



Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on **TUESDAY, JULY 12, 2005 at 6.00pm** and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

July 5, 2005



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary meeting 14/6/05

Extraordinary meeting 21/6/05

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).

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Strategic Plan Summary

Lismore regional city

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

Notice of Motion

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

That any proposed alteration or modification under Section 96 to the existing carparking area condition, approved by Consent Notice 2001/801 (Public Library) be referred to:

- 1 The Regional Library Committee for concurrence.
- 2 Full Council for determination.

Comment:

Consent notice 2001/801 approved 40 bitumen sealed and landscaped parking spaces directly adjacent to the Library. These spaces are fully utilised and any reduction or relocation would not be in the best interests of Library patrons.

Staff Comment

General Manager

The Notice of Motion wrongly infers that there is a proposal to vary the 2001 development consent – that is not contemplated, particularly as the Cultural Centre Master Plan remains under review. A briefing on this topic is scheduled for July 19, 2005. Furthermore, it is inappropriate to require the concurrence of the Richmond Tweed Regional Library Committee in these matters. The provision of buildings, fittings and appurtenances for branch library purposes is the sole responsibility of each council, and in this case, Lismore City Council. Any application will be determined by Council – either at a Council meeting or by delegation and submissions by external parties will be given proper consideration.

In the absence of any new development application or a modification proposal, the Notice of Motion is speculative, pre-emptive and, on that basis, lacking merit.

(05-6650: D01/801)

Report

Subject	Lismore Urban Strategy – Staged Release Options
File No	S650
Prepared by	Manager Planning Services & Senior Strategic Planner
Reason	Receipt of landowner responses to staged release option
Objective	To inform Council of landowner's response
Strategic Plan Link	Economic Development
Management Plan Activity	Strategic Planning

Overview of Report

This report summarises the responses from landowners who were invited to make a submission in relation to Council's consideration of a staged land release within the Lismore Urban Strategy and outlines options for how such a staged land release might be achieved.

Background

At its meeting of April 12, 2005 Council considered a report on DIPNR's response to Council's request for including additional release areas in the Lismore Urban Strategy. One of the options offered by DIPNR involved the staging of land releases within localities identified as "greenfield" sites in the current Urban Strategy. DIPNR advised that such an approach would be acceptable providing the areas are environmentally appropriate and capable of being economically serviced.

Council agreed to explore this option and affected landholders (including the owners of land in Military Road) were invited to make a submission indicating the minimum number of lots that would be necessary for a first stage of subdivision of their land to be viable. Landowners were advised that the submission should include an assessment of the costs of providing urban infrastructure (roads, sewer, water supply, stormwater drainage) that would be necessary to enable the first stage of a subdivision to proceed. Estimates were to include a full description of all required works together with a breakdown of individual costs prepared by a suitably qualified consultant.

Landowners were also advised that where a potential release area consists of multiple land parcels in different ownership, the submission should clearly indicate which areas would comprise Stage 1 of a proposed subdivision. Any potential staging of release areas would be within the timeframe of a revised strategy to be agreed to by DIPNR and it is unlikely that a second or subsequent stage would be able to proceed within that period.

Responses from landowners

Responses were received on behalf of the following areas:

- Southern end of Invercauld Road (4 separate titles)
- North Lismore/Dunoon Rd Plateau (8 separate titles)
- Trinity Drive area (6 separate titles)
- Chilcotts Grass/Tucki (5 separate titles)
- SCU 'Cellulose Valley' site on Military Road.

Each submission has been considered by Lismore Water and by the Development Assessment Engineer in order to verify infrastructure costs. Comments of these officers are included in the following evaluation.

None of the submissions argue for inclusion in the Strategy on the basis of providing specialised market housing such as aged care or 'affordable' housing.

Copies of all submissions, and of Council's letter of April 22, 2005, have been placed in the Councillors' Meeting Room for the information of Councillors.

Invercauld Road

Despite Council's request for co-ordination between landowners, two separate proposals have been presented with no evidence of co-ordination.

(a) Lot 103, DP 709070, 226 Invercauld Rd

The consultant points out that sewer and water services to this location have not been calculated by Lismore Water, and that the location of the appropriate trunk main has not been determined, so that assumptions have been made.

Lismore Water advises that although the sewerage reticulation downstream of the rising main discharge point (including the pump station) will need to be augmented prior to the whole subdivision being commissioned, it might be possible to connect the first stage without major upgrade of infrastructure. The first stage of the development may be able to be undertaken without any upgrade of existing water supply infrastructure. Prior to the whole development occurring, upgrade of upstream infrastructure will be required.

Invercauld Rd would provide the access to the site and would require minor upgrading, and to these costs have been added internal road and drainage construction.

No conceptual lot layout has been provided.

Twenty four lots are proposed as a first stage. Based on the information provided and assumptions made, Council staff have confirmed the accuracy of this estimate.

(b) Lot 11, DP564966 & Lot 1066, DP846755

Instead of responding to Council's request, the proponents have submitted a rezoning proposal over the above two lots. However, Lot 11, DP 564966 is not included amongst the agreed Urban Development Strategy release areas and will not be further considered in this report.

The proposed Stage 1 is contained within Lot 1066 and comprises **179 residential lots**, the majority of 400m², to contain zero lot line 'courtyard' housing designed for energy efficiency and privacy. This land is to the north of, and directly adjoins, the land and proposal described in (a) above. The conceptual design for Lot 1066 shows three road linkages to land to the south.

Development of Lot 1066 would require the construction of a link road between Invercauld and Rous Roads; construction of approximately 480 metres of this link road would be required prior to the release of any lot. This section of the road is estimated to cost \$718,280. Total costs for Stage 1 as proposed would be \$2,153,085. However, the estimates in the submission are difficult to analyse; for example the schedule of costs for Stage 1 appears to be for 540 metres of road construction rather than the 1865m which is identified as being required for Stage 1; and although Stage 1 is clearly identified as yielding 179 lots a table entitled 'Subdivisional Costs Stage 1 & 2 Combined' refers to only 160 lots.

Lismore Water advises that Stage 1 works will not be able to commence until appropriate capacity is

provided in the sewerage reticulation (including pump stations) and in the upstream water reticulation network. This appears not to be costed in the provided information. Lismore Water does not have any draft costing for these works at present.

There is no information to indicate that the proposed first stage would be viable should the second and third stages not be able to proceed. As the land subject to these later stages is not included in the Strategy there can be no certainty that Council or the State Government would agree to rezoning that land.

North Lismore/Dunoon Rd Plateau

Lot 2, DP 1044983, comprising 58.5 ha, has been nominated as the proposed first stage of development on the plateau. The Masterplan for the land is described as containing:

- 114 residential lots
- 35 rural residential lots
- 2.4 ha commercial area
- 8892m² medium density housing
- 5316 m² film and television training centre
- 1.16ha preschool and park
- 7.26 ha passive open space.

Within the Masterplan two stages are proposed, the great majority of the development to occur within the first stage. The second stage appears to comprise 16 residential lots only. The submission does not acknowledge the existence of constraints such as noise from speedway/showground activities.

The submission states that the lot yield and various uses nominated are conceptual only and would be subject to detailed assessment and further site investigation. For the purposes of deriving a per lot cost the commercial, medium density and film and television training areas have been ascribed an equivalent residential lot yield. Costs are variously given for either '**204 lot equivalent**' or '**170 lot equivalent**'. No explanation for these different figures is provided and they appear to apply to the whole Masterplan concept.

However the rural residential lots are not included in either the Urban Development nor Rural Housing Strategies and Council therefore cannot consider these as part of the proposal. The deletion of rural residential development may affect the viability of the first stage; the submission states (p9) that it '*provides an excellent funding platform for the Plateau precincts*'. The subtraction of the rural residential lots and the 16 second stage residential lots from the lot equivalents would result in either '**153 lot equivalent**' or '**119 lot equivalent**'.

Costs for sewer do not reflect actual design proposals but are based upon a 2003 study updated with CPI. The proposal would require the construction of approximately 1 km of road to access the site, together with upgrading of the Sexton/Dunoon Roads intersection. Because of the substantial infrastructure required prior to releasing any lots it is reasonable to expect that a considerable number of lots would be required as a first stage in order to recover these costs. Due to the variety of estimated lots yields referred to within the submission it is difficult to reproduce a definitive cost per lot figure.

Lismore Water advises that the works required to connect this development (which would also be required for the first stage) to the sewerage network is estimated to be \$5,400,000. This cost does not include any internal works required for the development (including pump stations) and the final costs would depend on modelling undertaken and the final design. The estimated cost required to connect this development to the water supply is \$4,500,000 (again, this does not include any internal reticulation works). The final cost would depend on modelling undertaken.

The submission acknowledges that the subdivision would have significant costs per lot but that it incorporates an array of external works which would be apportioned over other benefiting lands within a site specific S94 Plan. However surrounding lands would also be required to undertake external

works which would then be applied to the subject land; the submission makes no allowance for these costs.

Trinity Drive

The Urban Development Strategy estimates that this release area could produce approximately 350 lots, and it is this amount that Council has sought to redistribute amongst all release areas.

The submission received for this area estimates that **175 lots** would achieve viability, given the extent of the external works required. This first stage would occur on Lot 13, DP 551625 and Lot 22 DP 746939.

The landowners' consultant has costed the development assuming access will be achieved from Lagoon Grass Road and has costed the upgrading of 1 km of this road at \$350,000 which appears to be very low. The Development Assessment Engineer states that a more realistic estimate would be around \$800,000, although as part of this road forms part of the proposed 'eastern link road' some offsetting against S94 levies could be expected. Given these increased road costs the figure of 175 lots may be low.

The consultants may also have underestimated costs of water and sewerage provision. Lismore Water has advised that sewerage works required for the first stage (and which must be sized for ultimate development) is estimated to be \$2.8 million, and cost to connect to the water supply is \$2 million, excluding any internal reticulation works. In comparison, the submission estimates the cost of 'roads/drainage/gravity sewer/water supply' at \$4,243,750.

Chilcotts Grass/Tucki

A proposal covering Lots 8 & 9, DP 262461 and Lot 301 in DP 882629 estimates that **130 lots** would be required to ensure viability. The most significant cost was identified as the relocation of overhead power cables and the 130 lots may be able to be revised downwards following the receipt of further information from Country Energy.

The Development Assessment Engineer has advised that from a road infrastructure aspect this area is reasonably unconstrained. The recent connection of McIntosh Rd to Dudley Drive has increased the potential for development of the site, but given this recent change to traffic distribution it is difficult to say what external works would be required. The submission's proposed \$150,000 of external road works may be in excess of actual requirements.

Lismore Water advises that Stage 1 works would not be able to commence until appropriate capacity is provided in the sewerage reticulation (including pump stations) and in the upstream water reticulation network. These works have not been costed in the submission and Lismore Water does not have draft costing at present.

Southern Cross University Military Rd site (former 'Cellulose Valley site)

A rezoning submission for the land, lodged early in 2005, proposes a residential lot yield of between 112 and 140 lots for the site, in conjunction with industrial, SCU research, environmental and open space uses.

SCU has advised that all necessary infrastructure including spare capacity is in place and suitable for urban development and that a minimum development would consist of **15-20 lots**.

Summary

Lot yields from proposed first stages:

Release Area	Minimum Lot yield	Maximum Lot Yield
Invercauld Road: <ul style="list-style-type: none"> • 226 Invercauld Rd • Lot 1066 DP 846755 	24 179	24 179
Dunoon Rd Plateau	119	153
Trinity Drive	175	175
Chilcotts Grass/Tucki	130	130
SCU Military Rd site	15	20
Total	642	681

Given the costs of infrastructure provision to the proposed release areas, it is clearly unworkable to attempt to reallocate the approximately 350 lots in the Strategy agreed by DIPNR amongst all of the above release areas.

Military Road Land

As discussed in the April 12 report, Southern Cross University has lodged a submission to rezone part of the Crawford land in Military Road, East Lismore to 2(a) Residential. The land is zoned 5(b) Technology Park but is no longer required for that purpose. Only part of the site has been identified as suitable for residential development, the remaining areas are suitable for a variety of uses including industrial development, open space and habitat. Given its amenity, proximity to other urban areas and access to services, the land is considered a prime site for housing. It was not included in the original Urban Strategy as it was assumed at the time that the technology park would still proceed.

Any decision to include additional residential lands in the strategy should be based primarily upon the attributes and merits of the site. Landowners whose land has previously been identified in the Strategy may believe that they have a more urgent claim to be considered in a staged release proposal. However there is another possible option for the Crawford land that would not impact on a staged release proposal and which would not be available to other landowners.

SCU owns other land to the east of the university (Lot 102 DP 1009551) that is currently zoned 2(a) Residential. Lot 102 has an area of 19ha and is part of the existing vacant residential land stock that is identified in the Lismore Urban Strategy. The site is subject to a number of physical and environmental constraints and is included within the area covered by Council's recently adopted DCP No.48.

In discussions with SCU it appears that the intended use of this site is for purposes primarily associated with the university (sporting facilities etc). Consequently a more appropriate zoning for this lot would be 5 Special Uses (University) Zone. Rezoning Lot 102 from 2(a) to 5 Special Uses would reduce the existing vacant 2(a) land stock and may enable an equivalent area of the Crawford land to be zoned for residential use. Approximately 14ha of the Crawford land has been identified as suitable for residential development. This would yield an estimated 100+ lots.

There have been brief discussions with DIPNR concerning this proposal and they have expressed some concerns about the potential loss of land zoned for innovative employment generating purposes. However part of the site will be retained for such purposes and Council's Regional City Plan identifies a further 50 hectares in the Lismore urban area that may be suitable for industrial development. It is considered that a reasonable planning case could be made for rezoning part of the Crawford land to residential on this basis.

Other Options for Additional Land Release

DIPNR's response indicated that the Department may accept rezoning proposals that cater for specific sectors of the housing market (aged and affordable housing etc.) providing the land is not difficult or expensive to service and is not environmentally sensitive. Landowners have been advised of this opportunity.

DIPNR's letter also states that the proposed Far North Coast Regional Strategy will be addressing these issues and that the Department is looking forward to continuing to work with Council in the development of that strategy. If Lismore is recognized as a regional growth centre in the new strategy, there may be an opportunity for a higher proportion of the region's growth to be directed to Lismore providing sufficient land is available to accommodate that growth. Council's Regional City Plan indicates that Lismore has sufficient land with urban residential capability to accommodate an additional 2,500 lots above that identified for release in the current strategy. The Regional City Plan also identifies land suitable for industrial and commercial expansion that will assist Lismore in maintaining its regional centre status. It is expected that the Far North Coast Regional Strategy will be finalised towards the end of this year.

Comments

Financial Services

Not required.

Other staff comments

Comments on infrastructure availability have been provided by the appropriate technical staff and are included in the body of this report.

Public consultation

Affected landowners have had the opportunity to make submissions on this matter.

Conclusion

Council has two alternatives:

1. Accept the Urban Development Strategy as endorsed by the Director-General of DIPNR, with urban release areas over the five year Strategy (commencing August 2003) limited to Trinity Drive and Daniel Drive areas; or
2. The agreed Strategy endorsed the development of the Trinity Drive area. On the basis of that endorsement, its predicted attractiveness to the market, willingness of landowners to develop and previous legal advice that Council should maintain the inclusion of the area to avoid legal consequences, it is recommended that the proposed first stage of 175 lots for the Trinity Drive area be endorsed by Council for inclusion in the Strategy. Council could then distribute the remaining 175 lots amongst other release areas. On the basis of minimising infrastructure costs these areas would be:

226 Invercauld Road –	24 lots
Chilcotts Grass/Tucki –	130 lots
SCU Military Rd site -	20 lots.
Total:	174 lots

Recommendation (PLA2)

That Council:

1. Alter the Urban Development Strategy to indicate that in the short term the urban release areas will be the first stages of Trinity Drive, Chilcotts Grass/Tucki, 226 Invercauld Road areas, together with the SCU Military Road site;
2. Advise the Department of Infrastructure, Planning & Natural Resources of its decision; and
3. Invite SCU to lodge a revised rezoning submission for the Crawford land that includes the rezoning of Lot 102 DP 1009551 from 2(a) Residential Zone to 5 Special Uses (University) Zone.

Report

Subject	Development Application No. 2005/189 - Transport Depot at Exton Street, North Lismore
File No	2005/189
Prepared by	Development Assessment Planner
Reason	Two Councillors exercised their right to require the matter to be reported to Council.
Objective	To determine the development application.
Strategic Plan Link	Quality of Life/Natural Environment
Management Plan Activity	Development Assessment

Overview of Report

This report provides an assessment of a development application for the legalisation of a use commenced without development consent. The use is a transport depot consisting of the storage of 5 fuel tankers at Exton Street in North Lismore. There has been significant resident objection to the proposal. It is recommended to refuse the application based on the adverse impacts on the amenity of the residences in the immediate vicinity of the site.

Background

Proposal:

The proposal is for the establishment of a transport depot at Exton Street, North Lismore. The plans indicate that the proposal is for the parking of 5 fuel tankers (empty) on the site. A copy of the amended plans and statement of environmental effects is provided in the attachments.

Applicant:

Damian Chapelle, consulting town planner of Newton Denny Chapelle, prepared the application on behalf of McKinlay Enterprises Pty Ltd.

Location:

The site is Lot 3 DP 973 and Lots 1 & 2 DP 772780 known as 5,7& 7A Exton Street, North Lismore. Map 1 shows the location of the site.

Owner:

G & C Somerville

Zoning:

The site is zoned 1(r) (Riverlands Zone).

Key Issues:

The key issues associated with this development application are:

- Hours of operation; and
- Vehicle noise and residential amenity; and
- Vehicle manoeuvring.



Map 1 - Locality plan and Aerial Photo.

Following complaints by residents about the unlawful use of the site, a Development Application (DA 04/790) to legitimise the use of the site as a transport depot was lodged on 17 September 2004. Due to problems with turning the articulated vehicles on the site this DA was withdrawn on 8 February 2005. A new application (DA 05/189) that incorporated surplus Council land was lodged on 18 March 2005. The application involved a boundary adjustment to enable Council to acquire an area of floodway in exchange for surplus Council land that would be used to facilitate the turning of the heavy vehicles. This application was amended to remove all reference to the Council land as the development was not compatible with the plan of management for this land that was designated as "Community" under the terms of the Local Government Act 1993.

A transport depot is defined in schedule 7 of the Lismore Local Environmental Plan:

transport depot means a building or place used for the parking or storage of motor powered or motor drawn vehicles used in connection with a passenger or goods transport undertaking.

Such a use is permissible within the 1(r) riverlands zone. The proposed development is not contrary to the zone objectives.

The statement of environmental effects indicates that:

"Trucks leaving the site generally leave around 8:00am with the trucks returning either the same day prior to 5:00pm. Notwithstanding the nominated business hours, haulage trucks will stay in Brisbane or the drivers utilise driver rest areas due to delivery timeframes which may result in trucks returning to Lismore outside the business hours. The proponent has advised that this occurs on an average four times per week."

This issue was discussed with the applicant who confirmed that the nature of the business is such that the proponent could not comply with a condition of consent limiting hours of operation. There is a statutory declaration from an objector that shows that in the period from 18 April 2005 until 6 June 2005 trucks arrived at the depot between midnight and dawn on 49 separate occasions.

The hours of operation are critically linked to the issue of vehicle noise and residential amenity. The arrival of trucks late at night / early morning will have a significant impact on the amenity of the residents in the locality. The dwellings that are most significantly affected are:

- 20 Exton Street 50m from the site;
- 15 Exton Street 40m from the site;
- 76 Bridge Street 60m from the site (trucks turn in past this dwelling to get to the site);
- 43 Terania Street 85m from the site.

Other dwellings in Bridge street will also be impacted upon by trucks turning into Exton Street. The noise from trucks entering the site and manoeuvring, including reversing alarms is likely to result in sleep disturbance on a regular basis. Noise emanates from the engines, air brakes and reversing alarms.

It is acknowledged that there are other industrial uses in the immediate vicinity. However these uses are daytime uses and do not produce noise in the early hours of the morning.

The nature of the use is such that it could not comply with conditions of consent. The impacts of vehicle noise when the development does not comply are so significant, it is appropriate to refuse the application. It is not appropriate to impose conditions of consent when Council knows that the applicant cannot or will not comply. This creates an enforcement problem for Council with the prospect of significant legal costs and costs in staff time investigating breaches of the consent. It also results in an ongoing disturbance for the residents of the locality.

Comments

Financial Services

Not required.

Other staff comments

Development Engineer

Advised that the heavy vehicles can adequately manoeuvre and turn around on the site.

Environmental Health Officer

Advised that noise generating activities should be limited to between 7.00am and 8.00pm Monday to Saturday and 8.00am to 8.00pm Sundays and public holidays.

Public consultation

The application was exhibited and adjoining owners were notified in accordance with Council policy. In addition all persons who made a submission on the original DA were advised of the new DA. When the DA was modified all persons who had made submissions to date were re-notified and the DA was re-exhibited. A total of 28 submission letters were received and 1 petition with 59 signatures. A copy of all the submissions is provided in the attachments. A précis of the main points of objection is as follows:

- Noise impacts;
- Public safety;
- Fuel spillage;

- Impacts on Slaters Creek;
- Truck manoeuvring on site does not work;
- The developer will not and does not comply with the management practices as set out in the statement of environmental effects;
- The community does not want this development;
- Loss of character for the village of North Lismore;
- Visual impact and loss of views
- Devaluation of property;
- Disturbance of sleep;
- Road dust;
- Road safety (trucks in residential area);
- Road safety (Petrol tankers could hit the power pole);
- Proposal does not comply with zone objectives;
- Proposal is a prohibited use;
- Exton Street is not suitable for trucks;
- Fire risk;
- Impacts on a threatened species (Thorny Pea);
- There is a better location for this development in the South Lismore industrial area;
- The use is unauthorised;
- Flood impacts;

Not all of these issues are valid planning concerns nor are some of them of sufficient reasons to warrant refusal of the application. The most important objections relate to noise and to hours of operation. These issues have been discussed above and are considered to be of sufficient importance to refuse the application.

Conclusion

It is not appropriate to have a transport depot in an area where it will adversely impact upon the residential amenity of the dwelling houses in the vicinity. Conditions of consent restricting the hours of operation could be used to preserve the amenity and to minimise sleep disturbance. However Council should not knowingly approve a development that cannot comply with conditions of consent. The nature of the development is such that the developer has confirmed he is unable to comply with the condition restricting the hours of operation.

Recommendation (PLA4)

Development Application No. 2005/189 be refused for the following reason:

- The development will have an adverse impact on the amenity of the dwellings at 15 & 20 Exton Street and 76 Bridge Street due to noise from truck operation outside acceptable hours. (S79C (1) (b))

Report

Subject	Management of Lismore City Hall
File No	P6816
Prepared by	Contracts Officer
Reason	To inform Council that tenders will not be called for the management of the Lismore City Hall.
Objective	To obtain Council approval not to call tenders for the management of Lismore City Hall and award a five (5) year contract to NORPA.
Strategic Plan Link	Quality of Life/Economic Development
Management Plan Activity	Special Projects & Properties

Overview of Report

This report details the requirements to comply with the Local Government (Tendering) Regulation 1999 not to call tenders for the management of the Lismore City Hall

Background

It is proposed that Council not call tenders for the management of the Lismore City Hall for the period to 30 June 2010

Section 55 of the Local Government Act 1993 require that public tenders must be called for all contracts in excess of \$150,00.00 or a period of two years or more.

The Local Government (Tendering) Regulation 1999 makes provisions for a Council not to call tenders "because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenders, a council decides by resolution (which states the reason(s) for the decision) that a satisfactory result would not be achieved by inviting tenders".

The Lismore City Hall has been managed by NORPA under contract since 1991. Over this period NORPA has developed a quality performing arts industry in the area, which has seen better utilisation of the City Hall, NORPA are now recognised as leaders in the industry. Of major importance to the region has been NORPA's commitment to the region and their ability to attract large national productions to the region.

Since Council contracted with NORPA to manage the City Hall, the utilisation of the facility has increased. Their expertise in facilities management has been demonstrated on numerous occasions, as has their ability to attract and stage productions at City Hall. In addition, NORPA have been extremely active in attracting funding through both State and Federal grants, which has seen over \$800,000.00 spent on capital works to City Hall over this period.

Council has previously called tenders for the management of City Hall and has received only modest interest and staff believe this is unlikely to change and it is not likely to attract a tenderer with the capabilities or commitment of NORPA.

Staff have undertaken negotiations with NORPA and it is proposed to enter into an agreement with NORPA

to manage the City Hall for the next five (5) years for a management fee of \$140,000.00 for the first twelve months and the fee to be re-negotiated annually.

Comments

Financial Services

The 2005/06 Budget provides for the payment of a \$140,000 management fee to manage City Hall. In addition to the management fee, \$20,000 has been included for capital works and \$10,000 to undertake an assessment of the capital development needs of the facility.

On the basis that NORPA have been a driving force behind the recent development and increased use of the City Hall and the extremely competitive management fee, the recommendations are supported.

Other staff comments

Manager Property & Special Projects

NORPA manages the City Hall within budget in a way that delivers a wide range of shows and community usage. Their continuance as managers is strongly supported by the property section.

Public consultation

Nil

Conclusion

Given the limited number of suitable tenderers and the level of commitment and dedication shown by NORPA it is proposed not to call tenderers for the management of City Hall and award a five (5) year contract to NORPA.

Recommendation (INF16)

- 1 Council not call tenders for management of the Lismore City hall due to extenuating circumstances, in that it is expected there are limited numbers of reliable tenderers who could undertake the contract.
- 2 Council award a five (5) year management contract to NORPA for an annual fee of \$140,000.00 subject to annual review.

Report

Subject	Memorial Baths – 2005/06 Fees & Charges
File No	S910
Prepared by	Manager Finance & Administration
Reason	Required by the Local Government Act 1993 to advertise all proposed fees and charges.
Objective	For Council to adopt the recommended fees and charges for advertising.
Strategic Plan Link	Quality of Life
Management Plan Activity	Community Services

Overview of Report

Council must determine the fees and charges for the Memorial Baths and these must be advertised for a period of 28 days. Council will consider any public submissions at the August 9, 2005 meeting.

The recommended fees and charges reflect the redeveloped facility's inclusions as being first class but at the same time acknowledging the need for it to be re-established as family friendly.

Background

The Memorial Baths is anticipated to open to the public in September 2005. Council must determine the fees and charges applicable and these must be advertised for a period of 28 days. The public will be invited to make submissions and Council must consider these prior to their adoption at the August 9, 2005 meeting.

In assessing the schedule of fees and changes, the objective has been to re-establish the facility as 'family friendly' and ensure that when it is open, the general public has access, even if limited in times of exclusive use. To promote the family friendly aspect, all fees for family access are discounted by 10% of the everyday admission charges and as an opening promotion, a free family pass is proposed to be sent to ratepayers in October inviting them to visit and use the facility for a day.

Other factors considered were:

- the redeveloped facility's inclusions make it a first class swimming facility and justifies market fees and charges.
- the need to have increased fees and charges during the winter season to reflect increased heating costs.
- the fees and charges are not set on a cost recovery basis,
- consideration of the fees and charges set for other local government area swimming pools.

The attachment to this report lists the recommended 2005/06 fees and charges for the Memorial Baths. An example of that proposed include:-

Casual Swimmers	Summer season	Adult	\$2.80 per visit
		*Children	\$2.50 per visit

Winter season	Adult	\$3.50 per visit
	*Children	\$2.50 per visit

*** Children means 16 or under years of age.**

The recommended fees and charges also propose to include toddlers under the category of 'children'. The reason toddlers are charged the same as children is that the toddlers pool area requires a higher level of supervision by lifeguards than the rest of the pool due to the age of users.

Comments

Financial Service

N/A

Other staff comments

N/A

Public consultation

The recommended fees and charges will be advertised from July 13 to August 9 and Council will consider any submissions. Regular hirers such as the Lismore Swim Club, North Coast Water Polo and Lismore RSL Swim Club will be independently advised.

Conclusion

Council must determine the fees and charges for the Memorial Baths and these must be advertised for a period of 28 days. Council will consider any public submissions at the August 9, 2005 meeting.

The recommended fees and charges reflect the redeveloped facility's inclusions as being first class but at the same time acknowledging the need for it to be re-established as family friendly.

To promote and encourage ratepayers to visit and use the facility, a free family pass will be sent to ratepayers

Recommendation (GM01)

That Council -

- 1 Advertise the 2005/06 Memorial Baths Fees & Charges.
- 2 Considered any public submission at the August 9, 2005 meeting.
- 3 Promote and encourage ratepayers to visit and use the facility by providing a free family pass.

Report

Subject	Amendment No 25 to Lismore Local Environmental Plan – Lot 178 DP 811350, 5 Apo Street, Goonellabah.
File No	S912
Prepared by	Planning Services
Reason	Completion of consultation with government agencies and public exhibition period
Objective	Council's adoption of LEP Amendment No. 25
Strategic Plan Link	Quality of Life – Encourage sustainable development
Management Plan Activity	Strategic Planning

Overview of Report

This report advises on the outcome of the public exhibition of the rezoning proposal for Lot 178 DP 811350, 5 Apo Street, Goonellabah and recommends that Council adopt the LEP amendment no. 25 and forward it to the Minister for gazettal.

Background

Précis

- 1. Subject land:** Lot 178 DP 811350
5 Apo Street, Goonellabah
- Applicant:** Newton Denny Chapelle
- Owner:** NSW Department of Education & Training
- Proposal:** To amend the Lismore Local Environmental Plan 2000 to enable urban residential subdivision to occur on the subject land.

At its meeting of March 8, 2005 Council resolved to prepare an amendment to the Lismore LEP to enable urban residential subdivision on Lot 178 DP 811350, 5 Apo Street, Goonellabah. The Apo Street rezoning proposal is at the request of the NSW Department of Education and Training, as the land is surplus to requirements.

The Apo Street site has an area of just over 3ha and is bordered by existing residential development to the north, south and west. Adjoining vacant lands to the east are also zoned 2(a) residential and have a current consent for residential subdivision. The land is mostly cleared and gently sloping and generally free of environmental constraints. The full range of urban services is available to the site. Accordingly the most appropriate alternative use for the site is considered urban residential. The subdivision layout indicates the lot has potential for 27 lots. A plan of the proposed subdivision is included as an attachment 1.

The site is not identified in the Lismore Urban Strategy as potential urban residential site. This is because, at the time of preparation of the Strategy, it was assumed that the land would be developed for the purpose of a primary school. However, given the potential lot yield of the site, the rezoning is not considered to constitute “significant urban growth” which triggers the requirement under clause 38 of the North Coast Regional Environmental Plan that it be part of an Urban Release Strategy.

Council has resolved that the rezoning of all the land for urban residential purpose be by way of addition to Schedule 4 of the LEP. This will enable a “sunset clause” of twelve months to be applied to the rezoning to ensure that the proponent lodges a development application within that timeframe. This will help to ensure that, following the rezoning, development proceeds in a timely manner and the site does not contribute to Council’s undeveloped urban land stock.

Consultation with Government Agencies

Following Council’s resolution to prepare the Plan, the proposal was referred to relevant government agencies in accordance with the requirements of s62 of the *EP&A Act*. The Department of Infrastructure, Planning and Natural Resources requested written advice from the Department of Education and Training stating that the subject land is no longer required as a future school site. The Department of Education and Training provided a written response stating this.

Comments

Financial Services

Not required

Other staff comments

City Works has assessed the engineering aspects of the proposal. It has no objection to the rezoning but has some concerns with respect to the subdivision layout and the undesirability of having all stormwater draining to a cul-de-sac.

Lismore Water has also assessed the proposal and will require the proponent to undertake a sewer modelling analysis of the proposal to assess the impact of the subdivision upon existing infrastructure and sewer pumping stations within the catchment. This will be required at the Development Application stage.

Public consultation

The draft LEP amendment and master plan were publicly exhibited for twenty eight days from May 2, 2005 to June 4, 2005. Owners adjoining the property were also notified of the rezoning proposal by letter.

In response to the public exhibition no submissions were received.

Conclusion

The submission for Apo Street proposes a 27 lot urban residential subdivision on Lot 178, DP 811350, 5 Apo Street, Goonellabah.

Recommendation (PLA3)

That Council:

1. Adopt LEP Amendment No. 25 as attached to this report; and
2. Use its delegations under section 69 of the EP& A Act to forward the amendment and report to the Minister for Infrastructure and Planning with a request that the Minister make the Plan, and
3. Adopt as a Master Plan the rezoning submission for 5 Apo Street, Goonellabah, by Newton Denny Chapelle.

Report

Subject	Alteration to DCP 27 – Buffer Areas
File No	S546
Prepared by	Manager, Planning Services
Reason	To remove inconsistency with State Government directive
Objective	Continuous improvement of Council’s planning guidelines
Strategic Plan Link	Natural Environment
Management Plan Activity	Development integration: monitor and review current planning controls

Overview of Report

DCP 27 – Buffer Areas aims to minimise land use conflicts between potentially incompatible land uses through the establishment of appropriate buffer areas. It contains a requirement for ‘bushfire radiation zones’ and refers to outdated mapping. These matters should be deleted and replaced by reference to current bushfire hazard mitigation guidelines.

Background

Development Control Plan No 27 – Buffer Areas aims to minimise land use conflicts between potentially incompatible land uses through the establishment of appropriate buffer areas. It contains guidelines for the establishment of buffer areas around a variety of classes of development.

S.3.13 of the DCP refers to ‘Bushfire Radiation Zones’ and to outdated mapping which has not been certified by the Rural Fire Services. These references have been superseded by ‘Planning for Bushfire Protection’ guidelines published by the Rural Fire Services and the Department of Infrastructure, Planning & Natural Resources, and by other legislative changes.

‘Planning for Bushfire Protection’ contains guidelines for the design and location of ‘asset protection zones’ which are essentially buffer areas between a potential source of bushfire and an asset such as a building. By virtue of the Environmental Planning and Assessment Act, all development proposals on land subject to bushfire hazard must comply with these guidelines.

Council has prepared a map showing land subject to bushfire hazard, and this map has been certified as correct by the Rural Fires Commissioner. This is therefore the definitive map on which to make land use planning and development decisions.

The outdated information should be deleted from DCP 27 and reference to ‘Planning for Bushfire Protection’ inserted instead. As this guideline is known to be under review, and as the Rural Fire Service tends not to inform Councils of changes to its requirements but simply posts them on its website, it is proposed to make reference to the availability of the document on that website.

The Environmental Planning & Assessment Regulation requires that a development control plan may be altered only by the preparation of an amending development control plan. Accordingly, a draft amending DCP has been prepared and is included in the attachment to this Business Paper.

Comments

Financial Services

No comments

Other staff comments

Manager, Environmental Health & Building Services has advised that he agrees with the recommendation below.

Public consultation

The alteration to DCP 27 will be publicly exhibited for 28 days, in accordance with the Environmental Planning & Assessment Regulation.

Conclusion

Section 3.13 of DCP 27 Buffer Areas needs to be updated to include reference to the most current guidelines for 'Planning for Bushfire Protection'.

Recommendation (PLA1)

It is recommended that Council resolve to prepare and exhibit draft Amendment No. 3 to Development Control Plan No. 27.

Report

Subject	Council Chambers Annexe
File No	P558
Prepared by	Manager Special Projects and Properties
Reason	Report prepared in response to Council resolution
Objective	To obtain Council support to proceed with construction of a Council Chamber annexe
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Property

Overview of Report

Report requested by Council at the Extraordinary meeting held on June 21 in regard to the proposed Council Chamber annexe which is required to support the increased usage of the meeting chamber for catered functions.

Background

At the budget session of Council in June 2005 it was requested that a report be prepared setting out the need for the construction of an annexe to the Council Chamber. This report has been prepared in response to that request.

Physical Elements of Annexe

The proposed room will provide: (see sketch)

- A servery bench area
- A single bowl stainless steel sink and associated plumbing
- Windows to the outside to ensure adequate light and enhance the amenity of the annexe
- Sufficient floor area to allow people delivering and arranging food to operate efficiently
- Sufficient flow through space that meeting attendees can comfortably access food
- Access from the chamber service corridor so that deliveries do not interrupt meetings being held in the chamber.

It can be seen from the above that the kitchen annexe has been designed so that it can enhance the serviceability and effectiveness of the Council Chambers. Its physical location and configuration is in response to a recognised difficulty currently experienced; that difficulty being that whenever food is prepared or delivered to the Chamber it is a major disruption to the meeting it seeks to support. In addition, the urn which is used for the delivery of hot water, while being the standard item used in most establishments, is very noisy when located in the Chamber with the meeting. In addition to this, there are Occupational Health & Safety issues relating to moving hot food and occasionally boiling water around the building on a wheeled trolley.

Alternatives to the proposed kitchen annexe

There are already two small kitchen areas located on the ground floor of the Administration Building, in close proximity to the Council Chamber, however their suitability in lieu of this proposal is definitely a compromise.

A. Staff Lunch Room

The staff lunch room has the benefit of a small kitchen, but it would not be acceptable to ask meeting attendees to utilise this area for lunches and morning or afternoon teas. The main difficulties are that this area is frequently traversed by staff moving to and from the Community Services area or the printing room. In addition, Council encourages flexible lunch times for staff, which are frequently dictated by work imperatives. This results in the staff room rarely being free between 11am and 3pm. This area cannot be used to service Chamber meetings as it would be unacceptable for approximately 100 staff in the building to be denied access to the staff room.

B. Councillors' Room

The Councillors' meeting room also has a small kitchen area. It would be totally unacceptable to have a large meeting group travelling into this small space, in close proximity to the Mayor's rooms, for the purpose of collecting meals.

Frequency of Usage

The Council Chamber is used extensively for formal meetings and is the meeting room of choice when visiting groups or dignitaries attend meetings in the administration building.

A review of the first 6 months usage for this year has revealed:

- The Chamber was in use on 66 days and was used for 96 meetings, exclusive of Council meetings or workshops.

There is strong meeting usage of the Chamber as a quality meeting room and a demand as befits the status of Lismore as a Regional City.

Comments

Financial Services

The 2005/06 Budget has \$100,000 included for this project. It is to be funded from the proceeds of anticipated residential land sales during the first quarter of the financial year.

Other staff comments

General Manager

Those familiar with the use of the Council Chambers as a meeting and reception room will relate to the reason for this proposal. It is a matter which was included in the 2004/05 draft budget but not supported. It is not a new concept. The functions which require regular catering support are those which involve members of the public, representatives from other councils, Government agencies and from time to time, Members of Parliament. In very simple terms, the distraction factor of caterers entering the room is undesirable and in practice, the space available for this activity is extremely tight.

As the statistics attest – the meeting room is well used and catering is required for regular events such as:

- Citizenship ceremonies
- Police, Fire Brigade and Ambulance Service awards
- NOROC meetings
- Regional Library meetings

- Staff training sessions
- Tender compulsory briefings
- Emergency Services (LEMC) meetings
- Public receptions

The proposed annexe is not an extravagance as it will bring a more orderly approach to this essential aspect of meeting management by addressing a problem which has grown but which was not envisaged when the room was originally designed. Compared to the cost of building works carried out in the past two years to improve storage space, rearrange office accommodation and to establish an efficient pool car system for staff transport, the cost is modest, to be financed from the profits on residential land sales.

Public consultation

Not required.

Conclusion

Lismore City Council is the central local government area in our region and hosts the predominance of regional meetings. The facilities which we provide should reflect this position and usage.

The Council Chamber is the meeting room of choice for large meetings, regionally focused meetings or external auspiced meetings. All other meeting rooms in the administration building are smaller and more suited towards meetings between the staff and individual members of the public.

The facilities associated with the Chamber need to support its increasing usage.

Recommendation (INF19)

That Council acknowledge the significance of the Council Chamber as a meeting space in demand and endorse the expenditure of budget funds for the construction of the Council Chamber annexe as described.

Report

Subject	Purchase of Council plant – two rollers
File No	T25012
Prepared by	Fleet Manager
Reason	To inform Council of major plant purchases
Objective	To seek Council's approval for the purchase of two (2) new self propelled, smooth drum rollers
Strategic Plan Link	Infrastructure – Support fleet operations
Management Plan Activity	1.12 – Plant Operations

Overview of Report

This report recommends the replacement of 2 x 13 tonnes approximate operating weight, self-propelled, vibrating smooth drum rollers.

Background

Lismore City Council, Roadworks section, operates 7 rollers of various sizes and types (Listed below), all of these rollers has varying replacement dates due to their usage.

- Fleet No. 302 1984 **Rollpac** 20 tonne multi-tyred roller, used by both Urban & Rural Roadworks for finish rolling of construction and maintenance work. This machine has low utilisation but is not readily available for hire when required so now has an extended working life with LCC.
- Fleet No. 306 1993 **Ingersol Rand** 2.5 tonne double smooth drum vibrating roller for small pavement jobs.
- Fleet No. 307 1995 **Ingersol Rand** 7 tonne self propelled smooth drum vibrating roller, used by Urban Roadworks for maintenance and construction work mostly in urban areas but also used in the rural areas when required. – **Being replaced in this tender.**
- Fleet No. 319 1982 **McDonald** 14 tonne three point steel drum static roller, also a low utilisation machine used by both the urban and rural road crews. Also not readily available for hire when required so now has an extended working life with LCC.
- Fleet No. 349 2000 **Dynapac** 13 tonne self propelled smooth drum vibrating roller, used by Rural Roadworks for maintenance and construction work in the rural areas and occasionally in the urban environment when roller 307 is not heavy enough to achieve maximum compaction.
- Fleet No. 350 1994 **Bomag** 18 tonne self propelled padfoot vibrating roller, used by Rural Roadworks for construction work in the rural areas, and occasionally this roller is also used in the urban environment in it's static form.
- Fleet No. 351 1998 **Caterpillar** 13 tonne self propelled smooth drum vibrating roller, also used by Rural Roadworks for maintenance and construction work in the rural areas and occasionally in the urban environment when roller 307 is not heavy enough to achieve maximum compaction. - **Being replaced in this tender.**

The two rollers being replaced in this tender are Fleet numbers 307 and 351, both for different reasons.

a) The roller 307 was initially purchased for lighter work and mostly bitumen resealing duties in the urban area, however, since 1995 the needs of this section have changed greatly as a larger roller with a higher static drum load is required for jobs where the vibration feature cannot be used due to the close proximity of dwellings and other buildings in close vicinity of the worksite. Another factor to replace the lighter roller with a heavier machine is that there is more need for the greater compaction that is not given by the smaller 7 tonne roller, but when a smaller roller is required, one can now be readily hired locally.

b) The roller 351 was purchased strictly for rural roadworks operations for maximum compaction using the vibration system. This roller is of the older design that does not allow for greater visibility at the rear of the machine, especially when rolling within close vicinity of workers on the job site, while all precautions have been taken on those sites, there have been near misses between the roller and staff so roadworks management have decided to remove the potential of an incident and replace this machine earlier than the original replacement date, with a roller which complies with the "1 metre high at 1 metre distance" rule.

(The "1 metre high at 1 metre distance" rule allows for an object of 1 metre height to be seen at 1 metre distance from any part of the roller. Diagram shown in attachment 'A')

The operating weight of 13 Tonnes has been successful with LCC with most of the road maintenance and construction applications, this weight of machine is heavy enough to give the vibratory result to gain maximum compaction which is required for road manufacture, whereas the static load of the drum is sufficient to give the required compaction when the vibrator system cannot be used (Close to buildings or other sensitive structures).

Apart from the normal single shaft vibration system, a newer type of system, called the 'Oscillation Compaction' system was also trialed with varying results (Shown in attachment B).

While there are many different brands of compaction rollers on the market, a great deal of consideration was given to the OH&S issues while working on worksites, this is reflected with both operator safety and 'others on the worksite' safety, this will eliminate several of the rollers offered in this tender and the reasons are shown in the Attachment A.

The rollers offered in this tender are shown below:-

Roller make	Supplier
Ammann ASC110D	Compaction Equipment Sales of Brendale Qld.
Ammann ASC110HD	Compaction Equipment Sales of Brendale Qld.
Ammann ASC150D	Compaction Equipment Sales of Brendale Qld.
Hamm 3414	Wirtgen Australia of Blacktown NSW
Hamm 3414VIO	Wirtgen Australia of Blacktown NSW
Bomag BW211D-4	BT Equipment P/L of Rocklea Qld.
Vibromax VM116D	GCM Agencies P/L of Acacia Ridge Qld.
Ingersol-Rand SD122TF	All Diesel Equipment of Coffs Harbour NSW
Dynapac CA362D	Dynapac of Eagle Farm Qld.
Caterpillar CS573E	Westrac of Grafton NSW

Private offers to purchase rollers

R. D. Williams of Rocklea Qld.

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

An evaluation panel comprising of the Fleet Manager, Contracts Officer, Urban & Rural Roads

Engineers, Urban & Rural Roads Supervisors and Rural & Urban roller operators assessed the tenders in part or in full, as per the criteria set out in the tender documents.

The evaluation determines the suitability of all of the rollers offered in this tender for *capability, quality, safety, operational functionality and conformity to the minimum specifications given*. The results of these evaluations are shown in '**Attachment A**'

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

Key Points being Considered:

- Operating weight – close to 13 Tonnes and effective static weight on front drum.
- Purchase best possible machine to carry out the tasks as required, when required.
- Proven back-up support from supplier and manufacturer.
- Operator comfort with 'Ergonomic Design' and operating considerations (OH&S).
- Able to maintain the visibility of an object 1 metre high at 1 metre from the machine.
- Ability to keep machine working with minimal maintenance and repair time.
- Complete warranty on machine.

Comments

Manager – Roads

Rollers are an essential item for our road building activities. Although not a particularly highly utilised piece of equipment, they are essential to have when and where required. The recommended supplier has a good reputation for reliability and performance.

I endorse the recommendation.

Financial Services

There are sufficient funds within the Plant Replacement Reserve for these purchases.

In regards to financial performance, both items of plant have generated adequate returns to fund their replacement. The approximate net returns including trade in are for V307 - \$159,500 and V351 - \$182,600.

Other staff comments

Not Required

Public consultation

Not Required

Conclusion

Rollers are an important machine in the road repair and manufacture structure, while there seem to be plenty of them on a job at any one time, they are there because they are needed to be there, and poor product support from a supplier and/or manufacturer has a detrimental effect on the time frame to complete any roadworks. As the Council is aware, most of the roadworks carried out by LCC staff is on existing trafficable roads and the time delays taken by machinery breakdowns heighten the anxiety of the public travelling through these sites and generate unnecessary costs.

All of the rollers offered in this tender have similar compaction standards with the Hamm 3414VIO being offered with both normal vibration and Oscillation systems. As this technology is new to Australian rollers, a machine with the same specifications as tendered, was hired and evaluated on several jobs around the urban area, unfortunately the vibrations were still felt in nearby houses while using this new system, and it had to be used as a static roller.

Operator comfort plays it's part in the roller evaluation as this operator does 50% of the roller's work in reverse, so rearward visibility is important both for the operators posture and other staff or public near this roller.

Purchase pricing of the rollers is important but so is the fact that the roller must work every day possible after that purchase, this is why higher emphasis is placed on the rollers ability to do the job, and product support of that roller throughout it's entire lifespan with LCC.

As these rollers will be mostly working in different areas, all of the suppliers were contacted to confirm that if 2 different rollers were purchased, the roller price for 1 roller is half the tendered for 2 rollers, this is the case.

Both the Urban and the Rural sections of LCC Roadworks section have agreed that the Dynapac roller does suit their need better than all of the other rollers offered in this tender, this has an added benefit that there will now be 3 Dynapac rollers of the same model and size within the LCC fleet making maintenance and operator orientation with each roller more uniform.

Recommendation (INF01)

Council purchase two (2) only new **Dynapac CA362D** Smooth Drum Self Propelled Rollers as tendered (T25012) from **Dynapac**, Eagle Farm, Qld. For the cost of \$332,530.00 including GST (\$166,265.00 including GST each)

and

Accept the offer to purchase from **R. D. Williams** of Rocklea Qld for the 2 rollers being replaced

V307 \$29,700.00 includes GST and

V351 \$49,500.00 includes GST.

Subject	Sprayed Bituminous Surfacing Works
File No	T25022
Prepared by	Contracts Officer
Reason	To inform Council of tenders received for the provision of bituminous surfacing works for the period to June 30 th , 2006
Objective	To obtain Council approval to award the Contract
Strategic Plan Link	Infrastructure
Management Plan Activity	Urban & Rural Roads

Overview of Report

This report details the evaluation of tenders received in relation to the provision of bituminous surfacing works and the recommendation to award the tender

Background

Tenders for the 2005/2006 Sprayed Bituminous Surfacing Program were recently invited.

Tenders were advertised in the Northern Star and the Sydney Morning Herald. Tender documents were issued to four (04) companies, with three (3) tenders being received by the close of tender on 2.00pm, Tuesday, June 21, 2005.

Tenderer

Boral Asphalt
Pioneer Road Services
SAMI Pty Ltd

Due to the type of work being carried out at many separate locations at various times throughout the year, tenders were invited on Schedule of Rates basis. The rates received are shown in Appendix A.

To enable a comparison of the rates received, two typical projects for this Council were selected and costs calculated based on the tendered rates (refer Appendix A), see tables below.

Major Works Program (10 Days)

Contractor	Total Cost
Boral Asphalt	\$173,167.61
Pioneer Road Services	\$218,814.50
SAMI Pty Ltd	\$247,220.00

Minor Works Program (2 Days)

Contractor	Total Cost
Boral Asphalt	\$13,370.76
Pioneer Road Services	\$19,477.15
SAMI Pty Ltd	\$23,116.50

The rates tendered by Boral Asphalt result in the lowest costs for both projects. In addition, when the other evaluation criteria specified in the tender are applied (Capability, Relevant Experience & Quality and Safety Plans) Boral Asphalt is the highest ranked tenderer, refer Attachment B.

Comments

Financial Services

N/A

Other staff comments

Manager - Roads & Parks

Boral Asphalt are based in Lismore, they are available to undertake sealing works as and when required for Lismore City Council. They have provided good service for prime sealing of new works. There have been some resourcing issues regarding the delivery of our major resealing program. I have been assured by Boral that these issues are now resolved.

I endorse the recommendation.

Public consultation

Nil

Conclusion

Boral Asphalt has provided the lowest conforming tender and have ranked first in the evaluation criteria. Boral Asphalt has undertaken the bituminous resurfacing works for Council for a number of years. There are advantages to Council in contracting with a local company as costs are minimised due to the fact that there is no site establishment fee charged by Boral Asphalt for any of the works.

Due to the nature of this work, the selection of a Contractor can depend significantly on availability at the time required. As a result, the Specification enables Council to use any of the Contractors who submitted a tender, depending on cost and availability

Recommendation (INF18)

Council adopt the following order of priority for the engagement of bitumen sealing contractors for major and minor works:

1. Boral Asphalt
2. Pioneer Road Services
3. SAMI Pty Ltd

Report

Subject	Pavement Stabilisation Works
File No	T25023
Prepared by	Contracts Officer
Reason	To inform Council of tenders received for the provision of pavement stabilisation works for the period to June 30 th , 2006
Objective	To obtain Council approval to award the Contract
Strategic Plan Link	Infrastructure
Management Plan Activity	Urban & Rural Roads

Overview of Report

This report details the evaluation of tenders received in relation to the provision of pavement stabilisation works and the recommendation to award the tender

Background

Tenders for the Pavement Stabilisation Works for the period to June 30th, 2006 were recently invited.

Tenders were advertised in the Northern Star and the Sydney Morning Herald. Tender documents were issued to three (03) companies, with two (2) tenders being received by the close of tender on 2.00pm, Tuesday, June 21, 2005.

Tenderer

Stabilised Pavements of Australia
Works infrastructure Pty Ltd

Due to the type of work being carried out at many separate locations at various times throughout the year, tenders were invited on Schedule of Rates basis. The rates received are shown in Appendix A.

To enable a comparison of the rates received, two typical projects for this Council were selected and costs calculated based on the tendered rates (refer Appendix A), see tables below.

15,000m² Program (Five (5) Working Days)

Contractor	Total Cost
Stabilised Pavements of Australia	\$47,500.00
Works infrastructure Pty Ltd	\$51,850.00

4,000m² Minor Works Program (2 Days)

Contractor	Total Cost
Stabilised Pavements of Australia	\$13,840.00
Works infrastructure Pty Ltd	\$18,080.00

The rates tendered by Stabilised Pavements of Australia result in the lowest costs for both projects. In addition, when the other evaluation criteria specified in the tender are applied (Capability, Relevant Experience & Quality and Safety Plans) Stabilised Pavements of Australia is the highest ranked tenderer, refer to Attachment B.

Comments

Financial Services

N/A

Other staff comments

Manager - Roads & Parks

Stabilized Pavements Australia have provided timely and quality service to Lismore City Council for several years. I endorse the recommendation.

Public consultation

Nil

Conclusion

Because of the nature of this work, the selection of a Contractor can depend significantly on availability at the time required. As a result, the Specification enables Council to use any of the Contractors who submitted a tender, depending on cost and availability. Stabilised Pavements of Australia have provided the lowest conforming tender and have ranked first in the evaluation criteria and have successfully carried out work for Lismore City Council under a number of similar contracts.

Contractors will be firstly selected on the basis of the lowest cost and, secondly, on the basis of availability.

Recommendation (GM17)

Council adopt the following order of priority for the engagement of pavement stabilisation contractors for major and minor works:

- Stabilised Pavements of Australia
- Works infrastructure Pty Ltd

Report

Subject	June 2005 – Investments held by Council
File No	S178
Prepared by	Principal Accountant
Reason	Required under Clause 16 Local Government (Financial Management) Regulations 1999, Local Government Act 1993, and Council's Investment policy.
Objective	To report on Council Investments
Strategic Plan Link	Leadership by innovation
Management Plan Activity	Financial Services

Overview of Report

Council investments as at 30th June 2005 total \$35,120,340 subject to the final value of funds held under Managed Funds being advised shortly.

Interest rates reported over the period of June 2005 are 6.00% in comparison to 6.22% for June 2004.

Background

The Local Government Act 1993, Clause 16 Local Government (Financial Management) Regulations 1999 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 May 2005* \$35,056,092

The amount is higher than the estimate reported for May 2005 due to additional positive valuation movements in funds held under Managed Funds and an additional investment being placed.

- *Estimate of Investments – 30th June 2005* \$35,120,340

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 June 2005 was 6.00% compared to 6.22% for the same period last year. Indications are that rates will remain steady in July 2005.

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 (Financial Management) Regulation 1999 and Council's investment policies.

Recommendation

The report be received and noted

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING
HELD ON JUNE 15, 2005, AT 10.00 AM.**

	Present	Councillors Merv King (<i>Chairperson</i>) and John Hampton, Ms Bronwyn Mitchell on behalf of Mr Thomas George, MP, Messrs Michael Baldwin (<i>RTA</i>), Snr Const Steve Hilder (<i>Lismore Police</i>) and Mr John Daley together with Mrs Wendy Johnson (<i>Road Safety Officer</i>), Messrs Bill Moorhouse (<i>Group Manager–City Works</i>) and Bill MacDonald (<i>Co-Ordinator-Traffic & Law Enforcement</i>).
	In Attendance	Nil
TAC48/05	Apologies	An apology for non-attendance on behalf of Councillor Jenny Dowell and Mr Thomas George, MP, were received and accepted and leave of absence granted.
TAC49/05	Minutes	The Minutes of the Traffic Advisory Committee Meeting held on May 18, 2005, were confirmed by Council on June 14, 2005, excluding Clause B-05.05-07 (B-Double application). Council resolved that this issue be brought to Council for determination. (05-4808:R6002,R6030,S352)

Disclosure of Interest

Nil

Part 'A' – Committee Recommendations

Correspondence / Reports

Dr GM Boyce; requesting a pedestrian crossing be installed on Dalley Street in the vicinity of the St Vincent's Hospital.

Adcare Rehabilitation Nursing Service; also seeking the installation of a pedestrian crossing on Dalley Street.

Mr MacDonald advised that vehicle and pedestrian counts had recently been carried out for Dalley Street and volumes did not meet the warrant for a marked pedestrian crossing. There was, however, a need for some type of pedestrian facility on Dalley Street at a location east of the St Vincent's Hospital main entrance. To improve sight distance for both pedestrians and motorists exiting from the Doctors' rear parking areas, there was also a need to increase the length of the No Stopping zone slightly on the southern side of Dalley Street.

TAC50/05 **RECOMMENDED** that a pedestrian refuge be installed on Dalley Street above the main entrance to St Vincent's Hospital and, further, that the two existing parking spaces in front of Nos. 21-23 Dalley Street be removed and this area be included in the overall No Stopping zone.
(05-5187:R7426)

Ms B Easter; drawing attention to the traffic hazard which exists at the intersection of the old and new sections of Pineapple Road, Goonellabah, and requesting a centre island be installed to keep traffic on the correct side of the road.

An inspection revealed that sight distance was restricted at the intersection and there was a need to highlight the T-intersection with additional linemarking.

TAC51/05 **RECOMMENDED** that double white lines be painted on the three approaches to the intersection of the new and old Pineapple Road. (05-5803:R6550)

General Business

Shepherd Lane, Lismore – No Stopping Zone

Northern Rivers Area Health had requested consideration be given to installing No Stopping signs on the northern side of Shepherd Lane, from Hunter Street to the letterboxes.

TAC52/05 **RECOMMENDED** that No Stopping signs be installed to prohibit parking along the northern side of Shepherd Lane, from Hunter Street down to the western side boundary of the flats on the corner of Hunter Street and Shepherd Lane. (R6066)

No. 9 Dalley Street, East Lismore – No Stopping Signs

Ms V Reidy of No. 9 Dalley Street had requested consideration be given to installing No Stopping signs each side of the driveway.

TAC53/05 **RECOMMENDED** that a No Stopping zone be created in front of No. 9 Dalley Street from approximately 6.0m on the top side of the driveway to 1.0m below. (R7426)

Market Street Parking

A plan was tabled showing the new road layout of Market Street. It was acknowledged that adequate parking restrictions would need to be put in place to ensure the smooth flow of traffic. Apart from the indented bay at the start of Market Street for bus parking, the remainder of the road width was only 6.0m between kerbs, which did not allow sufficient space for long-term parking and two-way traffic.

TAC54/05 **RECOMMENDED** that a Bus Zone be introduced on the northern side of Market Street for the length of the indented bay.

TAC55/05 **FURTHER RECOMMENDED** that a No Parking zone be introduced for the balance of the northern side of Market Street to allow the drop-off and collection of passengers.

TAC56/05 **FURTHER RECOMMENDED** that a No Stopping zone be introduced for the entire length of the southern side of Market Street. (R7320)

Part 'B' – Determined by Committee

Business Arising

Intersections of Ballina Road (SH16) with William Blair Avenue and Bruxner Crescent, Goonellabah

(Refer Clauses TAC36/05 and TAC37/05 of meeting of April 20, 2005)

- B-05:06-1 Plans were tabled at the meeting showing proposed right-turn bays on Ballina Road at the western William Blair Avenue intersection and the eastern Bruxner Crescent intersection. There was general agreement that both of these measures were needed due to an increase in traffic volumes and accident history.
The plans would now be forwarded to the RTA for approval, together with a request that the Authority fund the work. (R6408,R6533,R6414)

Correspondence / Reports

M Wawn; requesting that the current Give Way signs on Magellan Street, at its intersections with Diadem and Hunter Streets, be upgraded to Stop signs due to the expected increase in traffic volumes resulting from the Lismore Shoppingworld development.

- B-05:06-2 An inspection revealed that there was adequate sight distance on the approaches to both the Diadem and Hunter Streets' intersections with Magellan Street and consequently Stop signs were not required. There was, however, a need to upgrade the existing Give Way signs to a 'C' size and the inclusion of centre islands and additional Give Way signs on Magellan Street in the new islands. (05-5430:S352)

P O'Donnell; drawing attention to the need for a pedestrian crossing to be installed on Casino Street, South Lismore, between Wilson and Crown Streets.

- B-05:06-3 Mr MacDonald advised that vehicle and pedestrian counts had been carried out recently, both morning and afternoon on a typical school day, and the volumes did not meet the warrant for a marked pedestrian crossing. It was noted that there was an existing pedestrian refuge in the centre of Casino Street, east of Wilson Street, and this was considered the most appropriate facility. (05-4921:R6907)

D Keeler; requesting the current 100 kph speed zone on Skyline Road, commencing at the end of the 60 kph zone south of the Lawn Cemetery, be changed to 80 kph for the section of road to No. 515 Skyline Road.

- B-05:06-4 The area in question was approximately 300m in length with only two private driveways. Roadside development was generally in line with rural development and, consequently, any reduction in speed limit was not considered warranted. (05-5926:R5104,R5102)

Transport Policy Advisory Group; recommending that bus parking be reinstated in the Crowther Carpark and left, or be reinstated until such time as Council can find/create a new bus parking area with equivalent access/proximity to the CBD as currently exists.

- B-05:06-5 Mr MacDonald advised that the additional bus parking area in the Crowther Carpark was now complete and he had met with bus operators in the carpark on a number of occasions recently to ensure they were aware of the new area and that they could now use the area for parking. A total of six buses were now being parked in the carpark. A letter had also been issued to the local branch of the Bus & Coach Association advising its members of the new arrangements. The Committee noted that Council had already resolved the above be implemented and were in agreement. (S135,P9988)

General Business

No. 1/14 Gallagher Drive, Lismore Heights – Property Access

- B-05:06-6 Ms G McCullough had expressed concern regarding the restricted sight distance of oncoming vehicles when accessing the driveway to No. 1/14 Gallagher Drive due to a nearby crest. An inspection confirmed that a crest east of the driveway did restrict vision of oncoming traffic. However, due to the topography of the area there were many driveways in a similar situation. As a result of the very local nature of traffic on Gallagher Drive, the installation of warning signage would not resolve the current concerns. It was pointed out that the safest option for the residents of No. 14 was to approach the driveway from the east and negotiate left-turns into the driveway, thereby negating the need to turn across in front of oncoming traffic. This option would be conveyed to Ms McCullough. (R7115)

Representation on Traffic Advisory Committee by Mr Bill Moorhouse

- B-05:06-7 The Chairperson acknowledged the significant commitment Bill Moorhouse has made over his many years on the Committee and thanked him for his valued contribution. The members conveyed their sincere appreciation and thanks to Bill and wished him well for the future.

Closure

This concluded the business and the meeting terminated at 11.10 am.

Chairperson

Co-Ordinator - Traffic and
Law Enforcement

Section 356 Donations

- a) City Hall Reductions in Rental – Policy 8.4.2 (GL2033.2)**
 Budget: \$11,700 To date: \$0
 Baha'is of Lismore – meeting on June 18, 2005.
In accordance with policy. \$88.50
- b) Council Contributions to Charitable Organisations**
Waste Facility – Policy 5.6.1 (GL2033.15)
 Budget: \$6,000 To date: \$0
 St Vincent De Paul Society – period March to May 2005
In accordance with policy. \$223.19
- c) Hardship Claim – Lismore Water – Policy 6.1.6 (GL8201.13)**
 Budget: \$12,200 To date: \$0
 B W & J E Graham, 172 Bruxner Highway, South Lismore
In accordance with policy. \$995.10
- d) Miscellaneous Donation (GL1572.1)**
 Milo Have-a-go Cricket Program – 12 sessions scheduled for Friday
 Afternoons – 3 washed out.
 The donation is to be funded from Parks & Recreation – Sportfield Hire –
 Urban Revenue. (05-4285: S164,P25112) \$1,692.00
- e) Representative Selection – Policy 1.4.10 (GL2033.6)**
 Budget: \$1,100 To date: \$0
 Dean Marshall – selected in Australian karate team to compete at world games
 in Germany July 23-34, 2005
In accordance with policy. \$328.00

Recommendation

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

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JUNE 14, 2005 AT 6.06PM.

Present

Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Hampton, Henry, Irwin, Meineke, and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Special Projects & Properties, Manager-Finance & Administration, Manager-Communications & Community Relations, Manager-Planning Services, Special Projects Planner; Manager Roads and Parks; Project Officer; Administrative Services Manager and Administration Officer.

- 99/05 **Apologies/
Leave of
Absence** An apology for non-attendance on behalf of Councillor Swientek was received and accepted and leave of absence granted.
(Councillors Hampton/Chant)
- 100/05 **Minutes** The minutes of the Ordinary Meeting held on May 10, 2005, were confirmed.
(Councillors Dowell/Graham)

Public Access Session

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

Mr M Baker re Application to erect a dwelling at 58 Satinwood Drive

Mr Baker spoke on behalf of local residents in objection to approving a dwelling on 58 Satinwood Drive. He detailed the history of the site and gave reason why the site was unsuitable for a dwelling.

Disclosure of Interest

S459

Councillor Dowell declared a non pecuniary conflict of interest in the nominations for the Economic Development Public Advisory Group – husband a nominee for position.

Notice of Rescission Motions

Amendment to Lismore City Local Environmental Plan to allow building works within the Floodway

- 101/05 Formal notice having been given by Councillors Meineke, Hampton and Chant it was **RESOLVED** that Council rescind its resolution 88/05 of its meeting of May 10, 2005.
(Councillors Meineke/Chant)
(05-5529: S918, D04-1048)

Notice of Motions

Amendment to Lismore City Local Environmental Plan to allow building works within the Floodway

102/05 Formal notice having been given by Councillor Meineke it was RESOLVED that in accordance with section 54 of the Environmental Planning and Assessment Act 1979 Council prepare an amending Local Environmental Plan 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 compatible with immersion; 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; and
- No residential use is allowed for the modified building (other than existing dwelling houses or dwellings used in conjunction with an industrial or commercial use) subject to the above dot points.

(Councillors Meineke/Hampton) (05-5532: S918,D04/1048)

Proposed Changes to Industrial Relations Framework

Formal notice having been given by Councillor Irwin it was MOVED that this Council express its deep concern to the Prime Minister about the proposed changes to the Industrial Relations framework and to universities, and the implications of those changes for both the welfare of our residents and the economy of Lismore.

(Councillors Irwin/Dowell)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors King, Chant, Crimmins, Graham, Hampton, Henry and Meineke. (05-5732: S631)

Public Transport Policy Advisory Group

Formal notice having been given by Councillor Tomlinson it was MOVED –

A That the following three membership criteria be added to the Public Transport Policy Advisory Group:

- 1 Public Transport Development Project (PTDP) Co-ordinator.
- 2 Aboriginal Transport.
- 3 Northern Rivers Regional Transport Co-ordinator - Ministry of Transport.

B That Leonie Watson be appointed to the Public Transport Policy Advisory Group as the Aboriginal Transport representative.

(Councillors Tomlinson/Irwin)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors King, Chant, Crimmins, Graham, Hampton and Meineke. (05-5450: S135)

Reports

Application to erect a Dwelling on a “Woodlot” allotment – 58 Satinwood Drive, McLeans Ridges

A MOTION WAS MOVED that the report be received and –

- A That Council, as the consent authority, approve Development Application 2005/107 for the erection of a dwelling house on Lot 3 DP 876846, 58 Satinwood Drive, McLeans Ridges and the building line variation sought, subject to the conditions contained in the Consultant Planner’s report attached.
- B That Council grant delegated authority to the General Manager 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.

(Councillor Hampton/Crimmins)

AN AMENDMENT WAS MOVED that the report be received and –

- 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.

1 DEFERRED COMMENCEMENT REQUIREMENTS

- 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 be:
- be cleaned up under expert supervision – such works to include the removal of weeds and exotic plants,
 - that a plan of management be 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
 - that the plan of management be 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))*

2 STANDARD 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 **\$4,660**, are set out in the schedule for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the **Construction Certificate being granted**.

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

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

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

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

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

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

BUILDING

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

- (a) Carry out water supply work.
 - (b) Carry out stormwater drainage work.
- 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. **Hi1a**

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. **Hg3a**
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. **Hg5**
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. **Hg8**
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. **Hg24**
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". **Hg26**
Reason: To ensure compliance with glazing and wind loading standards and this approval.
- 9 The building must be clad in low-reflective material. **Hg29**
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. **Hg30a**
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. **Hg34**
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. **Hg37**
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. **Hs1**
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. **Hs2**
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. **Hs9**
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'. **Hs16**
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'. **Hs17**
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. **Hc21**
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. **Hc22**
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. **Hst2**
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. **Hst13**
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. **Hst15**
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". **Hst16**
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". **Hf1**
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. **Hf2**
- 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. **Hf2a**
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. **Hf2b**
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. **hf3**
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. **Hw1**
Reason: *To reduce site erosion.*
- 30 Provide 6/3 litre dual flush toilet suites to all water closets. **Hp3**
Reason: *To conserve water.*
- 31 Provide vacuum breaker devices to all external taps. **Hp4**
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. **hp12**
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. **He3**
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. **He1**
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. **Hfp22**
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". **Hfp23**
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. **He5**
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. **E3**
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. **He20**
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. **DG3**

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. **AM6**

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. **DG13**

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". **EW8**

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. **VA4**

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.

SUB1A

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. **PU5**

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. **PU6**

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 4.2.2 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 IPA be constructed of non-combustible materials.
Reason: *To comply with the requirements of the NSW Rural Fire Service.*
- (Councillors Meineke / Irwin)

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

103/05

RESOLVED that the report be received and

- 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.

1 DEFERRED COMMENCEMENT REQUIREMENTS

- 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 be:
- be cleaned up under expert supervision – such works to include the removal of weeds and exotic plants,
 - that a plan of management be 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
 - that the plan of management be 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))*

2 STANDARD 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 **\$4,660**, are set out in the schedule for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the **Construction Certificate being granted**.

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

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

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

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

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

amending or succeeding legislation. **SL1**

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

BUILDING

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

- (a) Carry out water supply work.
- (b) Carry out stormwater drainage work.
- 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. **Hi1a**
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. **Hg3a**
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. **Hg5**
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. **Hg8**
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. **Hg24**
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". **Hg26**
Reason: To ensure compliance with glazing and wind loading standards and this approval.
- 9 The building must be clad in low-reflective material. **Hg29**
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. **Hg30a**
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. **Hg34**
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. **Hg37**
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. **Hs1**
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. **Hs2**
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. **Hs9**
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'. **Hs16**
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'. **Hs17**
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. **Hc21**
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. **Hc22**
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. **Hst2**
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. **Hst13**
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. **Hst15**
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". **Hst16**
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". **Hf1**
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. **Hf2**

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. **Hf2a**

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. **Hf2b**

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. **hf3**

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. **Hw1**

Reason: *To reduce site erosion.*

- 30 Provide 6/3 litre dual flush toilet suites to all water closets. **Hp3**

Reason: *To conserve water.*

- 31 Provide vacuum breaker devices to all external taps. **Hp4**

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. **hp12**

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. **He3**

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. **He1**

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. **Hfp22**

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". **Hfp23**

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. **He5**

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. **E3**

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. **He20**

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. **DG3**

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. **AM6**

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. **DG13**

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". **EW8**

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. **VA4**

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.

SUB1A

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. **PU5**

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. **PU6**

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 4.2.2 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 IPA be constructed of non-combustible materials.

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

(Councillors Meineke/Irwin) (D05/107)

Voting Against: Councillors Tomlinson, Ekins and Dowell.

Alterations to DCP 14 – Residential Development and DCP 26 – Industrial Development

A MOTION WAS MOVED that the report be received and Council endorse the preparation and public exhibition of

- draft Amendment No. 6 to DCP 14 Residential Development and
- draft Amendment No. 8 to DCP 26 Industrial Development.

(Councillors Irwin/Dowell)

AN AMENDMENT WAS MOVED that the report be received and – Council endorse the preparation and public exhibition of

- draft Amendment No. 6 to DCP 14 Residential Development and
- draft Amendment No. 8 to DCP 26 Industrial Development.

Subject to the amendment of the wording in Appendix 2 of DCP 26 to read:

As the lots are adjacent to an existing airport, internal noise attenuation is to be incorporated into any quiet uses such as offices of the buildings. This is the responsibility of each individual building owner.

Activities associated with uses on each lot must not create offensive noise as defined in the EPA (DEC) Industrial Noise Policy. The design of buildings to achieve appropriate noise attenuation is the responsibility of each individual owner.

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

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

104/05 **RESOLVED** that the report be received and Council endorse the preparation and public exhibition of -

- draft Amendment No. 6 to DCP 14 Residential Development and
- draft Amendment No. 8 to DCP 26 Industrial Development,

Subject to the amendment of the wording in Appendix 2 of DCP 26 to read:

As the lots are adjacent to an existing airport, internal noise attenuation is to be incorporated into any quiet uses such as offices of the buildings. This is the responsibility of each individual building owner.

- *Activities associated with uses on each lot must not create offensive noise as defined in the EPA (DEC) Industrial Noise Policy. The design of buildings to achieve appropriate noise attenuation is the responsibility of each individual owner.*
(Councillors Meineke/Hampton)
Voting Against: Councillors Irwin, Tomlinson and Ekins
(S461, S545)

Lismore Square Shopping Centre – S96(2) – Modification to Condition of Consent

- 105/05 **RESOLVED** that the report be received and Council grant delegated authority to the General Manager to determine this Section 96(2) Modification Application, and also in respect of any additional minor Section 96 Modification applications under Development Application No. 2002/399 that may be lodged during the remaining term of construction of this project.
(Councillors Meineke/Hampton)
Voting Against: Councillors Irwin and Ekins.
(D02/399)

Amendment No. 27 to Lismore LEP – 96 Breckenridge Street, Wyrallah

- 106/05 **RESOLVED** that the report be received and Council –
- 1 Prepare an amendment to Lismore Local Environmental Plan 2000 to include Lot 3 DP 747275, 96 Breckenridge Street, Wyrallah in Schedule 4 pursuant to section 54 of the EP&A Act 1979.
 - 2 Advise the Department of Infrastructure, Planning and Natural Resources that Council intends to use its s65 and s69 delegations and that it considers that the preparation of a Local Environmental Study is not necessary.
 - 3 Consult with relevant Government agencies pursuant to s62 of the EP&A Act, 1979.
 - 4 Advertise the draft LEP amendment for a period of twenty eight days following consultation with Government agencies.
 - 5 Exhibit the proposal also as a Master Plan for adoption by Council prior to gazettal of the LEP amendment.
- (Councillors Irwin/Hampton) (S919)

Replacement of DCP 17 – Vegetation Management Order with Draft DCP 17 – Tree Preservation Order

- 107/05 **RESOLVED** that the report be received and Council prepare the new Development Control Plan No. 17 - Tree Preservation Order and exhibit it for a period of twenty eight days.
(Councillors Irwin/Hampton) (S453)
Voting Against: Councillors Ekins.

North Woodburn Wastewater Management Study

- 108/05 **RESOLVED** that the report be received and –
- 1 Council undertake the initial community consultation by informing all residents of North Woodburn of the current status of the scheme via a letter drop.
 - 2 Council seek to connect North Woodburn sewerage to the Evans Head – Woodburn sewerage scheme.
 - 3 Council seek to construct either a modified gravity system or low pressure pumping system as the wastewater collection system for North Woodburn.
 - 4 Council seek Stage 1 approval from the Minster for Energy and Utilities for commencing pre-construction activities on the North Woodburn Sewerage Scheme.
 - 5 Council commence negotiations with Richmond Valley Council for the capital, transport and treatment costs for the North Woodburn sewerage and advise the community of these negotiations.
- (Councillors Irwin/Meineke) (S292)

Lismore Water – Best Practice Management

109/05

RESOLVED that the report be received and –

- 1 It be noted that Lismore Water has achieved substantial compliance with the six criteria:
 - a) Strategic Business Planning
 - b) Pricing and Developer Charges (including Liquid Trade Waste Approvals)
 - c) Performance Reporting
 - d) Demand Management
 - e) Drought Management
 - f) Integrated Water Cycle Managementas outlined by the Department of Energy, Utilities and Sustainability, Guidelines for Best-Practice Management of Water Supply and Sewerage.
- 2 Council congratulate staff for its work in this area.
(Councillors Irwin/Meineke) (S387,S301)

Memorial Baths Redevelopment

110/05

RESOLVED that the report be received and Council acknowledge the additional costs arising from the acceptance of the Sustainable Regions grant will take the overall project cost to \$9.6m and borrow an additional \$330,000 to match the grant allocation whilst ensuring that all other planned elements of the redevelopment are incorporated.
(Councillors Hampton/Chant)
Voting Against: Councillor Irwin/Ekins.
(P6768)

Airport Industrial Estate

111/05

RESOLVED that the report be received and –

- 1 That to avoid timing problems in allowing Metroll Pty Ltd access to the site they are contracted to purchase, Council authorise commencement of works such as road building, services and filling without delay.
- 2 The Mayor and General Manager be authorised to sign and affix the Council seal to land transfer, subdivision documents and plans as may be necessary to give effect to this resolution.
- 3 Council not call tenders for civil works associated with the road works and the supply and compaction of lot fill for the Lismore Airport Industrial Subdivision, in that there is insufficient time to complete the normal tender process on the understanding that the Project Manager engages service providers at competitive rates.
- 4 Council staff undertakes the management and supervision of all civil works associated with this development and engage subcontractors as and when required.
(Councillors Irwin/Meineke)
Voting Against: Councillors Ekins. (S865)

Carriageway and Kerbside Land Use in Lismore CBD – Policy 5.2.24

112/05

RESOLVED that the report be received and –

- 1 That Council adopt the proposed amended “Carriageway and Kerbside Land Use in Lismore” policy 5.2.24, subject to the inclusion of a requirement that development applications be referred to the Access Committee for comment and removal of any reference to the CBD.
- 2 That as current kerbside licences fall due, new licences are to be issued subject to the new policy. All bonds and securities held under current licences will be returned as the new policy is applied to said licence renewals and rents adjusted to reflect the value of the site infrastructure.
- 3 That money received from the licensing of a carparking space used for private site access be applied to the provision of Council carparking.
- 4 That money received from licensees for kerbside dining be applied to a separate fund

to be used for the development, maintenance and upgrading of kerbside dining areas.
(Councillors Irwin/Meineke)(S9)

Application for Closure of Public Road – part Weaver Street, Lismore

- 113/05 **RESOLVED** that the report be received and –
- 1 That an application to close and transfer for nominal consideration to North Coast Area Health Service, the southern part of Weaver Street, as identified in this report be endorsed by Council.
 - 2 That all costs associated with the closure of the southern part of Weaver Street be borne by the applicant.
 - 3 That costs associated with the relocation of infrastructure from that part of Weaver Street to be closed be borne by the applicant.
 - 4 That the General Manager and Mayor be authorised to sign and seal any and all documents necessary to give effect to this recommendation.
- (Councillors Hampton/Irwin) (R6062)

Application to Close part of High Street, Lismore Heights

- 114/05 **RESOLVED** that the report be received and –
- 1 That Council endorse an application to close part of High Street which abuts Lot 4 in Deposited Plan 827397, as shown on the sketch plan accompanying this report, and lodge a road closure application with the Crown for gazettal as Council land.
 - 2 Council sell the abovementioned part closed road to the adjoining landowner at market value.
 - 3 All costs associated with the part road closure as set out in this report be borne by the party who will purchase the closed road.
 - 4 That the General Manager and Mayor be authorised to sign and affix Council's seal to land transfer documents and plans of survey as may be necessary to expedite this resolution.
- (Councillors Hampton/Graham) (R7117)

Proposed 2005/06 Roadworks Programme

- A MOTION WAS MOVED that the report be received and –
- 1 Council approve the proposed 2005/06 Roadworks Programme as set out in the body of the report.
 - 2 A separate body of funding be determined by Council to fund its share of sealing gravel roads contributed to by residents and that an annual limit on Council's share be put at \$100,000. Further, that residents contribute a minimum of 50 per cent of the construction costs.
 - 3 That \$100,000 be allocated from the urban roads budget to fund the reconstruction of lower priority sealed roads in the urban area and that the Roads PAG be requested to develop a priority system for these works.
- (Councillors Tomlinson/Irwin)

- AN AMENDMENT WAS MOVED that the report be received and –
- 1 Council approve the proposed 2005/06 Roadworks Programme as set out in the body of the report.
 - 2 Residents also contribute a minimum of 50% for Council to consider their proposal to seal gravel roads.
 - 3 The status quo remain regarding the funding of low priority roads.
- (Hampton/Crimmins)

On submission to the meeting the AMENDMENT was DEFEATED.

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

- 115/05 **RESOLVED** that the report be received and –

- 1 Council approve the proposed 2005/06 Roadworks Programme as set out in the body of the report.
- 2 A separate body of funding be determined by Council to fund its share of sealing gravel roads contributed to by residents and that an annual limit on Council's share be put at \$100,000. Further, that residents contribute a minimum of 50 per cent of the construction costs.
- 3 That \$100,000 be allocated from the urban roads budget to fund the reconstruction of lower priority sealed roads in the urban area and that the Roads PAG be requested to develop a priority system for these works.

(Councillors Tomlinson/Irwin (S745))

Voting Against: Councillors Hampton and Graham.

A MOTION WAS MOVED that Council accept the recommendation from the Roads Management Committee to loan fund the following sealing works: Terania Creek Road, Stony Chute Road, Tuntable Creek Road and Lillian Rock Road as set out in the body of the report to the amount of \$1,380,000.

(Councillor Tomlinson/Dowell)

On submission to the meeting the AMENDMENT was DEFEATED.

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

Indigenous Bush Food and Medicine Garden, as part of Wilsons River Redevelopment

116/05

RESOLVED that the report be received and

- 1 The Bush Food and Medicine Garden at Riverside Park be named "**Lyle Roberts Memorial Garden**", and that signage in the shape of the Echidna be placed at the entrance to the garden with the above name on it.
- 2 Staff involved with putting the submission and project together be congratulated.

(Councillors Irwin/Meineke) (S775)

Policy Advisory Groups – Community Membership

Suspension of standing orders

117/05

RESOLVED that standing orders be suspended to allow for discussion of this issue.
(Councillors Irwin/Meineke)

Resumption of standing orders

118/05

RESOLVED that standing orders be resumed.
(Councillors Irwin/Hampton)

119/05

RESOLVED that the report be received and

- 1 That Council make the following appointments to its Policy Advisory Groups:

Community Services PAG

1 representative from the following:

Children and families

Shared Vision/Aboriginal community

Multicultural community

Gay, lesbian, bisexual, transgender and intersex community (GLBTI)

Lismore Neighbourhood Centre

North Coast Community Connections

YWCA

Stephanie Hannah

Lindsay Clarke

Vacant

Kate Lavender

Maralyn Schofield

William McManamey

Frances Trimboli

Villages (2 representatives)

Cameron Cross

Maggie Ritchie

SCU Centre for children and young people

Vacant

Older people/people with a disability

Vacant

Business community

Vacant

Economic Development PAG

1 representative from the following:

Finance sector

Margot Sweeny

Transport industry

Tracey Mills

Media

Russell Eldridge

Higher education

Margaret McNeil

Health

Vahid Saberi

Culture

Liz Terracini

Property/development

Barry Robinson

Business

John Barnes

Tourism

Ron Dowell

Manufacturing industries

Murray Richardson

Agricultural industries

Vacant

Roads PAG

1 representative from each of the following Section 94 catchments:

Clunes/Bexhill/Eltham

Vacant

Nimbin & District

Col Smith

The Channon & District

David Yarnall

North east

Stan Heywood

North west

Terry McNamara

South east

Lloyd Moss

South west

Russell Nowlan

Urban catchment (east)

Barry Garland

Urban catchment (west)

Barry Davidson

Sustainable Environment

1 representative from the following:

Agricultural industry representative

Paul Weir

Horticultural industry representative

Andrew Heap

Natural resource manager from CMA (by invitation)

Not nominating

Natural resource from DIPNR (by invitation)

Jeremy Black

Natural resource manager from DPI (by invitation)

Rik Whitehead

Centre for Ecotechnology (SCU) (by invitation)

Dr Leigh Davison

Richmond Regional Landcare (by invitation)

B Jarman

Other environmental organisation representative

Ruth Harlow

Development industry

Damian Chapelle

- 2 That Council thank the following unsuccessful candidates for their interest in nominating:
 - Simon Lamont, Brian Suffolk, John Cade, Rob English, Joe Friend, Lorraine Vass, Dr Brad Granzin and Kristin den Exter.
- 3 That members of the following two Section 355 Committees be re-endorsed and Council accept the nomination from Graham Way for the Nimbin Peace Park Management Committee:
 - a) ***Nimbin Peace Park Management Committee***
Leane Draper, Michael Balderstone, Diana Roberts, Karlin Bracegirdle, Romany Pike, Lizette Twisleton, Caroline Cowley, Simon Moore and Zac Price.
 - b) ***Dorroughby Glenview Community Hall***
Mark Dunphy (President)

Steve Jackson (Secretary)
Alex Heathwood (Treasurer)

- 4 That councillor membership of the PAG's be as follows:
- | | |
|--------------------------------|-------------------------------|
| Arts and Culture | Dowell and Irwin |
| Community Services | Dowell and King |
| Economic Development | Henry and Meineke |
| Public Transport | Meineke and Tomlinson |
| Roads | Graham, Hampton and Tomlinson |
| Sport and Recreation | Chant, Crimmins and Swientek |
| Sustainable Environment | Ekins and Graham |

(Councillors Meineke/Crimmins)

Annual Remuneration Fee for Mayor and Councillors

- 120/05 **RESOLVED** that the report be received and in accordance with Sections 248 and 249 of the Local Government Act 1993, Council fix the 2005/06 annual fee for councillors at \$12,925 and for the mayor at \$28,215.
(Councillors Irwin/Hampton) (S38)

2005 Annual Local Government Association Conference

- 121/05 **RESOLVED** that the report be received and the Deputy Mayor and Councillors Dowell and Tomlinson attend the conference as voting delegates, with Councillor(s) Henry, Hampton and Ekins attending as observers.
(Councillors Graham/Irwin) (S569)

May 2005 - Investments held by Council

- 122/05 **RESOLVED** that the report be received and noted.
(Councillors Irwin/Henry) (S178)

Committee Recommendations

Strategic Plan Steering Committee 17/5/05

- 123/05 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.
(Councillors Irwin/Dowell) (S4)

Traffic Advisory Committee 18/5/05

- 124/05 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted, excluding Clauses B-05.05-07
(Councillors Irwin/Graham)

Clause B-05.05-07 – NSW Roads & Traffic Authority, forwarding request from Mills Transport for the introduction of B-Doubles on Lismore to Woodburn route via South Gundurimba, Wyrallah, Tucki and Tuckurimba.

- 125/05 **RESOLVED** that this issue be brought to Council for determination.
(Councillors Irwin/Chant)
(05-4808: R6002,R6030,S352)

Documents for Signing and Sealing

126/05 **RESOLVED** that the following documents be executed under the Common Seal of Council:

Request, Real Property Act – Lot 37 in Deposited Plan 830469

As part of the Fischer Street subdivision by the Department of Housing an area of public open space was gazetted (Gazette No. 130 – November 199) as “Public Reserve”. Unfortunately the Crown did not conclude the transfer of the land to Council and the Registrar General has sought to clarify the matter by having Council confirm its acceptance of the land as park by way of a “Request”.
(05-4873: P23306)

Department of Community Services

Funding agreements:

- a) under Children’s Services Program for Koala Long Day Care Centre for 2005/06 - \$32,514.
- b) under Community Services Grants Program for community worker for 2005/06 - \$11,597
(05-4977: S728)

Plan of Survey – Relocation of East Street, South Lismore

After extensive consultation between all parties and the Department of Lands, Council has negotiated the closure of the unformed East Street and its reopening in the location upon which people currently drive. The final survey plan requires the concurrence of the Council as an affected landowner.
(R6915)

Sale of Lot 44 Bristol Circuit, Goonellabah

Council has negotiated an offer of \$120,000.00 for the purchase of Lot 44 in the next stage of the Bristol Circuit residential subdivision. The price is consistent with the value ascribed to the lot when the multi list agents visited the site.
(P28714)
(Councillors Irwin/Dowell)

Section 356 Donations

127/05 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the donations to persons as listed are hereby approved for distribution.

c) Representative Selection – Policy 1.4.10 (GL2033.6)

Budget: \$1,100 To date:\$2,579.18

Simon Mahony – selected to play for Australian Deaf Rugby Union team to tour New Zealand from August 7-21, 2005.

In accordance with policy. \$328.00

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

Budget: \$8,100 To date:\$4,681.15

R.E.D. Inc. – music class – Wednesdays from April 2004-June 30, 2004 and from 1/7/05-30/6/06 if required.

In accordance with policy – 25% of fee 04/05 \$15.75 pw

Lismore City Church – Sundays from 1/6/05 to 30/6/06
In accordance with policy – 25% of fee \$27.50 pw

Lismore Neighbourhood Club – Fridays 1/6/05 to 30/6/06
In accordance with policy – 25% of fee \$35.70 pw

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

Budget: \$6,000 To date:\$5,482.03
North Coast A & I Society – September 2004 – March 2005.
In accordance with policy.

605.00

Donations for May 2005

Animal Right & Rescue	\$30.36	
Challenge Foundation	\$110.00	
Five Loaves	\$16.00	
Friends of the Koala	\$14.55	
LifeLine	\$110.00	
Salvation Army	\$101.00	
Westpac Life Saver Rescue Helicopter	<u>\$11.00</u>	
<i>In accordance with policy.</i> (Councillors Irwin/Graham)		\$392.91

Confidential Matters – Committee of the Whole

128/05 **RESOLVED** that Council now exclude the press and public and meet in Committee of the Whole to consider the following matters:

Item 1 ***2003/04 Evaluation/audit Promotion Fund Expenditure – Lismore Unlimited Opportunities (LUO) (\$740)***

Grounds for Closure **Section 10A(2) (e) and (g):**

Public Interest

Discussion of this matter in an open meeting would on balance be contrary to the public interest because information would, if disclosed, prejudice the maintenance of law and advice concerning litigation, or would be privileged from production in legal proceedings on the grounds of legal professional privilege.

Item 2 ***Community Resources and Facilities (P25630)***

Grounds for Closure **Section 10A(2) (c) and (d):**

Public Interest

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

Item 3 ***Tryton Waste Services (Lismore) Pty Ltd – Contract (\$864)***

Grounds for Closure **Section 10A(2) (c) and (d):**

Public Interest

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

(Councillors Irwin/Meineke)

Resumption of Open Council

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

Item 1 - 2003/04 Evaluation/audit Promotion Fund Expenditure – Lismore Unlimited Opportunities (LUO)

- 1 Council adopt the recommendations contained in the report outlining Lismore Unlimited Opportunities' acquittal of the Special Business Rate Variation levy, and
- 2 They be requested to inform the Council about upgrading its business practices.
(S740)

Item 2 - Community Resources and Facilities

That, having considered the report on Community Facilities, Council authorise the Mayor, General Manager and Councillor Crimmins to explore the concepts outlined in the report and report back to Council.
(P25630)

Item 3 - Tryton Waste Services (Lismore) Pty Ltd – Contract

That Council, having considered the report pertaining to Tryton Waste Services, note the recommendations of that report and anticipate a report on outcomes of further negotiations with Tryton by December 2005.
(S864)

- 129/05 **RESOLVED** that the General Manager's report of Council meeting in Committee of the Whole be received and adopted.
(Councillors Graham/Chant)
Voting Against: Councillor Irwin.

Closure

This concluded the business and the meeting terminated at 9.58.pm.

CONFIRMED this 12th day of JULY 2005 at which meeting the signature here was subscribed.

MAYOR

**MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE
HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JUNE 21, 2005 AT 6.05PM.**

Present Mayor, Councillor King; Councillors Chant, Dowell, Ekins, Graham, Hampton, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager; Group Managers-Business & Enterprise, City Works, Corporate & Community Services and Planning & Development; Manager-Finance & Administration, Principal Accountant, Rates Officer, Manager-Communications & Community Relations, and Administrative Services Manager.

130/05 **Apologies/
Leave of
Absence** An apology for non-attendance on behalf of Councillor Crimmins was received and accepted and leave of absence granted.
(Councillors Irwin/Dowell)

Public Access Session

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

Dr Andrew Binns on behalf of NORPA re Management Plan

Dr Binns talked to the submission from NORPA to the Management Plan. He outlined the broad range of activities undertaken by NORPA, detailed community support for NORPA and emphasised the importance of Council support in relation to outside funding.
(S910)

Reports

2005/06-2008 Management Plan

- 131/05 **RESOLVED** that the report be received and Council –
- 1 Adopt the 2005/6 – 2008 Management Plan, including the Budget and Fees & Charges, as advertised, with amendments to the Budget for rates, Financial Assistance Grant, NOROC contribution, NSW Fire Service contribution and Events – Pura Cup match as detailed in the report.
 - 2 Receive and note submissions from the Jiggi School of Arts, Watering Australia Foundation, Dunoon and District Sports & Recreation Club Limited and John Duffy.
 - 3 Agree to provide NORPA with \$40,000 for cultural infrastructure activities during 2005/06 with the requirement they collect relevant information (quantitative and qualitative) on assistance provided so that it can be used for determining future years financial assistance for this purpose.
 - 4 Request a report from Building Services on increasing construction certificate fees to industry standards by Council's August meeting.
 - 5 Request a process be undertaken by management to assess all demands, including that of the Summerland Model Auto-Sports Club Inc, for the Nesbitt Park Tennis Courts site and report back to Council.
 - 6 Seek approval from the Department of Local Government for new borrowings totalling \$5,750,000 for specific works as detailed in the 2005/6 – 2008 Management Plan. The amounts for the Goonellabah Leisure Centre (\$5,000,000) and Car Parking (\$500,000), included in the total (\$5,750,000), are subject to project approval.
 - 7 A report be submitted to Council justifying the proposed expenditure for the Council Chambers prior to approval being given for the expenditure.

- 8 Staff provide a report on possible funding sources for the retiling of the Lismore Lake pool to ensure that it remains open.
(Councillors Hampton/Chant)

132/05 **FURTHER RESOLVED** that Council accept a late application from the Tower Pre-school for funding under the annual Section 356 Donations.
(Councillors Irwin/Graham) (S910)

2005/06 Rates & Charges

A MOTION WAS MOVED that the report be received and in view of the fact that –

- 1 Variations in valuations experienced by Lismore ratepayers results specifically from Valuer-General assessments of the value of properties, and
- 2 Council not having established a clear rationale for varying the current rating system with no objective basis for justifying the base amount of \$270,

Council not alter the rating system and not introduce a base rate as the current rating categories already discriminate between sectors in the Lismore City ratepaying area.

(Councillors Swientek/Ekins)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Irwin, Tomlinson, Dowell, King, Chant, Graham, Hampton, Henry and Meineke.

A MOTION WAS MOVED that the report be received and -

- 1) It is hereby resolved that a **Business Rate** to be known as the ‘ **Business Inner CBD**’ rate of **three point three five eight two (3.3582) cents in the dollar** per assessment, on the land value as at base date July 1, 2004 with a **base amount of two hundred and seventy dollars (\$270.00)** per assessment be now made for the rating year July 1, 2005 to June 30, 2006, on all rateable land within the centre of activity known as the Inner CBD shown as within the red boundary of the map Schedule ‘C,’ and that meets the definition of Business as defined in Section 518 of the Local Government Act , 1993. The total income from base amounts equates to **five (5) percent of the Business Inner CBD income.**
- 2) It is hereby resolved that a **Business Rate** to be known as the ‘ **Business Urban**’ rate of **one point six two three eight (1.6238) cents in the dollar** per assessment, on the land value as at base date July 1, 2004 with a **base amount of two hundred and seventy dollars (\$270)** per assessment that represents be now made for the rating year July 1, 2005 to June 30, 2006, on all rateable land within the centre of activity outside the Inner CBD but within the urban area of Lismore as shown by the red boundary on the map Schedule ‘D’ and that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **ten (10) percent of the Business Urban income.**
- 3) It is hereby resolved that a **Business Rate** to be known as the ‘ **Business Other**’ rate of **one point zero seven two one (1.0721) cents in the dollar** per assessment on the land value as at base date July 1, 2004 with a **base amount of two hundred and seventy dollars (\$270)** per assessment be now made for the rating year July 1, 2005 to June 30, 2006, on all rateable land in the City of Lismore but not within the areas defined within the maps, Schedules ‘ C’ and ‘D’ attached and the Village of Nimbin, as defined, and that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **twenty three (23) percent of the Business Other income.**

- 4) It is hereby resolved that a **Business Rate** to be known as the ‘ **Nimbin Business** ’ rate of **one point two one two two cents in the dollar (1.2122) cents in the dollar** per assessment on the land value as at base date July 1, 2004 with a **base amount of two hundred and seventy dollars (\$270)** per assessment that represents be now made for the rating year July 1, 2005 to June 30, 2006, on all rateable land within the Village of Nimbin, as defined, that meets the definition of Business as defined in Section 518 of the Local Government Act , 1993 The total income from base amounts equates to **sixteen (16) percent of the Nimbin Business income.**
- 5) It is hereby resolved that a **Farmland Rate** to be known as the ‘ **Farmland** ’ rate, of **point five zero eight zero (0.5080) of a cent in the dollar** per assessment, on the land value as at base date July 1, 2004 with a **base amount of two hundred and seventy dollars (\$270)** per assessment be now made for the rating year July 1, 2005 to June 30, 2006, on all rateable land in the City of Lismore area that meets the definition of Farmland as defined in Section 515 of the Local Government Act, 1993. The total income from base amounts equates to **seventeen (17) percent of the Farmland income**
- 6) It is hereby resolved that a Residential Rate to be known as the “**Residential**” Rate of **point six six four four (0.6644) of a cent in the dollar**, on the Land Value as at Base Date July 1, 2004, with a base amount of **two hundred and seventy dollars (\$270)** per assessment, be now made for the rating year July 1, 2005 to June 30, 2006, on all rateable land within the centres of population defined in Schedule ‘A’ attached and meeting the definition of residential land, as set out in Section 516 of the Local Government Act, 1993. The total income from base amounts equates to **thirty three (33) percent of the Residential rate income.**
- 7) It is hereby resolved that a Residential Rate to be known as the “**Residential Rural** ” Rate of **point six one four two (0.6142) of a cent in the dollar**, on the Land Value as at Base Date July 1, 2004, with a base amount of **two hundred and seventy dollars (\$270)** per assessment, be now made for the rating year July 1, 2005 to June 30, 2006, that meets the definition of Residential on all rateable land except for land within the centres of population defined in Schedule ‘A’ attached and meeting the definition of residential land, as set out in Section 516 of the Local Government Act, 1993. The total income from base amounts equates to **twenty seven (27) percent of the Residential Rural rate income.**
- 8) It is hereby resolved that a Special Rate to be known as the “**Flood Levee**” rate of **point zero six eight three (0.0683) of a cent in the Dollar**, per assessment, on the Land Value as at Base Date July 1, 2004 subject to a minimum amount of **two dollars** be now made for the rating year July 1, 2005 to June 30, 2006 on all land within the area shown within the red boundary as defined in Schedule ‘E’ attached to this report which in Council’s opinion will receive a special benefit from the construction of the Flood Levee from a one in ten year flood event.

For Sewerage and Trade Waste Charges

Council adopted a user pays charging system for sewerage and trade waste discharges at its November 28, 1995 meeting, Resolution 518/95. The adoption of the following draft motions will continue this Policy. In addition, Council’s adoption of a charge for the monitoring of grease arrestors and corrugated plate interceptors at its January 27 1998 meeting is provided for within the following resolutions.

Lismore, Perradenya & Nimbin Sewerage Scheme

- 9) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the provision of Sewerage Services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of four hundred and thirty two dollars (\$432.00), per assessment. This charge applies to properties connected to the Lismore, Perradenya & Nimbin Sewerage Scheme and is to be known as the "Sewer" charge for the period July 1, 2005 to June 30, 2006.
- 10) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge, as per the attached Schedule "F", where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of Sewerage Services to a parcel of land connected to the Lismore, Perradenya & Nimbin Sewerage Scheme to be known as the "Sewer Multiple" charge for the period July 1, 2005 to June 30, 2006, excluding residential Strata Units.
- 11) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of two hundred and fifty nine dollars twenty cents (\$259.20) per assessment for all rateable parcels of land within 75 metres of a Lismore, Perradenya & Nimbin Sewer Main and capable of discharging into that main but not connected thereto to be known as the "Sewer Unconnected" charge for the period July 1, 2005 to June 30, 2006.

Lismore, Perradenya & Nimbin Trade Waste Charges

- 12) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Lismore, Perradenya & Nimbin Sewer Scheme, as per the attached Schedule "G", where the charge is indicated by the number of equivalent tenants allocated to an assessment in accordance with the methodology set out in Council's Sewer Usage Charging Strategy to be known as the " Non-Residential Sewer" charge, except for properties declared by Lismore City Council to be Established Strength Users, for the period July 1, 2005 to June 30, 2006.

For Water

Council has adopted a user pays water charging process. To continue this formula the following motions should be adopted.

- 13) It is hereby resolved that in accordance with Section 501, 503, 539 and 541 of the Local Government Act, 1993 an annual charge be now made for the year July 1, 2005 to June 30, 2006 for the provision of water and water service availability, based on the size of the water service connected to a property. For a property which has two or more water connections, the cost of the services will be the total number of services multiplied by the fixed service charged; in cases where different sized services are connected the sum of the cost of the fixed service charges, except for water connections used solely for fire fighting services, the cost of which shall be **one hundred dollars (\$100.00)** per fire fighting service to be known as the "**Fixed Service Charge**" is hereby made in respect of:

Size of Service	Fixed Service Charge
20mm	\$ 100.00
25mm	\$ 156.25
32mm	\$ 256.00
40mm	\$ 400.00
50mm	\$ 625.00
65mm	\$1,056.25
80mm	\$1,600.00
100mm	\$2,500.00
150mm	\$5,625.00

- 14) In accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993 an annual charge, for the availability of water to property not connected to Council's Water Supply but capable of connection thereto and within 225 metres of a Lismore City Council water main in accordance with Section 552 (1)(b) of the Local Government Act, 1993, for the year July 1, 2005 to June 30, 2006, to be known as the "**Water Availability**" charge, of **one hundred dollars (\$100.00)** per assessment is hereby made.
- 15) In accordance with Section 502 and 503 of the Local Government Act, 1993 for water recorded by the water meter on a property, a charge of **one dollar eleven cents (\$1.11)** per kilolitre for the year July 1, 2005 to June 30, 2006 to be known as the "**Consumption**" charge is hereby made.

For Domestic and Non Domestic Waste Management Services

- 16) It is hereby resolved that an annual charge be now made, in accordance with Sections 496 of the Local Government Act, 1993, for all land within the declared domestic waste scavenging areas, both urban and rural, maps of which are available at Council's Oliver Avenue Office, not utilising the domestic waste management service provided by Council to be known as the "**waste availability**" charge, of **five dollars (\$5.00)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue office, that are levied the Nimbin Transfer Station Charge, for the period July 1, 2005 to June 30, 2006.
- 17) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all land within the Lismore City Council area, to be known as the "**Environment Protection**" charge, of **forty four dollars and ten cents (\$44.10)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue Office that are levied the Nimbin Transfer Station Charge, for the period July 1, 2005 to June 30, 2006. Two 100KG tip vouchers are included as part of the 'Environment Protection' Charge.
- 18) It is hereby resolved that an annual charge be now made, in accordance with Sections 501 and 541 of the Local Government Act, 1993, for all land located within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue Office, for the provision of the Nimbin Transfer Station Facility, of **fifty six dollars and ninety five cents (\$56.95)** per assessment and for properties with multiple units of residential occupancy a charge of **fifty six dollars and ninety five cents (\$56.95)** per unit of residential occupancy located on each assessment, to be known as the "**Transfer Station**" for the period July 1, 2005 to June 30, 2006. Properties paying for a waste removal service are exempt from this charge. Two 100KG tip vouchers are included for each 'Transfer Station' charge.

- 19) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Lismore CBD, a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and Council collects the approved contents of a approved 240 litre mobile waste bin from that property, of **one hundred and sixty dollars (\$160.00)** per bin collected per annum, to be known as the "**CBD Non-Domestic Waste**" charge for the period July 1, 2005 to June 30, 2006. Services commenced during the charging period will be charged for on a proportional basis.
- 20) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties located outside the Urban area of Lismore, maps of which are available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and Council collects an approved 240 litre mobile waste bin from that property, of **one hundred and fifty five dollars (\$155.00)** per bin collected per annum, to be known as the "**Rural Non-Domestic Waste**" charge for the period July 1, 2005 to June 30, 2006. Services commenced during the charging period will be charged for on a proportional basis.
- 21) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of a 140 litre approved mobile waste bin. In addition, on a fortnightly basis Council will remove the approved contents a 240 litre approved mobile waste bin. This charge is to be known as the "**Integrated Waste**" collection service for the period July 1, 2005 to June 30, 2006 and will be charged at **one hundred and thirty seven dollars forty cents (\$137.40)** per annum. Additional services will be charged at **one hundred and thirty seven dollars forty cents (\$137.40) per annum**. Services commenced during the charging period will be charged for on a proportional basis.
- 22) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act, 1993, for the removal of the approved contents of an approved 240 litre mobile waste bin each week, from domestic premises, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Oliver Avenue Office, of **one hundred and thirty three dollars forty cents (\$133.40)**, to be known as the "**Waste Collection Service**" charge, additional services will be charged at **one hundred and thirty three dollars forty cents (\$133.40)**, for the period July 1 2005 to June 30 2006. Services commenced during the charging period will be charged for on a proportional basis.
- 23) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Urban area of Lismore, but outside the Lismore CBD, a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and where Council collects the approved contents of a approved 240 litre mobile waste bin on a fortnightly basis and a 140 litre approved mobile waste bin on a weekly basis from that property, of **one hundred and forty five dollars (\$145.00)** per bin collected per annum, to be known as the "**Non Domestic integrated waste- urban**" charge for the period July 1, 2005 to June 30, 2006. For services commenced during the year a proportional charge will be made.
- 24) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area

within the Lismore Urban Area, a map of which is available at Council's office, that have over 10 weekly collection services and subject to the Manager – Northern Rivers Waste discretion, for the removal, weekly, of the approved contents of a 240 litre approved mobile waste bin. This charge is to be known as the “**Waste Collection – Urban**” service for the period July 1, 2005 to June 30, 2006 and will be charged at **one hundred and thirty seven dollars forty cents (\$137.40)** per annum per mobile waste bin collected. Services commenced during the charging period will be charged for on a proportional basis.

- 25) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, that have over 10 weekly collection services and subject to the approval of the Manager- Northern Rivers Waste, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and where Council collects the contents of approved 240 litre mobile waste bins on a fortnightly basis, being used for both organic and mixed waste, of **one hundred and forty five dollars (\$145.00)** per bin collected per annum, to be known as the “**Non Domestic integrated waste collection service-other**” charge for the period July 1, 2005 to June 30, 2006. For services commenced during the year a proportional charge will be made.
- 26) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, subject to the Manager of Northern Rivers waste, fortnightly, of the approved contents a 240 litre approved mobile waste bin. This charge is to be known as the “Urban Runner” collection service for the period July 1, 2005 to June 30, 2006 and will be charged at one hundred and thirty seven dollars forty cents (\$137.40) per annum. Additional services will be charged at one hundred and thirty seven dollars forty cents (\$137.40) per annum. Services commenced during the charging period will be charged for on a proportional basis.

For Interest Charges

Council is able, under Section 566 of the Local Government Act, to charge interest on outstanding Rates and Charges. The Minister for Local Government has advised, Circular 05/16, that the maximum allowable rate of interest for 2005/06 is 9%. Council has generally adopted the maximum interest Rate as the amount to be charged.

- 27) It is hereby resolved that the 2005/06 Interest Rate on outstanding Rates and Charges will be **9%**.
(Councillors Irwin/Graham)

AN AMENDMENT WAS MOVED that the Farmland base amount be varied to \$400.00.
(Councillor Graham)

The amendment LAPSED for want of a seconder.

133/05 **RESOLVED** that the report be received and –

- 1) It is hereby resolved that a **Business Rate** to be known as the ‘ **Business Inner CBD**’ rate of **three point three five eight two (3.3582) cents in the dollar** per assessment, on the land value as at base date July 1, 2004 with a **base amount of two hundred and seventy dollars (\$270.00)** per assessment be now made for the rating year July 1, 2005 to June 30, 2006, on all rateable land within the centre of activity known as the Inner CBD shown as within the red boundary of the map Schedule ‘C,’ and that meets the definition of Business as defined in Section 518 of the Local Government Act , 1993. The total income from base amounts equates to **five (5) percent of the Business Inner CBD income.**

- 2) It is hereby resolved that a **Business Rate** to be known as the ‘ **Business Urban**’ rate of **one point six two three eight (1.6238) cents in the dollar** per assessment, on the land value as at base date July 1, 2004 with a **base amount of two hundred and seventy dollars (\$270)** per assessment that represents be now made for the rating year July 1, 2005 to June 30, 2006, on all rateable land within the centre of activity outside the Inner CBD but within the urban area of Lismore as shown by the red boundary on the map Schedule ‘D’ and that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **ten (10) percent of the Business Urban income.**
- 3) It is hereby resolved that a **Business Rate** to be known as the ‘ **Business Other**’ rate of **one point zero seven two one (1.0721) cents in the dollar** per assessment on the land value as at base date July 1, 2004 with a **base amount of two hundred and seventy dollars (\$270)** per assessment be now made for the rating year July 1, 2005 to June 30, 2006, on all rateable land in the City of Lismore but not within the areas defined within the maps, Schedules ‘ C’ and ‘D’ attached and the Village of Nimbin, as defined, and that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **twenty three (23) percent of the Business Other income.**
- 4) It is hereby resolved that a **Business Rate** to be known as the ‘ **Nimbin Business** ’ rate of **one point two one two two cents in the dollar (1.2122) cents in the dollar** per assessment on the land value as at base date July 1, 2004 with a **base amount of two hundred and seventy dollars (\$270)** per assessment that represents be now made for the rating year July 1, 2005 to June 30, 2006, on all rateable land within the Village of Nimbin, as defined, that meets the definition of Business as defined in Section 518 of the Local Government Act , 1993 The total income from base amounts equates to **sixteen (16) percent of the Nimbin Business income.**
- 5) It is hereby resolved that a **Farmland Rate** to be known as the ‘ **Farmland** ’ rate, of **point five zero eight zero (0.5080) of a cent in the dollar** per assessment, on the land value as at base date July 1, 2004 with a **base amount of two hundred and seventy dollars (\$270)** per assessment be now made for the rating year July 1, 2005 to June 30, 2006, on all rateable land in the City of Lismore area that meets the definition of Farmland as defined in Section 515 of the Local Government Act, 1993. The total income from base amounts equates to **seventeen (17) percent of the Farmland income**
- 6) It is hereby resolved that a Residential Rate to be known as the “**Residential**” Rate of **point six six four four (0.6644) of a cent in the dollar**, on the Land Value as at Base Date July 1, 2004, with a base amount of **two hundred and seventy dollars (\$270)** per assessment, be now made for the rating year July 1, 2005 to June 30, 2006, on all rateable land within the centres of population defined in Schedule ‘A’ attached and meeting the definition of residential land, as set out in Section 516 of the Local Government Act, 1993. The total income from base amounts equates to **thirty three (33) percent of the Residential rate income.**
- 7) It is hereby resolved that a Residential Rate to be known as the “**Residential Rural** ” Rate of **point six one four two (0.6142) of a cent in the dollar**, on the Land Value as at Base Date July 1, 2004, with a base amount of **two hundred and seventy dollars (\$270)** per assessment, be now made for the rating year July 1, 2005 to June 30, 2006, that meets the definition of Residential on all rateable land except for land within the centres of population defined in Schedule ‘A’ attached and meeting the definition of residential land, as set out in Section 516 of the Local Government Act, 1993. The

total income from base amounts equates to **twenty seven (27) percent of the Residential Rural rate income.**

- 8) It is hereby resolved that a Special Rate to be known as the “**Flood Levee**” rate of **point zero six eight three (0.0683) of a cent in the Dollar**, per assessment, on the Land Value as at Base Date July 1, 2004 subject to a minimum amount of **two dollars** be now made for the rating year July 1, 2005 to June 30, 2006 on all land within the area shown within the red boundary as defined in Schedule ‘E’ attached to this report which in Council’s opinion will receive a special benefit from the construction of the Flood Levee from a one in ten year flood event.

For Sewerage and Trade Waste Charges

Council adopted a user pays charging system for sewerage and trade waste discharges at its November 28, 1995 meeting, Resolution 518/95. The adoption of the following draft motions will continue this Policy. In addition, Council’s adoption of a charge for the monitoring of grease arrestors and corrugated plate interceptors at its January 27 1998 meeting is provided for within the following resolutions.

Lismore, Perradenya & Nimbin Sewerage Scheme

- 9) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the provision of Sewerage Services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of four hundred and thirty two dollars (\$432.00), per assessment. This charge applies to properties connected to the Lismore, Perradenya & Nimbin Sewerage Scheme and is to be known as the “Sewer” charge for the period July 1, 2005 to June 30, 2006.
- 10) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge, as per the attached Schedule “F”, where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of Sewerage Services to a parcel of land connected to the Lismore, Perradenya & Nimbin Sewerage Scheme to be known as the “Sewer Multiple” charge for the period July 1, 2005 to June 30, 2006, excluding residential Strata Units.
- 11) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of two hundred and fifty nine dollars twenty cents (\$259.20) per assessment for all rateable parcels of land within 75 metres of a Lismore, Perradenya & Nimbin Sewer Main and capable of discharging into that main but not connected thereto to be known as the “Sewer Unconnected” charge for the period July 1, 2005 to June 30, 2006.

Lismore, Perradenya & Nimbin Trade Waste Charges

- 12) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Lismore, Perradenya & Nimbin Sewer Scheme, as per the attached Schedule “G”, where the charge is indicated by the number of equivalent tenants allocated to an assessment in accordance with the methodology set out in Council’s Sewer Usage Charging Strategy to be known as the “ Non-Residential Sewer” charge, except for properties declared by Lismore City Council to be Established Strength Users, for the period July 1, 2005 to June 30, 2006.

For Water

Council has adopted a user pays water charging process. To continue this formula the following motions should be adopted.

- 13) It is hereby resolved that in accordance with Section 501, 503, 539 and 541 of the Local Government Act, 1993 an annual charge be now made for the year July 1, 2005 to June 30, 2006 for the provision of water and water service availability, based on the size of the water service connected to a property. For a property which has two or more water connections, the cost of the services will be the total number of services multiplied by the fixed service charged; in cases where different sized services are connected the sum of the cost of the fixed service charges, except for water connections used solely for fire fighting services, the cost of which shall be **one hundred dollars (\$100.00)** per fire fighting service to be known as the **“Fixed Service Charge”** is hereby made in respect of:

Size of Service	Fixed Service Charge
20mm	\$ 100.00
25mm	\$ 156.25
32mm	\$ 256.00
40mm	\$ 400.00
50mm	\$ 625.00
65mm	\$1,056.25
80mm	\$1,600.00
100mm	\$2,500.00
150mm	\$5,625.00

- 14) In accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993 an annual charge, for the availability of water to property not connected to Council's Water Supply but capable of connection thereto and within 225 metres of a Lismore City Council water main in accordance with Section 552 (1)(b) of the Local Government Act, 1993, for the year July 1, 2005 to June 30, 2006, to be known as the **“Water Availability”** charge, of **one hundred dollars (\$100.00)** per assessment is hereby made.
- 15) In accordance with Section 502 and 503 of the Local Government Act, 1993 for water recorded by the water meter on a property, a charge of **one dollar eleven cents (\$1.11)** per kilolitre for the year July 1, 2005 to June 30, 2006 to be known as the **“Consumption”** charge is hereby made.

For Domestic and Non Domestic Waste Management Services

- 16) It is hereby resolved that an annual charge be now made, in accordance with Sections 496 of the Local Government Act, 1993, for all land within the declared domestic waste scavenging areas, both urban and rural, maps of which are available at Council's Oliver Avenue Office, not utilising the domestic waste management service provided by Council to be known as the **“waste availability”** charge, of **five dollars (\$5.00)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue office, that are levied the Nimbin Transfer Station Charge, for the period July 1, 2005 to June 30, 2006.
- 17) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all land within the Lismore City Council area, to be known as the **“Environment Protection ”** charge, of **forty four dollars and ten cents (\$44.10)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue Office that are levied the Nimbin Transfer Station Charge, for the period July 1, 2005 to

June 30, 2006. Two 100KG tip vouchers are included as part of the 'Environment Protection' Charge.

- 18) It is hereby resolved that an annual charge be now made, in accordance with Sections 501 and 541 of the Local Government Act, 1993, for all land located within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue Office, for the provision of the Nimbin Transfer Station Facility, of **fifty six dollars and ninety five cents (\$56.95)** per assessment and for properties with multiple units of residential occupancy a charge of **fifty six dollars and ninety five cents (\$56.95)** per unit of residential occupancy located on each assessment, to be known as the "**Transfer Station**" for the period July 1, 2005 to June 30, 2006. Properties paying for a waste removal service are exempt from this charge. Two 100KG tip vouchers are included for each 'Transfer Station' charge.
- 19) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Lismore CBD, a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and Council collects the approved contents of a approved 240 litre mobile waste bin from that property, of **one hundred and sixty dollars (\$160.00)** per bin collected per annum, to be known as the "**CBD Non-Domestic Waste**" charge for the period July 1, 2005 to June 30, 2006. Services commenced during the charging period will be charged for on a proportional basis.
- 20) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties located outside the Urban area of Lismore, maps of which are available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and Council collects an approved 240 litre mobile waste bin from that property, of **one hundred and fifty five dollars (\$155.00)** per bin collected per annum, to be known as the "**Rural Non-Domestic Waste**" charge for the period July 1, 2005 to June 30, 2006. Services commenced during the charging period will be charged for on a proportional basis.
- 21) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of a 140 litre approved mobile waste bin. In addition, on a fortnightly basis Council will remove the approved contents a 240 litre approved mobile waste bin. This charge is to be known as the "**Integrated Waste**" collection service for the period July 1, 2005 to June 30, 2006 and will be charged at **one hundred and thirty seven dollars forty cents (\$137.40)** per annum. Additional services will be charged at **one hundred and thirty seven dollars forty cents (\$137.40) per annum**. Services commenced during the charging period will be charged for on a proportional basis.
- 22) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act, 1993, for the removal of the approved contents of an approved 240 litre mobile waste bin each week, from domestic premises, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Oliver Avenue Office, of **one hundred and thirty three dollars forty cents (\$133.40)**, to be known as the "**Waste Collection Service**" charge, additional services will be charged at **one hundred and thirty three dollars forty cents (\$133.40)**, for the period July 1 2005 to June 30 2006. Services commenced during the charging period will be charged for on a proportional basis.

- 23) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Urban area of Lismore, but outside the Lismore CBD, a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and where Council collects the approved contents of a approved 240 litre mobile waste bin on a fortnightly basis and a 140 litre approved mobile waste bin on a weekly basis from that property, of **one hundred and forty five dollars (\$145.00)** per bin collected per annum, to be known as the "**Non Domestic integrated waste- urban**" charge for the period July 1, 2005 to June 30, 2006. For services commenced during the year a proportional charge will be made.
- 24) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, that have over 10 weekly collection services and subject to the Manager – Northern Rivers Waste discretion, for the removal, weekly, of the approved contents of a 240 litre approved mobile waste bin. This charge is to be known as the "**Waste Collection – Urban**" service for the period July 1, 2005 to June 30, 2006 and will be charged at **one hundred and thirty seven dollars forty cents (\$137.40)** per annum per mobile waste bin collected. Services commenced during the charging period will be charged for on a proportional basis.
- 25) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, that have over 10 weekly collection services and subject to the approval of the Manager- Northern Rivers Waste, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and where Council collects the contents of approved 240 litre mobile waste bins on a fortnightly basis, being used for both organic and mixed waste, of **one hundred and forty five dollars (\$145.00)** per bin collected per annum, to be known as the "**Non Domestic integrated waste collection service- other**" charge for the period July 1, 2005 to June 30, 2006. For services commenced during the year a proportional charge will be made.
- 26) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, subject to the Manager of Northern Rivers waste, fortnightly, of the approved contents a 240 litre approved mobile waste bin. This charge is to be known as the "Urban Runner" collection service for the period July 1, 2005 to June 30, 2006 and will be charged at one hundred and thirty seven dollars forty cents (\$137.40) per annum. Additional services will be charged at one hundred and thirty seven dollars forty cents (\$137.40) per annum. Services commenced during the charging period will be charged for on a proportional basis.

For Interest Charges

Council is able, under Section 566 of the Local Government Act, to charge interest on outstanding Rates and Charges. The Minister for Local Government has advised, Circular 05/16, that the maximum allowable rate of interest for 2005/06 is 9%. Council has generally adopted the maximum interest Rate as the amount to be charged.

- 27) It is hereby resolved that the 2005/06 Interest Rate on outstanding Rates and Charges will be **9%**.

(Councillors Irwin/Graham)

Voting Against: Councillors Ekins and Swientek.

(S384)

Presentation to Group Managers

The Mayor, on behalf of Council made a special presentation to the Group Managers-Business & Enterprise, City Works, Corporate & Community Services and Planning & Development in recognition of their service to the Council and the community of Lismore. A number of councillors also expressed their appreciation.
(S386)

Closure

This concluded the business and the meeting terminated at 7.40 pm.

CONFIRMED this 12TH of JULY, 2005 at which meeting the signature here was subscribed.

MAYOR

