

Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at
the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on
June 12, 2007 at 6.00pm
and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

June 4, 2007



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes
May 8, 2007

Disclosure of Interest

Public Access Session

Public Question Time

Condolences

Mayoral Minutes

Notice of Rescission Motions

Notice of Motions

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

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Strategic Plan Summary

Lismore regional city

STRATEGIC PRIORITY	AIMS	INITIATIVES
Economic Development	To 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
	To 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	To 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	To 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	To 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	To 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	To 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

Notice of Motion

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

That the installation and plumbing of rainwater tanks is obligatory on all new residential, commercial and industrial buildings in the Lismore City Council area.

Councillor Ekins

Staff Comment

The installation of rainwater tanks in residential, villa, townhouses, units, alterations and additions (in excess of \$100,000) is occurring due to the requirements of BASIX to achieve a water reduction target of 40% in all new constructions. While not being obligatory the installation of rain water tanks is by far the easiest and most utilised method to achieve the water reduction target. Councils Building Services section is able to report that most if not all new residential buildings have a tank installation with various alignments to toilet flushing, laundry, garden and drinking use.

However, the installation of rainwater tanks on commercial and industrial buildings is not covered by BASIX at this time. BASIX's may be extended in the future to all industrial and commercial operations, however, no time frames have been established by the NSW government.

In regard to commercial and industrial properties, Council is to consider a Water Sensitive Design (WSD) Development Control Plan in the near future (August council meeting). This document will require potable water consumption reduction. For commercial and industrial developments this reduction may be achieved by various methods eg installing rainwater tanks, cleaner production (i.e. using less water in their production), on site water detention, recycling water, etc. The DCP does not make the installation of tanks obligatory, however, will achieve reduced water consumption. It is most likely as with the residential developments that tanks will be the preferred option.

It should be noted that Council works in partnership with Rous Water to utilise their demand management strategy to reduce water consumption highlighting the point that there are many different ways of reducing water consumption in addition to installing rainwater tanks. An amount of \$100,000 has been included in the 2007/08 budget for water tank rebates, should it be adopted by Council. This will complement the Rous water tank rebate currently existing.

Given the status of rainwater collection and use in local water cycle management, the absolute terms of the Notice of Motion would be an inappropriate Council policy.

Notice of Motion

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

That Council staff prepare a report on stormwater levy rebate options for residential, commercial and industrial rate payers who have installed and plumbed rainwater tanks.

Councillor Ekins

Staff Comment

This Business Paper contains a report on the Stormwater Charge. The report sets out a charging regime that includes a discounting of the charge for those businesses and commercial properties that have installed S68 approved Stormwater Management devices.

No discounting of the charge is proposed for residences as most of these sites that have a rainwater tank have chosen to install same as a technique for compliance with BASIX. In addition incentives for the installation of rainwater tanks is provided by Rous Water and proposed by Lismore City Council so additional discounting of the \$25.00 fee was not seen as a significant inducement to undertake tank installation, given the existing support.

It can be seen from the above that Lismore City Council proposes to provide commercial and industrial sites with an incentive to install stormwater management devices and such incentives and financial support already exist for residences. For this reason, the terms of the NOTICE of MOTION are redundant.

Notice of Motion

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

That Council staff provide a report to Council on replacing the children's playground, removed some years ago, at Nesbitt Park with a particular view to using the funds from the Nesbitt Family Trust to achieve this.

Councillor Irwin

Staff Comment

Some preliminary work was undertaken in 2005/2006 regarding the installation of a playground in Nesbitt Park. A report will be prepared for Council, outlining the background work undertaken, and the options for funding that work, including the Nesbitt Family Trust.

Report

Subject	Development Application No. 2007/152 – “As Built” filled paved area and a dividing boundary fence at 75 Nielson Street, East Lismore
File No	DA07/152
Prepared by	Building Surveyor and Executive Director Development and Governance
Reason	Delegation to determine withdrawn by two Councillor request
Objective	To determine Development Application No. 2007/152
Strategic Plan Link	Quality of Life
Management Plan Activity	Building Services

Overview of Report

This report provides a detailed assessment of an “As Built” Development Application for a filled paved area and colorbond boundary fence at 75 Nielson Street, East Lismore.

Background

In October 2004 Council approved Development Application No. 2004/716 for the demolition of an existing timber frame dwelling and garage and the construction of a new brick veneer dwelling after consideration of submissions from the owner of adjoining property 77 Nielson Street, East Lismore.

The dwelling was completed in March 2005 and an Occupation Certificate was issued by Council subject to the completion of minor works. Subsequent to this occupation additional site works were undertaken and several of these are the subject of this application.

Development Application No. 2007/152 for a filled paved area and a 1900 to 2000mm high colourbond fence on the southern side of the existing dwelling was lodged with Council on March 12, 2007 and in response to Council’s notification letters dated March 16, 2007, Council received a submission from the adjoining resident at 77 Nielson Street, East Lismore objecting to the proposal.

“As Built” Works

The works, as executed, consist of a paved area on retained fill to a depth of approximately 350 to 400mm located on the southern side of the existing dwelling, measuring 1950mm wide by approximately 19m and a 1900mm to 2000mm high colorbond fence having a height of approximately 1600mm above the paved level on No. 75 Nielson Street, East Lismore (photos attached).

Applicant:

Falisto and Janelle Poletto.

Location:

Lot 51A DP 23468 known as 75 Nielson Street, East Lismore.

Zoning:

The proposal is located on land zoned 2(a) Residential Zone, as identified within the Lismore Local Environmental Plan 2000.

Key Issues:

1. Impact of “as built” work on adjoining property.
“As built” works consist of:
 - a. Colorbond boundary fence in excess of 1.8m in height.
 - b. Area of retained fill adjacent to property boundary.
 - c. Area of paved surface adjacent to boundary and drainage of same.

Development Considerations

1. SURROUNDING PROPERTIES & ENVIRONS

The surrounding properties consist of residential dwellings with the East Lismore Bowling Club located on the other side of Nielson Street from the subject property.

2. AS BUILT WORKS

A paved area on retained fill and a colorbond boundary fence at the southern side of the existing subject dwelling.

3. ASSESSMENT UNDER SECTION 79C OF THE E.P. & A ACT -

3.1 Any Environmental Planning Instruments

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

Nil

3.1.2 **Regional Environmental Plan (REP)**

The site is not listed as state or regional significance within the REP.

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

Land on which the proposal is situated is zoned 2(a) Residential Zone under the Lismore LEP 2000. This zone does not prohibit the construction of a paved area or boundary fence with the consent of the Council.

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

Nil

3.3 Any Development Control Plan

Development Control Plan No. 14 – Residential Development – the work as executed complies with this DCP.

Development Control Plan No. 39 – Exempt Development

The works as executed marginally exceed the criteria for exempt development under DCP No. 39 as detailed below:

a) **Boundary fence**

Standard – Boundary fences between adjoining properties to a maximum height of 1800mm.

Work as executed – the colorbond fence erected on the southern boundary has a height to the natural surface which varies between 1800mm and 2100mm.

b) Filling of Land

Standard – the maximum depth of land filling in the 2(a) zone which is exempt under DCP 39 is 300mm.

Work as executed – the depth of fill that has been placed adjacent to the southern boundary is up to 400mm deep.

c) Retaining Wall

Standard – retaining walls up to a height of 600mm are exempt from the requirement for consent.

Work as executed – the treated pine retaining wall constructed along the subject southern boundary is up to 400mm high.

Development Control Plan No. 16 – Building Line Setbacks – Complies.

3.4 Any Matters Prescribed By The Regulations

Nil

3.5 The Likely Impacts of that Development, including Environmental Impacts on both the Natural and Built Environments, and Social and Economic Impacts in the Locality

The paved area and boundary fence, the subject of this application have a significant impact upon the neighbour adjoining on the South. This neighbour's dwelling is close to the common boundary and was orientated towards 75 Nielson Street so as to maximise solar access and residential privacy from the streets which adjoin on both the south and east.

In addition to the decline in amenity experienced by the resident adjoining on the south, there has also been an increase in stormwater runoff occasioned by the construction of the hard (paved) surfaces of the subject property.

3.6 The Suitability of the Site for the Development

The paved area and boundary fence are consistent with the general residential use of the land. Their use on this specific site has an impact on the adjoining land, which can be remediated.

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

In response to Council's notification letter dated March 16, 2007, a submission was received from an adjoining resident.

In summary, the grounds for objection to the works from Ms Parkes are as follows:

1. Loss of visual amenity and privacy
Submission – the increase in fill on the subject property allows residents to readily overlook the fence and look into those living areas of the adjoining residence that were specifically made with large windows to capture sunlight.
2. Noise impact
Submission – the narrow passage along the southern boundary of the subject property, bounded by the hard surfaces of the colorbond fence, the brickwork of the subject residence and the paving of the passage create an area in which sound is amplified.
3. Light spill from eave lighting
Submission – the downlights that have been set into the eave overhanging the subject southern passageway shine directly into the adjoining residence.

4. Stormwater runoff
Submission – the paved surface of the subject passageway directs stormwater onto the adjoining dwelling.
5. Retaining wall
Submission – the treated pine retaining wall, supporting the paved passageway is inadequate.

It is noted that other matters were raised in the submission which are not relevant to this Development Application.

In addition the applicants Mr and Mrs Poletto have provided the following supplementary comments:

1. The works only marginally exceeds the exempt requirements of Council's DCP for Exempt Development and should they elect to modify the existing work to comply with the DCP, there would be minimal change to the appearance and impact of the paved area and dividing fence.
2. The boundary fence is located 160mm inside our boundary line and has been erected at our expense only.
3. The height of the boundary fence provides privacy to our neighbour that did not exist before. The paved area is not used for frequent outdoor living to create any nuisance, as the main outdoor living area is at the rear of the dwelling and pool area.
4. The works are aesthetically pleasing and in keeping with the existing built environment.

3.8 The Public Interest

In respect to public interest, the paved area and boundary fence are consistent with the zoning of the subject land and are site treatments commonly used in residential developments.

4. REFERRAL COMMENTS

Not required.

Conclusion:

The applicant's case in support of the Development Application is consistent with commonly accepted residential site treatments. The increase above the exemption requirements of DCP No. 39 for the boundary fence and filled paved area is very small. There would be minimal change to the impact and appearance of the paved area and dividing fence if modified to meet the exemption requirements of DCP No. 39 or the proposed consent conditions.

All planning matters have been considered in the assessment of the subject application. Submissions from adjoining residents were taken into consideration and do not warrant refusal of this application, subject to compliance with conditions of consent as listed.

In particular the following comments are made in relation to the grounds for objection to the works are provided:

1. Loss of visual amenity – a colourbond fence is commonly used as a dividing boundary fence and is not excessive in height particularly considering the proximity of both residents with the common boundary and it does not intrude into the available winter sun as determined in winter solstice shadow diagrams.
2. Loss of privacy – The boundary fence is approximately 1600mm above the paved area level and does not provide an adequate level of privacy to the adjoining property.

3. Noise impact – The noise impact from the subject property is typical of any residential property. Council's Environmental Health Officer is investigating noise complaints raised by the submission under separate action.
4. Light spill from eave lighting – The current eave lighting is inappropriate and the applicant is prepared to shield such lighting and a condition of consent will require the same.
5. Stormwater runoff – The applicant will be required to provide an adequate surface stormwater disposal system as a condition of consent.
6. Inadequate retaining wall – The treated pine sleeper being less than 600mm high is exempt development under DCP No. 39 and does not require structural engineering certification. It adequately retains the fill and paving.

Recommendation (PLA1)

Development consent be granted for an "As Built" Filled Paved Area and 1900 to 2000mm high Colorbond Boundary Fence on the southern side of the subject property, subject to the following conditions of consent.

ACTIVITIES APPROVED UNDER THE LOCAL GOVERNMENT ACT 1993, IN CONJUNCTION WITH THIS APPLICATION:

- (a) Carry out surface stormwater drainage work.

STANDARD CONDITIONS

- 1 In granting this development consent, Council requires:

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

and be substantially in accordance with the stamped approved plan(s) No. 2 and 3 dated 03/08/2004 and/or supporting documents submitted with the application. A copy of the approved plans is attached to this consent.

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

- 2 The following building works are to be **inspected** by Council or by an Accredited Certifier. In the event that Council is the Principal Certifying Authority, you are required to notify Council at least 24 hours prior to the inspection.

- (a) **Occupation** - the building work is completed prior to any Occupation Certificate being issued in relation to the building.

Reason: *To assess compliance with this approval.*

- 3 The eave down lights being shielded from the neighbouring property at 77 Nielson Street, East Lismore.

Reason: *To ensure that reasonable levels of amenity for neighbouring properties are maintained.*

- 4 Surface stormwater from the paved area must be directed clear of the adjoining properties and must be collected and disposed of to Council's street water table.

Reason: *Required by Clause 3.1.2.5 of the Building Code of Australia Housing Provisions.*

- 5 The surface of the paved area between the residence and the subject southern boundary is to be lowered by 200mm along the length of the southern wall of the subject residence, to be ramped up to the level of the paving surrounding the pool area at a grade of 1:14 or steeper. The ramp is to commence a maximum of 3m from the rear corner of the subject dwelling and terminate at the south western corner of the dwelling at the existing pool/patio paved level.

Reason: *To ensure that reasonable levels of amenity for neighbouring properties are maintained.*

Report

Subject	Water Restrictions
File No.	PGE:VLC:S302
Prepared by	Acting Manager – Lismore Water
Reason	To inform Council of impending Level One Water Restrictions.
Objective	To obtain Council resolution to enforce water restrictions.
Strategic Plan Link	Water and Waste Cycle
Management Plan Activity	Water Supply Services

Overview of Report

To inform Council of impending Level One Water Restrictions.

Background

Water restrictions have not been imposed in the Lismore City local government area since 2002.

However, Lismore City Council introduced the voluntary water conservation strategy, “odds’n’evens”, on December 1, 2006.

Level One Water Restrictions will be introduced to Rous Water supply users when Rocky Creek Dam levels reach 60%. As at May 31, 2007 the level of Rocky Creek Dam was 66%.

Normal consumption levels in the region vary per week, between 0.5%-1.0% of the Rocky Creek Dam storage. As such, and without rain, it is predicted that at current levels water restrictions will be required within five to eight weeks.

Water Restrictions Management

Following the previous drought in 2002, Rous Water developed a set of guidelines, *Regional Water Management Strategy 2004*, that detail the management protocols for the imposition of restrictions.

Subsequently, the water restriction levels were amended to include:

Rocky Creek Dam %	Restrictions Level
60	1
50	2
40	3
30	4
20	5
15	6
10	7

odds'n'evens

Lismore Water's odds'n'evens water conservation regime has proven an effective communication strategy, which has raised awareness about outdoor water use among local householders and highlighted their sense of responsibility as careful water users.

In fact, there is solid evidence that Lismore Water consumers have adopted a very responsible attitude to the issue of the water security and since December 2006 water use in Lismore has decreased by more than 12% over the previous year's usage.

At a meeting on May 31, 2007 with constituent Council staff, it was determined that Rous Water's Level One Water Restriction criteria be amended to include "***on odds and even days matching house numbering***".

This amendment ensures consistency across constituent councils of Rous Water and reduces confusion for Lismore residents who are already participating in the Lismore City Council's water conservation strategy, odds'n'evens. The amendment is highlighted in bold and italic in the Level One Restriction table.

For Lismore residents this means that the current strategy is enhanced with restricted hours in the morning and the afternoon.

Nimbin Water Supply

The consumers of Nimbin are not supplied with water from Rous Water, and there is currently no need to introduce the same restrictions. However the regional advertising will continue to promote the odds 'n' evens message and this is appropriate for Nimbin.

Restriction Details

Water Restrictions Level One (1)

DOMESTIC

Gardens, Car Washing, Window Cleaning	Sprinklers and fixed hoses may be used between the hours of 6am to 10am and 3pm to 7pm <i>on odds and even days matching house numbers.</i>
Use of Hoses	All hoses must be fitted with an on/off nozzle.
Boats, Boat motors and trailers used in saltwater environments	No restriction
Swimming Pool – Private	<ul style="list-style-type: none"> • Filling of new pools allowed. • Topping up of pools allowed. • Emptying and refilling of existing pools banned.
Washing of driveways, paved areas and roofs	Buckets or watering cans only for health and safety reasons.

BUSINESS/COMMERCIAL PREMISES

Public Gardens	Sprinklers 1hr/day 5am-6am – or application for times.
Sports Grounds	Sprinklers 1hr/day 6am-7am – or application for times.
Beach Showers	No restriction.
Market Gardens, Orchards, Nurseries & Commercial Flower Gardens	Sprinklers 2hr/day - application for times.
Washing Motor Vehicles	No restriction.
Washing of Buses, Taxis, Food Transport, Ambulances & Garbage Vehicles	No restriction.

Brick Cleaning, Carpet Cleaning, Car Detailing and Under boring	No restriction.
Building	No restriction.
New Turf	Watering in – then sprinklers 1hr/day for first 7 days – application for times.
Paved public areas, where food is prepared or consumed, or for health reasons	No restriction.
Water Cartage – Potable Supply	Recipients of water to comply with restrictions set out in this table.
Auto Flush Urinals	<ul style="list-style-type: none"> • On timers – banned • On demand – OK

INDUSTRIAL

Ready Mix Concrete & Others	No restriction
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RURAL

Stock	No restriction
Irrigation	Sprinklers 2hr/day - application for times.

Policing

It was determined by the constituent councils and Rous Water, that policing of water restrictions throughout the region should be enforced in a consistent manner.

As such, Council staff will be required to issue fines for water restriction violators. Currently Council Rangers have legal training to perform this function. However to manage the workload, four Lismore Water staff will attend the NSW Police SEIN's* training course. This will allow all infringements to be performed legally.

*SEIN: Self Enforcement Infringement Notification

Comments**Financial Services**

Not required

Other staff comments**Communications Coordinator**

The introduction of the 'amended' Level One Water Restrictions should not be difficult for Lismore residents to adopt into Council's current water conservation measures.

However, residents will need to understand that these restrictions are mandatory, and no longer voluntary as is the case with "odds'n'evens". This information will need to be clearly communicated.

Manager - Environmental Health

Should Level One Water Restrictions come into force, Council's Rangers will be made available for enforcement activities. Water wise education for the community is of course fundamental to achieving water restrictions and Council's Environmental Health Section will be proactive in this regard.

Public Consultation

A comprehensive communication strategy has been prepared to ensure maximum reach throughout constituent council areas. The strategy includes:

- Media advertising in local newspapers and via radio stations.
- Distribution of information leaflets. The leaflets will be delivered to all mailboxes of the constituent councils concurrently with media advertising.
- Signs advising that water restrictions apply will be erected on the main roads in and out of Lismore.
- Current information about water restrictions to be placed on Council's website and links established to Rous Water restriction level guidelines.

Recommendation (IS27)

1. That Council note that Level One (1) Water Restrictions will be imposed in the Lismore City Council area when Rocky Creek Dam levels fall to 60%.
2. That Level One (1) restriction criteria be in accordance with the "Water Restrictions Level One (1)" outlined in the report.

Report

Subject	Proposed 2007/2008 Roads Capital Works Programme
File No.	SY:VLC:S374
Prepared by	Manager - Roads & Parks
Reason	To inform Council of the proposed roads capital works programme for 2007/2008 as recommended by the Roads Policy Advisory Group (PAG).
Objective	To obtain Council's approval for the 2007/2008 Roads Capital Works Programme.
Strategic Plan Link	Infrastructure
Management Plan Activity	Roads

Overview of Report

This report provides a recommended Roads Capital Works Programme for the 2007/2008 financial year. The recommended programme has been developed using Council's objective road reconstruction point scoring system and input from the Roads PAG.

Background

The Roads PAG met on May 21, 2007 to consider and review projects to be recommended for inclusion in the 2007/2008 Road Capital Works Programme.

The Roads PAG has recommended that \$50,000 in the annual Roads Capital Works Budget be permanently allocated for minor road safety-related improvement works, for example; installation of guardrail and improving sight distance on crests and intersections.

As part of the Roads PAG commitment to a two-year rolling capital works programme, budget information for the 2008/2009 financial year is included in this report.

Road Funding Available

General Road Funding	2007 / 2008 (\$)	2008 / 2009 (\$)
Urban Road Construction	535,000	546,000
Rural Road Construction	1,328,700	1,094,300
Rural Roads FAGS Programme	622,300	492,800
Roads to Recovery Programme	783,400	783,400
	\$3,269,400	\$2,916,500

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

In the 2005/2006 financial year, funds were distributed in accordance with the historical distribution of a one-third to urban and two-thirds to rural roads (this is generally proportioned on the length of urban and rural roads), after the deduction of \$200,000 for the sealing of gravel roads.

The PAG decided that this formula remain for 2007/2008, after deduction of \$200,000 for the sealing of gravel roads and \$50,000 for safety related repair/improvement works.

Road Type	2007 / 2008 (\$)	2008 / 2009 (\$)	Proportion
Urban Roads	1,011,499	893,278	33.5%
Rural Sealed Roads	2,007,901	1,773,223	66.5%
	\$3,019,400	\$2,666,500	
Sealing of Gravel Roads	200,000	200,000	
Safety Projects	50,000	50,000	
	\$3,269,400	\$2,916,500	

Urban Roads Capital Works Priority List

This is the current list of urban works that has been evaluated and ranked in relative priority order using the agreed criteria -

Road Name	Location	Cost Estimate (\$)	Score
Wyrallah Road	Cottee to Esmonde Streets	300,000	70
Rotary Drive	New Ballina Road to Uralba Street	250,000	60
Conway Street	Ballina Road to Dawson Street	500,000	58
Jubilee Street	Diadem to Hunter Streets	200,000	56
Ostrom Street	From Casino Street	140,000	55
Gaggin Lane	Brewster to Diadem Streets	150,000	53
Bellevue Avenue	High Street to Donnans Road	190,000	52
Little Uralba Street	Fermoy Avenue to Uralba Street	82,000	52
Phyllis Street	Wilson to Crown Streets	300,000	51
Cooling Street	High to Mackay Streets	230,000	50
Bounty Street	Molesworth Street to end	200,000	49
Ubrihien Street	Dibbs Street to Shelley Avenue	180,000	48
Dalley Street	Dibbs Street Roundabout	80,000	47
Webster Street	Wilson to Crown Streets	210,000	42
Elizabeth / College Streets	Wyrallah Road to Caldwell Avenue	230,000	41
Charles Street	Wilson to Crown Streets	210,000	40
Crown Street	Casino to Charles Streets	250,000	35
Kareela Avenue	Valley View Drive to Donnans Road	90,000	34
Panorama Road	Cathcart Street to end	60,000	30
Kyogle Street	Wilson to Crown Streets	210,000	26

Rural Roads Capital Works Priority List

This is the current list of rural works that has been evaluated by staff and ranked -

Road Name	Location	Cost Estimate (\$)	Score
Skyline/Durheim Roads (Stage 3)	0.00 - 0.87km East of Wyrallah Road	420,000	68
Broadwater Road (Stage 3)	Wyrallah to Kilgin Roads	640,000	66
Rosehill Road (Stage 2)	Kyogle Road - Ch 0.6 to 1.6km	500,000	64
Rock Valley Road	0.4 - 0.7km north of Rosehill Road	150,000	61
Tregeagle Road (Stage 2)	1.6km to 2.5km south of Rous Road	252,000	61
Rosehill Road	Kyogle Road 0.0-0.56km Walsh Bridge	168,000	60
Bridge Street / Agnes Street	Wyrallah Village to School	775,000	58
Cowlong Road (Stage 2)	Bruxner Highway	240,000	58
Cawongla Road (Stage 2)	8.1 - 8.8km north Rock Valley Road	210,000	57
Cawongla Road (Stage 3)	9.8 - 10.4km north Rock Valley Road	180,000	57
Cawongla Road (Stage 4)	10.8 - 11.5km north Rock Valley Road	210,000	57
Cawongla Road (Stage 5)	12.2 - 12.8km north Rock Valley Road	180,000	57
Cawongla Road (Stage 6)	13.4 - 13.8km north Rock Valley Road	120,000	57
Cawongla Road (Stage 7)	13.8 - 15.2km north Rock Valley Road	420,000	57
James Gibson Road (Stage 3)	4.5 - 5.1km east Corndale	192,000	57
Boatharbour Road	Cameron to Eltham Roads	1,400,000	56
Cawongla Road (Stage 1)	6.6 - 7.9km north Rock Valley Road	364,000	56
Cowlong Road	Lavis to McKenzie Roads	615,000	55
James Gibson Road (Stage 2)	3.3 - 4.5km east of Corndale Road	384,000	55
Pinchin Road (Stage 3)	3.7 - 4.7km east of Nimbin Road	250,000	55
Tatham Road	Bridge Approaches	180,000	55
Dorroughby Road	Corndale Road - North 0.8 km	392,000	54
Tatham Road	Bruxner Highway - 2.3km south	725,000	54
Crofton Road	0.1 - 0.5km north of Nimbin Road	192,000	50
Pearson Road	McKenzie to Eltham Roads	645,000	48
Keerrong Road	Various Sections	462,000	47
Kilgin Road	Various Sections	210,000	47

Proposed 2007/2008 Roads Capital Works Programme

2007/2008 Works Programme <i>(Recommended by Roads PAG)</i>	Pts	(\$)
Urban Roads		
Wyrallah Road (Cottee Street to Esmonde Street)	70	300,000
Rotary Drive (New Ballina Road to Uralba Street)	60	250,000
Conway Street (Ballina Road to Dawson Street)	58	500,000
		\$1,050,000
Rural Roads		
Skyline Road Stage 2 (end Stage 2 to Wyrallah Rd; 870 m)	68	420,000
Broadwater Road Stage 3 (0.0 to 2.0 km east of Wyrallah Road)	66	640,000
Rosehill Road Stage 2 (0.6 to 1.6km from Kyogle Road)	64	500,000
Rock Valley Road (0.4 to 0.7 km north of Rosehill Road)	61	150,000
Tregeagle Road Stage 2 (1.6 to 2.5 km south of Rous Road)	61	252,000
		\$1,962,000
Sealing of Gravel Roads		
Stony Chute Road		200,000
		200,000
Safety Projects		
Unallocated		\$50,000
Contingency		\$7,400
TOTAL :		\$3,269,400

2008/2009 Works Programme <i>(Proposed only - Not yet considered)</i>	Pts	(\$)
Urban Roads		
Jubilee Street (Diadem Street to Hunter Street)	56	200,000
Ostrom Street (Casino Street to road end)	55	140,000
Gaggin Lane (Brewster Street to Diadem Street)	53	150,000
Bellevue Avenue (High Street to Donnans Road)	52	190,000
Little Uralba Street Reconstruction (Fermoy Avenue to Uralba Streets)	52	82,000
Dalley / Dibbs Streets Roundabout	47	80,000
		\$842,000
Rural Roads		
Rosehill Road Stage 1 (0.0 to 0.6 km from Kyogle Road)	60	168,000
Bridge / Agnes Streets (Wyrallah Village to School)	58	775,000
Cowlong Road Stage 2	58	240,000
Cawongla Road Stage 2 (8.1 to 8.8 km north of Rock Valley Road)	57	210,000
Cawongla Road Stage 3 (9.8 to 10.4 km north of Rock Valley Road)	57	180,000
James Gibson Road Stage 3 (4.5 to 5.1 km east of Corndale Road)	57	192,000
		\$1,765,000
Sealing of Gravel Roads		
Terania Creek Road		100,000
Lillian Rock Road		100,000
		\$200,000
Safety Projects		
Unallocated		\$50,000
Contingency		\$59,500
TOTAL :		\$2,916,500

Other Staff Comments

General Manager

Whilst Council has developed a set of criteria to assist in prioritising its forward roadworks upgrade program it is necessary that attention is drawn to the element which I believe is missing in this criteria. It is of major significance in terms of Lismore's ongoing reputation as the Regional Centre. I refer to the parlous condition of too many heavily trafficked streets in the immediate vicinity of the Lismore CBD. I do not need to list these all here for the reason that every Councillor and most residents are aware of this situation. Reference to the priority lists in this report shows no plan for rehabilitating the whole of Conway Street, Keen Street, Magellan Street, Woodlark Street and other key arteries.

One reason is the limited pool of money but another is the one-third urban, two-thirds rural split of available funds. In terms of demand, usage and economic equity I suggest this distribution is flawed and Council, not the Roads PAG, should review its policy in this regard.

Public Consultation

This proposed 2007/2008 Roads Capital Works Programme has been discussed and is recommended by the Roads PAG which met on May 21, 2007.

There was considerable discussion at the PAG meeting that the current points system did not give high enough priority to the heavily trafficked roads in the CBD area. The PAG recommended a review of the points system or the introduction of another category to address this issue.

Conclusion

This report has recommended a programme of roads capital works to be undertaken during the 2007/2008 financial year that has been evaluated in accordance with Council's road reconstruction point scoring system.

Recommendation (IS25)

1. That Council approve the 2007/2008 Roads Capital Works Programme as set out in the body of the report.
2. That the Council's policy pertaining to the annual distribution of funds for road upgrades be reviewed with a view to factoring in the relative importance of Lismore's CBD roads and streets.

Report

Subject	Stormwater Management Plan and Charges
File No	S722
Prepared by	Environmental Health Services
Reason	To enable Council to undertake obligated stormwater management services
Objective	To adopt the Stormwater Management Plan 2007 and the Stormwater Management Services charge in accordance with legislation.
Strategic Plan Link	Infrastructure, Natural Environment, Quality of Life, Water and Waste Cycle,
Management Plan Activity	Stormwater Management Plan, Integrated Water Cycle Management, Roads and Drainage, Catchment Management, Water Quality monitoring

Overview of Report

Council's Stormwater Management Plan 2000 has been reviewed and the revised Stormwater Management Plan 2007 has been placed on public exhibition. The plan will act as the guiding document for Council's Stormwater Management Services.

As Council has resolved to levy a Stormwater Management Services (SMS) charge it must do so in accordance with *the Local Government (General) Amendment (Stormwater) Regulation 2005*. This report outlines the proposed charging regime for the urban area of Lismore.

Background

Stormwater Management Plan 2007:

The Stormwater Management Plan was adopted by Council in 2000 following a direction from Department of Environment and Conservation (then EPA). The plan identified priorities and actions with some actions being completed following the successful attainment of external funding such as EPA's Stormwater Trust funds. However, many actions have never been undertaken due to lack of funding. Council is responsible for implementing such actions and providing sustainable stormwater management and 'to fix stormwater problems' (Former NSW Minister for Local Government 2005). The *Stormwater Management Services (SMS) charge* will help to implement these priorities.

Following the implementation of the SMS charge in 2006, the Stormwater Management Plan 2000 was revised and reviewed. A workshop has been held with Councillors and the plan placed on public exhibition. No formal submissions have been received from the public but staff and the Sustainable Environment Policy Advisory Group (SEPAG) have been consulted. The plan is presented to Council to be adopted to be the guiding document for Council's stormwater management services.

Stormwater Management Services Charge (SMS Charge)

Council in May 2006 adopted the introduction of the SMS Charge in accordance with guidelines for Councils introducing the charge in its first year. The initial charge was at a flat rate (i.e. \$25 per property) for both residential and business properties. From 2007/08 Council is required to charge residential and business properties in accordance with the legislation. This will mean that business properties are to be charged according to the size of their property (i.e. a maximum of \$25 per 350m² or part thereof) and residential properties will be charged a flat rate of \$25.00 per property or \$12.50 per residential strata, depending upon which is appropriate.

Should Council proceed to charge on this basis some large business properties could incur a substantial charge. In order to address this anomaly the following proposal addresses issues of fairness for all business property owners.

An analysis of Lismore's industrial land has indicated that the average size of industrial property is approximately 4,200m².

This average has been utilised as the premise for a more detailed charging procedure for business properties.

- a) **Business properties up to 4,200m² area:**
 - to be charged \$25 per 350m² or part thereof of property area.
- b) **Business properties exceeding 4,200m² area:**
 - To be charged a minimum of \$300 (i.e. the charge for 4,200m² as per (a) above).
 - The area of imperviousness of each of these properties will be assessed.
 - Should a business property have greater than 4,200m² of impervious area then the charge will relate to the area of imperviousness (i.e. \$25 per 350m² or part thereof of impervious area).

Table 1: Charging regime for business properties

Business Property Size	No. of Units of 350m ²	Charge
0m ² - 350m ²	1	\$25
351m ² – 700m ²	2	\$50
701m ² – 1050m ²	3	\$75
1051m ² – 1400m ²	4	\$100
Continuing in 350m ² increments until:		
3851m ² – 4200m ²	12	\$300
Greater than 4200m ²	To be determined by a site assessment of impervious area	Subject to the site assessment

- c) **Strata or Company Title business properties:**
 - Strata titled properties are also required to be appropriately rated in accordance with *the Local Government (General) Amendment (Stormwater) Regulation 2005*. In this regard Strata or company titled properties, the total area of the whole property shall be used to calculate the "unit charge". The "unit charge" is to be divided in the same proportion as the unit entitlement of the strata, as shown on the registered strata plan subject to a minimum charge for each strata lot being not less than the unit charge for business properties being \$25.00.

Right of Appeal:

It is also proposed to introduce a procedure for business properties* based on the following;

1. Area of imperviousness:** Should the area of imperviousness be less than 90% of the total property area, the charge will be based on the area of imperviousness on the property or
2. Stormwater Treatment: A business property with a stormwater treatment device that is approved by Council under Section 68 of the Local Government Act*** would trigger a 30%

reduction in the SMS Charge.

* *Note:* A right of appeal does not apply to residential properties as;

- a. Residential properties do not have stormwater treatment devices approved under Section 68 of the Local Government Act, therefore creating no surety in maintenance, quality and continued level of operation of stormwater treatment
- b. Implementing a right of appeal to residential properties is not cost effective given the charge is \$25.00

** *Note:* Area of Imperviousness includes all hard or compacted surfaces (rooves, driveways, footpaths) which prevents infiltration of water.

*** *Note:* Section 68 of the Local Government Act is an approval that allows Council to approve and regulate particular stormwater treatment devices to a best practice standard. This approval ensures that the treatment device is effective, appropriately maintained and meeting its prescribed operational standard.

Comments

Financial Services

The continuation of the Stormwater Management Services Charge (SMS) was anticipated and included in the draft 2007/08 – 2010 Management Plan (Plan), which is currently on public display.

The Plan provided for a charging regime consistent with that recommended in this report. A total of \$365,500 will be generated from the SMS.

The SMS charge will be used to fund works and services for two catchments within the Lismore Urban area being the Wilson Creek and Tucki Tucki Creek catchments.

The following is summary of the proposed works for 2007/08:-

Stormwater Management Service	Funded from Stormwater Management Services Charge	Funded from Other Sources	Other Sources	Ratio Stormwater Management Services : Other Sources
Infrastructure services (enhancement of current practices)	\$70,000 Wilson Catchment \$10,000 Tucki Tucki Catchment	\$849,000 (construction & maintenance)	Stormwater component of roads & drainage, design, construction & trunk drainage	1:10.6
Infrastructure services (new treatments)	\$65,000 Wilson Catchment \$15,000 Tucki Tucki Catchment	\$40,000	Minor works, roads & drainage	1:0.5
Maintenance of treatment devices	\$40,000	\$12,000	Maintenance of infrastructure, roads & drainage	1:0.3
Business assessment and education	\$45,000	\$50,000 (grant)	Environmental Trust grant	1:1

Community Education	\$50,000	\$49,200	Environmental Health Services, catchment management, Clean Up Australia	1:1
Information gathering / administration	\$70,500	\$82,500	Environmental Health Services, water monitoring, public health	1:1.2
Totals	\$365,500	\$1,082,700		1:2.5

Other staff comments

Nil.

Conclusion

The revised Stormwater Management Plan 2007 has undergone a comprehensive community consultation process. The document will act as the guiding document for Council's stormwater management.

Council is required to charge properties in accordance with *the Local Government (General) Amendment (Stormwater) Regulation 2005*. A proposed charging regime details a fair and equitable outcome for Lismore urban ratepayers.

Recommendation

1. That Council adopt the Stormwater Management Plan 2007.
2. That Council adopt the Stormwater Management Services Charge as follows:
 - Residential Properties to be charged \$25.00 per rate assessment;
 - Residential Strata properties to be charged \$12.50 per lot
 - Business Properties of 4200m² or less to incur an annual charge of \$25.00 per 350m² or part thereof of the property area:
 - Business Properties with an area greater than 4 200m² to be individually assessed and charged a minimum of \$300.00 or \$25.00 per 350m² or part thereof of impervious area, whichever is the greater.
 - Strata titled properties are also required to be appropriately rated in accordance with *the Local Government (General) Amendment (Stormwater) Regulation 2005*. In this regard Strata or company titled properties, the total area of the whole property shall be used to calculate the "unit charge". The "unit charge" is to be divided in the same proportion as the unit entitlement of the strata, as shown on the registered strata plan subject to a minimum charge for each strata lot being not less than the unit charge for business properties being \$25.00.
3. That Council note a right of appeal for Business Properties the subject of this charge which will be based on area of imperviousness or existing S68 approved stormwater treatments as set out in this report.

Report

Subject	The Lismore Development Control Plan (consolidation of existing DCPs)
File No	S924
Prepared by	Senior Strategic Planner
Reason	Close of public exhibition period
Objective	Council's adoption of the consolidated Lismore DCP
Strategic Plan Link	Economic Development
Management Plan Activity	Review and update planning controls

Overview of Report

This report advises of the outcomes of the public exhibition of the revised consolidated DCP for Lismore. It recommends that Council adopt the new DCP with some amendments arising from both public and staff submissions.

Background

At its meeting of December 12, 2006 Council resolved to re-exhibit the consolidated Lismore DCP for a further period of 28 days. The Lismore DCP has been prepared in response to a State Government directive requiring that no more than one DCP may apply to any parcel of land within a Council area.

The consolidated DCP was originally exhibited for three months in 2006 and attracted no public submissions. Council deferred its adoption pending a workshop on the DCP which was held on November 21, 2006. Following the workshop the DCP was reformatted in two parts and re-exhibited for a further 28 days. Part A contains the "generic" controls that apply throughout Lismore and Part B contains the "site specific" controls that apply only to a particular site or locality.

The following Tables show how the DCP has been structured and lists the previous DCPs the new chapters will replace.

Part A (generic controls)

Chapter	Subject	Previous DCP
1	Residential development	DCP 14 & 16
2	Commercial development – Urban design in CBD	DCP 42
3	Industrial development	DCP 26
4	Subdivision and infrastructure (General requirements)	DCP 28 (Part 1)
5	Subdivision and infrastructure (Urban subdivision)	DCP 28 (Part 2)
6	Subdivision and infrastructure (Rural subdivision)	DCP 28 (Part 3)
7	Off-street parking	DCP 18*
8	Flood prone lands	DCP 7
9	Outdoor advertising structures	DCP 36
10	Notification and advertising of DAs	DCP 41
11	Buffers	DCP 27
12	Heritage conservation	DCP 50

13	Crime prevention through environmental design	DCP 43
14	Tree preservation order	DCP 17
15	Waste minimisation	DCP 47
16	Rural landsharing communities	DCP 44
17	Acid sulphate soils	DCP 38
18	Extractive industries	DCP 29
19	Exempt development	DCP 39
20	Complying development	DCP 40

Part B (site specific controls)

Chapter	Subject	Existing DCP
1	Urban area	DCP 22 (Northern Ridges) DCP 31 (East Lismore) DCP 33 (East Goonellabah)
2	Land at West Goonellabah	DCP 48
3	Cultural Precinct	DCP 49
4	Airport Industrial Estate	DCP 51
5	Wyrallah Road Industrial land	DCP 53
6	Nimbin Village	DCP 9
7	Dunoon Village	DCP 19
8	Clunes Village	DCP 21

Council has had insufficient resources to comprehensively review each of the DCPs that now form chapters to the new DCP. Changes to the editorial content in the draft DCP have been necessary to ensure integration of the various chapters and there has been some updating of text to refer to contemporary standards and legislation.

The major change in the new DCP relates to the site specific controls in Part B where former DCPs 22, 31 and 33 have been replaced with a single revised chapter (Chapter 1) that applies to the whole urban area. The principal matters that Chapter 1 deals with were described in detail in the Council report of December 12, 2006. In summary they include:

1. future road connections required to service anticipated new development,
2. local open space provisions, and
3. physical and environmental constraints that apply to various parts of the urban area.

Because the combined parts of the new DCP are over 600 pages, a copy of the draft Lismore DCP will be available for Councillors to inspect in the Councillor's room.

Comments

Financial Services

Not required.

Other staff comments

Since the initial draft of the consolidated DCP was prepared, Council's Planning Services and Building Services sections have each identified additional matters where the DCP should be updated consistent with current legislation, policy and practices. The issues identified by Planning Services are included as Attachment 1 to this report while those identified by Building Services are in Attachment 2. The proposed amendments are not substantive in nature and do not warrant re-exhibition of the DCP. It is recommended that the proposed amendments be incorporated into the final adopted version of the DCP.

Public consultation

The draft DCP was exhibited for twenty eight (28) days from April 10, 2007 to May 7, 2007. Two

submissions were received in response to the exhibition. One submission relates to the chapter applying to Dunoon and the other to the chapter applying to Clunes.

Chapter 7 (Part B) - Dunoon

The submission to Chapter 7 from the Dunoon Community Group raised the following issues:

1. A meeting with Council is requested to discuss views on the future development of Dunoon.

Comment:

Council staff have spoken with the author of the submission and have explained Council's differing responsibilities in assessing a current development application (06/647) for a 56 lot subdivision in Dunoon and meeting the State Government requirement to bring all of the current DCP's into one document. Although the current Dunoon DCP is dated, it has not been possible to comprehensively review the controls applying to Dunoon as part of this exercise. The author of the submission agreed that a meeting to discuss the new DCP was not necessary in the short term, however the community would like the opportunity to discuss the current subdivision application with Council staff. A meeting will be organised following receipt of additional information that Council has requested from the applicant.

2. The new DCP does not contain specific recommendations on the provision of new recreation space.

Comment:

This is a valid point. The DCP lacks specific criteria for determining the location, size or embellishment requirements for new open space in Dunoon. DA 06/647 applies to the last substantial parcel of undeveloped 2(v) land in Dunoon and open space provision will have to be determined on a merit basis as part of the DA assessment process. The applicant has been asked to submit a Social Impact Assessment which will address open space requirements for the proposed subdivision.

3. The indicative road patterns in the DCP do not show the new 'Avondale' subdivision.

Comment:

The maps in the DCP are based on the current cadastral layer supplied by the Lands Department. The Avondale subdivision would only be shown on that layer following registration of the final plan of subdivision.

4. Traffic issues at the intersection of May and James Streets are not addressed.

Comment:

There are some issues with the approach grade in May Street at the intersection with James Street that will be addressed in the current DA for subdivision. This is not a matter that can or should be resolved in the DCP.

5. Updated population profiles for the village should be included.

Comment:

The previous population data have been taken out of the DCP. This is because the data were out of date and their inclusion was inconsistent with the main purpose of a development control plan which is to provide detailed guidelines for new development. Population data are more appropriately located in the Village Development Strategy. The fact that the old Dunoon DCP (No 19) contained such information is a reflection of its age.

6. The introductory clause to DCP 19 that required Council to take the DCP into consideration when determining DAs has been omitted.

Comment:

The introductory clause that requires Council to take the DCP into consideration when determining DAs is now in the main introduction to the whole DCP. This is the appropriate place for the clause.

7. References to minimum 400m² lots under the LEP should be deleted. The minimum lot size should be set at 2500 m² to 5000 m².

Comment:

The DCP cannot alter or override minimum development standards set in the LEP. The DCP already states that in practice (because of on-site effluent disposal requirements) the minimum lot size will be in the vicinity of 2500 m² to 5000 m².

8. The DCP recommendation that lots sizes should be as small as possible should be deleted and replaced with a minimum requirement of 2500 m² to 5000 m² and the following recommendations should be added to the existing recommendations in the DCP:
- 1) That the DCP be considered when determining any application for subdivision or development.
 - 2) That the views of residents be taken into account when considering the expansion of the village.
 - 3) That statements about village character and rural atmosphere in the DCP be also included in the recommendations.

Comment:

The fact that the Dunoon DCP contains “recommendations” is another indicator of its age and the degree to which it deviates from accepted and contemporary practice for the form and content of DCPs. Some of the existing recommendations, such as references to Dept of Health minimum lot sizes for on-site effluent disposal, are obsolete. Council’s *Revised On-Site Sewage and Wastewater Management Strategy* is the relevant document applying to on-site effluent disposal requirements. Other recommendations in the DCP are simply reiterations of statements that appear elsewhere in the document.

Statements about preserving the village character and rural atmosphere, are already in the DCP. It is proposed that all of the existing recommendations be deleted from the DCP as they serve no practical purpose and their inclusion is inconsistent with accepted practice for the content of DCPs.

9. The section on effluent disposal should be updated to ensure that it refers to the latest Dept of Health guidelines.

Comment:

The relevant effluent disposal guideline is now Council’s *Revised On-Site Sewage and Wastewater Management Strategy*. Reference to the Dept of Health guidelines should be replaced by reference to Council’s strategy.

10. Reference in the DCP to a butchers shop should be deleted.

Comment:

Dunoon no longer has a butcher shop so this reference will be deleted.

Chapter 8 (Part B) - Clunes

The submission to Chapter 8 was lodged by the owners of land between the northern and southern sections of Smith Street, Clunes. The former Clunes DCP shows an indicative road and pedestrian connection through this lot linking the two sections of Smith Street and this provision has been carried over into the new DCP. The owners object to this on the basis that their property is productive and certified organic and they would not allow public access through their land.

Comment:

The purpose of a DCP is to guide the nature and form of future development. The land in question is zoned 2(v) Village and has an area of 4275m². It could have future subdivision potential and that potential would be enhanced with a centralised wastewater scheme for Clunes. A requirement to connect Smith Street would only be activated if the owners seek subdivision of their land. The current owners may never wish to subdivide however Council would require the Smith Street connection if a future owner was to lodge an application for subdivision. The road and footpath connection would have significant benefits for Clunes and it is important that the indicative connection remain as shown on the DCP map.

Conclusion

Council's twenty nine existing DCPs have been consolidated into a single DCP to meet State Government requirements. Resources have not permitted a comprehensive review each of the twenty nine DCPs that have been incorporated into the new DCP although some updating has been undertaken. Further updates to the DCP are proposed as listed in Attachments 1 and 2 to this report. The only substantive change in the new DCP has involved the replacement of three DCPs in the urban area with a single updated chapter (Chapter 1 of Part B).

It is acknowledged that some of the chapters (including that applying to Dunoon) are dated and in need of review. Ideally the village DCPs should be updated and amalgamated into a single chapter as has been done with the urban DCPs. However Council's current resources do not permit a comprehensive review of all chapters. It is recommended that references to the obsolete Dept of Health guidelines be deleted and that all recommendations originally in DCP 19 be deleted as these are simply reiterations of statements that appear elsewhere in the DCP.

Council's adoption of the Lismore DCP will bring its development controls into line with State Government requirements. It will also result in the automatic repeal of all existing DCPs listed in the tables in this report.

Recommendation

That Council:

1. Adopt the Lismore Development Control Plan as exhibited but incorporating the proposed amendments as outlined in Attachments 1 and 2 to this report as well as the proposed amendments to Chapter 9 of Part B (Dunoon Village) to omit references to the Department of Health guidelines and to delete the 'Recommendations' contained in the final sections of that chapter; and
2. Give public notification of Council's adoption of the DCP in accordance with clause 21 of the Environmental Planning and Assessment Regulation 2000.

ATTACHMENT 1

Submission from Planning Services

The following amendments to Part A of the draft Lismore DCP are proposed:

Chapter 1 - Residential Development

Insert in Section 2.2 Building Height & Setback from Boundaries

Variation of setbacks for garages and carports should not be included in a design, and may not be approved, if there is a likelihood of vehicles parked in the driveway intruding onto the public footpath, thus creating difficulties for pedestrians and the disabled.

Design of duplexes or single dwellings on corner blocks, and with garages facing both streets, should observe the 6 metre setback for garages on both frontages so as to prevent vehicles parked in the driveway intruding over the public footpath.

Reason: Council has received development applications for large dual occupancy dwellings on lots which are unsuitable for the size of dwelling proposed. The applicants seek to vary the building line (setback from the street) in order to make the proposal fit the site. While this can sometimes be achieved with regard to the living areas of the dwelling, variations in regard to garages/car ports can result in the garage being so close to the street that a vehicle parked in the driveway outside the garage will overhang onto the public footpath, thus creating difficulties for pedestrians and the disabled. The inclusion of this matter into the DCP should ensure that the problem is addressed appropriately during the design of the proposal.

Chapter 4 - Subdivision & Infrastructure

Insert the following in 'Section 3.5 Other legislation which may apply to subdivision development':

Roads Act /Roads (General) Regulation 2000 and requirements of the Geographical Names Board.

Development Applications for subdivisions which include new roads should include proposed names for those roads. Such names are to be selected in general accordance with 'Guidelines for the Naming of Roads' and 'Road Naming in NSW' by the Geographical Names Board of NSW. These guidelines are available at the Board's web site www.gnb.nsw.gov.au/info

Any proposal for the use of Aboriginal names should be referred to the appropriate Aboriginal organisation for comment.

Reason: Applicants for subdivision are being advised to follow statutory requirements in regard to the naming of new roads.

Chapter 9 - Advertising Structures

Insert in Section 1.2 Application and Relation to Other Plans the following:

State Environmental Planning Policy No.64 Advertising & Signage overrides the provisions of this development control plan. When preparing or assessing a development application for advertising signage in rural zones, environmental protection zones, or signage which is visible from or within 250 metres of a classified road, the provisions of SEPP 64 should be considered. SEPP 64 may be found at [www.legislation.nsw.gov.au/browse in force/environmental planning instruments in force](http://www.legislation.nsw.gov.au/browse%20in%20force/environmental%20planning%20instruments%20in%20force).

The SEPP prohibits the display of an advertisement within the following zones or descriptions:

- heritage area
- conservation area
- open space
- waterway
- residential (but not including mixed residential/business zones)
- national park
- nature reserve

with the exception of business identification signs, building identification signs, signage on vehicles, and signage which is 'Exempt Development' under the Lismore Development Control Plan or Lismore Local Environmental Plan.

Insert in Section 6.0 Design Guidelines the following:

6.11 Signs in rural zones

Signage in rural zones must relate to the land on which the sign is to be placed, or to premises situated on that land, and specify one or more of the following particulars:

- the purpose for which the land or premises is or are used;
- the identification of a person residing or carrying on an occupation or business on the land or premises and a description of this occupation or business
- particulars of the goods or services provided on the land or premises
- a notice directing the travelling public to tourist facilities or activities or to places of scientific, historical or scenic interest.

Insert new Section as follows:

10 Duration of Consents

In accordance with the provisions of State Environmental Planning Policy No. 64 Advertising Signage, Council may grant consent to an application for signage for a maximum period of fifteen years.

Reason: to advise applicants and staff of the provisions of a State Environmental Planning Policy.

Insert new Section as follows:

9.3 Agreement of landowner for erection of advertising signs.

Council cannot accept a development application for any use, including advertising signage, without the written agreement of the owner of land on which the use, including signage, is to be carried out or erected. Therefore any development application for signage must include the agreement of the owner of the property on which the signage is to be erected. Lismore City Council or the Roads & Traffic Authority are the owners of road reserves, including footpaths, within Lismore. Council will not agree to the erection in the road reserve of advertising signs for commercial development.

9.4 Directional signage for tourist facilities

Directional signage for tourist facilities must comply with the Tourist Signposting Manual prepared by Tourism New South Wales and the NSW Roads & Traffic Authority, and be approved by the Tourist Attraction Signposting Assessment Committee (TASAC). This manual is available at www.corporate.tourism.nsw.gov.au. TASAC may be contacted through Tourism New South Wales.

Reason: to provide advice to developers and the public, based on regulation and adopted Council policy.

Chapter 10 - Advertising & Notification of Development Applications

Insert new point 1.6:

1.6 Consultation with neighbours

Applicants are strongly advised also to consult with their neighbours at preliminary stages of design of the development. Issues raised by affected neighbours may be able to be overcome during design of the proposal, thus avoiding delays and costly re-design which may be required to overcome objections arising during the public exhibition of the application.

In Section 3 Definitions

Delete definition for 'notification plan'

In Section 4 Notification & Advertising of DAs

Insert in table in alphabetical order:

<i>Crematorium</i>		1(a) 1(b) 1(c) 4 5
<i>Environmental Facilities</i>	1(a) 1(b) 1(c) 2(a) 2(f) 5 5(b) 7(a) 7(b)	
<i>Recycling drop off centres</i>	1(a) 1(b) 4 5 5(a) 6(b)	1(c) 2(a) 2(f) 2(v) 3(b) 3(f)
<i>Storage sheds</i>	4 5 5(b)	2(v)
<i>Temporary events</i>		1(a) 1(b) 1(d) 2(v) 3(a) 3(b) 3(f) 4 5 5(b) 6(a) 6(b)

From paragraph 4.5, delete
(f) *a copy of the notification plan*

Section 6 Notice to be given.....etc.

Delete heading and insert instead:

6.0 Notice to be given for amended application, or for applications to modify or review a development consent.

Add new para 6.6

Applications under S82A of the Act to review a determination of consent are subject to public participation under cl.113A of the Regulation.

An application for review of a determination must be notified or advertised for a period not exceeding 14 days, but otherwise in the same manner as the original development application was notified or advertised. The notice or advertisement must contain the following:

- (a) a brief description of the original development application and the land to which it relates;*
- (b) a statement that submissions concerning the application for review may be made to the Council within the period of 14 days or as otherwise required by the DCP for notification/advertising.*

Reason: Advice to applicants to consult with neighbours is already contained other guidance to the preparation of development applications, and inclusion in the DCP will ensure consistency.

References to 'notification plans' are to be deleted due to the difficulties of providing legible reduced copies of plans of large developments, including subdivisions. This deletion does not preclude the attachment of reduced plans to notification letters, but allows discretion as to when such attachment is

appropriate.

The uses contained in the table are defined within the LEP but were not reflected in the requirements for notification/advertisement of DAs. Inclusion of these uses will improve clarity for applicants and staff.

The current policy omits requirements for notification/advertising of Reviews of Consent. The proposed inclusions reflect the requirements of the Environmental Planning & Assessment Regulation.

Chapter 17 - Acid Sulphate Soils

In Section 2.9 Consultation, in the para commencing “Council shall give Government Agencies 28 days to respond to the consultation”

delete ‘28’ and insert ‘21’.

Reason: S28A of the Lismore Local Environmental Plan requires that Government Agencies are given 21 days in which to respond. The DCP should be consistent with the LEP.

ATTACHMENT 2

Submission from Building Services

The following amendments to Part A of the draft Lismore DCP are proposed:

Chapter 1 - Residential Development

1.3 External Appearance

Bulk and Scale

Insert:

or it is demonstrated that the wall will not be detrimental to the aesthetics of the building or the neighbourhood.

Carports, garages and outbuildings

Insert:

Carports, garages and outbuildings shall be limited in Residential 2(a), 2(f) and 2(v) zones to no greater than 60m² with an external wall height of 3.0 metres above natural ground. This will allow for three standard size motor vehicles to be parked within the structure.

Insert in note:

If any outbuilding (as defined in the Building Code of Australia as a class 10a building) is to be ...

1.4 Setback Requirements in Urban and Village Areas

Insert:

Corner blocks are permitted a 6 metre primary frontage and 4 metre secondary frontage.

Insert:

Where the established building line in an area is greater than 6 metres Council may increase the building line setback to lessen the visual impact of the development on adjacent properties.

Reason: To provide clarity in areas that may be interpreted differently by staff and the wider community.

Walls of Class 1 Dwellings

Delete all five points

Reason: These are covered in the BCA

1.5 Energy Efficiency

Insert 35% in place of 25%

Reason: Basix requires 35%. (As these targets may change in the future and are different for multi-residential development it is suggested to delete this reference to Basix in objectives).

Requirements

Insert:

Resited dwellings and dwelling additions exempt from Basix requirements will be required to meet the remainder of this clause.

Overshadowing

Insert:

New and infill development must maintain a minimum of 3 hours solar access to 50% of private open spaces to the proposed development, and to 50% of private open space of adjoining properties, between 9.00am and 3.00pm on June 21.

Delete first two paragraph and first sentence of third paragraph

1.8 Dual Occupancy Parking Requirements

Insert:

Minimum setback of garage doors fronting a public road to be 5.5 metres. This is to allow parking of vehicles wholly within the property boundary.

Reason: To allow parking of vehicles wholly within the property boundary.

1.10 Cut and Fill

Insert new diagram showing cut and fill measurement points and identify a numbered figures.

Insert in last paragraph *Battering of cut and or fill is encouraged, the maximum grade to be in accordance with table... . Retaining walls ...*

Retaining Walls

Insert:

Soil surcharging of any retaining walls is not permitted unless certification from a suitably qualified practicing professional engineer is provided (see Fig...).

Alter wording to example of good hill side slopes to reflect DCP 39 retaining walls.

Reason: To provide clarity in areas that may be interpreted differently by staff and the wider community.

Chapter 8 – Flood Prone Lands

CI 8.6.4 Controls applying to all developments

Insert at end of point 2:

developments under \$50 000 other than restumping of dwellings are exempt from this requirement.

Reason: To provide clarity in areas that may be interpreted differently by staff and the wider community.

Chapter 11 - Buffers

CI 3.6 Grazing land

Insert:

Infill residential development zoned 2(a), 2(f) and 2(v) are exempt from this requirement.

Reason: 30m buffers are considered an excessive requirement for grazing land.

Chapter 19 - Exempt Development

Hours of work Note i

Insert:

POEO Act in lieu of Noise Control Act.

Reason: POEO Act supersedes the Noise Control Act

Schedule

Decks and Patios to dwellings

Insert to type of activity:

Open Decks and Patios to dwellings Size maximum 20m² and delete 1.8 m wide

Domestic or solid fuel heating appliances - Advisory note

Insert:

A separate approval may be required from Council under the Local Government Act 1993 for a place of public entertainment.

Pergola or Trellis

Insert:

size 20m² and delete 10m long and 2.4m wide

Public Entertainment Licence - Advisory note

Insert:

A separate approval may be required from Council under the Local Government Act 1993 for a place of public entertainment.

Recladding of an existing dwelling

Insert:

(see window, glazed areas and external glazed doors in this chapter).

Retaining walls

Insert in note:

Maximum depth of fill permitted without development consent is 300mm

Shop Fit out

Delete: *no additional partitioning is to be provided.*

Advisory note insert:

Components and fittings below the 1 in 100 year flood level must be flood compatible.

Water Storage Tanks in both residential and rural zones

Alter point 1 in advisory note to:

Interconnection of the tank with a Public Water supply requires a Section 68 approval under the Local Government Act and a plumbing permit from Council.

Reason: To provide clarity in areas that may be interpreted differently by staff and the wider community.

Report

Subject	Affordable Housing
File No	
Prepared by	Executive Services Coordinator
Reason	To highlight the potential for Council to develop a plan to create a localised affordable housing project.
Strategic Plan Link	Leadership by Innovation

Overview of Report

The lack of affordable housing is an issue that affects many areas of Australia, and Lismore is no exception. The following report provides a summary of the affordable housing issues in the Lismore area. After establishing the need for action the report introduces a proposal for a proof of concept exercise which will produce a project plan for the implementation of a small scale targeted affordable housing project.

Background

What is affordable housing?

The Centre for Affordable Housing (CAH) defines affordable housing as:

"Housing is affordable when households that are renting or purchasing are able to pay their housing costs and still have sufficient income to meet other basic needs such as food, clothing, transport, medical care and education."

A recent study in Australia has underlined a broad range of economic and social benefits that can flow from improvements in housing affordability. Affordable housing contributes to local economic growth by:

- Assisting the supply and mobility of workers
- Attracting young entrepreneurial and skilled workers.

The social benefits that arise from providing appropriately located affordable housing include:

- Promotes family stability and the health and wellbeing of individual household members
- Strengthens family ties by allowing young adults to settle near their parents and other family members.
- Encourages workforce participation. People are encouraged into the workforce if home ownership is an incentive.
- Reduces travel time, costs, and the associated environmental impacts for people otherwise displaced to distant areas to access affordable housing.
- Encourages economic diversity within local communities.

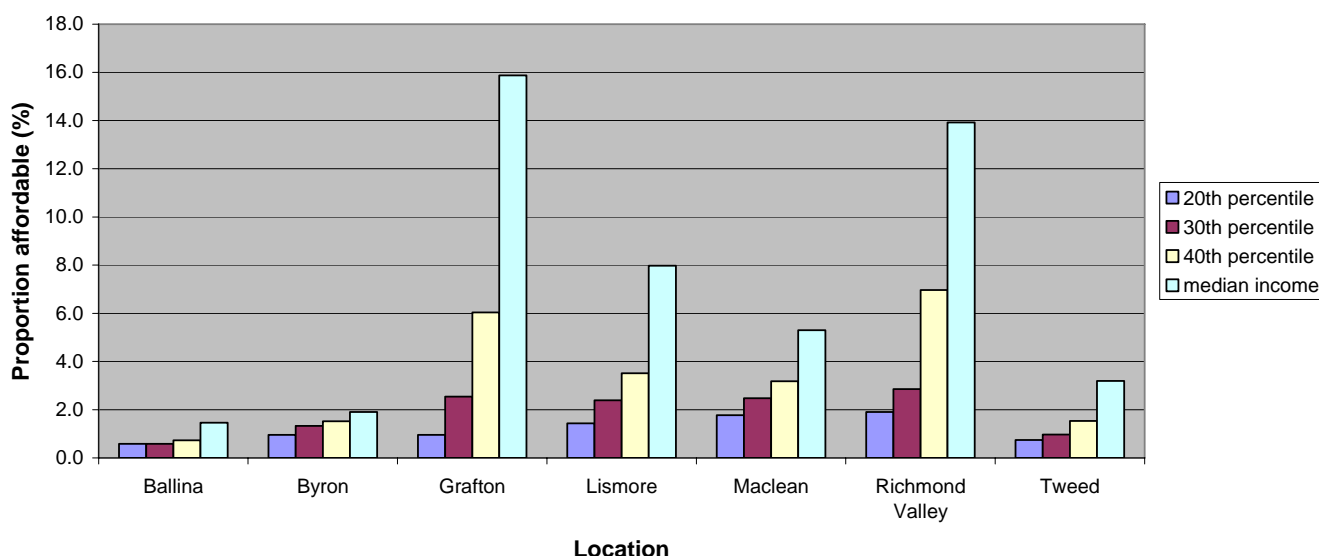
Access to Affordable Housing is a real issue in the Lismore area. The condition is compounded by the general regional growth factor. With the region attracting some people for lifestyle rather than just economic reasons there is the dual impact of housing price pressure without a matching level of economic growth to stimulate a commensurate growth in average incomes. This has meant that housing is becoming less and less affordable for working people on low to moderate incomes.

In addition to these problems, there is also a general disincentive for the construction of low cost housing. Private developers in a tight housing market will focus on housing which maximises their returns. This can result in building large houses on small blocks. These large houses are normally too expensive for people on medium or low incomes. This problem is evident within the Lismore area where there is a distinct lack of smaller low cost homes coming onto the market, with developers fully able to sell as many large high cost homes as they can build.

To illustrate the growing problem, the graph below shows the percentage of housing that is considered affordable (housing cost <30% of total household income) for people with medium income and those in the 40th, 30th and 20th income percentiles. The medium income is the level of income that person who is exactly half way along the income scale has. The 40th percentile income is the income that the person exactly 40% along the income scale has. The 30th and 20th percentiles follow accordingly. The graph shows the corresponding level of housing affordability in each of the Northern Rivers areas.

The data from 2005, obtained from the Centre of Affordable Housing, shows that even for those earning the average income only 8% of homes in Lismore are affordable and for those on a lower income at the 40th percentile only 3.5% of houses are affordable. Clearly this makes it virtually impossible for residents on low to moderate income to settle or remain in the Lismore area. This situation is unsustainable and has significant negative impacts on our community.

Purchase affordability by income



Clearly to resolve this issue will take many years and considerable political will. It is important therefore that any strategy adopted by Council demonstrate a high confidence level for success. To do this it is proposed to conduct a proof of concept exercise. That will be done by selecting a small scale targeted affordable housing project, conduct a feasibility study, and if appropriate implement. If the project proves a success it will be used as a catalyst for a much wider ranging approach to affordable housing.

What has been done?

Over recent years Lismore Council has been involved in regional discussions and efforts in relation to affordable housing. These have included:

- Advocacy to NOROC of the importance of affordable housing in the region.
- Regional affordable housing forum
- Funding for NRDC for regional affordable housing projects.

- MOU signed between Tweed, Richmond Valley, Lismore Byron, Clarence Valley and the Centre for Affordable Housing.

The result of these discussions has been to raise the awareness and demonstrate the need for affordable housing. The “Growing Affordable Housing in the Northern Rivers” report, advocates a long term collaborative approach designed to meet the entire affordable housing requirements of the Northern Rivers region. So far however discussions have not delivered any tangible result for the community.

Can we do more?

The type of long term collaborative project recommended by the “Growing Affordable Housing in the Northern Rivers” takes considerable time to produce results. This proposal seeks to accelerate this by implementing a local project achievable in reasonable timeframes. It is considered that a positive result for this small scale project will help to bolster the case for the long term regional vision.

This report promotes the development of a detailed project plan for a proof of concept project. The remainder of this report provides an overview of the content and context of the project plan.

Project Plan

The project plan will outline the selection of an affordable housing project. In selecting an appropriate project the plan will make an assessment based on the following criteria:

- **Particularly pertinent to Lismore.** The Lismore area has a particular demographic and its own requirement for affordable housing. These factors will be carefully considered in the selection of an appropriate project.
- **Delivers a short term benefit.** As a proof of concept it is critical that a project is selected which produces a measurable benefit in a reasonable timeframe. In the selection of the project consideration will be given to ensuring that benefit can be both achieved and measured.
- **Has limited risk to Council.** Various types of affordable housing project carry varying levels of risk. The project selected will be one that has limited risk to Council.
- **Addresses a targeted need.** The project selected addresses a particular need that has been identified within the Lismore community.

The initial phases of the project will include the development of an affordable housing policy that will govern the operation of the later stages of the project. This policy development will include the following:

- **Specification of the target group.** The policy will outline who within the community will be eligible for assistance.
- **The affordable housing model.** An outline of the affordable housing model to be used by the project. This will include the financial model, whether homes are for purchase or for rent, how the service will be delivered and how the homes will be acquired.
- **The criteria for eligible residents.** Once the target group and the affordable housing model have been defined a criteria for eligibility will be developed. This will include details of how participants will be selected if the project is over subscribed.

The project plan will also include a detailed project schedule, implementation plan, cost estimates as well as a risk management assessment. Finally the project plan will include details of how the project will be evaluated. This will include details of the key success factors and how these will be measured.

Comments

Financial Services

At this early stage it is acknowledged that there are likely to be financial implications associated with this proposal. These implications will be clearly identified and quantified as part of a detailed project plan.

Other staff comments

General Manager

In response to the established fact that housing affordability is an increasing community challenge I strongly support the intent of the initiative contained in this report. Council may well be the only local organisation with access to the essential resources capable of delivering beneficial outcomes for a sector of our community needing assistance to establish their domestic future. I envisage a model which is cost neutral for the Council.

If this concept proves successful it may:

- Attract new residents unable to purchase in other areas.
- Stimulate a sector of the market which is largely neglected.
- Act as catalyst for new land releases to cater for increased housing demand.
- Put new money into the Lismore economy.
- Support new employment in the development, building and real estate sectors.

Conclusion

Action on affordable housing in the Lismore area is clearly needed and will bring many tangible benefits. The best possible way to prove the viability, and build community support for affordable housing projects is to conduct the proof of concept exercise outlined in this report.

Recommendation

That Council support the development of a project plan for a localised affordable housing project.

Report

Subject	Draft Regional Policy for the Management of Contaminated Land
File No	S/904
Prepared by	Environmental Health Officer
Reason	Seek Council's adoption of the revised Draft Regional Policy for the Management of Contaminated Land following formal review, Council workshop & public exhibition.
Objective	Adoption by Council of the revised Draft Regional Policy for the Management of Contaminated Land.
Strategic Plan Link	Natural Environment
Management Plan Activity	Environmental Health

Overview of Report

In 1997 the NSW Government introduced a package of reforms to provide a comprehensive, consistent and whole-of-government approach to land contamination and remediation. The contaminated Land Management Act 1997 and State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land and Managing Land Contamination – Planning Guidelines, represented complementary parts of that package. In response to the contaminated land management responsibilities introduced through the reform package Council adopted 'Contaminated Lands Policy – Version 3.1' on 12th November 2002. In the 2005/06 Management Plan a review of the policy was identified in order to clarify, strengthen and broaden some aspects of the policy. The opportunity was taken to undertake the review on a regional scale to assist in the development of a policy that would provide a consistent approach to planning decisions involving matters of contaminated land within the Northern Rivers. The Draft Policy has been developed through a working party of the North Coast Public and Environmental Health Task Force with Lismore Council taking a lead role.

The draft regional policy was presented to the October 2006 Ordinary Meeting of Council at which time Council resolved to:

1. Conduct a workshop on this policy prior to it being placed on public exhibition
2. A copy of the draft policy be provided to the SEPAG for comment

The draft policy was workshopped with Council on 20th March 2007 prior to an exhibition period during April/May 2007 and provided to SEPAG members for comment.

Background

The draft regional policy was presented to the October 2006 Ordinary Meeting of Council. Following consideration of the report Council resolved to:

1. Conduct a workshop on this policy prior to it being placed on public exhibition.
2. A copy of the draft policy be provided to the SEPAG for comment.

To respond to Council's resolution the draft policy was presented to a Council Workshop held on the 20th March 2007. The Workshop provided an opportunity for a more detailed presentation and discussion of the aims and objectives of the policy and supporting framework. The outcome of the workshop was to place the draft policy on exhibition and provide a copy to Council's Sustainable Environment Policy Advisory Group (SEPAG). The draft policy was placed on exhibition for the period Tuesday April 10 to

Monday May 7 2007. The draft policy was considered by the SEPAG at its May meeting.

The exhibition period and consideration by Council's SEPAG has resulted in no formal submissions being received.

The 2005/06 Management Plan – Environmental Health Activity identified that a formal review of Council's existing contaminated lands policy would be undertaken. The principal reason for initiating the review was to clarify, strengthen and broaden some aspects of the policy being:

- the inadequacy of the policy to guide 'information management' of actual and potential land contamination. It is essential that information is captured and recorded at critical stages of the assessment process to assist in current and future land use planning and development matters and in providing information to the public, specifically through the provision of certificates under Section 149 of the EPA Act.
- the utilisation of the policies six (6) information questions as the only response by applicants to the matter of land contamination. This response by applicants and consultants is not satisfying the information and preliminary assessment requirements of SEPP No.55 resulting in requests for additional information, delaying the processing of applications.
- the lack of guidance for the assessment of contaminated land matters involving independent auditing, the development of dwellings in rural areas, the demolition of structures previously treated with organo-chlorines, acid sulphate soils, flooding and environmental or public amenity provisions.
- The lack of consolidation of provisions of State Environmental Planning Policy No.55 and Managing Land Contamination – Planning Guidelines.

The review has now been completed and the draft policy has been presented for public and internal comment with no formal submissions received. It is recommended that the draft '*Regional Policy for the Management of Contaminated Land*' be formally adopted as Council's Contaminated Land Policy replacing existing Council Policy - '*Contaminated Lands Policy Version 3.1*'. The policy is made under the 'Managing Land Contamination – Planning Guidelines' and State Environmental Planning Policy No.55 – Remediation of Land, in order to implement a revised contaminated land management framework within the planning and development process of Council.

Information sessions will be provided to the development industry (Environmental & Land Consultants) to ensure an appropriate introduction to and understanding of the policy framework.

Comments

Financial Services

Not required.

Other staff comments

Planning Services have been regularly consulted through the development of the draft policy document.

Public consultation

The draft policy was placed on exhibition for the period Tuesday April 10 to Monday May 7 2007. The draft policy was considered by the SEPAG at its May meeting. No formal submissions have been received.

Conclusion

The review has now been completed and the draft policy has been presented for public and internal comment with no formal submissions received. It is recommended that the draft *'Regional Policy for the Management of Contaminated Land'* be formally adopted as Council's Contaminated Land Policy replacing existing Council Policy - *'Contaminated Lands Policy Version 3.1'*. The policy is made under the 'Managing Land Contamination – Planning Guidelines' and State Environmental Planning Policy No.55 – Remediation of Land, in order to implement a revised contaminated land management framework within the planning and development process of Council.

Recommendation

That the draft *'Regional Policy for the Management of Contaminated Land'* be formally adopted as Council's Contaminated Land Policy replacing existing Council Policy - *'Contaminated Lands Policy Version 3.1'*.

Report

Subject	Purchase of Vehicle for Richmond-Tweed Regional Library
File No.	RSD:VLC:T27011 – Fleet 52
Prepared by	Contracts Administration Officer
Reason	To inform Council of major plant purchase for the Richmond-Tweed Regional Library.
Objective	To seek Council's approval for the purchase of one Mobile Library Prime Mover Truck.
Strategic Plan Link	Quality of Life – Support fleet operations
Management Plan Activity	Library Services

Overview of Report

This report recommends the acceptance of a tender to purchase one new Mobile Library Prime Mover truck for the Richmond-Tweed Regional Library.

Background

Lismore, Byron Tweed and Ballina Councils by agreement formed the Richmond-Tweed Regional Library (RTRL). The agreement delegates to RTRL the powers and responsibilities associated with day to day management and operations of a regional library service.

The agreement also provides that Lismore City Council is the Executive Council for matters not delegated to RTRL such as for contracts. As such, this tender must be determined by Council.

A report on this matter will be considered at the June 8, 2007 RTRL Committee meeting. The results of that meeting will be provided to Councillors for their consideration.

Tender Assessment

There were two makes of trucks offered in this tender. Library and Lismore City Council staff evaluated all of the units tendered. As this truck has very high utilisation, product support is paramount, especially considering that if the unit is down, then the entire mobile library system ceases to operate.

Truck Make	Supplier
MAN TGA18.350	Southside Agencies, of Lismore NSW
Scania P340DA4X2MNA	K & J Trucks, of Coffs Harbour NSW
Offers to Purchase Existing Truck	
Golden City Car & Truck Centre	Gympie Qld
Brigold Pty Limited	Somerton Vic.
Gamers Motor Auctions	Newcastle NSW

Both of the units offered in this tender meet the minimum specifications as set down by RTRL and

Lismore City Council staff.

An evaluation panel comprising the Fleet Administrator, Workshop staff, Richmond-Tweed Regional Library Director and the regular and part-time drivers, assessed the tenders in part or in full, as per the criteria set out in the tender documents. The preliminary evaluation was undertaken by the Library Director and a regular driver, with review by the Fleet Administrator.

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

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

Key Points Being Considered

- Purchase of the best possible truck to carry out the mobile library duties as required, when required.
- Proven product back-up support from the supplier and manufacturer.
- Operator comfort with best 'Ergonomic Design' and operating considerations (OH&S).
- Operator confidence with the unit purchased to do the job.
- Safety of the general public while truck travelling from site to site and when manoeuvring and parking close to public access sites.
- Ability to keep the truck working with minimal maintenance and repair down time.

Comments

Financial Services

This vehicle is part of the Richmond-Tweed Regional Library vehicle fleet and as such, not directly funded from Council sources. It is understood that funding is to be sourced from a combination of grants, reserves and proceeds from the sale of the existing vehicle.

Other staff comments

Not applicable

Public consultation

Not applicable

Conclusion

Both vehicles offered in this tender will do the job adequately as they comply with the minimum specifications as laid out by Lismore City Council and Library staff.

A major consideration for the selection of this unit is that the operators are primarily librarians and truck drivers secondary. Therefore the ease of operation is paramount for safety and efficiency.

Both the MAN and the Scania are fitted with the latest European low emission engines and the electronic controlled manual gearbox. An important factor for the safe operation of this unit is the ease of parking on all of the allocated sites, and some of those sites do test the parking skills of any drivers, let alone for part-time drivers. The added advantage of the clutch pedal for these manoeuvres has been highlighted by the operators, especially when mixing this unit of approximately 19 metres long, with other traffic and parked vehicles, etc.

The test drive of the units by Library staff has revealed a definite preference towards the Scania, especially for ease of operation.

Product support and after sales service for the Scania is offered by Predabon Truck Repairs of South Lismore or K & J Trucks of Coffs Harbour. The current Scania's in the Lismore City Council fleet have shown to be reliable and Council has experienced good product support through both service agencies.

The MAN is supported and serviced by Southside Agencies of South Lismore. In the past the Regional Library has experienced some problems with the MAN units in its fleet and some limits with product support through the single service agency.

The recommendations offered by Martin Field (Director RTRL), Michael Riddle (Mobile Library Officer) and Col Starr (Fleet Administrator LCC), is for the purchase of the Scania truck as tendered.

Recommendation (IS24)

That Council, on behalf of the Richmond-Tweed Regional Library -

1. Purchase one (1) only new SCANIAP340DA4X2MNA as tendered (T27011) from K & J Trucks Pty Limited of Coffs Harbour, NSW, for the cost of **\$158,975.00 including GST**.
2. Accept the offer from Golden City Car and Truck Centre of Gympie, Queensland, to purchase the existing Prime-mover (Fleet No. 52) for **\$63,297.00** including GST.

Report

Subject	James Gibson Road, Clunes – Road Widening and Closure
File No.	CEL:VLC:R3902,P10942
Prepared by	Assets Engineer
Reason	To advise Council of proposed works on private property in accordance with Section 67 of the Local Government Act as part of the road widening and closure for a section of James Gibson Road at Clunes.
Objective	To gain Council's endorsement to finalise negotiations with the owner of a private property at Clunes that was affected by the road widening and closure of James Gibson Road and conduct works on the private property at no cost to the owner.
Strategic Plan Link	Infrastructure
Management Plan Activity	Roads

Overview of Report

As part of the adopted 2003/04 works programme Council allocated funding to widen a section of James Gibson Road, from 2.5km to 3.0km west of its intersection with Bangalow Road. Realignment of the road reserve boundary with private property being Lot 1, DP 209907 was required. This affected an area where the owner had established a level pad for the erection of a metal shed. Whilst the owner agreed to the boundary realignment, it was requested that Council undertake to reform a pad for the shed directly behind the existing pad to enable the shed to be erected adjacent to the original planned location. In accordance with Section 67 of the Local Government Act 1993, any works to be undertaken on private property that is not subject to the payment of fees or charges in accordance with Council's adopted pricing policy, must first be approved at a meeting of the Council.

Background

The report overview outlines the background to this matter. In order to finalise negotiations with the property owner, Council's endorsement to the proposal is required in accordance with Section 67 of the Local Government Act. Section 67 of the Local Government Act covers the carrying out of private works on privately owned land. Sub-section (2) states:

“(2) A council must not carry out work under this section unless:

- (a) it proposes to charge an approved fee for carrying out the work as determined by the council in accordance with Division 2 of Part 10 of Chapter 15, or*
- (b) if it proposes to charge an amount less than the approved fee, the decision to carry out the work is made, and the proposed fee to be charged is determined, by resolution of the council at an open meeting before the work is carried out.”*

Report

The boundary realignment and associated roadworks have been completed. During the process of planning the realignment it was identified that a formed pad for the construction of a metal shed was

within 15 metres of the existing road reserve boundary. The boundary realignment would not correct this situation and the owner agreed to the realignment with a verbal commitment from Council that it would consider reforming the shed pad greater than 15 metres from the road reserve directly behind the original pad, free of charge to the owner.

The work required to address the owners' concern is minimal and can easily be accommodated by council directly and/or by engagement of a subcontractor. The area for the reformed pad will need to be marked out, topsoil removed from the area and suitable fill imported to reform the pad.

It is proposed that Council will meet the cost of the necessary works on the property and hence Section 67 of the Local Government Act comes into play.

Once the works are complete, a further report will be presented to Council to comply with Sub-section 4 of Section 67 of the Act. In addition, Council will be required to include a summary of this matter in its next annual report in accordance with Sub-section 3 of Section 67 of the Act. Sub-sections 3 and 4 state:

- “(3) A council must include details or a summary of any resolutions made under this Section and of work carried out under Sub-section (2)(b) in its next annual report.*
- (4) A report of work to which Sub-section (2)(b) applies must be given to the next meeting of the council after the work is carried out specifying:*
- the person for whom the work was carried out*
 - the nature of the work*
 - the type and quantity of materials used*
 - the charge made for those materials*
 - the total of the number of hours taken by each person who carried out the work*
 - the total amount charged for carrying out the work (including the charge made for materials)*
 - the reason for carrying out the work.”*

Comments

Financial Services

It is estimated that the cost of reforming a pad for the erection of a shed will be between \$1,500 and \$2,000. This will be funded from the rural sealed roads maintenance budget.

Other staff comments

Not required.

Public consultation

Not applicable.

Conclusion

The widening and closure of a section of James Gibson Road, from 2.5km to 3.0km west of its intersection with Bangalow Road (MR65), required the realignment of a boundary between the road reserve and adjacent private property. Negotiations with the property owners were positive and the realignment and roadwork have been completed. A commitment was given that Council would consider a request to reform a shed pad on the property directly behind the previously formed pad. The request is considered reasonable and can easily be accommodated either directly and/or by the engagement of a contractor.

Recommendation (IS23)

That in accordance with Section 67 of the Local Government Act Council agree to undertake works to reform a pad for a shed on private property, being Lot 1, DP 209907, No. 204 James Gibson Road, at no cost to the owners for the following reasons:

1. Council has realigned the road reserve/ private property boundary on James Gibson Road to facilitate road widening and improved road alignment. This was undertaken with the cooperation of the owners of the private property and with an undertaking that reforming an existing pad for the erection of a shed would be considered by council.
2. The realignment of the boundary has resulted in the shed pad not meeting the required 15 metre setback from the road reserve.
3. That the General Manager and Mayor be authorised to sign and affix the Council Seal to land transfer documents and plans of survey or any other documents deemed necessary to complete this resolution.

Report

Subject	Annual Remuneration Fee for Mayor and Councillors
File No	S38
Prepared by	Corporate Compliance Coordinator
Reason	Determination by Local Government Remuneration Tribunal
Objective	Adopt mayoral and councillor fees for 2007/08
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, 2007 to June 30, 2008. A copy of their determination has been previously distributed to Councillors. 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 \$6,610 and a maximum fee of \$14,540.

Mayoral Fee

The Mayoral fee for category 3 councils is a minimum fee of \$14,050 and a maximum fee of \$31,740.

Council currently pays the maximum fee for both Councillors and the Mayor.

Comments

Financial Services

The draft 2007/08 Budget has made allowance for a 4% increase in the fees currently paid to the Mayor and Councillors

Other staff comments

Not required

Public consultation

Not required

Recommendation

That Council determine the fee payable for Councillors and the Mayor for 2007/08

Report

Subject	Policies and strategies to address environmental priorities
File No	S908
Prepared by	Manager Environmental Health & Building Services
Reason	To present to the Council the completed policy and strategy documents developed by the Sustainable Environment Policy Advisory Group.
Objective	To obtain Councils endorsement of the policies and strategy document.
Strategic Plan Link	Natural Environment Water and Waste Cycle
Management Plan Activity	Environmental Health

Overview of Report

In 2005 Lismore City Council (LCC) established Policy Advisory Groups to help implement its Strategic Plan. The Sustainable Environment Policy Advisory Group (SEPAG) has identified and developed policies and strategies to address environmental priorities within the Lismore local government area. This report identifies those policies and strategies to be implemented over the next 5 - 10 years. Implementation will be through a range of actions, developed annually through the budgetary and management plan process, and a review of procedures within Council.

Background

Between August 2005 and October 2006 the Sustainable Environment Policy Advisory Group (SEPAG) went through a lengthy process of identifying environmental priorities within the Lismore local government area (LGA) and developing policies and strategies to address them.

In October 2006, after completion of the draft policy document, it was circulated to all other PAG's for comment. Following this a report was presented to the Strategic Planning Steering Committee (SPSC) for their endorsement. The Committee endorsed the policies and recommended that they be placed on public exhibition and the policies and public submissions then be reported to Council for adoption.

Policies

Seven policies have been developed to cover the themes of *funding and support, water, biodiversity, land, atmosphere, waste and heritage*. These policy themes complement the six compulsory themes used for State of the Environment reporting (SOE), thereby creating a linkage between SOE reporting and strategies to address environmental priorities in the Lismore LGA.

Each policy identifies objectives, strategic plan linkages and relevant strategies for implementation. Actions to address the strategies will be developed annually through the budgetary and Plan of Management process by the relevant sections of Council.

Policy No 1 – Funding and Support for Environmental Initiatives

Contains two objectives

1. To provide adequate funding to enable Council to meet its environmental obligations
2. To provide adequate information at an appropriate scale to support Council's environmental decision-making

Policy No 2 – Water

Contains four objectives

1. To protect, restore and actively manage the riparian zone
2. To improve stormwater quality
3. To improve practices in rural areas
4. To reduce per capita demand for potable water

Policy No 3 – Biodiversity

Contains three objectives

1. To ensure Council has the information needed to protect and manage native flora and fauna
2. To improve the habitat value of remnant and regrowth native vegetation
3. To foster and promote protection and restoration activities

Policy No 4- Land

Contains three objectives

1. To create a social and planning environment that reduces conflict and uncertainty in rural zones
2. To encourage sustainable practices and partnerships
3. To limit land use changes that diminish scenic amenity

Policy No 5 - Atmosphere

Contains three objectives

1. To reduce Greenhouse Gas Emissions
2. To limit the impact of noise and odour within the LGA
3. To manage and improve air quality within the LGA

Policy No 6 - Waste

Contains four objectives

1. To maximise the recovery of under-utilised resources
2. To manage residual waste effectively
3. To provide efficient and effective collection services
4. To provide leadership on managing the waste cycle

Policy No 7 - Heritage

Contains three objectives

1. To improve Council's awareness and management of local Aboriginal
2. To conserve and protect local heritage
3. To promote and educate the community of the benefits of heritage management

Comments by other PAG's

All PAG's have provided feedback on the policies. Feedback was generally positive, with one request by the Public Transport PAG for an additional strategy to be included under the objective – 'to reduce greenhouse gas emissions'. Clarification of existing procedures, supporting legislation and opportunities for collaborative projects were also raised. All PAG comments are summarised in the attached table. One important comment regarded the prioritisation of strategies for implementation. To this end the SEPAG has recommended staff workshops be held to develop and prioritise specific actions under each strategy.

Attached to this report are:

- Policy Document (Final Draft)
- Comments received from other PAG's

Public Exhibition

The Policy document was placed on public exhibition for 4 weeks up to 22nd May 2007. During this time two submissions were received. Previously requested feedback from SCU on the cultural heritage policy was also received during this time. Comments received are summarised according to the relevant policy.

Biodiversity Policy:

- 1) Lack of detailed policy, particularly in relation to the protection and proactive management of koala populations.

Staff Comment: *Policy amended to include strategy to protect and proactively manage koala populations.*

- 2) Nil effort made to collaborate with researchers, ecologists, botanists etc to assess, measure & monitor biodiversity data.

Staff Comment: *Council can demonstrate its collaboration to date in regard to environmental initiatives. Policy amended to include strategy to collaborate with experts to assess and monitor biodiversity.*

Land Policy:

- 1) SEPAG has failed to listen to previous independent scientific advice on 'sustainable time spans', importance of protecting 'deep soil' areas and unique soils of the LGA, and loss of soil through non-contour farming practices.

Staff Comment: *Policy amended to include comment on importance of soil resources and strategy included to take into account locally significant agricultural lands during planning and development assessments.*

Heritage Policy:

- 1) Recommendations provided to achieve greater Aboriginal cultural heritage through:
 - a) A set of agreed protocols between Council and relevant Aboriginal communities
 - b) Development of a Wilsons River Aboriginal Cultural Heritage Management Plan.
 - c) Use of, and support for completion of the Bundjalung Mapping Project
 - d) Staff training

Staff Comment: *Policy already includes strategies for a) and d). Policy amended to include strategies to reflect b) and c).*

Comments

Financial Services

On the basis that all funding requirements to satisfy policy implementation are submitted to and considered as part of the annual Management Plan/Budget process, the recommendation is supported.

Other staff comments

Manager Planning Services and planning staff

The Manager Planning Services and planning staff have provided input into the PAG's policies and strategies, and in particular support the proposal to fund vegetation mapping for the LGA. Such mapping will be a significant contribution to the updating of Council's planning controls.

Conclusion

Lismore Council currently does not have a recognised set of environmental policies outside those set by legislation. Having an agreed set of local environmental policies and strategies provides Council with a far greater level of direction and foundation from which to develop environmental actions across all sectors of Council as part of the annual Management Plan/Budget processes.

Furthermore, the development of a separate policy for *funding and support for environmental initiatives* provides Council with the opportunity to investigate alternative funding sources in order to seriously commit to achieving the adopted policies and strategies.

Linking the policies to SoE reporting themes also allows Council to monitor its performance in achieving environmental outcomes through annual SoE reporting and provides a basis for reviewing policies over time.

Appropriate amendments as stated above have been made to the policies as a result of feedback received during public exhibition period.

Recommendation

1. That Council adopt the policies as presented.
2. That Council undertake staff workshops to develop actions for each strategy associated with the environmental policies and that these be considered in future management plan and budget deliberations.

Report

Subject	Lismore Water – Recycled Water Project Reference Group (PRG)
File No.	PGE:VLC:S302
Prepared by	Acting Manager – Lismore Water
Reason	To inform Council of the formation of a Recycled Water Project Reference Group (PRG)
Objective	To obtain Council resolution for the establishment of a Recycled Water PRG, and to obtain Councillor nominations for membership.
Strategic Plan Link	Water and Waste Cycle
Management Plan Activity	Water Supply

Overview of Report

To obtain Council resolution for the establishment of a Recycled Water PRG, and to obtain Councillor nominations for membership.

Background

On February 6, 2007, a Recycled Water Workshop was held in the Council Chambers for the benefit of Councillors and senior staff.

The objective of this seminar was to initiate discussion within Council of potential recycled water usage.

One of the outcomes of the workshop was to establish a *Recycled Water PRG* that would progress for Lismore City Council the development of:

1. An overall Recycled Water Strategic Plan
2. Recycled Water Policies.

Project Reference Group Objectives

This group will be responsible for the formulation of policy, development standards and a strategy for the Lismore City Council area with respect to recycled water. The PRG would develop for Lismore City Council:

- **A Corporate Recycled Water Vision Statement**
- **A Corporate Recycled Water Strategy**
- **Corporate Recycled Water Policies**
- **A timeline of actions**
- **Determine how this timeline will be implemented.**

Project Reference Group Membership

It is suggested that membership be comprised of:

- **2 x councillors**
- **1 x Rous Water representative**
- **3 x community representatives**
- **1 x developer representative**
- **1 x real estate industry representative**
- **2 x industry representatives**

Formal Expressions of Interest will be sought for the above positions, and acceptance of those positions reported to Council.

It is envisaged that throughout the process, thorough community consultation would occur with the PRG being comprised of a cross-section of the community.

Project Reference Group (PRG) Commitment

It is suggested that the group would meet monthly, for approximately six months to progress the issues, then approximately bi-monthly to ensure that set milestones are being met.

Site visits, educational seminars and public meetings would also be a component of the commitment required by the PRG members to meet their responsibilities.

Comments

Financial Services

Not required

Other staff comments

Manager - Environmental Health and Building Services

The establishment of a Recycled Water Project Reference Group will enable appropriate consultation to be undertaken in regard to achieving the desired objectives. The policies and strategies can be incorporated into any future Integrated Water Cycle Management Plan.

Public consultation

The scope to be determined following the initial start up meeting.

Conclusion

The establishment of a Recycled Water Project Reference Group will enable Council to investigate and progress this important issue.

Recommendation (IS26)

1. That Council establish a Recycled Water Project Reference Group.
2. That two (2) Councillor representatives be nominated to join the Recycled Water Project Reference Group, with one nominee to chair the group.

Report

Subject	Strategic Plan Steering Committee
File No	S4
Prepared by	General Manager
Reason	The Strategic Plan Steering Committee has no delegated powers.
Objective	To adopt various recommendations of the Strategic Plan Steering Committee
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Councillors

Overview of Report

A number of recommendations from the April 17 2007 Strategic Plan Steering Committee meeting require adoption by Council.

Background

The Strategic Plan Steering Committee met in April and made a number of recommendations for consideration by Council.

The Strategic Plan Steering Committee has no delegated power to determine matters which are restricted under Section 377 of the Local Government Act, or to issue directives to the General Manager which are beyond delegations granted to him by the Council.

Accordingly, the recommended actions of the Strategic Plan Steering Committee need to be determined by Council.

The supporting detail was provided in the Strategic Plan Steering Committee Business Paper previously circulated to all Councillors.

RECOMMENDATIONS:

I Review of Policy 5.2.4 – Naming of New Roads

That the contents of Policy 5.2.4 Naming of New Roads be deleted and replaced with the following:

1. Development Applications for subdivisions which include new roads should include proposed names for those roads. Such names are to be generally selected in accordance with 'Guidelines for the Naming of Roads' and 'Road Naming in NSW' by the Geographical Names Board of NS. These guidelines are available at the Board's web site www.gnb.nsw.gov.au/info/
2. When using Aboriginal names Council should refer to appropriate Aboriginal Group, not necessarily the Aboriginal Land Council.

(S624)

II Refugee Welcome Zone Proposal

That Council support the proposal for Lismore to become a Refugee Welcome Zone, with Council publicly declaring its commitment in a formal ceremony as part of World Refugee Day, 20 June, 2007.

(S389)

Other staff comments

Staff comments were included within the reports to the Strategic Plan Steering Committee meetings.

Public consultation

Not required.

Recommendation

That the recommendations from the April meeting of the Strategic Plan Steering Committee as detailed within the report be adopted.

Report

Subject	Investments held by Council – May 2007
File No	S178
Prepared by	Management 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 31 May 2007 are estimated to be \$35,108,209 subject to the final value of funds held under separate management being advised shortly.

The interest rate reported over the period of May 2007 is estimated to be 7.25% in comparison to 6.66% for May 2006. The final interest return may vary due to actual returns achieved in the funds held under separate management. The portfolio managers of these funds have provided an estimate of returns expected for the period and this may vary due to the capital movements within investments held.

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 time-frame for this report; therefore an estimate is provided based on the investments held and advice from the portfolio managers. The actual balance will be stated in the next investments report to Council.

Report on Investments

- *Confirmation of Investments – 30 April 2007* \$31,292,297
- *Estimated Investments – 31 May 2007* \$35,108,209

Some variation is expected to the Estimated Investments amount due to the final valuation of funds held under separate management not being made until after the end of the month reported.

The current rate of return on investments for May 2007 is estimated to be 7.25% compared to 6.66% for the same period last year. The final rate of return may vary as a result of the final valuation of funds held under separate management only estimated at this time. The rate of return reported has been calculated using actual returns where available and estimates provided by portfolio managers.

The following attachments have been included for Council's information:

- Summary of Investments including name of institution, lodgement date, maturity date, interest rate and the estimated interest earned in the period.
- Value of investment held by month with last year comparison - graphical
- Investment by type - graphical
- Weighted average interest with last year comparison – graphical
- Investment by Institution as percentage of total portfolio – graphical

Comments

Responsible Accounting Officer

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 policy.

Other staff comments

N/A

Public consultation

N/A

Conclusion

A report on investments is required to be submitted to Council monthly. This report meets that requirement. For 31 May 2007, estimated investments total \$35,108,209 and the annualised rate of return was 7.25%.

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 policy.

Recommendation

The report be received and noted

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING
HELD ON MAY 16, 2007, AT 10.00 AM.**

	Present	Councillor Merv King (<i>Chairperson</i>), Ms Bronwyn Mitchell on behalf of Thomas George, MP, Liz Smith (<i>RTA</i>), Snr Const Steve Hilder (<i>Lismore Police</i>).
	In Attendance	Councillors Jenny Dowell and John Hampton, Paul O'Sullivan (<i>General Manager</i>), John Daley, Scott Turner (<i>Manager-Assets & Support Services</i>), Salina Runge (<i>Road Safety Officer</i>), and Bill MacDonald (<i>Traffic & Emergency Services Coordinator</i>).
TAC20/07	Apologies	An apology for non-attendance on behalf of Thomas George, MP, was received and accepted.
TAC21/07	Minutes	The Committee was advised that the minutes of the Traffic Advisory Committee meeting held on April 18, 2007, were confirmed by Council on May 8, 2007.

Disclosure of Interest

Nil

Part 'A' – Committee Recommendations

National Day of Thanksgiving: Forwarding s68 application to use the Magellan Street Mall and Carrington Street footpath areas for a Thanksfest on Saturday, May 26, 2007.

The committee noted that the proposed event was generally in accordance with what happened last year in terms of traffic management issues.

TAC22/07 **RECOMMENDED** that the proposed Traffic Management Plan be endorsed.
(P6397,R7319,R7303)

Part 'B' – Determined by Committee

Patricia McCombe; forwarding copies of photographs taken of a car which ran off the road and into the gutter in front of her home at 125 Dibbs Street and requesting action be taken to slow the traffic in this area.

Margaret Langley; advising of traffic congestion, numerous accidents and a traffic count she took on Dibbs Street and requesting action be taken to slow the traffic in this area.

- B-07-05:1 Snr Const Hilder advised that the area in question had already been identified as needing attention in terms of patrols and these had been carried out and would continue. The Committee confirmed that Dibbs Street was a significant road in Council's road hierarchy and needed to remain as such. Priority for any upgrading works was a matter for Council's Roads Section to determine. In the meantime, arrangements would be made for classifiers to be installed on Dibbs Street to determine the extent of any perceived speeding problem and whether any additional measures were required. (07-3550,3634,3635,3636: R6020)

Steve & Amanda Cowin; drawing attention to the continuous noise 24 hours a day from heavy vehicles travelling to and from the weighbridge/fuel station on the corner of Kyogle and Ona Streets, South Lismore, and to the problem of vehicles cutting the corner when entering and exiting Phyllis Street from Ona Street.

R J Cowin: Confirming the problems experienced by his son and daughter-in-law in South Lismore.

- B-07-05:2 Mr MacDonald advised that he and Snr Const Hilder had met with management of the weighbridge facility and again raised concerns of nearby residents for what they regard as excessive noise from heavy vehicles. It had been suggested to them that they encourage drivers to use Ona Street and onto Casino Street as a more direct route rather than use Phyllis Street. Council's Planning Section was also investigating whether the facility had approval to operate fuel bowsers 24 hours per day. It was, however, acknowledged that the area in general was a mix of residential and light industrial and it would be difficult to totally restrict heavy vehicles from using the roads. (07-3488,07-3559: R6931)

Public Transport Policy Advisory Group; raising concerns about the significant traffic congestion in peak periods at the intersection of Dawson and Leycester Streets since completion of the new roundabout.

- B-07-05:3 Ms Runge expanded on the concerns raised by the Public Transport PAG. It would appear that the main problem was the way in which the children's crossing on Leycester Street was managed in terms of the school crossing supervisor allowing adequate breaks for vehicles to proceed at regular intervals to ensure that traffic did not significantly back up on the new roundabout and its approaches. Ms Smith undertook to follow this matter up as the crossing supervisors were under RTA control. (R6017)

Intersection of Ballina Road and Bruxner Crescent, Goonellabah

- B-07-05:4 Concerns were raised about the increasing number of accidents that were occurring at this intersection. It was noted that a plan had been developed some time ago showing a protected right-turn bay. It was suggested that this plan be resubmitted to the RTA for consideration of approval and funding the proposed upgrade of the intersection.

(R6408,R6414)

Closure

This concluded the business and the meeting terminated at 10.35am.

Chairperson

Traffic & Emergency Services Coordinator

Financial Assistance - Section 356

a) Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL2033.15)

Budget: \$6,000 To date:\$11,747.81

Animal Right & Rescue	\$38.18
Challenge Foundation	\$170.00
Five Loaves	\$170.00
Friends of the Koala	\$76.36
Lismore Soup Kitchen Inc	\$82.55
Lismore Soup Kitchen Inc	\$799.00 (December '06 - April '07)
LifeLine	\$170.00
Lismore & Dist Police Boys Club	\$16.36
Saint Vincent De Paul	\$10.91
Saint Vincent De Paul	\$594.00 (January - April)
Salvation Army	\$80.36

In accordance with policy.

\$2,207.72\$

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

Lismore City Council Sponsored Educational Grant through the Country Women's Association of NSW \$350.00

Australia's Biggest Morning Tea Event matching contribution from Council to funds raised by staff. \$200.00

Ms Luth Batt – Australia Day Multicultural Award winner assistance to attend National Philippines Week. \$100.00

d) Miscellaneous Donations

Mental Health Support Group requesting Council waive all the fees for the modification of two reusable banners for a mental health charity concert on October 13, 2007. The cost to modify the banners is estimated to be \$510.00.

Recommendation: Council not agree to waiving the fees associated with modifying the two reusable banners as a donation has already been made to this event.

Recommendation

In accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed above is hereby approved.

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:

Easement for Water Supply - New Ballina Road

As part of Council's water supply infrastructure maintenance a water main was renewed which services 46, 50 and 52 New Ballina Road, Lismore Heights. An "Easement for Water Supply" had to be created over these lots. The Easement has also been created over 56 and 58 New Ballina Road and 35 Beardow Street for possible future servicing of the adjoining properties. The Linen Plan and associated Section 88B Instrument is required to be executed under Council Seal.

Department of Community Services funding

The Department of Community Services provides funding subsidies for the following operational areas to assist with service delivery:

- (1) Community Services Grants Program - specific Community Development work undertaken by Council's Community Development Officer \$12,309
- (2) Koala Child Care Centre - Education and development program for ages 0 - 6 \$34,510

Licence Agreement - Kerbside Dining - Goanna Bakery (P5624)

Licence over part of the footway of Keen Street outside premises situated at 171 Keen Street, Lismore comprising an area of 16.8 m² for the permitted use as kerbside dining. Licence is in accordance with Lismore City Council Policy 5.2.24 Carriageway and Kerbside Land Use. Term of licence is 5 years with a 2 year option.

Licence Agreement - Kerbside Dining - Mecca Café (P6314)

Licence over part of the footway of Magellan Street outside premises situated at 80 Magellan Street, Lismore comprising an area of 46.5 m² for the permitted use as kerbside dining. Licence is in accordance with Lismore City Council Policy 5.2.24 Carriageway and Kerbside Land Use. Term of licence is 5 years with a 2 year option.

Licence Agreement - Kerbside Dining - Caddies Coffee Company (P20988)

Licence over part of the roadway of Carrington Street outside premises situated at 20 Carrington Street, Lismore comprising an area of 65 m² for the permitted use as kerbside dining. Licence is in accordance with Lismore City Council Policy 5.2.24 Carriageway and Kerbside Land Use. Term of licence is 5 years with a 2 year option.

Licence Agreement - Kerbside Dining - La Baracca (P5624)

Licence over part of the footway of Keen Street outside premises situated at 29 Keen Street, Lismore comprising an area of 29.61 m² for the permitted use as kerbside dining. Licence is in accordance with Lismore City Council Policy 5.2.24 Carriageway and Kerbside Land Use. Term of licence is 5 years with a 2 year option.

Documents for Signing & Sealing

Transfer granting Easement to Drain Water - 57-59 Coleman Street, Bexhill - Lot 1 Sec 21 DP 758102 and Lot 1 DP 244707 (P22658 & P20978)

The owners of 57 Coleman Street, Bexhill have constructed a stormwater pipeline over their property and partly over 59 Coleman Street conveying water from Bangalow Road to the rear of the properties. The pipeline was designed by Council and installed under Council supervision. Transfer documentation requires signing and sealing to create the Easement to Drain Water in favour of Council.

Deeds of Agreement (2) - Realignment of Nimbin Road - Council and Shearman/Greber

Acquisitions of private land and disposal of unnecessary road of Nimbin Road to facilitate the realignment of Nimbin Road for the construction of the new Blakebrook Bridge.

Contract for the sale of land, and Transfer - Lot 54 DP 28852 - 28 Weemala Street, Lismore Heights (P10149)

Council has negotiated an offer of \$550.00 inclusive of GST for the sale of Lot 54 DP 28852 - 28 Weemala Street, Lismore Heights (297m²). The price is consistent with the valuation obtained October 27, 2006. This land was included in Lismore Local Environmental Plan 2000 (Amendment No. 12) - reclassification of public land as operational land.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, May 8, 2007 AT 6.00PM.

Present

Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Hampton, Henry, Irwin, Swientek and Tomlinson, together with the General Manager, Executive Director-Development & Governance, Executive Director-Infrastructure Services, Communications Co-ordinator, Corporate Compliance Officer, Manager Finance and General Manager's Personal Assistant.

**Apologies/
Leave of
Absence
Minutes**

An apology for non-attendance on behalf of Cr Meineke was received and accepted and leave of absence granted.
(Councillors Irwin/Sientek)

347/07

The minutes of the Ordinary Meeting held on April 10, 2007, were confirmed.
(CouncillorsDowell/Swientek)

Public Access Session

Prior to dealing with the circulated reports and associated information, a Public Access Session was held at which Council was addressed by the following:

Promotion of Lismore Business – Phil Hanlon

Phil Hanlon spoke on behalf of Lismore Unlimited and indicated that he was looking forward to working with Council on future strategies.
(S740)

Condolence

Late Mrs Joyce Meineke

348/07

The Mayor moved that Council's expressions of sympathy be conveyed to the family of Cr Meineke on the passing of his mother, Mrs Joyce Meineke, and the motion was carried with members standing and observing the customary moment's silence.
(S75)

Notice of Rescission Motions

Crozier Field

349/07

Formal notice having been given by Councillors Dowell, Tomlinson and Irwin it was MOVED that the Council decision of April 10, 2007 in regard to the closure of Crozier Field in daylight hours be rescinded.
(Councillors Dowell/Irwin) (S833)

On submission to the meeting the MOTION was DEFEATED.

Voting against: Councillors King, Chant, Hampton, Graham, Henry, Swientek and Crimmins.

Notice of Motions

Crozier Field

Formal notice having been given by Councillor Dowell that:
That Council:

1. Pursuant to section 40 of the *Local Government Act*, adopt the Plan of Management for Lismore Park as exhibited but excluding the provision for the daytime closure of Crozier Field and incorporating the recommended amendment allowing for an investigation of the feasibility of an irrigation system for the ovals using recycled water and/or stormwater; and
2. Give public notice of the Plan's adoption, and of the terms of the amended plan of management, in accordance with the requirements of the Act.

Mayor ruled that based on the previous resolution the Notice of Motion was out of order and should not be considered

Altering Order of Business

350/07 **RESOLVED** that the order of business be altered to debate the following matter raised during Public Access.

- Promotion of Lismore Business
(Councillors Irwin/Crimmins)(S43)

Reports

Promotion of Lismore Business

351/07 **RESOLVED** that the report be received and that the General Manager initiate discussions with the Board of Lismore Unlimited Opportunities with a view to presenting to Council in June, options for future management of the SBRVL funds in conjunction with consideration of recommendations from LUO pertaining to its forward priority promotional action plan.
(Councillors Irwin/Henry)(S740)

Sport and Recreation PAG Recommendations

A MOTION WAS MOVED that the report be received and that Council:

1. Adopt the Sport and Recreation Policy and Advisory Group recommendations for projects to be funded from the Urban Sportsground Development Fund.
2. Include Crozier Oval lighting project in the 2007/08 Budget funded from the unallocated 2006/07 Urban Sportsground Development Fund and from the 2007/08 Urban Sportsground Development Fund.
3. Adopt the Sport and Recreation Policy and Advisory Group recommendations for projects not funded.
4. Adopt the Sport and Recreation Policy and Advisory Group other general recommendations.

5. Adopt the Sport and Recreation Policy and Advisory Group recommendations for projects to be funded from the Rural Sportsground Development Fund
(Councillors Swientek/Hampton)

AN AMENDMENT WAS MOVED that the report be received and that Council:

1. Adopt the Sport and Recreation Policy and Advisory Group recommendations for projects to be funded from the Urban Sportsground Development Fund.
2. Include Crozier Oval lighting project in the 2007/08 Budget funded from the unallocated 2006/07 Urban Sportsground Development Fund and from the 2007/08 Urban Sportsground Development Fund.
3. Adopt the Sport and Recreation Policy and Advisory Group recommendations for projects not funded.
4. Adopt the Sport and Recreation Policy and Advisory Group other general recommendations.
5. Adopt the Sport and Recreation Policy and Advisory Group recommendations for projects to be funded from the Rural Sportsground Development Fund
6. That \$30,000 from the 2007/2008 Urban Development Spotsground Development Fund be reimbursed to the parkland reserve for provision of shade facilities.
(Councillors Ekins/Irwin)

On submission to the meeting the AMENDMENT was DEFEATED.

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

352/07 **RESOLVED** that the report be received and that Council:

1. Adopt the Sport and Recreation Policy and Advisory Group recommendations for projects to be funded from the Urban Sportsground Development Fund.
2. Include Crozier Oval lighting project in the 2007/08 Budget funded from the unallocated 2006/07 Urban Sportsground Development Fund and from the 2007/08 Urban Sportsground Development Fund.
3. Adopt the Sport and Recreation Policy and Advisory Group recommendations for projects not funded.
4. Adopt the Sport and Recreation Policy and Advisory Group other general recommendations.
5. Adopt the Sport and Recreation Policy and Advisory Group recommendations for projects to be funded from the Rural Sportsground Development Fund
(Councillors Swientek/Hampton)(S36)

Voting against: Councillor Ekins

Special Rate – Clunes Wastewater

353/07 **RESOLVED** that Council adopt the introduction of a special rate for Clunes from July 1, 2007 based on Option 3 – Nominal Charge.

(Councillors Tomlinson/Irwin)(S384:S288)

Voting against: Councillor Ekins

Sustainable Environment Policy Advisory Group - Membership

354/07 **RESOLVED** that the report be received and that Council advertise for a representative of 'a recognised local climate change organisation/s' for membership on the Sustainable Environment Policy Advisory.
(Councillors Irwin/Ekins)(S908)

Development Consent No. 2002/399 – Section 96 Modification Application No MC7/1 – Alterations and Additions to Lismore Square

355/07 **RESOLVED** that the report be received and that Council, as the consent authority, approve Modification of Consent MC07/1 for the provision of \$62,000 in lieu of constructing part of the footpath required by Condition 27(c), being the section of footpath from Diadem Street along Magellan Street (northern side) to Brewster Street, and the footpath as required by Condition 27(e), being the footpath from Brewster Street, through active open space areas, to Dawson Street.

In approving the application to Modify Consent, Condition No. 27 is to be amended to read:

The proponent shall construct a minimum 2m wide reinforced concrete, paving block or equivalent footpath, in the following locations:

- a. From Uralba Street along Diadem Street (west side) to Ballina Street.
- b. From Uralba Street along Brewster Street (east side) to Ballina Street.
- c. From Diadem Street along Magellan Street (northern side) to Dawson Street.
- d. From Diadem Street along Uralba Street (south side) to Brewster Street.
- e. From the intersection of McKenzie and Brewster Streets between the active open space areas to Dawson Street.

The final location and design with regard to (e) shall be submitted to Council for approval prior to the commencement of works. Consultation with the Lismore & District Sports Assoc. is to be undertaken.

Alternatively, in lieu of and in full satisfaction of:

- Part (c) of this condition the developer may construct a minimum 2m wide reinforced concrete, paving block or equivalent footpath from Brewster Street along Magellan Street (northern side) to Dawson Street, together with a contribution of \$12,000 to Council to be spent on pedestrian facilities within the immediate vicinity of the development; and
- Part (e) of this condition the developer may pay a contribution of \$50,000 to Council to be spent on pedestrian facilities within the immediate vicinity of the development.

All works to be in accordance with Councils Development, Design and Construction Manuals (as amended). Any costs shall be the responsibility of the proponent.

Reason: *To meet the anticipated demand for pedestrian facilities generated by the development.*

(Councillors Hampton/King) (DA2002/399)

Management Plan Review 2006-2007 – Quarter Ended March 2007

356/07 **RESOLVED** that the report be received and noted.
(Councillors Irwin/Graham)(S4)

March 2007 Quarterly Budget Review Statement

357/07 **RESOLVED** that the report be received and that:

1. Council adopt the March 2007 Budget Review Statement for General, Water and Sewerage Funds.
2. Council approve a transfer to reserves of \$239,000 for inclusion in the 2007/08 budget.
3. This information is submitted to Council's Auditor.
(Councillors Swientek/Dowell)(S4)

Goods and Services Tax – Council Compliance Requirements

358/07 **RESOLVED** that the report be received and that Council submit a Goods and Services Tax Certificate to the Department of Local Government certifying the payment of voluntary GST for May 1, 2006 to April 30, 2007 signed by the Mayor and Deputy Mayor.
(Councillors Irwin/Hampton)(S210)

April 2007 – Investments held by Council

359/07 **RESOLVED** that the report be received and noted.
(Councillors Irwin/Dowell)(S210)

Committee Recommendations

Traffic Advisory Committee April 18, 2007

360/07 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.
(Councillors Swientek/Dowell) (S352)

Documents for Signing and Sealing

361/07 **RESOLVED** that the following documents be executed under the Common Seal of Council:

Richmond River County Council - Requesting extension of financial agreement to June 30, 2008 (S409 07-2895)

Richmond River County Council have written to Council seeking an extension of financial agreement between Lismore, Ballina and Richmond Valley Councils to June 30, 2008. The current arrangement provides for a 40:40:20 basis on the respective constituent councils.

This agreement will bring the financial arrangement onto a financial year basis and if desirable, allow for the possibility of a new contribution arrangements to be considered for 2008/09 and beyond.

Contract for the sale of land, and Transfer - Lot 17 DP 239507 - 45 William Blair Avenue, Goonellabah (P10202)

Council has negotiated an offer of \$148,500 inclusive of GST for the sale of Lot 17 DP 239507 - 45 William Blair Avenue, Goonellabah. The price is consistent with the valuation obtained January 3, 2007. This land was included in Lismore Local Environmental Plan 2000 (Amendment No. 12) - reclassification of public land as operational land.

Agreement to Lease - Northern Rivers Radio Controlled Model Club Inc - Nesbitt Park Old Tennis Courts (P1863)

Lease over Lot 1 DP 129751 and part Lot 1 DP 996500 (129 Casino Street, South Lismore) comprising an area of 3,420 m² being the old tennis courts at Nesbitt Park, for the permitted use as a radio controlled car club for a period of four (4) years.

The Lismore District Cricket Association previously requested to lease this area, however withdrew their application. A current market rental for the subject property was obtained with a nominal rent of \$100 per year to be charged. Proposed lease was advertised in "The Echo" February 28, 2007, with no submissions forthcoming.

Sublease - Rous County Council (P6824)

Option of renewal for sublease from Rous County Council to Lismore City Council for the purposes of the Economic Development Unit at 218-232 Molesworth Street, Lismore. Term of sublease is three years with the rent being \$29,618.19 per annum inclusive of GST and thereafter CPI reviewed annually.

Licence Agreement - Operation of Miniature Railway at Heritage Park (P6772)

A licence agreement for Brian John Grey to operate the Heritage Park Miniature Railway for three years with a three year option. Licence fee is \$2,808.00 per annum inclusive of GST and thereafter CPI reviewed annually.

(Councillors Irwin/Graham)

Financial Assistance - Section 356

362/07 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved

a) Banners – Policy 1.4.14 (GL2033.8)

Budget: \$700 To date: \$436.37

RSL Lismore Sub-branch – ANZAC Banner

In accordance with policy.

\$150.00

Mental Health Support Group – Charity Concert Banner \$95.00

Musica Viva Charity Concert Banner \$95.00

In accordance with policy

\$190.00

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

Budget: \$14,700 To date: \$12,837

Mental Health Support Group requesting Council waive all the fees for the use of the City Hall for a mental health charity concert on October 13, 2007. In 2006, Council waived all fees associated with this concert (S164, P6816, & S374:07-2699).

Recommendation: In accordance with Clause 5 of the policy and consistent with the subsidy provided in 2006, a donation of 100% of the hire fee apply. \$280.00

North Coast Institute of TAFE requesting Council discount the fees for the use of the City Hall for the 2007 Awards of Excellence on May 5, 2007 (S164, S50 & P6816:07-1751).

Recommendation: In accordance with Clause 1 of the policy, a donation of 25% of the hire fee apply. \$168.25

c) Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL2033.15)

Budget: \$6,000 To date:\$ 8147.09

Animal Right & Rescue	\$50.00
Challenge Foundation	\$170.00
Five Loaves	\$164.55
Friends of the Koala	\$32.73
LifeLine	\$170.00
Salvation Army	\$126.73
Westpac Life Saver Rescue Helicopter	\$5.45

In accordance with policy. \$719.46

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

Budget: \$2,700 To date: \$1293.89

Brooke Avery's participation in YMCA's NSW Youth Parliament for 2007 \$50.00

Far North Coast Hockey Incorporated \$150.00

e) Miscellaneous Donations

Marist Bros Junior Rugby League 13/14's Country Rugby League Cluster – 1 day hire Oakes Oval \$471.00

(Councillors Hampton/Dowell)(164)

Matter of Urgency

Membership of Arts and Culture Policy Advisory Group

- 363/07 **RESOLVED** that this matter be admitted to the business paper as a matter of urgency.
(Councillors Irwin/Dowell)(S36)
- 364/07 **RESOLVED** that the report be received and the Arts and Culture PAG membership be expanded to include the following
- 1 Representative Performing Arts representative
 - 1 Representative Richmond River Historical Society
 - 1 Nimbin Arts representative
- (Councillors Irwin/Dowell) (S36)

Closure

This concluded the business and the meeting terminated at 8.00 pm.

CONFIRMED this 12th day of June 2007 at which meeting the signature herein was subscribed.

MAYOR