



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the Southern Cross University in Room Z81 (School of Nursing and Naturopathy), Rifle Range Road, East Lismore on TUESDAY, JULY 13, 2004, commencing at 6.30pm and members of Council are requested to attend.

Diagrams of the location are attached for your information.

- At 6.00pm there will be a presentation by Vice-Chancellor of the University, John Rickard, on current issues at the University.

A handwritten signature in black ink, appearing to read "Paul G. O'Sullivan". The signature is fluid and cursive, with a large initial 'P'.

Paul G. O'Sullivan
General Manager

July 6, 2004

COUNCIL BUSINESS AGENDA

July 13, 2004

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QUESTIONS WITHOUT NOTICE

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE

NOTICE OF MOTION

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

That a report be brought to Council on the practicality of imposing a differential rate or something similar on land owners in a specific geographical area who are prepared to pay for the upgrading of their local road(s).

COUNCILLOR David Tomlinson

DATE June 29, 2004

STAFF COMMENT BY:

Rating Services Coordinator

- It is not possible to impose a differential rate on a specific area as the Local Government Act requires all land with a particular category to pay the same rate.
- It is certainly within the provisions of the Local Government Act to impose a special rate on a particular area for a specific work, such as is suggested in the Notice of Motion.

However, it is a one in, all in provision. All property owners in the area defined as benefiting from the works are liable for the special rate once Council has determined to levy it, regardless of whether or not all agreed to pay.

- The introduction of a special rate does not increase the amount of funds that can be collected by Council, over and above, that set by the State Government's annual rate-pegging limit.

To increase Council's rate income would require a Special Rate Variation application to the Minister for Local Government for approval. These applications are becoming harder to get approved and seem dependent upon the amount requested. If the amount is considered to be insignificant by comparison to Council's total rate income, approval generally is not given.

Administrative Services Manager

Council at its meeting held on the 8th June 2004 resolved in part:

- 2 *A policy be developed in regard to the funding and sealing of low priority roads when residents are prepared to contribute funds.*
- 3 *A further policy on funding low priority roads be developed.*

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Notice of Motion – Differential Rate

This funding option could be considered in the preparation of the above policy documents.

Its adoption (assuming no increase in rate levy), would reduce the amount of funds available for general expenditure. It would then be up to council to determine if such funds were deducted from the current roads budget or if other areas of councils expenditure were reduced.

It would have the advantage of forcing those who are reluctant to contribute to such works to comply with the majorities wishes with a simple clean debt recovery process already in place.

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Subject/File No: REVIEW OF DETERMINATION OF DEVELOPMENT APPLICATION 03/781 – 27 KEEN STREET, LISMORE

Prepared By: Development Assessment Planner, Chris Soulsby

Reason: The matter was requested to be determined by Council by Councillors Tomlinson & Dowell.

Objective: To review the determination of Development Application 03/781

Management Plan Activity: Town Planning Development Assessment

Introduction:

Development application DA 03/781 was refused under delegated authority. Section 80A of the Environmental Planning and Assessment Act enables a determination to be reviewed and such an application has been made by the applicant. Council has the option of upholding the original decision or making an alternative determination ie. to approve the application subject to conditions.

Proposal:

The proposal is for the construction of a café and office building at 27 Keen Street, Lismore.

Applicant:

Aspect North, consulting town planners, prepared the application on behalf of R and D Parker. The Parker's currently operate Café 29, which they lease in the adjoining premises at 29 Keen Street.

Location:

The site is Lot B in deposited plan 152684 known as 27 Keen Street. Map 1 shows the location of the site.

Zoning:

The site is zoned 3(a) (Business Zone).

Key Issues:

Access to the site, compliance with the Australian Standard for Off Street Car Parking AS2890, and, provision of car parking. The development as proposed cannot comply with the standard and poses a safety threat to pedestrians, necessitating modification of the plans. The application proposes to provide 5 on-site car spaces resulting in a shortfall of 16 car spaces when assessed against Council's Car Parking DCP (DCP 18).

RECOMMENDATION:

That Council approve development application 03/781 subject to the deferred commencement conditions as attached.

1. SITE/SITE HISTORY

The site is 10.255m wide at the rear narrowing to 9.575m at the front and 40.236m long, having an area of 398m². A single storey timber building stands on the site. This building was originally used as a dwelling. A Development Application for a shopping centre was approved in 1981 but was never acted upon and lapsed in 1987. The dwelling was subsequently converted to a paint shop and a development application for conversion into a veterinary surgery was approved in 1988. A total of 6 car spaces are provided in association with this use.

2. SURROUNDING PROPERTIES & ENVIRONS

The site is located between 25 Keen Street (on which the cinema is constructed) and 29 Keen Street on which is an existing weatherboard building containing a Café and a shop (Newsagency). A right of way (ROW) is situated on the lot and is shared by both 27 & 29 Keen Street (refer attached copy of the DP).

3. PROPOSAL AND PROCESSING OF THE APPLICATION

The proposal is for the demolition of the existing building and construction of a three storey building. The development will be built to the boundary on three sides and to the ROW on the other. The upper two floors have a gross floor area (GFA) of 636.75m² (excluding flood storage for the café) and the ground-level café has GFA of 140m² (excluding 27 .5m² area for kerbside dining). This gives a total GFA of 776.75m² on a 398m² site.

The remainder of the site is taken up with driveway and carparking for six (6) vehicles (This layout however, does not comply with the Australian Standard AS 2890, because, if all spaces were full and a further vehicle entered the car parking area at the rear that vehicle would have to reverse out down the driveway. Deletion of one car space would achieve compliance with the standard).

Preliminary discussions were held between officers and a representative of the applicant prior to lodgement of the DA. Officers at the time advised that the proposal:-

- did not comply with Australian Standard AS 2890 for carparking regarding:
 - Sight lines
 - Access width
 - Parking space layout
- was substantially deficient in car parking provided
- would attract a requirement for S94 contributions if car parking could not be provided on site for Council to provide the parking spaces in public car parks
- represented an overdevelopment of the site

The application was lodged on 26 September 2003 and on 4 November 2003 officers wrote to the applicant requesting additional information relating to a number of matters. The letter also advised the applicant that it was not considered possible for the design submitted to comply with the Australian Standard for sight lines and advised that S94 contributions for car parking would be substantial (estimated at \$213,384 at that time, based upon the \$8891 per space).

A subsequent meeting was held with the applicant to discuss the request for further information. At this meeting the question of deleting the upper floor of office space to reduce the demand for car parking was raised but was rejected by the applicant. The applicant submitted the additional information and amended plans on 25 March 2004. All matters other than parking layout and sightlines, legal status of the ROW and the amount of parking to be provided were satisfactorily resolved at this time.

The application was referred to the Development Assessment Panel on 26 February 2004 at which time the DAP granted concurrence to refuse the application. On 2 March 2004 the applicant was advised that the application was to be refused and was invited to withdraw the application. The applicant on 4 March 2004 submitted additional information relating to the non compliance with the standard for car parking. The information was considered at the DAP meeting of the same day and was subsequently refused.

4. PUBLIC NOTIFICATION

The application was placed on public exhibition for a period of 14 days. One opposing submission was received from Tony Riordan, consulting surveyor, on behalf of P & B Meagher, the owners of 29 Keen Street (R & D Parker, the developers, lease their current premises from P & B Meagher). The main points of the submission were:-

- The ROW is not listed on the title documents
- Access is proposed over the adjoining land without consent
- The site is contaminated
- Disposal of stormwater from the site is inadequate
- The proposal requires pedestrians to access the development via the same route as vehicles
- The proposed additional kerbside dining area will generate pedestrian / vehicle conflict with the existing approved kerbside dining area
- Obstruction of service vehicles
- There are already enough cafes in the locality
- The car parking layout is deficient
- The car parking calculations are defective
- Objecting to the applicants request that Council waive the requirement to provide car parking for the café
- Objecting to the loss of two on street car spaces due to the creation of the kerbside dining area
- The proposal involves an increase in the retail and commercial activity with a reduction in car parking in the locality contrary to the intention of DCP 18

A copy of the submission is attached for Councillors' consideration.

The application was re-exhibited in accordance with the requirements of the EP & A Regulation 2000 relating to reviews of determination. Mr Riordan on behalf of P & B Meagher lodged a further objection. This submission raised the following issues:-

- The proposal is an over development of the site.
- The three story building is not in keeping with the streetscape being predominantly two storey.
- Deficiency in car parking provided. Based on DCP 18, the office component requires 15 spaces and the café 7, totalling 22 with the loss of 2 on street spaces bringing the total to 24 less the 5 provided on site resulting in a net deficiency of 19 spaces.
- Council should only accept a contribution in lieu of provision of these spaces on site if:
 - Council is satisfied that the lack of on-site spaces will not affect the efficient operation of the parking and street network in the CBD
 - Council is satisfied that it can make provision for adequate public car parking in the locality within a reasonable time.

Four letters were received in support of the application (albeit received before the re-exhibition period commenced, for the purpose of this review they have been treated as submissions). The submissions are summarised as follows:-

- Council staff are obstructive and unsupportive and must have an alternate agenda in not supporting the application
- The café needs encouragement to provide for a vibrant CBD
- There is adequate public parking in the area

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- The demands of planners for unreasonable payments for parking make the development cost prohibitive
- Council is not encouraging business
- This decision is bad for the economy of Lismore
- Council is supporting national franchises over local businesses
- This business employs 12 people and the decision will see them out of a job

None of these submissions raise valid planning issues. Copies have been provided to Councillors for information.

5. ASSESSMENT UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT

5.1 Any Environmental Planning Instruments

5.1.1 **State Environmental Planning Policies (SEPPS)**

SEPP 55 applies to the development. The applicant has demonstrated that the level of contamination from past land uses is not incompatible with the proposed development.

5.1.2 **Regional Environmental Plan (REP)**

The provisions of the REP relate to plan preparation and are not relevant to the application.

5.1.3 **Lismore Local Environmental Plan (LEP)**

The subject land is zoned 3(a) Business and the proposed development is permissible with consent. Clause 22 Development on flood affected land applies to the development.

5.2 Any Draft EPI that is or has been placed on Exhibition

There are no draft EPI's that impact on the development application.

5.3 Any Development Control Plan (DCP)

DCP 7 (Flood prone land) applies to the development. The proposal can comply and flooding is not an issue of significance.

Car Parking Provision

DCP 18 (Car parking) applies to the proposal and the following table assesses the proposal against the requirements of Council's Car parking DCP:-

Proposal (27 Keen Street)	Parking Ratio as per DCP 18	Area	Spaces required
Office	1 space/40m ² GFA	603.15m ²	15.08
Office (public area)	1.5 spaces/100m ²	33.6	0.5
Cafe	1 space/25m ² GFA*	140m ²	5.6
Café kerbside dining	1 space/25m ² GFA*	27.489m ²	1.10
On street parks lost for kerbside dining.	Replace what is removed per clause 6.7 of DCP 18	NA	2
Total			24.28 spaces

* The RTA guide recommends a rate of 15 spaces/100m² GFA compared to Council's DCP requirement of 1 space/25m² GFA and clearly views cafes as significant generators of parking demand. Using the RTA guidelines the café would generate a requirement for 25 car parks. The rate of 1 space/25m² of GFA is however, considered reasonable when compared to the RTA guidelines and acknowledges that some cafe patrons may already be in the CBD on multi purpose trips.

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When the 5 complying car spaces proposed are subtracted from the total parking requirement of 24.28 spaces, a requirement of 19.28 spaces applies. However for reasons discussed below (see section on deferred commencement conditions) the kerbside dining area should not be approved in this development application and accordingly the 1.10 spaces generated from this floor space and the 2 spaces lost on street can be deducted from the 19.28 giving a total shortfall of **16.18 spaces**.

NB: If however, Council approves the application to include kerbside dining, an additional 3 spaces will need to be added to the shortfall. This would require amendment of proposed condition 90 to make the required adjustment to the S94 calculations.

The application, whilst acknowledging a deficiency in on-site car parking provision, requested that Council waive the parking requirement for the café under clause 2.3 of DCP 18, which states:-

In determining the car parking requirements for any development application for which consent or approval is required, the Council shall consider:

- *The size, type and nature of the development and its traffic generating potential;*
- *The availability and spare capacity of other public parking areas in the vicinity of the subject development;*
- *Traffic volumes on the public road network servicing the development;*
- *The probable mode of transport of users to and from the development;*
- *The characteristics of the streetscape, the site, topography, neighbouring development pattern, street design (road layout, width, street tree planting, on-street parking, existing loading spaces and existing access arrangements).*
- *The time of peak demand for parking (eg evening versus normal retail use may allow the possibility of shared use of facilities).*

The reasons submitted for requesting that the café car parking be waived were:-

- there is adequate public car parking available
- The majority of patrons will walk to the café during the day
- During the night there is adequate parking available
- The café currently operates from the site next door and this application merely relocates the café 5m to the north and this should not provide Council with a reason to require more car parking
- The majority of the patrons are already in the CBD and do not make a specific trip to the café
- The café operates in normal business hours and after hours during which time there is ample on street car parking and parking in Browns Creek car park
- There is contradiction in the definition of CBD in DCP 18 and the contribution plan

In addition the application sought a 'credit' of 7 spaces, based on a view that the veterinary surgery was believed to cater for 3 practitioners and 2 staff which, under DCP 18, would generate a requirement for 13 spaces (ie. 4 spaces/surgery, 1 space/2 employees). The credit figure of 7 was arrived at by subtracting the 6 car spaces actually provided on-site in association with the veterinary clinic from the theoretical requirement of 13 spaces as outlined in DCP 18.

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The applicant has argued that when the waiver of the cafe parking requirement, the 'credit' of 7 spaces and the physical provision of 5 complying on-site car spaces are totalled, the proposal should only attract a s.94 contribution requirement for 4 car spaces.

As the application was lodged prior to the adoption of the current S94 plan the application gains the benefit of the savings and transitional provisions and the former rate of contribution applies (the former rate is \$9,072.45/space as opposed to the new rate of \$14,419/space).

Development of Adjoining Land

It is important and relevant for Councillors to be aware that the adjoining land at 29 Keen Street (within which the applicants for 27 Keen Street currently operate their café) has also recently been the subject of a DA for redevelopment. This application, which proposed ground level café and shop with a single level of office floor space above, was also assessed against the requirements of DCP 18 and the Australian standard for vehicle sightlines.

The development generated the following parking requirements:-

Proposal (29 Keen Street)	Parking ration as per DCP 18	Area	Spaces required
Office	1 per 40m ² GFA	462m ²	11.55
Office (public area)	1.5 per 100m ²	61.5	0.92
Cafe	1 per 25m ² GFA	53.5m ²	2.14
Shop	4.4 per 100m ² GFA	75.5	3.32
Total			17.93 spaces

However, it is possible for a development to identify the existence of car parking 'credits'. The principle behind this is that where a development predates the introduction of planning controls in Lismore (ie. 1958), redevelopment of such a site can incorporate an assumption that the demand generated by the previous development has been met either on-street or in a public car park. That 'theoretical' amount or 'credit' can then be deducted from the requirement for the new development because it is the change in intensity of use (if any) that generates a requirement for additional car parking

Applying the above principle, a 'credit' of 5.896 spaces exists. This is calculated by applying the current DCP 18 parking ratio for shop (4.4. spaces/100m² GFA) to the amount of floor area ie. 134 m².

The total requirement of 17.93 spaces minus the 'credit' of 5.896 spaces left a requirement for 12.034 spaces. Because of the larger site size (when compared with 27 Keen Street) which allowed for the provision of ten on-site spaces and the lesser amount of office floor proposed, a shortfall of two spaces remained for which S94 charges were levied on the Development Consent which subsequently issued. The proposal also allowed for the building splay required for sightline purpose by the applicable Australian standard (refer later discussion and diagrams).

Response to arguments for Reduction in Car Parking Requirement

'There is adequate public car parking available'

The argument that ample public carparking is provided in Browns Creek car park is noted but if the developer wants to take the benefit of these Council-funded spaces then the appropriate rate of contribution should apply.

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Clause 6.6 of DCP 18 specifically provides for cash contributions in lieu of car spaces which cannot be provided on-site, and it was this method which was levied on the adjoining development at 29 Keen Street.

'The café operates in normal business hours and after hours during which time there is ample on street car parking and parking in Browns Creek car park'

'The majority of the patrons are already in the CBD and do not make a specific trip to the café'

'The majority of patrons will walk to the café during the day'

'During the night there is adequate parking available'

The likelihood of surplus public car parking being available after normal business hours is not disputed, however, the application also proposes daytime operation during which demand for parking spaces is relatively constant. DCP 18 already considers the likelihood of multi purpose trips and patrons walking from one shop to the next in the reduced rate as compared to the RTA traffic generating guidelines. The provisions of the DCP should be applied.

'The café currently operates from the site next door and this application merely relocates the café 5m to the north and this should not provide Council with a reason to require more car parking'

The café is not simply being relocated. The existing café at 29 Keen has an approval and a redevelopment of this site has been approved to allow for a café on that site. The operators of the current café may be relocating but this does not affect the consents on 29 Keen Street.

'There is contradiction in the definition of CBD in DCP 18 and the contribution plan'

The s.94 Contributions Plan identifies the CBD as an area within which parking contributions may be paid in lieu of provision on on-site parking. DCP 18 identifies a specific area within the CBD (ie. commonly known as 'the block') within which special parking allowances are available in relation to certain types of change of use. The subject site does not fall within this area but in any case the relevant clause is not applicable due to the type of development being the subject of this application

'There are 7 'credits' from the approved veterinary surgery'

The argument forwarded in relation to the surgery must be considered in the light of Condition 6 of the applicable consent which states that:-

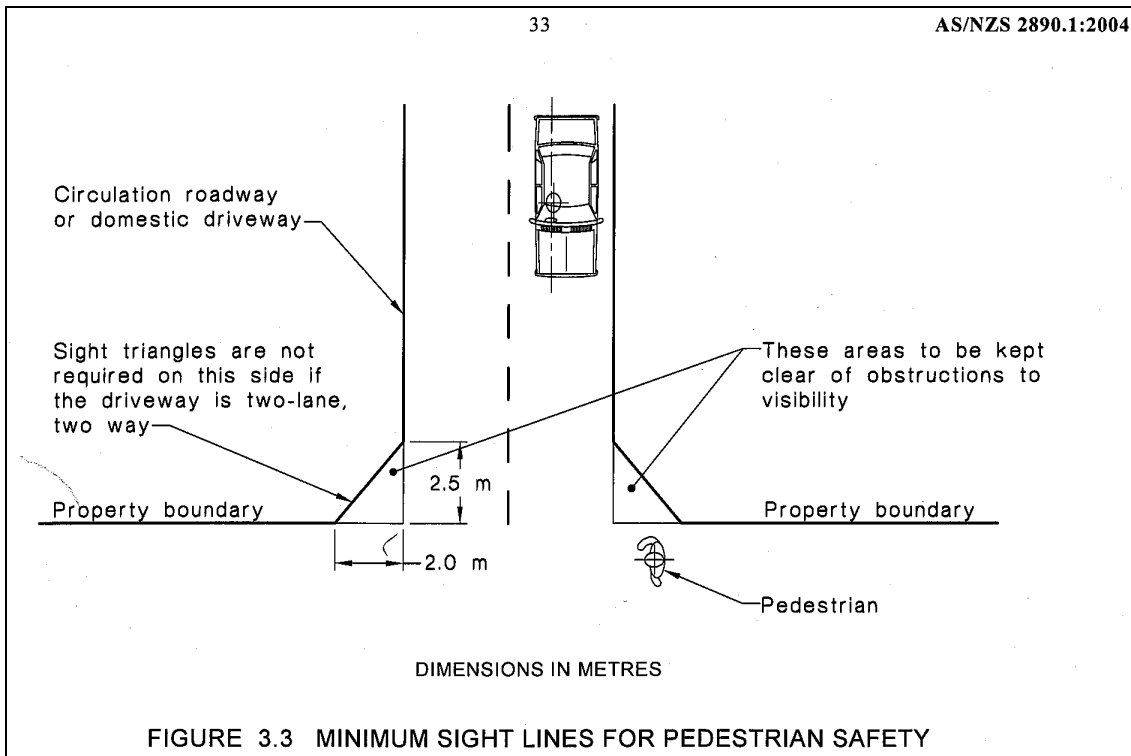
- 6 All vehicles connected with the premises to be parked or garaged within the premises at all times.

This condition cannot be used as a legitimate argument for the creation of 'credits' because the veterinary surgery commenced well after the introduction of planning controls to Lismore, and is subject to an actual as distinct from 'theoretical' car parking requirement (on which the 'credit' principle is based). If Council were to ignore this principle, an extremely undesirable precedent would be set because it would actually encourage developers to breach consents by intensifying the use of land and then claim the benefit of such a breach.

Compliance with AS 2890 Carparking

A further problem with this development is the non-compliance with this standard. Any compromise on the standard would put pedestrians at serious risk and would result in significant liability problems for Council.

The standard sets out the requirements for driveways to access car parks with Section 3.2.4 of the standard requiring access driveways be constructed so that there is adequate sight distance to pedestrians on the road frontage. Clear sight lines as shown in Figure 3.3 (from the standard) are to be provided at the property line.



The existing building at 29 Keen Street prevents compliance with the standard, although this would be rectified if the recently issued consent for this site was activated as the approved plans incorporate a splay to comply.

Although the application proposed alternative solutions through provision of a convex mirror and a flashing light activated by a pressure sensitive plate as a vehicle approaches, neither of these options is covered by the Standard. Were Council to approve a solution that does not comply with the standard and an accident occurs, serious liability questions may arise.

The photographs of the site show how the building adjoining the site prevents compliance with the standard.

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Pictures 1, 2 and 3 and in attachment to business paper

Picture 1: Existing Driveway. 29 Keen St to the left of picture.

Picture 2: Looking North. Vehicle exiting drive. Note Driver cannot see pedestrians

Picture 3: View from driver's side window. Note: View from windscreen is further restricted.

Three potential options appear available to rectify the non compliance with the standard:-

Option 1

The plans are modified to relocate the driveway further north, away from the building to the south to provide the sight triangle as shown in figure 3.3 of AS 2890. This option was put to the applicant and developer in a meeting but was rejected.

Option 2

The developer could wait until the approved development adjoining (DA 04/162) commences with the demolition of the existing building (which was required to comply with the standard). Once the adjoining development is commenced then there is certainty that this application can comply with the standard. At the time this DA was refused the DA for the adjoining site had not been determined and there was no certainty that DA 04/162 would be approved or commenced. There is also no ability for the developer to force the adjoining owner to commence their development. This option was discussed with the applicant who acknowledged that, whilst it would fix the problem, it was beyond his client's control.

Option 3

The third option is to relocate the footpath such that the sight lines can be provided with the existing building on 29 Keen Street in place. This would require amendment of the lease and development consent for kerbside dining that exists outside the existing café at 29 Keen St. Bollards could be placed at 90⁰ to the front wall of the existing building to provide the sight triangle required by the standard. This option was discussed with Mr and Mrs Meagher who declined to agree to relocate the lease as there is little commercial benefit to them to do so. Furthermore, Council has no legal ability to direct the leaseholders to relocate the outdoor seating from its approved position.

5.4 Any Matters Prescribed By The Regulations

Matters pertaining to the building code of Australia (BCA) have been addressed by Council's Building Surveyors and can be dealt with by way of conditional consent.

5.5 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 subject site is susceptible to flooding but adequate flood storage has been provided on site. There are no other significant impacts on the environment caused by this development that have not already been considered.

5.6 The Suitability of the Site for the Development

The site is small and access to the rear of the site is constrained by the building to the south (29 Keen). The intensity of the development is such that, if appropriate S94 contributions for car parking are not paid, there will ultimately be a shortfall of parking in the CBD. The adverse impacts of this shortfall indicate that the site is being overdeveloped. The contributions plan is in place to facilitate development particularly where a development cannot provide the parking on site. If however, contributions are paid then the site can be said to be suitable for the intensity of development proposed.

5.7 Any Submissions made in Accordance with this Act or the Regulations

The submissions have been discussed above.

5.8 The Public Interest

Any approval that poses a threat to pedestrian safety would not be in the public interest, and, accordingly, the application should not be approved without conditions to ensure compliance with AS2890.

6. REFERRAL COMMENTS

6.1 Internal

6.1.1 Finance & Administration Comments

Not applicable

6.1.2 City Works

The development as proposed does not comply with the requirements of AS2890.1 (Offstreet car parking) with regard to minimum sight lines for pedestrian safety.

The development could however, be granted deferred commencement subject to demonstrating compliance with this standard. There are a number of ways the development may comply with this standard; these include, relocating the proposed driveway to provide sight distance on each side of the driveway, or waiting for the demolition of the adjoining building, previously approved by development consent 2004/162 and then constructing the building as proposed.

Regardless of the method of compliance the application should be required to strictly comply with this standard as it directly relates to the safety of pedestrians utilising the footpath within Keen Street.

No approval should be given to the kerbside dining area on the Keen Street Road reserve at this time as the precise location of the driveway is uncertain. It should be noted that if future approval is given for the use of this area it should be conditional upon extending the paved area in both the northern and southern directions to provide a consistent kerb alignment with the existing dining area to the south and the footpath to the north of the Cinema entrance.

6.2 External

Not required.

7. CONCLUSIONS

There is a clear issue of commercial competition between the subject site and the adjoining site at 29 Keen Street. Such competition could have undesirable design outcomes and adverse economic impacts for both developers and two active businesses. To facilitate a better urban design outcome staff have held a number of meetings with both parties to explore the potential for a co-ordinated approach to developing both sites. Both R & D Parker (27 Keen) and P & B Meagher (29 Keen) have rejected the options presented by staff. There are a number of solutions that could facilitate a good urban design outcome, but this would require the co-operation of both the owners.

The principles of DCP 18, car parking 'credits' where applicable, and the S94 Contributions Plan have been applied to the development immediately adjoining this site (DA 04/162) and the applicant has not presented any substantial arguments to warrant departure from the principles applied to the adjoining site and to development generally. To ensure a consistent and equitable approach between developers and to preserve the integrity of Council's DCP the parking calculations as determined by officers are recommended to the Council for adoption if Council resolves to approve the application.

A deferred commencement consent could be issued requiring compliance with AS 2890. Compliance can be achieved by modification of the plans or by waiting for the adjoining building to be demolished. There are no other alternatives that Council can impose to bring this development into compliance with the standard.

RECOMMENDATION (PLA01)

- A That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, 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 03/781 for the erection of a three story commercial building consisting of a ground floor café and car parking and two upper floors of office space and flood storage subject to the consent conditions as set out in schedule 1.

Schedule 1

DEFERRED COMMENCEMENT CONDITION(S) PURSUANT TO SECTION 80(3):

Note:

This consent does not become operative until the following Deferred Commencement condition(s) have been fully completed to Council's satisfaction.

- A The applicant shall submit amended plans to demonstrate compliance with AS 2890 Offstreet Carparking 2004. Specifically, the plans shall be amended to demonstrate compliance with Figure 3.3 of the Standard; or
- B The developer may wait until Development Application 2004/162 is commenced and the building immediately to the south is demolished sufficiently to provide compliance with Figure 3.3 of AS 2890 Offstreet Carparking 2004 and utilise the existing plans.

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In accordance with the provisions of Clause 95(3) of the Environmental Planning and Assessment Regulation 2000, the Council sets the period of time in which the applicant must satisfy Deferred Commencement Conditions as three (3) years effective from the determination date endorsed on this consent. The consent shall operate for a period of three (3) years after the date of compliance with the Deferred Commencement Conditions after which time it shall lapse.

OPERATIVE CONDITIONS

1 In granting this development consent, Council requires:

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

and be substantially in accordance with the stamped approved plan(s) No. LM030281-A1 and LM030281-A2, dated January 2002, 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)*

BUILDING

2 The following building works are to be certified by Council or by an Accredited Certifier in the form of a Compliance Certificate. In the event that Council is the Principal Certifying Authority, you are required to notify Council at least 24 hours prior to the inspection.

- (a) Footings - the foundation trenches are open and the steel reinforcement is in position, prior to concrete being placed.
- (b) Slab - the slab reinforcement is in position, prior to concrete being placed.
- (c) Framework - the framework is completed, wet area flashing in place, external brickwork erected (where applicable) and the roof covering in position, prior to fixing the internal linings.
- (d) Occupation - the building is completed or an Occupation Certificate is required.

In the event that Council is the Principal Certifying Authority, you are required to notify Council at least 24 hours prior to the inspection.

Reason: *To assess compliance with this approval. I1*

NOTE: Please note that rural areas and villages will only be serviced for building inspections on Tuesdays and Thursdays. Council seeks your co-operation in organising your works program to suit these times.

3 The building is not to be occupied until an Occupation Certificate is issued by the Principal Certifying Authority and in this regard all matters relating to this Development Consent are to be completed prior to the issue of the Occupation Certificate. **I5**

Reason: *To meet statutory requirements and to ensure compliance with this approval.*

4 Provide an on-site sign, in prominent visible position, stating:

- (a) That unauthorised access to the site is not permitted, and
- (b) Showing the name of the builder or person responsible for the site and a telephone number at which such person can be contacted outside working hours. **G1**

Reason: *Required by Clause 78H of the Environmental Planning and Assessment Regulation.*

5 Temporary toilet facilities must be provided on the site, prior to commencement of building work and must be maintained until permanent facilities are provided. **G5**

Reason: *To ensure the provision of minimum amenities to the site.*

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- 6 Glazing to doors, windows, shower screens and bath enclosures must comply with AS 1288-1994 "Glass in Buildings". For external glazing the design wind speed must be provided to the glazier. **G24**
- Reason: To ensure compliance with glazing and wind loading standards.*
- 7 Where the design wind speed for the building is W41N or greater, the glazier must provide a certificate to Council prior to occupation of the building, that the glazing complies with AS 1288-1994 "Glass in Buildings". **G26**
- Reason: To ensure compliance with glazing and wind loading standards and this approval.*
- 8 Where an excavation extends below the level of the footings of a building on adjoining land, any person causing the excavation must give seven days notice of their intention to excavate to the adjoining owner and furnish such owner with particulars of the work they propose in order to preserve and protect such building from damage. **S5**
- Reason: Required by the Environmental Planning and Assessment Act 1979.*
- 9 Erosion and sediment control measures must be put in place and be maintained to prevent soil erosion and the transportation of sediment from the site into natural or constructed drainage lines or watercourses. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion.
Note: Inspections of the structural work will not be carried out and work may not proceed, until the sedimentation controls are in place. **S9**
- Reason: To prevent erosion of materials from the site.*
- 10 Provide security fencing to common boundaries, in accordance with Council's Hoarding Guidelines, where the site adjoins a public thoroughfare. A Hoarding Application must be submitted prior to commencement of demolition work. **D1**
- Reason: To provide protection to the public.*
- 11 Provide notices displaying the words "Danger ! Demolition in Progress", in appropriate places to the fencing or hoarding. **D2**
- Reason: To warn the public of site dangers.*
- 12 Provide suitable portable fire extinguishers where the demolition area is not protected by other fire services. **D6**
- Reason: Required by the Environmental Planning and Assessment Act 1979.*
- 13 The effects of vibration, dust, noise and concussion on adjoining buildings and their occupants must be minimised, by selecting appropriate demolition methods and equipment. **D7**
- Reason: Required by the Environmental Planning and Assessment Act 1979.*
- 14 No demolition work must commence prior to the approval of a work plan for the site. **D9**
- Reason: Required by the Environmental Planning and Assessment Act 1979.*
- 15 Demolition of the structure must be in accordance with Sections 2 and 3 of AS 2601 "The Demolition of Structures". **D10**
- Reason: Required by the Environmental Planning and Assessment Act 1979.*
- 16 Any asbestos cement products to be removed and disposed of to an approved tipping station in accordance with Worksafe Australia - Code of Practice for the safe removal of asbestos. **D14**
- Reason: To prevent any exposure to a hazardous material.*
-

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- 17 All services provided to site to be disconnected in accordance with relevant authorities guidelines. **D15**
Reason: To comply with relevant authority's requirements.
- 18 All hard surface areas, building and waste materials being removed from the site. **D16**
Reason: To ensure the site is left in a clean and tidy condition.
- 19 Structural Engineering details for the reinforced concrete components and structural steelwork must be submitted and approved by the Principal Certifying Authority prior to the work commencing. **St6**
Reason: To ensure the adequate structural design of the building components.
- 20 The design wind load classification for the site is W41 N m/s (N3). All building materials, tie downs and bracing systems must meet the requirements for this wind speed. **St15**
Reason: To provide information on the design wind speed assessed for the site.
- 21 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". **F1**
Reason: Required by Clause B1.1 of the Building Code of Australia.
- 22 All "Wet area" floors must be flashed to walls with approved material, so as to provide effective damp-proofing. **F3**
Reason: Required by Clause F1.7 of the Building Code of Australia.
- 23 Floors of the bathroom, laundry and WC must be provided with an impervious surfaced and properly graded and drained to floor wastes, or other approved outlet. **F4**
Reason: Required by Clause F1.7 of the Building Code of Australia.
- 24 Downpipes must be connected to an approved stormwater drainage system as soon as the roof is sheeted and guttering fixed. **W1**
Reason: To reduce site erosion.
- 25 Roof water drains must be connected to the street water-table. **W2**
Reason: Required by Clause FP1.3 of the Building Code of Australia.
- 26 Temperature and pressure relief lines from hot water systems must: (1) Discharge in the open not more than 300 mm. above a paved surface or (2) Not more than 450 mm and not less than 300 mm above an unpaved surface. **P2**
Reason: Required by NSW Code of Practice "Plumbing and Drainage".
- 27 Provide 6/3 litre dual flush toilet suites to all water closets. **P3**
Reason: To conserve water.
- 28 Provide vacuum breaker devices to all external taps. **P6**
Reason: To prevent the contamination of the water supply by cross connection.
- 29 A tempering valve shall be installed so as to deliver hot water at the outlet of all sanitary fixtures, such as baths, basins and showers, at a temperature not exceeding 43.5°C for all childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick persons or persons with disabilities; and 50°C in all other classes of buildings. **P11**
Reason: required by Cl. NSW 1.10.2 of the NSW Code of Practice Plumbing and Drainage.
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- 30 Access for people with disabilities in accordance with AS1428.1 is to be provided to the main entrance of the building. In this regard, a maximum ramp grade of 1:14 is required. **HA1**
Reason: Required by Clause D3.2 of the Building Code of Australia.
- 31 Facilities for the use of people with disabilities must be provided as specified in Clause F2.4 Building Code of Australia and shall be constructed to the requirements of AS 1428.1-1998 "Design for Access and Mobility". **HA3**
Reason: Required by Clause F2.4 of the Building Code of Australia.
- 32 Every passenger lift must comply with Clause E3.6 (Facilities for people with disabilities) of the Building Code of Australia. **HA3A**
Reason: Required by Clause 3.3(a)(iii) of the Building Code of Australia.
- 33 Provide signs to facilities for people with disabilities in accordance with AS 1428.1-1998 "Design for Access and Mobility". **HA4**
Reason: To highlight the availability of facilities for people with disabilities.
- 34 Provide car parking spaces for people with disabilities, including signage, in accordance with the requirements of AS 2890.1 - 2004 "Off-Street Car Parking" Cl 2.4.5(b). **HA5**
Reason: Required by Clause D3.5 of the Building Code of Australia.
- 35 Provide signs, incorporating the disabled access symbol to people with disabilities, identifying the location of each accessible entrance to the building, lift and sanitary facility. **Ha6**
Reason: Required by Clause D3.6 of the Building Code of Australia.
- 36 Disabled toilet facilities must be unisex. **Ha7**
Reason: Required by Policy 05.02.10 of the Lismore City Council.
- 37 Windows in external walls, within three metres of the boundary, to be eliminated or fire protected in accordance with Clause C3.4 Building Code of Australia by means of internal or external automatic wallwetting sprinklers (used in conjunction with windows that are automatically or permanently fixed closed), or -/60/- fire windows (automatically or permanently fixed closed) or -/60/- automatic fire shutters. **Fp2**
Reason: Required by Clause C3.2 of the Building Code of Australia.
- 38 Services, including plumbing, associated with the functioning of the building must comply with the relevant portions of Specification C3.15 Building Code of Australia by providing minimum size openings in fire resistant construction and approved fire stopping where necessary. **Fp3**
Reason: Required by Clause C3.15 of the Building Code of Australia.
- 39 Wires or cables for electrical, telephone or other services must be installed to comply with the provisions of Specification C3.15 Building Code of Australia by the provision of necessary openings, of a minimum size, in fire resistant construction. **Fp5**
Reason: Required by Clause C3.15 of the Building Code of Australia.
- 40 No combustible material is to be attached to the external face of the building except as permitted by Clause 7 Specification C1.10, Building Code of Australia. **Fp6**
Reason: Required by Specification C1.10 of the Building Code of Australia.
- 41 All materials, other than sarking, must have a smoke-developed index not greater than 8 if the spread-of-flame index is greater than 5. In any case the spread-of-flame index shall be not greater than 9. **fp7**
Reason: Required by Clause C1.10 of the Building Code of Australia.
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- 42 The entrance doorways to the lift shaft to be protected by 60/60/- fire doors that comply with AS 1735.11 "Fire-rated Landing Doors" and the lift call panels must comply with Clause C3.10(b) Building Code of Australia. **Fp20**

Reason: Required by Clause C3.10 of the Building Code of Australia.

- 43 There must be displayed near all lift call buttons a sign "In Case of Fire Do Not Use Lifts" in accordance with Clause E3.3 Building Code of Australia. **Fp21**

Reason: Required by Clause E3.3 of the Building Code of Australia.

- 44 Provide interconnected, automatic smoke alarms wired into the electrical mains and having a stand-by battery power supply, in accordance with Clause E2.2 of the Building Code of Australia. **Fp22**

Reason: To comply with Clause E2.2 of the Building Code of Australia.

- 45 The main switchboard within the building, if it sustains emergency equipment, must be separated from other parts of the building by construction having an FRL of 120/120/120 and any doorway must be fitted with a self closing fire door having an FRL of -/120/30. **fp27**

Reason: Required by Clause C2.13 of the Building Code of Australia.

- 46 Electrical meters, distribution boards or ducts, installed in a required non-fire isolated exit, or any corridor, hallway or lobby, leading to a required exit, are to be enclosed by non-combustible construction or a fire-protective covering, so as to prevent smoke spreading from the enclosure. **Fp28**

Reason: Required by Clause D2.7 of the Building Code of Australia.

- 47 The proposed exit stairs being constructed in accordance with Clause D1.3 of the Building Code of Australia and exit travel distances are to comply with Clause D1.4 of the Building Code of Australia. Alternatively, a performance based alternative solution is required. NOTE: The proposal does not currently comply with the above requirements.

Reason: To satisfy the requirements of Section D of the Building Code of Australia (BCA).

- 48 Fire hose reels must be provided in accordance with Clause E1.4 Building Code of Australia and the following:-

- (a) Must comply with Australian Standard 1221 "Fire Hose Reels" and be installed in accordance with Australian Standard 2441, "Installation of Fire Hose Reels".
- (b) At the connection of the most hydraulically disadvantaged hose reel to the fire main or water service pipe, provide a water flow rate of 0.33 L/s.
- (c) Must not be installed in fire-isolated stairways, fire-isolated ramps or fire-isolated passageways.
- (d) At least one hose reel must be accessible to all occupants of the storey served by it.
- (e) No part of the storey must be beyond the reach of the nozzle end of a fully extended hose reel installed on that storey. **FS1**

Reason: Required by Clause E1.4 of the Building Code of Australia.

- 49 During construction provide not less than one fire extinguisher to suit Class A, B and C fires and electrical fires, on each storey adjacent to each required exit or temporary stair or exit. **FS3**

Reason: Required by Clause E1.9 of the Building Code of Australia.

- 50 Fire hydrants are to be provided within the building so no point on the floor of the building is more than 6 m from the nozzle end of a fully extended 30 m length of hose. The hydrant is to be within 4 m of a required exit and installed in accordance with AS 2419.1 "Fire Hydrant Installations". **Fs4**

Reason: Required by Clause E1.3 of the Building Code of Australia.

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- 51 Where an external hydrant serves a building the maximum length of hose shall be 60 metres, providing a maximum 10 metres horizontal jet of water. **Fs4a**
Reason: Required by Clause E1.3(b) of the Building Code of Australia.
- 52 Provide portable fire extinguisher/s, suitable to address the relevant risk, in accordance with AS2444. **fs5**
Reason: Required by Clause E1.6 Building Code of Australia.
- 53 The fire hydrant is not to be installed until Council has received a written report from the Director-General of New South Wales Fire Brigades certifying the proposed installation is satisfactory to meet the performance requirements of the Building Code of Australia. **Fs6**
Reason: Required by the Environmental Planning and Assessment Act 1979.
- 54 The applicant/owner shall make written application to the Accredited Certifier or Council, with the application for the issue of a Construction Certificate, requesting that a street hydrant be utilised in lieu of internal hydrants where required by the Building Code of Australia. **Fs7**
Reason: To comply with the requirements of Australian Standard AS2419.1 - 1994.
- 55 Upon commencement of the development, the Principal Certifying Authority shall submit to Council's Water and Wastewater Department a plan identifying the street hydrant as a hydrant specifically designated for fire fighting, in accordance with the provision of the Building Code of Australia for the nominated building. **Fs10**
Reason: To ensure the hydrant is not relocated by Council to a position unsuitable for fire fighting.
- 56 All required egress doors are to at all times be openable from within the building by single handed lever or push action on a single device without recourse to a key. No barrel bolts are to be fitted. **E1**
Reason: Required by Clause D2.21 of the Building Code of Australia.
- 57 Stairs must have a minimum clear width of 1m between the handrails. **E2**
Reason: Required by Clause D1.6 of the Building Code of Australia.
- 58 When fully open the doors, including door handles etc, must not encroach upon the required width of the landings by more than 100mm. **E4**
Reason: Required by Clause D2.20 of the Building Code of Australia.
- 59 The stairs must comply with the design criteria of Clauses D2.9, D2.13 and D2.14 Building Code of Australia in respect of stair width, landing design and tread and riser design. **E5**
Reason: Required by Section D of the Building Code of Australia.
- 60 Doors forming exits, paths of travel to exits and parts of exits must comply with the relevant provisions of Clause D2.19, D2.20 and D2.21, Building Code of Australia in respect of the type of door, direction of swing and method of latching. **E6**
Reason: Required by Section D of the Building Code of Australia.
- 61 There must be displayed on every landing in the fire isolated stairs a sign complying with Form 4, Clause 150 of the Local Government (Approvals Regulation NSW, 1993 setting out the penalty for improper use of the stair. **E12**
Reason: Required by Section 654 of the Local Government Act, 1993.
- 62 Provide a landing outside the egress door not less than the door leaf in width. **E15**
Reason: Required by Clause D2.15 of the Building Code of Australia.
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- 63 Provide a continuous balustrade a minimum of 865 mm high to stairs or ramps. Where the stair or ramp is used for emergency purposes only, the balustrade opening may be a maximum of 300 mm in all other cases the maximum permissible opening is 125 mm. **E16**

Reason: Required by Clause D2.16 of the Building Code of Australia.

- 64 An emergency lighting system is to be provided throughout the building to comply with Clause E4.2 Building Code of Australia. Details of the emergency lighting system and a certificate from an electrical engineer certifying the level of illumination required is provided and that the circuits are designed as required, is to be submitted to Council prior to installation. **LE3**

Reason: Required by Clause E4.2 of the Building Code of Australia.

- 65 Provide emergency light exit signs on or near every door affording direct access from a storey to:-
- An enclosed stairway or ramp serving as a required exit:
 - An external stairway servicing as a required exit:
 - An external access balcony leading to a required exit:
 - On or near every door discharging from an enclosed stairway or ramp at every level of access to a road or open space.
 - A door forming part of a required exit in a storey required to be provided with emergency lighting. **LE5**

Reason: Required by Clause E4.5 of the Building Code of Australia.

- 66 Cool rooms must be provided with:-

- a door a minimum of 600mm wide by 1.5m high, which can at all times be opened from inside without a key; and
- an approved alarm device located outside but controllable only from within the cool room. **SD1**

Reason: Required by Clause G1.2 of the Building Code of Australia.

- 67 A certificate from a licensed electrician must be provided upon completion of the installation of the smoke alarms, certifying that the smoke alarm installation complies with AS 1670 "Smoke Alarms". **FP23**

Reason: To ensure compliance with this building approval.

- 68 The door to the sanitary compartment is to open outwards, slide or be readily removable from the outside unless there is a clear space of 1.2 metres between the closet pan and the nearest part of the doorway. **HC21**

Reason: To ensure compliance with Clause F2.5 of the Building Code of Australia Housing Provisions.

DRAINAGE

- 69 Hard surface areas, landscaped areas, roof water and subsoil drainage systems shall be designed by a suitably qualified person experienced in Hydraulic design and submitted to the Principal Certifying Authority prior to release of the Construction Certificate. Drainage is to direct all water to a suitable discharge point to prevent intensification of discharge runoff onto adjoining land. This system shall be constructed in accordance with Council's Development, Design and Construction Manuals (as amended).. All drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the proponent. **DG1**

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))

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VEHICULAR ACCESS

- 70 Redundant road pavement, kerb and gutter or foot paving, including any existing entrances or other special provisions or damage arising from construction activities shall be reinstated in accordance with Council's Development, Design and Construction Manuals (as amended). **VA1**

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

- 71 Driveways, access aisles and parking areas shall be provided with a bitumen sealed or other approved surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended). **VA2**

Reason: To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))

- 72 All loading and unloading shall take place within the property boundaries, including the parking of construction and private vehicles associated with the development. **VA3**

Reason: To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))

- 73 Vehicular access from the road pavement to the development shall be provided by the construction of a crossing, in accordance with the Council's Design and Construction Specification for Vehicular Access. **VA4**

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

- 74 Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction, in accordance with Council's Development Control Plan No. 18 - Off Street Carparking Requirements. All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition. **VA6**

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

CARPARKING

- 75 Provision shall be made for five (5) carparking spaces with a bitumen sealed/paved or equivalent surface constructed and landscaped in accordance with the requirements of the Council's Development Control Plan No. 18 Off Street Carparking Requirements, Australian Standard AS2890.1 Parking Facilities – Offstreet Parking and Council's Development, Design and Construction Manuals (as amended). Design plans to be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.) CP1

Reason: To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))

- 76 Carparking, as shown on the approved plan, shall be clearly marked on the ground and signage erected to clearly indicate off-street parking is available prior to the release of an Interim or Final Occupation Certificate. CP4

Reason: To ensure the free flow of traffic and comply with traffic regulations. (EPA Act Sec 79C(c))

- 77 The car space at the western end of the development shall not be used as a car park. It shall be clearly marked and signposted as a turning area and not as a car park.

Reason: To ensure adequate access to the development.

CONTRIBUTIONS

- 78 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore Contributions Plan 1999 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule.
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Such levies shall be calculated at the rate(s) in effect on the date the **Construction Certificate is granted**. The rates and amounts applying at the date of this notice, totalling **\$157,761**, are set out in the schedule for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the **Construction 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 listing of rates applicable for the financial year in which payment is made. This listing of rates reflects the adjustment made for the Consumer Price Index (CPI) on an annual basis.

The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

If the contributions set out in the schedule, or part thereof, are to be met by the dedication of land or other approved Material Public Benefit, then the Applicant will pay to Council the GST (defined below) applicable to the value of land dedicated or (Material Public Benefit) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

GST means any tax levy charge or impost under the authority of any GST Law (as defined by the GST Act) and includes GST within the meaning of the GST Act.

The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation. **SL1**

Reason: *To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated July 1999 as required by the increased population or activity. (EPA Act Sec 94)*

PLANNING

79 The kerbside dining area is not approved as part of this development consent. A separate development application is required for this part of the development.

Reason: *To enable potential modification of the outdoor eating area as a result of Deferred Commencement Condition A.*

PUBLIC UTILITIES

80 The existing overhead power lines across the frontage of the development shall be replaced with underground power prior to the issue of an interim or final occupation certificate.

Reason: *To comply with Council policy.*

ENVIRONMENTAL HEALTH

81 The fitout of the food preparation, handling and storage areas must be in accordance with the requirements of Australian Standard 4674-2004 – Design, Construction and Fitout of Food Premises.

Reason: *To comply with relevant standards for commercial food premises.*

82 Plans showing the interior layout of the proposed food areas, including the location and method of installing all fittings, etc., wall, floor and ceiling finishes and lighting is to be submitted to Council and approved prior to release of the Construction Certificate.

Reason: *To secure compliance with the relevant standards and protect public health.*

83 The mechanical ventilation system in the kitchen must be designed and installed in accordance with the requirements of Australian Standard 1668.2-2002. In this respect, plans and specifications of the system detailing compliance with the above standard, must be submitted to Council and approved prior to release of the Construction Certificate.

Reason: *To comply with relevant standards for indoor air quality.*

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84 The hours of work for any noise generating construction activity of the proposed development are to be limited to the following time restrictions:

Monday to Friday - 7.00am to 6.00pm
Saturday - 8.00am to 1.00pm

No noise generating construction activities are to take place on Sundays or public holidays. **AM2**

Reason: *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*

85 The proposed landuse shall not result in the emission of offensive noise.

Offensive noise means:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations. **AM7**

Reason: *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*

SIGNAGE

86 All outdoor advertising material, signs or decorative materials (including flags or bunting) shall be approved by the Council prior to erection, in accordance with Development Control Plan No. 36 Outdoor Advertising Structures (as amended). A separate Development Application shall be submitted. **AD1**

Reason: *To preserve the amenity of the area. (EPA Act Sec 79C(b))*

87 Any outdoor display lighting shall be appropriately located or shielded so no additional light is cast on adjoining land or distracts traffic. **AD2**

Reason: *To preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))*

88 All sign materials below the adopted standard flood level of 12.4m (AHD) shall be flood compatible. **AD4**

Reason: *To preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))*

WATER & SEWER

89 The proponent shall provide sewerage reticulation to service the development. The works shall include:

- a) A conventional gravity sewer reticulation that comprises a sewer junction to service the lowest ground level of each allotment. Sewerage works shall be designed and constructed in accordance with Lismore City Council's adopted standards. Any costs shall be the responsibility of the proponent. The proponent shall be responsible for the full cost of any associated sewerage maintenance considered necessary by Lismore City Council's Manager-Water and Sewerage for a period of twelve months from the date of approval of the work. After satisfactory completion of this work, a practising qualified surveyor shall submit a "works-as-executed" set of 1:1000 transparency plans and plans in digital format (Autocad or similar) showing these works. **WS3B**

Reason: *To provide adequate services for the development (EPA Act Sec 79C(c))*

90 The water supply service shall be sized in accordance with Australian Standard 3500.1 to service the whole development. **WS5**

Reason: *Required by NSW Code of Practice "Plumbing and Drainage".*

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- 91 Prior to the release of the Construction Certificate, an application to discharge trade waste, including a plan that contains all details of the proposed trade waste installation, shall be submitted to Lismore City Council. Designs are to be in accordance with Australian Standard 3500, the NSW Code of Practice - Plumbing and Drainage and the Ministry of Energy and Utilities guidelines for the On-site Pre-treatment of Trade Waste Discharges to Sewer. **WS6A**

Reason: To ensure adequate protection of utility services and to ensure compliance with the Trade Waste Approval. (EPA Act Sec 79C(b))

- 92 All plumbing and drainage work associated with the Trade Waste installation are to be inspected and approved by Council's Water and Wastewater Section. A works-as-executed Drainage Diagram shall be submitted to Council on completion of works. **WS6B**

Reason: To ensure adequate protection of utility services and to ensure compliance with the Trade Waste Approval. (EPA Act Sec 79C(b))

- 93 **Prior to release of the Interim and/or Final Occupation Certificate** an approval to discharge Trade Waste under Part 4 of the Local Government (Approvals) Regulations 1999 is to be obtained from the Water and Wastewater Section. **WS6C**

Reason: Required by Local Government (Approvals) Regulation 1999.

- 94 Written permission must be obtained and submitted to Council, to carry out sewerage works on adjoining land. **WS13**

Reason: To ensure adequate protection of utility services. (EPA Act Sec 79C(b))

- 95 The proponent shall pay to Council all Water and Sewerage Headworks Levies deemed necessary by Council and in accordance with Section 64 of the Local Government Act 1993. The rates and amounts applying at the date of this notice, are set out in the schedule for your information. Such levies shall be paid as required by Council, prior to release of the **Construction Certificate**.

Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the listing of rates applicable for the financial year in which payment is made. This listing of rates reflects the adjustment made for the Consumer Price Index (CPI, Sydney) on an annual basis. **S64**

Reason: To provide funds for the provision of services and facilities identified in Lismore City Council's Section 64 Contributions Plan as required by the increased population or activity. (Water Management Act 2000, Sec 306)

- 96 i. A concrete encased sewer main is to be constructed under the proposed development; all costs associated with this work shall be borne by the proponent. Also the proponent shall be responsible for the full cost of any associated sewerage maintenance considered necessary by Lismore City's Council's Manager-Water and Sewerage for a period of twelve months from the date of approval of the work.
- ii. A Minor Works Permit must be applied for at Council prior to the commencement of these specified works and Council's Water and Wastewater Inspector shall be contacted so as to be present prior to such construction commencing and also be contacted to carry out an inspection of these works at their completion. All work is to be carried out in accordance with Lismore City Council Sewer Specifications.
- iii. Once the sewer main is concrete encased and prior to the commencement of the development, the sewer main is to be inspected with a video (CCTV camera) showing that the new concrete encased sewer main is laid to Council's accepted grade and alignment. Council's water and wastewater inspector shall be given 24 hours notice prior to these inspections being undertaken. Copies of these inspections are to be submitted to Council's Manager Water and Sewerage within a week of the inspection being completed. The construction of the structure over the concrete encased sewer main cannot proceed until approval is given from the Manager Water and Sewerage.
-

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Should the CCTV inspection show that the main has not been laid to Council's accepted tolerances with regards to grade and alignment it is to be removed and the above procedures are to be repeated with all costs associated with this work borne by the proponent.

Reason: *To ensure adequate protection of utility services (EPA Act Sec 79C (b))*

- 97 Full design plans of the proposed engineering works to satisfy condition(s) 101 and 108 shall be submitted to Lismore City Council. Such plans must be approved by the Manager-Water and Sewerage before the issue of the Construction Certificate. Construction of these works will need to be completed before a Certificate of Compliance is issued by Lismore City Council under Section 307 of the Water Management Act 2000. **WS12**

Reason: *To provide adequate services for the development (EPA Act Sec 79C(c))*

- 98 During the demolition of the existing building, the proponent is to ensure that the decommissioning of the internal sewerage reticulation is carried out to Council's satisfaction, with such lines being effectively sealed off to prevent infiltration to Council's sewerage reticulation. The existing sewer connection to Council's main is to be effectively sealed off at the boundary riser. In this regard, a Minor Works Permit must be applied for at Council and all works carried out in accordance with Lismore City Council's adopted Standards. Any costs associated with these works shall be the responsibility of the proponent.

Reason: *To ensure adequate protection of utility services (EPA Act Sec 79C (b))*

- 99 Should the existing water service need to be terminated at Council's water main, a disconnection permit shall be applied for from Lismore City Council and all work shall be carried out in accordance with Council's adopted standards.

Reason: *To ensure adequate protection of utility services (EPA Act Sec 79C (b))*

FLOODING

- 100 The storage shall not be used for any other purpose other than food storage.

Reason: *To ensure adequate protection from frequent flooding. (EPA Act Section 79C(c))*

INFORMATION TO APPLICANTS

ADVISORY NOTES

NOTE 1: A soil or waste pipe passing through a floor of more than one sole occupancy unit must be separated from the sole occupancy unit by construction of a sound transmission class of 45 in the case of a habitable room and a sound transmission class of 30 in all other cases.

NOTE 2: An application fee is payable on the submission of a Trade Waste Application to Council. The current application fee can be obtained by contacting Council.

NOTE 3: A connection fee is payable on the connection of a dwelling to the water supply. The current connection fee can be obtained by contacting Council.

NOTE 4: The current Trade Waste and Headwork evaluations relate to the current Development Application. All future change of use within this development would require the re-assessment of both the Trade Waste and Headwork requirements and implementation of same where applicable.

NOTE 5: 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.
-

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NOTE 6: 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 7: 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).

NOTE 8: If the provision of services or the construction of any infrastructure or any other thing required by this consent occurs, and a GST is payable by Council, the applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of this consent.

NB: GST means any tax levy charge or impost under the authority of any GST law (as defined by the GST Act) and includes GST within the meaning of the GST Act.

The GST Act means a New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

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.

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.

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 twelve (12) months after the date of the determination.

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 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.

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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.

MODIFICATION OF CONSENTS

Under the provisions of S96 of the Environmental Planning and Assessment Act an applicant may apply to Council for modification of the consent.

NOTICE TO COMPLETE

Where development has been commenced, but the work not completed, Section 99(5) provides that the Council may issue a notice requiring completion of the work within a specified time, being not less than twelve months.

For and on behalf of Lismore City Council.

Helen Manning
MANAGER-PLANNING SERVICES

per:

enc

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Development Application 03/781

LISMORE CITY COUNCIL

DEVELOPMENT CONSENT NO: 2003/781 (DRAFT)
ADDRESS: 27 Keen Street, Lismore

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. 78, 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 Lismore Contributions Plan 1999**

Levy Area	Account No.	No. of Car spaces /m ²	Cost Per Car spaces /m ²	Amount Payable
Carparking				
Lismore CBD	1675-1	16.0	9072	145,159
Urban Roads				
Arterial Roads				
Commercial Development	1655-5	651.6	\$19.34 per m ² (GFA)	12,602
Total				\$157,761

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

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

Total levies at current rates (actual amount to be calculated when final plan submitted).

A COPY OF THIS ADVICE MUST BE PRESENTED WHEN MAKING PAYMENT DATE: RECEIPT NO:
CASHIER:

COUNCIL USE ONLY

Cashier to Note:

This section must be completed by the Manager-Finance and Administration, the Principal Accountant or the Financial Accountant prior to receipt.

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

- the number of ET's is in accordance with the development application;
- 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;

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- c) the Consumer Price Index has been applied to the schedule of Section 94 fees and Section 64 fees, where the period between the date of consent and the date of payment is in excess of twelve (12) months.

.....
FINANCIAL SERVICES OFFICER

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

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DEVELOPMENT CONSENT NO: 2003/781 (DRAFT)

ADDRESS: 27 Keen Street, Lismore

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. 95 are identified in this Schedule.

The rates and amounts shown against the various items are those current at the date of this notice. If these levies are not paid within twelve (12) months of the date of this consent these rates shall be increased annually from the date of this notice, in accordance with the percentage increase from the date of approval to the date of payment, as notified by the CPI (Sydney).

The following Levies are charged under and amounts payable are set out below.

Levy Area	Account No.	No. of ET's	Cost Per ET	Amount Payable
Water and Sewerage Headworks Levies are charged under Section 306 of the Water Management Act 2000 and amounts payable are set out below.				
Water Headworks				
Rous County Council (Except Nimbin)	9200-2	1.9	3193	6066
Reservoir Zone/Scheme (Central)	8175.1	1.9	830	1577
Sewerage Headworks				
Catchment Zone - South	7175-1	1.9	2351	4467
Total				\$12,109

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

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

Total levies at current rates (actual amount to be calculated when final plan submitted).

A COPY OF THIS ADVICE MUST BE
PRESENTED WHEN MAKING PAYMENT DATE:

RECEIPT NO:
CASHIER:

LISMORE CITY COUNCIL - Meeting held July 13, 2004

Subject/File No:	CITIES FOR CLIMATE PROTECTION (S392)
Prepared By:	Environmental Compliance and Project Officer, Sharyn Hunnisett
Reason:	To join the Cities for Climate Protection Program.
Objective:	To obtain Council endorsement of the aims and objectives of the Cities for Climate Protection Program and to undertake to achieve the five milestones in the program listed below.
Management Plan Activity:	Environmental Health

Background

The Cities for Climate Protection program has been identified as a project in Council's Environmental Health Services Management plan for the 2004/2005 financial year.

The Cities for Climate Protection™ is an innovative program that assists Local Government working with their communities to reduce greenhouse gas emissions and their impact. CCP™ is a program of the International Council for Local Environmental Initiatives (ICLEI), with over 600 local governments from around the world participating.

In Australia, the Cities for Climate Protection™ program is delivered by ICLEI in collaboration with the Federal government's agency, the Australian Greenhouse Office. As at June 2004 one hundred and eighty seven (187) councils covering over 74% of Australia's population had joined the CCP™ program - 70% metropolitan and 30% rural. There are 55 councils in NSW who are current participants.

The strength of the Program is based on the strategic achievement of five milestones and the use of software to measure and monitor impacts and to evaluate and report on previously completed initiatives in energy, waste and transport.

Milestone 1: Establish an Inventory and Forecast for key sources of greenhouse emissions for Council operations - buildings, vehicle fleet, street lighting, and waste and the Community - residential, commercial, industrial, transport.

Milestone 2: Set an emissions Reduction Goal.

Milestone 3: Develop and adopt a local greenhouse action plan to achieve those reductions.

Milestone 4: Implement of the local greenhouse action plan

Milestone 5: Monitor and report on greenhouse gas emissions and the implementation of actions and measures

Benefits to Council

- Save money by lowering Council's energy costs
 - Working with the community to be more energy efficient
 - Address high transport costs through more efficient fuels and improved transportation management
 - Increase business efficiency and provide new local employment opportunities
 - Provide social and environmental benefits including revegetation programs and tree plantings
 - Promote Council's local leadership role
-

LISMORE CITY COUNCIL - Meeting held July 13, 2004

Cities for Climate Protection

- Identify opportunities for partnerships with residents, businesses, farmers and government agencies operating at a regional, State and national level
- Access funding opportunities available through the Australian Greenhouse Office
- Generate additional revenue for Council investment in cost saving projects
- Provides strategic framework and branding to link existing council actions

Resources and Training provided to Council

Technical support and training

- CCP™ software and other tools for calculating emissions and setting a reduction goal
- Training workshops to assist Council's in achieving the milestones and assistance in developing action plans
- Ongoing direct one-to-one support over the phone and via e-mail
- Access to broader facilitated workshops run by ICLEI staff for Council staff
- Access to expertise and networks of Councils to exchange ideas and solutions

Information and Publications

- Access to the CCP™ member's website
- Workbooks, relevant case study material and fact sheets
- Presentations by CCP™ staff to Councillors and senior managers
- Advice on funding opportunities and programs

Promotion and recognition

- Communications and media materials to help gain local support for initiatives
- Recognition events where Councils are recognised for the milestones achieved
- Assistance with planning local media events

Access to resources

- AGO Funding Programs
- Access to grants that support the completion of the Milestones and assist in the implementation of the Local Action Plan

Training

- Focused not only on technical solutions to energy efficiency but also on organisational matters and bottom-line financial solutions

Advisory Services

- Technical and management advice on implementing and delivering energy efficiency

Forums and Workshops

- Opportunities for networking on current issues and projects through CCP™ initiated and organised conferences, forums and workshops

Tools

- Software, workbooks, research, and detailed guides to greenhouse actions

Funding assistance for milestone 1

- **The Milestone 1 Assistance Program provides direct financial assistance to CCP™ Councils who join the program. The funding support of \$4,000 will assist Council to cover the costs of the completion of Milestone 1 and 2.**

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Cities for Climate Protection

Lismore City Council is eligible for this funding and an application for the funding will be submitted after joining.

Finances: Joining Fee

- There is a one - off participation fee, determined by the population of the Council. The Council will be invoiced on joining CCP™ for the one - off participation fee plus GST-

Council Size	Participation Fee	Fee for ICLEI Members
20,000 - 50,000	\$1500	\$1100

Council has been fortunate to be bequeathed \$2000 from the Late Brian Slapp's Estate to participate in the CCP program. The joining fee will come from this bequest therefore there will be no joining cost to Council.

Staffing

Experience across participating Councils indicates that the achievement of Milestones 1 and 2 takes two days per week for 12 to 16 weeks. The development of the Local Action Plan becomes the responsibility of departments identified through the inventory process as the areas in which greenhouse reductions and financial savings are the greatest. Submissions for funding of identified projects can be negotiated and prepared with community support. The Council determines the priorities for project funding during its annual budget deliberations.

Manager- Finance & Administration Comments

Not Required

Conclusion

Council, by joining the Cities for Climate Protection™ program, has the opportunity to show leadership to the community and to be part of a growing number of local governments nationally and internationally who are finding that greenhouse action makes good financial, environmental and social sense.

Recommendation (PLA02)

1. That Council join the Cities for Climate Protection program as identified in the Environmental Health Services Management Plan and the relevant tasks commence to achieve the five milestones.
2. That the funding for joining the CCP program be funded utilising the bequest from the Late Brian Slapp's estate.
3. That Lismore City endorse the aims and objectives of the CCP program as required for membership.

LISMORE CITY COUNCIL - Meeting held July 13, 2004

Subject/File No: LISMORE URBAN STRATEGY 2003 (S650)

Prepared By: Strategic Planner – Bruce Blackford

Reason: Receipt of response from DIPNR and completion of Lismore Speedway Noise Contours Report.

Objective: To update Council on matters arising from its resolutions of February 10, 2004.

Management Plan Activity: Strategic Planning

Background:

The 2003 Lismore Urban Strategy has had a somewhat protracted history in terms of its adoption by Council and endorsement by the Director-General DIPNR. The following is a brief précis of that process:

- 6/05/03 Lismore Urban Strategy adopted by Council with a recommended sequencing of residential release areas within a 10 year timeframe.
- 5/08/03 Director- General's agreement issued conditionally upon timeframe being reduced to five years and major release areas being restricted to that of the Trinity Drive and Daniel Drive areas within that time.
- 14/10/03 Council resolved to advise DIPNR that it wishes to include the North Lismore plateau within the five year timeframe for release.
- 20/11/03 DIPNR advised Council that it will need to demonstrate that there has been increased demand for vacant urban land and how noise impact of the speedway can be mitigated before inclusion of the plateau land could be justified.
- 10/02/04 Council resolved to include the North Lismore plateau in the Strategy subject to the completion of a noise management plan for the Lismore Speedway. Council also resolved that all rezoning of 'greenfield' sites identified in the Strategy include a sunset clause requiring that a Master Plan and DA be approved within 12 months of gazettal of the relevant LEP amendment.
- 9/03/04 Council adopted the Noise Control Notice issued by Parramatta City Council for the Parramatta Raceway as a 'blueprint' for a notice to apply to the Lismore Speedway.
- 22/03/04 Section 96 Direction To Take Preventive Action served on the operator of the Lismore Speedway.
- 24/03/04 DIPNR advised of Council's resolution and provided with copy the Section 96 Direction.
- 21/05/04 Response from DIPNR received.

Issues:

Several matters require further consideration by Council in relation to the Lismore Urban Strategy. They include the response from DIPNR of May 21, a Council resolution of February 10, 2004 calling for a report on mechanisms for limiting extensions of time for development consents applying to new release areas and the results from the Lismore Speedway Noise Contours Report prepared jointly by GeoLINK and James Heddle Acoustical Consultants.

DIPNR Response

DIPNR's response to Council's letter of March 24 states that the most recent statistics (for new dwelling and subdivision approvals to 31/12/03) do not demonstrate that the quantity of land identified for residential purposes in the Strategy is inadequate. It states that if Council wants to include the North Lismore plateau in the current Strategy timeframe it must demonstrate that this land is more suitable (environmentally, economically and for the provision of services) than other land already identified in the Strategy (i.e. the Trinity Drive land). If this proved to be the case, the Trinity Drive land would need to be deleted from the Strategy to avoid a significant surplus of zoned residential land. Copies of DIPNR's response and Council's letter of March 24 are included as attachments 1 & 2 to this report.

Statistics for new dwelling and subdivision approvals supplied to DIPNR were extracted from Council's records. Mr. Paul Deegan, local representative of the Real Estate Institute of NSW, provided statistics for vacant land sales in the urban area. Updated statistics for dwelling and subdivision approvals for the 6 months to 30/06/04 are as follows:

New Dwelling Approvals (urban area)	51
Subdivision Approvals (total No. lots in LGA)	91

If the trend for the first half of the year is extrapolated for the remainder of the year, the projected number of new dwelling approvals (102) will represent a modest increase over that approved in 2003 (91) but will still be in line with the projected demand of 100 new dwellings/lots per annum allowed for in the Strategy.

Extensions to Development Consents

One of the factors affecting the State Government's agreement to the release of new residential land has been the amount of undeveloped land already zoned 2(a) Residential. The conventional approach to rezoning land can encourage land speculation. A change in zoning generally results in an increase in land values but carries no obligation on the part of the landowner to develop the land within a specific period. For this reason the Strategy provides that all greenfield sites identified in the strategy be "zoned" by way of addition to a schedule in the LEP. This enables a sunset clause to be applied restricting the period in which a Development Application and Master Plan may be lodged and approved. Council has resolved that this period be limited to 12 months.

Council called for a further report on options for limiting extensions to development consents for land identified in the Strategy. Council's concerns stem from the possibility that once subdivision consent has been granted, an applicant may seek extensions to the consent thus further extending the period before any "on the ground" works commence.

The EP&A Act provides that a consent lapses five years from the date upon which it operates unless the consent authority has nominated a lesser period. For subdivision, the consent period cannot be less than two years. Council's practice for subdivisions generally has been to limit the consent period to three years.

Where Council limits a consent period to less than five years, the applicant is entitled under the Act to apply for an extension. An extension of one year may be granted, providing the application is made before the consent expires and the applicant has shown good cause. The Act also provides that a consent does not lapse if engineering or construction work relating to the subdivision is physically commenced before the date on which the consent would otherwise expire.

Under Council's current policy, an applicant would have one year from the time of LEP gazettal to lodge a DA for subdivision of the land and have it approved.

Upon granting of consent, he or she would have another three years (possibly extended by a further year) before physically commencing work on the subdivision. Once work had commenced, the consent would last for an indefinite period.

A more coordinated approach to dealing with subdivision applications for greenfield sites is warranted to avoid extended delays from rezoning of the land to the release of lots onto the market. The three potential periods for delay are:

- (a) From rezoning to approval of DA for subdivision.
- (b) From approval of subdivision to commencement of works
- (c) From commencement of works to completion of subdivision.

In terms of (a) above, Council has previously resolved to set a maximum period of one year. It is acknowledged that much of the work for a DA will have already been undertaken as part of the rezoning submission, however it is considered that one year represents a very short time for applicant to prepare a DA for a large subdivision and have it approved by Council. Two years would seem a more realistic timeframe and it is recommended that this period be extended to two years.

With respect to (b) above, s95 of the EP&A Act specifies a maximum consent period of five years but allows Councils to reduce this period to two years. Council currently limits the consent period for subdivisions to three years. However it is considered that two years would allow an applicant sufficient time to prepare engineering plans and commence work on a subdivision. The Act also provides the applicant with the option of applying for an extension of one year. It is therefore recommended that the consent period for subdivision applications relating to greenfield sites identified in the Strategy be limited to two years and that applications for extension be referred to Council for determination.

With respect to (c) above, a consent does not lapse once physical works have commenced. However s121B of the Act enables Council to serve orders to complete a development within a specified time if the development has not been completed within five years of the original approval date. Such orders may specify a time period that Council considers reasonable to complete the works (providing it is not less than 12 months from the date of service of the order).

There are mechanisms available to Council to ensure that subdivisions proceed to completion within a reasonable timeframe following rezoning of the land. It is recommended therefore that the following amendments be made to the Lismore Urban Strategy:

1. The 'sunset clause' period from gazettal to lodgement and approval of DA and Master Plan be extended from one to two years.
2. The consent period for subdivision of all greenfield sites identified in the Strategy be limited to two years.
3. Applications for extension of consent for subdivision of greenfield sites be referred to Council for determination.
4. If subdivision is not completed within five years of the consent date, the applicant to be required to show cause why Council should not issue a s121B notice to complete the development.

Lismore Speedway Noise Contours Report

In December 2003, GeoLINK (with sub-consultants James Heddle Acoustical Consultants) were engaged to model noise contours for the Lismore Speedway and report on noise preventative options. Baseline data had previously been collected by James Heddle for a noise impact assessment of the speedway prepared for Council in 2001. The terms of the brief were:

- To develop a series of sound contour scenarios which indicate the extent and impact of noise transmission from the speedway.

- To consider how the noise contour plans compare to the EPA's *Noise Guide for Local Government* and other relevant noise standards.
- To provide advice on any viable noise attenuation measures to achieve compliance with the aforementioned standards.

The report presents the results of modelling of noise transmission from the speedway taking into account local topography and a range of meteorological conditions. The modelling was based upon noise readings taken at various locations in North Lismore over the duration of two events in 2001 and should be viewed as an indicative tool rather than an exact replication of events. In summary the modelling indicated that:

1. The noise impact of the speedway operation is significant, with North Lismore (including the plateau area) being significantly impacted for all meteorological conditions.
2. Some parts of South Lismore and the CBD are significantly impacted under northerly wind conditions.

The consultants were engaged some three months before Council served the Section 96 Direction To Take Preventive Action on the operator of the Lismore Speedway. Consequently the modelling is based upon noise readings recorded prior to the Direction coming into effect. The consultant's brief was subsequently amended to provide an assessment of the effects that compliance with the Section 96 Direction will be likely to have on noise levels in the locality.

The Section 96 Direction limits the number of events to fourteen per season and provides for the 'black flagging' of vehicles that exceed certain noise levels. The terms of the Direction with respect to limiting noise output are:

"...the operator must disqualify from any motor sport event and issue a 'black flag off' to:

- *Any individual vehicle, wherever a maximum sound pressure level greater than 95 dB(A) is produced by that vehicle at the measurement location;*
- *The vehicle judged by the operator or a person acting on behalf of the operator, to be the noisier of any two vehicles, wherever a maximum sound pressure level greater than 98 dB(A) is produced by any two vehicles at the measurement location; or*
- *The vehicle judged by the operator or a person acting on behalf of the operator, to be the noisiest of three or more vehicles, wherever a maximum sound pressure level greater than 100 dB(A) "*

The GeoLINK report states that it is not possible to completely verify that the maximum 100 dB(A) generated at the measurement location at the speedway will replicate the sound contour modelling developed by Heddle due to a multitude of variables. However it is likely that the sound contour modelling will be indicative of the noise impact on existing residences and on the North Lismore plateau when the speedway is emitting a maximum sound pressure level of 100 dB(A) measured as per the section 96 Direction. The report also states that compliance with the EPA's *Noise Guide for Local Government* would require a reduction in the number of events per annum from 14 to 7.

Copies of the GeoLINK and Heddle reports are included as Attachment 3.

Other Matters of Relevance to the Lismore Urban Strategy

Councillors will be aware that in January 2004, the Minister for Infrastructure and Planning issued a Direction under s117 of the EP&A Act that restricts future rezoning of land that the State Government has identified as being of State or regional agricultural significance. The s117 Direction is an interim measure until such time that the North Coast Regional Environmental Plan (REP) is amended to incorporate the farmland protection provisions.

DIPNR is currently revising the agricultural land maps to which the REP amendment will relate, and it is anticipated that these will be publicly exhibited in the near future. The issue relevant to

the Urban Strategy is that the farmland protection provisions do not apply to lands identified in an adopted land release strategy.

The maps that apply to the current s117 Direction exempt all six "greenfield" sites that were identified in the (then) draft Lismore Urban Strategy at the time that the maps were prepared. With the Director-General's agreement limiting both the strategy timeframe and the number of release areas, the REP amendment will exempt only those areas agreed to in the five year period (i.e. the Trinity Drive and Daniel Drive areas and the nominated 'infill' sites).

This could have potential repercussions for the longer term release of residential land in Lismore. While it is understood that the REP will contain criteria that will enable rezoning of regionally significant agricultural land under certain circumstances, it will almost certainly prohibit future rezoning of State significant agricultural land. The area most likely to be most affected is the site identified in the Strategy as the Tucki Creek area. The area lies to the east of City Acres and is bounded by Tucki Creek to the north, south and east.

The Tucki Creek area was found to be potentially suitable for future urban development in the land capability analysis carried out as part of the Strategy's preparation. DIPNR has excluded this area from the current strategy because of the Strategy's five year timeframe. However the REP amendment could have the effect of permanently excluding this area from future consideration for residential development.

Although DIPNR will not agree to the area's inclusion in the current Strategy, Council may be able to retain the site for future consideration by identifying the line of Tucki Creek as the eastern limit to urban expansion in this area. Council has already identified an eastern limit to urban expansion further north by setting a line from the intersection of Oliver Ave southwards to the eastern boundary of the Blue Hills School. This line is shown in the Strategy. It is recommended that the line be extended westward and then south along Tucki Creek in the manner shown on the map in Attachment 4. While this will not guarantee that the land can be rezoned to residential in the future, it will mean that the land is identified in the Strategy for longer term residential release.

Manager - Finance & Administration Comments

Not required

Public Consultations

The Lismore Urban Strategy underwent an extensive public consultation process prior to its adoption by Council. No further consultations are proposed at this stage.

Other Group Comments

Manager Environmental Health & Building Services

The reports by James Heddle Acoustical Consultants and GeoLINK indicate that noise from the speedway has a significant impact on some localities of Lismore including the North Lismore Plateau, which is impacted in all meteorological conditions. This impact is deemed to be offensive under environmental noise legislation (Protection of the Environment Operations Act 1997), and other relevant Department of Environment and Conservation Guidelines.

The introduction of Council's recommendation of 9th March 2004, to adopt a Noise Control Notice based on a similar Notice utilised by Parramatta City Council has not lessened the noise impacts of the speedway on areas of Lismore in particular the North Lismore Plateau.

Council's Environmental Health Section does not support increasing the population density in localities impacted by speedway noise as it has the potential to result in conflicting land use and complaints from residents about the noise.

Author's Response to Comments from Other Staff

Not required.

Conclusion

Council has an adopted urban land release strategy that was agreed to by the Department of Infrastructure, Planning and Natural Resources in August 2003. Several amendments subsequently proposed by Council to include the North Lismore plateau within the current five year timeframe of the Strategy have failed to secure the Director-General's agreement. Council is unable to rezone significant areas of land for urban residential purposes unless such land is identified in a land release strategy agreed to by the Director-General.

Other amendments to the Strategy are proposed to ensure that development proceeds within a reasonable time following rezoning of broad scale release areas identified in the Strategy and to signify Council's intentions concerning the limit to eastward expansion of urban development in the longer term.

Recommendation

1. That the report be noted.
2. That the following amendments be made to the Lismore Urban Strategy:
 - a) The sunset clause period from gazettal to lodgement and approval of DA and Master Plan be extended from one to two years.
 - b) The consent period for subdivision of all greenfield sites identified in the Strategy be limited to two years.
 - c) Any application for extension of consent for subdivision of greenfield sites be referred to Council for determination.
 - d) If subdivision is not completed within five years of the consent date, the applicant to be required to show cause why Council should not issue a section 121B notice to complete the development.
 - e) that the line showing the eastern limit of urban expansion be extended westward and then south along Tucki Creek in the manner shown on the map included in the attachments.
3. That a copy of the Lismore Urban Strategy, incorporating the above amendments, be forwarded to the Department of Infrastructure, Planning and Natural Resources.

Subject/File No: MEMORIAL BATHS REDEVELOPMENT
(LW:TMI:D03/673, D03/676)

Prepared By: Manager Special Projects and Properties, Lindsay Walker

Reason: To advise Council of proposed Memorial Baths Redevelopment amendments.

Objective: To obtain Council consent to proposed variation to development consent.

Management Plan Activity: Special Projects and Properties

Background:

Council staff have recognised the need to provide increased open space at the Memorial Baths Redevelopment and have lodged a variation to the current application. This variation takes advantage of an opportunity that has arisen to occupy part of Market Street.

The proposal, in effect, relocates the plant room and amenities southerly, but retains the relativity of the various elements. As a result of this the amendments to the architectural drawings are not significant. In conjunction with this amendment Council staff have taken the opportunity of simplifying the structural elements of the building as it is no longer physically attached to the pool or ballast tank.

The redesign work is proceeding well and the pool contractor is working with Council to facilitate the amendment. The construction work on the pools is continuing unchecked, however it is very important that Council determine the amendment as soon as possible so that the relocated buildings can proceed.

The amendment is likely to add several weeks to the construction timetable but this is not certain as the simplified engineering proposals will take less time to construct.

The pool will, as a result of this amendment, cost more as there is significantly more open space and concourse area. The full figures are not yet available however the cost increase is likely to be about \$200,000.

The proposed modification has been exhibited with submissions closing on July 2, 2004. At that date no submissions had been received. A planning report will be prepared and presented to Council as an addendum to the Business Paper and will be available on or about July 8, 2004.

Manager - Finance & Administration Comments

Not required.

Public Consultations

Being undertaken as part of the advertising process associated with the Section 96 application.

Other Group Comments

Not required.

Recommendation (GM01)

That Council consider the report from Planning and Development group.

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Subject/File No: REQUEST FOR FINANCIAL SUPPORT BY NORTH COAST NATIONAL AGRICULTURAL & INDUSTRIAL SOCIETY INCORPORATED.
(RS:S880)

Prepared By: Manager – Finance & Administration, Rino Santin

Reason: Council has been requested to act as 'guarantor' for the Society's bank overdraft.

Objective: To gain Council's approval to act as 'guarantor'.

Management Plan Activity: Financial Services

Background:

The North Coast National Agricultural & Industrial Society Incorporated (NCNA&IS) have requested Council provide financial support by acting as 'guarantor' for the Society's bank overdraft.

Based on discussions with members of the Society, including President John Gibson and Secretary Ian Mulligan, between now and the North Coast National Show (Show), the overdraft may reach \$100,000. The bank account is anticipated to return to surplus after the Show in October 2004.

Given the high profile of the Show, being the largest event in Lismore and one of the largest on the North Coast, its strong historical financial performance (2001-2003 average of \$100,000 surplus), and the fact that Council has acted as guarantor for other organisations, the request is conditionally supported. It is important to note that while there is a risk associated with this support, it is considered low because of the strong historical performance of the Show. This outcome is anticipated to continue for 2004 with an estimated surplus result of \$133,000.

While the option to act as 'guarantor' is intended to be a short-term solution, it is acknowledged by all concerned that the long-term perspective needs to be addressed. Fundamentally, the Show generates a significant surplus, however the day-to-day costs of operating the showground are increasing to a level where the overall ongoing financial sustainability of the Society, based on current practices, is questionable.

To meet this challenge, the NCNA&IS have been encouraged to develop a business plan for the Lismore Showground and they have submitted an application to the Department of Lands seeking seed funding for this purpose. This process will assist in identifying all the issues, listing all the options and then setting the future direction of the NCNA&IS. It is anticipated that Council will be involved in this process.

Public Consultations

Not required.

Conclusion

To assist the North Coast National Agricultural & Industrial Society Incorporated in meeting a cash shortage, Council has been requested to act as 'guarantor' to their bank overdraft.

Based on the strong financial performance of the North Coast National Show, the conditional support of this request is recommended.

To address the long-term financial perspective, the North Coast National Agricultural & Industrial Society Incorporated are to prepare a business plan for the Lismore Showground.

Recommendation (COR20)

- 1 The General Manager negotiate arrangements with the North Coast National Agricultural & Industrial Society Incorporated to facilitate Council acting as 'guarantor' for a bank overdraft of up to \$100,000 to December 31, 2004.
- 2 Council encourage the North Coast National Agricultural & Industrial Society Incorporated to prepare a business plan for the Lismore Showground as soon as possible.

Subject/File No: DELEGATIONS TO THE GENERAL MANAGER
(S6)

Prepared By: General Manager – Paul O’Sullivan

Reason: Requirement of Local Government Act.

Objective: To review delegations.

Management Plan Activity: -

Introduction:

Section 380 of the Local Government Act 1993 requires that Council review all its delegations during the first 12 months of each term of office. This report is presented to satisfy this requirement.

Background:

The following information outlines the position of Council with respect to the delegations to the General Manager. These are the only matters pertinent to this report – Council has not historically exercised any other delegations.

General power of the council to delegate:

377 A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:-

- *the appointment of a general manager*
- *the making of a rate*
- *a determination under section 549 as to the levying of a rate*
- *the making of a charge*
- *the fixing of a fee*
- *the borrowing of money*
- *the voting of money for expenditure on its works, services or operations*
- *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)*
- *the acceptance of tenders which are required under this Act to be invited by the council*
- *the adoption of a management plan*
- *the adoption of a financial statement included in an annual financial report*
- *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6*
- *the fixing of an amount or rate for the carrying out by the council of work on private land*
- *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work*
- *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning & Assessment Act 1979*
- *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194*
- *a decision under section 356 to contribute money or otherwise grant financial assistance to persons*
- *the making of an application, or the giving of a notice, to the Governor or Minister*

Delegations

- *this power of delegation*
- *any function under this or any other Act that is expressly required to be exercised by resolution of the Council.*

Comment: The above exceptions are reasonably numerous and generally relate to matters which could broadly be described as policy issues as opposed to management issues.

As Councillors are aware, the broad thrust of the Act is to have Councillors determining policy and the General Manager implementing those policies.

Council cannot delegate any function to a staff member other than the General Manager.

Functions of General Manager:

- 335
- 1) *The general manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.*
 - 2) *The general manager has the following particular functions:*
 - *the day-to-day management of the council*
 - *to exercise such of the functions of the council as are delegated by the council to the general manager*
 - *to appoint staff in accordance with an organisation structure and resources approved by the council*
 - *to direct and dismiss staff*
 - *to implement the council's equal opportunity management plan.*
 - 3) *The general manager has such other functions as may be conferred or imposed on the general manager by or under this or any other Act.*

Functions which are designated to the General Manager [(2) and (3) above] cannot legally be exercised by Council.

Delegations by the General Manager:

- 378
- 1) *The general manager may delegate any of the functions of the general manager, other than this power of delegation.*
 - 2) *The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).*
 - 3) *Sub-section (2) extends to a function sub-delegated to the general manager by the Council under section 377(2).*

Comment: *The manner in which the General Manager will carry out the day-to-day management of the Council is his prerogative. The General Manager has given staff appropriate delegations to carry out the day-to-day activities of council.*

Delegations

Exercise of functions conferred or imposed on council employees under other Acts:

- 381 1) *If, under any other Act, a function is conferred or imposed on an employee of a council or on the mayor or a councillor of a council, otherwise than by delegation in accordance with this section, the function is taken to be conferred or imposed on the council.*
- 2) *Such a function may be delegated by the council in accordance with this part.*
- 3) *A person must not, under any other Act, delegate a function to:*
- *the general manager, except with the approval of the council*
 - *an employee of the council, except with the approval of the council and the general manager.*

Comment: *This is essentially a “housekeeping” clause designed to ensure that the effect of the Act or the desire of Council cannot be circumvented by other Acts.*

Why have delegations?

It reflects the intent of the LGA:

i.e. the separation between policy-making functions of the governing body and the implementation of policy by staff.

Allows the governing body to function better:

The Councillors focus on important policy and strategic decisions and avoid having to determine matters of an operational or managerial nature.

Makes the best use of skilled human resources:

The Council achieves a greater return on its human resource investment by giving staff greater responsibility and autonomy in their respective skill areas.

Productivity:

Staff are likely to be motivated by greater delegations and be more productive.

Maximises overall administrative efficiency:

Delegation helps the council make the best use of available human resources and achieve the highest possible rate of productivity at the lowest administrative cost. The cost of decision-making is reduced through eliminating costly and time-consuming formalised reporting to the Council.

Produces more responsive, informed and effective decisions:

The Council can be more responsive to its external environment when decisions are made by staff closest to, and with the most detailed knowledge of, issues and problems.

Delegations

Form of Delegation:

Advice has been taken from Solicitor Lindsay Taylor of Phillips Fox in preparing the recommended form of delegation which is currently a component part of the General Manager's contract of employment. Its endorsement will continue Council's long-standing practice of issuing broad delegations to its general manager. It allows the general manager flexibility to carry out his duties whilst ensuring that decisions will be made in accordance with Council policies.

Manager - Finance & Administration Comments:

Not required.

Public Consultations

Not requested.

Other Group Comments

Not requested.

Recommendation (COR38)

Pursuant to section 377 of the Local Government Act 1993, Council revoke all delegations of functions from the Council to the General Manager whenever made and delegates to the General Manager all of the functions of the Council under any Act or law that may be lawfully so delegated subject to the following conditions and limitations:

- a) The delegate may not exercise a function under delegated authority if:
 - i) the exercise of the function involves the adoption or amendment of a policy of the Council, or would be inconsistent with the aims and objectives of any existing Council policy;
 - ii) in the case of a function (other than to bring, defend, appear in or settle proceedings), the matter to which the function relates is the subject of actual, threatened or apprehended proceedings in a court or other tribunal or is the subject of a public inquiry under any Act; or
 - iii) Council by resolution, direct that a particular matter be referred to Council for decision, in which event this delegation shall not apply to such particular matter unless and until such direction or resolution is revoked by further direction or resolution.
- b) Only debts of \$5,000 or less may be written off by the General Manager.
- c) The delegate must ensure that the conditions and limitations in paragraphs (a) and (b) apply to functions sub-delegated to Council staff by the General Manager where appropriate.

Subject/File No: METHOD OF APPOINTMENT OF DIRECTOR TO ARTS NORTHERN RIVERS INC.
(05-6864: S86)

Prepared By: Group Manager – Corporate & Community Services – Col Cooper

Reason: Request from Board

Objective: Resolve as to how Council's representative will be determined.

Management Plan Activity: Community Services

Background:

In October 2002 the State Government through the NSW Ministry for the Arts Cultural Grants Program offered financial support for the establishment of a new regional arts board in the Northern Rivers region. Together with the support and direction of Regional Arts NSW and NSW Lgov, the Arts Northern Rivers Steering Committee was established in early 2003. The committee consisted of representation from its 10 constituent Councils, comprising staff or Councillors. Each council signed a Memorandum of Understanding relating to the objectives of the Regional Arts Board and the commitment from each Council. Each Council contributes financially to the Regional Arts Board based on population bandings. These funds, together with ongoing funding from the Ministry for the Arts make possible the employment of a Regional Arts Development Officer and a Regional Arts Project Officer, who service the entire Northern Rivers Region. Lismore City contributes \$20,000 annually.

At its meeting of June 21, 2004 the steering committee of Arts Northern Rivers adopted its constitution and moved to incorporate as a not for profit association. The members of the former steering committee representing the (now) seven local governments of the region have been appointed as directors on an interim board. The interim board consists of the following persons:

- Chair: Cr Warren Polglase, Mayor Tweed Shire Council (alternate Mr Don Buckley),
- Cr Phillip Silver, Mayor Ballina Shire Council (alternate Mr Paul Hickey),
- Cr Peter Lewis, Kyogle Shire Council,
- M/s Wendy Adriaans, Manager Community Services, Lismore City Council,
- Mr Greg Downes, Administration & Community Services Manager, Bryon Shire Council,
- Mr Wayne Halcrow, Director Corporate Services, Richmond Valley Council,
- Mr Brian Lane, Corporate & Community Services, Clarence Valley Council (alternate Mr Peter Wilson).

The interim board will manage Arts Northern Rivers Inc until its first AGM to enable the new organisation to consolidate and move forward with community consultation and strategic planning. The Board has the ability to co-opt up to four additional members from the arts community to broaden its effectiveness. The new board will be appointed at the first AGM, expected to be held within the next six to twelve months.

Arts Northern Rivers is planning a local launch and community consultation meeting during early August (tentatively August 6 at 9.30am) at which they would like to announce both the interim Director (Wendy Adriaans) and the method of appointment of the new director.

Each Council will determine the method of appointment of its representative on the new board. The representative may be a councillor, a staff member or a member of the arts community, who may be appointed or selected through an Expression of Interest (EOI) process. Given the enormous interest the establishment of an Arts Northern Rivers Board has generated within the Lismore local government area, it is considered prudent to open the position to an EOI process.

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Method of Appointment of Director to Arts Northern Rivers Inc.

This local government area has a wealth of talent that could adequately represent the interests of Council and the arts community as a director on this board. It is for this reason I strongly suggest that Council advertise for nominations to this position, as it will allow any interested person to submit an expression of interest. Following a formal review process, Council would then formally appoint the successful applicant to the position.

Manager - Finance & Administration Comments

Not required.

Public Consultations

As part of the EOI process.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

N/A

Conclusion

The person appointed to represent Council on this very important regional board must be the well qualified to represent not only the interests of Council but also the local arts industry. In the interests of transparency and ensuring we get the "right" person, Council should call for expressions of interest to fill this position.

Recommendation (COR21)

That Council's representative on Arts Northern Rivers Inc be determined via an expression of interest process.

Subject/File No: SUPPLY & DELIVERY OF LANDFILL WASTE COMPACTOR
(T24026)

Prepared By: Contracts Officer, Chris Allison

Reason: Clause 19 of the Local Government Tendering Regulations

Objective: To seek Council's endorsement not to accept tenders received and to re-tender for the supply of the compactor

Management Plan Activity: Plant Operations

Background:

In May 2004, Council advertised tenders for the supply and delivery of a 30 tonne waste compactor, with tenders being received from three (3) companies.

Following a detailed study of the tenders received and the various options available to finance the purchase of the waste compactor, it was agreed that there would be greater benefits to Council to consider an increased capacity machine, maintenance agreement and the option of leasing the compactor instead of outright purchase.

In accordance with the Local Government (Tendering) Regulations, council must resolve not to accept any of the tenders received and to call fresh tenders in accordance with the regulations.

Manager - Finance & Administration Comments

N/A

Public Consultations

Not required

Group Manager – Business & Enterprise

Not required

Author's Response to Comments from Other Staff

Not required

Conclusion

To ensure compliance with the tender regulations Council must resolve not to accept any of the tenders received and to call fresh tenders.

Recommendation

That Council:

1. Not to accept any of the tenders received for the Supply & Delivery of a Landfill Waste Compactor.
2. Call fresh tenders for the Supply & Delivery of Landfill Waste Compactor including leasing and maintenance options.

Subject/File No: REVIEW OF "PAYMENT OF EXPENSES AND PROVISION OF FACILITIES POLICY"

Prepared By: Administrative Services Manager, Graeme Wilson

Reason: Requirement to review policy

Objective: To ensure Councillors are receiving their correct entitlements and facilities to carry out their activities.

Management Plan Activity: Councillors

Background:

Council is required to adopt a policy with respect to the payment of expenses and the provision of facilities. The relevant section of the Local Government Act 1993 is reproduced below;

Section 252.

- 1) *A council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- 2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- 3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- 4) *A council may from time to time amend a policy under this section.*
- 5) *A policy under this section must comply with the regulations.*

Council is required to review this policy within the first year following a general election.

The existing policy has been amended by the inclusion of various clauses from an existing general council policy being 1.2.2, *Councillor Attendance at Conferences/Seminars* and by the allowance of reimbursement of internet fees. The changes are indicated in "bold" in the attached document. Councillors were invited to submit suggested changes and no such suggestions were received.

Prior to council adopting this Policy (or any variation) it must give 28 days public notice unless it considers the amendments are not substantial. Whilst there are a number of changes it could be argued that they are not substantial changes to the policy. However it would be prudent to advertise.

Manager – Financial Services Comments

The range of expenses and provision of facilities included in the proposed policy are sufficiently funded within Council's 2004/05 Management Plan.

Public Consultations

This will be achieved during the period of public notice.

Other Group Comments

Not requested

Recommendation (COR18)

- 1 That Council place the amended Payment of Expenses and Provision of Facilities policy on public exhibition for a period of 28 Days.
- 2 That following the exhibition period a further report be submitted to Council.

Subject/File No: REVIEW OF COUNCIL POLICIES
(GW/LM: S9)

Prepared By: Administrative Services Manager-Graeme Wilson

Reason: Compliance with Council requirement.

Objective: To ensure policies are accurate and relevant

Management Plan Activity: Administration

Background:

Council has adopted a policy which requires that Council's policies be reviewed annually, with any proposed changes being reported to Council. This requirement is separate to the statutory review requirements that apply to such documents as the Expenses & Facilities Policy or Code of Conduct, etc.

This first general review has concentrated on policies which directly impact upon Councillors. Given that it is the first review all policies have been included, not just the ones requiring change.

Policy Nos.

1.2.1 Attendance of Mayor and General Manager at annual conferences of the Local Government Association of NSW

Comment: *No change recommended.*

1.2.2 Councillor attendance at conferences/seminars

Comment: *This policy largely duplicates provisions found within the Payment of Expenses and Provision of Facilities policy. To reduce confusion, all elements with respect to attendance at conferences/seminars should be contained within one document. Recommend the policy be deleted and where relevant, non-redundant clauses be transferred to the Payment of Expenses and Provision of Facilities policy.*

1.2.3 Duties and responsibilities of committee/panel chairpersons

Comment: *No change recommended.*

1.2.4 Institution or discontinuation of services

Comment: *No change recommended.*

1.2.5 Councillor attendance at committee/panel meetings

Comment: *This policy has changed over the years to the point where the policy is still relevant but its title does not reflect its intent. It is recommended that the title be changed to "Committee Meeting Procedure".*

1.2.6 Councillor access to Council documents

Comment: *No change recommended.*

1.2.7 Council meetings and public contact forums at rural locations

Comment: *No change is suggested to the body of the policy, however it is suggested that the city contact forums be included in the policy by the inclusion in item 4.*

(4) Rural contact forums are to be held on the third Monday of March, June and September – city contact forums on the third Monday of May and August. The forums will commence at 7pm and will be held in lieu of councillor interviews.

The policy title is proposed to be changed to “Rural Council Meetings and Contact Forums”.

1.2.8 Motions of condolence

Comment: *No change recommended.*

1.2.9 Questions without notice

Comment: *This policy operates smoothly and ensures that Councillors receive the information they require.
No change recommended.*

1.2.10 Presentation by intending candidates for Deputy Mayor

Comment: *Council recently reviewed the issue of the annual election of the Deputy Mayor and opted for the status quo.
No change recommended.*

1.2.11 Secret agreements

Comment: *No change recommended.*

1.2.12 Pro rata payment of councillor/mayoral fee

Comment: *The pro rata arrangement is now reflected in the Local Government Act and is not required as a Council policy.
Policy No. 1.2.12 should be deleted.*

1.2.13 Code of behaviour

Comment: *No change recommended.*

1.2.14 Information sessions for councillors

Comment: *This policy is being reviewed by the Planning & Development Group and will be the subject of a separate report. In the interim the policy will remain unchanged.
No change recommended.*

1.2.15 Community consultation policy

Comment: *This policy is currently the subject of an in depth review by staff and will be reported to Council at a later date.
No change recommended.*

1.2.16 Managing conflicts of interest

Comment: *No change recommended.*

1.2.17 Provision of information to and interaction between Councillors and staff

Comment: *It is proposed that in the coming months, the Group Manager-Corporate & Community Services will conduct a workshop on the issue of pecuniary/conflict of interest/staff interaction. Following this workshop these policies may require review.
No change recommended to these policies.*

1.2.18 Rescission motion

In a technical sense this policy exceeds the legal limitations relating to rescission motions and can be ignored by Council whenever it wishes. The logic behind the policy is sound but its functioning relies on the goodwill of Councillors, both those lodging rescission motions and those opposed to the item to be rescinded.

Comment: *No change recommended.*

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Review of Council Policies

1.2.20 **Council workshops**

Comment: *No change recommended.*

1.2.21 **Council business papers**

This policy does no more than reiterate the intent of the meeting procedures. Its deletion will have no impact upon staff procedures or Councillors' powers.

Comment: *It is recommended that this policy be deleted.*

Manager - Finance & Administration Comments

No required

Public Consultations

Not required.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

N/A

Recommendation (COR19)

- 1 That Policies Nos. 1.2.1, 1.2.3, 1.2.4, 1.2.6, 1.2.8, 1.2.9, 1.2.10, 1.2.11, 1.2.13, 1.2.14, 1.2.15, 1.2.16, 1.2.17, 1.2.18, and , 1.2.20, remain unchanged.
- 2 That Policy No. 1.2.2 be deleted and where relevant, non-redundant clauses be transferred to the Payment of Expenses and Provision of Facilities policy.
- 3 The heading of Policy No. 1.2.5 be changed to "**Committee Meeting Procedure**".
- 4 That no change be made to the body of Policy No. 1.2.7, however the city contact forums be included in the report by the inclusion of a new item 4.

(4) Rural contact forums are to be held on the third Monday of March, June and September – city contact forums on the third Monday of May and August. The forums will commence at 7pm and will be held in lieu of councillor interviews.

The policy title is to be changed to "**Rural Council Meetings and Contact Forums**".

- 5 That Policy Nos. 1.2.12 and 1.2.21 be deleted.

Subject/File No: PECUNIARY INTEREST RETURNS
Prepared By: Administrative Services Manager-Graeme Wilson
Reason: Request by Department of Local Government
Objective: To meet the guideline requirements
Management Plan Activity: Administrative Services

Background:

The Department of Local Government has previously issued a set of guidelines on the administrative processes associated with the completion of Pecuniary Interest Returns.

The result was a minor increase in associated administration, including the need for completed Pecuniary Interest Returns to be tabled at a Council meeting.

In accordance with the procedure, tabled are Returns for Councillors who were elected at the March election.

Manager - Finance & Administration Comments

Not required.

Public Consultations

Not required.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

N/A

Recommendation

That the report be received and noted.

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MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD JUNE 16, 2004

AT 10.00 AM.

(WMacD:VLC:S352)

Present: Councillors Merv King (*Chairperson*), Jenny Dowell and John Hampton, Messrs Thomas George, MP, Mike Baldwin (*Roads and Traffic Authority*), Snr Const Steve Hilder (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*) and Messrs Bill Moorhouse (*Group Manager-City Works*) and Bill MacDonald (*Co-Ordinator-Traffic & Law Enforcement*).

In attendance: Ms Karen Wilson for Item No. 2 (*Bus Zone – Dibbs Street*).

Apologies: An apology for non-attendance on behalf of Mr John Daley was received and accepted and leave of absence granted.

Minutes of Traffic Advisory Committee Meeting – May 19, 2004

Members were advised that the Minutes of the meeting held on May 16, 2004 were adopted by Council at its meeting of June 8, 2004.

Disclosure of Interest: Nil

Correspondence:

1. **J & Mrs M Caldwell;** drawing attention to the intersection of Mountain Top Road and Stony Chute Road and requesting that traffic management be reviewed to improve driver safety.

TAC57/04 **RECOMMENDED** that a T-junction warning sign be erected on Mountain Top Road prior to its intersection with Stony Chute Road.

TAC58/04 **FURTHER RECOMMENDED** that several guideposts be installed around the curve on the western side of Mountain Top Road prior to Stony Chute Road.

TAC59/04 **FURTHER RECOMMENDED** that the pipe beneath Mountain Top Road at the intersection be extended in order to straighten up the approach. (R2186,R2105)

2. **Our Lady of Lourdes Infants School Parent Group;** requesting that the times for the bus zone on Dibbs Street outside the School grounds be amended to permit parents to drop off and collect their children before and after School.

Ms Wilson was present for this item and was invited to outline the School's concerns relating to the bus zone on Dibbs Street. Mr MacDonald advised that he had spoken with the Operations Manager at Kirklands Coaches and it had been agreed to alter the times on the existing bus zone signs to read 9am to 3pm. Ms Wilson confirmed that this amendment would be acceptable to the School as well.

TAC60/04 **RECOMMENDED** that the times on the existing bus zone signs at the zone located immediately south of the Oznam Villa Units be altered to read 9am to 3pm. (04-6183:S352,P2764,R6020)

General Business:

3. **Northern Rivers Herb Festival Parade – August 21, 2004**

The Committee reviewed the Traffic Management Plan and confirmed its agreement with the proposal.

TAC61/04 **RECOMMENDED** that approval in relation to traffic control for the Herb Festival be granted. (S822)

4. Intersection of Dunoon Road / Cusack Road, North Lismore

Ms D Nagorcka had expressed concern regarding the lack of sight distance for motorists at the above intersection.

TAC62/04 **RECOMMENDED** that a larger T-junction sign be installed on Dunoon Road prior to Cusack Road with an "over crest" plate included beneath.

TAC63/04 **FURTHER RECOMMENDED** that the road shoulder on Dunoon Road be widened opposite Cusack Road to provide an area for through motorists to manoeuvre around drivers propped to turn right into Cusack Road. (R3407,R4256)

5. Intersection of Hindmarsh / High Streets, Lismore

Ms J Farrell of No. 14 High Street had drawn attention to several drivers losing control of their vehicles around the bend at the above intersection when travelling up High Street. It was noted that the accidents had occurred in wet conditions and were more than likely as a result of excessive speed.

TAC64/04 **RECOMMENDED** that a "slippery when wet" warning sign be erected behind the guardrail on High Street just past the Hindmarsh Street intersection. (R7117)

6. Molesworth Street, Lismore – Centre Rank Parking

The Committee discussed the current trial of 1-hour parking and noted that when Molesworth Street was reconstructed, it had been agreed that a 1-hour limit on the centre rank parking be trialled. There are clear advantages to the 1-hour limit being retained, the most obvious being that available on-street parking is significantly higher due to the higher turn-over rate. It was suggested that a survey be developed which would ask Molesworth Street business people whether they were happy with the various facets of the recent reconstruction of Molesworth Street. One of the questions would be, "Are you happy with the current mix of on-street parking?". This would be useful feedback prior to the reconstruction of the next street in the CBD.

TAC65/04 **RECOMMENDED** that a survey of business people of Molesworth Street be carried out to ascertain their views on the recent reconstruction, the survey to include the issue relating to the mix of parking time limits. (R7322)

7. Lismore CBD – Parking Time Limits

Some concerns had been raised that the length of existing parking time limits within the CBD were not adequate for those who were less mobile. It was pointed out that generally time limits radiated out in length from the centre of the CBD due to the higher demand for parking close to the shops. It was noted that anyone with a mobility problem could apply to the RTA to obtain a mobility parking permit. This permit allows the holder to park their vehicle in areas where the parking is limited by more than 30 minutes for an unlimited time, and additional time for any limit under 30 minutes as well.

Mr George undertook to once again include this item in his regular media update. Other items proposed to increase public knowledge of available parking within the CBD were:

- (a) that the large blue and white 'P' signs pointing towards off-street carparks be upgraded to include times such as '2P' or "all day", and
- (b) a suggestion that LUO upgrade a parking map previously developed by that authority and this be issued to businesses to distribute to their customers. This could also include Doctors that regularly refer patients to practitioners within the CBD. (S353)

8. **Traffic Flows within the CBD**
Discussion took place regarding traffic congestion and flows in and around the CBD. Mr Moorhouse advised that the TTM Study needed to be finalised as soon as possible to allow Council to focus on any proposed changes.
TAC66/04 **RECOMMENDED** that the study being undertaken by TTM be finalised with the results and recommendations being the subject of a report to Council. (S352)
9. **No Parking Zone – Magellan Street in Front of New Library**
Mr MacDonald advised that a request had been received for the introduction of a one car space 'no parking' zone on the northern side of Magellan Street in front of the new Library where the book return chute exists in the wall of the building.
TAC67/04 **RECOMMENDED** that a one car space 'no parking' zone be installed on the northern side of Magellan Street immediately west of the existing disabled parking bays. (R7319)
10. **120th Birthday Celebrations for Eltham Public School**
The Committee was advised of a proposal to use the Sam Trimble Oval on August 7, 2004 for a cricket match between Eltham and Bexhill parents and old boys. As part of the celebrations it was also proposed to hold an "old fashioned country fair". Whilst it was not anticipated that there would be any significant traffic problems associated with the event, Mr MacDonald advised that he was meeting with organisers onsite in order to identify any potential problem areas in relation to parking and traffic flows.

This concluded the business and the meeting terminated at 11.20 am.

CHAIRPERSON

**TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR**

DOCUMENTS FOR SIGNING AND SEALING

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

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

Recommendation:

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

1. **Subdivision Plan and Transfer documents for sale of Lot 201, at Lismore Airport, to Aspect North Pty Ltd.**

Following a previous resolution by Council the relevant survey plan and documents have been prepared for the transfer of part of Lismore Airport to Aspect North Pty Ltd. This transfer will facilitate the establishment of a geospatial operation at Lismore Airport.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JUNE 8, 2004 AT 6.05PM.

Present: Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Hampton, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager; Group Managers-Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Special Projects & Properties, Manager-Finance & Administration, Manager-Communications & Community Relations, Manager-Community Services, Manager-Roads & Infrastructure, Administrative Services Manager and Team Leader-Administrative Support.

Apologies/
Leave of
Absence: Leave of absence for Councillor Henry was approved by Council at its extraordinary meeting of May 5, 2004.

99/04 **Minutes:** The minutes of the Ordinary Meeting held on May 11, 2004, were confirmed.
(Councillors Irwin/Graham)

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 Ros Derrett re report "Cultural Precinct Draft Master Plan"

(See Minute No. 104/04)

Ms Derrett endorsed the recommendation before Council. She spoke to elements of the plan with focus on benefits for the arts community. She emphasised the exhibition period as an opportunity for the community to comment on the proposal and stressed such comment would receive serious consideration. (S857)

Mr Peter Fraser, Manager, Lismore Unlimited Opportunities re report "Special Business Rate Variation Levy"

(See Minute No. 105/04)

Mr Fraser spoke to the evaluation and audit. He gave a background to the introduction of the levy, outlined the process in developing the three year plan and emphasised the support from the business community for the levy. (S740)

Mr Wally Jensen re report "Proposed 2004/05 Roadworks Programme"

Mr Jensen advised he spoke on behalf of 7 local residents prepared to commit to upgrading Muller Road. He outlined the background to the proposal and emphasised the commitment of the residents. However he indicated that continual deferments could result in residents changing their minds. (S374)

MAYORAL MINUTES:

Tender for the Supply of a New Library Trailer

(Tabled)

100/04 **RESOLVED** that the minute be received and Council not accept the tender in respect to tender No. 24025 and that fresh tenders for the supply and delivery of a new mobile library trailer be called as soon as possible.
(Councillors King/Hampton) (T24025)

Business Enterprise Centres

(Tabled)

101/04 **RESOLVED** that the minute be received and Lismore City Council call on the State Government:

- 1 Not to proceed with its restructure of the State's BECs until a 12-month review of the BEC service-delivery model is carried out, complete with consultation with the community.
- 2 In the event that the Government goes ahead with its stated aims, to ensure any BEC 'supercentre' is set up closer to the centre of the Northern Rivers region.
- 3 Further, that a deputation be arranged to seek an urgent meeting with Small Business Minister David Campbell to facilitate a review of the Government's decision.
- 4 Council seek justification from the Minister for the decision.

(Councillors King/Dowell) (S640)

NOTICE OF MOTION:

Award to Ranger Stuart Thomson

102/04 Formal notice having been given by Councillor Irwin it was **RESOLVED** that Council congratulate Stuart Thomson for the award on 21 May of his Commendation for Brave Conduct and thanks him for his courage in putting his own life at risk to save the life of a young citizen of Lismore.

(Councillors Irwin/Crimmins) (E/THO-103)

SUSPENSION OF STANDING ORDERS:

103/04 **RESOLVED** that standing orders be suspended and Council now deal with the undermentioned matters:-

- **Cultural Precinct Draft Master Plan**
- **Special Business Rate Variation Levy – 2002/03 Evaluation and Audit – Lismore Unlimited Opportunities**
- **Proposed 2004/05 Roadworks Programme**

(Councillors Irwin/Chant)

Cultural Precinct Draft Master Plan

104/04 **RESOLVED** that the report be received and -

- 1 That Council publicly exhibit the Draft Master Plan for 28 days.
- 2 That Council invite all interested parties, including those who made submissions to the Draft Plan, to review the document and provide further comment.
- 3 That all submissions be reviewed by the Cultural Precinct Project Team and a further report and amended Master Plan be brought back before Council for adoption.

(Councillors Irwin/King) (S857)

Special Business Rate Variation Levy – 2002/03 Evaluation and Audit – Lismore Unlimited Opportunities

105/04 **RESOLVED** that the report be received and the evaluation and audit report submitted by Lismore Unlimited Opportunities for the expenditure of the 2002/03 Promotion Fund be received and noted.

(Councillors Swientek/Hampton) (S740)

- 106/04 **Proposed 2004/05 Roadworks Programme**
RESOLVED that the report be received and -
- 1 Council approve the proposed 2004/05 Roadworks Programme as set out in the body of the report.
 - 2 A policy be developed in regard to the funding and sealing of low priority roads when residents are prepared to contribute funds.
 - 3 A further policy on funding low priority roads be developed.
 - 4 Council contact the 19 residents who live in Muller and Willis Roads and explore with them their preparedness to contribute towards the resealing of the first part of Muller Road, the funds to be set aside in the roads budget to carry out these works if required.
- (Councillors Tomlinson/Irwin)
Voting Against: Councillors Hampton and Graham.
(S374)

- 107/04 **RESUMPTION OF STANDING ORDERS:**
RESOLVED that standing orders be resumed.
(Councillors Irwin/Hampton)

REPORTS:

Cultural Precinct Draft Master Plan

(See Minute No. 104/04)

Special Business Rate Variation Levy – 2002/03 Evaluation and Audit – Lismore Unlimited Opportunities

(See Minute No. 105/04)

Goonellabah Leisure Centre

A MOTION WAS MOVED that the report be received and –

- 1 That Council approve in-principle the concept Master Plan and draft business plan for the Goonellabah Leisure Centre.
 - 2 The concept Master Plan and Draft Business Plan be placed on exhibition for 28 days and that any public feedback be considered by the Project Steering Committee as part of the project planning process and that if there are any significant amendments the amended plan be brought back to Council for adoption.
 - 3 That the Project Steering Committee proceed to:
 - a) prepare specifications and call tenders for the design and construction of stage 1 of the centre.
 - b) prepare specifications and call tenders for the management of the centre.
 - 4 The tender results be reported to Council for appointment of the successful tenderers.
 - 5 Funds be allocated in the 2004/2005 budget for those works to be undertaken during the 2004/2005 financial year.
 - 6 The construction of stage 1 be targeted for completion in December 2005.
- (Councillors Swientek/Hampton)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 That Council approve in-principle the concept Master Plan and draft business plan for the Goonellabah Leisure Centre.

- 2 The concept Master Plan and Draft Business Plan be placed on exhibition for 28 days and that any public feedback be considered by the Project Steering Committee as part of the project planning process and the amended plan be brought back to Council for adoption.
- 3 That the Project Steering Committee proceed to:
 - a) prepare specifications and call tenders for the design and construction of stage 1 of the centre.
 - b) prepare specifications and call tenders for the management of the centre.
- 4 The tender results be reported to Council for appointment of the successful tenderers.
- 5 Funds be allocated in the 2004/2005 budget for those works to be undertaken during the 2004/2005 financial year.
- 6 The construction of stage 1 be targeted for completion in December 2005.
- 7 That staff apply for State and Federal Government grants, investigate joint venture proposals aimed at reducing the cost to Council.
(Councillors Tomlinson/Irwin)

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

108/04

RESOLVED that the report be received and –

- 1 That Council approve in-principle the concept Master Plan and draft business plan for the Goonellabah Leisure Centre.
- 2 The concept Master Plan and Draft Business Plan be placed on exhibition for 28 days and that any public feedback be considered by the Project Steering Committee as part of the project planning process and the amended plan be brought back to Council for adoption.
- 3 That the Project Steering Committee proceed to:
 - a) prepare specifications and call tenders for the design and construction of stage 1 of the centre.
 - b) prepare specifications and call tenders for the management of the centre.
- 4 The tender results be reported to Council for appointment of the successful tenderers.
- 5 Funds be allocated in the 2004/2005 budget for those works to be undertaken during the 2004/2005 financial year.
- 6 The construction of stage 1 be targeted for completion in December 2005.
- 7 That staff apply for State and Federal Government grants, investigate joint venture proposals aimed at reducing the cost to Council.
(Councillors Tomlinson/Irwin)

Proposed 2004/05 Roadworks Programme

(See Minute No. 106/04)

Review of 6(a)-(Recreation) Zoned Land and Reclassification of Certain Council Properties from Community to Operational land

A MOTION WAS MOVED that the report be received and –

- 1 Council remove Gates Lake and surrounds from LEP amendment No. 12 and hold a workshop on the Plan of Management of Gates Lake.
- 2 That the amended Lismore LEP Amendment No. 12 be publicly exhibited for 28 days following which all submissions will be reported to Council.
(Councillors Irwin/Ekins)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 That Council amend part of Lismore LEP Amendment No. 12 such that the proposed 7(a) zone over Gates Lake becomes 6(a).

- 2 That the amended Lismore LEP Amendment No. 12 be publicly exhibited for 28 days following which all submissions will be reported to Council.
(Councillors Hampton/Meineke)

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

Voting Against: Councillors Irwin, Tomlinson, Ekins, Dowell and Swientek.

- 109/04 **RESOLVED** that the report be received and –
- 1 That Council amend part of Lismore LEP Amendment No. 12 such that the proposed 7(a) zone over Gates Lake becomes 6(a).
- 2 That the amended Lismore LEP Amendment No. 12 be publicly exhibited for 28 days following which all submissions will be reported to Council.
(Councillors Hampton/Meineke)
- Voting Against:** Councillors Irwin, Tomlinson, Ekins, Dowell and Swientek.
(S849)

State Environmental Planning Policy (Application of Development Standards) 2004

- 110/04 **RESOLVED** that the report be received and Council make a submission to the Department of Infrastructure, Planning and Natural Resources supporting draft State Environmental Planning Policy (Application of Development Standards) 2004, but:
- 1 Requesting that amendments be made to address the issue of permissible development on non-urban allotments that have previously been created using the current SEPP No.1 where such allotments are less than 90% of the minimum area specified by a development standard; and
- 2 Suggesting that, to avoid confusion, the new SEPP when gazetted be referred to as State Environmental Planning Policy No.1.
(Councillors Irwin/Dowell) (S285)

Annual Remuneration fee for Mayor and Councillors

- 111/04 **RESOLVED** that the report be received and in accordance with Sections 248 and 249 of the Local Government Act 1993, Council fix the 2004/05 annual fee for Councillors at \$12,925 and for the Mayor at \$28,215.
(Councillors Tomlinson/Hampton)
- Voting Against:** Councillors Irwin, Ekins and Dowell.
(S45)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 19/5/04

- 112/04 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.
(Councillors Irwin/Hampton) (S352)

DOCUMENTS FOR SIGNING AND SEALING:

- 113/04 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

Service Agreements with Department of Community Services

Salary subsidy for Community Worker and Education & Development Program Funding for Koala Long Day Care Centre:

- Community Worker - \$11,375 for period 1/7/04 to 30/6/05
- Koala Long Day Care Centre - \$31,939 (04-4949: S728)

Subdivision Plan - Road Closure – East Street, South Lismore

Consistent with agreement that Council signed with Bennetts & Kumasi to allow East Street to be relocated to the carriageway currently in use.

(04-5729: R6915)

Sublease – 218-232 Molesworth Street

Lease of suite 2, level 3 of Rous Water building for EDU staff for 3 years from 1/3/04.

(P6824)

Council Lease to Northern Rivers Aero Club

Lease of hangar No. 1 (Lot 2 DP 803388) for a period of 5 years from 1/7/03 to 30/6/08.

(04-5845: P9733)

(Councillors Irwin/King)

Voting Against: Councillor Swientek.

This concluded the business and the meeting terminated at 8.12 pm.

CONFIRMED this 13TH day of JULY 2004 at which meeting the signature herein was subscribed.

MAYOR

MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JUNE 22, 2004 AT 6.00PM.

Present: Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Hampton, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager; Group Managers-Acting Corporate & Community Services (R. Santin), City Works, Planning & Development, Business & Enterprise; Principal Accountant, Management Accountant, Manager-Communications & Community Relations, Administrative Services Manager and Administration Officer Tina Irish.

114/04 **Apologies/** Leave of absence for Councillor Henry was approved by Council at
Leave of its extraordinary meeting of May 5, 2004.
Absence:

PUBLIC ACCESS SESSION:

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

Lyndon Terracini re Management Plan Report

Mr Terracini spoke in support of the NORPA request for \$50,000. He outlined the achievements of NORPA and the benefits it brought to the city culturally and financially. (S880)

Mal Rothwell on behalf of Nimbin Business Group re Rate Report

Mr Rothwell spoke on behalf of an independent business group against the Nimbin Business Rate. He claimed a lack of consultation on how it was spent and a lack of return to those paying the rate. He urged it be deleted. (S880,S384)

David Yarnall re Management Plan Report

Mr Yarnall spoke as President of The Channon Precinct Committee and The Channon representative on the Roads Committee. He requested Council consider a third grade on the higher use road siting a number of benefit of a third grade. (S880)

Joe Friend re Management Plan Report

Mr Friend outlined his work on camphor laurels and sought reassurance about ongoing funding for camphor control. (S880)

Sue Stock re Management Plan Report

Ms Stock requested funding for BBQ's at Nimbin Pool and solar lighting of the Nimbin Street facades, and upgrading of Allsopp Park. She urged Council to seek external funding for such projects. (S880)

C. Ubukala re Management Plan Report

Ms Ubukala requested the relocation of playground equipment from Allsopp Park to Peace Park and the installation of additional equipment. (S880)

REPORTS:

2004/05 - 2006/07 Management Plan

115/04

RESOLVED that the report be received and Council –

- 1 Acknowledge receipt and consideration of all public submissions, and they be referred to the 3rd August 2004 Budget Workshop for further consideration, except those relating to the Nimbin Business Rate.
- 2 Adopt the 2004/05 – 2006/07 Management Plan, including the Budget and Fees & Charges, based on that advertised and reported with the exception that 'Sportsground Fees and Charges' be held at the 2003/04 level pending the review proposed by Council at its 11th May meeting.
- 3 Adopt a loan program of up to \$5,305,000 for specific works as included in the 2004/05 Budget.
- 4 Substantially meets the criteria required by the Best-Practice Management of Water Supply and Sewerage guidelines issued by the Department of Energy, Utilities and Sustainability and intend to make a dividend payment of \$15 per service from water and \$2 per service from wastewater during 2004/05.
- 5 Issue two (2) waste vouchers to all rateable properties.

(Councillors Swientek / Irwin)

Voting Against: Councillors Ekins.

2004/05 Rates & Charges

A MOTION WAS MOVED that the report be received and

(1)(A) GENERAL RATES

Whereas Council has advertised its Draft Management Plan for 2004/2005, in accordance with Section 405 of the Local Government Act, 1993, and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993:

- (i) It is hereby resolved that a **Business Rate** to be known as the "**Business Inner CBD**" Rate, of **four point five eight four six (4.5846) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **four hundred and twenty six dollars (\$426.00)** per assessment, be now made for the rating year July 1, 2004 to June 30, 2005, on all rateable land within the centre of activity known as the 'Inner CBD' within the area shown in Schedule 'C' and which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
- (ii) It is hereby resolved that a **Business Rate** to be known as the "**Business Urban**" Rate, of **two point five eight zero eight (2.5808) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **four hundred and twenty six dollars (\$426.00)** per assessment, be now made for the rating year July 1, 2004 to June 30, 2005, on all rateable land within the centre of activity outside the Inner CBD but within the urban area of Lismore as shown in Schedule 'D', which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
- (iii) It is hereby resolved that a **Business Rate** to be known as the "**Business Other**" Rate, of **two point three six nine five (2.3695) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **four hundred and twenty six dollars and (\$426.00)** per assessment, be now made for the rating year July 1, 2004 to June 30, 2005, on all rateable land in the City of Lismore but not within the areas defined in Schedules 'C' and 'D' attached, as defined, which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.

- (iv) It is hereby resolved that a **Farmland Rate**, to be known as the “**Farmland Rate**” of **point nine seven eight seven (.9787) a cent in the dollar**, on the Land Value as at Base Date July 1, 2001, subject to a minimum amount of **four hundred and twenty six dollars (\$426.00)** per assessment, be now made for the rating year July 1, 2004 to June 30, 2005, on all rateable land in the City of Lismore area, which meets the definition of Farmland as defined in Section 515 of the Local Government Act, 1993
- (v) It is hereby resolved that a **Residential Rate** to be known as the “**Residential Rate**” of **one point nine eight seven nine (1.9879) cents in the dollar**, on the Land Value as at Base Date July 1, 2001, subject to a minimum amount of **four hundred and twenty six dollars (\$426.00)** per assessment, be now made for the rating year July 1, 2004 to June 30, 2005, on all rateable land within the centres of population defined in Schedule 'A' attached and meeting the definition of residential land, as set out in Section 516 of the Local Government Act, 1993.
- (vi) It is hereby resolved that a Residential Rate sub-category to be known as “**Residential Billen**” of **one point nine eight seven nine (1.9879) cents in the dollar**, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **three hundred dollars (\$300.00)** per assessment, be now made for the rating year July 1, 2004 to June 30, 2005 on all rateable land within the centre of population defined in Schedule 'B' attached and meeting the definition of residential land, as set out in Section 516 of the Local Government Act, 1993.
- (vii) It is hereby resolved that a Residential Rate sub-category to be known as the “**Residential Rural**” rate of **one point four three four five (1.4345) cents in the dollar**, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **four hundred and thirty dollars (\$430.00)** per assessment be now made for the rating year July 1, 2004 to June 30, 2005 on all land which meets the definition of Residential as defined in Section 516 of the Local Government Act, 1993, except for the land described in Schedules 'A' and 'B' attached to this report.
- (viii) It is hereby resolved that a **Special Rate** to be known as the “**Flood Levee**” rate of **point one zero six three (.1063) of a cent in the Dollar**, per assessment, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **two dollars** be now made for the rating year July 1, 2004 to June 30, 2005 on all land within the area defined in Schedule 'E' attached to this report which in Council's opinion will receive a special benefit from the construction of the Flood Levee from a one in ten year flood event.

(B) SEWERAGE AND TRADE WASTE CHARGES

Whereas Council has advertised its Draft Management Plan for 2004/2005 in accordance with Section 405 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993.

Lismore, Perradenya & Nimbin Sewerage Scheme

- (i) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the provision of Sewerage Services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of **four hundred dollars and twelve dollars (\$412.00)**, per assessment. This charge applies to properties connected to the Lismore, Perradenya & Nimbin Sewerage Scheme and is to be known as the “**Sewer**” charge for the period July 1, 2004 to June 30, 2005.

- (ii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge, as per the attached Schedule "F", where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of Sewerage Services to a parcel of land connected to the Lismore, Perradenya & Nimbin Sewerage Scheme to be known as the "**Sewer Multiple**" charge for the period July 1, 2004 to June 30, 2005, excluding residential Strata Units.
- (iii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **two hundred and forty seven dollars (\$247.00)** per assessment for all rateable parcels of land within 75 metres of a Lismore, Perradenya & Nimbin Sewer Main and capable of discharging into that main but not connected thereto to be known as the "**Sewer Unconnected**" charge for the period July 1, 2004 to June 30, 2005.

Lismore, Perradenya & Nimbin Trade Waste Charges

- (iv) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Lismore, Perradenya & Nimbin Sewer Scheme, as per the attached Schedule "F", where the charge is indicated by the number of equivalent tenants allocated to an assessment in accordance with the methodology set out in Council's Sewer Usage Charging Strategy to be known as the "**Non-Residential Sewer**" charge, except for properties declared by Lismore City Council to be Established Strength Users, for the period July 1, 2004 to June 30, 2005.
- (v) It is hereby resolved that, in accordance with Sections 502 and 539 of the Local Government Act, 1993, a charge be now made, for properties declared by Lismore City Council to be Established Strength Users in accordance with Lismore City Council's Trade Waste Policy, Section 3.2, to be calculated in accordance with Lismore City Council's Sewerage Usage Charging Strategy, Section 2.5, as follows:
- A charge of **ninety two cents (92 cents)** per kilolitre of discharge; plus
 - A charge of **one dollar and twenty nine cents (\$1.29)** per kilogram of Biochemical Oxygen Demand; plus
 - A charge of **eighty cents (80 cents)** per kilogram of Suspended Solids; plus
 - A charge of **two dollars twenty five cents (\$2.25)** per kilogram of Oils and/or Grease, to be known as the "**Established Strength**" charge for the period July 1, 2004 to June 30, 2005.

(C) WATER CHARGES

Whereas Council has advertised its Draft Management Plan for 2004/2005 in accordance with Section 405 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993:

- (i) It is hereby resolved that in accordance with Section 501, 503, 539 and 541 of the Local Government Act, 1993 an annual charge be now made for the provision of water and water service availability, based on the size of the water service connected to a property. For a property which has two or more water connections, the cost of the services will be the total number of services multiplied by the fixed service charged; in cases where different sized services are connected the sum of the cost of the fixed service charges, except for water connections used solely for fire fighting services, the cost of which shall be **ninety two dollars forty cents (\$92.40)** per fire fighting service; for the year

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July 1, 2004 to June 30, 2005 to be known as the “**Fixed Service Charge**” is hereby made in respect of:

Size of Service	Fixed Service Charge
20mm	\$ 92.40
25mm	\$ 144.40
32mm	\$ 236.60
40mm	\$ 369.68
50mm	\$ 577.64
65mm	\$ 976.20
80mm	\$1,478.20
100mm	\$2,310.52
150mm	\$5,198.64

- (ii) In accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993 an annual charge, for the availability of water to property not connected to Council's Water Supply, but capable of connection thereto and within 225 metres of a Lismore City Council water main, in accordance with Section 552 (1)(b) of the Local Government Act, 1993, for the year July 1, 2004 to June 30, 2005, to be known as the “**Water Availability**”, of **ninety two dollars forty cents (\$92.40)** per assessment is hereby made.
- (iii) In accordance with Section 502 and 503 of the Local Government Act, 1993 for water recorded by the water meter on a property, a charge of **ninety three cents (93 cents)** per kilolitre for the year July 1, 2004 to June 30, 2005 to be known as the “**Consumption**” charge is hereby made.

(D) DOMESTIC AND NON DOMESTIC WASTE MANAGEMENT SERVICES

Whereas Council has advertised its Draft Management Plan for 2004/2005 in accordance with Section 406 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993:

- (i) It is hereby resolved that an annual charge be now made, in accordance with Sections 496 of the Local Government Act, 1993, for all land within the declared domestic waste scavenging areas, both urban and rural, maps of which are available at Council's Oliver Avenue Office, not utilising the domestic waste management service provided by Council to be known as the “**Waste Availability**” charge, of **five dollars (\$5.00)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue office, that are levied the Nimbin Transfer Station Charge, for the period July 1, 2004 to June 30, 2005.
- (ii) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all land within the Lismore City Council area, to be known as the “**Environment Protection**” charge, of **thirty eight dollars and ten cents (\$38.10)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue Office, that are levied the Nimbin Transfer Station Charge, for the period July 1, 2004 to June 30, 2005.
- (iii) It is hereby resolved that an annual charge be now made, in accordance with Sections 501 and 541 of the Local Government Act, 1993, for all land located within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue Office, for the provision of the Nimbin Transfer Station Facility, of **fifty five dollars (\$55.00)** per assessment and for properties with multiple units of resident occupancy a charge of **fifty five dollars (\$55.00)** per unit of residential occupancy located on each assessment, to be known as the “**Transfer Station**” for the period July 1, 2004 to June 30, 2005. Properties paying for a waste collection service are exempt from this charge.

- (iv) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Lismore CBD, a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and Council collects the approved contents of a approved 240 litre mobile waste bin from that property, of **one hundred and forty eight dollars (\$148.00)** per bin collected per annum, to be known as the "**CBD Non-Domestic Waste**" charge for the period July 1, 2004 to June 30, 2005. Services commenced during the charging period will be charged for on a proportional basis. Two 100KG mixed waste vouchers are included as part of this service.
- (v) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties located outside the Urban area of Lismore, maps of which are available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and Council collects an approved 240 litre mobile waste bin from that property, of **one hundred and forty seven dollars ninety cents (\$147.90)** per bin collected per annum, to be known as the "**Rural Non-Domestic Waste**" charge for the period July 1, 2004 to June 30, 2005. Services commenced during the charging period will be charged for on a proportional basis. Two 100KG mixed waste vouchers are provided for each service .
- (vi) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of a 140 litre approved mobile waste bin. In addition, on a fortnightly basis Council will remove the approved contents a 240 litre approved mobile waste bin. Two 100KG mixed waste disposal vouchers are provided for each service. This charge is to be known as the "**Integrated Waste**" collection service for the period July 1, 2004 to June 30, 2005 and will be charged at **one hundred and thirty three dollars ninety cents (\$133.90)** per annum. Additional services will be charged at **one hundred and thirty three dollars ninety cents (\$133.90) per annum**. Services commenced during the charging period will be charged for on a proportional basis.
- (vii) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act, 1993, for the removal of the approved contents of a approved 240 litre mobile waste bin each week, from domestic premises, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Oliver Avenue Office, of **one hundred and thirty dollars (\$130.00)**, to be known as the "**Waste Collection Service**" charge, additional services will be charged at **one hundred and thirty dollars (\$130.00)**, for the period July 1 2004 to June 30 2005. Services commenced during the charging period will be charged for on a proportional basis. Two 100KG mixed waste vouchers are provided for each service.
- (viii) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Urban area of Lismore, but outside the Lismore CBD, a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and where Council collects the approved contents of a approved 240 litre mobile waste bin on a fortnightly basis and a 140 litre approved mobile waste bin on a weekly basis from that property, of **one hundred and forty two dollars ninety cents (\$142.90)** per bin collected per annum, to be known as the "**Non Domestic Integrated Waste**" charge for the period July 1, 2004 to June 30, 2005. For services commenced during the year a proportional charge will be made. Two 100KG mixed waste vouchers are provided for each service.
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- (iix) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, that have over 10 weekly collection services and subject to the Manager – Northern Rivers Waste discretion, for the removal, weekly, of the approved contents of a 240 litre approved mobile waste bin. Two 100KG mixed waste disposal vouchers are included for each service. This charge is to be known as the “**Waste Collection – Urban**” service for the period July 1, 2004 to June 30, 2005 and will be charged at **one hundred and thirty three dollars ninety cents (\$133.90)** per annum per mobile waste bin collected. Services commenced during the charging period will be charged for on a proportional basis.
- (ix) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, that have over 10 weekly collection services and subject to the approval of the Manager-Northern Rivers Waste, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and where Council collects the contents of approved 240 litre mobile waste bins on a fortnightly basis, being used for both organic and mixed waste, of **one hundred and forty two dollars ninety cents (\$142.90)** per bin collected per annum, to be known as the “**Non Domestic Integrated Waste Collection Service - Other**” charge for the period July 1, 2004 to June 30, 2005. For services commenced during the year a proportional charge will be made. Two 100KG mixed waste vouchers for each service are included as part of this service.
- (x) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal fortnightly, subject to approval from the Manager - Northern Rivers Waste, of the approved contents a 240 litre approved mobile waste bin. Two 100KG mixed waste disposal vouchers are provided for each service. This charge is to be known as the “**Urban Runner**” collection service for the period July 1, 2004 to June 30, 2005 and will be charged at **one hundred and thirty three dollars ninety cents (\$133.90)** per annum. Additional services will be charged at **one hundred and thirty three dollars ninety cents (\$133.90) per annum**. Services commenced during the charging period will be charged for on a proportional basis.

(E) INTEREST CHARGES

Council is able, under Section 566 (3) of the Local Government Act 1993, to charge interest on overdue Rates and Charges. The Minister for Local Government has advised in Circular 04/18 that the maximum allowable amount of interest for 2004/2005 is **9%**. This Council has generally adopted the maximum interest Rate as the amount to be charged.

- (i) It is hereby resolved that the 2004/2005 Interest Rate on overdue Rates and Charges will be **9%**.
- (2) Council not take up its full 3.5% rate increase.
(Councillor Swientek)

The MOTION lapsed for want of a seconder.

116/04 **RESOLVED** that the report be received and

(A) GENERAL RATES

Whereas Council has advertised its Draft Management Plan for 2004/2005, in accordance with

Section 405 of the Local Government Act, 1993, and has considered submissions to its Draft

Management Plan in accordance with Section 406 of the Local Government Act, 1993:

- (i) It is hereby resolved that a **Business Rate** to be known as the “**Business Inner CBD**” Rate, of **four point five eight four six (4.5846) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **four hundred and twenty six dollars (\$426.00)** per assessment, be now made for the rating year July 1, 2004 to June 30, 2005, on all rateable land within the centre of activity known as the ‘Inner CBD’ within the area shown in Schedule ‘C’ and which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
- (ii) It is hereby resolved that a **Business Rate** to be known as the “**Business Urban**” Rate, of **two point five eight zero eight (2.5808) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **four hundred and twenty six dollars (\$426.00)** per assessment, be now made for the rating year July 1, 2004 to June 30, 2005, on all rateable land within the centre of activity outside the Inner CBD but within the urban area of Lismore as shown in Schedule ‘D’, which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
- (iii) It is hereby resolved that a **Business Rate** to be known as the “**Business Other**” Rate, of **two point three six nine five (2.3695) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **four hundred and twenty six dollars and (\$426.00)** per assessment, be now made for the rating year July 1, 2004 to June 30, 2005, on all rateable land in the City of Lismore but not within the areas defined in Schedules ‘C’ and ‘D’ attached and the Village of Nimbin ,as defined, which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
- (iv) It is hereby resolved that a **Business Rate** to be known as the “**Nimbin Business** ” Rate, of **two point nine zero three seven (2.9037) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **four hundred and twenty six dollars (\$426.00)** per assessment, be now made for the rating year July 1, 2004 to June 30, 2005, on all rateable land within the Village of Nimbin and which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
- (v) It is hereby resolved that a **Farmland Rate**, to be known as the “**Farmland Rate**” of **point nine seven eight seven (.9787) a cent in the dollar**, on the Land Value as at Base Date July 1, 2001, subject to a minimum amount of **four hundred and twenty six dollars (\$426.00)** per assessment, be now made for the rating year July 1, 2004 to June 30, 2005, on all rateable land in the City of Lismore area, which meets the definition of Farmland as defined in Section 515 of the Local Government Act, 1993.
- (vi) It is hereby resolved that a **Residential Rate** to be known as the “**Residential Rate**” of **one point nine eight five five (1.9855) cents in the dollar**, on the Land Value as at Base Date July 1, 2001, subject to a minimum amount of **four hundred and twenty six dollars (\$426.00)** per assessment, be now made for the rating year July 1, 2004 to June 30, 2005, on all rateable land within the centres of population defined in Schedule ‘A’ attached and meeting the definition of residential land, as set out in Section 516 of the Local Government Act, 1993.

- (vii) It is hereby resolved that a Residential Rate sub-category to be known as **“Residential Billen”** of **one point nine eight five five (1.9855) cents in the dollar**, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **three hundred dollars (\$300.00)** per assessment, be now made for the rating year July 1, 2004 to June 30, 2005 on all rateable land within the centre of population defined in Schedule ‘B’ attached and meeting the definition of residential land, as set out in Section 516 of the Local Government Act, 1993.
- (viii) It is hereby resolved that a Residential Rate sub-category to be known as the **“Residential Rural”** rate of **one point four three four five (1.4345) cents in the dollar**, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **four hundred and thirty dollars (\$430.00)** per assessment be now made for the rating year July 1, 2004 to June 30, 2005 on all land which meets the definition of Residential as defined in Section 516 of the Local Government Act, 1993, except for the land described in Schedules ‘A’ and ‘B’ attached to this report.
- (ix) It is hereby resolved that a **Special Rate** to be known as the **“Flood Levee”** rate of **point one zero six three (.1063) of a cent in the Dollar**, per assessment, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **two dollars** be now made for the rating year July 1, 2004 to June 30, 2005 on all land within the area defined in Schedule ‘E’ attached to this report which in Council’s opinion will receive a special benefit from the construction of the Flood Levee from a one in ten year flood event.

(B) SEWERAGE AND TRADE WASTE CHARGES

Whereas Council has advertised its Draft Management Plan for 2004/2005 in accordance with Section 405 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993.

Lismore, Perradenya & Nimbin Sewerage Scheme

- (i) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the provision of Sewerage Services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of **four hundred dollars and twelve dollars (\$412.00)**, per assessment. This charge applies to properties connected to the Lismore, Perradenya & Nimbin Sewerage Scheme and is to be known as the **“Sewer”** charge for the period July 1, 2004 to June 30, 2005.
- (ii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge, as per the attached Schedule “F”, where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of Sewerage Services to a parcel of land connected to the Lismore, Perradenya & Nimbin Sewerage Scheme to be known as the **“Sewer Multiple”** charge for the period July 1, 2004 to June 30, 2005, excluding residential Strata Units.
- (iii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **two hundred and forty seven dollars (\$247.00)** per assessment for all rateable parcels of land within 75 metres of a Lismore, Perradenya & Nimbin Sewer Main and capable of discharging into that main but not connected thereto to be known as the **“Sewer Unconnected”** charge for the period July 1, 2004 to June 30, 2005.

Lismore, Perradenya & Nimbin Trade Waste Charges

- (iv) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Lismore, Perradenya & Nimbin Sewer Scheme, as per the attached Schedule "F", where the charge is indicated by the number of equivalent tenants allocated to an assessment in accordance with the methodology set out in Council's Sewer Usage Charging Strategy to be known as the "**Non-Residential Sewer**" charge, except for properties declared by Lismore City Council to be Established Strength Users, for the period July 1, 2004 to June 30, 2005.
- (v) It is hereby resolved that, in accordance with Sections 502 and 539 of the Local Government Act, 1993, a charge be now made, for properties declared by Lismore City Council to be Established Strength Users in accordance with Lismore City Council's Trade Waste Policy, Section 3.2, to be calculated in accordance with Lismore City Council's Sewerage Usage Charging Strategy, Section 2.5, as follows:
- A charge of **ninety two cents (92 cents)** per kilolitre of discharge; plus
 - A charge of **one dollar and twenty nine cents (\$1.29)** per kilogram of Biochemical Oxygen Demand; plus
 - A charge of **eighty cents (80 cents)** per kilogram of Suspended Solids; plus
 - A charge of **two dollars twenty five cents (\$2.25)** per kilogram of Oils and/or Grease, to be known as the "**Established Strength**" charge for the period July 1, 2004 to June 30, 2005.

(C) WATER CHARGES

Whereas Council has advertised its Draft Management Plan for 2004/2005 in accordance with Section 405 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993:

- (i) It is hereby resolved that in accordance with Section 501, 503, 539 and 541 of the Local Government Act, 1993 an annual charge be now made for the provision of water and water service availability, based on the size of the water service connected to a property. For a property which has two or more water connections, the cost of the services will be the total number of services multiplied by the fixed service charged; in cases where different sized services are connected the sum of the cost of the fixed service charges, except for water connections used solely for fire fighting services, the cost of which shall be **ninety two dollars forty cents (\$92.40)** per fire fighting service; for the year July 1, 2004 to June 30, 2005 to be known as the "**Fixed Service Charge**" is hereby made in respect of:

Size of Service	Fixed Service Charge
20mm	\$ 92.40
25mm	\$ 144.40
32mm	\$ 236.60
40mm	\$ 369.68
50mm	\$ 577.64
65mm	\$ 976.20
80mm	\$1,478.20
100mm	\$2,310.52
150mm	\$5,198.64

- (ii) In accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993 an annual charge, for the availability of water to property not connected to Council's Water Supply, but capable of connection thereto and within
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225 metres of a Lismore City Council water main, in accordance with Section 552 (1)(b) of the Local Government Act, 1993, for the year July 1, 2004 to June 30, 2005, to be known as the “**Water Availability**”, of **ninety two dollars forty cents (\$92.40)** per assessment is hereby made.

- (iii) In accordance with Section 502 and 503 of the Local Government Act, 1993 for water recorded by the water meter on a property, a charge of **ninety three cents (93 cents)** per kilolitre for the year July 1, 2004 to June 30, 2005 to be known as the “**Consumption**” charge is hereby made.

(D) DOMESTIC AND NON DOMESTIC WASTE MANAGEMENT SERVICES

Whereas Council has advertised its Draft Management Plan for 2004/2005 in accordance with Section 406 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993:

- (i) It is hereby resolved that an annual charge be now made, in accordance with Sections 496 of the Local Government Act, 1993, for all land within the declared domestic waste scavenging areas, both urban and rural, maps of which are available at Council's Oliver Avenue Office, not utilising the domestic waste management service provided by Council to be known as the “**Waste Availability**” charge, of **five dollars (\$5.00)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue office, that are levied the Nimbin Transfer Station Charge, for the period July 1, 2004 to June 30, 2005.
 - (ii) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all land within the Lismore City Council area, to be known as the “**Environment Protection** ” charge, of **thirty eight dollars and ten cents (\$38.10)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue Office, that are levied the Nimbin Transfer Station Charge, for the period July 1, 2004 to June 30, 2005.
 - (iii) It is hereby resolved that an annual charge be now made, in accordance with Sections 501 and 541 of the Local Government Act, 1993, for all land located within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue Office, for the provision of the Nimbin Transfer Station Facility, of **fifty five dollars (\$55.00)** per assessment and for properties with multiple units of resident occupancy a charge of **fifty five dollars (\$55.00)** per unit of residential occupancy located on each assessment, to be known as the “**Transfer Station**” for the period July 1, 2004 to June 30, 2005. Properties paying for a waste collection service are exempt from this charge.
 - (iv) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Lismore CBD, a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and Council collects the approved contents of a approved 240 litre mobile waste bin from that property, of **one hundred and forty eight dollars (\$148.00)** per bin collected per annum, to be known as the “**CBD Non-Domestic Waste**” charge for the period July 1, 2004 to June 30, 2005. Services commenced during the charging period will be charged for on a proportional basis. Two 100KG mixed waste vouchers are included as part of this service.
 - (v) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties located outside the Urban area of Lismore, maps of which are available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and Council collects an
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approved 240 litre mobile waste bin from that property, of **one hundred and forty seven dollars ninety cents (\$147.90)** per bin collected per annum, to be known as the “**Rural Non-Domestic Waste**” charge for the period July 1,2004 to June 30,2005. Services commenced during the charging period will be charged for on a proportional basis. Two 100KG mixed waste vouchers are provided for each service .

- (vi) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of a 140 litre approved mobile waste bin. In addition, on a fortnightly basis Council will remove the approved contents a 240 litre approved mobile waste bin. Two 100KG mixed waste disposal vouchers are provided for each service. This charge is to be known as the “**Integrated Waste**” collection service for the period July 1, 2004 to June 30, 2005 and will be charged at **one hundred and thirty three dollars ninety cents (\$133.90)** per annum. Additional services will be charged at **one hundred and thirty three dollars ninety cents (\$133.90) per annum**. Services commenced during the charging period will be charged for on a proportional basis.
- (vii) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act, 1993, for the removal of the approved contents of a approved 240 litre mobile waste bin each week, from domestic premises, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Oliver Avenue Office, of **one hundred and thirty dollars (\$130.00)**, to be known as the “**Waste Collection Service**” charge, additional services will be charged at **one hundred and thirty dollars (\$130.00)**, for the period July 1 2004 to June 30 2005. Services commenced during the charging period will be charged for on a proportional basis. Two 100KG mixed waste vouchers are provided for each service.
- (viii) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Urban area of Lismore, but outside the Lismore CBD, a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and where Council collects the approved contents of a approved 240 litre mobile waste bin on a fortnightly basis and a 140 litre approved mobile waste bin on a weekly basis from that property, of **one hundred and forty two dollars ninety cents (\$142.90)** per bin collected per annum, to be known as the “**Non Domestic Integrated Waste**” charge for the period July 1, 2004 to June 30, 2005. For services commenced during the year a proportional charge will be made. Two 100KG mixed waste vouchers are provided for each service.
- (ix) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, that have over 10 weekly collection services and subject to the Manager – Northern Rivers Waste discretion, for the removal, weekly, of the approved contents of a 240 litre approved mobile waste bin. Two 100KG mixed waste disposal vouchers are included for each service. This charge is to be known as the “**Waste Collection – Urban**” service for the period July 1, 2004 to June 30, 2005 and will be charged at **one hundred and thirty three dollars ninety cents (\$133.90)** per annum per mobile waste bin collected. Services commenced during the charging period will be charged for on a proportional basis.
- (ix) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, that have over

10 weekly collection services and subject to the approval of the Manager-Northern Rivers Waste, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and where Council collects the contents of approved 240 litre mobile waste bins on a fortnightly basis, being used for both organic and mixed waste, of **one hundred and forty two dollars ninety cents (\$142.90)** per bin collected per annum, to be known as the “**Non Domestic Integrated Waste Collection Service - Other**” charge for the period July 1, 2004 to June 30, 2005. For services commenced during the year a proportional charge will be made. Two 100KG mixed waste vouchers for each service are included as part of this service.

- (x) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council’s office, for the removal fortnightly, subject to approval from the Manager - Northern Rivers Waste, of the approved contents a 240 litre approved mobile waste bin. Two 100KG mixed waste disposal vouchers are provided for each service. This charge is to be known as the “**Urban Runner**” collection service for the period July 1, 2004 to June 30, 2005 and will be charged at **one hundred and thirty three dollars ninety cents (\$133.90)** per annum. Additional services will be charged at **one hundred and thirty three dollars ninety cents (\$133.90) per annum**. Services commenced during the charging period will be charged for on a proportional basis.

(E) INTEREST CHARGES

Council is able, under Section 566 (3) of the Local Government Act 1993, to charge interest on overdue Rates and Charges. The Minister for Local Government has advised in Circular 04/18 that the maximum allowable amount of interest for 2004/2005 is **9%**. This Council has generally adopted the maximum interest Rate as the amount to be charged.

- (i) It is hereby resolved that the 2004/2005 Interest Rate on overdue Rates and Charges will be **9%**.

(Councillor Irwin / Hampton)

Voting Against: Councillors Swientek, King, and Meineke.

This concluded the business and the meeting terminated at 7.10pm.

CONFIRMED this 13TH day of JULY 2004 at which meeting the signature herein was subscribed.

MAYOR

