

Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on **Tuesday, June 13, 2006** and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

June 6, 2006



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting – May 9, 2006

Extraordinary Meeting – May 23, 2006

Disclosure of Interest

Public Access Session

Public Question Time

Condolences

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

Mayoral Minute

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

File No (06-4433: S47)

Background

The *Final Report: Findings and Recommendations of the Independent Inquiry into the Financial Sustainability of NSW Local Government* was released on 3 May 2006. This is a major report with far reaching implications for the future of NSW Local Government.

The report is based on one of most comprehensive reviews of Local Government conducted in NSW. It has involved extensive research and consultation including: consideration of over 170 submissions, 13 consultative forums, councils surveys, public opinion polling, more than 30 commissioned research papers and interviews with key government Ministers and officials.

The Inquiry was initiated by the Associations in response to widespread concerns about Local Government's financial capacity to meet the growing demand for infrastructure and services. The Inquiry was financed by a combination of council contributions and the Associations' reserves. The total cost of the Inquiry was \$600,000 plus moderate administrative and research support by the Associations.

The Inquiry was conducted by a highly qualified independent panel of experts. The panel members were:

- Professor Percy Allan AM, Chair and Research Director, a former Secretary of NSW Treasury, public policy, finance and management advisor;
- Ms Diana Gibbs, company director, farmer and economic development advisor; and
- Ms Libby Darlison, social policy and change advisor.

Findings & Recommendations

It is clear from the report that NSW Local Government is facing major challenges including:

- a real infrastructure funding crisis
- an inadequate revenue base
- skills shortages and the ever increasing demands being placed on Local Government by the community and other spheres of government.

The report's major finding is that there is a huge infrastructure renewals backlog of over \$6 billion and that this is expected to grow to almost \$21 billion in 15 years.

The report includes 49 final recommendations and spotlights a number of challenges facing Local Government including the need to:

- Define Local Government's role relative to other spheres of government
- Renew infrastructure to overcome a growing backlog
- Implement Total Asset Management
- Priorities services to better reflect public preferences
- Reform development controls at both state and council levels
- Improve strategic planning and operational efficiency
- Boost revenues from rates, fees and grants
- Strengthen governance structures and procedures, and
- Achieve long-term financial sustainability.

The report concludes that most of the proposed changes require a long term commitment and need to be introduced in concert because they are either interdependent or insufficient on their own to underpin council sustainability.

Given that most of the proposed changes also require an intergovernmental and/or whole of government response, the report proposes that a Summit be convened to consider, debate and hopefully endorse the recommendations of the Inquiry, and that the State Government establish an Independent Commission to monitor progress in achieving agreed outcomes.

The report provides future directions for NSW Local Government and the Associations advise that they will consult widely with members before acting on any of the recommendations. Given the extensive nature of the report, detailed consideration will be required before a comprehensive response can be made.

The Associations have advised that the Inquiry has completed its task with the presentation of the Final Report. However, the report does not mark the end of the process. Rather, it sheds light on the size and complexity of the task ahead of us. Many of the key findings and recommendations of the report will need to be acted on if the Inquiry is to have served any practical purpose.

The Inquiry has been a major initiative by and on behalf of Local Government, and there is both an expectation and obligation (for the Associations) to take the next steps towards improving the financial sustainability of NSW Local Government. Advancing the report's recommendations will involve working in close collaboration with stakeholders of the Local Government sector including the Local Government Managers Australia (LGMA), the Institute of Public Works Engineering Australia (IPWEA) and the NSW Department of Local Government. It will also involve the daunting task of trying to shift the attitudes of the NSW State Government and the Commonwealth Government, their respective agencies and the public.

This will be a long term process and it is recommended that Council commit to the ongoing effort to rebuild and strengthen the financial sustainability of NSW Local Government.

Recommendation (MM01)

- 1 That the minute be received and noted.
- 2 That the Independent Panel be commended on the successful conduct and completion of this watershed Inquiry.
- 3 That the LGSA be commended for initiating the Inquiry.
- 4 That Council commit to support the LGSA in an ongoing effort to rebuild and strengthen the financial sustainability of NSW Local Government.
- 5 That the LGSA establish an implementation framework and process to consult with councils and other stakeholders; and to advance the key recommendations of the report that have been endorsed by members.
- 6 That Council call on the NSW Government to establish an Independent Commission consisting of equal representation from the LGSA and the state to assess the gravity of the problems facing Local Government, to recommend urgent action to be undertaken, to help implement such changes in cooperation with Local Government and to work to achieve agreed outcomes.

Notice of Motion

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

- 1 Lismore City Council express to Rous Water its deep concern about having to deal with such an important issue as the Lismore Source and associated works at such short notice.**
- 2 All further decisions pertaining to Lismore Source and associated works be deferred until Council has a workshop and presentation from Rous Water on the Lismore Source.**

Councillor V Ekins

Comment

DA's for the Lismore Source augmentation of Nightcap Treatment Plant and Pump Stations were lodged with Lismore City Council on 9 February and 23 February respectively and called in by Councillors on 28 March which gave Council staff and Rous Water staff more than 3 months to prepare a report.

Given the process was started months ago an explanation is needed for why an extraordinary meeting was called at short notice to deal with a topic of such importance.

Rous Water Operational Services Manager presented a report to Rous Water Council Meeting 19 April stating to facilitate a review of the DA and SEE lodged with LCC a presentation on the Lismore Source has been prepared and forwarded to LCC for review prior to its presentation by Rous Water at a future LCC meeting or workshop.

No presentation or workshop has occurred! As it was obvious by the staff report and comments made during the extraordinary meeting on 21 May that council staff and LCC Rous Water representatives are unaware of errors in the IQQM requiring revision of the secure yield modelling, it is essential that Councillors and Council staff have an opportunity to review and comment on Rous Water's presentation.

It is interesting to note the Department of Natural Resources state that when Rous Water's operational constraints were included in the remodelling, the reduction in the sustainable yield made the Lismore Source proposal marginal.

Lismore City Councillors and staff need more time and information from Rous Water to enable an informed decision on the DA's and SEE to be made.

(06-5013: D06/97)

Notice of Motion

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

That staff prepare a report on the feasibility of constructing a road between Snow Street and Cook Street more or less on the alignment of East Street and Barnes/Maloney Avenue (shown on attached map) with the report to include measures to prohibit heavy vehicular traffic generated by the new road from traversing local 'residential' streets in the immediate vicinity.

Councillor G Meineke

Comment

The construction of East Street between Three Chain Road and Snow Street has recently been finalized. It provides an alternate route to Union Street within Council's industrial estate. The construction of a new road between Snow and Cook Streets would allow all of the industrial estate to be linked by a road other than Union Street. The increase in traffic in Union Street is such that heavy vehicles struggle to turn right out of Cook Street to access the industrial areas to the south, thus impeding the development of Cook Street for industrial purposes.

The latest cadastral plans make provision for a cul de sac off Snow Street on the proposed alignment. I believe that the road could be extended from the cul de sac to Cook Street along the existing floodway, which is also on the proposed alignment.

Staff Comment

Executive Director-Infrastructure Services

This proposal was investigated by staff in 2003. Funds were allocated in the 2003/04 Roads budget with the intention of constructing the proposed road. The Group Manager - City Works and Property Officer held a meeting with the surrounding residents. There was overwhelming opposition to the proposal by residents. They were concerned about heavy vehicles from Snow Street and Cook Street passing through a residential area.

It may be possible to limit heavy vehicles using the proposed road however this defeats the purpose of constructing the road. The main beneficiaries of the new road are heavy vehicles traversing between Snow and Cook Street without the need to negotiate busy Union Street.

There is a possibility future development will link Wilson Street South with Wilson Street. Now that East Street has been completed this link would connect the industrial areas of Three Chain Road, Snow Street and Wilson Street, providing an alternate route to Union Street. Unfortunately without the proposed road between Cook and Snow Streets the Cook Street industrial area is still isolated from this alternate route.

(06-4885: R6915,R6911)

Report

Subject	Development Application No. 2006/97 – Above ground structures (buildings) for the high lift and low lift pump stations associated with the Lismore Source Project
File No	DA06/97
Prepared by	Development Assessment Planner
Reason	Two Councillors exercised their right to require the matter to be reported to Council
Objective	To determine the Development Application
Strategic Plan Link	Water and Waste Cycle
Management Plan Activity	Development Assessment

Overview of Report

This report provides a detailed assessment of a Development Application for the erection of buildings and above ground structures to be used in relation to low lift and high lift pump stations that are subject to Part 5 Applications from Rous Water in relation to the Lismore Source Project. The application will also involve the construction of an access road. The development application currently before Council is not for any of the infrastructures associated with the low lift and high lift pump stations.

Background

Approval Process for the Lismore Source Project (Rous Water)

Rous Water has been involved in preparing applications to obtain approval to extract water from the Wilson River at Howard's Grass, treat the water at the Nightcap Water Treatment Plant, and use it to supplement the potable water supply in the Rous Water supply area. The project is called **Lismore Source**.

The assessment of, and any approvals for the **Lismore Source** project are in two separate and distinct components;

Component One

Rous Water being the approval authority for the "secure yield" which refers to the volume of water that can be supplied without imposing water restrictions, and the construction of the associated pipelines.

Currently, potable water demand in the Rous Water supply area is 12,600ML per year. The Rous Water potable water supply scheme is capable of meeting current demand. With the implementation of the new license conditions for the Emigrant Creek Dam, and the cessation of the use of bores, the scheme cannot deliver adequate quantities of water to meet current and future demand without more frequent water restrictions.

Implementation of the overall Lismore Source project would add up to 5,200ML per year to secure yield. Documentation indicates this would be sufficient to meet the shortfall resulting from the cessation of

using Emigrant Creek Dam and the bores. This increase in the secure yield is the subject of a designated development application under Part V of the EP&A act, has been prepared by consultants on behalf of Rous Water, and is being assessed by Rous Water as the Approval Authority.

In relation to the establishment of the rising mains and associated works including internal plant and any service reservoirs in acquired land, (that will transfer the water from the pumps on the Wilson River to the high-lift pump and then to the Nightcap treatment facility) Rous Water is the approval authority.

Component Two – Lismore City Council Approval

Lismore City Council being the approval authority for any buildings or other aboveground structures to be erected in respect of the water supply from the Wilson's River and the associated processing of the water at the Nightcap treatment facility.

The low-lift pump station, and high-lift pump station structures (DA 06/97), and augmentation of the Nightcap water treatment plant (DA 06/63) required approval under part IV of the Environmental Planning & Assessment Act, and the **consent authority is Lismore Council.**

As seen from the above Council's only role as an approval authority is for the above ground structures associated with the water abstraction and Rous Water is the approval authority for the major portions of the Lismore source project.

Development Application 06/97

The low-lift pump station and the high-lift pump stations are on land owned by Rous Water and known as lot 32 DP 616645 (the land is dissected by Bangalow Road).

The **low-lift pump station** is accessible from Bangalow road via the proposed access driveway, which crosses Lagoon Grass creek and passes through flat grazing land and is on the northern side of the Bangalow Road. The site was used during 2003 as an emergency water source for the Rous Water system. During this time two pumps were located on a raft in the river and an electrical switchboard and 2-millimeter inline screen were constructed at the site. The switchboard and screen remain on site.

The site for the **high-lift pump station** is accessible from Bangalow Road via an existing track between the road and the existing emergency pump station and is located on the southern side of Bangalow Road.

General

The proposal that is currently before Council is to construct a platform to house the transformer and other infrastructure associated with the low lift pump station. In relation to the high lift pump station, the application involves the demolition of the temporary pump station building and replacement with a larger building. Both the high lift pump station and the low lift pump station involve the construction and continual maintenance of access roads from the Bangalow Road. Refer Attachment No. 1.

The application involves the following:-

- * Construction of aboveground structures associated with the low lift pump station on the southern bank of Wilsons River at Howards Grass, approximately 5km upstream of Lismore (the low lift pump station will pump raw water from the Wilsons River to the high lift pump station approximately 1.5km to the east). Refer Attachment No's 2 and 3 Plan No's 326060/C100/5 and M110/4 respectively.
- * Construction and maintenance of a 1.1km long access driveway from Bangalow Road to the low lift pump station, including a causeway across Lagoon Creek. Refer Attachment No. 4 Plan No. 326060 C308/3.
- * Construction of above ground structures in relation to a high lift pump station above the 1:100 year flood level at Howards Grass, approximately 5km from Lismore (the high lift pump station would

pump raw water, supplied by the low lift pump station to the Nightcap Water Treatment Plant for treatment. This component includes the demolition of the existing temporary pump station at the site. Refer Attachment No. 5, 6 and 7 being Plan No. 326060/C200/3, C205/2 & C206/2.

Applicant

Rous Water

Location

Lot 32 DP 616645, known as 325 Bangalow Road, Howards Grass

Owner

Rous Water

Zoning

The proposal is located on land zoned 1(r) Riverland Zone as identified within the Lismore Local Environmental Plan 2000.

Key Issues

The construction of the high lift pump station building and the associated sound attenuation measures that are to be adopted by Rous Water.

Recommendation

The Development Consent be issued for the construction of the aboveground structures relating to the low lift and high lift pump stations, subject to the imposition of appropriate conditions of consent.

Surrounding Properties and Environs

The surrounding properties are rural in nature with dwellings being located approximately 103m to the northwest, 96m to the southeast and 162m to the southwest of the high lift pump station building.

Proposed Development

The proposal is in two components. Component one is the erection of a building to replace the existing building that houses the high lift pumps. (The installation of all infrastructure within the building and associated works are subject to a Part 5 Application for which Rous Water is the consent authority).

Council is aware that the building will need noise attenuation works to limit the noise emanating from the building, and as such, Council will impose conditions in relation to incorporating noise attenuation works within the building structure. The second component relates to the low lift pump station. Council is the approval authority only in relation to the above ground structure that is to be built above the 1 in 100 year flood level and is to house infrastructure associated with the low lift pump station. The access road to the low lift pump station off Bangalow Road is also part of the application currently before Council.

Planning Issues

The main planning issue in relation to this application relates to the construction of the building housing the high lift pump station and the requirement for it to be suitably noise attenuated to minimise any impact on adjoining owners in relation to noise issues. It is important to note that as Rous Water is the approval authority in relation to the establishment of the infrastructure for both the high lift and low lift pump stations, (ie including the pumps to be housed within the high lift pump station), Rous Water will be the monitoring body in relation to ensuring noise levels emanating from the pumps are in compliance with statutory requirements.

Comments

Financial Services

Not Required

Other staff comments

Development Engineer

No objections subject to the imposition of a number of conditions of consent.

Environmental Health Officers

Noise levels from the pump stations have been predicted by consultants Bridges Acoustics and their impact on nearby residents assessed. This has revealed that the pump stations are capable of complying with noise levels set in the EPA Industrial Noise Policy.

Compliance with the Industrial Noise Policy is the responsibility of Rous Water and under the requirements of the Protection of the Environment Operations Act DEC (EPA) are the appropriate regulatory authority.

Building Surveyors

No objections subject to the imposition of a number of conditions of consent.

Public consultation

The application was exhibited and adjoining owners were notified in accordance with Council's Policy. At the close of the exhibition period Council had received twenty three (23) submissions raising objection to the establishment of the high lift and low lift pump stations. Two (2) of these submissions raised objections against the Lismore Source Project in total, and the remaining objections related to the noise impact from the pumps associated with the high lift pump station.

As none of these matters relate to the current application before Council, for the erection of the structures, Council can place limited determining weight upon these submissions. Council can impose a condition on the construction of the building requiring noise attenuation works to be carried out.

The submissions were referred to Rous Water, being the applicant for the infrastructure associated with the pump stations, and they will be taken into consideration during Rous Water's assessment of the Part 5 Applications.

Conclusion

All planning matters have been considered in the assessment of the subject application. Comments by objectors in relation to the potential noise impact from the pumps have been taken into consideration (even though Council has no statutory role in relation to this matter). Consent requiring certain sound attenuation works to be carried out will be imposed in relation to the building.

Recommendation (PLA2)

- A That Council grant delegated authority to the General Manager - subject to the concurrence of the applicant being Rous Water in relation to attached conditions of consent applied to this application, to approve Development Application No. 2006/97 for the erection of aboveground structures relating to the low lift and high lift pump stations.
- B That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.

1 In granting this development consent, Council requires:

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

and be substantially in accordance with the stamped approved plan(s) No. 32606/C100/5 (May 05), 326060/M110/4(30/5/05), 326060/CL00/3 (May 05), 326060/C205/2 (12/5/05), 32606/C206/2 (12/5/05), 326060/C308/3 (Dec 05) and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

Reason: *To correctly describe what has been approved. (EPA Act Sec 79C)*

BUILDING

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

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

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

3 Provide a fence, hoarding or other measure to restrict public access to the site, when work is not in progress or the site is otherwise unoccupied. The fence is to be provided prior to any work commencing on site.

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

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

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

5 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.*

6 The roofing must have a low reflective finish.

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

7 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.*

8 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.*

9 Drainage is to be provided to divert surface water clear of the building.

Reason: *To ensure adequate site drainage.*

10 Access is to be provided to the building and to those areas within the building to which the public would normally be expected to gain access in accordance with AS1428.1 - Design for Access and

Mobility.

Reason: Required by Clause D3.2 of the Building Code of Australia.

DRAINAGE

11 Measures shall be put in place to control stormwater runoff from road construction works. 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. Details of sediment control measures, revegetation works and signage shall be submitted to and approved by Council prior to commencement of any works upon the site.

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

12 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)).

EARTHWORKS

13 Prior to commencement of works, certification from a practising qualified engineer is required verifying that:

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

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

ROADS

14 Prior to the commencement of works the applicant shall obtain approval under section 138 of the Roads Act and construct the proposed access to Bangalow Road. The application shall address the following issues:

- Design Plans to be submitted to and approved by the RTA prior to commencement of work.
- Access shall be located where adequate safe intersection sight distance is available
- Access is to be constructed in accordance with RTA's "Typical Rural Property Access Standards" and aligned at 90 degrees to Bangalow Road to provide for left-turns in and out of the driveway.
- The driveway is to be sealed to the property boundary
- The maintenance of the driveway shall be the responsibility of the property owner.
- All works are to be at no cost to the RTA.

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

15 Rous Water is to obtain all relevant approvals that may be required from the Department of Natural Resources in relation to the construction of the road and associated causeway.

NOISE

- 16 The operating noise level of all plant and equipment at the high lift and low lift pump stations must comply with the requirements of the NSW DEC (EPA) Industrial Noise Policy (INP) and construction standards identified by Bridges Acoustics to attenuate noise in their report dated May 23, 2006 complied with. In this respect a suitably qualified and experienced acoustic consultant must assess the operational noise level of both pump stations to ensure compliance with the INP and any recommended noise attenuation measures are to be installed prior to commissioning of the proposal.

Reason: *To protect the amenity of the area.*

ENVIRONMENTAL HEALTH

- 17 Environmental Management Plans must be prepared for proposed construction activities as identified and recommended in sections 6 and 7 of the Statement of Environmental Effects. The Plans must be implemented and complied with during the construction and remediation phase of the project.

Reason: *To protect the environment.*

AMENITY

- 18 The hours of work for general noise generating construction activities of the proposed development are to be limited to the following time restrictions:

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

Construction activities that create more intrusive noise levels such as rock breaking and use of pneumatic tools etc are restricted on Saturdays to the hours 8.00am – 12 noon.

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

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

Report

Subject	Proposed Fluoridation of Lismore Water Supply
File No	MJ:VLC:S223
Prepared by	Manager -- Lismore Water
Reason	Request from NSW Department of Health
Objective	Council to consider providing in principle support for fluoride to be added to the water supply for the Lismore City local government area.
Strategic Plan Link	Water and Waste Cycle
Management Plan Activity	Lismore Water

Overview of Report

Given positive support from both Ballina and Richmond Valley Councils, this report now seeks Council's consideration of its position regarding fluoridation of the water supply given the proposition from the NSW Department of Health.

Background

Fluoridation of water supplies has been common practice for over 50 years. There is ample scientific evidence of the benefits of fluoride to dental health. The most effective distribution of fluoride is via water supplies. Some ninety percent of NSW and all capital cities of Australia excepting Brisbane are fluoridated (the Queensland Government is currently considering a State-wide introduction).

This report does not intend to debate, nor reproduce large amounts of information on, the advantages and disadvantages of fluoride in the water supply. The NSW Department of Health (DoH) is clearly of the view that there is an unacceptably high level of dental disease in the Lismore LGA when compared to other areas in the State and sees this as a major public issue. DoH has made a presentation to Council on the advantages and disadvantages of fluoridation and has provided a range of sources of information for members who wish to further investigate the use of Fluoride.

Rous Water decided that fluoridation was primarily a health issue, not a water quality issue. It voted to refer the issue to DoH and to request DoH carry out a community consultation, information and awareness campaign in each of the constituent council areas.

Richmond Valley Council has now requested DoH to determine the appropriate response to the public health issue in accordance with the provisions of the *Fluoridation of Public Water Supplies Act 1957*.

Ballina Shire Council has now voted in favour of adding fluoride to its water supply.

Operational Issues

Operational issues associated with fluoridating the water supply are not addressed here. These will depend on whether or not Rous Water provides fluoridated water. It is intended that Council initially focus on the philosophical issue of whether or not it is prepared to support the DoH position.

DoH provides 100% of the capital infrastructure costs associated with providing fluoridation of a public water supply, and water authorities are responsible for the annual operating costs.

Any decision of Council at this stage to support fluoridation should be in principle only, subject to further cost and operational assessment.

Statutory Provisions

Part 6, Section 1, of the *Fluoridation of Public Water Supplies Act 1957* authorises a water supply authority to add fluorine to any public water supply under its control, provided it has the approval of DoH. It also authorises DoH to direct a water supply authority, which refers the question to them for consideration, to add fluorine to any public water supply. Furthermore, once a water supply has been fluoridated, it must not be discontinued without the prior approval of DoH.

Comments

Financial Services

Not required.

Other staff comments

Manager – Environmental Health and Building Services

The debate on the fluoridation of water supplies is a controversial issue with views for and against the issue. However, as stated within this report the NSW Department of Health (DoH) view is that there is an unacceptably high level of dental disease in the Lismore City local government area when compared to other areas in the state. Research and scientific evidence also indicates that there are improvements to the community's dental health as a result of fluoridating water supplies and therefore overall benefits to community health and well being.

Public consultation

Provided by DoH.

Conclusion

Surveys suggest that the community as a whole support fluoridation of their water supply.

DoH clearly is in favour of fluoridation and has presented evidence that shows that the North Coast has a high rate of dental disease compared with the rest of the state.

Statutory provisions outline the process for approval for fluoridation of a public water supply.

Scientific evidence strongly supports the effectiveness of fluoridation in improving dental health.

Both Ballina and Richmond Valley Councils support the introduction of fluoride in the water supply.

It is now time for Council to decide on its position regarding fluoride and communicate this to both Rous Water and DoH.

Recommendation (IS27)

That Council advise Rous Water and the NSW Department of Health of its in principle support for the proposition that fluoride be added to the water supply for the Lismore City Local Government Area.

Report

Subject	Subdivision at 18 Dougan Road, Caniaba
File No	DA05/710
Prepared by	Executive Director – Development and Governance
Reason	A resolution of the Council is required prior to any dealing in relation to land
Objective	Provide Council with an understanding of the merit of the proposal
Strategic Plan Link	Infrastructure
Management Plan Activity	Roads

Overview of Report

The applicant has requested that Council accept security for the deferral of Section 94 Levies and roadwork's being Conditions of consent to a subdivision at Dougan Road, Caniaba.

Background

Council, in the discharge of its day to day planning activities frequently receives requests for "understanding" in how it administers its Conditions of Consent. Council always considers these requests on their merit. To facilitate some of these requests Councils S94 Plan makes provision for the deferment of payment, subject to appropriate security being provided.

In the subdivision, the subject of this report the applicant has also requested that Council not require that the physical roadworks required as part of the Consent be completed prior to the release of the final plan of survey. Security is being offered to ensure that in the event of the applicant not completing this work, Council can undertake the work itself.

While this latter request would not normally be acceded to, there are in this case, unique circumstances. They are;

- The road to be upgraded is short and has a limited impact on the area, supporting very few existing resident driveways.
- The current road, while not up to the required development standard is serviceable and has not been the subject of complaints.
- The subdivision will create only two additional lots and even if the road is not upgraded prior to their "creation" it will still remain serviceable.
- Council will hold sufficient funds to ensure that its staff can undertake the work in six months should the applicant experience difficulty in completing the construction.
- The physical works relate only to roadworks and do not involve the provision of any services.

It should also be noted that although it is to be recommended that Council accede to the applicants request for deferral of the works and the levies there is a possibility that an application to vary the development standards which have been applied to this subdivision could be made at a later date. Such an application would be the subject of a Section 96 Application and dealt with on its merits and would not jeopardise the deferral and security proposal, the subject of this report.

Comments

Financial Services

The applicant has requested that Council accept security in the form of a registered charge over the above property (Lot 1 DP 263257) for the deferral of Section 94 levies (\$10,129) payment and for roadworks on Dougan Road (\$134,913).

The deferral period in both cases ceases on the settlement of the first lot sold in the subdivision or October 31, 2006, whichever ever comes first.

In regards to the deferral of Section 94 levies, it is common practice for Council to accept a suitable security to guarantee the payment at the end of the deferral period. As to the roadworks, it is not current practice to allow developers to provide a security for works prior to the release of the linen plan. Under normal circumstances, the works would need to be completed first. The proposal is that the applicant will either engage Council or another contractor to do the roadworks and these will be completed before the settlement of the first lot sold in the subdivision. If not, the registered charge will be applied and the full amount for the roadworks of \$134,913 legally recovered.

This security is acceptable and effective as there is a contract of sale for one lot to be executed on the registration of the subdivision. Prior to release of the linen plan, the applicant will need to provide written advice that there will be sufficient funds available to meet the existing financial commitments on the land and the above conditions of consent.

The legal agreement has been prepared in close consultation with and advice from Council's solicitors.

Other staff comments

Not required.

Public consultation

Not required.

Conclusion

The circumstances of this proposal to defer the S94 charges and release the final survey plan prior to the completion of the consent conditions is unique and does not set any unwarranted precedent. Council's interests are adequately secured by the proposed charge to be registered over Lot 1 in Deposited Plan 263257.

Recommendation (PD06)

1. Council accept a registered charge over Lot 1 in Deposited Plan 263257 as security for S94 levies and roadwork costs associated with Development Application 05/710.
2. That the General Manager and Mayor be authorised to sign and affix the Council seal to the legal documents associated with the charge to be registered over Lot 1 in Deposited Plan 263257.
3. All costs associated with the preparation and registration of the charge be borne by the applicant.

Report

Subject	Proposal for joint venture to establish a Small Business Incubator in Lismore
File No	S640
Prepared by	Manager – Economic Development
Reason	Follow-on action from the Lismore Small Business Incubator Feasibility Study
Objective	To grow the business base in Lismore, provide cost effective support for fledgling businesses & create jobs
Strategic Plan Link	Economic Development
Management Plan Activity	Economic Development & Tourism

Overview of Report

Ballina Employment & Training Centre Inc. (BETC) is proposing a joint equity partnership with Lismore City Council to establish a Small Business Incubator at Lot 202 DP 1076367, Three Chain Road, Lismore. This proposal is subject to funding from the Federal Government. The BETC seeks a letter of support from Council confirming our “approval in principle”, prior to an approach to AusIndustry being made for funding.

Background to Lismore Small Business Incubator

In mid 2005, with 100% assistance of AusIndustry funding of \$29,000, Lismore City Council commissioned a Feasibility Study on a Small Business Incubator to operate here in Lismore. The final report was completed in December 2005 - see Attachment A for overview of Feasibility findings.

The Feasibility Study listed the following probable job outcomes for the Lismore incubator:

Tenants: 20 resident (and 20 non-resident/outreach tenants not calculated in the outcomes)
2 to 4 people in each business
3 year tenancy

Year 4 of operation: 17 resident tenants
34 to 68 jobs in the incubator
5.66 graduates (tenant = 1 business with 2 to 4 people working) / year

Year 10 of operation: 17 tenants X 2 to 4 jobs + (5.66 graduates X 7 years X 2 to 4 jobs)
= between 113 to 226 jobs
Allowing for a 20% failure rate = between 90 to 181 jobs after 10 years

Even using more conservative figures, it can be seen that the Lismore incubator would be a significant creator of jobs. N.B. We have not calculated the flow on effect that these successful businesses have on the broader community as they purchase and trade in the local community.

As part of the Study, a search of suitable sites was undertaken with the preferred site being the north east corner of Lot 202 DP1076367, Three Chain Road, Lismore – see Attachment B for aerial view of preferred site.

The proposal

That the BETC and Lismore City Council enter into a joint equity partnership to establish a Small Business Incubator at Three Chain Road, Lismore.

N.B. This proposal is subject to the BETC being successful in an incubator funding application for the maximum amount of \$700,000 to AusIndustry.

The BETC would undertake to:

1. Prepare an application for funding (\$700,000) to AusIndustry for the next round of funding, expected to be announced in the third quarter of 2006
2. Contribute approximately \$350,000 cash and in-kind to cover the cost of construction of the 15 - 20 unit incubator and associated equipment, together with the co-ordination/project management of building construction
3. Provide full management responsibilities for the daily operation of the incubator. Furthermore, the incubator would be incorporated into BETC's network of regional incubators.
4. In the event that the incubator is established in Lismore, the BETC has committed to undertaking a community project in Lismore in the second half of 2006, similar in scope & style to the community projects undertaken in Ballina (see examples below)

Lismore City Council would undertake to:

1. Provide the land identified in Appendix B under a lease agreement with minimal "peppercorn" rent for a period of 10 x 10 years; There could be a buy out option included at the completion of the Agreement.
2. Provide fill for the building footprint (approx 1,000sq metres and required car parking) and associated earthworks to compact the fill to the required specifications

At the completion of the construction phase, the land (improved value) and building would be independently valued to determine the joint equity percentages. For example, if the completed value of the building was \$1m and the improved value of the land was \$500,000, the equity arrangement would be 67%-33%.

Background to Ballina Employment & Training Company (BETC)

- The BETC is a not for profit, community based, organisation that has been operating in the Northern Rivers region for 17 years
- The BETC has a strong commitment to reinvesting in the local economy
- The BETC has added over \$2m in community infrastructure and owns outright the following buildings:
 - a. BETC Head Office and Training Centre, 10 Endeavour Close, Ballina.
 - b. Ballina Business Centre (incubator), 18 Clark Street, Ballina.
 - c. Byron Creative (incubator), 42 Centennial Circuit, Byron Bay
- Major community projects have been undertaken through "Work for the Dole" programs, for example:
 - a. Development of Missingham Bridge Park, Ballina: funds raised from State government to purchase picnic shelters, playground equipment & landscaping
 - b. Refurbishment of Pop Dennison Park, Shaws Bay, Ballina: same work as above; also extensive fencing
 - c. Ballina Amphitheatre, Missingham Bridge: funds raised through a Federation grant

- Each year, the BETC undertakes a major community project. In 2004/2005, the organisation undertook the development of the Community Learning and Innovation Centre (CLIC) at the former Country Energy building in Mullumbimby

BETC in Lismore

- BETC has had a presence in Lismore for 5 years through their office in the Strand Arcade, Molesworth Street, Lismore
- From this office, the BETC runs a Job Network Placement Office and the Work for the Dole & Personal Support Program funded by the Federal Government; the organisation also trains a number of trainees with their Registered Training Organisation through the New Apprenticeship Program; currently, BETC has trainees with 30 Lismore businesses

BETC - business incubator experience

- The BETC has been operating small business incubators on the North Coast since 1993
- BETC opened the first regional light industrial incubator in Ballina in 1993; the second incubator, "Byron Creative", in 1999 with an arts and crafts focus; Mullumbimby CLIC Business Village in 2004 with a knowledge based business focus
- All incubators are 100% occupied and any vacancies are usually filled within days - the national average occupancy is 80%
- BETC has won 3 national awards, including the "2003 Incubator of the Year" Award funded by AusIndustry
- BETC is planning to add a small business incubator in Lismore to our network of regional incubators; the Lismore incubator would differ in that it would have full time staff and some outreach (non resident) clients
- It is planned that the Northern Rivers Business Advisory Service (NORBAS) – formerly the Lismore Business Enterprise Centre (BEC) - will be a permanent "anchor tenant" in the incubator, which would be a positive outcome for NORBAS and incubator tenants. NORBAS clients (once developed to the point where they need to leave the kitchen table or home garage) are the natural "feeder clients" for the proposed Business Incubator.

BETC - Ballina & Byron Bay business incubator outcomes

- Tenants: on average each business has 2 people working in the unit; there is an exit policy which states that tenants must move out after 3 years
- The majority of tenant graduates in Ballina and Byron Bay move into new, larger premises within 3 kms of the incubator. For example, the first two Ballina graduates in 1995 - Ballina Computer Solutions and Headlands Glass - are still operating from the same premises, one kilometre from the incubator
- On average, the Byron Bay incubator graduates 3 businesses/year and the Ballina incubator graduates 2 businesses/year - most people move out as there is not enough room in the incubator due to their businesses expanding. For example, Mark Wallace (Carpet) entered the Byron Bay incubator with very little capital and graduated 3 years later with enough money to buy his own factory. Phil Way, Fluid Foils, was in a similar position in Ballina and has just signed with an international company to sell his products.

Comments

Financial Services

From Council's financial perspective, the proposal requires the investment of the land, which is currently not being used, and approximately \$20,000 - \$25,000 to fill, compact and subdivide the site. In this situation as distinct from many others, the return to Council will be derived from the potential capital growth in the land value at some future point in time and not from ongoing rental or leasing income.

It is proposed to fund costs associated with fill, compaction and subdivision from the profit on sale of land in the airport industrial estate by reducing the repayment for development costs. This will have a minimal impact on the overall repayment arrangements for this estate.

Other staff comments

Not required.

Public consultation

Not applicable.

Conclusion

The BETC has a proven record of success in supporting new business' in the region and is seeking to expand its presence in Lismore. The proposal requires that Council provide a flood free site for a new incubator building in Three Chain Road. The BETC will contribute all of the capital to construct and fit out the new building.

This is an opportunity that Council should support.

Recommendation (PD05)

1. That Council support the Lismore Small Business Incubator proposal & writes to the BETC confirming Council's proposed contribution to the project.
2. That Council not proceed with the land preparation until the BETC funding is confirmed.
3. That Council secure its equity in the project by entering into a long term lease agreement with the BETC.

Report

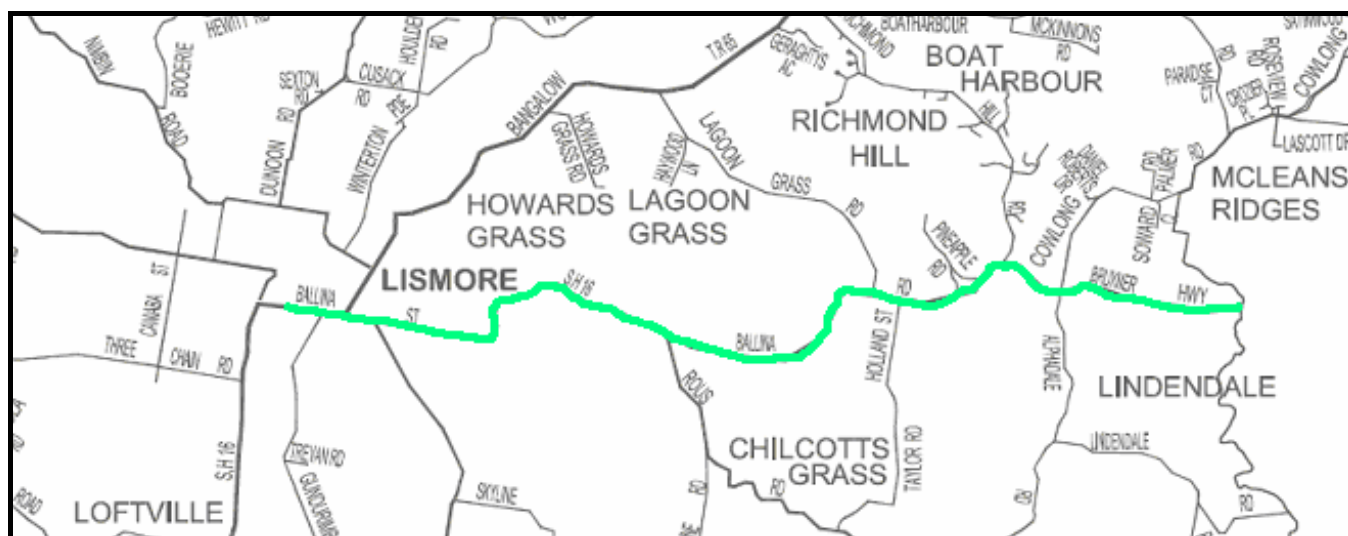
Subject	Renaming and Renumbering Proposal for Ballina Road and part of New Ballina Road
File No	R7126 and R6408
Prepared by	Executive Assistant – Development and Governance
Reason	To review inconsistencies with the numbering and naming of one of Lismore City's main road.
Objective	To seek Council's support for proposed action plan.
Strategic Plan Link	Infrastructure
Management Plan Activity	Roads – Urban, Rural and Regional Roads

Overview of Report

It is the responsibility of Council to ensure consistency within our road naming and numbering systems and this proposal will rectify anomalies identified along the Bruxner Highway between the Ballina Street Bridge and the eastern limit of the Local Government Area.

Background

Over the years there have been many incidents of confusion resulting from properties on Ballina Street, New Ballina Road and Ballina Road sharing the same street numbers and almost the same street name. Reasons for the confusion can be incorrect usage of "street" / "road", and/or the wrong locality name, often given by persons either new to the area or non-resident in Lismore. Resulting from this confusion are circumstances ranging from disconnection of telephone service to recently an ambulance driver searched for thirty minutes before locating the property requiring assistance. Fortunately this did not result in a death, but this example is certainly a very persuasive argument in favour of removing the confusion.



Currently the part of the Bruxner Highway that runs easterly from the Ballina Street Bridge to the Local Government Area boundary has three names, each with their own numbering system. On Ballina Shire's side of the boundary the road is referred to as "Bruxner Highway", with numbering running from east to west. Refer Attachment A.

Consistent with state wide road naming practice it is proposed that within the urban area the road will be known as Ballina Street and that once it leaves the urban area it will revert to "Bruxner Highway". This is consistent with the name ascribed to the road by the Roads and Traffic Authority and the rural numbering will follow Councils conventional numbering policy.

New Ballina Road

Rename from 155, southern side of the road, and from 180 on the northern side of the road.

Ballina Road

Part A – Ballina Road to Oliver Avenue / Pineapple Road junction, to be renamed to Ballina Street, including renumbering.

Part B – from Oliver Avenue / Pineapple Road junction to LGA boundary to be renamed to Bruxner Highway, with numbers commencing at 1050 (e.g. 1050 Bruxner Highway, Goonellabah).

Item	Existing Name	Proposal	Affect on residents
A1	New Ballina Road	To rename that part of New Ballina Road that fronts onto the main road to Ballina Street and present a consistent numbering system from west to east. <i>(indicated on Attachment B in orange)</i>	Residential address would be renumbered and renamed to Ballina Street.
A2	Ballina Road	To rename Ballina Road to Ballina Street and to renumber to remove anomalies within the existing numbering system and present a consistent numbering system from west to east. <i>(indicated on Attachment B in blue)</i>	Residential address would be renumbered and renamed to Ballina Street.
B1	Ballina Road	To renumber all properties on Ballina Road from the junction of Oliver Avenue / Pineapple Road to Local Government Area boundary in the east and rename the road to Bruxner Highway. <i>(indicated on Attachment C)</i>	Residential address would be renamed and renumbered to Bruxner Highway.

Locality name remains unchanged in all instances.

Comments

Financial Services

No comment required.

Other staff comments

Infrastructure Services

Infrastructure Services supports the recommendation

Planning Services

Planning Services raises no concerns.

Community Services

Community Services raises no concerns.

Public consultation

Not required.

Roads and Traffic Authority

The Roads and Traffic Authority have been consulted with regard to the renaming proposal and its direct affect on the existing Ballina Street Bridge. It was originally proposed to rename this length of road to Ballina Road, however the Roads and Traffic Authority has pointed out that removing Ballina Street from the Local Government Area would leave a bridge named after a road that no longer exists.

Conclusion

There is a long history of confusion in regard to addresses along Ballina Street and Ballina Road. It is considered appropriate that the matter be resolved and it is recommended that public consultation be undertaken prior to any determination being made on this renaming/renumbering proposal for Ballina Road and New Ballina Road.

Recommendation

- 1 That Council undertake consultation with residents of the affected Streets and Road together with public bodies to determine acceptance of the proposal.
- 2 That a further report be brought back to Council with recommendations for the removal of the confusion surrounding numbers and addresses for the subject section of the Bruxner Highway.

Report

Subject	Draft Lismore Local Environmental Plan Amendment No.31 – 246 Wyrallah Road, East Lismore.
File No	S930
Prepared by	Senior Strategic Planner
Reason	Close of public exhibition period
Objective	Council's adoption of draft LEP amendment No.31
Strategic Plan Link	Economic development
Management Plan Activity	Implement adopted Council land use strategies

Overview of Report

This report advises Council of the outcome of the public exhibition of draft LEP Amendment No.31 that will rezone land at 246 Wyrallah Road, East Lismore to 4(a) Industrial Zone. The report recommends that Council adopt the LEP amendment as exhibited and prepare and exhibit a site specific DCP that identifies matters to be addressed at the detailed design stage in a future development application.

Background

At its meeting of February 14, 2006 Council resolved to prepare and exhibit draft Lismore LEP Amendment No.31. The effect of the amendment will be to rezone part of Lot 2 DP 587430, Wyrallah Road, East Lismore from 1(a) General Rural and 1(r) Riverlands Zone to 4(a) Industrial Zone. A copy of the draft amendment is attached to this report (Attachment 1).

Lot 2 DP 587430 spans both sides of Wyrallah Road and has a total area of 76.24ha. The site that is subject to the rezoning proposal is just 11.2 ha on the eastern side of Wyrallah Road. The proposed industrial zone encompasses the predominantly flood free land opposite the Council depot. The land has been identified in several Council strategies as having potential for future industrial development and its rezoning will make a significant contribution to Lismore's industrial land stock.

The rezoning submission lodged by GeoLINK included a concept subdivision plan demonstrating that a satisfactory industrial subdivision layout could be achieved on the site. The plan indicated a potential yield of 29 flood free industrial allotments and identified two potential road access points to Wyrallah Road. The subdivision plan is conceptual only and rezoning of the site to 4(a) Industrial will not commit the owner to the subdivision layout as shown in the submitted concept plan.

A number of issues were identified in the assessment of the rezoning proposal which included stormwater management, buffer areas, contaminated lands assessment, intersection and road upgrading works and the relocation of major sewer mains that traverse the site. Generally these issues can only be resolved once a detailed subdivision proposal has been submitted. The conceptual subdivision plan was accepted for the purposes of the rezoning submission however more a detailed design would be required at the development application stage.

To ensure that the relevant issues are fully and adequately addressed in a future development application, Council resolved that a site specific DCP be prepared for the land. A draft DCP for the site

has been prepared and is attached to this report (Attachment 2). It is recommended that the draft DCP be publicly exhibited and this can be adopted before the LEP amendment is gazetted.

Written Authorisation to Exercise Delegations

Following Council's resolution to prepare the draft LEP, the Department of Planning was advised of Council's decision pursuant to section 54 of the EP&A Act. The Department's LEP Review Panel determines whether Council can use its delegations to exhibit the plan and report to the Minister.

A "written authorisation to exercise delegations" was received with respect to section 65 of the Act (to exhibit the LEP), however there was no authorisation with respect to section 69 (reporting directly to the Minister). The authorisation to exhibit was subject to the following conditions:

1. The draft LEP being consistent with any relevant Ministerial Direction issued pursuant to section 117 of the EP&A Act; and
2. The draft LEP not being the subject of an unresolved objection by a public authority or body arising during the consultation required under section 62 of the EP&A Act; and
3. Compliance with the Best Practice Guideline published by the Dept of Urban Affairs & Planning in January 1997 entitled, "*LEPs and Council Land – Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council*".

In terms of the first two conditions, the issues are addressed under the relevant headings (S117 Directions and S62 Consultations) in this report. With respect to the third condition, the draft LEP does not relate to any land that is, or was previously, owned or controlled by Council and is therefore not applicable.

The Department also advised that other issues relating to the need for a buffer to the sewerage treatment works (STW), flooding and stormwater management would need to be resolved before the draft LEP is certified. These issues are discussed below:

Buffers to STW

Council's DCP No.27 (Buffer Areas) stipulates a buffer around sewerage treatment works of 400m for residential and commercial uses and 100m for industrial uses. The subject site is located well outside the required 100m buffer for industrial development with the nearest point on the property being approximately 300m from the treatment works. Notwithstanding this, Lismore Water has raised the issue of potential land use conflict and has suggested that all industrial premises within that part of the site closest to the STW should be air conditioned. This is a matter that is addressed in the site specific DCP that has been prepared for the site.

Flooding issues

That part of the site which is proposed for development is mostly flood free although a relatively small area (less than 0.8ha) is affected by the 1 in 100 year flood level. The flood prone land to the east of the developable land is a flood backwater and is classified "flood fringe" in the Lismore Floodplain Management Plan. The applicant is proposing compensatory cut and fill to regularise the eastern boundary of the developable land. This will not result in any net reduction of flood storage. The flood related issues are therefore considered to be minor and can be adequately addressed in a future development application.

Stormwater management

It is assumed that approximately 10ha will be developed for industrial uses and associated roadways. This will potentially result in a net increase in pollutant loads exported from the site. It will therefore be necessary for any future industrial development to provide for adequate treatment of stormwater to remove nutrients, gross pollutants and suspended solids before it is discharged into the flood plain. The design of the necessary stormwater detention facilities will be a matter for a future development application when a detailed design of the industrial subdivision will be required. The requirement for the submission of details of stormwater management measures is identified in the site specific DCP that has been prepared for the site.

S62 Consultations

The draft amendment was referred to the Dept of Natural Resources, Dept of Primary Industries, Dept of Environment and Conservation and the Roads and Traffic Authority pursuant to section 62 of the EP&A Act. The following issues were raised in the responses from those agencies:

Dept. of Natural Resources

1. Flooding – DNR states that it is not opposed to filling small fringe areas of the floodplain but is opposed to the large scale filling of floodplains.

Comment:

As discussed previously, any filling of the floodplain will be small in scale with the affected area being less than 0.8ha. The proposed filling will impact on land within a flood fringe area only and because of proposed compensatory earthworks, there will be no net reduction of flood storage area. Consequently any likely impacts on flooding are considered to be minimal.

2. Residue parcel – DNR states that it is not opposed to the proposed industrial rezoning but believes that the residue parcel to the east of the site should not be granted a dwelling entitlement if it is less than 40ha.

Comment:

The existing property of 76.2ha spans both sides of Wyrallah Road with approximately 44ha located on the western side of the road and the remaining 32.2ha located on the eastern side. Excising the proposed industrial land from the property will leave approximately 21ha of flood prone rural land on the eastern side of the road. This area will not attract a separate dwelling entitlement as it will remain on the same title as the residue land on the western side of the road. Another option for the landowner would be to pursue a boundary adjustment with an adjoining rural property to the east so that the 21ha on the eastern side of the road is amalgamated with another rural lot.

3. Erosion and sediment control – DNR has requested details of stormwater treatment areas and how the structures will achieve the nominated targets to reduce nutrient export from the site.

Comment:

In the absence of a detailed subdivision proposal it is not possible to finalise the design of stormwater treatment areas and erosion and sediment control measures, or to assess their effectiveness. It is recognised that this is a design issue that will need to be addressed at the development application stage. To ensure that the applicant is aware that a future DEVELOPMENT APPLICATION will need to address these issues in detail, the requirement has been included in the draft DCP that has been prepared for the site.

4. Drainage – DNR notes that while a 40m buffer is proposed to the creek line in the northern part of the property, other drainage lines on the site will need to be addressed in any proposal for industrial subdivision

Comment:

As with the erosion and sediment control measures, the proposed treatment, management and ownership of all drainage lines affected by future industrial development will need to be addressed in detail at the development application stage. This requirement has also been included in the draft DCP that has been prepared for the site.

Dept. of Primary Industries

DPI has advised that the proposal raises no serious issues providing that, after development, the lower lying agricultural land has access to higher ground in the locality in times of extended rainfall.

Comment:

As discussed previously the residue 21ha of flood prone rural land on the eastern side of Wyrallah Road will remain on the same title as the rest of the land on the western side of the road. The land on the western side of the road is flood free and could provide a flood refuge for stock. Alternatively the landowner could pursue a boundary adjustment with adjoining rural properties which have flood free land.

Dept. of Environment and Conservation

DEC has advised that, because of other commitments, it is unable to review the proposal. Instead it has provided a list of general issues to be addressed.

Comment:

Some of the issues in DEC's letter are not relevant to the proposal while others would be appropriately addressed at the development application stage.

Roads and Traffic Authority

The RTA has proposed that access to Wyrallah Road be limited to a single access point only where safe intersection sight distance is available in accordance with AUSTRROADS standards. Recommendations have also been made in relation to the type of intersection required.

Comment:

The RTA requirements are matters that would need to be addressed in the final design at development application stage and, to ensure compliance, have been included within the draft DCP that has been prepared for the site.

S117 Directions

Council must consider any relevant ministerial directions issued under section 117 of the EP&A Act in relation to plan making. The following S117 Directions are applicable:

Direction No.15 – Flood Prone Land

The direction provides that a draft LEP shall not rezone land in a flood planning area from a rural zone to a residential, business or industrial zone, unless the rezoning is, in the opinion of the Director-General, of minor significance.

Comment:

As stated previously the area of flood prone land affected by the rezoning is relatively small being less than 0.8ha. The flood prone land is classified as flood fringe in the Lismore Floodplain Management Plan and the proposed compensatory cut and fill to regularise the eastern boundary of the developable land will not result in a net reduction of flood storage. The rezoning and its impact on flooding is therefore considered to be of minor significance.

Direction No.16 – Industrial Zones

The direction applies where a draft LEP creates, removes or alters an industrial zone boundary. Its objective is to maintain an adequate supply of land for industrial purposes.

Comment:

The draft LEP is consistent with the direction in that it will increase Lismore's stock of industrial land. Constraints such as floodways, slope and the need to protect better quality land for residential development means that there are limited opportunities for new industrial subdivision close to Lismore. The site has been identified in Council's Industrial Lands Study (1995), Lismore Urban Strategy (2003) and Regional City Plan (2005), as having potential for industrial development.

Direction No.22 – Rural Zones

This direction applies when a draft LEP creates, removes or alters a rural zone boundary. It provides that a draft LEP cannot rezone rural land for urban purposes unless the land is identified in a strategy prepared by the Council and approved by the Director-General.

Comment:

The land's development potential was assessed under Council's Lismore Urban Strategy. The Strategy, which was approved by the Director-General on August 5, 2003, concluded that the site was not suitable for residential purposes but had potential for industrial development.

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

Comments

Financial Services

Not required

Other staff comments

Lismore Water:

A gravity sewer mains (750 mm) and two rising mains (375 mm and 450 mm) traverse the site and 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 relocating the pipe work, including any required upgrading works, will need to be borne by the applicant. The issue of locating future development in proximity to the East Lismore Sewerage Treatment Works should also be addressed.

Comment:

These matters will be required to be addressed in detail in a future development application for subdivision. The issues have been identified in the draft DCP that has been prepared for the site.

Environmental Health:

A number of issues were identified relating to stormwater management and contaminated land assessment.

Comment:

Again these are matters will be required to be addressed in detail in a future development application for subdivision. The issues have been identified in the draft DCP that has been prepared for the site.

Development Engineer:

The proposal will generate a need for the upgrading of Wyrallah Road.

Comment:

The requirement for road upgrading works in Wyrallah Road has been identified in the draft DCP that has been prepared for the site.

Public consultation

The draft Amendment was publicly exhibited for a period of twenty eight (28) days from March 30, 2006 to April 28, 2006.

One submission was received in response to the public exhibition (separately attached). The submission was lodged by Newton Denny Chappelle on behalf of a landowner who owns three properties (Lots 1-3 DP 567209) adjoining the southern boundary of the subject site. The submission seeks Council's support to include Lots 1-3 within the draft LEP so that they are also rezoned to 4(a) Industrial. The three lots have a combined area of 1.21ha and currently support a single dwelling house. The submission proposes an additional intersection with Wyrallah Road to provide access to the site, or alternatively access could be gained via the internal road network that will service the future subdivision to the north.

Comment:

The land was not included in Council's original section 54 resolution to rezone land at 246 Wyrallah Road for industrial purposes. Similarly the written authorisation from the Department of Planning to exercise delegations with respect to the public exhibition of the draft LEP refers only to land at 246 Wyrallah Road. Council is therefore unable to include Lots 1-3 DP 567209 within draft LEP Amendment

No.31. Any rezoning of this land would need to be made by way of a separate rezoning submission that would address the relevant issues in detail.

Given the advice from the RTA concerning limiting access to Wyrallah Road to a single access point, it is unlikely that any additional access to Wyrallah Road would be approved if the land is rezoned at a future stage. Therefore access to the site would need to be provided via the internal road network that will service future subdivision to the north. Provision for a road access to service this land has been made in the draft DCP that has been prepared for the site to the north.

Conclusion

Given the nature and location of the site, the most suitable use for the land has been determined to be for industrial purposes. The rezoning submission has shown that the site is capable of supporting an industrial subdivision subject to the resolution of those issues identified in this report. Rezoning will enable the owner to submit a development application to subdivide the 4(a) land into industrial allotments.

The subdivision plan lodged with the rezoning submission is conceptual only and the final subdivision layout and design will be subject to more detailed investigation and assessment which is likely to result in changes to the concept at the development application stage. Many of the issues that have been identified, both through Council's assessment and in the submissions from government agencies, are matters that can only be adequately addressed through the assessment of final detailed design plans for future subdivision. To ensure that these matters are fully addressed by the applicant in a future development application, they have been identified in a draft DCP that has been prepared for the site.

The proposal to rezone part of Lot 2 DP 587430 Wyrallah Road, East Lismore to 4(a) Industrial is supported. It is also recommended that Council place draft DCP No.53 that has been specifically prepared for the site on public exhibition.

Recommendation (PLA3)

That Council:

1. Adopt draft Amendment No.31 to Lismore Local Environmental Plan 2000 to rezone part of Lot 2 DP 587430 Wyrallah Road, East Lismore to 4(a) Industrial Zone as per Attachment 1 to this report.
2. Forward the draft LEP to the Department of Planning pursuant to section 68 of the EP&A Act.
3. Prepare and place on public exhibition draft Development Control Plan No.53 for Lot 2 DP 587430 Wyrallah Road, East Lismore as per Attachment 3 to this report.

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)

1. 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)



<p>SCALE 1:7,500 LOCALITY of MONALTRIE SUBJECT LAND <input type="checkbox"/> PARISH of LISMORE COUNTY of ROUS</p>	
<p>ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 CITY OF LISMORE DRAFT Amendment No 31 LOCAL ENVIRONMENTAL PLAN No. 2000</p>	
<p>DRAWN BY C Coates DATE</p> <p>SUPERVISING DRAFTSPERSON</p> <p>PLANNING OFFICER B Blackford</p> <p>COUNCIL FILE No.</p> <p>DEPT. FILE No.</p> <p>CERTIFICATE PLAN NUMBER</p>	<p>STATEMENT OF RELATIONSHIP WITH OTHER PLANS</p> <p>THIS PLAN AMENDS LISMORE LOCAL ENVIRONMENTAL PLAN 2000.</p>
<p>CERTIFICATE ISSUED</p> <p>UNDER S.65 E.P.A. ACT</p> <p>GOVT. GAZETTE OF</p>	<p>CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS AS AMENDED</p> <p style="text-align: right;">AUTHORISED COUNCIL EMPLOYEE DATE</p>

Report

Subject	New Legislative Requirements for DCPs
File No	S924, S925, S926, S385, S515, S531, S532, S562, S564, S690, S897 & S921.
Prepared by	Senior Strategic Planner
Reason	Close of public exhibition period
Objective	Council's adoption of the new consolidated DCP and amendments to existing site specific DCPs
Strategic Plan Link	Economic Development
Management Plan Activity	Review and update planning controls

Overview of Report

This report presents the outcomes of the public exhibition of the new consolidated DCP (DCP No.1) and minor amendments to various site specific DCPs that were the result of recent legislative changes applying to the manner in which Councils may now make DCPs.

Background

Recent amendments to the Environmental Planning and Assessment Act have provided that no more than one DCP may apply to any parcel of land within a Council area. The changes affecting DCPs were part of the State Government's planning reform package that came into effect on September 30, 2005.

In response to the legislative changes, Council resolved at its meeting of December 13, 2005, to prepare and exhibit a consolidated Development Control Plan incorporating the current "issue specific" DCPs 7, 14, 16, 17, 18, 26, 27, 28, 29, 36, 38, 39, 40, 41, 42, 43, 44, 47 & 50. Council's resolution included consequential amendments to the "site specific" DCPs 9, 19, 21, 22, 31, 33, 35, 48 and 49 to insert reference to DCP No.1 as the principal source document for Council's development control standards. The changes also required that two new DCPs No.51 (Airport Industrial Estate) and No.52 (South Lismore Industrial land) be prepared based on Appendices 1 and 2 of DCP 26 (Industrial Development). A list of existing and proposed DCPs is attached to this report.

The legislation originally required Councils to comply with the new requirements before adopting or amending any DCP, otherwise all their existing DCPs would be rendered invalid. In response to complaints from Councils, the State Government subsequently extended the time that Councils had to comply with the new provisions until April 30, 2006. On May 5, 2006, the Department of Planning issued further advice that Councils do not have to comply with the new DCP requirements until such time as they adopt their new LEP based upon the Department's Standard Instrument. The extension of time was given despite the fact that most Councils throughout NSW would have been well progressed in the process of amending their DCPs to comply with the new provisions. In Lismore's case this now means that Council could have until March 31, 2009 to comply with the new provisions.

Notwithstanding the recent advice from the Department of Planning, it is recommended that Council proceed with the adoption of the new and amended DCPs. Significant staff resources have been put into the preparation and exhibition of the various DCPs to comply with the State Government's requirements.

If Council defers adoption of the new and amended DCPs, it will only have to re-exhibit and adopt them sometime before March 31, 2009.

Exhibited changes to the DCP content

In addition to the necessary re-formatting required to amalgamate nineteen DCPs into a single document, the content of the consolidated DCP was updated to include contemporary references to government agencies, various standards and guidelines, etc. Draft DCP No.1 also incorporated the following more substantive amendments:

1. Amendments to the residential development requirements (formerly DCP 14) to restrict site coverage for “infill dual occupancy” development to a maximum of 66% of site area. This amendment was designed to prevent overdevelopment and protect neighbourhood amenity in established residential areas. Previously there were no site coverage restrictions for infill dual occupancy.
2. Amendments to the residential development requirements (formerly DCP 14) so that driveway specifications are consistent with those of the subdivision DCP and the Australian Standard.
3. Minor amendments to the tree preservation order (formerly DCP 17) to ensure consistency with the Native Vegetation Act.
4. Comprehensive amendments to off-street car parking requirements (formerly DCP 18) that resulted from Council’s resolution of September 13, 2005 and subsequent exhibition of that DCP.
5. Clarification of requirements in relation to retailing from bulky goods showrooms in industrial zones (formerly under DCP 26) to include a description of the type of “bulky goods” that are considered suitable for retailing from industrial areas, consistent with the guidelines issued by the Bulky Goods Retailer Association. A minimum gross floor area (GFA) of 1000m² for bulky goods showrooms was also included to achieve consistency with the underlying objective of the definition and to ensure that retailing in industrial zones is not in direct competition with the retail function of the CBD. Variation to the 1000m² minimum gross floor area is permitted where it can be demonstrated to Council’s satisfaction that a lesser area is warranted.
6. Provision for a minimum 80m buffer between crematoriums and residential development (formerly under DCP No 27) in accordance with Council’s resolution of August 9, 2005.
7. Amendments to certain subdivision standards (formerly DCP 28) to ensure consistency with the adopted standards in Council policies and design and construct specifications.
8. Inclusion of provisions relating to heritage conservation (formerly draft DCP No.50) in accordance with Council’s resolution of September 13, 2005 and subsequent exhibition of that DCP.

Council’s nine (9) existing site specific DCPs will remain as separate DCPs, however each has required amendment so that they refer to DCP No1 as the principal source document for Council’s development control standards. Two new site specific DCPs incorporate the two appendices to former DCP No.26 (Industrial Development) that applied to specific sites at Council’s Airport Industrial estate and South Lismore.

There is only one substantive change to the site specific DCPs which arose from Council’s resolution of November 8, 2005 to prepare and exhibit an amendment to Appendix 2 of DCP No.26 (Airport Industrial estate). The amendment has been incorporated into DCP No.51 and permits flexibility in the configuration of the nominated building pads on each of the eight allotments of that estate providing that flood modelling has demonstrated that any design would have negligible cumulative effect on flood depths and velocities in the locality.

Exempt and complying development provisions

DCP No.1 contains provisions for exempt and complying development that were previously included in the Exempt Development and Complying Development DCPs (Nos. 39 & 40). Any amendment to these provisions requires a new adoption date for the DCPs to be inserted into the LEP. This is normally done by way of a separate LEP amendment, however Section 73A of the Act now permits minor amendments to local environmental plans to be carried out through an administrative process providing the amendments are of a consequential, transitional or other minor nature. The amendment will be of a consequential and minor nature and it is recommended that Council request the Department to make the amendment under this section of the Act.

Comments

Financial Services

Not required

Other staff comments

Development Engineer

Council's Development Engineer had input into the proposed changes to the subdivision and residential development controls. He has recommended some minor amendments to Chapter 8 (Off-Street Carparking) of DCP No.1 which provide clarification and further detail without altering the nature or intent of the controls. The recommendations have been incorporated into the document.

Environmental Health

Council's Environmental Health section has made a submission to draft DCP No.51 (Airport Industrial Estate) requesting that the following be included in the section on noise mitigation to provide clear guidance to applicants concerning Council's requirements:

"A noise impact assessment (NIA), prepared in accordance with the principles contained within the NSW Industrial Noise Policy, must be undertaken for any proposed development (other than filling). The NIA must fully consider the Recommended Acoustic Treatments and Management Principles contained in section 6.0 of the Environmental Noise Impact Report prepared by TTM Acoustics dated 18/03/2005."

It is recommended that this requirement be included in clause 11 of DCP No.51.

Public consultation

Draft DCPs Nos. 1, 51 & 52 and the consequential amendments to DCPs Nos. 9, 19, 21, 22, 31, 33, 35, 48 and 49, were publicly exhibited for a three month period from February 6, 2006 to May 8, 2006.

No public submissions were received in response to the actual exhibition of DCP No.1, 51 or 52 or any of the consequential DCP amendments. However draft DCP 18 (Off-Street Carparking) attracted one submission from Newton Denny Chapelle when it was originally exhibited in October 2005. As that DCP has now been incorporated into Chapter 8 of DCP No.1, the submission has been treated as a submission to DCP No.1. A copy of the submission is attached to this report. In summary the submission proposes:

1. That the DCP incorporate a specific provision for the submission of a "Parking Generation Report" to enable applicants to seek variation from the parking requirements in the DCP given that the RTA Guidelines advocate a range of parking rates for some developments such as bulky goods retailing. The submission also suggests that such report be able to include an assessment of both on-street and off-street parking in the immediate vicinity of the site.

Comment:

New development generates a demand for parking. The underlying philosophy of the DCP is based on a "user pays" principle, i.e. the developer must accommodate the parking demand that is

generated by the development. If adequate on-site parking spaces are not provided by the developer, the parking must be accommodated elsewhere and this means that the development is being subsidised by other sources.

The parking requirements for the various development types listed in Table 3 of the DCP represent what are considered to be the absolute minimum number of parking spaces that will be generated by that development. They are based on numerous sources including the RTA's Guide to Traffic Generating Development, Council's previous off-street parking DCP (where the requirement has been tested over a time and found to be adequate), as well as parking rates adopted by other Councils within the region. The parking requirements are considered to be the minimum requirement for that development type and could increase based on an assessment of the merits of the application. It is argued that providing a minimum standard for parking provides consistency and equity between developments as well as certainty for the individual developer.

It is acknowledged that for some development types such as bulky goods outlets, the RTA Guidelines provide a range of peak parking demand rates. Parking demand can vary significantly due to the variety of goods that can encompass bulky goods retailing. The nominated parking rate in the DCP of 3 spaces per 100m² GFA (+ 1 per employee) for bulky goods showrooms seeks to strike a reasonable balance having regard to the fact that the type of goods being sold from a particular outlet may change over time. Once the development has been constructed there is usually little opportunity to provide additional on-site parking if the nature of goods being sold changes.

With respect to the amount of on-street and off-street parking available in the immediate vicinity of the site, the off-street parking requirements are based on a presumption that there is existing on-street parking available. The DCP provides heads of consideration to be taken into account when undertaking a merit assessment of parking requirements which includes the amount of on-street parking available in the locality. However their main purpose is to determine whether additional parking may be required above the minimum standard provided in Table 3.

2. That the DCP specifically references the source study data from which the parking rate in Table 3 was derived.

Comment:

As stated previously the parking requirements in the DCP are based on numerous sources including the RTA's Guide to Traffic Generating Development, Council's previous off-street parking DCP, as well as parking rates adopted by other Councils in the region. The various sources were used to determine the most reasonable rate for Lismore. It would seem to serve no practical purpose or benefit to individually reference the source for the eighty five (85) separate parking rates listed in Table 3.

3. That the DCP gives consideration to permitting adaptive reuse of existing buildings without requiring payment of parking contributions.

Comment:

Any parking shortfall created by new development is likely to have a negative impact on existing businesses in the locality. Notwithstanding this, under existing DCP No.18 the adaptive reuse of existing buildings (from office, bank or commercial premise to a shop) within the central CBD block (both sides of road) is permitted without requirement for payment of parking contributions. The allowance is made providing there is no available space for additional on-site parking and no increase in floor area. Chapter 8 of DCP No.1 retains this provision but additionally permits change of use from shop to restaurant without requirement for payment of parking contributions within a wider area bounded by Zadoc St, Keen St, Conway St (including both sides of the street) and the river. This allowance is also made providing there is no available space for additional on-site parking and no increase in floor area. Under Council's S94 Contributions Plan, contributions for carparking apply only to areas where Council can physically provide parking from the contributions received (e.g. the Lismore CBD and the Nimbin village commercial area) and only where the required carparking cannot be provided on-site. Consequently it is argued that the DCP already provides a reasonable allowance for the adaptive reuse of existing buildings in those areas where parking contributions apply.

4. That the DCP gives consideration to nominating precincts where a lesser parking demand might be permitted. This would recognise differences between localities and stimulate interest in areas which may need some form of lower development cost incentives.

Comment:

At the Council workshop on carparking on May 2, 2006, Glen Holdsworth of TTM explained the concept of "cross use" subsidies and how this could be used in some areas to reduce on-site parking requirements where the off street parking was dedicated for 24 hour public use. There is an opportunity to explore how this concept might be applied in Lismore through a future study of traffic and parking in the CBD. It would be premature to include such provisions in the DCP until such time as the study has been completed.

5. That the DCP gives consideration to providing substantial parking off-sets for the provision of public transport facilities.

Comment:

The submission does not elaborate on the type of public transport facilities that might be provided in allowing for a substantial parking off-set. Most developments are not of sufficient scale to provide their own public transport infrastructure. Similarly most public transport facilities in the area are not sufficiently developed to provide a viable alternative to car travel.

Conclusion

The re-organisation of Council's DCPs has been generated by legislative requirements introduced by the State Government. Despite the ever changing deadlines for compliance with the new requirements, it is recommended that Council proceed with adoption of the new and amended DCPs. This will also require the repeal of those existing DCPs that have been superseded by DCP No.1.

Some of the issues raised in the submission to the off-street carparking requirements in the new DCP require more detailed investigation and these would appropriately be addressed through a comprehensive traffic and parking study for the CBD.

Because the consolidated DCP No.1, together with DCPs 51 & 52, are over 500 pages in length, copies have not been attached to this report, however the DCPs have been made available in the Councillor's room.

Recommendation (PLA4)

That Council:

1. Adopt 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 as exhibited.
2. Adopt amendments to DCPs 9, 19, 21, 22, 31, 33, 35, 48 and 49 that include reference to DCP No.1 as the principal source document for Council's development controls.
3. Adopt DCPs No.51 and 52 based upon Appendix 1 and 2 of former DCP 26 (Industrial Development) as exhibited, but incorporating the requirement for a noise impact report in DCP No.51 for new development on the Airport Industrial Estate as proposed by Council's Environmental Health Section.
4. Give public notice of its adoption of DCP Nos.1, 51 & 52 and amendments to DCPs 9, 19, 21, 22, 31, 33, 35, 48 and 49.

5. Give public notice of its intention to repeal Development Control Plans 7, 14, 16, 17, 18, 26, 27, 28, 29, 36, 38, 39, 40, 41, 42, 43, 44 and 47, including reasons for doing so.
6. In accordance with clause 23 of the EP&A Regulation 2000, give public notice of the repeal of DCPs 7, 14, 16, 17, 18, 26, 27, 28, 29, 36, 38, 39, 40, 41, 42, 43, 44 and 47 at least 14 days after publication of Council's notice of intention to repeal those DCPs.
7. Request that the Department of Planning amend the Lismore Local Environmental Plan 2000 to insert a date for the adoption of DCP No. 1 under clause 9 of that plan pursuant to section 73A of the EP&A Act.

DCP No.1	Subject	Existing DCP
Chapter 1	Introduction	.
Chapter 2	Residential Development	DCP No.14 & 16
Chapter 3	Commercial Development – Urban Design in the CBD	DCP No.42
Chapter 4	Industrial Development	DCP No.26
Chapter 5	Subdivision and Infrastructure (General requirements)	DCP No.28 (Part 1)
Chapter 6	Subdivision and Infrastructure (Urban subdivision)	DCP No.28 (Part 2)
Chapter 7	Subdivision and Infrastructure (Rural subdivision)	DCP No.28 (Part 3)
Chapter 8	Off Street Carparking	DCP No.18
Chapter 9	Flood Prone Lands	DCP No.7
Chapter 10	Outdoor Advertising Structures	DCP No.36
Chapter 11	Exempt Development	DCP No.39
Chapter 12	Complying Development	DCP No.40
Chapter 13	Notification and Advertising of DAs	DCP No.41
Chapter 14	Buffer Areas	DCP No.27
Chapter 15	Heritage Conservation	Draft DCP No.50
Chapter 16	Crime Prevention through Environmental Design	DCP No.43
Chapter 17	Tree Preservation Order	DCP No.17
Chapter 18	Waste Minimisation	DCP No.47
Chapter 19	Rural Landsharing Communities	DCP No.44
Chapter 20	Acid Sulfate Soils	DCP No.38
Chapter 21	Extractive Industries	DCP No.29

Site specific DCPs

DCP No.	Subject	
DCP No.9	Village of Nimbin	
DCP No.19	Village of Dunoon	
DCP No.21	Village of Clunes	
DCP No.22	Northern Ridges, Goonellabah	
DCP No.31	East Lismore	
DCP No.33	East Goonellabah	
DCP No.35	Caniaba Village	
DCP No.48	Land at West Goonellabah	
DCP No.49	Lismore Cultural Precinct	
DCP No.51	Airport Industrial Estate	APP 2 of DCP No. 26
DCP No.52	South Lismore Industrial Land	APP 1 of DCP No. 26

Report

Subject	Rural Recycling and Drop-Off Centres
File No	PK:VLC:S763
Prepared by	Manager - Waste Services
Reason	To provide interim facilities for a period of time to allow further investigation of recycling services for rural residents.
Objective	To seek Council approval to vary the strategy approved at the April Council meeting.
Strategic Plan Link	Water and Waste Cycle
Management Plan Activity	Waste Management

Overview of Report

The report seeks to vary part of the approved recycling strategy, in particular the provision of drop-off facilities for rural residents. It is proposed to retain the Brewster Street Centre for an interim period, rather than establishing a new facility in North Lismore.

Background

In April of this year Council resolved, as part of its new Waste Management Strategy, to close the existing recycling Drop-Off Centres (DOCs) and to trial a small facility north of Lismore. The purpose of this was to provide recycling facilities for Lismore's rural residents.

Since then three sites have been investigated in the North Lismore area. All have proven to have significant issues attached to them, including:

- Road access to the sites
- Security and safety
- 24- hour availability
- Floodplain restrictions on waste activities
- High cost to establish.

Due to the significant issues raised with the proposed sites to date it will not be possible to establish a facility on the north of the city before the proposed closure date of the existing DOCs, this date being July 3, 2006. This has raised serious concerns amongst rural residents as to the provision of adequate facilities for rural recycling prior to the intended roll-out of a rural collection service later in the year.

This report therefore proposes to retain the Brewster Street DOC as an interim measure to provide:

1. More time to investigate alternative sites
2. A 24-hour recycling facility for all residents
3. Delivery of the rural recycling collection.

Funds have been allocated in the budget for the provision of a DOC on the northern side of the city and these funds could be allocated to maintain the existing facility at Brewster Street.

Comments

Financial Services

There are funds available in the 2006/07 draft management plan for the North Lismore DOC. These funds can be reallocated to accommodate the proposed changes.

Public consultation

A considerable number of telephone calls have been received by Councillors and staff from residents concerned about the provision of recycling facilities for rural residents. Principal issues include out-of-business hours availability and location of facilities.

Conclusion

An interim solution is required, which provides a continuation of recycling services for rural residents while alternatives are assessed and implemented.

Recommendation (IS29)

1. That Council resolve to maintain the Brewster Street Drop-Off Centre in place of the proposed North Lismore site for at least a six-month period.
2. That a further report be submitted to Council in six months time once the new waste strategy for collecting urban recyclables has been implemented outlining the effect on the usage of the Brewster Street DOC of the implementation of a rural recycling collection and making further recommendations.

Report

Subject	Proposed Revision to 2006/2008 Road Construction Programme
File No	SY:VLC:S374
Prepared by	Manager - Roads & Parks, Stephen Yam
Reason	To inform Council of revised road construction projects recommended by the Roads Policy Advisory Group (PAG).
Objective	To obtain Council approval for the revised 2006/07 and 2007/08 Road Construction Programmes.
Strategic Plan Link	Infrastructure
Management Plan Activity	Roads

Overview of Report

This report provides recommended and revised Road Construction Programmes for the 2006/07 and 2007/08 financial years, as a result of road funding changes in the 2006/07 Federal Government Budget. The recommended programmes have been developed using Council's objective points system and input from the Roads PAG.

Background

The Roads PAG met on March 15, 2006 to consider projects to be recommended for inclusion in the 2006/07 and 2007/08 Road Construction Programmes.

The two-year programme was approved by Council on May 9, 2006. However, the two-year programme requires revision, with additional Roads to Recovery Funding (R2R) as announced by the Commonwealth Government after the release of the 2006/07 Federal Budget, and with agreements arising out of the Extraordinary Strategic Plan Steering Committee Meeting of May 11, 2006.

The additional Roads to Recovery funding allocation available to Council was discussed by the Roads PAG on May 30, 2006, and this report presents the PAG's recommendations.

Funding Available

Pre-Federal Budget

<u>General Road Funding</u>	<u>2006/07 (\$)</u>	<u>2007/08 (\$)</u>
Urban Road Construction	521,000	531,000
Rural Road Construction	1,041,000	1,062,000
Rural Roads FAGS Programme	835,100	740,000
Roads to Recovery Programme (R2R)	783,400	783,400
	\$3,180,500	\$3,116,400

Post-Federal Budget

<u>General Road Funding</u>	<u>2006/07 (\$)</u>	<u>2007/08 (\$)</u>
Urban Road Construction	521,000	531,000
Rural Road Construction	1,041,000	1,062,000
Rural Roads FAGS Programme	835,100	740,000
Roads to Recovery Programme (R2R)	783,400	783,400
Roads to Recovery Programme (R2R)	783,400*	
	\$3,963,900	\$3,116,400

* 2006/07 Federal Budget Effect

Addition of 1/4 of the total R2R allocation to Lismore City Council.
(Money will be paid to Council before June 30, 2006)

Total allocation over 4 years
One Quarter

\$3,133,423
\$ 783,356

Please note there are many other line items in the Roads Section of the draft budget. However, they apply to infrastructure other than roads, such as drainage, footpaths, cycleways, bridges, etc.

Urban / Rural Allocation

Pre-Federal Budget

Road Type	2006/07 (\$)	2007/08 (\$)	Proportion
Urban Roads	998,468	976,994	33.5%
Rural Sealed Roads	1,982,032	1,939,406	66.5%
	\$2,980,500	\$2,916,400	
Sealing of Gravel Roads	200,000	200,000	
	\$3,180,500	\$3,116,400	

Post-Federal Budget

Road Type	2006/07 (\$)	2007/08 (\$)	Proportion
Urban Sealed Roads	1,227,407	976,994	33.5%
Rural Sealed Roads	2,436,494	1,939,406	66.5%
<i>Sub-Total :</i>	\$3,663,900	\$2,916,400	
Sealing of Gravel Roads	200,000	200,000	
Additional Gravel Maintenance	100,000	0	
<i>Total :</i>	\$3,963,900	\$3,116,400	

2006/07 Increase of Urban and Rural Sealed Roads Construction Budgets

Urban Sealed Roads 2006/07	Pre-Federal	998,468
	Post-Federal	1,227,407
	<i>Change :</i>	\$ 228,939
Rural Sealed Roads 2006/07	Pre-Federal	1,982,033
	Post-Federal	2,436,494
	<i>Change :</i>	\$ 454,461
Total Change :		\$ 683,400

Proposed Two-Year Capital Works Programme**Pre-Federal Budget**

The following programme of works was recommended by the Roads PAG on March 15, 2006, recommended by the Strategic Plan Steering Committee on April 18, 2006 (SP11/06), and approved by Council on May 9, 2006.

2006/07 Works Programme	(\$)
Urban Roads	
Uralba and Hunter Streets Roundabout Rehabilitation	80,000
Molesworth and Conway Streets Roundabout Rehabilitation	40,000
Molesworth Street Reconstruction (Ballina to Conway Streets)	290,000
High Street Reconstruction (ABC Studios to O'Flynn Street)	500,000
Jubilee Street Reconstruction (Diadem to Hunter Streets)	100,000
	\$1,010,000
Rural Roads	
Broadwater Road Stage 2 (2.0 to 4.0km east of Wyrallah Road)	570,000
Tuckurimba Road (0.0 to 1.1km south of Wyrallah Road)	270,000
Duncan Road Stage 2 (1.4 to 2.6km south of Hunters Hill Road)	300,000
Woodlawn Road (2 nd railway bridge to school)	416,000
Tregeagle Road (1.6 to 2.5km south of Rous Road)	252,000
	\$1,808,000
Sealing of Gravel Roads	
Terania Creek Road	100,000
Tunable Creek Road	100,000
	\$ 200,000
Unallocated	\$ 162,500
TOTAL :	\$3,180,500

2007/08 Works Programme	(\$)
Urban Roads	
Oakeshott Street Reconstruction (High to Cooling Streets)	345,000
Little Uralba Street Reconstruction (Fermoy to Uralba Streets)	82,000
Phyllis Street Reconstruction (Wilson to Crown Streets)	300,000
Bounty Street Reconstruction (Molesworth Street to end)	200,000
Dalley and Dibbs Streets Roundabout Rehabilitation	80,000
	\$1,007,000

Rural Roads	
Broadwater Road Stage 3 (0.0 to 2.0km east of Wyrallah Road)	640,000
Bridge / Agnes Street (Wyrallah Village to School)	300,000
Cowlong Road (Stage 2)	240,000
James Gibson Road Stage 2 (3.3 to 4.5km east of Corndale Road)	384,000
Pinchin Road Stage 2 (3.7 to 4.7km east of Nimbin Road)	250,000
	\$1,814,000
Sealing of Gravel Roads	
Stony Chute Road	200,000
	\$ 200,000
Unallocated	\$ 95,400
TOTAL :	\$3,116,400

Post-Federal Budget

Taking into account the injection of Roads to Recovery funding of \$783,400 before June 30, 2006, the suggested revised programme of works, as recommended by the Roads PAG on May 30, 2006, is as follows:

2006/07 Works Programme	(\$)
<u>Urban Roads</u>	
Uralba and Hunter Streets Roundabout Rehabilitation	80,000
Molesworth and Conway Streets Roundabout Rehabilitation	40,000
Oakeshott Street Reconstruction (High to Cooling Streets)	345,000
Molesworth Street Reconstruction (Ballina to Conway Streets)	290,000
High Street Reconstruction (ABC Studios to O'Flynn Street)	500,000
	\$1,255,000
<u>Rural Roads</u>	
Skyline Road Stage 2 (end Stage 1 to Grid; 900 metres)	155,000
Broadwater Road Stage 2 (2.0 to 4.0km east of Wyrallah Road)	570,000
Tuckurimba Road (0.0 to 1.1km south of Wyrallah Road)	270,000
Duncan Road Stage 2 (1.4 to 2.6km south of Hunters Hill Road)	300,000
Woodlawn Road (2 nd railway bridge to school)	416,000
Tregeagle Road (1.6 to 2.5km south of Rous Road)	252,000
Pinchin Road Stage 2 (3.7 to 4.7km east of Nimbin Road)	250,000
	\$2,213,000
<u>Sealing of Gravel Roads</u>	
Terania Creek Road	100,000
Tunable Creek Road	100,000
Stony Chute Road	200,000
	\$400,000
<u>Additional Gravel Roads Maintenance</u>	
From Extraordinary Strategic Plan Steering Committee 11/05/06	\$100,000
Contingency	-\$4,100
TOTAL :	\$3,963,900

Proposed Changes:

URBAN ROADS**Available Funds:**

Additional urban funds taking into account the urban/rural split: \$228,939

Proposed Action:

Move Oakeshott Street into 2006/07 list from 2007/08 220,000

RURAL ROADS**Available Funds:**

Additional rural funds taking into account the urban/rural split: 454,461

Proposed Action:

Reconstruct Skyline Road Stage 2 (as per Council Meeting 9/5/06) ** 155,000

Move Pinchin Road from 2007/08 list 250,000

Add \$200,000 to Stony Chute Road *** 200,000

**

The cost of Skyline Road (Stage 2) includes the \$70,000 for the sealing of the road section from the end of Stage 1 to the Durham Road intersection, which is already on a built road formation.

Adding \$200,000 to Stony Chute Road for 2006/07 in addition to the \$200,000 already allocated in 2007/08 will ensure the full sealing of the remainder of the road.

2007/08 Works Programme	(\$)
<u>Urban Roads</u>	
Ostrom Street Reconstruction (Casino Street to road end)	220,000
Jubilee Street Reconstruction (Diadem to Hunter Streets)	100,000
Little Uralba Street Reconstruction (Fermoy to Uralba Streets)	82,000
Phyllis Street Reconstruction (Wilson to Crown Streets)	300,000
Bounty Street Reconstruction (Molesworth Street to end)	200,000
Dalley and Dibbs Streets Roundabout Rehabilitation	80,000
	\$982,000
<u>Rural Roads</u>	
Broadwater Road Stage 3 (0.0 to 2.0km east of Wyrallah Road)	640,000
Bridge / Agnes Street (Wyrallah Village to School)	300,000
Cowlong Road (Stage 2)	240,000
James Gibson Road Stage 2 (3.3 to 4.5km east of Corndale Road)	384,000
Cawongla Road (14.5 - 15.6km north Rock Valley Road)	252,000
	\$1,816,000
<u>Sealing of Gravel Roads</u>	
Stony Chute Road	200,000
	\$200,000
<u>Contingency</u>	\$118,400
TOTAL :	\$3,116,400

Proposed Changes:

URBAN ROADS

Move Jubilee Street from 2006/07 list to 2007/08	\$100,000
Move Ostrom Street to 2007/08 list	220,000
<i>(Pavement reconstruction only – does not raise road level above flood level.)</i>	

RURAL ROADS

Available Funds:

Pinchin Road moved to 2006/07 list	250,000
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Proposed Action:

Reconstruct Cawongla Road as it is next on the Rural List	252,000
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Details of the point system listings for Urban Roads, Rural Roads and Sealing Gravel Roads, and a spreadsheet detailing the R2R increased funding are attached for information.

Cost of Skyline Road (Stage 2)

The overall cost of \$355,000 for Skyline Road (Stage 2) cannot be reduced for the following reasons:

- The existing road is extremely close to the northern road boundary. The reconstructed road would be required to have a new road formation on a new road alignment to guarantee proper road drainage on both sides to ensure the longevity of the road pavement.
- The existing road alignment being very close to the northern road boundary will also cause safety issues for the residents when the road is sealed and vehicle speed is expected to increase. There would be very little safe buffer between property exits and the sealed road.
- The existing road alignment does not allow a slasher to operate on the property side of the koala fencing due to limited width, which in turn increases maintenance unit costs for Skyline/Durheim Roads.
- The site is a Greenfield site, on a new alignment.
- Cost includes taking the crest off, thus allowing better and safer sight distance, especially for residents entering the road traffic.

The Roads PAG also recommended that of the full cost of \$355,000 for Skyline Road (Stage 2), that \$200,000 of the cost be funded from Section 94 contributions as Skyline Road is identified as an Urban Arterial Road Link. This would leave the balance of \$155,000 to be funded from the Roads to Recovery Programme.

Stony Chute Road

The \$200,000 to be saved from Skyline Road (Stage 2), as explained above, would be used for the sealing of Stony Chute Road in 2006/07. Combined with the \$200,000 already allocated for 2007/08, this will ensure the remaining unsealed sections of Stony Chute Road will be sealed.

Ostrom Street Reconstruction (Casino Street to road end)

The cost is only for the reconstruction of the road pavement at existing levels.

Comments

Financial Services

There are Section 94 funds available to be used for urban arterial roads. The proposed altered works programme is still within the original management plan funding, with no impact on the result for 2006/07.

Public consultation

This report has been discussed and is recommended by the Roads PAG which met on May 30, 2006.

Conclusion

This report has recommended a revised programme of works to be undertaken during the 2006/07 and 2007/08 financial years, taking into account road funding changes in the 2006/07 Federal Government Budget.

The points system and input from the Roads PAG has been used to develop the programme.

Recommendation (IS28)

Council approve the revised 2006/07 and 2007/08 Road Construction Programmes as set out in the body of the report.

Report

Subject	Alcohol Free Zones
File No	S226
Prepared by	Manager Environmental Health and Building Services
Reason	Application for an Alcohol Free Zone to be continued within the Central Business District areas of Lismore and Nimbin.
Objective	To gain Council approval for the continuation of the Alcohol Free Zones
Strategic Plan Link	Quality of Life
Management Plan Activity	City Safe Program

Overview of Report

In order for the Alcohol Free Zones (AFZ) in Lismore and Nimbin CBD to be continued for a further three years, a Council Resolution to that effect is required. This report addresses this matter.

Background

Alcohol Free Zones have been in place around the Lismore and Nimbin CBD areas for a number of years. The zones are applied for a specific period (maximum three years), and may only be established over a public road or a public place that is a carpark (*ie, carparks on public land or Crown land*). The current term expired in June 2006.

The Richmond Local Area Command of the NSW Police Service has requested that the zones be reinstated and has advised that these zones are required to provide Police with effective control on street drinking and related crime.

The imposition of sanctions relative to the enforcement of Alcohol Free Zones also assist in providing a more pleasant amenity for the community. Police Officers feel that the authority and powers associated with Alcohol Free Zones enables them to swiftly deal with street drinking and public order management issues.

Comments

Financial Services

No required.

Other staff comments

Not required.

Public consultation

As pointed out, the Alcohol Free Zones have been in place for a number of years without adverse comment on their installation within that time.

Conclusion

Police Officers strongly believe that the existence of the Alcohol Free Zones and the enforcement of same do have an effect in reducing crime and anti-social behaviour within the CBD areas. The continuation of the Alcohol Free Zones is imperative for Police Officers to be able to deal with some of the problems experienced.

Recommendation (PLA1)

That the Alcohol Free Zones, as illustrated on the maps marked as Appendix 1 and Appendix 2 to this Report be continued for a period of three (3) years from June 13, 2006.

Report

Subject	Best Practice Management
File No	JW:VLC:S387,S301
Prepared by	Asset Manager, Lismore Water
Reason	Report on Lismore Water's compliance with best practice guidelines.
Objective	Payment of a dividend from Lismore Water's water supply and sewerage business.
Strategic Plan Link	Water and Waste Cycle
Management Plan Activity	Lismore Water

Overview of Report

This report outlines Lismore Water's substantial compliance with the Best-Practice Management of Water Supply and Sewerage Guidelines produced by the Department of Energy, Utilities and Sustainability.

Background

The NSW Government encourages best-practice by all NSW Local Utilities (LWUs). The purpose of best practice management is:

- To encourage the effective and efficient delivery of water supply and sewerage services; and
- To promote sustainable water conservation practices and water demand management.

A local government LWU is now permitted to pay an annual dividend from its water supply and sewerage businesses. Such a dividend may be paid for each business after the end of each financial year commencing in 2003/04.

However, as a pre-requisite to the payment of a dividend from the surplus in accordance with Section 409(5) of the Local Government Act 1993, an LWU must demonstrate achievement of required outcomes for each of criteria as given in the Best-Practice Management of Water Supply and Sewerage Guidelines produced by the Department of Energy, Utilities and Sustainability (DEUS).

There are six criteria, each of which must be complied with to qualify for a dividend payment. These are:

1. Strategic Business Planning
2. Pricing and Developer Charges (including Liquid Trade Waste Approvals)
3. Demand Management
4. Drought Management
5. Performance Reporting
6. Integrated Water Cycle Management.

For a LWU to be eligible to make a dividend payment, the LWU must:

- Demonstrate compliance against the six best-practice management criteria through an independent compliance audit report; and
- Obtain an unqualified financial audit report for its water supply and sewerage businesses
- Resolve in a Council Meeting open to the public that it has achieved “substantial compliance” with each criterion in the DEUS guidelines.

Lismore Water engaged consultants, John Wilson and Partners Pty Ltd (JWP) to undertake an independent audit to comply with the DEUS requirement. JWP undertook this audit in April 2006 and the audit report confirmed compliance with the best-practice management criteria as required by the DEUS guidelines.

Comments

Financial Services

All local water utilities should be striving for compliance with the best practice management guidelines. Fundamentally, the focus is to improve the economic, social and environmental outcomes for customers and the community in general.

In regards to the dividend from Lismore Water, the 2005/06 Budget anticipates \$26,200 and \$189,400 from Sewerage and Water Funds respectively to be received by General Fund. On the basis that the independent audit supports the opinion that Lismore Water substantially complies with the Best Practice Management guidelines and Council resolves accordingly, the required information will be sent to DEUS and the dividend payment processed.

Other staff comments

Not required

Public consultation

Not required

Conclusion

Based on the assessment undertaken by Lismore Water staff and JWP, Lismore Water substantially complies with the DEUS best-practice management guidelines.

Recommendation (IS26)

Council note that Lismore Water has achieved substantial compliance with best-practice management criteria as required by Department of Energy, Utilities and Sustainability guidelines in the six criteria of -

1. Strategic Business Planning
2. Pricing and Developer Charges (including Liquid Trade Waste Approvals)
3. Demand Management
4. Drought Management
5. Performance Reporting
6. Integrated Water Cycle Management.

Report

Subject	Request for Financial Assistance – Far North Coast Baseball Association Incorporated
File No	P16984 06-5005
Prepared by	Manager – Finance
Reason	Request from Far North Coast Baseball Association Incorporated
Objective	For Council to determine level of financial assistance provided
Strategic Plan Link	Economic Development
Management Plan Activity	Parks and Recreations

Overview of Report

Far North Coast Baseball Association Incorporated (FNCBA) has requested Council provide a guarantee for an overdraft facility of up to \$20,000 or alternatively, an extension of \$20,000 on the existing loan guarantee arrangement. They intend to use this facility only if required to meet the cost of operations. A number of extraordinary occurrences in 2004/05 influenced the current situation and steps have been taken to address these and avoid them in the future.

Based on the information provided and FNCBA demonstrated ability to repay borrowings, the request to provide a bank guarantee of \$20,000 is supported with conditions.

Background

Far North Coast Baseball Association Incorporated (FNCBA) has requested (letter attached) Council provide a guarantee for an overdraft facility of up to \$20,000 or alternatively, an extension of \$20,000 on the existing loan guarantee arrangement, for up to a period of four (4) years. The preference is for an overdraft facility as the extent of use will fluctuate due cash flows. As such, it is seen to be more cost effective than a loan as unnecessary bank charges and interest costs will not be incurred.

The reasons stated for the request relate to extraordinary occurrences in 2004/05 that had a negative impact on cash flow. They included:-

- a) Expenditure on facility repairs for AA Nationals (above and beyond grant income);
- b) Loss of anticipated sponsorship from motels for the AA Nationals;
- c) An extraordinary expense of almost \$ 5,000 to the former Commissioner for unrepresented accounts;
- d) Purchase of new equipment for representative sides;
- e) Loss of the 2006 Timberjacks Tournament (with expenditures made with no incomings);
- f) Break in and theft of electronic equipment;
- g) Purchase of security screens for all windows on the clubhouse following repeated successful and attempted break ins.

FNCBA have taken actions to rectify the problems and they include:-

1. Acceptance of the National Regional Youth Championships in 2006 and 2007;
2. Likely awarding of the Queensland State Championship in 2006 (and further submissions in

2007);

3. Application for and implementation of a 26 function permanent alcohol on-licence at the clubhouse;
4. Additional sponsors and formalisation of sponsorship arrangements in order to maximise alternative revenue streams;
5. Active encouragement of international teams to the Timberjacks International Tournament in order to encourage more local teams to a competitive tournament;
6. Formal review of position and implementation of Annual Planning, culminating in a Business Plan and Budgeting for 5 years, allowing for loss of a major tournament due to weather or other misadventure every five years;
7. Closer monitoring of expenses and greater accounting controls.

The following information supporting the request has been provided:- Business Plan 2006-2010, Budget Profit and Loss Statement 2006-2010 (scenarios) and Budgeted Cash Flow 1/12/02005- 31/12/2006.

Considerations

From a financial perspective, there are a number of considerations which are relevant to this request.

- a) It is agreed that if this request is supported, a guarantee for an overdraft of \$20,000 is preferred due to the overdraft will only be used if and when necessary. This should keep bank charges and interest costs to a minimum.
- b) Council resolved in August 1998 to act as guarantor to a \$120,000 loan borrowed by FNCBA. FNCBA have since met all loan commitments with approximately \$14,000 outstanding.
- c) The information submitted by FNCBA especially the Business Plan 2006-2010 strongly supports their request and clearly shows they are future focused. The Budget Profit and Loss Statement indicates a cash positive position for 2008 with an accumulative cash positive position in 2009. As such, a four year guarantee period is not considered necessary.
- d) The negative extraordinary occurrences in 2004/05 are not likely to be repeated and the actions to rectify this situation if achieved will strengthen their financial capacity and therefore minimise the impact of any future negative influences.
- e) FNCBA is yet to finalise its 2004 and 2005 Financial Reports due to issues associated with the 2004 Financial Reports.

On balance, the request is supported and it is suggested that conditions relating to the period of guarantee, annual review of guarantee, annual reporting requirements and finalisation of outstanding financial reports be applied.

Comments

N/a

Other staff comments

N/a

Public consultation

N/a

Conclusion

FNCBA has requested Council to provide a guarantee for an overdraft facility of up to \$20,000 for a period of four (4) years. The need for this assistance is a result of a number of extraordinary occurrences in 2004/05 that have negatively affected their cash flow. They intend to use this facility to meet the cost of operations if and when required.

The information provided supports their future focus with constructive steps in place to rectify the existing situation and provide a solid financial foundation.

Based on this information and FNCBA demonstrated ability to repay loan borrowings, the request to

provide a bank guarantee of \$20,000 is supported with conditions.

Recommendation (GM04)

That Council -

- 1 Agree to guarantee a \$20,000 overdraft facility for Far North Coast Baseball Association Incorporated for a period of three (3) years subject to annual review by Council.
- 2 Far North Coast Baseball Association Incorporated are to provide the following information to Council:
 - a) Financial Report within four months of the end of each of their financial year covered by the guarantee;
 - b) A Budget Profit and Loss Summary within two months of the commencement of each financial year cover by the guarantee;
 - c) The 2004 and 2005 Financial Reports by September 30, 2006.

Report

Subject	Titles for Land Owned by Lismore City Council, Lot Nos. 1-6, DP 913500, Bridge Street, Wyrallah
File No	PJMcE:VLC:06-4127:R5235
Prepared by	Acting Property Officer
Reason	To rectify the current situation and have Land Title issued to Lismore City Council.
Objective	To seek Council's support in principle, and by resolution that the land be classified as Operational Land.
Strategic Plan Link	Infrastructure
Management Plan Activity	Roads

Overview of Report

The land title for Lots 1-6, DP 913500, remains in the name of the Minister for Public Works although ownership was vested in Lismore City Council on May 6, 1892. Council approval is sought for the Department of Commerce to rectify the matter on Council's behalf.

Background

Council is in receipt of correspondence from the NSW Department of Commerce, State Property Section advising that a parcel of land located within Wyrallah (refer Attachment 'A' enclosed), shows the registered owner as the Minister for Public Works although ownership was actually vested in Lismore City Council, by notification in the Government Gazette on May 6, 1892.

In order to rectify this issue, it is proposed that the Department of Commerce carry out the required actions on behalf of Council. The Department's administration fee and lodgement cost to the Land and Property Information NSW is \$500.

Comments

Financial Services

Not required.

Other staff comments

The Roads and Parks Department has reviewed this application and raises no objection to the proposed actions.

The Planning Services Department has also raised no concerns.

Public consultation

Not required as Council is the current owner.

Recommendation (IS24)

That –

1. Council pay the administration fee to the NSW Department of Commerce, State Property
2. the land known as Lots 1-6 in DP 913500, Parish of East Gundurimba, County of Rous, be classified as Operational Land in accordance with Part 2, Division 1, of the Local Government Act , 1993
3. Council authorise any documents required to effect this transfer under the common seal of the Council.

Report

Subject	Purchase of Council Plant – Motor Grader
File No	CS:VLC:T26007
Prepared by	Administrator – Fleet Services
Reason	To inform Council of major plant purchases.
Objective	To seek Council's approval for the purchase of one new 16-tonne (approx) operating weight, motor grader.
Strategic Plan Link	Infrastructure – Support fleet operations
Management Plan Activity	1.12 – Plant Operations

Overview of Report

This report recommends the purchase of a 16-tonne approximate operating weight, motor grader for Rural Roadworks.

Background

Lismore City Council, Roads Section, operates four motor graders of various sizes (listed below) –

- Fleet No. 309 2002 **Caterpillar 12H** 14-tonne motor grader used by Rural Roads for gravel road maintenance. Attached to the ripper system is a 'Freeroll' grader which is used to finish the work after grading. A hired grid grader/scrapper combination is allocated to work with this unit.
- Fleet No. 311 1997 **Caterpillar 140H** 16-tonne motor grader used by Rural Roads for major construction and maintenance jobs. Also, this unit is fitted with laser control units for shaping and critical finishing work – ***Being replaced in this tender.***
- Fleet No. 318 1999 **Caterpillar 120H** 14-tonne motor grader, also used by Urban Roads for maintenance and occasional construction work in the urban areas of Lismore City Council. However, being a lighter grader, it is also used in the rural areas to support the other urban based 120H when required.
- Fleet No. 322 2000 **Caterpillar 120H** 14-tonne motor grader (same size as fleet number 318), but is mostly used within the rural boundaries of Lismore.

The grader being replaced in this tender is Fleet number 311.

This grader is being replaced as scheduled in the plant replacement schedule. The operating weight of 16-tonnes and the 14ft wide blade is the combination which best suits the needs of the users of this machine (Rural Roadworks).

While the other graders are at a lower operating weight, it is felt by the supervisors of these units that the 16-tonne machine is definitely required when heavy ripping and grading is undertaken.

Field evaluations were held of three of the four makes of graders offered in this tender. While not all of the models were actually trialed, the short list was made from the specifications offered by the suppliers.

The Volvo grader, as tendered, was not available to be trialed due to a run-out of the model offered in this tender.

CJD of Brisbane (Volvo grader supplier) did follow through with a letter of amendment to its tender stating that the model of grader offered (Volvo G710B) had been superseded by a newer model (G930), and there is nil stock of the tendered model yet available.

While there are many different brands of graders on the market, a great deal of consideration was given to OH&S issues while working on worksites, which is reflected with both operator safety and 'others on the worksite' safety.

The graders offered in this tender are shown below -

Grader Make	Supplier
John Deere 670D	Hitachi Australia, of Archerfield, Qld.
John Deere 770D	Hitachi Australia, of Archerfield, Qld.
Volvo G710B (G930)	CJD of Acacia Ridge, Qld.
Komatsu GD655-3	Komatsu Australia of Rocklea, Qld.
Caterpillar 120H	Westrac of Grafton, NSW
Caterpillar 12H	Westrac of Grafton, NSW

Private offers to purchase graders

Topline Machinery, 205 Archerfield Airport, Brisbane, Qld.

Hedgers Heavy Equipment Sales, 5/34 Esplanade, Paradise Point, Qld

All of the machines offered in this tender met the minimum specifications as set out by Council staff.

An evaluation panel comprising of the Fleet Administrator, Contracts Officer, Urban and Rural Works Engineers, Urban and Rural Works Supervisors and a grader operator assessed the tenders in part or in full, as per the criteria set out in the tender documents.

The evaluation determines the suitability of all of the graders offered in this tender for *capability, quality, safety, operational functionality and conformity to the minimum specifications given.*

The results of these evaluations are shown in '**Attachment A**'.

Full evaluations and specifications of the graders are shown in '**Attachment B**'.

Key Points being Considered

- Operating weight – Minimum of 16-tonnes, needed for traction during heavy grading and ripping operations.
- Purchase best possible machine to carry out the tasks as required, when required.
- Proven back-up support from supplier and manufacturer, especially when only one grader is allocated to any one job, so effectively if that grader stops, the job stops.
- Operator comfort with 'ergonomic design' and operating considerations (OH&S).
- Ability to keep machine working with minimal maintenance and repair time.
- Complete warranty on machine.

Comments

Executive Director-Infrastructure Services

The Caterpillar grader has a high purchase price. However, when safety, reliability, servicing and resale value are factored in, it provides the best value for money. I endorse the recommendation.

Financial Services

There are sufficient plant reserves available to fund the purchase of the new motor grader. The Plant Item 311 – Grader Caterpillar, has generated \$561,000 of internal plant hire revenue from the date of purchase ('97) and incurred a total of \$276,000 in operating expenses, creating a surplus in operations of \$285,000. This report indicates the change-over cost is \$179,000 which is well below the generated surplus.

Other staff comments

Not Required

Public consultation

Not Required

Conclusion

Graders are an important machine in the road repair and manufacture structure and because there is only one grader allocated to any one job site, it is paramount that this machine is a reliable machine, with the best possible product support. Poor product support from a supplier and/or manufacturer has a detrimental effect on the time-frame to complete any repairs, hence a delay in roadworks.

As the Council is aware, most of the roadworks carried out by Council staff is on existing trafficable roads and the time delays taken by machinery breakdowns heighten the anxiety and safety of the public travelling through these sites and also generates unnecessary costs.

All of the graders offered in this tender are similar in apparent size, but vary in actual operational weight. This has an effect on the operational usage on those sites, ie, the heavier graders are used when weight helps with traction in heavy work, and the lighter graders are used where the working platform is softer (eg, puggy and soft soils, making batters from table drains, etc).

Operator vision and comfort plays its part in the grader evaluation. Both forward and rear visibility is paramount to the safety of all other persons within the vicinity of this machine when working; also working posture and comfort have long-term effects on operators and should have the capability to reduce the possibility of future OH&S claims.

Purchase pricing of the graders is important but so is the fact that the grader must work every day possible after purchase. This is why higher emphasis is placed on the graders' ability to do the job, and product support of that grader throughout its entire lifespan with Council.

Both the urban and rural areas of Council's Roads Section have agreed that the Caterpillar 12H grader suits their needs better than all of the other graders offered in this tender. This has the added benefit that all of the graders owned by Council of the same make, making maintenance and operator orientation with each grader more uniform.

Recommendation (IS25)

Council purchase one only new **Caterpillar 12H-II** Grader as tendered (T26007) from **Westrac**, Grafton, NSW, for the cost of \$362,120.00 (including GST)

and

accept the offer of trade-in from **Westrac** of Grafton, NSW, for the grader being replaced (Fleet number 311), for \$165,000.00;

change-over cost to Council being \$197,120.00, which includes GST.

Report

Subject	Annual Remuneration Fee for Mayor and Councillors
File No	GW/LM: S38
Prepared by	Corporate Support Co-ordinator
Reason	Determination by Local Government Remuneration Tribunal.
Objective	Adopt mayoral and councillor fees for 2006/07
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Councillors

Overview of Report

The Local Government Remuneration Tribunal each year determines the annual fees to be paid to mayors and councillors.

Background

Pursuant to Section 241 of the Local Government Act 1993, the Local Government Remuneration Tribunal has determined the annual fees to be paid to mayors and councillors during the period July 1, 2006 to June 30, 2007. The Tribunal has determined that there will be an increase of 4% for all minimum and maximum fees for councils.

Lismore City Council is a category 3 council and should now determine the annual fee to be paid within the minimum and maximum range as determined by the Tribunal. If Council does not fix a fee the amount defaults to the minimum.

Councillor Fee

The councillor fee for category 3 councils is a minimum fee of \$6,355 and a maximum fee of \$13,980.

Mayoral Fee

The mayoral fee for category 3 councils is a minimum fee of \$13,510 and a maximum fee of \$30,520.

Council currently pays the maximum fee for both councillors and the mayor.

Comments

Financial Services

The draft 2006/07 Budget has \$29,400 for the mayoral fee and \$13,425 per councillor for councillor fees included. Based on Council paying the maximum fee for both the mayor and councillors, which is consistent with current practice, an additional \$7,800 would need to be included in the draft 2006/07 Budget.

Other staff comments

Not required.

Public consultation

Not required.

Recommendation (GM01)

That Council determine the fee payable for councillors and the mayor for 2006/07.

Report

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

Overview of Report

Council investments as at 31st May 2006 total \$36,286,284 subject to the final value of funds held under Managed Funds being advised shortly.

The interest rate reported over the period of May 2006 was estimated to be 6.66% in comparison to 6.00% for May 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 the next Council meeting.

Report on Investments

- *Confirmation of Investments – 30th April 2006* \$36,218,340

The amount is higher than the estimate reported for April 2006 due to additional positive valuation movement in funds held under Managed Funds.

- *Estimate of Investments – 31st May 2006* \$36,286,284

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 May 2006 was estimated to be 6.66% compared to 6.00% 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

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING
HELD ON WEDNESDAY, MAY 17, 2006, AT 10.00 AM.**

	Present	Councillor John Hampton (<i>Chairperson</i>), Councillor Jenny Dowell, Bronwyn Mitchell (<i>on behalf of Mr Thomas George, MP</i>), Liz Smith (<i>RTA</i>), Snr Const Steve Hilder (<i>Lismore Police</i>), John Daley (<i>LUO</i>), together with Wendy Johnson (<i>Road Safety Officer</i>), and Bill MacDonald (<i>Co-Ordinator-Traffic & Emergency Services</i>).
TAC24/06	Apologies	An apology for non-attendance on behalf of Councillor Merv King, Thomas George and Garry Hemsworth were received and accepted and leave of absence granted.
TAC25/06	Minutes	The Committee was advised that the Minutes of the Traffic Advisory Committee Meeting held on April 19, 2006, were confirmed by Council on May 9, 2006.

Disclosure of Interest
Nil

Part 'A' – Committee Recommendations

Correspondence / Reports

Lismore Turf Club Limited; advising of its intention to hold the Annual Lismore Truck Parade and Show on Saturday, July 22, 2006, and forwarding a traffic management plan for approval.

It was noted that the traffic management plan was the same as in previous years which had operated without incident.

TAC26/06 **RECOMMENDED** that approval be granted for the parade to proceed as outlined.
(06-4143:S336,P10386)

MJ & Mrs VA McIntosh; seeking permission to extend the school bus service to include Pagottos Ridge Road, Tullera.

TAC27/06 **RECOMMENDED** that approval be granted for the bus route extension to include Pagottos Ridge Road, provided the bus can be turned around in a full forward movement at the end of the road.
(06-4183:R8686)

Rosebank Public School and Others; requesting consideration be given to applying a reduced speed limit on Rosebank Road, between Rosebank Hall and the public school.

An inspection revealed that in the area between the Rosebank Hall and the 60 kph speed limit for the Rosebank Village there was a public hall, preschool and primary school together with 21 dwelling driveways, all within a 2km section on Rosebank Road. Whilst a 60 kph speed limit reduction was not considered warranted, there was justification for consideration of reducing the speed limit to 80 kph.

Rosebank Road – Reduced Speed Restriction (Cont'd)

Vehicular access to the Rosebank Hall had already been investigated by Council's Design Services Section and a proposal had been developed to relocate the access towards the crest which offered significantly improved sight distance in both directions. Priority for this work and funding would be determined by the Manager-Roads & Parks in consultation with the Rosebank community.

- TAC28/06 **RECOMMENDED** that the issue of reducing the speed limit on Rosebank Road to 80 kph from 200m north of Mackie Road to the Rosebank Village 60kph signs, be referred to the NSW Roads & Traffic Authority for consideration.

(06-4274/4275/4276/4278/42804281:S352,R3704)

Caniaba Public School; advising of traffic control procedures for the Northern Rivers Primary School Sports Association Cross Country Event to be held on Thursday, May 25, 2006.

- TAC29/06 **RECOMMENDED** that approval be granted for this year's event, however such a request would need to be further considered in future years due to the increase in the number of residences being built in the estate.

(06-4283:S352)

Mrs A Black; drawing attention to difficulty being experienced when exiting onto Hunter Street from the rear driveway of property at No. 47 Uralba Street and requesting that No Parking signs be erected for an appropriate distance on each side of the driveway.

Members were advised that the area adjacent to Mrs Black's driveway is heavily parked daily, making it difficult for her to reverse out of her driveway in safety.

- TAC30/06 **RECOMMENDED** that a No Stopping zone be created on the eastern side of Hunter Street, between 6m north and 2m south of the rear driveway to No. 47 Uralba Street.

(06-4293:R6030,P9903)

Ms H Passfield; expressing concern for road safety at the intersection of Wyrallah Road and Mathieson Lane, Tucki Tucki, and requesting the intersection be upgraded.

This issue has been raised in the past and as traffic volumes continue to increase, the need to upgrade the intersection of Wyrallah Road and Mathieson Lane has also increased.

- TAC31/06 **RECOMMENDED** that in the short term the location be inspected by Council's Roads Section with a view to ensuring any overgrowth be cut back to afford maximum visibility, and in the long-term this item be referred to Council's Design Services Section for preparation of a plan and estimate for the upgrading of the intersection for consideration in a future works programme.

(06-4334:R5402,R5201)

General Business

Intersection of Molesworth and Woodlark Streets, Lismore

A request had been received for a 'Left-Turn Only' sign to be installed at the above intersection for traffic exiting the Hensley Carpark from the access road beside Fawcett's Bridge due to confusion and conflict with parallel traffic on the bridge.

An inspection revealed that the majority of traffic already turned left and to reduce conflict and congestion, which would increase once Glasgow Lane near Club Lane was closed, it was considered that such a measure was warranted.

- TAC32/06 **RECOMMENDED** that 'Turn Left Only' signs be erected to indicate that all traffic exiting from the access road on the northern side of Fawcett's Bridge were required to turn left. (R7329)

Tregeagle Road – Below Grennan Road – Curve Warning Sign

The Committee was advised of another accident that had occurred on a right-hand bend on Tregeagle Road below Grennan Road earlier that week. Whilst it appeared that speed may have been a factor, the erection of a 'right hand curve' warning sign with the addition of a 65 kph speed plate may assist in reducing such incidents.

- TAC33/06 **RECOMMENDED** that a 'right hand curve' warning sign and a 65 kph speed advisory plate be erected prior to the bend on Tregeagle Road below Grennan Road. (R5301)

Diadem Street – Heavy Vehicle Access to Lismore Square Service Road

(Refer Item B-06:04-7 of minutes of meeting held April 19, 2006)

Councillor Dowell advised that she had been informed a large vehicle had driven on the incorrect side of the road on at least two occasions. Whilst there appeared to be adequate turning room on the correct side of the road, it was suggested that the erection of a 'Keep Left' sign on both ends of the centre median on Diadem Street may assist.

- TAC34/06 **RECOMMENDED** that 'Keep Left' signs be erected on both ends of the centre median on Diadem Street, adjacent to Lismore Square. (R6019)

Spinks Park Carpark – Rear of Former Council Chambers

Construction of the new carpark was nearing completion and a number of representations had been received from the Lismore City Bowling Club, the CWA and Croquet Club members for parking spaces within the new carpark to be allocated to their organisations. The introduction of a 2-hour parking limit that included the use of parking permits being issued to the above organisations was seen as the most practical way to address these needs. This would ensure that the carpark was not used by all-day parkers.

- TAC35/06 **RECOMMENDED** that a two-hour parking limit be introduced for the new Spinks Park Carpark, including a permit parking system, with the number and issuing of permits to be determined by Council's Planning and Governance Directorate. (P6763)

St. Carthage's Primary School – Development Application

A Development Application had been received for a boundary adjustment and formalisation for the use of an existing demountable classroom at St. Carthage's School. It was noted that the classroom had been in place for a number of years. However, due to the fact that it housed 53 students and was now being considered as a permanent facility, it was felt that consideration should be given to the impact of these numbers on parking and general traffic flows within the immediate area. Any approval should include a condition requiring a contribution towards parking with the amount being determined in accordance with Council's policy for such developments.

TAC36/06 **RECOMMENDED** in accordance with the above.

(D051006)

Intersection of Richmond Hill Road and Boatharbour Road

A request had been received for the above intersection to be inspected with a view to changing the existing Give Way control on Richmond Hill Road to a Stop sign due to the number of motorists that were exiting Richmond Hill Road and not giving way to traffic travelling along Boatharbour Road.

An inspection revealed that there was a large gum tree growing out of the shoulder close to the road edge of Boatharbour Road, just north of Richmond Hill Road that severely restricted sight of oncoming traffic. The introduction of a Stop sign would make the existing situation worse as motorists would be stopping directly behind the tree that was obscuring vision.

TAC37/06 **RECOMMENDED** that investigations be carried out into the possible removal of the tree on Boatharbour Road, just north of Richmond Hill Road, as this is seen as a significant traffic safety issue.

(R4408)

Part 'B' – Determined by Committee

Correspondence / Reports

RJC Martin; drawing attention to the excessive speed of traffic on Fredericks Road, Caniaba, and requesting the speed limit be reduced to 80 kph.

- B-06:05-1 As an 80 kph speed limit already existed on Caniaba Road, which included the section that Fredericks Road runs off, it was suggested that an 80 kph speed limit sign be placed on Fredericks Road, approximately 50m to 100m from its intersection with Caniaba Road to clarify the current speed limit on that road as well. (06-3540:S352,R4706)

Ms T Bellos; requesting a reduced speed zone be applied to residential streets within Perradenya Estate, Caniaba, together with speed bumps.

- B-06:05-2 Members were advised that Perradenya Estate was a relatively new estate with houses close together and street lighting in place. The default speed limit was 50 kph, however as the area is somewhat isolated and in order to clarify the speed limit, it was suggested that a 50 kph sign be placed at the start of Perradenya Way and Sandalwood Drive within the estate near their intersections with Fredericks Road. (06-3851:S352)

Ms M Verbeek; requesting the speed limit on Wyrallah Road be reduced to 80 kph, between Tuckurimba Road and Marom Creek Road, as well as the erection of signage advising drivers to not overtake turning traffic.

- B-06:05-3 An inspection of the road was carried out and roadside development fell within the 'farmland' classification. Accordingly, a reduced speed limit was not considered warranted. It was noted that although residents still needed to take care when turning into driveways, adequate sight distance was available of traffic coming in either direction adjacent to Verbeeks' driveway. (06-4022:S352,R5201)

Closure

This concluded the business and the meeting terminated at 11.05 am.

Chairperson

Co-ordinator – Traffic & Emergency
Services

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:

88B Instrument – Easement over Sewer Main 22 Ashgrove Drive

The owners of 22 Ashgrove Drive, Goonellabah have sought permission from Council to raise (at their expense) a sewer manhole located at the rear of their property. Once raised, the area around the manhole will be backfilled level with the existing surface of the yard.

Whilst Council has no objection to this work there is the possibility with the new levels that future owners may erect structures (garden shed, pool) over the sewer main. Accordingly Council sought and received permission from the owners to create an easement over the sewer main traversing their property. All costs associated with creating the easement will be borne by Council.

(P25079)

Community Services Grants Program (CSGP) - Service Agreements

a) Salary Subsidy – Community Worker - \$11,916

b) Koala Long Day Care Centre - \$33,408

DOCS have provided annual funding (\$11,916) for the Community Services Grants Program (CSGP) which partly funds the Community Development Officer (Lismore Community Worker) position. This position works to an agreed Service Specification to comply with the CSGP Service framework, ie contributes to the development of capacity and social capital within identified local communities.

DOCS funds the Koala Child Care Centre on an annual basis (\$33,408) for providing:

- an education and development program for 19 places per day for children aged from birth to 3 years.
- an education and development program for 20 places per day for children aged from 3 to 6 years, who do not ordinarily attend school

for an aggregate of 50 hours per week.

(06-4440: S728)

Crown Lands NSW – Licence to Occupy Crown Land

The extension of the Rowing Club carpark wharf required that part of the wharf to be constructed on Crown land below Mean High Water Mark. As such, Council is required to obtain a licence from the Crown to “occupy” this land. The licence was agreed to by the Crown in 2004 prior to the construction of the wharf extension commencing and it is only now that the paper work has been finalised.

The annual licence fee has been set at \$338.30 and is subject to annual CPI increases.

(06-3646: P15856)

Lease Agreement Council and Goonellabah Tennis Club

The renewal of the lease between Council and the Goonellabah Tennis Club situated in Reserve Street, Goonellabah, from 1/7/04 to 30/6/09. The lease has been executed by the Goonellabah Tennis Club and now requires Council signing and sealing.

(06-2699: P15906)

Section 356 Donations

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

Budget: \$6,000 To date: \$7,812.71

May 2006

Animal Right & Rescue	\$18.64	
Challenge Foundation	\$110.00	
Five Loaves	\$29.09	
Friends of the Koala	\$18.18	
LifeLine	\$110.00	
Saint Vincent De Paul	\$5.45	
Shared Vision Aboriginal Corp	\$50.91	
Salvation Army	\$110.00	
Westpac Life Saver Rescue Helicopter	<u>\$30.91</u>	
<i>In accordance with policy.</i>		\$483.18

January to April 2006

Lismore Soup Kitchen Inc (Merriwa Youth Centre)

In accordance with policy.

\$440.00

b) Development & Construction Certificate Application Fees Subsidy – Policy 1.4.7 (GL2033.7)

Budget: \$600 To date: \$794.55

Pepper Tree Kitchen – temporary structure for Biggest Morning Tea on May 24.

\$158.00

c) Miscellaneous Donation (GL2711.4)**Lismore Seniors' Week 2006 event**

Budget: \$7,000 To date: \$1,782.69

Multicultural refreshments and entertainment:

• Red Inc.'s Sign Language Choir	\$50	
• John and Nella Devoy (dancing)	\$50	
• Val Willis (accordian)	\$50	
• Anna Kothea Aring (Sudanese)	\$40	
• Ellie Gava (Italian Seniors)	\$50	
• Luth Bath (Filipino Group)	\$80	
• Luz Press (Filipino Food)	\$40	
• Neville Northfield (Bagpipes)	<u>\$40</u>	\$400.00

d) Miscellaneous Donation (GL2711.4)**Launch of Lismore's Living Library**

Budget: \$7,000 To date: \$1,782.69

Donation toward cost of interpreting for deaf participant

• Bronwyn Watson		\$50.00
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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.

Confidential Matters–Committee of the Whole

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

Section 10A(2) – Local Government Act 1993.

- a) personnel matters concerning particular individuals;
- b) the personal hardship of any resident or ratepayer;
- c) information that would, if disclosed, confer a commercial advantage of a person with whom the Council is conducting (or proposes to conduct) business;
- d) commercial information of a confidential nature that would, if disclosed:
 - i) prejudice the commercial position of the person who supplied it, or
 - ii) confer a commercial advantage on a competitor of the Council, or
 - iii) reveal a trade secret;
- e) information that would, if disclosed, prejudice the maintenance of law;
- f) matters affecting security of the Council, Councillors, Council staff or Council property;
- g) advice concerning litigation, or advice, that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege;
- h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

Recommendation

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

Item	<i>Mayoral Minute – Monitoring Performance Review – General Manager – 2005/06</i>
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.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, MAY 9, 2006 AT 6.05PM.

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, Acting Media Officer, Manager-Environmental Health & Building Services, Acting Manager-Water & Wastewater, Corporate Support Co-ordinator and Administration Support Officer.

72/06 **Apologies/
Leave of
Absence** Leave of absence was approved for Councillor Chant for the period May 10-12.
(Councillors Irwin/Crimmins)

73/06 **Minutes** The minutes of the Ordinary Meeting held on April 11, 2006, were confirmed.
(Councillors Dowell/Irwin)

Public Access Session

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

Amber Hall re Carrington Street Upgrade

Ms Hall, on behalf of Lismore Unlimited Opportunities, detailed the history of the investigation that had been undertaken into the redevelopment of Lismore's laneways. She claimed broad business support for the plan prepared and urged Council to complete the project.
(R7303,S274)

Condolence

Late Antonio Bortolo Pagotto (Tony) BA.,LLB

Tony was born and bred in Lismore and was educated at Marist Brothers Lismore, now known as Trinity Catholic College. He studied law at Sydney University and returned to Lismore shortly after completion of his studies.

Tony purchased the business from Bill Walters and has been a partner/principal at Walters Solicitors for over 25years.

He is survived by his partner Phillipa Howsan, also an associate of Walters Solicitors, 4 children, Justine, Stephanie, Simon & Joshua & his mother Maria.

Tony was heavily involved in the Italian community in the Lismore area and he has had an association with Council for over 10 years.

74/06 The Mayor moved that Council's expressions of sympathy be conveyed to the family of Mr Pagotto and the motion was carried with members standing and observing the customary moment's silence. (S75)

Disclosure of Interest

S451

Councillors Chant and Henry declared an interest in report Draft LEP Amendment No. 34 Review of Certain Land close to the Lismore CBD. (Own property in the vicinity.)

Councillor Graham declared an interest in report Norco – Adjustment in Trade Waste Charge. (Norco shareholder)

Notice of Rescission Motion

Annual Stormwater Management Service Charge

Formal notice having been given by Councillors Swientek, Chant and Graham it was MOVED that Council rescind the motion re Stormwater Management Service fee. (Minute No. 60/06) (Councillors Swientek/Graham)

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

Voting Against: Councillors Irwin, Tomlinson, Ekins, Dowell, King and Henry.
(06-3463: S722)

Notice of Motions

Introduction of Annual Stormwater Management Service Charge

Formal notice was given by Councillor Swientek -

- 1 That Council agree in principle to the introduction of a Stormwater Management Services charge.
- 2 That money raised by the Stormwater Management Services be used initially for the development of management plans for each of the catchments within the Lismore urban area and villages.
- 3 Following the development and costing of individual stormwater management plans for each catchment a further report be prepared for the 2007/08 budget, setting out equitable charges for industrial, commercial and residential properties within their respective catchments.
- 4 That the Stormwater Management Services Charge be set at \$10.00 for the 2006/07 Budget.
- 5 That Council link the Stormwater Management Services charge to the level of Water & Sewer charges.

(Councillors Swientek)

Following the defeat of the rescission motion this motion was WITHDRAWN.

(06-3874: S631)

Federal Budget – Fuel Levies

Formal notice was given by Councillor Swientek -

- 1 That LCC lobby the Federal Treasurer Peter Costello, Mr Ian Causley MHR for Page and local duty senators, that in view of the federal budget surplus, the federal government scrap the current fuel levies and only impose a 10% GST on fuel.
- 2 Further that any additional fuel tax only be applied for a limited time frame for specific projects such as upgrading of the Pacific Highway or upgrading our public transport or other such fuel saving initiatives.

- 3 LCC take this matter to the Local government Association Executive and as a Motion for the 2006 LGA Annual Conference and to the Australian Local Government Association and its Executive.

(Councillor Swientek)

The motion LAPSED for want of a seconder.

(05-3874: S631)

Carrington Street Upgrade and Supplementary Report

- 75/06 **RESOLVED** that the report be received and Council endorse the "Recommended Proposal" option (Appendix B to the supplementary report) for parking and traffic arrangements associated with the upgrade of Carrington Street between Magellan Street and County Lane.

(Councillors Irwin/Meineke)

Voting Against: Councillors Swientek and Hampton.

(R7303, S274)

Provision for Supply of Computer Systems and Services

- 76/06 **RESOLVED** that the report be received and –
- 1 Council endorse the nomination of Civica Pty Limited as the preferred tenderer for the supply of a new corporate computer system.
 - 2 Staff undertake formal contract negotiations to finalise the product modules to be included, data conversion requirements, implementation timetable and contract price.
 - 3 A further report be prepared once final contract negotiations are concluded for Council to determine the awarding of this contract.

(Councillors Graham/Crimmins) (T26003)

Conduct Committee

- 77/06 **RESOLVED** that the report be received and Council note the report of the Conduct Committee.

(Councillors King/Chant) (S18)

Draft LEP Amendment No. 31 – Aldi Supermarket

- 78/06 **RESOLVED** that the report be received and Council –
- 1 Adopt Amendment No.30 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 & Lot 2 DP 308314 Conway Street, Lismore and the unnamed road reserve to 3(a) Business Zone.
 - 2 Use its delegations under s69 of the Act to forward the amendment to the Minister for Planning with a request that the Minister make the plan.

(Councillors Meineke/Hampton)

Voting Against: Councillors Ekins and Swientek.

(S932)

Draft LEP Amendment No. 34 – Review of Certain Land close to the Lismore CBD zoned 3(f) Services Business (Flood Liable)

S451

Councillors Chant and Henry declared an interest in this matter and left the Chamber during discussion and determination.

- 79/06 **RESOLVED** that the report be received and –
- 1 Prepare a draft amendment to Lismore Local Environmental Plan 2000 to rezone the 3(f) Zoned land located in the CBD precinct (bounded by Dawson, Magellan, Brewster and Ballina Streets) to 3(a) Business Zone, pursuant to section 54 of the EP & A Act 1979
 - 2 Advise the Department of Planning and request that the LEP Review Panel issue a “Written Authorisation to Exercise Delegations” with respect to Council’s delegations pursuant to s65 and s69 of the EP & A Act.
 - 3 Consult with relevant government and other agencies pursuant to section 62 of the EP&A Act.
(Councillors Tomlinson/Hampton)
- Voting Against:** Councillors Ekins and Irwin.
(S935)

Goonellabah Sports and Leisure Centre

- 80/06 **RESOLVED** that the report be received and Council not accept any tenders previously received for the design and construction of the Goonellabah Sports & Leisure Centre in accordance with the Local Government (Tendering) Regulation 1999 and invite fresh tenders for the project.
(Councillors Irwin/Graham) (T25005)

Goods and Services Tax – Council Compliance Requirements

- 81/06 **RESOLVED** that the report be received and Council submit a certified statement of compliance to the Department of Local Government in regards to the payment of voluntary GST for July 1, 2005 to April 30, 2006 signed by the Mayor and Deputy Mayor.
(Councillors Irwin/Henry) (S210)

Norco – Adjustment in Trade Waste Charge

S549

Councillor Graham declared an interest in this matter and left the Chamber during discussion and determination.

- 82/06 **RESOLVED** that the report be received and –
- 1 Council approve the abandonment of the August 5, 2005 sewer trade waste charges for Norco Pty Limited from \$81,526.82 to \$2,620.37.
 - 2 Norco Pty Limited be continued to be encouraged to undertake further trade waste management initiatives and that Norco be requested to supply to Council a report within six months of both improvements undertaken and proposed improvements to Norco’s trade waste system.
(Councillors Irwin/Dowell) (P9804,P23044)

March 2006 Quarterly Budget Review Statement

- 83/06 **RESOLVED** that the report be received and –
- 1 Council adopt the March 2006 Budget Review Statement for General, Water and Waste Water Funds.
 - 2 This information is submitted to Council’s Auditor.
(Councillors Hampton/Irwin) (S910)

Management Plan

- 84/06 **RESOLVED** that the report be received and the contents noted.
(Councillors Irwin/Henry) (S4)

2006 Local Government Association Conference

- 85/06 **RESOLVED** that the report be received and the Deputy Mayor and two other Councillors attend the conference as voting delegates.
attending as observers.
(Councillors Irwin/Hampton)

Nominations were received for the following Councillors:

- Ekins
- Swientek
- Dowell

A ballot was held to determine the two delegates. As a result it was determined that Councillors Swientek and Ekins would be the delegates.

- 86/06 **RESOLVED** that Councillors Swientek and Ekins be appointed as delegates to the Conference.
(Councillors Irwin/Hampton) (S569)

March 2006 Investments held by Council

- 87/06 **RESOLVED** that the report be received and noted.
(Councillors Swientek/Graham) (S178)

Strategic Plan Steering Committee 18/4/06

A MOTION WAS MOVED that the report be received and Council adopt the following recommendations -

- 1 **Investment Policy 1.5.4**
That the Investments Policy be adopted by Council.
- 2 **Proposed 2006/2008 Road Construction Programs**
That Council adopt the proposed 2006/07 and 2007/08 Road Construction Programs as set out in the report.
(Councillors Irwin/Dowell)

AN AMENDMENT WAS MOVED that the report be received and Council adopt the following recommendations -

- 1 **Investment Policy 1.5.4**
That the Investments Policy be adopted by Council.
- 2 **Proposed 2006/2008 Road Construction Programs**
 - a) That Council adopt the proposed 2006/07 and 2007/08 Road Construction Programs as set out in the report.
 - b) That the sealing of the next section of the Skyline/Durheim Road be added to the list.

(Councillors Crimmins/Hampton)

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

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

AN AMENDMENT was moved that Council adopt the following recommendations -

- 1 **Investment Policy 1.5.4**
That the Investments Policy be adopted by Council.
- 2 **Proposed 2006/2008 Road Construction Programs**
That Council adopt the proposed 2006/07 and 2007/08 Road Construction Programs as set out in the report.
- 3 Staff provide a report to the Budget meeting on how the sealing of Skyline/Durheim Road can be achieved.
(Councillors Irwin/Dowell)

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

Voting Against: Councillors King, Chant Crimmins, Graham, Hampton and Meineke.

88/06 **RESOLVED** that the report be received and Council adopt the following recommendations -

- 1 **Investment Policy 1.5.4**
That the Investments Policy be adopted by Council.
- 2 **Proposed 2006/2008 Road Construction Programs**
 - a) That Council adopt the proposed 2006/07 and 2007/08 Road Construction Programs as set out in the report.
 - b) That the sealing of the next section of the Skyline/Durheim Road be added to the list.

(Councillors Crimmins/Hampton)

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

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

(S4)

Committee Recommendations

Strategic Plan Steering Committee 18/4/06

89/06 **RESOLVED** that the minutes be received and noted.
(Councillors Irwin/Crimmins)
(S4)

Traffic Advisory Committee 19/4/06

90/06 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.
(Councillors Irwin/Graham) (S352)

Documents for Signing and Sealing

91/06 **RESOLVED** that the following document be executed under the Common Seal of Council:

Transfer of Reserve to Council

The developer of the Toongahra Estate is seeking the release of the last stage of the development, which was initially issued with consent in 1994. Prior to Council releasing the final plans there is a requirement that the area of land adjoining Oliver Avenue on the east and encompassing the existing creek be dedicated to Council as Public Reserve.

The seal of Council is required on the document which will give effect to the transfer of this parcel of land.

Recommendation: That Council execute, under Common Seal, the "Transfer for Public Reserve or Drainage Reserve" for Lot 299, DP 1058607. (Councillors Hampton/Graham) (D94/52)

Section 356 Donations

92/06 **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.

b) Mayor's Discretionary Fund (GL2033.26)

Budget: \$2,700 To date: \$764.00

Ashleigh Foley – participation in YMCA's NSW Youth Parliament 2006 – 7 day residential program in Sydney in July. (06-3563: S164) \$50.00

Alyson Hewett – participation in YMCA's NSW Youth Parliament 2006 – 7 day residential program in Sydney in July. (06-3459: S164) \$50.00

St. Vincent's Hospital – Jack Russell Fundraising for St. Joseph's Aged Care Facility – annual event at Lismore Greyhound Racetrack on May 16, 2006. (06-4241: S164) \$100.00

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

Budget: \$11,700 To date: \$9,536.01

Congregations of Jehovah's Witnesses – Bible lectures April 1 and 2. (06-3553: P6816) \$440.50
In accordance with policy.

d) Donations to Charitable Organisations - Policy 1.4.14 (GL2033.16)

Budget: \$500 To date: \$0

Lismore Neighbourhood Centre - organising activities to celebrate Volunteers Week in May. \$500.00

e) Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL2033.15)

Budget: \$6,000 To date: \$6,889.53

April

Animal Right & Rescue	\$9.09	
Challenge Foundation	\$65.45	
Five Loaves	\$94.55	
Friends of the Koala	\$18.18	
LifeLine	\$110.00	
Shared Vision Aboriginal Corporation	\$61.82	
Salvation Army	\$55.91	
Westpac Life Saver Rescue Helicopter	<u>\$9.09</u>	
<i>In accordance with policy.</i>		\$424.09

e) Miscellaneous Donations

Opera at The Channon – July 2006

Donation of costs of ground hire, shed and electricity (06-3336: P13126,S164) \$180.00

Richmond Hill Community Preschool Inc. – prizes for trivia night
on May 20.

Two folding umbrellas (06-3589: P18669: S164) \$30.00

(Councillors Irwin/Graham)

Closure

This concluded the business and the meeting terminated at 8.32 pm.

CONFIRMED this 13TH of JUNE, 2006 at which meeting the signature herein was
subscribed.

MAYOR

**MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE
HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, MAY 23, 2006 AT 6.00PM.**

Present Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager, Executive Director-Development & Governance, Manager-Community Services, Acting Media Officer and Corporate Support Co-ordinator.

93/06 **Apologies/
Leave of
Absence** Apologies for non-attendance on behalf of Councillors Hampton and Henry were received and accepted and leave of absence granted. (Councillors Irwin/Dowell)

Public Access Session

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

NIL

Report

DA06/63 – Above Ground Structures associated with the Lismore Source Augmentation of the Nightcap Water Treatment Plant

- 94/06 **RESOLVED** that the report be received and -
- A That Council grant delegated authority to the General Manager - subject to the concurrence of the applicant being Rous Water in relation to attached conditions of consent applied to this application, to approve Development Application No. 2006/63 for the erection of aboveground structures relating to the upgrade of the Nightcap Water Treatment Plant (to house the Ozone facility and associated tanks), and ancillary road works associated with the overall upgrade to the treatment plant.
 - B That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.

DEFERRED COMMENCEMENT CONDITIONS

- 1 This consent will not take effect until the applicant satisfies Council that Condition 2 has been met.
- 2 Prior to commencement of vegetation clearing at the site, the proponent shall apply to Department of Environment and Conservation for a Section 87 Preliminary Research Permit to undertake archaeological test excavations on the site. No archaeological test excavations are to be undertaken prior to receipt of a Section 87 Preliminary Research Permit.

Reason: *To protect Aboriginal cultural heritage at the site.*

STANDARD CONDITIONS

- 3 In granting this development consent, Council requires:
- All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
 - All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
 - Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions
- and be substantially in accordance with the stamped approved plan(s) No. sT-089-05, M21/B (15/12/05), M22/B (15/12/05), M23/B (16/12/05), M25/A (02/02/06), M26/A (02/02/06), M27/A dated 8/3/06 and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.
- Reason:** *To correctly describe what has been approved. (EPA Act Sec 79C)*

BUILDING

- 4 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.*
- 5 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.*
- 6 Roofwater must be directed clear of the building.
- Reason:** *Required by Clause FP1.3 of the Building Code of Australia.*
- 7 Provide portable fire extinguisher/s, suitable to address the relevant risk, in accordance with AS2444.
- Reason:** *Required by Clause E1.6 Building Code of Australia.*
- 8 All required egress doors are to at all times be openable from within the building by single handed lever or push action on a single device without recourse to a key. No barrel bolts are to be fitted.
- Reason:** *Required by Clause D2.21 of the Building Code of Australia.*

ENGINEERING

- 9 The proposed Construction Traffic Management Plan shall be submitted to, and approved by, Council prior to commencement of work. Such plan shall include a requirement for any damage to road infrastructure arising from construction activities to be reinstated at the developers cost prior to commissioning of the plant.
- Reason:** *To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 79C(b))*

BUSHLAND MANAGEMENT

- 10 No existing trees are to be removed from the site during construction works, with the exception of those in the clearing area indicated on the site-clearing plan submitted to Council dated 23/02/06.
- Reason:** *To ensure preservation of existing trees on-site.*
- 11 The following procedures for clearing operations are required to be implemented at all times:
- a) Clearing of vegetation is to be kept to a minimum. Vegetation surrounding the development site is to be left undisturbed. Boundaries should be clearly marked in the field prior to the commencement of any clearing operations. This information must be conveyed to machinery operators prior to commencement of works;

- b) All trees and shrubs which must be removed shall be chipped and used as mulch or cover where suitable;
- c) Trees which must be removed are to be felled into the site and not into adjacent vegetation;
- d) A pre-clearing vegetation survey is to be undertaken by an appropriately qualified person to identify threatened plant species within ten metres of the site-clearing area. These are to be clearly marked for retention with appropriately coloured flagging tape. This information must be conveyed to machinery operators prior to commencement of works;
- e) The single *Desmodium acanthocladum* shrub (noted in Appendix E of the Statement of Environmental Effects report) located in the path of the access track shall be translocated to a nearby site with suitable habitat by a suitably qualified person. Translocation and monitoring is to be done in accordance with Vallee, L et al., 2004 'Guidelines for the translocation of Threatened Plants in Australia – Australian Network for Plant Conservation' 2nd Ed.

Reason: *To ensure minimum disturbance to threatened species, native vegetation and surrounding environments.*

- 12 Following clearing works all exposed borders of the site-clearing area are to be planted with edge species endemic to the area (ie selected from Attachment A from the Statement of Environmental Effects report) and sourced from local propagation stock. Plantings are to occur in at least two staggered rows of maximum two-metre plant spacing. Plant selection and plantings are to be undertaken by a suitably qualified person.

Reason: *To ensure minimum disturbance to native vegetation and surrounding environments.*

- 13 An agreed area of bushland in the vicinity of the site shall be restored through primary and secondary weed control for a period of two years from commencement of restoration. At the end of the two-year period 90% of pre-existing problematic weeds shall be controlled in the restoration area. The area will be an area of high conservation value and will be identified in consultation with Council's Bushland Management Officer. A suitably qualified person shall undertake works.

Reason: *To ensure there is no net loss of wildlife habitat from the locality as a result of bushland clearing.*

- 14 All terrestrial ecological mitigation measures are to be implemented as outlined in Table 6.3 of the Statement of Environmental Effects report submitted to Council dated February 2006.

Reason: *To minimise impacts to flora and fauna in the area.*

CULTURAL HERITAGE

- 15 Vegetation clearing and construction works are to cease and Council is to be notified in writing within seven days if Aboriginal relics are uncovered from archaeological test excavations on site. In this case the proponent would employ a qualified archaeologist to reassess and provide a written report to Council on the site's Aboriginal cultural heritage significance and required protective measures.

Reason: *To protect Aboriginal cultural heritage at the site*

ENVIRONMENTAL HEALTH

- 16 The hours of work for general noise generating construction activities of the proposed development are to be limited to the following time restrictions:

Monday to Friday - 7.00am to 6.00pm

Saturday - 7.00am to 6.00pm

Construction activities that create more intrusive noise levels such as rock breaking and use of pneumatic tools etc are restricted on Saturdays to the hours 8.00am – 12 noon.

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

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

- 17 An Integrated Soil and Water Management Plan must be developed for construction activities prior to works commencing and must be implemented by the contractor. The Management Plan must be in accordance with best management practices and recognised contemporary State Government guidelines.

Reason: *To protect the environment and comply with applicable standards.*

- 18 An Operational Noise Management Plan must be developed prior to commissioning of the facility. The Plan is to detail procedures that specifically address noise impacts and the requirements for corrective measures in the event elevated off-site noise levels result or residential complaints are received.

Reason: *To protect the amenity of the area and comply with relevant standards.*

(Councillors Meineke/Chant)

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

Closure

This concluded the business and the meeting terminated at 6.31 pm.

CONFIRMED this 13th of JUNE, 2006 at which meeting the signature herein was subscribed.

MAYOR

