

## Ordinary Meeting

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An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at  
the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on  
**Tuesday, February 14, 2006**  
and members of Council are requested to attend.

Paul G. O'Sullivan  
**General Manager**

February 7, 2006



# Agenda

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Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary meeting - December 13, 2005

Extraordinary meeting – January 24, 2006

Public Access Session

Public Question Time

Condolences

Disclosure of Interest

Mayoral Minutes

Notice of Rescission Motions

Notice of Motions

Altering Order of Business

(Consideration of altering the order of business to debate matters raised during Public Access).

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# Strategic Plan Summary

## Lismore regional city

STRATEGIC PRIORITY	AIMS	INITIATIVES
Economic Development	Build Lismore's reputation as a regional city for residents, businesses, education providers, health services and government.	<ul style="list-style-type: none"> <li>▶ Champion education</li> <li>▶ Promote health facilities</li> <li>▶ Support regional agriculture</li> <li>▶ Promote cultural life</li> <li>▶ Promote Lismore as a legal centre</li> <li>▶ Support for sport</li> </ul>
	Increase regional economic development, tourism and job creating investments.	<ul style="list-style-type: none"> <li>▶ Promote regional development</li> <li>▶ Develop tourism</li> <li>▶ Support businesses</li> <li>▶ Pursue CBD revitalisation</li> <li>▶ Assist in job creation</li> <li>▶ Assist in creating new income opportunities</li> </ul>
Quality of Life	Make Lismore a safe, healthy and caring community in which to live.	<ul style="list-style-type: none"> <li>▶ Increase social cohesion</li> <li>▶ Support villages</li> <li>▶ Provide community services</li> <li>▶ Encourage sustainable development</li> <li>▶ Promote recreation and leisure</li> </ul>
Leadership by Innovation	Lead the region by demonstrating innovative practices in governance, customer service, communication, consultation, virtual amalgamation and financial management.	<ul style="list-style-type: none"> <li>▶ Lead the region</li> <li>▶ Increase revenue from grants</li> <li>▶ Improve customer service</li> <li>▶ Consult the community</li> <li>▶ Update technology</li> <li>▶ Provide user pays services</li> <li>▶ Privatise selected services</li> <li>▶ Share assets and resources</li> </ul>
Natural Environment	Preserve and rehabilitate Lismore's natural environment.	<ul style="list-style-type: none"> <li>▶ Provide sustainable land use planning</li> <li>▶ Improve catchment management</li> <li>▶ Conserve and repair the environment</li> </ul>
Infrastructure	Further enhance Lismore's transportation, parking and pedestrian networks.	<ul style="list-style-type: none"> <li>▶ Improve transport systems</li> <li>▶ Improve roads, cycleways and footpaths</li> <li>▶ Assist with public transport</li> <li>▶ Assist airport operations</li> <li>▶ Support fleet operations</li> </ul>
Water and Waste Cycle	Educate our community and lead the state in water and waste-cycle management.	<ul style="list-style-type: none"> <li>▶ Manage stormwater drainage systems</li> <li>▶ Manage water and sewage</li> <li>▶ Manage the waste stream and reduce waste</li> </ul>

# Report

<b>Subject</b>	Amendment of Development Consent for Café and Offices at 27 Keen Street
<b>File No</b>	DA 03/781
<b>Prepared by</b>	Development Assessment Planner Chris Soulsby
<b>Reason</b>	The approval was determined by Council
<b>Objective</b>	Determination of two section 96 applications
<b>Strategic Plan Link</b>	Economic Development
<b>Management Plan Activity</b>	Assessment of land use development applications

## Overview of Report

The approved development is for the construction of a café and office building at 27 Keen Street, Lismore. An application has been lodged for a variation to the conditions relating to the undergrounding of powerlines and the number of carparking contributions to be paid for the development of a café and offices at 29 Keen Street.

## Background

### Introduction:

Development application DA 03/781 for the café and offices was initially refused under delegated authority. A review of this refusal under Section 80A of the Environmental Planning and Assessment Act was undertaken by Council at its meeting of 13 July 2004. Council approved the application subject to 100 conditions of consent. The applicant has now lodged two section 96 applications to amend conditions 78 and 80 of that consent. There was originally only one application to make both changes. Because of the decision of the court in *Benalup Holdings Pty Limited v Lismore City Council* (1993) 81 LGERA 257 Council cannot approve only part of a section 96 application. The applicant was advised of this and there are now two separate applications to enable Council to deal with each one on its merits.

### Applicant:

The application has been prepared by Aspect North, consulting town planners, on behalf of R and D Parker.

### Location:

The site is Lot B in deposited plan 152684 known as 27 Keen Street.

### Zoning:

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

### Proposal:

The approved development is for the construction of a café and office building at 27 Keen Street, Lismore. The proposal involves two section 96 applications to amend the consent.

A complete copy of the application including the applicant's justification for the proposed variations is

provided in the attachments.

The first section 96 application is to delete condition 80 (MC 05/65). Condition 80 is set out as follows:

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.*

The second section 96 application (MC 06/05) involves the amendment of condition 78.

Condition 78 related to the payment of carparking contributions. The applicant proposes to reduce the number of car spaces the developer has to pay a contribution for from 19 spaces at \$9072 per space (\$172,368) to 4 spaces at \$9072 (\$36,288).

Condition 78 and the schedule are set out as follows:

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.*

*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 **\$185,453**, 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)*

*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.*

<b>Levy Area</b>	<b>Account No.</b>	<b>No. of Car spaces /m<sup>2</sup></b>	<b>Cost Per Car spaces /m<sup>2</sup></b>	<b>Amount Payable</b>
<b>Carparking</b>				
<i>Lismore CBD</i>	1675-1	19.0	9072	172,368
<b>Arterial Roads</b>				
<i>Commercial Development</i>	1655-5	676.6	\$19.34 per m <sup>2</sup> (GFA)	13,085
<b>Total</b>				<b>\$185,453</b>

**Key Issues:**

Compliance with Council Policy No: 1.8.5 Undergrounding Of Power Lines - Central Business District and compliance with DCP 18 Carparking and the S94 Contribution Plan.

**Development Assessment**

## 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 398m<sup>2</sup>. 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. Various other unauthorised uses have occurred on the site.

## 2. Surrounding Properties and 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. A right of way (ROW) is situated on the lot and is shared by both 27 & 29 Keen Street.

## 3. Proposal

The current approval 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 636.75m<sup>2</sup> (excluding flood storage for the café) and the ground-level café has GFA of 140m<sup>2</sup> (excluding 27.5m<sup>2</sup> area for kerbside dining). This gives a total GFA of 776.75m<sup>2</sup> on a 398m<sup>2</sup> site. The remainder of the site is taken up with driveway and carparking for six (6) vehicles.

The applicant is seeking amendment of two conditions to the existing consent.

## 4. Public Notification

The original development application was notified and publicly exhibited in accordance with the provisions of DCP 41 Notification and Advertising of Development Applications. A number of submissions were made. The proposed amendments to the consent did not generate issues that adversely impact on the amenity or property rights of adjoining owners nor do the amendments materially impact on those persons who made submissions originally.

On this basis Planning staff used the exemption provisions in DCP 41 and determined that the section 96 amendment did not need re-notification or exhibition.

## 5. Assessment under Section 96 and 79C of the E.P. &amp; A ACT

Council in considering the two section 96 applications must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

## Section 96 Considerations

### 1. Undergrounding of the Power

With respect to the first modification to delete condition 80 that requires the undergrounding of the power (MC 05/65) section 79C (1) (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*, applies.

The applicant's principal argument for the deletion of condition 80 is that it is impracticable to comply with the condition or alternatively that compliance is inequitable.

Council's Development Engineer provides the following comments on the deletion of condition 80:

*The deletion of condition 80 regarding the undergrounding of electricity supply is not supported. The application does not satisfy the requirement of Councils' policy 1.8.5. requiring the undergrounding of powerlines.*

*The application requests that the condition be deleted unless Council can gain agreement with the adjoining owner for contribution towards the undergrounding of the powerlines. Such an agreement would appear to be a suitable outcome however it is considered that the procurement of any such agreement is the developer's responsibility, not Councils. Therefore the request to delete the condition or for Council to obtain an agreement has not been supported.*

*The applicant argues that it would be unreasonable to require this development to undertake the undergrounding of the powerlines, as it would require work to be undertaken both in front of the proposed development and a small section of the adjoining development. The section to be undertaken in front of the adjoining development is required to prevent a power pole from being placed within the existing driveway that services both the development and adjoining property. If the condition is to be deleted it would leave the section of powerline fronting this development to be removed by another party at a later date, which would be inequitable. The reason the subject site only has a couple of metres of powerlines existing is that the previous development to the north has undergrounded the powerlines to this point as part of a previous development.*

*Given the above, it is far more equitable to require this development to undertake whatever works are required to underground the power in front of the development site than to delete the condition and require that the work done by an adjoining owner at some time in the future.*

### 2. Carparking

The second section 96 application requires assessment under section 79C (1) (a) (iii) *any development control plan*.

DCP 18 (Car Parking) applies to the proposal and the following table indicates parking demands of the proposal based on 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 <sup>2</sup> GFA	603.15m <sup>2</sup>	15.08
Office (public area)	1.5 spaces/100m <sup>2</sup>	33.6	0.5
Cafe	1 space/25m <sup>2</sup> GFA*	140m <sup>2</sup>	5.6
Café kerbside dining	1 space/25m <sup>2</sup> GFA*	27.489m <sup>2</sup>	1.10
On street parks lost for kerbside dining.	Factored into cost of lease for kerbside dining area.	NA	2
<b>Total</b>			<b>24.28 spaces</b>

\* Note: The RTA guide recommends a rate of 15 spaces/100m<sup>2</sup> GFA compared to Council's DCP requirement of 1 space/25m<sup>2</sup> 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/25m<sup>2</sup> 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.

The application proposed 5 car spaces on site. When these are subtracted from the total parking requirement of 24.28 spaces there is a shortfall of 19.28 spaces. This is rounded down to 19 spaces. The cost of 2 of these spaces is factored into the lease payments for the area of kerbside dining as per the recently amended policy. On this basis it is reasonable to reduce the parking shortfall down to 17 spaces.

The applicant's arguments centre on reducing this amount to a financially acceptable figure for their client. The applicant has provided 4 principal grounds for objection to the number of car spaces required to be provided by the development. Three of these were considered and rejected by Council previously. These three are:

- Credit from past uses (Vet clinic);
- Peak demand for parking spaces (i.e. the café operates outside the time of peak demand for parking);
- Supply of off street car parking in Browns Creek carpark.

The fourth issue relates to contradiction in Council's various planning documents on the definition of the CBD and its practical application by Council's planning staff over a number of years.

Whilst each of these issues has previously been considered by Council they will again be analysed in this report.

### **Credit from past uses**

The applicants first argument is based on a planning principle of the carparking credit. The principle is that where a development predates the introduction of planning controls in Lismore (i.e. 1958), a change in use of a building can incorporate an assumption that the demand generated by the previous use 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 use because it is the change in intensity of use (if any) that generates a requirement for additional car parking

The applicant seeks to use a 'credit' of 7 spaces, based on a view that the veterinary surgery was alleged to cater for 3 practitioners and 2 staff which, under DCP 18, would generate a requirement for 13 spaces (i.e. 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 that would have been required under the terms of DCP 18 if the vet clinic had legally operated at this capacity. It could not have legally operated at this capacity due to the lack of on site parking and the operation of condition 6 of that Development Consent.

Condition 6 of the Vet Clinic consent states that:-

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

This consent or alleged intensity of use 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 consent, 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.

The applicants "credit" argument cannot be supported either on planning principle or legal grounds and should be rejected.

### **Peak demand for parking spaces**

The applicant argues:

*'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 café will operate both during the day and night and the office component will operate predominately during business hours. 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 of parking for cafes as compared to the RTA traffic generating guidelines. The provisions of the DCP should be applied to all components of the development equally inclusive of the discounts already built into the DCP.

### **Supply of off street car parking in Browns Creek carpark**

The applicant argues that there is an adequate supply of parking in Browns Creek carpark available for use by this development. This is parking provided for by the Council for public use. The contributions plan allows for developers who cannot provide parking on their own sites to pay Council to provide the carparking in a number of sites in the CBD. The argument that simply because a development is near a public carpark then it shouldn't have to pay cannot be accepted. This would result in a private developer using a public good for a commercial advantage.

### **Definition of the CBD**

The applicant provides an extensive argument on the definition of the central shopping block and where it is or is not as it applies to changes of use and gives examples of errors made by Council's planning staff over a number of years in its application. The argument fails because this application is **not** for a change of use. It is for a demolition and erection of a new building.

However, to fully explore the issue and comment on the concepts inherent in the DCP and to show where Council's staff have made inconsistencies these instances will be discussed.

Clause 2.3 of DCP 18 states:

*Within the Lismore CBD central shopping block (both sides of streets) no extra parking will be required where there is a change of use from an existing shop to a restaurant provided that there is no available space on site for additional parking and the seating area of the restaurant is the same or less than the trading area of the shop.*

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 (i.e. commonly known as 'the block' ) within which special parking allowances are available in relation to certain types of change of use. Various other documents of Council refer to the CBD (e.g. policy 1.8.5) however the CBD is poorly defined. This issue has been acknowledged by both planning staff and the

Executive Director – Infrastructure Services who is preparing a map of the CBD that can be commonly applied to all Council documents.

The applicant uses the following developments to demonstrate the inconsistent application of the location of the "block" by Council's planners:

- 19 Molesworth Street DA03/250 Change of use from a shop to restaurant;
- 171 Keen Street DA 03/834 Change of use from a shop to a bakery / café;
- 29 Keen Street DA 95/109 Change of use from a shop (newsagents) to a café;
- 34 Molesworth Street DA 89/444 Renovations to existing restaurant;
- 133 Molesworth Street DA 92/692 Left Bank café.

At 19 Molesworth Street (Indian restaurant) Council's planners did not strictly apply clause 2.3 as this site is outside of the defined "block" in the DCP. This premises is located 20m outside the area defined in the DCP and for all practical purposes should be included in this area.

171 Keen Street (Goanna bakery) is also just outside the "block" by 12m. No additional car parking was required for this development. The change of use makes no difference to the amount of carparking required under the terms of the DCP. A shop requires 4.4 spaces per 100m<sup>2</sup> of gross floor area and a café requires 1 space per 25m<sup>2</sup> of GFA (this equates to 4 spaces per 100m<sup>2</sup> of GFA). Thus changing from a shop to a café actually generates a lesser demand for carparking therefore no contributions would be payable.

At 29 Keen Street (Café 29) (DA 95/109) no additional car spaces were required for the conversion of the shop (newsagents) to a café. This is for the same reason as at 171 Keen Street. There is actually a reduction in the amount of parking required. The applicant also cites DA 96/289 at 29 Keen Street as an example where additional carparking was not required for kerbside dining. This is acknowledged and these anomalies have been rectified in the amended kerbside dining policy where the contribution for loss of on street car spaces is factored into the lease cost.

At 34 Molesworth Street (Harts restaurant) DA 98/444 approved a 10m<sup>2</sup> increase in floor space. A contribution for carparking was required as a condition of consent. A subsequent amendment to the consent deleted the requirement for the payment of the contribution. This was done because of the minimal increase in floor area and the applicant agreed not to operate the use during the day. A condition of consent was imposed to restrict the hours of operation. The operator is currently in breach of this consent by operating during the day. This matter has been passed on to Council's compliance officer. The developer in this case has two options, comply with the consent and restrict the hours of operation or modify it to require the payment of the contribution and allow operation all day. A development operating unlawfully is not justification for a reduction in the parking contributions at another site.

The Left Bank Café at 133 Molesworth Street (DA 92/692) is another development that is not technically within the block. No additional parking was required for this development. A review of this application indicates that the applicant's (Council) justification for provision of no carparking was that the café was to primarily operate on weekends and out of business hours when parking demand is very low. This information was provided with the DA and is covered by condition 1 of the consent. The development is technically in breach of the consent and should be made to comply. If the café wishes to operate during the day when parking demand is high then the consent requires modification and contributions would have to be paid. This matter has also been passed onto council's compliance officer. As with DA 98/444 development operating unlawfully is not a justification for a reduction in the parking contributions at another site.

The applicant also uses the cinema (DA 94/424) as an example where Council has reduced the number of spaces required to be provided from 92 down to 12 based upon predominately out of hours use. In hindsight this may not have been an appropriate decision. The subject development is for an office and a café both of which will operate during main business hours and for which there will be a high demand for carparking. Accordingly the cinema development is not a justification for reducing the amount of car parking spaces down to 4.

These examples provide no justification for a reduction in car parking for this application because this application is for a new building and clause 23 of DCP 18 does not apply.

## Comments

Financial Services

Not required.

## Public consultation

Addressed above.

## Conclusion

The developer should be required to underground the power for the frontage of their development as per Council policy. If circumstances dictate that the developer has to do additional works due to physical (driveway) and legal restrictions (right of carriageway) then this is a cost that should be reasonably borne by the developer. Condition 80 should not be deleted from the consent.

The applicant has not presented valid arguments for the reduction in carparking spaces. This development generates a significant demand for carparking during the peak time (day) through the office and café components. No credits are available from the previous uses to reduce the demand. The planning principle of requiring no additional parking for a change of use from a shop to a café under the terms of the DCP does not apply because this is not a change of use, it is a new building. For these reasons the carparking requirements as calculated in accordance with DCP 18 should be applied. The developer should pay the contribution for the shortfall.

To ensure a consistent and equitable approach for new development 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, specifically a reduction of 2 spaces to 17 spaces with the cost of these 2 spaces being factored into the cost of the lease for the kerbside dining.

## Recommendation (PLA9)

1. That Council refuse the section 96 application to delete condition 80 (MC 05/65).
2. That Council grant delegated authority to the General Manager to amend condition 78 to reduce the number of car spaces required to 17 subject to the applicant's agreement (MC 06/05).

# Report

<b>Subject</b>	Amendment No 32 to Lismore Local Environmental Plan – Lot 24 DP 829898, 12 Napier Street, Goonellabah
<b>File No</b>	S931
<b>Prepared by</b>	Strategic Planner
<b>Reason</b>	Receipt of rezoning submission
<b>Objective</b>	To seek Council's endorsement for preparation of a draft amending LEP
<b>Strategic Plan Link</b>	Quality of Life – Encourage sustainable development
<b>Management Plan Activity</b>	Strategic Planning

## Overview of Report

Council is in receipt of a submission that seeks rezoning of Lot 24 DP 829898, 12 Napier Street, Goonellabah. The rezoning will enable the lodgement of a Development Application to create one 2(a) Residential lot.

## Background

### Précis

- Subject land:** Lot 24 DP 829898  
12 Napier Street,  
Goonellabah

**Applicant:** Mr R Earnshaw and Mrs J Earnshaw

**Owner:** As above

**Proposal:** To amend the Lismore Local Environmental Plan 2000 to enable residential subdivision to occur on the subject land

Council is in receipt of a rezoning submission for Lot 24 DP 829898, 12 Napier Street, Goonellabah which aims to rezone the land from Zone No 1(c) (the Rural Residential Zone) to Zone No 2 (a) (Residential Zone) under *Lismore Local Environmental Plan 2000*. The rezoning will permit subdivision to create one additional dwelling entitlement.

The site is not identified in the Lismore Urban Strategy, however it does not represent “significant urban growth” under Clause 38 of the REP.

### Description of Proposal

The Napier Street site has an area of 1.242ha and is located approximately 6.5 Kilometres east of Lismore's CBD and approximately 2 kilometres east of the Goonellabah shopping centre. The proposal is to create one 2(a) Residential Lot approximately 800m<sup>2</sup> in size. Access to the lot will be via Napier Street. Refer to attachment for the draft instrument.

### Consultation with Government Agencies

Following Council's resolution to prepare the Plan, the proposal will be referred to relevant Government agencies in accordance with the requirements of s62 of the *EP&A Act*.

### Comments

Financial Services

Not applicable.

### Other staff comments

The proposal has been assessed by Council's Development Engineer, Environmental Health and Building Services section and Lismore Water.

Lismore Water required that the building envelope must be located in the area which can be sewered by gravity. This issue has been addressed in the amended plan (dated 14/09/2005) and Lismore Water have no further objections.

The Development Engineer has no objection to the rezoning.

### Public consultation

Opportunity for public consultations is provided during the public exhibition period for the draft LEP Amendments. The statutory minimum exhibition period is twenty eight (28) days.

### Conclusion

As the site adjoins an existing 2(a) residential zone and is capable of supporting a dwelling house that can be connected to the existing sewer, the rezoning proposal is supported.

### Recommendation (PLA3)

That Council resolve to:

1. Prepare a draft amendment to Lismore Local Environmental Plan 2000 to rezone part of Lot 24 DP 829898, 12 Napier Street, Goonellabah to 2(a) Residential Zone, pursuant to section 54 of the EP&A Act 1979.
2. Advise the Department of Planning that Council intends to use its s65 and s69 delegations and that it considers that the preparation of a Local Environmental Study is not necessary.
3. Consult with relevant government and other agencies pursuant to section 62 of the EP&A Act.
4. Advertise the draft LEP amendment for a period of 28 days following consultations with government agencies.





## **Lismore Local Environmental Plan 2000 (Amendment No. 31)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

FRANK SARTOR, M.P.,  
Minister for Planning



**Lismore Local Environmental Plan 2000  
(Amendment No. 32)****1. Name of plan**

This plan is *Lismore Local Environmental Plan 2000 (Amendment No. 32)*.

**2. Aims of plan**

This plan aims to rezone the land to which this plan applies from Zone No 1(c) (the Rural Residential Zone) to Zone No 2 (a) (Residential Zone) under *Lismore Local Environmental Plan 2000*.

**3. Land to which plan applies**

This plan applies to part Lot 24, DP 829898, 12 Napier Street, Goonellabah, as shown edged heavy black and lettered "2 (a)" on the map marked "Lismore Local Environmental Plan 2000 (Amendment No 32)" deposited in the office of Lismore City Council.

**4. Amendment of Lismore Local Environmental Plan 2000**

*Lismore Local Environmental Plan 2000* is amended as set out in Schedule 1.



## Schedule 1 Amendments

### [1] Schedule 7

Insert in appropriate order in the definition of ***the map*** in Schedule 7 the following words:

Lismore Local Environmental Plan 2000 (Amendment No 32)



		<b>SUBJECT LAND</b> 	
SCALE 1 : 750		LOCALITY of GOONELLABAH	
		PARISH of LISMORE	
		COUNTY of ROUS	
<b>ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979</b> <b>CITY OF LISMORE</b> DRAFT Amendment No 32 <b>LOCAL ENVIRONMENTAL PLAN No. 2000</b>			
DRAWN BY		STATEMENT OF RELATIONSHIP WITH OTHER PLANS	
DATE		THIS PLAN AMENDS LISMORE LOCAL ENVIRONMENTAL PLAN 2000.	
SUPERVISING DRAFTSPERSON			
PLANNING OFFICER			
COUNCIL FILE No.			
DEPT. FILE No.			
CERTIFICATE PLAN NUMBER		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS AS AMENDED	
CERTIFICATE ISSUED			
UNDER S.65 E.P.A. ACT			
GOVT. GAZETTE OF		AUTHORISED COUNCIL EMPLOYEE	DATE

# Report

<b>Subject</b>	<b>Draft Lismore Local Environmental Plan Amendment No. 30 – Aldi Supermarket</b>
<b>File No</b>	S932
<b>Prepared by</b>	Senior Strategic Planner
<b>Reason</b>	Receipt of rezoning submission.
<b>Objective</b>	To seek Council's endorsement for preparation of a draft amending LEP.
<b>Strategic Plan Link</b>	Economic development
<b>Management Plan Activity</b>	Implement adopted Council land use strategies

## Overview of Report

This report advises Council of the receipt of a submission to rezone six allotments in Ballina and Conway Streets, Lismore from 3(f) Services Business (Flood Liable) to 3(a) Business Zone. Rezoning to 3(a) will permit the lodgement of a Development Application for a supermarket on the site. It is recommended that Council proceed with the preparation and exhibition of a draft LEP amendment.

## Background

<b>Subject land:</b>	83, 85, 87 & 91 Conway St, and 44 & 46 Ballina St, Lismore
<b>Applicant:</b>	GW Clegg & Co on behalf of Aldi Stores
<b>Owner:</b>	Various owners
<b>Proposal:</b>	Rezoning to enable the development of a supermarket.

Council is in receipt of a submission from GW Clegg & Co on behalf of Aldi Stores to rezone land comprising six separate lots – 83, 85, 87 & 91 Conway Street and 44 & 46 Ballina Street, Lismore (and part of an unnamed road reserve) to 3(a) Business Zone. The site is located between Ballina and Conway Streets immediately to the west of Hungry Jacks. The site currently supports four older style dwellings and a restaurant. Rezoning to 3(a) will enable Aldi Stores to lodge a Development Application for a supermarket on the site.

The land is currently zoned 3(f) Services Business (Flood Liable) Zone under the Lismore Local Environmental Plan. The existing 3(f) zoning permits a range of commercial uses but does not permit 'shops', therefore a supermarket is a prohibited use under the current zone. The objectives of the 3(f) zone are:

- (a) to encourage the establishment and development of businesses that require direct vehicular access, and
- (b) to allow the development of services, businesses and light industries that support the business, industrial, rural and tourism activities of the City and the region, and

(c) to encourage facilities (not being shops) which are not adversely affected by flooding.

The purpose of the 3(f) zone is to permit non-retail commercial development in areas that support existing commercial centres while restricting certain uses (such as shops) that may be adversely affected by flooding. In this case the subject site is affected by a low risk flood hazard only, being classified “flood fringe” under the Lismore Floodplain Management Plan. The site is close to the CBD and is located within an area that has been identified for future retail and commercial expansion in both the Lismore Urban Strategy and the Lismore Regional City Plan. A 3(a) Business zone is therefore considered to be more appropriate for the site than the existing 3(f) zone.

It is also likely that other land currently zoned 3(f) in the vicinity of this site would be more appropriately zoned 3(a) Business Zone. One of the Planning Services’ projects identified in Council’s current Management Plan involves a review of business zones in the LEP. Priority will be given in that review to adjoining 3(f) zones in the locality of this site.

## Description of Proposal

The proposed supermarket will have a gross floor area of 1,335m<sup>2</sup>. The retail floor level is elevated above the 1 in 100 year flood level and this will allow the bulk of the carparking to be provided underneath the building. Vehicular access to the site is to be provided from Conway Street only as the RTA has objected to any direct vehicular access from Ballina Street.

Architectural concept plans for the proposal have been submitted with the rezoning submission. Site plans showing the lower level (carpark) and upper level (retail floor area) are attached to this report. The draft LEP amendment showing the land that is proposed to be rezoned is also attached to this report. A full copy of the rezoning submission has been made available to Councillors in the Councillor’s room.

The rezoning submission is accompanied by an economic impact assessment of the proposal. The report states that the supermarket will service a primary trade area comprising Lismore, Wollongbar, Alstonville, Nimbin, Clunes, Modanville, Bexhill and Dunoon. This represents some 49,400 households. The report claims that Aldi supermarkets provide a unique and limited product offer and that the proposal will complement existing centres and provide consumers with a different supermarket choice. Local residents will benefit through increased competition which will lead to increased choice and competitive pricing.

## North Coast Regional Environmental Plan requirements

Clause 47 of the North Coast Regional Environmental Plan (NCREP) applies to commercial and industrial development. When preparing a draft LEP relating to commercial development Council must have regard to the following NCREP principle:

*“...strong multi-functional town centres should be maintained to focus the drawing power of individual businesses and maintain the integrity of the main business area by only zoning land for further commercial or retail development where that development adjoins or is adjacent to the existing town centre...”*

The proposal satisfies the NCREP requirements in that the site is adjacent to the existing town centre and is situated in an area that represents a logical extension to the CBD commercial area.

## Comments

Financial Services

Not required

## Other staff comments

**Lismore Water** has advised that the site is traversed by an existing sewer main and, prior to submitting the Development Application, the applicant will need to provide preliminary designs for either the relocation or the reconstruction of the sewer main.

**Environmental Health** has identified a number of issues relating to noise impacts, waste management and contaminated land assessment, each of which can be addressed at the Development Application stage.

**Council's Development Engineer** has also identified issues relating to road and footpath upgrading in Conway Street and the undergrounding of power along the Conway Street frontage. These are also matters that can be addressed at the Development Application stage.

## Public consultation

Opportunity for public consultations will be provided during the public exhibition period. The minimum statutory public exhibition period is twenty eight (28) days.

## Conclusion

The site is considered to be suitable for the development of a small supermarket and will complement and reinforce the retail function of the CBD. The proposal to rezone the site to 3(a) Business Zone is therefore supported.

## Recommendation (PLA7)

That Council:

- 1 Prepare a draft amendment to Lismore Local Environmental Plan 2000 to rezone Lot 1 DP 963652, Lot 1 DP 900109, Lots 9 & 10 DP 2632 Ballina Street, Lot 1 DP 748972 and Lot 2 DP 308314 Conway Street, Lismore and the unnamed road reserve to 3(a) Business Zone, pursuant to section 54 of the EP & A Act 1979
- 2 Advise the Department of Planning that Council intends to use its s65 and s69 delegations and that it considers that the preparation of a Local Environmental Study is not necessary.
- 3 Consult with relevant government and other agencies pursuant to section 62 of the EP&A Act.
- 4 Advertise the draft LEP amendment for a period of 28 days following consultations with government agencies.

**Lismore Local Environmental Plan 2000  
(Amendment No. 30)**

**under the**

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

FRANK SARTOR, M.P.,  
Minister for Planning

**Lismore Local Environmental Plan 2000  
(Amendment No. 30)**

**2. Name of plan**

This plan is *Lismore Local Environmental Plan 2000 (Amendment No. 30)*.

**2. Aims of plan**

This plan aims to rezone the land to which this plan applies from Zone No 3(f) (the Services Business (Flood Liable) Zone) to Zone No 3 (a) (the Business Zone) under *Lismore Local Environmental Plan 2000*.

**3. Land to which plan applies**

This plan applies to Lot 1, DP 748972 and Lot 2 DP, 308314, Ballina Street, Lismore and Lot 1, DP 963652, Lot 1, DP 900109, Lot 9, DP 2632 and Lot 10, DP 2632, Conway Street, Lismore and an unnamed road reserve as shown edged heavy black and lettered “3 (a)” on the map marked “Lismore Local Environmental Plan 2000 (Amendment No 30)” deposited in the office of Lismore City Council.

**4. Amendment of Lismore Local Environmental Plan 2000**

*Lismore Local Environmental Plan 2000* is amended as set out in Schedule 1.



## Schedule 1      Amendments

### [1]      Schedule 7

Insert in appropriate order in the definition of *the map* in Schedule 7 the following words:

Lismore Local Environmental Plan 2000 (Amendment No 30)



SCALE 1:1500
LOCALITY of LISMORE
SUBJECT LAND 
PARISH of LISMORE
COUNTY of ROUS

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**  
**CITY OF LISMORE**  
**DRAFT Amendment No 30**  
**LOCAL ENVIRONMENTAL PLAN No. 2000**

DRAWN BY C Coates SUPERVISING DRAFTSPERSON PLANNING OFFICER B Blackford COUNCIL FILE No. DEPT. FILE No. CERTIFICATE PLAN NUMBER	STATEMENT OF RELATIONSHIP WITH OTHER PLANS  THIS PLAN AMENDS LISMORE LOCAL ENVIRONMENTAL PLAN 2000.
CERTIFICATE ISSUED UNDER S.65 E.P.A. ACT GOVT. GAZETTE OF	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS AS AMENDED  <div style="text-align: right;">                     AUTHORISED COUNCIL EMPLOYEE                      DATE                 </div>

# Report

<b>Subject</b>	<b>Draft Lismore Local Environmental Plan Amendment No. 31 – 246 Wyrallah Road, East Lismore</b>
<b>File No</b>	P14005/S930
<b>Prepared by</b>	Senior Strategic Planner
<b>Reason</b>	Receipt of rezoning submission
<b>Objective</b>	To seek Council's endorsement for preparation of a draft amending LEP
<b>Strategic Plan Link</b>	Economic development
<b>Management Plan Activity</b>	Implement adopted Council land use strategies

## Overview of Report

This report advises Council of the receipt of a submission to rezone land at 246 Wyrallah Road, East Lismore to 4(a) Industrial Zone and recommends that Council proceed with the preparation and exhibition of a draft LEP amendment.

## Background

**Subject land:** Lot 2 DP 587430  
246 Wyrallah Road  
East Lismore

**Applicant:** GeoLINK

**Owner:** The Pollard Estate

**Proposal:** Rezoning part of site to enable industrial development.

Council is in receipt of a submission to rezone part of Lot 2 DP 587430 Wyrallah Road, East Lismore to 4(a) Industrial Zone. A copy of the draft LEP amendment showing the extent of the area to be rezoned 4(a) zone is attached to this report.

The site is located on the eastern side of Wyrallah Road to the south of Skyline Road. Although Lot 2 DP 587430 has a total area of 76.24ha, only 11.2 ha is subject to the rezoning submission. The site represents the predominantly flood free area parallel to Wyrallah Road.

The land is currently zoned part 1(a) General Rural and part 1(r) Riverlands Zone under the Lismore Local Environmental Plan. Rezoning to 4(a) Industrial will enable the owners to prepare and lodge a Development Application for the subdivision of the land to create allotments for industrial purposes.

The rezoning submission is accompanied by a concept plan of subdivision. The purpose of the concept plan is to demonstrate that a satisfactory industrial subdivision layout can be achieved on the site. It shows two potential road access points to Wyrallah Road and indicates a potential lot yield of 29 'flood free' industrial allotments. A copy of the subdivision concept plan is attached to this report.

## Consistency with Council plans and strategies

Investigations carried out for the Lismore Urban Strategy 2003 found the site to be unsuitable for residential development but potentially suited to industrial development

The site's development potential was also considered in Council's Industrial Lands Study 1995 and in the Regional City Plan 2005. Each of these studies concluded that industrial development was an appropriate use due to the nature of the site and its location. Adjoining lots to the north (fronting Skyline Road) support existing industrial uses. Council's depot is located on the opposite side of Wyrallah Road and the Lismore Gun Club is located to the south of the site. Part of the site also falls within the 400 metre buffer to the East Lismore sewerage treatment works.

## Industrial land supply in Lismore

Lismore has an estimated 187 ha zoned for industrial use, of which less than 18% is vacant or undeveloped. The following table shows the location of existing industrial land in Lismore:

Locality	Total area (ha)	Vacant/undeveloped (ha)
South Lismore	119.7	21.8
North Lismore	16.4	7.1
East Lismore	9.6	0
Goonellabah	24.7	2.6
Tuncester	16.9	3.2
<b>Total</b>	<b>187.3</b>	<b>34.7</b>

Constraints such as floodways and slope, and the need to protect better quality land for residential purposes, means that there are limited opportunities for new industrial subdivision close to Lismore. It is therefore important that land with industrial potential is identified and zoned for that purpose.

Council's Regional City Plan identifies 60 ha of land that is considered to have future industrial development potential. These sites are in the following locations:

Locality	Potential area (ha)
South Lismore	22
North Lismore	12
East Lismore	26
<b>Total</b>	<b>60</b>

The subject site represents almost half of the area at East Lismore that has been identified as having industrial potential and is a key site in terms of meeting Lismore's future industrial needs.

## North Coast Regional Environmental Plan requirements

Clause 47 of the North Coast Regional Environmental Plan (NCREP) applies to industrial and commercial development. When preparing a draft LEP relating to industrial development Council must have regard to the following NCREP principle:

*"...there should be an adequate supply of zoned industrial land located where it is physically capable of development for industrial purposes, is not environmentally fragile and can be serviced at a reasonable cost..."*

The submission demonstrates that the land is physically capable of supporting industrial development and that the full range of urban services are available at the site.

## Comments

Financial Services

Not required

## Other staff comments

**Lismore Water** has advised that a gravity sewer mains (750 mm) and two rising mains (375 mm and 450 mm) traverse the site and these will impact on the proposed lot layout. The mains cannot be relocated without proper investigative and design works being undertaken to ensure that their relocation will not have any detrimental effects. The full cost of relocation of the pipe work, including any required upgrading works, will need to be borne by the applicant. Lismore Water has also expressed some concerns regarding the location of proposed development within the buffer zone to the east Lismore sewerage treatment works. These are matters that will need to be addressed in detail in a future Development Application for subdivision.

**Environmental Health** has identified a number of issues relating to adjoining land uses, stormwater management and contaminated land assessment, each of which will need to be addressed in the design of the subdivision at the Development Application stage.

Council's **Development Engineer** has advised that upgrading works will be required in Wyrallah Road and that the treatment of drainage lines on the site will need to be addressed in detail.

Given the number of issues that will need to be addressed more fully at the DA stage, it is recommended that the proposed LEP amendment include a requirement that a site specific DCP for the area be prepared, pursuant to S74D of the EP & A Act.

## Public consultation

Opportunity for public consultations will be provided during the public exhibition period for draft LEP amendments. The statutory minimum exhibition period is twenty eight (28) days.

## Conclusion

Given the nature and location of the site, the most suitable use of the land is considered to be for industrial purposes. The site is capable of supporting an industrial subdivision and the proposal as shown in the concept plan is considered to be satisfactory subject to resolution of those issues raised by Lismore Water and Environmental Health. The site is one of the key sites that has been identified in various Council strategies for future industrial development and will make a significant contribution to Lismore's industrial land stock. The proposal to rezone part of the site to 4(a) Industrial is therefore supported

Rezoning of the site to 4a Industrial will enable the owner to submit a Development Application for industrial subdivision, however the owner will not be restricted to the subdivision layout as shown in the submitted conceptual subdivision plan. The concept plan has been lodged to demonstrate that the land is capable of supporting a subdivision for industrial purposes. Final subdivision layout and design will be the subject of more detailed investigation and assessment at the Development Application stage and this is likely to result in changes to the submitted concept.

## Recommendation (PLA8)

That Council:

- 1 Prepare a draft amendment to Lismore Local Environmental Plan 2000 to rezone part of Lot 2 DP 587430 Wyrallah Road, East Lismore to 4(a) Industrial Zone, together with a requirement for a site specific DCP for the land, pursuant to section 54 of the EP&A Act 1979
- 2 Advise the Department of Planning that Council intends to use its s65 and s69 delegations and that

it considers that the preparation of a Local Environmental Study is not necessary.

- 3 Consult with relevant government and other agencies pursuant to section 62 of the EP&A Act.
- 4 Advertise the draft LEP amendment for a period of 28 days following consultations with government agencies.

**Lismore Local Environmental Plan 2000  
(Amendment No. 31)**

**under the**

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

FRANK SARTOR, M.P.,  
Minister for Planning

Lismore Local Environmental Plan 2000  
(Amendment No. 31)

**3. Name of plan**

This plan is *Lismore Local Environmental Plan 2000 (Amendment No. 31)*.

**2. Aims of plan**

This plan aims to rezone the land to which this plan applies from Zone No 1(a) (the General Rural Zone) and 1 (r) (the Riverlands Zone) to Zone No 4 (a) (the Industrial Zone) under *Lismore Local Environmental Plan 2000*.

**3. Land to which plan applies**

This plan applies to part Lot 2, DP 587430, Wyrallah Road, East Lismore, as shown edged heavy black and lettered "4 (a)" on the map marked "Lismore Local Environmental Plan 2000 (Amendment No 31)" deposited in the office of Lismore City Council.

**4. Amendment of Lismore Local Environmental Plan 2000**

*Lismore Local Environmental Plan 2000* is amended as set out in Schedule 1.

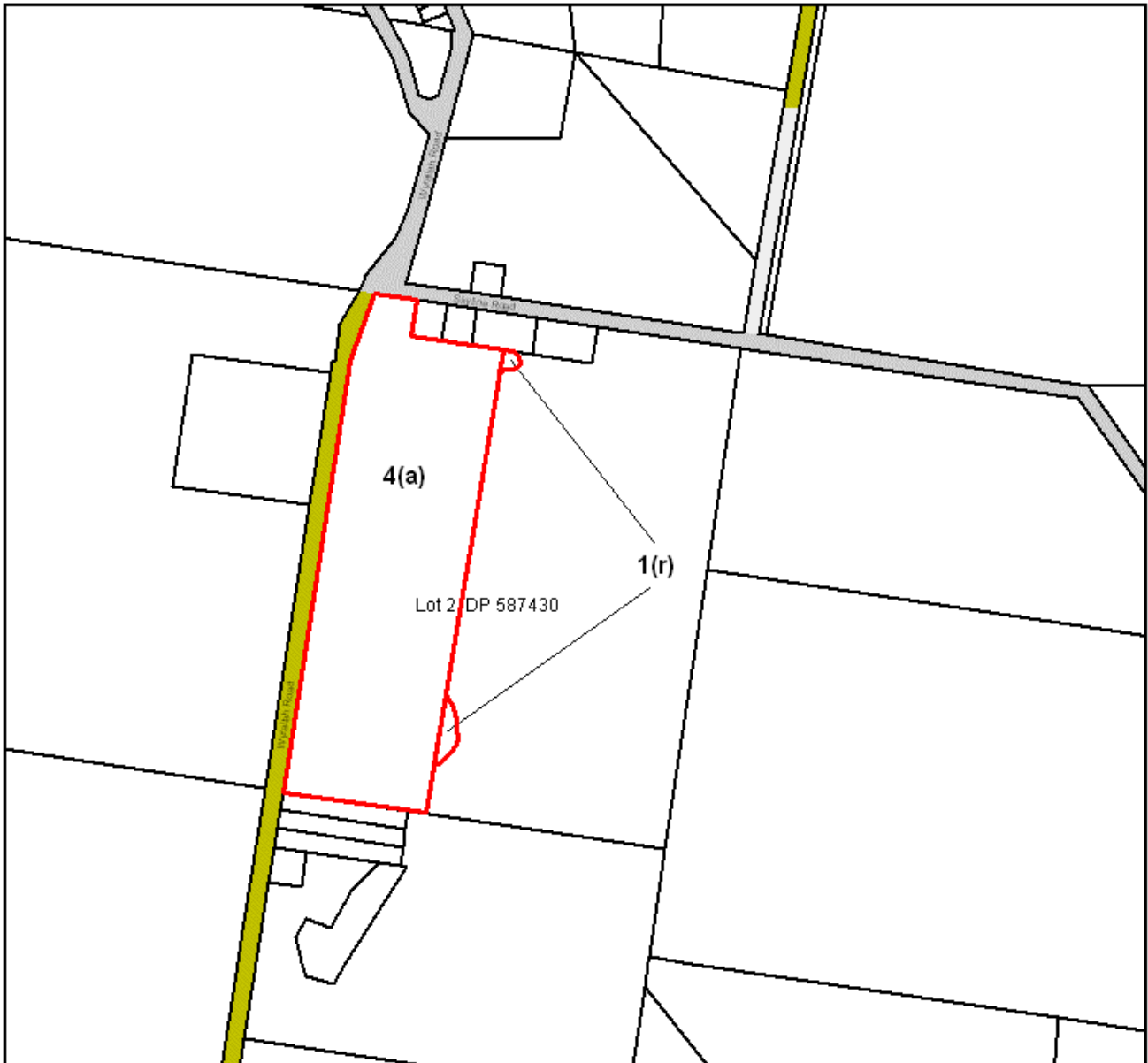


## Schedule 1 Amendments

### [1] Schedule 7

Insert in appropriate order in the definition of ***the map*** in Schedule 7 the following words:

Lismore Local Environmental Plan 2000 (Amendment No 31)



 SCALE 1 : 7,500	LOCALITY of MONALTRIE	SUBJECT LAND <span style="border: 1px solid black; display: inline-block; width: 20px; height: 10px; vertical-align: middle;"></span> PARISH of LISMORE	COUNTY of ROUS
<b>ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979</b> <b>CITY OF LISMORE</b> DRAFT Amendment No 31 <b>LOCAL ENVIRONMENTAL PLAN No. 2000</b>			
DRAWN BY C Coates      DATE _____ SUPERVISING DRAFTSPERSON _____ PLANNING OFFICER B Blackford COUNCIL FILE No. _____ DEPT. FILE No. _____ CERTIFICATE PLAN NUMBER _____	STATEMENT OF RELATIONSHIP WITH OTHER PLANS  THIS PLAN AMENDS LISMORE LOCAL ENVIRONMENTAL PLAN 2000.		
CERTIFICATE ISSUED _____ UNDER S.65 E.P.A. ACT _____ GOVT. GAZETTE OF _____	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS AS AMENDED  <div style="display: flex; justify-content: space-between;"> <span>AUTHORISED COUNCIL EMPLOYEE</span> <span>DATE _____</span> </div>		

# Report

<b>Subject</b>	<b>2004/05 Special Business Rate Variation Levy: Evaluation and audit of promotion fund component</b>
<b>File No</b>	S740
<b>Prepared by</b>	Manager – Finance
<b>Reason</b>	In accordance with Council resolution
<b>Objective</b>	To inform Council about the evaluation and audit reports received for the expenditure of the promotion fund component of the special business rate variation levy
<b>Strategic Plan Link</b>	Economic Development
<b>Management Plan Activity</b>	Economic Development, Tourism & Events

## Overview of Report

The evaluation and audit reports for the promotion fund component of the 2004/05 Special Business Rate Variation Levy (SBRVL) have been received from Lismore Unlimited Opportunities (LUO). These reports are included in LUO's Annual Report 2005 and a full copy is attached.

The evaluation concludes "the information and statistics presented in this report demonstrate that the funds raised through the Special Business Rate Variation Levy have been used to promote Lismore as an ideal place to live, visit, establish and conduct business"

In regards to the audit, the Board Report states that both the Board and independent auditor have verified that at no time were SBRVL monies misused in anyway.

It is important to note that the most recent accounts for all LUO operations including SBRVL funds has been qualified by the auditor to the extent that there is uncertainty as to LUO's ability to operate as a going concern. Council received information on the circumstances of this situation at the September 13, 2005 meeting while considering a report on the SBRVL 2005/08 Three Year Strategic Plan.

## Background

Council rates all urban business (commercial, retail and industrial) properties at a slightly higher level to generate a promotion fund and LUO in accordance with the 'Three Year Marketing Strategy 2003-2005' adopted by Council in August 2002, expends these funds. In 2004/05, a total of \$190,300 was available with \$171,200 collected from current rates and \$19,100 unexpended from previous years. A total of \$175,773 was expended in 2004/05 and the unexpended balance of \$14,500 has been carried forward to 2005/06.

When considering the first plan for the expenditure of these funds in 1999, Council resolved to require LUO to provide both an evaluation and audit reports on the expenditure of the promotion funds. These reports relating to the 2004/05 SBRVL, prepared by WHK Rutherfords, have been received.

## Overview of reports

### Evaluation

The objective of the 2002-05 Three Year Marketing Strategy was the promotion of Lismore as an ideal place to live, visit, establish and conduct business. This evaluation report focused on how LUO expended the SBRVL on events and activities in key areas to meet this objective during 2004/05.

The key areas are summarised as:

- a) advertising and promotion,
- b) festivals, events and community activities, and
- c) business development, and the report provides some qualitative and quantitative information on the activities or events within these key areas. It also includes commentary on d) safety and the built environment, which is separately managed by Council.

In the opinion of the report author, the marketing and promotional campaigns (Lismore Futures publications, Stocktake Sales, Christmas Sales, Keen Street Carnivale), events (Northern Rivers Herb Festival, Master Games, Lismore Show) and business development (Speaker Series) have brought economic benefits to Lismore, resulted in funds being leveraged by sponsorship, particularly media sponsorship, attracted people to Lismore and as a result, promoted Lismore as an ideal place to live, visit, establish and conduct business.

Comment: The evaluation of how successful events and activities have been in achieving stated objectives is always likely to be subjective unless agreed guidelines for measurement are clearly established at the beginning. For 2004/05, on face value, it appears as if events and activities undertaken have been very successful. To enhance future evaluations, it is suggested that discussions take place between Council and LUO on how comparison between actual and planned outcomes for events and activities can be measured and reported.

### Audit

For the 2004/05 financial year, the auditor has issued a qualified audit report in respect of the LUO's ability to continue as a going concern. This qualification was made with respect to the fact that current liabilities exceeded current assets and without committee members making future contributions, and the financial contribution of creditors, funding bodies and employees, there would be significant uncertainty as to the ability of the association to operate as a going concern.

While this qualification is attributable to LUO's total operations, the Board Report states that both the Board and independent auditor have verified that at no time were SBRVL promotion fund monies misused in anyway.

Comment: After reviewing the payments made from the 2004/05 SBRVL promotion fund and discounting payments made directly to suppliers by Council, or for services, events, advertising or promotion that are easily verified, it is reasonable to conclude that SBRVL promotion funds were used as intended.

A summary of payments from the SBRVL promotion fund is attached.

Importantly, it is acknowledged that LUO have implemented significantly improved governance and business practices to ensure they will meet future compliance requirements.

## Other staff comments

### Manager Economic Development

By way of disclosure, I've recently accepted the Ex-Officio position on the LUO Board, in my capacity as Manager of Economic Development. I was not serving on the Board at the time the events took place, nor when the Evaluation Report was written or tabled to the LUO Board.

The Evaluation Report states that activities & events conducted in 2004/05 have been very successful. Supporting figures did not always demonstrate this assertion. The criteria determining the success or otherwise of events was variable. In some instances, there was no actual evaluation - rather, a description of an event, eg. Masters Games.

I would be supportive of a recommendation to enhance future evaluation reporting.

## Public consultation

N/a

## Conclusion

The evaluation and audit reports for the promotion fund component of the 2004/05 Special Business Rate Variation Levy have been received from Lismore Unlimited Opportunities in accordance with Council's requirements.

The evaluation report concludes that the expenditure of promotion funds did promote Lismore as an ideal place to live, visit, establish and conduct business. To enhance future reporting, discussions on how comparison between actual and planned outcomes can be measured and reported will be pursued.

In regards to the audit report, while Lismore Unlimited Opportunities 2005 reports are qualified, it is stated that both the Board and independent auditor have verified that at no time were SBRVL promotion fund monies misused in anyway. Based on a review of payments made by Council from the fund, this is a reasonable conclusion.

## Recommendation (GM03)

That Council:

- 1 Receive and note the evaluation and audit reports prepared by WHK Rutherfords for Lismore Unlimited Opportunities on the expenditure of the promotion fund component of the 2004/05 Special Business Rate Variation Levy.
- 2 Discussions take place with Lismore Unlimited Opportunities to enhance future evaluation reporting by including comparative information between actual and planned outcomes for events and activities.

# Report

<b>Subject</b>	<b>Lismore Airport Charges</b>
<b>File No</b>	P9733
<b>Prepared by</b>	Manager – Economic Development
<b>Reason</b>	Council resolution 247/04 – December 2004
<b>Objective</b>	To grow the market and improve services as well as recoup expenditure on the airport facility
<b>Strategic Plan Link</b>	Economic Development
<b>Management Plan Activity</b>	Airport

## Overview of Report

To review head tax applicable in accordance with Minute 247/04 to be applicable from March 1, 2006.

## Background

It is anticipated that 65,000 passengers (pax) will fly into and out of Lismore Regional Airport this year. Independent Council-commissioned research identifies that the primary reasons people use the Lismore – Sydney service are: business purposes, visiting family and friends, personal reasons and specialist medical visit. Tourism does not feature strongly in this market.

Under the partnership of REX and Lismore City Council, the passenger numbers have doubled in 3 years from 33,351 pax in 2002/03 to 67,448 pax last year. REX's growth strategy has been to: introduce more low airfares into the marketing mix, retain the frequency of service at 4 return flights on weekdays and 3 return flights on weekends, and continue to offer services at convenient times tailored to our unique market. The partnership between REX and Council has been fundamental in the execution of this successful strategy and has unquestionably assisted in growing the market. Continuation of this strategy is planned and a further 5% growth in the Lismore market to 75,000 pax by December 31, 2008 is expected.

The current head tax charge is \$7.00 (GST exclusive) per passenger, regardless of airfare type or ticket cost. REX currently offers approximately 9 different fares. Head taxes were due to increase to \$11.00 (GST exclusive) on February 1, 2006, but it was agreed to extend the current arrangements until February 28, 2006 pending consideration at the February 14, 2006 Council Meeting.

Head tax charges were set in December 2004 in a different aviation Regular Public Transport (RPT) environment. Council's forecast expenditure on the airport did not anticipate extra costs, such as those related to mandatory increased security arrangements.

Council's consideration of the current head tax has three dimensions:

- a. The cost to Council as an airport owner.
- b. Positioning Lismore as the regional centre.
- c. Benefits to ratepayers of having an airport.

Each dimension is interrelated and cannot be viewed in isolation.

- a. The cost to Lismore City Council as an airport owner: Since REX approached Council in December 2005 requesting reconsideration of head tax arrangements, they have consistently signalled their willingness to increase the head tax charges. Similarly, REX has assisted Council to understand various possible consequences and passenger number outcomes, arising from and dependent on the quantum of the head tax set by Council.

Too high a charge across all airfares could result in a loss of passengers sensitive to price at the lower airfare end. Once passenger numbers drop from the current 65,000 passengers per year, a point will rapidly be reached where the existing level of service cannot be sustained, resulting in one of the return flights being dropped. Passenger numbers under this scenario could drop by about one-third of our travellers.

This scenario highlights the delicate balance between how head tax is apportioned to airfares (high and low cost) and the resulting numbers of passengers.

- b. Positioning Lismore as the regional centre: A reduction in flight frequency, not only signals the downgrading of the service, but a downgrading of the importance of Lismore as a regional hub.

Our Lismore Regional City Strategic Plan lists a number of strategic priorities that simply will be unachievable without a well serviced airport, such as: Lead the region; Promote Lismore as a legal centre; Develop tourism and Support businesses.

Similarly, a reduction in services would impact negatively on business, as the flight schedule is conveniently timed to cater for business trading hours in and out of both Sydney and Lismore. Importantly, business passengers are the high end airfares.

- c. Benefits to ratepayers of having an airport: An airport with 26 return flights per week is reassuring to people living in Lismore LGA. As mentioned above, our travelling public use the Lismore – Sydney service for business purposes, visiting family and friends and personal reasons. They feel that vital sense of connectedness to Sydney, and the convenience and frequency of flights takes away that sense of isolation.

## Comments

### Financial Services

Based on the information provided by REX, the overall impact of an increase in head taxes to \$11 per head would be the reduction in passenger numbers from the current 65,000 per annum to approximately 45,000 per annum. At 45,000 passengers per annum, this would equate to \$495,000 per annum. The passenger number projections put forward by REX are difficult to dispute without introducing greater subjectivity, however if a pragmatic perspective is adopted, they are considered reasonable and therefore can be used as a guide.

While an increase in head taxes to \$11 per head equates to more than we currently receive in head taxes (projected for 2005/06 \$437,000), it is less than the proposed tiered structure of \$7 (low fare) and \$11 (high fare). Based on 65,000 passengers per annum and current trends, this would generate \$548,600 in Year 1 - an increase of \$111,600 on the 2005/06 projection.

Attached is a summary of the 20 Year Financial Plan for the Lismore Regional Airport. It takes into consideration estimated operating revenues, expenses, loan repayments, reserve movements and capital works. For the purpose of this report, the head tax revenue is based on the above proposal.

By comparison to 2005/06, Council's 2006/07 net airport cost, even after the application of the tiered fares proposal, increases by \$81,000. The increase is predominately attributable to \$62,000 in security costs and \$131,000 in pavement management plan works, and partially offset by increased head taxes of \$111,000. If the longer view is taken to funding the pavement management plan works (2006/07 to 2008/09 & 2011/12) via loan funds, Council's annual contribution is effectively consistent with 2005/06 levels. This approach is supported.

It is important to note that this outcome is predicated on a number of variables, but in particular it does rely on the passenger numbers increasing over time to 75,000 per annum, which is supported by REX's information, and the total income from passenger head taxes increasing annually by at least CPI.

## Other staff comments

Not required.

## Public consultation

Not required.

## Conclusion

In the event that head taxes are increased to \$11 per head, the resulting passenger impact could be a dramatic one-third contraction in the market down from 65,000 passengers to 45,000 per annum. At 45,000 passengers per annum, this would equate to a revenue stream from head tax of \$495,000 per annum. Projected income for 2005/06 is \$437,000. This scenario would deliver an increase in income of \$58,000 with a corresponding decrease in the importance of Lismore as a regional hub and eroded benefits to ratepayers.

A tiered head tax structure of \$7 (low fare) and \$11 (high fare), would preserve existing passenger levels and through the Lismore City Council-REX partnership, enable continuation of the marketing strategy, with the expectation that passenger numbers would ultimately increase to 75,000 passengers by December 31, 2008. Based on 65,000 passengers per annum and current trends, this would generate \$548,600 in Year 1 - an increase of \$111,600 on the 2005/06 projection. Similarly, the status of Lismore as a regional hub would be strengthened and the benefits to ratepayers would be enhanced.

## Recommendations (EDU1)

- 1 That new tiered head tax arrangements of \$7 (low fare codes T, O and N) and \$11 (high fares) (excluding GST) or their equivalent, be effective from March 1, 2006 until March 31, 2007, from which time they become subject to normal review processes.
- 2 That the Lismore City Council-REX partnership be reviewed annually, or as required, to ensure that both parties are achieving the anticipated results and that their individual needs are being met.



# Report

<b>Subject</b>	<b>Rural Sports Grounds Development Fund</b>
<b>File No</b>	S183
<b>Prepared by</b>	Recreation Planner
<b>Reason</b>	Seeking acceptance of funding application
<b>Objective</b>	To secure acceptance of funding application
<b>Strategic Plan Link</b>	Quality of Life
<b>Management Plan Activity</b>	Parks and Recreation

## Overview of Report

This report outlines the sole funding application to the Rural Sports Grounds Development Fund. Submitted by the Dunoon and District Sports and Recreation Club Limited, the amount of \$20,000 is sought to compliment other funding already secured to install lighting at Balzer Oval, Dunoon.

## Background

In early October 2005, Council publicly advertised for funding applications under the Rural Sports Grounds Development Fund (RSGDF). This year, applicants received a detailed 'Information Kit' including an application form, guidelines for the completion of that form, and a document outlining the 'Conditions of Grant'. This process placed far greater responsibility on the sporting body to ensure the proposal was well considered and managed before seeking funding assistance. A time frame of two months was nominated during which applications would be accepted.

Funds were available to assist sports grounds users and active recreation facility providers involved with community land to develop sports facilities, surfaces, etc.

The rolling over of the RSGDF from 2004/05 into this current financial year means the balance of the RSGDF is \$40,000.

During the two month expression of interest period Council received only one application from the Dunoon and District Sports and Recreation Club Limited, seeking a sum of \$20,000 for the erection of flood lighting at Balzer Oval, Dunoon.

The total cost of the project is estimated by the club to be \$118,661 (including GST). The club has already raised \$71,800, including \$15,000 from Council in 2003/04 and \$17,000 from local community contributions. The club has currently submitted an application to the Federal Department of Transport through its Regional Partnerships Program for \$25,000 and is awaiting a decision. The club has committed an additional \$10,000 in the event of a funding shortfall.

The installation of lighting at Balzer Oval was nominated as a priority in the Generic Sportsgrounds Plan of Management. It is an initiative that will accommodate the rapidly expanding demand on the oval as

well as being a project well supported by the Dunoon Sports Club having secured over \$70,000 of funding to date. The Club has submitted a Development Application and had approval for the installation of flood lighting at Balzer Oval.

With the success of the Club's funding applications under the RSGDF (\$20,000) and Department of Transport (\$25,000), the Club will be in a position to install lighting at Balzer Oval upon approval of its Development Application.

At its 7 December 2005 meeting, the Sports and Recreation Policy Advisory Group unanimously supported the proposal and recommended that Council supports the application.

## Comments

### Financial Services

A total of \$43,000 is available in the Rural Sports Ground Development Fund being the combination of the 2004/05 (\$21,300) and 2005/06 (\$21,700) budgets for this purpose.

In addition to these funds, Council allocated \$15,000 to this project in 2003/04 which is being held in reserves; making Council's total cash contribution \$35,000. The release of these funds to the Club will need to be discussed so that it closely coincides with the expenditure being incurred.

## Other staff comments

### Manager Community Services

The installation of lights at Balzer Oval will provide a valuable resource for the Dunoon community. The Dunoon and District Sport and Recreation Club has worked hard to secure the majority of funds required for this project, and the allocation of funds from the Rural Sports Grounds Development Fund is strongly supported.

## Public consultation

Sport and Recreation Policy Advisory Group

## Conclusion

The Generic Sportsgrounds Plan of Management covering Balzer Oval and adopted by Council in April 2002 identifies the provision of lighting "to accommodate training and competition outside of daylight hours" as a priority.

Balzer Oval is the sporting focal point for the rapidly growing village of Dunoon. Currently, the children of the local community attempt to train in near darkness or even by the light of parked cars. As stated in the club's application, the population of the Dunoon area is greater than many regional towns in the Northern Rivers that already have established sporting facilities for community use. The demand for this oval will continue to grow in coming years.

## Recommendation (PLA1)

That Council approve the Dunoon and District Sports and Recreation Club's application for \$20,000 under the Rural Sports Ground Development Fund for the installation of lighting at Balzer Oval.

# Report

<b>Subject</b>	<b>State of the Environment Report 2005</b>
<b>File No</b>	S900
<b>Prepared by</b>	Manager Environmental Health & Building Services
<b>Reason</b>	Presentation of Council's 2005 Supplementary State of the Environment Report
<b>Objective</b>	Adoption of the State of the Supplementary Environment Report to satisfy Council's reporting requirements under the provisions of the Local government Act, 1993
<b>Strategic Plan Link</b>	Natural environment
<b>Management Plan Activity</b>	Environmental Protection & Enhancement: Fulfil Comprehensive State Of The Environment Report

## Overview of Report

Council in December 2005 endorsed the draft 2005 Supplementary State of the Environment Report to be placed on public exhibition for a six week period. This report advises Council of submissions received.

## Background

The *Local Government Act, 1993* highlights environmental responsibilities of Councils, including a requirement to have regard to the protection of the environment in carrying out their responsibilities and to properly manage, develop, protect, restore and enhance and conserve the environment of the area for which they are responsible. These provisions are closely linked to the requirement under the Act for Councils to prepare State of the Environment Reports (SOE) in relation to the following environmental sectors:-

- Land
- Atmosphere
- Water
- Biodiversity
- Waste
- Heritage

Council's SOE Report 2005, is a "supplementary report" as recognised under the provisions of the Local Government Act. It is produced every year except every fourth year, which is a comprehensive report. Comprehensive reports are produced once every four years and "supplementary reports" every intervening year.

The intent of the 2005 Supplementary report is to update data in the 2004 Comprehensive report and to note programs undertaken in each reporting sectors in response to environmental pressures.

SOE Reporting is intended to enable a Council to assess its environmental management responsibilities and projects. In addition it emphasis's the need to analyse and review data already collected. The

compilation of data can assist Councils in making informed environmental decisions. Where environmental data gaps or current environmental practices are identified as requiring review, it is anticipated that Councils will consider these issues and prioritise them through the management plan process.

## Comments

Financial Services

Not required.

## Other staff comments

Not required.

## Public consultation

The draft 2005 Supplementary Report was placed on public exhibition for a six-week period from December 19, 2005. Notice of the exhibition period was placed in Council's Info Link during December and January. The draft report was distributed to Council's libraries and placed on Council's webpage. Environmental groups including the Big Scrub Environment Centre, Friends of the Koala and Land Care groups were advised of the report and invited to comment.

As a result of the exhibition of the document, Council received one submission from Friends of the Koala (FoK). Many issues were raised in the submission related to Koala protection generally. Of these issues one was related to SOE reporting as follows;

*"We wrote last year and were encouraged by the appointment of the Bushland Management Officer. The position is part-time and the range of duties as the title suggests, certainly extends beyond Koala Habitat Management. We were disappointed that the report does not provide information on what is being achieved for koalas through that position"*

**Comment:** As a result of this submission the Biodiversity Sector of the report has been amended to reflect Councils *"Response to Pressure"* as follows;

Some 2005 initiatives of note include:

- Around 200 Koala food trees were planted with students from eight Lismore schools as part of National Schools Tree Day in July. Trees were planted in and around the following schools: Albert Park Public School, Goonellabah Public School, Modanville Public School, Rosebank Public School, Summerland Christian School, Tregeagle Public School, Wilson Park Public School and Wyrallah Road Public School.
- Support and assistance (eg site advice, maps, mulch and tree guards) were provided to three supervised Green Corp teams of volunteer youths working in local public reserves. Council partnered one Green Corp team in restoration of Koala habitat at two local public reserves. Around 150 trees were planted, hundreds of Koala trees propagated, and 33,000m<sup>2</sup> cleared of threatening weeds.
- Council hosted an on-line Community Koala Survey in partnership with Friends of the Koala. The survey followed on from a 1999 Koala survey and aimed to detect changes to Koala populations in the Lismore Local Government Area. Survey results will be available in February 2006.
- A new Koala brochure was produced titled 'Koalas in our Backyard'. The colour brochure addresses a range of Koala issues and will be freely available to Lismore residents.

- Maps were produced of Koala sightings in the Lismore urban and rural areas. Data were sourced from NPWS, community and student surveys, and Friends of the Koala rescue records.

A separate response will be sent to FoK regarding the other issues raised in their submission.

## Conclusion

Pursuant to Section 223 of the Local Government Act, Council has met the requirements if it:

- a) identifies any new environmental impacts, and
- b) it updates trends in environmental indicator and updates data.

Additionally Council must consider the most recent Comprehensive SOE report (2004) in the preparation of its draft management plan.

Council in this regard has met its statutory obligations and as such the report as amended is submitted to Council for adoption.

## Recommendation (PLA5)

That Council's Supplementary State of the Environment Report 2005, be noted and accepted as satisfying the reporting requirements of the *Local Government Act*.

# Report

<b>Subject</b>	<b>Memorandum of Understanding (MOU) between the Northern Rivers Catchment Management Authority (NRCMA) and Lismore City Council</b>
<b>File No</b>	S227
<b>Prepared by</b>	Manager Environmental Health & Building Services
<b>Reason</b>	To advise Councillors of the preparation of a Memorandum of Understanding between the Northern Rivers Catchment Management Authority and Lismore City Council, for the co-operative and co-ordinated pursuit of sustainable natural resource management (NRM)
<b>Objective</b>	Council's endorsement of the Memorandum of Understanding.
<b>Strategic Plan Link</b>	Natural Environment
<b>Management Plan Activity</b>	Catchment Management

## Overview of Report

The Northern Rivers Catchment Management Authority (NRCMA) has issued Council with a draft Memorandum of Understanding (MOU) to be endorsed by Council. Staff have reviewed the document and made minor amendments as necessary. A copy of the MOU is attached for Councils information.

## Background

In July 2004, a MOU was signed between DIPNR (on behalf of the Catchment Management Authorities) and the Shires Association of NSW and the Local Government Association of NSW (LGA) on a natural resources partnership for NSW.

Within that document it stated that *"a written agreement be developed between each CMA and the councils within their region to establish a clear working relationship which enables the cooperative and coordinated pursuit of sustainable Natural Resource Management (NRM)."* It also stated *"the agreement is to determine a ... 'Regional CMA/LG Forum' for local government to interact with the CMA"*. NOROC is the Regional forum to fulfil this role.

However, in 2005 it was decided by NOROC that separate MOU's should be developed between the CMA and each individual Council in the NOROC region, not a Regional CMA/LG Forum. The NRCMA were advised of this directive.

As a result, in September 2005, the NRCMA issued all Councils with a draft template MOU, for consideration, amendment if necessary and endorsement by each Council. The draft MOU presented to Lismore City Council has subsequently been revised by staff and appropriately amended to reflect Lismore City Council's position within this LGA. The revised MOU forms an attachment to this report.

**Comment:** The MOU sets out -

- NRM Partnership Objectives
- Principles for a Co-ordinated Approach to Managing Natural Resources
- Partnership Roles
- Mechanism for Achieving this Partnership and
- Benefits

The document is intended to enable effective management of natural resource management by the development of a Local Government and CMA partnership. This is achieved through developing an agreed approach, for managing resources, information sharing and planning for investment and the delivery of on-ground works.

Lismore City Council's commitment to this process includes providing advice, investigating new ways of strengthening our involvement in natural resource issues with the CMA, assisting with the distribution of information and developing project proposals that will achieve NRM outcomes.

## Comments

Financial Services

Not required.

## Conclusion

The endorsement of this MOU will enable Council to continue to work with the NRCMA in an effective manner by the creation of a partnership, which engages both LCC and the NRMCA in natural resource management.

## Recommendation (PLA6)

That Council endorse the Memorandum of Understanding between the Northern Rivers Catchment Management Authority and Lismore City Council.

## MEMORANDUM OF UNDERSTANDING

### MOU between the Northern Rivers Catchment Management Authority and the Lismore City Council

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#### ***NRM Partnership Objectives***

To facilitate the effective management of natural resources by developing Local Government and Catchment Management Authority (CMA) partnerships.

#### ***Principles for a Co-Ordinated Approach to Managing Natural Resources***

Effective natural resource management and land use planning requires involvement from all key stakeholders in:

- Developing an agreed regional approach for the management of natural resources
- Information sharing
- Planning for investment and the delivery of on-ground works and capacity building activities

A co-ordinated approach requires commitment from all stakeholders to regional natural resource management plans, including Catchment Action Plans, Local Environmental Planning, vegetation and water sharing plans and other environmental planning instruments.

In time it is anticipated that this will lead to a rationalisation of State of Environment reporting so that CMA's and local government are able to work together in consistent reporting on catchment-wide conditions and responses, amongst other measures.

Local Government and Catchment Management Authorities are both regional organisations with the need to show leadership to the community.

#### ***Partnership Roles***

##### **Northern Rivers CMA contributes to this agreement by:**

- Consulting with all Councils to develop a regional vision for the management of natural resources within the catchment and their local government area.
- Developing a strategic Catchment Action Plan that builds on existing expertise, knowledge and resources to ensure investment maximises high-quality NRM outcomes.
- Providing Natural Resource Management information in a form that is easily accessible to and in a scale and format, which is useful for Councils.
- Actively seeking new investment avenues and exploring innovative ways to increase the investment funds for natural resource management for partnerships between local government and Northern Rivers CMA.
- Co-ordinating the development of a continuing capacity building strategy which provides all participants involved in the new and evolving improved approaches to NRM with the necessary knowledge, skills and expertise to be able to play an effective role.

##### **Lismore City Council contributes to this agreement by:**

- Providing advice to the CMA on policy, strategy and actions relating to natural resources management in its area.
- Investigating new ways of building and strengthening local government involvement in natural resource management with the Northern Rivers CMA.



- Assisting with the distribution of information to the community on NRM issues.
- Developing project proposals that will achieve NRM outcomes.

### **Mechanism for Achieving this Partnership**

- The signing of this document by both parties.
- Establish a one on one working relationship with Lismore City Council and the Northern Rivers CMA.
- Establish, in consultation, an agreed communication mechanism between Lismore City Council and the Northern Rivers CMA, as well as an information sharing mechanism.
- Develop delivery procedures for carrying out joint projects.
- Active participation in the Richmond River Floodplain and Estuary Partnership.

### **Benefits**

- Consistency and integration of regional NRM and local planning.
- A documented information sharing mechanism.
- Forum to identify and address local government and CMA issues relating to natural resource management.

This partnership agreement is based on a set of general principles, which define the roles of the different parties. It seeks to achieve this aim by guiding and directing working relationships between the two levels of government in planning for, investing in, and adaptively reviewing progress towards sustainable natural resource management throughout New South Wales.

This partnership agreement is for an initial term of 3 years from the date of execution by Northern Rivers Catchment Management Authority and Lismore City Council and is to be reviewed at the expiration of this period to ensure consistency with contemporary NRM strategies and policies at that time.

### **Signatories**

Lismore City Council

Northern Rivers Catchment  
Management Authority

.....  
General Manager

.....  
General Manager

.....  
Mayor

.....  
Chair

# Report

<b>Subject</b>	<b>Minor Alterations to Policy 5.2.24 Carriageway &amp; Kerbside Land Use</b>
<b>File No</b>	S9
<b>Prepared by</b>	Manager-Planning Services
<b>Reason</b>	To advise landowners of the planning controls which may affect kerbside dining.
<b>Objective</b>	Improve public information within the policy
<b>Strategic Plan Link</b>	Economic Development
<b>Management Plan Activity</b>	Efficient assessment of land use development applications.

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## Overview of Report

Policy 5.2.24 was adopted in June 2005, and applications for kerbside dining are being prepared by landowners. Although the Policy states that such applications will be subject to 'normal development application requirements' it is considered that, in the interest of providing clear guidelines to landowners, such requirements should be further explained.

## Background

Policy 5.2.24 was adopted in June 2005, and applications for kerbside dining are being prepared by landowners. Although the Policy states that such applications will be subject to 'normal development application requirements' it is considered that, in the interest of providing clearer guidelines to landowners, such requirements should be further explained.

In particular, it is proposed to include in the Policy reference to the existence of the Lismore Local Environmental Plan, the Development Control Plan containing urban design, heritage and car parking guidelines, the Landscaping Guidelines and S94 Contributions Plan. The operation of these planning instruments may require applicants to provide additional car parking or to make a payment in lieu of such provision. Currently this payment is approximately \$15,000 per space.

A copy of the Policy, amended as proposed, is included in the Attachment.

## Alteration to Policy

The extension of dining areas and other business related activities across the public kerbside or carriageway constitutes an expansion of the floor area of the business, which under the planning controls relating to car parking may trigger the need for additional car parking spaces. This need is additional to the payment required under the Policy for the public car parking spaces lost by the expansion of the business.

The possible need for additional car parking spaces or payment in lieu is not currently specified in the Policy. Although all planning controls are publicly available, as is planning advice prior to the preparation of DAs, not all applicants take advantage of this information with the result that they may discover they have to provide additional car parking spaces, or make a payment, only when reading consent conditions. Currently this amount is approximately \$15,000 per space, and its unanticipated inclusion as a consent condition may raise financial difficulties for some applicants.

In addition, the Policy should reiterate the legal requirement for the signature of the owner of the land to be included in the development application. The owner will be either Council or the Roads & Traffic Authority; if the owner is Council then Infrastructure Services should be consulted to ensure that traffic and pedestrian flows are not adversely affected.

Inclusion in the Policy of a new Section 6 containing the following advice will ensure that applicants, and Council staff, have the information required for the preparation and assessment of an application.

## **6. Development Application requirements**

- *Prior to preparing a Development Application, the applicant is to meet with Infrastructure Services (Design) staff to determine that the proposed location is acceptable in terms of traffic and pedestrian movements. If the location is acceptable Infrastructure Services will assist the applicant with advice as to the preparation of a design in accordance with the requirements of this Policy.*
- *The design should be conducive to social interaction, have a positive effect on the streetscape, maintain the visual integrity of adjoining development, and comply with Council's Landscape Guidelines.*
- *The applicant will obtain the signature of a representative of the owner of the land (Council or Roads & Traffic Authority) indicating that agreement is given to lodge the application. When considering whether the agreement of Council should be given the Executive Director Infrastructure Services (or delegate) will consider the impact of the proposal in regard to traffic management.*
- *The application is to comply with planning controls contained in the Lismore Local Environmental Plan, Development Control Plan/s and the S94 Contributions Plan in regard to urban design, heritage, car parking and developer contributions. The application should also comply with this Policy. Planning controls and Council Policies are available on Council's website, [www.lismore.nsw.gov.au](http://www.lismore.nsw.gov.au)*
- *The applicant may meet with the Access Committee or the Public Transport Policy Advisory Group to ensure that the application has no detrimental effect on accessibility for disabled persons or on the operation of public transport.*
- *Prior to lodging the application, it is recommended that the applicant meet with a Development Assessment Planner for pre-lodgement advice concerning compliance with planning controls and landscaping guidelines.*
- *By increasing the floor space of the business a requirement may be triggered for additional car parking spaces, or payment in lieu of providing such spaces. Such payment would be in accordance with the requirements of Council's adopted S94 Contributions Plan.*
- *The S94 Contributions Plan permits a variety of methods of payment of contributions, including deferred or periodic payments, as well as payment in full. The applicant may negotiate with Council the preferred method of payment prior to lodging a DA, or during its assessment.*

Consequential alterations flowing from the above inclusion will be:

- Removal of the first paragraph of Section 5, the contents of which are repeated in Section 6; and
- Alteration of Section numbers after the new Section 6.

## Comments

Financial Services

Not required.

## Other staff comments

A meeting of all relevant staff was held on 5 December, 2005, and the proposed Policy changes reflect the views of those staff. Additional comments from Infrastructure Services have been included in the proposed alteration.

## Public consultation

Not required.

## Conclusion

The inclusion in the Policy of additional information regarding compliance with planning controls will be of assistance to applicants in formulating their proposals for kerbside dining and other extensions to private business over public land.

## Recommendation (PLA2)

That Council adopt the alterations to Policy 5.2.24 Carriageway and Kerbside Land Use as outlined above.



## POLICY MANUAL

<b>POLICY NO: 5.2.24</b>	<b>CARRIAGEWAY AND KERBSIDE LAND USE</b>
<b>OBJECTIVE:</b>	Develop standard policy for carriageway and kerbside land use in Council's area.
<b>SECTION RESPONSIBLE:</b>	Property
<b>AUTHORISED: 11/10/94,1/2/00</b>	<b>REVIEWED: 14/6/05</b>

### 1 Overall Aim

This policy is intended to provide owners/lessees of businesses in Lismore with a cost-effective and straight forward administrative process which will enable them to utilise carriageway and footpath areas for the provision of dining spaces, additional private site access and other commercial opportunities.

### 2 Specific Objectives

#### Expansion of kerbside and carriageway land use for commerce:

- Reinforce the established character of Lismore as being a cultural and economic hub with cosmopolitan charm. This is reflected in outdoor eating venues which offer an expansive variety of cuisine choices and which capitalise on the city's sub-tropical climate;
- Provide outdoor meeting places where people can comfortably and safely sit in an outdoor area and enjoy light refreshments;
- Permit the legal conduct of the use of kerbside land consistent with reasonable levels of public safety, traffic regulation and pedestrian movement and access.

#### Expansion of carriageway land use:

- Provide an opportunity for businesses to establish additional site access to their properties through existing public carparking areas. The existing public carparking spaces could be located either on a public street or within public carparking areas.
- The leasing of additional site access' will ensure businesses have a flexibility of site use in the design of vehicular movements on their property.
- Rear access through public carparking areas may facilitate the use of the rear of lots for heavy vehicle deliveries.

### 3 Eligible Applicants, Locations and Dimensions

- An owner or lessee of either an existing or new business may apply for a Carriageway and Kerbside Land Use licence.
- Carriageway and kerbside land use areas will be subject to normal development application

requirements.

- All development applications for 2 kerbside land use activity are to be referred to servicing officer of the Access Committee for comment prior to approval.
- Carriageway and kerbside land use areas should take into account the use of the public space they are occupying and must provide for clear sight lines for vehicles and/or pedestrians in or in proximity to the licence area.
- The establishment and use of carriageway and kerbside land use areas should not conflict with, or inconvenience other retail and commercial activities, or obstruct access to and from adjacent properties.
- Pedestrian footpath movement should not be unduly obstructed.
- A minimum clear footpath width of 1.75 metres should remain available for pedestrian usage. Pedestrians should be able to make normal use of the footpath without being obliged to step onto the road at any point.

#### 4 Structures

- To establish a kerbside land use area within a carriageway that exists prior to footpath widening, the exterior enclosing structure is to be of a construction and design that will be able to provide some protection from vehicular impacts.
- All interior structures/fittings associated with kerbside land use areas which encroach onto a carriageway shall be designed to facilitate removal as required by Council.
- Portable kerbside land use areas may also be approved provided that chairs and tables are in accordance with appropriate Australian design standards.

#### 5 Design/Landscape

- The structures associated with kerbside land use should permit reasonable visual continuity of the streetscape. The use of bollards will be encouraged to create the feeling of openness. Surrounding walls, where utilised, should be low enough to enable the dining and pedestrian activities to merge rather than enclosing and separating the dining activity totally from pedestrian activity.
- Associated plantings should place an emphasis on shade provision and should be cognisant of the "Crime Prevention through Environmental Design" principles. Plantings should conform with the established street planting themes or reinforce the rainforest theme currently applied in Lismore.

## 6. Development Application requirements

- *Prior to preparing a Development Application, the applicant is to meet with Infrastructure Services (Design) staff to determine that the proposed location is acceptable in terms of traffic and pedestrian movements. If the location is acceptable Infrastructure Services will assist the applicant with advice as to the preparation of a design in accordance with the requirements of this Policy.*
- *The design should be conducive to social interaction, have a positive effect on the streetscape, maintain the visual integrity of adjoining development, and comply with Council's Landscape Guidelines.*
- *The applicant will obtain the signature of a representative of the owner of the land (Council or Roads & Traffic Authority) indicating that agreement is given to lodge the application. When considering whether the agreement of Council should be given the Executive Director Infrastructure Services (or delegate) will consider the impact of the proposal in regard to traffic management.*
- *The application is to comply with planning controls contained in the Lismore Local Environmental Plan, Development Control Plan/s and the S94 Contributions Plan in regard to urban design, heritage, car parking and developer contributions. The application should also comply with this Policy. Planning controls and Council Policies are available on Council's website, [www.lismore.nsw.gov.au](http://www.lismore.nsw.gov.au)*
- *The applicant may meet with the Access Committee or the Public Transport Policy Advisory Group to ensure that the application has no detrimental effect on accessibility for disabled persons or on the operation of public transport.*
- *Prior to lodging the application, it is recommended that the applicant meet with a Development Assessment Planner for pre-lodgement advice concerning compliance with planning controls and landscaping guidelines.*
- *By increasing the floor space of the business a requirement may be triggered for additional car parking spaces, or payment in lieu of providing such spaces. Such payment would be in accordance with the requirements of Council's adopted S94 Contributions Plan.*
- *The S94 Contributions Plan permits a variety of methods of payment of contributions, including deferred or periodic payments, as well as payment in full. The applicant may negotiate with Council the preferred method of payment prior to lodging a DA, or during its assessment.*

## 7 Licence Agreements

- Council will grant to the owner/lessee pursuant to Section 125 of the Roads Act 1993, a licence to use the designated area as defined by the Council endorsed sketch plan submitted by the applicant as a private use of carriageway or footpath restaurant solely for the conduct of restaurant business as carried on by the licensee at the principal premises and as set out in the development consent issued for the site.
- All costs for establishing such a licence are to be borne by the applicant.
- Such licence shall usually be for five (5) years.
- Licensees will be required to provide security or make a contribution equivalent to 50% of Council's investment in structural and non-relocatable elements of the dining area. Security will be released at the end of the five year lease and any contribution will be applied to the calculation of the rent during the five year lease.
- Where the proposed kerbside land use area extends outside the confines of the prolongation

of the applicant’s principal premises, comment will be sought from adjoining land owners however Council will retain sole discretion as to whether or not to issue a licence or consent for the proposed activity.

## 8 Indemnities and Responsibilities

- The footpath shall be kept clean and tidy at all times. Council may direct that the footpath be steam cleaned from time to time, at the cost of the licensee.
- Any damage caused to footpaths shall be the responsibility of the respective licensee.
- A licensee shall indemnify Council against all claims of public liability, and shall maintain a public risk policy for a sum not less than ten million dollar (\$10,000,000) at all times, with an insurance company approved by Council.

## 9 Application Details

- An application for a Carriageway and Kerbside Land Use Licence is to contain:
  - A brief description of the intended use of the proposed kerbside land use area including any effects on vehicular and pedestrian movements;
  - A plan sketch (drawn to scale) of the relevant area showing its relationship to the principal facility of the applicant and the proposed layout (tables and chairs etc) and landscaping and/or carparking allotments;
  - A perspective sketch or photograph of the proposed development of the proposed area where relevant.

## 10 Rental

### 10.1 Expansion of carriageway land use for access purposes

#### Land Value

The value of a carparking space that is lost to community usage and is leased to an adjoining land use activity will be deemed to have the value ascribed to said car park in the current Section 94 plan. Council will seek an initial annual rental equivalent to 10% of the aforesaid Section 94 value. The rental will be indexed to CPI each year.

### 10.2 Expansion of Kerbside use for commercial activities

Site rental will be determined in the following manner.

- |    |  |     |
|----|--|-----|
| a) | land value (area of site) @ \$600/m <sup>2</sup>   | = w |
| b) | Brick paving (or similar) of site, if undertaken by Council @ \$50/m <sup>2</sup> , less any licensee contribution | = x |
| c) | Site structure, including lighting, landscaping, brickwork, tiling etc at cost, less any licensee contribution     | = y |
| d) | Council’s administration and advertising costs are to be covered by proponent. Indicative costs are \$250 per site | = z |



Initial rental shall be determined as 10% per annum of the sum of w,x,y & z.

Annual rental shall be initial rental + CPI (paid annually in advance)

# Report

<b>Subject</b>	Alteration to Policy 5.2.2 Development Assessment Panel
<b>File No</b>	S371,S9
<b>Prepared by</b>	Manager, Planning Services
<b>Reason</b>	Council's restructuring
<b>Objective</b>	The Panel should reflect the current structure of Council
<b>Strategic Plan Link</b>	Leadership by Innovation
<b>Management Plan Activity</b>	Assessment of Development Applications

Overview of Report: The Development Assessment Panel reviews recommendations and consent conditions for development applications submitted to the Planning Services Section. Policy 5.2.2 Development Assessment Panel governs the composition and operation of the Panel. The restructure of Council requires alteration of the Policy to reflect the new structure. The opportunity has been taken to also undertake some 'housekeeping' and updating changes to the Policy.

## Background

Policy 5.2.2 Development Assessment Panel governs the composition and operation of the Development Assessment Panel. Contents of the Policy were reviewed and endorsed by Council in 2004.

However, the restructure of Council requires alteration of the Policy to reflect the new structure. This is an opportunity to also undertake some 'housekeeping' and updating changes to the Policy.

Following is a copy of the current Policy, with proposed alterations shown in red print.

Alteration of the Policy as shown has been endorsed by Senior Management.

### Additional matter included in Policy

The technical areas listed in the Policy represent core aspects of development assessment. However, an application may also be referred to additional Sections such as Community Services or Parks for specialist consideration. In addition, the Development Assessment Engineer, while trained in road and traffic matters, has no expertise in flood management. Therefore the following addition to the Policy is proposed:

*Executive Directors may also nominate an attendee from a Section not included above if the expertise of that attendee is considered relevant to determination of particular applications (for example, regarding flooding, community services and facilities, parks and recreation, risk management, etc.).*

## Comments

Financial Services

Not required.

## Other staff comments

Comments from other Sections involved in DAP have been incorporated into the proposed alterations.

## Public consultation

Not required.

## Conclusion

The Policy review is required to reflect Council's current structure. The opportunity has also been taken to update and improve the format.

## Recommendation (PLA4)

That Council endorse the alterations proposed for Policy 5.2.2 Development Assessment Panel.

POLICY NO: 5.2.2	DEVELOPMENT ASSESSMENT PANEL - <del>FUNCTION AND MODUS-OPERANDI</del> <b>ROLE, CONSTITUTION &amp; OPERATION</b>
FUNCTION:	
ACTIVITY:	LAND USE PLANNING
OBJECTIVE:	To consider all aspects of development applications <b>submitted to the Planning Services Section</b>
SECTION RESPONSIBLE:	<del>Development Control</del> <b>Planning Services-</b>
AUTHORISED: 9/8/88	REVIEWED: January 2001, 9/7/02, 12/8/03, 9/3/04, 10/8/04 , <b>14/2/06</b>

**Role:**

- 1 The Development Assessment Panel is to consider from a corporate and ~~Departmental Directorate~~ viewpoint all aspects of **planning and land use** development applications, including compliance with current legislation and Council policy and practice.
- 2 In light of these considerations, to concur or refuse to concur with recommendations of the ~~Planning & Development and City Works Groups~~ **Development & Governance assessment officers** regarding the determination of such applications.
3. The DAP will not determine:
  - Any application for which two Councillors have made a request in writing to the General Manager that the application is to be submitted to Council for consideration and determination;
  - Any Development Application generating objections of a significant nature, being those which, while valid under S79C of the Environmental Planning & Assessment Act, cannot be addressed by means such as conditions of consent, negotiated alterations to the proposal, mediation or by other means.

Prior to finalization of the report to Council on these matters, the Panel will review recommendations and proposed conditions.
4. Consents determined at a Council meeting shall not be amended under delegated authority unless:
  - authorised specifically by the Council; or
  - the amendment is inconsequential and minor; or
  - the amendment does not address issues considered significant in submissions received during the original assessment of the development application
5. The Development Assessment Panel **may** also provides an opportunity for a ~~check with the review of~~ building **development** applications. ~~by the City Works and Planning & Development Groups.~~

## Constitution:

- 1 The DAP should have a membership of 6 fully qualified professional staff representing ~~the Group Manager Corporate & Community Services, the Group Manager City Works, the Group Manager Business & Enterprise (Lismore Water), the Group Manager Planning & Development,~~ Council's Directorates of Development & Governance and Infrastructure Services, preferably not below the third level of seniority in each Department. technical Section.
2. The Executive Director Infrastructure Services and Executive Director Development & Governance may nominate appropriately delegated officers to represent the following technical functions required in development assessment:
  - Land use planning
  - Building
  - Environmental Health
  - Engineering - roads and traffic
  - Water and sewer

If nominated officers are absent from work Section Managers may nominate a substitute.

A Chairperson and Secretary will be nominated by the Executive Director, Development & Governance.

The Executive Directors may also nominate an attendee from a Section not included above if the expertise of that attendee is considered relevant to determination of particular applications (for example, regarding flooding, community services and facilities, parks and recreation).

- 2 3. ~~A quorum of 5 members present shall be required, provided all the technical Departments are represented.~~ A quorum shall comprise a representative of each of the above technical sections.  
All members present shall be properly briefed in respect of all matters dealt with at each meeting.

## Modus Operandi: **Operation**

1. The DAP shall meet weekly unless otherwise determined by the Executive Directors.
2. Minutes shall be kept of each meeting, signed by the Chairperson and countersigned.
3. ~~Roll Over~~ Lists of applications received in the Planning Services Section, and their status, ~~of dealt with~~ shall be circulated to Councillors weekly and list include the number of submissions and the number of signatures on petitions.
4. When development proponents attend the Panel to receive pre-lodgement advice, the Panel's advice will be minuted. The pre-lodgement minutes will be provided to the Manager-Planning Services who will document the comments in a letter to the

proponent(s).

**Special Issues:-**

- 1 5 Where a decision as to whether or not to give concurrence is not unanimous, the application shall be referred to the ~~Group Manager Planning & Development.~~ **Executive Director Development & Governance.**
- 2 ~~Consents determined by the Council meeting shall not be amended under delegated authority unless:-~~
  - ~~the amendment is inconsequential and minor,~~
  - ~~the amendment does not address issues considered significant in submissions received during the original processing of the development application or~~
  - ~~unless authorised specifically by the Council.~~
3. ~~The DAP will not determine:-~~
  - ~~Any application for which two Councillors have made a request in writing to the General Manager that the application is to be submitted to Council for consideration and determination;~~
  - ~~Any Development Application generating objections of a significant nature, being those which, while valid under S79C of the Environmental Planning & Assessment Act, cannot be addressed by means such as conditions of consent, negotiated alterations to the proposal, mediation or by other means.~~

# Report

<b>Subject</b>	<b>Code of Meeting Practice</b>
<b>File No</b>	S43
<b>Prepared by</b>	Corporate Support Co-ordinator
<b>Reason</b>	Need to amend Code
<b>Objective</b>	To make minor amendments
<b>Strategic Plan Link</b>	Leadership by Innovation
<b>Management Plan Activity</b>	Councillors

## Overview of Report

A number of minor changes to the Local Government Act and Regulations require changes to be translated into the Code of Conduct.

## Background

Section 360 of the Local Government Act requires that Council may adopt a Code of Meeting Practice. Failure to adopt such a code means that Council is required to follow the regulations set by the Government. In adopting a code, Council cannot include any requirements which are contrary to the Local Government Act or the Regulations.

Council's Code consists largely of the Regulations, extracts from the Local Government Act and some "local" requirements.

A number of minor changes to the Regulations and the Act have occurred which need to be translated into the Code.

The changes are highlighted in the attachments. The changes are "statutory" and being minor, do not require public exhibition before being adopted by Council.

## Comments

Financial Services

Not required.

## Other staff comments

Not required.

## Public consultation

The amendments are minor in nature and do not require public exhibition.

## Recommendation (GM02)

That Council adopt the amendments to the Council's Code of Meeting Practice.

# Report

<b>Subject</b>	<b>Membership – Economic Development Policy Advisory Group</b>
<b>File No</b>	S644
<b>Prepared by</b>	Corporate Support Co-ordinator
<b>Reason</b>	Vacancy on PAG
<b>Objective</b>	To appoint a member to the PAG
<b>Strategic Plan Link</b>	Economic Development, Leadership by Innovation
<b>Management Plan Activity</b>	Councillors

## Overview of Report

Appointment of new PAG member to fill vacancy advertised in December.

## Background

With a resignation from the Economic Development Policy Advisory Group a vacancy existed for the category “*Business Representative*”.

Prior to Christmas advertisements were placed calling for nominations for this vacancy. At the conclusion of the advertising period, one nomination was received, being Sue Ryan. A copy of her nomination is separately enclosed with the business paper. Ms Ryan is considered a suitable applicant for the position.

## Comments

Financial Services

Not required.

## Other staff comments

Not required.

## Public consultation

The vacancy was publicly advertised.

## Recommendation (GM01)

That Sue Ryan be appointed to the Economic Development Policy Advisory Group.



# Report

<b>Subject</b>	<b>December 2005 Quarterly Budget Review Statement</b>
<b>File No</b>	S910
<b>Prepared by</b>	Principal Accountant
<b>Reason</b>	Clause 203, Local Government (General) Regulations 2005
<b>Objective</b>	To gain Council's approval to amend the 2005/06 budget to reflect actual or anticipated results.
<b>Strategic Plan Link</b>	N/A
<b>Management Plan Activity</b>	N/A

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## Overview of Report

Council's 2005/06 Budget has moved from a balance budget in September 2005 to a \$4,000 deficit as at December 2005. The major items effecting this result are a reduction in rate revenue \$10,000, and additional costs to complete the Lismore Memorial Baths \$109,000.

The operating deficit for the December 2005 \$119,000 has been significantly offset by the reversal of the transfer to reserve for flood mitigation works \$115,000 agreed to as part of the September 2005 Budget Review Statement. Funding for flood mitigation works will need to be determined when the works schedule is finalised.

**Revenues** – Rates revenue has been revised and in total reduced by \$10,000, this has directly impacted on the operating result. Estimated revenue from farmland rates has been reduced by \$97,000 to reflect the amended legislation requirements of the Local Government Act 1993 relating to farmland rating (refer to the comments in the body of the report). This impact has been partially offset by increases in revenue due to growth in rateable properties \$87,000.

There have been other adjustments to revenue as a result of additional grant funding, developer contributions to works and increased collections however these have not impacted on the operating result as they have been tied to specific programs or works.

**Expenses** – Expenses in relation to other programs have been offset after recognise additional funding, with no impact on the operating deficit.

In regards to the deficit, there is potential for increased interest revenue from investments and savings from the 2005/06 loan-program which are expected to be in excess of the current deficit. These items will be reviewed and reported as part of the March review.

## Background

The Local Government Act 1993 (LGA) and Local Government (General) Regulations 2005 requires the annual budget to be reviewed on a quarterly basis and any significant variances to be reported to Council. This report satisfies the LGA and regulation requirements.

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## General Fund

The 2005/06 Management Plan provided for an \$11,000 surplus. The September review reported an accumulated balanced result. This review details a deficit of \$4,000 with the accumulated annual deficit at December 31, 2005 being \$4,000.

For Councillors benefit, the detail of this movement is as follows:

<b>Budget Movements for Quarter</b>	<b>Amount \$</b>
<b>Opening Balance at October 1, 2005</b>	<b>Nil</b>
Plus – Additional revenue from rates due to growth in rateable properties	87,000
Less – Reduction in revenue from farmland rates, re advice DLG on retrospective legislation capping increases to 20%.	(97,000)
Less – Additional construction costs to finalise Lismore Memorial Baths with prolongation costs of project - \$63,600; compliance costs – \$37,000 are two of the major areas)	(109,000)
Plus – Transfer from Flood Mitigation reserve from September 2005	115,000
<b>Closing Deficit Balance at December 31, 2005</b>	<b>(4,000)</b>

For Council's information, listed below are the details of programs, other than those reported as impacting on the balance, with significant variances. Please refer to the attachment for individual programs for a summary of all budget movements.

### Rate revenue

There has been a (\$10,000) negative impact on the operating result as a net outcome of increased revenue associated with growth in the number of rateable properties and the impact of the 20% limit on Farmland Ordinary Rates.

In regards to the Farmland Ordinary Rates, the Rating Officer has provided the following comment in relation to the adjustments:

*“Due to a 20% limit on increases for individual Farmland Ordinary Rates imposed by the Department (circular 05/70), Councils income in 2005/06 will be affected by approximately \$97,000 spread over 357 separate Rate Assessments. This notice is retrospective with no provision to recover the costs in the current year.*

*To date Council has levied \$87,000 income above the original budgeted figure due to growth resulting from increases in assessments numbers and land valuation through subdivision/boundary adjustment, effect of re-zoning, strata's etc. With one more Supplementary Levy to be processed in April 2006 it is likely that this figure will increase slightly. A final figure is impossible to determine at this stage though as it will depend on Valuation Information that has not yet been received.”*

### Waste Water

An additional \$383,300 has been included for mains renewal; this is funded from reserves and has no impact on the operating result.

### Water

There has been an additional \$20,300 included for mains renewal, this is funded from reserves and has no impact on the operating result.

### Bridges

Capital costs of \$47,000 for the replacement of the Ballina Street bridge handrail has been included with funding from reserves. There is no impact on the operating result.

### Parks

Additional operating expenses of \$50,000 have been included in this review for the upgrade of site screens at Oakes Oval in accordance with Council resolution 263/05. There is no impact to the operating result as funding is sourced from reserves.

Capital projects such as for the Wilson River development \$280,000; Kadina Park \$26,500; Allsop Park \$9,000; Coronation Park septic upgrade \$5,000 and Coronation Park new playground equipment \$8,000 have been included. There is no impact on the operating result as funding has been sourced from reserves and from within the existing programs.

### Traffic Enforcement and Lighting

As reported in the September 2005 Quarterly Review, electricity costs have increased in relation to street lighting, estimated at \$120,000 per annum. This was partially funded by \$60,000 from the operating result for September and \$60,000 from reserves. The purpose of this item is to report the funding coming from a reserve which has no impact on the operating result.

### Urban Roads

There has been additional cost included for capital programs \$1,710,000 and operating expenses of \$284,100.

Capital costs include Lismore Square Development \$1,380,000, Diadem Street \$102,000 and trunk drainage \$237,000. These additional costs have been funded from reserves, unexpended loans, capital contributions and additional revenue received in relation to the private works. They have no impact on the operating result.

Operating expenses include increase in private works requested \$280,000. This is funded from additional contributions received in relation to these projects with no impact on the operating result.

### Rural Roads

Operating costs \$368,500 have been included in relation to the repair of flood damage; these works are funded from grants received from the RTA and have no impact on the operating result. Additional capital costs for the Broadwater Road \$125,000 have been included with funding from a capital contribution. There is no impact on the operating result.

### Roads and Traffic Authority (RTA) - Works

Council has received additional revenue from the RTA in relation to flood damage \$1,294,000 and the ordered works program \$200,000. The revenue has been allocated across the RTA, Rural Roads and Urban Roads programs to offset the increase in maintenance costs associated with the repair of flood damaged roads and additional requested ordered works. There is no impact on the operating result.

Additional expenses in relation to the finalisation of the Kellas Street underpass have been included \$34,000. This has been funded from the increased roads component of the Federal Assistance Grant revenue.

### Lismore Levee

The September 30 review included a transfer to reserves of \$115,000 being the accumulated surplus as at September. The transfer was to provide for Council's share towards works in relation to the

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Lismore Levee. It was recommended that this be reconsidered as part of the quarterly reviews and adjusted as required.

As a result of the loss in revenue from rates, additional costs in relation to Lake Gates filling, and additional costs associated with the Lismore Memorial Baths construction, this transfer to reserve has been reversed in full for the December quarter to offset the majority of the deficit. When the program of works associated with the levee are finalised, the amount and source of Council's contribution will need to be determined.

#### Lismore Regional Airport

The expected revenues from the Airport have been increased by \$26,700 (this includes a \$10,000 capital contribution in relation to future development and \$16,700 in operation revenue) with an offsetting increase in operating expenses \$16,700. The additional \$10,000 net has been transferred to Airport reserves as it relates to future development. There is no impact on the operating result.

There has been a decrease in the Airport transfer from reserve for capital works with a corresponding increase in the Incentives for Investment transfer from reserves for works at the airport, but funded from the Incentives for Investment.

#### Art Gallery

Minor capital works have been undertaken at the Art Gallery in relation to security, and air conditioning. These have been funded from existing reserves and have no impact on the operating result.

Operating expenses have been increased being for an Art Gallery Curator \$20,000; Northern Landscape Exhibition \$27,000, installation of a new lighting track for exhibits \$11,000 and costs associated with the touring script \$5,000. These expenses have been funded by additional grants \$47,000; reserves \$11,000 and unexpended grants from 2004/05. There is no impact on the operating result.

#### Swimming Pools

Capital expenses of \$1,837,800 have been included to complete the Lismore Memorial Baths. The expenses are partially funded from unexpended loans \$1,711,700 and grants \$17,100.

The shortfall of \$109,000 relates to additional costs incurred for works associated with satisfying occupation certificate compliance requirements, forecourt upgrading, prolongation costs, additional seating and change room modifications.

#### Community Services

Expenses in relation to the Bundjalung Elders Stories \$11,400 and roof repairs to the Nimbin School of Arts \$15,000 have been included with funding from unexpended grants and reserves. There is no impact on the operating result.

#### Economic Development

Additional revenue of \$115,000 in relation the Flood Mitigation Conference has been included being offset by the estimate expenses of \$115,000. A grant for the undertaking of a Feasibility Study - Small Business Incubator \$29,000 has been received and has been included. There is no impact on the operating result.

#### Environmental Health

Parking meters have been replaced at a cost of \$16,000, with full funding from additional revenue above original estimates.

#### Change in Net Assets

The 2005/06 Management Plan showed a surplus in the "Change in Net Assets" of \$4,269,000. The September review increased this by \$587,000 to \$4,856,000. This review has again increased this position by \$649,000 to \$5,505,000.

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

### Other staff comments

Not required.

### Public consultation

Not Required

### Conclusion

Council budget has moved from a balance budget in September 2005 to a deficit of \$4,000 in December 2005.

The December 2005 period has generated an actual deficit of \$119,000, with the major items that have had an impact being:

- a) The Department of Local Government has advised of a 20% limit to any increase on Farmland Ordinary Rates, this is retrospective to July 1, 2005. The \$97,000 negative impact is offset by the growth in rateable properties of \$87,000.
- b) Lismore Memorial Baths additional costs – (Prolongation of project - \$63,600; compliance costs – \$37,000 are two of the major items)

The impact of these changes has been ameliorated by reversing the transfer to reserve for flood mitigation \$115,000 approved in September 2005.

It is expected that there will additional savings in expenses (interest 2005/06 loan program) and additional revenues (increased interest from investments), which will more than offset the reported deficit. These items are planned to be reviewed and reported in the March review.

In regards to the savings in expenses, the 2005/06 Management Plan included borrowings of \$5,000,000 for the Goonellabah Leisure Centre, and included one loan repayment of \$163,000. Indications are that the funds will not be required in the current year.

Adjustments have made to other operating revenues, expenses and capital programs. These have been funded from within existing programs, reserves, section 94, and revenues with a nil impact on the operating result. A program summary is attached that summarises those changes.

### Recommendation (GM04)

- 1 Council adopt the December 2005 Budget Review Statement for General, Water and Waste Water Funds.
- 2 This information is submitted to Council's Auditor.

## Report

<b>Subject</b>	<b>Management Plan Review 2005-2007 – quarter ended December 2005</b>
<b>File No</b>	S4
<b>Prepared by</b>	General Manager/Chief Executive Officer, Executive Directors – Development & Governance and Infrastructure Services
<b>Reason</b>	Requirement of the Local Government Act
<b>Objective</b>	Information of Councillors
<b>Strategic Plan Link</b>	Leadership by Innovation
<b>Management Plan Activity</b>	General Manager

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### Overview of Report

This report relates to the performance of programmes and activities highlighted in the 2005/06-07 Management Plan during the quarter ended December 2005

### Background

Council is required under Clause 407 (1) of the Local Government Act, 1993 to periodically report on the performance targets outlined in the Management Plan.

## GENERAL MANAGER (Chief Executive Officer)

## Management Plan Review

Period ended December 2005

Review of objectives across each functional area of the General Manager's Directorate.

### Communications and Community Relations

**Mayor of Lismore Scholarships** – Three scholarships now active. 1) Mayor of Lismore Scholarship for Academic Achievement 2) Solid Waste Scholarship – Nitrogen levels in leachate at Wyrallah Rd Waste facility 3) Water Management. Fourth scholarship is to focus on the subject of community cohesion, and is currently being finalised with the SCU.

**North Coast National – Participation.** Council's presence at the Show was a success, the mobile education unit having been completed for use at the Show.

**City Branding** – Second draft of proposed city branding completed.

**Resident Satisfaction Survey** – Survey has been completed by the SCU and statistics are being finalised and collated.

**Ensure efficient Governance of Council – Annual report to Minister** – during the report period, the Annual Report and the Statutory return was completed.

**Implement Council's Strategic Plan** – All PAGs have been asked to prioritise areas from their Strategic Plan, and to present this information prior to the budget process.

**New communications strategy** – the Communications Strategy has been delayed because of staff changes associated with the restructure.

### Improve Council Reputation

- Issue management - maintained daily pro-active media schedule via staff management.
- Regular liaison with media outlets.

### Improve Community Relations

- Internet – Published Summer edition of website.
- Website – program of updates agreed with Information Services to ensure currency of information.

### Financial Services

#### Rating & Revenue

- Rates & water account payment options: - This process of review commenced in December and a report will go to Management in March 2006.
- Debt collection: - Reviewed and revised credit arrangements with major NRQ&A customers and undertake concentrated recovery action on all significant debtor accounts.
- Contact Centre: - Completed 'Frequently Asked Questions' for contact centre staff use.

#### Contract Administration

- Review and update Contracts Procurement Manual: - This process has commenced and expected to be completed by March.
- Telephony System; - Installation and project management of new system into the Administration Building, EDU, CBD Centre & VIC.

### Financial Services

- Review internal financial reporting: - Process commenced in November with feedback from Executive Management. Further feedback from Program Managers will be sought and introduced into the 2006/07 Budget
- 2004/05 Financial Reports - Completed all legislative and compliance tasks associated.
- 2005/06 Budget - Reported the September 2006 result to Council in November.

### Management

- Replacement of computerised financial and land information systems: - A tender specification was prepared and advertised. Tenders closed in December and the Project Team/Consultant are short listing the responses with a view to product demonstration in March/April 2006.
- Improve governance performance based on the internal assessment of the 'NSW Local Government Health Check':- This process is planned to commence in February.
- Independent Inquiry into the Financial Sustainability of Local Government in NSW: - A submission formally adopted by Council at the December meeting was submitted.
- Lismore Showground Trust: - Assess request for assistance from North Coast A&I Society in its capacity as trust manager. Provide assistance based on Council's resolution.
- Restructure: - Position profile for affected staff and positions reviewed, amended, approved and implemented.

### Human Resources

- Review Salary System - Preliminary reports to ExCom and Consultative Committee on Job Evaluation approach, and discussions ongoing with other councils on a regional approach.
- Organisational Restructure - Staff briefings continued in late 2005 and an equitable agreement reached on salary and conditions for Customer Contact Centre staff internal staff appointments through Expressions of Interest process.
- Internal customer satisfaction survey of HR service levels to be circulated in February.
- Management Development Program commencing February.
- Aboriginal Employment Strategy - Approval granted for 12 positions for the period 2004 to 2009, 4 positions targeted.
- Career Paths - 2005 Skills Assessment Kits for 2005 issued with a section dedicated to career path opportunities discussion.
- AQF Framework - new position profiles, updated and re-evaluated position profiles are aligned to AQF framework. Continuing with Existing Worker Traineeships in Civil Construction, Frontline Management, Administration and Customer Contact in 2006 for positions that require these qualifications and the incumbent does not have the qualification.
- OHS & Risk Assessments - Round of site visits scheduled by Safety Officer.
- Staff assessed on OHS competencies as part of 2005 skills assessment round.



Development and Governance Director  
 Management Plan Review  
 Period ended September 2005

Review of objectives across each functional area of Development and Governance.

Planning Services

**1 Customer Service in land use planning**

- *Participation in State Government planning projects:* The Senior Strategic Planner is a member of the Technical Advisory Group for the Far North Coast Regional Strategy.
- *Provision of planning advice to internal and external customers:* responded to 1,950 telephone, counter and email enquiries.
- *Ensure updated planning information available to development industry and public:* Web site information updated.
- *Maintain Heritage Advisory Service/Local Heritage Grants fund:* Ten grant applications approved.

**2 Efficient assessment of land use development applications.**

58 new DAs received; 60 determined by consent with nil refusals. The average assessment time for locally determined applications was 30 days, and the average assessment time for integrated applications was 56 days; the longer assessment period for integrated applications is due to the length of time taken for response by Government Departments.

39 Miscellaneous applications (modifications of consent, dwelling entitlement searches) were finalised, and 14 Subdivision Certificates were released.

**3 Implement adopted Council land use strategies**

- *Urban Development Strategy: adopted by Council with staged release program; Department of Planning advised.*
- *Regional City Strategic Plan adopted by Council.*
- *Rural Housing Strategy: continued consideration of LEP amendments for rural residential development at Macleans Ridges and Wyrallah.*

**4 Review and update planning controls**

LEP amendments with the Minister awaiting gazettal:

- *Amt 12 – Review of public lands rezoning and reclassification*
- *Amt 17 – Rural residential rezoning at Tullera*
- *Amt 23 – Annual General Amendment*
- *Amt 24 – Rural residential rezoning, Livotto Dr., Richmond Hill*
- *Amt 25 - Apo St., Goonellabah*

- An amendment to permit alterations and additions to buildings in the floodway was further considered by Council and the opinion of the Parliamentary Counsel sought.

An LEP amendment for additional industrial land in Holland St was considered by Council and referred to Government Departments for comment.

- Development control plans were subject of significant legislative change by the State Government, which now requires only one DCP to apply per site. Consequently the majority of Council's DCPs were amalgamated into one large document, which was endorsed in December for public exhibition.

- An individual DCP for the Cultural Precinct was public exhibited and approved.

**5 Ensure compliance with planning laws and regulations**

- *Compliance with consent conditions: 6 consents checked*
- *Investigate alleged illegal land uses: 37 investigations*
- *Response to complaints: 26 complaints investigated.*

## Environmental Health and Building Services

## Building Services

**1 Public Safety – Fire Safety Audit**

- Councils Fire Safety Audit continues with inspections conducted and Orders to upgrade issued on a regular basis. Council is currently dealing with 54 separate properties in regard to fire upgrades.

**2 Assessment of Development Applications and Construction Certificates**

- Building Statistics – October, November, December  
174 Development Applications received for this section  
167 Development applications approved  
Average approval time = 19.3 days  
152 Construction Certificates issued  
7 Building Certificates issued

**3 Public Safety – Essential Services**

- Councils Essential Services Program is continuing however, planning for a separate fee structured system has been delayed until the new replacement Civil program has been finalised and been implemented across council.

**4 Public Safety – Swimming Pool Fencing**

- The swimming pool program continues with the required 25 pools inspected per month. Councils swimming pool brochure has been finalised & printed. These are starting to be distributed with each inspection.

**5 Policy, procedures, legislative changes**

- Standard letters and documents have been amended to reflect Local Government legislative changes.

**6 Public Safety – Law enforcement**

- Law enforcement issues continue to be undertaken as required.

**7 Improve public safety – Programme Development**

- Councils Places of Public Entertainment, caravan parks and public halls has been completed for 05/06 financial years.

**8 Professional Development**

- Training has been undertaken in area of Protection for Bushfire Safety with all staff now having attended the course.
- The Basix (Building Sustainability Index Course) has been undertaken by staff.

**9 Assessment of Development Application referrals**

- All assessment of DA's from Planning Services have been undertaken within the statutory turn around time. 53 Referrals received from Planning Services. Median turn around time is 14 days.

## Environmental Health

**1 Actions Planned – Strategies and Programmes**

**Enhancement:** Assess Development Applications, On-Site Sewage Management Strategy, Section 68 Applications.

18 Onsite sewage management reports have been assessed for the quarter.

All assessment of DA's from Planning Services have been undertaken within the agreed turn around time. 53 Referrals h sent from the Planning Services. Median turn around is 9 days.

**2 Corporate Relations: Customer Service**

Quarterly complaints received: 102 (2 personally, 83 telephone, 17 written)

YTD complaints received 181 (3 personally, 156 telephone, 36 written)

**3 Commercial Premises Management**

Inspections

High Risk = 64 YTD =102 target 84

Medium Risk = 19 YTD =25 target 26.4

Low Risk = 12 YTD =13 target 16.56

Skin Penetration = 0 YTD =0

Pre Purchase = 2 YTD =9

Re Inspections = 40 YTD =44

New Premises = 4 YTD =26

Complaints = 0 YTD =3

Total YTD= 222

**4 SOE Reporting** - The Supplementary SOE has been submitted to Council and is currently on public exhibition for a six week period.

**5 Stormwater Management Plan** - Councils Catchment Management Officer is currently reviewing the Stormwater Management plan.

**6 WSUD** - Progress on WSUD with a draft policy almost complete.

**7 Sun Protection** - Additional shade structures are currently being erected for Wade Park.

**8 Emergency Management**

- A quarterly meeting of the Rescue Committee and the Local Emergency management Committee was held in December.
- Councils Risk Management Plan is being undertaken by a sub group of the LEMC.

**9 On-site Sewage Management** - 86 inspections for qtr. Year to Date 196. Annual Target is 250.

**10 Environmental Monitoring**

- Environmental Monitoring has commenced this quarter with monthly water monitoring being undertaken as per the 05/06 management plan.
- The Regional contaminated lands Policy is nearing completion. A final version should be adopted by December 2005. The database has been amended to include Dips from NSW DPI.
- Investigation of environmental issues continues on a regular basis. Relevant legislation including the POEO Act has been utilised for enforcement.

**11 Protection of the Environment Initiatives**

- Staff attended the On-Site Conference in Armidale in September 2005.
- Cities for Climate Protection (CCP): Stage 1 and 2 of the Cities for Climate Protection program has been finalise. Stage 3, which identifies an actions plan is currently being worked on.

Enforcement:

On-street/off-street parking enforcement continued - 420 fines issued. 5 abandoned vehicles impounded.

## Community Services

- 1 **Employment of Aboriginal trainees** – two youth worker trainees have been appointed, and interviews for a child care trainee are yet to be conducted. Trainees will start their work placements and TAFE studies in February 2006.
- 2 **Youth Enterprise Project** – as part of the federally funded Closing the Gaps project, council staff are still researching and planning a youth café enterprise. Several funding applications have been submitted and we await notification of the status of those applications. Securing a suitable venue for the café has been the most pressing problem to date.
- 3 **Aboriginal Employment Strategy** – completed and reported on in the July – September quarter.
- 4 **Development of Cultural Precinct** – the amended Master Plan, presented to Council as Development Control Plan No 49, was endorsed at the November Council meeting. The Project Team is now focusing on staging and financing the project requiring additional workshops early in 2006.
- 5 **Bundjalung Stories** – the filming of individual Elders' stories has been completed. The stories will be edited and finalised for distribution to schools and libraries. It is intended to launch the videos in May 2006 during Reconciliation Week.
- 6 **Lismore Lake (Lake Gates)**. Significant pumping into the lake will not be possible from November to February because of the comb crested jacana's breeding requirements. Arrangements have been made to maintain the water level at the December level, however any significant top-up will be delayed until March 2006.
- 7 **Social Plan implementation** – as reported to Community Services Policy Advisory Group. A formal report to the Department of Local Government is due in April 2006.
- 8 **Goonellabah Recreation Centre** – the tender for design/construction of the Centre has been placed on hold until issues surrounding the acquisition of land adjacent to Council owned land have been finalised. Due to the time lag between the initial tender process and commencement of work on site, it may be necessary to re-tender the project.

## Lismore Regional Gallery

- The Gallery has been successful in obtaining funding from the Ministry for the Arts towards a new position at the Gallery. The funding is on a 50:50 matched basis with Council over a three year period for the full time position of Curator. The position will be advertised in Jan/Feb 2006.
- A rare and very successful Ian Fairweather exhibition on display during December and January. The exhibition featured in the Sydney Morning Herald (weekend edition), and together with the two day Led Zeppelin photographic exhibition, has attracted much interest for the Gallery and the website.
- The Gallery's website (as part of Council's website) has been updated and features current, past and future exhibitions.

## Child Care

- Koala Child Care Centre completed 2005 with an average yearly attendance of 35.78 children (budgeted 35).
- Building maintenance - the kitchen has been modified to meet OHS requirements.
- Lismore Outside of School Hours Care has enrolments for 70.5 places at the end of December (75 available placements). The Centre is expected to operate at capacity once school recommences in January 2006.
- Accreditation recommendations – an annual review and review of Centre policies has been completed.

## Information Services

**Improve access to information systems from remote sites** - Landfill site pilot project implemented upgrading remote access from dial-up to ADSL and utilising Terminal Services for user connections. Connection settings are currently being monitored and amended with the aim of improving response times.

**Replacement of 1/3 fleet of desktop computers** - Distribution of 45 desktop computers donated to community groups finalised.

**Review future needs of council re e-business enabled information systems** - E-business functionality will be reviewed in conjunction with the corporate systems replacement project.

**Investigate feasibility of Regional Repository at Southern Cross University** - Records management function, on-hold pending appointment of Records Manager.

**Implementation of an electronic records and Information management system** - On hold, pending outcome of corporate systems replacement tender.

**Maps on the web** - Testing continues on Council's intranet site.

**Improve corporate record keeping** - On hold, pending outcome of corporate systems replacement tender, electronic records and information management system and appointment of Records Manager.

### Corporate systems replacement

- Tender for the replacement of Councils Corporate Information Systems completed and advertised with 4 major Local Government System suppliers responding.
- Work continues on preparation of product demonstration scenarios to be used in the evaluation process.

### Other items

- Support provided with the implementation of Councils new telephone system.
- E-mail SPAM filtering system replaced to provide improved functionality.
- Digital Cadastre Database (DCDB) updates applied and published to our Lismore Geographic Enquiry System (LGES).

## Economic Development

- Progressed staff appointments to positions as described in 2005 ED structure.

## Tourism

- Commenced design & development of Lismore Visitor Guide; alerted tourism operators to upcoming marketing opportunity.
- Represented Council at Tourist Drive Audit meeting.
- A number of groups guided through the 'Cafe and Culture Trail' and regular meetings of Cafe network continued.

## Grants and Special Projects

- Wilsons River Redevelopment Project – progressed plans for Riviera section of the project, labyrinth, rotunda, RSL Pathway, Laurie Allen Centre restaurant precinct; sought funding for artistic elements, eg. Dog Agility Area, as well as heritage & indigenous.
- Assisted Canoe Club & Lapidary Club with preparation of funding applications.
- Business Incubator Feasibility Study completed.
- Submitted SES funding application to Regional Partnerships for construction of new building; request is for \$214,000 federal government assistance.

## Events

- Successful event management of the 60<sup>th</sup> Australian Jazz Convention, Local Government PA/EA Regional Conference, as well as staffing the LCC stand at the Lismore Show.
- Won the bid on 2 major swimming events for the Memorial Baths.
- Provided practical support for the Showgrounds.

## Business/Industry Development

- Assisted with marketing & sale of industrial land in Lismore.
- Facilitated the planning process for several larger, job-rich, business developments – proposed & existing.

## Airport

- Passenger numbers reached their highest level for the year in October with 6,183 passengers.
- Upgraded security of airport carpark with CCTV cameras; over-night vehicle vandalism ceased.
- Negotiations finalised & new contract in place for Air BP (GA area) contract.
- Civil works associated with current hangar development complete.
- Hosted 2 familiarisation visits by the Rapid Regional Deployment Team (Australian Federal Police), as well as 1 planned visit by the Office of Transport Security (DOTARS); no major issues identified.
- Preferred Runway End Indicator Lights (RTIL lights) identified & installed to enhance low visibility operations.
- Commenced head tax negotiations with Rex.
- Progressed GA area development research & investigations.
- 

## Nimbin

- Continued development of new tourism product for Nimbin with the Nimbin Walking Trail & Arboretum.
- Provided continued practical support for the Nimbin Visitor Information Centre.

## INFRASTRUCTURE SERVICES DIRECTOR

Management Plan Review  
Period ended December 2005

Review of objectives across each functional area of the Infrastructure Services Directorate.

## Special Projects and Properties

- Land and Building Register – ongoing update of details. Development of more comprehensive procedures proposed as part of new computer system and Asset Management Section. Amended target date of 2006/07 proposed for training of staff in line with introduction of new computer system training.
- Lease Register – ongoing update of details
- Industrial subdivision at Council Airport – works on hold awaiting development application approval for remaining blocks before recommencing earthworks/filling.

## Workshop , Fleet Management and Sign Shop

## Fleet Management:

- Completion of modifications to new LCC mobile education unit trailer (ex-regional library trailer), first used at the North Coast National Show held in Lismore
- Purchase of two only, 13-Tonne operating weight smooth drum rollers for roadworks
- Purchase of new model zero turn, fitted with operator platform suspension to alleviate potential back injuries
- Purchase of two forklifts (1xnew machine – Wyrallah Road Depot store, 1xsecond-hand machine for Workshop, 1xsecond-hand machine for Revolve Centre)
- Purchase of second-hand 24,000lt fuel tanker trailer to be converted to water tanker and used with the low-loader prime mover
- Placed purchase order for replacement of 20 utilities from various sections
- Additional smaller sized 4-cylinder LCC administration pool car placed in service
- Completion of SES 6,000Kg dual cab truck with special body, which has replaced older Ford Cargo rescue truck
- Appointment of replacement day-shift mechanic and additional night-shift mechanic
- Purchase of second-hand generator to power LCC Administration Centre emergency centre
- Internal service level agreements in draft form.

## Workshop:

- Removal of asbestos material from roof area of older section of Workshop building
- Fleet maintenance and repairs, including after-hours callouts
- Low-loader movements of all large LCC plant from site to site, transfer of low-loader from Workshop to Roads Section
- Preparation of heavy vehicle fleet for RTA HV Inspections - January 2006.

## Signs:

- Special signs and banners manufactured for external businesses and LCC.
- Replacement street signs due to age or increased vandalism
- LCC temporary warning signs for road construction, Lismore Water, Wastewater Treatment Works, etc, and other activities (grass cutting, roadworks, etc).

## Lismore Water

- Clunes Wastewater Committee – GeoLink, has completed the report on new technologies for onsite wastewater treatment. GHD is undertaking the investigation of transport of sewage to South Lismore.
- North Woodburn Sewerage – with the state government inter-agency prioritisation committee for consideration of Stage 1 funding approval
- 2005/06 sewer main renewal works continuing
- 2005/06 water mains replacement works continuing
- Ongoing development of new maintenance management system (MEX)
- Consultants preparing the contract documents for replacement of Council's telemetry system
- Integrated Water Cycle Management (IWCM) – final report being prepared incorporating comments received on the draft report
- Plumbing Inspector commenced work.

## Northern Rivers Quarry and Asphalt

- Tenders for business development – Council resolved not to proceed with quarry but to proceed with asphalt
- Noise abatement works at the asphalt plant finalised; review of success rate in January
- Recruitment of supervisory staff underway – this will allow development of other programmes that have slipped behind schedule.

## Northern Rivers Waste

- Supervisory staff recruited
- Commenced construction of weighbridge relocation and upgrade of facilities
- Strategic plan implementation commenced
- Continue process for the design and approval of new landfill cell
- Recycling service review commenced
- Roll-out of commercial organics collection service
- Expansion of rural collection to Rosebank and Rock Valley areas.

## Lismore Memorial Gardens

### **Projects completed:**

- Chapel audio system upgrade complete - direct CD recording of chapel services, extensive speaker and amplifier upgrades, direct control by Funeral Directors from within the chapel, etc
- Rebuild of cremator refractory due to failure - projected life of new refractory is until approximately 2012
- Transfer of Advance Purchase Certificate funds (\$300K) to Funeral Plan Management Australia being prepared for completion in the new year
- Headstones installed into Nimbin Cemetery. All new burials will be consolidated within the new 'General' portion.

### **Projects deferred:**

- Tree removal works – requires submission of an appended application
- Chapel extension planning – requires further consultation
- Review of burial operational procedures – planned for February 2006
- Development of an accreditation scheme for remote cemetery works – requires further consultation.



## Parks and Recreation:

- Scheduled works and materials for top-dressing of Hepburn Park (4.3Ha) and Crozier Field (1.1Ha) - to be completed in mid-January before sports resume
- Finalised landscaping of Holland Street/Ballina Road roundabout
- Commenced replanting of Keen Street/Conway Street roundabout
- Oakes Oval Canteen - commenced refurbishment works (fit-out remaining)
- Renovations complete at Oakes Oval for Pura Cup - included scarification, aeration, top-dressing, fertilising, wetting agent and multiple herbicide applications
- Completed shade tree planting in parklands adjacent to Lismore netball courts
- Completed tree planting adjacent to Lismore Memorial Baths
- Commenced installation of new practice cricket nets at Neilson Park
- Commenced Installation of sports lighting at Caniaba Street Reserve
- Submitted development application for sports lighting at Balzer Park, Dunoon
- Received small grant from Department of Lands for camphor laurel control on Crown lands.
- Completed upgrade of wooden staircase behind Spinks Park.

## Urban Works:

- Maintenance Management System implemented for urban maintenance works
- Footpath Maintenance: All sections of footpath have been assessed and the replacement programme for this year developed
- Uralba Street tree surrounds complete
- Diadem Street – Widening of the road at the service station and to Magellan Street intersection on opposite side complete. Asphaltting works to be undertaken in February 2006
- New Ballina Road – works complete
- Reseal and minor works programme underway, kerb and gutter programme scheduled for early 2006
- Extension of Krauss Avenue for Airport Subdivision – works south of bridge and construction of bridge complete, area north of bridge to be completed in February 2006
- Molesworth/Magellan Streets roundabout – planning complete.

## Bridges:

- Completed construction of Krauss Avenue bridge
- Pinchin Lane box culvert completed
- Ballina Street Bridge - pedestrian railing refurbishment completed
- Pre-planning for Tatham Bridge replacement and Blakebrook Bridge replacement commenced.

## Rural Works:

- Flood damage restoration works commenced
- Storm damage clean up – Modanville area
- Eltham Road reconstruction east of Village – completed
- Terania Creek road bitumen seal extension – completed
- Tuntable Creek Road bitumen seal extension – completed
- MR142 (Blue Knob Road) rehabilitation, north of Cemetery Road– completed
- MR142 (Blue Knob Road) reconstruction at Suffolk Road intersection – completed
- Drainage Maintenance – Durham Road, Coraki Road, Wyrallah Ferry Road, Sheehan Road, Doroughby Road, James Gibson Road, Lychee Drive, Munro Road - completed
- Bitumen reseal programme - 70% complete
- Side-Arm Slashing – Keerrong Road, The Channon Road, Dunoon Road, Emerson Road
- Gravel maintenance completed in the following areas: Swan Bay Road, Pinchin Road, Lillian Rock Road, Tuckean Island Road, Stibbard Road, Leslie Lane, McKees Hill area, Flood Reserve Road, Park Road, South Street, Thompson Road, Stony Chute Road, Henson Road, Faulkner Road, Skyline Road South, Zouch Road, Cullen Road, Mountain Top Road, McMahon Road, Gungas Road, Anderson Road, Ridgewood Road, Emerson Road, Wallace Road, Fraser Road, Fox Road, Maso Road, Keerrong Road, Cox Road, Missingham Road.

## Road Safety:

- Late Nighter continued to provide bus transport for Lismore passengers - every Saturday night
- Graduated Licensing Scheme Workshop conducted in December to assist parents and supervisors of Learner Drivers
- RRISK Committee launched the findings of the Motor Accidents Authority funded evaluation report in late October. The annual youth seminars were held in November with nearly 2,000 students from across the North Coast attending - excellent media support and school commitment.
- Aboriginal Road Safety Project - two sessions were held at Ngulingah Community Centre encouraging and providing assistance for local aboriginal people in gaining driving licenses
- Molesworth/Magellan Streets Roundabout - community consultation and media - plan, develop, and implement information and media strategy to support road closures and changed traffic conditions during major roadwork project.

## Survey and Design:

- Tregeagle Road, Tregeagle – Rous Road 0.4km south – rehabilitation and culvert replacement
- Nimbin Road, Blakebrook – Blakebrook Bridge realignment
- Wyrallah Road, East Lismore – Ballina Street to Cottee Street - rehabilitation
- Numulgi Road, Numulgi – railway bridge 0.5km north – realignment and rehabilitation
- Blue Knob Road, Blue Knob – 6.1km-6.5km north Nimbin (Suffolk Road) – rehabilitation
- Pleasant Street, Goonellabah – bus bays west of Fischer Street
- Dunoon Road, Tullera – 0.3km north Bentley Road – reshape corner.

## Recommendation

That the report be received and its contents noted.

# Report

<b>Subject</b>	January 2006 – Investments held by Council
<b>File No</b>	S178
<b>Prepared by</b>	Principal Accountant
<b>Reason</b>	Required under Clause 212 Local Government (General) Regulations 2005, Local Government Act 1993, and Council's Investment policy.
<b>Objective</b>	To report on Council Investments
<b>Strategic Plan Link</b>	Leadership by innovation
<b>Management Plan Activity</b>	Financial Services

## Overview of Report

Council investments as at 29th January 2006 total \$30,231,222 subject to the final value of funds held under Managed Funds being advised shortly.

Interest rates reported over the period of January 2006 are 6.18% in comparison to 6.02% for January 2005.

## Background

The Local Government Act 1993, Clause 212 Local Government (General) Regulations 2005 and Council's Investment policy requires a monthly report be provided to Council on investments. The report is to include the source and amount of funds invested, terms of performance of the investment portfolio over the preceding period and a statement of compliance in relation to the requirements of the Local Government Act 1993.

Due to timing issues the final value of some investments is not available within the required reporting timeframe, therefore an estimate is provided based on the investments held at the time of this report. The actual balance will be confirmed in the report to Council at the next ordinary meeting.

### Report on Investments

- *Confirmation of Investments – 30<sup>th</sup> November 2005* \$28,097,028

The amount is higher than the estimate reported for November 2005 due to additional positive valuation movements in funds held under Managed Funds.

- *Investments – 31st December 2005* \$31,166,340

Interest return for the December 2005 was 6.18% compared to 6.02% for the same period last year.

- *Estimate of Investments – 29th January 2006* \$30,231,222

Some variation is expected on the final balance of Managed Funds. The final valuation of these funds is not made until after the end of the month. The current rate of return on investments for January 2006 was 6.18% compared to 6.02% for the same period last year.

A summary of Council's investments in graphical form has been included as attachments.

## Financial Services Comments

N/A

## Other staff comments

N/A

## Public consultation

N/A

## Conclusion

The investments held by Council with various financial institutions, have been made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and Council's investment policies.

## Recommendation

The report be received and noted

## Documents for Signing & 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 the Council:

**Transfer Granting Easement – Bardent Pty Ltd.**

Easement for sewer gravity main 3m wide over Lot 16, Section 5, DP 1691, East Street, South Lismore.  
(P23021)

## Section 356 Donations

a) **Development & Construction Certificate Application Fees Subsidy****Policy 1.4.7 (A) (GL2033.7)**

Budget: \$300 To Date: \$573.05

South Lismore Soccer Club – donation of 50% of construction fees for erection of electricity poles for sporting field lighting.

*In accordance with policy.*

\$63.50

b) **Council Contributions to Charitable Organisations****Waste Facility – Policy 5.6.1 (GL2033.15)**

Budget: \$6,000 To date: \$3570.80

**December 2005**

Animal Right & Rescue	\$0.00	
Challenge Foundation	\$110.00	
Five Loaves	\$110.00	
Friends of the Koala	\$10.91	
LifeLine	\$110.00	
Shared Vision Aboriginal Corporation	\$18.18	
St Vincent De Paul Society	\$51.82	
Salvation Army	\$110.00	
Westpac Life Saver Rescue Helicopter	<u>\$20.00</u>	

*In accordance with policy.*

\$540.91

**January 2006**

Animal Right & Rescue	\$18.18	
Challenge Foundation	\$42.73	
Five Loaves	\$110.00	
Friends of the Koala	\$10.91	
LifeLine	\$110.00	
Shared Vision Aboriginal Corporation	\$0.00	
St Vincent De Paul Society	\$88.64	
Salvation Army	\$96.82	
Westpac Life Saver Rescue Helicopter	<u>\$10.91</u>	

\$488.19

## Recommendation

In accordance with Section 356(1) of the Local Government Act 1993, the donations to persons as listed above are hereby approved for distribution.

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, DECEMBER 13, 2005 AT 6.00PM.**

**Present** Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Hampton, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager, Executive Director-Development & Governance, Executive Director-Infrastructure Services, Manager-Finance & Administration, Manager-Environmental Health & Building Services, Fleet Manager, Manager-Waste Services, Administrative Services Manager and Team Leader-Administrative Support.

**Apologies/** NIL

**Leave of**

**Absence**

261/05

**Minutes**

The minutes of the Ordinary Meeting held on November 8, 2005, were confirmed.  
(Councillors Irwin/Swientek)

## Public Access Session

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

### **Jim Briginshaw re Notice of Motion – Renaming Ballina Street Bridge**

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Mr Briginshaw briefly outlined the life and times of Father Tony Glynn stressing the significant role he played in the post-war reconciliation process.

He expressed disappointment that there was no civic recognition of his achievements and felt that the Ballina Street Bridge would be a suitable symbolic feature. (05-12766: S818)

### **Ron Chittick re report Lismore Showgrounds**

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(See Minute No. 266/05)

The Mayor, Councillor King, declared an interest in this matter and left the chamber during Mr Chittick's address.

Mr Chittick spoke to the Council report. He gave background information on the situation that the Showgrounds Trust and Show Society found itself in, detailed how it proposed to move forward, stressed the benefits to the community of the facility and sought Council's assistance. (S331)

## Condolences

### **Late Jim Underhill**

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James Underhill was involved with Rovers Soccer Club in the 1960's - 1970's and was a committee member and president of Far North Coast Soccer in the 70's. Jim moved away from the area for approximately 15 years and on his move back to the area in the 90's once again became a committee member of Far North Coast Soccer. He was a member of Jaycees and Apex and a soccer reporter for the Northern Star in the 60's and 70's

Jim was a member of the LDSA from the late 90's until early this year when he resigned due to ill health.

Jim is survived by his wife Marion, three children (Craig, Stuart & Louise) and five grandchildren.

### **Late Ken Ramsay**

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Kenneth Cecil Ramsay was a local businessman who held significant positions on the executive of the Australian and State Funeral Directors Associations, was an elder of his church, chairman of the board of the Lismore & District Pharmacy, a volunteer ambulance officer and an inaugural member of Lismore West Rotary Club.

Ken is survived by his wife Connie and three children (Neal, Libby and Debbie).

### **Late Wal Duckering**

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Wallace Charles Duckering was the Health Inspector at Terania Shire from the late 1950's until Terania Shire amalgamated with Gundurimba Shire and Lismore City Councils. He was then appointed as Deputy Chief Health Surveyor with the new Council, a position he held until his retirement in the late 1980's.

Wal is survived by his wife Fay and sons Mark and David.

- 262/05 The Mayor moved that Council's expressions of sympathy be conveyed to the families of the above and the motion was carried with members standing and observing the customary moment's silence. (S75)

## **Disclosure of Interest**

### **S459**

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Councillor King declared an interest in report Lismore Showgrounds (member of Show Society and Showgrounds Trust).

Councillor Meineke declared an interest in report Application to erect a dwelling at 58 Satinwood Drive (acted for original land owner).

## **Mayoral Minutes**

### **Sight Screens – Oakes Oval**

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(Tabled)

- 263/05 **RESOLVED** that the minute be received and Council allocate \$50,000 from Parks and Recreation Reserves for the urgent upgrade of sight screens at Oakes Oval for the upcoming Pura Cup cricket match.

(Councillors King/Meineke)

The voting being tied the Mayor declared the motion APPROVED on his casting vote.

**Voting Against:** Councillors Irwin, Tomlinson, Ekins, Dowell, Swientek and Henry.  
(P15870)

## **Notice of Motions**

### **Fluoridation of Water Supply**

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Formal notice having been given by Councillor Irwin it was MOVED that Lismore Council remind Rous Water that it does not want Rous to make a decision in regard to fluoridation of the water supply without consulting with its constituent councils, and in particular, Lismore City Council.

(Councillors Irwin/Swientek)

On submission to the meeting the motion was DEFEATED.

**Voting Against:** Councillors King, Chant, Crimmins, Graham, Hampton, Henry and Meineke. (05-12835: S223)



### Renaming of Ballina Street Bridge

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Formal notice having been given by Councillor Swientek it was MOVED that Lismore City Council seek to have what is now referred to as Ballina Street Bridge, named "The Father Tony Glynn Bridge".

(Councillors Swientek/Tomlinson)

On submission to the meeting the MOTION was DEFEATED.

**Voting Against:** Councillors Ekins, Dowell, King, Chant, Crimmins, Graham, Hampton and Henry. (05-12766: S818)

### Pacific Highway Options

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Formal notice having been given by Councillor Swientek it was MOVED that Lismore City Council request the RTA to investigate inland Pacific Highway options including routes through Lismore to address not only Sydney to Brisbane traffic needs but also overcoming important regional traffic issues.

(Councillors Swientek/Tomlinson)

AN AMENDMENT WAS MOVED that –

- 1 Lismore City Council encourage the Roads & Traffic Authority (RTA) to continue the development and upgrade of the Pacific Highway from Hexham to the Queensland border to cater for existing deficiencies in alignment, width, capacity and safety.
- 2 Council also request the RTA, in its strategic planning, to investigate important regional traffic issues which currently exist from Lismore to Bangalow and Lismore to Ballina.
- 3 That Council request the RTA to give a briefing to Council on highway options.

(Councillors Meineke/Hampton)

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

**Voting Against:** Councillors Irwin, Ekins and Swientek.

264/05 **RESOLVED** that -

- 1 Lismore City Council encourage the Roads & Traffic Authority (RTA) to continue the development and upgrade of the Pacific Highway from Hexham to the Queensland border to cater for existing deficiencies in alignment, width, capacity and safety.
- 2 Council also request the RTA, in its strategic planning, to investigate important regional traffic issues which currently exist from Lismore to Bangalow and Lismore to Ballina.
- 3 That Council request the RTA to give a briefing to Council on highway options.

(Councillors Meineke/Hampton)

**Voting Against:** Councillors Irwin and Ekins.

(05-12857: S341)

## Altering Order of Business

265/05 **RESOLVED** that the order of business be altered to debate the following matters raised during Public Access.

- **Lismore Showgrounds**

(Councillors Irwin/Chant)

## Lismore Showgrounds

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### S459

Councillor King declared an interest in this matter and left the Chamber during debate and determination thereof.

A MOTION WAS MOVED that the report be received and –

- 1 This matter be deferred until a workshop is held in early 2006 to consider the complex issues surrounding this matter and the issue of the service agreement be determined following the workshop.
- 2 That Council provide a guarantee of \$50,000 to the North Coast National A. & I. Society to December 31, 2006 for its Trust Manager responsibilities associated with the Lismore Showgrounds.

(Councillors Irwin/Tomlinson)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 The Council support the establishment of a Service Agreement with the Lismore Showground Trust for a twelve month period on the understanding that Council's input is limited to in kind management resources and that the Trust's revenues are applied to operational outgoings.
- 2 That Council provide a guarantee of \$50,000 to the North Coast National A. & I. Society to December 31, 2006 for its Trust Manager responsibilities associated with the Lismore Showgrounds.
- 3 That Council be apprised of progress with development of the Showgrounds Business Plan in July 2006.

(Councillors Hampton/Meineke)

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

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

266/05 **RESOLVED** that the report be received and –

- 1 The Council support the establishment of a Service Agreement with the Lismore Showground Trust for a twelve month period on the understanding that Council's input is limited to in kind management resources and that the Trust's revenues are applied to operational outgoings.
- 2 That Council provide a guarantee of \$50,000 to the North Coast National A. & I. Society to December 31, 2006 for its Trust Manager responsibilities associated with the Lismore Showgrounds.
- 3 That Council be apprised of progress with development of the Showgrounds Business Plan in July 2006.

(Councillors Hampton/Meineke)

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

(P331)

## Reports

### Application to erect a Dwelling at No. 58 Satinwood Drive, McLeans Ridges

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#### S459

Councillor Meineke declared an interest in this matter and left the chamber during debate and determination thereof.

267/05 **RESOLVED** that the report be received and -

- A That Council grant delegated authority to the General Manager, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applying to this application except where a particular condition has been specifically identifies as requiring Council consent if it is to be varied.
- B That Council, as the consent authority, approve Development Application 05/107 for the erection of a dwelling house together with a building line variation to 7 metres to Satinwood Drive, subject to the following Deferred Commencement Consent Conditions:

**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.

- 1 A building envelope for the dwelling-house be created on the Deposited Plan in the located shown on Attachment 1 of the report by BCA Check titled '*On-Site Wastewater Management Report for Proposed Dwelling at Lot 3 DP 876846, 58 Satinwood Dr McLeans Ridges, June 2003*'.  
**Reason:** *To properly define the building area within the allotment consistent with DP's 867052 and 876846. (EPA Act Sec 79C)*
- 2 The land within the lot on which the rainforest and cabinet timber trees have been planted and majority survive:
  - o be cleaned up under expert supervision – such works to include the removal of weeds and exotic plants,
  - o have a plan of management prepared by a suitably qualified person to show how the land and in particular the regeneration area should be appropriately managed in the future and
  - o have the plan of management appropriately included on a Section 88B instrument on the land Title.**Reason:** *To ensure the on-going integrity and maintenance of the land planted with rainforest and cabinet timbers and protect the environment of the land. (EPA Act Sec 79C)*
- 3 A site report from an approved Geotechnical Engineer must be submitted certifying that the proposed dwelling may satisfactorily be erected on the site.  
**Reason:** *To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))*
- 4 The future dwelling house development shall have installed an aerated waste water treatment system or other approved system designed to treat and disinfect all domestic waste waters and to dispose of all treated waste waters from such treatment facilities within the confines of the allotment to approved sub-surface drip irrigation or spray irrigation standards.  
Please note that the disposal of wastewaters through evapotranspiration beds is not considered acceptable due to the depth of bedrock (limiting factor) identified within the report '*On-site Wastewater Management Report for Proposed Dwelling at Lot 3 DP 876846 Satinwood Drive McLeans Ridges*' prepared by BCA Check June 2003.  
**Reason:** *To protect the environment and ensure provision for adequate human waste disposal. (EPA Act Sec 79C(b))*
- 5 A detailed landscaping plan is to be provided that shows landscaping in the building line areas to minimise the potential visual effects of a dwelling being erected on the land.  
**Reason:** *To ensure the development is adequately landscaped and to protect the existing or likely future scenic and landscape qualities of the locality. (EPA Act Sec 79C(b))*

- 6 **Formal modification under the provisions of Sec 80A(1)(b) of the Environmental Planning and Assessment Act 1979 to Development Application No. 95/120 by deleting Condition No. 21 from that Consent. Such modification to be in accordance with the procedures under Sec 97 of the EPA Act Regulations 2000.**  
**Reason: To remove the imposed restriction for the erection of a dwelling on the subject allotment created by Development Consent 95/120.**

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 12 months effective from the determination date endorsed on this consent.

## **OPERATIVE CONDITIONS**

### **PLANNING**

- 1 In granting this development consent, Council requires:
- o All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
  - o All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
  - o 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. SJW-10-05 and SJW-01-04 Sheets 1, 2, 3 and 4, dated 1/12/04 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)**

- 2 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. Such levies shall be calculated at the rate(s) in effect on the date the **Construction Certificate**. The rates and amounts applying at the date of this notice, totalling **\$4,763**, are set out in the schedule for your information. 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.

**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)

**BUILDING**

3 The following building works are to be **inspected and certified** by Council or by an Accredited Certifier in the form of a Compliance Certificate.

(a) Commencement of Building Work.

(b) Footings - the foundation trenches are open and the steel reinforcement is in position, prior to concrete being placed (ie, after excavation for and prior to placement of any footings).

(c) Slab - the slab reinforcement is in position, prior to concrete being placed.

(d) 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 (ie, prior to covering of the framework for any floor, wall, roof or

(e) Occupation - the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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.

**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.

4 A certificate of Builders' Indemnity Insurance registered with an approved insurer under the Home Building Act 1997, is required to be submitted and approved by the Principal Certifying Authority prior to the commencement of work.

**Reason:** To ensure the requirements of the Home Building Act 1997 have been satisfied.

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. Pit or pan toilets are not permitted without the prior consent of Council.

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

6 The carport is not to be enclosed, either wholly or in part, without prior approval.

**Reason:** Any such work requires approval.

7 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.

**Reason:** To ensure compliance with glazing and wind loading standards.

8 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".

**Reason:** To ensure compliance with glazing and wind loading standards and this approval.

9 The building must be clad in low-reflective material.

**Reason:** To minimise the reflectivity of the building and to ensure its compatibility with the landscape.

10 The roofing must have a non reflective finish.

**Reason:** To minimise the reflectivity of the building and to ensure its compatibility with the landscape.

11 Council approval is required for all retaining wall structures (including rockwalls, sleepers, crib walls and the like) to be erected on the land. A Construction Certificate Application and details of the wall are to be submitted for approval, prior to any work commencing on the wall.

**Reason:** To advise that approval is required.

- 12 Retaining wall structures 1200 mm (1.2 m) or more in height must be of a design certified by a Practising Structural Engineer.  
**Reason:** *To ensure the structural integrity of the retaining wall.*
- 13 All cut and fill on the property must be battered at an angle not greater than 45 degrees within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain at the base.  
**Reason:** *To ensure stability of the site.*
- 14 The excavated and filled areas are to be graded, drained and retained to the satisfaction of the Principal Certifying Authority.  
**Reason:** *To ensure stability of the site.*
- 15 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.  
**Reason:** *To prevent erosion of materials from the site.*
- 16 The vehicle access to the land, including the grade across the footpath, must be in accordance with Council's 'Vehicle Access Policy'.  
**Reason:** *To ensure the provision of adequate vehicular access to the site and building.*
- 17 A longitudinal section, including the level at the footpath and at the garage floor and plan view of the driveway, must be submitted for approval, prior to commencement of work. Note that the vehicular access, including the grade across the footpath area must be in accordance with the attached 'Vehicle Access Policy'.  
**Reason:** *To ensure the provision of adequate vehicular access to the site and building.*
- 18 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.  
**Reason:** *To ensure compliance with Clause 3.8.3.3 of the Building Code of Australia Housing Provisions.*
- 19 A certificate shall be submitted to the Principal Certifying Authority (PCA) prior to any occupation of the dwelling, certifying "R2.5 insulation" has been placed in ceiling roof space.  
**Reason:** *To satisfy the energy efficiency requirements of Development Control Plan No. 14.*
- 20 Structural Engineering details for the footings and slab must be submitted and approved by the Principal Certifying Authority prior to commencement of the work.  
**Reason:** *To ensure the adequate structural design of the building components.*
- 21 All excavations and backfilling are to be executed safely and in accordance with appropriate professional standards and to be properly guarded and protected to preserve life and property.  
**Reason:** *Required by Clause 32 Local Government (Approvals) Regulation.*
- 22 The design wind load classification for the site is W41 N m/s. All building materials, tie downs and bracing systems must meet the requirements for this wind speed.  
**Reason:** *To provide information on the design wind speed assessed for the site.*
- 23 Full details of the tie-down and bracing requirements for a wind classification of N3 being submitted to the Principal Certifying Authority prior to commencement of construction. Such details being in accordance with AS 1684-1999 "Residential Timber Framed Construction".  
**Reason:** *To ensure the structural adequacy of the building.*

- 24 The primary building elements must be protected against attack by subterranean termites by physical barriers in accordance with AS 3660.1-2000 "Protection of Buildings from Subterranean Termites".  
**Reason:** *Required by Clause 3.1.3.0 of the Building Code of Australia Housing Provisions.*
- 25 The primary building elements must be protected against attack by subterranean termites. This can be achieved by:
- i) soil treatment in accordance with AS 3660.1-1995 of the subsoil area beneath all on ground concrete slabs forming part of the building, including attached garages, patios and the like. Including, on completion of the building, an external barrier, consisting of at least a 300mm wide horizontal barrier around the perimeter circumferencing all pipes and service facilities, and adjoining a minimum 150mm wide vertical barrier, to the depth of the underslab barrier; or
  - ii) other chemical or physical measures which meet the objective of protecting primary building elements against subterranean termite attack. If this option is chosen, full details are required to be submitted for Council's consideration. Examples of current initiatives in this area are, stainless steel mesh, accredited crushed granite barrier, permanent underslab irrigation systems, CCA treated framing and steel framing.
- NOTE 1:** The approved chemical for underslab spraying does not provide protection against termites over the economic life of the building.  
**NOTE 2:** Depending on the slab construction a vertical 150 mm wide chemical barrier may be required to the external perimeter of the slab.  
**NOTE 3:** Landscaping and Gardens - Most termite barriers require the area immediately adjoining an external wall to be kept clear of any landscaping or gardens. This is necessary either to prevent the bridging of the termite barrier or to ensure the area is visible for inspection.  
**Reason:** *Required by Clause 3.1.3.0 of the Building Code of Australia Housing Provisions.*
- 26 Provide a durable sign, detailing the type of termite protection provided to the building and the measures necessary to maintain the protection. In the case of an elevated floor the sign must be affixed adjacent the crawl space opening and in all other cases, in the meter box.  
**Reason:** *Required by Clause 3.1.3.2 of the Building Code of Australia Housing Provisions.*
- 27 On completion of the termite treatment, other than ant-capping, a certificate from a qualified operator, must be supplied to Council.  
**Reason:** *Required by Clause 3.1.3.0 of the Building Code of Australia Housing Provisions.*
- 28 All "Wet area" floors must be flashed to walls with approved material, so as to provide effective damp-proofing. A certificate from the installer being submitted to the Principle Certifying Authority verifying compliance with AS3740.  
**Reason:** *Required by Clause 3.8.1.0 of the Building Code of Australia Housing Provisions.*
- 29 Downpipes must be connected to an approved stormwater drainage system as soon as the roof is sheeted and guttering fixed.  
**Reason:** *To reduce site erosion.*
- 30 Provide 6/3 litre dual flush toilet suites to all water closets.  
**Reason:** *To conserve water.*
- 31 Provide vacuum breaker devices to all external taps.  
**Reason:** *To prevent the contamination of the water supply by cross connection.*
- 32 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 50°C.

- Reason:** Required by Cl. NSW 1.10.2 of the NSW Code of Practice Plumbing and Drainage.
- 33 Plumbing and drainage must be in accordance with the NSW Code of Practice "Plumbing and Drainage" and the work must be carried out by a licensed plumber or drainer.
- Reason:** Required by Local Government (Water, Sewerage and Drainage) Regulations.
- 34 A separate On-site Effluent Disposal System Application must be submitted to Council, and approved, prior to any work commencing in respect of this application.
- Reason:** To ensure provision for adequate human waste disposal.
- 35 Provide interconnected, automatic smoke alarms wired into the electrical mains and having a stand-by battery power supply, in accordance with Clause 3.7.2.2 of the Building Code of Australia.
- Reason:** To comply with Clause 3.7.2.2 of the Building Code of Australia Housing Provisions.
- 36 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 3786 "Smoke Alarms".
- Reason:** To ensure compliance with this building approval.
- 37 The stairs must comply with the design criteria of Clause 3.9.1.2 of the Building Code of Australia Housing Provisions in respect of stair width, landing design and tread and riser design.
- Reason:** Required by Clause 3.9.1.2 of the Building Code of Australia Housing Provisions.
- 38 The maximum gap between stair treads must be 125 mm.
- Reason:** Required by Clause D2.13 of the Building Code of Australia.
- 39 Provide a continuous balustrade a minimum of 865 mm high to stairs and a minimum of 1 metre high to decks or landings. The maximum permissible balustrade opening is 125 mm.
- Reason:** Required by Clause 3.9.2.3 of the Building Code of Australia Housing Provisions.

#### **ENVIRONMENTAL HEALTH**

- 40 Measures shall be put in place to control storm water runoff. These control measures shall be in place prior to the commencement of works and shall prevent soil erosion and the transport of sediment from the development site into either:
- adjoining land
  - natural drainage courses
  - constructed drainage systems, or
  - waterways.
- All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Appropriate signage shall be erected on-site identifying the requirement for the maintenance of these measures.
- Reason:** To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))
- 41 Any noise generated during the construction of the development shall not exceed the limits specified in the Noise Control Manual.
- Reason:** To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))
- 42 An application under Section 68 of the Local Government Act for the installation of on-site wastewater management system shall be submitted to Council for approval prior to the release of the Construction Certificate.



**Reason:** To protect the environment and ensure provision for adequate human waste disposal. (EPA Act Sec 79C(b))

- 43 Provide a water storage tank of a minimum capacity of 45,000 litres.

**Reason:** To ensure an adequate water supply.

- 44 A first flush device shall be installed as part of the potable water storage system so as to prevent the first portion of roof run-off from being conveyed to the water storage tank.

**Reason:** To protect the quality of potable waters.

#### **ENGINEERING**

- 45 All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.

**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)).

- 46 Prior to the release of the Construction Certificate, a NATA registered geotechnical testing authority shall submit documentary evidence, certifying that any lot fill material has been placed in accordance with Australian Standard 3798 "Guidelines on earthworks for commercial and residential developments".

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

- 47 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.

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

- 48 The proponent shall place road number identification in accordance with Lismore Council's Rural Road Numbering System on a post at the vehicular entry point at the front boundary of the proposed lots, prior to release of the Construction Certificate.

**Reason:** To provide visual identification of the land and dwelling (EPA Act Sec 79C(e)).

- 49 Prior to approval of the Construction Certificate, the proponent shall ensure the provision of telephone services is provided to the allotment. A Certificate of compliance from the relevant utility provider shall be required confirming that the respective utilities requirements have been met.

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

- 50 Prior to approval of the Construction Certificate, a certificate of compliance from Country Energy shall be required confirming that Country Energy has provided electrical power to the dwelling.

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

#### **RURAL FIRE SERVICE**

- 51 That a 31m inner protection area (IPA) around the dwelling be provided in accordance with Section 4.2.2 of the guidelines 'Planning for Bushfire Protection 2001' (PBP 2001)

**Reason:** To comply with the requirements of the NSW Rural Fire Service and protection of the development (EPA Act Sec 79C(c))

- 52 That access to the dwelling comply with Section 4.3.2 of PBP 2001.

**Reason:** To comply with the requirements of the NSW Rural Fire Service and protection of the development (EPA Act Sec 79C(c))

- 53 That a 5,000 litre dedicated water supply tank be provided, accessible from the road with a 38mm storz fitting and ball or gate valve.

**Reason:** To comply with the requirements of the NSW Rural Fire Service and ensure adequate provision of utility services (EPA Act Sec 79C(b))

- 54 That all fencing materials in the Asset Protection Zone be constructed of non-combustible materials.

**Reason:** To comply with the requirements of the NSW Rural Fire Service.  
(Councillors Hampton/Henry)  
**Voting Against:** Councillors Irwin, Tomlinson, Ekins, Dowell, Swientek,  
(D05/107)

#### **Draft LEP Amendment No. 28 – 4 Holland Street, Goonellabah**

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268/05

**RESOLVED** that the report be received and –

- 1 Pursuant to section 54 of the EP&A Act 1979, Council prepare a draft amendment to Lismore Local Environmental Plan 2000 to rezone Lot 12 DP 858912 Holland Street, Goonellabah part 4(a) industrial zone and part 6(a) Recreation Zone and including a clause requiring rehabilitation of the area in accordance with an approved rehabilitation plan prior to the release of any Construction Certificate or Subdivision Certificate for the land.
- 2 To advise the Department of Planning that Council intends to use its s65 and s69 delegations and that it considers that the preparation of a Local Environmental Study is not necessary.
- 3 To consult with relevant government and other agencies pursuant to section 62 of the EP &A Act.
- 4 To advertise the draft LEP amendment for a period of 28 days (with extension to allow for Christmas/New Year) following consultations with government agencies.

(Councillors Swientek/Hampton) (P25365,S927)

#### **New Legislative Requirements for DCPs**

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269/05

**RESOLVED** that the report be received and Council –

- 1 Prepare draft DCP No.1 incorporating existing DCPs 7, 14, 16, 17, 18, 26, 27, 28, 29, 36, 38, 39, 40, 41, 42, 43, 44, 47 and draft DCP 50 and including such amendments as are outlined in this report;
- 2 Amend DCPs 9, 19, 21, 22, 31, 33, 35, 48 and 49 to include reference to DCP No.1 as the primary source document for Council's general development controls
- 3 Prepare draft DCPs No.51 and 52 based upon Appendix 1 and 2 of existing DCP 26 (Industrial Development) and including such amendments as are outlined in this report;
- 4 Publicly exhibit draft DCP No.1, draft DCP No.51, draft DCP No.52 and amended DCPs 9, 19, 21, 22, 31, 33, 35, 48 and 49 for a period of two months; and
- 5 Prepare and exhibit an amendment to the Lismore Local Environmental Plan 2000 to insert a date for the adoption of DCP No. 1 under clause 9 of that plan.
- 6 Write to the Minister for Planning expressing Council's disappointment at the lack of notice of the changes and the resources that were directed to this project to enable those matters to be finalised.
- 7 Ensure that the existing condition for new development on flood prone land remain unchanged.

(Councillors Hampton/Meineke)

(S924,925,926,385,515,531,532,562,564,690,897,921)

#### **State of the Environment Report 2005**

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270/05

**RESOLVED** that the report be received and –

- 1 That Council's Draft Supplementary State of the Environment Report be placed on public exhibition for six weeks period and that a copy be distributed to Big Scrub Environment Centre, Friends of the Koala, the Centre for Ecotechnology (CET), Living and Working Sustainably Group (LAWS), EnviTE and Land Care Groups for comment.
- 2 That a further report be provided to Council in February 2005 reporting on comments submitted to Council during the exhibition period.

(Councillors Irwin/Ekins) (S900)

**Development Control Plan 47 – Waste Minimisation**

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- 271/05 **RESOLVED** that the report be received and -
- 1 Council ratify the new fees and charges structure for builders' waste, implemented from November 1, 2005.
  - 2 Staff be congratulated on these waste reduction initiatives.  
(Councillors Swientek/Graham)  
(S881)

**LPG Fuel for Council Vehicles**

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A MOTION WAS MOVED that the report be received and Lismore City Council proceed with integration of LPG and diesel powered passenger vehicles into the fleet and evaluate their operational functions, savings and environmental impact.  
(Councillors Swientek/Dowell)

AN AMENDMENT WAS MOVED that this matter be deferred pending a further report.  
(Councillors Henry/Chant)

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

**Voting Against:** Councillors Swientek and Dowell.

- 272/05 **RESOLVED** that this matter be deferred pending a further report.  
(Councillors Henry/Chant)  
**Voting Against:** Councillor Swientek.  
(05-10486: S624)

**Quarry Registrations of Interest**

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- 273/05 **RESOLVED** that the report be received and –
- 1 Council not accept any tenders for the operations of the quarry and maintain full ownership and management of the quarry itself.
  - 2 The contract for the joint operations of the asphalt plant located at the quarry be awarded to State Asphalt Services.
  - 3 The Mayor and General Manager be authorised to execute the Contract on Council's behalf and attach the common seal.  
(Councillors Hampton/Swientek) (T25010)

**November 2005 – Investments held by Council**

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- 274/05 **RESOLVED** that the report be received and noted.  
(Councillors Irwin/Crimmins) (S178)

**Independent Inquiry into the Financial Sustainability of NSW Local Government**

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- 275/05 **RESOLVED** that the report be received and Council make a submission to the Independent Inquiry into the Financial Sustainability of Local Government in NSW based on the issues of:
- 1 NSW rating system constraints.
  - 2 Financial Assistance Grants inadequacies.
  - 3 Definitions of viable, sustainable councils.
  - 4 Unsustainability of infrastructure.
  - 5 Other sources of funding for councils such as a share of GST.
  - 6 That some studies be done on recently amalgamated councils to determine if real efficiencies have been obtained.  
(Councillors Tomlinson/Hampton) (2805-12219: S47)

## Committee Recommendations

### **Strategic Plan Steering Committee 15/11/05**

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- 276/05 **RESOLVED** that the minutes be received and recommendations contained therein be adopted, subject to the addition of the Sustainable Environment PAG Chairperson's performance report that the draft policies had been prepared and were distributed to the Councillors for their information.  
(Councillor Dowell/Irwin) (S4)

### **Traffic Advisory Committee 16/11/05**

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- 277/05 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted.  
(Councillors Irwin/Dowell) (S352)

## Documents for Signing and Sealing

- 278/05 **RESOLVED** that the following documents be executed under the Common Seal of Council:

#### **Deed of Lease – Council to Wincase Pty Ltd**

Lease of air space above the surface of Larkin Lane, comprising an area of 84.43m<sup>2</sup> for a period of 5 years from 1/9/2005 to 31/8/2010.  
(P22032)

#### **Deed of Consent to Assignment of Lease – RSL Sports Club & Lismore & District Workers Club**

This agreement is to assign the lease from the Lismore RSL Club Limited (in receivership and liquidation) at Goonellabah to the Lismore & District Workers Club Ltd.  
(P25630)  
(Councillors Hampton/Chant)

## Section 356 Donations

- 279/05 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the donations to persons as listed are hereby approved for distribution.

#### **c) Mayor's Discretionary Fund (GL2033.26)**

Budget: \$2,700 To date: \$404.00

**Magic Mania** – sponsorship of 2 disabled/disadvantaged children to Christmas performance in Ballina on 16/12/05.

(05-12667: S164) 2 x \$35 \$70.00

#### **d) Representative Selection – Policy 1.4.10 (GL2033.6)**

Budget: \$1,100 To date: \$984.00

**Dylan King** – selected in Australian Athletic Program to compete in America from 10/3/06 to 27/3/06 following his performance at NSW CHS Track & Field Championships in September 2005.

(05-12152: S164)

*In accordance with policy.* \$328.00

**e) City Hall Reductions in Rental – Policy 8.4.2 (GL2033.2)**

Budget: \$11,700 To date:\$8,967.46

**Sanctuary Northern Rivers Inc.** – refugee support group – function

In Fountain Room on 5/11/05.

*In accordance with policy.*

\$45.20

**TAFE North Coast Institute** – Excellence Awards on 29/4/06.

(05-12276: P6816,S164)

*In accordance with policy.*

\$149.00

**Miscellaneous Donation - Lismore Soup Kitchen Inc.** –

Christmas Day lunch in Fountain Room

(05-12532: P6816,S164)

\$259.00

**f) Banners – Policy 1.4.14 (GL2033.8)**

Budget: \$700 To date: \$435.00

**Musica Viva Lismore** – one week in Carrington Street in November, 2005.

*In accordance with policy.*

\$90.00

**g) Council Contributions to Charitable Organisations**

**Waste Facility – Policy 5.6.1 (GL2033.15)**

Budget: \$6,000 To date: \$2,541.70

Animal Right & Rescue

\$62.73

Challenge Foundation

\$110.00

Five Loaves

\$72.73

Friends of the Koala

\$17.27

LifeLine

\$110.00

Shared Vision Aboriginal Corporation

\$110.00

St Vincent De Paul Society

\$16.36

Salvation Army

\$110.00

Westpac Life Saver Rescue Helicopter

\$72.73

*In accordance with policy.*

\$681.82

**f) Development and Construction Certificate Application**

**Fees Subsidy - Policy 1.4.7 (GL2033.7)**

Budget: \$300 To Date: \$184.50

**Jiggi School of Arts** - application fees for construction of preschool facility.

(S164:05-12624)

*In accordance with policy.*

\$388.55

**g) Miscellaneous Requests**

**i) Musica Viva Lismore** have written and requested consideration by Council in some concession for the writing and hanging of the banner advertising Musica Viva's Concert by Jayson Gillham and the Southern Cross Chamber Orchestra which had to be cancelled because of Lismore's flooding on 30th June and the subsequent rescheduling of the concert on 19th November. As Musica Viva Lismore has had to incur double expenses in promoting this concert, we ask that Council give consideration to either waiving or giving concession for the writing of the banner and the hanging of the banner in June.

As it looks as though Musica Viva Lismore will be incurring quite a large loss from this concert, any consideration Council can give would be greatly appreciated, so that we can continue in the coming years to bring to Lismore high quality classical concerts.

**Comment** : Council charged \$145 for the banner hanging for two weeks (one week was free in accordance with Policy 1.4.14 Banners) and \$364.10 to strip and repaint the banner for this concert.

The cost to hang the banner was \$44, to strip/repaint the banner was \$265 and \$46 for Council's administration (staff to pick-up banners from the sign shop, deliver to contractor, and then take back to sign shop when pulled down, plus admin costs for booking and invoicing). As these costs were incurred by Council they should be recoverable, however due to the extenuating circumstances (June 30 2005 flood) surrounding the cancellation of the concert, it is recommended that a reduction of **\$154.10** be applied to these charges to recover costs incurred and GST only.  
(S164 & S374: 05-12529)

**ii) Italo Australia Club**

Request for topdressing material from Tryton – 100m<sup>3</sup> x \$30 \$3,000  
Similar material was provided to other sporting clubs as part of Council's support of the waste business and contribution towards the sporting community.  
(Councillors Graham/Chant)

## Matter of Urgency

280/05 **RESOLVED** that the following matter be admitted to the business paper as a matter of urgency.  
(Councillors Graham/Swientek)

### **Fatal Accident Kyogle end of Tuncester Hill**

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281/05 **RESOLVED** that Council negotiate strongly with the appropriate State and Federal parliamentary bodies to obtain enough funding to construct a deviation road through/over Tuncester Hill to eliminate the dangerous bends.  
(Councillors Graham/Swientek)  
**Voting against:** Councillor Ekins.  
(R2707)

## Confidential Matters – Committee of the Whole

A MOTION WAS MOVED that Council now exclude the press, staff and public and meet in Committee of the Whole to consider the following matters:

**Mayoral Minute – a) Performance Review 2004/05 – General Manager, b) Draft Performance Agreement 2005/06**

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**Mayoral Minute – General Manager's Contract (Tabled)**

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**Grounds for closure: Section 10A(2)(a)**

**Public interest:** Discussion of this matter in an open meeting would on balance be contrary to the public interest because the contents of the report are of a personnel matter concerning a particular individual.

(Councillors Hampton/Graham)

AN AMENDMENT WAS MOVED that Council now exclude the press, staff and public and meet in Committee of the Whole to consider the following matters on the basis that the only issue to be discussed would be the Performance Review, any proposal to extend the existing contract of the General Manager or his remuneration be considered at another meeting.  
(Councillor Swientek)

**Mayoral Minute – a) Performance Review 2004/05 – General Manager, b) Draft Performance Agreement 2005/06**

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**Mayoral Minute – General Manager’s Contract (Tabled)**

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**Grounds for closure: Section 10A(2)(a)**

**Public interest:** Discussion of this matter in an open meeting would on balance be contrary to the public interest because the contents of the report are of a personnel matter concerning a particular individual.

The amendment LAPSED for want of a seconder.

282/05 **RESOLVED** that Council now exclude the press, staff and public and meet in Committee of the Whole to consider the following matters:

**Mayoral Minute – a) Performance Review 2004/05 – General Manager, b) Draft Performance Agreement 2005/06**

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**Mayoral Minute – General Manager’s Contract (Tabled)**

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**Grounds for closure: Section 10A(2)(a)**

**Public interest:** Discussion of this matter in an open meeting would on balance be contrary to the public interest because the contents of the report are of a personnel matter concerning a particular individual.

(Councillors Hampton/Graham)

**Voting Against:** Councillor Swientek.

## Resumption of Open Council

When the Council had resumed its former sitting, the Mayor reported that Council had met in Committee of the Whole to determine matters contained in a Mayoral Minute concerning the General Manager’s contract of employment and performance agreement and the committee RECOMMENDS that Council adopt the determinations covered in five points as described in the Committee minutes.  
(E/OSU-100)

283/05 **RESOLVED** that the Mayor’s report of Council meeting in Committee of the Whole be received and adopted.  
(Councillors Hampton/Crimmins)  
**Voting against:** Irwin, Ekins, Swientek, Dowell and Tomlinson.

## Closure

This concluded the business and the meeting terminated at 11.55 pm.

CONFIRMED this 14th of FEBRUARY 2006 at which meeting the signature herein was subscribed.

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**MAYOR**



## MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JANUARY 24, 2006 AT 6.03PM.

### Present

Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham (from 6.22pm), Hampton, Henry, Irwin and Swientek, together with the General Manager, Executive Director-Development & Governance, Executive Director-Infrastructure Services and Corporate Support Officer.

1/06

### Apologies/ Leave of Absence

Apologies for non-attendance on behalf of Councillors Meineke and Tomlinson were received and accepted and leave of absence granted. (Councillors Irwin/Crimmins)

## Reports

### Lismore Airport Charges

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A MOTION WAS MOVED that the report be received and –

- 1 Whilst both parties are preparing the agreed information & negotiating in good faith, it is recommended that the current head tax discount of \$4.00 (\$7.00 head tax excluding GST) be extended until 28<sup>th</sup> February 2006.
- 2 That the head tax arrangements be reconsidered at the 14<sup>th</sup> February 2006 Council meeting.

(Councillors Irwin/Crimmins)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 Whilst both parties are preparing the agreed information & negotiating in good faith, it is recommended that the current head tax discount of \$4.00 (\$7.00 head tax excluding GST) be extended until 28<sup>th</sup> February 2006.
- 2 That the head tax arrangements be reconsidered at the 14<sup>th</sup> February 2006 Council meeting.
- 3 The information contained in the report remain confidential.

(Councillors King/Dowell)

The voting being tied the Mayor declared the amendment APPROVED on his casting vote.

**Voting Against:** Councillors Irwin, Ekins, Swientek, Chant, Hampton.

2/06

**RESOLVED** that the report be received and

- 1 Whilst both parties are preparing the agreed information & negotiating in good faith, it is recommended that the current head tax discount of \$4.00 (\$7.00 head tax excluding GST) be extended until 28<sup>th</sup> February 2006.
- 2 That the head tax arrangements be reconsidered at the 14<sup>th</sup> February 2006 Council meeting.
- 3 The information contained in the report remain confidential.

(Councillors King/Dowell)

**Voting Against:** Councillors Ekins, Swientek, Chant, Hampton.  
(P9733)

## Confidential Matters – Committee Of The Whole

3/06 **RESOLVED** that Council now exclude the press and public and meet in Committee of the Whole to consider the following matter:

### **Goonellabah Recreation Centre**

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**Grounds for closure: Section 10A(2), (c):**

**Public interest:** Discussion of this matter in an open meeting would on balance be contrary to the public interest because it could adversely impact on negotiations between Council and the owner.

(Councillors Irwin/Crimmins)

## Resumption of Open Council

When the Council had resumed its former sitting, the General Manager reported that Council, meeting in Committee of the Whole, had RECOMMENDED

- 1 That the General Manager be authorised to conclude the purchase of Lots 3, 4, 5 and 6 in Deposited Plan 1011282 and Lot 631 in Deposited Plan 810600, being land bounded by Simeoni Drive, Gordon Blair Drive and Oliver Avenue at Goonellabah.
- 2 That the General Manager and Mayor be authorised to apply the Common Seal of Council to the Contract for purchase, together with the respective land transfer documents and/or plans of survey, Section 88(b) Instrument or other legal instruments necessary to effect the land purchase.
- 3 That upon purchase the land, the subject of this report be classified as Operational Land.

4/06 **RESOLVED** that the General Manager's report of Council meeting in Committee of the Whole be received and adopted.

(Councillors Crimmins/Graham)

**Voting Against:** Councillors Irwin, Chant and Hampton.  
(S736)

## Closure

This concluded the business and the meeting terminated at 7.30 pm.

CONFIRMED this 14TH of FEBRUARY 2006 at which meeting the signature herein was subscribed.

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**MAYOR**

