's Office

Savings of \$13,000 have been achieved in staffing costs, reduced legal expenses and general administration expenses.

Corporate Management

Savings of \$48,000 have been achieved, mainly in staffing costs.

Administrative Services

Savings of \$27,000 have been achieved, mainly in staffing costs. This is the result of not replacing a staff member in Records and 'juggling' resources in Administration generally on a day by day basis. This has proven effective because of the willingness of existing staff to accept flexible work arrangements.

General Purpose Revenues

The cost of abandonment's for rates was \$9,500 less than budgeted and total interest charges on outstanding rates of \$69,900 was \$7,900 more than anticipated. The impact on the working fund was a surplus of \$17,400.

Information Services

Savings in general programming and licensing costs of \$29,000 were achieved as a result of developmental software not being required to the extent budgeted.

Environmental Health

Decrease in income of \$11,000 received for licensing and other user charges. This reflects a timing change in the health licence process whereby notices are sent out in the year that they are applicable. Historically, they were sent out prior to the commencement of the year applicable, which meant that some of the income received would be accounted for in the wrong financial year. This situation has been corrected but unfortunately, in the first year, being 1998/99, there has been an expected detrimental impact.

Comparative Results

In 1997/98, the level of working funds were severely depleted as a result of budget 'blow outs' for,

- a) Legal Expenses
- b) Child Care
- c) Recreational & Leisure Services
- d) Parks & Reserves - Urban

Due to this unexpected result, Management and Budget Managers placed great emphasis on meeting budget expectations during 1998/99.

Both Koala and Gingerbread Child Care Centres have implemented changes, which have resulted in a significant improvement in performance from 1997/98. A further report is to be presented to Council on the performance of its Child Care Centres.

For legal expenses, a procedure has been introduced to monitor potential costs more effectively.

The Manager - Parks and Reserves has undertaken a significant review of all Parks and Reserves Operations. The changes implemented have resulted in these activities providing a small surplus for 1998/99, rather than a \$90,000 deficit as occurred in 1997/98.

Water & Sewerage Funds

In both funds, it is proposed to increase the level of working funds from \$660,000 to \$680,000 as at June 30, 1999. This will be achieved.

For Sewerage Fund, the major variances are:-

- a. Additional income for established strength
- b. Savings in Management and Operating expenses of \$106,400
- c. Capital works not completed in 1998/99. In most cases, contracts have been let for these works. Total \$221,800.
- d. Transfer to/from Reserve movements will result in the level of reserves increasing by \$356,900. It should be noted that the completion of contracted capital costs will reduce this movement in 1999/2000.

For Water Fund, the major variances are:-

- a. Due to the wet weather, water consumption revenues are \$121,400 less than budgeted.
- b. Savings in Management and Operating expenses of \$175,000
- c. Capital works not completed totalled \$324,000. As with Sewerage Fund, most of these funds will be utilised as contracted works are undertaken/completed in 1999/2000.
- d. Transfers to/from Reserve movements will result in an increase in reserves of \$377,600. This amount will be diminished when capital works are completed.

Other Group Comments

Not required.

Conclusion

Change in Net Assets

Based on the reviews for 1998/99, it is anticipated that the Net Change in Assets will be a decrease of approximately \$1.496 million

It should be noted that this amount reflects 'the estimated increase in net assets held under the Council's control for this year. It does not reflect in any way the Council's cash or liquidity position.

Recommendation (COR39)

- 1 Council adopt the June 1999 Budget Review Statement for General, Water and Sewerage Funds.
- 2 This information be submitted to Council's auditor.
- 3 Budget Managers be congratulated on meeting budget expectations under difficult circumstances

Subject/File No: **RURAL FIRE SERVICE SECTION 94 PLAN - PART F**
(RJC:VLC:S104)

Prepared By: Fire Control Officer, Ray Collyer

Reason: To comply with Council Resolution No. 207/99.

Objective: To advise Council of the procedures by which Section 94 funds are expended.

Management Plan Activity: Fire Protection

Background:

Council, at its meeting of June 29, 1999, requested that a report be submitted detailing the expenditure of Bush Fire Services Section 94 funds for the previous two years and details of equipment proposed.

The NSW Rural Fire Service is a unique organisation, offering the rural residents of New South Wales a professional and efficient response to all emergencies which threaten life and property. Local Government Councils authorise the formation of Rural Fire Brigades within their area which are staffed by local volunteers. All active members are offered training and equipment to allow them to safely undertake any task they may be required to perform.

Funding for the administrative and operational requirements of the Brigades is primarily supplied from the NSW Rural Fire Fighters Fund which is administered by the Head Office of the NSW Rural Fire Service. The Fire Control Officer (FCO), in consultation with Council Staff, submits an annual bid for funding from this Fund based on priorities recognised by the FCO, Group Officers and Captains of the Brigades- replacement of tankers and the supply of safety equipment are priority items.

Councils are required to contribute 12.3% of the annual allocations from their general rate. Funding since 1994, including this year, has seen 15 new tankers introduced into the Lismore fleet. All active firefighters are fully equipped to current service standards.

Section 94 Funds

Section 94 funds can be used to supplement the Rural Fire Fighters Fund with the purchase of new equipment. All equipment available through the Rural Fire Fighters Fund is able to be purchased using Section 94 funds, providing that equipment is new and does not replace existing equipment. The current supply of equipment and vehicles is being adequately addressed through the Rural Fire Fighters Fund, given limitations on available funds from Local and State Governments.

The use of Section 94 funds to purchase the Group vehicles was considered by all Committees to be the best option, while still maintaining maximum purchasing power from the Rural Fire Fighters Fund.

The proposals outlined for consideration in the current Plan identify two areas of expenditure; these being 'General Equipment' and 'Control Room Requirements'. Given the available funds for the life of this Plan, the following items are identified as General Equipment:

- Logging Recorder (*now identified as a Service Requirement - Refer Circular 34/99*)
- Group Vehicle
- Pagers
- Fire ground radios.

To enhance the operational capabilities of the Control Centre, both for fires and other emergencies identified in the Local Emergency Management Plan, extensions to the Operations Room are envisaged given availability of funds from the Rural Fire Fighters Fund and Section 94 Plan.

The current Group Vehicles and the proposed addition, are used for the transport of members to courses and meetings; front-line command, communication and supply of vehicles. They also allow members of the Community Fireguard Education Team and Training Team to attend schools and public venues in a professional and highly visible manner which reflects favourably on Lismore City as a whole. The vehicles are available to any member of the Lismore RFS to carry out any legitimate RFS task.

The use of Section 94 funds to purchase the Group Vehicles was carried out after lengthy consultation with the former Section 94 Officer and the Group Officer Committee and Captains Committee (*which represent all Brigades*) at meetings held on February 12, March 12 and March 16, 1998. The decisions were further ratified at meetings of both Committees held on June 10 & 21, 1999.

The use of Section 94 funds has been made with the best interests of the Lismore RFS volunteer members in mind.

Manager - Finance & Administration Comments

Expenditure of Funds:

The following is a summary of Section 94 Bush Fire Services funds expended over the past two years -

1998/99	Amount Expended:	\$ Nil
1997/98	Amount Expended:	\$99,232
	Purpose: 3 Group Officer Vehicles	
	Funding: S.94 - \$90,936	
	RFS - \$ 5,650	
	Purpose: Control Centre	
	Funding: S.94 - \$ 8,296	
	RFS - \$60,000	

Criteria Applied:

Council's current practice is to expend Section 94 funds collected on acquiring vehicles and equipment which are required, but they are not always able to be funded by the Rural Fire Fighting Fund (RFFF) due to limited funding and commitments to existing service levels.

I understand that the use of these funds, especially in the past two to three years, has been in accordance with that discussed between the FCO and Group Officers/Captains.

While the existing practice provides greater flexibility for Bush Fire Services, it may not be the only option we have in using the Section 94 funds collected. It could be argued that the levies collected could be used to meet Council's annual contribution towards the RFFF (1998/99 \$70,000). However, this would require further investigation to establish if such an option were feasible.

Other Group Comments

Group Manager - Planning and Development:

The major change to the Bush Fire Services component of the recently adopted Lismore Contributions Plan 1999 was in the area of the type of equipment for which contributions are to be levied.

The previous Section 94 Plan included a comprehensive list of what could best be described as "personal fit-out items" for volunteer firefighters and many pieces of minor operational equipment. There was concern, which was confirmed during the review of this Plan, that many of these items could not realistically be attributed to new growth - a requirement to establish the necessary nexus to levy for contributions.

Consequently, the revised Plan now refers to items of major plant and equipment such as new troop carriers, message-logging system, which are required to meet future growth demands. The majority of minor operational items of the type mentioned previously will continue to be funded from the NSW Rural Fire Fighters Fund and Council's supplementary contribution to this source.

The Bush Fire Services section of the current Plan clearly establishes these new priorities for both new and existing funds collected under the previous Plan.

Conclusion

The plan and proposed equipment to be ordered from the 1999/00 Rural Fire Fighters Fund have been approved by the Group Captains Committee as well as all Brigade Captains.

Recommendation (WOR20)

That the utilisation of S94 funds, as proposed in the report, for 1999/2000 be endorsed and the priorities for the purchase of these items of equipment be determined by the Fire Control Officer in consultation with Group Officers and Brigade Captains, having regard to available funds.

Subject/File No: 1999/2000 BUDGET - TRANSFER TO RESERVE - FUTURE DEVELOPMENT
(RS:LM - S726)

Prepared By: Manager - Finance & Administration, Rino Santin

Reason: Councillor Request

Objective: To amend the 1999/2000 Management Plan to reflect Council's intention.

Management Plan Activity: Library/Art Gallery

Background:

A number of Councillors have called regarding the 'intention' of a transfer to reserve in the 1999/2000 Budget for 'Future Development'. The descriptive comment included on Page 154 of the Management Plan states,

"Future Development - Transfer from reserve from interest on investments for developments such as (the) Library and Art Gallery".

It is understood that the intension of creating this reserve was specifically for the Library and Art Gallery, whereas the commentary is not specific and therefore can be misleading. Council resolved at the April 27, 1999 meeting to consider the establishment of a reserve for this purpose during budget deliberations.

At the Budget Workshop held on May 11, 1999, Councillor King raised the issue and after discussion on 'how the funding of \$100,000 could be provided' and 'funding for significant capital projects in general', \$100,000 was included in the 1999/2000 Management Plan funded from Interest On Investments. It was interpreted by Finance staff that the reserve was non specific and the purpose for the creation of the reserve included projects like the Library and Art Gallery complex. This was how it was reported in the Management Plan and subsequently the issue we now have at hand.

A fax was sent to all Councillors on July 19, 1999 with the proposal to change the wording of the Management Plan to,

"Future Development - Transfer from reserve from interest on investments for development of the Library and Art Gallery complex",

so the Management Plan would reflect Council's intention. Absolute consensus with this change was not received and consequently this report has been prepared.

It has also been requested that the likely source of the 'interest on investment' funding which has been used to create this reserve be identified. Using preliminary information available for 1998/99, the major contributors would be,

Corporate & Community Services	\$27,000
- Information Services, Employee Leave Entitlements & Goonellabah Leisure Centre	

Planning & Development Services	\$7,700
- Gasworks Decontamination	
City Works	\$18,900
- Financial Assistance Grant (Roads) & Flood Mitigation	
Business & Enterprise	\$46,300
- Blakebrook Quarry, Waste Disposal & Industrial Land	

This information is only indicative and the actual transfer to reserve will be based on the interest applicable to individual reserves at the end of 1999/2000.

Public Consultations

The Friends of the Library have written to Council and voiced their approval of Council allocating funds towards the development of the Library and Art Gallery complex.

Conclusion

On the basis that only one Councillor responded in the negative to the faxed memo, it could be concluded that the overall majority of Councillors believe that the intention of the transfer to reserve currently in the Management Plan requires amending.

Recommendation (COR36)

That the 1999/2000 Management Plan be amended to reflect Council's intention of creating a reserve for the specific development of the Library & Art Gallery with a transfer to reserve of \$100,000.

Subject/File No: CONSTITUTIONAL CONVENTIONS – NATIONAL FORUM

Prepared By: Corporate Development Officer - Paul Parry

Reason: Advise Council of the recommendations of National Forum

Objective: Information of Councillors

Management Plan Activity: N/A

Background:

A National Forum of the Local Constitutional Conventions Program was held from 29-30 April 1999 at Old Parliament House in Canberra. The Forum received a report on the conclusions of the Local Constitutional Conventions that had been held across Australia in 1997-98. Eighty-two representatives considered the report and were asked to provide advice on ways in which the conclusions might be clarified and collated to form the basis for further community discussion in the future.

The report was finalised in the light of these recommendations of the National Forum.

The National Forum considered two other matters:

The relative importance of the conclusions in the Report and the priority which they should now be given.

Future processes for constitutional review.

Its resolutions on these matters are set out below.

The Priority of the Conclusions in the Report:

The National Forum considered the priority of the various conclusions in the report within themes 1, 2, 4 and 5. It did not deal with the conclusions in relation to a republic, under theme 3, because the model for the republic is largely settled and will be put to referendum in November.

The National Forum decided that the following conclusions from the Local Constitutional Convention Program were the most important, and therefore had the highest priority.

- A new constitutional preamble (1, 2)
 - Constitutional recognition of citizenship (6, 7)
 - Constitutional changes to enhance the position of the indigenous peoples (9, 10)
 - The removal of Section 25 from the Constitution (11)
 - Embellishment of the constitutional framework for the House of Representatives (12, 13)
 - A four year, fixed term for the House of Representatives (15)
 - A review of the Senate (16, 18)
 - Protection of core political rights in the Constitution (21 - 23)
 - Provision of framework for the democratic operation of State Governments in the Australian Constitution (26)
 - Review of the structure of the federation (42, 45)
 - Recognition of local government in the Australian Constitution (53)
 - Better protection for individual rights in the Australian Constitution (57, 60)
-

In addition, the Forum recommended that the preamble to the Australian Constitution should be able to be taken into account by courts in interpreting other parts of the Constitution.

Future Processes for Constitutional Review:

The National Forum considered future processes for constitutional review under four broad headings. Its resolutions are set out under those headings below.

In the light of Australian experience with the partially elected Convention, held in February 1998 to draw up a model for a republic (Con Con), should Conventions continue to be used to develop proposals for constitutional change?

- 1 . Constitutional Conventions should be held again in the future. They are an important mechanism for helping to maintain the Constitution. Con Cons also encourage public interest in the Constitution and understanding of it.
2. There should be a process of local or regional constitutional conventions, which is a source of agenda items for the National Con Con process. Delegates chosen locally also might be members of the National Con Con. This would provide better representation for different kinds of communities. It would also be less expensive than holding a national election.
3. In deciding the interval between Con Cons, there needs to be a balance between stability and regular review. Until current constitutional issues have been tackled, it might be desirable to hold a Con Con every 5 years. Thereafter, the interval might be longer.
4. Whatever the outcomes of the referendum in November, another Con Con should be held in the near future. Its purpose should be to:
 - review the current arrangements for the head of state (monarchy or republic)
 - set the agenda for future con cons
 - advise on community education about the Constitution.
 - to review the processes of the November referendum

If another Con Con were to be held, what can be learnt from the experience with the last one?

5. Delegates should not be elected on a statewide basis, but on one which is representative of communities. Resolution 2 provides a possible option.
 6. A proportion of the delegates should be appointed, to ensure parliamentary representation and to reflect the diversity of the community. These should be less than half the total number of delegates, however.
 7. The sessions of a Con Con should be organised in a way that enables delegates to get feedback from local communities. Local Conventions could be a possible vehicle for this.
 8. Remuneration for delegates to a National Con Con should be in line for other community services eg: juries.
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9. The chairs of the Con Con should be appointed from outside. One should be nominated by the government and one by the opposition.
10. The Con Con procedures should:
 - Use working groups, with independent facilitators.
 - Ensure that delegates have adequate information about issues before attending the Con Con.
 - Require Con Con delegates to vote.
 - Enable proceedings to be televised recorded by Hansard and placed on the internet.

What information should be provided to people at the time of referendum, and how?

- 11 A yes-no case should continue to be distributed in connection with each referendum proposal. To ensure that it informs voters adequately, it should be prepared by an impartial group that is funded by government. It should be tailored to the needs of different groups, including Australians from non-English speaking backgrounds.
- 12 Information distributed to voters should include the relevant parts of the Constitution and an explanation of what we presently have and of the difference that the changes would make. The consequences of the changes should be explained in a way that everyone can understand.
- 13 There should be a strategy for the presentation of information in an interesting but reliable way, using all forms of media, and not always in a serious format. An independent and factual website should be provided. Local government should play a major role as well.
- 14 Interest in a referendum proposal should be encouraged from the beginning. They should involve local convention delegates. Local government can play a role, by holding public meetings.
- 15 Information about the next referendum, to be held in November, should begin to be distributed immediately. This information should be informative and balanced.
- 16 In the long term, education through schools is important.

Should there be ways of initiating proposals for constitutional change, other than through the Commonwealth Parliament?

- 17 A National Constitutional Convention, or Con Con, should be recognised as the mechanism for regular constitutional review and the initiation of proposals for significant constitutional change. Proposals would need to be accepted by the Commonwealth Parliament, before they were put to referendum. Parliament should be obliged to consider all Con Con recommendations. There should be a summary of the outcomes of the parliamentary process, for the information of the Australian community.
 - 18 The Senate should have not greater power than it has now to initiate proposals for constitutional change. The Senate would, however, be able to make recommendations to the next Con Con.
-
-

- 19 State Parliaments should not be able to initiate proposals to be put to referendum but should be able to make recommendations to Con Con.
- 20 Voters should not be able to initiate proposals to be put to referendum. They should be able to initiate proposals local constitutional conventions, however, to be put to the National Con Con. Local government organisations might also be able to make recommendations to Con Con.
- 21 Young people should be encouraged to participate both in the Local Constitutional Conventions and in the National Con Con process.

A copy of the complete report is available for perusal by contacting Paul Parry on ext. 507

Recommendation

That Council

- a) receive and note the content of the report.
- b) advertise in its newsletter the availability of the report for the public's information.
- c) Continue to support and participate in future conventions.

Subject/File No: **RURAL FIRE SERVICE BRIGADE OFFICERS 1999/00
(S104)**

Prepared By: Fire Control Officer - Ray Collyer

Reason: To advise Council of the names of persons duly elected at Brigade AGM's to hold Field Officer and Permit Officer positions within their respective areas for the next 12 months.

Objective: To have Council ratify these appointments as the Local Authority under Section 16(a)(b) of the Rural Fires Act 1997.

Management Plan Activity: Fire Protection

Background:

The Rural Fire Service Brigades in the Lismore Rural Fire District conduct Annual General Meetings (AGM's) during the period May /June each year. All positions are declared vacant and persons who have reached the training qualifications required to hold these positions are eligible for election. The incumbent officers are eligible for re-election.

Each Brigade elects the Captain, Senior Deputy Captain and Deputy Captains of their Brigade and nominates the persons suitably qualified as Group Captain/Deputy Group Captain for their area. All appointments are approved by the Fire Control Officer.

Members are elected to act as Permit Officers for their Brigade area during the bushfire danger period from October 1 to March 31.

Two staff members of the Richmond River Cane Growers' Association are also nominated as Permit Officers. Their assistance is invaluable in monitoring the issue of Fire Permits to the sugar cane industry within the Lismore City Council area.

I have pleasure in presenting to Council for formal approval the names of persons so elected and nominated.

Brief statistics are as follows:

Number of Group Captains /Deputy Group Captains	8
Number Of Captains.....	18
Number Of Senior Deputy Captains	18
Number of Deputy Captains	46
Number of Permit Officers	51
Resignations /Retirements - Captains.....	4

New Captains

John McDonald	Blue Knob
Peter Arthur	Caniaba
Bill Hovell	Larnook
Doug Hampson	Tuncester

Richmond River Cane Growers' Association Permit Officers

Christine Pepper
Jack Norman Hanley

Manager - Finance & Administration Comments Not required

Other Group Comments Not required

Recommendation (WOR19)

That all of the names of persons elected at the Rural Fire Service Annual General Meetings be ratified by Council.

Present: Mr Bill Moorhouse (*Chairperson*), Councillors Bob Gates, Ken Gallen, Eleanor Cole and Mervyn King, Messrs Thomas George, MP, Michael Baldwin (*Roads and Traffic Authority*), Chris Mallam (*Lismore Unlimited*), Snr Const Brian Buckley (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*) and Mr Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*).

In attendance: Mr Tony Snelling (*Woolworths*) for Item No. 9 and Messrs Glenn Osborne, John Thomas and M/s Megan Marriott (*Clunes Action Group*) for Item No. 13.

Apologies: Nil.

Disclosure of Interest: Nil

Minutes of Traffic Advisory Committee Meeting - June 16, 1999 - adopted by Council at its meeting of June 29, 1999, excluding Clause 6 (TAC95/99) and Clause 13 (TAC105/99).

1. **With respect to Clause 6 - Koonorigan Hall Committee**, Council resolved that this matter be referred back to the Traffic Committee to reconsider the introduction of the 60 kph speed limit.

Mr Baldwin advised that a 60 kph speed limit was appropriate for urban built-up areas but not rural roads. Particular alignment or road condition problems were better treated on their individual merits. Snr Const Buckley pointed out that street lighting also normally formed part of the criteria for a 60kph limit. Mr Baldwin said the RTA would not approve a 60 kph speed limit for Koonorigan Road.

TAC111/99 **RECOMMENDED** that 'Drive to Road Conditions' signs be erected at each end of Koonorigan Road. (R3101)

2. **With respect to Clause 13 - Proposed Closure of Victoria Street, Lismore**
Council resolved that a report be presented to Council which incorporated design plans for the closure of Victoria Street in the vicinity of the Ballina Street Bridge. The Committee noted Council's resolution and was advised that an appropriate plan would be submitted to a future meeting. (R6060)

Business:

3. **Lismore Challenge Limited;** drawing attention to the need to increase road safety for pedestrians with disabilities and local School children in the East Lismore area in the vicinity of its Caldwell Avenue Centre.

The Committee noted that a 50 kph speed limit already existed for Nielson Street. However, there may be a need for intermediate signs along Nielson Street to reinforce the existing limit. The reduced warrant for a marked pedestrian crossing would not be met and unfortunately Nielson Street was not of sufficient width to install a pedestrian refuge. However, suitable warning signs could be erected on Nielson Street each side of Caldwell Avenue.

There was a need for a footpath on the southern side of Caldwell Avenue between the Lismore Challenge and Nielson Street, and on the eastern side of Nielson Street between Caldwell Avenue and Walker Street.

3. **Lismore Challenge Limited** (Cont'd)
- TAC112/99 **RECOMMENDED** that suitable warning signs be erected on Nielson Street, each side of Caldwell Avenue.
- TAC113/99 **FURTHER RECOMMENDED** that the above footpath works be added to a future footpath works programme.
- TAC114/99 **FURTHER RECOMMENDED** that intermediate 50 kph signs and pavement markings be installed along Nielson Street, south of Dalley Street.(99-7687:S146)
4. **Rosebank School;** seeking the erection of appropriate signs to increase the safety of School children.
- Mr MacDonald advised that an on-site meeting had been held with the School Principal and Bus Operator to discuss the various issues raised. Most of the children were collected from Tindall Road which was considered to be the safest option. However, there was some conflict with buses and parents' vehicles being parked at Tindall Road. A signposted Bus Zone on Tindall Road and some minor gravel and drainage works on Tindall Road and Rosebank Road would alleviate most of the problems.
- TAC115/99 **RECOMMENDED** that a Bus Zone be installed from and including the School gate on Tindall Road to a point 18.0m east (downhill).
- TAC116/99 **FURTHER RECOMMENDED** that the gravel maintenance issue be referred to Council's Roads & Infrastructure Section for inclusion in a future works programme. (99-9640:S352,P11996)
5. **M/s S Zealand;** expressing her disappointment that a solution cannot be found to reduce the number of heavy vehicles using the southern section of Molesworth Street, Lismore.
- The Committee noted M/s Zealand's comments. However, it was pointed out that Molesworth Street was an important link with Ballina Street and the CBD. The majority of traffic uses Molesworth Street instead of Keen Street due to the roundabout at the intersection of Ballina and Molesworth Streets. It was not intended to change the layout of the intersection of Ballina and Keen Streets and therefore it was important that the status quo remained in Molesworth Street.
- TAC117/99 **RECOMMENDED** that the writer be advised in accordance with the above. (99-9999:R7322)
6. **Nimbin Chamber of Commerce;** seeking enforcement of the one-hour parking restriction on Cullen Street, Nimbin.
- It was noted that the authority for enforcement of on-street parking currently rests with the NSW Police Service. Council had been negotiating for a number of years with Police to have this function shared; to date without success. Mr George offered to pursue the matter and requested an update of the history. In the meantime the Chamber's request would be referred to the Police for attention.
- TAC118/99 **RECOMMENDED** that the writer be advised of the action being taken as outlined above. (99-10146:S353)

7. **Mrs H Eichorn;** seeking reinstatement of the pedestrian crossing on Woodlark Street, Lismore.

It was the Committee's view that whilst the current situation at Woodlark Street was certainly not perfect, it was the most appropriate given the alternatives. A marked pedestrian crossing would significantly increase congestion around the CBD and as history would show, would not guarantee the safety of pedestrians. Pedestrian lights were considered at the time of the last appeal but Council was advised that vehicle speeds along Woodlark Street would increase as motorists tried to beat the red light sequence. It would be highly likely that pedestrians would cross at other locations to avoid waiting for lights to change.

Police and RTA Representatives advised that they would appeal any decision to install a marked crossing.

Note: A pedestrian and vehicle count carried out at lunch time on July 23, 1999, revealed 1,200 vehicles travelled along Woodlark Street in both directions and 700 pedestrians crossed at the mid-block crossing in one hour. Observations indicated that the mix of pedestrians and vehicles worked extremely well with the area being shared as intended.

- TAC119/99** **RECOMMENDED** that the status quo remain in Woodlark Street.

(99-10574:S342)

8. **Lismore West Rotary Club Inc;** expressing its appreciation for Council's prompt and positive attention to the safety issues raised in previous letters.

Receipt of 'Thank You' letters are few and far between and the letter was gratefully acknowledged.

- TAC120/99** **RECOMMENDED** that the above be noted.

(99-10681:S596)

9. **Woolworths (Old) Pty Limited;** seeking deferment of the works to install a centre median on Keen Street adjacent to Lismore Central Shopping Centre.

Mr Tony Snelling (Woolworths Pty Limited) was present for this item. A plan was tabled at the meeting showing Council's proposal to extend the existing centre median on Keen Street from in front of the Cool Rocks Cellar's site to a point north of the 'Exit' driveway beneath Lismore Central. The median would include a pedestrian refuge. The plan in no way affected Woolworths' deliveries to the Centre which was Mr Snelling's main concern.

Kirklands had advised that the number of commuters using the Bus Zone on the eastern side of Keen Street continued to grow and Council proposed to install a larger shelter at this site. Mr Snelling offered no objection to the proposal.

- TAC121/99** **RECOMMENDED** that the works commence as soon as funds became available.

(99-10766,99-11586,99-11721:R7313)

10. **Mrs J Jeffery (Project Safe Walkways, Tregeagle);** outlining the proposal to create a bus turn-around area and upgraded carpark adjacent to the Tregeagle Hall. The proposed bus/parking area was inspected with Police and RTA Representatives and it was felt that the safety of children attending the Tregeagle School would be enhanced should the proposal proceed. The Committee had no objection to such a proposal.

- TAC122/99** **RECOMMENDED** that the writer be advised accordingly. (99-10810:P14630)

11. **G Webb;** requesting the speed limit for Rous Road be reduced to 80 kph. As Rous Road was a Regional Road owned by the RTA, it was suggested that the Authority should undertake a proper speed zone survey of the road to ascertain the correct speed limit. Council would assist in supplying vehicle counts. Mr Baldwin advised that he would investigate required criteria in order that the survey could be carried out. The results of the survey would then be reported back to the Committee.
- TAC123/99** **RECOMMENDED** that the above action be taken and the writer be advised accordingly. (99-10999:S352,R6610)
12. **Mrs A Stegeman;** advising of the problems being experienced by local residents due to the roundabout at the end of Sarah Court, Goonellabah, and requesting its removal. Members were advised that Sarah Court had been constructed with vehicle speeds and associated problems in mind. Entry thresholds, squeeze points and special parking provisions had been provided to ensure a safe residential environment. Whilst it was acknowledged that problems may be experienced in the cul-de-sac, particularly during housing construction due to the narrowness of the cul-de-sac, the cost of removing the grass centre section of the roundabout would be difficult to justify bearing in mind Council's limited funds.
- TAC124/99** **RECOMMENDED** the writer be advised that in the current financial climate, Council could not justify the cost of removing the centre section of the cul-de-sac and bitumen construction. (99-11235:R7517,S342)
13. **Clunes Action Group;** highlighting the need to improve traffic conditions through the Clunes Village following the recent fatality. Messrs Glenn Osborne, John Thomas and M/s Megan Marriott of the Clunes Action Group were present for this item. The Chairperson invited the residents to relay their concerns. Much discussion ensued with focus on excessive vehicle speeds through the Village. Suggestions such as speed cameras, enhanced signposting and enforcement were offered. The residents advised that the extension of the 60 kph zones at each end of the Village plus the erection of large signs, "*We Love Our Children, Drive Slowly*", had not made any difference whatsoever in restricting vehicle speeds. They felt that physical restrictions such as entry thresholds, slow points, refuges and a Bus Zone in front of the Clunes General Store, etc, were needed to ensure compliance and the safety of Clunes residents. A roundabout at the intersection of Main and Walker Streets was not seen as the answer. Mr Baldwin advised that the RTA had concerns about placing such devices on important roads. However, the Committee would further consider any such proposal that was developed.
- TAC125/99** **RECOMMENDED** that this matter be referred to Council's Design Section to develop an overall plan and estimate that included such devices as mentioned above and this be referred to the Clunes Community and RTA for further comment. (99-11673:R1301)

14. **Road Safety Officer's Report:** Progress Report - June/July 1999.
Mrs Johnson gave a brief outline of the progress report and the Committee acknowledged the value of the work being undertaken.
TAC126/99 **RECOMMENDED** that the contents of the report be noted. (S596)
15. **Intersection of Stanger Road and Stoney Chute Road**
M/s Rita Carter of Stanger Road has expressed her concern for the dangerous intersection at the above location.
Members were advised that the sight distance on the approaches to the intersection was restricted by a steep bank on one side. There was a need to highlight the existence of the intersection to through traffic.
TAC127/99 **RECOMMENDED** that a T-Junction warning sign be installed on Stoney Chute Road both sides of Stanger Road. (R2201,R2105)
16. **Blue Knob Road - Reduction in Speed Limit**
Mrs Faye Hallam of Blue Knob Road has requested consideration be given to reducing the speed limit for Blue Knob Road from 100 kph to 80 kph.
Mr Baldwin advised that the RTA had approved the 80 kph speed limit on Nimbin Road, between Lismore and the Nimbin Village, as a result of the number of accidents at that time. The limit also applied between two focal points. It was noted that vehicle numbers dropped significantly north of Nimbin and it was felt that a reduced limit just to the Lismore City boundary would not be appropriate. It would need to also include the road through to the Kyogle-Murwillumbah Road. A large section of Blue Knob Road was within Tweed Shire Council's area.
TAC128/99 **RECOMMENDED** that a letter be forwarded to Tweed Shire Council requesting its view on a 80 kph speed limit for the whole of Blue Knob Road with the reply being referred back to the Committee for further consideration. (R2001)
17. **Proposed Medical Centre - No. 80 Uralba Street, Lismore**
The Committee had no objection to the proposed Medical Centre in principal but felt that several conditions should be included in any approval.
(a) The driveway between the road and the front boundary should be a minimum width of 7.0m to reduce any conflict between motorists entering the facility and those leaving.
(b) Works as necessary to ensure vehicles are not parked on the grass section between the kerb and the footpath.
TAC129/99 **RECOMMENDED** that the above conditions be included in any approval. (D990425)
18. **River City Music Festival - September 23-26, 1999**
Members were advised of the proposed festival and that it did not include any road closures. It was proposed that the main focus of activities would be along the riverbank in the Kirklands Riviera Carpark and mainly during the weekend. This would limit any problems as a result of the displacement of parked vehicles within the area in question.
The Committee had no objection to the proposed festival.
TAC130/99 **RECOMMENDED** that the above be noted. (P6301)

19. **Intersection of Ballina Road and Invercauld Road, Goonellabah**
Vehicle counts including turning movements were tabled for the information of the Committee. It was noted that right-turn movements into Invercauld Road from the west accounted for approximately 10% of the total volume. A plan showing a centre median on Ballina Road restricting right-turns into and out of Invercauld Road was also tabled. Reconstruction of the intersection would be required if a proper median were to be installed with the total cost being approximately \$200,000. It was noted that this would be a similar cost to installing traffic lights.
There were some concerns that restricting right-turn movements would impact on already congested movements at the Rous Road roundabout. It was pointed out that the construction of the 'top end' access to the University would significantly reduce any impact the above proposal would have on other intersections. It was suggested that a temporary median similar to that at Lismore Heights may be a suitable interim measure but this would need to be further investigated.
- TAC131/99** **RECOMMENDED** that this matter be referred back to Council's Design Section for further investigation into the installation of a temporary median. (R6408,R6465)
20. **Intersection of Ballina Road and Holland Street, Goonellabah**
A plan was tabled at the meeting showing a protected right-turn bay on Ballina Road at its intersection with Holland Street. The plan was produced as a result of an increase in accident numbers at the intersection. It would appear that the majority of accidents were rear-end collisions on Ballina Road. The protected right-turn bay would improve safety for this movement considerably. The plan also included a protected bay for east-bound traffic exiting Holland Street, similar to that which existed at James Road. The proposal involved the removal of existing line-marking and the painting of new lines on existing pavement.
- TAC132/99** **RECOMMENDED** that the above line-marking proposal be installed at the earliest opportunity. (R6408,R6461)
21. **Buses Servicing St John's College, Woodlawn**
Councillor Cole raised concerns regarding the number of buses using Woodlawn Road enroute to St John's College. Many of the buses were only collecting a small number of students. It was suggested that a letter be forwarded to the Bus & Coach Association requesting it consider interchanging students within the urban limits on a shared basis in an effort to reduce the number of buses needing to negotiate Woodlawn Road.
- TAC133/99** **RECOMMENDED** that the above action be taken. (R4251)

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

CHAIRPERSON

TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE
HELD AT SOUTHERN CROSS UNIVERSITY, EAST LISMORE ON TUESDAY, JULY 20, 1999
AT 6.30PM.

Present: Her Worship the Mayor, Councillor Irwin; Councillors Champion, Cole, Crowther, Gallen, Gates, King, Larsen, Roberts, Swientek and Wilson (from 6.44pm), together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Client Services, Contracts Officer, Acting Manager-Community Services (Tricia Shantz), Community Services Co-ordinator (Karuna Fielden), Environmental Health Officer (Tony Kohlenberg), Manager-Human Resources and Manager-Administrative Services.

223/99 Apologies/ An apology for non-attendance on behalf of Councillor Riddell was
Leave of received and accepted and leave of absence granted.
Absence: (Councillors Swientek/Larsen)
Voting Against: Councillor Roberts.
Leave of absence was granted to Councillor Crowther for the meeting on August 10, 1999.

224/99 Minutes: The Minutes of the Ordinary Meeting held on June 29, 1999, were confirmed, subject to it being noted that Councillor Champion voted against Minute No. 202/99 on the basis of the increase in the budget; that Councillors Cole and King voted against Minute No. 222/99 and that Item 2 - Notice of Motion - Council's Newsletter - was dealt with at Minute No. 211/99.
(Councillors Gates/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 Whyte re Rescission Motion

Ms Whyte thanked Council for its decision to reinstate the nuclear free zone signs. She spoke to the benefits of sending a message to the community that Lismore does not condone the use of nuclear energy.
(99-10796: S244)

Dr Warren Lunn re Rescission Motion

Dr Lunn spoke to the benefits of nuclear medicine and gave an outline of the risks of radiation to health compared to other lifestyle issues. He described the erection of signs as a political rather than health issue.
(99-10796: S244)

Mr Russell Anderson re Notice of Motion - Sponsorship of East Timor Mercy Ship Project

(See Minute No. 226/99)

Mr Anderson described the fundraising activities of the Friends of East Timor - to raise money and to seek medical donations. He outlined the impact of the invasion and

subsequent events on the people of East Timor and detailed why we should support the people of East Timor.
(99-11229: S140)

DISCLOSURE OF INTEREST:

S459

Councillor Champion declared a conflict of interest in Report - Skyline/Durheim Roads Upgrade EIS & SIS Expressions of Interest.

RESCISSION MOTION:

Re-establishment of "Nuclear Free" Signs

Formal notice having been given by Councillors Crowther, Gates and King it was MOVED that the motion moved to re-establish "Nuclear Free" signs within the City of Lismore be rescinded. (Minute No. 200/99)

(Councillors Crowther/Gates)

On submission to the meeting the MOTION was DEFEATED.

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

NOTICE OF MOTIONS:

Proposal to Replace MR 65

225/99

Formal notice having been given by Councillor Swientek it was RESOLVED that -

- 1 Council approach Byron Shire Council and the NOROC Roads Committee to seek their support for a new north-eastern corridor (LCC decision 14/7/98) to replace the Lismore to Bangalow Road (MR65).
- 2 Council seek Byron Shire Council's support in making a joint approach to the RTA and Minister for Roads to seek support and funding for the construction of the new north-eastern main road corridor.
- 3 Council seek interest to establish a multi-party committee to lobby for the new Main Road 65 and its funding.

(Councillors Swientek/Gallen)

Voting Against: Councillors Irwin, Roberts, Larsen, Wilson and Gates.

(99-11325: S374)

Media Release - Road Funding Available

Formal notice having been given by Councillor Swientek it was MOVED that the Mayor and Lismore City Council issue a public apology for greatly exaggerating the real increase in actual road funding available in Council's budget for 1999/2000 in media release issued June 30, 1999 reported in the Northern Star, Saturday, July 3, 1999.

(Councillors Swientek/Gallen)

On submission to the meeting the MOTION was DEFEATED.

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

(99-12075: S726)

East Timor Mercy Ship Project

(Copy attached)

226/99

Formal notice having been given by Councillor Roberts it was RESOLVED that -

- 1 Lismore City Council become an official sponsor of the East Timor Mercy Ship Project and contribute \$200 as financial support from the Mayor's Discretionary Donation Fund and officially recognise and support the local East Timor charity appeal at the crossroads.
- 2 Council convey this information to our Sister City in Indonesia and further express our concerns about the recent activity by Indonesia in East Timor.

(Councillors Roberts/Wilson) (99-11229: S140)

REPORTS:

Lismore City Council On-site Sewage and Wastewater Management Strategy

(Copy attached)

227/99

RESOLVED that the report be received and -

- 1 That the "Draft Lismore City Council On-Site Sewage and Wastewater Management Strategy" be placed on public exhibition for a thirty (30) day period.
- 2 That a further report be provided to Council after the exhibition period in order to gain Council's formal adoption of the Strategy.
- 3 That the strategy be sent to members of the On Site Sewage Management Committee.
- 4 That Council prepare some easy to understand, i.e. simple English, information/education material for people seeking direction when upgrading or replacing systems with the emphasis on owner built composting systems and grey water systems.
- 5 Council staff meet with the Local Member, Thomas George, to discuss the On-site Waste Water Management Strategy.

(Councillors Roberts/Cole) (S245)

At this juncture (8.25pm) Councillor Wilson left the meeting.

Provision for Security Services

(Copy attached)

228/99

RESOLVED that the report be received and the contract for the provision security services (all components) be awarded to Summerland Security Services for the lump sum amount of \$172,497.00 per annum, which is made up of \$47,697.00 for alarm monitoring, security patrols, cash escorts, duress alarm monitoring, after hours telephone answering service and two-way radio monitoring and \$124,800.00 for CBD safety patrols and camera monitoring, subject to annual indexation rises. The contract is for a three year period with an option to extend the service for a further one year period.

(Councillors Gallen/Larsen) (T99033)

Management of Public Swimming Pools

(Copy attached)

- 229/99 RESOLVED that the report be received and -
- 1 The contract for the management and operation of the Nimbin Pool not be let due to the unfavourable financial tenders.
 - 2 The Nimbin Pool continue to be operated in conjunction with the Nimbin Caravan Park and the arrangement be reviewed as circumstances warrant.
 - 3 The Contract for the Management and Operation of the Memorial Baths be let to Total Swim Management for the 1999/2000 and 2000/2001 swimming season. The term of this contract be extended by a further year to coincide with the term of the Lismore Lake Pool Contract if the baths remain open past the 2000/2001 swimming season.
 - 4 The Contract for the Management and Operation of the Lismore Lake Pool be let to Total Swim Management for 1999/2000, 2000/2001 and 2001/2002 swimming seasons.
 - 5 Council include a clause in the Contract allowing Council sole discretion to extend the term of the Contract as it sees fit.
- (Councillors Crowther/Gates) (T99035)

Skyline/Durheim Roads Upgrade EIS & SIS Expressions Of Interest

S459

Councillor Champion declared a conflict of interest in this matter and left the Chamber during discussion thereon.

A MOTION WAS MOVED that the report be received and Council not engage a consultant at this time and refer this matter to the Koala Management Committee for a recommendation as to the most environmentally acceptable development of this road.

(Councillors Swientek/Gates)

At this juncture Councillor Champion returned to the meeting.

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Irwin, Roberts, Larsen, Champion, Cole, Gallen and Crowther.

A FORESHADOWED MOTION was moved that the report be received and Council engage the services of the consultant team headed by Gary Shiels and Associates to undertake the Skyline/Durheim Roads EIS and SIS for the project fee of \$27,250.00.

(Councillors Larsen/Cole)

At this juncture Councillor Champion left the meeting.

- 230/99 RESOLVED that the report be received and Council engage the services of the consultant team headed by Gary Shiels and Associates to undertake the Skyline/Durheim Roads EIS and SIS for the project fee of \$27,250.00.
- (Councillors Larsen/Cole)
- Voting Against:** Councillors King, Swientek and Gates.
- At this juncture Councillor Champion returned to the meeting.
- (S642)

ADJOURNMENT:

The meeting adjourned at 9.13pm and resumed at 9.27pm.

Revision of DCP 14 - Residential Development

(Copy attached)

231/99 RESOLVED that the report be received and -

- 1 As required by Clause 21 of the Environmental Planning and Assessment Regulation, Council amend Development Control Plan No. 14 - Residential Development by the preparation of Amendment No. 3 to Development Control Plan No. 14 - Residential Development subject to the retention of the existing Outdoor Water Use paragraph.
- 2 The Development Control Plan be placed on public exhibition for 28 days.

(Councillors Cole/Larsen) (S461)

Review of Footpath Cost Recovery

(Copy attached)

232/99 RESOLVED that the report be received and -

- 1 That Council charge property owner/s the full cost of driveway repairs and reconstruction in accordance with Section 218 of the Roads Act.
- 2 That Council charge property owner/s 25% of the cost of footpath and kerb and gutter works when it forms part of an arterial footpath or major road upgrading in accordance with Section 217 of the Roads Act. Actual charge will be 25% for property frontage and 12.5% for side boundaries.
- 3 That where Council carries out upgrading works at the request of the property owner/s or the works do not form part of an arterial footpath or a major road upgrade, a contribution of 50% be charged for both footpath and kerb and gutter works.
- 4 All contributions be based on the property boundary length (eg, 20m), or the actual length of the gutter/footpath constructed; whichever is smaller.
- 5 Council implement a set of procedures reflecting the above.
- 6 A report be submitted to Council by the Group Manager-City Works giving a cost analysis of different footpath construction methods/materials.

(Councillors Champion/Larsen) (S374)

Community & Social Plan

(Copy attached)

A MOTION WAS MOVED that the report be received and

- 1 Council endorse the Community and Social Plan and commend staff on the quality of the information provided, and that it be placed on public exhibition for a period of 28 days.
- 2 The following statement be included in the Social Plan in a prominent position in bold print:
"Implementation of this plan is dependent upon budgetary constraints imposed by government funding levels, ratepegging and Council's ability to maintain basic infrastructure. Council will at all times vigorously pursue funding from Government agencies to expedite the implementation of the Plan."

(Councillors Roberts/Larsen)

AN AMENDMENT WAS MOVED that the report be received and -

- 1 Council endorse the Community and Social Plan and commend staff on the quality of the information provided, and that it be placed on public exhibition for a period of 28 days.

(Councillors Irwin/Gallen)

On submission to the meeting the AMENDMENT was DEFEATED.

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

233/99 RESOLVED that the report be received and -

- 1 Council endorse the Community and Social Plan and commend staff on the quality of the information provided, and that it be placed on public exhibition for a period of 28 days.

- 2 The following statement be included in the Social Plan in a prominent position in bold print:

“Implementation of this plan is dependent upon budgetary constraints imposed by government funding levels, ratepegging and Council’s ability to maintain basic infrastructure. Council will at all times vigorously pursue funding from Government agencies to expedite the implementation of the Plan.”

(Councillors Roberts/Larsen)

Voting Against: Councillor Irwin.

Note that Councillor Irwin’s decision to vote against was based upon the inclusion of the additional statement in the Plan.

(S429)

Pricing Policy for Fees and Charges

(Copy attached)

234/99 RESOLVED that the report be received and Council adopt Policy No. 1.5.9, Pricing Policy - Fees and Charges, as attached, subject to the deletion of Item (ii) on the City Hall program.

(Councillors Crowther/Larsen) (S161,S9)

Work for the Dole

(Copy attached)

235/99 RESOLVED that the report be received and -

- 1 That Council commence discussions with organisations selected by DEWRSB as WFTD Community Work Co-ordinators (CWCs) for the 2000 - 2001 funding round.
- 2 That the focus of these discussions relate to developing proposals for suitable WFTD projects to be undertaken by Lismore City Council acting as a Host Sponsor or in conjunction with other Host Sponsors.
- 3 That Council advise the Federal Government of its concerns that the Work for the Dole Scheme will be limited by recent changes to the Scheme.

(Councillors Swientek/Champion)

Voting Against: Councillor Gallen.

(S153)

Authorisation of Council Officers under the Protection of the Environment Operations Act

(Copy attached)

- 236/99 RESOLVED that the report be received and Council delegate the powers to authorise officers under the Protection of the Environment Operations Act 1997 to the General Manager, pursuant to Section 377 of the Local Government Act 1993.
(Councillors Larsen/Cole) (\$392)

Application to Close Part of Unformed Portion of Ross Street, Lismore Heights

(Copy attached)

- 237/99 RESOLVED that the report be received and -
- 1 That the application to close the unformed southern end of Ross Street, Lismore be endorsed and the application be sent to the Department of Land and Water Conservation for adoption and gazettal if approved.
 - 2 Any costs associated with the road closure be borne by the applicant.
 - 3 That a five (5) metre wide easement centrally located over the water main be approved. Details of any proposed development to be submitted and approved prior to commencement of work.
 - 4 That if such application is approved by the Department, then the land be surveyed and, subject to a deposited plan/identifier being issued, then such allotment be sold to Southern Cross University at market value determined by a registered valuer.
 - 5 That the General Manager be authorised to sign any documents necessary to bring about the action (i.e. Contracts of Sale/Transfer).

(Councillors Gates/Larsen)

Voting Against: Councillor Swientek. (R7132)

Application to Close Part of Haywood Lane, Lagoon Grass Road

(Copy attached)

- 238/99 RESOLVED that the report be received and -
- 1 That the application to close part of Haywood Lane adjacent to Lot 1 DP 810168 (being 1 Lagoon Grass Road, Lagoon Grass) be endorsed and the application be sent by the applicants to the Department of Land and Water Conservation for adoption and gazettal if approved.
 - 2 Any costs associated with the road enclosure be borne by the applicants.
 - 3 That if such application is approved by the Department, then the land be surveyed and, subject to a deposited plan/identifier being issued, then such allotment to be sold to Mr and Mrs Bates at market value determined by a registered valuer.
 - 4 That the General Manager be authorised to sign any documents necessary to bring about the action (i.e. Contract of Sale/Transfer).

(Councillors Crowther/Gates)

Voting Against: Councillor Swientek. (R4403)

Attendance at Australian Airports Association Conference

(Copy attached)

- 239/99 RESOLVED that the report be received and -
- 1 Council authorise the attendance of Councillor John Crowther to the Australian Airports Association Conference in Melbourne, Victoria.
 - 2 The delegate raise Council's opposition to any proposal that Bankstown be used for regional airlines.

(Councillors Gallen/Larsen) (\$370)

Appointment of Community Representative to Public Transport Advisory Panel
(Copy attached)

- 240/99 RESOLVED that the report be received and Council endorse the recommendation of the Public Transport Advisory Panel to invite Mr Nathan Kesteven to join the Panel as a community representative.
(Councillors Larsen/Swientek) (S135)

Review of Policies
(Copy attached) (S9)

- 241/99 RESOLVED that the report be received and the following policies be amended/deleted:
- 1 Policies Nos. 3.1.2, 3.1.3, 3.1.4, 3.1.6, 3.1.7, 3.1.8, 3.1.9 and 3.1.13 be deleted.
 - 2 Policy 3.1.1 - Definition of Nuclear Free Peace Zone - the wording within the Section Responsible be amended to read: "*Environmental Health and Development Control*".
 - 3 Policy 5.2.26 - Contaminated Land - Clauses 1 and 2 be amended to read: "*That development assessment processes will be in accordance with the Department of Urban Affairs and Planning Guideline 'Managing Land Contamination' to ensure appropriate liability protection afforded by the Environmental Planning & Assessment Act.*"
 - 4 Policy 5.2.7 - Termination of Development Consent - Alter title to read "*Notice to Complete Development*" and correct reference to the new Act.
 - 5 Policy 9.1.1 - Fences and Screen Walls - Delete the first paragraph under heading "*Applications*" in Part A. Substitute "*Manager, Building & Regulation*" for "*Chief Health & Building Surveyor*".
 - 6 Policy 11.2.1 - Bed & Breakfast Establishments - Amend policy to refer to new Council Bed and Breakfast requirements.
- (Councillors King/Larsen) (S9)

Investments Held by Council as at 30/6/99
(Copy attached)

- 242/99 RESOLVED that the report be received and noted.
(Councillors Larsen/King) (S170)

DOCUMENTS FOR SIGNING AND SEALING:

- 243/99 RESOLVED that the following documents be executed under the Common Seal of Council:-

Funding Agreement - Department of Community Services
Funding Agreement for Koala Long Day Care Centre, Local Government Salary Subsidy
Community Worker from 1/7/99 to 30/6/2000.
(9910767: S389)

Declaration - NSW Department of Community Services
Licensing assessment of Child Care Services in NSW - Koala Child Care Centre - for 12
months to 19/6/2000.
(P17488)

Declaration - NSW Department of Community Services
Licensing assessment of Child Care Services in NSW - Gingerbread Occasional Care
Centre - for 12 months to 19/6/2000.
(P9918)

Delegation of Function to Appoint Authorised Officers
Power to authorise officers under the protection of the Environment Operations Act
1997 to the General Manager.
(Councillors Cole/Larsen)

URGENCY MOTION:

Outdoor Staff

244/99 RESOLVED that this matter be considered as a matter of urgency.
(Councillors Crowther/Roberts)

245/99 RESOLVED that Council commend outdoor staff on the work they have done during the
recent wet weather.
(Councillors Crowther/Gates) (S386)

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE:

246/99 RESOLVED that Council now exclude the press and public and meet in Committee of the
Whole to consider the following matter:-

Report - Skyline Road Upgrading - Investigation Report

(Copy attached)
(Councillors Larsen/Cole)

RESUMPTION OF OPEN COUNCIL:

When the Council had resumed its former sitting, the General Manager reported that
Council, meeting in Committee of the Whole, had resolved to exclude the press and
public during its consideration of the beforementioned matters to preserve the
confidentiality of staff matters

AND IT NOW RECOMMENDED

Item 1:

- 1 That the Council accept the written apologies submitted by Messrs Rees and
Moorhouse and note with concern that neither the Arterial Roads Committee nor
Council was provided with a copy of the REF.
- 2 That Council endorse the proposed amendments to Council Policy No. 5.2.13.
- 3 That a further report be submitted to the Council on the proposed Skyline Road
upgrading as soon as the EIS and the SIS have been completed.

247/99 RESOLVED that the General Manager's report of Council meeting in Committee of the
Whole be received and adopted.
(Councillors Larsen/Roberts) (S642)

Voting Against: Councillors Champion and Swientek.

This concluded the business and the meeting terminated at 10.41 pm.

CONFIRMED this 10TH day of AUGUST, 1999 at which meeting the signature herein was subscribed.

MAYOR

