

Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at
the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on
Tuesday, October 11, 2005
and members of Council are requested to attend.

A handwritten signature in black ink that reads "Walker".

Lindsay Walker
Acting General Manager

October 4, 2005

Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting September 13, 2005

Public Access Session

Darran Singh from Thomas Noble & Russell re 2004/05 Financial Reports 6

Craig Chandler re Notice of Motion – Industrial Changes 4

Public Question Time

Condolences

Disclosure of Interest

Mayoral Minutes

Notice of Rescission Motions

Notice of Motions

Altering Order of Business

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

Reports

2004/05 Financial Reports 6

Development Application No. 2005/382 to use Existing Rural Shed for Earthmoving Machinery and Equipment Storage and Depot – 51 Lockton Road 19

Lismore Urban Strategy – Staged Release Options 32

Draft Lismore Regional City Plan 36

Request for Financial Assistance – South Lismore Soccer Club Incorporated..... 41

The Channon Children’s Centre 44

Additional Roadworks – Diadem Street, Lismore (between proposed service station and Magellan Street) 47

Supply, Installation, Training and Annual Maintenance of a Telephone System 49

| | |
|---------------------------------------------------------------------------------|----|
| 2004/05 Reserves (Internally Restricted Assets)..... | 52 |
| Goods and Services Tax - Council Compliance Requirements..... | 58 |
| Construction Certificate and Inspection, Fees and Charges Review 2005/2006..... | 61 |
| Policy Advisory Groups - Vacancies..... | 63 |
| Councillors' Expenses and Provision of Facilities Policy..... | 65 |
| September 2005 – Investments held by Council..... | 67 |
| Committee Recommendations | |
| Traffic Advisory Committee 21/9/05..... | 69 |
| Strategic Plan Steering Committee 4/10/05 (to be tabled) | |
| Documents for Signing and Sealing | |
| Section 356 Donations..... | 73 |
| Questions Without Notice | |
| Confidential Matters – Committee of the Whole | |

Strategic Plan Summary

Lismore regional city

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

Rescission Motion

We hereby give notice of our intention to move at the next meeting of Council the following rescission motion:

Councillor F F Swientek

Councillor J R Dowell

Councillor V Ekins

Date 13/9/05

That Council rescind resolution 191/05 – DA05/534 for Woolworths Service Station.

(05-9962: D05/534)

Notice of Motion

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

1 That at the November meeting of Council the following motion be decided:

“The Council apply to the Minister for Local Government to reduce the number of elected councillors on Lismore City Council from the current number of 12 to nine.”

2 That this proposed motion be put on display for 21 days prior to the November meeting as required by the Local Government Act.

3 That the public be invited to make submissions.

Councillor D R Tomlinson

Reasons

- 1 This Council has not been given the opportunity to express its intentions regarding the number of elected councillors.
- 2 Amendments to the Local Government Act give a limited 12 month opportunity to change the number without going to a full referendum.
- 3 More than 50 per cent of councils in NSW have nine councillors or less including Ballina, Clarence, Coffs Harbour, Kyogle, Kempsey, Port Macquarie, Tamworth and Bellingen. Some have only six, seven or eight councillors.
- 4 At the last referendum electors were not given the opportunity to vote for less than 11 councillors.
- 5 A reduction in councillors will cut costs and make Council more workable.
- 6 Representation will not be adversely affected as instanced by the successful operation of smaller councils.
- 7 Should the circumstances of existing councillors change requiring them to resign before their term expires then there will be no need for an expensive by-election providing numbers do not fall below nine.

Staff Comment

Acting General Manager

The amendments to the Local Government Act 1993 (amended July 1, 2005) will allow Councils a one-off opportunity to resolve to apply to the Minister for Local Government for approval to reduce the number of councillors on the Council without the holding of a constitutional referendum.

There are a number of restrictions:

1. The opportunity is only available for twelve (12) months.
2. No Council may have less than five (5) councillors.
3. A Council divided into wards may not have less than three (3) councillors per ward.

(05-10399: S44,S43)

Notice of Motion

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

Council prepare a report for the November meeting exploring the feasibility of phasing in the purchase of LPG dual fuel for staff vehicles.

Councillor F F Swientek

Comment:

Given the sharp rise in fuel prices it may prove far more economical for Council vehicles to be fuelled by LPG. There are environmental benefits through less emissions of pollutants and less greenhouse creating gas emissions.

Staff Comment

Acting General Manager

The proposed timeframe, being the November meeting, is considered to be too tight, given that the Fleet Manager has only just returned from extended leave and currently has a very heavy workload. Staff would prefer that the proposed report be brought back to Council's December meeting.

(05-10486: S624)

Notice of Motion

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

- 1 That Lismore City Council sign a charter of working rights committed to the following principles:**
 - a) Not to support plans to take away the basic rights of its workers.**
 - b) Not to use the Government's proposed laws to reduce wages or working conditions.**
 - c) Negotiate collectively with workers and unions and not to force employees onto individual contracts.**
 - d) Give unions continued access to the workplace.**

- 2 That Council publish this commitment to all its staff and to neighbouring local governments.**

Councillor F F Swientek

Comment:

It is clear from correspondence that Council has received from the United Services Union and comments made by Council staff at combined union industrial meetings that there is serious concern about the implications of the federal government's industrial changes.

Council's own "union" the Local Government Association of NSW has clearly indicated that they oppose the changes and the following correspondence explains its position.

We should also support our staff by showing them that we'll work to protect their working conditions and their standard of living. We should reassure our staff that we are prepared to sign and commit to this charter. In doing this we fulfil our own strategic priority: *"Quality of Life – make Lismore a safe, healthy and caring community in which to live; increase social cohesion."*

Staff Comment

Acting General Manager

It should be understood that Council will continue to operate within the framework of government legislation and regulation. Within this framework and throughout the restructure that Council is currently engaged in it has been frequently and publicly stated, by the General Manager, that:

- a) Staff wages and conditions will not be diminished or eroded.
- b) People may collectively or individually approach management at any time with concerns or issues that they may have in the workplace.
- c) All position changes will be brought before the consultative committee for comment prior to determination.

This Council continues to respect its own Quality of Life Strategic Priorities and continues to enjoy a good working relationship with both the unions and its workforce.

(05-10486: S624)

Notice of Motion

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

LCC staff prepare a report to Council showing road, traffic and pedestrian infrastructure improvements that will facilitate the integration of the two nodes of Lismore's CBD, the Block and the Lismore Square.

Councillor F F Swientek

Comment:

It is very important that now that Lismore City Council rezoned and facilitated the huge expansion of Lismore Square and significantly strengthen that node of the CBD, that it do everything within its power to ameliorate the economic impact of its decisions on its traditional CBD.

Council should do everything it possibly can to facilitate the movement of people between the two centres by removing disincentives for people from visiting the Block after a visit to the Square.

This could include:

- 1 More vehicular access points into the CBD such as across Dawson Street via Magellan Street from the Square.
- 2 More and better pedestrian facilities linking the two nodes such as pedestrian crossing at Dawson/Uralba, Dawson/Magellan, Brewster/Uralba and Brewster/Magellan intersection environs. Facilitating safe crossing is critical to encourage pedestrian movements. The covered walkway along Uralba Street between Dawson and Brewster Streets supported by Council in March could be reprioritised. Waiting for dividends from the industrial estate could take some time.
- 3 Construct a pedestrian / cycleway along Magellan Street between the two nodes etc.

Staff Comment

Executive Director-Infrastructure Service

Given the Lismore Square redevelopment has only just opened, activity is at a very high level. This activity in terms of traffic and pedestrian movements will probably reduce to a more steady state. When activity settles down it would be appropriate to quantify and assess the demand for infrastructure facilities required between the CBD and Lismore Square.

(05-10538: S73)

Report

| | |
|---------------------------------|-----------------------------------------------------------|
| Subject | 2004/05 Financial Reports |
| File No | S880 |
| Prepared by | Principal Accountant |
| Reason | Legislative requirement - s416, Local Government Act 1993 |
| Objective | Adoption of the 2004/05 Financial Reports |
| Strategic Plan Link | Leadership by Innovation |
| Management Plan Activity | Financial Services |

Overview of Report

The "Surplus/(Deficit) from all Activities" for 2004/05 is a \$9.541 million increase or surplus.

Expenses from Ordinary Activities before capital amounts excluding depreciation and losses on the disposal of assets, has increased by \$1.853 million or 5.0%.

Revenues from Ordinary Activities increased by \$2.98 million or 6.16%. Council has total cash and investments of \$35.14 million.

Council's performances indicators are overall within acceptable levels however do require further monitoring. Although there has been a small decline in the Council's liquidity position it is in a comfortable position to meet all current liabilities as and when required.

The Debt Service Ratio, which was at 3.61% for 2004, has increased to 5.14% and is the result of major capital works being undertaken and funded from loans in the 2004/05 year. Loan repayments have increased in 2004/05 to \$1.513 million from \$1.150 million in 2003/04 as a direct result of increased borrowings.

Overall, the financial position of Council remains sound with cash and investments remaining relatively stable and liabilities such as loans at a manageable level. It remains essential for Council to continue to examine ways, in which revenue can be increased, expenses decreased or a combination of both to ensure the long-term financial viability of Council.

Background

(Due to the consolidated nature of information provided in the 2004/05 Financial Reports, Councillors may have questions which will require some research. If questions could be directed to the Manager – Finance prior to the meeting, they may be able to be answered at the meeting, if not before)

Council's 2004/05 Financial Reports have now been completed and audited, subject to minor modifications required in relation to disclosures as a result of the formal adoption of IFRS (International Financial Reporting Standards) by the regulating bodies and a copy is separately attached. The disclosures are required as part of Note 1 in the 'Notes to the Financial Statements' and do not impact on the reported result. The revised information will be forwarded to Councillors prior to the meeting for inclusion.

In accordance with the provisions of the Local Government Act, 1993, (LGA) the following actions must be implemented by Council to allow the financial reports to be finalised:

- a) Adopt the Financial Reports and 'Statement by Councillors and Management' for both the General Purpose Financial Reports and Special Purpose Financial Reports;
- b) Fix a meeting date to present the financial reports to the public; and
- c) Advertise, for a minimum period of seven days prior to the meeting, that the financial reports and the auditor's report are available for public inspection.

In order to comply with these guidelines, Council will need to advertise that the financial reports are to be 'presented' to the public at the next meeting; i.e. November 8, 2005 and that they are available for public inspection up to the day after that meeting.

As Council will have to resolve to adopt the financial reports, a detailed report is presented now and Council's Auditor, Darran Singh, from Thomas Noble and Russell will speak during public access on these reports. This means that the report to the November 8, 2005 meeting will be basically a repeat of this report, but somewhat reduced. While this is considered an anomaly within the reporting requirements of the LGA, it allows the community to discuss any issues with the Council after reviewing the reports.

Information:

A draft copy of the 2004/05 financial reports has been included with the business paper. In respect to the actual content of the financial reports, it is normal practice for staff to provide a detailed analysis of the year's results, as part of the financial reports document. This analysis is included in the section of the reports titled "Financial Reports Review".

A commentary is provided in the body of this report to provide Council with more information on the following:

- Part A: General Purpose Financial Reports
- Part B: Special Purpose Financial Reports
- Part C: Management Information

As an additional critique of Councils' financial position the *Local Government Financial Health Check Indicators*, which has been developed in conjunction with the Local Government Managers Association, have been included in this section and provides additional valuable information.

The section titled "Auditor's Report" also provides a guide from the auditor's perspective to the actual results. This is being finalised and will be forwarded to Councillors before the meeting.

Overview

The Financial Reports have been prepared in accordance with AAS27 (Australian Accounting Standard 27 - "Financial Reporting by Local Government"). This standard attempts to provide a 'global picture' that highlights total net assets under the control of a council.

The primary reports used to convey this position are the General Purpose Financial Reports. These reports present the financial information in a manner which "...provides the users with information about the reporting entity which is useful for making and evaluating decisions about the allocation of scarce resources..."

Financial statements are also prepared for nominated business activities in the form of Special Purpose Financial Reports. The purpose of these reports is to detail the performance of business activities under the principles of 'competitive neutrality'. To achieve this, costs such as taxation equivalents, dividends and return on investment are included even though they may not be actually paid. Also, any subsidy

from Council is disclosed.

The business activities nominated include Lismore Water, Lismore Wastewater, Northern Rivers Quarry & Asphalt, Northern Rivers Waste – Collection and Disposal, Lismore Memorial Gardens, Koala Child Care Centre and Commercial Properties.

Even though AAS27 provides a good indication of the “big picture” it is still important to maintain sound controls over the cash position. Part C provides additional information in respect to that position.

Part A: General Purpose Financial Reports

1. Statement of Financial Performance

The “Surplus/ (Deficit) from all Activities” for 2004/05 is a \$9.541 million increase or surplus. The following table displays the summarised information from 2002/03 to 2004/05:-

| Item | 2004/05 (\$'000) | % Change | 2003/04 (\$'000) | % Change | 2002/03 (\$'000) |
|--------------------------------------------------------------------------|-----------------------------|---------------------|-----------------------------|---------------------|-----------------------------|
| Expenses from ordinary activities | 48,073 | 4.64 | 45,938 | 6.02 | 43,330 |
| Revenues from ordinary activities | 51,352 | 6.16 | 48,372 | 8.93 | 44,406 |
| Surplus/(Deficit) from ordinary activities before Capital Amounts | 3,279 | 34.72 | 2,434 | 126.21 | 1,076 |
| Capital Grants & Contributions | 6,262 | (27.57) | 8,646 | 59.49 | 5,421 |
| Surplus/(Deficit) from Ordinary Activities after Capital Amounts | 9,541 | 13.89 | 11,080 | 70.54 | 6,497 |
| Extraordinary Items | 0 | 0 | 0 | 0 | 0 |
| Surplus/(Deficit) from all Activities | 9,541 | 13.89 | 11,080 | 70.54 | 6,497 |

As a simple measure, Council's continued positive financial performance during this time is acceptable. On closer review, while expenses have increased by 4.64% or \$2.1 million, revenues, including capital grants and contributions, have only increased by 1.0% or \$590k. The main reason for this variation was the reduction in non cash developer contributions recognised which reduced from \$3.067 million in 2003/04 to \$1.195 million in 2004/05. The value of these contributions fluctuates depending on the level of land development occurring.

In addition to an acceptable ‘bottom line’ result, the primary objectives for any Council should be to maximise the surplus generated from ‘ordinary activities before capital amounts’, adjusted for depreciation and net gains/(losses) on disposal of assets. This surplus can then be applied to capital works and to pay off debt. The following table displays this information for the last three years. The adjusted result gives an indication as to the level and trend of funds being used for capital purposes.

| Item | 2004/05 (\$'000) | % Change | 2003/04 (\$'000) | % Change | 2002/03 (\$'000) |
|-----------------------------------|-----------------------------|---------------------|-----------------------------|---------------------|-----------------------------|
| Expenses from ordinary activities | 48,073 | 4.64 | 45,938 | 6.02 | 43,330 |
| | | | | | |

| | | | | | |
|--------------------------------------------------------------------------|---------------|--------------|--------------|---------------|--------------|
| Revenues from ordinary activities | 51,352 | 6.16 | 48,372 | 8.93 | 44,406 |
| Surplus/(Deficit) from ordinary activities before Capital Amounts | 3,279 | 34.72 | 2,434 | 126.21 | 1,076 |
| Plus: Depreciation | 9,109 | 2.35 | 8,900 | 0.09 | 8,892 |
| Less: Net Gain/(Loss) on Asset Disposals | (73) | | 2,057 | | 630 |
| Surplus/(Deficit) from Ordinary Activities | 12,315 | 32.75 | 9,277 | (0.65) | 9,338 |

For 2004/05 the surplus from ordinary activities has increased from previous years by \$3,038 million or 32.75%. The major contributing factors of this increase are: -

Expenses from Ordinary Activities before capital amounts excluding depreciation and net gains/ (losses) on the disposal of assets, has increased by \$1.853 million or 4.64%. The main items were:

- Employee Costs – decreased by \$402k as a result of use of contract casual labour, this has been offset by increased material and contract expenses, as the cost of contract labour falls within this definition.
- Borrowing Costs – increased by \$483k. Council having undertaken a major capital works programme including Lismore Memorial Baths, Lismore Levee and Keen Street upgrade.
- Materials and Contracts – Increased by \$1,874 million due to increased activity generally.
- Other expenses – decreased by \$130k.

Revenues from ordinary activities increased by \$2.980 million or 6.16%. The main items were: -

- An increase in revenue from user charges with stronger than anticipated demand for Council's services and products, particularly in the planning and development sector,
- An increase in revenue from interest on investments with returns exceeding forecasts, and
- A decrease in returns on the sale of assets, last year included the one off sale of McKenzie Street and surrounding parklands. The current year includes recognition of assets disposed in previously years but not recognised.

2. Statement of Financial Position

This statement is used to outline the total net assets under the control of Council. The major component of Council's net assets of \$437 million relates to infrastructure assets. These are required to be brought to account under AAS27. Infrastructure assets include the following categories:

| Infrastructure Assets at 30 June 2005 | At Cost | Accumulated Depreciation | Written Down Value | WDV/Cost % is remaining useful life |
|----------------------------------------------|----------------|---------------------------------|---------------------------|--------------------------------------------|
| | (\$m) | (\$m) | (\$m) | |
| Roads, Bridges and Footpaths | 441,352 | 195,977 | 245,375 | 55.59% |
| Stormwater Drainage | 23,133 | 6,885 | 16,248 | 70.24% |
| Water Supply Network | 43,101 | 15,411 | 27,690 | 64.24% |
| Sewerage Network | 93,940 | 39,128 | 54,812 | 58.35% |
| Total Infrastructure Assets | 601,526 | 257,401 | 344,125 | 57.21% |

3. Cash Assets and Investment Securities (Note 6a)

Council has total cash and investments of \$35.14 million. Once funds that are restricted by external legislation (e.g. developer levies collected under Section 94 and Section 64, Water, Wastewater and Domestic Waste Collection funds) and internal policy (unexpended loans and reserves) are eliminated, the available cash is reduced to zero. A summary of the major categories included under internal

restrictions is provided in Part C – Management Information of this report. The external restrictions are detailed in Note 6a - Cash Assets & Investment Securities within the General Purpose Financial Reports.

4. Expenses from Ordinary Activities (Note 3)

Operating expenses from ordinary activities (excludes depreciation, capital and Loss on Sale of Assets) for the current year have increased by 5.0% from the previous year. This includes an increase of \$1.875million in material and contracts costs (most of which is offset by corresponding income), driven by strong demand for Councils services and products, and increased expenses in providing additional administration facilities.

| Type | 2004/05 (\$'000) | % Change | 2003/04 (\$'000) | % Change | 2002/03 (\$'000) |
|----------------------------|---------------------|-------------|---------------------|-------------|---------------------|
| Employee Costs | 14,982 | -2.61 | 15,384 | 9.66 | 14,028 |
| Interest | 979 | 97.77 | 495 | 1.85 | 486 |
| Materials & Contracts | 18,895 | 11.02 | 17,020 | 5.14 | 16,188 |
| Depreciation | 9,109 | 2.35 | 8,900 | 0.09 | 8,892 |
| Other | 4,036 | -2.5 | 4,139 | 10.79 | 3,736 |
| Loss on Disposal of Assets | 73 | 0 | 0 | 0 | 0 |
| Total | 48,073 | 4.64 | 45,938 | 6.02 | 43,330 |

5. Revenues from Ordinary Activities (Note 4)

As outlined below, operating revenues from ordinary activities have increased by 6.16 percent from the previous year.

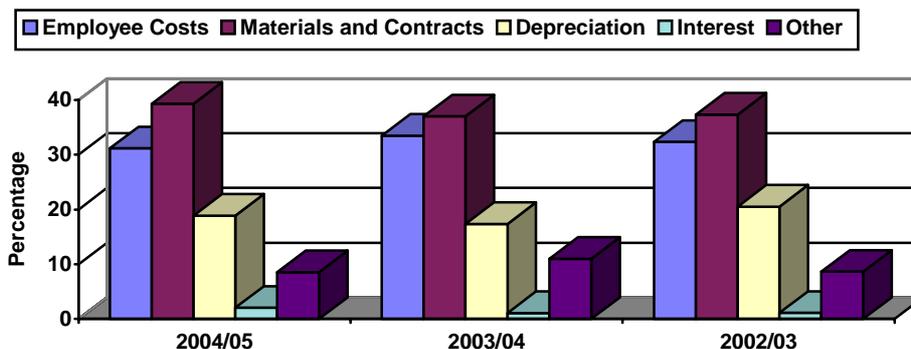
| Type | 2004/05 (\$'000) | % Change | 2003/04 (\$'000) | % Change | 2002/03 (\$'000) |
|----------------------------|---------------------|-------------|---------------------|-------------|---------------------|
| Rates & Annual Charges | 26,649 | 7.6 | 24,762 | 5.1 | 23,569 |
| User Charges & Fees | 13,697 | 19.8 | 11,430 | 6.5 | 10,729 |
| Interest | 2,467 | 41.8 | 1,739 | 6.7 | 1,630 |
| Other revenues | 460 | 27.4 | 361 | (8.8) | 396 |
| Grants & Contributions | 8,080 | .71 | 8,023 | 7.6 | 7,455 |
| Gain on Disposal of Assets | 0 | 0 | 2,057 | 226.5 | 630 |
| Total | 51,352 | 6.2 | 48,372 | 8.9 | 44,406 |

Items of interest from the above figures and the bar chart include: -

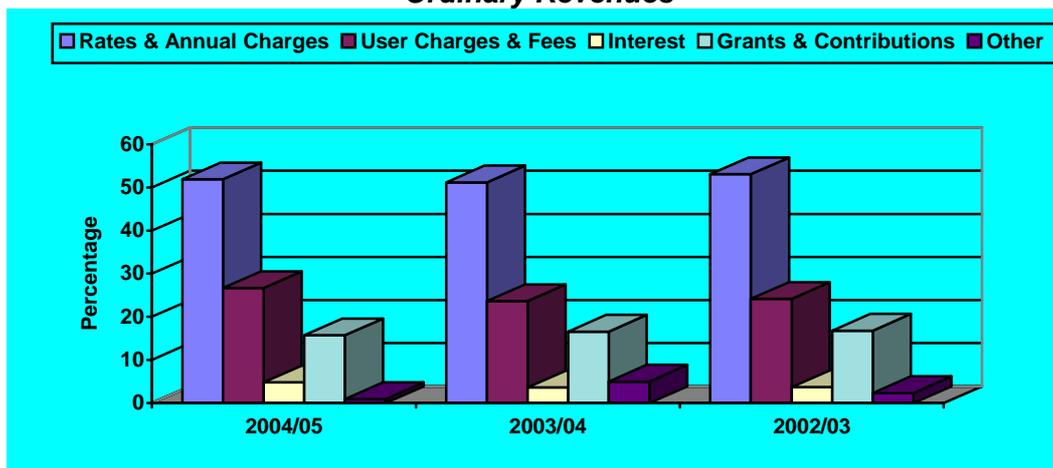
- The increase in Rates & Annual Charges is a result of a combination of rate pegging (3.5%) and growth in the number of rateable properties pushing up the notional yield.
- The increase in User Charges & Fees can largely be attributed to an increase in revenue from the Planning & Development sector directly related to the strong real estate / property market conditions experienced during 2004/05 plus stronger demand for quarry products than anticipated.
- Interest revenue from investments is greater than previous years as the yield return increased due to higher interest rates and increased available cash to invest.
- The gain on sale of property has decreased as 2003/04 included the one off sale of land for McKenzie St. There were properties sold in previous years that had not been written back, thus creating a loss in the current year.

Ordinary expense & revenue categories expressed as a percentage of total ordinary revenues and expenses

Ordinary Expenses



Ordinary Revenues



6. Statement of Performance Measurement (Note 13)

To clarify the meaning and implication, a simple definition of each indicator is listed below:

- Current Ratio – the total cash or cash convertible assets available to meet liabilities within the next twelve months, or current period, expressed on a dollar for dollar basis. So for 2004/05 Council has \$4.13 available for every \$1.00 owing.
- Unrestricted Current Ratio – this is the same as the current ratio except it excludes assets and liabilities, which relate to activities that are restricted to specific purposes by legislation. They include Water, Sewerage and Domestic Waste (for 2004/05 Council has \$3.20 available for every \$1.00 owing)
- Debt Service Ratio – The amount used to repay borrowings as a percentage of total operating revenues.
- Rate Coverage Ratio – The amount received from rates and annual charges revenues as a percentage of total operating revenues.
- Rates and Annual Charges Outstanding Percentage – This percentage is based on the amount outstanding as a percentage of the amount to be collected for rates and annual charges for the current year and outstanding from previous years.

| Performance Indicator | 2004/05 | 2003/04 | 2002/03 | 2001/02 |
|-----------------------------------------------|---------|---------|---------|---------|
| Current Ratio | 4.13 | 4.39 | 4.22 | 4.14 |
| Unrestricted Current Ratio | 3.20 | 3.52 | 3.01 | 2.97 |
| Debt Service Ratio Percentage | 5.14 | 3.61 | 4.32 | 5.04 |
| Rate Coverage Ratio Percentage | 46.25 | 43.43 | 47.30 | 47.52 |
| Rates & Annual Charges Outstanding Percentage | 8.45 | 8.47 | 8.81 | 8.81 |

Council's performances indicators are overall within acceptable levels however do require further monitoring. Although there has been a small decline in Council's liquidity position it is in a comfortable position to meet all current liabilities as and when required.

The Debt Service Ratio, which was at 3.61% for 2004, has increased to 5.14% and is a result of major capital works being undertaken and funded from loans in 2004/05. This trend is expected to continue as Council undertakes further capital works projects in 2005/06, which will be largely loan funded (projected to be 5.60% in 2005/06).

| Loan | 2004/05 | 2003/04 | 2002/03 | 2001/02 |
|----------------------------------------|----------|----------|----------|----------|
| | (\$'000) | (\$'000) | (\$'000) | (\$'000) |
| Loan principal repayment from revenues | 1,513 | 1,150 | 1,336 | 1,412 |

Loan Principal repayments are expected to increase further in 2005/06 as a result of further programmed borrowings for major capital works.

Rates Coverage Ratio Percentage for 2004/05 when compared to 2003/04 shows an increase in reliance upon rates and annual charges. This is as a result of a significant reduction in grant revenue from the 2003/04 year.

Part B: Special Purpose Financial Reports

7. Return on Capital

National Competition Policy guidelines stipulate that Council must declare Water and Wastewater as business activities, even though there is some dispute as to whether these funds operate for commercial benefit or to ensure an essential service is provided at a reasonable cost. In regards to Northern Rivers Waste - Collection, as it has no assets, a return on capital cannot be calculated.

The other activities have been declared as they meet the criteria established for business activities, primarily because there are competitors in the market place for which Council actively competes for market share.

| Business Unit | Return | Business Unit | Return | Business Unit | Return |
|----------------------------------|--------|------------------------------------|---------|--------------------------|---------|
| Water | 1.0% | Northern Rivers Waste - Collection | N/A | Koala Child Care Centre | (13.1%) |
| Wastewater | 2.4% | Northern Rivers Waste - Disposal | 0.9% | Lismore Memorial Gardens | 10.0% |
| Northern Rivers Quarry & Asphalt | 10.4% | Properties Held for Public Benefit | (33.6%) | | |

As can be seen from this summary, only Northern Rivers Quarry & Asphalt and Lismore Memorial Gardens have provided a reasonable commercial return. Business Plans for all these activities have been implemented, except for Koala Child Care Centre, where Council adopted a Five Year Strategy to assess performance. Based on these performances, it is appropriate for these plans to be reviewed. Although there has been a significant reduction in the return on Properties held for Public Benefit the

predominately factor relates to an adjustment from 2003/04. Magellan House was disposed of in the previous year but was not recognised in the 2003/04 Financial Accounts. The return after this abnormal item is reversed equates to -4.9% which is line with previous years.

8. Subsidy from Council

| Business Unit | \$'000 | Business Unit | \$'000 | Business Unit | \$'000 |
|----------------------------------|--------|------------------------------------|--------|--------------------------|--------|
| Water | 0 | Northern Rivers Waste - Collection | 0 | Koala Child Care Centre | 74 |
| Wastewater | 0 | Northern Rivers Waste - Disposal | 115 | Lismore Memorial Gardens | 0 |
| Northern Rivers Quarry & Asphalt | 0 | Properties Held for Public Benefit | 164 | | |

To calculate the subsidy, the minimum return on capital is deemed to be equal to the 'risk free rate'. This is determined to be the 10 Year Government Bond Rate applicable at June 30, 2005 of 5.85%.

In relation to Northern Rivers Waste – Disposal, C Properties Held for Public Benefit and Koala Child Care Centre, there is a 'reported' subsidy from Council. This is based on competitive neutrality guidelines and reflects the 'true cost' of Council's subsidy. It is important to note that this is not a direct cash contribution from Council.

Part C: Management Information

Information in respect to AAS27 is useful in gaining a global picture, however Council still needs to be aware of what is happening with respect to the individual funds; i.e. General, Wastewater and Water. This section of the document provides information with a "fund" emphasis.

9. Balance Sheets

Another sound test of a "funds" liquid position is to measure the net current assets, once externally restricted assets are eliminated. A summary follows:-

| Fund | General Fund \$'000 | | Water Fund \$'000 | | Wastewater Fund \$'000 | |
|-------------------------------------------|------------------------|---------------|----------------------|--------------|---------------------------|--------------|
| | 04/05 | 03/04 | 04/05 | 03/04 | 04/05 | 03/04 |
| Current Assets | 24,077 | 26,857 | 3,148 | 3,802 | 5,449 | 3,973 |
| Current Liabilities | 7,307 | 7,271 | 203 | 203 | 406 | 421 |
| Net Current Assets | 16,770 | 19,586 | 2,945 | 3,599 | 5,043 | 3,552 |
| Less: Current External Restrictions | 2,130 | 1,808 | 78 | 85 | 0 | 0 |
| Net Unrestricted Assets | 14,640 | 17,778 | 2,867 | 3,514 | 5,043 | 3,552 |

The net unrestricted assets figure is effectively an indicator of available funds, for which the use can be determined by internal policy. Generally the majority of these funds are held as internal reserves for specific purposes.

10. Loan Indebtedness

Movements in total loan indebtedness by fund for 2004/05 are as follows;

| Fund | Balance 30/6/04 | New Loans Raised | Principal Repaid | Balance 30/6/05 | Movement - Increase / (Decrease) |
|--------------|----------------------------|---------------------------------|-----------------------------|----------------------------|-------------------------------------------------|
| General | 12,145,517 | 6,351,000 | 1,154,445 | 17,342,071 | 5,196,555 |
| Wastewater | 667,781 | 0 | 286,700 | 381,081 | (286,700) |
| Water | 275,965 | 0 | 72,557 | 203,408 | (72,557) |
| Total | 13,089,263 | 6,351,000 | 1,513,702 | 17,926,560 | 4,837,298 |

Council's overall loan debt has increased during 2004/05. It should be noted that Council has undertaken some major capital programs, notably the redevelopment of the Memorial Baths and the construction of the Levee Bank. Further capital projects have been programmed for 2005/06 and this will increase the level of loan indebtedness.

It is considered that the current level of debt is manageable, but this needs to be considered on an ongoing basis in light of all other expenditure commitments.

11. Reserve Funds

Full details of all internal reserves have been included as an appendix to the Financial Reports document. The major amounts relate to;

a) Information Services – Balance \$1,035,000

These funds are to be used for the future development and replacement of the corporate computer system, software and hardware, as supported by the Information Services Strategic Plan July 2003 - June 2006.

b) Employee Leave Entitlements – Balance \$1,158,800

The current value of leave entitlements due to staff at June 30, 2005 is \$3,759 million. Based on the category balance, they are approximately 31% funded. This level of cash funding is acceptable, even though it is slightly above the policy guidelines of 30%. Given the Local Government Superannuation Scheme has advised that the current employer superannuation contributions 'holiday' will be phased out, maintaining the reserve at a higher than required level is supported.

c) Other Waste Management – Balance \$1,128,400

The balance of \$1,128,400 is held for waste plant, which will be used for the replacement of plant as required.

d) Plant Operations – Balance \$2,034,600

This category reflects the net surplus on operations, purchases and sales of bridges, motor vehicles, road works and workshop plant. All other plant reserves are included under the respective categories that have control over these plant items

e) Transportation Infrastructure – Balance \$2,291,700

This category reflects amounts carried forward from 2004/05 for expenditure in the main for roads construction.

f) Parks and Recreation – Balance \$800,530

A large proportion of the balance is held for plant \$311,000, which will be used for the replacement of

plant as required. The remainder is for specific park orientated projects including the Urban and Rural Sports Ground Development Funds.

g) Quarry Management – Balance \$2,266,425

This category includes the accumulated surplus from operations at Northern Rivers Quarry and Asphalt of \$1,992,235. These funds will be applied to the development, enhancement and rehabilitation of Blakebrook Quarry and approved gravel quarries. In addition, \$242,700 is held for the ongoing replacement of quarry plant.

h) Wastewater Services – Balance \$4,038,179

The balance reflects the net cash position of the Fund to June 30. These funds are mixed with all other revenues to operate, manage and maintain a high quality wastewater service.

i) Water Supplies – Balance \$1,845,500

The balance reflects the net cash position of the Fund to June 30. These funds are mixed with all other revenues to operate, manage and maintain a high quality water supply service

12. Plant Operations

Council's plant fleet operates as a self-funding entity in that as plant is used it is charged out at a pre-determined rate. The hire income is then used to offset the operating expenses incurred during the year and fund future purchases. A summary of performance over the last three years follows: -

| Item | 2004/05 (\$'000) | 2003/04 (\$'000) | 2002/03 (\$'000) |
|-------------------------------------|---------------------|---------------------|---------------------|
| Plant Hire Income | 5,351 | 5,129 | 4,627 |
| Less: | | | |
| Operating Expenses | 3,320 | 3,167 | 2,774 |
| Depreciation | 1,303 | 1,207 | 1,046 |
| Operating Surplus /(Deficit) | 728 | 755 | 807 |
| Add-back depreciation | 1,303 | 1,207 | 1,046 |
| Cash Surplus / (Deficit) | 2,031 | 1,962 | 1,853 |
| Net Capital Replacement Cost | 2,178 | 1,772 | 1,331 |

The result for 2004/05 shows a slight deterioration in the operating result after depreciation. Plant hire income has been adjusted to adequately cover increases in operating expenses, as the cash surplus result shows. Overall the result is reasonable, in that the cash surplus is greater than the annual depreciation charge, meaning that adequate funds are being generated to replace existing plant.

The net capital replacement cost, which reflects purchase cost less trade-in for new plant, has maintained the upward trend. As a guide, the objective is to have the cash surplus and net capital replacement costs approximately the same, so that the average age of the fleet is maintained to a satisfactory level. This in turn saves time and costs as older machinery tends to breakdown more often and newer machinery has improved operating efficiency. The net replacement costs have increased for 2004/05 and ongoing management of the fleet should see these two figures more remain closely aligned in the future.

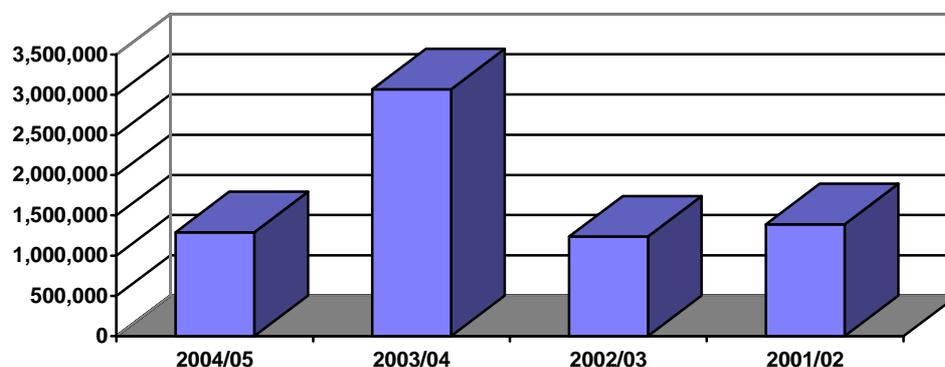
13. Non-cash Contributions from Developers

A significant element of AAS27 is the requirement for council's to bring to account as revenue, the value of infrastructure constructed by developers, that is eventually transferred to a council's control; e.g. roads, kerb and gutter, water and sewerage mains, etc.

For 2004/05 non-cash contributions received decreased substantially on the previous year predominately within the urban roads area. Council took control over road, water and sewerage infrastructure assets associated with urban and rural sub divisions. The following summary shows the amount recognised over the last four years:

| Item | 2004/05 | 2003/04 | 2002/03 | 2001/02 |
|--------------------------------|-----------|-----------|-----------|-----------|
| Non-cash Capital Contributions | 1,291,000 | 3,067,000 | 1,238,000 | 1,392,000 |

Non-cash Contributions - 2001/02 to 2004/05



14. Return on Properties held for Public Benefit

| Property | Rental Income (\$) | Operating Expenses (\$) | Net Result Surplus / (Deficit) (\$) | Estimated Valuation (\$) | Return on Assets % 2004/05 | Return on Assets % 2003/04 |
|-------------------|--------------------|-------------------------|-------------------------------------|--------------------------|----------------------------|----------------------------|
| 165 Molesworth St | 121,869 | 22,413 | 99,456 | 1,000,000 | 9.99 | 10.25 |
| 59 Magellan St | 20,742 | 8,752 | 11,990 | 320,000 | 3.75 | 3.66 |
| Community Centre | 0 | 31,971 | (31,971) | 930,000 | (3.44) | (3.50) |

It should be noted that the figures for 165 Molesworth Street include approximately \$94,000 in rental income from the Economic Development Unit and the Historical Society. This is not externally generated revenue, but rather internally generated in recognition of the revenue forgone. The return from 59 Magellan Street is currently below market potential as the building is leased to ACE for adult community education purposes.

15. Real Estate Development

Council is involved in two types of real estate development - residential and industrial. The residential development is a joint venture between Council, Chevina Pty Ltd and John Newton. Basically, Council receives a fixed amount for the land component and a half share of the profit after all development and sale costs are deducted. A summary of the performance is provided below: -

| Category | 2004/05 | 2003/04 | 2002/03 |
|--------------------------|---------|---------|---------|
| Residential Land | | | |
| Opening Balance | | | |
| Land Value (\$) | 24,527 | 50,945 | 116,217 |
| Number of Lots | 17 | 25 | 29 |
| Sales | | | |
| Gross Sale Proceeds (\$) | 0 | 272,627 | 92,715 |
| Lots Sold | 0 | 8 | 4 |
| Add | | | |
| Development Costs (\$) | 2,221 | 86,380 | 0 |
| Lots Created | 0 | 0 | 0 |
| Closing Balance | | | |
| Land Value (\$) | 26,748 | 24,527 | 50,945 |
| Number of Lots | 17 | 17 | 25 |

| Profit / (Loss) (\$) | 0 | 151,383 | 53,859 |
|-----------------------------|---------------|----------------|----------------|
| Industrial Land | | | |
| Opening Balance | | | |
| Land Value (\$) | 237,335 | 322,658 | 303,498 |
| Number of Lots | 6 | 8 | 5 |
| Sales | | | |
| Gross Sale Proceeds (\$) | 62,777 | 368,658 | 171,600 |
| Lots Sold | 1 | 6 | 2 |
| Add | | | |
| Development Costs (\$) | 270,083 | 31,737 | 75,441 |
| Lots Created | 7 | 4 | 5 |
| Closing Balance | | | |
| Land Value (\$) | 461,548 | 238,616 | 322,658 |
| Number of Lots | 12 | 6 | 8 |
| Profit / (Loss) (\$) | 12,369 | 237,335 | 108,497 |

During 2004/05, development works at the Airport Industrial Estate commenced to create 8 lots. Total development costs for this estate are estimated at \$4.0 million. Contracts of sale have been exchanged on two lots, terms are being negotiated on a further two lots and a 'put and call' option is being negotiated for another two lots. It is expected that all remaining lots in the Centennial Industrial Estate will be sold during 2005/06.

In regards to residential land, another six (6) blocks are to be released for sale. Based on the level of enquiry, most of these blocks will settle in 2005/06. It is expected that all remaining land within the Blue Hills Estate will be developed and sold within the next two years.

16. Northern River Quarry Operations

| Item | 2004/05 | 2003/04 | 2002/03 |
|-------------------------------------|------------------|------------------|------------------|
| User Charges | | | |
| External Sales | 1,256,598 | 1,314,531 | 864,666 |
| Internal Sales | 1,395,394 | 962,253 | 871,530 |
| Miscellaneous Charges | 154,025 | 113,825 | 74,742 |
| Total Income | 2,806,017 | 2,390,609 | 1,810,938 |
| Less: | | | |
| Operating Expenses | 2,573,180 | 1,986,391 | 1,690,639 |
| Depreciation | 51,509 | 56,652 | 48,064 |
| Operating Surplus | 145,895 | 347,566 | 56,446 |
| Add-back depreciation | 51,509 | 56,652 | 48,064 |
| Cash Surplus | 197,404 | 404,218 | 104,510 |
| Cost of Production Per Tonne | 10.00 | 9.56 | 9.98 |

Northern Rivers Quarry has had a decrease in the cash surplus of \$207k, or 51.2% from 2003/04. The main reason for this being an increase in operating expenses, predominately maintenance and this has resulted in an increase in the cost of production per tonne.

Managements focus in the coming year is to reduce costs where possible and continue the current trend in sales, which has seen a dramatic increase (54% since 2002/03) in recent years. The upgrading of the crushing plant and change in structure will be fundamental to achieving this outcome.

17. Summary

Overall, the financial position of Council remains sound with cash and investments stable and liabilities such as loans, at a manageable level. It remains essential for Council to continue to examine ways, in which revenue can be increased, expenses decreased or a combination of both to ensure the long-term

financial viability of Council.

Other staff comments

Not required

Public consultation

Not required

Conclusion

Council remains in a relatively sound financial position, however this can change quickly and it is imperative that Council ensures its operating costs are maintained within acceptable levels and all revenue is recognised and collected. This will allow the impact of uncontrolled costs or fluctuations to be mitigated.

Council is under increasing pressure to deliver more or improved services and facilities to the community and needs to be cognisant that if it wants to do so, then either additional revenue has to be generated, and/or existing services have to be reduced, delivered more efficiently, or discontinued

Recommendation (GM06)

That Council -

- a) Adopt the 2004/05 Financial Reports and 'Statement by Councillors and Management' for both the General Purpose Financial Reports and Special Purpose Financial Reports, with the Mayor and Deputy Mayor delegated to sign on behalf of Council.
- b) Present the 2004/05 Financial Reports to the public at the November 8, 2005 Council meeting.
- c) Advertise the presentation of the 2004/05 Financial Reports to the public from October 27, 2005 and invite both inspection and submission.

Report

| | |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Subject | Development Application No. 2005/382 to use Existing Rural Shed for Earthmoving Machinery and Equipment Storage and Depot – 51 Lockton Road |
| File No | D05/382 |
| Prepared by | Projects Assessment Planner |
| Reason | Application has been “called in” for determination by full Council. |
| Objective | Determination of the application. |
| Strategic Plan Link | Quality of Life |
| Management Plan Activity | Development Assessment |

Overview of Report

To seek permission to utilise part of an existing large rural shed erected on the site for the storage of earthmoving equipment and machinery.

Background

The current proponents purchased the site in 2003 and since that time have erected a dwelling, and a large farm/machinery shed under DA04/308. The shed was approved, with conditions, including:

“3 *The building is only to be used to store or repair agricultural machinery or equipment and the garaging of private motor vehicles used on the particular land or to store agricultural produce grown or used on the particular land. The building must be used as a rural outbuilding only, ancillary to the agricultural use of the land and must not be used for residential, commercial or industrial purposes, without the prior approval of Council.*”

Since completion, it has clearly been used for a storage of earthmoving equipment, outside the terms of the consent, and hence a development application has been required.

There has already been considerable interaction between the current proponents and the next door property owners over the issue of access, and relocated right-of-carriageway through the south-west corner of No. 18 Browning Road.

Proposal:

The applicant seeks Council approval to store their earthmoving equipment attached to their business within the large rural shed existing on the site.

Applicant:

Newton Denny Chapelle, on behalf of L Marsh & H Butlin.

Location:

51 Lockton Road, Bexhill, being Lot 32, DP 618958.

Zoning:

Part 1(a) General Rural and part 1(r) Riverlands.

Key Issues:

- Introduction of a “commercial” usage to the site.
- Potential affectation and local amenity.
- Access.

1. SITE/SITE HISTORY

The site is a 43.6 ha. Rural property between Bexhill and Numulgi. In recent times, there has been a new dwelling erected on the land and a large rural shed for farm machinery and hay storage.

2. SURROUNDING PROPERTIES & ENVIRONS

The area is reasonably closely settled rural environment, with much open area river flat grazing land (to Coopers Creek), and with a number of former “concessional” small allotments along Lockton Road. The higher land around the immediate hill section contains a “cluster” of about 6 rural small acreages. The Bexhill rural residential (1c) zone is across the valley, the closest house there being about 900m away.

3. PROPOSAL

The applicant seeks Council approval to store their earthmoving equipment within part of the large rural shed existing on the site.

4. PUBLIC NOTIFICATION

The application has been notified in accordance with required procedures. Results are:

- 11 separate households have objected, in a total of 23 letters and 18 signatories.
- A petition containing 54 signatures objecting to the proposal (includes 13 persons who have sent separate letters, and 41 others)
- A petition containing 48 signatories stating they have no problem with the proposal.

A number of late submissions have been received, containing same issues.

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

5.1 Any Environmental Planning Instruments

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

Nil

5.1.2 **Regional Environmental Plan (REP)**

No issues

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

Use is permissible in the dual rural zoning, however it is considered that the use is not a “Rural Industry” as defined, rather it is a hybrid between Light Industry and a Transport Depot. For this reason it is perceived to be a “depot for earthmoving and heavy equipment storage”.

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

Nil

5.3 Any Development Control Plan

DCP 18 – Off Street Parking – compliance

DCP 26 – Industrial Standards – where relevant, complies.

5.4 Any Matters Prescribed By The Regulations

Nil

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

The impacts have become quite clear through the number of complaints/objections which have been received to the “unapproved” use of the shed for heavy equipment storage. The predominant impacts are those of noise and road/traffic issues; also visual and pollution concerns.

5.6 The Suitability of the Site for the Development

The zoning (rural) permits the use and the use is most appropriately located in either general rural or industrial zones. The zoning is not seen as an issue – in this case it is more the actual location within the zone, having regard to physical factors.

The specific property is 43.6 ha. In area, with most of the site being in flood affected 1(r) zone. The shed and the dwelling have been located within the much smaller flood-free 1(a) zoning section of the land. However there are 5 or 6 other rural dwellings within a 500 metre radius of the shed, with the closest dwelling (18 Browning Road about 120 metres away) being in visual contact with the rear of shed. Dwellings across the valley in the Bexhill 1(c) zone have direct view of the shed.

It is therefore the property (dwelling) at 18 Browning Road which is the most affected by the location of the shed, and any resultant effects arising from traffic and noise.

Whatever is the case, the shed has been approved and its presence is a fact of the situation.

The use of the site for heavy equipment storage is permissible in the zone and as such, must be assessed on its merits.

Council advises ALL purchasers at Sec. 149 Certificate stage that high impact uses can potentially occur in rural lands, and may be expected.

Objections aside, the application would be reasonable, and upgradings necessary can be sought by conditioning. The shed is already there, and the issue will now be exclusively over its use. If the application is not supported, reasons of refusal would have to be drawn from *potential* to affect amenity.

Up until now, the shed has been used for the purpose without conditions, checks and monitoring. It is considered that subject to relevant conditioning, the application could be approved.

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

Submissions following notification are summarised as follows:

- 11 separate households have submitted a total of 23 letters of objection, a total of 18 signatories.
- A petition with 54 names opposing the application containing 13 of the individual letter signatories and 41 other persons.
- A petition with 48 names supporting the application and stating that it has “no impact”.

Some of the residents have provided more than one submission. There are 4 objector households from within the immediate Lockton/Browning Roads locality; 5 are from Grace Road-Julieanne Place neighbourhood south across the Coopers Creek valley, and 2 are from other areas.

A summary of the objections includes:

- a) The shed is for agricultural equipment and storage of motor vehicles ancillary to the agricultural use of the land, not for earthmoving equipment.

Comment:

This is correct. However, if the current development application is approved, the change in use would be legal. The original condition of consent also advises that a development application (i.e. separate approval) is required.

- b) Earthmoving business is not in keeping with the country flavour of the area.

Comment:

The business is not outside the range of uses which could occur in any general rural zone, with Council approval. There is no guarantee at any time that a change in use or a new use can occur in rural locations.

- c) The application is for a rural industry, and this is clearly not such a use.

Comment:

Agreed. The use is more closely allied to light industry and/or transport depot, which are also permissible in the zone.

- d) Noise problems: Trucks/equipment start up as early as 4.45am. Trucks idle, forcing pollution into the air. Noise of trucks on the road. Can hear roar and rattle of machinery.

Comment:

Out of hours noise is not acceptable. Should approval be granted, normally acceptable hours of operation should apply.

- e) Condition of roads/access problems: Browning Road is not adequate to cater for the heavy trucks. The intersection with Lockton Road is dangerous, especially when large trucks have to use the whole width of Lockton Road.

Accident potential: The operators are not good drivers, heavy vehicles can cause accident potential on the roads.

Comment:

The condition of Browning Road and its junction with Lockton Road is not satisfactory in its current condition for larger and heavier traffic. If there is to be any approval for this development, commensurate upgrading conditions will need to be applied.

- f) The applicants have other access to their site (i.e. Lockton Road) and don't need to use Browning Road.

Comment:

An access to the shed (and house) from Lockton Road requires internal road construction over the low flood liable lands, and would need a creek crossing. Costs and flood considerations are the major factors in lieu of the existing access off Browning Road.

- g) The applicants have no concern for the flora/fauna of the area and have undertaken considerable habitat tree removal from their land. Loss of bird life has occurred, as well as certain animals.

Comment:

Approval to clear trees on rural properties is required from DIPNR. This is not an issue allied to the use of the shed.

- h) Numbers and types of vehicles on the site are misrepresented, grossly inaccurate.

Comment:

A revised list of vehicles resorting to the site has been requested from the applicants. These are 3 prime movers, 1 dozer, 1 4WD utility, 2 tip trucks, 2 excavators and 1 grader, and presumably any float used to move any of these items. The applicant is quite adamant that this is the full complement. If the development application is approved, suitable conditioning can be imposed to restrict the items to those as stated.

- i) Shed is huge and ugly, and the house is a two-storey monstrosity. Further land has been levelled for more buildings.

Comment:

The shed is approved, and whatever its use, its presence will not be changed. The land clearing has been for a horse track. There are no further applications for additional buildings.

- j) There is no waste water system which may cause pollution to the creek.

Comment:

The shed has no plumbing and no amenities requiring waste disposal. All stormwater is drained to the large natural depression below the shed site, which is not channelled into the creek. There is no evidence of any "polluted waters" which would emanate from the shed, but even if so, it does not drain into Coopers Creek.

- k) Shed is ugly from across the valley.

Comment:

The shed certainly has a visual presence from the Bexhill rural residential area. Whether the current application is approved or not, the shed will remain. If approved, conditions will at least include tree planting across the frontage, and completion of the shed with doors, which will in part alleviate this impact.

- l) Vehicles are serviced on site.

Comment:

Apart from routine running repairs, all vehicles and machinery are stated as being serviced and repaired off site. In any case, if approved, this could be made conditional.

- m) A number of other objections have been submitted, which are not really adaptive to the actual application, such as:

- There is a campaign of harassment and intimidation from the applicants.
- Illegal advertisements in the local newsletter.
- The statement of environmental effects is inaccurate as it is a "paid document".
- If approved, further sheds will be encouraged.
- Rats and other pests have increased since barn owls have disappeared following tree clearing on the property.
- Wildlife, including echidnas, peacocks and platypus have ceased since the current applicants have moved in.

The Petition containing 54 signatures is couched in similar terms as above and have been generally addressed as above.

The Petition in favour of the development and stating no adverse effects on the neighbourhood has been signed by 48 signatories.

5.8 The Public Interest

There is a public interest insofar as the “strategic” location of the access to earthmoving equipment in the locality.

6. REFERRAL COMMENTS

6.1 Internal

6.1.1 **Manager Finance & Administration Comments**

Not required.

6.2 External

No external referrals.

6.3 **Council (Additional Information as requested)**

Due to the strong lobby raised by objectors for the shed to be accessed from the property's Lockton Road frontage, Council at its meeting of September 13, 2005, deferred further consideration pending a report on the requested alternative route.

Applicant's Consultant Engineer

A preliminary Engineering Report was submitted by the applicant just prior to Council's September meeting, which assessed a number of issues relating to the alternate access which included flood liable flats, substantial creek crossing and excessive gradients. The route is stated to cost between \$160,000 to \$180,000 and necessitate the placement of some 4,800 cubic metres of soil to be moved, with a substantial amount of fill to be placed into the floodplain. The report concludes the unsatisfactory and impractical position with this access, and requests the Browning Road route be the “appropriate, economical and safe” access.

A more detailed report from the applicant's Consultant Engineer was later received, which provides specific route lines, gradient analysis, proximity to adjacent housing, the creek bridging, and a detailed cost breakdown spreadsheet.

The cost analysis is firstly shown as \$169,950 which is confirming their original tentative estimate.

The Consultant further advises that as the alternate route crosses through the flood plain, a creek and a gully which will entail “significant works, which shall need to have regard to compliance with Lismore Council's floodplain management requirements.”

The submission is summarised as follows:

“It is reconfirmed that with there being an appropriate, economical, safe and existing access available via Browning Road, it is recommended that use be permitted of Browning Road in accordance with Lismore City Council's approval requirements.”

Council's Engineer

Council's Development Engineer has independently inspected the alternative route, and reports as follows:

- The cost for the proposed alternate driveway of \$160,000 - \$180,000 contained in the report is higher than I would expect. The access is approx 600 metres long I would expect the cost for construction, to a driveway standard, to be around \$50,000.
- The works required to Browning Road and the intersection would be less than the cost of the construction of the alternate driveway.
- Substantial earthworks are required for the alternate driveway. The extent of works to upgrade the existing track to a standard that would cater for low loaders at the gully crossing are

significant. Such an access would be at the limit of acceptable grades for such an access and would require sealing of steeper areas.

- If these works were completed the gully crossing and steep grades leading into and out of the crossing would result in the deceleration and acceleration of trucks utilising the gully crossing and pulling up the opposite side. This will generate far more noise than trucks traversing the flatter Browning Road access. The noisier gully crossing would be located within 50 metres of an adjoining dwelling as opposed to the Browning Road right of way being flat and located at about 100 metres from the nearest dwelling.
- The proposed alternate driveway provides better sight distance than the Browning Road intersection though the sight distance at the Browning Road intersection does appear to comply with both Approach Sight Distance (the absolute minimum requirement) and Intersection Sight Distance (desirable requirement). Therefore it is considered that the Browning Road access does meet the relevant standards to be utilised as an access to the development, subject to upgrading as required by the draft conditions of consent.
- The driveway access would be flood liable though this would be infrequent and the access via Browning Road would exist as an alternate.

In summary from an engineering perspective the access via Browning Road would be the preferred option as it is more cost effective, complies with relevant standards, has a lower impact on the existing natural form of the land, will result in lower traffic noise and has greater separation from adjoining residences.

In general, Council's Engineer is in agreement with the Consultant Engineer, the principle difference being estimated cost of works (\$50,000 to \$160,000).

Planner's Comment

The idea of constructing an alternate access contained considerable merit, particularly in view of better traffic entry and sight distance off Lockton Road, avoiding "the hill", provided the journey continues to the east, less traffic impact on certain properties, and negating the need for any works on Browning Road.

The situation has been given fair and objective assessment, but it is clear that although the alternate route looks practical 'on paper', it has substantial implications cost wise, effects on the flood plain, noise potential and visually.

Any alterations within and adjacent to the creek would require a Part 3A approval under the Rivers and Foreshores Act (as an 'Integrated Development'), and as this basin takes the whole water (flood) flow from the north, no doubt an hydraulic study would also be necessitated for any filling, culvert or bridging works.

The internal road (and its traffic) would present a substantially greater visual (and potentially noise) impact on the 1(c) zoned dwellings across the valley to the south.

As Council's Engineer has reported, Browning Road is a public road, and, subject to upgrading as per the draft conditions of consent, it will meet relevant standards. Works can be achieved without necessitating damage to the pecan trees which were planted in 'avenue' planting formation some years ago.

There is no doubt that if the alternate direct access to Lockton Road did not have the constraints that it does, it would be the preferred route. However given the circumstances of the situation, and having regard to the relatively low traffic movements that this application will generate, the current recommendation should stand.

7. CONCLUSIONS

This application has been a difficult one to deal with and involves earlier complaints and issues between neighbours over access, right-of-carriageway, home construction and construction of the shed subject of this application.

Although the requests from various residents for the alternative direct access to Lockton Road have been supported in principle by all parties and has been given a fair assessment, it has been assessed as being more costly, too steep, more visually vulnerable, and certainly having environmental implications as regards flood channel modification.

There are positives and negatives from both perspectives. The shed already exists, so there's no change to physical occupation or location. The proposed change of use of the shed is permissible. If conditions were placed on the proposed use which aim to alleviate some of the more contentious problems (hours, noise) and upgrade the road issues, then it should competently be able to be considered for approval.

Given the circumstances, approval is supported subject to conditions which have been developed by Council's relevant technical departments.

Recommendation (PLA4)

- 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 05/382 for the use of existing rural shed for earthmoving machinery and equipment storage.
- 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. 342 dated October 2003 and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

BUILDING

- 2 Provide portable fire extinguisher/s, suitable to address the relevant risk, in accordance with AS2444.

Reason: *Required by Clause E1.6 Building Code of Australia.*

- 3 Doors forming exits, paths of travel to exits and parts of exits must comply with the relevant provisions of Clause D2.19, D2.20 and D2.21, Building Code of Australia in respect of the type of door, direction of swing and method of latching.

Reason: *Required by Section D of the Building Code of Australia.*

- 4 That the essential fire or other safety measures listed in the attached schedule be installed in the building and are to be designed, installed and maintained in accordance with the relevant provisions of the Building Code of Australia or in accordance with such other standard as is specified in the attached schedule.

Reason: Required by Clause 170 of the Environmental Planning and Assessment Regulation 2000.

- 5 That prior to the occupation of the building, the owner shall cause the Council to be furnished with a final fire safety certificate from a competent person in respect of each essential fire service or other safety measures. Such assessment must be carried out within the period of 3 months prior to the date on which the final safety certificate is issued.

Reason: Required by Clause 80E of the Environmental Planning and Assessment Regulation 1998.

- 6 As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:
- must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades; and
 - must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

Reason: Required by Clause 172 of the Environmental Planning and Assessment Regulation 2000.

SCHEDULE OF ESSENTIAL FIRE OR OTHER SAFETY MEASURES
DEVELOPMENT APPLICATION NO. 2005/382

| Essential Fire or Other Safety Measures | Design Standard | Installation Standard | Maintenance Standard |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------------------------------------------------------------------------------------------|
| Portable Fire Extinguishers | AS1841 Portable Fire Extinguishers - Water Type AS1841.3 Portable Fire Extinguishers - Wet Chemical Type AS1841.4 Portable Fire Extinguishers - Foam Type AS1841.5 Portable Fire Extinguishers - Powder Type As1841.6 Portable Fire Extinguishers - Carbon Dioxide Type AS 1841.7 Portable Fire Extinguishers - Vaporising Liquid Type | AS 2444 | AS 1851.1 - Maintenance of Fire Protection Equipment - Portable Fire Extinguishers. |
| Exit door, operation of latches | BCA Clause D2.21 | BCA Clause D2.21 | Maintained so as to conform to the original design and to perform at the level of the original installation. |

DRAINAGE

- 7 Measures shall be put in place to control stormwater runoff from road construction works. These control measures shall be in place prior to the commencement of works and shall prevent soil erosion and the transport of sediment from the development site into either:

- adjoining land
- natural drainage courses
- constructed drainage systems, or
- waterways.

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Appropriate signage shall be erected on-site identifying the requirement for the maintenance of these measures. Details of sediment control measures, revegetation works and signage shall be submitted to Council for approval prior to commencement of works.

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

ROADS

8 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) prior to commencement of use. 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:

- A) Construction of Browning Road to a 7m gravel pavement on a 9m wide formation with a minimum gravel depth of 300mm, from the intersection with Lockton Road to the existing right of way servicing the proposed development.
- B) Construction of an intersection layout at the junction of Browning Rd and Lockton Road in accordance with AUSTRROADS Pt 5 "Intersections at Grade" giving particular attention to sight distance and a desirable simple left turn treatment.

Prior to occupation, the applicant shall obtain a compliance certificate for the above works from Council. To obtain this compliance certificate a practising qualified surveyor or engineer shall submit to Council for approval, 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))*

9 Full design plans of the proposed engineering works to satisfy conditions 7 and 8, shall be submitted to and approved by Council prior to commencement of construction. Such plans shall be accompanied by the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a)) and to identify approved works in accordance with section 138 of the Roads Act*

10 The proponent shall provide a plan of management for the construction of all civil works outside the real property boundaries of the proposed development. The plan shall table scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community. Such plan shall include a Traffic Control Plan prepared by an RTA accredited person. This plan of management shall be lodged with Council prior to the commencement of works. All works shall comply with the Occupation Health and Safety Act.

Reason: *To ensure no conflict occurs between civil works and general public during construction.*

VEHICULAR ACCESS

11 Driveways, access aisles and parking areas shall be provided with a dust free 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).

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

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

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

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

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

14 An all weather vehicular access shall be constructed and maintained from Browning Road to the proposed machinery shed in accordance with Council's Design and Construction Specification for Vehicular Access.

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

PLANNING

15 The northern and southern perimeter sides of the shed (including the apron area on the south side) to be planted with fast growing suitable screen trees, within 40 days of the date of this consent. All

trees to be maintained until properly established, and any dead or dying trees to be replaced.

A detailed landscaping plan (in duplicate) shall be submitted to the Principal Certifying Authority and approved **prior to release of the Occupation Certificate**. Landscaping plans shall be in accordance with Council's Landscaping Code and relevant Development Control Plans. Species identified in Council's Landscaping Code shall be planted wherever possible. Landscaping plans shall indicate:

- proposed location for planted shrubs and trees
- botanical name of shrubs and trees to be planted
- mature height of trees to be planted
- location of paved areas

Principal Certifying Authority approved landscaping shall be completed prior to the release of the Interim Occupation Certificate and maintained at all times to the satisfaction of Council. Trees identified for retention in the Development Application plans shall not be removed without separate Council approval.

Reason: *To ensure that appropriate landscaping is provided. (EPA Act Sec 79C(c))*

- 16 Operating hours of the business to be strictly between 7.00 am to 7.00 pm, Monday to Friday and 8.00am to 1.00pm Saturdays. No works or transporting of machinery, trucks or equipment to take place outside those hours.

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

- 17 Only machinery and equipment which are owned by the applicant are to be taken to and stored on the site, being 3 prime movers, 2 tip trucks, one dozer, two excavators, 1 grader, 1 4WD vehicle and necessary floats to transport these machines.

Reason: *To ensure that no additional machinery outside the specific business also uses the facility.*

- 18 Employees of the business, other than the owner and the owner's family shall not carry out any works on the site in respect of the equipment, subject of this application, at any time.

Reason: *To prevent employment activity on site, owner operated business only.*

- 19 Truck/vehicle speed limit on Browning Road and right-of-carriageway through Lot 31, DP 618958 not to exceed 30kph at any time.

Reason: *To ensure traffic safety and safety of animals.*

- 20 Installation of "Trucks Entering" signage on Lockton Road at both approaches to the Browning Road intersection.

Reason: *To assist with traffic safety on Lockton Road.*

- 21 Completion of the southern side wall of the existing shed by the installation of the doors to the current openings.

Reason: *To ensure completion of shed and to improve visual impacts from properties to the south of the site.*

ENVIRONMENTAL HEALTH

- 22 An impermeable bunded area shall be provided to contain oils and other possible pollutants. The bunded area shall have a holding capacity of 110% of the largest container.

Reason: *To protect the environment.*

- 23 The use and occupation of the premises must not give rise to offensive noise as defined by the Protection of the Environment Operations Act (1997) and the EPA Industrial Noise policy.

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

- 24 The premises is not to be used for the repair and maintenance of machinery and equipment apart from minor works that do not impact on the amenity or environment of the area due to the generation of noise and waste.

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

- 25 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 **Occupation Certificate is granted**. The rates and amounts applying at the date of this notice, totalling **\$4,763**, are set out in the schedule for your information. All contributions, bonds etc. shall be paid prior to the **Occupation Certificate being granted**.

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

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

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

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

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

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

LISMORE CITY COUNCIL

DEVELOPMENT CONSENT NO: 05/382

ADDRESS: 51 Lockton Road, Bexhill

IMPORTANT TO NOTE

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

To be read in conjunction with advice of development consent.

The levies imposed by Condition No. 25, as contributions towards the cost of meeting increased demand for public services and amenities that will result from the development, are identified in this Schedule.

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

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

| Levy Area | Account No. | No. of ET's/m ² | Cost Per ET/m ² | Amount Payable |
|--------------------------------|-------------|----------------------------|----------------------------|----------------|
| Rural Roads | | | | |
| Lockton Road | 90420401 | 1 | 723 | \$723 |
| Corndale Road | 90380101 | 1 | 1301 | \$1,301 |
| Numulgi Road | 90421001 | 1 | 1012 | \$1,012 |
| Urban Roads Residential | 1655.1 | 1 | 1589 | \$1,589 |
| SES | | | | |
| All areas | 1695.1 | 1 | 56 | \$56 |
| Rural Fire Service Plan | | | | |
| All areas | 1690.1 | 1 | 82 | \$82 |
| Total | | | | \$4,763 |

ET'S CORRECT - PLANNING SERVICES OFFICER **DATE**/...../.....

LEVIES CORRECT - FINANCIAL SERVICES OFFICER **DATE**/...../.....

Total levies at current rates (actual amount to be calculated when final plan submitted).

A COPY OF THIS ADVICE MUST BE PRESENTED WHEN MAKING PAYMENT DATE:

RECEIPT NO: CASHIER:

COUNCIL USE ONLY

Cashier to Note:

This section must be completed by the Manager-Finance and Administration, the Principal Accountant or the Financial Accountant prior to receipt.

I hereby certify that the fees payable have been checked to ensure that;

- a) the number of ET's is in accordance with the development application;
- b) the cost per ET is in accordance with the relevant Lismore Contributions Plan and/or Section 64 Plan applicable, as at the date of development application approval;
- c) the Consumer Price Index has been applied to the schedule of Section 94 fees and Section 64 fees, where the period between the date of consent and the date of payment is in excess of twelve (12) months.

.....
Financial Services Officer

...../...../.....
date

Report

| | |
|---------------------------------|---------------------------------------------------------------------------------------------------|
| Subject | Lismore Urban Strategy – Staged Release Options |
| File No | S650 |
| Prepared by | Senior Strategic Planner |
| Reason | Council resolution |
| Objective | Council’s agreement to amend the Lismore Urban Strategy to incorporate a staged release programme |
| Strategic Plan Link | Economic Development |
| Management Plan Activity | Implement adopted Council land use strategies |

Overview of Report

This report summarises the infrastructure costs for development in each of the four potential release areas originally identified in the Lismore Urban Strategy and recommends a staged release programme based on infrastructure costs and advice from the Department of Planning.

Background

Council will recall that the Lismore Urban Strategy was originally adopted in May 2003 and conditionally agreed to by the (then) Department of Infrastructure, Planning and Natural Resources in August of that year. The terms of the agreement required that the number of ‘greenfield’ release areas be reduced from four to just one - the Trinity Drive area (estimated lot yield of 350 lots). The Department also required that the strategy timeframe be reduced from 10 to 5 years.

Council made representations to the former Minister for Planning in November 2004, and to senior DIPNR staff in February 2005, seeking an increase in the number of potential release areas. Following those representations, the Department advised that Council could put forward a “staged release” proposal involving several localities providing such areas were environmentally appropriate, and could be economically provided with services. This would enable Council to propose a reallocation of some of the 350 (potential) lots from Trinity Drive to other sites consistent with the Department’s criteria.

In April 2005 Council wrote to landowners in all four Greenfield sites identified in the original Strategy (plus SCU regarding its Military Road land) inviting them to make submissions indicating the minimum number of lots that would be required for a first stage subdivision to be viable. Such assessment was to be based upon the costs of providing the major urban infrastructure to the first stage. The number of lots put forward by the landowners was as follows:

| | |
|---------------------------|-----------------|
| Trinity Drive | 175 lots |
| Nth Lismore plateau | 204 lots |
| Tucki Ck/Chilcotts Grass | 130 lots |
| Invercauld Road (Lot103) | 24 lots |
| Invercauld Road (Lot1066) | 179 lots |
| Crawford land (SCU) | 15 lots |
| TOTAL | 727 lots |

At its meeting of July 12, 2005, Council considered a report on the responses from landowners and

resolved to defer the matter to enable additional information to be provided by the applicants. The owners of the northern lot (Lot 1066) at Invercauld Road specifically requested extra time to enable them to revise their initial proposal. Council also resolved to hold a workshop prior to a decision being made. The information from the owners of Lot 1066 was supplied and the Councillor workshop was held on September 20, 2005.

The amended submission from the owners of Lot 1066 comprises a substantial redesign of the proposal with shared access to the first stage provided through Lot 103 to the south. This removes the need to construct 480 metres of new road along the northern boundary of the land as a requirement for a first stage release. The consequent reduction in road costs for the first stage has enabled a reduction in proposed lot numbers from 179 to 39. Overall road costs for the entire subdivision however would remain unchanged. The reduction in lot numbers for Lot 1066 results in a total first stage of 65 lots (rounded up) for Invercauld Road.

Each of the landowner groups has now submitted an estimate of the major infrastructure costs which has formed the basis for their proposals for a viable first stage subdivision. The estimates for road works in the following tables were provided by the landowners and reviewed by Council engineering staff. Estimates for water and sewer infrastructure have been provided by Lismore Water using the best information available at this time. Further work on the water and sewer estimates has been undertaken by Lismore Water since the September workshop resulting some revision to the figures presented at the workshop. The most significant changes are an increase in the water and sewer estimates for the Trinity Drive area and an increase in the sewer estimates for Invercauld Road. Although there is some spare capacity in the system at Invercauld Rd, it is considered equitable for a first stage subdivision to contribute to future upgrading on a similar basis to future stages.

Council should note that all figures are estimates only and are not based on actual detailed designs. The estimates apply only to external infrastructure and do not include the costs of internal roads, sewer or water reticulation. Nor do they include other infrastructure such as electricity, drainage, etc. The spreadsheets showing how these estimates have been derived are attached to this report.

| Trinity Drive | |
|----------------------|-----------------------------------------------------------------------------------------|
| Roads | \$ 800,000* (Lagoon Grass Road) \$ 740,000 (S94 levy towards new link to Ballina Rd) |
| Sewer | \$2,900,000 |
| Water | \$1,600,000 |
| Total | \$6,040,000 |

* This figure has been revised by Council staff

| North Lismore plateau | |
|------------------------------|----------------------------------|
| Roads | \$ 1,600,000 (Sexton Road & int) |
| Sewer | \$ 2,500,000 |
| Water | \$ 6,000,000 |
| Total | \$10,100,000 |

| Tucki Creek/Chilcotts Grass | |
|------------------------------------|--------------------|
| Roads | \$ 150,000 |
| Sewer | \$2,200,000 |
| Water | \$1,000,000 |
| Total | \$3,350,000 |

Invercauld Road

| | |
|--------------|--------------------|
| Roads | \$ 186,000 |
| Sewer | \$ 680,000 |
| Water | \$ 300,000 |
| Total | \$1,166,000 |

Given that the infrastructure estimates for each site have been calculated using similar methodology, it is possible to provide a comparison of infrastructure costs per allotment for the first stage releases as proposed by the landowners:

| Site | Est. infrastructure costs | No. of lots (1 st stage) | Est. cost per lot |
|----------------------|---------------------------|-------------------------------------|-------------------|
| Trinity Drive | \$6,040,000 | 175 | \$34,500 |
| Nth. Lismore plateau | \$10,100,000 | 204 | \$49,500 |
| Tucki Ck/Chilcotts | \$3,350,000 | 130 | \$26,000 |
| Invercauld Road | \$1,166,000 | 65 | \$18,000 |

Conclusion

Encouraging development on multiple fronts can place pressure on Council's ability to deliver infrastructure to fully service new development. Although individual landowners are responsible for providing much of the infrastructure necessary to service their development, inevitably some infrastructure costs will fall to Council. Even where these costs are recoverable through section 94 and section 64, they can take many years over the lifetime of the development to fully recoup and, in most instances, the infrastructure will be required to be in place well before the completion of the development.

Notwithstanding this, the proposal to redistribute part of the allocation from Trinity Drive to some of the other sites is supported. As the current Strategy is approaching the half way mark of its five year lifespan, there is a greater chance that landowners will seek a rezoning within the remaining time if several landowners are given that opportunity. As the owners of the Trinity Drive site have stated that they require only half of the current allocation for a viable first stage, it is recommended that the other half be distributed in accordance with the criteria set by the Department of Planning.

The analysis in this report indicates that the infrastructure costs per lot for a first stage subdivision at North Lismore plateau are higher than for the other areas and consequently this area requires the greatest number of lots for a first stage subdivision to be economically viable. It is recommended that the limited number of lots available for redistribution be allocated to those areas where a smaller number of lots is required for a viable first stage.

The relatively low costs of providing infrastructure to the Invercauld Road site means that this area best satisfies the Department of Planning's criteria for the economic provision of services. Low development costs create favourable conditions for development to proceed within the short term. Although the owners of Lot 1066 will be reliant on the owners of Lot 103 also proceeding, both owners have indicated that they are keen to develop within the short term and the costs of upgrading Invercauld Road can be shared between them.

The infrastructure costs per lot in the Tucki/Chillcotts Grass area are higher than for Invercauld Road, however relatively minor road works are required to provide access to the site and the recent Dudley Drive/McIntosh Road connection enhances its attractiveness by providing a more direct link to Goonellabah shopping centre and Ballina Road. Consequently it is recommended that this area also be included in the allocation.

The SCU land would have similar water and sewer costs per lot as the Invercauld Road site and, given the existing standard of road access off Military Road, any additional road works are likely to be minimal. The owner has proposed just 15 to 20 lots as a viable first stage, however it is not recommended that this land be included in the allocation. Alternative options are available to SCU which could involve their

land immediately to the east of the university. Although this site is currently zoned 2(a) Residential, it is subject to a number of constraints and would be more suited for uses associated with the university such as student housing, sporting facilities, etc. If this land was rezoned to 5 Special Uses (University), SCU could put a credible case for an equivalent area (approx 19 ha) of the Crawford land to be rezoned for residential use. This would enable development of the site without using any of the existing allocation.

Having regard to the estimated infrastructure costs outlined in this report, and the Department of Planning requirement that any additional land to be included in the Strategy be capable of being economically provided with services, the recommended redistribution of the allocation is as follows:

| | |
|--------------------------|-----------------|
| Trinity Drive | 175 lots |
| Invercauld Road | 65 lots |
| Tucki Ck/Chilcotts Grass | 130 lots |
| Total | 370 lots |

The total number of lots is slightly more than that in the current Strategy but it is considered that a case can be made for this minor increase on the basis that the inclusion of the additional lands represents the minimum number of lots for first stage developments in those areas to be viable.

The expiry date for the current strategy is August 2008. Consequently Council will need to prepare a new strategy before that date. It is anticipated that the new strategy will be prepared under the provisions of a new Far North Coast Regional Strategy rather than under the existing requirements of the North Coast Regional Environmental Plan. The Far North Coast Regional Strategy is currently being prepared by the NSW Department of Planning and it is expected that a draft document will be released before the end of this year.

Other staff comments

Lismore Water and Council's Development Engineer have provided cost estimates for this report.

Public consultation

The Lismore Urban Strategy has previously undergone an extensive public consultation process. Landowners in the identified potential release areas have had the opportunity to make further submissions regarding infrastructure costs and the number of lots that would represent a viable first stage.

Recommendation (PLA3)

That Council resolve to:

1. Amend the Lismore Urban Strategy to incorporate a staged release programme spread over three potential release areas with the number of lots allocated on the following basis:

| | |
|--------------------------|----------|
| Trinity Drive | 175 lots |
| Invercauld Road | 65 lots |
| Tucki Ck/Chilcotts Grass | 130 lots |

2. Forward the amended Strategy to the Department of Planning for its agreement pursuant to clause 38 of the North Coast Regional Environmental Plan.

Report

| | |
|---------------------------------|-------------------------------------------------------------|
| Subject | Draft Lismore Regional City Plan |
| File No | S4 |
| Prepared by | Senior Strategic Planner |
| Reason | Close of exhibition period for the draft Regional City Plan |
| Objective | Council's adoption of the Regional City Plan |
| Strategic Plan Link | Economic Development |
| Management Plan Activity | Review and update planning controls |

Overview of Report

The draft Regional City Plan identifies land in Lismore that in the longer term (20+ years) has potential for residential, industrial and commercial development. The Plan also identifies road infrastructure and open space requirements that will be needed to service that development. This report outlines the outcome of the Plan's public exhibition and recommends that Council adopt the Plan with amendments.

Background

The draft Regional City Plan (RCP) is one of the outcomes of the Strategic Plan 2004 – 2012 which Council adopted in December 2004. It focuses on opportunities to enhance Lismore's Regional City status through strategic land use planning. At its meeting of April 12, 2005 Council resolved to exhibit the draft RCP for a period of three months. Copies of the draft Plan were distributed to Councillors with the April 12 Business Paper.

A key aim of Council's Strategic Plan is to promote Lismore's role as a regional centre. Lismore should have sufficient land identified to cater for its future residential, commercial, industrial and recreational needs in the longer term. It is also important that Council plans for the necessary infrastructure to meet the needs of future growth and development in an environmentally, socially and economically sustainable manner.

The RCP addresses these issues within a projected timeframe of 20+ years. It demonstrates that Lismore has the capacity to grow and develop over that period and provides a guide for future rezoning for industrial and commercial purposes. It does not however provide a statutory basis for rezoning for residential purposes. The primary purpose of the RCP is to give expression to Council's vision for the future development of Lismore and the road and open space infrastructure that will be required to service new development.

The Regional City Plan identifies at a conceptual level where future road networks will be required to service new residential, industrial and commercial areas. All route options identified in the Plan will require detailed assessment of environmental, social and economic factors prior to the finalisation of those routes.

Comments

Financial Services

Not required

Other staff comments

Comments Executive Director – Infrastructure Services

For Lismore to remain the regional centre it must continue to grow. This plan allows future growth to happen in an orderly manner and allows planning to commence on future infrastructure requirements. The challenge for Council will be ensuring funds are available when the infrastructure is required. The Section 94 plan is geared toward providing these funds.

I endorse the Draft Lismore Regional City Plan.

Public consultation

The draft RCP was placed on public exhibition for a period of three months. At the commencement of the exhibition period, the Plan received extensive coverage in local newspapers, radio and television. It was also available on Council's website and a presentation on the various aspects of the Plan was given to the LUO Board.

Five submissions were received in response to the exhibition period. A summary of submissions with comments is provided as follows:

1. LUO Board

The LUO Board has suggested that the plan should make reference to the "Laneways Revitalisation Project". The Board has supplied some words and photos which could be incorporated into the document.

Comment:

It is recommended that the material supplied by the LUO Board be incorporated into the section of the plan that refers to the CBD.

2. The Summerland Greens

The submission notes that the draft Plan identifies land that has the potential to meet future residential, commercial, industrial and recreational requirements but does not identify areas of significant vegetation or habitat within the city.

Comment:

The Regional City Plan is essentially a 'structure plan' whose main purpose is to identify development opportunities and the basic infrastructure that will be required to service future development. Potential development areas have been identified through a sieve mapping process by which physical and environmental constraints are mapped, including koala habitat and significant remnant native vegetation. The location of primary and secondary koala habitat, threatened species records and remnant native vegetation is shown in detail on maps 7, 8 and 9 of the Lismore Urban Strategy. The Urban Strategy is a public document freely available on Council's website. The RCP represents a "next stage" plan to the Urban Strategy and it is considered unnecessary to duplicate those maps in this plan.

3. The Public Transport Policy Advisory Group (PTPAG)

The PTPAG states that it is disappointed that public transport receives little or no recognition in the draft Plan. Properly planned development can be designed to accommodate public transport from the start thus reducing potential congestion. The submission proposes a number of suggested amendments as follows:

- i) Industrial development should be encouraged along the rail corridor in the event that the rail line to Casino is reopened.

Comment:

The location of industrial development is subject to a number of factors which include flood levee protection, avoidance of floodways, etc. Access to transport routes is also a major consideration and the RCP seeks to reinforce South Lismore's role as the city's major industrial area with the bulk of potential new industrial land being identified in South Lismore. All these areas have good access to the railway station.

- ii) New residential development should include commercial and retail components to create the convenience of a village and reduce the need for trips to the CBD.

Comment:

This concept is supported particularly for the larger potential release areas such as the North Lismore plateau. The RCP contains such provisions for North Lismore and the 'urban village' concept is likely to be reinforced through requirements in the new Far North Coast Regional Strategy.

- iii) The term "transport" should be used rather than "road" as "transport" has a wider application that also includes pedestrian/ cycleways.

Comment:

Agreed, where applicable "road" will be replaced by the term "transport" throughout the RCP.

- iv) Suggests that Council consider a new pedestrian bridge across the Wilson River at the end of Magellan Street to link the CBD to the railway station and potential parking areas in that locality.

Comment:

The concept of a pedestrian bridge across the river in this location is an attractive one but unlikely to be achieved within the timeframe of this plan due to commitments to providing other essential infrastructure. Such a bridge would access the western side of the river well north of the railway station and would not be significantly shorter than the current pedestrian route from the station to the CBD via Ballina Street bridge/ Victoria Street.

- v) Suggests the need for a new commercial centre in the North Lismore release area and that it be based on a village concept.

Comment:

Agreed, it is recommended that reference to a village concept be included in the RCP.

- vi) Questions whether a southern bridge crossing of the Wilson River is necessary given that only 3% of traffic is through traffic.

Comment:

The southern bridge crossing is identified in the Plan as a long term priority only. Its purpose would not just be to cater for through traffic but to provide an alternative to the Ballina Street bridge for access to the South Lismore industrial areas.

- vii) Public transport connectivity is missing in the Northern Ridges area.

Comment:

Consultation with representatives from Kirklands during the preparation of the Lismore Urban Strategy highlighted this problem in the Northern Ridges area. Kirklands have indicated that the most viable bus routes are those where buses are able to complete a "loop". New subdivisions in this area are required to provide the missing road connections at a width suitable for buses wherever this is feasible. Kirklands also indicated that the proposed Pineapple Road extension to Bangalow Road would provide a potentially viable bus route and would close a loop with Ballina Road. The RCP promotes this link and provides for further connections from the Northern Ridges to Pineapple Road and Bangalow Road which will maximise opportunities for public transport.

4. Northern Rivers Trains for the Future (NRTF)

The submission states that rail seems to have been ignored in the draft plan. The line between Lismore and Casino is in good order and could potentially be reopened in the short term. The submission makes five recommendations as follows:

- i) Lessen the Plan's focus on roads and instead shift the focus to integrated, multi-modal transport systems.

Comment:

The reality is that there are limited public transport facilities available in Lismore, the main ones being the school bus services and the town bus services. An improved road network will facilitate an expanded bus network providing that network is designed to accommodate buses. The provision for expanded industrial and commercial facilities in South Lismore close to the railway station strengthens the case for reopening the existing rail line.

- ii) Include the rail line on the maps on pages 4, 8, and 10.

Comment:

Agreed, the maps should be amended to show the rail line.

- iii) Consider options for industrial development along the rail corridor in South Lismore.

Comment:

This matter has previously been addressed in this report.

- iv) Consider options for a river crossing north east of the city that would facilitate future access to the rail line from the Northern Ridges as well as meeting the demands for a CBD bypass.

Comment:

The RCP makes provision for another crossing north east of the CBD which will achieve these objectives.

- v) Develop a further plan, with input from the community and other stakeholders, dealing with land use options that maximise utilisation of the rail line within the Lismore Urban area, and in the remainder of the LGA.

Comment:

The Far North Coast Regional Strategy will identify future potential release areas at a sub-regional scale which will focus on existing transport corridors.

5. North Lismore Progress Association

- i) Supports the general theme of North Lismore as a village with a distinctive character.

Comment:

Noted

- ii) More and better quality green space is needed. The riverbank around from Pritchard Park and Slaters Creek could be developed for passive recreation and native regeneration.

Comment:

The RCP identifies flood prone land in North Lismore as having the potential to meet the active and passive open space needs of a new expanded population located on the plateau.

- iii) The history of Aboriginal occupation in the area should be recognised and respected.

Comment:

Provisions for the protection and management of Aboriginal heritage exist through the Lismore Local Environmental Plan and the National Parks and Wildlife Act.

- iv) Decisions on the new river crossing must take account of its impact on North Lismore residents and the selected route must not divide the village.

Comment:

The RCP notes that there are several options for the location of a new river crossing and these will require further detailed investigation and assessment. The location of new or upgraded roads in this area will depend to a large extent on the preferred location for the river crossing and will be subject to detailed environmental, social and economic assessment.

Conclusion

A number of issues have been raised in the submissions that warrant amendments to the Regional City Plan as recommended in this report. Since the original plan was drafted, work has progressed on the Cultural Precinct masterplan and it is recommended that this section of the plan be updated and an artist's perspective of the site prepared by EDAW gillespies replace the existing graphic.

Recommendation (PLA2)

That Council adopt the Regional City Plan as exhibited, but incorporating the following amendments:

1. Include information about the laneways revitalisation project in the section relating to the CBD.
2. Replace the term "road" with the term "transport" where applicable throughout the Plan.
3. Make reference to the village concept for the design of new commercial areas in proposed release areas and particularly for North Lismore.
4. Show the location of the rail line on Maps 4, 8 and 10 of the Plan.
5. Update the graphics for the Lismore Cultural Precinct to include the latest perspective prepared by EDAW Gillespies.

Report

| | |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Subject | Request for Financial Assistance – South Lismore Soccer Club Incorporated |
| File No | S164:05-8715 |
| Prepared by | Manager – Finance |
| Reason | Request for Council to provide either a \$15,000 contribution or low interest loan for lighting at the Caniaba Street Reserve. |
| Objective | For Council to determine the level of support, if any, for this request. |
| Strategic Plan Link | Infrastructure |
| Management Plan Activity | Parks & Recreation |

Overview of Report

South Lismore Soccer Club Incorporated have requested a \$15,000 contribution or low interest loan from Council to allow them to upgrade the existing lighting at the Caniaba Street Reserve.

In regards to a contribution, the request has been forwarded to the Sports and Recreation Policy Advisory Group for advice on priorities, etc as the normal funding source would be the Urban Sports Ground Development Fund.

As to a low interest loan, this is possible and if assessment of their financial capability is positive, appropriate terms can be negotiated.

Background

Request from South Lismore Soccer Club Incorporated

South Lismore Soccer Club Incorporated (SLSC) have requested a \$15,000 contribution or low interest loan from Council to allow them to upgrade the existing lighting to the appropriate Australian Standard at the Caniaba Street Reserve. Copies of their requests follow this report.

The total project is expected to cost \$20,000 and they have fund raised \$5,000. As they have received very little from Council and other funding organisations in the past and still managed to build a two storey clubhouse and lighting, they have asked firstly for a contribution, and if this is not possible, a low interest loan repayable over three years.

They propose to upgrade the lighting primarily because Soccer Far North Coast have indicated it will require all grounds scheduled to hold night games to have lighting to the appropriate Australian Standard. It is understood that this is in response to liability concerns and recognises the fact that the number of games played on weekends, etc, requires some games to be played under lights because there are simply not enough fields available during daylight hours in a home/away competition. SLSC are hoping to do this quickly and take advantage of perhaps attracting some higher standard of games involving the likes of the North Coast Suns and Flames, and Queensland Roar.

Other background information

SLSC have developed their facilities on the Caniaba Street Reserve. The Caniaba Street Reserve is owned by Council and SLSC hires the grounds.

A development application (DA 05-671) has been lodged for these works. While development consent will ensure it meets planning requirements, it is understood that the lighting provided will meet the appropriate Australian Standard to hold night games.

As this request relates to improvements on a Council urban sports ground, the normal funding source for such a contribution would be from the Urban Sports Ground Development Fund. A total of \$162,000 has been allocated for 2005/06 and a further \$85,300 is available from unexpended 2004/05 funds. Consequently, this request was referred to the Sports and Recreation Policy Advisory Group meeting held on October 5, 2005 for consideration and advice. The outcome from this meeting will be relayed to all Councillors prior to the Council meeting.

Comments

Financial Services

The two options available to meet the \$15,000 request for financial assistance are:-

- a) Contribution – There is currently \$247,300 available for improvements to Council's urban sports grounds. It is appropriate to seek advice from the Sports and Recreation Policy Advisory Group in regards to this request and be guided as to if a contribution is to be supported.

No other funding sources are available for this purpose.

- b) Low interest loan – Council has historically assisted other sporting and community organisations with low interest loans and none to date have defaulted. At the same time, Council is not a lending authority and all potential borrowers are encouraged to discuss their proposals with a financial institution first. Unfortunately, this has not occurred due to the request for a contribution and the desire to have the lights installed as soon as possible.

SLSC have provided the following information to support their request.

- Quotes to support the estimated cost
- An expenditure report for 2005, used as the basis to assess financial viability
- Cash flow projections for the next three years that support the financial ability to repay a loan.

Copies are included in the attachments to the business paper.

Based on the information provided, SLSC have the ability to repay a loan from current reserve funds over three years with an interest rate set for the whole period based on the RBA Cash Rate at the time, plus 0.5% for administration purposes. This would achieve the minimum interest anticipated to be received from invested funds. Based on the rate for September 2005, this would equate to an interest rate of 6.0% and six monthly repayments of \$2,768.96.

It is important to note that if approved, the debt will be unsecured in that if SLSC default, Council will have no recourse to recover any outstanding debt, but it will have ownership of the assets, i.e. lights. The option of asking for personal guarantees was discussed, but not supported.

Other staff comments

Executive Director – Infrastructure Services

South Lismore Soccer Club contains a membership who are “self starters” and motivated to improve their club as demonstrated by the excellent facilities they have managed to create over time. Their application to improve lighting is supported as this will not only benefit South Lismore Soccer but also regional soccer.

Council however has many very worthwhile requests on the limited funds available. The Sport and Recreation Policy Advisory Group are best positioned to weigh up this request and prioritise it as appropriate.

Parks Co-Ordinator

Parks would support the contribution to the South Lismore Soccer Club, given the benefits of the lights to the Caniaba Street Reserve facilities. If approved, the Club would be required to provide an accurate survey of the installation for Parks records.

Manager Community Services

As per the priorities for the urban sportsgrounds development fund (USDF) as determined by the Sport and Recreation Policy Advisory Group earlier this year, a funding application has been submitted to the Department of Sport and Recreation to upgrade the lights at Riverview Park, a major soccer facility in Lismore. The outcome of the application will be known in March 2006. The other immediate priority for the USDF is the refurbishment of the canteen at Oakes Oval, which is currently being costed. Should the grant application for Riverview Park be unsuccessful, the Sport and Recreation PAG may wish to re-prioritise capital works projects associated with the provision of floodlights. However, in the interim South Lismore Soccer Club's request will be tabled at the 5 October 2005 meeting for their deliberation and recommendation.

Public consultation

Not Required

Conclusion

South Lismore Soccer Club Incorporated have requested a \$15,000 contribution or low interest loan from Council to upgrade existing lighting at the Caniaba Street Reserve.

If a contribution is supported, it would normally be made from the Urban Sports Ground Development Fund. The Sports and Recreation Policy Advisory Group has been asked to provide some guidance to Council on this request. When this is received, it will be forwarded to Councillors.

If a low interest loan is supported, then a three year loan with an interest rate set for the whole period based on the RBA Cash Rate at the time, plus 0.5% for administration purposes, with semi annual repayments, is suggested.

Recommendation (GM05)

That Council allocate \$15,000 to the South Lismore Soccer Club Incorporated to upgrade lighting at the Caniaba Street Reserve should the Sports and Recreation Policy Advisory Group recommend this action. If this is not recommended, Council offer the South Lismore Soccer Club a low interest loan of \$15,000 to upgrade lighting at the Caniaba Street Reserve with the General Manager to finalise terms and conditions based on this report.

Report

| | |
|---------------------------------|---------------------------------------------|
| Subject | The Channon Children's Centre |
| File No | P13287 |
| Prepared by | Rating Services Co-ordinator |
| Reason | Nature of request requires Council decision |
| Objective | To resolve an issue |
| Strategic Plan Link | Infrastructure |
| Management Plan Activity | Properties |

Overview of Report

This report has been generated by a set of circumstances that are peculiar to The Channon Children's Centre. The land on which the Centre is constructed is Crown Land with Lismore City Council, the Trustee of the land. There are questions about the rateability of the land that revolve around ownership and the possible acquisition of the site.

Background

Following the issue of the 2005/06 rate notices, The Channon Children's Centre (the Centre) approached Council staff in relation to:-

- The quantum of the rates – a significant increase over the previous year's rate assessment, and
- A question as to whether or not The Centre was rateable.

The two issues raised were responded to by indicating: -

- The rates had increased due to a significant above average valuation increase (\$18,000 to \$85,000, and
- The Local Government Act (the Act) indicates, at Section 554, that all land is rateable
- Section 556 (1) (h) provides the exemption to the rule set out in Section 554. This Section requires the land to '...belong to ...and (to be) used or occupied ...' by the particular charity or public benevolent institution. In these circumstances the property is non rateable.
- In this case, as the land is Crown land, the provisions of Section 556 do not apply (the land does not belong to the Centre, it is Crown land, therefore the Centre is rateable)

Following this advice being given to the Centre, approaches were made by representatives of the Centre through the Community Contact Forum at Keerrong on July 20, 2005 and to individual Councillors, seeking relief from: -

- rates

- the annual rent on the land
- and/ or the possible acquisition of the land.

This has now been confirmed in their now formal approach for assistance.

Current situation

- The land the Centre is situated on is Crown Land
- Council is trustee of the land
- Council as the trustee has entered into a 20-year lease with the Centre commencing in 1993 expiring in 2013
- The lease provides for the payment by the Centre of a lease fee (2005/06 \$757) and rates (The 2005/06 rates are \$1,380 (2004/05, \$555) plus annual water costs of approximately \$150.)
- As the Centre does not own the land, it is not eligible for an exemption from rates.
- Some community based Child Care facilities are owned by the individual centres and therefore are not rated. Others, such as the community-based Brewster St Pre-school are on Council land and are rated.
- Council's Section 356 donations have already been allocated for 2005/006 and there is some doubt if this would be an appropriate avenue for funding.

Possible solutions

The problems facing the Centre are: -

- Ownership, and
- Rates and lease fees

The solving of the ownership issue would resolve the rating issue as well as the lease fee and would be the most logical approach.

The Centre has asked Council to: -

- Donate the title for the land to the Centre

As Council does not have title to the land, this is not possible. What is possible is for Council to assist and support the Centre in seeking to have the land transferred into the Centre's ownership.

I have had discussions with the Grafton Lands Office and whilst it would appear that the transferring of public land is not a preferred option it may be possible.

Alternatively, the Centre requests Council to: -

- Review the lease arrangement and as well, provide some form of ongoing rate relief.

This is a difficult matter when considered in isolation. Certainly, when looking at the Financial Statements of the Centre, they are operating on a very tight budget with almost no surplus to fall back on. The Centre operated at a loss of \$5,632 in 2004.

Council has leased land to many community-based organisations, all of which require the payment of rates as part of the lease.

The Property Officer's comments address this issue.

Comments

Financial Services

The recommended order of assessing what is possible is supported as ownership of the land by Council is not essential for core services and the impact of amending lease conditions in an ad hoc manner may result in unintended consequences.

Other staff comments

Manager Community Services

The proposal for Council to assist in the Children's Centre acquiring the land is fully supported. If this option is achievable it will alleviate the financial burden of rates which have more than doubled this year, allowing the Centre to focus on its core activities.

Property Officer

1. The lease for this property commenced on July 1, 1993 for a 20 year term. The rental is subject to increase by the CPI annually throughout the term of the lease. Every 5 years the rental is able to be reviewed and the lessee is responsible for all outgoings in relation to the property including rates.
2. The lease grants an exclusive right to occupy and use the property for a particular purpose. The charging of a rental fee is in recognition of this right. It is standard practice that as part of a lease the lessee also becomes responsible for all outgoing/costs attributed to the property. The Council as lessor is able to contract out certain provisions in the lease including payment of rates otherwise the payment of the rates would have to be met by Council. The level of rent does not cover the costs of the rates on the property.

Public consultation

Not required

Conclusion

The Centre's operating costs are fast exceeding their annual income. Council's costs have a bearing on their budget. It is, from the Centre's point of view, reasonable for Council to assist a community-based organisation that provides an essential service to the next generation. After all, it is Council's costs and lease that is contributing to the operating deficit.

However to acquiesce to this request, at least in the first instance, without taking into consideration the possibility of the issue resolving itself by the Centre obtaining ownership of the land, is not recommended.

Council's support of the Centre in seeking ownership of the land from the Crown is the preferred option.

Should this fail, Council could then consider the matter not in isolation but rather a part of a review of all its leases to community based organisations where they are paying rates and a lease fee.

Recommendation (GM12)

That Council support any application made by The Channon Children's Centre to the Department of Lands for the possible acquisition of the land upon which the Centre is built. Should The Channon Children's Centre not be successful in acquiring the property, a further report be prepared looking at all Council leases to community based organisations where they are also paying rates.

Report

| | |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Subject | Additional Roadworks – Diadem Street, Lismore (between proposed service station and Magellan Street) |
| File No | GJH:VLC:R6019 |
| Prepared by | Executive Director – Infrastructure Services |
| Reason | Request for Council to undertake additional roadworks in Diadem Street, from the proposed service station to the Magellan Street intersection. |
| Objective | To obtain Council approval for the above works. |
| Strategic Plan Link | Infrastructure |
| Management Plan Activity | Roads |

Overview of Report

This report recommends to Council to undertake additional roadworks in Diadem Street, between the proposed service station and Magellan Street, should the service station development be approved. This will provide a completed appearance to roadworks for the full block between McKenzie Street and Magellan Street.

Background

Council is considering a separate report, Development Application No. 2005/534, to erect a service station following a rescission motion. This report is only relevant if approval is given to the service station development.

The development conditions associated with the proposed service station only require roadworks to extend 10m south of the southern boundary of the property. It would be desirable to extend the shoulder and kerb and gutter on the eastern side of Diadem Street down to the Magellan Street intersection.

Discussion

The proposed additional works above do not include extending the wide median and associated landscaping from the proposed service station to Magellan Street. The residents along Diadem Street have requested their driveways not be restricted by a centre median and the cost of the median is estimated to be \$35,000.

The estimated cost to extend the shoulder and kerb and gutter on the eastern side of Diadem Street from the proposed service station to Magellan Street is \$95,000.

Council staff have submitted a price to the service station proponent to undertake roadworks associated with their development under a private works agreement. The intention is to carry out all works at one time; that is, the work associated with the development and this additional work. The price submitted to the developer is conditional upon Council also approving the additional roadworks above. If Council does not approve the additional roadworks, the project becomes too small and is best left with private contractors.

Comments

Financial Services

There has been a significant upgrade of the transport infrastructure surrounding Lismore Shopping World and this has been funded by both the Developer and Council. One section which remains incomplete, assuming the service station development proceeds, is the western and eastern parts of Diadem Street identified in this report.

It is understood that it is not proposed to formalise the shoulder and kerb and gutter on the western side as it fronts sporting fields and a run-off area for vehicles is preferred.

In regards to the eastern side, what is proposed will provide a sealed, kerbed and guttered roadway the full length of Diadem Street between McKenzie and Magellan Streets, rather than only up to opposite the service station development.

If Council supports this initiative, funding can be sourced from reserves with \$39,600 from the Lismore Carboot Market reserve, collected specifically for such works, with the balance of \$55,400 to come from either or both the Section 94 Administration Charge reserve (\$110,000 30/6/05), and Contractor's Road reserve (\$537,200 30/6/05).

Other staff comments

Not required

Public consultation

Not required

Conclusion

This report recommends additional roadworks to the value of \$95,000 be undertaken in Diadem Street, between the proposed service station development and Magellan Street.

These works will tidy up and give a completed appearance to the whole block between McKenzie Street and Magellan Street. This work may also help appease some of the residents upset by the proposed service station.

Recommendation (IS02)

That Council approve additional roadworks in Diadem Street, between the proposed service station and Magellan Street, to the value of \$95,000.

Report

| | |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| Subject | Supply, Installation, Training and Annual Maintenance of a Telephone System |
| File No | T250116 |
| Prepared by | Contracts Officer |
| Reason | To inform Council of tenders received for the supply, installation, training & annual maintenance of a telephone system |
| Objective | To obtain Council approval to award the Contract |
| Strategic Plan Link | Leadership by Innovation |
| Management Plan Activity | Communications & Community Relations |

Overview of Report

This report outlines the recommendation to award the tender for the supply, installation, training & annual maintenance of a telephone system at the Council Administration Offices, CBD Centre, EDU Offices & Heritage Centre

Background

The current PABX was purchased in 1989 as a second hand unit. It was installed in the Council Chambers in Molesworth Street and relocated to the current Administration Building in 1991.

The PABX, being a Fujitsu 9600m was purchased from and serviced for many years by Telsta. In 1999, Council was advised that as from June 2000, Fujitsu would no longer continue to support the product via new parts or upgrades. At the time and after consultation with Telstra it was agreed that Council would continue to operate the existing machine but maintain a watching brief.

In early 2002 Telstra sold its PABX maintenance business to a Melbourne firm who subsequently subcontracted the maintenance contract to a Ballina company.

This chain of events created a deal of concern over the viability of this vital piece of technology and earlier this year it was decided by senior management to replace the existing telephone system with a system which would provide a modern communications system capable of meeting the needs of Lismore City Council and which will be maintained and supported into the future.

Tenders were advertised "Tenders Live" on Council's website and in the Sydney Morning Herald, the Courier Mail and Northern Star for the supply, installation, training & annual maintenance of a telephone system at the Council Administration Offices, CBD Centre, EDU Offices & Heritage Centre. Tender documents were issued to thirty nine (39) companies, with eight (8) tenders being received by the close of tender on 2.00pm, Tuesday, July 5, 2005.

Tenderer

Allcom Networks Pty Ltd
Eurocom Australia Pty Ltd
Comtel Pty Ltd
British Telecom Consulting & Systems

New Era Communications (NSW) Pty Ltd
Telstra Corporation Limited
VoIP Pty Ltd
Sirocco Communications Pty Ltd

The tender documentation (Clause B7) defined four (04) areas by which each tender would be assessed: Total Price, Capability, Relevant Experience and Quality & Safety with 50% of the total evaluation attributed to the price. The tenderers were required to address each of these criteria in their tender.

The initial tender evaluation was undertaken by Paul Scalia (specialist telecommunications consultant) and Chris Allison with each tender evaluated in accordance with the above criteria excluding price and a shortlist of four tenders was prepared. The shortlist was reviewed by Russell Kelly, Graeme Wilson, Paul Scalia and Chris Allison and two tenderers New Era Communications Pty Ltd and VoIP Pty Ltd were invited to demonstrate the products being offered. Russell Kelly, Graeme Wilson, Tina Irish, Paul Scalia and Chris Allison viewed these demonstrations and also conducted site visits to view the products in a live environment. It was considered that both products were equally capable to undertaking the works as required by the tender documents.

Attachment A shows the weighted result for each criteria including price for the two shortlisted companies. Attachment B is a report from Paul Scalia into his assessment of the tenders received.

Comments

Financial Services

The existing PABX poses a significant business continuity risk in that because of its aged technology it is not possible to secure a guaranteed maintenance arrangement to ensure we have telephone services for Council's Administration Offices. As such, it needs to be replaced and this provides an opportunity to upgrade to a contemporary system, which accommodates Council's customer service model.

The estimated total direct cost for the replacement system is \$227,500. This includes the tendered price of \$214,500, \$11,000 in specialist advice and \$2,000 for advertising/evaluation costs. Based on the tendered price, the funding proposed is:-

a) Annual Maintenance \$16,450

There will be some savings in call costs associated with this system as calls between the sites will be considered internal calls and not external calls as is currently the case. It is not possible to estimate the likely savings in cost based on the current information. The majority of the funding for this will need to come from the Recurrent Budget and an amount will be included in the December Quarter Budget Review Report.

b) Equipment Supply, Installation, etc \$198,050

As this is considered a capital investment, it is proposed to fund the purchase by an internal loan from available reserves with repayments over a five year period. The annual repayment cost is estimated at \$43,200 and this will need to be factored into the Recurrent Budget. Where possible, this amount will be offset by operational savings to reduce this impact. An amount will be included in the December Quarter Budget Review Report.

Other staff comments

Acting Manager Corporate and Community Relations

As part of the current restructure, Council is committed to increase greatly its focus on providing a better standard of customer service.

The customer service strategy involves identifying the most frequently asked questions, and the most frequently provided services - and ensuring that these enquiries are answered quickly and accurately

from a team of trained customer service officers who can support each other, and provide exemplary service.

The model chosen through a series of staff workshops is to co-locate a number of customer service staff to the same contact area, physically located adjacent to the current front-of-house area of the administration centre in Goonellabah.

Central to this system is a new telephone system that will enable all incoming calls to be answered by multiple customer service staff.

The co-located contact area aims to deal with 80% of enquiry types on identified subjects - with technical or involved enquiries being dealt with in the same way, as is presently the case.

The co-located area is not a 'call centre', and residents will not be forced to use an automated 'menu' system as a result of the new phone system.

Customer service staff will undertake a range of customer service activities, including answering enquires via phone, letter, email, face-to-face, as well as undertaking a number of administrative tasks.

It is important to note that both short-listed tenderers can supply systems that will enable Council to deliver a new standard of measurable customer service.

Conversely, the present telephone system does not allow for new systems of providing customer service to be introduced.

It is in order to introduce 'new ways of working' that improve Council's customer service that the recommendation is supported.

Public consultation

Nil

Conclusion

Both New Era Communications Pty Ltd and VoIP Pty Ltd clearly demonstrated that that the products being offered and their companies were capable of supplying and installing a telephone system that would deliver the correct solution for a communications system for Lismore City Council. VoIP Pty Ltd has provided the lower priced tender and has ranked first in the evaluation criteria. The references for VoIP Pty Ltd have indicated that they have undertaken several similar installations in the past (several for other Councils) and have provided excellent service and support.

Recommendation (GM11)

- 1 The contract for the supply, installation, training and annual maintenance for a telephone system be awarded to VoIP Pty Ltd for the amount of \$214,469.00 + GST, (the final cost may be subject to variation when the actual number and type of handsets purchased under the contract is negotiated) including an annual maintenance contract of \$16,450.00 per annum for five (5) years.
- 2 The Mayor and General Manager be authorised to execute the Contract on Council's behalf and attach the common seal.

Report

| | |
|---------------------------------|-------------------------------------------------------------------------------------|
| Subject | 2004/05 Reserves (Internally Restricted Assets) |
| File No | S880 |
| Prepared by | Principal Accountant |
| Reason | In accordance with Policy 1.5.10 |
| Objective | To inform Council of reserve movements and balances for the financial year 2004/05. |
| Strategic Plan Link | Leadership by Innovation |
| Management Plan Activity | Various |

Overview of Report

As at June 30, 2005, cash reserves totalled \$19,727,808. This is an overall decrease from the last annual report of \$1,836,618. The amounts held in the general, water and sewerage funds are \$13.844 million, \$1.846 million and \$4.038 million respectively.

All reserves held at June 30, 2005 are deemed to be at an appropriate level given that they are either within a suitable range of the nominated funding level or are for a specific purpose.

As well as provide Council with the reserves information, the opportunity was taken to review and update the policy. There are some modifications proposed in order to reflect the new corporate structure (refer to Attachment B & C).

Background

Policy 1.5.10 - Reserves (Internally Restricted Assets) requires a separate annual report to be submitted to Council each year detailing all movements, appropriate levels and clarification as to needs, for reserves. This report has been prepared to meet that requirement for reserves during 2004/05.

As at June 30, 2005, cash reserves totalled \$19,727,808. This is an overall decrease from the last annual report of \$1,836,618. The amounts held in the general, water and sewerage funds are \$13.844 million, \$1.846 million and \$4.038 million respectively.

Detailed below is a commentary on individual reserves with balances and this should be read in conjunction with the reserves summary (Attachment A), which shows the opening balance at July 1, 2004, movement for the year and closing balance at June 30, 2005, and the reserves policy (Attachment B), which states the objective, methodology and funding level for each reserve.

All reserves held at June 30, 2005 are deemed to be at an appropriate level given that they are either within a suitable range of the nominated funding level or are for a specific purpose.

Councils' Policy on Internally Restricted Assets – Policy 1.5.10, has been reviewed and amended to reflect the new corporate structure. There are no changes recommended in the administration of the Policy 1.5.10. Attachment B – is the current Policy 1.5.10 and Attachment C is the recommended format to reflect the new corporate structure of Council.

General Manager's/ Chief Executive Directorate

Administrative Purposes – Balance \$73,200

This category includes amounts of \$25,000 (reserved each year) for Election Expenses and \$48,200 for Risk Management (insurance premiums).

The Risk Management reserve was created in 2003/04 and was created with a decrease in the annual budget for insurance excess claims. If the annual budget is exceeded, funding would come from the reserve. At the same time, these funds can be used for risk management initiatives.

Special Property Projects /Matching Grants - \$324,100 – This includes funding for projects carried forward from 2003/04 and 2004/05 such as Nimbin Caravan Park caretaker housing \$50,000, Nimbin Security Cameras \$20,000, Lismore Book \$25,000, external review of the Economic Development Unit \$20,000, Mayoral Scholarship \$12,500, Community Broadband Demand Aggregation \$10,000 and Southern Cross University market research \$15,000. The residual relates to funds held from the 2004/05 surplus which have been applied to the 2005/06 Budget and is in accordance with Council resolution \$161,600.

Employee Leave Entitlements – Balance \$1,158,800

The current value of leave entitlements due to staff at June 30, 2005 is \$3.759 million. Based on the reserve balance, they are approximately 31% funded. This level of cash funding is acceptable, even though it is slightly above the policy guidelines of 30%.

Infrastructure Services

Flood Mitigation – Balance \$58,784

This reserve is used to part fund Council's contribution towards the Lismore Flood Levee and flood prone property acquisitions.

Lawn Cemetery / Crematorium – Balance \$269,190

This reserve includes the accumulated surplus from operations at the Lismore Memorial Gardens \$203,690. These funds are held to ensure the future sustainability of this facility. In addition, \$65,500 is held for the ongoing replacement of lawn cemetery / crematorium plant.

Other Waste Management – Balance \$1,128,400

The balance of \$1,128,400 is held for waste plant, which will be used for the replacement of plant as required.

Parks and Recreation– Balance \$800,530

The following is a list of the major reserve included in this category: -

| Reserve Name and Description | Amount |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Parks Plant – Accumulated surplus balance from plant operations to be used for plant replacement when required. | 311,000 |
| Kadina Park – Funding for works to be undertaken in 2005/06 | 26,230 |
| Rural Sports field development – Works carried forward from 2003/04. | 15,600 |
| Shade Strategy – Funding held for Riverview Park (\$4,500) and other areas (\$3,500). | 7,500 |
| Dunoon Sports Club – Funding for lighting requested to be held over to 2005/06 by the Club so that additional funds to complete the works can be sourced. | 15,000 |
| McKenzie Street Land Sales – Balance of proceeds from the sale of parkland in McKenzie Street. | 80,700 |
| CBD Toilet Block – This project was carried forward into the 2005/06 Budget. | 67,400 |
| Rotunda Spinks park – To relocate the rotunda carried forward from 2004/05. | 40,000 |

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Urban Sports field development – Carried forward from 2004/05. | 85,300 |
| Rural Sports field development – Carried forward from 2004/05. | 21,300 |
| Coronation Park – Contribution required to match developer contributions received for this project in the 1999 Section 94 Open Space Plan. | 54,800 |
| Nimbin Allsopp Park - Carried forward from 2004/05 | 9,600 |
| Shearman Park - Carried forward from 2004/05 | 28,800 |
| Elders Park - Carried forward from 2004/05 | 14,000 |
| Section 94 Open Space contribution – The funds are to be used to match contributions received as part of the 2004 Recreation and Community Services Section 94 Plan. | 23,300 |

Plant Operations – Balance \$2,034,600

This category reflects the net surplus on operations, purchases and sales of bridges, motor vehicles, roadworks and workshop plant. All other plant reserves are included under the respective category's, which 'control' these plant items. The table below summarises all plant reserves, totalling \$3,782,200, which has decreased by \$75,000 during the year.

| Program | Amount |
|-------------------------------|---------------|
| Bridges | 292,700 |
| Motor Vehicles | 0 |
| Crematorium and Lawn Cemetery | 65,500 |
| Parks and Recreation | 311,000 |
| Quarry | 242,700 |
| Roadworks | 1,298,500 |
| Waste | 1,128,400 |
| Workshop | 443,400 |

Caravan Parks & Nimbin Pool – Balance \$12,200

This represents funds held to repaint the Nimbin Pool.

Quarry Management – Balance \$2,266,425

This category includes the accumulated surplus from operations at Northern Rivers Quarry and Asphalt of \$1,992,235. These funds will be applied to the development, enhancement and rehabilitation of Blakebrook Quarry and approved gravel quarries. In addition, \$242,700 is held for the ongoing replacement of quarry plant.

Sporting Grounds – Balance \$28,600

The Nesbitt Park reserve of \$25,500 accounts for the majority of this category. Funds are for future development at this ground.

Transportation Infrastructure – Balance \$2,291,700

The following is a list of the major reserve included in this category: -

| Reserve Name and Description | Amount |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| DA Contributions to Works – This relates to contributions received from developers for Council to complete specific works associated with development consent. | 153,200 |
| Contractors Reserve – Council bids for work and if successful, performs it to RTA accepted standards. Where there is a profit or a deficit, this is placed in or taken from this reserve. Included in the reserve is \$160,000 for works that will be to be completed in 2005/06. | 537,200 |
| Road Reconstruction – As has been the case in previous years, funds predominantly for capital works \$1,268,910 were not spent by June 30, primarily due to the RTA providing funds late in the year for state and regional roadwork. The decision to complete RTA works first has resulted in Council projects being carried forward to 2005/06. Also included in this reserve is \$101,000 for cycleways and footpaths and road safety projects - \$24,000. | 1,442,800 |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Special Business Rate - Security – Accumulated funds raised by the CBD special business rate and dedicated to the CitySafe program, not expended at June 30. | 51,800 |
| Car Parking – Kerb Side Dining – Fees collected from kerbside dining licenses that are to be expended on the provision of car parking spaces in the CBD. | 27,300 |
| Lismore Carboot Market – Funds collected from the Lismore Square Carboot Market that are to be expended on the provision of road sealing works around Lismore Square. | 39,600 |
| Underground Powering CBD – Funds held to contribute towards these works associated with major developments in the CBD. | 20,900 |
| Other – There are a number of other minor projects for which money has been reserved. They included traffic calming Nimbin – \$12,400, TV black spots - \$5,100, Rural Fire Service joint paging system - \$1,400 | 18,900 |

Engineering Equipment – Balance \$9,100

This reserve is for replacement of equipment within the survey and design department.

Wastewater Services – Balance \$4,038,179

The balance reflects the net cash position of the Fund to June 30. These funds are mixed with all other revenues to operate, manage and maintain a high quality wastewater service.

Given the need and demand for significant capital works, such as Clunes Sewerage, it is likely that the majority of these funds will be utilised in the medium term

Water Supplies – Balance \$1,845,500

The balance reflects the net cash position of the Fund to June 30. These funds are mixed with all other revenues to operate, manage and maintain a high quality water supply service.

Development & Governance

Planning Studies – Balance \$198,600

The main item included in this category is \$110,100 for Section 94 Plan Administration Charges. These are accumulated funds and represent the 2.5% administration charge on all developer levies collected. They are to be used to fund the administration and review of the Section 94 Plan.

Other amounts of significance include \$42,100 for Local and Regional Phosphorous Reduction campaigns, and \$40,200 for Environmental Health projects.

The balance is made up of a number of lesser amounts with the majority to be expended in 2004/05.

Remediation Programs – Balance \$94,000

These funds are for the remediation of the former gasworks site, which is anticipated to be completed during 2005/06. The balance reflects previously committed funds unspent at June 30

Record Management Systems – Balance \$46,500

These funds are collected as the archive fee charged on most development applications and used to archive files or store records.

Information Services – Balance \$1,035,000

These funds are to be used for the future development and replacement of the corporate information system, software and hardware, as supported by the Information Services Strategic Plan July 2003 - June 2006.

Community Services – Balance \$78,000

The following is a list of the major reserve included in this category: -

| Reserve Name and Description | Amount |
|----------------------------------------------------------------------------------------------------------------------------|--------|
| Social Plan – Held for future review of the Plan. | 10,800 |
| Building Better Communities – Has been included in 2005/06 Budget | 9,000 |
| Active Communities – Nimbin – This represents Council's contribution to a three-year grant. | 18,000 |
| Nimbin School of Arts – Contribution to roof repairs carried forward from 2004/05 | 15,000 |
| Museum Advisor – This represents Council's contribution to a grant. | 8,000 |
| Sundry – The balance of represents funds carried forward from 2004/05.They comprise a number of different programs. | 15,000 |

Child Care – Balance \$22,200

The category includes \$15,600 for Gingerbread House and \$6,600 for the Koala Day Care. These funds are accumulated from surplus results compared to budget and can be used in future years to offset deficit results compared to budget, replacement of equipment, building improvements, etc.

Art Gallery – Balance \$106,600

This category comprises specific reserve amounts for acquisition \$17,800, art gallery foundation \$9,100, building improvement/replacement \$50,500, corporate patrons \$13,500 and travelling exhibitions \$15,700.

Economic Development – Balance \$496,900

The following is a list of the major reserve included in this category: -

| Reserve Name and Description | Amount |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Economic Incentives Fund – During 2005/06, a further \$60,000 is budgeted to be transferred to this reserve. Policy 11.1.1 “Lismore Incentives for Investment” sets a maximum level for this fund at \$300,000. | 183,800 |
| Wilson River Bank Development – Represents not completed in 2004/05 and carried forward to 2005/06 | 255,000 |
| Master Games – The master games carries across 2004/05 and 2005/06, this represents revenues received in 2004/05 in excess of expenditure that are to be used in 2005/06. | 39,900 |
| Other – Items of significance within this category include the Special Business Rate - \$15,400. | 18,200 |

Community Facilities – Balance \$1,037,900

A total of \$957,900 is held specifically for the Goonellabah Leisure Centre. These funds will be utilised to fund the construction of Stage 1 planned to commence in 2006.

The balance is to be applied to projects included in the 2005 Section 94 Plan – \$80,000, and for works required as part of the Cultural Precinct development.

Airport – Balance \$229,500

This reserve is predominately for uncompleted capital works at the Lismore Regional Airport including apron works associated with the Aspect North project; secure car parking facility and runway indicator lights. It is anticipated that these works will be undertaken during 2005/06.

Other staff comments

Not required

Public consultation

Not required

Conclusion

The report and attachments detail Council's reserve movements and balances for 2004/05. At June 30, 2005, cash reserves totalled \$19,727,808 million, with the amounts held in the general, water and sewerage funds being \$13.844 million, \$1.846 million and \$4.038 million respectively. All reserves are cash based.

Council's cash reserves are in a healthy position and are a result of a number of prudent financial strategies that Council and management have adopted over a number of years. These strategies are usually reviewed or enhanced annually through the budget process. In addition, all of Council's designated businesses now have business plans in place. Other programs have forward plans in place, for example the Information Services Strategic Plan and the Child Care Centres Five Year Plans. These plans provide a useful tool for forecasting the expected level of reserves required and highlight the ongoing need to plan for the future.

Council's Policy on Internally Restricted Assets – Policy 1.5.10, has been reviewed and amended to reflect the new corporate structure. There are no changes recommended in the administration of the Policy 1.5.10. Attachment B – is the current Policy 1.5.10 and Attachment C is the recommended format to reflect the new corporate structure of Council.

Recommendation

That Council -

- 1) Adopt the cash reserve balances for June 30, 2005 of \$19,727,808 as detailed on Attachment A
- 2) Amend Policy 1.5.10 - Reserves (Internally Restricted Assets) be amended to reflect that proposed on Attachment C

Report

| | |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Subject | Goods and Services Tax - Council Compliance Requirements |
| File No | S210 |
| Prepared by | Manager – Finance |
| Reason | Department of Local Government requirement for councils to supply a 'certificate of confirmation' regarding their Goods and Services Tax systems |
| Objective | For Council to resolve to sign the attached certificate of compliance. |
| Strategic Plan Link | Leadership by Innovation |
| Management Plan Activity | Financial Services |

Overview of Report

The Department of Local Government requires all councils to provide a statement of compliance or independent review to the effect that their GST management systems are adequate with regards to being compliant with the GST legislation. Historically, this has been provided by Council's Auditor, but this is no longer required.

Given the reasons included in the report, the recommended approach is to change and for Council to provide a statement of compliance.

Background

With the introduction of the Goods & Services Tax (GST) in July 2000, the Australian Taxation Office (ATO) requested NSW Treasury to provide some assurance that NSW Councils were meeting their GST obligations.

Initially, this was achieved by the Department of Local Government (DLG) requiring councils to issue their auditor with a statement to the effect that GST management systems were in place to ensure compliance with GST legislation as well as copies of any correspondence regarding outstanding taxation debts that are attributable to the business activity statement.

Based on this, the auditor would undertake an independent review, not a tax audit, on Council's GST management systems. This was completed for 2001, 2002, 2003 and 2004 by Council's Auditor, Thomas Noble and Russell and an appropriate GST Audit Review Report issued.

Current Situation

The DLG have now advised (Circular to Councils 05/26 8/6/05) that instead of an independent GST review, a council can now provide a certificate of confirmation, therefore reducing costs, or at its own discretion (and expense), initiate an external review to support the process. This is required to be provided annually.

The recommended approach is for Council to provide a certificate of confirmation based on the following reasons:-

- a) Council GST management systems have not had to change since the last review completed by Thomas Noble and Russell for June 2004.
- b) Council's GST management systems are centralised within the Financial Services section, predominately computerised and the monthly business activity statement (BAS) prepared and reviewed by the Manager – Finance.
- c) Refresher training has been recently undertaken by key staff in Financial Services especially in the areas of creditors and debtors processing. Training by an expert external provider is being arranged for other staff members (and possibly other Councils' staff).
- d) The vast majority of Council's transactions (rates, water, payment of creditor invoices, issuing of debtor invoices, cash payments, grants, contributions, fees and charges) are consistent from year to year.

General Information

Lismore City Council is registered for GST purposes. Based on this registration, Council is required to submit a monthly BAS. For the period July 1, 2000 to June 30, 2005, a total of 60 BAS's have been submitted on time to the ATO. A summary of the relevant information included on these follows:-

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| • Total number of transactions within the GST scope | 425,220 |
| (This is not a total of all transactions and excludes those for transactions outside the scope of the GST such as for rates, water, sewerage, some fees & charges, developer contributions, etc) | |
| • Total GST payable to the ATO | \$ 5,909,133 |
| • Total GST receivable from the ATO | \$15,019,772 |

During this time, Council has had one compliance review undertaken by the ATO in August 2003. While this was a limited review, we were advised that Council '...had achieved a high level of GST preparedness towards ensuring voluntary compliance...'. There was one transaction identified as being non compliant that had to be adjusted. This was a processing (human) error and not a systems error.

Other staff comments

Not required.

Public consultation

No required

Conclusion

The Department of Local Government requires Council to provide a statement of compliance or independent review to the effect that Council's GST management systems are adequate with regards to being compliant with the GST legislation.

Given the reasons included in the report, the recommended approach is for Council to provide a statement of compliance to satisfy this requirement rather than undertaking an independent review.

Recommendation

That Council submit a certified statement of compliance to the Department of Local Government in regards to the payment of voluntary GST for July 1, 2004 to June 30, 2005 signed by the Mayor and Deputy Mayor.

**COUNCIL OF THE CITY OF LISMORE****GOODS AND SERVICES TAX CERTIFICATE****Payment of Voluntary GST 1 July 2004 to 30 June 2005**

The assist compliance with Section 114 of the Commonwealth Constitution, we certify that:

- Voluntary GST has been paid by Lismore City Council for the period 1 July 2004 to 30 June 2005.
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

Signed in accordance with a resolution of Council made on October 11, 2005.

Merv King
MAYOR

John Chant
DEPUTY COUNCILLOR

Paul O'Sullivan
GENERAL MANAGER

Rino Santin
**MANAGER - FINANCE
(RESPONSIBLE ACCOUNTING
OFFICER)**

Report

| | |
|---------------------------------|-----------------------------------------------------------------------------------|
| Subject | Construction Certificate and Inspection, Fees and Charges Review 2005/2006 |
| File No | S910 |
| Prepared by | Manager Environmental Health & Building Services |
| Reason | To respond to Council resolution |
| Objective | To advise Council of the result of the public exhibition period. |
| Strategic Plan Link | Economic Development |
| Management Plan Activity | Building Services |

Overview of Report

Council at the meeting of August 9, 2005 resolved that Council's fees and charges for the issuing of Construction Certificates be increased by 25%. As a result, the proposed increase to construction certificates was placed on public exhibition. This report outlines the public response to the exhibition period and recommended action.

Background

At the meeting of the August 9, 2005 a report was submitted to Council in regard to a submission on the Fees and Charges for the 2005-2006 financial year. Council at this meeting resolved:

1. *That Council's Fees and Charges for inspections remain unchanged as scheduled;*
2. *That the archiving fee remains to be charged at Development Application stage;*
3. *That Council's fees and charges for the issuing of construction certificates be increased by 25%.*

The proposed increase in cost for construction certificates on dwelling additions/alterations (including swimming pools, sheds, retaining walls, carports, garages), new dwellings additions/alterations and commercial works were placed on public exhibition in the Lismore infolink for a one month period from 18th August to the 15th September 2005.

As a result of the public exhibition period one submission only was received in relation to the proposed increases. The submission identified concerns as follows;

1. The proposed fee increase exhibition consisted merely of 4 charge sheets with a few texta marks and no explanation or cover sheet whatsoever.

Comment point 1: *The advertisement clearly indicated that enquiries were to be made to the Manager Environmental Health & Building Services. This did not occur.*

2. If Council can provide a service at a lower cost than local industry isn't that to the benefit of the very ratepayers who elected Council? To put up prices to appease local businessmen encourages lack of fair competition and hints of price fixing.

3. Similarly why does Council have to align their costs with other Councils? I thought charges had to be generated on a user pays basis rather than what others are charging. Council should be proud of being able to contain costs.
4. Admittedly there has to be some cross-subsidisation to cover the costs of non-income producing services but these should be spread across all ratepayers as much as possible rather than targeting an industry and ultimately ratepayers who build or renovate, that has recently seen huge price increases in construction costs.
6. All cost increases should be justified, as Council is accountable to its ratepayers. Even if only one makes the effort to enquire about them!

Comment points 2,3,4,6: Council resolved to increase the fees and charges for the issuing of Construction Certificates by 25%.

5. These increases, unless I'm mistaken, should have been included in the Draft Management Plan. According to the Rating Manual, Section 14, charges have to be struck before the 1 August for the year unless the minister believes that there are special circumstances.

Comment point 5: Section 14 of the Rating manual relates to rates and annual charges, not general fees and charges.

Comments

Financial Services

Not required.

Public consultation

The increase in fees and charges was publicly exhibited in the Lismore infolink for a four week period from August 18 to September 15, 2005.

Conclusion

Council at its meeting of the August 9, 2005, resolved to increase construction fees and charges by 25%. One submission only has been received with concerns identified. It is considered that Council's resolution is justifiable and that Council's recommendations remain unchanged.

Recommendation (PLA1)

That Council's fees and charges for the issuing of Construction Certificates are increased by 25% from Monday, October 17, 2005.

Report

| | |
|---------------------------------|--------------------------------------------|
| Subject | Policy Advisory Groups - Vacancies |
| File No | S36 |
| Prepared by | Administrative Services Manager |
| Reason | Vacancies on Policy Advisory Groups (PAGs) |
| Objective | To appoint community members to vacancies. |
| Strategic Plan Link | Leadership by Innovation |
| Management Plan Activity | Strategic Planning |

Overview of Report

Results of advertisements placed in local press inviting community members to nominate for positions on several Council PAGs.

Background

Council at its meetings held on May 10 and June 14, 2005 appointed citizen members to its newly created PAGs. A number of positions were not filled and subsequently advertisements were placed calling for nominations. Details of the vacancies and nominations (included in attachments) are detailed below:

Arts and Culture

| | |
|----------------------------------|---------------|
| 1 representative Indigenous Arts | No nomination |
|----------------------------------|---------------|

Community Services

| | |
|---------------------------------------------------------|------------------|
| 1 representative multicultural | Harumi Hayashi |
| 1 representative villages | Susan Stock |
| 1 representative older persons/people with a disability | Coralie Gardiner |
| | Maggie Ritchie* |

Please note – there has been some confusion surrounding the nomination of Maggie Ritchie.

At the time the report for citizen nominations to the community Services PAG was written in June, her nomination had not been received. At the same time Council had received a nomination for the category of older persons/people with a disability, but only one nomination for the two village representatives. Given that citizen representatives are not limited to “representing” their category and the lack of response from the community, the decision was made to include her nomination in the village category. Council subsequently appointed her to this category.

When this appointment was conveyed to Ms Ritchie she expressed dismay at this appointment given her very clear (written preference) was to represent older people. She also noted that the other village representative was from The Channon, therefore her appointment would have meant two appointees from the one village. Ms Ritchie is very keen to contribute to the Community Services PAG, however only as a representative for older people.

(Following discussion at the recent Community Services PAG meeting, it was recommended that the dual role of representing older people and people with a disability be split into two separate roles so that each target group could be adequately represented. This would mean increasing the membership of the PAG, however, due to the numerous issues impacting on both of these target groups, the recommendation for individual representation has much merit.)

| | |
|-----------------------------------------------------------|-------------|
| 1 representative business community | Amber Hall |
| 1 representative SCU Centre for Children and Young People | Anne Graham |

Economic Development

| | |
|------------------------------------------|--------------|
| 1 representative agricultural industries | Brad Granzin |
| 1 representative business | |

The business representative resigned during the advertising process – accordingly this vacancy was not listed in the advertisement. The issue of a replacement will be addressed in the near future.

Roads Management

| | |
|------------------------------------------|---------------|
| 1 representative (Clunes/Bexhill/Eltham) | No nomination |
|------------------------------------------|---------------|

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

Advertisements placed in local press inviting nominations.

Conclusion

Council may wish to separate the Older Persons/People with a Disability position into two separate positions on the Community Services PAG. (To date there is no nomination for People with a Disability, however the Access Committee meets on a monthly basis.)

Recommendation (GM04)

That Council make the following appointments to its PAGs:

| | | |
|---|-----------------------------------------------------------|--------------------------|
| 1 | Community Services | |
| | 1 representative multicultural community | Harumi Hayashi |
| | 1 representative villages | Susan Stock |
| | 1 representative older persons | Maggie Ritchie or |
| | | Coralie Gardiner |
| | 1 representative business community | Amber Hall |
| | 1 representative SCU Centre for Children and Young People | Anne Graham |
| 2 | Economic Development | |
| | 1 representative agricultural industries | Brad Granzin |

Report

| | |
|---------------------------------|-----------------------------------------------------------------|
| Subject | Councillors' Expenses and Provision of Facilities Policy |
| File No | S38 |
| Prepared by | Administrative Services Manager |
| Reason | Legislative requirement |
| Objective | To review policy |
| Strategic Plan Link | Leadership by Innovation |
| Management Plan Activity | Councillors |

Overview of Report

Annual review of Council's Expenses and provision of Facilities policy as required by the Local Government Act 1993.

Background

Council is required to conduct an annual review of its Expenses and Provision of Facilities policy. The relevant clause of the Act is detailed below:

252 Payment of expenses and provision of facilities

- (a) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.

Council last reviewed its policy in February of this year with a minor amendment to clause 3.3 *Spouse and Partner*.

The State Government has also indicated that this area is under general review, foreshadowing a general tightening of the "allowances" granted to councillors. In view of the above no changes are proposed to the policy.

Comments

Financial Services

Not required

Other staff comments

Not requested

Public consultation

Not required

Recommendation (GM03)

That Council re-adopt its current policy "Payment of Expenses and Provision of Facilities".

Report

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

Overview of Report

Council investments as at 27th September 2005 total \$31,855,986.62 subject to the final value of funds held under Managed Funds being advised shortly.

Interest rates reported over the period of September 2005 are 6.22% in comparison to 6.17% for September 2004.

Background

The Local Government Act 1993, Clause 16 Local Government (Financial Management) Regulations 1999 and Council's Investment policy requires a monthly report be provided to Council on investments. The report is to include the source and amount of funds invested, terms of performance of the investment portfolio over the preceding period and a statement of compliance in relation to the requirements of the Local Government Act 1993.

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

Report on Investments

- *Confirmation of Investments – 31st August 2005* \$31,892,971

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

- *Estimate of Investments – 30th September 2005* \$31,855,986

Some variation is expected on the final balance of Managed Funds. The final valuation of these funds is not made until after the end of the month. The current rate of return on investments for September 2005 was 6.22% compared to 6.17% for the same period last year. Indications are that rates will remain steady in October 2005.

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

Management is in the process of appointing an Investment Adviser to provide more comprehensive advice on the range of investment products now available. Part of the process will be to review Council's investment policy and strategy and this will be submitted to Council for consideration. As requested, it will specifically include the option of ethical investments.

Financial Services Comments

N/A

Other staff comments

N/A

Public consultation

N/A

Conclusion

The investments held by Council with various financial institutions, have been made in accordance with the Local Government Act 1993, Local Government (Financial Management) Regulation 1999 and Council's investment policies.

Recommendation

The report be received and noted

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING
HELD ON SEPTEMBER 21, 2005, AT 10.00 AM.**

Present

Councillors Merv King (*Chairperson*) and John Hampton, Ms Bronwyn Mitchell (*on behalf of Mr Thomas George, MP*), Mr Michael Baldwin and Ms Liz Smith (*RTA*), Snr Const Steve Hilder (*Lismore Police*), Mr John Daley (*LUO*) together with Mrs Wendy Johnson (*Road Safety Officer*) and Messrs Gary Hemsworth (*Executive Director-Infrastructure Services*) and Bill MacDonald (*Co-Ordinator-Traffic & Law Enforcement*).

- TAC69/05 **Apologies** An apology for non-attendance on behalf of Councillor Jenny Dowell and Mr Thomas George, MP, were received and accepted and leave of absence granted.
- TAC70/05 **Minutes** The Minutes of the Traffic Advisory Committee Meeting held on August 17, 2005 were confirmed by Council on September 13, 2005.
-

Disclosure of Interest

Nil

Business Arising

Nil

Part 'A' – Committee Recommendations

Correspondence / Reports

Bau Farm; requesting that the 80kph speed limit on Ballina Road, Alphadale, be extended to a point east of the entrance to Bau Farm and preferably over the crest, together with a “turning vehicle” sign, in an attempt to slow traffic and eliminate the number of accidents that have occurred over the years.

Councillor Henry; requesting the Committee examines the possibility of reducing the short 100kph speed zone east of the Alphadale turn-off to 80kph.

Mr Baldwin advised that the speed zone along the Bruxner Highway, including the area in question, was under review. It was anticipated that a State-wide speed zoning guidelines review would be complete towards the end of October, following which a decision on the Bruxner Highway should be able to be made. It was noted that whilst a ‘turning vehicles’ warning sign may provide limited assistance in reducing current concerns, a major upgrade or relocation of the entrance may be required by the property owners.

- TAC71/05 **RECOMMENDED** that a ‘turning vehicles’ warning sign be erected on Ballina Road for east-bound traffic prior to the Bau Farm entrance. *(05-9558:S352,R6408)*

Mr R Maher; requesting signage be erected on Pinchin Road, Goolmangar, to alert motorists of the change in road surface from bitumen to gravel.

An inspection revealed that the gravel section of Pinchin Road commenced just over a crest and lead straight into a right angle left-hand bend.

TAC72/05 **RECOMMENDED** that a 'left hand right-angle bend' and 'gravel road' warning signs be placed on Pinchin Road prior to the crest and bend. (05-10052:R2820)

Ms M Gates-Manar; drawing attention to the intersections of Orion Street and Laurel Avenue with Diadem Street and requesting traffic signage and line-marking be upgraded to improve road safety.

The Committee was advised that both of these intersections were controlled by Give Way signs on Orion Street and Laurel Avenue with Diadem Street being the priority road. The signs on Orion Street were set well back from the road and visibility of the signs could be improved by relocating them closer to the bitumen edge. Linemarking at both intersections was found to be faded and required repainting.

TAC73/05 **RECOMMENDED** that the Give Way signs on Orion Street be relocated to approximately 1.5m from the edge of the bitumen surface and, further, that continuity lines and double white centre lines at both intersections be repainted. (05-9968:S346,R6051,R6041,R6019)

General Business

Union Street, South Lismore – Merging traffic south of Hollingworth Creek Bridge

Councillor Dowell had raised residents' concerns about the manner in which some motorists merge from two lanes into one just south of Hollingworth Creek Bridge on Union Street. It was noted that there was nothing illegal about motorists using the left lane and merging close to the bridge providing it was done safely. Accordingly, there was nothing that could be done to curb this practice. It was noted, however, that the merge lane ended just around a bend and some motorists may be caught unaware of the change ahead. Merge lane arrows painted on the road pavement would assist in this regard.

TAC74/05 **RECOMMENDED** that merge lane arrows be painted on the left lane of Union Street for north-bound traffic prior to Hollingworth Creek Bridge. (R6938)

Molesworth Street – No Stopping signs

R McKenzie, proprietor of the Centrepoint Motel, had requested that No Stopping signs be erected on Molesworth Street across the driveway to the vacant block beside the motel.

TAC75/05 **RECOMMENDED** that No Stopping signs be erected each side of the driveway to the vacant block beside the Centrepoint Motel at Molesworth Street. (R7322)

Wyrallah Road, East Lismore – No Stopping signs

A request had been received from rural bus operators for No Stopping signs to be erected on the eastern side of Wyrallah Road opposite City View Drive to allow room for buses to be turned around at the intersection. Observations revealed that bus operators were required to make a three-point turn at the intersection if vehicles were parked along the roadside, south of the Wilson Park School driveway. This could be resolved by prohibiting parking for a distance of 20m.

- TAC76/05 **RECOMMENDED** that No Stopping signs be erected on the eastern side of Wyrallah Road, between the entrance driveway to Wilson Park School and a distance of 20m south. (R5201)

Intersection of Keen / Zadoc Streets – Give Way signage

Ms M Flynn had suggested that Give Way signage be upgraded at the above intersection. It was noted that the existing Give Way signs were already highlighted with an orange fluoro border. However, the painted continuity lines were not clearly evident. It would appear that accidents and 'near misses' were still occurring and in the longer term a roundabout would be required. In the short term it was suggested that Give Way Ahead linemarking would assist in highlighting the controls at the intersection.

- TAC77/05 **RECOMMENDED** that Give Way Ahead be painted on both legs of Keen Street, prior to the intersection with Zadoc Street, and further that this matter be referred to Council's Design Services Section for investigation and preparation of a plan and estimate for a roundabout. (R7313,R7330)

Figtree Drive, Goonellabah – Parking Facilities

C Austin had raised concern for the traffic hazard that exists on Figtree Drive due to vehicles being parked on both sides of the street just prior to the flat top speed hump in front of No. 65. An inspection revealed that available road width was severely restricted on the approach to the speed hump as a result of vehicles being parked on a bend and just prior to the hump on both sides of the road. This was considered potentially dangerous for through traffic and it was suggested that firstly the Rangers liaise with the owner of the offending vehicle that is parked continuously at this location, outlining the concerns and requesting that the vehicle not be parked in this location. If this was unsuccessful then parking be restricted on the northern side of Figtree Drive between Link Street and the speed hump.

- TAC78/05 **RECOMMENDED** that Council's Rangers seek to resolve the concerns highlighted by requesting the owner of the vehicle not to park on the northern side of Figtree Drive prior to the hump and, further, that if this liaison was unsuccessful then No Stopping signs be installed on the northern side of Figtree Drive between Link Street and the speed hump. (R6445)

Part 'B' – Determined by Committee

Correspondence / Reports

Ms M Everingham; requesting further linemarking on Dunoon Road between Modanville Public School and Lismore to prevent motorists overtaking near the crest and causing accidents; also requesting signs be erected to remind drivers to keep within the 80kph speed limit.

- B-05:09-1 An inspection of the road revealed that existing road marking was in accordance with the standards and no further action was considered warranted. It was noted that the recent accident was due to driver error and did not relate to road conditions. (05-9116: R3407,S352)

Ms M De Hoon ; requesting the Loading Zone on Woodlark Street in front of the Gollan Hotel be altered to permit night-time parking.

- B-05:09-2 Discussions with the owner of the Gollan Hotel revealed that the Loading Zone, which is adjacent to the hotel, is used after normal business hours by hotel staff and other nearby businesses. There is some doubt as to whether imposing time restrictions on the Loading Zone would be of any benefit to Ms De Hoon in any case as the area would quickly fill if parking demand was already high. It was suggested that in light of the above, the Loading Zone should stay as is. (05-10212:S16)

General Business

Second Avenue, Lismore – Pedestrian Crossing

- B-05:09-3 Ms S Henry had expressed concern about the danger that exists at the pedestrian crossing on Second Avenue. Her primary concern was that drivers turning off Ballina Street had insufficient room to stop if pedestrians were using the marked crossing. It was noted that there was less than a car length between the crossing and through traffic on Ballina Street. Additional investigations were needed to either relocate the pedestrian crossing further along Second Avenue or revert it to a pedestrian refuge. It was suggested that any proposal be brought back to the Committee for further discussion. (R7473)

Intersection of Ballina Road / James Road, Goonellabah

- B-05:09-4 Readymix Concrete had raised concern for the confusion that exists when motorists turn left out of James Road onto Ballina Road, the lack of a merge lane and the close proximity of through traffic along the Highway. Members noted that there had never been a left-turn merge lane, however traffic conditions had changed when the east-bound overtaking lane had been altered to a dedicated right-turn lane, leaving only one through traffic lane. A tidy up of the linemarking at the intersection by the removal of several unnecessary continuity lane lines may assist in improving the current conditions. (R6408,R6466)

Closure

This concluded the business and the meeting terminated at 11.05 am

Chairperson

Co-Ordinator – Traffic
and Law Enforcement

Section 356 Donations

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

Budget: \$1,100 To date: \$328.00

Joel Parrey – representing Australia at Junior World Karate Titles in Cyprus in November and training camps prior to Titles in Europe.

(05-9912: S164)

In accordance with policy.

\$328.00

Tasman Wales – representing Australia at Junior World Karate Titles in Cyprus in November and training camps prior to Titles in Europe.

(05-10035: S164)

In accordance with policy.

\$328.00

b) Development and Construction Certificate Application Fees Subsidy – Policy 1.4.10 (GL2033.7)

Budget: \$300 To date: \$47.40

South Lismore Soccer Club – application fees for lighting at main field.*In accordance with policy.*

\$137.10

c) Hardship Claim – Lismore Water – Policy 6.1.6. (GL8201.13)

Budget: \$12,200 To date: \$1,681.44

LM Darragh – 7 Star Avenue, Goonellabah*In accordance with policy.*

\$233.97

J Hemphill & M Allerton – 72 College Street, Lismore*In accordance with policy.*

\$543.12

d) i) Donations to Hall – Insurance & Maintenance – Policy 1.4.11 (GL2033.28)

Budget: \$29,000 To date: \$29,000

ii) Hall & Others – Rates, Water & Sewerage - Policy 1.4.11 (GL2033.1)

Budget: \$11,200 To date: \$13,232.36

Council each year makes a donation of 100% of general rates levied on rural halls and a donation of \$1,000 for the purpose of insurance and hall maintenance.

| | Insurance/ Hall M & R | Rates |
|---------------------------------------|--------------------------------------|--------------|
| | \$ | \$ |
| 1 Bexhill School of Arts | 1,000 | |
| 2 Blue Knob Public Hall | 1,000 | 437.68 |
| 3 Caniaba –Springgrove Community Hall | 1,000 | 712.22 |
| 4 Clunes Public Hall | 1,000 | 897.86 |
| 5 Coffee Camp Public Hall | 1,000 | 485.58 |
| 6 Corndale Hall | 1,000 | 479.44 |
| 7 Dorroughby/Glenview Centre | 1,000 | |
| 8 Dungarubba Memorial Hall | 1,000 | |
| 9 Dunoon Hall | 1,000 | |
| 10 Eltham Public Hall | 1,000 | 489.27 |
| 11 Goolmangar School of Arts | 1,000 | 638.52 |
| 12 Jiggi School of Arts | 1,000 | 583.24 |
| 13 Keerrong Public Hall | 1,000 | 583.24 |
| 14 Koonorigan Hall | 1,000 | 541.48 |
| 15 Marom Creek Hall | 1,000 | 473.91 |
| 16 Nimbin School of Arts | 1,000 | 1,432.70 |
| 17 Numulgi Public Hall | 1,000 | 607.81 |
| 18 Repentance Creek Hall | 1,000 | 541.48 |

Section 356 Donations

| | | |
|---------------------------------|-----------------|--------------------|
| 19 Rock Valley Public Hall | 1,000 | 497.25 |
| 20 Rosebank Public Hall | 1,000 | 678.44 |
| 21 Roy Waddell Community Centre | 1,000 | |
| 22 Ruthven Public Hall | 1,000 | 396.53 |
| 23 South Gundurimba Hall | 1,000 | 311.15 |
| 24 The Channon Hall | 1,000 | |
| 25 Tregeagle Hall | 1,000 | |
| 26 Tullera Public Hall | 1,000 | 678.44 |
| 27 Tuntable Creek Hall | 1,000 | |
| 28 Whian Whian Public Hall | 1,000 | 595.53 |
| 29 Wyrallah Hall Association | 1,000 | |
| | \$29,000 | \$12,061.77 |

e) Donations to Charitable Organisations – Policy 1.4.14

Council each year makes a donation to the following:

GL2033.25

| | | | | |
|----------------------|---------|----------|-----|------------|
| Budget: | \$2,000 | To date: | \$0 | |
| Friends of the Koala | | | | \$2,000.00 |

GL2033.19

| | | | | |
|------------------------------|---------|----------|-----|------------|
| Budget: | \$4,300 | To date: | \$0 | |
| North Coast Academy of Sport | | | | \$4,300.00 |

GL2033.21

| | | | | |
|-----------------------------------|-------|----------|-------|----------|
| Budget: | \$700 | To date: | \$700 | |
| Richmond River Historical Society | | | | \$700.00 |

GL2033.32

| | | | | |
|--------------------------------------|---------|----------|-----|------------|
| Budget: | \$2,000 | To date: | \$0 | |
| Clunes Old School Association (COSA) | | | | \$2,000.00 |

GL2033.1

| | | | | |
|-----------------------------------------------------------|----------|----------|-------------------------------------------|----------|
| Budget: | \$11,200 | To date: | \$13,232.36 | |
| 1) Nimbin A & I Society - 50% fixed water service charge | | | | |
| | | | \$178.00 | |
| | | | <u>\$354.40</u> | \$532.40 |
| 2) PCYC – 50% of fixed water service charge | | | | |
| | | | \$200.00 | |
| | | | <u>\$443.00</u> | \$643.00 |
| 3) Nimbin Headers Sports Club Inc. – 50% of general rates | | | | |
| | | | \$290.09 | |
| | | | 50% of sewerage charge | |
| | | | \$216.00 | |
| | | | <u>\$50.00</u> | \$556.09 |
| | | | | |
| | | | and 50% of the fixed water service charge | |

f) Contributions to Rural Fire Brigades (GL2305.2)

Council each year makes a donation to Rural Fire Brigades in its area.

| | | | |
|---------|---------|----------|---------|
| Budget: | \$5,000 | To date: | \$5,040 |
|---------|---------|----------|---------|

| | |
|-----------------|--------|
| 1 Clunes | 280.00 |
| 2 Nimbin | 280.00 |
| 3 Lower River | 280.00 |
| 4 Goolmangar | 280.00 |
| 5 Dunoon | 280.00 |
| 6 Bentley | 280.00 |
| 7 Tuncester | 280.00 |
| 8 Stony Chute | 280.00 |
| 9 Larnook | 280.00 |
| 10 Boatharbour | 280.00 |
| 11 Alphadale | 280.00 |
| 12 Jiggi Valley | 280.00 |

Section 356 Donations

| | | |
|----------------|---------------|---------|
| 13 Rosebank | 280.00 | |
| 14 Tullera | 280.00 | |
| 15 Caniaba | 280.00 | |
| 16 Blue Knob | 280.00 | |
| 17 Wyrallah | 280.00 | |
| 18 The Channon | <u>280.00</u> | \$5,040 |

g) Miscellaneous Donation (GL2033.35)

| | | | | |
|---------|---------|----------|---------|------------|
| Budget: | \$1,000 | To date: | \$1,000 | |
| Link TV | | | | \$1,000.00 |

Recommendation

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

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, SEPTEMBER 13, 2005 AT 6.00PM.

Present

Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Hampton, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the Acting General Manager (L Walker), Executive Director-Infrastructure Services, Manager-Finance & Administration, Manager-Communications & Community Relations, Manager-Planning Services, Manager-Water & Wastewater, Manager-Community Services, Environmental Health Officer (A Hanna), Administrative Services Manager and Team Leader-Administrative Support.

**Apologies/
Leave of
Absence
Minutes**

NIL

188/05

The minutes of the Ordinary meeting held on August 9, 2005, were confirmed.
(Councillors Irwin/Hampton)
The minutes of the Extraordinary meeting held on August 23, 2005 were confirmed.
(Councillors Hampton/Irwin)

Public Access Session

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

Richard Doggett re DA05/382 – Industrial Shed, 51 Lockton Road

Mr Doggett advised he spoke on behalf of objectors to the development application, raising concerns with respect to road damage, noise, road safety and amenity. He questioned the compliance with any conditions that would be imposed and sought its refusal. As an alternative he suggested access off Lockton Road.
(D05/382)

Damian Chapelle re DA05/382 - Industrial Shed, 51 Lockton Road

Mr Chapelle spoke on behalf of the applicant. He detailed the site usage, claimed any concerns by objectors had been addressed by consent conditions, cited support from long-term residents and advised that alternative access was not feasible.
(D05/382)

Bob Ingram – DA05/534 – Woolworths Service Station

Mr Ingram referred to the previous development application which was refused. He claimed the new application satisfied the grounds of refusal and urged it be approved.
(D05/534)

Andrew Morrissey - DA05/534 – Woolworths Service Station

Mr Morrissey spoke against the application, raising concerns surrounding traffic accidents, parking, noise, pollution and closing time. He requested that Council refuse the application.
(D05/534)

James Payne re DA05/381 – Pecan Nut Processing, 713 Boatharbour Road

Mr Payne spoke to a modified concept designed to overcome concerns regarding road issues. He addressed issues of on farm viability and economic benefits of the development to the local area.
(DA05/381)

Robin Archbold - DA04/970 – 14 Lot Rural Residential Subdivision

Mr Archbold advised he was a part owner of the site and one of the development application applicants. He spoke to the long term zoning of the land as 1c, advised it was compatible with surrounding land uses and met all Council and State Government requirements.
(D04/970)

Amber Hall/Anthony Parker re Special Business Rate Variation Levy

Mr Parker and Ms Hall spoke briefly to the Strategic Plan, outlining the processes that had led to its development. They then made themselves available for questions.
(S740)

John Barnes re Special Business Rate Variation Levy

Mr Barnes advised he spoke on behalf of several CBD business houses. He raised concerns on how the money was being spent, claiming businesses were receiving poor value for the money spent, citing the Herb Festival as an example.
(S740)

Disclosure of Interest

S459

Councillor Meineke declared an interest in DA04/970 (prepared the development application).

Councillor Henry declared an interest in DA05/534 (owner and operator of service station).

Councillor Chant declared an interest in DA05/534 (owns land and buildings in Diadem and Brewster Streets).

Election of Deputy Mayor

Nominations

A Nomination was received for the position of Deputy Mayor for Councillor Chant.

Election

The Returning Officer (Acting General Manager) declared Councillor Chant elected as Deputy Mayor until September 2006.

Reports

DA No. 2005/382 to use Existing Rural Shed for Earthmoving Machinery – 51 Lockton Road, Bexhill

- 189/05 **RESOLVED** that the report be received and in light of the late additional information, Council defer a decision on this development application to allow staff to prepare a report investigating alternative options.
(Councillors Dowell/Hampton) (D05/382)

Special Business Rate Variation Levy – 2005/08 Three Year Strategic Plan

190/05

RESOLVED that this matter be considered in Committee-of-the Whole.
(Councillors Irwin/Chant) (S740)

DA No. 2005/534 – Service Station & Associated Works, 105 Diadem Street

S459

Councillors Henry and Chant declared interests in this item and left the Chamber during debate and determination thereon.

A MOTION WAS MOVED that the report be received and –

- A** That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.
- B** That Council, as the consent authority, approve Development Application 2005/534 for to erect a Service Station together with associated driveways, landscaping, signage, site earthworks, retaining walls and fencing at 99 – 105 Diadem Street, Lismore.
- 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) Nos:

| | | |
|----------------------------------|---------|-----------------|
| DA01 to DA04 | Issue A | dated 21/6/05 |
| DA04a | Issue A | dated 21/6/05 |
| DA05 | Issue P | dated 24/6/05 |
| DA06 to DA14 | Issue A | dated 21/6/05 |
| Project No. 03012 2480-M01 & M02 | | dated June 2005 |
| Project NO PC001 | Issue C | dated 21/6/05 |
| Project NO PC003 | Issue B | dated 21/6/05 |
| Landscape Plans L01 & L02 | | dated 21/6/05 |

and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

BUILDING

- 2 Where the Construction Certificate Application is not lodged with Council, then a Section 68 Application under the Local Government Act shall be submitted to Council to:
- (a) Carry out water supply work.
 - (b) Carry out sewerage work.
 - (c) Carry out stormwater drainage work.
 - (d) Connect a private drain with a public drain.
 - (e) Connect a private sewer with a public sewer.

Details being submitted with the application. **I3a**

Reason: *To comply with the requirements of the Local Government Act.*

- 3 The external drainage lines are to be water charged and inspected by Council prior to the pipes being covered. Council requires at least 24 hours notice prior to the inspection.

NOTE: The internal drainage line is to be certified by the plumber and/or drainer and a layout plan is to be submitted to Council prior to the pouring of concrete. **I4**

Reason: *To assess compliance with this approval*

- 4 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.*
- 5 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.*
- 6 Provide a fence, hoarding or other measure to restrict public access to the site, when work is not in progress or the site is otherwise unoccupied. The fence is to be provided prior to any work commencing on site. **G1b**
Reason: *Required by Clause 78H of the Environmental Planning and Assessment Regulation.*
- 7 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.*
- 8 External lighting must be adjusted or hooded to prevent any nuisance to neighbouring property. **G23**
Reason: *To ensure a reasonable level of amenity for adjoining properties.*
- 9 The building must be clad in low-reflective material. **G29**
Reason: *To minimise the reflectivity of the building and to ensure its compatibility with the landscape.*
- 10 The roofing must have a low reflective finish. **G30a**
Reason: *To minimise the reflectivity of the building and to ensure its compatibility with the landscape.*
- 11 Retaining wall structures 1200 mm (1.2 m) or more in height must be of a design certified by a Practising Structural Engineer acceptable to Council. **G37**
Reason: *To ensure the structural integrity of the retaining wall.*
- 12 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.*
- 13 Details showing sediment control measures and revegetation or landscaping works, must be submitted and approved prior to any earthworks commencing. **S11**
Reason: *To draw attention to the need for approval.*
- 14 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.*
- 15 Provide 6/3 litre dual flush toilet suites to all water closets. **P3**
Reason: *To conserve water.*
- 16 Provide vacuum breaker devices to all external taps. **P6**
Reason: *To prevent the contamination of the water supply by cross connection.*
- 17 The surcharge gully must be a minimum of 75 mm. above the surrounding surface and a minimum of 150 mm. below the lowest ground floor level. **P10**
Reason: *Required by NSW Code of Practice "Plumbing and Drainage".*
- 18 Access for people with disabilities in accordance with AS1428.1 is to be provided to the main entrance of the building. **ha1**
Reason: *Required by Clause D3.2 of the Building Code of Australia.*
- 19 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.*

20 Disabled toilet facilities must be unisex. **Ha7**

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

21 Approved baby change facilities must be provided within toilet facilities for people with disabilities and the facility must be provided with appropriate signage. **Ha8**

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

ENVIRONMENTAL HEALTH

22 The use and occupation of the premises including all plant and equipment installed thereon must not give rise to any offensive noise and vibration within the meaning of the *Protection of the Environment Operations Act (1997)*.

Reason: *To preserve the amenity of the area*

23 All lighting must comply with the requirements of Australian Standard 4282; Control of the Obtrusive Effects of Outdoor Lighting, including any lighting to be used during curfew hours as defined within the Standard. In this respect a certificate from a specialist lighting consultant must be submitted to Council certifying that the site complies with AS 4282 prior to release of the Occupation/Interim Occupation Certificate.

Reason: *To preserve the amenity of the area*

24 Drainage from the covered forecourt area bounded by the canopy is to be directed to the sewer in accordance with any requirements from Lismore Water and Councils Environmental Health Unit.

Reason: *To protect the environment.*

25 Stormwater runoff from hardstand areas located outside the covered forecourt must meet the water quality objectives outlined in Table 16(2) of Councils Stormwater Management Plan prior to discharging to Councils stormwater system. In this respect details of the method of achieving the objectives must be submitted to Council and approved prior to release of Construction Certificate.

Reason: *To protect the environment.*

26 The proposal must meet the requirements of the Workcover Authority of NSW.

Reason: *To comply with occupational health and safety requirements.*

27 The premises is to be used for the sale of **pre-packaged foods only**. No cooking, sale of hot foods or open foods, or food preparation, is to take place within the premises. If it is intended that the operations will include food other than **pre-packaged foods**, prior approval from Council is required.

Reason: *To ensure compliance with AS 4674 - 2004 Design, construction and fit-out of food premises, the Food Act 2003, the Food Standards Code and associated legislation.*

DRAINAGE

28 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))*

ROADS

29 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 a kerb and gutter and associated sealed cement stabilised road pavement from the northern boundary of the property to a point 10 metres south of the southern boundary of the property.
- Construction of 3.6 metre wide landscaped medians, signage and associated bitumen sealed cement stabilized road pavement in Diadem Street from McKenzie to a point 10 metres south of the southern boundary of the property incorporating 3 meter wide turning lanes and 3.5 metre wide through lanes in each direction, generally in accordance with Scott Carver Pty Ltd Drawing No. DA02 Issue A dated Jun 05.

Prior to the release of the Interim or Final Occupation Certificate the applicant shall obtain a compliance certificate for the above works from Council. To obtain this compliance certificate a practising qualified surveyor or engineer shall submit to Council for approval, a "works-as-executed" set of plans and construction certification. The certification shall certify that all roads, drainage and civil works required by this development consent and the approved design plans have been completed in accordance with Council's Development, Design and Construction Manual (as amended). **RD1**

Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a)) and to specify requirements for approval under section 138 of the Roads Act.*

30 Full design plans of the proposed engineering works to satisfy condition(s) 28, 29, 36 and 40 shall be submitted to and approved by Council prior to the issue of a Construction Certificate. Such plans shall be accompanied by the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges. **RD2**

Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a)) and to specify requirements for approval under section 138 of the Roads Act.*

31 The proponent shall provide a plan of management for the construction of all civil works outside the real property boundaries of the proposed development. The plan shall table scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community. Such plan shall include a Traffic Control Plan prepared by an RTA accredited person. This plan of management shall be lodged with Council prior to the commencement of works. All works shall comply with the Occupation Health and Safety Act. **RD6**

Reason: *To ensure no conflict occurs between civil works and general public during construction.*

VEHICULAR ACCESS

32 Prior to the issue of an interim or final occupation certificate 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))*

33 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))
- 34 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))
- 35 The proponent shall ensure that at no time vehicles are to queue from the development onto the adjoining road reserve. It is the proponent's responsibility to provide adequate direction and instruction to vehicles to ensure compliance with this requirement at all times.
Reason: To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 79C(b))
- 36 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))
- 37 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

- 38 Provision shall be made for six (6) 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). Documentary evidence to be submitted to the Principal Certifying Authority prior to the release of an Interim or Final Occupation 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))
- 39 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))

ACCESS

- 40 The proponent shall construct a 2m wide reinforced concrete, paving block or equivalent footpath, for the full frontage of the land to Diadem Street in accordance with Council's Development, Design and Construction Manuals (as amended). Any costs shall be the responsibility of the proponent. **PA1**
Reason: To ensure an adequate pedestrian network in accordance with adopted standards. (EPA Act Sec 79C(a))
- 41 The proponent shall reinstate any disturbed areas within the adjoining reserve to the satisfaction of Council's Manager Parks and Reserves prior to issue of an interim or final occupation certificate.
Reason: To ensure activities relating to the development do not have an adverse impact on the condition of the adjoining reserve.

WATER & SEWER

- 42 The water supply connection shall be designed, installed and maintained to prevent contaminants from being introduced into Lismore City Council's potable water supply system.

Full details of the proposed backflow method and cross connection controls shall be designed and installed in accordance with Australian Standard 3500.1 and submitted and approved prior to the release of the Construction Certificate. WS4

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

- 43 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".*

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

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

- 45 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))*

FLOOD

- 46 All sign materials below the adopted standard flood level of 12.37m (AHD) shall be flood compatible. **AD4**

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

- 47 A risk analysis report prepared by a structural engineer certifying the design criteria adopted for the building and its relative merits in each of the 1 in 500 year ARI and PMF events. Such report to be satisfactory to Council. Details to be provided with the Construction Certificate Application.

Reason: *To comply with Development Control Plan No. 7.*

- 48 All earth filling on the site to be sourced from on site, or from the preferred excavation area or from another area on the floodplain.

Reason: *To comply with Development Control Plan No. 7.*

PLANNING

- 49 Hours of operation of the service station to be restricted to 6-10pm Monday to Saturday and 7-9pm on Sundays and public holidays.

Reason: *To protect the amenity of the residential area opposite and adjacent to the site.*

- 50 Illuminated signage to be switched off concurrently with cessation of trading hours in Condition No. 49.

Reason: *To protect the amenity of the residential area opposite and adjacent to the site.*

- 51 Tanker delivery of fuels to take place only during the trading hours specified in Condition No. 49.

Reason: *To protect the amenity of the residential area opposite and adjacent to the site.*

- 52 Delivery tankers to stand wholly within the service station site whilst unloading and servicing the premises.

Reason: *To ensure traffic amenity and safety in Diadem Street.*

- 53 Consolidation into one allotment of following properties prior to issue of an Occupation Certificate:

Lot 2 DP 368623

Lot 2 DP 1085178

Lot 1 DP 1085178

Lot 100 DP 600498

Reason: To ensure that the service station and its driveways are properly integrated with the Lismore Square Shopping Centre, and; to ensure compliance with Condition No. 8 of DA 2002/399.

LEVIES

54 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 **\$37,268**, 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.

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)

(Councillors Meineke/Hampton)

AN AMENDMENT WAS MOVED that the report be received and –

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

B That Council, as the consent authority, approve Development Application 2005/534 for to erect a Service Station together with associated driveways, landscaping, signage, site earthworks, retaining walls and fencing at 99 – 105 Diadem Street, Lismore.

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) Nos:

| | | |
|--------------|---------|---------------|
| DA01 to DA04 | Issue A | dated 21/6/05 |
| DA04a | Issue A | dated 21/6/05 |
| DA05 | Issue P | dated 24/6/05 |

Council Minutes
September 13, 2005

| | | |
|----------------------------------|---------|-----------------|
| DA06 to DA14 | Issue A | dated 21/6/05 |
| Project No. 03012 2480-M01 & M02 | | dated June 2005 |
| Project NO PC001 | Issue C | dated 21/6/05 |
| Project NO PC003 | Issue B | dated 21/6/05 |
| Landscape Plans L01 & L02 | | dated 21/6/05 |

and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

BUILDING

- 2 Where the Construction Certificate Application is not lodged with Council, then a Section 68 Application under the Local Government Act shall be submitted to Council to:

- (a) Carry out water supply work.
- (b) Carry out sewerage work.
- (c) Carry out stormwater drainage work.
- (d) Connect a private drain with a public drain.
- (e) Connect a private sewer with a public sewer.

Details being submitted with the application. **I3a**

Reason: *To comply with the requirements of the Local Government Act.*

- 3 The external drainage lines are to be water charged and inspected by Council prior to the pipes being covered. Council requires at least 24 hours notice prior to the inspection.

NOTE: The internal drainage line is to be certified by the plumber and/or drainer and a layout plan is to be submitted to Council prior to the pouring of concrete. **I4**

Reason: *To assess compliance with this approval.*

- 4 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.*

- 5 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.*

- 6 Provide a fence, hoarding or other measure to restrict public access to the site, when work is not in progress or the site is otherwise unoccupied. The fence is to be provided prior to any work commencing on site. **G1b**

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

- 7 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.*

- 8 External lighting must be adjusted or hooded to prevent any nuisance to neighbouring property. **G23**

Reason: *To ensure a reasonable level of amenity for adjoining properties.*

- 9 The building must be clad in low-reflective material. **G29**

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

- 10 The roofing must have a low reflective finish. **G30a**

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

- 11 Retaining wall structures 1200 mm (1.2 m) or more in height must be of a design certified by a Practising Structural Engineer acceptable to Council. **G37**

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

- 12 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.*

- 13 Details showing sediment control measures and revegetation or landscaping works, must be submitted and approved prior to any earthworks commencing. **S11**

Reason: *To draw attention to the need for approval.*

- 14 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.*

- 15 Provide 6/3 litre dual flush toilet suites to all water closets. **P3**

Reason: *To conserve water.*

- 16 Provide vacuum breaker devices to all external taps. **P6**

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

- 17 The surcharge gully must be a minimum of 75 mm. above the surrounding surface and a minimum of 150 mm. below the lowest ground floor level. **P10**

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

- 18 Access for people with disabilities in accordance with AS1428.1 is to be provided to the main entrance of the building. **ha1**

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

- 19 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.*

- 20 Disabled toilet facilities must be unisex. **Ha7**

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

- 21 Approved baby change facilities must be provided within toilet facilities for people with disabilities and the facility must be provided with appropriate signage. **Ha8**

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

ENVIRONMENTAL HEALTH

- 22 The use and occupation of the premises including all plant and equipment installed thereon must not give rise to any offensive noise and vibration within the meaning of the *Protection of the Environment Operations Act (1997)*.

Reason: *To preserve the amenity of the area*

- 23 All lighting must comply with the requirements of Australian Standard 4282; Control of the Obtrusive Effects of Outdoor Lighting, including any lighting to be used during curfew hours as defined within the Standard. In this respect a certificate from a specialist lighting consultant must be submitted to Council certifying that the site complies with AS 4282 prior to release of the Occupation/Interim Occupation Certificate.

Reason: *To preserve the amenity of the area*

- 24 Drainage from the covered forecourt area bounded by the canopy is to be directed to the sewer in accordance with any requirements from Lismore Water and Councils Environmental Health Unit.

Reason: *To protect the environment.*

- 25 Stormwater runoff from hardstand areas located outside the covered forecourt must meet the water quality objectives outlined in Table 16(2) of Councils Stormwater Management Plan prior to discharging to Councils stormwater system. In this respect details of the method of achieving the objectives must be submitted to Council and approved prior to release of Construction Certificate.

Reason: *To protect the environment.*

- 26 The proposal must meet the requirements of the Workcover Authority of NSW.

Reason: *To comply with occupational health and safety requirements.*

- 27 The premises is to be used for the sale of **pre-packaged foods only**. No cooking,

sale of hot foods or open foods, or food preparation, is to take place within the premises. If it is intended that the operations will include food other than **pre-packaged foods**, prior approval from Council is required.

Reason: *To ensure compliance with AS 4674 - 2004 Design, construction and fit-out of food premises, the Food Act 2003, the Food Standards Code and associated legislation.*

DRAINAGE

- 28 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))*

ROADS

- 29 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 a kerb and gutter and associated sealed cement stabilised road pavement from the northern boundary of the property to a point 10 metres south of the southern boundary of the property.
- Construction of 3.6 metre wide landscaped medians, signage and associated bitumen sealed cement stabilized road pavement in Diadem Street from McKenzie to a point 10 metres south of the southern boundary of the property incorporating 3 meter wide turning lanes and 3.5 metre wide through lanes in each direction, generally in accordance with Scott Carver Pty Ltd Drawing No. DA02 Issue A dated Jun 05.

Prior to the release of the Interim or Final Occupation Certificate the applicant shall obtain a compliance certificate for the above works from Council. To obtain this compliance certificate a practising qualified surveyor or engineer shall submit to Council for approval, a "works-as-executed" set of plans and construction certification. The certification shall certify that all roads, drainage and civil works required by this development consent and the approved design plans have been completed in accordance with Council's Development, Design and Construction Manual (as amended). **RD1**

Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a)) and to specify requirements for approval under section 138 of the Roads Act.*

- 30 Full design plans of the proposed engineering works to satisfy condition(s) 28, 29, 36 and 40 shall be submitted to and approved by Council prior to the issue of a Construction Certificate. Such plans shall be accompanied by the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges. **RD2**

Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a)) and to specify requirements for approval under section 138 of the Roads Act.*

- 31 The proponent shall provide a plan of management for the construction of all civil works outside the real property boundaries of the proposed development. The plan shall table scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community. Such plan shall include a Traffic Control

Plan prepared by an RTA accredited person. This plan of management shall be lodged with Council prior to the commencement of works. All works shall comply with the Occupation Health and Safety Act. **RD6**

Reason: *To ensure no conflict occurs between civil works and general public during construction.*

VEHICULAR ACCESS

- 32 Prior to the issue of an interim or final occupation certificate 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))*

- 33 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))*

- 34 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))*

- 35 The proponent shall ensure that at no time vehicles are to queue from the development onto the adjoining road reserve. It is the proponent's responsibility to provide adequate direction and instruction to vehicles to ensure compliance with this requirement at all times.

Reason: *To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 79C(b))*

- 36 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))*

- 37 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

- 38 Provision shall be made for six (6) 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). Documentary evidence to be submitted to the Principal Certifying Authority prior to the release of an Interim or Final Occupation 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))*

- 39 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))*

ACCESS

- 40 The proponent shall construct a 2m wide reinforced concrete, paving block or equivalent footpath, for the full frontage of the land to Diadem Street in accordance with Council's Development, Design and Construction Manuals (as amended). Any costs shall be the responsibility of the proponent. **PA1**

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

- 41 The proponent shall reinstate any disturbed areas within the adjoining reserve to the satisfaction of Council's Manager Parks and Reserves prior to issue of an interim or final occupation certificate.

Reason: *To ensure activities relating to the development do not have an adverse impact on the condition of the adjoining reserve.*

WATER & SEWER

- 42 The water supply connection shall be designed, installed and maintained to prevent contaminants from being introduced into Lismore City Council's potable water supply system.

Full details of the proposed backflow method and cross connection controls shall be designed and installed in accordance with Australian Standard 3500.1 and submitted and approved prior to the release of the Construction Certificate. **WS4**

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

- 43 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".*

- 44 An application to discharge trade waste, including a plan that contains all details of the proposed trade waste installation, shall be submitted to Lismore City Council.

The trade waste application must be approved prior to the release of the Construction Certificate. Designs are to be in accordance with Australian Standard 3500, the NSW Code of Practice- Plumbing and Drainage and the Department of Energy, Utilities and Sustainability guidelines for the On-site Pre-treatment of Trade Waste Discharges to Sewer. **WS6A**

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

- 45 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))*

FLOOD

- 46 All sign materials below the adopted standard flood level of 12.37m (AHD) shall be flood compatible. **AD4**

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

- 47 A risk analysis report prepared by a structural engineer certifying the design criteria adopted for the building and its relative merits in each of the 1 in 500 year ARI and PMF events. Such report to be satisfactory to Council. Details to be provided with the Construction Certificate Application.

Reason: *To comply with Development Control Plan No. 7.*

- 48 All earth filling on the site to be sourced from on site, or from the preferred excavation area or from another area on the floodplain.

Reason: *To comply with Development Control Plan No. 7.*

PLANNING

- 49 Hours of operation of the service station to be restricted to 6-10pm Monday to Saturday and 7-9pm on Sundays and public holidays.

Reason: *To protect the amenity of the residential area opposite and adjacent to the site.*

- 50 Illuminated signage to be switched off concurrently with cessation of trading hours in Condition No. 49.

Reason: To protect the amenity of the residential area opposite and adjacent to the site.

- 51 Tanker delivery of fuels to take place only during the trading hours specified in Condition No. 49.

Reason: To protect the amenity of the residential area opposite and adjacent to the site.

- 52 Delivery tankers to stand wholly within the service station site whilst unloading and servicing the premises.

Reason: To ensure traffic amenity and safety in Diadem Street.

- 53 Consolidation into one allotment of following properties prior to issue of an Occupation Certificate:

Lot 2 DP 368623

Lot 2 DP 1085178

Lot 1 DP 1085178

Lot 100 DP 600498

Reason: To ensure that the service station and its driveways are properly integrated with the Lismore Square Shopping Centre, and; to ensure compliance with Condition No. 8 of DA 2002/399.

LEVIES

- 54 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 **\$268,250**, (based on traffic generation from the site) 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.

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)

- 55 The developer fund landscaping and the fencing of properties on the eastern side of Diadem Street.
(Councillors Irwin/Ekins)

The voting being tied the Mayor declared the amendment DEFEATED on his casting vote.
Voting Against: Councillors King, Crimmins, Graham, Hampton and Meineke.

191/05 **RESOLVED** that the report be received and –

- A** That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.
- B** That Council, as the consent authority, approve Development Application 2005/534 for to erect a Service Station together with associated driveways, landscaping, signage, site earthworks, retaining walls and fencing at 99 – 105 Diadem Street, Lismore.
- 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) Nos:

| | | |
|----------------------------------|---------|-----------------|
| DA01 to DA04 | Issue A | dated 21/6/05 |
| DA04a | Issue A | dated 21/6/05 |
| DA05 | Issue P | dated 24/6/05 |
| DA06 to DA14 | Issue A | dated 21/6/05 |
| Project No. 03012 2480-M01 & M02 | | dated June 2005 |
| Project NO PC001 | Issue C | dated 21/6/05 |
| Project NO PC003 | Issue B | dated 21/6/05 |
| Landscape Plans L01 & L02 | | dated 21/6/05 |

and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

BUILDING

- 2 Where the Construction Certificate Application is not lodged with Council, then a Section 68 Application under the Local Government Act shall be submitted to Council to:
- (a) Carry out water supply work.
 - (b) Carry out sewerage work.
 - (c) Carry out stormwater drainage work.
 - (d) Connect a private drain with a public drain.
 - (e) Connect a private sewer with a public sewer.
- Details being submitted with the application. **13a**
Reason: *To comply with the requirements of the Local Government Act.*
- 3 The external drainage lines are to be water charged and inspected by Council prior to the pipes being covered. Council requires at least 24 hours notice prior to the inspection.
NOTE: The internal drainage line is to be certified by the plumber and/or drainer and a layout plan is to be submitted to Council prior to the pouring of concrete. **14**
Reason: *To assess compliance with this approval.*
- 4 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. **15**
Reason: *To meet statutory requirements and to ensure compliance with this approval.*
- 5 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.

- 6 Provide a fence, hoarding or other measure to restrict public access to the site, when work is not in progress or the site is otherwise unoccupied. The fence is to be provided prior to any work commencing on site. **G1b**

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

- 7 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.

- 8 External lighting must be adjusted or hooded to prevent any nuisance to neighbouring property. **G23**

Reason: To ensure a reasonable level of amenity for adjoining properties.

- 9 The building must be clad in low-reflective material. **G29**

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

- 10 The roofing must have a low reflective finish. **G30a**

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

- 11 Retaining wall structures 1200 mm (1.2 m) or more in height must be of a design certified by a Practising Structural Engineer acceptable to Council. **G37**

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

- 12 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.

- 13 Details showing sediment control measures and revegetation or landscaping works, must be submitted and approved prior to any earthworks commencing. **S11**

Reason: To draw attention to the need for approval.

- 14 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.

- 15 Provide 6/3 litre dual flush toilet suites to all water closets. **P3**

Reason: To conserve water.

- 16 Provide vacuum breaker devices to all external taps. **P6**

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

- 17 The surcharge gully must be a minimum of 75 mm. above the surrounding surface and a minimum of 150 mm. below the lowest ground floor level. **P10**

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

- 18 Access for people with disabilities in accordance with AS1428.1 is to be provided to the main entrance of the building. **ha1**

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

- 19 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.

- 20 Disabled toilet facilities must be unisex. **Ha7**

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

- 21 Approved baby change facilities must be provided within toilet facilities for people with disabilities and the facility must be provided with appropriate signage. **Ha8**
Reason: Required by Policy 05.02.10 of the Lismore City Council.

ENVIRONMENTAL HEALTH

- 22 The use and occupation of the premises including all plant and equipment installed thereon must not give rise to any offensive noise and vibration within the meaning of the *Protection of the Environment Operations Act (1997)*.
Reason: To preserve the amenity of the area
- 23 All lighting must comply with the requirements of Australian Standard 4282; Control of the Obtrusive Effects of Outdoor Lighting, including any lighting to be used during curfew hours as defined within the Standard. In this respect a certificate from a specialist lighting consultant must be submitted to Council certifying that the site complies with AS 4282 prior to release of the Occupation/Interim Occupation Certificate.
Reason: To preserve the amenity of the area
- 24 Drainage from the covered forecourt area bounded by the canopy is to be directed to the sewer in accordance with any requirements from Lismore Water and Councils Environmental Health Unit.
Reason: To protect the environment.
- 25 Stormwater runoff from hardstand areas located outside the covered forecourt must meet the water quality objectives outlined in Table 16(2) of Councils Stormwater Management Plan prior to discharging to Councils stormwater system. In this respect details of the method of achieving the objectives must be submitted to Council and approved prior to release of Construction Certificate.
Reason: To protect the environment.
- 26 The proposal must meet the requirements of the Workcover Authority of NSW.
Reason: To comply with occupational health and safety requirements.
- 27 The premises is to be used for the sale of **pre-packaged foods only**. No cooking, sale of hot foods or open foods, or food preparation, is to take place within the premises. If it is intended that the operations will include food other than **pre-packaged foods**, prior approval from Council is required.
Reason: To ensure compliance with AS 4674 - 2004 Design, construction and fit-out of food premises, the Food Act 2003, the Food Standards Code and associated legislation.

DRAINAGE

- 28 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))

ROADS

- 29 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 a kerb and gutter and associated sealed cement stabilised road pavement from the northern boundary of the property to a point 10 metres south of

the southern boundary of the property.

- Construction of 3.6 metre wide landscaped medians, signage and associated bitumen sealed cement stabilized road pavement in Diadem Street from McKenzie to a point 10 metres south of the southern boundary of the property incorporating 3 meter wide turning lanes and 3.5 metre wide through lanes in each direction, generally in accordance with Scott Carver Pty Ltd Drawing No. DA02 Issue A dated Jun 05.

Prior to the release of the Interim or Final Occupation Certificate the applicant shall obtain a compliance certificate for the above works from Council. To obtain this compliance certificate a practising qualified surveyor or engineer shall submit to Council for approval, a "works-as-executed" set of plans and construction certification. The certification shall certify that all roads, drainage and civil works required by this development consent and the approved design plans have been completed in accordance with Council's Development, Design and Construction Manual (as amended). **RD1**

Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a)) and to specify requirements for approval under section 138 of the Roads Act.*

- 30 Full design plans of the proposed engineering works to satisfy condition(s) 28, 29, 36 and 40 shall be submitted to and approved by Council prior to the issue of a Construction Certificate. Such plans shall be accompanied by the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges. **RD2**

Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a)) and to specify requirements for approval under section 138 of the Roads Act.*

- 31 The proponent shall provide a plan of management for the construction of all civil works outside the real property boundaries of the proposed development. The plan shall table scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community. Such plan shall include a Traffic Control Plan prepared by an RTA accredited person. This plan of management shall be lodged with Council prior to the commencement of works. All works shall comply with the Occupation Health and Safety Act. **RD6**

Reason: *To ensure no conflict occurs between civil works and general public during construction.*

VEHICULAR ACCESS

- 32 Prior to the issue of an interim or final occupation certificate 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))*

- 33 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))*

- 34 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))*

- 35 The proponent shall ensure that at no time vehicles are to queue from the development onto the adjoining road reserve. It is the proponent's responsibility to provide adequate direction and instruction to vehicles to ensure compliance with this requirement at all times.

Reason: To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 79C(b))

- 36 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))

- 37 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

- 38 Provision shall be made for six (6) 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). Documentary evidence to be submitted to the Principal Certifying Authority prior to the release of an Interim or Final Occupation 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))

- 39 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))

ACCESS

- 40 The proponent shall construct a 2m wide reinforced concrete, paving block or equivalent footpath, for the full frontage of the land to Diadem Street in accordance with Council's Development, Design and Construction Manuals (as amended). Any costs shall be the responsibility of the proponent. **PA1**

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

- 41 The proponent shall reinstate any disturbed areas within the adjoining reserve to the satisfaction of Council's Manager Parks and Reserves prior to issue of an interim or final occupation certificate.

Reason: To ensure activities relating to the development do not have an adverse impact on the condition of the adjoining reserve.

WATER & SEWER

- 42 The water supply connection shall be designed, installed and maintained to prevent contaminants from being introduced into Lismore City Council's potable water supply system.

Full details of the proposed backflow method and cross connection controls shall be designed and installed in accordance with Australian Standard 3500.1 and submitted and approved prior to the release of the Construction Certificate. WS4

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

- 43 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".

- 44 An application to discharge trade waste, including a plan that contains all details of the proposed trade waste installation, shall be submitted to Lismore City Council.

The trade waste application must be approved prior to the release of the Construction Certificate. Designs are to be in accordance with Australian Standard 3500, the NSW Code of Practice- Plumbing and Drainage and the Department of Energy, Utilities and

Sustainability guidelines for the On-site Pre-treatment of Trade Waste Discharges to Sewer. **WS6A**

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

- 45 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))*

FLOOD

- 46 All sign materials below the adopted standard flood level of 12.37m (AHD) shall be flood compatible. **AD4**

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

- 47 A risk analysis report prepared by a structural engineer certifying the design criteria adopted for the building and its relative merits in each of the 1 in 500 year ARI and PMF events. Such report to be satisfactory to Council. Details to be provided with the Construction Certificate Application.

Reason: *To comply with Development Control Plan No. 7.*

- 48 All earth filling on the site to be sourced from on site, or from the preferred excavation area or from another area on the floodplain.

Reason: *To comply with Development Control Plan No. 7.*

PLANNING

- 49 Hours of operation of the service station to be restricted to 6-10pm Monday to Saturday and 7-9pm on Sundays and public holidays.

Reason: *To protect the amenity of the residential area opposite and adjacent to the site.*

- 50 Illuminated signage to be switched off concurrently with cessation of trading hours in Condition No. 49.

Reason: *To protect the amenity of the residential area opposite and adjacent to the site.*

- 51 Tanker delivery of fuels to take place only during the trading hours specified in Condition No. 49.

Reason: *To protect the amenity of the residential area opposite and adjacent to the site.*

- 52 Delivery tankers to stand wholly within the service station site whilst unloading and servicing the premises.

Reason: *To ensure traffic amenity and safety in Diadem Street.*

- 53 Consolidation into one allotment of following properties prior to issue of an Occupation Certificate:

- Lot 2 DP 368623
- Lot 2 DP 1085178
- Lot 1 DP 1085178
- Lot 100 DP 600498

Reason: *To ensure that the service station and its driveways are properly integrated with the Lismore Square Shopping Centre, and; to ensure compliance with Condition No. 8 of DA 2002/399.*

LEVIES

- 54 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 **\$37,268**, 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.

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)*

(Councillors Meineke/Hampton)

Voting Against: Councillors Swientek, Irwin, Ekins and Dowell
(D05/534)

DA No. 2005/381 – Rural Industry for Pecan Nut Processing at 713 Boatharbour Road, Eltham

A MOTION WAS MOVED that the report be received and -

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

B That Council, as the consent authority, approve Development Application 2005/381 for the use of the farm shed adjacent to the approved rural tourist facility for the purposes of a rural industry (processing pecan nuts sourced from off site) on Lot 41 DP 854198, known as 713 Boatharbour Road, Eltham.

PLANNING

- 1 The processing of nut sourced from off-site is to be limited to 32 tonnes per annum.
- 2 Nut sourced from Lot 39 DP 856357 known as 644 Boatharbour Road, Eltham and Lot 40 DP 856357 known as 680 Boatharbour Road, Eltham are to be transported to the site via internal farm roads at all times.
- 3 All nuts sourced from off site (other than those mentioned in condition 2 above) are to be delivered by truck up to 4 tonne weight to the site between the hours of 10.00am to 3.00pm Mondays and Tuesdays. Delivery of nut to the site is restricted to two trips per day.

ROADS

- 4 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 Boatharbour Road for a length of approximately 100 metres around the curve adjacent to the frontage of Lot 1 in DP554050 to an 8m wide gravel formation comprising a minimum depth of 300mm of compacted gravel, and including bitumen sealed surface 6m wide.

A practising qualified surveyor or engineer shall submit to Council for approval prior to commencement of use, 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. (Environmental Planning and Assessment Act 1979 Act Sec 79C(a))*

- 5 Full design plans of the proposed engineering works to satisfy condition(s) 4 shall be submitted to and approved by Council prior to commencement of these works. Such plans shall be accompanied by the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

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

- 6 The proponent shall provide a plan of management for the construction of all civil works outside the real property boundaries of the proposed development. The plan shall table scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community. Such plan shall include a Traffic Control Plan prepared by an RTA accredited person. This plan of management shall be lodged with Council prior to the commencement of works. All works shall comply with the Occupation Health and Safety Act.

Reason: *To ensure no conflict occurs between civil works and general public during construction.*

- 7 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).

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

VEHICULAR ACCESS

- 8 Driveways, access aisles and parking areas shall be provided with a dust free 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).

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

- 9 All loading and unloading shall take place within the property boundaries. All vehicles connected with the premises shall be parked or garaged within the property at all times.

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

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

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

- 11 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 Car parking Requirements. All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition.

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

ENVIRONMENTAL HEALTH

- 12 Noise levels from the use and occupation of the pecan processing facility including all plant and equipment installed thereon, must comply with the requirements of the Environment Protection Authority Guideline titled "New South Wales Industrial Noise Policy".

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

- 13 The method of collecting and storing shell waste prior to it being used as mulch on the farm must not attract pests and vermin and must not create runoff that has the potential to enter waterways.

In this respect, a management plan detailing measures that will be implemented to ensure shell waste cannot be accessed by vermin and includes measures to monitor and control pest invasion must be submitted to Council and approved prior to operation of this consent. The management plan must also include the method of ensuring any runoff from the shell storage area does not enter waterways.

Reason: *To protect the environment and public health.*

- 14 Wastewater from the hand washbasin must discharge to the existing approved onsite wastewater system servicing the facility in accordance with Councils requirements.

Reason: *To comply with Councils Onsite Wastewater Management Strategy.*

(Councillors Hampton/Graham)

AN AMENDMENT WAS MOVED that the report be received and –

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

- B** That Council, as the consent authority, approve Development Application 2005/381 for the use of the farm shed adjacent to the approved rural tourist facility for the purposes of a rural industry (processing pecan nuts sourced from off site) on Lot 41 DP 854198, known as 713 Boatharbour Road, Eltham.

PLANNING

- 1 The processing of nut sourced from off-site is to be limited to 32 tonnes per annum.
2 Nut sourced from Lot 39 DP 856357 known as 644 Boatharbour Road, Eltham and Lot 40 DP 856357 known as 680 Boatharbour Road, Eltham are to be transported to the site via internal farm roads at all times.
3 All nuts sourced from off site (other than those mentioned in condition 2 above) are to be delivered by truck up to 1 tonne weight to the site between the hours of 10.00am to 3.00pm Mondays and Tuesdays. Delivery of nut to the site is restricted to two trips per day.

ROADS

- 4 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 Boatharbour Road for a length of approximately 100 metres around the curve adjacent to the frontage of Lot 1 in DP554050 to an 8m wide gravel formation comprising a minimum depth of 300mm of compacted gravel, and including bitumen sealed surface 6m wide.

A practising qualified surveyor or engineer shall submit to Council for approval prior to commencement of use, 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. (Environmental Planning and Assessment Act 1979 Act Sec 79C(a))*

- 5 Full design plans of the proposed engineering works to satisfy condition(s) 4 shall be submitted to and approved by Council prior to commencement of these works. Such plans shall be accompanied by the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

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

- 6 The proponent shall provide a plan of management for the construction of all civil works outside the real property boundaries of the proposed development. The plan shall table scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community. Such plan shall include a Traffic Control Plan prepared by an RTA accredited person. This plan of management shall be lodged with Council prior to the commencement of works. All works shall comply with the Occupation Health and Safety Act.

Reason: *To ensure no conflict occurs between civil works and general public during construction.*

- 7 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).

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

VEHICULAR ACCESS

- 8 Driveways, access aisles and parking areas shall be provided with a dust free 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).

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

- 9 All loading and unloading shall take place within the property boundaries. All vehicles connected with the premises shall be parked or garaged within the property at all times.

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

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

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

- 11 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 Car parking Requirements. All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition.

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

ENVIRONMENTAL HEALTH

- 12 Noise levels from the use and occupation of the pecan processing facility including all plant and equipment installed thereon, must comply with the requirements of the Environment Protection Authority Guideline titled "New South Wales Industrial Noise Policy".

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

- 13 The method of collecting and storing shell waste prior to it being used as mulch on the farm must not attract pests and vermin and must not create runoff that has the potential

to enter waterways.

In this respect, a management plan detailing measures that will be implemented to ensure shell waste cannot be accessed by vermin and includes measures to monitor and control pest invasion must be submitted to Council and approved prior to operation of this consent. The management plan must also include the method of ensuring any runoff from the shell storage area does not enter waterways.

Reason: *To protect the environment and public health.*

- 14 Wastewater from the hand washbasin must discharge to the existing approved onsite wastewater system servicing the facility in accordance with Councils requirements.

Reason: *To comply with Councils Onsite Wastewater Management Strategy.*

(Councillors Irwin/Dowell)

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

On submission to the meeting the AMENDMENT was DEFEATED.

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

192/05 **RESOLVED** that the report be received and –

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

B That Council, as the consent authority, approve Development Application 2005/381 for the use of the farm shed adjacent to the approved rural tourist facility for the purposes of a rural industry (processing pecan nuts sourced from off site) on Lot 41 DP 854198, known as 713 Boatharbour Road, Eltham.

PLANNING

- 1 The processing of nut sourced from off-site is to be limited to 32 tonnes per annum.
- 2 Nut sourced from Lot 39 DP 856357 known as 644 Boatharbour Road, Eltham and Lot 40 DP 856357 known as 680 Boatharbour Road, Eltham are to be transported to the site via internal farm roads at all times.
- 3 All nuts sourced from off site (other than those mentioned in condition 2 above) are to be delivered by truck up to 4 tonne weight to the site between the hours of 10.00am to 3.00pm Mondays and Tuesdays. Delivery of nut to the site is restricted to two trips per day.

ROADS

- 4 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 Boatharbour Road for a length of approximately 100 metres around the curve adjacent to the frontage of Lot 1 in DP554050 to an 8m wide gravel formation comprising a minimum depth of 300mm of compacted gravel, and including bitumen sealed surface 6m wide.

A practising qualified surveyor or engineer shall submit to Council for approval prior to commencement of use, 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. (Environmental Planning and Assessment Act 1979 Act Sec 79C(a))*

- 5 Full design plans of the proposed engineering works to satisfy condition(s) 4 shall be submitted to and approved by Council prior to commencement of these works. Such plans shall be accompanied by the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

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

- 6 The proponent shall provide a plan of management for the construction of all civil works outside the real property boundaries of the proposed development. The plan shall table scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community. Such plan shall include a Traffic Control Plan prepared by an RTA accredited person. This plan of management shall be lodged with Council prior to the commencement of works. All works shall comply with the Occupation Health and Safety Act.

Reason: *To ensure no conflict occurs between civil works and general public during construction.*

- 7 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).

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

VEHICULAR ACCESS

- 8 Driveways, access aisles and parking areas shall be provided with a dust free 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).

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

- 9 All loading and unloading shall take place within the property boundaries. All vehicles connected with the premises shall be parked or garaged within the property at all times.

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

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

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

- 11 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 Car parking Requirements. All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition.

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

ENVIRONMENTAL HEALTH

- 12 Noise levels from the use and occupation of the pecan processing facility including all plant and equipment installed thereon, must comply with the requirements of the Environment Protection Authority Guideline titled "New South Wales Industrial Noise Policy".

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

- 13 The method of collecting and storing shell waste prior to it being used as mulch on the farm must not attract pests and vermin and must not create runoff that has the potential to enter waterways.

In this respect, a management plan detailing measures that will be implemented to ensure shell waste cannot be accessed by vermin and includes measures to monitor

and control pest invasion must be submitted to Council and approved prior to operation of this consent. The management plan must also include the method of ensuring any runoff from the shell storage area does not enter waterways.

Reason: *To protect the environment and public health.*

- 14 Wastewater from the hand washbasin must discharge to the existing approved onsite wastewater system servicing the facility in accordance with Councils requirements.

Reason: *To comply with Councils Onsite Wastewater Management Strategy.*

(Councillors Hampton/Graham)

Voting Against: Councillor Irwin (D05/381)

DA No. 04/970 – 14 Lot Rural Residential Subdivision and Associated Works – 156 Gungas Road

S459

Councillor Meineke declared an interest in this matter and left the Chamber during debate and determination.

193/05 **RESOLVED** that the report be received and –

- A** That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.
- B** That Council, as the consent authority, approve Development Application 2004/970 for the subdivision to create fourteen (14) rural lots, subject to the following conditions:

The DRAFT conditions of consent are set out as follows, and the reasons for imposition of the conditions are shown in brackets at the end of each category:

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

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

- A)** A Part 3A Permit is required to be issued by the Department of Natural Resources for construction of the proposed road crossing across the creek adjacent to Lots 5 and 6. Upon determination of the Development Application, the proponent shall make application for a Part 3A Permit under the Rivers and Foreshores Improvement Act, 1948 and no construction works should commence until the Department has assessed and issued a Part 3A Permit for the works.
- B)** A Part 3A Permit would be issued subject to the following general conditions:
- a) Provision of engineering drawings showing the proposed crossing of the creek that allows for the conveyance of creek flows and passage of aquatic species.
 - b) The approval of the Department of Primary Industry (NSW Fisheries) is required for all proposed designs of in-stream and foreshore works prior to the issue of a Part 3A Permit.
 - c) Erosion and sediment control measures are required to be implemented prior to any works commencing, and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the creek.
 - d) The proposed stormwater outlet to the watercourse is to be designed and constructed to minimise any erosion or scour of the bed or banks of the creek.
 - e) Excavated and filled areas adjacent to the creek, including creek batters, shall be rehabilitated and stabilised with mulch and vegetation plantings.

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

OPERATIVE CONDITIONS

STANDARD

- 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. LM040319 – CU Issue 2 dated 10/5/2005 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)*

SUBDIVISION

- 2 The proponent shall place road number identification in accordance with Lismore Council's Rural Road Numbering System on a post at the vehicular entry point at the front boundary of the proposed lots, prior to release of the Subdivision Certificate.
- Reason:** *To provide visual identification of allotments (EPA Act Sec 79C(e)).*
- 3 The proponent shall submit an application for a Subdivision Certificate for Council certification. Such application shall be accompanied by a Subdivision Certificate fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.
- Reason:** *To comply with environmental planning instrument. (EPA Act Sec 79C(a))*
- 4 If the existing physical road to which the subdivision fronts encroaches upon the subject land then the area of encroachment must be surveyed out and dedicated to Council as road reserve as part of the subdivision certificate.
- Reason:** *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))*

DRAINAGE

- 5 Measures shall be put in place to control stormwater runoff from road construction works. These control measures shall be in place prior to the commencement of works and shall prevent soil erosion and the transport of sediment from the development site into either:
- adjoining land
 - natural drainage courses
 - constructed drainage systems, or
 - waterways.
- All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Appropriate signage shall be erected on-site identifying the requirement for the maintenance of these measures. Details of sediment control measures, revegetation works and signage shall be submitted to Council for approval prior to commencement of any works upon the site.
- Reason:** *To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))*
- 6 The proponent shall make satisfactory provision for existing and proposed lots to dispose of stormwater without causing a nuisance to other properties. All works are to be constructed according to Council's Development, Design and Construction Manual (as amended).

All roof water from any existing or proposed buildings and/or surface water from paved areas shall be directed to a discharge point to prevent intensification of discharge runoff onto adjoining land. All drainage lines are to be located within drainage easements. Any stormwater line with an area of influence from the stormwater line measured by projecting a 45° angle from the invert of the main to surface level extending outside of the easement shall be covered by a restriction on use requiring any structure within this area to be pierced to the stormwater invert level. All costs shall be the responsibility of the proponent.

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))*

7 Prior to release of the Subdivision Certificate, a suitably qualified person or Principal Certifying Authority is required to furnish a statutory certificate confirming:

- all drainage lines have been located within the respective easements,
- roadworks are in accordance with the approved design plan,
- any other structures like retaining walls are located in accordance with the approved design,
- all stormwater has been directed to a Council approved drainage system.
- all conditions of consent/approval have been complied with.

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

EARTHWORKS

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

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

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

9 Prior to release of the Subdivision Certificate a qualified practising structural engineer shall provide Council with a certificate of structural adequacy for any structures, including retaining walls, constructed as part of the development.

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

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

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

ROADS

11 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 the proposed new road as a bitumen sealed/kerb and guttered road with a width of 6m between kerbs for the full length of the proposed road and terminating in a 10m radius turning circle.

Council Minutes

September 13, 2005

- Construction of Gungas Rd to a 8 wide gravel formation comprising a minimum depth of 350 mm of compacted gravel, and including a bitumen sealed surface 6m wide for the full frontage of the land to Gungas Road
- Construction of an intersection layout at the junction of Gungas Road and the Proposed New Road in accordance with AUSTRROADS Pt 5 "Intersections at Grade" giving particular attention to sight distance.

A practising qualified surveyor or engineer shall submit to Council for approval prior to the release of the Subdivision 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))*

- 12 Full design plans of the proposed engineering works to satisfy condition(s) 5, 6 11, 13, 16 and 22 shall be submitted to and approved by Council prior to commencement of these works. Such plans shall be accompanied by the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

NOTE: Where a development is proposed to be staged then appropriate plans to satisfy this condition for that stage shall be submitted and approved by Council prior to commencement of works.

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

- 13 The grade from the road pavement to each lot shall permit the construction of vehicular access in accordance with Council's Design and Construction Specification (Vehicular Access). Engineering design working drawings shall provide evidence of the feasibility of lot access. Such drawings shall be submitted for Council approval with the engineering design plans.

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

- 14 Road names proposed for the subdivision shall be submitted for Council approval prior to lodgement of the Subdivision Certificate. A suitable name for any new road/s shall be in accordance with Council's adopted policy. Street signage in accordance with Council's adopted standard shall be erected prior to issue of the subdivision certificate

Reason: *To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 79C(b))*

- 15 The proponent shall provide a plan of management for the construction of all civil works outside the real property boundaries of the proposed development. The plan shall table scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community. Such plan shall include a Traffic Control Plan prepared by an RTA accredited person. This plan of management shall be lodged with Council prior to the commencement of works. All works shall comply with the Occupation Health and Safety Act.

Reason: *To ensure no conflict occurs between civil works and general public during construction.*

VEHICULAR ACCESS

- 16 A bitumen sealed vehicular access shall be constructed and maintained from the road pavement to the proposed dwelling site upon lot 4 in accordance with Council's Design and Construction Specification for Vehicular Access prior to release of the Subdivision Certificate.

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

PUBLIC UTILITY

- 17 Prior to approval of the Subdivision Certificate, the proponent shall ensure the provision of telephone services is provided to all lots and including the full length of battle-axe handles. A Certificate of compliance from the relevant utility provider shall be required confirming that the respective utilities requirements have been met.

- Reason:** *To ensure adequate provision of utility services (EPA Act Sec 79C(b))*
- 18 Prior to approval of the Subdivision Certificate, a certificate of compliance from Country Energy shall be required confirming that Country Energy has provided electrical power to each lot, including the full length of battle-axe handles and that charges for the extension of electricity supply have been paid.
- Reason:** *To ensure adequate provision of utility services (EPA Act Sec 79C(b))*
- 19 The proposed right-of-way from the end of the proposed new road to Basil Road shall be constructed in accordance with the requirements of the Planning for Bushfire Guideline and the right-of-way created, prior to/or as part of the release of the subdivision certificate.
- Reason:** *To ensure compliance with Planning For Bushfire Guidelines*

WATER & SEWER

- 20 Town water is not available for the proposed subdivision, 156 Gungas Road, Nimbin. A Section 88B instrument is to be placed upon lots 1 to 14, stating that town water is not available. The authority empowered to vary the instrument shall be Lismore City Council.
- Reason:** *To ensure adequate protection of utility services (EPA Act Sec 79C(b))*

BUSHFIRE

- 21 Any future development application lodged for this subdivision under section 79BA of the EP&A Act will be subject to the requirements as set out in Planning for Bushfire Protection 2001.
- 22 The internal access road must comply with the access requirements as per Section 4.3.1 of Planning for Bushfire Protection 2001.
- 23 Water supply for firefighting purposes shall be in accordance with Section 6.4.3 of
- 24 The building envelope for Lot 1 must be relocated to achieve the required 20 metre Asset Protection Zone to the adjacent western boundary.
- 25 The building envelope for Lot 3 must be relocated to achieve the required 20 metre Asset Protection Zone to the adjacent northern boundary.
- 26 The building envelope for Lot 4 must be relocated to achieve the required 20 metre Asset Protection Zone to the adjacent northern boundary.
- 27 The building envelope for Lot 5 must be relocated to achieve the required 20 metre Asset Protection Zone to the adjacent southern boundary.
- Reason for Conditions 21 – 27:** *To comply with the Rural Fires Act 1997.*

RIPARIAN REMEDIATION & MANAGEMENT

- 28 In accordance with Aspect North's Statement of Environmental Effects (dated May 2005) recommendations (Appendix 1, section 4.4) 'vegetated areas of the site (i.e. primarily along the gully) be maintained' and 'larger habitat trees...be retained'. Trees to be retained include those marked on Aspect North drawing No. LM040319-CV2 and two *Elaeocarpus* and *Glochidion* species located in the northeast corner of the property outside riparian areas.
- Reason:** *To ensure preservation of existing trees on-site.*
- 29 Tree and vegetation clearing at all locations shall be limited to that indicated in Aspect North's Statement of Environmental Effects (dated May 2005). All works sites, stockpile areas, storage facilities, vehicle parking and maintenance areas shall be located on already disturbed land, avoiding any necessity for the clearing of vegetation for these activities.
- Reason:** *To ensure preservation of existing trees on site.*
- 30 An adequate Tree Protection Zone shall be provided around any retained tree. This Tree Protection Zone shall generally be provided by preserving an area around the tree with a radius of at least 1.25 x the average canopy radius from the trunk, or 0.5 x the tree height.
- Reason:** *To ensure preservation of existing trees on-site.*
- 31 Amelioration strategies outlined in Aspect North's Statement of Environmental Effects (dated May 2005) (Appendix 1, section 6.2) be implemented.

Reason: To ensure minimum disturbance to the natural vegetation and surrounding environment.

- 32 A riparian remediation/management plan be prepared by a suitably qualified person and submitted to Council and approved prior to commencement of any works on site. The plan shall address aims & objectives; methodologies and strategies for site preparation, weed control, planting, vegetation connectivity, monitoring and maintenance; management areas; fire management; access; priority works; fencing requirements; fauna habitat; timeframes/works schedule and species lists.

Reason: To ensure environmental restoration works are planned and achievable.

- 33 Works outlined in the riparian remediation/management plan be implemented prior to the release of the linen plan and shall be maintained at all times to the satisfaction of Council.

Reason: To ensure environmental restoration works are carried out in accordance with the management plan.

CONTRIBUTIONS

- 34 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 Subdivision Certificate is released. The rates and amounts applying at the date of this notice, totalling **\$84,318**, 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 release of the Subdivision 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) on an annual basis. The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

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

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

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

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

BUILDING

- 35 Prior to the release of the Subdivision Certificate, a qualified practising Engineer, experienced in soil mechanics, shall submit documentary evidence in the form of a Geotechnical Investigation Report to the Principal Certifying Authority for approval, certifying that each allotment is suitable for building purposes and classifying each allotment in accordance with Australian Standard 2870 "Residential Slabs and Footings". Any allotment subject to further earthworks during the construction phase will require an amended Geotechnical Report.

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

- 36 Benching (ie cutting, filling or levelling) of the land to create building platforms does not form part of this approval and will only be considered in conjunction with a Development Application to build on the land.

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

ENVIRONMENTAL HEALTH

- 37 An application to install / construct a sewage management system under Section 68 of the Local Government Act 1993 must be submitted to Council with any application for a dwelling on each lot and approved by Council **prior to release of the Construction Certificate**. The application must include a detailed design of the proposed system and must be in accordance with the requirements of Appendix B of the Statement of Environmental Effects submitted with the Development Application or to the satisfaction of Council's Environmental Health Unit.

- 38 Restrictions as to user pursuant to Section 88E of the *Conveyancing Act 1919* are to be registered on the title of each lot to the effect:

- The sewage management system must be designed and constructed in accordance with the requirements outlined in Appendix B – "Effluent Disposal Report" of the Statement of Environmental Effects submitted with the Development Application or otherwise to the satisfaction of Council's Environmental Health Unit.
- Landowners are responsible for the regular and ongoing maintenance of their sewage management system to the satisfaction of Council.

- 39 A water supply must be provided on each lot consistent with recommendations outlined in Section 10 of Appendix G of the Statement of Environmental Effects submitted with the Development Application. The above details are to be approved by Council prior to the release of any Development Application for each dwelling house.

- 40 A restriction as to user pursuant to Section 88 of the *Conveyancing Act 1919* is to be registered on the title to each lot to the effect:

- Town water is not available to the site.
- A water supply that provides a 95% security must be installed on each lot in accordance with recommendations outlined in Appendix G of the Statement of Environmental Effects submitted with the development Application.

AMENITY

- 41 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 activities are to take place on Sundays or public holidays.

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

- 42 During construction of the subdivision, a water truck designed to suppress dust from exposed surfaces and access roads shall be available at the site or in the immediate vicinity. Exposed surfaces and access pads shall be regularly wetted to suppress dust generation.

Reason: *To protect the environment. (EPA Act Sec 79C(b))*

- 43 The construction of the subdivision shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.

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

(Councillors Hampton/Irwin) (D04/970)

Lismore Urban Strategy – Re-evaluation of Constrained 2(a) Lands

A MOTION WAS MOVED that the report be received and Council endorse the methodology for discounting lot yield for vacant 2(a) residential land as adopted in the Lismore Urban Strategy.

(Councillors Meineke/Hampton)

AN AMENDMENT WAS MOVED that this matter be deferred until after the workshop to be held on the Lismore Urban Strategy.
(Councillors Irwin/Henry)

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

Voting Against: Councillor Hampton.

- 194/05 **RESOLVED** that the report be deferred until after the workshop to be held on the Lismore Urban Strategy.
(Councillors Irwin/Henry)
Voting Against: Councillor Hampton.
(S650)

Cultural Precinct Draft Development Control Plan No. 49

- 195/05 **RESOLVED** that the report be received and -
- 1 That Council endorse the master plan concepts as incorporated into draft Development Control Plan No 49 - Lismore Cultural Precinct and in the architectural drawings prepared by EDAW gillespies.
 - 2 That Council resolve to prepare draft Development Control Plan No 49 and place it on public exhibition for a period of 28 days.
 - 3 That the additional architectural drawings prepared by EDAW gillespies be placed on public exhibition with the draft DCP together with an explanation that these plans represent a possible design response to the guidelines set out in the DCP.
 - 4 The draft DCP be amended to include a clause that it will be state of the art environmentally sustainable development.
- (Councillors Irwin/Crimmins)
Voting Against: Councillor Ekins.
(S857,S921)

Draft Development Control Plan No. 50 – Heritage Conservation

- 196/05 **RESOLVED** that the report be received and council exhibit draft Development Control Plan No. 50 – Heritage Conservation for a period of twenty eight (28) days.
(Councillors Swientek/Irwin) (S922)

Draft DCP No. 18 – Off-street Carparking Requirements and Consequential Amendments to DCP 26 – Industrial Development Standards

- 197/05 **RESOLVED** that the report be received and –
- 1 That Council exhibit draft Development Control Plan No.18 – Off Street Carparking Requirements for a period of twenty eight (28) days.
 - 2 That Council exhibit the consequential amendments to Development Control Plan No.26 – Industrial Development Standards for a period of twenty eight (28) days.
- (Councillors Irwin/Tomlinson) (S510)

Replacement of DCP No. 17 Vegetation Management Order with new DCP No. 17 – Tree Preservation Order

- A MOTION WAS MOVED that the report be received and Council –
- 1 Repeal the existing DCP No. 17 - Vegetation Management Order.
 - 2 Adopt the new Development Control Plan No. 17 - Tree Preservation Order.
 - 3 Notify the public of the new Development Control Plan No. 17 in accordance with the requirements outlined in the Environmental Planning and Assessment Act, 1979.
- (Councillors Hampton/Irwin)

AN AMENDMENT WAS MOVED that the report be received and the fee for a tree application

be set at \$10.
(Councillor Swientek)
The amendment LAPSED for want of a seconder.

- 198/05 **RESOLVED** that the report be received and Council –
- 1 Repeal the existing DCP No. 17 - Vegetation Management Order.
 - 2 Adopt the new Development Control Plan No. 17 - Tree Preservation Order.
 - 3 Notify the public of the new Development Control Plan No. 17 in accordance with the requirements outlined in the Environmental Planning and Assessment Act, 1979.
- (Councillors Hampton/Irwin)
Voting Against: Councillors Ekins and Swientek.
(S453)

Amendment No. 6 to DCP No. 14 – Residential Development

- 199/05 **RESOLVED** that the report be received and Council -
- 1 Adopt Amendment No. 6 to Development Control Plan No. 14 – Residential Development, and
 - 2 Prepare Amendment No. 7 to DCP 14 which will introduce guidelines for infill development and correct minor anomalies.
- (Councillors Dowell/Hampton) (S461)

Builders' Waste Recycling – Development Control Plan No. 47

- 200/05 **RESOLVED** that the report be received and Council exhibit the draft fees and charges as set out in the report.
(Councillors Irwin/Chant) (S881,P25041)

South Lismore Sewage Treatment Plant Odour Control

- 201/05 **RESOLVED** that the report be received and Council proceed with the preparation of designs and documentation for an odour control system for the South Lismore STP.
(Councillors Dowell/Tomlinson)
Voting Against: Councillor Meineke. (P9522)

Country Towns Water Supply and Sewerage Program Funding Restoration

- 202/05 **RESOLVED** that the report be received and –
- 1 Council seek the following CTWSSP commitments from the Government:
 - a) That it will reassess residual funds available to the program after making realistic allowances for cost escalation from 1994;
 - b) An increase in annual allocations to more closely match the original agreement between Government and councils of \$85 million per annum (in 1994 dollars);
 - c) A return to a more consultative approach to administration of the Program, including a joint review of the effect of the reduction in grants to individual projects introduced in 2004. This review would give particular attention to the level of subsidy provided for new small town sewerage schemes; and
 - d) An increase in funding to assist councils comply with changes to legislation and application of more stringent regulatory requirements (load based licensing, 2004 Drinking Water Guidelines, Water Management Act 2000 etc.).
 - 2 Council write (see Attachment B – draft letter) and express our support for the restoration of funding to the following:
 - a) The Hon. Kerry Hickey, Minister for Local Government
 - b) The Hon. Carl Scully, Minister for Utilities
 - c) Thomas George, Member for Lismore
 - d) NOROC.
 - e) The Hon. Morris Iemma, Premier of NSW.
 - f) Member for Ballina, Don Page MP

- g) Duty MLC (Ian West)
 - h) Local Liberal MLC, (Catherine Cusack)
- (Councillors Tomlinson/Hampton) (S301)

Management of Lismore Memorial Baths

- 203/05 **RESOLVED** that the report be received and Council not call tenders for the management of the Lismore Memorial Baths for the first twelve months of operation because of extenuating circumstances, being that there is insufficient information available to prepare accurate tender documents that fully detail the operational and management requirements and patronage figures are yet to be established.
(Councillors Hampton/Chant)
Voting Against: Councillors Ekins and Swientek.
(P6768)

Lismore Memorial Baths Management Contract

- 204/05 **RESOLVED** that the report be received and –
- 1 That Council appoint Mr Iain Jones as the Management Contractor for a period of 12 months.
 - 2 That Council adopt the Management Contract for a period of 12 months.
- (Councillors Chant/Hampton)
Voting Against: Councillors Irwin and Ekins. (P6768)

Tenders for Water Main Replacement, Various Locations, Lismore

- 205/05 **RESOLVED** that the report be received and –
- 1 The contract for the water mains replacement be awarded to Camglade Pty Ltd at the rates submitted. (The estimated price of the works is \$487,745.00 plus GST.)
 - 2 The Mayor and General Manager be authorised to execute the Contracts on Council's behalf and attach the Common Seal of the Council.
- (Councillors Hampton/Henry) (T26001)

Arts Northern Rivers Board of Directors

- 206/05 **RESOLVED** that the report be received and –
- 1 That Wendy Adriaans, Manager of Community Services, remain the Lismore City Council representative to the Arts Northern Rivers Board.
 - 2 That Jan Davis (SCU) represent Council at Arts Northern Rivers Board meetings in the absence of the Manager-Community Services.
- (Councillors Irwin/Dowell) (S86)

Nominations to fill Vacancy on Clunes Wastewater Committee

- 207/05 **RESOLVED** that the report be received and following an election, Council appoint Richard Graeme Hancock to fill the vacancy on the Clunes Wastewater Committee.
(Councillors Graham/Chant) (S288)

Nominations to fill Vacancy on Corndale Quarry Community Consultative Committee

- 208/05 **RESOLVED** that the report be received and Council appoint –
- Mr Darryl Pellatt of 530 Corndale Road, Corndale and
 - Mr Bruce Hoggan of 517 James Gibson Road, Corndale
- as the community delegates to the Corndale Quarry Community Consultative Committee, with
- Mr Christopher Garlick of 205 James Gibson Road, Clunes
- as alternate delegate in the event that either of the other delegates cannot attend a meeting at any time.

(Councillors Hampton/Graham)
Voting Against: Councillors Irwin and Ekins.
(D97/342)

August 2005 – Investments held by Council

- 209/05 **RESOLVED** that the report be received and noted and a further report be brought back to Council on the capacity for investing in ethical investments.
(Councillors Irwin/Ekins) (S178)

Committee Recommendations

Traffic Advisory Committee 17/8/05

- 210/05 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.
(Councillors Irwin/Dowell) (S352)

Documents for Signing and Sealing

- 211/05 **RESOLVED** that the following documents be executed under the Common Seal of Council:

Contract of Sale and Transfer – Sale of Lot 41 Bristol Circuit

Council has negotiated an offer of \$122,500 for the purchase of Lot 41 in the next stage of the Bristol Circuit subdivision. The price is consistent with both the value ascribed to the lot when the multilist agents visited the site and other comparable lot sales.
(05-8942: P28714)

Contract of Sale and Transfer – Roundabout Perradenya

Land sale documents for the finalisation of the resumptions and subsequent transfers are at a stage of finalisation. Documentation has been provided by Council's solicitor for both. Lots 1 and 2, DP 1081539 - Jewelbar and Callender.
(D04/263)

Transfer – Council to Oakes

Lot 45, DP 1087889 in the Bristol Circuit subdivision.
(05-9664: P28714)

Child Care Support Program

Funding Agreement for operational support - Gingerbread House Occasional Care – 1/10/05 to 30/6/06
(05-8991: P9918)
(Councillors Hampton/Crimmins)

Section 356 Donations

- 212/05 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the donations to persons as listed are hereby approved for distribution.

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

Budget: \$2,700 To date: \$110.00

Leukaemia Foundation – sponsorship for Marrowthon 100 Hole
Golf Challenge at Lismore Workers Golf Club on 28/10/05.

\$50.00

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

Budget: \$11,700 To date: \$0

Lismore Swing Connection – Swing Dance Camp from
January 22-27, 2006.

In accordance with policy.

\$812.00

d) Banners – Policy 1.4.14 (GL2033.8)

Budget: \$700 To date: \$145.00

Lismore 2005 Women Reclaim the Night Collective –
October 26-30, 2005

In accordance with policy.

\$145.00

d) Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL2033.15)

Budget: \$6,000 To date: \$793.16

| | |
|--------------------------------------|---------------|
| Animal Rights & Rescue | \$16.36 |
| Challenge Foundation | \$76.36 |
| Five Loaves | \$70.00 |
| Friends of the Koala | \$22.73 |
| LifeLine | \$110.00 |
| St Vincent De Paul Society | \$5.45 |
| Salvation Army | \$110.00 |
| Westpac Life Saver Rescue Helicopter | <u>\$9.09</u> |

In accordance with policy.

\$419.99

e) Lismore Incentives for Investment - Policy 11.1.1

In 1998, Council adopted the above policy to identify ways to encourage business investment and employment growth through incentives while still maintaining the integrity of Council's budget and funds management. The policy provides the framework document, and the aims of the program are addressed through the implementation of the procedure in place at the Economic Development Unit.

It is proposed to update and revise the policy, and this matter is to be listed for a future EDPAG meeting for recommendation and reporting to the Strategic Plan Steering Committee.

To ensure that there is an alignment of procedures with the statutory reporting requirements under Section 356, the following information is provided:

Feijoa Productions P/L - Rural Tourist Facility

Outcome of Incentives for Investment application and review panel assessment includes a cash contribution which is to be considered upon achievement of business plan phases and objectives which demonstrate actual employment growth and economic contribution.
(In accordance with policy.)

Up to \$2,000.00

f) Miscellaneous Donation

Lismore Garden Club – annual Garden Competition. Council has supported this event in previous years from Civic Pride funding. The competition is a prominent event on the calendar and reflects the pride that gardeners have living in the Lismore LGA.

The donation is recommended using existing funds from
UPO010.
(Councillors Dowell/Graham)

\$1,000.00

Confidential Matters – Committee of the Whole

213/05 **RESOLVED** that Council now exclude the press and public (excluding representatives of Lismore Unlimited) and meet in Committee of the Whole to consider the following matter:

Special Business Rate Variation Levy – 2005/08 Three Year Strategic Plan

Grounds for Closure Section 10A(2) (d):

Public Interest Discussion of this matter in an open meeting is inappropriate because commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
(Councillors Crimmins/Irwin)

Resumption of Open Council

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

Item 1 - Special Business Rate Variation Levy – 2005/08 Three Year Strategic Plan

That Council –

- 1 Adopt the 2005-8 Three Year Strategic Plan.
- 2 Require Lismore Unlimited Opportunities to be independently and annually audited and evaluate the application of the 2005-8 Three Year Strategic Plan SBRVL funds.
- 3 Advise Lismore Unlimited Opportunities that in regards to the Lismore Laneways project, Council has lead responsibilities and the expenditure of funds included in the 2005-8 Three Year Strategic Plan are to be coordinated through the General Manager or his delegate.
- 4 Continue negotiations through the General Manager with Lismore Unlimited Opportunities on the level of the administration component in the 2005-8 Three Year Strategic Plan with the objective to quantify and reduce the amount over the life of this Plan.
- 5 Require future plans to be prepared by an external facilitator/consultant to ensure greater community consultation.

214/05 **RESOLVED** that the Acting General Manager's report of Council meeting in Committee of the Whole be received and adopted.

(Councillors Irwin/Graham)

Voting Against: Councillor Ekins.

(S740)

Closure

This concluded the business and the meeting terminated at 10.40 pm.

CONFIRMED this 11TH of OCTOBER, 2005 at which meeting the signature here was subscribed.

MAYOR

