



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, August 10, 2004, at 6.00pm and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

August 3, 2004

COUNCIL BUSINESS AGENDA

August 10, 2004

PUBLIC ACCESS SESSION:

PAGE NO.

PUBLIC QUESTION TIME:

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE

CONFIRMATION OF MINUTES – Ordinary Meeting - July 13, 2004
Extraordinary Meeting – August 3, 2004 (to be tabled)

CONDOLENCES

DISCLOSURE OF INTEREST

MAYORAL MINUTES

NOTICES OF RESCISSION

NOTICES OF MOTION

SUSPENSION OF STANDING ORDERS

(Consideration of the Suspension of Standing Orders to debate matters raised during Public Access).

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QUESTIONS WITHOUT NOTICE

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE

LISMORE CITY COUNCIL - Meeting held August 10, 2004

Subject/File No: LISMORE URBAN STRATEGY
(S650)

Prepared By: Strategic Planner – Bruce Blackford

Reason: Receipt of legal advice.

Objective: For Council's information.

Management Plan Activity: Strategic Planning

Background:

At its meeting of July 13, 2004 Council considered a report relating to various aspects of the Lismore Urban Strategy and resolved, among other things, that a further report be prepared on the legal, economic and social implications of deleting Trinity Drive and including the North Lismore plateau in the Lismore Urban Strategy.

The matter was referred to Dr. Lindsay Taylor of Lindsay Taylor Lawyers to comment on the potential legal implications of such action. In short, Dr Taylor's view is that in the current circumstances it would be legally unreasonable for the Council to amend the Lismore Urban Strategy in this manner unless the evidence demonstrates that the North Lismore plateau area is more suitable for inclusion than the Trinity Drive area based on a sound and thorough town planning assessment. Any decision that is not made on that basis may be restrained by means of an injunction. Further, it may give the owner/developer of Trinity Drive an action for damages in negligence against the Council for any economic loss suffered as a consequence of such a decision. A copy of Dr. Taylor's response is attached.

Council has recently received correspondence from the Catholic Church being one of the major landowners of the Trinity drive area. The letter expresses concern at the possible deletion of Trinity Drive from the Lismore Urban Strategy and puts forward a case for the land's retention. A copy of the correspondence is attached separately to this report.

In regard to the latter part of Council's resolution, the economic and social implications of deleting Trinity Drive and replacing it with the North Lismore plateau are not matters that can be adequately assessed within the timeframe and resources available to strategic planning staff. Requirements for social impact assessments are set out in Council's Social Impact Assessment Policy and cover a broad range of issues. Because of the nature of the issues such assessments are generally prepared by professionals with specialist expertise in these matters.

Economic assessments also cover a range of matters including infrastructure costs, demand for community and commercial facilities, economic impacts upon the wider community etc. The economic and social impacts of either proposal would normally be addressed when a Local Environmental Study or planning study is prepared as part of the rezoning process for either of the sites. These studies are generally funded by the landowners. They require a significant input of resources, the cost of which is outside current planning budget allocations. To provide a quantitative comparison between the two, studies would have to be completed for both sites.

Should Council wish to pursue comparative studies for both sites it will be necessary to obtain quotations from suitably qualified consultants and seek the required funding in a future quarterly budget review. Social and economic analyses for future land release areas are not funded in the Management Plan and could delay the process while funding is identified and studies are prepared. In view of the legal advice referred to above, such an analysis would also need to cover the full range of planning matters if justification is to be made for removal of the Trinity Drive area. This would include environmental factors as well as social and economic factors.

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Lismore Urban Strategy

Such studies could be expected to cost in the order of \$35,000 to \$40,000 per site although this could be reduced somewhat in the case of North Lismore plateau as some information has previously been compiled in the 1994 Dunoon Road planning study.

The current status of the 2003 Urban Strategy is that it was adopted by Council in May 2003 and conditionally agreed to by DIPNR in August 2003. The five year Strategy includes the Trinity Drive area as well as a number of 'infill' sites.

On several occasions subsequently, Council has resolved to make amendments to the Strategy with respect to implementation of the rezoning and development approval process. The last of these occasions was at its meeting of July 13, 2003. Also at that meeting Council resolved to forward a copy of the amended Strategy to DIPNR. That part of the resolution will be actioned following Council's consideration of this report.

Manager - Finance & Administration Comments

Not required

Public Consultations

Not required.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not required.

Conclusion

Legal advice indicates that it would be legally unreasonable for Council to delete the Trinity Drive area from the Strategy unless there is evidence available that demonstrates that the North Lismore plateau area is more suitable for inclusion than the Trinity Drive area based on a sound and thorough town planning assessment. Such evidence is not available at this stage.

Recommendation (PLA03)

That Council note the report and advice concerning the legal implications of deleting Trinity Drive and including the North Lismore plateau in the Lismore Urban Strategy.

Subject/File No: MARKET STREET WORKS
(D03/676)
Prepared By: Manager-Special Projects & Properties, Lindsay Walker
Reason: To inform Councillors.
Objective: Council's understanding of site requirements.
Management Plan Activity: City Works

Background:

In July 2004 Council approved an amendment to the consent for the Memorial Baths redevelopment which had conditions in regard to carriageway widths for Market Street. In conformity with these conditions, engineering design plans have been prepared for the road.

These plans clearly show that the large buttress roots of the five Hill's Weeping Figs (*Ficus Microcarpa Hillii*) on the southern side of Market Street will be severely damaged by the roadworks.

In addition to the damage that will be occasioned by the proposed roadworks, Council has been advised by Country Energy that it intends to extend its existing underground, high and low voltage cabling easterly along the southern side of Market Street. This cabling will require the removal of the fig trees.

Matters for Consideration

Heritage

The five fig trees on the southern side of Market Street do not adjoin a heritage precinct and are not subject to heritage assessment.

Environmental

It was noted in the November 2003 report to Council (in regard to the figs on the northern side of Market Street) that Hill's Weeping Figs are used as "*stepping stones in otherwise inhospitable landscapes..... and are crucial to the survival of the critically endangered Coxen's Fig Parrot*".

The report went on to recommend that replacement fig trees be planted in Riverside Park.

Although the November resolution placed a higher value on the aesthetics and visual character of Market Street and determined that *Syzgium Coolaman* trees be planted, there is still an opportunity to plant Hill's Weeping Figs in Riverside Park.

Manager - Finance & Administration Comments

Not required.

Public Consultations

Not required.

Other Group Comments

Manager-Parks & Recreation

I have inspected the fig trees and would recommend against transplanting. Their health is not the best at the moment and their structure due to past pruning is poor. The fig closest to the river is a little better than the others, however transplanting such a large tree would not be recommended due to the need to heavily prune, the risk of failure is high and of course the expense.

Market Street Works

Ficus Hillii trees can also be temperamental by dropping all of their leaves or turning yellow when disturbing roots.

Therefore, I would recommend replacement with advanced stock. We will be able to get stock of say 400L (4-4.5m trees) and these would probably be the most appropriate.

Author's Response to Comments from Other Staff

Noted.

Conclusion

Infrastructure pressures in Market Street will dictate that the five fig trees that are located on the southern side of Market Street be removed.

Other alternative tree species are to be planted in Market Street as a condition of a previous development consent and these plantings will provide an appropriate streetscape. There remains therefore an opportunity to plant five new mature Hills Weeping Fig trees in Riverside Park.

Recommendation (COR24)

That Council note the report and endorse the proposal to plant 5 new Hill's Weeping Fig trees in Riverside Park.

LISMORE CITY COUNCIL - Meeting held August 10, 2004

Subject/File No: LISMORE LOCAL ENVIRONMENTAL PLAN – DRAFT AMEMDMENT No.16 – AIRPORT INDUSTRIAL ESTATE (S865).

Prepared By: Bruce Blackford and Lindsay Walker.

Reason: Close of public exhibition period.

Objective: Council's resolution to forward the draft amendment to the Minister.

Management Plan Activity: Strategic Planning.

Background:

At its meeting of August 12, 2003 Council resolved to prepare a draft amendment to the Lismore Local Environmental Plan 2000 to rezone part Lot 532 DP 825929 and part Lot 2 DP 577321 Bruxner Highway, South Lismore from 1(r) Riverlands and 5 Special Uses zone to 4(a) Industrial zone. The land is owned by Council and is located on the western side of the Bruxner Highway between the Lismore Airport terminal and Krauss Ave. The amendment will enable the subdivision of the site to create eight industrial allotments accessed by a new service road.

Malcolm Scott, Consultant Town Planner was engaged to prepare the draft amendment and accompanying planning study. Relevant Government agencies were consulted and the draft amendment, planning study and other background reports were publicly exhibited in accordance with the State Government's *Best Practice Guideline for LEPs and Council Owned Land*.

Two submissions were received in response to the public exhibition. The consultant has prepared a report addressing the issues raised in the submissions together with responses to those issues. The consultant's report is attached to this report. Copies of the submissions and draft Amendment No. 16 are in separate attachments.

Manager - Finance & Administration Comments

Not required.

Public Consultations

The draft amendment was placed on exhibition for a period of 28 days. Landowners adjoining or adjacent to the subject site were also notified. Responses to the submissions received are included in the consultant planner's report.

Other Group Comments

City works has had extensive input with respect to the flooding and traffic issues that relate to this rezoning proposal.

Author's Response to Comments from Other Staff

Not required.

Conclusion

Staff concur with the conclusions and recommendations contained in the consultant's report. It is recommended that Council proceed with the next stage of the rezoning process by forwarding draft Amendment No. 16 to the Minister for Infrastructure and Planning with a request that he make the Plan.

Recommendation

That Council:

1. Adopt draft LEP Amendment No. 16 to rezone part Lot 532 DP 825929 and part Lot 2 DP 577321 Bruxner Highway, South Lismore from 1(r) Riverlands and 5 Special Uses zone to 4(a) Industrial zone; and
2. Use its delegations under section 69 of the EP& A Act to forward a report to the Minister for Infrastructure, Planning and Natural Resources together with a request that the Minister make the Plan.

Subject/File No: DRAFT AMENDMENTS TO DCP NO.14–RESIDENTIAL DEVELOPMENT (S461)

Prepared By: Strategic Planner – Bruce Blackford

Reason: Proposed amendments to DCP 14 relating to expanded dwellings and garbage bin enclosures.

Objective: Council's endorsement to exhibit draft amendments to DCP 14.

Management Plan Activity: Strategic Planning

Background:

The purpose of this report is to put forward two proposed amendments to Council's Development Control Plan (DCP) No.14 – Residential Development. DCP 14 applies to all forms of residential development in the urban, village and rural areas.

The first of the amendments relates to "expanded dwellings". An expanded dwelling is a single dwelling that is accommodated in two or more buildings. Council has an adopted policy on expanded dwellings that specifies certain controls and design criteria for this form of development. A copy of the existing policy is included as Attachment 1.

It is proposed that a new definition of expanded dwelling be inserted into DCP 14 for the following reasons:

- a) it is appropriate that controls pertaining to development are contained in a DCP rather than in a Council policy as matters contained in a DCP are relevant matters for consideration when assessing a Development Application, and
- b) the current policy originated in 1986 and it is therefore timely that it be reviewed.

Expanded dwellings are a legitimate form of development, particularly in the rural areas. However Council has a responsibility to ensure that expanded dwellings conform to certain design controls that ensure that the buildings will be likely to be used only for the purposes of a single dwelling. Proposed changes to the controls are aimed at achieving this by requiring a main building containing kitchen and living facilities and by limiting the siting of other structures to within 20 metres of the main building. The new definition for expanded dwelling is included in Attachment 2 to this report.

The second proposed amendment to DCP 14 relates to the provision of garbage bin areas for residential development. The reasons for the proposed amendment are discussed in a separate report on waste minimisation in this Business Paper. This amendment is also included within Attachment 2.

Manager - Finance & Administration Comments

Not required.

Public Consultations

The minimum 28 day statutory exhibition period for DCP amendments provides opportunity for public input.

Other Group Comments

Council's Building Services section has been consulted and has had input into the preparation of this amendment.

Recommendation

That council place draft amendment No.5 to Development Control Plan 14 – Residential Development on public exhibition for a period of 28 days.

Subject/File No: DRAFT LISMORE LOCAL ENVIRONMENTAL PLAN AMENDMENT NO.22 – 364A ELTHAM ROAD, ELTHAM (S892)

Prepared By: Strategic Planner – Bruce Blackford

Reason: Receipt of rezoning submission

Objective: Resolution to prepare draft amendment for public exhibition.

Management Plan Activity: Strategic Planning

Précis

Subject land: Lot 1 DP 973151, 364A Eltham Road, Eltham

Applicant: Newton Denny Chapelle

Owner: BJ Teale, KL Teale & CA Scheibel.

Purpose: To amend the Lismore Local Environmental Plan 2000 to enable rural residential subdivision to occur on the subject land.

Background:

Council is in receipt of a rezoning submission that seeks rezoning of Lot 1 DP 973151 364A Eltham Road Eltham for rural residential purposes. The rezoning will enable the lodgement of a Development application to create 9 rural living lots plus a residue lot. The submission is lodged in accordance with the provisions of the Lismore Rural Housing Strategy (RHS) 2002.

Description of Proposal

The site has an area of 22.2577ha, and is located close to the village of Eltham. The proposal is for 9 rural residential allotments ranging between 4500m² and 9.43ha and a residue lot containing the existing rural dwelling house. The area of the residual allotment is 24.3ha. Access to the proposed 9 rural residential lots will be provided by extending Federation Drive. At present, access to the lot is from Walmsley Road. The residual lot will retain access from Walmsley Road. A plan of the proposed subdivision is included as an Attachment.

Consistency with Rural Housing Strategy

The site is located within one of the preferred localities identified in the RHS as having potential for closer rural settlement. The Environmental Management Plan submitted with the application addresses the protection of riparian areas and enhancement of a small rainforest remnant on proposed Lot 4. This is consistent with the Strategy's requirement that development should not have a negative impact on existing environmental features. The subdivision layout has been reconfigured to ensure that no additional riparian water rights are created by the proposal.

The RHS provides that all land approved for rural residential subdivision in accordance with the strategy shall be rezoned by way of inclusion in a schedule to the LEP. The Schedule is to include a three year "sunset clause" together with such conditions to ensure that any future development application for subdivision is consistent with the adopted Master Plan.

Masterplan

The RHS requires the preparation of a 'Locality Development Guideline' for closer rural settlement areas to ensure coordination between properties in relation to road layout, infrastructure provision and riparian protection and repair.

It is intended that the Locality Development Guideline be exhibited and adopted as a Master Plan in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000. The Master Plan contains details of the subdivision design and is a means of ensuring that future development proposals are consistent with the design concept submitted with the rezoning submission. The Master Plan will be exhibited concurrently with the LEP Amendment and comes into effect when adopted by Council.

Manager - Finance & Administration Comments

Not required

Public Consultations

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

Other Group Comments

The proposal has been assessed by Council's Environmental Health section and by City Works. City Works has advised that upgrading of Federation Drive to a 6 metre wide seal on an 8 metre formation will be required to comply with the requirements of the Rural Housing Strategy. These works should be feasible within the existing road reserve and should be a condition of the rezoning.

Author's Response to Comments from Other Staff

The proposed method of rezoning by inserting the land in Schedule 4 of the LEP enables Council to include road upgrading requirements as a "condition" of the rezoning. This will be incorporated into the draft LEP amendment.

Conclusion

The proposal complies with the requirements of the Lismore Rural Housing Strategy and can progress to the exhibition stage.

Recommendation

That Council resolve to:

1. Prepare an amendment to Lismore Local Environmental Plan 2000 to include Lot 1 DP 973151 Eltham Road 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.
4. Advertise the draft LEP amendment for a period of twenty eight days following consultations with Government agencies.
5. Exhibit the proposal also as a Master Plan for adoption by Council prior to gazettal of the LEP amendment.

Subject/File No: FURTHER ALTERATION TO DEVELOPMENT CONTROL PLAN 39 – EXEMPT DEVELOPMENT

Prepared By: Planning Services Section

Reason: To further extend the categories of ‘Exempt’ development

Objective: To remove the need for development applications for minor development

Management Plan Activity: Development Assessment

Background:

At its meeting of February 10, 2004, Council adopted an alteration to DCP 39 – Exempt Development, which allowed the following to be carried out without the need for development consent:

- Certain works ancillary or incidental to development
- Change of use for community purposes, light industry and commercial development
- Minor forms of subdivision
- Some temporary events with minimal impact
- Weed removal

Unfortunately, subsequent to the adoption of that alteration, two additional proposals were received for inclusion in DCP 39. These are:

1. The erection of shade sails in schools, and
2. Strata subdivisions of existing dual occupancy buildings.

Consideration:

1. **Shade sails** are currently included in DCP 39 only within zones 3(a) Commercial, 3(b) Neighbourhood Business, 3(f) Services Business (Flood Liable) and 4(a) Industrial (ie they are permissible without the need for development consent in these zones). Conditions regarding area, height, colour and other matters apply. It is proposed to add Zone 5 (Special Uses Education) to this list to enable the Department of Education to construct shade sails in schools without the need for development consent.
2. **Strata subdivision of dwellings** constructed for dual occupancy is already permissible as ‘Complying Development’, meaning that an application can be assessed by an accredited certifier within seven (7) days, providing the proposal meets conditions set down in DCP 40 – Complying Development. It is not proposed to alter this by including the matter in DCP 39 – Exempt Development for the following reasons:
 - (a) buildings constructed prior to 1997 may not comply with current fire prevention requirements and should not be subdivided until Council or an accredited certifier can be assured that such measures have been installed; and
 - (b) if an application for strata subdivision is exempt from the need for consent, difficulties then arise for Council or accredited certifiers in issuing a Subdivision Certificate, (which certifies that all consent conditions have been met and enables separate title to be issued).

Manager - Finance & Administration Comments

Manager - Finance & Administration has advised that comments are not required.

Public Consultations

The amendment to DCP 39 must be publicly exhibited for 28 days.

Other Group Comments

Manager, Environmental Health & Building Services:

The inclusion of shade sails in Department of Education establishments as Exempt Development is agreed with and complements the promotion of shade as per Councils Community Sun Protection Strategy.

In view of the difficulties that would arise from a building regulator's perspective, I concur with the author that strata subdivisions should not be included in DCP 39 - Exempt Development. Strata subdivisions are required to be assessed for fire safety provisions and it is very likely that buildings erected prior to 1997 would not comply and would require some fire safety upgrading, to protect the occupants of the building and the surrounding community. This is an important part of the strata subdivision process and accordingly Development Consent is required to assess this process.

Author's Response to Comments from Other Staff

Not required

Conclusion

A further minor amendment to DCP 39 – Exempt Development will complement previous changes to that DCP by enabling the Department of Education to carry out minor development in schools without consent.

Recommendation

That Council agree that the Schedule contained within Development Control Plan No. 39 – Exempt Development be altered by the inclusion under the heading 'Sunshade sails' of the words '5 (*Special Uses Education*)'.

Subject/File No: Draft Development Control Plan (DCP) 47 – “Waste Minimisation” and draft amendments to DCP 14 – “Residential Development”; DCP 26 – “Industrial Development Standards”; and DCP 40 – Complying Development. (S881)

Prepared By: Lesley Trott – Waste Minimisation Officer

Reason: To comply with the ‘Action Plan’ for Local Government under the NSW “Waste Avoidance and Resource Recovery Strategy 2003.”

Objective: Council’s endorsement to exhibit Draft DCP 47

Management Plan Activity: Waste Minimisation

Background:

The NSW Waste Avoidance and Resource Recovery Strategy (WA&RRS) 2003, promotes the avoidance and reduction of waste in NSW as a partnership/shared responsibility across all industry sectors.

The WA&RR Strategy includes a draft ‘Action Plan’ for local government, detailing the responsibilities and influences of Local Government in meeting strategy objectives.

The NSW Department of Environment and Conservation website currently states: “The draft Action Plan for Local Government provides the basis for discussion about actions, possible commitments and proposed targets that Local Government could adopt to contribute to the meeting of the NSW Waste Avoidance and Resource Recovery targets. Councils are encouraged to consider the issues raised, and to initiate discussions with other Councils where appropriate and through voluntary waste groups, with Regional Organisations of Councils (ROCs) and through the Local Government and Shires Associations.”

State Government, as a priority for Councils in NSW, identifies the adoption of a Development Control Plan, requiring Waste Management Plans (WMP) as part of the Development Control process.

In response to this, Environmental Health has prepared a draft DCP 47 - ‘Waste Minimisation’, in an effort to meet NSW strategy objectives, and:

- reduce waste to landfill;
- extend the life of landfill operations in the area; and
- contribute to environmental and economic sustainability through resource conservation.

This draft has been developed in consultation with the Department of Environment and Conservation (DEC). Approximately 40 of the 53 Councils within the NSW ‘Extended Regulatory Area,’ have adopted a DCP to minimise Construction and Development (C & D) waste, and with the assistance of the DEC, LCC developed Lismore’s draft DCP 47, as an amalgamation of key features from a number of these documents.

Lismore is the first Council in rural/regional NSW to develop a DCP for minimising building waste. The North East Waste Forum, as the voluntary waste group of the Northern Rivers and Clarence Valley area, has proposed that LCC’s Waste Minimisation DCP, be considered as the blueprint for adoption across the whole region, for the following reasons:

- to avoid duplication of work effort in the region;
 - development of region wide services; and
 - promote regional consistency of standards for the building industry.
-

Draft DCP 47

The 'Waste Minimisation' draft DCP should also offer the industry significant savings on disposal costs. This draft DCP aims to assist professional builders, as well as owner builders, to adopt waste minimisation in their development projects, and should stimulate a recycling and reuse program for C & D waste, to more than compensate for time taken to complete the WMP.

DCP 47 is relevant to demolition and construction work for all residential, commercial and industrial development, and requires the provision of waste separation and reuse/recycling of inert materials (such as bricks, concrete etc); scrap metal and reusable timber, where possible. A WMP would be required with a DA, detailing waste and recycling/reuse strategies for the development.

The draft DCP states that submission of the WMP is voluntary from the date of adoption of the draft DCP by Council, for a period of:

- 12 months (commercial and industrial development); and
- 24 months (residential development)

After this time, the draft DCP states that submission of a WMP is a compulsory part of the DA process. This time-delay will allow Council's Waste Minimisation Officer to provide waste minimisation information and support to the industry, and encourage further development of local recycling and reuse options for construction and demolition waste. In addition, support and information (including a DEC workshop in Lismore during September 2004), for LCC's Building Regulation section and front-line counter staff, will assist in the development of assessment and advisory skills in this area for key staff.

A copy of draft DCP 47 is included as Attachment 1 to this report.

The intention of DCP 47 is to encourage the reuse and recovery of C&D waste during construction/demolition activity. However, to ensure that ongoing waste minimisation practices, (such as providing enough storage space for separate waste recycling and organics bins), are taken into account during the project design stage, it is also necessary to amend DCP 14 – "Residential Development"; and DCP 26 -"Industrial Development Standards" (Part 1) as follows:

DCP NO.14 – Residential Development

It is proposed that clause 2.1 of DCP 14 relating to service areas be amended from:

"Service Areas

Site facilities such as garbage bin enclosures, storage areas and clothes drying areas should be designed to be conveniently accessible, yet visually unobtrusive.

Where collective storage areas for garbage bins are provided they should be suitably screened by landscaping or fencing so as not to be visible from the street or adjoining properties."

To:

"Service Areas

Site facilities such as garbage bin enclosures, storage areas and clothes drying areas should be designed to be conveniently accessible, yet visually unobtrusive.

An area of at least three (3) m² shall be provided for each 'waste service' to a property, in accordance with minimum storage requirements for future provision of an integrated waste, recycling and organics (three bin) system. The storage area should be in a location readily accessible to the waste collection point.

Where collective storage areas for garbage bins are provided they should be suitably screened by landscaping or fencing so as not to be visible from the street or adjoining properties."

DCP No.26 – Industrial Development Standards

It is also proposed that clause 2.12 of DCP 26 be amended from:

"2.12 Solid Waste Storage and Disposal

Suitable provision is to be made for the on-site storage and collection of all solid wastes. An area for the storage of a bulk waste container is to be provided behind the building line setback where it can be readily accessed and serviced by a waste collection vehicle. Waste storage areas are to be screened from the public roadway and from adjoining properties."

To:

"2.12 Solid Waste Storage and Disposal

Suitable provision is to be made for the on-site storage and collection of all solid wastes. An area for the separate storage of bulk waste, organics and recycling containers, is to be provided behind the building line setback where it can be readily accessed and serviced by a waste collection vehicle. Waste storage areas are to be screened from the public roadway and from adjoining properties."

This change will ensure that future developments provide adequate storage space for future waste, organics and recycling service needs. The draft amendment to DCP 26 is included as Attachment 2.

DCP No.40 – Complying Development

To ensure that development qualifying as 'complying development' (i.e. development that can be addressed by predetermined development standards), is also designed and managed to achieve the same waste minimisation outcomes, it is proposed that DCP 40 -"Complying Development" clause 1.4 (Objectives) be amended from:

- *To ensure that the development has a minimal impact on the environment.*

To:

- *To ensure that the development has a minimal impact on the environment, including minimising waste to landfill.*

And that clause 1.10 (4) 'Site Management' be amended from:

'The development shall be so managed, that all activities are undertaken in accordance with acceptable environmental standards. Activities include:

- (a) The processing, handling, movement and storage of materials and substances; and*
- (b) The treatment, storage and disposal of wastes (including solid and liquid wastes)'*

To:

'The development shall be so managed, that all activities are undertaken in accordance with acceptable environmental standards. Activities include:

- (a) The processing, handling, movement and storage of materials and substances; and*
 - (b) The treatment, storage and disposal of wastes (including solid and liquid wastes)'*
-

Acceptable environmental standards in the case of the treatment, storage and disposal of wastes shall include compliance with the provisions of Development Control Plan 47 – ‘Waste Minimisation’.

The draft amendment to DCP 40 is included as Attachment 3.

Manager - Finance & Administration Comments

Not applicable

Public Consultations

The draft DCP is to be advertised for a period of 28 days, and the reason for the staged time-delay in the draft DCP becoming compulsory, is to allow time for Council’s Waste Minimisation Unit to run information and education programs, advising professional and owner builders about the upcoming changes, and informing about local reuse and recycling options available to developers.

Other Group Comments

Environmental Health & Building Services

The draft DCP adds another positive dimension to sustainable development within the Lismore Council area.

The DCP enhances Lismore’s reputation as a leader within the region in regards to waste minimisation and management and as such the inclusion of waste minimisation into the relevant documents is fully supported.

Author’s Response to Comments from Other Staff

Noted.

Conclusion

It is proposed that draft DCP 47 and the recommended amendments to DCPs 14, 26 and 40 as outlined in this report be placed on public exhibition. The draft amendment to DCP 14 is incorporated into another proposed amendment to this DCP that is the subject of a separate report in this Business Paper.

Recommendation (PLA02)

- 1 That Draft DCP 47 – “Waste Minimisation” be placed on public exhibition for a 28 day period.
- 2 That Draft amendments to DCP 26 – “Industrial Development Standards” and DCP 40 – “Complying Development” also be placed on public exhibition for a 28 day period.
- 3 That a Communications Strategy be developed and implemented to ensure that the local development/ construction industry is made fully conversant with DCP 47 prior to the mandatory introduction.

Subject/File No:	DEVELOPMENT APPLICATIONS DETERMINED BY COUNCIL
Prepared By:	Planning Services
Reason:	To rationalise and update current policies and procedures relating to Councillors' calling in DAs for determination.
Objective:	To inform, and obtain the agreement of, the current Council regarding the policy to apply.
Management Plan Activity	Planning Services

Background:

Following a question at the Council meeting of April 27, concerning the procedures for, and responsibilities on, Councillors calling in a development application for determination, the opportunity exists to review current Council policies and internal procedures in this matter.

Issues identified during this review include:-

- The basis for Councillors calling in DAs is not contained in a policy that is immediately identifiable to Councillors, staff or the public
- The consequences of calling in DAs are not specified to assist Councillor decisions
- A mix of policies and internal procedure applies, with the result that there is currently no one document which clearly specifies Councillors' opportunities and obligations in relation to determination of development applications, nor is there clear direction to staff
- There is no statutory obligation to hold a site inspection but Council may determine to do so. However, currently the purpose, format and attendance at site inspections for Council determined DAs is not specified.

Determination of Applications by Council

Currently, two Councillors may make a request in writing to the General Manager that any development application is to be submitted to Council for consideration. In these circumstances the application will not be determined under delegation but will be reported to Council with an officer recommendation.

Further circumstances currently requiring a determination by Council are:-

- An application with a value greater than \$2.5 million
- Any application for a quarry which has attracted objections.
- All subdivisions over 30 lots
- Rural Landsharing Community (formerly termed Multiple Occupancies) with more than 10 dwelling sites proposed, a substantial number of objections or substantial planning or environmental concerns.

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Development Applications Determined by Council

- Any DA generating objections of a significant nature, being those which, while valid under S79C of the Environmental Planning & Assessment Act, cannot be addressed by means such as conditions of consent, negotiated alterations to the proposal, mediation or by other means.

Consequences of Consideration by Council

Advantages

Supporters of and objectors to development applications are able to address Council in public access, and are available for questioning by Councillors.

Disadvantages

- a) The determination is delayed until the monthly Council meeting, whereas in the usual course of events DAs are determined weekly. As there can be a considerable lead time in the production of reports for the Business Paper there is no guarantee that a DA called in can be reported to the next meeting.
- b) Under the Environmental Planning and Assessment Act an appeal may be lodged by the applicant with the Land and Environment Court against Council's 'deemed refusal' if an application is not determined within 40 days. Therefore the need for a determination by Council leaves the organisation vulnerable to the costs incurred in defending such action (in the order of \$30,000 to \$40,000).
- c) These costs can increase if Council determines to refuse an application which an officer has recommended for approval, as in these circumstances, the Council officer cannot be required to appear in Court defending Council's decision. The services of an independent consultant are retained and additional costs are incurred by the necessity for staff supervision (estimated range of costs \$40,000 to \$50,000 in such circumstances).
- d) Difficulties in framing valid consent conditions can result if Councillors decide to amend or add to conditions without prior consultation with staff, with consequent legal and implementation difficulties. Consent conditions must be legally valid in that they must:-
 - Have a planning purpose in relation to a matter under S 79C of the Act,
 - Must fairly and reasonably apply to the development and its site,
 - Must not be so unreasonable that no reasonable authority would impose them.
- e) A delay in determination may have financial consequences for the applicant/land owner.

Review of Delegations to staff for determination of DAs

The delegations outlined above may have been in place for many years as they largely reflect issues which were controversial in the early 1990's. Many applications were received for quarries a decade ago and attracted much public attention, but only one application has been received within the last five years. Similarly there has been only one application within the last four years for a rural land sharing community (multiple occupancy). It is recommended that these two subjects be deleted from those to be determined by Council.

The current requirement for Council determination of subdivisions over 30 lots is arbitrary as that number is not necessarily an indicator of major issues or of community concern. Deletion of this matter is also recommended as it is considered that Councillors' interests are covered in the ability for two Councillors to 'call in' an application and for DAs attracting objections of a significant nature to be determined by Council.

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The requirement for Council to determine applications over a particular cost threshold is similarly outdated and has been superseded in other Councils in the region. Again, the cost of a development is not necessarily an indicator of the existence of significant issues nor of community concern. It is recommended below that this provision be deleted.

The outcome would be that Council would determine:

- o Any application for which two Councillors have made a request in writing to the General Manager; and
- o Any DA generating objections of a significant nature, being those which, while valid under S79C of the Environmental Planning & Assessment Act, cannot be addressed by means such as conditions of consent, negotiated alterations to the proposal, mediation or by other means.

It is likely that the latter situation would arise only in the following circumstances: an application did not comply with Government and Council requirements; it attracted public objections; the applicant was not willing to negotiate or withdraw the application; and refusal of the application was recommended.

The alteration to delegations will ensure that Councillors are able to determine applications in which they have an interest, and that other applications will not be unnecessarily delayed pending reporting to a Council meeting

Proposed Policy for Council Determination of Development Applications

A revised Policy clarifying the issues raised above has been prepared as an attachment to this Business Paper. If adopted a staff procedure will be prepared to support the Policy and current policies/procedures should be repealed.

In summary, the main points of the proposed Policy are:-

Update the criteria for DAs to be determined by Council.

The revised Policy reflects the above suggestions and specifies the circumstances under which a development application is to be determined by Council, rather than under delegation.

Implications of determination by Council

This section of the Policy states, for Councillors' information, the benefits and otherwise of calling in a DA for Council determination.

Obligations on Councillors calling in a DA are described as:

- Allowing sufficient time before a Council meeting to permit the production of a report within administrative deadlines
- Attending the site inspection.

Site Inspections or Councillors' Briefing Sessions/Workshops

It is desirable that Councillors be fully briefed about development proposals before making a decision. However, site inspections are not mandatory and a brief check indicates that Lismore is the only local Council in the region which carries out regular Councillor site inspections. Site inspections are not necessarily appropriate nor useful for very large sites (eg large subdivisions) or in poor weather or where alternatives exist, for example:-

- With the benefit of aerial photography and electronic communications available to Council it may be more useful to hold a briefing session in the Council Chambers;

Development Applications Determined by Council

- Councillors or the General Manager may determine that no inspection or briefing session is required for minor proposals called in, or for developments on well-known sites and with no major issues arising.

However, site inspections for Councillors can still be beneficial provided there is clear guidance on the purpose and format of, and attendance, at site inspections. The revised Policy achieves this in the following ways:

- (a) The *purpose* of the inspection is to **inform Councillors** by outlining the proposal and any issues arising by virtue of site characteristics, location, neighbouring uses or public submissions. It is not appropriate to debate the merits or otherwise of the proposal with staff or the public, nor is it an appropriate forum for assessment staff to justify or defend the proposal or their recommendation, instead being limited to providing technical advice to Councillors.
- (b) The *format* should be formalised so that the Mayor or Deputy Mayor chair inspections, by introducing staff not already known to Councillors, setting out the ground rules for expected behaviour, and outlining a brief agenda (provided by staff). In the absence of the Mayor or Deputy Mayor, either the Group Manager Planning & Development or his/her delegate should perform that role, while the assessing officers provide technical advice regarding the application and Council procedures.
- (c) *Attendance* at site inspections should comprise the Councillors who called in development applications, any other interested Councillors, and either the Group Manager Planning and Development or his/her delegate.

The planning officer co-ordinating the assessment should attend to provide technical information and an overview of the application. That officer should provide a brief agenda and location/site map to Councillors.

Staff from other Sections of Council who have also had involvement with the application should also attend to explain their issues to Councillors and answer questions.

The applicant for the development should be invited to attend the inspection, and should clarify any matter which is unclear in the application, and it is the responsibility of the applicant to justify and defend the application if required (not Council staff).

The landowner (if not the applicant) should also be informed of the inspection and invited to attend.

The past practice of inviting 'objectors and other persons with an interest' to attend site inspections is recommended to be removed as a range of more effective community consultation mechanisms/opportunities already exist. These include:-

- the developer, if following best practice, consulting with neighbours before preparation of the application
- supporters/objectors having the benefit in most instances of a public exhibition following which all submissions are considered during assessment of the application
- supporters /objectors have access to staff and Councillors, by phone, letter and individual meetings, to make their views known
- the possibility of independent mediation meetings which provide supporters /objectors with further opportunities to identify concerns and explore avenues for resolution or compromise.

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Given the limited opportunities available for familiarising Councillors with sites and relevant issues, it is not appropriate that site inspections also be used for debate and/or negotiation with objectors.

Finally, no automatic right of entry for the public to private property results from lodgement of a development application and Council is not entitled to invite third parties onto private property without the agreement of the landowner. As relations between applicants/landowners and objectors can sometimes deteriorate, Council is simply not in a position to promote a process (ie. of guaranteeing objector access to DA sites) over which it ultimately has no control.

Consequential Amendment to Policy 5.2.2

This Policy governs the constitution and operation of the Development Assessment Panel which is empowered to concur or refuse to concur in recommendations for determination of development applications. A copy is contained within the Attachment to the Business Paper for the information of Councillors. It will be necessary to alter this Policy in order to conform with the amended delegations as contained in this report.

The DAP can provide comprehensive technical advice to applicants prior to lodgement of an application. Such pre-lodgement advice can be minuted and supplied to the applicant in order to improve the quality of the application and ensure efficient assessment when the application is lodged. It is recommended below that this role be formalized by inclusion in Policy 5.2.2.

Supporting Administrative Procedures

A new procedure will specify the responsibilities of staff in organising and attending briefing sessions or site inspections.

Manager - Finance & Administration Comments

Not required.

Public Consultations

There is no requirement for public consultation.

Other Group Comments

Comment was sought from other Groups/Sections involved in the development assessment process:

Environmental Health & Building Services:

The procedure in requesting the attendance of other sections in Council to attend site meetings, briefing sessions or workshops to provide technical information is endorsed. An appropriate time frame for notification of such meetings, which are usually held after business hours, needs to be provided to ensure the appropriate staff members who are familiar with the application can be in attendance.

Development Assessment Engineer:

The proposed policy is supported by Council's Development Engineer.

Lismore Water:

The proposed policy is supported by Lismore Water.

Conclusion

The proposed policy clarifies uncertainties surrounding Councillor determination of development applications and consolidates requirements into one accessible document. The revised policy will also ensure that Council is operating within the terms of the Local Government Act in determining the policy framework while the responsibility of staff is to implement those policies.

Recommendation (PLA01)

It is recommended that Council:

1. Adopt the revised policy for determination of Development Applications and other planning matters by Council.
2. Endorse the consequent alterations to Policy 5.2.2 *Development Assessment Panel Function and Modus Operandi*.
3. Endorse the deletion of the existing Policy 1.2.14 *'Information Sessions for Councillors'* from the Policy Manual on the basis that its contents are now included in the new Policy.

Subject/File No: 2004 GUIDELINES FOR COUNTRY TOWNS WATER SUPPLY & SEWERAGE PROGRAM (S301)

Prepared By: Anu Atukorala – Manager Lismore Water

Reason: To inform Council of the latest changes to the Country Towns Water Supply & Sewerage Program guidelines

Objective: To inform Council

Management Plan Activity: Water and Wastewater

Background:

Water supply and wastewater projects are entitled to subsidies from the State Government. Previously, the subsidies were administered by DLWC (Department of Land and Water Conservation). With the abolition of DLWC, the Department of Energy, Utilities and Sustainability (DEUS) has taken on this role. DEUS recently completed an independent review of the subsidy program (also called the Country Towns Water Supply & Sewerage Program) and has made some significant changes. A copy of the leaflet provided by DEUS is given in Attachment A.

The most significant changes are:

1. Subsidies for project designated as “Small Town Schemes” (such as Clunes) reduced from 67% to 50%.
2. For large Local Water Utilities (LWU’s), such as Lismore, with turnover greater than \$10 million, maximum subsidy for all other types of schemes has been reduced from 50% to 20%. For example, the UV unit, which attracted a subsidy of 37% would now get only about 14%.
3. There are no longer subsidies for investigation and concept development activities undertaken prior to identification of preferred options. For a project such as Clunes, where considerable community consultation may be required in order to determine a preferred option, this could be in the vicinity of \$200,000 to \$400,000.
4. Funding is available for works subsequent to determining a preferred option. This includes funds for EIS’s, survey, design and tender documentation.
5. Before calling tenders, estimates need to be provided to the Minister and approval sought to call tenders.
6. The LWU is the principal of contracts and is also the banker (previously it was the Department of Commerce). This is not entirely a negative for a large LWU such as Lismore with its own Contracts Engineer, however smaller LWU’s, which depend on the Department of Commerce for this expertise, may find it difficult.
7. Once tenders are received the Minister will give a fixed dollar grant (lump sum) funding, taking into consideration the subsidy rate as determined by him and the contract price.
8. The Minister will not entertain any variations or cost escalations beyond the abovementioned lump sum.
9. The project needs to be completed within three years or the entitlement is lost.

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Report - 2004 Guidelines for Country Towns Water Supply and Sewerage Program

Impact on Lismore Water:

The impacts on existing projects are as follows:

Table 1 – Impact on DEUS funded projects

Project	Investigation Costs ' 000 \$	Construction Costs ' 000 \$	Estimated final cost ' 000 \$	Max. Subsidy Based on old criteria ' 000 \$	Max. Subsidy Based on new criteria ' 000 \$	Date for completion
Clunes Sewerage System (1000 EP)	800	7200	8000	2640 (33%)	2000 (25%)	Dec 2006
Nimbin Water Supply Augmentation	176	424	600	A separate report is attached elsewhere		
North Woodburn Sewerage System	100	1200	1300 (latest estimate)	650 (50%)	260 (20%)	Dec 2006
East Lismore UV Unit			2100	No impact as the subsidy level (37%) was signed off under old criteria		

Notes to Table 1:

- DEUS funding has always been only available for “backlog” works based on 1996 population data. This criterion still holds.
- DEUS defines the backlog works as follows:
 - Backlog = 1996 population + 20%.

Clunes

The 1996 population in Clunes was approximately 400 EP (equivalent persons). Hence for approximately 500 EP of the scheme, DEUS subsidy would be available.

The Clunes sewerage scheme is eligible for the higher rate of subsidy, as it was designated a “Small Towns Scheme” way back in 1996. Under old criteria, Council would have got approximately 67% subsidy for this portion of 500 EP. Now Council will only get 50%. (For the entire scheme of 1000EP, this equates to 33% and 25% respectively.)

The current proposal is to construct a plant of 1000 EP capacity. Hence the balance, 500 EP, is for growth and Council needs to fund it using its own funds, which are recouped through Developer Contribution Charges (S64 charges). The Clunes Wastewater Committee (CWC) will investigate whether this additional 500 EP is required as part of the EIS and DCP review process.

North Woodburn Sewerage Scheme

Unlike Clunes, North Woodburn Sewerage scheme is not eligible for the higher rate of subsidy, as it was not designated as a “Small Towns Scheme”. No new schemes are eligible for entry into this list.

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Report - 2004 Guidelines for Country Towns Water Supply and Sewerage Program

A report on the North Woodburn study will be presented to Council as soon as the consultant's report is finalised. The cost estimate of \$1.3 million is based on the latest draft report prepared by the consultants. This may change once it is reviewed.

Given that North Woodburn is unlikely to have any growth beyond the 1996 population, it is most likely that DEUS will allow the maximum subsidy of 20%. Under previous criterion it would have been 50%.

Impact on any future project

Any future project, such as say sewerage of Dunoon, will only attract a maximum of 15% to 20%. Further, investigation and community consultation required to determine a preferred option will have to be funded entirely by Lismore Water.

A project such as the UV unit at East Lismore will now be only eligible for a 15% subsidy compared with the 37% that was given.

It is difficult to assess the full impact of these changes on the user charge. Hence it is recommended that the Lismore Water financial model be revised and presented to Council. Revision of the water and sewerage financial model is required to comply with new DEUS Best Practice Guidelines as well.

It is also recommended that Council write to the LGSA and DEUS expressing its concerns regarding the new guidelines. The Water Directorate is at present collating information so that a case can be presented to DEUS and LW staff have provided them with the information presented in this report.

Manager - Finance & Administration Comments

Without doubt, the impact of reducing the level of subsidy available for major capital works, such as Clunes Sewerage, Nimbin Water and North Woodburn Sewerage will result in user charges being increased.

Based on the reported information, Council's upfront costs will be escalated by approximately \$900,000. Given this situation, and the increase in the total project costs, it is appropriate that the Lismore Water Financial Plans be updated so the overall impact, especially user charges, can be assessed.

Public Consultations

Not required.

Conclusion

The new DEUS guidelines for subsidy have an adverse impact on Lismore Water and the Lismore community. Future sewerage schemes including North Woodburn will only attract a maximum subsidy of 20%. The financial model needs to be revised in order to fully assess the impact.

Recommendations (ENT09)

It is recommended that:

1. Council convey to the LGSA its concerns regarding the new Guidelines and requesting support for changes which will make the small town schemes affordable.
2. A revised financial model for Lismore Water be presented to Council, so that the overall impact of revised DEUS water and sewer subsidy guidelines can be properly assessed.

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Subject/File No: NIMBIN WATER SUPPLY STUDY/COMMITTEE (S304)

Prepared By: Anu Atukorala – Manager, Lismore Water
Janaka Weeraratne – Asset Manager, Lismore Water

Reason: To seek Council endorsement for the increase in capital costs and to write to the Minister seeking approval to call tenders

Objective: To inform Council of increased costs and revised process for seeking subsidy.

Management Plan Activity: Water Supply Services

Background:

At the Council meeting held on October 14, 2003, Council resolved that:

- 1 *Endorse the action of the Committee (“The Nimbin Water Supply Committee”) as detailed below:*
 - a. *Reticulation improvements (estimated cost - \$217,000);*
 - b. *Construction of 30 kL storage tank and associated works at the contact tank (estimated cost - \$100,000);*
 - c. *Investigate the suitability of a bore being installed to supply the swimming pool. The investigation costs would be about \$20,000 (funded from the current approved investigation phase);*
 - d. *Investigate and construct a system for aeration and mixing of water at the DE Williams Dam (estimated cost is \$15,000)*
- 2 *Council request State Government subsidy for the \$332,000 design and construction costs for the Nimbin Water Supply Improvements.*

In response to this resolution, a subsidy application was made to the Minister in November 2003.

Since then, DEUS (Department of Energy, Utilities and Sustainability) has changed the process and a new application must be made seeking the “Minister’s Approval” prior to calling tenders.

Recently, staff have carried out detailed designs and estimates for these works and it is now possible to provide the Minister with more accurate estimates as well. The latest estimates show that the costs are revised upwards due to the following reasons:

- Increases in material costs;
- Unforeseen ground conditions (creek crossings etc.);
- Increased OHS and environmental controls.

Further, as the Minister requires all costs to be identified upfront, it is now necessary to include the cost of a proposed bore pump (\$50,000) in this submission. This cost was not included in the original estimate as it was to be constructed only if the hydrology study showed a need for a supplementary source.

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Report – Nimbin Water Supply Study/Committee

Revised cost estimates :

Item	Original Cost	Revised Cost
Pipeline from DE Williams Dam to Reservoir	\$ 32,000	\$ 56,000
Pipeline from PRV to DE Williams dam	\$ 80,000	\$119,000
Easement Costs	\$ 40,000	\$ 20,000
Modifications to inlet pipework at Dam	\$ 5,000	\$ 10,000
Construct 30 kL storage tank	\$ 50,000	\$ 70,000
Interconnecting Pipework and Fittings	\$ 20,000	\$ 20,000
Aeration System	\$ 10,000	\$ 15,000
Bore (New Item)		\$ 50,000
<i>Sub Total</i>	<i>\$237,000</i>	<i>\$360,000</i>
Design	\$ 35,500	\$ 20,000
Supervision/Management	\$ 24,000	\$ 8,000
Contingency	\$ 35,500	\$ 36,000
<i>Sub Total</i>	<i>\$ 95,000</i>	<i>\$ 64,000</i>
Total	\$332,000	\$424,000

This is an increase in costs of 28%.

Details of the proposed construction works are given in Attachment A.

DEUS (Department of Energy, Utilities and Sustainability) Funding

Discussions with DEUS staff indicate that for the Nimbin Scheme, the following funding arrangement may apply:

Item	Cost (\$)	Original Subsidy (\$) (%)	Current Subsidy (\$) (%)
Pre-construction	176,000	88,000 (50%)	88,000 (50%)
Construction	424,000	212,000 (50%)	84,800 (20%)
Total		\$300,000	\$172,800

The above table gives the best case scenario for scheme subsidy (which is a reduction in subsidy from \$300,000 to \$172,800).

The worst case scenario would be if the Minister decides to treat the preconstruction and construction activities as a single project, and apply the revised rate of 15% (which the Minister is at liberty to do) in which case the total subsidy received would be \$90,000. As this is only marginally higher than the \$88,000 Council has already received, Council would not have any advantages in accepting this offer. In this event, Council will have to fund all the construction works.

Sufficient funds are available to carry out these works.

Manager - Finance & Administration Comments

The 2004/05 Budget has an allocation of \$350,000 for this project. A 50% subsidy, or \$175,000, was anticipated from DEUS with the net cost to Council being \$175,000. Based on the reported information, the net cost to Council, if a worse case scenario were to eventuate, is \$422,000.

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Report – Nimbin Water Supply Study/Committee

It is possible to fund these works from within the Water Fund as there is approximately \$2,000,000 available in reserves for future capital works and being a 'user pays' system, charges can be increased, if needed, to compensate for the increased Council contribution.

Public Consultations

Not required.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not required.

Conclusion

Detailed designs indicate that the cost estimates need to be revised upwards. New DEUS guidelines require all costs to be identified up front and, as such, the cost of a bore is also included. DEUS also requires Council to seek Ministerial approval before calling tenders.

Based on the new DEUS funding guidelines, the subsidy for construction activities has reduced from an estimated 50% to an estimated 20%.

Recommendations (ENT10)

It is recommended that Council:

- 1 Note the increase in the price for the construction activities.
- 2 Write to the Minister requesting approval for calling tenders for the \$424,000 construction activities.
- 3 Accept the Minister's offer only if the preconstruction activities are treated separately.

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Subject/File No: MISCELLANEOUS S356 COMMUNITY DONATIONS
(S164)

Prepared By: Tricia Shantz

Reason: Miscellaneous Section 356 – Policy Guidelines

Objective: To inform Council of the Section 356 Funding for 2004/2005

Management Plan Activity: Community Services

Background:

Council has allocated \$30,500 in its 2004/2005 budget for Miscellaneous Section 356 Community Donations. In accordance with Council policy, applications were sought from community groups and a total of twenty one (21) applications valuing \$42,884 were received.

The following fifteen (15) projects received the most votes from Councillors:

1) Lismore South Public School P&C	\$2,200
2) Out of School Hours Care Goonellabah	\$1,471
3) East Lismore Pre-school	\$2,200
4) Lismore Challenge Ltd.	\$2,200
5) Lismore Community Toy Library	\$2,000
6) Community Connections	\$2,200
7) Clunes Community Pre-school	\$2,200
8) Nimbin A&I Society	\$1,963
9) Tullera/Modanville Playgroup	\$2,200
10) Rosebank Community Pre-school	\$2,200
11) Men's Resource Centre Inc.	\$2,200
12) Lismore CASACS	\$1,100
13) Goonellabah Women's Group	\$1,800
14) Lismore Croquet Club	\$2,200
15) Lismore Thistles Soccer Club	\$2,200
SUB TOTAL	\$30,334

There is an amount of \$166 remaining to be allocated. It is recommended that the remaining funds of \$166 be held over to meet unexpected requests for small community donations for the remainder of this financial year.

Manager - Finance & Administration Comments

Not required.

Public Consultations

N/A

Other Group Comments

N/A

Author's Response to Comments from Other Staff

N/A

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Miscellaneous S356 Community Donations

Recommendation (COR23)

1 That the 2004/2005 miscellaneous Section 356 donations be provided to the following fifteen (15) projects:-

1)	Lismore South Public School P&C	\$2,200
2)	Out of School Hours Care Goonellabah	\$1,471
3)	East Lismore Pre-school	\$2,200
4)	Lismore Challenge Ltd.	\$2,200
5)	Lismore Community Toy Library	\$2,000
6)	Community Connections	\$2,200
7)	Clunes Community Pre-school	\$2,200
8)	Nimbin A&I Society	\$1,963
9)	Tullera/Modanville Playgroup	\$2,200
10)	Rosebank Community Pre-school	\$2,200
11)	Men's Resource Centre Inc.	\$2,200
12)	Lismore CASACS	\$1,100
13)	Goonellabah Women's Group	\$1,800
14)	Lismore Croquet Club	\$2,200
15)	Lismore Thistles Soccer Club	\$2,200

SUB TOTAL **\$30,334**

2 That the remaining funds of \$166 be held over to meet unexpected requests for small community donations for the remainder of this financial year.

Subject/File No: RATING STRUCTURE REVIEW
S384

Prepared By: Rating Services Co-ordinator - John Beacroft

Reason: To address a previous Council resolution

Objective: To advise Council of an issue and provide a process for progression.

Management Plan Activity: Financial Services

Background:

The rating structure is Council's method of collecting local 'taxation' from property owners. The funds generated are used to carry out works and services provided within the general fund.

At the beginning of the last Council term, it resolved not to change the rating structure that had existed for over twenty years, during the four-year term.

In March 2003, following various representations made to Council in relation to the appropriateness of the rating structure, a series of public meetings was held in both rural and urban venues in an attempt to allow for community input into the discussion.

Following these public meetings, Council convened a working party (three councillors and staff) to look at the rating structure and report back.

A report from the Rating Strategy Working Party was considered at Council's February 10, 2004 meeting where it was resolved, 22/04 :-

- 1. The information and comments from the Rating Strategy Working Party be noted.*
- 2. No change be made to the 2004/05 rating structure due to the likelihood of fairly substantial change in valuations to be implemented from July 1, 2005 and the impact of changing the rating structure potentially twice within two years would have on ratepayers.*
- 3. The 'incoming' Council reform the Rating Strategy Working Party in October 2004 to review the impact of the new valuations and to look at implementing a new rating structure that reflects either of the two rating methods available within the Local Government Act with the need for it to be transparent, robust and explainable to ratepayers.*

Recent events in neighbouring council areas and for that matter all over the State indicate that there are great difficulties to be faced when a council receives new valuations and more so when there is a combination of changes to a rating structure and a new general valuation.

Information

The Local Government Act 1993 (LGA) sets out the methodology by which a Council can collect its rate income. The Department of Local Government also publishes a Rating & Revenue Manual (see their website www.dlg.nsw.gov.au, click on Local Government Publications) that is intended to be a guide for councils and it provides some interesting observations.

Rating Structure Review

Contained in the LGA are the two allowable methods of rating :-

1 Ad valorem rating

Ad valorem (at value) rating is based on using the land value of the property, supplied to Council by the Valuer General.

Ad valorem rating has been the form of taxation that has traditionally been used by local government, although land tax does muscle in on the territory somewhat.

Within the LGA, there is also the ability to use differential levels of rating for various categories of property. This practice, which this Council currently uses as its rating method, by its nature either discounts or inflates the valuation dependent upon whether you are paying the highest rate in the dollar (Business) or the lowest (Farmland).

There are a whole series of arguments for and against the use of valuations as a method of rating which run from holding land is just another form of holding your assets in a similar way to shares and cash whilst on the other hand it is held that being asset rich does not equate to being cash rich and therefore ability to pay is questionable. Conversely, there are also those ratepayers who are both asset poor and cash poor and I am sure that there are some who are asset poor and cash rich.

The variables here suggests that taking into account issues such as wealth and ability to pay when determining a rating structure is an extremely complex process and where the qualitative information to make judgements about ability to pay is simply not available to Council.

As valuations apply to all property, any argument for or against the use of valuations should be able to be applied to all rating categories and not quarantined to a particular category.

2 Base amounts

This method allows the use of both a set amount (up to 50% of the rate assessment) as well as using valuations for the balance of the assessment.

This process does have the impact of reducing variations within rate categories as it effectively disregards up to 50% of the valuation and replaces it with a fixed amount.

A base amount allows Council to determine if there are some facets of its operations that every ratepayer should make a contribution towards and allows these to be charged for in a base amount or alternatively, if there are some activities that are common to a rates category that should be paid for by that group and almost anywhere in between.

This is the opposite of the use of valuations as a taxation method. Base amounts equate rates to some general fund services delivered and not to valuations.

These two methods of rating offer any number of combinations and possibilities that will be discussed at a later date. What is important is arriving at a philosophy for rating that is clear, supportable and easy to administer.

Issues

As previously mentioned, various Councils have had great difficulty in arriving at a rating policy that is fair, acceptable and transparent following the receipt of new valuations.

LISMORE CITY COUNCIL - Meeting held August 10, 2004

Rating Structure Review

Given the volume and complexity of the rating information, the experience from the Rating Strategy Working Party and the need to assess the new rating valuations before taking a rating structure to the community for consultation, it is proposed to bring forward the process to ensure Council's resolution 22/04 is achieved.

Importantly, it is the need for Council to look at why it rates as it does, why certain rating categories pay more or less than others and the overall income that Council gathers from each category and for it to clearly set out why the rating process it is going to use from 2005/06 is the right one for Lismore City Council and by implication its ratepayers.

There are many issues here; the first of which that should be determined is what is Council's preferred rating method, valuations or base amounts?

This can be done now, as what is being determined is a principle and not the outcome.

To emphasis why this is important, reference is made to the Rating & Revenue Manual, P8: -

'The objectives of the Act with regard to rating are to:

- *Provide a system of local taxation, based on rates levied on property, which is simple, fair broadly uniform and which promotes local accountability*
- *Permit the use of particular rates for the provision of specific services or facilities*
- *Provide that councils will annually justify to their community their proposed revenue raising decisions in an open manner*
-

Council's Charter is set out in the Local Government Act, at Section 8, in part as follows: -

- *to raise funds for local purposes by the fair imposition of rates, charges and fees....*

It was recognised both by the Rating Strategy Working Party and by the previous Council that the current rating structure has not been clearly explained and is not transparent. It has merely been extended from one year to the next without any reasons being given.

This is not to say that it may not be the right rating strategy for this Council, it is just that there is no explanation currently available.

It is also a view within the rating industry that at some stage, Councils will be required to justify why they do the rating things that they do. This, coupled with the LGA's requirements is a good reason to review and determine a rating strategy.

Manager - Finance & Administration Comments

To ensure Council has the optimum time to determine a rating structure which is "...transparent, robust and explainable to ratepayers", the recommendation to hold a rating workshop for Councilors as soon as possible is supported.

In regards to the recommended process, if agreed, this will allow for the rating structure requirements of the Local Government Act, the Rating & Revenue Manual and Council's resolution, to be clearly communicated to all ratepayers.

LISMORE CITY COUNCIL - Meeting held August 10, 2004

Rating Structure Review

Public Consultations

Not sought.

Other Group Comments

Not sought.

Author's Response to Comments from Other Staff

Nil

Conclusion

The position outlined above makes a case for: -

- * Revisiting Council's rating Structure, sooner rather than later, and
- * Suggests that the process should be in two parts: -
 - Determining which of the rating methods and/or combination of the two is Council's preferred rating option and why.
 - Once Council's rating philosophy is determined, look at who should pay what and why.

It is proposed to conduct a rating workshop on Tuesday, August 24, 2004 and all Councillors are encouraged to attend.

Recommendation (COR16)

Following the rating workshop on August 24, 2004 Council appoint three (3) Councillors as members of the Rating Strategy Working Party (RSWP) and that the RSWP submit a report to Council at the earliest possible opportunity on the preferred rating structure model for Lismore City Council.

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Subject/File No: NORTH EAST WASTE FORUM (NEWF) COUNCILLOR REPRESENTATIVE (S768)

Prepared By: Waste Minimisation Officer - Lesley Trott

Reason: The draft Memorandum of Agreement for membership of NEWF states that member Council representation on the forum shall comprise one elected member (Councillor) and one officer with appropriate expertise in waste management.

Objective: To identify a Councillor representative for NEWF

Management Plan Activity: Waste Minimisation

Background:

The North East Waste Forum (NEWF) represents a voluntary approach by Councils of the Northern Rivers Region, to co-operate in waste minimisation and management. Member Councils include Ballina Shire, Byron Shire, Clarence Valley Shire and Richmond Valley Shire. Through the NEWF, member councils work on a co-operative basis on waste management and waste education projects and programs.

Council resolved to recommit to membership of the NEWF for the 2004/5 Management Plan. A revised draft Memorandum of Agreement (MoA) has been drafted by the NEWF, and clause 6.1.1 of the MoA relates to council representation on the forum as:

"Each member council shall nominate two (2) representatives. One of who shall be an elected member (Councillor) and the second shall be an officer of council with appropriate expertise in waste management activities."

The General Manager, being the nominated 'officer of council' has proposed delegating the task of attending NEWF meetings to the Group Manager of Business & Enterprise.

Member councils host NEWF meetings in rotation, and the next meeting is in Lismore on Friday August 13, 2004 at 9.30am, at the Community Centre, Goonellabah.

Public Consultations

No public consultation has been undertaken in relation to LCC membership of NEWF.

Conclusion

An elected member of Lismore City Council, with an interest in waste minimisation and management activities, is requested to attend NEWF meetings.

Recommendation (ENT07)

Council nominate an elected member as a representative on the North East Waste Forum.

LISMORE CITY COUNCIL - Meeting held August 10, 2004

Subject/File No: MANAGEMENT PLAN REVIEW 2003-2006 –JUNE QUARTER 2004

Prepared By: General Manager

Reason: Requirement of the Local Government Act

Objective: Information of Councillors

Management Plan Activity: General Manager

Background:

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

This report includes information that relates to the performance of programmes and activities highlighted in the Plan for completion during the quarter ended June 2004.

Recommendation:

That the report be received and its contents noted.

GROUP: GENERAL MANAGER'S
Management Plan Review
Period ending June 2004

Review of exceptional items across each functional area of the General Managers' Group

Communications and Community Relations

- **Councillor familiarisation** workshop conducted in April.
- **Management plan 2004-2007** – produced and adopted.
- **Strategic planning** –
 - Compilation of 'Community directions – Issues Paper 2004' for Council review.
 - Project managed strategic planning, including liaison with councillors and consultant, and input to staff cultural gaps survey.
- **Communications Strategy** –
 - Review into Business Paper communication and workflow completed.
 - Review of Council meeting communications commenced – survey of Councillors conducted
 - Review of Community access commenced.
 - Internet – Published Winter version of website.
 - Implementation of new content management system for Internet, supported by staff training.
 - Published Community Link Mar/Apr edition.
 - Issue management - maintained daily pro-active media schedule, including maintenance of positive media profile on issues and exceptionally high media coverage of events (> 98%)
 - Liaison with SCU re 10th anniversary celebrations.
- **Events - Community Relations** -
 - Held Flood Safe Week 2004
 - Finalised procedures for start-up of flood call centre.
- **Customer Service** -
 - Abraxa Review into customer service fully implemented, ongoing review.
 - Customer Service Committee – trialling models for measurement.
- **Customer Satisfaction Survey** - customer satisfaction survey published and distributed.

Special Projects and Properties

- Land register – this project has been extended to now include a central register of leases and licenses. Parks and Recreation, Business and Enterprise, Financial Services have been helpful in getting these documents into a centralised system.
- Spinks Park and Riviera Development – the plans for the extension of the rowing club wharf have been completed and are being checked by the Lands Department.
- CBD Centre – disable ramp has been approved, construction certificate issued and Bennett Construction have been engaged to complete work.
- Cultural Precinct – submissions to the Master Plan are being reviewed.
- Re-classification and rezoning – submissions are being reviewed prior to report being prepared.

Workshop , Fleet Management and Sign Shop

- Delivery of Jetpatcher Road Repair unit (Roadworks - Fleet No's 168) and in service.
- Delivery of one Reduced Swing Caterpillar Excavator (Roadworks - Fleet No. 246) and in service.
- Order placed for the purchase of 35,600 litre Diesel fuel storage tank and filling .
- Purchase/delivery to LCC Workshop of replacement/additional plant items which include:-

Sykes smaller sign board (Roadworks - Fleet No. 732), 2 tonne tipping truck (Crematorium – Fleet No. 135), Holden Statesman sedan (General Manager – Fleet No. 900), 4x2 Holden Rodeo utility (Lismore Water – Fleet No. 400), 4x4 Nissan Navara utility (Parks & Recreation – Fleet No. 454), 4x4 Toyota Hilux utility (Quarry – Fleet No. 421), 4x4 Holden Rodeo utility (Roadworks – Fleet No. 428), 4x2 Table Top Truck complete with crane and winch ordered per Council approval (Bridges – Fleet No. 184), Toro Zero Turn Mower (Parks & Recreation – Fleet No. 692)

Economic Development / Tourism

- This quarter the Rainbow Region Visitors Centre had 12996 through the door up slightly from the previous quarter of 12914.
- The free accommodation booking service has proved to be not only a valuable service to visitors but has also raised \$2862.60 in booking commissions over that period alone. The number of phone calls and email requests have also increased indicating that the numbers through the door are not always a clear indication of the number of visitors that utilise the centre.
- Tourism Advisory Panel Review of Management Plan.
- Lismore Economic Development Advisory Board – review of membership and Charter of Operation.
- Northern Rivers Tourism – Touring Guide Launch.
- Careers Expo planning, co-ordination and sponsorship attraction (event to be held 30-31 July and the Lismore Turf Club).
- First Lismore Leader prepared and distributed.
- Herb Festival planning, advertising, website and merchandise (event to be held 21-22 August)
- Completion of Lismore Tourism Marketing Action Plan 2004-2005.
- Preparation of submission for retention of Small Business Advisory Service . (BEC funding)
- Incentives for Investment – research, review, formulation of future determination guidelines.
- Preparation of submissions for funding.
- Statement of commitment completed with Indigenous Elders, first stage of indigenous historic research videoed.
- Funding of 20K secured from LUO for lighting, (emphasis on labyrinth). Proposal for labyrinth sent to SCU, verbal commitment of \$10,000.
- Assistance with funding submissions for Australian Tourism Development Program, Rainforest Botanic Gardens, Northern Rivers Conservatorium, Women in Business, BEC Business Advisory
- Rainforest Way project - input and briefings
- Secured sponsorship for Herb Festival (\$8,000 Greenridge Botanicals, Rex x2 airfares)
- Nimbin - Community Economic Development Officer: preparation of workplan, job descriptions, did interviewing, assistance with survey collation for Special Business Rate Variation, Crime prevention.

Human Resources

- Training concluded for Richmond Tweed Council Cooperation initiative - Aurion Human Resources Information System (HRIS) Project involving 7 councils and the Richmond Tweed Regional Library

- Manager worked with Local Government Support Officer & Steering Committee on regional forum for communication on Natural Resource Management issues with the newly formed Catchment Management Authority
- Regular presentations to General Managers' - Sub Regional Group on the above two projects
- Manager attended 'Councils Working Together' Conference in Wellington - gathered information on strategic alliance models for report back
- LGSA 2004 Local Government State Award Working Party finalising input to negotiations for the new Award
- Assisted with the consultation and change process for the Review of Northern Rivers Waste
- Researched and held discussions with the General Manager on Organisation Structure review
- Positive results from organisation-wide cultural health (employee opinion) survey and associated strategies to be implemented
- Annual review of Skills Assessment Process commenced
- Progressed a number of initiatives under the Employee Health & Fitness Program

LISMORE CITY COUNCIL - Meeting held August 10, 2004

GROUP: CORPORATE & COMMUNITY SERVICES

Management Plan Review

Period ending June 04

Review of exceptional items across each functional area of the Corporate and Community Services Group.

Community Services

- *Child Care Centres* - Gingerbread House has erected a 1.8 metre fence around the front yard in response to concerns for health & safety of children and OH & S concerns for staff, Koala was reviewed by the National Childcare Accreditation Council in May and received an outstanding assessment, with 97.8% of the 592 validation indicators and After School Hours Care is now averaging a daily attendance of 52 in the lead up to accreditation assessment later this year.
- *Kadina Park* – the EnVite work for the dole (WFD) team has completed the shared walking/cycle path that runs around the perimeter of the park and installed a twin electric BBQ unit. The WFD team together with a team from Lismore Challenge has planted approx. 1,500 plants along the steep bank facing Kadina Street.
- *Seniors Week* – the seniors short story and poetry writing competition has closed and been judged. The stories have been compiled into a book that is currently being published and will be launched at the Northern Rivers Writers Festival on July 30.
- *Youth Activities* – this year's Youth Week included a youth forum, which was conducted at Southern Cross University, and it addressed the issues of young people's sense of personal safety in the CBD and also the absence of designated youth activity space. Council's provision of an interim Youth Activity Space is well underway with Community Connections now in the process of refurbishing C Block in the cultural precinct.

Information Services

- *Computer Network* – collecting data to prepare specifications to re-cable the Admin building & Wyrallah Road depot for new information and phone system, commenced roll out of approx. 60 new computers, Art Gallery brought onto wireless network (previously dial up) and a new uninterruptible power supply installed in the computer room.
- *GIS* – Lismore police trained how to use Council's mapping system (access to aerial photography) and data collected from all councils in the region to assist Far North Coast Weeds in weed monitoring and issuing of notices to property owners.
- *Records Management* – Lismore, Rous, Richmond Valley & Clarence Valley Council's continue to work together to investigate a preferred electronic document management system solution.
- *IS Resource Sharing* – the Richmond Tweed Council's are investigating a regional WAN (wide area network) to connect regional centres for voice and data communications.

Finance & Administration

- *Councillors* –provision of information to new Councillors, organise Familiarisation Day, provision of fax machines, filing cabinets, commence arrangements for provision of computers at home, organise training /support company.
- *Risk Management* – a Trades & Services Directory has been created to list suppliers that meet Council's OH & S, insurance and sub-contracting arrangements, an Events Risk Management Guideline has been adopted for internal use only at this stage. They will form part of a comprehensive Events manual currently being developed.

- *2004/05 Management Plan & Budget*- consideration and development of this matter consumed an enormous amount of staff time during this period. After considering a record number of submissions, Council at an Extra Ordinary meeting on June 22, 2004 adopted the Management Plan for 2004/05. A further workshop to consider a number of the submissions is set down for August 3, 2004.
- *Funding Opportunities* – preliminary discussions have been held with the Macquarie Bank, Community Partnerships and the Northern Rivers Regional Development Board to consider the potential for a Public Private Partnership (PPP) involving the Cultural Precinct development and Goonellabah Leisure Centre. A further meeting is planned for August.

GROUP: PLANNING AND DEVELOPMENT
Management Plan Review
Period ending March 2004

Review of exceptional items across each functional area of the Planning and Development Group.

Planning Services

- ***Implement adopted strategies***
- **Urban Development Strategy:** Council's request for inclusion of North Lismore Plateau land not supported by DIPNR. Report prepared for July Council meeting.
- **Amendment 15: Rezoning of land at Trinity Drive in accordance with UDS:** exhibition completed but required formulation of S94 Plan is taking too much time so alternative planning controls are being explored.
- **Rural Housing Strategy:** Council resolved to initiate LEP amendment to permit 26 rural res. lots and 1 community lot at Stony Chute Rd., Nimbin. Consultation with Government authorities commenced.
- ***Improved integration of TCM & ESD in planning controls***
- **Amalgamated City DCP:** discussions held with CityWorks and Environmental Health concerning road linkages and water sensitive urban design issues
- ***Review & update planning instruments:-***
- **Amendment 12: Review of land zoned 6(a) Recreation:** report to Council prepared seeking Council endorsement of public exhibition. Further discussion with DIPNR and consultant have improved mapping. Public exhibition material prepared and exhibition commenced.
- **Amendment 14 Annual General update:** finally approved by Minister and gazetted, having taken four months from submission to DIPNR. Consolidation of LEP instrument undertaken.
- **Amendment 15 Trinity Drive Residential:** calculations of lot yield carried out for purposes of site specific S.94 Plan.
- **Amendment 16 Airport Industrial Estate:** undertaken by consultant supervised by Lindsay Walker, with advice as required from Bruce Blackford. Exhibition material prepared and publicly exhibited during June.
- **Amendment 17 Rural Res, Minshul Cres., Tullera:** material prepared and exhibited.
- **Amendment 18: Dwelling entitlement Satinwood Rd:** Response awaited from RFS and S.65 Certification from DIPNR as proposal is outside Council's delegations.
- **Amendment 19: creation of 3 lots at 18 Dougan Rd., Caniaba:** Council considered and resolved to initiate. Consultation with Government Departments raised issues for clarification and further information has been sought from applicant.
- **Clunes DCP Review:** Community survey on desired lot size designed and circulated as input to revised DCP. Questionnaires returned for evaluation (61% response rate).
- **DCPs 18 and 28:** Review of DCP 18 (Carparking) commenced; Project Team for DCP 28 Review underway; but other short-term priorities and staff leave have slowed progress.

Monitoring of Development Applications:

- Average processing time/application for quarter 57.7 days (standard – 40 days). Figure is attributed to higher than normal level of staff sick leave experienced within Planning Services area during the quarter. Number of planning DA's lodged is also 15% up on numbers for first half of 2003 (2004-126 cf. 2003-108).
- Number of public enquiries – April, 535, May, 665, June, 579

- Quarterly Residential Subdivision statistics – 3 DAs lodged proposing creation of 41 lots. 75 lots released.

Environmental Health

Actions Planned – Strategies and Programs

- **Audit of Commercial Premises:** Routine inspections of commercial premises in accordance with strategy have commenced. During quarter following inspections undertaken:- High risk-30, medium risk-4, low risk-5, other commercial premises-16.
- **State of The Environment Report (SoE):** reporting is continuing with report being moulded into final configuration. State Government data is due by July 31
- **Stormwater Management Strategy:** Urban area power pole painting project is currently being planned for implementation. World Environment Day attendance in May. Manager-EH&BS continues to serve on Estuary Management and Floodplain Committee with most recent meeting held in June 2004. Estuary Data Compilation Study has been finalised. Commencement of Processors Study is to commence soon.
- **Water Sensitive Urban Design (WSUD):** The WSUD Regional meetings are continuing to be held on monthly basis with internal working Group established. The next regional meeting is scheduled in July 2004. WSUD field trip being organised for various sites in and around Brisbane for 31 July.
- **Emergency Management Plan:** June Quarterly meeting held for both Rescue Committee and Emergency Management Committees. Next meeting due in September 2004.
- **Sun Protection :** DA submitted for shade shelter for Nimbin Skatepark with construction to commence soon (to be constructed by Philip Mathews Steel Fabrications).

Waste Minimisation Strategies

Actions Planned – Strategies and Programs:-

- **Implement media plans for contamination management in the recycling and organics stream** Media release and advertising of Rainbow Seminar on 5 May, ABC radio interview, CBD doorknock. Community Link item on seminar. Media release drafted for results of last LCC waste audit. Newsletter on website for 'Rainbow Businesses'. Updated LCC's waste information on telephone 'messages on hold'. Arrangements in place for organics contamination strategy BBQ for Shearman Drive residents on 7 July. 'Don't Skip The Skip' bus shelter advertising contract extended for another year. LCC staff competition promoted on Informer about Council's purchasing policy.
- **Provide a Waste Audit Service for Schools** Talk to 90 Year 7 kids at Richmond River High School. Presentation of worm farm to Dunoon Public School. Assistance to Neighbourhood centres with judging competition for schools. Liaison with Dorrroughby Environment Education Centre about Sustainable Schools Program (SSP) 'Low Waste Lunches' day and discussions with NEWF on proposal for SSP 'Youth Forum'. World Environment Day event organised for schools on 2 June and judged a success – activities included recycling relay competition at Riverside Park.

- **Recycling strategy and regional cooperation**
- Meeting of jurisdictional recycling group in Sydney on future of National Packaging Covenant. Review of international recycling reports forwarded by 'International Resource Recovery Forum'. Site visits with Brisbane City Council Waste Manager to discuss approaches to waste management. Assisted NEWF consultants with information on organic resource stream availability in Lismore. Amendment of Lismore listing on 'Cansmart' website. Discussions with Impact Environmental Conferences on delivery of case study on waste at upcoming 'Regional Sustainability' seminar in Lismore.
Infrastructure improvements implemented at Holland St. recycling DOC, including new signage and line marking. Repainting of recycling skips with new design – first two skips finished during June. Recycling stations provided at Lantern Parade Festival during June. NEWF budget reviewed and Memorandum of Agreement assessed. Entry submitted to Keep Australia Beautiful for LCC's plastic bag recycling campaign and discussions with B&E about 'Regional Achievers Award' entry. Attended meeting of NEWF at Mullumbimby during June.
- **Provide a report each year on the composition of waste, diversion rates and contamination status in Lismore:** Media release issued during June regarding results of last years waste audit. News item in the Northern Star and ZZZ radio interview. Arrangements in place for 2004/5 waste audit June/July 2004.
- **Implement Cleaner Production initiatives under the IWS 3-year action plan: Rainbow Region Business Waste:** Rainbow Business Seminar delivered on 5 May. Presentations and award ceremony for case study organisations. 20 businesses registered for program at seminar. Kits assembled and delivered to all participating businesses. Dates arranged for site visits during July.
- **Waste Minimisation as part of the Development Assessment Process**
- Draft DCP 47 (Waste Minimisation). Final draft of plan delivered to graphic designer during June. Report to be targeted for August Council meeting.
- From July 1 Waste Minimisation staffing and functions will transfer to Business & Enterprise Group with Management Plan activities being reported under that Group.

Building Services

- **Monitoring of Development Applications:** Average processing time/application 19.16 days for the quarter (standard-25 days). Value of Construction Certificates issued during quarter - \$16.84M
- **Swimming Pool Survey:** Target of 12 inspections/quarter continues to be met & exceeded with Compliance Officer completing 50 new inspections and re-inspections during quarter.
- **Fire Safety Measure Program:** Program is being addressed, at measured pace, given complexity and sensitivity of these matters. Building owners have responded to numerous Fire Orders issued. Two further Fire Orders have resulted in instigation of legal action due to inadequate responses from owners. Level of development activity in CBD has resulted in number of fire safety matters being noted which may lead to further notices being served in July.
- **Inspections of Caravan Parks, Places of Public Entertainment, Public Halls, Boarding Houses:** Work on this area will recommence early in next financial year.

GROUP: BUSINESS AND ENTERPRISE

Management Plan Review

Period ending June 2004

Review of exceptional items across each functional area of the Business & Enterprise Group

Lismore Water

- Department of Energy Utilities and Sustainability (DEUS) has informed councils of the new criteria for subsidies. Lismore will be adversely affected. The Water Directorate and the LGSA are discussing a possible course of action.
- Water supply improvements in Nimbin are on hold until DEUS makes a determination on the funding application submitted in December. Under the new DEUS criteria this project will only get a maximum of 20% funding (previously 50%). Meanwhile, easement negotiations have commenced and are progressing well.
- The Clunes Wastewater Committee is in the process of finalising negotiations on purchase of a site for the treatment plant. Until this is finalised the associated environmental studies cannot progress further. These studies will be used as the basis for consulting neighbouring property owners who may have concerns about the project.
- The Geolink report on the review of the North Woodburn wastewater transportation system has been received and is the process of being reviewed by staff. Under the new DEUS criteria this project will only get a maximum of 20% funding (previously 50%).
- Pacific Air & Environment Ltd carried out odour measurements at South Lismore STP as part of the odour study.
- The wetlands upgrades done at South Lismore STP, in the past two years is also paying dividend with the effluent quality improving considerably.
- Design program
 - Designs for all water mains for the year 2004/05 have been finalised and tenders will be called in July 2004.
 - The Designs for the Sewer Rising Main-3 are complete and a trial pump-out of the Dawson Street pump station is proposed in July.
 - Designs for the 2004/05 program is in progress including assessment and categorisation of CCTV information.
- Water Main Replacement Program
 - Water main replacement works at Casino Street, Dawson Street and New Ballina Road, Lismore and at Standing Street, The Channon were completed. This completes all water main replacements listed for 2003/04 year.
- Sewer Main Renewal Program
 - Sewer main construction works at Cathcart Street and McKenzie Street (Lismore Square) were completed.
 - Sewer main renewal works (using trenchless technology) at Barry Street, Diadem Street, High Street, Keen Street and McKenzie Street were also completed after a delay in April/May, due to adverse weather and unforeseen site conditions. It is expected that sewer main renewal works at Bright Street, Clarice Street and Cochran Street would be completed by August 2004.
- Other contracts completed
 - Holland Street reservoir external coating protection was completed.
 - Grit removal from pump stations at various locations and from sludge digesters at South Lismore STP was completed.
 - Cleaning and CCTV inspection of approximately 1,000m of sewer mains were also completed during this period.
 - Robinson Lookout reservoir - roof structural work was completed. Roof sheeting installation has been delayed until July 2004.
 - Over 550 customer service inquiries (water main breaks, sewer chokes etc. etc.) were handled during the quarter. All within specified customer service levels.

Northern Rivers Quarry & Asphalt

- Continued work on noise barriers to meet EPA requirements.
- Conducted electrical safety review and developed upgrade plan.
- Purchase of dewatering pump for development area.
- Began review of mobile equipment - transfer of excavator from City Works.
- Advertising of Expression of Interest to develop quarry and related business.
- Very high sales levels continued to challenge production capabilities.
- Harvest of Tea Tree Farm.
- Finalisation of Tea Tree Farm Five-Year Plan.

Lismore Memorial Gardens

- 50 Burials conducted.
- 112 Cremations conducted.
- Landscape/memorials maintained in accordance of community expectation (roses pruned - replacements will be planted in July 2004).
- Good media coverage of pruning event.
- Area 6 development works commenced, adjacent to outdoor service area.
- G88/89 headstone support beam installed (50 graves).
- Exclusive truck purchased for operational & maintenance function.

Lismore Regional Airport

- Airport safety inspection and training.
- CASA audit identified the need for shape correction on a drain on the edge of the taxiway.
- Installation of the approach lighting should be completed in early August. Work was stalled due to the need to move a power pole within the approach surface.
- The annual survey identified a number of trees to be trimmed to the south of the airport, which was completed last month.
- An expression of interest process was undertaken for the sale of vacant hangar land.
- The terminal electricity billing has been changed and saved the airport \$800.00 in the first two months.

Commercial Properties

- Country Energy has finally connected Centenary Industrial Subdivision to the power and the road can now be completed. This will allow the sale of four lots.
- Sale of 186 Molesworth Street, Lismore completed.
- Obtained consent to the subdivision of 31 Snow Street. This will allow the proposed sale to proceed.
- Two Contracts on offer for two vacant lots in Tweed Street, Lismore.
- Council is progressing strategic rezoning to allow industrial development of several open space areas in South Lismore.

GROUP: CITY WORKS
Management Plan Review
Period ending June 2004

Review of exceptional items across each functional area of the City Works Group.

Parks & Recreation:

- Inspections and maintenance to playgrounds and assets – Ongoing.
- Grass cutting maintenance - Ongoing.
- Sportsgrounds preparation and maintenance – Ongoing.
- Garden maintenance – Ongoing.
- CBD footpath and cleaning service – Ongoing.
- Weed spraying schedules – Ongoing.
- Refurbish plantings on CBD roundabouts – Ongoing.
- Refurbish plantings on roundabouts and median strips along Ballina Road (SH16) – Ongoing.
- Design and build gardens beside Transit Centre - Near completion.

Urban Roads:

- Footpath Maintenance: Repair maintenance management system / inspection programme complete with over 1,400 trip points identified. Work programmed for next year.
- Footpath construction at Elizabeth Street, Nielson Street, Gail Place – Complete.
- Skyline Road reconstruction complete. Erection of koala fence 50% complete and clean-up to be done.
- Union Street widening underway – 10% complete.
- Drainage construction projects – Mortimer Oval (40%), Phyllis Street (100%).
- Resealing of Pitt Street, Bridge Street, Conway Street, Terania Street, Union Street, James Road.
- Extension of Oliver Avenue partially complete – deferred until relocation of power poles.
- Cathcart Street drainage complete. Roadworks 75% complete – deferred until relocation of gas main.
- Richmond Hill Road pre-construction activities – Complete.
- East Lismore Drain (Elizabeth Street) – initial works commenced.

Rural Roads:

- Reconstruction and bitumen sealing of Tuntable Creek Road – Complete.
- Reconstruction and bitumen sealing Terania Creek Road – Commenced.
- Broadwater Road reconstruction (1.9Km), Broadwater – Commenced.
- Bus Bays – Bangalow Road – Complete.
- Heavy Patching completed Tuntable Falls Road, Withers Street, Bexhill, Mayfield Street, Eltham.
- Drainage Construction – Banks Street, North Woodburn – Complete.
- Drainage Maintenance – Keerrong Road, Tuntable Creek Road, Blade Road, Tatham Road, Cowlong Road, Terania Creek Road, Cox Road, Stony Chute Road, Fernside Road.
- Side-Arm Slashing – Mountain Top Road, Lodge Road, Davis Road, Jiggi Road, Rock Valley, Cawongla, Terania Creek, The Channon, Dunoon Road.
- Resealing of James Gibson Road.
- Completed gravel maintenance in the following areas: Zouch Road, Stony Chute, Rayward Road, Numulgi, MR306 (Dunoon Road), Bice Road, Yeager Road, Hayden Road, Gwynne Road, McLennan Road, Stead Road, Warby Road, Bertoli Road, Davis Road, Jacobson Road, Mountain Top Road, Lillian Rock Road, Salkeld Road, Suffolk Road, Cross Road, McPherson Road, Cosy Camp Road, Flood Reserve Road, Frame Road, Rogerson Road, Willis Road, Mullers Road, Gungas Road, Swan Bay Road, Terania Creek Road, Parrots Nest Road, Fredericks Road, Wallace Road.

Bridges:

- Kellas Street to Gallagher Drive Pedestrian Underpass – Complete.
- Loftville Creek Bridge railing refurbishment – Commenced.
- Simes Bridge pedestrian railing – Commenced.
- Numulgi Creek Bridge maintenance – Complete.
- Cubawee Bridge, Kyogle Road – Commenced.

Road Safety:

- Safety Around Schools – Dummies used to help slow down speeding motorists outside schools.
- Speed – Advisory speed checks conducted throughout the LGA with follow-up from the Richmond Local Area Command to address speeding on local roads.
- “100kms is the max, not a must” – A country roads campaign targeting speeding on rural roads conducted in June. Radio, television and print media.
- Operation Southtracks – RSO co-ordinated Council and RTA support of Richmond Highway Patrol road safety operation.
- Road Safety Park – Stages 1, 2 and 3 now complete.
- Young Drivers – Workshops for supervising drivers conducted in June – 40 people attended.
- Attended Country Road Safety Summit – Participated as voting member of Workshop for Children and Young People.
- Buckle Up Campaign – Including observation surveys, police enforcement, radio advertisements and press releases, May/June. Lismore motorists have improved wearing rate by 6% in past four years.

Traffic, Enforcement and Street Lighting:

- 147 dogs and 44 cats life-time registered.
- 65 dogs and 32 cats impounded.
- On-street/off-street parking enforcement continued – 657 fines issued.
- 14 abandoned vehicles impounded.
- 60 incidents recorded by safety cameras.
- Paid parking in Rowing Club Carpark reinstated after staged completion of flood levee.
- Shelters installed over paid parking machines.
- Investigation commenced into digital recording system for safety cameras.
- Cable installation completed for new camera at western end of Green Lane.
- Access modifications carried out to Clunes shelter opposite general store.

Survey, Design and Subdivision Control:

- Market Street, Lismore, realignment – Molesworth Street to RSL Club.
- Cowlong Road, McLeans Ridges, realignment - Investigate various options.
- Industry Drive/Rifle Range Road, East Lismore – Protected right-turns.
- Ballina / Diadem Streets, Lismore – Intersection treatment (traffic lights).
- Terania Creek Road, The Channon (Izzard Road to Town Road) – Rehabilitation.
- Dunoon Road, Modanville (9.8Km-10.6Km North Lismore) – Rehabilitation.
- Grace Road, Bexhill – Control survey for monitoring movement (monthly).
- Nimbin Road, Coffee Camp (19.8Km-20.7Km North Lismore) – Rehabilitation.

- Molesworth Street to Victoria Street, Lismore - "Bus Link".
- Richmond Lane, Lismore – Reconstruction plus parking (part of levee scheme).
- Clyde Campbell Carpark, Lismore – Reconstruction plus parking (part of levee scheme).

Development Control:

Design Plans Assessed:

- Residential Subdivisions – 317 Ballina Road, Goonellabah, Palmvale Drive, Goonellabah, 25 First Avenue, Lismore, 23 Hillcrest Drive, Goonellabah, 3 Millar Street, Lismore Heights
- Rural Residential Subdivisions – Cedar Drive, Dunoon, Stage 3, Perradenya Estate, Perradenya Estate, Entry Reconstruction, Dunoon Road, Tullera (Stage 3)
- Commercial Developments – Ballina Street/Ewing Street, Lismore, Lake Street, North Lismore.

Jobs Under Construction:

- Residential Subdivisions – Hillcrest Avenue, Goonellabah, Heather Avenue, Goonellabah, Koala Drive, Goonellabah, Millar Street, Lismore Heights, Barham Street, East Lismore, 203 Invercauld Road, Goonellabah, Cavendish Road, Goonellabah (Ubrihien Estate), Palmvale Drive, Goonellabah
- Rural Residential Subdivisions – Dunoon Road, Tullera (Stage 2), Cowlong Road, McLeans Ridges - Intersection
- Commercial Development – Holland Street, Goonellabah.

Completed Jobs:

- Village Residential Subdivision – James Street, Dunoon
- Residential Subdivisions – Julieanne Place, Bexhill, Toongahra Circuit, Goonellabah (Stage 2), 78 Invercauld Road, Goonellabah, Bristol Circuit, Goonellabah, Toongahra Circuit, Goonellabah (Stage 3), 23 Hillcrest Avenue, Goonellabah.
- Rural Residential Subdivision – Gungas Road, Nimbin
- Rural Residential Subdivision – Richmond Hill Road, Richmond Hill.

Emergency Services:

- Flood levee construction on schedule.
- Flood levee – RSL Club to Club Lane – Complete. Some landscaping to be completed.
- Flood levee – Club Lane to Police Station – Tenders called. Negotiations continuing with wall through buildings and levee finish.
- Service Level Agreement between the Rural Fire Service and Council signed. There are some concerns regarding payment by the RFS to LCC.
- The Rural Fire Service continues to work towards a combined Richmond Valley / Kyogle Shire / Lismore City Councils organisation.

LISMORE CITY COUNCIL - Meeting held August 10, 2004

Subject/File No:	JUNE 2004 QUARTERLY BUDGET REVIEW STATEMENT (RS: S854)
Prepared By:	Manager – Finance & Administration, Rino Santin
Reason:	Clause 7, Local Government (Financial Management) Regulations 1993
Objective:	To gain Council's approval to amend the 2003/04 Budget to reflect actual or anticipated results.
Management Plan Activity:	N/A

Background

The Local Government Act 1993 (LGA) requires the annual budget to be reviewed on a quarterly basis with any significant variances being reported to Council. This report satisfies the LGA's requirements.

The purpose of this review is to give Council an indication of the anticipated financial result for 2003/04. At this point in time, the completion and audit of the 2004 Financial Reports is scheduled for the middle of September and as such, it is likely that the reported result will change as there will be changes for items such as for reserves, accrual of revenues and expenses, and the treatment of assets and liabilities.

Due to the fact that the result is likely to change, this review has been completed at programme level and only significant variances, which affect the working cash balance, have been reported. A more informative report will be provided as part of the 2004 Financial Reports and this will be supplemented by a detailed Reserves report.

General Fund

The 2003/04 Management Plan provided for a balanced budget. The March review reported an accumulated surplus of \$59,600. This review details a deficit of \$22,500 with the annual accumulated surplus to June 30, 2004 being \$37,100.

For Councillors benefit, the detail of the budget cash balance movement is as follows: -

Budget Balance Movements for Quarter	Amount \$
Opening Surplus Balance at April 1, 2004	59,600
Less – Increase in salaries & oncosts, rental & outgoing, office renovation and general administrative costs for the Economic Development Unit.	(62,500)
Less – Total election expenses \$13,500 more than budget	(13,500)
Add – Interest on investments greater than anticipated.	75,000
Add – Savings in salaries & oncosts with the restructure of Financial Services (\$42,000) and reduced interest charges on loans due to delayed borrowings and more competitive interest rates.	93,900
Add – Increase in revenue for Building Services due to increased development activity (\$56,800). This increased revenue has been offset by increased salaries & oncosts, and office expenses (\$49,100).	7,700
Add – Increased revenue for Planning Services due to increased development activity (\$28,000) and savings in salaries & oncosts (\$43,100).	76,200
Less – Increased service levels in Parks & Recreation has resulted in a cost overrun on budget during 2003/04. While user charges and contributions exceeded budget by \$38,200, maintenance costs and other expenses exceeded the budget by \$267,400. It is proposed to partially offset this situation by using funds set aside for capital works (\$103,700) to reduce this deficit to a manageable level.	(125,500)

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June 2004 Quarterly Budget Review Statement

Add – Maintenance budget for Lismore Levee not fully expended (\$31,400).	31,400
Less – Lismore Regional Airport revenues are significantly less than budget. The majority of this is attributable to the reduced landing fees extended to REX by Council in February 2004.	(105,200)
Closing Surplus Balance at June 30, 2004	37,100

For Councillors information, listed on the next page are the details of the activities with significant variances. Please refer to the attachment for individual programs for details of all budget movements.

Properties – Community Facilities

Renovation works to the Lismore Cultural Precinct's 'C' Block have been completed at a cost of \$20,000 so as it can be leased for community use. The funding for this came from property and youth services reserves.

Parks & Recreation

A further \$142,300 was allocated in 2003/04 on the Riverbank Project. Funding of \$68,700 is budgeted from grant funds, and \$73,600 from Northern Rivers Quarry & Asphalt. The works undertaken include the wharf and access development, pathways, lighting and other infrastructure on the riverbank.

Emergency Services

Council's contribution towards the Lismore Levee for 2003/04 was estimated to be \$2,733,300. This was based on the project being completed this year, which unfortunately, was not achieved. To reflect the actual situation, the expenditure and funding budgets are to be reduced by \$1,315,600 each.

Roads

It was originally planned to borrow \$1,000,000 for roadworks in and around the CBD. This project was deferred and included in the 2004/05 Budget. To reflect the actual situation, the expenditure and funding budgets are to be reduced by \$1,000,000 each.

Also, \$63,000 in funding was received from the RTA for cycleway works in Ballina Road, Wade Park and Elizabeth Street. This was matched with \$25,000 from reserves for a total of \$88,000 in works.

RTA Works

The RTA allocated an additional \$250,100 towards works at Loftville Creek Bridge (\$80,100) and Broadwater Bridge Approaches (\$170,000) just prior to the end of the financial year. The budget now reflects these works.

The late influx of funds from the RTA at the end of the financial year is not uncommon. It is the general practice of staff to welcome and encourage any RTA road projects and funds at this time of year as this means additional attention and funding is being directed towards roads in the local government area. This practice usually results in staff not being able to spend all of Councils allocated road budget by June 30 as works staff are dedicated to RTA funded jobs. As such, Council funds not spent on capital projects are generally reserved and transferred to the next financial year.

Water Fund

Revenues - Additional revenue of \$206,600 has been recognised with user charges (water sales) of \$130,300 and interest on investments of \$76,300.

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June 2004 Quarterly Budget Review Statement

Expenses – Management expenses were less than budgeted by \$103,000. They include salaries & oncosts savings, reduced bill processing costs and other programme costs.

Section 64 Contributions – As expected with the increase in development activity, S64 contributions exceeded the budget by \$152,800. As these contributions, and the additional interest on investments earned (\$29,300), are 'restricted', they must be transferred to reserve for future works (\$182,100).

Capital – A total of \$1.97 million was budgeted during 2003/04. Approximately \$1.075 million is expended to date, but final project costs for subsidised works are yet to be received.

Based on these changes, the water fund surplus to June 2004 is \$280,300.

Sewerage Fund

Revenues – Total revenues decreased by \$32,200. This comprises a reduction in user charges of \$96,700 and additional interest on investments of \$64,500.

Expenses – Savings were achieved in both management (\$74,000) and operating (\$58,500) expenses during 2003/04. The majority of these savings were achieved in salaries & oncosts and programme costs.

Section 64 Contributions – As expected with the increase in development activity, S64 contributions exceeded the budget by \$415,300. As these contributions are 'restricted', they must be transferred to reserve for future works (\$415,300).

Capital – A total of \$4.8 million was budgeted during 2003/04. Approximately \$3.063 million is expended to date, but final project costs for subsidised works are yet to be received

Based on these changes, the sewerage fund surplus to June 2004 is \$100,300

Change in Net Assets

To March 2004, the 2003/04 "Change in Net Assets" reflected a surplus of \$1,778,900. This review increases the surplus by \$1,473,400 to give a total "Change in Net Assets" of \$3,252,300 for 2003/04.

A positive 'Change in Net Assts' indicates that Council is generating a surplus from operations to contribute towards new and replacement capital works. This is highly desirable.

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

Manager - Finance & Administration Comments

Included in the body of the report.

Public Consultations

Not required.

Other Group Comments

Manager - Roads & Parks

The over expenditure in the Parks maintenance budget is mainly due to services being delivered in accordance with expectations and desires rather than budget limitations. Management have been aware of the pressure on the Parks budget and are taking measures to improve efficiency and effectiveness. However to deliver the desired service a significant increase in budget allocation may be required.

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June 2004 Quarterly Budget Review Statement

We are busy working on quantifying both cost and service levels to enable a better understanding of the Parks functions.

It is of some concern that under expenditure in Capital projects will be used to reduce the over run in the maintenance area. It is recommended that these capital projects be re-visited during the allocation of funds for the 2004/05 financial year.

Author's Response to Comments from Other Staff

Not required.

Conclusion

Council's financial position remains relatively sound given the anticipated working result for 2003/04 of \$37,100.

It is clear that the budget is quite robust given its ability to absorb such large unplanned overruns such as required for Parks & Recreation, and the increased subsidy for the Lismore Regional Airport. While this is positive, it needs to be recognised that the main reason for this during 2003/04 was the additional and substantial building and development consent revenues received. This situation is not likely to continue indefinitely, so it is important that budget expectations for 2004/05 are maintained.

Recommendation

1. Council adopt the June 2004 Budget Review Statement for General, Water and Sewerage Funds.
2. This information be submitted to Council's Auditor.

Subject/File No: CODE OF MEETING PRACTICE
(S43)

Prepared By: Administrative Services Manager, Graeme Wilson

Reason: Election of new Council.

Objective: To ensure the Code is relevant and meets Council's needs.

Management Plan Activity: Councillors

Background:

Council's meetings are conducted in accordance with its Code of Meeting Practice. This Code comprises the Local Government (Meetings) Regulation 1999, various clauses from the Local Government Act 1993 and what could be described as "local rules".

The Code is one of those documents which Council should review within its first 12 months to see if it is still relevant.

Council is obliged to include the requirements of the Regulation. The extracts of the Local Government Act have been included for completeness but even if they were not included in the Code, Council would have to comply with them. Any review should then focus on the relevance/need for "local rules". It should be noted that the "local rules" cannot override the Regulation or Act.

These "local rules" have been highlighted in the Code attached to the business paper.

Should Council wish to amend the Code it will be required to be publicly advertised.

Manager - Finance & Administration Comments

Not required.

Public Consultations

Not required.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

N/A

Conclusion

No deletions or suggestions are recommended.

Recommendation (COR22)

That Council's current Code of Meeting Practice be endorsed.

LISMORE CITY COUNCIL - Meeting held August 10, 2004

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD JULY 21, 2004

AT 10.00 AM.

(WMacD:VLC:S352)

Present: Mr Bill Moorhouse (*Chairperson*), Councillor Jenny Dowell, Messrs Thomas George, MP, Mike Baldwin (*Roads and Traffic Authority*), Snr Const Steve Hilder (*Lismore Police*) and Bill MacDonald (*Co-Ordinator – Traffic & Law Enforcement*).

Apologies: Apologies for non-attendance on behalf of Councillor Merv King, Mr John Daley and Mrs Wendy Johnson were received and accepted and leave of absence granted.

Minutes of Traffic Advisory Committee Meeting – June 16, 2004

Members were advised that the Minutes of the meeting held on June 16, 2004 were adopted by Council at its meeting of July 13, 2004.

Disclosure of Interest: Nil

Business Arising:

1. **Eltham Public School – Road Widening** (*Item 14 of Minutes of March 17, 2004*)
The Committee was advised that a preliminary plan and estimate had been prepared for the widening of Boatharbour Road and McKenzie Road fronting the school. The estimated cost of the works was \$60,000.
TAC68/04 **RECOMMENDED** that the plan and estimate be forwarded to the school so that it may pursue funding through the Department of Education for the proposed works.
(S352,P14175,R4408,R4003)

2. **Intersections of Barker and Atfield Street with SH16**
(*Item 4 of Minutes of May 19, 2004*)
The Committee considered the intersection treatments proposed at South Gundurimba. Mr Baldwin suggested that a cheaper alternative that may be suitable, bearing in mind the relatively low turning volumes, would be a type AUR intersection treatment. It was also suggested that the required road widening would be better carried out on the village side of the Highway due to the unsuitability of the land on the other side. However, it was noted that this may not be possible without land resumption.
It was further suggested that the layout of Atfield Street at its intersection with the Highway, needed to be further restricted to discourage motorists from driving into this road from the Highway.
TAC69/04 **RECOMMENDED** that this item be referred back to the Manager - Design Services for further consideration and report on the above issues. (R4807,R4823,R4822)

Correspondence:

3. **Mrs J Friske; D Bonhote-Meade; D Agnew;** expressing concern for the excessive speed of traffic on Skyline Road South and the associated dust problem, and requesting a reduced speed limit be applied.
The gravel road had been inspected with the Police representative prior to the meeting and it was noted that the nature of the construction and alignment of the road would generally make it difficult for motorists to speed, particularly on the winding section. It was, however, acknowledged that there may be some drivers who may choose not to travel at what is considered to be a safe speed. Mr Baldwin advised that a reduced limit on a gravel road would not be approved by the RTA.

3. **Mrs J Friske; D Bonhote-Meade; D Agnew** (Cont'd)
It would appear that the main offender was a local family and it was suggested that a more appropriate way of dealing with the problem would be for Police Officers to visit the offenders and personally speak with them.

TAC/04 **RECOMMENDED** that the writers be requested to nominate the offenders so that further action may be pursued by the NSW Police Service.
(04-7176,04-7344,04-7405:S346,R5105,R5102,S642)

4. **Planet Music;** drawing attention to the traffic congestion and pedestrian hazard at the intersection of Molesworth and Woodlark Streets and suggesting that traffic lights would solve the problem.

Mr Moorhouse pointed out that the results of the TTM Traffic Study were to be presented to Council shortly. Any proposed intersection or mid-block controls had the potential to impact on the current situation. It was suggested that a marked crossing so close to the roundabout would be unsafe.
TAC70/04 **RECOMMENDED** that Council await the results of the latest traffic study which is likely to suggest the installation of traffic lights on Woodlark Street and associated opportunities.
(04-6762:S352,R7322,R7329)

General Business:

5. **No. 41 Uralba Street – On-Street Parking outside Hewett Court**
Mesdames Helen & June Hancock of 8/41 Uralba Street have raised concern regarding restricted access to the driveway to Hewett Court due to vehicles being parked too close.

TAC71/04 **RECOMMENDED** that a 'No Stopping' sign be installed each side of the driveway.
(R6058,P9904:MR04-2768)

6. **No. 313 Wyrallah Road, East Lismore – Waste Facility Entrance**
Ms Marnie Richardson had expressed concern for the lack of line-marking and signage when exiting the waste facility onto Wyrallah Road.
An inspection of the site revealed that 'Give Way' signs did exist on the exit road to the waste facility.

TAC72/04 **RECOMMENDED** that a continuity line and double white centre line be painted on the access road between the main gate and the bitumen edge on Wyrallah Road.
(R5201)

7. **Traffic Hazard – Excess Lighting from Greyhound Track**
K Mason had raised concern for the glare from the greyhound track causing a traffic hazard near the intersection of Orion and Molesworth Streets, Coleman's Point, and Baillie Street, North Lismore.

Members were of the opinion that there was no significant traffic hazard created as a result of the lighting at the greyhound track.
(R6051,R7322,R6203)

8. **'Stop' Signs at Railway Crossings**
Mr MacDonald advised that he had spoken with a Rail Corp representative based at Grafton about the status of the traffic control facilities that still exist along the line. The representative advised that railway maintenance vehicles traveled along the line at least once per week and that the line had not been officially closed. Accordingly, the controls needed to stay in place.

It was suggested that this matter be referred to Council's Road Safety Officer to develop a media release to ensure the public was aware of the current situation and that they should still obey any traffic control facilities that were in place. (S346)

9. Proposed Service Station – Nos. 99-103 Diadem Street – DA No. 04/394

A plan was tabled at the meeting showing a proposal for separate ingress and egress points to the service station from Diadem Street. Their location was not far from the proposed new access road and intersection to the shopping centre extension near the current McKenzie Street road alignment. This was seen as totally unsatisfactory and it was noted that during initial discussions it had been proposed to have the egress from the service station to be part of the internal road system as well as allowing patrons from the shopping centre to access the service station without needing to drive out onto Diadem Street and back in again. Concerns were also raised about the restricted area available on-site for manoeuvring, particularly for larger vehicles.

TAC73/04

RECOMMENDED that the proposal be referred back to the Developer with a request to review the layout to better deal with the above concerns. (D949394)

10. Intersection of Ballina Street (SH16) and Hunter Street – Traffic Hazard

J Holloway had expressed concern for the lack of road width for downhill traffic to pass any vehicle propped to turn right into Hunter Street from Ballina Street. It was noted that storage width for vehicles propped to turn right was limited to one or two vehicles while still allowing sufficient space for through motorists to manoeuvre around. This was due to restrictions caused by the underpass. It had been proposed for some time to construct a centre median along Ballina Street through its intersections with Hunter Street and Second Avenue to prohibit right-turns and through traffic movements from the side streets. The timing of this is dependant upon the installation of traffic control facilities at the intersections of Ballina and Diadem Streets and Ballina and Dibbs Streets. In the meantime it was suggested that investigations be carried out into the possibility of shifting the lane line-markings on Ballina Street further north across the road to allow more space for downhill traffic. (R6002,R6030)

11. Northern Rivers Herb Festival – August 21, 2004

Consideration was given to the traffic management plans associated with the festival and the Herbie Parade. Mr MacDonald advised that the proposed route for the Herbie Parade had been revised due to the recent reversal of the traffic flow on Magellan Street. It was now proposed to commence the parade from the Fredericks Carpark, out onto Magellan Street, right into Keen Street, left into Woodlark Street, left into Molesworth Street and then down to Heritage Park. A traffic control plan had been submitted previously and the Committee raised no objection to the changes provided they were reflected in an amended traffic management plan. (S822)

12. No. 95 Conway Street – On-Street Parking

A request had been received from Rexel Australia for consideration to be given to the installation of 'No Stopping' signs across the driveway to its premises. An on-site meeting had been held with SMC Motors and it had been noted that the company was proposing to vacate the premises at Conway Street in October 2004. The current problems being experienced by the neighbouring business, Rexel, were conveyed and an undertaking was given to ensure that vehicles parked in front of SMC Motors did not obstruct access. (R7307,P2496)

13. Coleman Street, Bexhill – Pedestrian Crossing

Mrs Lois Parnaby had raised her concern for the limited sight distance on the approaches to the pedestrian crossing on Coleman Street, near the Public Hall.

TAC74/04

RECOMMENDED that 'No Stopping' signs be placed on both the approach and departure sides of the marked pedestrian crossing. (R1103)

14. 2004 Truck Show – August 28, 2004

The proposed traffic management plan for the truck parade was considered by the Committee. It was noted that the proposed route was from the Turf Club into the CBD along Molesworth Street, a U-turn at Bounty Street before returning to the Club. This was the same as in previous years and a proposed traffic control plan was also submitted for consideration.

TAC75/04 The Committee raised no objection to the parade as outlined, and **RECOMMENDED** that approval be granted. (D040412)

15. Cullen Street, Nimbin – ‘No Parking’ Zone

Mr MacDonald advised that a complaint had been received from the owners of the Nimbin Hardware Store concerning their customers being booked when parking in the ‘No Parking’ zone. An on-site meeting was held and the purpose of the zone clarified. It had been agreed that the current restrictions best suited the needs of the business. No further action was required. (R1701:MR04-3037)

16. Bangalow Road, Lagoon Grass – Overtaking Restrictions

Snr Const Hilder conveyed the concerns from a Police Service employee about the limited sight distance along a section of Bangalow Road that currently allowed overtaking for Lismore bound traffic prior to Lagoon Creek Bridge. An inspection of the site revealed that the reason for the restriction was that a number of camphor laurel trees had grown up along the fence line beside the road. If these trees were removed, sight distance would be improved significantly.

TAC76/04 **RECOMMENDED** that this matter be referred to the Manager - Roads & Parks with a view to removing the offending camphor laurel trees. (R4101)

17. ‘Local Streets’ Operation

Snr Const Hilder advised that Police had been targeting local streets that had shown high accident rates in comparison to the overall road network. Roads such as Wyrallah Road, Dunoon Road, Rous Road, Uralba Street and Dalley Street had been included in the operation. The outcome was that the number of accidents had reduced significantly for these streets which was a very pleasing result. (S596)

This concluded the business and the meeting terminated at 11.30 am.

CHAIRPERSON

**TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR**

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD AT "Z" BLOCK AT SOUTHERN CROSS UNIVERSITY ON TUESDAY, JULY 13, 2004 AT 6.40PM.

Present: Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Hampton, Henry, Irwin, Meineke, Swientek 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, Acting Manager-Communications & Community Relations, Manager-Planning Services, Strategic Planner, Environmental Health Officer (Andrew Hanna), Manager-Human Resources and Team Leader-Administrative Support.

117/04 **Apologies/** Leave of absence was approved for Councillor King for the period
Leave of July 16-26, 2004.
Absence: (Councillors Irwin/Hampton)

118/04 **Minutes:** The minutes of the Ordinary Meeting held on June 8, 2004 were confirmed.
(Councillors Irwin/Chant)

119/04 The minutes of the Extraordinary Meeting held on June 22, 2004 were confirmed.
(Councillors Crimmins/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:-

Mrs Barbara Meagher - Report on DA 03/781, 27 Keen Street, Lismore

(See Minute No. 122/04)

Mrs Meagher spoke against the development and raised issues surrounding carparking charges.

(D03/781)

Mrs Diane Parker - Report on DA 03/781, 27 Keen Street, Lismore

(See Minute No. 122/04)

Mrs Parker spoke in favour and raised a number of concerns in regard to the consent conditions and the application of DCP 18 (Carparking).

(D03/781)

Mr Martin Oliver – Report on Cities for Climate Protection

(See Minute No. 123/04)

Mr Oliver spoke in favour of Council joining the Cities for Climate protection. He pointed out the many benefits associated with energy efficiency initiatives.

(S392)

Mr Paul Armour – Report on Lismore Urban Strategy 2003

(See Minute No. 124/04)

Mr Armour claimed the Heddle report was flawed and cannot be relied on. He requested the inclusion of the North Lismore plateau land and that Trinity Drive be excluded from the Strategy.

(S650)

CONDOLENCES:

Late Sister Margaret Mazzer

Councillor Irwin drew attention to the recent passing of Sister Margaret Mazzer of the Presentation Sisters. She was a hands on helper at the Soup Kitchen and other charities in town. Sister Margaret was an advocate against all types of social injustice and will be sadly missed by her family, the other Presentation Sisters and all who knew her.

Late Allan Rawson

The Mayor drew attention to the recent passing of Allan Rawson, ABC North Coast news editor. Mr Rawson began his journalistic career in 1972 and worked at numerous radio stations around the country. He won many awards including honours from local police and emergency services for his continued work in establishing closer links with the various services and the media.

120/04 The Mayor moved that Council's expressions of sympathy be conveyed to the families of the late Sister Mary Mazzer and Allan Rawson and the motion was carried with members standing and observing the customary moment's silence.

DISCLOSURE OF INTEREST:

S459

Councillor Meineke declared an interest in Report – Review of Determination DA03/781 – 27 Keen Street and left the room during the public access session.

Councillors King and Graham declared an interest in Report – Financial Assistance – North Coast A & I Society Inc.

MOTION:

Differential Rate

121/04 Formal notice having been given by Councillor Tomlinson it was **RESOLVED** that a report be brought to Council on the practicality of imposing a special rate variation or something similar on land owners in a specific geographical area who are prepared to pay for the upgrading of their local road(s).

(Councillors Tomlinson/Irwin)

Voting Against: Councillors King, Chant, Graham, Hampton and Meineke.
(04-6841: S384)

REPORTS

Review of Determination of DA 03/781 – 27 Keen Street, Lismore

S459

Councillor Meineke declared an interest in this matter and left the room during discussion and determination thereon.

A MOTION WAS MOVED that the report be received and -

- 1 That deferred commencement condition(s) A & B be not adopted
- 2 That council review the outdoor dining lease located at 29 Keen Street to facilitate compliance with AS 2890 Off Street Carparking.
- 3 That council as the consent authority, approve development application 03/781 for the -:
 - i) The demolition and removal of all buildings and vegetation located on the land.

- ii) The erection of a three storey commercial building consisting of a ground floor café, level 1 and 2 commercial premises and flood storage area; off street covered car park and on street exterior seating area.
 - iii) The development may be constructed in three stages comprising stage 1 (café and outdoor dining), stage 2 (commercial premises, level 1) stage 3 (commercial premises level 2) subject to the consent conditions as set out in schedule 1.
- 4 That schedule 1 as printed be amended as follows -:
- i) Condition 78 – be amended to incorporate 3 additional car spaces
 - ii) Condition 79 –be deleted
 - iii) Condition 100 be amended as follows:
The café storage area on the second floor shall not be used for any other purpose other than flood storage.

That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.

(Councillors Hampton/Chant)

AN AMENDMENT WAS MOVED that the report be received and the motion as detailed above be altered so that Condition 78 not be amended to incorporate 3 additional car spaces and that credits to the extent of 7 car spaces be approved for the former veterinary clinic at No. 27 Keen Street.

(Councillors Irwin/Henry)

On submission to the meeting the AMENDMENT was DEFEATED.

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

122/04 **RESOLVED** that the report be received and -

A That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.

B That Council, as the consent authority, approve Development Application 03/781 for the:

- Demolition and removal of all buildings and vegetation located on the land.
- Erection of a three story commercial building consisting of a ground floor café, level 1 and 2 commercial premises and flood storage area: off-street covered car park and on street exterior seating area.
- The development may be constructed in three stages comprising Stage 1 (café and outdoor dining), Stage 2 (commercial premises, level 1), Stage 3 (commercial premises, level 2) subject to the consent conditions as set out in Schedule 1.

SCHEDULE 1

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. LM030281-A1 and LM030281-A2, dated January 2002, and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

BUILDING

2 The following building works are to be certified by Council or by an Accredited Certifier in the form of a Compliance Certificate. In the event that Council is the Principal Certifying Authority, you are required to notify Council at least 24 hours prior to the inspection.

- (a) Footings - the foundation trenches are open and the steel reinforcement is in position, prior to concrete being placed.
- (b) Slab - the slab reinforcement is in position, prior to concrete being placed.
- (c) 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.
- (d) Occupation - the building is completed or an Occupation Certificate is required.

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

Reason: *To assess compliance with this approval. I1*

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.

3 The building is not to be occupied until an Occupation Certificate is issued by the Principal Certifying Authority and in this regard all matters relating to this Development Consent are to be completed prior to the issue of the Occupation Certificate. **I5**

Reason: *To meet statutory requirements and to ensure compliance with this approval.*

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

- (a) That unauthorised access to the site is not permitted, and
- (b) Showing the name of the builder or person responsible for the site and a telephone number at which such person can be contacted outside working hours. **G1**

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

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. **G5**

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

6 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. **G24**

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

7 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". **G26**

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

8 Where an excavation extends below the level of the footings of a building on adjoining land, any person causing the excavation must give seven days notice of their intention to excavate to the adjoining owner and furnish such owner with particulars of the work they propose in order to preserve and protect such building from damage. **S5**

Reason: *Required by the Environmental Planning and Assessment Act 1979.9*

- 9 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. **S9**
Reason: *To prevent erosion of materials from the site.*
- 10 Provide security fencing to common boundaries, in accordance with Council's Hoarding Guidelines, where the site adjoins a public thoroughfare. A Hoarding Application must be submitted prior to commencement of demolition work. **D1**
Reason: *To provide protection to the public.*
- 11 Provide notices displaying the words "Danger ! Demolition in Progress", in appropriate places to the fencing or hoarding. **D2**
Reason: *To warn the public of site dangers.*
- 12 Provide suitable portable fire extinguishers where the demolition area is not protected by other fire services. **D6**
Reason: *Required by the Environmental Planning and Assessment Act 1979.*
- 13 The effects of vibration, dust, noise and concussion on adjoining buildings and their occupants must be minimised, by selecting appropriate demolition methods and equipment. **D7**
Reason: *Required by the Environmental Planning and Assessment Act 1979.*
- 14 No demolition work must commence prior to the approval of a work plan for the site. **D9**
Reason: *Required by the Environmental Planning and Assessment Act 1979.*
- 15 Demolition of the structure must be in accordance with Sections 2 and 3 of AS 2601 "The Demolition of Structures". **D10**
Reason: *Required by the Environmental Planning and Assessment Act 1979.*
- 16 Any asbestos cement products to be removed and disposed of to an approved tipping station in accordance with Worksafe Australia - Code of Practice for the safe removal of asbestos. **D14**
Reason: *To prevent any exposure to a hazardous material.*
- 17 All services provided to site to be disconnected in accordance with relevant authorities guidelines. **D15**
Reason: *To comply with relevant authority's requirements.*
- 18 All hard surface areas, building and waste materials being removed from the site. **D16**
Reason: *To ensure the site is left in a clean and tidy condition.*
- 19 Structural Engineering details for the reinforced concrete components and structural steelwork must be submitted and approved by the Principal Certifying Authority prior to the work commencing. **St6**
Reason: *To ensure the adequate structural design of the building components.*
- 20 The design wind load classification for the site is W41 N m/s (N3). All building materials, tie downs and bracing systems must meet the requirements for this wind speed. **St15**
Reason: *To provide information on the design wind speed assessed for the site.*
- 21 The primary building elements must be protected against attack by subterranean termites by physical barriers in accordance with AS 3660.1-1995 "Protection of Buildings from Subterranean Termites". **F1**
Reason: *Required by Clause B1.1 of the Building Code of Australia.*
- 22 All "Wet area" floors must be flashed to walls with approved material, so as to provide effective damp-proofing. **F3**
Reason: *Required by Clause F1.7 of the Building Code of Australia.*
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- 23 Floors of the bathroom, laundry and WC must be provided with an impervious surfaced and properly graded and drained to floor wastes, or other approved outlet. **F4**
Reason: Required by Clause F1.7 of the Building Code of Australia.
- 24 Downpipes must be connected to an approved stormwater drainage system as soon as the roof is sheeted and guttering fixed. **W1**
Reason: To reduce site erosion.
- 25 Roof water drains must be connected to the street water-table. **W2**
Reason: Required by Clause FP1.3 of the Building Code of Australia.
- 26 Temperature and pressure relief lines from hot water systems must: (1) Discharge in the open not more than 300 mm. above a paved surface or (2) Not more than 450 mm and not less than 300 mm above an unpaved surface. **P2**
Reason: Required by NSW Code of Practice "Plumbing and Drainage".
- 27 Provide 6/3 litre dual flush toilet suites to all water closets. **P3**
Reason: To conserve water.
- 28 Provide vacuum breaker devices to all external taps. **P6**
Reason: To prevent the contamination of the water supply by cross connection.
- 29 A tempering valve shall be installed so as to deliver hot water at the outlet of all sanitary fixtures, such as baths, basins and showers, at a temperature not exceeding 43.5°C for all childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick persons or persons with disabilities; and 50°C in all other classes of buildings. **P11**
Reason: required by Cl. NSW 1.10.2 of the NSW Code of Practice Plumbing and Drainage.
- 30 Access for people with disabilities in accordance with AS1428.1 is to be provided to the main entrance of the building. In this regard, a maximum ramp grade of 1:14 is required. **HA1**
Reason: Required by Clause D3.2 of the Building Code of Australia.
- 31 Facilities for the use of people with disabilities must be provided as specified in Clause F2.4 Building Code of Australia and shall be constructed to the requirements of AS 1428.1-1998 "Design for Access and Mobility". **HA3**
Reason: Required by Clause F2.4 of the Building Code of Australia.
- 32 Every passenger lift must comply with Clause E3.6 (Facilities for people with disabilities) of the Building Code of Australia. **HA3A**
Reason: Required by Clause 3.3(a)(iii) of the Building Code of Australia.
- 33 Provide signs to facilities for people with disabilities in accordance with AS 1428.1-1998 "Design for Access and Mobility". **HA4**
Reason: To highlight the availability of facilities for people with disabilities.
- 34 Provide car parking spaces for people with disabilities, including signage, in accordance with the requirements of AS 2890.1 - 2004 "Off-Street Car Parking" Cl 2.4.5(b). **HA5**
Reason: Required by Clause D3.5 of the Building Code of Australia.
- 35 Provide signs, incorporating the disabled access symbol to people with disabilities, identifying the location of each accessible entrance to the building, lift and sanitary facility. **Ha6**
Reason: Required by Clause D3.6 of the Building Code of Australia.
- 36 Disabled toilet facilities must be unisex. **Ha7**
Reason: Required by Policy 05.02.10 of the Lismore City Council.
- 37 Windows in external walls, within three metres of the boundary, to be eliminated or fire protected in accordance with Clause C3.4 Building Code of Australia by means of internal or external automatic wallwetting sprinklers (used in conjunction with windows that are automatically or permanently fixed closed), or -/60/- fire windows (automatically or permanently fixed closed) or -/60/- automatic fire shutters. **Fp2**
Reason: Required by Clause C3.2 of the Building Code of Australia.
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- 38 Services, including plumbing, associated with the functioning of the building must comply with the relevant portions of Specification C3.15 Building Code of Australia by providing minimum size openings in fire resistant construction and approved fire stopping where necessary. **Fp3**
Reason: Required by Clause C3.15 of the Building Code of Australia.
- 39 Wires or cables for electrical, telephone or other services must be installed to comply with the provisions of Specification C3.15 Building Code of Australia by the provision of necessary openings, of a minimum size, in fire resistant construction. **Fp5**
Reason: Required by Clause C3.15 of the Building Code of Australia.
- 40 No combustible material is to be attached to the external face of the building except as permitted by Clause 7 Specification C1.10, Building Code of Australia. **Fp6**
Reason: Required by Specification C1.10 of the Building Code of Australia.
- 41 All materials, other than sarking, must have a smoke-developed index not greater than 8 if the spread-of-flame index is greater than 5. In any case the spread-of-flame index shall be not greater than 9. **fp7**
Reason: Required by Clause C1.10 of the Building Code of Australia.
- 42 The entrance doorways to the lift shaft to be protected by 60/60/- fire doors that comply with AS 1735.11 "Fire-rated Landing Doors" and the lift call panels must comply with Clause C3.10(b) Building Code of Australia. **Fp20**
Reason: Required by Clause C3.10 of the Building Code of Australia.
- 43 There must be displayed near all lift call buttons a sign "In Case of Fire Do Not Use Lifts" in accordance with Clause E3.3 Building Code of Australia. **Fp21**
Reason: Required by Clause E3.3 of the Building Code of Australia.
- 44 Provide interconnected, automatic smoke alarms wired into the electrical mains and having a stand-by battery power supply, in accordance with Clause E2.2 of the Building Code of Australia. **Fp22**
Reason: To comply with Clause E2.2 of the Building Code of Australia.
- 45 The main switchboard within the building, if it sustains emergency equipment, must be separated from other parts of the building by construction having an FRL of 120/120/120 and any doorway must be fitted with a self closing fire door having an FRL of -/120/30. **fp27**
Reason: Required by Clause C2.13 of the Building Code of Australia.
- 46 Electrical meters, distribution boards or ducts, installed in a required non-fire isolated exit, or any corridor, hallway or lobby, leading to a required exit, are to be enclosed by non-combustible construction or a fire-protective covering, so as to prevent smoke spreading from the enclosure. **Fp28**
Reason: Required by Clause D2.7 of the Building Code of Australia.
- 47 The proposed exit stairs being constructed in accordance with Clause D1.3 of the Building Code of Australia and exit travel distances are to comply with Clause D1.4 of the Building Code of Australia. Alternatively, a performance based alternative solution is required. NOTE: The proposal does not currently comply with the above requirements.
Reason: To satisfy the requirements of Section D of the Building Code of Australia (BCA).
- 48 Fire hose reels must be provided in accordance with Clause E1.4 Building Code of Australia and the following:-
- (a) Must comply with Australian Standard 1221 "Fire Hose Reels" and be installed in accordance with Australian Standard 2441, "Installation of Fire Hose Reels".
 - (b) At the connection of the most hydraulically disadvantaged hose reel to the fire main or water service pipe, provide a water flow rate of 0.33 L/s.
 - (c) Must not be installed in fire-isolated stairways, fire-isolated ramps or fire-isolated passageways.

- (d) At least one hose reel must be accessible to all occupants of the storey served by it.
- (e) No part of the storey must be beyond the reach of the nozzle end of a fully extended hose reel installed on that storey. **FS1**
Reason: Required by Clause E1.4 of the Building Code of Australia.
- 49 During construction provide not less than one fire extinguisher to suit Class A, B and C fires and electrical fires, on each storey adjacent to each required exit or temporary stair or exit. **FS3**
Reason: Required by Clause E1.9 of the Building Code of Australia.
- 50 Fire hydrants are to be provided within the building so no point on the floor of the building is more than 6 m from the nozzle end of a fully extended 30 m length of hose. The hydrant is to be within 4 m of a required exit and installed in accordance with AS 2419.1 "Fire Hydrant Installations". **Fs4**
Reason: Required by Clause E1.3 of the Building Code of Australia.
- 51 Where an external hydrant serves a building the maximum length of hose shall be 60 metres, providing a maximum 10 metres horizontal jet of water. **Fs4a**
Reason: Required by Clause E1.3(b) of the Building Code of Australia.
- 52 Provide portable fire extinguisher/s, suitable to address the relevant risk, in accordance with AS2444. **fs5**
Reason: Required by Clause E1.6 Building Code of Australia.
- 53 The fire hydrant is not to be installed until Council has received a written report from the Director-General of New South Wales Fire Brigades certifying the proposed installation is satisfactory to meet the performance requirements of the Building Code of Australia. **Fs6**
Reason: Required by the Environmental Planning and Assessment Act 1979.
- 54 The applicant/owner shall make written application to the Accredited Certifier or Council, with the application for the issue of a Construction Certificate, requesting that a street hydrant be utilised in lieu of internal hydrants where required by the Building Code of Australia. **Fs7**
Reason: To comply with the requirements of Australian Standard AS2419.1 - 1994.
- 55 Upon commencement of the development, the Principal Certifying Authority shall submit to Council's Water and Wastewater Department a plan identifying the street hydrant as a hydrant specifically designated for fire fighting, in accordance with the provision of the Building Code of Australia for the nominated building. **Fs10**
Reason: To ensure the hydrant is not relocated by Council to a position unsuitable for fire fighting.
- 56 All required egress doors are to at all times be openable from within the building by single handed lever or push action on a single device without recourse to a key. No barrel bolts are to be fitted. **E1**
Reason: Required by Clause D2.21 of the Building Code of Australia.
- 57 Stairs must have a minimum clear width of 1m between the handrails. **E2**
Reason: Required by Clause D1.6 of the Building Code of Australia.
- 58 When fully open the doors, including door handles etc, must not encroach upon the required width of the landings by more than 100mm. **E4**
Reason: Required by Clause D2.20 of the Building Code of Australia.
- 59 The stairs must comply with the design criteria of Clauses D2.9, D2.13 and D2.14 Building Code of Australia in respect of stair width, landing design and tread and riser design. **E5**
Reason: Required by Section D of the Building Code of Australia.
- 60 Doors forming exits, paths of travel to exits and parts of exits must comply with the relevant provisions of Clause D2.19, D2.20 and D2.21, Building Code of Australia in respect of the type of door, direction of swing and method of latching. **E6**
-

- Reason:** Required by Section D of the Building Code of Australia.
- 61 There must be displayed on every landing in the fire isolated stairs a sign complying with Form 4, Clause 150 of the Local Government (Approvals Regulation NSW, 1993 setting out the penalty for improper use of the stair. **E12**
- Reason:** Required by Section 654 of the Local Government Act, 1993.
- 62 Provide a landing outside the egress door not less than the door leaf in width. **E15**
- Reason:** Required by Clause D2.15 of the Building Code of Australia.
- 63 Provide a continuous balustrade a minimum of 865 mm high to stairs or ramps. Where the stair or ramp is used for emergency purposes only, the balustrade opening may be a maximum of 300 mm in all other cases the maximum permissible opening is 125 mm. **E16**
- Reason:** Required by Clause D2.16 of the Building Code of Australia.
- 64 An emergency lighting system is to be provided throughout the building to comply with Clause E4.2 Building Code of Australia. Details of the emergency lighting system and a certificate from an electrical engineer certifying the level of illumination required is provided and that the circuits are designed as required, is to be submitted to Council prior to installation. **LE3**
- Reason:** Required by Clause E4.2 of the Building Code of Australia.
- 65 Provide emergency light exit signs on or near every door affording direct access from a storey to:-
- (a) An enclosed stairway or ramp serving as a required exit:
 - (b) An external stairway servicing as a required exit:
 - (c) An external access balcony leading to a required exit:
 - (d) On or near every door discharging from an enclosed stairway or ramp at every level of access to a road or open space.
 - (e) A door forming part of a required exit in a storey required to be provided with emergency lighting. **LE5**
- Reason:** Required by Clause E4.5 of the Building Code of Australia.
- 66 Cool rooms must be provided with:-
- (a) a door a minimum of 600mm wide by 1.5m high, which can at all times be opened from inside without a key; and
 - (b) an approved alarm device located outside but controllable only from within the cool room. **SD1**
- Reason:** Required by Clause G1.2 of the Building Code of Australia.
- 67 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 1670 "Smoke Alarms". **FP23**
- Reason:** To ensure compliance with this building approval.
- 68 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 F2.5 of the Building Code of Australia Housing Provisions.

DRAINAGE

- 69 Hard surface areas, landscaped areas, roof water and subsoil drainage systems shall be designed by a suitably qualified person experienced in Hydraulic design and submitted to the Principal Certifying Authority prior to release of the Construction Certificate. Drainage is to direct all water to a suitable discharge point to prevent intensification of discharge runoff onto adjoining land. This system shall be constructed in accordance with Council's Development, Design and Construction Manuals (as amended).. All drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the proponent. **DG1**

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))

VEHICULAR ACCESS

- 70 Redundant road pavement, kerb and gutter or foot paving, including any existing entrances or other special provisions or damage arising from construction activities shall be reinstated in accordance with Council's Development, Design and Construction Manuals (as amended). **VA1**

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

- 71 Driveways, access aisles and parking areas shall be provided with a bitumen sealed or other approved surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended). **VA2**

Reason: To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))

- 72 All loading and unloading shall take place within the property boundaries, including the parking of construction and private vehicles associated with the development. **VA3**

Reason: To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))

- 73 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))

- 74 Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction, in accordance with Council's Development Control Plan No. 18 - Off Street Carparking Requirements. All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition. **VA6**

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

CARPARKING

- 75 Provision shall be made for five (5) carparking spaces with a bitumen sealed/paved or equivalent surface constructed and landscaped in accordance with the requirements of the Council's Development Control Plan No. 18 Off Street Carparking Requirements, Australian Standard AS2890.1 Parking Facilities – Offstreet Parking and Council's Development, Design and Construction Manuals (as amended). Design plans to be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.) CP1

Reason: To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))

- 76 Carparking, as shown on the approved plan, shall be clearly marked on the ground and signage erected to clearly indicate off-street parking is available prior to the release of an Interim or Final Occupation Certificate. CP4

Reason: To ensure the free flow of traffic and comply with traffic regulations. (EPA Act Sec 79C(c))

- 77 The car space at the western end of the development shall not be used as a car park. It shall be clearly marked and signposted as a turning area and not as a car park.

Reason: To ensure adequate access to the development.

CONTRIBUTIONS

78 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore Contributions Plan 1999 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule.

Such levies shall be calculated at the rate(s) in effect on the date the **Construction Certificate is granted**. The rates and amounts applying at the date of this notice, totalling **\$184,970**, 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)*

PLANNING

79 **(Deleted)**

PUBLIC UTILITIES

80 The existing overhead power lines across the frontage of the development shall be replaced with underground power prior to the issue of an interim or final occupation certificate.

Reason: *To comply with Council policy.*

ENVIRONMENTAL HEALTH

81 The fitout of the food preparation, handling and storage areas must be in accordance with the requirements of Australian Standard 4674-2004 – Design, Construction and Fitout of Food Premises.

Reason: *To comply with relevant standards for commercial food premises.*

82 Plans showing the interior layout of the proposed food areas, including the location and method of installing all fittings, etc., wall, floor and ceiling finishes and lighting is to be submitted to Council and approved prior to release of the Construction Certificate.

Reason: To secure compliance with the relevant standards and protect public health.

- 83 The mechanical ventilation system in the kitchen must be designed and installed in accordance with the requirements of Australian Standard 1668.2-2002. In this respect, plans and specifications of the system detailing compliance with the above standard, must be submitted to Council and approved prior to release of the Construction Certificate.

Reason: To comply with relevant standards for indoor air quality.

- 84 The hours of work for any noise generating construction activity of the proposed development are to be limited to the following time restrictions:

Monday to Friday - 7.00am to 6.00pm

Saturday - 8.00am to 1.00pm

No noise generating construction activities are to take place on Sundays or public holidays. **AM2**

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

- 85 The proposed landuse shall not result in the emission of offensive noise.

Offensive noise means:

(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

(i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or

(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or

(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

AM7

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

SIGNAGE

- 86 All outdoor advertising material, signs or decorative materials (including flags or bunting) shall be approved by the Council prior to erection, in accordance with Development Control Plan No. 36 Outdoor Advertising Structures (as amended).

A separate Development Application shall be submitted. **AD1**

Reason: To preserve the amenity of the area. (EPA Act Sec 79C(b))

- 87 Any outdoor display lighting shall be appropriately located or shielded so no additional light is cast on adjoining land or distracts traffic. **AD2**

Reason: To preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))

- 88 All sign materials below the adopted standard flood level of 12.4m (AHD) shall be flood compatible. **AD4**

Reason: To preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))

WATER & SEWER

- 89 The proponent shall provide sewerage reticulation to service the development. The works shall include:

a) A conventional gravity sewer reticulation that comprises a sewer junction to service the lowest ground level of each allotment. Sewerage works shall be designed and constructed in accordance with Lismore City Council's adopted standards. Any costs shall be the responsibility of the proponent.

The proponent shall be responsible for the full cost of any associated sewerage maintenance considered necessary by Lismore City Council's Manager-Water and Sewerage for a period of twelve months from the date of approval of the work.

After satisfactory completion of this work, a practising qualified surveyor shall submit a "works-as-executed" set of 1:1000 transparency plans and plans in digital format (Autocad or similar) showing these works. **WS3B**

Reason: *To provide adequate services for the development (EPA Act Sec 79C(c))*

- 90 The water supply service shall be sized in accordance with Australian Standard 3500.1 to service the whole development. **WS5**

Reason: *Required by NSW Code of Practice "Plumbing and Drainage".*

- 91 Prior to the release of the Construction Certificate, an application to discharge trade waste, including a plan that contains all details of the proposed trade waste installation, shall be submitted to Lismore City Council. Designs are to be in accordance with Australian Standard 3500, the NSW Code of Practice - Plumbing and Drainage and the Ministry of Energy and Utilities guidelines for the On-site Pre-treatment of Trade Waste Discharges to Sewer. **WS6A**

Reason: *To ensure adequate protection of utility services and to ensure compliance with the Trade Waste Approval. (EPA Act Sec 79C(b))*

- 92 All plumbing and drainage work associated with the Trade Waste installation are to be inspected and approved by Council's Water and Wastewater Section. A works-as-executed Drainage Diagram shall be submitted to Council on completion of works. **WS6B**

Reason: *To ensure adequate protection of utility services and to ensure compliance with the Trade Waste Approval. (EPA Act Sec 79C(b))*

- 93 Prior to release of the Interim and/or Final Occupation Certificate an approval to discharge Trade Waste under Part 4 of the Local Government (Approvals) Regulations 1999 is to be obtained from the Water and Wastewater Section. **WS6C**

Reason: *Required by Local Government (Approvals) Regulation 1999.*

- 94 Written permission must be obtained and submitted to Council, to carry out sewerage works on adjoining land. **WS13**

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

- 95 The proponent shall pay to Council all Water and Sewerage Headworks Levies deemed necessary by Council and in accordance with Section 64 of the Local Government Act 1993. The rates and amounts applying at the date of this notice, are set out in the schedule for your information. Such levies shall be paid as required by Council, prior to release of the **Construction Certificate**.

Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the listing of rates applicable for the financial year in which payment is made. This listing of rates reflects the adjustment made for the Consumer Price Index (CPI, Sydney) on an annual basis. **S64**

Reason: *To provide funds for the provision of services and facilities identified in Lismore City Council's Section 64 Contributions Plan as required by the increased population or activity. (Water Management Act 2000, Sec 306)*

- 96 i. A concrete encased sewer main is to be constructed under the proposed development; all costs associated with this work shall be borne by the proponent. Also the proponent shall be responsible for the full cost of any associated sewerage maintenance considered necessary by Lismore City's Council's Manager-Water and Sewerage for a period of twelve months from the date of approval of the work.
- ii. A Minor Works Permit must be applied for at Council prior to the commencement of these specified works and Council's Water and Wastewater Inspector shall be contacted so as to be present prior to such construction commencing and also be contacted to carry out an inspection of these works at their completion. All work is to be carried out in accordance with Lismore City Council Sewer Specifications.
-

- iii. Once the sewer main is concrete encased and prior to the commencement of the development, the sewer main is to be inspected with a video (CCTV camera) showing that the new concrete encased sewer main is laid to Council's accepted grade and alignment. Council's water and wastewater inspector shall be given 24 hours notice prior to these inspections being undertaken. Copies of these inspections are to be submitted to Council's Manager Water and Sewerage within a week of the inspection being completed. The construction of the structure over the concrete encased sewer main cannot proceed until approval is given from the Manager Water and Sewerage.

Should the CCTV inspection show that the main has not been laid to Council's accepted tolerances with regards to grade and alignment it is to be removed and the above procedures are to be repeated with all costs associated with this work borne by the proponent.

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

- 97 Full design plans of the proposed engineering works to satisfy condition(s) 101 and 108 shall be submitted to Lismore City Council. Such plans must be approved by the Manager-Water and Sewerage before the issue of the Construction Certificate. Construction of these works will need to be completed before a Certificate of Compliance is issued by Lismore City Council under Section 307 of the Water Management Act 2000. **WS12**

Reason: *To provide adequate services for the development (EPA Act Sec 79C(c))*

- 98 During the demolition of the existing building, the proponent is to ensure that the decommissioning of the internal sewerage reticulation is carried out to Council's satisfaction, with such lines being effectively sealed off to prevent infiltration to Council's sewerage reticulation. The existing sewer connection to Council's main is to be effectively sealed off at the boundary riser. In this regard, a Minor Works Permit must be applied for at Council and all works carried out in accordance with Lismore City Council's adopted Standards. Any costs associated with these works shall be the responsibility of the proponent.

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

- 99 Should the existing water service need to be terminated at Council's water main, a disconnection permit shall be applied for from Lismore City Council and all work shall be carried out in accordance with Council's adopted standards.

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

FLOODING

- 100 The café storage area on the second floor shall not be used for any other purpose other than flood storage.

Reason: *To ensure adequate protection from frequent flooding. (EPA Act Section 79C(c))*

FURTHER, that Council review the outdoor dining lease located at 29 Keen Street to facilitate compliance with AS 2890 Off-Street Carparking.

(Councillors Hampton/Chant)

Voting Against: Councillors Irwin and Swientek.

(D03/781)

Cities for Climate Protection

123/04 **RESOLVED** that the report be received and -

- 1 That Council join the Cities for Climate Protection program as identified in the Environmental Health Services Management Plan and the relevant tasks commence to achieve the five milestones.
- 2 That the funding for joining the CCP program be funded utilising the bequest from the Late Brian Slapp's estate.

- 3 That Lismore City endorse the aims and objectives of the CCP program as required for membership.
- 4 A letter be sent to the executors of the late Brian Slapp's estate thanking them for the bequest and to Martin Oliver, advising of Council's decision.
(Councillors Irwin/Swientek) (S392)

Lismore Urban Strategy 2003

A MOTION WAS MOVED that the report be received and noted and –

- 1 That the following amendments be made to the Lismore Urban Strategy:
 - a) The consent period for subdivision of all greenfield sites identified in the Strategy be limited to two years.
 - b) Any application for extension of consent for subdivision of greenfield sites be referred to Council for determination.
 - c) If subdivision is not completed within five years of the consent date, the applicant to be required to show cause why Council should not issue a section 121B notice to complete the development.
 - d) That the line showing the eastern limit of urban expansion be extended westward and then south along Tucki Creek in the manner shown on the map included in the attachments and the northern boundary westwards to include the North Lismore plateau.
- 2 That Trinity Drive be deleted from the Urban Strategy and the North Lismore plateau be included.
- 3 That a copy of the Lismore Urban Strategy, incorporating the above amendments, be forwarded to the Department of Infrastructure, Planning and Natural Resources.
(Councillors Irwin/Dowell)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 That the following amendments be made to the Lismore Urban Strategy:
 - a) The sunset clause period from gazettal to lodgement and approval of DA and Master Plan be extended from one to two years.
 - b) The consent period for subdivision of all greenfield sites identified in the Strategy be limited to two years.
 - c) Any application for extension of consent for subdivision of greenfield sites be referred to Council for determination.
 - d) If subdivision is not completed within five years of the consent date, the applicant to be required to show cause why Council should not issue a section 121B notice to complete the development.
 - e) that the line showing the eastern limit of urban expansion be extended westward and then south along Tucki Creek in the manner shown on the map included in the attachments.
- 2 That a copy of the Lismore Urban Strategy, incorporating the above amendments, be forwarded to the Department of Infrastructure, Planning and Natural Resources.

(Councillors Hampton/King)

On submission to the meeting the AMENDMENT was DEFEATED.

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

A FORESHADOWED AMENDMENT WAS MOVED that the report be received and –

- 1 That the following amendments be made to the Lismore Urban Strategy:
 - a) The consent period for subdivision of all greenfield sites identified in the Strategy be limited to two years.
 - b) Any application for extension of consent for subdivision of greenfield sites be referred to Council for determination.

- c) If subdivision is not completed within five years of the consent date, the applicant to be required to show cause why Council should not issue a section 121B notice to complete the development.
 - d) That the line showing the eastern limit of urban expansion be extended westward and then south along Tucki Creek in the manner shown on the map included in the attachments and the northern boundary westwards to include the North Lismore plateau.
- 2 A report be prepared for Council on the legal, economic and social implications of deleting Trinity Drive and including the North Lismore plateau in the Lismore Urban Strategy.
 - 3 That a copy of the Lismore Urban Strategy, incorporating the above amendments, be forwarded to the Department of Infrastructure, Planning and Natural Resources.

(Councillors Tomlinson/Chant)

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

Voting Against: Councillors Irwin, Ekins, Crimmins and Henry.

124/04 **RESOLVED** that the report be received and noted and –

- 1 That the following amendments be made to the Lismore Urban Strategy:
 - a) The consent period for subdivision of all greenfield sites identified in the Strategy be limited to two years.
 - b) Any application for extension of consent for subdivision of greenfield sites be referred to Council for determination.
 - c) If subdivision is not completed within five years of the consent date, the applicant to be required to show cause why Council should not issue a section 121B notice to complete the development.
 - d) That the line showing the eastern limit of urban expansion be extended westward and then south along Tucki Creek in the manner shown on the map included in the attachments and the northern boundary westwards to include the North Lismore plateau.
- 2 A report be prepared for Council on the legal, economic and social implications of deleting Trinity Drive and including the North Lismore plateau in the Lismore Urban Strategy.
- 3 That a copy of the Lismore Urban Strategy, incorporating the above amendments, be forwarded to the Department of Infrastructure, Planning and Natural Resources.

(Councillors Tomlinson/Chant)

Voting Against: Councillors Irwin, Crimmins and Henry.

(S650)

At this juncture 9.05pm Councillor Irwin left the meeting.

Memorial Baths Redevelopment

125/04 **RESOLVED** that the report be received and Council consider the report from Planning & Development Group.

(Councillors Swientek/Hampton) (D03/673,03-676)

At this juncture 9.10pm Councillor Irwin returned to the meeting.

Supplementary Report – DA03/673 – Lismore Memorial Baths Redevelopment – S96(2) Modification Application (Tabled)

126/04 **RESOLVED** that the report be received and the application for modification to Development Application No. 2003/673 be approved, with the following adjustments being made to the current consent:

- 1 Amend the plans schedule as in Condition No. 1 by the modifications shown in the 3 unlabelled plans stamped 'Sec 96 Amendment' and lodged with Council on 15/6/2004.
- 2 Alter the words "*the external wall ceramic tiling and any painting...*" in Condition No. 107 to read:
"The external wall finish and any painting..." so that the condition in full reads:
"The external wall finish and any painting to be carried out in approved heritage colours and finished appearance, and to complement the main pavilion entry building, to the satisfaction of Council's Heritage Adviser."
- 3 Add under Water and Sewer Conditions:
"Relocation or replacement of the sewer and water pipe that traverses the land is the responsibility of the proponent. Any relocation or replacement work shall be undertaken to the satisfaction of the Lismore City Council's Manager-Water and Sewerage. Any costs associated with these works shall be the responsibility of the proponent."
Reason: To ensure adequate protection of utility services. (EPA Act Sec 79C(b))"
- 4 Amend Condition No. 101 to also refer to new condition inserted under the above condition.
- 5 Add under Carparking Heading:
"Prior to the release of an Interim or Final Occupation Certificate the existing carpark upon Lot 5 in DP32568 shall be linemarked and signage erected to clearly indicate public off-street parking is available. Signage directing patrons to the carpark is to be located at both the carpark and the pool site."
Reason: To ensure the free flow of traffic and comply with traffic regulations. (EPA Act Sec 79C(c))"
- 6 Add Note:
"On completion of works and prior to issue of a compliance certificate under Section 307 of the Water Management Act 2000, Council will require a maintenance bond to be paid to Council."

(Councillors Swientek/Chant)
(D03/673)

Supplementary Report – DA03/676 – Roadworks in Market Street, Lismore to Accommodate New Memorial Pool – S96(2) Modification Application

(Tabled)

127/04 **RESOLVED** that the report be received and the application for modification to Development Application No. 2003/676 be approved, with the following adjustments being made to the current consent:

- 1 Amend Condition No. 1, by deleting reference to Drawing Development Application.001-A0.02-R1 dated 22/9/03, and substitute in its place "*unlabelled plan stamped Sec. 96 Amendment lodged with Council on 16/6/04*".
- 2 Modify Condition No. 22 to read as follows:
The proponent shall construct a reinforced concrete, paving block or equivalent footpath, along the northern side of the frontage of the land to Market Street from Molesworth Street to a point 6m west of the intersection with Victoria Street and including a pedestrian crossing refuge at this location in accordance with Council's Development, Design and Construction Manuals (as amended).
The path shall have a minimum clear width of 1.2m between obstructions at any point. Any costs shall be the responsibility of the proponent.
Reason: To ensure an adequate pedestrian network in accordance with adopted standards. (EPA Act Sec 79C(a))

- 3 Modify Condition No. 24 to read as follows:
*The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work. Required roadworks include:
Construction of Market Street to an urban, bitumen sealed road shape with a width of 7m between kerbs, excluding the bus parking area, from the intersection with Molesworth Street to the intersection with Victoria Street and a width of 6m between kerbs from the intersection with Victoria Street to the western end of Market Street.
A practising qualified surveyor or engineer shall submit to Council for approval prior to the release of the Subdivision/Interim or Final Occupation Certificate, a "works-as-executed" set of plans and construction certification. The certification shall detail satisfactory completion of all roads, drainage and civil works required by this development consent and approved design plans.*
- Reason:** To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))
4. Modify Condition No. 28 by deleting reference to location of the 11 replacement trees "along Market Street" and substituting reference to replacement trees "on public lands within the immediate vicinity of Market Street as indicated on the plan submitted with the modification application".
(Councillors Hampton/Irwin)
(D03/676)

Financial Assistance – North Coast A & I Society Inc.

S459

Councillors King and Graham declared an interest in this matter and left the room during discussion and determination thereon.
Deputy Mayor Councillor Chant assumed the chair.

128/04 **RESOLVED** that the report be received and –

- 1 The General Manager negotiate arrangements with the North Coast National Agricultural & Industrial Society Incorporated to facilitate Council acting as 'guarantor' for a bank overdraft of up to \$100,000 to December 31, 2004.
- 2 The guarantee be conditional upon the North Coast National Agricultural & Industrial Society Incorporated agreeing to provide a comprehensive business plan for the Lismore Showground as soon as possible.

(Councillors Irwin/Dowell)
(S880)

Delegations to the General Manager

129/04 **RESOLVED** that the report be received and -

A MOTION WAS MOVED that the report be received and pursuant to section 377 of the Local Government Act 1993, Council revoke all delegations of functions from the Council to the General Manager whenever made and delegates to the General Manager all of the functions of the Council under any Act or law that may be lawfully so delegated subject to the following conditions and limitations:

- 1 The delegate may not exercise a function under delegated authority if:
 - i) the exercise of the function involves the adoption or amendment of a policy of the Council, or would be inconsistent with the aims and objectives of any existing Council policy;
 - ii) in the case of a function (other than to bring, defend, appear in or settle proceedings), the matter to which the function relates is the subject of actual, threatened or apprehended proceedings in a court or other tribunal or is the subject of a public inquiry under any Act; or

- iii) Council by resolution, direct that a particular matter be referred to Council for decision, in which event this delegation shall not apply to such particular matter unless and until such direction or resolution is revoked by further direction or resolution.
 - 2 Only debts of \$5,000 or less may be written off by the General Manager.
 - 3 The delegate must ensure that the conditions and limitations in paragraphs (a) and (b) apply to functions sub-delegated to Council staff by the General Manager where appropriate.
- (Councillors Hampton/Meineke) (S6)

Method of Appointment of Director to Arts Northern Rivers Inc.

- 130/04 **RESOLVED** that the report be received and Council's representative on Arts Northern Rivers Inc be determined via an expression of interest process and that Council appoint the preferred applicant.
- (Councillors Irwin/Swientek) (S86)

Purchase of Landfill Compactor

- 131/04 **RESOLVED** that the report be received and Council -
- 1 Not accept any of the tenders received for the Supply & Delivery of a Landfill Waste Compactor.
 - 2 Call fresh tenders for the Supply & Delivery of Landfill Waste Compactor including leasing and maintenance options.
- (Councillors Hampton/Meineke) (T24026)

Review of Payment of Expenses & Provision of Facilities Policy

A MOTION WAS MOVED that the report be received and –

- 1 That Council place the amended Payment of Expenses and Provision of Facilities policy on public exhibition for a period of 28 Days.
 - 2 That 3.3 be amended to provide for Council to pay for a councillor's spouse to attend one conference dinner per annum.
 - 3 That following the exhibition period a further report be submitted to Council.
- (Councillors Swientek/Hampton)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 That Council place the amended Payment of Expenses and Provision of Facilities policy on public exhibition for a period of 28 Days.
 - 2 Clause 4.1 - (a) and (d) remain unchanged
 - 3 Clause 3.4 – require “each councillor” to provide a written report.
 - 4 That following the exhibition period a further report be submitted to Council.
- (Councillors Irwin/Ekins)

On submission to the meeting the AMENDMENT was DEFEATED.

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

- 132/04 **RESOLVED** that the report be received and –
- 1 That Council place the amended Payment of Expenses and Provision of Facilities policy on public exhibition for a period of 28 Days.
 - 2 That 3.3 be amended to provide for Council to pay for a councillor's spouse to attend one conference dinner per annum.
 - 3 That following the exhibition period a further report be submitted to Council.
- (Councillors Swientek/Hampton)
- Voting Against:** Councillors Irwin, Ekins and Dowell.
- Dissenting Vote:**
Councillor Irwin. (S9)

Review of Council Policies

- 133/04 **RESOLVED** that the report be received and –
- 1 That Policies Nos. 1.2.1, 1.2.3, 1.2.4, 1.2.6, 1.2.8, 1.2.9, 1.2.10, 1.2.11, 1.2.13, 1.2.14, 1.2.15, 1.2.16, 1.2.17, 1.2.18, and , 1.2.20, remain unchanged.
 - 2 That Policy No. 1.2.2 be deleted and where relevant, non-redundant clauses be transferred to the Payment of Expenses and Provision of Facilities policy.
 - 3 The heading of Policy No. 1.2.5 be changed to **Committee Meeting Procedure**.
 - 4 That no change be made to the body of Policy No. 1.2.7, however the city contact forums be included in the report by the inclusion of a new item 4.
(4) *Rural contact forums are to be held on the third Monday of March, June and September – city contact forums on the third Monday of May and August. The forums will commence at 7pm and will be held in lieu of councillor interviews.*
The policy title is to be changed to **Contact Forums and Rural Council Meetings**.
 - 5 That Policy Nos. 1.2.12 and 1.2.21 be deleted.
(Councillors Irwin/Dowell) (S9)

Pecuniary Interest Returns

- 134/04 **RESOLVED** that the report be received and noted.
(Councillors Hampton/Chant) (S44)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 16/6/04

- 135/04 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.
(Councillors Irwin/Graham) (S352)

DOCUMENTS FOR SIGNING AND SEALING:

- 136/04 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

Subdivision Plan and Transfer documents for sale of Lot 201, at Lismore Airport, to Aspect North Pty Ltd.

Following a previous resolution by Council the relevant survey plan and documents have been prepared for the transfer of part of Lismore Airport to Aspect North Pty Ltd. This transfer will facilitate the establishment of a geospatial operation at Lismore Airport.

(04-6331: P9733)

Deed of Agreement between Lismore City Council and Clarence Property Corporation Ltd for compensation and conditions of site entry for the purpose of dedication of an extension to Glasgow Lane.

Deed of Agreement between Lismore City Council and Lismore Skills Centre Incorporated for compensation and conditions of site entry for the purpose of dedication of an extension to Glasgow Lane.

(P27867)

(Councillors Hampton/Chant)

This concluded the business and the meeting terminated at 9.47 pm.

CONFIRMED this 10TH day of AUGUST, 2004 at which meeting the signature herein was subscribed.

MAYOR

