

## Ordinary Meeting

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An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on **Tuesday, December 13, 2005 at 6.00pm** and members of Council are requested to attend.

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

December 6, 2005



# Agenda

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Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary meeting November 8, 2005

Public Access Session

Public Question Time

Condolences

Disclosure of Interest

Mayoral Minutes

Notice of Rescission Motions

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Altering Order of Business

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

Reports

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LGSA Financial Sustainability Inquiry.....To be circulated

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# Strategic Plan Summary

## Lismore regional city

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

## Notice of Motion

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

**That Lismore Council remind Rous Water that it does not want Rous to make a decision in regard to fluoridation of the water supply without consulting with its constituent Councils, and in particular, Lismore City Council.**

Councillor R M Irwin

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### Staff Comment

Administrative Services Manager

Attached to the business paper is a report presented to Rous Water at its meeting held on March 16, 2005.

Council has been assured by Rous Water General Manager that it will consult with its constituent councils prior to any decision being made.

(05-12835: S223)

## Notice of Motion

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

**That Lismore City Council seek to have what is now referred to as Ballina Street Bridge , named "The Father Tony Glynn Bridge."**

Councillor F F Swientek

### Comments

Father Tony Glynn was a Marist priest. He had been recognised with the highest honours by both the Japanese and the Australian governments for his brave and tireless work in bringing a rapprochement between our countries. He was also awarded with an MBE from Queen Elizabeth II. He was instrumental in bringing about the sister city relationship between Lismore and Yamato Takada - an Australian first and one that remains the strongest international links we have.

I believe we should honour this outstanding man of peace with a fitting prominent memorial in our city. The symbolic strength of the Ballina Street Bridge with its East West alignment would reflect the building of links between an Eastern culture like Japan's and a predominantly Western culture of Australia's and Lismore.

Bridges are points of contact between two places and two communities which overcome barriers unite communities.

I believe that this would be a very fitting tribute to a heroic figure of Lismore's past and a reminder of our cherished international links in an ever shrinking global community.

The Father Tony Glynn Japan Centre Committee fully support this dedication of Father Tony's name to this bridge.

Enclosed in the following pages is some more information about Fr Tony Glynn.

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### Staff Comment

Executive Director-Infrastructure Services

Ballina Street Bridge is a Roads and Traffic Authority, NSW asset. Council's recommendation on the naming of the bridge would require the endorsement of the RTA.

(05-12766: S818)

## Notice of Motion

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

**That Lismore City Council request the RTA to investigate inland Pacific Highway options including routes through Lismore to address not only Sydney to Brisbane traffic needs but also overcoming important regional traffic issues.**

Councillor F F Swientek

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### Comments

I bring this motion before Council again. Some of you will recollect that I have attempted to bring this motion in the last Council term with little success.

It has been several years ago that I spoke to the Hon Don Page MLA on a very rainy night in Sydney where I had spent some time extolling the virtues of an inland route for the Pacific Highway. He was rather reluctant to embrace the idea at the time but did say he would look at it. I am somewhat surprised that he now claims the idea as his own.

In early 2001 I put forward a Notice of Motion to Council seeking LCC to prepare a submission to the RTA to have the proposed Pacific Highway upgrade to come through Lismore via my proposed northeast corridor, that had previously received Council support, then onto Woodburn. In my discussion to the motion I had also suggested that it may be even more feasible to explore a route via South of Casino linking with the Summerland Way. This sadly was not supported by the Council of the day. (My supporting comments to this Motion are included at the end of these comments.)

On August 1 this year I raised the inland routing of the Pacific Highway with the Deputy Prime Minister, the Hon Mark Vaile at the Lismore Levee opening luncheon in the presence of both Councillor John Chant and Councillor Peter Graham and several other dignitaries with some mixed reaction.

I am very pleased to see the matter being debated and finally getting some airing in the columns of the local papers and at some public meetings. It is a very serious issue and merits full and serious consideration by local communities and local authorities and especially us.

### WHY SUPPORT THE PACIFIC HIGHWAY THROUGH LISMORE ?

The benefits to inland communities like Lismore and Casino in terms of sustainable economic development are immense. The safety benefits to our communities (local traffic) and to through traffic are enormous. Consider the fatalities along the very outdated circuitous route of the Lismore to Bangalow road (65 bends!) and the Bruxner Highway, especially between the Alphadale crossing and Wollongbar. Yes these areas will benefit as new routes and interchanges could and invariably will be built to connect North Ballina area to the inland Pacific Highway providing a safer faster route to Lismore than the slower and tedious route through Alstonville, Wollongbar, Goonellabah and Lismore where there is constant pressure to reduce the speed limits on increasingly heavy trafficked roads.

Consider the following extract from page 3 of the EIS for the Alstonville Bypass Working Paper No 1:

*"Despite the presence of the Pacific Highway ,the Bruxner Highway carries more traffic 30%of total vehicular kilometres ,compared with 26% of the Pacific Highway due to the considerable east-west movement of traffic within the region."*

## Notice of Motion

The imperative for us must be to position our inland communities for sustainable economic opportunities and to solve our chronic road infrastructure problem. The injection of this type of resourcing from both the federal and state governments onto our road networks would be a massive fillip and completely unimaginable for us to consider.

This major highway upgrade shouldn't be just for the benefit of through traffic linking Sydney and Brisbane and mainly benefiting those commuters, it should also be cognisant of regional traffic movements through which the highway intersects. The RTA should properly evaluate how best to integrate that regional traffic movement and how best to expend resources in the long term to benefit all major stakeholders and not just two metropolises.

Our Bruxner Highway through Goonellabah and Lismore Heights and Lismore floodplain will reach saturation point by the year 2009 according to previous advice from Bill Moorhouse. We know we desperately need a new bridge across the river but where are we going to get those resources? Here is our opportunity of attracting federal and state resources to achieve our task and save our already overburdened ratepayers from future resource needs.

If we fail to campaign hard and seriously for this now we will have bequeathed a legacy of unnecessary high costs for our ratepayers, we will have missed real sustainable economic opportunities for our inland communities and we will have missed a wonderful opportunity of solving some of our serious and dangerous traffic problems.

It is worth a look.

### Comments from 2001

#### Reasons:

- Obviously a huge economic boom for Lismore to have the main transport corridor travelling beside our City.
- There is potential to have some of the road works integrated into flood levee works that with some vision may actually flood-proof the City with channel diversion and levee roadworks to the west of our City.
- Tourism would grow exponentially in this City benefiting our City.
- It would revitalise the interior part of the North Coast benefiting other inland towns such as Casino and Kyogle.
- It will relieve the traffic/growth burden of the Coast and revive inland centres.
- It will save expensive coastal sugarcane farmland where acid sulphate soils may prove a challenging task for roadworks in that area.
- It will provide a necessary growth impetus for this City that will put Lismore on the map to a sustainable economic future.

#### RTA Benefits:

- The RTA may see environmental benefits and cost benefits diverting the upgraded highway beside Lismore.
- Less disturbance of acid sulphate soils.
- Less impact on the river, the riparian zone and coastal estuaries.
- Less impact on sensitive coastal environments.
- Less construction costs by RTA - will be able to construct on virtual greenfield sites without hindrance of existing highway traffic.

#### Long-term savings on:

- Upgrading of Lismore/Bangalow Road – a road totally outdated and over-trafficked with current alignment, width and surface.

## Notice of Motion

- May obviate the need for a \$30M Alstonville by-pass if the current problem through-traffic is emanating from growth areas to the North from Ballina and North. That traffic will find it faster to travel on Cumbalum to interchange connection to Lismore. This will relieve pressure of traffic on Bruxner Highway and Lismore Heights squeeze point, which is already at saturation level.
- More population centres in this area will be closer to the upgraded highway making travel safer, faster and more efficient and will result in reduction of greenhouse gas emissions.
- Cost savings could be made by the RTA by linking in with LCC proposed ring roads.
- Enable RTA to integrate the highway and make best use of the highway by servicing the maximum number of people by such a route and considerable traffic volume advantages of such a route by considering current and predicted traffic volumes on existing main corridors in this area.

(05-12857: S341)

# Report

<b>Subject</b>	Application to erect a dwelling at Lot 3 DP 876846, No. 58 Satinwood Drive, McLeans Ridges (SEPP 1 Application)
<b>File No</b>	DA 05/107
<b>Prepared by</b>	Project Assessment Planner
<b>Reason</b>	Further information requested by Council
<b>Objective</b>	Council endorsement of an additional Condition of approval
<b>Strategic Plan Link</b>	Economic Development
<b>Management Plan Activity</b>	Development Assessment

## Overview of Report

Council previously resolved to approve the application, subject to certain legal prerequisites being satisfied. Legal opinion having been received, this report outlines the steps needed to validate the June approval.

## Background

Council at its June 2005 meeting considered a Development Application which sought approval under the provisions of SEPP No. 1 to erect a dwelling on an allotment of land which is under 40ha in area, and which has, as a condition of the previous Development Consent (DA95/120), a prohibition on the building of a dwelling house on that lot.

Council resolved:

- A That in the first instance and prior to determination of the DA Council seeks legal opinion to determine in the event that it supports the Development Application:
- whether or not the conditions of DA No. 95/120 relating to the site are required to be modified or revoked by Council prior to issuing any form of approval and
  - to investigate potential legal implications given the circumstances of the site relating to the refusal of a number of modifications to DA No. 95/120 and DA No. 2001/243 and the terms and of the Section 88B instrument for DP's 867052 and 876846.
- B If the advice is in the affirmative and no barrier to the approval of a DA for a dwelling is presented that Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve Development Application No. 2005/107 for the erection of a dwelling-house subject to the following requirements and variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.

Proposal: To erect a dwelling house on this 1.5 ha lot.

Applicant: Shirlee Whalley

Location: Lot 3 DP 876846, No. 58 Satinwood Drive, McLeans Ridges

Zoning: Rural 1(a) – General Rural

## Key Issues

1. Council has already resolved to approve the application, subject to clarification of certain legal issues;
2. The Department of Planning has concurred with approval (under SEPP 1 provisions);
3. Legal opinion is now available.

## Effects of Legal Opinion

The comprehensive opinion received is not conclusive and has been difficult to determine, due to the intricacies and changing circumstances relating to this whole matter. Council's legal advisor has also indicated that further opinion might be sought from Counsel. The opinion however discusses three areas of possible legal conflict:

1. If Council refuses the application (possible action by applicant).
2. If Council approves the application (possible action by former owner).
3. Possible legal implications if the previous subdivision consent is not modified.

It is clear that there is some possibility for legal interaction irrespective of what action the Council may take.

Council has already indicated support for an approval to the application, as has the Department of Planning.

Given the advices received, it would be prudent to modify the previous subdivision application (DA95/120), which can be achieved either through a Section 96(2) Modification application, or by way of a condition imposed by Council under the provisions of Section 80A of the EP&A Act directing the applicant to modify the previous consent.

Section 80A(1)(b) provides that a condition of development consent "may be imposed if it requires the modification or surrender of consent granted under this Act... in relation to the land to which the development application relates". In this case, the prohibiting factor in the Development Application relates only to Lot 3 DP 876846 (approved as DA95/120), and therefore a condition (Deferred Commencement) requiring modification to Development Application 95/120 by the deletion of Condition No. 21 from that consent may be added to those conditions attached to Development Application 05/107 already conditionally adopted by Council at its June 2005 meeting.

Following further consideration of the matter it is recommend that Council require previous subdivision be modified as an extra condition of (Deferred Commencement) consent to the conditions already endorsed by Council, at its June 2005 meeting and that Council should proceed with an approval to the dwelling.

## Comments

### Financial Services

No comment required

### Other staff comments

Not required

### Public consultation

Not required

## Conclusion

The most appropriate course of action is to approve the application and include an extra condition requiring modification to the previous subdivision application as set out in this report.

**NOTE: All proposed consent conditions are as reported to the June 2005 meeting with the**

exceptions that **Deferred Commencement Condition No. 6** has been added (bold type) and the **Section 94 charges** have been adjusted to reflect current contributions.

## Recommendation

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

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

**Note:**

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

- 1 A building envelope for the dwelling-house be created on the Deposited Plan in the located shown on Attachment 1 of the report by BCA Check titled 'On-Site Wastewater Management Report for Proposed Dwelling at Lot 3 DP 876846, 58 Satinwood Dr McLeans Ridges, June 2003'.

**Reason:** *To properly define the building area within the allotment consistent with DP's 867052 and 876846. (EPA Act Sec 79C)*

- 2 The land within the lot on which the rainforest and cabinet timber trees have been planted and majority survive:
- o be cleaned up under expert supervision – such works to include the removal of weeds and exotic plants,
  - o have a plan of management prepared by a suitably qualified person to show how the land and in particular the regeneration area should be appropriately managed in the future and
  - o have the plan of management appropriately included on a Section 88B instrument on the land Title.

**Reason:** *To ensure the on-going integrity and maintenance of the land planted with rainforest and cabinet timbers and protect the environment of the land. (EPA Act Sec 79C)*

- 3 A site report from an approved Geotechnical Engineer must be submitted certifying that the proposed dwelling may satisfactorily be erected on the site.

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

- 4 The future dwelling house development shall have installed an aerated waste water treatment system or other approved system designed to treat and disinfect all domestic waste waters and to dispose of all treated waste waters from such treatment facilities within the confines of the allotment to approved sub-surface drip irrigation or spray irrigation standards.

Please note that the disposal of wastewaters through evapotranspiration beds is not considered acceptable due to the depth of bedrock (limiting factor) identified within the report 'On-site Wastewater Management Report for Proposed Dwelling at Lot 3 DP 876846 Satinwood Drive McLeans Ridges' prepared by BCA Check June 2003.

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

- 5 A detailed landscaping plan is to be provided that shows landscaping in the building line areas to minimise the potential visual effects of a dwelling being erected on the land.

**Reason:** To ensure the development is adequately landscaped and to protect the existing or likely future scenic and landscape qualities of the locality. (EPA Act Sec 79C(b))

- 6 **Formal modification under the provisions of Sec 80A(1)(b) of the Environmental Planning and Assessment Act 1979 to Development Application No. 95/120 by deleting Condition No. 21 from that Consent. Such modification to be in accordance with the procedures under Sec 97 of the EPA Act Regulations 2000.**

**Reason:** To remove the imposed restriction for the erection of a dwelling on the subject allotment created by Development Consent 95/120.

In accordance with the provisions of Clause 95(3) of the Environmental Planning and Assessment Regulation 2000, the Council sets the period of time in which the applicant must satisfy Deferred Commencement Conditions as 12 months effective from the determination date endorsed on this consent.

## **OPERATIVE CONDITIONS**

### **PLANNING**

- 1 In granting this development consent, Council requires:

- 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. SJW-10-05 and SJW-01-04 Sheets 1, 2, 3 and 4, dated 1/12/04 and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

- 2 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore Contributions Plan 1999 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the **Construction Certificate**. The rates and amounts applying at the date of this notice, totalling **\$4,763**, are set out in the schedule for your information. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the **Construction Certificate being granted**.

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

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

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

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

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

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

### **BUILDING**

- 3 The following building works are to be **inspected and certified** by Council or by an Accredited Certifier in the form of a Compliance Certificate.
- (a) **Commencement of Building Work.**
  - (b) **Footings** - the foundation trenches are open and the steel reinforcement is in position, prior to concrete being placed (ie, after excavation for and prior to placement of any footings).
  - (c) **Slab** - the slab reinforcement is in position, prior to concrete being placed.
  - (d) **Framework** - the framework is completed, wet area flashing in place, external brickwork erected (where applicable) and the roof covering in position, prior to fixing the internal linings (ie, prior to covering of the framework for any floor, wall, roof or
  - (e) **Occupation** - the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

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

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

- 5 Temporary toilet facilities must be provided on the site, prior to commencement of building work and must be maintained until permanent facilities are provided. Pit or pan toilets are not permitted without the prior consent of Council.

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

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

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

- 7 Glazing to doors, windows, shower screens and bath enclosures must comply with AS 1288-1994 "Glass in Buildings". For external glazing the design wind speed must be provided to the glazier.

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

- 8 Where the design wind speed for the building is W41N or greater, the glazier must provide a certificate to Council prior to occupation of the building, that the glazing complies with AS 1288-1994 "Glass in Buildings".

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

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

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

- 10 The roofing must have a non reflective finish.

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

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

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

- 12 Retaining wall structures 1200 mm (1.2 m) or more in height must be of a design certified by a Practising Structural Engineer.

**Reason:** *To ensure the structural integrity of the retaining wall.*

- 13 All cut and fill on the property must be battered at an angle not greater than 45 degrees within the

property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain at the base.

**Reason:** *To ensure stability of the site.*

- 14 The excavated and filled areas are to be graded, drained and retained to the satisfaction of the Principal Certifying Authority.

**Reason:** *To ensure stability of the site.*

- 15 Erosion and sediment control measures must be put in place and be maintained to prevent soil erosion and the transportation of sediment from the site into natural or constructed drainage lines or watercourses. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion.

Note: Inspections of the structural work will not be carried out and work may not proceed, until the sedimentation controls are in place.

**Reason:** *To prevent erosion of materials from the site.*

- 16 The vehicle access to the land, including the grade across the footpath, must be in accordance with Council's 'Vehicle Access Policy'.

**Reason:** *To ensure the provision of adequate vehicular access to the site and building.*

- 17 A longitudinal section, including the level at the footpath and at the garage floor and plan view of the driveway, must be submitted for approval, prior to commencement of work. Note that the vehicular access, including the grade across the footpath area must be in accordance with the attached 'Vehicle Access Policy'.

**Reason:** *To ensure the provision of adequate vehicular access to the site and building.*

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

**Reason:** *To ensure compliance with Clause 3.8.3.3 of the Building Code of Australia Housing Provisions.*

- 19 A certificate shall be submitted to the Principal Certifying Authority (PCA) prior to any occupation of the dwelling, certifying "R2.5 insulation" has been placed in ceiling roof space.

**Reason:** *To satisfy the energy efficiency requirements of Development Control Plan No. 14.*

- 20 Structural Engineering details for the footings and slab must be submitted and approved by the Principal Certifying Authority prior to commencement of the work.

**Reason:** *To ensure the adequate structural design of the building components.*

- 21 All excavations and backfilling are to be executed safely and in accordance with appropriate professional standards and to be properly guarded and protected to preserve life and property.

**Reason:** *Required by Clause 32 Local Government (Approvals) Regulation.*

- 22 The design wind load classification for the site is W41 N m/s. All building materials, tie downs and bracing systems must meet the requirements for this wind speed.

**Reason:** *To provide information on the design wind speed assessed for the site.*

- 23 Full details of the tie-down and bracing requirements for a wind classification of N3 being submitted to the Principal Certifying Authority prior to commencement of construction. Such details being in accordance with AS 1684-1999 "Residential Timber Framed Construction".

**Reason:** *To ensure the structural adequacy of the building.*

- 24 The primary building elements must be protected against attack by subterranean termites by physical barriers in accordance with AS 3660.1-2000 "Protection of Buildings from Subterranean Termites".

**Reason:** *Required by Clause 3.1.3.0 of the Building Code of Australia Housing Provisions.*

- 25 The primary building elements must be protected against attack by subterranean termites. This

can be achieved by:

- i) soil treatment in accordance with AS 3660.1-1995 of the subsoil area beneath all on ground concrete slabs forming part of the building, including attached garages, patios and the like. Including, on completion of the building, an external barrier, consisting of at least a 300mm wide horizontal barrier around the perimeter circumferencing all pipes and service facilities, and adjoining a minimum 150mm wide vertical barrier, to the depth of the underslab barrier; or
- ii) other chemical or physical measures which meet the objective of protecting primary building elements against subterranean termite attack. If this option is chosen, full details are required to be submitted for Council's consideration. Examples of current initiatives in this area are, stainless steel mesh, accredited crushed granite barrier, permanent underslab irrigation systems, CCA treated framing and steel framing.

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

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

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

**Reason:** *Required by Clause 3.1.3.0 of the Building Code of Australia Housing Provisions.*

- 26 Provide a durable sign, detailing the type of termite protection provided to the building and the measures necessary to maintain the protection. In the case of an elevated floor the sign must be affixed adjacent the crawl space opening and in all other cases, in the meter box.

**Reason:** *Required by Clause 3.1.3.2 of the Building Code of Australia Housing Provisions.*

- 27 On completion of the termite treatment, other than ant-capping, a certificate from a qualified operator, must be supplied to Council.

**Reason:** *Required by Clause 3.1.3.0 of the Building Code of Australia Housing Provisions.*

- 28 All "Wet area" floors must be flashed to walls with approved material, so as to provide effective damp-proofing. A certificate from the installer being submitted to the Principle Certifying Authority verifying compliance with AS3740.

**Reason:** *Required by Clause 3.8.1.0 of the Building Code of Australia Housing Provisions.*

- 29 Downpipes must be connected to an approved stormwater drainage system as soon as the roof is sheeted and guttering fixed.

**Reason:** *To reduce site erosion.*

- 30 Provide 6/3 litre dual flush toilet suites to all water closets.

**Reason:** *To conserve water.*

- 31 Provide vacuum breaker devices to all external taps.

**Reason:** *To prevent the contamination of the water supply by cross connection.*

- 32 A tempering valve shall be installed so as to deliver hot water at the outlet of all sanitary fixtures, such as baths, basins and showers, at a temperature not exceeding 50°C.

**Reason:** *Required by Cl. NSW 1.10.2 of the NSW Code of Practice Plumbing and Drainage.*

- 33 Plumbing and drainage must be in accordance with the NSW Code of Practice "Plumbing and Drainage" and the work must be carried out by a licensed plumber or drainer.

**Reason:** *Required by Local Government (Water, Sewerage and Drainage) Regulations.*

- 34 A separate On-site Effluent Disposal System Application must be submitted to Council, and approved, prior to any work commencing in respect of this application.

**Reason:** *To ensure provision for adequate human waste disposal.*

- 35 Provide interconnected, automatic smoke alarms wired into the electrical mains and having a stand-by battery power supply, in accordance with Clause 3.7.2.2 of the Building Code of Australia.  
**Reason:** *To comply with Clause 3.7.2.2 of the Building Code of Australia Housing Provisions.*
- 36 A certificate from a licensed electrician must be provided upon completion of the installation of the smoke alarms, certifying that the smoke alarm installation complies with AS 3786 "Smoke Alarms".  
**Reason:** *To ensure compliance with this building approval.*
- 37 The stairs must comply with the design criteria of Clause 3.9.1.2 of the Building Code of Australia Housing Provisions in respect of stair width, landing design and tread and riser design.  
**Reason:** *Required by Clause 3.9.1.2 of the Building Code of Australia Housing Provisions.*
- 38 The maximum gap between stair treads must be 125 mm.  
**Reason:** *Required by Clause D2.13 of the Building Code of Australia.*
- 39 Provide a continuous balustrade a minimum of 865 mm high to stairs and a minimum of 1 metre high to decks or landings. The maximum permissible balustrade opening is 125 mm.  
**Reason:** *Required by Clause 3.9.2.3 of the Building Code of Australia Housing Provisions.*

## ENVIRONMENTAL HEALTH

- 40 Measures shall be put in place to control storm water runoff. These control measures shall be in place prior to the commencement of works and shall prevent soil erosion and the transport of sediment from the development site into either:
- adjoining land
  - natural drainage courses
  - constructed drainage systems, or
  - waterways.
- All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Appropriate signage shall be erected on-site identifying the requirement for the maintenance of these measures.  
**Reason:** *To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))*
- 41 Any noise generated during the construction of the development shall not exceed the limits specified in the Noise Control Manual.  
**Reason:** *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*
- 42 An application under Section 68 of the Local Government Act for the installation of on-site wastewater management system shall be submitted to Council for approval prior to the release of the Construction Certificate.  
**Reason:** *To protect the environment and ensure provision for adequate human waste disposal. (EPA Act Sec 79C(b))*
- 43 Provide a water storage tank of a minimum capacity of 45,000 litres.  
**Reason:** *To ensure an adequate water supply.*
- 44 A first flush device shall be installed as part of the potable water storage system so as to prevent the first portion of roof run-off from being conveyed to the water storage tank.  
**Reason:** *To protect the quality of potable waters.*

## ENGINEERING

- 45 All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.  
**Reason:** *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge*

of concentrated runoff from any buildings and paved areas that may be constructed on the land.  
**(EPA Act Sec 79C(b)).**

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

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

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

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

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

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

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

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

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

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

## RURAL FIRE SERVICE

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

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

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

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

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

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

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

**Reason:** *To comply with the requirements of the NSW Rural Fire Service.*

## LISMORE CITY COUNCIL

**DEVELOPMENT CONSENT NO:** 2005/170  
**ADDRESS:** 58 Satinwood Drive, McLeans Ridges

**IMPORTANT TO NOTE**

The rates and amounts shown against the various items below are those applicable as at date of original consent. If these levies are not paid within twelve (12) months of the date of original consent, the rates shall then be increased on an annual basis in accordance with the prevailing Australian Bureau of Statistics Consumer Price Index (Sydney), as applicable at the time of payment.

To be read in conjunction with advice of development consent.

The levies imposed by Condition No. 2, as contributions towards the cost of meeting increased demand for public services and amenities that will result from the development, are identified in this Schedule.

The following Levies are charged under Section 94 of the Environmental Planning and Assessment Act 1979 and amounts payable are set out below.

*\* Note: For discount see Lismore Contributions Plan 2004*

Levy Area	Account No.	No. of ET's/m <sup>2</sup>	Cost Per ET/m <sup>2</sup>	Amount Payable
<b>Rural Roads</b>				
Satinwood Drive	90458643	1	\$286	\$286
Cowlong Road	90450101	1	\$2,568	\$2,568
State Highway 16	90001630	1	\$181	\$181
<b>Urban Roads</b>				
Residential	1655.1	1	\$1,590	\$1,590
<b>SES</b>				
All areas	1695.1	1	56	\$56
<b>Rural Fire Service Plan</b>				
All areas	1690.1	1	82	\$82
<b>Total</b>				<b>\$4,763</b>

# Report

<b>Subject</b>	<b>Lismore Showgrounds</b>
<b>File No</b>	P331
<b>Prepared by</b>	General Manager
<b>Reason</b>	To explain the financial viability dilemma facing the managers of the Lismore Showgrounds.
<b>Objective</b>	To secure Council authorisation to assist the Showgrounds Trustees over the next twelve months by application of Council resources.
<b>Strategic Plan Link</b>	Leadership by Innovation
<b>Management Plan Activity</b>	Parks & Recreation and Economic Development & Tourism

## Overview of Report

The joint management of Lismore Showgrounds by the Showgrounds Trust and the Show Society is not financially viable and requires urgent structural changes. Separation of the two Committees is essential, and the independently profitable Show Society will then become an annual commercial hirer of the Showgrounds complex. The Trust needs an injection of operational management expertise to function and the report proposes a 12 month Service Agreement which will utilise various Council held skills and resources to assist Trust decision making and improve its operational outcomes.

## Background

Since 2004 the Lismore North Coast National Agricultural and Industrial Society (A&I Society) has been working on development of a Strategic Plan with the assistance of an external experienced consultant. The consultancy was jointly funded by the Department of Lands and the A&I Society and facilitated by Council. The Project brief called for –

*“A Lismore Showground Development Business Plan that will provide economic growth for the Lismore Showground. This plan needs to take account of the current standard of the infrastructure as outlined in the situation analysis, and any projects identified should incorporate this element thereby identifying ongoing sustainable activities.”*

The consultant prepared and presented a comprehensive three volume report to the A&I Society in June 2005 and one of the first steps taken was, at the Annual General Meeting to restructure the A&I Society Management Committee from 32 members to 9 members. In its previous form this committee was found to be quite unwieldy. At that time, the new Committee resolved to re-visit the consultant’s report after the 2005 North Coast National.

## Showgrounds v’s A. & I. Society

It is here that some important distinctions must be made. The Lismore Showgrounds comprise a mix of Crown Land and freehold land owned by A&I Society (see aerial photograph) until 1989 the Showgrounds were administered by a Trust appointed by the Minister for Lands and whilst the Trust powers related only to the Crown lands, the Trust actually managed the whole site. Separately, the North Coast National (Show) was run by a separate Show Society – the NCN A&I Society Incorporated.

Apparently, due to a lack of effective management, the Trust was disbanded and in July 1989 the NCN A&I Society Inc. was appointed sole Trustee. Over time the activities of the Show Society and the Showground Trust have merged to the point where their respective responsibilities have become difficult to separate. There is absolutely no doubt that the financial performance of the annual North Coast National Show is the key factor which ensures the Showgrounds remain operational for other purposes, year round.

## North Coast National is viable

So that there is no misunderstanding I want to repeat that the North Coast National held in October each year is a viable stand alone event and, depending on patronage and sponsorship variables is conducted with a sustainable surplus. On the other hand, the current mode of managing and operating the Lismore Showgrounds for all other purposes is not financially viable and the revenue deficit is growing.

## Community Resource

The purpose of this report is to acquaint the Council with the facts and to outline a proposal which will allow the Lismore Showgrounds to be retained for use as a community resource and to support the Showground Trustees as they work on solutions to an immediate problem.

As is usual, the first problem is money and for many years the A&I Society has financed some of the major responsibilities of the Trust. These include insurance, grounds and property maintenance. Regrettably, this is now placing a serious drain on the Show Society's funds and that Committee has raised the alarm. Council will recall that it underwrote an overdraft facility earlier this year for the express purpose of helping the Society past the October Show. That facility was not called upon but the Council's approval expired in November 2005 thus the Society has no fall back and recurrent expenses such as insurances and wages are continuing to accrue.

## The Problem

At the request of the Show Society/Trust President I attended a meeting of the joint Committees at which the state of their combined financial affairs was explained to me. At face value it appeared to me that whilst the NCN Show is viable in its own right, the Lismore Showgrounds cannot function for very long under the current arrangements – the funds required are not available, nor in prospect in the near future.

Subsequently, I advised the President that in lieu of standing back and seeing the Lismore Showground gates locked up I would develop an interim proposal for the Council designed to support the Trust in the short term, conditional on the President taking the following steps immediately.

- That the financial affairs of the Show Society be separated from those of the Trust.
- All existing employment arrangements or contracts pertaining to Trust responsibilities be terminated.
- That the Trust actively explore all options to enable the operations at the Showgrounds to be maintained to a satisfactory standard, within the financial capabilities of the Trust.

At a meeting of the Society and Trust members on 23<sup>rd</sup> November, resolutions in accord with those conditions were passed. It is anticipated that there will be no permanent employees at the Lismore Showgrounds as from January 2006.

Clearly there is a need to maintain the day-to-day operations at the Showground from January forwards for the good reason that there are a number of events already booked. From those events there will be hiring revenues and indeed the 2004 figures indicate full year rentals of \$87,000 – unfortunately the outgoings were more that double that figure. Nevertheless, it seems very likely that with Council's support, the expenditure could be more keenly managed and the rentals reviewed to minimise loss making events.

There needs to be a period of consolidation and review before any radical changes are made to the management of the Showgrounds. Under this new model, the Show Society will continue to run the North Coast National and they will hire the Showgrounds from the Trust for a commercial fee.

## The Way Forward

I propose a package of measures which will allow continued community use of the Lismore Showgrounds for a sufficient period during which a Business Plan can be developed to ensure the community resource is maintained in a viable state.

I envisage the negotiation of a twelve month service agreement with the Lismore Showgrounds Trust during which Council will assume the role of Operations Manager and within the revenues received from hirings, rentals and other income manage:-

- Grounds maintenance
- Building maintenance and cleaning
- Security
- Venue bookings
- Rental collection
- Venue promotion
- Property rationalisation
- Financial records
- Business Plan development
- Evaluation of commercial opportunities
- Development applications for Showground activities
- Grant applications for new initiatives
- Negotiations with Department of Lands
- Documentation for contracts
- Audit of infrastructure status

## Comments

### Financial Services

Council has in recent years acted as guarantor for the North Coast National A. & I. Society with the objective being to basically underwrite the 2004 and 2005 North Coast National Shows. At the time, the commitment was given on the understanding that the show itself was profitable and this has proven to be factually correct.

Now, when considering the financial position of the A. & I. Society in its capacity as Trust Manager (showgrounds) and promoter (show), it clearly indicates that the current joint arrangement is not sustainable.

After reviewing the available financial information to November 22, 2005, and assessing the potential financial impact of decisions to be implemented, there will be a liquidity predicament in the short term. To enable this proposal to proceed, it will be necessary for Council to again act as guarantor, but in this situation it will only relate to the activities of the Trust and not the Show. The amount required, which will provide some ongoing flexibility with cash flows, is \$50,000 to December 31, 2006.

It is important to note that Council is not providing any direct funding to the Trust as a result of this recommendation. The intention is clearly to arrange and pay for services to the Trust based on the level of revenue generated.

## Other staff comments

Not required.

## Public consultation

Not required.

## Recommendation (GM01)

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

# Report

<b>Subject</b>	<b>Draft Lismore Local Environmental Plan Amendment No.28 – 4 Holland Street, Goonellabah.</b>
<b>File No</b>	P25365/S927
<b>Prepared by</b>	Senior Strategic Planner
<b>Reason</b>	Receipt of rezoning submission
<b>Objective</b>	Resolution to prepare draft LEP amendment for public exhibition.
<b>Strategic Plan Link</b>	Economic development
<b>Management Plan Activity</b>	Implement adopted Council land use strategies

## Overview of Report

This report advises Council of the receipt of a submission to rezone land at 4 Holland Street, Goonellabah to industrial and recommends that Council proceed with the preparation and exhibition of a draft LEP amendment.

## Background

### Précis

<b>Subject land:</b>	Lot 12 DP 858912 4 Holland Street Goonellabah
<b>Applicant:</b>	Newton Denny Chapelle
<b>Owner:</b>	Enitoy Pty. Ltd.
<b>Proposal:</b>	Rezoning to enable industrial development.

Council is in receipt of a submission to rezone part of Lot 12 DP 858912 Holland Street, Goonellabah to 4(a) Industrial Zone. A site locality plan is attached to this report.

The site is currently zoned 1(a) General Rural under the Lismore Local Environmental Plan 2000. The land has an area of 6.8ha and is bordered by Holland Street to the east and Tucki Creek to the south. Adjoining lands to the north and west support uses of an industrial nature.

The site was assessed for its urban residential potential during the preparation of the Lismore Urban Strategy. It was concluded that, because of its aspect, topography and surrounding land uses, the site was not suited for residential use but may have potential for industrial style development.

Since then two buildings, accommodating 108 storage units, have been approved and constructed on the southern part of the site. At the time of approval, storage sheds were a permissible use under the 1(a) General Rural zoning. However the owner was advised at the time that any further development of this nature would require the land to be rezoned to 4(a) Industrial.

## Issues

A concept plan has been lodged with the rezoning submission which shows eight additional buildings located on the undeveloped part site with potential for some 300 additional storage units. This has been provided to show how the land could be further developed for industrial purposes. Rezoning to 4(a) will not lock the owner into this particular concept as the zoning allows a wide range of industrial uses. Similarly, Council's endorsement of the rezoning does not imply that the layout provided will necessarily satisfy all of Council's requirements as this will be subject to more detailed assessment at the DA stage.

Part of the site adjoining Tucki Creek has been identified in a number of Council plans and strategies as being required for the extension of the Tucki Creek open space corridor. This area will be rezoned 6(a) Recreation zone under this Amendment. The location of the proposed zone boundary between the 4(a) zone and the 6(a) zone is shown on the attached draft LEP Amendment. The zone boundary has been located north of the existing sewer line and includes sufficient area for riparian zone protection and for future extension of the Birdwing walking track. This is shown on the draft LEP map which is attached to this report. Section 94 open space funds will be used to purchase and embellish the 6(a) land.

An area in the south-west corner of the site has previously been quarried but has never been rehabilitated. It is reasonable for Council to require that land being rezoned for a particular use be in a fit and suitable state for such use. The quarried area has visual impacts and represents a potential threat in terms of soil erosion and water quality in Tucki Creek. It is considered that any rezoning should be contingent upon the applicant rehabilitating the area in accordance with a rehabilitation plan that has been approved by Council. It is therefore recommended the draft LEP include a clause requiring rehabilitation of the area in accordance with an approved rehabilitation plan prior to the release of any Construction Certificate or Subdivision Certificate for the land.

## Comments

Financial Services

Not required

## Other staff comments

### **Lismore Water:**

The proposal involves the construction of 300 additional storage sheds and does not incorporate an on-site manager's office or toilet facilities. For this development, there are no issues with Lismore Water as no additional water or sewer capacity is required. Any future redevelopment of this land for any other purpose would need modelling of both the water supply and sewerage reticulation networks to ensure that there is adequate capacity to service the needs of such a development.

## Public consultation

Opportunity for public consultations will be provided during the public exhibition period for draft LEP amendments. The statutory minimum exhibition period is twenty eight (28) days. This will need to be extended if it covers the Christmas/New Year period.

## Recommendation

That Council resolve:

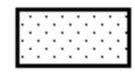
1. Pursuant to section 54 of the EP&A Act 1979, to prepare a draft amendment to Lismore Local Environmental Plan 2000 to rezone Lot 12 DP 858912 Holland Street, Goonellabah part 4(a) industrial zone and part 6(a) Recreation Zone and including a clause requiring rehabilitation of the area in accordance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

4. To advertise the draft LEP amendment for a period of 28 days (with extension to allow for Christmas/New Year) following consultations with government agencies.



ort

**LEP Draft Amendment 28 - locality map**

 Subject Land

**Lismore Local Environmental Plan 2000  
(Amendment No. 28)**

under the

Environmental Planning and Assessment Act 1979

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

FRANK SARTOR, M.P.,  
Minister for Planning

**Lismore Local Environmental Plan 2000  
(Amendment No. 28)****1. Name of plan**

This plan is *Lismore Local Environmental Plan 2000 (Amendment No. 28)*.

**2. Aims of plan**

This plan aims to rezone the land to which this plan applies from Zone No 1(a) (the General Rural Zone) to partly Zone No 4 (a) (the Industrial Zone) and partly Zone No 6(a) (the Recreation Zone) under *Lismore Local Environmental Plan 2000*.

**3. Land to which plan applies**

This plan applies to Lot 12, DP 828912, Holland Street, Goonellabah, as shown edged heavy black and lettered "4 (a)" and "6(a)" on the map marked "Lismore Local Environmental Plan 2000 (Amendment No 28)" deposited in the office of Lismore City Council.

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

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

## Schedule 1 Amendments

### [1] **Clause 64A Industrial land, Holland Street, Goonellabah**

- (1) This clause applies to part of Lot 12 DP 858912, Holland Street, Goonellabah as shown edged heavy black and lettered "4(a)" on the map marked "Lismore Local Environmental Plan 2000 (Amendment No 28)".
- (2) The Council must not issue a subdivision certificate or construction certificate for industrial development on land to which this clause applies unless:
  - (a) a rehabilitation plan for the disused quarry in the south-west part of the land has been submitted to Council for approval, and
  - (b) the site has been rehabilitated in accordance with the approved rehabilitation plan.

### [2] **Schedule 7**

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

Lismore Local Environmental Plan 2000 (Amendment No 28)

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SCALE 1 : 3,500      LOCALITY of GOONELLABAH      PARISH of LISMORE      COUNTY of ROUS

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979  
CITY OF LISMORE  
DRAFT LEP Amendment No 28  
LOCAL ENVIRONMENTAL PLAN No.**

<p>DRAWN BY    C Coates                      DATE</p> <p>SUPERVISING DRAFTSPERSON</p> <p>PLANNING OFFICER</p> <p>COUNCIL FILE No.    S927</p> <p>DEPT. FILE No.</p> <p>CERTIFICATE PLAN NUMBER</p> <p>CERTIFICATE ISSUED UNDER S.65 E.P.A. ACT</p> <p>DEPT. GAZETTE OF</p>	<p>STATEMENT OF RELATIONSHIP WITH OTHER PLANS</p> <p>THIS PLAN AMENDS LISMORE LOCAL ENVIRONMENTAL PLAN 2000.</p> <p>CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS AS AMENDED</p> <p align="right">AUTHORISED COUNCIL EMPLOYEE                      DATE</p>
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# Report

<b>Subject</b>	<b>New Legislative Requirements for DCPs</b>
<b>File No</b>	S924, S925, S926, S385, S515, S531, S532, S562, S564, S690, S897 & S921.
<b>Prepared by</b>	Senior Strategic Planner
<b>Reason</b>	Recent amendments to the EP&A Act
<b>Objective</b>	Council's resolution to prepare and exhibit a new consolidated DCP and amendments to existing site specific DCPs
<b>Strategic Plan Link</b>	Economic Development
<b>Management Plan Activity</b>	Review and update planning controls

## Overview of Report

This report describes recent amendments to the EP&A Act as they apply to the preparation and adoption of Development Control Plans. The report proposes that a number of Council's existing DCPs be consolidated into a single DCP to meet legislative requirements. Other DCPs will require minor amendment in order to comply. Failure to comply with the new requirements could result in all of Council's existing DCPs being invalidated.

## Background

As part of its planning reform package, the State Government has introduced amendments to Parts 3 and 4 of the Environmental Planning and Assessment Act which came into effect on September 30, 2005. The aim of the amendments are:

1. To facilitate the introduction of a standard LEP format for all Councils,
2. To reduce the number of DCPs in each Council area, and
3. To allow for site specific DCPs to replace the existing master plan process.

This report focuses on the legislative changes that relate to points 2 and 3 above, and how these will affect Council's existing DCPs.

Section 74C(2) of the EP&A Act provides that no more than one DCP may apply to any land parcel within a Council area. Transitional provisions allow for existing DCPs to remain valid only until such time that a Council makes or amends a DCP. Because Councils were given no notice of these changes, this Council had several draft DCP amendments, and one new draft DCP, on public exhibition at the time the new legislation came into effect. Consequently, adoption of any of these would have the effect of invalidating all of Council's existing DCPs. It is therefore important from Council's point of view that the new Section 74C requirements are complied with as soon as possible.

Lismore currently has twenty-seven (27) adopted DCPs (together with one draft DCP that has been exhibited). Of these, nineteen (19) are "issue specific" (eg. subdivision, flooding, parking, etc) and nine (9) are "site specific" (eg. village DCPs, cultural precinct, etc). In order to comply with the new legislative requirements, it is proposed that each of the nineteen "issue specific" DCPs be consolidated into a single DCP which will then become the principal DCP for Lismore.

## A Consolidated DCP

It is proposed that the matters addressed in the nineteen “issue specific” DCPs will be included in separate chapters of a new consolidated DCP (to be called Lismore Development Control Plan No1). Table 1 shows how draft DCP No.1 has been structured and how it relates to existing DCPs.

**Table 1**

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

Apart from re-formatting changes required to amalgamate nineteen separate DCPs into a single document, the new DCP has been updated to include contemporary references to government agencies, various standards and guidelines, etc. Draft DCP No.1 also incorporates the following amendments that have arisen from previous Council resolutions:

1. At its meeting of September 13, 2005 Council resolved to prepare and exhibit a comprehensive amendment to DCP 18 (Off-street Carparking). This is now Chapter 8 of DCP No.1. Draft DCP 18 was publicly exhibited and attracted one submission, being from Newton Denny Chapelle. The submission is detailed in content and there has been insufficient time available to properly assess the submission. It is therefore recommended that the submission be treated as a submission to DCP No.1 and a full assessment of the issues raised be brought to Council at the close of exhibition of DCP No.1.
2. At its meeting of August 9, 2005 Council resolved to prepare and exhibit an amendment to DCP No 27 to include an 80m buffer between crematoriums and residential development. This amendment was exhibited and attracted no submissions. The amendment is now included in Chapter 14 of draft DCP No1.
3. At its meeting of September 13, 2005 Council resolved to prepare and exhibit a new DCP relating to heritage conservation (draft DCP No.50). The draft DCP was publicly exhibited and attracted one submission from the Richmond River Historical Society. The submission recommends several amendments to ensure historical accuracy in the DCP. These have been incorporated into the document and draft DCP 50 is now Chapter 15 of draft DCP No1.

Reformatting of the DCPs has also provided the opportunity to include a number of relatively minor amendments into the new draft DCP which are described as follows:

- 1, Changes are proposed to the flood prone lands requirements (formerly DCP 7) to clarify the matters to be addressed in the risk analysis report required for new buildings to be built on flood prone land (see Attachment to this report for comparison of existing provision with proposed amendment).
2. Amendments are proposed to the residential development requirements (formerly DCP 14) to restrict site coverage for “infill dual occupancy” development to a maximum of 66% of site area. This amendment is designed to prevent overdevelopment and protect neighbourhood amenity in established residential areas (see Attachment to this report for proposed changes).
3. Amendments are proposed to the residential development requirements (formerly DCP 14) so that driveway specifications are consistent with the subdivision DCP and the Australian Standard.
4. Recent amendments to the Native Vegetation Act provide that the Northern Rivers Catchment Management Authority (and not Council) is now the consent authority for the removal of native vegetation in rural residential zones. This requires a minor change to the tree preservation order provisions (formerly DCP 17) to ensure consistency with the Act.
5. References to retailing from bulky goods showrooms in industrial zones (formerly under DCP 26) have been clarified to include a description of the type of “bulky goods” that are considered suitable for retailing from industrial areas. These uses are consistent with guidelines issued by the Bulky Goods Retailer Association. A minimum gross floor area (GFA) of 1000m<sup>2</sup> for bulky goods showrooms is proposed to achieve consistency with the underlying objective of the definition and to ensure that retailing in industrial zones is not in direct competition with retail activity in the CBD (see Attachment to this report for a description of the proposed change).
6. Amendments are proposed to some road standards (formerly in DCP 28) to ensure consistency with existing standards in adopted Council policies and design and construct specifications.

Because the consolidated DCP is more than 500 pages in length, copies have not been attached to this report. Two copies of the draft DCP have been placed in the Councillors’ meeting room for Councillors’ to peruse.

## Site specific DCPs

The legislation still allows for site specific DCPs applying to a single land parcel or a particular locality. These DCPs are able to refer to the provisions of other DCPs, even though this would appear to be contrary to the Government’s stated intention of having no more than one DCP applying to any parcel of land. The legislative changes also remove the current provisions that allow for master plans to be adopted by Council. In future, all master plans will be required to be adopted as site specific DCPs.

It is proposed therefore that Council’s nine (9) existing site specific DCPs remain as separate DCPs, however each will require amendment so that they refer to DCP No1 as the principal document for Council’s general development controls. In addition two new site specific DCPs are proposed. The current DCP No.26 (Industrial Development) has two appendices that apply to specific sites at South Lismore and Council’s Airport Industrial estate. These will become separate site specific DCPs under the new scheme and have been allocated new DCP numbers. The existing and proposed new site specific DCPs are listed in Table 2:

**Table 2**

<b>DCP No.</b>	<b>Subject</b>
DCP No.9	Village of Nimbin
DCP No.19	Village of Dunoon
DCP No.21	Village of Clunes
DCP No.22	Northern Ridges, Goonellabah
DCP No.31	East Lismore
DCP No.33	East Goonellabah
DCP No.35	Caniaba Village
DCP No.48	Land at West Goonellabah
DCP No.49	Lismore Cultural Precinct
Draft DCP No.51	Airport Industrial estate
Draft DCP No.52	South Lismore industrial land

The only substantive change to the site specific DCPs arises from Council's resolution of November 8, 2005 to prepare and exhibit an amendment to Appendix 2 of DCP No.26 (relating to the Airport Industrial estate) to allow flexibility in the configuration of the nominated building pads on each of the eight allotments of that estate. Flood modelling must demonstrate that any changes would have negligible effect on flood depths and velocities in the locality. That amendment is now incorporated into draft DCP No.51.

## Comments

Financial Services

Not required.

## Other staff comments

Council's Development Engineer has had input into the proposed amendments to the subdivision controls outlined in this report.

## Public consultation

The minimum statutory requirement for exhibition of draft DCPs is 28 days. Given that the exhibition period will extend over the Christmas/New Year period, it is recommended that draft DCP No.1 be placed on public exhibition for a period of two months.

## Conclusion

The proposed changes to Council's DCPs are necessary to satisfy the legislative requirements for DCPs recently introduced by the State government. Because of the size of Council's consolidated DCP, it can only be made available on Council's website as twenty-one individual chapters. This is not that different to the current arrangement where they appear as nineteen individual DCPs. Furthermore, with the requirement for future master plans to be adopted as site specific DCPs, Council is likely to end up with more DCPs than it has now.

It is also disappointing that Councils were given no notice of these changes and, because Council had several draft DCPs and DCP amendments on exhibition at the time the legislation came into effect, significant resources have had to be diverted into this project to enable these matters to be finalised.

A further complexity in the system arises from the fact that whenever the Exempt Development and Complying Development DCPs are amended, a new adoption date for those DCPs has to be inserted in the LEP by way of an LEP Amendment. Now that the Exempt and Complying DCPs are to be incorporated into the consolidated DCP, any amendment to the consolidated DCP will require an LEP amendment to change the date.

## Recommendation

That Council:

1. Prepare draft DCP No.1 incorporating existing DCPs 7, 14, 16, 17, 18, 26, 27, 28, 29, 36, 38, 39, 40, 41, 42, 43, 44, 47 and draft DCP 50 and including such amendments as are outlined in this report;
2. Amend DCPs 9, 19, 21, 22, 31, 33, 35, 48 and 49 to include reference to DCP No.1 as the primary source document for Council's general development controls
3. Prepare draft DCPs No.51 and 52 based upon Appendix 1 and 2 of existing DCP 26 (Industrial Development) and including such amendments as are outlined in this report;
4. Publicly exhibit draft DCP No.1, draft DCP No.51, draft DCP No.52 and amended DCPs 9, 19, 21, 22, 31, 33, 35, 48 and 49 for a period of two months; and
5. Prepare and exhibit an amendment to the Lismore Local Environmental Plan 2000 to insert a date for the adoption of DCP No. 1 under clause 9 of that plan.



## ATTACHMENT

Details of changes proposed to be incorporated into draft DCP1 as listed in page three of the report.

### Item 1. Chapter 9 – Flood prone lands

Existing condition for new development on flood prone lane:

*A risk analysis report prepared by a structural engineer addressing the design criteria adopted for the building and its relative merits in each of the 1 in 500 year ARI and PMF flood events. Such report to be satisfactory to Council.*

Proposed new condition to replace existing condition:

***A risk analysis report prepared by a structural engineer certifying that the design criteria adopted for the building will withstand the impact of flood waters and debris up to the 1 in 500 year flood ARI event. Such report to be submitted to Council with the Construction Certificate.***

### Item 2. Chapter 2 – Residential Development

Proposed new definition:

***“infill dual occupancy development” means the addition of an attached or detached dual occupancy residence, or ‘granny flat’, on the same property as an existing constructed single residence.***

Proposed new density requirement for infill dual occupancy:

***The maximum permissible site coverage for ‘infill’ dual occupancy development is 66% of site area.***

### Item 5. Chapter 3 – Industrial Development

Proposed new inclusion with respect to Bulky Goods retailing in Industrial Zones:

*Bulky goods can include categories such as furniture, white electrical goods, bedding, building materials, automotive parts and machinery but does not include clothing or foodstuffs. Bulky goods showrooms should have a minimum gross floor area of 1000m<sup>2</sup> unless it can be demonstrated to the satisfaction of Council that a lesser area is warranted because of the nature of bulky goods to be retailed. Retailing from Industrial zones should not be in direct competition with the nature of retail activity in the CBD.*

# Report

<b>Subject</b>	State of the Environment Report 2005
<b>File No</b>	S900
<b>Prepared by</b>	Manager Environmental Health & Building Services
<b>Reason</b>	Presentation of Councils Draft 2005 Supplementary State of the Environment Report
<b>Objective</b>	For the placement of the Draft 2005 Supplementary State of the Environment Report on public exhibition
<b>Strategic Plan Link</b>	Natural Environment
<b>Management Plan Activity</b>	Environmental Protection & Enhancement: Fulfil Supplementary State of the Environment Report

## Overview of Report

The Local Government Act 1993, highlights environmental responsibilities of councils, including a requirement to *'have regard to the protection of the environment in carrying out its responsibilities and to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible.'* These provisions are closely linked to the requirements under the Act for Council to prepare a Comprehensive State of the Environment report (SoE) every four years and a Supplementary report every other year.

The SoE meets requirements if it considers guidelines and directions by the Director General and consults the community (including environmental groups). In order to fulfil the later requirement, it is the object of this report to gain Councils endorsement for the Draft 2005 Supplementary report, to be placed on public exhibition for a six weeks period and distributed to environmental groups for comment.

## Background

Councils SoE Report 2005, is a Supplementary report (attached) as recognised under the provisions of the Local Government Act, 1993. Supplementary reports are required to be produced annually except every fourth year, when it is superseded by the Comprehensive report. A Comprehensive report was produced and accepted by Council in March 2005.

The Local Government Act 1993 states;

Section 223 - Content of Supplementary state of the environment reports

*"A state of the environment report meets the requirements of this clause if it does each of the following*

*(a) it identifies any new environmental impacts since the council's last state of the environment report*

*and*

*(b) it updates the trends in environmental indicators that are important to each environmental sector specified in section 428(2)(c) of the Act.*

The intent of the 2005 Supplementary report is to **update data** in the 2004 Comprehensive SoE report and to enhance reporting in regard to each environmental indicator and in particular to note programs undertaken in each of the reporting sectors in response to environmental pressure.

The reporting **themes** in the attached report are;

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

### Reporting Format

The 2005 report has undertaken a different format from previous SoE reports. The pressure-state-response model (PSR Model) has been introduced as the reporting method for all future reports in accordance with State Government requirements. The PSR model is based on the concept of causality, that is, human activities exert pressures on the environment, these change its state or condition, and society responds by implementing policies that influence those human activities and so change the pressure under each reporting theme. The Supplementary report identifies trends against indicators, pressures on the sector and responses to the pressures.

### SOE Brochure

It is proposed that when Council formally endorses the 2005 Supplementary Report, it will form the basis of an annual SoE brochure that will be disseminated to the community via schools, libraries, community groups and the like. The object will be to enhance the profile of SoE reporting in the Community.

### Future Reporting Indicators

SoE reports to date including the 2005 SoE, have reported on the prescribed Regional Indicators established in a report *“Regional State of the Environment for Local Government Areas reporting on the North Coast of NSW.”*

In 2005, a review of the indicators used for (SoE) reporting was undertaken. The aim of the review was to develop a set of indicators, which more closely reflect Council’s role and performance in managing the natural environment, and pick up on emerging issues such as climate change. Some new indicators have been included in this report, and more indicators will be included in future reports once they are adopted.

## Comments

Financial Services

Not Applicable

## Public consultation

The Draft 2005 Supplementary report is to be placed on public exhibition for a six weeks period and distributed to Big Scrub Environment Centre, Friends of the Koala, the Centre for Ecotechnology (CET), Living and Working Sustainably Group (LAWS), EnviTE and Land Care Groups for comment.

Furthermore one of the scopes of the SEPAG is to assist Council with the prioritisation and promotion of environmental issues identified in the SoE Report.

After the expiration of the exhibition period a further report is to be provided to Council in February 2006 reporting on community comments to the report.

## Conclusion

The draft 2005 Supplementary SoE report has been completed in accordance with statutory requirements. It is to be noted that the report is a data update of the 2004 Comprehensive report. The format of the report utilised the pressure-state-response model as recommended by State Government.

It is a requirement under the Local Government Act, 1993, that Council consults the community. As a result the report is to be placed on public exhibition for a six weeks period and distributed to Big Scrub Environment Centre, Friends of the Koala, the Centre for Ecotechnology (CET), Living and Working Sustainably Group (LAWS), EnviTE and Land Care Groups. A further report is to be submitted to Council in February 2006.

## Recommendation

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

# Report

<b>Subject</b>	<b>Development Control Plan (DCP) 47 – Waste Minimisation</b>
<b>File No</b>	S881
<b>Prepared by</b>	Lesley Trott
<b>Reason</b>	Northern Rivers Waste advertised new fees and charges to encourage builders to sort waste for recycling.
<b>Objective</b>	To seek approval from Council to ratify the new fee structure introduced on November 1, 2005.
<b>Strategic Plan Link</b>	Water and Waste Cycle
<b>Management Plan Activity</b>	Waste Minimisation

## Overview of Report

At its meeting of September 13, 2005, Council agreed to exhibit the draft fees and charges as set out in the report. No comments were received by the closing date and Northern Rivers Waste implemented the new fee structure as outlined in the report.

## Background

From October 12, 2005 DCP No. 47 requires the separation and reuse/recycling of builders' waste (where possible) for commercial and industrial (C&I) development in Lismore. A Waste Management Plan is now required with a C&I development application (DA), detailing waste and recycling/reuse strategies for the development.

Northern Rivers Waste implemented the following fee structure from November 1, 2005 at the Wyrallah Road Waste Facility to encourage the separation of builders' waste into separate streams for reuse and recycling, instead of land filling this material -

- contaminated mixed builders' waste - \$75 per tonne
- clean (uncontaminated) mixed builders' waste for sorting (scrap metal, timber, rubble/concrete/bricks/tiles only) - \$55 per tonne
- timber and steel only - \$35 per tonne
- rubble/concrete/bricks/tiles only - \$25 per tonne

Northern Rivers Waste wrote to all local builders advising of the new fees and charges and made personal visits to the larger C&I developers.

## Comments

### Financial Services

In accordance with section 610F Public notice of fees (1) of the Local Government Act 1993, "a council must not determine the amount of a fee until it has given public notice of the fee in accordance with this section and has considered any submissions duly made to it during the period of public notice".

The intent of this report is for Council to consider any submission received. Under normal circumstance, an amended fee structure would only be introduced after Council's determination to do so. In this case, given there were no submissions, the amended fee structure proposed by Council was introduced from November 1, 2005, so the community benefits could be received as soon as possible, however Council's endorsement of the amended fee structure is required.

### Other staff comments

Not required.

### Public consultation

The new fees and charges were publicly exhibited for 28 days, until Thursday, October 27, 2005 and no comments were received.

### Conclusion

The proposed fees and charges have generally been accepted by the building industry and should provide economic and environmental outcomes to reduce construction and demolition waste to landfill in Lismore.

### Recommendation (IS04)

That Council ratifies the new fees and charges structure for builders' waste, implemented from November 1, 2005.

# Report

<b>Subject</b>	<b>LPG Fuel for Council Vehicles</b>
<b>File No.</b>	CS:S624:05-10486
<b>Prepared by</b>	Fleet Manager
<b>Reason</b>	Response to Council request to investigate the possible usage of LPG fuel in Council vehicles.
<b>Objective</b>	To advise Council of the choices available for the best suitable fuel selection for Council staff vehicles.
<b>Strategic Plan Link</b>	Infrastructure – Support fleet operations
<b>Management Plan Activity</b>	Fleet Operations

## Overview of Report

This report has been prepared to assess whether Council can save money on fuel by using alternative fuels to ULP, especially due to the ever-increasing costs in all fuels of late. ULP, LPG and diesel fuels were considered and evaluated through a suitable range of cars. Some savings will be made by leasing a number of vehicles with LPG powered engines whereas small European type diesel engines are suitable for some others.

To a lesser degree, bio-diesel was also considered for other diesel engine vehicles but due to varying blends of mixtures of diesel and vegetable oils and lack of facilities in the Lismore area, it is not yet a proposition for Lismore City Council.

## Background

At the meeting of October 11, 2005 a resolution was passed that "Council prepare a report for the December meeting exploring the feasibility of phasing in the purchase of LPG dual fuel for staff vehicles".

Currently Lismore City Council does not utilise the dual fuel system (**U**n-**L**eaded **P**etrol and **L**iquid **P**etroleum **G**as) for staff vehicles but here it is important to note that Council has previously trialled the dual fuel system with not so favourable results, but considering that there has been several years between that trial and now, and engines fitted with either dual fuel or straight LPG fuel have changed and the newer systems warrant investigation.

Another request was received about extending this report to include 'Bio Diesel' as an alternative fuel for other Council fleet vehicles.

During the past year, Australians have seen the price of all fuels increase dramatically, especially in the past four months, and it appears that there is little or no relief in sight. Therefore, the types of cars and fuel used in those cars are in review by Council's fleet management.

At Lismore City Council there are three (3) types of fuel being used within the fleet system in varying quantities:

- Unleaded petrol
  - Ultra low sulphur diesel
  - Liquid petroleum gas.
1. ULP fuel is being used in all but one of the staff vehicles and some of the utilities.
  2. ULS diesel is used in one staff vehicle, most of the utilities and all of the trucks and plant / machinery.
  3. LPG is used on occasional plant items (mostly forklifts), but this is being phased out and replaced by diesel powered engines due to the inconvenience of refuelling the LPG cylinders on those machines while on specific sites.

Previously, it has been announced by the federal government, that LPG fuel will be subject to the same taxes as the other main fuels (being petrol and diesel), in 2008 but only recently the same federal government has announced that there will be a further delay or reprieve, from those taxes until 2011 and the taxes will be phased in over a period of four years instead of just one lump. This single fact changes the long-term usability of LPG as a vehicle fuel.

As stated previously, Council has trialled two cars fitted with LPG as an alternative fuel. Both cars (4-cylinder Toyota Camry and V6 Holden Commodore), were new when installations were fitted and as there were nil factory-fitted LPG installations at that time (1999), both cars were supplied to Council by the respective dealers with locally fitted 'dual fuel conversions'.

Troubles with the LPG installations started to occur within 12 months and faults / repairs continued to increase until the vehicles were sold.

At that time it was decided by fleet management not to purchase any more LPG powered cars until the actual car manufacturers were producing this fuel to power their engines from their factory. Ford were the first off the mark with their 'LPG only' option (XT and Futura base models only), and now as late as November 2005, Holden and Toyota have both announced that they will be selling their cars (Commodore base models - Executive and Acclaim only and Toyota Camry V6), with the dual fuel options. It is also important to note here that Mitsubishi Magna was available with dual fuel recently but this option is not available in the newer '380' model yet.

As there are three vehicle manufacturers now giving this option, it is feasible to do comparisons between manufacturers both with and without LPG. The purchase price of the new ULP and LPG models from Holden shows a price increase for the LPG inclusion of \$4,000 for the sedan and \$5,000 for the station-wagon (Government contract pricing).

Ford purchase pricing at Government contract rates is \$1,150 extra for the LPG sedan and station-wagon - please note that the Ford Falcon is single LPG fuel only.

The Toyota Camry details are slightly different to the other two where there is only a sedan available (no station-wagon), but for using LPG fuel the V6 engine is the only one available for the LPG conversion and the LPG installation is fitted by Toyota's national contracted installation dealer (Apollo Gas) instead of Toyota at their assembly plant. Cost details show that the LPG installation increases the purchase cost by \$2,650.

The NSW Government Contract pricing has recently announced that it will be adding LPG to Government Contracts early in 2006. This will show a better advantage to the fuel running costs for Council vehicles and a simple modification to our existing fuel card system will enable Council cars to be able to use LPG at the reduced rate. No details are available for this fuel pricing as yet.

Pricing from Custom Fleet where Council's cars are leased from, show that the price differential for the Ford Falcon Range is not that great when leasing (\$600/annum for the 36-month/90,000km lease), so there will now be benefits if using this fuel in the Ford range of cars. Note that at the time of writing this report, Custom Fleet has not been able to provide similar quotes for the Holden and Toyota vehicles.

Another brand of vehicle recently considered for Council's fleet and utilised in both the ULP and diesel configurations is the VW Golf 4-cylinder sedan or hatch. One of each has been leased from Custom Fleet with the diesel model being \$41/month higher priced than the ULP model.

Current fuel pricing structure and different configurations are shown below - fuel pricing is Council's costs at the end of November 2005.

	<b>ULP 6-Cyl</b>	<b>LPG 6-Cyl</b>	<b>ULS Diesel 4-Cyl</b>
<b>Km / Annum</b>	30,000	30,000	30,000
<b>*Fuel cents / litre</b>	115.8	64.9	116.3
<b>*Annual fuel \$</b>	\$3,995.10	\$2,978.91	\$1,918.95
<b>*Additional cost for alternate engine / fuel</b>		+\$600/annum	+\$492/annum
<b>*Annual greenhouse emissions</b>	7.85 tonnes	7.02 tonnes	4.45 tonnes

The figures shown above are theoretical figures only, as driving conditions vary from areas driven each day. However, for the overall view for 6-cylinder cars, the LPG version of the Ford Falcon range does offer savings over the ULP engine and, where applicable, the 4-cylinder diesel offers greater savings again.

The annual greenhouse emission figures were also added to this equation to ensure that any alternative fuel was not more harmful to the environment.

For smaller cars it is important to note that diesel engines are the major engine in use in Europe and, in fact, the Australian Standard for diesel engines (ADR80/00) is modelled on the "Euro Standard for Diesel Engines".

Taking the figures shown above as the situation as it is given **today**, at a recent conference called "Emerging Transport Technology Conference" held on October 4-5, 2005, several of the guest speakers highlighted the need for a newer source of energy for motor vehicles. The conference notes are available on the website [www.greenfleet.com.au](http://www.greenfleet.com.au) and particular notice was given by David Lamb of the CSIRO regarding alternatives to oil and "is the world running out of oil?" This conference highlighted that what is available to power vehicles will change very quickly due to the lessening of newer oil well finds throughout the world.

Manufacturers of motor vehicles and engines have had this prophecy thrown at them for many years now, but the public can still only purchase what is available by these manufacturers. Available fuels for powering the humble motor car still comes down to ULP, LPG and diesel and the figures shown above highlight that it is time to move from just ULP to a variety of ULP, LPG and diesel.

A request was received to include 'Biodiesel' as alternative fuel for our diesel fleet and Biodiesel has an Australian Standard ASTM PS121 (1996) to conform to, and to date there are nil establishments within the Lismore region who supply this fuel. Several trials have been held around the country, mostly with older trucks, and to date the results have been variable; most likely because of the varying mixtures of the diesel/vegetable oils.

Contact has also been made with the three largest truck engine manufacturers (Cummins, Caterpillar and Detroit Diesel), and their response has been the same; they will neither approve nor disapprove of any alternative fuels but in the case of any faults or issues that they deem to be a fuel issue, then warranty will be denied.

All three also expressed that any more than 3% mixture produced lubrication problems and 3% is not worth the production costs. However, the engine manufacturers hinted toward the fact that they would not just rely on existing technology and current fuels for long-term predictions and manufacturing.

An interesting warning in the new VW diesel handbook is to NOT use Biodiesel in this vehicle. Lismore City Council is not the only council to investigate this fuel. Only recently Coffs Harbour Council decided that after investigations, it would not proceed with using Biodiesel at this time as it was not worth the risk.

## Comments

### Financial Services

From a financial perspective, an assessment of all costs associated with the provision or replacement of passenger vehicles (sedans or station wagons) is supported.

The approach to undertake this task as and when vehicles are provided or replaced is preferred as leasing and fuel costs do vary depending on factors outside Council's control. On this basis, the option which is the most advantageous to Council can be adopted.

### Executive Director – Infrastructure Services

The cost of various fuels can fluctuate significantly due to market forces. I endorse the recommendation to undertake evaluation of various fuelled vehicles. We can then use these "actual" figures to base our future decisions on the make-up of Council's vehicle fleet.

**Other staff comments**      Not required

**Public consultation**      Not required

## Conclusion

There is scope for savings in Council's fuel costs by converting to LPG powered cars, especially in the short-term, which can be monitored as current leases of ULP cars are to be replaced.

## Recommendation (IS05)

That Lismore City Council proceed with integration of LPG and diesel powered passenger vehicles into the fleet and evaluate their operational functions and savings.

# Report

<b>Subject</b>	<b>Quarry Registrations of Interest</b>
<b>File No</b>	T25010
<b>Prepared by</b>	Manager Quarries
<b>Reason</b>	To inform Council of the outcome of the Quarry Business Development ROI
<b>Objective</b>	To seek approval to finalise the ROI process
<b>Strategic Plan Link</b>	Infrastructure
<b>Management Plan Activity</b>	Northern Rivers Quarry and Asphalt

## Overview of Report

It is proposed to maintain Council's full ownership of the quarry and asphalt operations and to enter into an arrangement with State Asphalt Services to provide professional services in relation to the asphalt operations.

## Background

In April 2004, as part of the budget process for that year, discussions were held amongst management regarding possible ways to expand or improve the Council's Northern Rivers Quarry business. In the same month an approach was made from major building materials company Hanson regarding the possible purchase of the quarry. A report was put to Council in May 2004 outlining Hanson's approach and detailing a process for calling for expressions of interest for the development of business opportunities at the quarry. In part that report said:

*"An approach to develop business opportunities for NRQ&A warrants further consideration by the Council. It is considered to be a bonafide approach and one that could enhance the income earning capacity of the operation. On these grounds alone it is considered a worthwhile approach and justifies the time and effort to undertake a proper evaluation. Part of this evaluation is to solicit other expressions of interest.*

*Consideration of this report does not set Council toward a predetermined outcome. Should Council support the resolution the likely steps forward would entail:*

1. *Preparing an Expression of Interest document;*
2. *Calling for Expressions of Interest;*
3. *Evaluation of responses;*
4. *Determination if any warrant a professional assessment; if so*
5. *External assessment;*
6. *Possible negotiation;*
7. *Report to Council*
8. *Final resolution.*

*If at step 4 above it is considered that none warrant further assessment then the process will be reported to Council and it will end at that point. Before final Council resolution, Council can determine what process it wishes to undertake to evaluate the information and form a view."*

ROI 24030 was advertised in June 2004. Seven submissions were received and evaluated in September 2004 based on the criteria set out in the ROI document. From this round three companies were determined to have provided sufficiently acceptable proposals to be invited to put forward more detailed submissions. The three companies were Hanson, Nucrush and State Asphalts. The first two were interested in quarry operations only and the third was interested in asphalt operations only.

A Request for Tender Document 25010 was issued to these three companies in November 2004 with a closing date of February 22, 2005. The two companies interested in the quarry operations expressed some concern about quarry reserves and requested a survey to be conducted. After some negotiation a Brisbane based geological engineering firm, Groundwork Environmental Management, was engaged to conduct a review of the quarry. This was received in June 2005 and forwarded on to the tenderers along with a new deadline for their submissions to the end of August 2005. It identified some 50 years of reserves at current extraction rates dependant on DA conditions being varied. Upon receipt of requests for extension by all parties a final closing date was set as 14<sup>th</sup> September 2005.

During this period an independent evaluation of the business was sought from Price Waterhouse Coopers to provide a base figure for comparison purposes.

The Stage Two business development proposals were received on the 14<sup>th</sup> September and have been reviewed. A summary of the proposals and a copy of their evaluation is attached.

## Comments

### Financial Services

On the basis that the ROI's from Hanson and Nucrush for quarry operations did not maintain some control for Council over quarry operations, or offer annual payments above existing annual profits and offered to purchase existing quarry assets at a rate significantly less than independent market valuation, the recommendation is supported.

In regards to the asphalt plant proposal by State Asphalt Services, as it would result in the acquisition of specialised asphalt management services and based on a profit sharing arrangement, the arrangement with SAS for a twelve month period commencing April 1, 2005 was implemented. To date, this has proven successful.

## Other staff comments

Not required.

## Public consultation

Nil.

## Conclusion

The process of calling for Registration of Interest, while taking longer than expected, has allowed for:

- the exploration of a range of options for the expansion of the quarry and asphalt businesses
- the independent evaluation of the worth of the quarry and asphalt assets
- the further evaluation of the quarry reserves.

## Quarry.

No suitable quarry proposals were forthcoming. There are three significant shortfalls in the quarry proposals:-

- Neither proposal offers Council any opportunity to participate in the future development of the quarry. It was clearly indicated to the parties at the outset that Council wanted to remain an equal partner in the business and be involved in the development of the business. Both tenderers were short listed, in part, because they indicated that this was a possible scenario, however their final offers do not allow for this.
- Neither proposal offers an increased income stream above existing contributions. The quarry operation has generated a surplus in the order of \$250,000 dollars a year for many years. Both submissions offer a similar yearly return based on royalty type arrangements.
- Neither proposal offers a purchase price for the quarry assets that equates to or even approaches the independent valuation obtained from Price Waterhouse Coopers.

## **Asphalt**

The proposal from State Asphalt Services (SAS) is to establish a relationship based on the current trial arrangement whereby Council retains ownership of the operation and SAS provides professional services for a flat fee plus a percentage of profits. (Refer Appendix 3)

The trial has seen a large expansion in throughput at the asphalt plant with funds generated above expectations. The first six months of the trial has seen sales to the value of \$866,000 compared to the previous six months sales of \$482,000. Recent pre-qualification for RTA work will further enhance the operations performance and for the first time NRQ&A will supply a large portion of the yearly Council RTA sealing program valued around one million dollars.

The Local Government (Tendering) Regulation 1999 requires that “where a council decides not to accept any of the tenders for a proposed contract, the council must resolve to postpone or cancel the proposal for the contract and carry out the requirements for the proposed contract itself”.

## Recommendation (IS06)

- 1 Council not accept any tenders for the operations of the quarry and maintain full ownership and management of the quarry itself.
- 2 The contract for the joint operations of the asphalt plant located at the quarry be awarded to State Asphalt Services.
- 3 The Mayor and General Manager be authorised to execute the Contract on Council's behalf and attach the common seal.

# Report

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

## Overview of Report

Council investments as at 25th November 2005 total \$28,081,982 subject to the final value of funds held under Managed Funds being advised shortly.

Interest rates reported over the period of November 2005 are 6.24% in comparison to 6.02% for November 2004.

## Background

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

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

### Report on Investments

- *Confirmation of Investments – 31st October 2005* \$30,592,238

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

- *Estimate of Investments – 30th November 2005* \$28,081,982

Some variation is expected on the final balance of Managed Funds. The final valuation of these funds is not made until after the end of the month. The current rate of return on investments for November 2005 was 6.24% compared to 6.02% for the same period last year.

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

## Financial Services Comments

N/A

## Other staff comments

N/A

## Public consultation

N/A

## Conclusion

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

## Recommendation

The report be received and noted.

**MINUTES OF THE STRATEGIC PLAN STEERING COMMITTEE MEETING  
HELD ON TUESDAY, NOVEMBER 15, 2005 AT 6.00P.M.**

**Present** Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Hampton, Henry, Irwin, Graham, Meineke, and Tomlinson, together with the General Manager, Executive Director – Development and Governance, Executive Director – Infrastructure Services.

**Apologies** Councillor Swientek

**Disclosure of Interest**

Nil

**Councillor Initiatives for policy direction**

Nil

**Reports**

**1. Arts and Culture Policy Advisory Group – Actions and Priorities**

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**RECOMMENDED** that –

- 1 Council support the actions and strategies contained in the report, with the exception that further reports be brought forward on the items “Continue Council’s annual contribution to the Lismore Lantern Parade” and “Initiate 2% S94 developer contribution to public art projects”, and that the reports be brought forward to the next SPSC meeting.
- 2 ‘Short term’ initiatives in the report are to be brought forward to the first 2006/07 budget workshop.

(Councillors Irwin/Tomlinson) (S36)

**2. Arts and Culture Policy Advisory Group – Public Art Policy, Procedures and Guidelines**

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**RECOMMENDED** that Council adopt the Public Art Policy, Procedures and Guidelines and a report with recommendations be prepared for further consideration.

(Councillors Tomlinson/Dowell) (S36)

**3. Community Services Policy Advisory Group – Actions and Priorities**

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**RECOMMENDED** that Council support the actions and priorities outlined in the report considered by the SPSC on November 15, 2005 and the short-term priorities be brought to the first budget workshop for the 2006/07 budget.

(Councillors Dowell/King) (S389)

**4. Public Transport Policy Advisory Group – Actions and Priorities**

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**RECOMMENDED** that the short-term priorities outlined in the report considered by the SPSC on November 15, 2005 be brought to the first budget workshop for the 2006/07 budget.

(Councillors Tomlinson/Meineke) (S36)

## 5. Roads Policy Advisory Group – Actions and Priorities

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That Council note the following priority tasks to be undertaken by the Roads Policy Advisory Group:

- 1 Investigate the sustainability of the road network.
- 2 Develop a two-yearly works programme.
- 3 Investigate the feasibility of raising sections of Dunoon Road above nuisance flood level height
- 4 Investigate the feasibility of continuing the Kellas Street extension through Rifle Range Road
- 5 Pursue the other objectives, strategies and actions set out in the attached business plan.
- 6 That the results of these priority tasks be brought forward to the first workshop for the 2006/07 budget.

(Councillors Hampton/Tomlinson) (S745)

## 6. Sport and Recreation Policy Advisory Group – Actions and Priorities

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**RECOMMENDED** the short-term priorities outlined in the report considered by the SPSC on November 15, 2005 be brought to the first budget workshop for the 2006/07 budget.

(Councillors Crimmins/Chant) (S36)

## Committee Promotion

**RECOMMENDED** that terms of reference and the name and contact details of Servicing Officer and Councillors be placed in Council's Infolink.

(Councillors Dowell/King)

## Community Services PAG

**RECOMMENDED** that Robert Dingle be accepted onto the CSPAG as a representative for People With Disability as nominated by the Access Committee.

(Councillor Dowell/King)

## PAG Chairpersons' Performance Report

Arts and Culture (Councillor Irwin)

- Objectives for short, medium and long term priorities for implementation of Strategic Plan are being developed
- Developing Public Art Policy
- Developing Art Market Policy
- Training for Officers and Chairs was discussed and confirmed

Community Services (Councillor Dowell)

- Notes from the October 24 meeting were circulated.

Sport and Recreation PAG (Councillor Crimmins)

- The importance of managing meeting time and making members efficient was noted.

Roads (Councillor Tomlinson)

- Initiatives submitted to ED-IS for feedback.

## Public Transport

- Loss of servicing officer has affected work of the committee.

## Economic Development Unit (Councillor Henry)

- Quality and considered options on developing the SP.
- A template for considering strategic plan areas was circulated for information.
- Concern at the amount of staff resources necessary to service PAGs.
- Financial implications of PAG suggestions are significant.
- PAGs must ensure they don't create a burdensome system for no outcome.

## Items for next meeting

- Resources for servicing officers.
- Signage policy should include input from the CSPAG.
- Consideration of cost recovery and profit generators within Council for priority attention.
- Report from SEPAG to be included on agenda of next meeting.

## Closure

This concluded the business and the meeting terminated at 8.30p.m.

The next meeting of the SPSC will be on February 21, 2006.

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING  
HELD ON NOVEMBER 16, 2005, AT 10.00 AM.**

	<b>Present</b>	Councillors Merv King ( <i>Chairperson</i> ), Jenny Dowell and John Hampton, Ms Bronwyn Mitchell ( <i>on behalf of Mr Thomas George, MP</i> ), Mr Michael Baldwin ( <i>RTA</i> ), Snr Const Steve Hilder ( <i>Lismore Police</i> ), together with Mrs Wendy Johnson ( <i>Road Safety Officer</i> ), Messrs Garry Hemsworth ( <i>Executive Director-Infrastructure Services</i> ) and Bill MacDonald ( <i>Co-Ordinator-Traffic &amp; Law Enforcement</i> ).
TAC82/05	<b>Apologies</b>	An apology for non-attendance on behalf of Messrs Thomas George, MP, and John Daley were received and accepted and leave of absence granted.
TAC83/05	<b>Minutes</b>	Members were advised that the Minutes of the Traffic Advisory Committee Meeting held on October 19, 2005, were confirmed by Council on November 8, 2005.

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**Disclosure of Interest**

Snr Const Hilder advised that he was a resident of Mountain View Drive and would abstain from voting on this issue (refer Item B-05:11-2).

**Part 'A' – Committee Recommendations**

**Correspondence / Reports**

**North Coast Area Health Service; requesting consideration of introducing a No Parking zone in the existing 'No Parking Emergency Vehicles Excepted' area on Uralba Street in front of the Lismore Base Hospital.**

The existing zone catered for about three emergency vehicles and there was some merit in providing a No Parking zone that could be used by the general public within this area as it was not being fully utilised.

TAC84/05 **RECOMMENDED** that a No Parking zone be introduced in the first 6m of the existing 'No Parking Emergency Vehicles Excepted' zone that currently exists in front of the Lismore Base Hospital on Uralba Street. (05-11745:R6058,S353)

**General Business**

**Molesworth Street – Bus Zone in Front of Manchester Unity Building**

The Committee considered a proposal to revert the existing bus zone to a No Parking zone at the above location. Mr MacDonald advised that both Kirklands Coaches and country bus operators had been consulted and the existing bus zone had little use. The Area Health Service had requested that the bus zone be reverted to a No Parking zone that could be used to drop off and collect people who needed to access the services in the Manchester Unity building and other nearby businesses.

After some discussion it was felt that a short-term parking bay may be of more benefit.

TAC85/05 **RECOMMENDED** that the existing bus zone in front of the Manchester Unity building on the western side of Molesworth Street be changed to a 5-minute parking zone. (R7322)

## Part 'B' – Determined by Committee

### Correspondence / Reports

**Richmond River High School; drawing attention to the need to upgrade pedestrian facilities for students enroute to school in the vicinity of Orion and Molesworth Streets and Simes Bridge.**

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- B-05:11-1 It was noted that the section of grassed area along the southern side of Orion Street was on several levels and also within a recent slip area. As such, it would not be viable to include this section in a footpath construction proposal. There was a bitumen road shoulder on the northern side of Orion Street that had been widened with the intention of using this area as a footpath. It was suggested that this issue be referred to Council's Designs Services Section for investigation into the feasibility of providing –
- a gap in the pedestrian railing on the Simes Bridge approach
  - a pedestrian refuge on the northern leg of Molesworth Street at Orion Street
  - a pedestrian refuge on Keen Street at Orion Street. (05-11203:S817,R7322,R6051)

**PR Flood; suggesting that two speed bumps be installed on Mountain View Drive to slow vehicle speeds.**

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- B-05:11-2 It was noted that Mountain View Drive was undulating and winding and there would be few opportunities for the positioning of speed humps due to limited sight distance. As it was unclear as to the extent of any speeding problem, it was suggested that a classifier be installed near No. 14 Mountain View Drive with the results being reported back to a future meeting. (05-11989:S352,R6487)

**Bexhill Public School; requesting improvements to existing parking and access to the School.**

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- B-05:11-3 The Committee was aware that there was a proposal already in place for the widening of Coleman Street at Withers Street, to allow for through traffic to negotiate around motorists propped to turn right into Withers Street. This had been delayed due to the existence of a large Rous Water trunk main close to the road edge. Recent advice from Rous Water was that the main will become redundant when a new main is constructed within the next 18 months. Further investigations will be made into whether or not this project can be brought forward.
- The issue of widening Withers Street and the provision of parking on the road reserve in front of the school will be referred to Council's Roads Section for further investigation and discussion with the School. It would appear that there is a development proposal before Council for a new road to be constructed to the south off Withers Street. Council has placed a condition on that development for a footpath to be provided between the end of the new road and the Sam Trimble Oval. This will allow easy access to the oval from the school. Lismore Police had advised that approval has been given for the use of the mobile speed camera in Bexhill. However, the installation of a fixed speed camera is unlikely. (R1103,R1106)

## General Business

### **Intersection of Keen / Zadoc Streets – Proposed Roundabout**

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- B-05:11-4 Concept plans for two roundabout styles were submitted to the Committee for consideration. Elements of both roundabout proposals were desirable. The first plan retained pedestrian refuges on all four legs, which was considered important and the second plan offered greater deflection due to an increase in the size of the centre portion of the roundabout. Access to the paint shop off Zadoc Street would also need to be retained. It was suggested that these considerations be referred back to the Design Services Section with a view to their incorporation into any final plan. (R7313,R7330)

### **Second Avenue, Lismore – Pedestrian Crossing**

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- B-05:11-5 The Committee discussed the need to relocate the abovementioned pedestrian crossing. A plan was tabled showing the crossing being relocated approximately one car length further south on Second Avenue. It was suggested that the crossing be relocated provided a minimum of 80m sight distance could be achieved of traffic on Ballina Street. (R7473)

### **Intersection of Dawson and Leycester Streets – Proposed Roundabout**

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- B-05:11-6 Mr Hemsworth advised that alternatives were currently being investigated due to the high construction costs associated with the roundabout proposal. The RTA was carrying out a traffic survey to identify if traffic lights were a viable option. This may result in the proposed start date of January 2006 being extended. (R6017,R6042)

## Closure

This concluded the business and the meeting terminated at 11.00 am.

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**Chairperson**

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**Co-Ordinator - Traffic and  
Law Enforcement**

## 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:

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

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

(P22032)

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

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

(P25630)

## Section 356 Donations

a) **Mayor's Discretionary Fund (GL2033.26)**

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

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

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

\$70.00

b) **Representative Selection – Policy 1.4.10 (GL2033.6)**

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

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

(05-12152: S164)

*In accordance with policy.*

\$328.00

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

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

**Sanctuary Northern Rivers Inc.** – refugee support group – function in Fountain Room on 5/11/05.*In accordance with policy.*

\$45.20

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

(05-12276: P6816,S164)

*In accordance with policy.*

\$149.00

**Northern Rivers Conservatorium Arts Centre Inc.** – weekly use of dance studio.

(05-12211: P6816,S164)

*In accordance with policy.*

TBA

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

Christmas Day lunch in Fountain Room

(05-12532: P6816,S164)

\$259.00

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

Budget: \$700 To date: \$435.00

**Musica Viva Lismore** – one week in Carrington Street in November, 2005.*In accordance with policy.*

\$90.00

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

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

Animal Right &amp; Rescue

\$62.73

Challenge Foundation

\$110.00

Five Loaves

\$72.73

## Section 356 Donations

Friends of the Koala	\$17.27	
LifeLine	\$110.00	
Shared Vision Aboriginal Corporation	\$110.00	
St Vincent De Paul Society	\$16.36	
Salvation Army	\$110.00	
Westpac Life Saver Rescue Helicopter	<u>\$72.73</u>	
<i>In accordance with policy.</i>		\$681.82

**f) Development and Construction Certificate Application Fees Subsidy - Policy 1.4.7 (GL2033.7)**

Budget: \$300 To Date: \$184.50

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

(S164:05-12624)

*In accordance with policy.*

\$388.55

**g) Miscellaneous Requests**

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

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

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

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

(S164 & S374: 05-12529)

### Recommendation

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

## Confidential Matters–Committee of the Whole

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

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

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

### Recommendation

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

<b>Item</b>	<b><i>Mayoral Minute – a) Performance Review 2004/05 – General Manager b) Draft performance Agreement – 2005/06</i></b>
<b>Grounds for Closure</b>	<b>Section 10A(2) (a):</b>
<b>Public Interest</b>	Discussion of this matter in an open meeting would on balance be contrary to the public interest because the contents of the report are of a personnel matter concerning a particular individual.

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE CLUNES CORONATION HALL ON TUESDAY, NOVEMBER 8, 2005 AT 6.30PM.**

**Present** Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager, Executive Director-Development & Governance, Executive Director-Infrastructure Services, Manager-Finance & Administration, Acting Manager-Corporate & Community Relations, Manager-Community Services, Administrative Services Manager and Team Leader-Administrative Support.

**Apologies/  
Leave of  
Absence** Leave of absence was approved for Councillor Hampton by Council at its meeting on October 11, 2005.

240/05 **Minutes** The minutes of the Ordinary Meeting held on October 11, 2005, were confirmed.  
(Councillors Irwin/Dowell)

**Public Access Session**

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

**John Munro re Notice of Motion – Proposed Industrial Relations Bill**

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Mr Munro spoke against the changes to Industrial Relations Bill proposed by the Federal Government. He stressed the need for a local response to the proposed changes and the adverse impact they would have on low income workers in this region.  
(05-11515: S252)

**Barry Davidson re DCP 49 – Cultural Precinct**

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(See Minute No. 242/05)  
Mr Davidson stressed the importance of adequate car parking spaces close to the Library to allow the elderly and the Friends of the Library to access the building.  
(S857,S921)

**Gabrielle O’Shannessy re DCP 49 – Cultural Precinct**

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(See Minute No. 242/05)  
Ms O’Shannessy supported the Cultural Precinct concept and sought assurance there would be access to the Northern Rivers Conservatorium Arts Centre for emergency vehicles and to gain access to the mobile dance stage.  
(S857,S921)

**Andrew Binns re DCP 49 – Cultural Precinct**

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(See Minute No. 242/05)  
Dr Binns spoke in support of the Cultural Precinct, citing its benefits for the city as a whole. He assured Council that all user concerns would be listened to and addressed as the project proceeded. (S857,S921)

**John Donnelly/Jennifer Joyce – Draft LEP Amendment No. 26 – Building Works within the Floodway**

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(See Minute No. 243/05)

Mr Donnelly and Ms Joyce jointly outlined in brief their business and its positive impact on Lismore. Using examples, they highlighted the need for an on site caretaker. They disputed a number of issues with respect to flood heights and water velocity.

(S918)

## Disclosure of Interest

### **S459**

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Councillor Meineke declared a non-pecuniary conflict of interest in **DA05/740** (people who made submission clients of his).

Councillor Meineke declared a pecuniary interest in **Goonellabah Leisure Centre** (client owns land to be acquired).

## Notice of Motion

### **Proposed Industrial Relations Bill**

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Formal notice having been given by Councillor Swientek it was **MOVED** –

- 1 That Council condemn the Howard Government's proposed Industrial Relations Bill as anti-Australian and anti-family.
- 2 That Council convey these views to the local Member for Page, Federal Industrial Relations Minister and the Prime Minister.

(Councillors Swientek/Irwin)

AN AMENDMENT WAS **MOVED** that Council oppose the proposed package of reforms to Australian Workplace Relations announced by the Federal Government and write to the Prime Minister expressing its opposition.

(Councillors Dowell/Tomlinson)

On submission to the meeting the AMENDMENT was **DEFEATED**.

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

On submission to the meeting the MOTION was **DEFEATED**.

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

(05-11515: S252)

## Altering Order of Business

241/05 **RESOLVED** that the order of business be altered to debate the following matters raised during Public Access.

- Draft DCP No. 49 – Lismore Cultural Precinct
- Draft LEP Amendment No. 26 – Building works within the Floodway

(Councillors Irwin/Dowell)

### **Draft DCP No. 49 Cultural Precinct**

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242/05 **RESOLVED** that the report be received and Council –

- 1 Adopt Development Control Plan No. 49 – Lismore Cultural Precinct as exhibited but –

- a) incorporating such amendments as are recommended in this report, and
  - b) including in Clause 3.0 (Land Uses) of the DCP the following:  
*Additional land uses within the precinct may include a performance/dance venue for use by the Northern Rivers Conservatorium Arts Centre. All costs associated with the provision of the performance/dance venue to be the responsibility of the Northern Rivers Conservatorium Arts Centre.*
- 2 Give public notification of Council's adoption of the DCP.  
(Councillors Irwin/Henry) (S857,S921)

### **Draft LEP Amendment No. 26 – Building Works within the Floodway**

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243/05

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

- 1 Adopt draft LEP Amendment No.26 to allow building works to occur on existing buildings in the floodway subject to:
  - No expansion of the building footprint; and
  - All work to be internal or above the 1 in 100 ARI flood level; and
  - Any new materials below the 1 in 100 ARI flood level shall be flood compatible; and
  - A certificate from a suitably qualified engineer that states that the building (including foundations) when modified will be able to withstand the impacts of the floodwaters and debris in the floodway for floods up to the 1 in 500 ARI flood event.But excluding the provision to allow new dwellings in the floodway (with the exception of the property known as 6 Taylor Street, South Lismore) where used in conjunction with an approved industrial or commercial use.
- 2 Refer the Amendment to the Department of Planning with a request that it be forwarded to the Minister.

(Councillors Meineke/Irwin)

**Voting Against:** Councillor Ekins.  
(S918)

## Reports

### **DA 05/740 for Conversion of a Newsagent to Refreshment Room**

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244/05

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

- A** That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.
- B** That Council, as the consent authority, approve Development Application 2005/740 for the alteration of an existing building and for a change of use from a shop (newsagent) to a refreshment room (café) and flood storage subject to the consent conditions as set out in schedule 1. The conditions of consent are set out as follows:
  - 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. 05/740 dated 26/10/05 and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

**FLOODING**

- 2 All materials used in the building, fixtures and power outlets below the adopted standard flood level of 12.67 m (AHD), shall be flood compatible.  
**Reason:** *To ensure adequate protection from frequent flooding. (EPA Act Section 79C(c))*
- 3 In accordance with this development consent and in the event of flood waters entering the building, reasonable action shall be taken to minimise damage to machinery, equipment, goods or other property stored in the building upon the land.  
**Reason:** *To ensure adequate protection from frequent flooding. (EPA Act Section 79C(c))*
- 4 The floor level of the flood storage shall be not less than 12.67m AHD.  
**Reason:** *To ensure adequate protection from frequent flooding. (EPA Act Section 79C(c))*
- 5 A registered surveyor shall certify that the floor level of the flood storage is at or above the flood planning level of 12.67m AHD. This certificate shall be submitted to Council prior to the issue of an Occupation Certificate.  
**Reason:** *To ensure adequate protection from frequent flooding. (EPA Act Section 79C(c))*

**AMENITY**

- 6 All unsightly matter shall be stored out of sight from any adjacent premises or public place.  
**Reason:** *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*
- 7 The land use shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.  
**Reason:** *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*
- 8 Any noise generated during the construction of the development shall not exceed the limits specified in the Noise Control Manual.  
**Reason:** *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*

**ENVIRONMENTAL HEALTH**

- 9 The premises fitout and operations shall comply with AS 4674 – 2004 *Design, construction and fit-out of food premises*, the *Food Act 2003*, the *Australia and New Zealand Food Standards Code* and associated legislation. In this respect detailed plans and specifications must be submitted to Council and approved prior to release of the Construction Certificate.  
**Reason:** *To comply with the relevant legislative requirements and to ensure public health and safety.*
- 10 Prior to operation and at the completion of works an inspection by Environmental Health Services is required.  
**Reason:** *To assess compliance with AS 4674 – 2004 Design, construction and fit-out of food premises, the Food Act 2003, the Food Standards Code and associated legislation.*
- 11 Prior to operation, the food business must be registered with Council as a commercial premise (a form is attached).  
**Reason:** *To comply with Council's statutory requirements.*

**BUILDING**

- 12 The following building works are to be inspected and certified by Council or by an Accredited Certifier in the form of a Compliance Certificate.
- (a) **Commencement of building work.**
  - (b) **Footings** - the foundation trenches are open and the steel reinforcement is in position, prior to concrete being placed.

- (c) **Slab** - the slab reinforcement is in position, prior to concrete being placed.
  - (d) **Framework** - the framework is completed, wet area flashing in place, waterpiping and electrical wiring in place, external brickwork erected (where applicable) and the roof covering in position, prior to fixing the internal linings.
  - (e) **Waterproofing in any wet areas** for a minimum of 10% of rooms with wet areas within a building prior to covering.
  - (f) **Stormwater drainage connections** prior to covering.
  - (g) **Occupation** - the building is completed or an Occupation Certificate is required.
- In the event that Council is the Principal Certifying Authority, you are required to notify Council at least 24 hours prior to the inspection.
- Reason:** *To assess compliance with this approval.*
- 13 Glazing to doors and windows must comply with AS 1288-1994 "Glass in Buildings". For external glazing the design wind speed must be provided to the glazier.  
**Reason:** *To ensure compliance with glazing and wind loading standards.*
- 14 Where the design wind speed for the building is W41N or greater, the glazier must provide a certificate to Council prior to occupation of the building, that the glazing complies with AS 1288-1994 "Glass in Buildings".  
**Reason:** *To ensure compliance with glazing and wind loading standards and this approval.*
- 15 Provide notices displaying the words "Danger ! Demolition in Progress", in appropriate places to the fencing or hoarding.  
**Reason:** *To warn the public of site dangers.*
- 16 Provide suitable portable fire extinguishers where the demolition area is not protected by other fire services.  
**Reason:** *Required by the Environmental Planning and Assessment Act 1979.*
- 17 The effects of vibration, dust, noise and concussion on adjoining buildings and their occupants must be minimised, by selecting appropriate demolition methods and equipment.  
**Reason:** *Required by the Environmental Planning and Assessment Act 1979.*
- 18 Demolition of the structure must be carried out in accordance with the applicable provisions of Australian Standard AS 2601-2001. The "Demolition of Structures", as in force at July 1, 1993.  
**Reason:** *To ensure the demolition is conducted in a safe manner.*
- 19 Any asbestos cement products to be removed and disposed of to an approved tipping station in accordance with Worksafe Australia - Code of Practice for the safe removal of asbestos.  
**Reason:** *To prevent any exposure to a hazardous material.*
- 20 All excavations and backfilling are to be executed safely and in accordance with appropriate professional standards and to be properly guarded and protected to preserve life and property.  
**Reason:** *Required by the Environmental Planning and Assessment Act 1979.*
- 21 Structural Engineering details for the footings and slab must be submitted and approved by the Principal Certifying Authority prior to commencement of the work.  
**Reason:** *To ensure the adequate structural design of the building components.*
- 22 The design wind load classification for the site is W41 N m/s (N3). All building materials, tie downs and bracing systems must meet the requirements for this wind speed.  
**Reason:** *To provide information on the design wind speed assessed for the site.*
- 23 The primary building elements must be protected against attack by subterranean termites by physical barriers in accordance with AS 3660.1-1995 "Protection of Buildings from Subterranean Termites".  
**Reason:** *Required by Clause B1.1 of the Building Code of Australia.*
- 24 The primary building elements must be protected against attack by subterranean termites. This can be achieved by:

- i) soil treatment in accordance with AS 3660.1-1995 of the subsoil area beneath all on ground concrete slabs forming part of the building, including attached garages, patios and the like. Including, on completion of the building, an external barrier, consisting of at least a 300mm wide horizontal barrier around the perimeter circumferencing all pipes and service facilities, and adjoining a minimum 150mm wide vertical barrier, to the depth of the underslab barrier; or
- ii) other chemical or physical measures which meet the objective of protecting the primary building elements against subterranean termite attack. If this option is chosen, full details are required to be submitted for Council's consideration. Examples of current initiatives in this area are, stainless steel mesh, accredited crushed granite barrier, permanent underslab irrigation systems, CCA treated framing and steel framing.

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

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

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

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

- 25 Provide a durable sign, detailing the type of termite protection provided to the building and the measures necessary to maintain the protection. In the case of an elevated floor the sign must be affixed adjacent the crawl space opening and in all other cases, in the meter box.

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

- 26 On completion of the termite treatment, other than ant-capping, a certificate from a qualified operator, must be supplied to Council.

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

- 27 All "Wet area" floors must be flashed to walls with approved material, so as to provide effective damp-proofing. A certificate from the installer being submitted to the Principle Certifying Authority verifying compliance with AS3740.

*Reason: Required by Clause 3.8.1.0 of the Building Code of Australia Housing Provisions.*

- 28 Provide 6/3 litre dual flush toilet suites to all water closets.

*Reason: To conserve water.*

- 29 A tempering valve shall be installed so as to deliver hot water at the outlet of all sanitary fixtures, such as baths, basins and showers, at a temperature not exceeding 43.5°C for all childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick persons or persons with disabilities; and 50°C in all other classes of buildings.

*Reason: required by Cl. NSW 1.10.2 of the NSW Code of Practice Plumbing and Drainage.*

- 30 Access for people with disabilities in accordance with AS1428.1 is to be provided to the main entrance of the building and within the building. Ramp details being submitted to Council for approval PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE.

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

- 31 Facilities for the use of people with disabilities must be provided as specified in Clause F2.4 Building Code of Australia and shall be constructed to the requirements of AS 1428.1-1998 "Design for Access and Mobility".

*Reason: Required by Clause F2.4 of the Building Code of Australia.*

- 32 Disabled toilet facilities must be unisex.

*Reason: Required by Policy 05.02.10 of the Lismore City Council.*

- 33 Windows in external walls, within three metres of the boundary, to be eliminated or fire protected in accordance with Clause C3.4 Building Code of Australia by means of internal or external automatic wallwetting sprinklers (used in conjunction with windows that are automatically or permanently fixed closed), or -/60/- fire windows (automatically or permanently fixed closed) or -/60/- automatic fire shutters.  
**Reason:** *Required by Clause C3.2 of the Building Code of Australia.*
- 34 All materials used in the building must comply with the smoke developed and spread of flame indices specified in Specification C1.10, Building Code of Australia.  
**Reason:** *Required by Clause C1.10 of the Building Code of Australia.*
- 35 All fire door frames and doors must be installed and labelled in accordance with AS 1905.1-1990 "Fire Door Code".  
**Reason:** *Required by Clause 2, Specification C3.4 of the Building Code of Australia.*
- 36 The divisional wall between units must extend to the underside of the roof covering and may only be crossed by battens, a maximum of 75 mm x 50 mm. The space between the battens to be packed with mineral fibre or other suitable fire resisting material.  
**Reason:** *Required by Clause 4.1(d) of Specification C1.1 of the Building Code of Australia.*
- 37 The construction of the building is to meet the following minimum requirements:  
(a) External loadbearing walls and columns/beams 90/90/90 FRL to the entire building  
from internal inside of building where external access is not available  
(b) Fire walls 90/90/90 FRL separating residence from cafe  
**Reason:** *Required by Clause 3.1, 4.1 or 5.1 of Specification C1.1 of the Building Code of Australia.*
- 38 In the residence provide interconnected, automatic smoke alarms wired into the electrical mains and having a stand-by battery power supply, in accordance with Clause E2.2 of the Building Code of Australia.  
**Reason:** *To comply with Clause E2.2 of the Building Code of Australia.*
- 39 A certificate from a licensed electrician must be provided upon completion of the installation of the smoke alarms, certifying that the smoke alarm installation complies with AS 3786 "Smoke Alarms".  
**Reason:** *To ensure compliance with this building approval.*
- 40 The space beneath non-fire isolated stairways when enclosed must have walls and ceilings of a minimum fire resistance level of 60/60/60 and have a self-closing access door having a fire resistance level of not less than -/60/30.  
**Reason:** *Required by Clause D2.8 of the Building Code of Australia.*
- 41 Electrical meters, distribution boards or ducts, installed in a required non-fire isolated exit, or any corridor, hallway or lobby, leading to a required exit, are to be enclosed by non-combustible construction or a fire-protective covering, so as to prevent smoke spreading from the enclosure.  
**Reason:** *Required by Clause D2.7 of the Building Code of Australia.*
- 42 The mechanical ventilation system must comply with AS1668.2-2002 "Mechanical Ventilation for Acceptable Indoor Air Quality". Full details from the mechanical services engineer must be submitted to the Principal Certifying Authority for approval together with a certificate stating that the whole system complies with the relevant standards, and the provision of the required air changes.  
**Reason:** *Required by Clause F4.5 of the Building Code of Australia.*
- 43 Provide portable fire extinguisher/s and fire blankets, suitable to address the relevant risk, in accordance with AS2444.  
**Reason:** *Required by Clause E1.6 Building Code of Australia.*
- 44 All required egress doors are to at all times be openable from within the building by single handed lever or push action on a single device without recourse to a key. No barrel bolts are to be fitted.  
**Reason:** *Required by Clause D2.21 of the Building Code of Australia.*

- 45 The maximum gap between stair treads must be 125 mm.  
**Reason:** Required by Clause D2.13 of the Building Code of Australia.
- 46 Doors forming exits, paths of travel to exits and parts of exits must comply with the relevant provisions of Clause D2.19, D2.20 and D2.21, Building Code of Australia in respect of the type of door, direction of swing and method of latching.  
**Reason:** Required by Section D of the Building Code of Australia.
- 47 Provide a continuous balustrade a minimum of 865 mm high to stairs and a minimum of 1 metre high to decks or landings. The maximum permissible balustrade opening is 125 mm.  
**Reason:** Required by Clause D2.16 of the Building Code of Australia.
- 48 An illuminated exit sign must be provided to required exits.  
**Reason:** Required by Clause E4.5 of the Building Code of Australia.
- 49 Cool rooms must be provided with:-  
(a) a door a minimum of 600mm wide by 1.5m high, which can at all times be opened from inside without a key; and  
(b) an approved alarm device located outside but controllable only from within the cool room.  
**Reason:** Required by Clause G1.2 of the Building Code of Australia.

#### **WATER & SEWER**

- 50 The water supply connection shall be designed, installed and maintained to prevent contaminants from being introduced into Lismore City Council's potable water supply system.  
Full details of the proposed backflow method and cross connection controls shall be designed and installed in accordance with Australian Standard 3500.1 and submitted and approved prior to the **release of the Construction Certificate**.  
**Reason:** Required by NSW Code of Practice "Plumbing and Drainage".
- 51 An application to discharge trade waste, including a plan that contains all details of the proposed trade waste installation, shall be submitted to Lismore City Council.  
The trade waste application must be approved prior to the release of the Construction Certificate. Designs are to be in accordance with Australian Standard 3500, the NSW Code of Practice- Plumbing and Drainage and the Department of Energy, Utilities and Sustainability guidelines for the On-site Pre-treatment of Trade Waste Discharges to Sewer.  
**Reason:** To ensure adequate protection of utility services and to ensure compliance with the Trade Waste Approval. (EPA Act Sec 79C(b))
- 52 All plumbing and drainage work associated with the Trade Waste installation are to be inspected and approved by Council's Water and Wastewater Section. A works-as-executed Drainage Diagram shall be submitted to Council on completion of works.  
**Reason:** To ensure adequate protection of utility services and to ensure compliance with the Trade Waste Approval. (EPA Act Sec 79C(b))
- 53 The proponent shall pay to Council all Water and Sewerage Headworks Levies deemed necessary by Council and in accordance with Section 64 of the Local Government Act 1993. The rates and amounts applying at the date of this notice, are set out in the schedule for your information. Such levies shall be paid as required by Council, prior to release of the **Construction Certificate**.  
Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the listing of rates applicable for the financial year in which payment is made. This listing of rates reflects the adjustment made for the Consumer Price Index (CPI, Sydney) on an annual basis.  
**Reason:** To provide funds for the provision of services and facilities identified in Lismore City Council's Section 64 Contributions Plan as required by the increased population or activity. (Water Management Act 2000, Sec 306)  
(Councillors Irwin/Graham) (D05/740)

### **Lismore Floodplain Management Plan**

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245/05

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

- 1 Adopt the amendment to Map 2 of the Lismore Floodplain Management Plan as exhibited.
- 2 Prepare a draft amendment to Development Control Plan No. 26 relating to the section on the Airport Industrial Estate to include a provision that:
  - building pads are generally to be contained within the horizontal limits to fill as indicated on Fig 1;
  - any application for variation to the location or shape of the building pads as shown on Fig 1 must be accompanied by a report demonstrating that flood modelling of the proposal indicates that any effects on flood depths or velocities in the vicinity of the site will be negligible;
  - the flood modelling is to take into account the cumulative effects of any other changes (actual or proposed) to the configuration of building pads within the estate.
- 3 Place the draft amendment to DCP No.26 on exhibition for public comment for a period of 28 days.

(Councillors King/Henry)

**Voting Against:** Councillors Irwin and Ekins. (S106)

### **Draft DCP No. 49 Cultural Precinct**

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246/05

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

- 1 Adopt Development Control Plan No. 49 – Lismore Cultural Precinct as exhibited but
  - a) incorporating such amendments as are recommended in this report, and
  - b) including in Clause 3.0 (Land Uses) of the DCP the following:  
*Additional land uses within the precinct may include a performance/dance venue for use by the Northern Rivers Conservatorium Arts Centre. All costs associated with the provision of the performance/dance venue to be the responsibility of the Northern Rivers Conservatorium Arts Centre.*
- 2 Give public notification of Council's adoption of the DCP.

(Councillors Irwin/Henry) (S857,S921)

### **Goonellabah Leisure Centre**

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#### **S459**

Councillor Meineke left the hall during discussion and determination of this matter.

247/05

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

- 1 Council acquire Lots 2, 3 and 4 shown in the plan prepared by Newton Denny Chapelle annexed hereto and marked "A" ("the plan") by compulsory process.
- 2 Council acquire Lots 3 and 4 for road purposes pursuant to the Roads Act 1993 and Lot 2 for Community/Public purposes pursuant to the Local Government Act.
- 3 Council make the acquisitions in such a way that all easements, restrictions on use and encumbrances are extinguished.
- 4 Council make all necessary applications to the Minister and/or the Governor in respect of the proposed compulsory acquisitions.
- 5 That an application to close that part of Gordon Blair Drive, shown as Lot 1 in the plan marked "A" be endorsed by Council and forwarded to the Department of Lands.
- 6 That the General Manager and Mayor be authorised to sign and seal any and all documentation necessary to give affect to this recommendation.

(Councillors Swientek/Dowell)

(S736)

### Cities for Climate Protection

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248/05

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

- 1 That Council adopt the goals of:
  - reducing corporate greenhouse gas emissions to 20% below 2001-2002 levels by 2012.
  - reducing community greenhouse gas emissions per capita to 20% below 2001-2002 levels by 2012.
- 2 That staff Prepare a Local Action Plan to meet the Milestone 3 requirements of the CCP Program.
- 3 That staff investigate current energy consumption record keeping methods to facilitate further stages of the CCP program and the future legislative requirement of implementation of an Energy Savings Action Plan under the Energy Administration Amendment (Water and Energy Savings) Act 2005.
- 4 That staff be congratulated for the work they have put into this project.  
(Councillors Irwin/Dowell) (S232)

### Lismore Lake Pool

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A MOTION WAS MOVED that the report be received and –

- 1 That funding for the retiling of the Lismore Lake Pool not be allocated in 2005/06.
- 2 Staff prepare a comprehensive paper on all options for the pool in the future and this be presented to a workshop early in 2006.
- 3 Butt bins be installed at appropriate locations around the pool.  
(Councillors Irwin/Tomlinson)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 That funding for the retiling of the Lismore Lake Pool not be allocated in 2005/06.
- 2 Staff prepare a comprehensive paper on all options for the pool in the future and this be presented to a workshop early in 2006.
- 3 A butt bin be installed and a smoking area be designated at the Lake Pool.  
(Councillors Dowell/Tomlinson)

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

**Voting Against:** Councillors King, Chant, Crimmins and Graham.

249/05

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

- 1 That funding for the retiling of the Lismore Lake Pool not be allocated in 2005/06.
- 2 Staff prepare a comprehensive paper on all options for the pool in the future and this be presented to a workshop early in 2006.
- 3 A butt bin be installed and a smoking area be designated at the Lake Pool.  
(Councillors Dowell/Tomlinson)

**Voting Against:** Councillor Graham.  
(S910,P24540)

### StateRoads – Bitumen Resurfacing Works

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250/05

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

- 1 Council adopt the following order of priority for the engagement of contractors for the provision of sprayed sealing works for the States Roads Program:
  - a) Boral Asphalt
  - b) Northern Rivers Quarry and Asphalt

- 2 Council adopt the following order of priority for the engagement of contractors for the provision of AC overlay works including milling & profiling for the States Roads Program:
- Northern Rivers Quarry and Asphalt
  - Boral Asphalt
- 3 Council adopt the following order of priority for the engagement of contractors for the provision of AC overlay works excluding milling & profiling for the States Roads Program:
- Northern Rivers Quarry and Asphalt
  - Boral Asphalt
- (Councillors Chant/Graham)  
**Voting Against:** Councillors Ekins.  
(T26006)

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### **Management Plan Review 2005-2007 – quarter ended September 2005**

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- 251/05 **RESOLVED** that the report be received and its contents noted.  
(Councillors Tomlinson/Dowell) (S4)

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### **September 2005 Quarterly Budget Review Statement**

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- 252/05 **RESOLVED** that the report be received and –
- Council adopt the September 2005 Budget Review Statement for General Fund.
  - This information be submitted to Council's Auditor.
- (Councillors Dowell/Irwin)  
**Voting Against:** Councillors Ekins. (S910)

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### **2004/05 Financial Reports**

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- 253/05 **RESOLVED** that the report be received and Council present to the public the 2004/05 Financial Reports.  
(Councillors Dowell/Irwin) (S880)

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### **October 2005 - Investments held by Council**

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- 254/05 **RESOLVED** that the report be received and noted.  
(Councillors Dowell/Irwin) (S178)

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### **Council Meetings and Public Contact Forums for 2006**

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- 255/05 **RESOLVED** that the report be received and and the schedule of venues as outlined below be adopted.
- |   |                        |              |                              |
|---|------------------------|--------------|------------------------------|
| 1 | Council meetings:      | March 14     | Koonorigan                   |
|   |                        | November 14  | Bexhill                      |
| 2 | Public contact forums: | March 20     | Repentance Creek             |
|   |                        | June 19      | Tunable Creek                |
|   |                        | September 18 | South Gundurimba             |
| 3 | City contact forums:   | April 24     | Italo Australia Club         |
|   |                        | July 17      | Roy Waddell Community Centre |
- (Councillors Irwin/Crimmins) (S43)

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### **Disclosure of Pecuniary Interest Returns 2004/05**

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- 256/05 **RESOLVED** that the report be received and noted.  
(Councillors Irwin/Crimmins) (S18)

## Committee Recommendations

### Traffic Advisory Committee 19/10/05

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- 257/05 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.  
(Councillors Irwin/Tomlinson) (S352)

## Documents for Signing and Sealing

- 258/05 **RESOLVED** that the following documents be executed under the Common Seal of Council:

### Deed of Agreement – Mt. Pleasant Estate Pty Ltd and Council

Council to share cost of constructing the new Just Street sewer pump station in a ratio as to 65/150ths (43.3%) to Council and 85/150ths (56.7%) to Mt. Pleasant Estate Pty Ltd as per the approved development application.  
(D02/771)

### Deed of Agreement – Realignment of Blue Knob Road – Council and McEwan & McInnes

Acquisition and disposal of sections of Blue Knob Road to facilitate realignment of roadway.  
(05-9717: R2001,P13740)

### Transfer Granting Easement – Council to Country Energy

Easement for underground cable purposes 2m wide – Lot 20, DP 629445 – Clyde Campbell Carpark,  
44 Keen Street, Lismore.  
(05-7955: P20088)  
(Councillors Dowell/Chant)

## Section 356 Donations

- 259/05 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the donations to persons as listed are hereby approved for distribution.

### a) Mayor's Discretionary Fund (GL2033.26)

Budget: \$2,700 To date: \$210.00

#### Rosebank Public School – State Final of Small Schools Soccer

On October 21, 2005

(05-1139: S164,P11996)

\$50.00

**Step to the Future** – organised by students for students – aims to provide young men and women opportunity to gain further life skills – forum November 17, 2005 at SCU – 2 tickets @ \$22. \$44.00  
(05-11462: S164)

#### YWCA NR Community Centre - support for 2005 Goonellabah residents

Christmas Party on December 16 at Goonellabah Soccer Club.

(05-11831: S164)

\$50.00

#### GNIBI College of Indigenous Australian Peoples – Kapululangu

Women's Culture Tour – Lismore November 17-20.

(05-12002: S164, S749)

\$50.00

- b) City Hall Reductions in Rental – Policy 8.4.2 (GL2033.2)**  
 Budget: \$11,700 To date:\$1,692.99  
**Jehovah’s Witnesses** – Bible lectures on October 30, 2005  
 (05-10966: P6816,S164)  
*In accordance with policy.* \$252.50
- Gospel Hall Church Group** – Conference  
 (05-11183: P6816,S164)  
*In accordance with policy.* \$350.50
- c) City Hall Donation**  
**Lismore Musical Festival Society** – Eisteddfod – budget item 05/06 \$6,446.36
- d) Council Contributions to Charitable Organisations**  
**Waste Facility – Policy 5.6.1 (GL2033.15)**  
 Budget: \$6,000 To date:\$1,859.88  
**St Vincent De Paul Society** for the month of July / August 2005.  
*In accordance with policy.* \$209.10
- Donations for the month of October 2005.**
- |                                      |                |          |
|--------------------------------------|----------------|----------|
| Animal Right & Rescue                | \$5.45         |          |
| Challenge Foundation                 | \$110.00       |          |
| Five Loaves                          | \$61.82        |          |
| Friends of the Koala                 | \$18.18        |          |
| LifeLine                             | \$110.00       |          |
| Lismore & Dist Police Boys Club      | \$9.09         |          |
| St Vincent De Paul Society           | \$21.82        |          |
| Salvation Army                       | \$110.00       |          |
| Westpac Life Saver Rescue Helicopter | <u>\$27.27</u> |          |
| <i>In accordance with policy</i>     |                | \$473.63 |
- e) Hardship Claim – Lismore Water – Policy 6.1.6 (GL8201.13)**  
 Budget: \$12,200 To date:\$2,458.53  
 JA & KM Derighetti  
*In accordance with policy.* \$778.41
- f) Council’s Surplus Computers**  
 Funded from 2004/05 Information Services operating budget.  
 Balance of computers awarded to following 27 charitable organisations considered eligible.
- Lismore Toy Library
  - Soccer Far North Coast
  - Nimbin 50 + Learning Centre
  - Lismore Preschool Kindergarten
  - Mousetrap Media Inc
  - Out of School Hours Goonellabah Inc
  - Shared Vision Aboriginal Corporation
  - 1<sup>st</sup> Lismore Scout Group
  - Lismore Branch Diabetes Australia
  - East Lismore Community Preschool Inc
  - Northern Rivers Multiple Sclerosis Support Group
  - Lismore Workers Swim Team
  - Far North Coast Baseball Association
  - 326 Squadron Association Incorporated

NGAMAHL Goori Youth Group Inc	
Richmond River Historical Society	
Tuntable Falls Early Childhood Centre	
Lismore Volunteer Referral Centre	
JAGAD - Jiggi & Georgica Adolescent Democracy	
Tower Preschool	
Far North Coast Canoe Club	
Lismore Richmond Rovers Soccer Club	
Rainforest Rescue	
ACE North Coast	
Coronation Park Users Group	
North Coast Entertainment Industry Assoc.	
GROW North Coast Community Centre	
31 computers @ \$312	\$9,672.00
(Councillors Graham/Dowell)	

## Confidential Matters – Committee Of The Whole

### **Performance Review 2004/05 – General Manager and Draft Performance Agreement 2005/06**

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260/05 **RESOLVED** that this matter be deferred to the next meeting of Council.  
(Councillors Irwin/Chant)

## Closure

This concluded the business and the meeting terminated at 9.26 pm.

CONFIRMED this 13<sup>TH</sup> day of December, 2005 at which meeting the signature herein was subscribed.

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**MAYOR**

