

# COUNCIL Business Paper



**LISMORE**  
*City Council*

**OCTOBER 10, 2000**



## **NOTICE OF COUNCIL MEETING**

**An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, OCTOBER 10, 2000, at 6.00pm and members of Council are requested to attend.**

(Ken Gainger)  
**GENERAL MANAGER**

October 3, 2000

# **COUNCIL BUSINESS AGENDA**

October 10, 2000

<b><u>PUBLIC ACCESS SESSION:</u></b>	<b>PAGE NO.</b>
Darran Singh re Report - Financial Reports 1999/2000	3
Lindsay Walker re Report – Rural Housing Strategy	8
<b>PUBLIC QUESTION TIME:</b>	
<b>OPENING OF MEETING AND PRAYER (MAYOR):</b>	
<b>APOLOGIES AND LEAVE OF ABSENCE</b>	
<b>CONFIRMATION OF MINUTES – Ordinary Meeting - September 19, 2000</b>	
<b>CONDOLENCES</b>	
<b>DISCLOSURE OF INTEREST</b>	
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<b>NOTICES OF RESCISSION</b>	
<b>NOTICES OF MOTION</b>	
<b>SUSPENSION OF STANDING ORDERS</b> (Consideration of the Suspension of Standing Orders to debate matters raised during Public Access).	
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**1 METHOD OF ELECTION OF DEPUTY MAYOR**

The method of election is to be found in schedule 3 of the Local Government (Elections) Regulation 1993. Relevant extracts of this schedule are detailed below:-

**Returning Officer**

- 1) The General Manager (or a person appointed by the General Manager) is the Returning Officer.

**Nomination**

- 2)
  - a) A councillor may be nominated without notice for election as mayor or deputy mayor.
  - b) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
  - c) The nomination is to be delivered or sent to the returning officer.
  - d) The returning officer is to announce the names of the nominees at the Council Meeting at which the election is to be held.

**Election**

- 3)
  - a) If only one councillor is nominated, that councillor is elected.
  - b) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
  - c) The election is to be held at the Council meeting at which the Council resolves the method of voting.
  - d) In this clause:  
“ballot” has its normal meaning of secret ballot;  
“open voting” means voting by a show of hands or similar means.

Traditionally this Council has determined that the election for Deputy Mayor would be by open voting.

**Recommendation**

That the method of election for Deputy Mayor be by open voting.

**2 ELECTION OF DEPUTY MAYOR**

**Policy No. 01.01.26**

Prior to any election, each candidate for the position of Deputy Mayor will give a short presentation outlining her/his reasons for standing, how s/he would operate as Deputy Mayor, what time commitment would be given and the skills s/he would have to offer; and each will answer questions from the floor on their candidacy.

**Election**

**MAYORAL MINUTE**

**Subject/File No:** SPIRIT OF LISMORE FOUNDATION  
(00-14595: S73)

**Reason:** Request from Lismore Unlimited

**Objective:** Council agreement to a compromise.

**Management Plan Activity:** -

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**Background:**

At Council meeting on September 19, 2000 I sought Council approval to sign the Memorandum of Agreement between Lismore Unlimited and Council, which detailed how projects were to be selected and implemented.

Council may recall that it did not object to the composition of the panel of (4), which has now been increased to (5), and consists of the President and Manager of Lismore Unlimited, the General Manger and Mayor and a nominee for Gerry Harvey. Council did however ask that the projects selected be endorsed by Council.

Lismore Unlimited have objected to the requirement for Council's endorsement mainly on the grounds that it is matching the Gerry Harvey contribution and it was a requirement of Gerry Harvey that the Panel have the power to select projects. I have included a copy of their objection in the attachments together with a copy of the agreement.

I have contacted the President of Lismore Unlimited, Barry Robinson and suggested the following compromise. The panel's decision on promotional projects would be final however any projects involving civil works would have to be endorsed by council. Such works usually require lodgement of a Development Application, which requires Council approval. Barry Robinson accepted this compromise.

**RECOMMENDATION (MM01)**

Council agree to the panel of (5) endorsing promotional projects with Council maintaining its role of endorsing projects requiring lodgement of a development application.

## LISMORE CITY COUNCIL - Meeting held October 10, 2000

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**Subject/File No:** FINANCIAL REPORTS - 1999/00  
(S726)

**Prepared By:** Principal Accountant, Gary Boyd

**Reason:** Statutory Requirement

**Objective:** Adoption of the 1999/00 Financial Reports

**Management Plan Activity:** Financial Services

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### **Background:**

Council's 1999/00 Financial Reports have now been completed and audited, with the draft auditor's report received. 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 'Council Statement' 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. October 31, 2000 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 October 31, 2000 meeting will be basically a repeat of this report, but somewhat reduced. This is an anomaly within the reporting requirements of the LGA.

### **Information:**

A draft copy of the 1999/00 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 Statements Review". The section titled "Auditor's Report" also provides a guide from the auditor's perspective to the actual results.

### ***1. Performance Indicators***

The key financial performance indicators, as shown in Note 13 of the General Purpose Financial Reports and listed in the following table, remain at satisfactory levels and are relatively consistent compared to the past five financial years.

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

- a) 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 1999/00 we have \$4.01 available for every \$1.00 owing.
- b) 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.

# LISMORE CITY COUNCIL - Meeting held October 10, 2000

## Financial Reports – 1999/00

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- c) Debt Service Ratio - The amount used to repay borrowings as a percentage of total operating revenues.
- d) Rate Coverage Ratio Percentage - This percentage is based on rates and annual charges revenues as a percentage of total operating revenues.
- e) 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.

<b>Performance Indicator</b>	<b>1999/00</b>	<b>1998/99</b>	<b>1997/98</b>	<b>1996/97</b>	<b>1995/96</b>
Current Ratio	4.01	4.16	3.76	4.74	4.28
Unrestricted Current Ratio	2.38	2.55	2.52	2.71	2.31
Debt Service Ratio Percentage	7.58	7.09	8.50	10.94	11.10
Rate Coverage Ratio Percentage	47.91	52.69	44.57	43.47	39.85
Rates and Annual Charges Outstanding Percentage	8.86	8.13	7.24	8.17	7.91

The Debt Service Ratio Percentage, after several years of improvement has now increased slightly again. It is important to note that recent significant borrowings are for projects, which are planned to generate returns sufficient to meet their loan repayment costs. This means that ratepayers will not be burdened with this cost. This informal policy should be continued as much as possible to limit Council's financial risk exposure.

The level of outstanding rates and charges has been identified as a manageable problem for a number of years. This can result in cash flow difficulties if demand for cash is greater than collections. To reduce the impact of this situation, specific emphasis on debt recovery was undertaken in 1999/2000 with additional resources being provided in the budget for this purpose. In addition, resources have been increased again in the 2000/2001 Budget with the aim of kerbing the current trend.

In terms of liquidity, it should be pointed out that Council's cash funded internal reserves for General Fund is a respectable \$9.2 million, a decrease from 1998/99 of approximately \$1.2 million. The majority of this decrease relates to the Road Rate Refund repaid to ratepayers in 1999/2000 of approximately \$700,000 and reserve funds used on road works during the course of the year. Councillors and members of the public may express concern as to why reserves are so high, when the infrastructure in the local government area is being run down. This is a reasonable question, however a review of the reserves (Financial Reports Note 6) demonstrates that the majority of the reserves held relate to "big ticket" items such as property, quarries, transport infrastructure, waste, community facilities, information services, flood mitigation and remediation programs. Reserves are typically held in these areas for two reasons;

- (i) incomplete works carried over from one financial year to the next; and
- (ii) future provision for major expenditure items. With Council considering a number of major developments over the next few years (i.e. aquatics, library / art gallery, roadworks, quarry rehabilitation, flood levee etc) it is essential that these reserves be maintained.

As such, Council's liquidity position is strong as we have access to these funds should circumstances deteriorate.



# LISMORE CITY COUNCIL - Meeting held October 10, 2000

## Financial Reports – 1999/00

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While the performance indicators mainly reflect a sound position, this may not be reflected on the ground. These results have been achieved through tight control over our finances. On the ground, our infrastructure continues to deteriorate and the demand for works and services continue to grow. As we experienced during the recent deliberations for the 2000/2001 Management Plan & Budget, funding for operational and capital works continues to remain tight. This situation is not anticipated to change unless Council is able to either reduce costs or increases revenues.

### **2) Overall Operating Result as per the Operating Statement**

The "Change In Net Assets Resulting From Operations" for 1999/00 is a \$2,859,000 increase or surplus. This is distinct from the Working Funds surplus of \$393,000, which is detailed below in the section titled '3) General Fund Result'. It does not reflect in any way the Council's cash or liquidity position.

Whilst the overall result indicates that we are spending sufficient funds in accounting terms to maintain the existing asset base, the reality of the situation is that infrastructure has deteriorated significantly faster than anticipated and, therefore, there is a gap between what is required to be spent and what is actually spent. This is a significant problem and not easily resolved.

One of the primary objectives for any council should be to try and maximise the surplus generated on operating activities. This surplus can then be applied to capital works and to pay off debt. The following table shows the operating surplus for the last five years;

	1999/00	1998/99	1997/98	1996/97	1995/96
Item	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Operating Revenues	37,187	36,742	35,418	35,738	34,856
Operating Expenses (excl. deprec.)	28,670	28,214	26,841	26,428	24,438
<b>Operating Result Before Capital</b>	<b>8,517</b>	<b>8,528</b>	<b>8,577</b>	<b>9,310</b>	<b>10,418</b>

What the figures show is that operating expenses have trended upwards over the last five years at approximately twice the amount of operating revenues. This basically means that the operating result, or surplus available for reinvestment into capital, has decreased by approximately \$2 million since 1995/96. There are a number of reasons for this, often related to self-funding areas such as the Sewerage, Water and Waste Collection/Disposal, which in turn do not affect the bottom line as far as General Fund is concerned. Similarly a large part of the increased expenditure or reduced revenue relates to items largely beyond Council's control such as contributions to regulatory and statutory bodies (eg. fire, regional library, county councils), increased employee costs such as workers compensation and award increases and decreasing grants.

Helping to offset this trend is the fact that Council has been very diligent in reducing its loan debt, as principal repayments on loans have decreased markedly during this period, as shown in the table below.

	1999/00	1998/99	1997/98	1996/97	1995/96
Item	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Loan principal repayment from revenues	1,955	1,744	2,153	2,835	2,647

This benefit is not anticipated to be realised in future years as repayments are at more consistent levels, as evidenced by the increase in 1999/2000, with the 1998/1999 amount seeing the end of a cycle of retiring older loans. This position can be managed if future borrowings are for a mixture of self (water, sewer, aerodrome) and ratepayer (library, art gallery, swimming pool) funded purposes.

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# LISMORE CITY COUNCIL - Meeting held October 10, 2000

## Financial Reports – 1999/00

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The ideal result would be to not increase Council's unfunded commitment to loan repayments, as the trade-off is a real decrease in funds available for other services.

Council must carefully monitor and limit increases in recurrent expenditure, as a continuation of this trend will begin to reduce the level of capital works being undertaken. This situation was clearly reflected in the 2000/2001 Management Plan process. The message is clear, not all initiatives can be funded, and if new initiatives are to be introduced, then existing works and services must be excluded.

### **3) General Fund Result**

The result for General Fund in 1999/00 will be a surplus of \$393,000. This increases Council's working fund surplus to \$1,565,000.

I would like to point out that Council adopted a budget surplus for 1999/00 of \$133,000 when considering the June Quarterly Budget Review Statement. It was identified at that time that this information was 'indicative only'.

Based on a final review of operations, a further \$225,000 in additional income and cost savings were recognised. This brings the balance for the operational surplus during 1999/00 to \$358,000, which is predominantly the reason for the final surplus figure of \$393,000. Significant amounts realised during the final review included,

a) Additional Interest On Investments Income	\$98,000
b) Additional Rates & Charges Income	\$22,000
c) Salary & Oncost Expenditure Savings	\$78,000

Once again, the pleasing aspect from operations during 1999/00 was that there were no significant 'blow outs' as occurred in 1997/98 where there were cost overruns in legal expenses, child care and parks & recreation of around \$300,000.

I would like to add that this level of working funds represents approximately 4.04% of the annual budget of this Council. While this level is commendable, it should be maintained and improved to allow greater flexibility when required for emergency. It is important to note that these working funds are not cash, but are assets readily converted to cash such as debtors, land and trading stocks, etc.

### **4) Water and Sewer Fund Results**

Both the water and sewer funds continue to remain relatively sound with each achieving an increase in working funds to \$680,000. As distinct from General Fund, these funds are both cash funds.

Also, the level of 'net unrestricted funds' continues to grow so that capacity exists for significant capital works and debt redemption to occur. To highlight this situation, the water and sewer have cash reserve balances of \$2.3 & \$1.1 million respectively.

From an overall perspective, both funds are well managed and resourced. Therefore, these results and a continuation of the same are expected.

### **Public Consultations**

In accordance with the LGA, the financial reports are to be advertised for public comment.

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# **LISMORE CITY COUNCIL - Meeting held October 10, 2000**

## **Financial Reports – 1999/00**

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### **Conclusion**

As mentioned earlier, 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. This will allow the impact of uncontrolled costs or fluctuations to be mitigated.

It needs to be reinforced that if Council wants to increase service levels and expenditure in certain programs, then either additional revenues have to be generated, or unfortunately existing services have to be reduced, delivered more efficiently, or not provided at all.

### **Recommendation (COR56)**

That Council,

- a) adopt the 1999/00 Financial Reports and 'Councils Statement' for both the General Purpose Financial Reports and Special Purpose Financial Reports,
- b) present the Financial Reports to the public at the October 31, 2000 Council meeting, and
- c) advertise the presentation of the Financial Reports to the public from October 14, 2000 and invite inspection of the reports.

## LISMORE CITY COUNCIL - Meeting held October 10, 2000

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<b>Subject/File No:</b>	The Draft Strategy for Rural Residential, Detached Dual Occupancy and Rural Landsharing Communities (S668)
<b>Prepared By:</b>	Strategic Planner – Bruce Blackford
<b>Reason:</b>	Close of public exhibition for the draft Strategy
<b>Objective:</b>	Council's endorsement to amend the Strategy and re-exhibit for another 28 days
<b>Management Plan Activity:</b>	Strategic Planning

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### **Background:**

The draft Strategy for Rural Residential, Detached Dual Occupancy and Rural Landsharing Communities was prepared to fulfil the requirements of Clause 20 of the North Coast Regional Environmental Plan (REP) 1988. Clause 20 provides that a Council may not prepare a draft LEP permitting rural residential development unless:

- (a) it has prepared a rural land release strategy for the whole of its area, and
- (b) the Director General has approved of the strategy, and
- (c) the draft plan is generally consistent with the strategy.

The draft Strategy was initially prepared following Council's resolution of February 13, 1996 to: *"... prepare a rural residential release strategy which identified preferred areas for rural residential development which facilitates such development by way of the rezoning process after subdivision designs are endorsed by Council, with such strategy to be forwarded to the Department of Urban Affairs and Planning for endorsement"*.

With the reintroduction of SEPP No. 15 (Rural Landsharing Communities) by the State Government in April, 1998 Council resolved to seek an exemption from the SEPP and prepare its own policy for Rural Landsharing Communities (RLSCs). Exemptions to SEPP No. 15 are only granted where Councils have made separate provision to permit RLSCs within their LEP. Consequently the Strategy was expanded to include Rural Landsharing Communities and the title was changed from the Rural Settlement Strategy to the *Strategy for Rural Residential, Detached Dual Occupancy and Rural Landsharing Communities*. The Strategy comprises two separate parts:

- Part A - Rural Residential Subdivision  
Detached Dual Occupancy  
Rural Workers' Dwellings
- Part B - Rural Landsharing Communities

Both parts are based, as far as possible, on similar locational criteria for the siting of new development. Areas suitable for rural residential subdivision have been identified in locations that are within 3-5kms of an urban area, village or hamlet containing existing community facilities such as a school, shop, hall or recreational facility, and that are free from constraints and avoid conflict with other land uses. Detached rural dual occupancy is to be permitted in similar locations as well as within 10km of Lismore, 5km of Nimbin or 3km of other villages. Rural Landsharing Communities are restricted to areas within 4km of existing community facilities and where an appropriate standard of road access is provided to the property.

The Rural Strategy Steering Committee met to consider the draft Strategy on July 6, 12 and 26, 1999. The draft was then considered by Council at its meeting of August 10, 1999. At that meeting Council resolved:

# LISMORE CITY COUNCIL - Meeting held October 10, 2000

## Draft Strategy for Rural Residential, Detached Dual Occupancy and Rural Landsharing

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1. To publicly exhibit the draft Lismore Rural Residential, Detached Dual Occupancy and Rural Landsharing Communities Strategy, comprising Part A: Rural Residential Subdivision, Detached Dual Occupancy and Rural Workers' Dwellings, and Part B: Rural Landsharing Communities for a period of three months, and
2. That the Planning Department hold discussions with the Department of Urban Affairs and Planning and Department of Local Government with regard to the inability of Council to rate individual dwellings in Rural Landsharing Communities and the ability of these communities to spread over any rural land not zoned 'prime agriculture'.

### Public Exhibition

The draft Strategy was publicly exhibited for three months from August 19, 1999. The exhibition was publicised by press releases, resulting in television and radio interviews, as well as a newspaper advertisement repeated monthly in Council's 'newsletter' page of 'The Echo'. The draft Strategy was available free of charge and 400 copies were printed and distributed during the exhibition period. The Strategy was also available at the front counter, at all village stores and was posted to individuals on request.

Additional initiatives were:

- An insert in the *Community Link*, distributed to all households in the LGA, described the objectives and methodology of the Strategy and contained a summary map of all land identified for rural residential development;
- Owners of land identified for rural residential development, who did not live within the LGA and so would not have received the Community Link, were identified and received a letter describing Council's objectives together with a copy of the draft Strategy;
- Two staff members were made available every day for telephone calls and counter enquiries;
- Copies of the draft Strategy were provided to:
  - \* Adjoining Councils
  - \* Relevant sections of Council
  - \* Government departments: Agriculture, Land & Water Conservation; Mineral Resources, Urban Affairs & Planning, National Parks & Wildlife Service.
  - \* Pan Com.
  - \* Meetings with concerned individuals or groups were held on request.

A total of 61 submissions were received in response to the public exhibition. The submissions generally fell within one of four (4) of the following categories:

1. Responses from Government departments and other agencies (4 submissions).
2. Submissions relating to specific properties (30 submissions).  
(These were submissions that either supported the inclusion of their land in the draft Strategy to allow rural residential subdivision or requested that their land be considered for inclusion).
3. General comments, criticism or suggestions (22 submissions).  
(These submissions did not relate to specific properties but contained comment of a more general nature relating to various aspects of the draft Strategy).
4. Submissions relating to Part B of the Strategy (Rural Landsharing Communities) (5 submissions).

A summary is provided of the main issues raised in each of the submissions, together with planning comment and recommendations as to whether it is considered that the issues raised warrant amendment to the draft Strategy as exhibited.

**Responses from Government Departments and Other Agencies**

**1. Department of Mineral Resources**

***Issues***

1. Commends Council for its efforts in confining proposed development to areas that generally have little commercial resource potential or minimal potential for adverse impact on known important resources.
2. Expresses concern about location of rural residential development in the Bexhill locality near the brick pit and several quarries. Residual resource potential exists at the brickworks pit, Graces quarry and Greengates quarry. There are issues of public safety, visual amenity and ultimately rehabilitation of these quarries. Opposes any rezoning in these areas pending further assessment.

***Comment***

1. The draft Strategy excludes lands within buffer areas of existing quarries.
2. Although land within 800m of the Bexhill brick pit is currently excluded from the draft Strategy, this property has been the subject of a detailed assessment and submission from Consultants, GeoLINK. The submission seeks to vary the buffer distance to the brick pit (see separate assessment in Attachment 1 to this report).

**2. NSW Agriculture**

***Issues***

1. Concern about extent and number of areas targeted for potential rural residential settlement – results in inefficient use of land compared to urban development and can create a source of conflict and pressure on rural industries.
  2. Classes 4 and 5 lands generally have low versatility due to agronomic constraints but can be valuable when utilised in conjunction with better quality agricultural lands.
  3. Concern about impacts on existing or potential horticulture in the following areas:
    - Modanville – Beddoes Rd. (substantial horticultural area, particularly macadamias – further rural residential could compromise expansion)
    - Tullera – lands to the north (encroachment on existing and potential horticulture)
    - Richmond Hill – Pineapple Rd. (mix of better quality and Class 4 lands – potential impact on rural landscape at approaches to Lismore)
  4. Endorses approach to Dual Occupancy and Rural Workers Dwellings adopted by the Strategy.
  5. Recommends that the following matters be included as requirements for consideration in the preparation of Locality Development Guidelines (LDG):
    - (a) identification of existing land uses and land use trends in the locality;
    - (b) potential conflicts or incompatibility with surrounding land uses;
    - (c) recommendations for the design and width of buffers.
  6. Queries why the RLSC strategy was prepared separately to the Rural Residential Strategy. This is not explained in strategy although it essentially the same as closer rural settlement. They should have the same assessment and development control processes.
-

7. NSW Agriculture has no objection to RLSC development, however it contributes to dispersed rural settlement. Maps do not provide a clear picture of where favoured areas for RLSC are. Desirable that all rural settlement be considered on a collective basis

**Comment**

1. It is recommended that the timeframe for the Strategy be reduced from the current 20 years to 10 years (see discussion on Strategy timeframe later this report). This would require a corresponding reduction in the amount of land targeted for potential rural residential settlement.
2. This is acknowledged, however exclusion of Class 4 and 5 agricultural lands from the areas identified as having potential for closer rural settlement would preclude rural residential development from virtually all rural areas in Lismore.
3. The areas at Tullera and Modanville referred to in the submission have been re-evaluated. That assessment is provided in a later section of this report and it is recommended that they be deleted from the Strategy. The land at Pineapple Road has also been evaluated. Two of the larger lots identified as having potential for rural residential development currently support relatively intensive horticultural activity. However, it is considered that this land should remain within the Strategy owing to its proximity to existing urban areas at Goonellabah and rural residential development at Richmond Hill. Development of adjoining land in the area will be required to provide suitable buffers to existing horticulture, however in the longer term it is inevitable that this area will be redeveloped for closer settlement.
4. Noted.
5. It is recommended that the Strategy be amended to include the suggested additional matters to be addressed in the preparation of an LDG.
6. Council resolved to prepare separate strategies. Both strategies consider development on a catchment basis. The strategy for RLSC recognises the unique character of the development and the provisions of SEPP#15 (which generally permits RLSC in rural areas).
7. Lands that are potentially suitable for RLSC are indicated by considering Maps 7 & 8 of the draft Strategy, supplemented by the provisions of the draft LEP & DCP.

**3. Department of Land and Water Conservation**

The submission states that the Department is appreciative of the opportunity to comment and is supportive of Council's pro-active approach to future settlement planning that encourages sustainable closer rural settlement and creation of positive environmental impacts. The submission outlines NSW Government Water and Vegetation Management Reforms. Key issues are clearing of native vegetation and water use and allocation. These are priority areas of reform for the State's natural resource planning and management. The Far North Coast Water Management Committee (FNCWMC) was established to achieve the aims of these reforms. Council's draft Strategy is viewed as an appropriate vehicle for recognising reforms relating to water use and access and native vegetation clearing.

### **Issues**

1. Surface Water – FNCWMC recommended that the Minister place an embargo on expansion of the use of surface water in the Richmond Valley. Any development requiring access to surface water will need to obtain a transfer of an existing entitlement based on recommendations of Stressed Rivers Assessment Report. Advises management procedures and rules for the preparation of regional Water Management Plans.
2. Groundwater – advises of the NSW Government Groundwater Policy and Groundwater Management Plans. A Groundwater Management Plan has been prepared for the Alstonville plateau including McLeans Ridges.
3. Riparian Rights – Common Law Right (Water Act 1912) permits occupiers of riparian land to construct certain works on rivers without need to obtain a licence. The Act limits size and nature of works. Development/subdivision that increases the potential number of lots that enjoy riparian rights can severely impact on stream flow. DLWC considers it undesirable to:
  - create new riparian rights, or
  - create easements for water access as ‘de facto’ riparian rights.

Suggests inclusion of a specific clause in the LEP as an appropriate management response. The clause should state “*Council shall not consent to subdivision in accordance with subclause (4) where additional riparian access rights to streams, creeks, rivers and other waterways may be created.*”

4. Harvestable rights – Farm Dams Policy (1/1/99) gives landholders the right to capture and use up to 10% of the average annual rainfall runoff from their property. Each property will have a Maximum Harvestable Right Dam Capacity (MHRDC) tied to basic rights to satisfy essential farm need (some irrigation, stock and domestic). Dams meeting the requirements to Policy do not need licensing and can be located on hillsides, gullies and minor watercourses. A licence is required to locate a MHRDC dam on perennial streams.
  5. Effluent Management – septic and other on-site sewage management systems have potential to impact on groundwater. Recommends that the *NSW State Groundwater Policy Framework Document* be referred to in the draft DCP Section 2.5.6 as a reference to be consulted in the preparation of a Wastewater Management Plan. Also suggests another reference to be included: *Environment and Health Protection Guidelines – On-site waste Water Management Systems for Domestic Households*.
  6. Waterway Management – water environment and riparian lands are important for flood mitigation, stormwater removal, water quality, wildlife corridor natural biodiversity, scenic etc. Council may consider requiring dedication of the riparian zone as public open space to protect and improve the zones natural values and to ensure public access.
  7. Issues of water use and by-product treatment – supports the concept of enclave (cluster) development in subdivision to maximise efficiencies in water and resource use and minimise environmental impacts.
  8. Vegetation Management – supports the requirement of the Strategy that new rural residential development create positive environmental outcomes. Suggests that a bond or bank guarantee be lodged to ensure compliance with revegetation plans.
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Sets out the requirements to prepare Regional Vegetation Management Plan (RVMP) since the introduction of the Native Vegetation Conservation Act (NVCA) and that future development will have to comply with the RVMP. Notes that the criteria in section 5.7 of the strategy for RLSC may conflict with a RVMP. No indication of the assessment requirements for key habitats or corridors in relation to the strategies, in particular SEPP #44. Suggests a range of matters elements that should be considered.

9. Bushfire Hazard Control – draft DCP requires preparation of Fire Management Plans. These should be prepared in accordance with Bushfire Act 1997. Where development adjoins Crown land any fire buffer must be established entirely within the freehold property.
10. Access – Construction of Crown public roads to new subdivision is only supported if the road is transferred to Council.
11. Erosion and Sediment Control – Impacts of public and private roads and road construction adjacent to streams. Recommends all rural residential proposals submit road location plan and erosion and sediment control plan for the construction and maintenance phases of the development.

**Comment**

1. Noted.
2. Development Applications for future rural residential subdivision or RLSCs that seek access to groundwater will be subject to referral to DLWC as a consequence of the provisions for Integrated Development. Where access to groundwater is sought separately to the DA process, such access will be subject to the issuing of a licence from DLWC.
3. DAs for RLSCs that seek to extract surface water from streams, creeks rivers etc., in addition to the water that can be extracted via existing riparian rights, will be subject to referral to the DLWC as a consequence of the provisions for Integrated Development. However, applications for Rural Residential Subdivision that have the potential to create new riparian rights by virtue of their creation of additional frontages to a stream, creek, river etc., would not ordinarily be referred to DLWC as they would not necessarily trigger the requirements under the integrated development provisions. In these instances the only way to restrict the number of additional riparian rights is to restrict the number of lots created that have direct frontage to a stream, creek or river. It is recommended that:
  - (a) A provision be included within the matters to be addressed in the preparation of a Locality Development Guideline requiring that the indicative lot layout for the area demonstrate that no new riparian right be created through the creation of any additional lot frontages to any river as defined under the Water Act 1912.
  - (b) The following subclause be included in subclause (4) of the draft LEP for RLSC's: *'no additional riparian access rights to streams, creeks, rivers and other waterways may be created, unless approved by the Dept of Land and Water Conservation.'*
  - (c) The following clause be included in Clause 2.4.4 (Water Management Plan) of the draft DCP for RLSC's:

*“Evidence of approval from the Dept of Land and Water Conservation where the additional number of dwellings on the land increase my more than 20% the riparian rights of the former land use.”*

4. Applications for future rural residential subdivision or RLSCs that propose to increase the number of dams beyond the maximum harvestable right dam capacity would be subject to referral to DLWC as a consequence of the provisions for Integrated Development.
  5. Rather than referring to the State Government guidelines as matters to be considered in the preparation of an LDG, and in a Wastewater Management Plan for RLSC's, it is considered that Council's adopted guidelines - *On-Site Sewage and Wastewater Management Strategy 1999* are more specific and appropriate to local conditions and should be the relevant document that is referred to in terms of wastewater management and disposal. The Strategy should also refer to the *NSW State Groundwater Policy Framework Document*.
  6. In rural areas it is not considered appropriate that such land be dedicated to Council for future management. Subdivision should not be allowed to encourage fragmentation of riparian areas and it is recommended that the applicant be required to demonstrate how such lands will be owned and managed. It is also recommended that the LDG place greater emphasis on the requirements to rehabilitate such areas as part of the development consent.
  7. The draft Strategy for rural residential development encourages such development in enclaves close to existing villages or hamlets that provide a minimum level of services/facilities. The draft Strategy, LEP & DCP for RLSCs also support the concept of clustering dwellings within a development site.
  8. Bonds are considered appropriate under certain circumstances to ensure compliance with conditions of consent and this is discussed later in this report. It is also recommended that:
    - (a) Section 5.7 of Part B of the Strategy be amended to state:

*“An assessment must be made of the potential environmental impacts of any proposed rural landsharing development in terms of likely impacts on water quality (both ground and surface), erosion and land stability, fauna, flora and vegetation systems identified in a Regional Vegetation Management Plan prepared in accordance with the Native Vegetation Conservation Act, drainage, other components of natural systems and on views from public roads. Any locations where likely adverse impacts are more than minimal are to be avoided”.*
    - (b) The following matters be included as a requirement to be addressed in the LDG as well as in Clause 2.7.1(Fauna, Flora and Revegetation Management Plan) of the draft DCP for RLSC's:
      - *vegetation and wildlife habitat mapping, including identification of any potential koala habitat as defined under SEPP #44,*
      - *forest cover and agricultural land use,*
      - *mapped scenic management zones,*
      - *an assessment of remnant bushland, and*
      - *an assessment of priority areas for rehabilitation and reforestation.*
  9. It is recommended that the following matters be included in Clause 2.11.1 (Fire Management Plan) of the draft DCP for RLSC's:
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*Fire Management Plan is to be prepared in accordance with Bushfire Act 1997 and where development adjoins Crown land any fire buffer must be established entirely within the freehold property.*

10. Noted.
11. The LDG requirements and the draft DCP require the provision of an erosion and sediment control plan.

**4. Far North Coast Water Management Committee  
Issues**

1. Concerns about creation of additional riparian rights permitting unrestricted access to streams for domestic and stock use.
2. Concerns about access to groundwater– over allocation can limit flows in rivers and streams creating threats to flows and licensed water users.
3. Concerns about proliferation of farm dams on smallholdings – rural residential lots can exercise ‘harvestable rights’ up to 1 megalitre. A plethora of small dams can threaten environmental flows and river ecology.
4. Conservation and preservation of the riparian zone – prevents erosion, provides buffer and wildlife corridor and habitat.
5. On-site sewage and effluent disposal – poorly managed systems pose a major threat to waterways.
6. Council should adhere to Stressed Rivers Review 1997 & Water Quality and River Flow Environmental Objectives – Guidelines for River, Groundwater and Water Management Committees.
7. Advises of the FNCWMC resolution to recommend that Councils:  
*“Shall not grant consent to subdivision where additional riparian access rights to streams, creeks and other waterways may be created.”*

***Comment***

1. Refer comments made to the submission by DLWC.
2. Refer comments made to the submission by DLWC.
3. Refer comments made to the submission by DLWC.
4. Refer comments made to the submission by DLWC.
5. Refer comments made to the submission by DLWC.
6. Refer comments made to the submission by DLWC.
7. This is recommended for inclusion in the requirements for rural residential subdivision in the Strategy.

**Submissions on Rural Residential Development Relating to Specific Properties**

There were 30 submissions from property owners either wishing to have their properties included in the Strategy or confirming that they were already included and that they wish to proceed with rural residential subdivision in the future. All properties referred to in the submissions were inspected and assessed using the 11 suitability criteria listed in Part A of the Strategy. That assessment is included in Attachment 1 to this report and the locations of each of the properties (except for those already included in the Strategy) is shown on the maps in Attachment 2.

Although the criteria have proved useful in assessing the suitability of sites for closer rural settlement, the scoring system as set out in Table 7 of the draft Strategy are considered to be too subjective and of no real value in this process. It is recommended that this part of the Strategy be deleted.

**General Comments, Criticism or Suggestions**

Twenty-two submissions were received that contained comment of a more general nature relating to various aspects of the draft Strategy. These submissions did not relate to specific properties. They have been summarised as follows:

**1. Issues**

Objects to restrictions on detached dual occupancy.

**Comment**

The North Coast Regional Environmental Plan 1988 specifically prohibits detached dual occupancy in rural areas. When the previous Clause 15 of the Lismore LEP 1992 was introduced (permitting rural residential development within specified radii of Lismore and the larger villages), Council successfully argued that detached dual occupancy also be permitted within those areas. DUAP agreed to this on the basis that the policy on detached dual occupancy is a residential policy and that rural residential development is considered to be predominantly residential in nature rather than rural. One of DUAP's conditions was that any dual occupancy approved in a rural residential area would form part of the agreed quota for rural residential lots under Clause 20 of the REP. From DUAP's point of view the approval of a detached dual occupancy within a designated rural residential area is no different to the approval of a rural residential allotment in that area.

DUAP is unlikely to support a strategy that allows detached dual occupancy throughout all rural areas because it believes that this form of development leads to future pressure for subdivision, takes rural land out of agricultural production and results in a dispersed form of settlement that creates greater demand for services in areas where services are expensive to provide. It is unlikely that DUAP would accept any amendment to the draft Strategy that allowed wider use of detached dual occupancy in the rural zones.

**2. Issues**

Objects to restrictions on detached dual occupancy.

**Comment**

See comment for submission 1.

**3. Issues**

Fully supports strategy.

**4. Issues**

1. Strategy is poorly set out – see Byron Shire Rural Strategy.
2. Concern about adequacy of buffer zones.
3. Two existing RLSCs in Rosebank are not shown on maps.
4. Areas outside of old Terania Shire should be excluded for RLSCs.

**Comment**

1. Changes to both the content and format of the draft Strategy have been made as per Attachment 3.

2. DCP 27 sets out minimum buffer distances for various landuses where conflict with adjoining residential development is likely to occur. It is recommended that the Strategy be amended to include potential landuse conflicts as a matter to be addressed in the preparation of the Locality Development Guideline and that the buffer requirements as per DCP 27 be included in the section of the Strategy relating to potential development conflicts.
3. Two existing approved RLSCs in the Rosebank area are shown on the original A3 map in Part B of the Strategy. Reduction to A4 format in the document has made these difficult to see.
4. The Strategy uses land capability and locational suitability criteria to identify lands with potential for RLSC development. This is considered to be a responsible planning approach to the issue.

**5. Issues**

Objects to restrictions on detached dual occupancy.

**Comment**

See comment for submission 1.

**6. Issues**

1. Supports Strategy.
2. Objects to restrictions on detached dual occupancy.
3. Rural workers' dwellings – farmers should be able to get 'live in' help to assist in the event of old age or illness.

**Comment**

1. See comment for submission 1.
2. Lismore LEP 2000 provides that a rural workers' dwelling may only be approved where it can be demonstrated it is essential to the agricultural enterprise on the property. This is consistent with NSW Agriculture's policy on rural workers' dwellings.

**7. Issues**

1. Objects to provision to allow detached dual occupancy in existing 1(c) zones – potential to double the density, traffic, cats and dogs, effluent problems, etc.
2. Mapping is too general – it does not identify steeply constrained land north of Beddoes Road and south of the existing East estate at Modanville that should be unsuitable for further development.
3. Areas with remnant native vegetation should be excluded from Strategy.

**Comment**

1. The LEP allows subdivision to a minimum 2000 m<sup>2</sup> within the existing 1(c) zones (although an average of 5000 m<sup>2</sup> also applies). It is unlikely that a detached dual occupancy could be achieved on lots of this size due to the constraints imposed by on-site effluent disposal requirements (generally a minimum 400 m<sup>2</sup> effluent disposal area is required for a 3 bedroom house). It is therefore unlikely that the Strategy could have the effect of doubling housing density in 1(c) zones.

2. Land identified in the Strategy north of Beddoes Rd. and south of Dunromin Drive has been inspected and reassessed using the selection criteria contained in the Strategy. The issue of whether these lands should be included in the Strategy is discussed later in this report.
3. Areas of significant remnant vegetation would not be suitable for residential development but could be included as part of an overall development concept with appropriate measures to protect the remnant. The Strategy's requirement for environmental enhancement should provide opportunities for expanding such remnants and creating linkages to other remnants.

**8. Issues**

1. Concerns about further release of land in Eltham/Clunes and Cameron Road areas as these areas have agricultural potential and the emergence of new crops has potential to make farming on smaller acreages viable.
2. Concerns about conflicts between rural residential and agriculture.
3. Potential for effluent pollution entering the Wilsons River, especially on steep slopes exceeding 15%. Land east of Johnston Road is 20% - 30%.
4. Inadequate sight distances have been permitted at the entry to many existing rural residential subdivisions in the area.
5. Rural residential development results in a loss of rural and scenic amenity.

**Comment**

1. Lands identified in the Strategy in the Eltham and McLeans Ridges area are predominantly Class 4 agricultural land. The better quality agricultural land at McLeans Ridges is located on the southern side of Cowlong Road and is excluded from the Strategy. NSW Agriculture considers that existing and proposed rural residential development along Cameron Rd. does not pose a threat to agriculture.
2. Although it is unlikely that conflict can be avoided altogether, potential rural residential areas have been identified with the objective of minimising conflicts with agriculture. The more detailed assessment required at the rezoning and DA stages will require that the subdivider provide adequate buffers between potentially incompatible land uses.
3. Land to the east of Johnston Road has been re-evaluated in terms of its suitability for rural residential development and this is discussed later in this report.
4. New roads providing access to rural residential subdivisions must be designed to provide safe intersection sight distances in accordance with AUSROADS Part 5 (Intersections at Grade). It is possible that this was not a requirement in some earlier consents. It is recommended that this requirement be incorporated into the relevant part of DCP No.28 dealing with rural residential subdivision.
5. Rural residential development can result in a loss of rural and scenic amenity particularly when it is inappropriately located and poorly designed. The objective of the draft Strategy is to restrict rural residential development to locations that are consistent with DUAP's *Guidelines on Rural Settlement on the North Coast* and to encourage subdivision design that minimises adverse environmental and socio-economic impacts.

**9. Issues**

1. Strategy not flexible enough.
2. Questions provisions to restrict dual occupancy to areas surrounding existing villages.
3. Questions separate locational requirements for small, medium and larger villages.
4. Are distances measured by road or radius from some central point, eg Post Office?
5. Questions the 80m maximum separation requirement for dual occupancies.
6. Why should rural workers' dwellings be essential to the agricultural enterprise on the property?

**Comment**

1. The Strategy needs to provide a balance between allowing flexibility and ensuring that the objectives of the Strategy are reasonably met. It is considered that the draft Strategy provides that balance.
2. As previously stated in the comments for submission 1, restrictions on detached dual occupancy apply under the NCREP. It is unlikely that DUAP would agree to a Strategy that permits detached dual occupancy in all rural areas.
3. The Strategy is based upon the principles contained in DUAP's *Guidelines on Rural Settlement on the North Coast of NSW*. The Guidelines recognise different hierarchies of settlement – towns, villages and enclaves (hamlets) – and these have different sized catchments depending upon the number and level of services that they provide. The Strategy seeks to locate future rural settlement within these catchments.
4. The draft Strategy states that for Lismore the distance is measured by road from either the Lismore or Goonellabah Post Offices. Similarly for Nimbin the distance is measured by road from the Nimbin Post Office. For the villages of Clunes, Dunoon, Bexhill, The Channon and Wyrallah the distance is measured from the village zone boundary.
5. The requirement for a maximum separation of 80 metres between detached dual occupancies is to ensure that the second residence relates physically to the main building on the property, that it minimises the need for additional infrastructure such as roads, powerlines etc., and that it does not create a situation which leads to future pressure for subdivision of the property. It also minimises potential traffic conflicts by restricting additional accesses to rural roads. The 80 metre maximum separation is considered adequate to address concerns about privacy etc.
6. Lismore LEP 2000 provides that a rural workers' dwelling may only be approved where it can be demonstrated it is essential to the agricultural enterprise on the property. This is consistent with NSW Agriculture's policy on rural workers' dwellings.

**10. Issues**

1. Supports Strategy.
2. Concerns about requirement for shared effluent disposal systems and need for Community Title.

**Comment**

2. The draft Strategy requires that sufficient land area must be available with suitable soil conditions for on-site effluent disposal to meet the performance objectives of Council's *On-Site Sewage Management Strategy*. Where this cannot be achieved there is an option of providing a common reticulated effluent disposal system. However the Strategy states that Council will not be responsible for maintaining a shared system. If site constraints dictate that such a system is required, Community Title should be
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utilised to ensure that future residents are fully responsible for the operation and maintenance of the system. The draft Strategy does not require applicants to provide a common reticulated treatment and disposal system where individual on-site disposal can be satisfactorily achieved.

### 11. *Issues*

1. Supports detached dual occupancy but with provision for separate rating.
2. Supports separate rating for RLSCs.
3. Dual occupancy should be regulated by market factors and should not be part of the 35 lot annual quota for rural residential subdivision.

### *Comment*

- 1& 2 Council wrote to the Department's of Local Government and Urban Affairs and Planning in accordance with its resolution of August 10, 1999 concerning Council's inability to rate individual dwellings on RLSCs. A response has been received from the Minister for Local Government referring to the provisions of the Local Government Act 1993 that requires that rates may only be levied on a parcel of land that has a separate valuation provided by the Valuer General. The Valuation of Land Act 1916 requires that any parcel to be valued must have physical boundaries that are readily determinable. This is generally not possible for individual dwellings on RLSCs or for detached dual occupancies. The Minister further stated that land zoned for multiple occupancy has this aspect taken into account when a valuation is determined. This results in increased value and enables Councils to obtain a higher ad valorem rate. This claim is debatable given that SEPP #15 permits RLSCs on most rural land. Past approaches to the Minister on this matter have produced no indication that there will be a change of policy on this issue. An alternative solution could be to allow subdivision of existing RLSCs under Community Title. This has been rejected by DUAP in the past, however it is understood that this approach is currently being pursued by Byron Shire Council. Although this would allow separate rating of individual sites there could be other implications from a planning perspective.
3. As part of the agreement with DUAP to permit detached dual occupancy within designated areas, DUAP required that dual occupancy approvals form part of the rural residential quota. Given the low number of applications for detached dual occupancy in recent years, it is considered that this is unlikely to be a problem.

### 12. *Issues*

1. There is no requirement for rural residential or RLSCs to establish buffers to protect their residents from adjoining agriculture.
2. Road levies should be based on distance from collector road and the number of proposed residents, not at a flat rate.
3. Road drainage should be 500mm deep and 1 metre wide.
4. Water requirements should be 20,000 litres/resident and 2,000 litres for each accommodation unit.
5. Areas included in Strategy at Eltham, The Channon and Richmond Hill should be reinvestigated due to slope and potential effects on water quality.

### *Comment*

1. Part B of the Strategy (for RLSCs) identifies potential adjoining landuse conflicts as a constraint and specifies buffers for various rural land uses as per DCP #27. Avoiding
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potential conflicts has been a factor in the selection of areas considered suitable for closer rural settlement. Notwithstanding this, there is still the potential for conflicts to occur between small lot rural subdivision and adjoining lands used for various rural enterprises. Therefore, it is recommended that a further requirement be included in Part A that potential conflicts be identified at the rezoning stage and that minimum buffer requirements as per DCP #27 be included.

2. Section 94 levies for rural roads are not based upon a flat rate but are calculated using the formula set out in Part D (Transport) of the Lismore S94 Contributions Plan. The formula takes into account the number of trips per day generated by a development, the length of road involved and the proportion of heavy vehicles using the road.
3. The design depth and width of table drains is dependant upon the size of the catchment and the volume of runoff that the drain must cater for. This will vary depending on the local topography, road alignment etc. Adoption of a standard width and depth for all drains is not appropriate.
4. Section 10 of DCP #28 relating to rural residential subdivision requires that dwellings on rural residential allotments provide a minimum 45,000 litres potable water supply (where supplemented by access to another storage) or 90,000 litres where a dam, spring or licensed groundwater supply is not available.
5. An assessment of the suitability of all identified areas in the draft Strategy has been carried out as part of this review. Recommendations as to whether such lands should be included or excluded are contained in a later section of this report.

### 13. *Issues*

1. No detailed public consultation has been undertaken as with LAMPs (Local Area Management Plans) in Byron Shire.
2. Why is Rosebank not included in the Strategy?
3. There is a demand for Bed & Breakfast and Rural Landsharing Communities in the area.
4. Existing RLSC at Rosebank is not mapped in Strategy.
5. Rural workers' dwellings should be permitted on smaller properties with intensive agriculture (coffee, flowers, herbs).
6. Rosebank area is not included for detached dual occupancy.

### *Comment*

1. The draft Strategy requires that, prior to the submission of any Development Application for rural residential subdivision, a Locality Development Guideline (LDG) and rezoning application be prepared for each of the preferred areas and submitted to Council. The LDG is required to be prepared in consultation with the local community and would also be exhibited by Council to allow further community input. This process is designed to ensure that future development is in line with local community expectations. It provides that DA's may only be submitted when Council is satisfied that local issues have been adequately addressed at the rezoning stage.
  2. Not all villages in the LGA are included in the Strategy as a focus for future rural residential development. Generally villages have been selected on the basis of the level of services they provide and/or their distance from the Lismore urban area. Rosebank is relatively remote from Lismore and provides a limited range of services. Rosebank
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## Draft Strategy for Rural Residential, Detached Dual Occupancy and Rural Landsharing

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was not targeted for potential village expansion in Council's Village Development Strategy because of its relative isolation from the larger urban centres.

3. Bed and Breakfast establishments are already permissible with consent in the rural zones and are not subject to any further restriction under the Strategy.
4. Two existing approved RLSCs in the Rosebank area are shown on the original map in Part B of the Strategy that was in A3 format. Reduction to A4 format in the Strategy document has made these sites difficult to see.
5. Requirements for Rural Workers' Dwellings under the LEP relate to the nature, scale and output of the agricultural enterprise on a property, not to the size of the holding.
6. As stated in the comment for Submission 1, DUAP has required that detached dual occupancy be restricted to nominated areas that satisfy the Rural Settlement Guidelines.

### 14. *Issues*

1. Bonds should be required for establishment of buffers and only refunded when fully established.
2. All lots created should have vehicular access constructed to the building envelope. This will prevent potential for direct access to arterial road.
3. Suggests funding for Council officer to check consent conditions on developments.

### *Comment*

1. Previous rural residential development approved by Council under Clause 15 of the LEP was required to lodge a bond, usually by bank guarantee, where planted buffers were required as a condition of development consent. This was to ensure that plantings were maintained until such time as they were established. Generally the bonds were around \$500 per lot. Considering that maintenance for the first 12 months is critical in ensuring the success of any plantings it is recommended that the requirement for a bond for buffer plantings or rehabilitation works be noted in the Strategy.
2. A requirement for individual driveway accesses to be constructed to nominated building envelopes at the time of subdivision construction would also help to address a number of concerns. An issue in rural residential subdivisions is the tendency for table drains to scour particularly when grades exceed 8%. This can be exacerbated at the intersections of driveways and the subdivision road where pipe crossings are often installed to facilitate drainage. A better outcome would be to have driveways constructed at the subdivision stage and to require drainage pits and concrete dish crossings along the alignment of the table drain. This requirement would need to be by way of amendment to DCP #28.
3. This is a resourcing issue for Council.

### 15. *Issues*

1. Uncontrolled rural residential growth may threaten the character and culture of existing villages; growth should be limited to 3 – 5% p.a.

### *Comment*

1. It is recommended later in this report that the timeframe of the Strategy be reduced from 20 years to 10 years. Adoption of a shortened timeframe would reduce the

amount of land that needs to be identified in the Strategy for potential rural residential development.

**16. Issues**

1. Council should ensure that no residential development occurs on agricultural land. Much good quality agricultural land in the Northern Rivers does not fit into the prime agricultural classification – suggests removing 'prime' from definition.

**Comment**

1. The submission from NSW Agriculture also notes that Class 4 and 5 agricultural land can be quite valuable when utilised in conjunction with better quality agricultural land. However to exclude all such lands from the Strategy would have the likely effect of forcing rural residential development into steeper, more constrained areas that may be unsuitable for residential development.

**17. Issues**

1. Strategy does not adequately protect agricultural land.
2. Areas identified as suitable for rural residential subdivision are too broad in area – there is an inconsistency as Strategy says 3 to 5km from urban area, village or hamlet.
3. Sustainable agriculture can occur on land that is not classed as prime agricultural.
4. Demand for rural residential is already being adequately met.
5. Council should put future rural residential on hold until landowners consult with DLWC regarding future agricultural potential.

**Comment**

1. The issue of adequate protection of agricultural land has been discussed in response to the submission from NSW Agriculture.
2. Lands identified in the Strategy are within 5 km of a village or urban area.
3. See comment for submission 16 above.
4. This issue is addressed in a later section of this report.
5. The areas identified in the Strategy have been assessed using the DLWC multi-attribute mapping and NSW Agriculture's Agricultural Land Classification maps.

**18. Issues**

1. Rural residential development diminishes rural amenity and increases the rate burden, making it hard for landowners to carry on genuine agricultural pursuits.
2. Increased traffic from rural residential development will lead to further deterioration of roads.

**Comment**

1. The approach adopted by the Strategy is to restrict areas available for rural residential settlement thus reducing the adverse impacts of this form of development. Council could prohibit all rural residential development (other than in existing 1(c) zones), however it appears that there is a genuine demand for this form of housing in Lismore.

2. The Strategy states that rezonings will not proceed until satisfactory arrangements for core infrastructure such as the upgrading of roads have been made. It is considered that greater emphasis should be given to this principle in the Strategy. This is discussed in more detail later in this report.

### 19. *Issues*

1. Riparian access to water should be limited for rural residential subdivision.
2. Use of ground water should be restricted.
3. Harvestable water rights will increase after subdivision occurs.
4. Increased rural land values lead to increased rates.
5. There will be potential for increased rural conflicts.

#### **Comment**

1, 2 & 3

These issues are addressed with the submissions from DLWC and the Far North Coast Water Management Committee.

4. By specifically identifying areas in the Strategy with potential for rural residential subdivision, impacts on land values and rating should be confined to those areas only.
5. One of the Strategy's criteria for selection of land suitable for rural settlement is the minimisation of potential landuse conflicts. It is also recommended that potential conflicts be a specific matter to be addressed in the rezoning application and that the Strategy include the minimum buffer requirements as set out in DCP #27.

### 20. *Issues*

1. The 3-5km criteria from a village or urban area is too large. 2km is more appropriate and is a reasonable distance for cycling. Byron Shire has radius of 2km. Supports 1km maximum distance from primary schools.
2. Intensive agricultural production often occurs on Class 4 land.
3. Studies on infrastructure costing, biodiversity, heritage and agricultural classification are essential prior to preparing a Strategy.

#### **Comment**

1. It is acknowledged that 1-2km from an urban area or village is more realistic in terms of cycling distance. However there are other factors that must be taken into account when assessing the suitability of sites for closer rural settlement. Rural residential land should exclude land required for urban or village expansion, prime agricultural land, land constrained by flooding, slope, proximity to creeks and watercourses, etc. It is unlikely that sufficient suitable land could be found within 1 to 2 km of the village and urban areas to satisfy demand for rural residential purposes.
2. As noted in the submission from NSW Agriculture, Class 4 and 5 lands are often utilised in conjunction with better quality agricultural lands. However to exclude Class 4 lands from consideration for closer rural settlement would mean restricting rural residential development to Class 5 land only. For a number of reasons including topography, remoteness from services etc., most Class 5 lands in Lismore would be unsuited to rural residential development.
3. Council has undertaken city-wide studies on European and Aboriginal heritage and has carried out a detailed horticultural study of the McLeans Ridges area. Although a biodiversity study could also provide useful information for the rural Strategy, resources are not available at this stage to undertake such a study. The issue of funding major

infrastructure such as roads to service new rural residential development is discussed later in this report.

**21. Issues**

1. Rural residential development is suburban rather than rural in character.
2. Supports wider application of detached dual occupancy.
3. Suggests rural residential be located in McLeay Road west and north of the sale-yards.

**Comment**

1. Most existing development in the 1(c) Rural Residential zones could be fairly described as suburban in character rather than rural. New rural residential development carried out under the draft Strategy will result in the creation of larger lot sizes compared to the 0.2ha minimum permissible in the 1(c) zones. While the increase in lot size should produce better outcomes in terms of design, environmental repair, effluent disposal etc., it is arguable whether such development will be rural in character.
2. As previously stated, restrictions on detached dual occupancy in rural areas apply under the NCREP. It is unlikely that DUAP will agree to a strategy that allows dual occupancy in rural areas other than in those areas identified.
3. The McLeay Road area has been separately assessed in terms of its suitability for rural residential development. That assessment is included in a later section of this report.

**22. Issues**

1. Concerns that land to the east of Tildon Drive (off Johnston Road) is unsuitable for rural residential development due to its proximity to Wilsons Creek, local flooding, wildlife habitat and topography comprising gullies and intermittent watercourses. Suggests that if development proceeds adequate buffers to watercourses should be provided.

**Comment**

The property referred to in this submission is significantly constrained in terms of its potential for rural residential subdivision. A reassessment of this property is provided in a later section of this report.

**Submissions Relating to Part B (Rural Landsharing Communities) of the Strategy**

Five (5) submissions related to the Rural Landsharing Community component of the Strategy. These are summarised as follows:

**1. Issues**

1. Section 2.2 (Access) of the draft DCP has ambiguous and vague wording relating to:
    - maintenance costs of secondary roads - suggests RLSC's should contribute to roads, but only in the same way as other development. RLSC's generate less traffic.
    - safe standard of roads - submission suggests that it is inappropriate for RLSC's to be required to make roads safe where such roads are already servicing existing properties. RLSCs should only contribute a proportion of the funds to fix roads.
    - length of secondary access road - queries why 2 km and not 3, 4 or 5 km. 2 km is too restrictive.
  2. The location of RLSC's should not be conditional upon proximity to facilities such as community facilities, shops, halls, bushfire sheds etc.
  3. The Strategy should not make it conditional that telephone and electricity be available or economically capable of being provided.
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4. Queries why the Strategy adopts road standards set out in DCP#28 – Subdivision, what is a safe road standard and why limit the length of the ‘secondary’ access road.

***Comment***

1. The Strategy seeks to provide a balance between the enabling provisions of SEPP #15 that generally permit RLSC's on all rural land. People often seek to develop land for RLSC's in more remote locations within the local government area. Often these areas are poorly serviced in terms of road infrastructure. Rural road condition and maintenance is probably the most important rural planning and infrastructure issue in Lismore. It would be irresponsible to permit the future development of RLSC's in areas that do not have either adequate road infrastructure or road access that can be feasibly up-graded and maintained. It is reasonable that a proponent should provide an assessment of traffic and road impacts as part a Development Application. Council can make an assessment of the road condition, any up-grading requirements to ensure the road meets accepted road safety standards and the maintenance costs for the length of secondary road. It is recommended that the draft strategy not be amended as a consequence of the submission.
2. The locational criteria adopted by Council's Rural Settlement Strategy Steering Committee for closer rural settlement was also embraced in the strategy for RLSC's. The criteria, as the basic framework for identifying land potentially suitable for future rural landsharing opportunities, was modified in order to reflect the unique historic, socio-cultural and locational nature and characteristics of RLSC development. Community facilities are important in order to provide social infrastructure to new and existing rural settlement. The location of social infrastructure relative to new rural settlement is an important element in the catchment approach for rural settlement promoted by the Dept of Urban Affairs and Planning in its Rural Settlement Guidelines.
3. The Strategy requires services such as a school bus, postal service, telephone and electricity supply (if required). School bus services, postal services and telephone (for emergency service access etc.) are important services, which are normally provided and required by people living in rural locations. Access to an electrical supply is negotiable (if required), reflecting the option of RLSC development to generate alternative power from sources independent of the grid.
4. Council should be satisfied that any development proposal is economically feasible and that essential services can be provided and maintained without undue burden on the community. Development Applications for both rural residential and RLSC should recognise this and demonstrate by generally meeting the criteria that the location of the proposed development is suitable. It is recommended that the draft Strategy not be amended as a consequence of the submission.

**2. *Issues***

This submission relates to Lots 58, 76 & 78 DP 755752, 488, 605A & 607 Whian Whian Road, Whian Whian. The submission notes that the land is not within the draft Strategy because the site does not satisfy the road criteria adopted in the Strategy (ie it is more than 2 km beyond the collector road designation of Whian Whian Road). The collector road designation stops at the intersection of Whian Whian Road. and Leeson Road. The submission notes that Whian Whian Road beyond the intersection to the hamlet of Whian Whian is a better standard road. The submission provides a general site suitability and locational assessment and submits that the land is suitable for a small RLSC with specialised agriculture, forestry and environmental protection and repair, and is compatible with the local settlement pattern. The submission recommends that map No. 8 of the

Strategy be amended to show Whian Whian Road (to the end of bitumen seal) as a primary access road for RLSC's.

***Comment***

The section of Whian Whian Road from the intersection with Dunoon Roan to the Whian Whian School (about 4.4km) has a 3.5 to 4.0 metre wide bitumen seal. The property to which this submission relates is located approximately another 2km beyond the end of the bitumen seal. Whian Whian Road from Dunoon Road to the intersection with Leeson Road is a designated collector road based upon existing traffic counts (not the existing standard of the road). The road is actually substandard for a collector road. Although the road is of a similar standard beyond Leeson Road to the school, traffic numbers are lower on this section and consequently it does not warrant collector road status. It is therefore recommended that no amendment be made to the Strategy or to Map No. 8 indicating road hierarchy.

**3. *Issues***

1. The submission suggests that there is no need to seek exemption from SEPP #15. The SEPP & guidelines are adequate for Council to exclude RLSCs from inappropriate sites.
2. The minimum road standard of 6m seal on 8m formation is not in place in Lismore now. Agrees with standard, however the issue of roads should be negotiated with new communities. Submits that a RLSC development should not be prohibited because of the road is not up to minimum standard or cannot be up-graded because of financial restrictions. Each RLSC proposal should be considered on its merits.
3. Submits that the locational criteria for potentially suitable land to be within 4 km by road of existing communities facilities should not be mandatory. Communities in the past have been responsible for creating these types of facilities.
4. Pleased to see protection of the environment in the strategy, concern that a strategy is not in place to encourage rehabilitation of degraded farmlands.

***Comment***

1. Council has resolved that it wishes to provide for Rural Landsharing Community development in an LEP and as part of its strategy for closer rural settlement. The strategy identifies land considered potentially suitable for RLSC's by adopting locational criteria and undertaking a mapping evaluation and assessment process to objectively ensure that future RLSC development will occur on land which is considered suitable. The exhibited draft LEP and DCP adopts the basic objectives and development standards of the SEPP but with specific local requirements.
2. Applications are currently considered on their merits and will continue to be so provided the land falls within the enabling provisions of the Strategy and local planning controls. Refer also to comment on submission 1, Issue No 1.
3. Refer to comment on submission 1, Issue No 2.
4. The draft Strategy LEP & DCP for RLSC development requires environmental protection and repair as part of a proposal.

**4. *Issues***

1. Areas of high fire risk should not be excluded from future RLSC development. Many existing RLSC's co-exist in forested areas. Method of defining high risk is State wide and does not account for local conditions, in particular humidity. Council's fire guidelines can be used to allow RLSC in forested areas as appropriate.
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2. Prime agricultural land is excluded where alluvial soils occur on land with steeper and poorer soils. It may be appropriate to allow RLSCs with more effective use of land such as horticulture.

**Comment**

1. Council's defined and mapped high fire risk areas recognise local circumstance. Whilst it is recognised that a number of existing RLSC's are located in area having a high bushfire risk, it is not considered best practice planning to allow the intensification of human activity in high risk bushfire areas.
2. Prime agricultural land in the local government area is described and defined by NSW Agriculture. The strategy recognises that an area of up to 25% of land subject to an application for RLSC can comprise prime agricultural land.

**5. Issues**

This submission relates to Lot 13 DP 599582 Crofton Road, Nimbin (46.9 ha). The submission suggests that the subject property would be capable of supporting 4 to 5 houses within a rural landsharing community type development and requests that the property be included in the Strategy.

**Comment**

The subject lot is currently identified in the draft Strategy as suitable for potential rural residential subdivision in the Nimbin catchment area (see however discussion on the Crofton Rd area later in this report). The property is located 4.2km from the Nimbin Post Office. The land is considered physically capable of supporting either rural residential or rural landsharing development, however it would be excluded from consideration for RLSC development because Crofton Road does not meet the criteria for primary road access as identified on Map 8 of the Strategy. If Crofton Rd. is classed as the secondary road access, the distance from the property to the nearest primary access (Blue Knob Road) is around 3.2 km, i.e. greater than the maximum 2km. The submission is therefore not supported.

**Other Issues not Necessarily Raised in Submissions**

The following issues were not necessarily raised in submissions but are considered to be matters that should be addressed in the draft Strategy before it is finalised.

**1. Land Demand and Supply**

The North Coast REP requires that a rural land release strategy be based upon the average number of allotments required annually to meet genuine demand for rural residential development. The average number of allotments required to meet such demand over a period agreed to by the Director-General can not exceed 130% of the average number of building approvals granted in the area over the preceding 5 years. This figure translates to a 'quota' set by DUAP that limits the total number of rural residential allotments that Council may approve within a given period (usually 5 years).

The draft Strategy acknowledges that the total number of dwellings approved by Council on rural residential lots in the 5 years since 1994 was 56. Therefore the number of lots per annum that could theoretically be approved would be:  $56 \times 130\% \div 5 = 15$  lots. The previous quota that applied for the 5 year period ending August 1998 was 75 lots p.a. (or 375 lots over the 5 year period). The draft Strategy is based on a projected demand of 35 lots per annum. This figure is based on the following assumptions:

- That Lismore's growth rate for the projected period 2001 to 2020 will be 600 persons p.a.
- That 18% of that growth will be accommodated in rural residential housing.



- That the occupancy rate for rural housing over the period will be 3.0 persons/dwelling.

In consideration of the above it should be noted that for the inter-censal period 1991 to 1996, growth rates in Lismore were within the 'low' range of 0.7% p.a. (or 312 persons p.a.). The latest figures released by the ABS provide a 1999 population estimate of 43,300 for Lismore indicating a continuation of low growth rates.

However Council's records indicate that there has been relatively high number of building approvals in the rural areas generally over the past 5 years with an average of 73 dwellings p.a. approved outside the urban and village zones for the period July 1, 1996 to June 30, 2000. Although the figure also includes new dwellings approved on larger rural holdings, old concessional lots and multiple occupancies, it suggests that there is a genuine demand for rural housing and that the Strategy projection of 35 lots per annum is supportable even if the 'medium' population growth rate projection is not realised.

### 2. Strategy Timeframe

A related issue is the timeframe over which the strategy should apply. The exhibited Strategy covers a 20 year period up until the year 2020. The North Coast REP does not specify a maximum period over which a strategy may operate. However in planning for future rural residential settlement, a timeframe of 20 years could be considered excessive for a number of reasons. These include difficulties in accurately predicting population growth over this timeframe and uncertainties concerning the many factors that influence demand for rural residential type housing over such an extended period (e.g. changes in community expectations, lifestyle and housing choices, changing Government legislation, increased transport and servicing costs etc). Identification of too much land in the Strategy could also result in a more dispersed settlement pattern with the result that some areas may not develop sufficiently within the projected timeframe to generate sufficient S94 contributions for the upgrading of local roads and other infrastructure. For these reasons it is considered that it would be more prudent to restrict the timeframe to 10 years. The preliminary draft Regional Policy and Planning Framework released by DUAP proposes that no more than 10 years supply of land should be zoned for rural settlement at any time.

### 3. Amount of Land Identified for Rural Residential Subdivision

A reduced timeframe would necessitate some reduction in land identified in the Strategy for potential rural settlement given that the amount of land currently identified would more than satisfy demand over the projected 20 year period. Table 1 shows the amount of land currently identified in the Strategy as having potential for rural residential settlement.

Catchment	Area (ha)
Wyrallah	56
Caniaba	122
Tullera	64
Nimbin	541
Modanville	57
Bexhill	59
Clunes/Eltham	89
Richmond Hill	294
McLeans Ridges	171
The Channon	257
<b>Total</b>	<b>1,710</b>

The land in each of these localities has been reassessed using the suitability criteria listed in the Strategy. Several of these properties were found to exhibit a number of constraints that could be considered significant enough to preclude them from further consideration within a reduced 10 year timeframe. Contour maps indicating the locations of these properties are

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## Draft Strategy for Rural Residential, Detached Dual Occupancy and Rural Landsharing

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shown in Attachment 3. A description of the constraints applying to each of the sites is given as follows:

### **Caniaba Catchment**

Lot: Pt. Lot 2 DP 184436 & Pt Lot 2 DP 592124

Area: 68.8 ha

This lot is bisected by a steep gully and for the most part is steeply sloping with gradients exceeding 20%. It has poor aspect and access and effluent disposal are also likely to be issues. Given the amount of vacant land at Caniaba already zoned for village and rural residential purposes, it is considered that this land is surplus to current requirements. It is therefore recommended that this lot be excluded from the Strategy.

### **Tullera Catchment**

Lot: Pt. Lot 2 DP 633404, Bentley Rd.

Area: 24.5 ha

This lot is also bisected by a steep gully and for the most part is steeply sloping with gradients in excess of 20%. Although there is a developable strip of land along the eastern side of the site the developable land is narrow with frontage to Dunoon Road. It would be difficult to develop such land with separate internal access road without encroaching upon the steep constrained lands. NSW Agriculture expressed concerns about the suitability of this land for closer rural settlement. It is considered that there is already sufficient land identified for rural residential purposes at Tullera. It is therefore recommended that this land be excluded from the Strategy.

### **Nimbin Catchment**

Lot: Various lots in Crofton Road.

Area: 310ha

This land is generally unconstrained in terms of land capability. There are five (5) Development Applications for rural residential subdivision that have been granted conditional approval in the area for which the consents are still current. The approvals relate to a total of 60 new lots. To date none of these approvals has proceeded. The main reason for this appears to be the requirement applying to all 5 consents for the upgrading of Crofton Road from the intersection of MR142 (Blue Knob Rd) to individual property accesses to a 6m wide bitumen seal on a 8m wide gravel formation. The existing seal on Crofton Rd varies in width between 3.7m and 4.8m.

In 1997, Consultants for the landowners provided an estimate for the upgrading of 3.6kms Crofton Road to the required standard. The estimated cost of the works was \$329,000. This included some pavement thickening, widening an existing concrete bridge and replacement of a timber bridge. The estimate did not include the cost of upgrading the intersection with MR142. Given that none of the approved subdivisions in Crofton Rd have proceeded to completion, it would seem that rural residential development in this area fails to satisfy the Strategy objective for economic feasibility. The Strategy states that it must be economically feasible for future development to meet the costs of upgrading existing access roads to the required standard.

Excluding the Crofton Road area from the Strategy will not render existing consents null or void. However should those consents lapse without the necessary road upgrading works being undertaken, this would indicate that subdivision in the area is not economically viable at this stage. Keeping the area in the Strategy could have the effect of excluding other areas from consideration where subdivision may be more viable. It is therefore recommended that the Crofton Road area be excluded from the Strategy.

**Modanville Catchment**

Lot: Lot 22 DP 861639 Dunromin Drive

Area: 33.7ha

This land is situated to the south of the existing rural residential development in Dunromin Drive. A large portion of the site is steeply sloping with a southerly aspect. 66KV power lines transverse the site in a north-south direction. The only area that is considered to have reasonable potential for rural residential development is that section of the site to the east of the power lines. Given the significant constraints impacting on the site, it is recommended that lands to the west of the 66KV lines be excluded from the Strategy.

Lots: Pt Lots 21-24 DP 732269 Beddoes Road

Area: 23.45ha

This land is situated to the north of Beddoes Road. It consists of a small ridgeline running at right angles to Beddoes Road with some moderate slopes. The land is not considered to be significantly constrained in a physical sense. It adjoins an existing rural residential area to the south and would require a relatively short section of Beddoes Road to be upgraded to the required standard. However NSW Agriculture has expressed concerns that there is an established horticultural area to the north and that rural residential development in this area could compromise expansion of macadamias as well as other agriculture. Part of the site is also zoned 1(b) (Agricultural Zone). For this reason it is recommended that the land be excluded from the Strategy.

**Clunes – Eltham Catchment**

Lot: Land to the east of Johnston Road

Area: 53 ha

This area is heavily constrained by access limitations, topography and proximity to Wilsons Creek. Part of the site is zoned 1(r) (Riverlands Zone) indicating its susceptibility to flooding. Direct vehicular access to Bangalow Road would not be appropriate and the alignment of Johnston Road would preclude multiple accesses to service the seven (7) separate lots identified in the Strategy as having potential for rural residential subdivision. The land is considered to be marginal in terms of its suitability for rural residential development and it is recommended that the area east of Johnston Road be excluded from the Strategy.

**Richmond Hill – McLeans Ridges Catchment**

Lot: Various lots.

Area: 25 ha (approx)

There are several land parcels currently identified in the draft Strategy that are no longer considered suitable for future rural residential subdivision because of a lack of suitable access to the sites. Generally future access options have been precluded due to recent subdivision patterns on adjoining allotments. These parcels are:

Pt Lot 104 DP 617898 & Lot 563 DP 757718 Boatharbour Road.

Pt Lot 103 DP 617898 Ridgeland Close.

Pt Lot 17 DP 830741 Whispering Valley Drive.

In the absence of suitable access to service future subdivision, it is recommended that these areas be deleted from the Strategy.

**The Channon Catchment**

Lot: Pt. Lot 117 DP 740541, Pt. Lot 16 DP 777383, Pt. Lot 3 DP 872121, Lot 175 DP 728642 and Lot 6 DP 826089 Koonorigan and Pinchin Roads.

Area: 119 ha

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## Draft Strategy for Rural Residential, Detached Dual Occupancy and Rural Landsharing

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Two areas identified in the draft Strategy to the west of The Channon Village are considered to be unsuitable for rural residential development in the short to medium term due to topographical constraints. These are the area between Blackwell Road and Tuntable Creek Road and the land to the south and west of Koonorigan Road. The relatively narrow area between Blackwell Road and Tuntable Creek Road is bisected by Tuntable Creek. Most of the site is zoned 1(r) (Riverlands Zone) under the LEP. Any future dwelling site in this area would be located within 100 metres of the creek and the site is considered to be significantly constrained in terms of local flooding and the potential for household effluent to be disposed of on-site.

The area to the south and west of Koonorigan Road is highly constrained in terms of steepness. Much of the site has slopes exceeding 20% with substantial areas exceeding 33%. Land to the north of Koonorigan Road has moderate to gentle slopes and is more suited to rural residential settlement (although consideration will need to be given to the location of two dip sites on the eastern side of the road). Demand for rural residential land at The Channon is likely to be modest and there are significant areas of more suitable land available in the area. It is therefore recommended that these areas be excluded from the Strategy.

### **Summary**

Exclusion of the areas as recommended above would result in a reduction of approximately 638 hectares of potential rural residential land from the Strategy. Assessment of those submissions requesting inclusion of additional land in the Strategy has resulted in recommendations to include a further 185 hectares within the Strategy. This would result in a net reduction of 453 hectares potential rural residential land from the Strategy leaving a total area of 1257 hectares available for rural residential subdivision within the 10 nominated localities. Based upon forecasts of likely demand, this area would be more than sufficient to satisfy demand within the recommended 10 year timeframe.

A number of other areas identified in the draft Strategy for rural settlement also exhibit a number of constraints such as slope, access, intersection design etc. These have not been recommended for exclusion because it is considered that such constraints may be addressed at the subdivision design stage. Where such constraints exist it is important that these are identified in the section of the Strategy that specifically describes the individual catchments. These matters would be required to be addressed by proponents in the Locality Development Guidelines and would be required to be part of an agreement with Council for the upgrading of local infrastructure at the rezoning stage.

### **4. Road Standards and Upgrading**

Rural residential development has the potential to impose costs on the wider community for the provision of infrastructure given that the costs of providing such infrastructure are generally much greater than for urban residential development. It is important that new rural residential development be fully responsible for meeting the costs of providing such infrastructure particularly where the standard of existing rural roads is inadequate to cater for increased traffic volumes.

In the 'Implementation' section of the draft Strategy it states that "...Rezoning will not be forwarded to the Minister for gazettal until arrangements for core infrastructure such as upgrading of existing roads have been completed". This principle needs to be reinforced so as to avoid the potential for such costs to be transferred to Council. For this reason it is considered that individual Section 94 Plans for road upgrading for each rural residential precinct are not appropriate. The Strategy should make it clear that, regardless of whether the existing road standard is adequate to meet existing levels of traffic, new development will be required to upgrade such roads to the necessary standard required to cater for ultimate traffic numbers when all land within a particular precinct is fully developed.

## Draft Strategy for Rural Residential, Detached Dual Occupancy and Rural Landsharing

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This requirement should be in the form of a legally enforceable agreement made between Council and the developer prior to Council proceeding with the rezoning of any land within that precinct. Where multiple landholders own land with rural residential potential that accesses the same road network, it will be up to the individual landholders to agree to an equitable distribution of such road upgrading costs prior to approaching Council. It is recommended that the draft Strategy be amended so that this requirement is clear and unambiguous.

### 5. Implementation of the Strategy

The draft Strategy is based upon a four step implementation process. In summary these are:

Step 1	Adoption of the Strategy
Step 2	Locality Development Guidelines (LDG) to be prepared for each area
Step 3	Submission of Rezoning Application and Precinct Development Plan
Step 4	Submission of Development Application and Property Development Plan

The draft Strategy envisages that Council will oversee the preparation of the LDG for each area utilising funds provided by landowners in each of the catchment areas. Rezoning applications will only be considered when the LDG has been exhibited and adopted by Council as a DCP. Matters listed in the Strategy to be addressed in the LDG include:

- Development opportunities and constraints
- Environmental, social and economic impacts of the proposal
- Environmental management principles, addressing:
  - protection of native flora and fauna;
  - protection or improvement of water quality;
  - protection or improvement of views from main roads;
  - avoidance of soil erosion
- Identification of areas requiring rehabilitation, improvement etc.
- Design principles for subdivision and location of buildings (to comply with DCP 28 – Subdivision).
- Infrastructure requirements – water, sewer, roads and drainage (to comply with DCP 28 – Subdivision, AUSTRROADS and Council's Development Construction and Design Manual).
- Section 94 Plan to provide for equitable division of costs among all developing land owners.
- Conceptual collector road layout showing how access will be gained to each land parcel.
- Matters for further investigation in Precinct Development Plans.

At the rezoning stage the Strategy requires that such applications be accompanied by a Precinct Development Plan (PDP). The PDP is to be prepared by the developer and must incorporate a concept plan showing:

- Servicing strategy (roads, water, sewer, drainage)
- Proposed road layout.
- Proposed methods of environmental management (relating to flora, fauna, water quality and views), including identification of any required buffer areas.
- Landscaping principles.
- Indicative lot layout.
- Potential building and effluent disposal sites.

This process is considered to be overly complex and time consuming. The process could be streamlined without in any way undermining the intent of the Strategy in terms of the information to be submitted by landholders or the control that Council will have through the

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## Draft Strategy for Rural Residential, Detached Dual Occupancy and Rural Landsharing

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rezoning process. It is recommended that Steps 2 and 3 be integrated into a single Step so that implementation comprises a three step process:

- Step 1 Adoption of the Strategy
- Step 2 Submission of Rezoning Application together with Locality Development Guideline - incorporating also the requirements of the Precinct Development Plan
- Step 3 Submission of Development Application

It is also considered that the information provided by applicants with the Rezoning Application needs to be very specific in terms of the funding arrangements for necessary road upgrading works (as discussed above) and other infrastructure and rehabilitation works. This needs to be clearly set out in the Implementation section of the Strategy.

### 6. Proposed Method of Rezoning Land for Rural Residential Purposes

The Implementation section of the draft Strategy provides that rezonings incorporate a 3 year 'sunset clause' requiring development to proceed within that period in accordance with an approved LDG. It is considered that the use of the existing 1(c) (Rural Residential) zone in the LEP would be inappropriate for future rural residential development as it permits subdivision to a minimum 0.2 ha lot size. Lot sizes are likely to vary depending upon the locality and the combination of site factors that may be unique to that locality. These are matters that will be determined during the preparation of an LDG for each area.

The recommended manner for incorporating such requirements into the rezoning process is through the use of a Schedule in the LEP (similar to existing Schedule 4). This provides the means for identifying specific parcels of land upon which certain development may occur in addition to what would otherwise be permissible under the zoning. By utilising a Schedule, reference could be made to the applicable Locality Development Guideline that would control the nature and density of development on the site. This manner of 'rezoning' would also facilitate the use of a 3 year 'sunset clause'.

### 7. Minimum Number of Lots Permitted in a Subdivision

The draft Strategy stipulates a minimum 12 to 15 lots to be created in any subdivision in order that lots be clustered into precincts rather than dispersed in small groups. An exception is made in the case of 'in-fill' subdivision.

This requirement could be quite onerous, particularly given the fragmented nature of land tenure in some areas. Given that demand for rural residential blocks has historically not been high, this requirement is also likely to make some proposals unviable. In any case the requirement is considered to be unnecessary given that a Locality Development Guideline will control the overall subdivision pattern within each area. The LDG should ensure that subdivision does not result in a dispersed settlement pattern. It is considered that a minimum of 4 lots should be sufficient (except in the case of in-fill subdivision) and that the Strategy should be amended accordingly.

### 8. Description of Potential Closer Rural Settlement Localities

A number of constraints to rural residential development have been identified in several of the preferred localities. These include road and intersection upgrading requirements, restrictions on the number of accesses to rural roads, etc. Where these constraints have been identified it is recommended that they be included in the General Outline section of the Strategy that describes each of the potential closer rural settlement localities. These issues can then be addressed at the rezoning stage particularly if this section is included in the matters to be addressed in the preparation of a Locality Development Guideline.

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## Draft Strategy for Rural Residential, Detached Dual Occupancy and Rural Landsharing

### 9. Title of the Strategy

The original title of the Strategy was the 'Lismore Rural Settlement Strategy'. After Council resolved to prepare its own strategy for RLSCs and incorporate it into the Rural Settlement Strategy the title was changed to the 'Strategy for Rural Residential, Detached Dual Occupancy and Rural Landsharing Communities'. While the current title is descriptive, it is considered that a shorter title would be better and it is recommended that it be changed to the 'Lismore Rural Housing Strategy'.

### Rural Settlement Strategy Steering Committee Comments

The Rural Settlement Strategy Steering Committee met on August 16, 2000 to consider a report on submissions received in response to the exhibition. Before making its final recommendation the Committee decided to inspect a number of properties that were the subject of those submissions. The inspections were carried out on September 5, 2000 and the Committee then held a further meeting on September 12, 2000 to finalise its recommendations.

The Committee based their recommendations on the planning report that utilised the 11 criteria from the Strategy for determining suitability as well as their own appraisal of the properties carried out on the inspection day. Their recommendations are summarised as follows:

PROPERTY	No:	SUPPORTED FOR INCLUSION
Lot 2 DP 700634 Monaltrie Lane, Wyrallah	1	No
Lot 2 DP 587430 Skyline Road, Lismore	2	No
Lot 3 DP 747721 Breckenridge Road, Wyrallah	3	No
Pt Lot 2 DP 579092 & Lot 1 DP 120225, Tuntable Creek Road, The Channon	4	Yes - refer to comments <sup>1</sup>
Lot 2 DP 579204 Dunoon Road, Modanville	5	Yes
Lot 113 DP 755729 McLeay Road, Tullera	6	No - refer to comments <sup>2</sup>
Lot 3 DP 261959 Palmers Road, McLeans Ridges	7	Yes
Lot 3 DP 591087 Muller Road, Tregeagle	8	No
Lot 1 DP 258403 Minshul Crescent, Tullera	9	Yes
Lot 2 DP 592677 McKenzie Road, Eltham	10	No - refer to comments <sup>3</sup>
Lot 4 DP 580081 Dunoon Road, Tullera	11	Yes
Various - South Wyrallah	12	No
Lot 3 DP 733168 Cowlong Road, McLeans Ridges	13	No
Lot 8 DP 253464 Pineapple Road, Goonellabah	14	Yes
Lot 27 DP 737099 Grace Road, Bexhill	15	Yes - refer to comments <sup>4</sup>
Lot 52 DP 714801 Palmers Road, McLeans Ridges	16	Yes
Lot 6 DP 579613 McKenzie Road, Eltham	17	No - refer to comments <sup>5</sup>
Lot 5 DP 253464 Pineapple Road, Goonellabah	18	No
Pt Lot 3 DP 606565 & Lot 6 DP 252092 Richmond Hill	19	Yes - refer to comments <sup>6</sup>
Various - Minshul Crescent, Tullera	20	Yes
Lot 11 DP602908 & Lot 3DP 583666 Skyline Road, Lismore	21	No
Pt Lot 2 DP 868526 Caniaba Road, Caniaba	22	Yes - refer to comments <sup>7</sup>
Pt Lot 42 DP 868366 Pineapple Rd Goonellabah	23	No
Lot 7 DP 253464 Pineapple Road, Goonellabah	24	Yes
Lot 416 DP 873496 Cowlong Road, McLeans Ridges	25	Yes - refer to comments <sup>8</sup>
Lot 5 DP 827282 Camerons Road, McLeans Ridges	26	Yes
Lot 48 DP 755711 Blue Knob Road, Nimbin	27	No
Lot 1 DP 852317 Newton Drive, Nimbin	28	No
Lot 16 DP 1011612 & Lot 123 DP 731488 Cowlong	29	No

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### Draft Strategy for Rural Residential, Detached Dual Occupancy and Rural Landsharing

Road, McLeans Ridges Lot 28 DP 794266 Stony Chute Road, Nimbin	30	Yes - refer to comments <sup>9</sup>
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1. The site was considered suitable for rural residential due to its proximity to The Channon village. Land in the same ownership on the western side of Tuntable Creek Road was considered potentially capable of supporting a single house site.
2. The site was considered to have excellent potential for some form of residential development however it is subject to some significant constraints such as lack of suitable access and location of the Lismore speedway. The Committee unanimously agreed that this site should be investigated for its urban development potential along with other land on the 'Dunoon Road plateau' as part of Council's upcoming review of the urban strategy. As a result of that process, it was found to be unsuitable for urban development Council should then consider including it in the rural strategy.
3. The two sites in McKenzie Road exhibited some attributes that it could warrant their inclusion in the Strategy, however the majority of committee members believed that because of the area's relative isolation from the main rural residential area at McLeans Ridges, it was premature to include them in the Strategy and consequently the submissions were not supported.
4. This site was supported for inclusion subject to the exclusion of development from appropriate buffer areas to the Bexhill brick pit as recommended in the GeoLINK submission.
5. The recommendation for inclusion of these sites was conditional upon access being provided off Richmond Hill Road and that it did not result in the creation of a 'flood isolated' pocket of rural residential subdivision adjacent but unconnected to existing rural residential development at Richmond Hill.
6. Due to the availability of water and sewer it was considered that this site would more appropriately be zoned 2(v) Village rather than for rural residential purposes. The issue of noise levels from the airport would need to be more thoroughly addressed at the rezoning stage.
7. Although this property supports intensive stone fruit production there is a small area to the west of the site that is topographically separated from the area under horticulture. Inclusion of this area was supported on the basis that sufficient buffers are provided to the stone fruit orchard.
8. Although there were some concerns about including this property because of its distance from Nimbin (at the 5km limit), the Committee believed that the submission could be supported on the basis that the Community Title concept provided by the applicant offered an alternative to the more conventional models of rural residential subdivision and could potentially satisfy a niche market.

The Committee also considered other recommendations for changes to the draft Strategy as listed in this report and resolved as follows:



### 1. **Land Demand and Supply**

Agreed with recommendation but suggested that an additional statement be inserted in the strategy noting that rural residential subdivision is no longer permitted in Ballina, and is restricted to Community Title subdivision only in Byron Shire. This is likely to have a positive effect on demand for rural residential allotments in Lismore.

### 2. **Strategy Timeframe**

Agreed with recommendation to reduce time-frame from 20 years to 10 years.

### 3. **Assessment of Preferred Rural Residential Lands Identified in the Draft Strategy**

Caniaba Catchment – Agreed with recommendation to delete nominated lands

Tullera Catchment – Agreed with recommendation to delete nominated lands

Nimbin Catchment – Agreed with recommendation to delete nominated lands

Modanville Catchment - Agreed with recommendation to delete nominated lands but also including that part of Lot 22 DP 861639 west of the 66KV power lines.

Clunes/Eltham Catchment – Recommended exclusion of all land east of Johnston Road.

Richmond Hill Catchment – Agreed with recommendation to delete nominated lands.

The Channon Catchment – Agreed with recommendation to delete nominated lands.

### 4. **Road Standards and Upgrading**

Agreed with recommendation to require legal agreements to ensure infrastructure is provided.

### 5. **Implementation of the Strategy**

Agreed with recommendation to reduce implementation process from 4 to 3 steps.

### 6. **Proposed method of Rezoning Land**

Agreed with recommendation but suggested that terminology be changed from “*rezoning*” to “*LEP amendment*” to give clear indication that properties will be listed in a schedule rather than rezoned to a 1(c) zone.

### 7. **Minimum Number of Lots Permitted in a Subdivision**

Agreed with recommendation to reduce minimum number of lots from 12 to 4.

### 8. **Description of Potential Closer Rural Settlements Localities**

Agreed with recommendation to include additional matters and known constraints in this section of the Strategy.

### 9. **Title of Strategy**

Agreed with recommendation to change title to ‘Lismore Rural Housing Strategy’.

## **Conclusion**

The draft Strategy has undergone an extensive process of public consultation and consideration by Council’s steering committee. The committee’s recommendations as summarised above are considered to be based on sound planning principles and are therefore supported. They have been incorporated into the recommended amendments to the Strategy which are summarised below. The recommended amendments have also been incorporated into the attached copy of the Rural Housing Strategy as per Attachment 4. The changes to the exhibited Strategy are shown in *italics* for ease of reference.

**Summary of Recommended Amendments**

The following recommendations have been discussed previously in this report and are listed in the same order as they appear in the report:

1. That the following additional matters be included as matters to be addressed in the preparation of a Locality Development Guideline (LDG):
    - (a) identification of existing land uses and land use trends in the locality.
    - (b) potential conflicts or incompatibility with surrounding land uses
    - (c) recommendations for the design and width of buffers
  
  2. (a) That a provision be included within the matters to be addressed in a Locality Development Guideline requiring that the indicative lot layout for the area demonstrate that no new riparian right be created through the creation of additional lot frontages to any river as defined under the Water Act 1912.
  
  - (b) That the following subclause be included within subclause (4) of the draft LEP for RLSC's:

*"no additional riparian access rights to streams, creeks, rivers and other waterways may be created, unless approved by the Dept of Land and Water Conservation."*
  
  - (c) That the following clause be included in Clause 2.4.4 (Water Management Plan) of the draft DCP for RLSC's:

*"Evidence of approval from the Dept of Land and Water Conservation where the additional number of dwellings on the land increase my more than 20% riparian rights of the former land use."*
  
  3. That the following guidelines be referred to as matters to be considered in the preparation of a Locality Development Guideline and be included in Clause 2.5.6 (Wastewater Management Plan) of the draft DCP for RLSC's:

*Lismore City Council's On-Site Sewage and Wastewater Management Strategy. and The NSW State Groundwater Policy Framework Document.*
  
  4. That section 5.7 of the Strategy be amended to state:

*An assessment must be made of the potential environmental impacts of any proposed Rural Landsharing Community development in terms of likely impacts on water quality (both ground and surface), erosion and land stability, fauna, flora and vegetation systems identified in a Regional Vegetation Management Plan prepared in accordance with the Native Vegetation Conservation Act, drainage, other components of natural systems and on views from public roads. Any locations where likely adverse impacts are more than minimal are to be avoided.*
  
  5. That the following matters be included as a requirement to be addressed in the Locality Development Guideline as well as in Clause 2.7.1 (Fauna, Flora and Revegetation Management Plan) of the draft DCP for RLSC's:
    - *vegetation and wildlife habitat mapping including identification of any potential koala habitat as defined in SEPP No. 44,*
    - *forest cover and agricultural land use,*
    - *mapped scenic management zones,*
    - *an assessment of remnant bushland, and*
    - *an assessment of priority areas for rehabilitation and reforestation.*
-

## LISMORE CITY COUNCIL - Meeting held October 10, 2000

### Draft Strategy for Rural Residential, Detached Dual Occupancy and Rural Landsharing

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6. That the following matters be included in Clause 2.11.1 (Fire Management Plan) of the draft DCP for RLSC's:  
*A Fire Management Plan is to be prepared in accordance with Bushfire Act 1997. Where development adjoins Crown land any fire buffer must be established entirely within the freehold property.*
  7. That the criteria assessment scoring system as set out in Part A of the Strategy for determining suitability of land for closer rural settlement be deleted.
  8. That the Strategy be amended to include the following properties within the potential rural residential areas shown on Map 3 in Part A of the Strategy:  
Pt Lot 2 DP 579092 & Lot 1 DP 579092 Tuntable Creek Road, The Channon.  
Lot 2 DP 579204 Dunoon Road, Modanville.  
Lot 3 DP 261959 Palmers Road, McLeans Ridges.  
Lot 4 DP 580081 Dunoon Road, Tullera  
Lot 27 DP 737099 Grace Road, Bexhill.  
Lot 52 DP 714801 Palmers Road, McLeans Ridges.  
Pt Lot 3 DP 606565 and Pt Lot 6 DP 252092 Richmond Hill.  
Lot 5 DP 827282 Cameron Road, McLeans Ridges.  
Lot 28 DP 794266 Stony Chute Road, Nimbin.
  9. That part Lot 2 DP 858526 Caniaba Road and Nimoola St. Caniaba be considered for rezoning to 2(v) Village zone.
  10. That the Strategy be amended to include potential landuse conflicts as a matter to be addressed in the preparation of the Locality Development Guideline. The Strategy is to set out the buffer requirements as per DCP #27 and indicate that a bond will be required to ensure the successful establishment of any proposed plantings after a specified period.
  11. That the Locality Development Guideline requirements be expanded to include a requirement to identify opportunities for linking and expanding native vegetation remnants (including the removal of environmental weeds) as well as opportunities to rehabilitate other environmentally sensitive areas such as riparian zones.
  12. That the section of the Strategy relating to land demand be expanded to include data relating to all approvals of rural dwellings in Lismore over the past 5 years to further substantiate the projected demand of 35 dwellings per annum. The section is also to note that demand for rural residential development in Lismore may increase given that rural residential subdivision is no longer permissible in Ballina Shire and is restricted to Community Title subdivision in Byron Shire.
  13. That the timeframe of the Strategy be reduced from 20 years to 10 years.
  14. That the following lands be deleted from the preferred closer rural settlement areas in the draft Strategy:  
Pt Lot 2 DP 184436 & Pt Lot 2 DP 592124 Caniaba  
Pt Lot 2 DP 633404 Bentley Road, Tullera.  
Land in Crofton Road, Nimbin.  
Land north of Beddoes Lane, Modanville.  
Part Lot 22 DP 861639 Dunromin Drive, Modanville - west of the 66KV power line.  
Land to the east of Johnston Road, Clunes.  
Pt Lot 104 DP 617898 & Lot 563 DP 757718 Boatharbour Road, Richmond Hill.  
Pt Lot 103 DP 617898 Ridgeland Close, Richmond Hill.  
Pt Lot 17 DP 830741 Whispering Valley Drive, Richmond Hill.  
Land to the south and west of Koonorigan Road, The Channon.  
Land between Blackwell Road & Tuntable Creek Road, The Channon
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# LISMORE CITY COUNCIL - Meeting held October 10, 2000

## Draft Strategy for Rural Residential, Detached Dual Occupancy and Rural Landsharing

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15. That the General Outline section of the Strategy relating to the 10 rural residential localities be expanded to include a description of known constraints in the area as well as infrastructure upgrading works that will be required to be undertaken by landholders as a condition of future development.
16. That the Implementation section of the Strategy be amended by:
  - (a) reducing the number of Steps in the Strategy process from 4 to 3 by combining Steps 2 and 3 and integrating the requirements of the 'Precinct Development Plan' with that of the Locality Development Guideline;
  - (b) reinforcing the requirement for a legally enforceable agreement to be made between Council and all landholders within a rural residential locality for the satisfactory upgrading of rural roads and other infrastructure. Such an agreement to be in place prior to the rezoning being forwarded to the Minister.
17. That the method of rezoning land for rural residential purposes be by way of including such properties within a Schedule of the Lismore Local Environmental Plan 2000 with reference that subdivision is to be undertaken in accordance with an adopted Locality Development Guideline for the area and including a three year 'sunset clause' requiring a Development Application to be lodged within three years of the gazettal date.
18. That the section of the Strategy under the heading 'Criteria for Identifying Land with Potential for Closer Rural Settlement' be amended to reduce the minimum number of allotments to be created in any subdivision from 12 to 4 (except where the proposal involves in-fill subdivision).
19. That the General Outline section of the Strategy describing Potential Closer Rural Settlement Localities be expanded to include such constraints as are known to occur in the area and that this section of the Strategy be referred to in the matters to be addressed in the preparation of a Locality Development Guideline.
20. That the title of the Strategy be changed to the 'Lismore Rural Housing Strategy'.

### Options

Council has a number of options available to it in its determination of the Rural Settlement Strategy. These include:

1. That the draft Strategy be amended in line with the recommendations outlined in this report and that it be re-exhibited for a period of 28 days, with any further submissions to be reported back to the Rural Strategy Steering Committee. Re-exhibition of the Strategy is recommended given the extent of changes proposed.
  2. That the draft Strategy be amended in such manner as Council deems appropriate and that it be re-exhibited for a period of 28 days, with any further submissions to be reported back to the Rural Strategy Steering Committee.
  3. That Council not proceed with the adoption of the Strategy. (This would have the effect that no further rural residential subdivision would occur other than in the existing 1(c) zones and where existing consents for rural subdivision are still current. Detached dual occupancy would not be permissible in rural areas and SEPP #15 would continue to apply for RLSC development).
  4. That Council proceed with the adoption of Part A of the Strategy only. (This would mean that only Part A would become operative enabling rural residential development and detached
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## **LISMORE CITY COUNCIL - Meeting held October 10, 2000**

### **Draft Strategy for Rural Residential, Detached Dual Occupancy and Rural Landsharing**

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dual occupancy within the nominated localities. SEPP #15 would continue to apply for RLSC development).

5. That Council proceed with the adoption of Part B of the Strategy only. (This would have the effect that no further rural residential subdivision would occur other than in the existing 1(c) zones and where existing consents for rural subdivision are still current. Detached dual occupancy in rural areas would not be permissible. SEPP 15 would cease to apply for RLSC development).

Option 1 is the recommended option.

#### **Manager - Finance & Administration Comments**

Not required

#### **Other Group Comments**

The City Works Group has been consulted throughout this process and the Group Manager-City Works informed me he has no problems with the report.

#### **Recommendation (PLA 37)**

1. That Council re-exhibit the draft Strategy (as amended) for a period of 28 days.
2. That copies of the draft Strategy be sent to all affected landowners and other persons who made submissions during the first exhibition.
3. That any further submissions to the Strategy be referred to the Rural Strategy Steering Committee for recommendation to Council.

**Subject/File No:** AMENDMENT 4 (ENERGY EFFICIENCY) DCP 14 – RESIDENTIAL DEVELOPMENT  
(PCr:MG:S2-5-405-1)

**Prepared By:** Manager – Building and Regulation  
Peter Craig

**Reason:** To formulate a policy on energy efficient homes and to alter DCP 14 by Amendment No 4 to include the policy.

**Objective:** For Council to resolve to amend DCP 14 and endorse the amendments to be placed on public exhibition.

**Management Plan Activity:** Building and regulation

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### **Background:**

On June 2, 1998 Council signed a voluntary agreement with the Sustainable Energy Development Authority (S.E.D.A.) to introduce an Energy Smart Homes Policy. Council's DCP 14 - Residential Development was subsequently amended to include mandatory and discretionary energy efficiency requirements and principles. Through representations from S.E.D.A, it has become more apparent that in view of the link between global warming and greenhouse gas emissions, it is necessary to amend our DCP to require new homes to contribute more positively to an overall reduction in greenhouse gas emissions.

### **Supporting Information:**

S.E.D.A. advise that most scientists agree that global warming caused by excessive greenhouse gas emissions is one of the most serious environmental problems facing the world today. Green House Gases (GHGs) absorb and re-emit infra-red radiation, trapping heat and warming the Earth's atmosphere, similar to the glass in a greenhouse.

GHGs come from a multitude of sources. Humans expel carbon dioxide when we breathe, methane is produced by rotting vegetation and volcanoes emit vast quantities of GHGs during their eruptions. Since the industrial revolution, however, humans have been pumping out these gases at an ever-increasing rate. Burning fossil fuels such as coal, oil and gas release greenhouse gases. Conserving electricity reduces GHG emissions from coal-fired power stations. S.E.D.A. advises that Local Government is able to influence the activities responsible for more than 50% of greenhouse gas emissions and with Australia's six million homes producing 48 million tonnes of greenhouse gas, Australian consumers spend \$5 billion on home-related energy bills annually. By adopting an energy efficient housing policy, Council is helping the environment by reducing greenhouse gas emissions and helping the community by saving money.

An Energy Smart Home uses the best combination of building orientation, insulation and efficient appliances to make it more comfortable, cheaper to run and to reduce its greenhouse gas emissions. Energy consumption in an Energy Smart Home can be reduced by up to 40% when compared to a conventional home. The Australian Consumer's Association estimates an energy efficient home is almost \$1,000 a year cheaper to run than an energy inefficient home.

Australia, like other countries has committed to slow the generation of greenhouse gases. S.E.D.A.'s objective is to do this by:

- Investing in the commercialisation of sustainable energy technologies; and
- Promoting energy efficiency and renewable energy.

## Energy Efficiency

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The program has the support of key industry bodies, including the Housing Industry Association, the Master Builders Association, Building Designers Association, Royal Architects Institute of Australia, the Australian Institute of Building Surveyors, and the Local Government Association.

S.E.D.A. has also provided Council with a Council Support Manager who is to assist Council in the adoption of the Energy Smart Homes Policy.

To date Tweed Heads has just recently implemented their Policy and discussions between Ballina, McLean and Lismore have taken place to facilitate the program on a Regional basis, other Council's having not taken advantage of S.E.D.A.'s desire to promote the Policy regionally.

### **The Policy:**

It is proposed to alter the existing Clause 2.3 of D.C.P. 14 to require that all residential development must achieve a minimum energy rating of 3.5 stars using an accepted energy rating technique for both the building envelope and the hot water system.

### **Building Envelope**

The three different accepted energy rating techniques for the building envelope are as follows:

1. Deemed to Comply Certificate - this is a very simple single sheet that requires an applicant to tick boxes to 8 questions. If an applicant complies with the criteria specified in ALL of the 8 items, it is deemed that the intent of DCP 14 relating to Energy Efficiency has been complied with. If the building does not comply then the applicant has an opportunity to use Council's scorecard assessment, which requires greater detail of the building.
2. Lismore City Council Energy Rating Scorecard - The scorecard itemizes each component of the building and provides a numerical pointscore. The points are allocated for both the summer and winter seasons and once added up will clarify whether the building has achieved the required 3.5 Star Rating.

If the building fails on both the Deemed to Comply Certificate and the Scorecard, it is still possible to achieve a 3.5 Star Rating by having a NatHERS Certificate.

3. NatHERS Certificate or Certificate from Approved Software - This approved technique requires the applicant to engage an Accredited User to undertake an even more specific assessment of the energy efficiency of the building envelope.

If the building failed to comply the Accredited User would advise of the various methods that would allow compliance.

### **Hot Water Systems**

Hot water systems must also achieve a minimum 3.5 Star Rating.

This can be achieved by the following systems:

- Solar Gas Boost.
- Solar Electric Boost.
- Gas - Instantaneous.
- Gas - Storage.
- Heat Pump - Elect. Storage.

**Energy Efficiency**

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Systems that do not comply are:

- Electric - Instantaneous.
- Electric - Continuous.
- Electric - Storage.

It should be noted that due to the extra cost of installing an energy efficient hot water system, S.E.D.A. have provided an incentive of a \$500 rebate for purchase of a solar hot water system in areas where the Council has implemented the program.

**Exemptions**

The DCP allows for exemptions under certain circumstances such as novel construction, conflicting guidelines, adverse impact on amenity of adjoining land and buildings, and uneconomic evaluation. Uneconomic evaluation can be used as a criteria for exemption where it can be shown that attainment of the 3.5 star rating would require additional expenditure which is not cost effective within a ten year period for the building envelope and a seven year period for the hot water system.

**Other Group Comments**

N/A

**Conclusion**

The implementation of the requirement for Energy Efficient residential development is an initiative that has long-standing environmental benefits. Whereas there may be some criticisms over the link to global warming, the burning of fossil fuels and subsequent release of manmade greenhouse gases into our atmosphere is a measureable activity that has the potential to alter our environment.

The adoption of these principles of energy efficiency will create homes that are affordable, comfortable to live in, use minimal energy, are economical to run, and contribute positively to an overall reduction in greenhouse gas emissions.

Due to the implications of adoption of the policy to building designers, developers and homeowners, it would be appropriate to phase in the requirements over a three (3) month period. During this phase in period it would be necessary for a prescribed energy rating technique to be conducted in relation to Development Applications, however if they did not achieve a 3.5 star energy rating, then they would not have to upgrade their building to comply.

During the exhibition period it is proposed to correspond and workshop the amendment with key stakeholders in the housing industry to ensure they are fully conversant and have an opportunity to provide informed comment.

**Recommendation (PLA 36)**

That as required by Clause 21 of the Environmental Planning and Assessment Regulation, Council resolve to amend Development Control Plan No. 14 - Residential Development by the preparation of Amendment No.4 (as attached) and endorse the draft DCP for public exhibition for a period of twenty eight (28) days.



# LISMORE CITY COUNCIL - Meeting held October 10, 2000

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**Subject/File No:** DISPOSAL OF SURPLUS COUNCIL PROPERTIES LEP NO. 4  
(AL:LC:S758)

**Prepared By:** Manager Client Services

**Reason:** Review of Council property following Public Hearing on October 3, 2000.

**Objective:** To complete the LEP Amendment Process

**Management Plan Activity:** N/a

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## **Background:**

This report updates Council in respect of draft Local Environmental Plan No 4. The draft LEP No 4 seeks the reclassification and zoning of the following public lands.

## **Reclassification from community to operational**

<b>Real property description</b>	Lot 1 DP 636233	Lot 34 DP 219592	Lot 23 DP 829442	Lot 29 DP 262148	Lot 22 DP 701863
<b>Street address</b>	50 Dawson St Lismore	22 Ballina Rd Lismore Heights	15 Westview Dr Goonellabah	3 Barr Scott Dr Lismore Heights	45 Wilson St Sth Lismore
<b>Land Usage</b>	Lismore Tourist Caravan Park	Vacant "Nature Strip"	Vacant	Vacant	RSL Sub-Branch Hall
<b>INTENDED ACTION</b>	Improve Leasing	Sale to Neighbours	Sale	Sale	Sale

## **Rezone from 6(a) Recreation to 6(b) Private Recreation**

<b>Real property description</b>	Lot 22 DP 701863
<b>Street address</b>	45 Wilson St Sth Lismore

Council has previously made the necessary resolutions to commence the LEP Amendment process for these lands. The recommended action outlined in this report is necessary to finalise the process.

## **EXHIBITION OF THE DRAFT LEP NO 4**

Following consultation with various statutory bodies as required by legislation a draft plan and required documentation was prepared and placed on public exhibition for the period August 3, 2000 to August 31, 2000.

As part of the draft Plan exhibition process Council wrote to all adjoining landowners advising them that a draft LEP prepared in accordance with the provisions of the Environmental Planning and Assessment Act and Local Government Act had been prepared and was on exhibition for public comment. The letter also set out the reasons for the preparation of the Plan and provided a summary of the information exhibited.

Council received no submissions to the draft LEP.

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# **LISMORE CITY COUNCIL - Meeting held October 10, 2000**

## **Disposal of Surplus Council Properties LEP No 4**

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### **PUBLIC HEARING**

The Local Government Act requires that Council also conducts a Public Hearing in accordance with the provisions of the Environmental Planning and Assessment Act in respect of proposed changes to the classification of public lands from community to operational.

Council, when it wrote to all adjoining landowners, also advised that it would be conducting a Public Hearing. On September 9 & 11, 2000 Council made public notice and wrote again to all adjoining owners advising them that a hearing had been organised on October 3, 2000.

### **OUTCOMES OF HEARING**

Mr Rob Doolan of Balanced Systems Planning Consultants chaired the Hearing. Mr Rob Doolan was requested to Chair the Hearing as he is an experienced Town Planner who is familiar with the planning system and independent of Council in the matter.

A copy of the Report of the Public Hearing is separately supplied to Council.

No persons attended or made submissions to the hearing.

### **Manager - Finance & Administration Comments**

N/a.

### **Public Consultations**

Outlined above.

### **Other Group Comments**

Strategic Planner – Bruce Blackford

LEP Amendment No 4 has been prepared and exhibited in accordance with the provisions of the Local Government and Environmental Planning and Assessment Acts.

### **Conclusion**

There appears to be no bar in Council now proceeding to advise the Director-General of the Department of Urban Affairs and Planning, of the outcomes of the public consultation and requesting that the draft LEP be made and gazetted.

### **Recommendation GM29**

That Council submit draft Local Environmental Plan No 4 to the Director-General of the Dept of Urban Affairs and Planning and request that the plan be made by the Minister for Urban Affairs and Planning, pursuant to s68(4) of the Environmental Planning Act 1979..

**Subject/File No:** PROPOSED NAMING OF ROADS:  
• ERIC PLACE, LISMORE  
• MIDDLETON WAY, DORROUGHBY  
(WR:MG:R7126:S8/8/330/1)

**Prepared By:** SPECIAL PROJECTS PLANNER - WARREN RACKHAM

**Reason:** REQUESTS RECEIVED FROM RESIDENTS FOR NAMING

**Objective:** TO DETERMINE SATISFACTORY NAMES FOR THE RESPECTIVE ROADS

**Management Plan Activity:** PLANNING AND DEVELOPMENT

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**Background:**

Occasionally Council receives applications for the naming of existing roads within the Council area. Power is vested in Council under Sec. 162 of the Roads Act, 1993 to name roads, provided procedures are observed under Sec. 7 of the Roads (General) Regulation 1994.

Two applications have been received recently, as follows:

1. **ERIC PLACE, LISMORE** A dead end bitumen sealed road exclusively servicing No's 2-20 inclusive within the New Ballina Road reserve (or "New Ballina Cutting"). Application received from resident of that street, the name Eric being that of her late husband, and son of the original owner and subdivider Mrs Symonds carried out in 1947. The other street in this subdivision is Noel Street, named after a brother of Eric.

Reason for the request, apart from the family connection, is the stated current confusion that exists between Ballina Cutting and/or New Ballina Road, and the difficulty that delivery vehicles, taxis etc. have in identifying the secondary dead end section as being part of New Ballina Road.

Given the physical situation, the request appears to be based on practical and sound grounds, and is supported. There have been no objections lodged resulting from mandatory notification, and no objections received from government agencies following due notice, or from Council's City Works Department.

2. **MIDDLETON WAY, DORROUGHBY** This is essentially an unmade public road of some 1.5km in length connecting Nightcap Range Road with Rocky Creek Dam Road, south of the Rous Water supply catchment. In more recent times, Rous Water have constructed part of this road leading off Nightcap Range Road giving access to water supply works, and the request has been made to name the road after a local identity, Mr Jack Middleton. It is advised that Mr Middleton has been a resident of Dorroughby since 1945, is well known in local and sporting circles, and has also been an Australia Day Award recipient from Council.

Rous Water and relevant government agencies have no objections to the naming of the road, and one submission was received which does not object to the naming but suggests a "no through road" status being added to any signage.

The name is appropriate, and is supported for approval.

**Other Group Comments**

**City Works**

Has no objections to both of the names proposed.

**Recommendation (PLA 35)**

That the names "Eric Place" and "Middleton Way" be adopted, and required notifications be carried out.

**Subject/File No:** CBD UPGRADE DRAFT SURVEY  
SM:KG:S273

**Prepared By:** Communications & Marketing Officer

**Reason:** To present draft CBD upgrade survey proposal

**Objective:** To obtain Council endorsement of above draft survey

**Management Plan Activity:** 7.1 Public Open Space

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**Background:**

The following proposal has been prepared by the Steering Group for the Lismore Central Business District (CBD) Upgrade to meet the requirements of a Mayoral Minute from the Lismore City Council Ordinary meeting, April 4, 2000.

The Mayoral minute resolved that:

1. Lismore Unlimited carry out a survey of owners and operators of CBD property to determine:
  - a) What form the upgrade should take;
  - b) a fair and equitable contribution from benefiting ratepayers. The method of the survey to be approved by Council.
2. The method, extent and form of the survey to be agreed to by Council and Lismore Unlimited.

As a consequence of the above Mayoral minute, a Steering Group comprising the following members was established; Barry Robinson, President, Lismore Unlimited, Brian Henry, Lindsay Walker, Bill Sheaffe, Tom Gordon, Graeme Mienieke, Crs Suffolk, Crowther.

The Steering Group, working in conjunction with Peter Vitartas of Southern Cross University, has formulated the following framework for conducting the survey. It will have two stages, canvassing the opinions of owners and operators of businesses in the first stage, and the general community in the second stage.

**Research Objectives**

To assess the views and attitudes of owners and operators of businesses **and** shoppers on:

- a) Lismore CBD's parking, traffic flow and aesthetics
- b) current street scaping
- c) preferences for future upgrade works
- d) payment options for CBD upgrade works

**Methodology**

In order to accomplish the research objectives the methodology will use the following processes.

1. ***Self completion questionnaire***

Sample: Business owners/operators within the smaller CBD block (Magellan, Woodlark, Keen and Molesworth Streets).

Sample Size: Mail-out to all business owners and proprietors in this area. Surveys coded to enable follow up process to take place.

Questionnaire: Constructed specifically for self-completion purposes.
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**CBD Upgrade Draft Survey**

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**2. *Face-to-face interviews***

Sample: People randomly selected in the CBD over a two-week period. Control to be maintained for age, gender and occupational status. Quotas to be applied to time of day and day of week.

Sample size: 350

Data collection: To be undertaken by experienced interviewers who have undertaken a full briefing and training. The interview methods and techniques of the Australian Market Research Society to be utilised.

**Data Analysis**

Stage 1 A follow up will be made to all businesses surveyed to obtain the highest response rate. Analysis of data is to be provided by sample group. Differences and similarities are to be identified.

Stage 2 Analysis of data is to be provided by sample group. Differences and similarities are to be identified. Responses are to be related to demographic details and other relevant identifiers. A hard copy report with tabular and graphical form and interpreted to be provided. Data in an electronic format suitable for analysis by SPSS Software is also to be made available.

**Time Frame**

The survey of the business owners/operators can commence upon approval by Council.

Once the results of the business owner/operators survey has been collated, the Steering Group intends to review the draft general community survey and make minor modifications resulting from Stage 1. It is expected Stage 2 will commence within six weeks of approval from Council, with both stages of the survey complete and results collated before Christmas.

Copies of the draft survey forms are included as attachments to the Business Paper.

**Conclusion**

Lismore Unlimited would like it noted that the Draft Survey originally proposed by the Steering Group was modified at the request of Lismore City Council and was compiled in consultation with Mayor Bob Gates. Lismore Unlimited is happy for this draft survey to go ahead in the form of a self completing questionnaire specifically for the business owners/operators.

However, Lismore Unlimited intends to base the survey of the General Community, targeting shoppers and visitors who use the CBD, on the original survey.

**Recommendation (GM30)**

That Council endorse the proposed methodology and content of the draft survey in two stages.

Draft survey Stage 1.

Self completing questionnaire for business owners/operators



Lismore City Council has allocated loan funds totalling \$450,000 to upgrade the CBD area bounded by Magellan, Molesworth, Woodlark and Keen Streets.

There is a possibility that funding in the order of \$200,000 could be provided annually from revenue to continue upgrading road and footpath pavements in the above area.

Council is aware there are diverse needs amongst the businesses around the CBD and asks that you complete the following survey to provide your views on how the funding could be best utilised. Initially, all businesses fronting the above Streets are being invited to provide input into the project, with customers being surveyed later using information from the initial survey.

**Survey**

1. Which of the following options do you prefer, please place a number "1" in the box provided to indicate first preference then "2" for second and so on. Please note that the value of the Magellan Street upgrade is \$1.99M (adjusted to the year 2000 \$ value) .

(DIAGRAMS TO BE INCLUDED)

- A Retain existing traffic flow with centre rank parking
  
- B One way traffic flow in Magellan, Molesworth and Keen streets with two way flow in Woodlark street
  
- C Replace existing centre rank parking with centre rank angle parking facing inwards.
  
- D Any other suggestions - please describe (use space on sheet 2 if necessary)

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# LISMORE CITY COUNCIL - Meeting held October 10, 2000

## CBD Upgrade Draft Survey

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2. Which of the following options would you favour in relation to landscaping. Please number your preferred options in order of preference in the box provided with "1" being the most preferred option.

A Existing landscaping – maintained and fully planted

B Existing landscaping with additional, enhanced plantings

C Similar standard of landscaping to that of Magellan Street

D Any other suggestions - please describe (use space on sheet 2 if necessary)

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3. Would you like wider footpaths (be aware that the widening of footpaths may result in less parking)?

Yes

No

4. Would you be prepared to pay an increased rate to increase funds available for the upgrade? The increase would only apply to the designated area- (A 1% increase in general rate yields \$10,862)

Yes

No

5. Please indicate with a tick if you:

Operate a business and own the property

Own the property and lease to a business

Lease the property to operate a business

6. Please indicate the nature of the your business by the appropriate box below.

Retail

Professional

Other

7. Please indicate which street your business fronts onto. If your business premises are located on a corner block tick both streets unless there is a dominant street.

Molesworth

Keen

Magellan

Woodlark

Carrington



# LISMORE CITY COUNCIL - Meeting held October 10, 2000

## CBD Upgrade Draft Survey

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Thank you for participating in this survey.  
Please return survey sheets by >

Additional information or other comments:

### Draft Survey Stage 2

#### General community – face to face interviews with shoppers and visitors to CBD

Lismore City Council acting on a request by Lismore Unlimited has set aside substantial funds in the current financial year for the next stage of the upgrade of Lismore's Central Business District.

The aim of this upgrade is to strengthen Lismore's position as the preferred destination to shop in the region.

This is to be done in two ways:

(1) Improve the appearance of the main shopping block and

(2) Improve the access to and around the main block.

Through these improvements it is hoped to attract additional shoppers and retail shops back to the CBD.

Your views are critical in helping us develop the final design.

Please take the time and assist us in what is probably the most important capital project in Lismore's future.

#### **1. The importance of facilities in the Central Business District (CBD)**

The following questions are to identify how important different items are which go to make up our streetscapes. For each of the following items please indicate how important they are to you in a city streetscape using the scale of 1 for Not at all important through to 5 being Very important.

	Not at all important			Very Important	
Outdoor eating areas	1	2	3	4	5
Bike racks	1	2	3	4	5
Public art (e.g statues, fountains, murals)	1	2	3	4	5
Litter bins	1	2	3	4	5
Gardens, garden beds	1	2	3	4	5
Seating / rest areas	1	2	3	4	5
Shade	1	2	3	4	5
Toilets	1	2	3	4	5
Wider footpaths	1	2	3	4	5
Night Lighting	1	2	3	4	5
Street cleanliness	1	2	3	4	5
Car parking	1	2	3	4	5

#### 2. Satisfaction with current CBD facilities

# LISMORE CITY COUNCIL - Meeting held October 10, 2000

## CBD Upgrade Draft Survey

The following items relate to your satisfaction with the current facilities in Lismore's CBD. Please indicate your level of satisfaction for each item by indicating on the scale of 1 being Not at all satisfied through to 5 being Very satisfied.

	Not at all Satisfied				Very Satisfied
Number of outdoor eating areas	1	2	3	4	5
Bike racks	1	2	3	4	5
Public art (e.g statues, fountains, murals)	1	2	3	4	5
Litter bins	1	2	3	4	5
Gardens, garden beds	1	2	3	4	5
Seating / rest areas	1	2	3	4	5
Shade	1	2	3	4	5
Toilets	1	2	3	4	5
Wider footpaths	1	2	3	4	5
Night Lighting	1	2	3	4	5
Street cleanliness	1	2	3	4	5
Car parking	1	2	3	4	5

### 3. Your views on Lismore's CBD

We would now like you to answer some questions on Lismore's CBD. For the following statements please tell us how much you agree or disagree with each. Please use the scale of 1 being Strongly Disagree through to 5 being Strongly Agree.

	Strongly Disagree				Strongly Agree
I find Lismore's CBD attractive	1	2	3	4	5
Lismore has a parking problem	1	2	3	4	5
I enjoy visiting Lismore's CBD	1	2	3	4	5
Footpaths in Lismore are too narrow	1	2	3	4	5
Lismore's CBD is clean	1	2	3	4	5
When I visit Lismore's CBD I find it difficult to find a park	1	2	3	4	5
I avoid using Lismore's CBD because of poor traffic flow	1	2	3	4	5
I avoid using Lismore's CBD because of poor parking	1	2	3	4	5
I am in favour of a one-way traffic flow around Lismore's CBD	1	2	3	4	5
I am in favour of a two-way traffic flow around Lismore's CBD	1	2	3	4	5
There should be more short term (15-30 minutes) parking in Lismore	1	2	3	4	5

### 4. Your views on the Magellan Street upgrade

In the next set of questions we would like your views on the Magellan Street upgrade that was undertaken in 1998.

When was the last time you visited Magellan Street?

- Today

# LISMORE CITY COUNCIL - Meeting held October 10, 2000

## CBD Upgrade Draft Survey

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- Within the last week
- Within the last fortnight
- Within the last month
- More than a month ago

How often do you visit Magellan Street?

- Daily
- At least once a week
- Once a fortnight
- Once a month
- Less than once a month

In your opinion what do you like most about the current streetscape in Magellan Street?

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What do you dislike most about the current streetscape in Magellan Street?

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For the following statements please indicate the extent to which you agree or disagree with each. Please use the scale 1 being Strongly Disagree through to 5 being Strongly Agree.

	Strongly Disagree				Strongly Agree
When I first visited Magellan Street after the upgrade was completed, my initial impression was one of delight	1	2	3	4	5
I like to spend time visiting the shops in Magellan Street	1	2	3	4	5
I find it difficult to find a car park in Magellan Street	1	2	3	4	5
I would like to see more of Lismore's central business district developed like Magellan Street	1	2	3	4	5
I spend more time in Magellan Street now compared to before the upgrade was undertaken	1	2	3	4	5
I enjoy the wider footpaths in Magellan Street compared to other streets	1	2	3	4	5
Upgrading of other streets should be of a higher standard to that of Magellan Street	1	2	3	4	5
Overall I am very satisfied with the upgrade of Magellan Street?	1	2	3	4	5

**CBD Upgrade Draft Survey**

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5. Upgrade of the CBD

Given the council has allocated funds to upgrade the CBD, which street would you like to see upgraded first?

- Carrington Street (Inner CBD block area)
- Keen Street
- Molesworth Street
- Woodlark Street
- Don't know

Why have you chosen this street?

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Do you support the payment of a Levy for CBD upgrade work?

- Yes
- No
- Don't Know

If a levy was to be applied by the Council, do you believe this should be applied to:

- The whole city (residents and businesses)
- All Lismore businesses only
- CBD businesses only
- Don't know

6. The following questions are to assist us in classifying your responses.

Do you work in the CBD?

- Yes
- No

If yes, in which street do you work?

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What is the main purpose of your visit to the Lismore CBD today?

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Please indicate if you belong to any of the following classifications:

- Lismore CBD shopper
  - Lismore CBD employee
  - Lismore CBD business owner
  - Lismore CBD property owner
-

# LISMORE CITY COUNCIL - Meeting held October 10, 2000

## CBD Upgrade Draft Survey

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- Visitor to Lismore

What is the postcode of your normal place of residence?

\_\_\_\_\_

What is your occupation?

\_\_\_\_\_

Your age group: (please circle)

1) 18-20 2) 21-30 3) 31-40 4) 41-50 5) 51-60 6) Over 60

Gender; are you ...

1) Male

2) Female

Thankyou for participating in our survey. Your input is greatly appreciated. If you have any questions or comments concerning this survey they can be directed to the supervisor, xxxxxxxxxx. Would you like his/her contact details? (If yes provide details)

## LISMORE CITY COUNCIL - Meeting held October 10, 2000

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**Subject/File No:** PAYMENT OF EXPENSES & PROVISION OF FACILITIES POLICY  
(GW:KB:S44)

**Prepared By:** Manager, Administrative Services

**Reason:** Closure of exhibition period

**Objective:** To adopt new policy

**Management Plan Activity:** N/A

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### **Background:**

Council, at its meeting of August 8, 2000 considered a report on its payments of expenses and Provision of Facilities Policy.

The report proposed a small amendment to the existing policy with respect to telephone charges. This amendment was included in the policy and the document placed on public exhibition for 28 days. No submissions to the revised policy were received.

### **Manager - Finance & Administration Comments**

Not requested

### **Public Consultations**

The policy was placed on public exhibition for 28 days and no submissions were received.

### **Other Group Comments**

Not requested

### **Recommendation (COR45)**

That Council adopt the Payment of Expenses and Provision of Facilities Policy as exhibited.

## LISMORE CITY COUNCIL - Meeting held October 10, 2000

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**Subject/File No:** DISCLOSURE OF PECUNIARY INTEREST RETURNS 1999/2000  
(GW:KB:S18)

**Prepared By:** Manager, Administrative Services

**Reason:** Request by Department of Local Government

**Objective:** To meet the guideline requirements

**Management Plan Activity:** Administrative Services

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### **Background:**

In 1997, the Department of Local Government issued a set of guidelines on the administrative processes associated with the completion of Pecuniary Interest Returns.

The new procedures did not change the intent of the Act, but were designed to regulate uniformly throughout NSW how it was applied. The result was a minor increase in associated administration, including the need for completed Pecuniary Interest Returns to be tabled at a Council meeting.

In accordance with the procedure, tabled are Returns for Councillors and designated staff.

### **Manager - Finance & Administration Comments**

Not required

### **Public Consultations**

Not required

### **Other Group Comments**

Not requested

### **Recommendation (COR46)**

That the report be received and noted.

**Subject/File No:** LOCAL GOVERNMENT ASSOCIATION – ELECTION OF EXECUTIVE COMMITTEE  
(00-14034, S47)

**Prepared By:** Group Manager, Corporate and Community Services

**Reason:** Request from State Electoral Office

**Objective:** Note Information Provided

**Management Plan Activity:** Councillors

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**Background:**

The 2000 election of the Executive Committee of the Local Government Association (LGA) comprising President, Treasurer, 2 Vice Presidents (one from a metropolitan and the other from a country council) and 20 committee members (10 from metropolitan, 10 from country), will take place at the annual conference to be held at Gosford on 13<sup>th</sup> – 14<sup>th</sup> November, 2000.

In accordance with the Association's Rule 44(c), separately attached is a schedule of candidates (in alphabetical order) for election, together with details of their local government service, which must be placed before Council prior to the election/conference.

**Manager - Finance & Administration Comments**

Not required

**Public Consultations**

Not required

**Other Group Comments**

Not required

**Conclusion**

The candidates schedule attached requires no further action by Council and is placed before Council in accordance with the Association's rules.

**Recommendation**

The candidate's schedule for the election of the Executive Committee to the Local Government Association be noted.



## LISMORE CITY COUNCIL - Meeting held October 10, 2000

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**Subject/File No:** UNION PICNIC DAY  
(CMC:KB:00-14346, S25)

**Prepared By:** Group Manager, Corporate and Community Services

**Reason:** Request from the Unions/Associations

**Objective:** For Council's information

**Management Plan Activity:**

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### **Background:**

The combined Lismore and Ballina branches of the Federated Municipal and Shire Employees Union Picnic Committee have advised that the annual picnic will be held on Friday, November 17, 2000 at Alstonville Show Ground. In addition, the Local Government Officers, Lismore Branch of the Federated Municipal Employees Union of Australia, have advised that their annual picnic will be held at Coraki Golf Club on the same day and will be held in conjunction with the Local Government Engineers and Health Surveyors Associations.

These requests are in accordance with Award conditions, and in accordance with Council Procedure GM 2.13 leave should be granted to all Union members who purchase a ticket.

### **Manager - Finance & Administration Comments**

Not required

### **Public Consultations**

Not required

### **Other Group Comments**

Not requested

### **Recommendation (Cor 42)**

That Council approve Friday, November 17, 2000 as the Union Picnic Day.

# LISMORE CITY COUNCIL - Meeting held October 10, 2000

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD SEPTEMBER 20,  
2000 AT 10.00 AM.

(WMacD:VLC:S352)

**Present:** Bill Moorhouse (*Chairperson*), Councillor Mervyn King, M/s Bronwyn Mitchell on behalf of Thomas George, MP, Messrs Mike Baldwin (*Roads and Traffic Authority*), Chris Mallam (*Lismore Unlimited*), Const Brett Paulson (*Lismore Police*) and Mr Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*).

**Apologies:** Apologies for non-attendance on behalf of Mrs Wendy Johnson (Leave), Mr Thomas George, MP, and Councillors John Chant and Ken Gallen were received and accepted and leave of absence granted.

## **Minutes of Traffic Advisory Committee Meeting - August 16, 2000**

Members were advised that the Minutes of the meeting held on August 16, 2000 were adopted by Council at its meeting of August 29, 2000, excluding Item Nos. 4 and 5 (Dalley Street Parking).

The Committee noted Council's resolution in regard to the above items and Mr MacDonald advised that he had since written to St. Vincent's Hospital requesting information regarding future plans for increased parking onsite.

(S346,R7426,P2759)

**Disclosure of Interest:** Nil

## **Correspondence:**

1. **The Channon RoadSafe Committee;** seeking a solution to the problem of speeding cars through the Village area which is creating an unsafe environment for pedestrians, children and local traffic.

Mr MacDonald advised that together with Police and RTA Representatives, he had met with community representatives at The Channon on September 19, 2000 to discuss various concerns relating to traffic issues within the Village. It was noted at the meeting that Council proposed to extend the existing footpath over Madman's Gully towards Coronation Park. Motorists speeding through the Village from Tuntable Creek Road before work each morning also posed a problem and Const Paulson advised that patrols would be carried out by Police in the future.

As a result of the discussions held, the following works were proposed in order to reduce the current problems being experienced -

- (a) Erect a larger 'No Through Road' sign at Terania Street at the Tavern corner.
- (b) Change the existing 'Give Way' signs to 'Stop' signs at the intersection of Standing and Mills Streets.
- (c) Paint a double white centre line on Standing Street, each side of its intersection with Mills Street and The Channon Road.
- (d) Erect a 'Children' symbol sign with a 'School' plate beneath in Standing Street, half way between Mills and Nimbin Streets.
- (e) Erect 'Stop' signs on Standing and Terania Streets at their intersection with The Channon Road.

The community also raised the need for a large tourist sign that would include a locality map with a suggestion that it be located off The Channon Road, just north of Coronation Park. This suggestion was supported by all those present at The Channon meeting and they were advised to discuss this further with the Tourist Information Centre.

**TAC124/00** **RECOMMENDED** that works be carried out in accordance with the above.

(00-12144:S596)

2. **Williams Bus Lines;** seeking an extension of its bus service to include the full length of Ridgewood Road, Rosebank.  
It was noted that Ridgewood Road had a bitumen surface at one end and gravel for the other. The gravel section was generally narrow but as a similar sized bus already used the road without incident, it was agreed that permission could be granted on the basis that the operators understood they would be ultimately responsible in assessing the condition of the road on a day-to-day basis as to its suitability for their bus in wet weather. The bus operators would also need to ensure that collection points along the road did not hinder through traffic or place passengers in danger when getting on or off the bus. It was suggested that the above approval should only be given for the current operator.
- TAC125/00** **RECOMMENDED** that approval be granted for the bus route extension in accordance with the above conditions. (00-12576:R3707)
3. **M/s K Brentin;** drawing attention to the dangerous location of the Bus Stop in front of her property at No. 1789 Nimbin Road, Coffee Camp, and subsequent damage to her driveway.  
An inspection of the site revealed that there were limited areas available in which the bus could pull off the road within the area in question. However, there was a length of road shoulder just north of the Brentin's property that may be suitable and it was suggested that this proposal be further discussed with the bus operator.
- TAC126/00** **RECOMMENDED** in accordance with the above. (00-12588:R2801)
4. **Rev Peter Hill, Lismore Base Hospital Chaplain;** forwarding petition protesting at the lack of safe and clearly marked pedestrian crossings near roundabout intersections, resulting in the hazardous crossing of roads in various parts of Lismore.  
The Committee acknowledged that there were many areas in which pedestrian facilities were less than desirable. The intersection of Uralba and Brewster Streets had already been identified as such and funding options were currently being investigated. It was noted that it was Council's intention to pursue the issue of producing a 'Pedestrian Access and Mobility Plan' (PAMP) and request the RTA to contribute a one-half share. The Plan would allow Council to prioritise works and hopefully increase the possibility of funding from the Authority.
- TAC127/00** **RECOMMENDED** that the writer be advised in accordance with the above. (00-12665:S342)
5. **G Alcock;** requesting consideration be given to creating an apron on each side of Kyogle Road, adjacent to the intersection of Altinier Road, Tuncester, to provide a School bus bay.  
It was noted that Council was not in a position to construct suitable bus pull-off areas at every location that had basically been determined by bus operators on a 'needs' basis and could change from year to year. Council did not have the funds to provide such facilities. However, as this location was on a Main Road, it was suggested that should suitable material become available from another roadworks project where excavated material would be suitable, this could be used to build up the road shoulder opposite Altinier Road. It was pointed out, however, that the bus operator should not be stopping at this location if it was considered unsafe.
- TAC128/00** **RECOMMENDED** that the writer be advised in accordance with the above and the matter be referred to Council's Manager - Roads and Infrastructure for consideration in any future works. (00-12714:S352,R2707)

6. **Mrs R Collins;** drawing attention to the number of traffic accidents which occur on the 'bend' in the road adjoining No. 144 Dunoon Road, North Lismore. The location in question had been inspected and it was noted that there were sections of the Dunoon Cutting that dropped away steeply and may fall within the criteria for guardrail. This would need to be assessed by Council's Roads & Infrastructure Section.  
In the shorter term, several chevron markers installed around the 'bend' in question, below McLeay Road, would assist in highlighting the need for motorists to slow down.
- TAC129/00** **RECOMMENDED** that several chevron hazard markers be installed around the 'bend' in question.
- TAC130/00** **FURTHER RECOMMENDED** that the matter of guardrail installation be referred to Council's Roads & Infrastructure Section for assessment and action as required. (00-12805:R3407)
7. **Z Iqbal;** drawing attention to the difficulty he has been experiencing with motorists using the roundabout at the intersection of Uralba and Hunter Streets, Lismore. Members were aware of the layout of the roundabout in question and the Design Services Manager had advised that it had been constructed in accordance with appropriate standards. Vehicle speeds coming down Uralba Street past the Hospital were not considered excessive and speed bumps were not warranted. Due care was required by all motorists when approaching and negotiating roundabouts and this location was no different. Const Paulson advised that he travelled this road regularly and had not detected any particularly high speeds.
- TAC131/00** **RECOMMENDED** that the writer be advised in accordance with the above. (00-12910:S352)
8. **M/s B Dow;** requesting that the pedestrian facilities along Orion Street (*near Keen Street*) be upgraded. The Chairperson advised that the section of Orion Street in question was about to be reconstructed and he had discussed with the Urban Works Supervisor the issue of a suitable area being made available for pedestrians as part of the works, particularly at the intersection of Keen Street. The area could be highlighted with the use of large road marker studs similar to that used on Cynthia Wilson Drive.
- TAC132/00** **RECOMMENDED** that the writer be advised in accordance with the above. (00-12962:R6051,R7306,R7302)
9. **L & Mrs E Connor and Other Residents;** expressing concern for the state of Jubilee Street, between Hunter and Diadem Streets, and suggesting that the imposition of one-way traffic movement may address some of the safety issues. It was noted that the matter of road maintenance was one for the Roads & Infrastructure Section and this had been referred to that Section for attention. Whilst there were a number of residents that had signed the letter, it was felt that the imposition of one-way traffic movement may receive some resistance from the business houses of Jubilee Street.
- TAC133/00** **RECOMMENDED** that a survey of all residents and business houses along Jubilee Street, between Diadem and Hunter Streets, be carried out with the results to be submitted to the Committee for further consideration. (00-13144:R6038)

10. **Mrs C White;** expressing concern for the safety of children who use the bus interchange facility.  
The Committee was of the opinion that there was no problem with the design of the interchange and feedback from teachers and bus operators who were at the site daily supported this view. Compared to the conditions which existed prior to its installation, the current interchange is a significant improvement.  
The roundabout at the intersection of Leycester and Hindmarsh Streets, whilst smaller than some, was adequate for the movements required by bus operators.  
**TAC134/00** **RECOMMENDED** that the writer be advised accordingly. (00-13260:S352,S673)
11. **T McDonnell;** drawing attention to the dangerous traffic situation on the crest of McIntosh Road, Chilcotts Grass, at the T-junction with Pamela Drive, caused by vehicles being parked at this location.  
The site was inspected prior to the meeting and it was agreed that if vehicles were parked parallel to the kerb in the vicinity of the crest, this could present some restriction to through traffic. Parking restrictions were generally not favoured in residential streets and it was suggested that a double white centre line over the crest, as well as both sides of Pamela Drive, may be sufficient to resolve the current problem.  
**TAC135/00** **RECOMMENDED** that a double white centre line be painted over the crest on McIntosh Road, including both sides of Pamela Drive. (00-13672:R6601,R6602)
12. **M/s S Parkin;** seeking the installation of appropriate measures to discourage motorists from negotiating Uturn movements at the intersection of Cooling and Mackay Streets, Lismore Heights, which is causing ongoing road damage.  
The current state of Cooling Street could present problems for motorists attempting a U-turn manoeuvre at the intersection of Mackay Street. However, as the street was due to be reconstructed, it was felt that this may not be so much of a problem in the future. Restricting U-turn movements at this intersection was not considered warranted but the situation would be monitored upon completion of the reconstruction works.  
**TAC136/00** **RECOMMENDED** that the writer be advised in accordance with the above.  
(00-14128:R7109)
13. **Capminster Property Services;** advising in connection with the proposed installation of a roundabout at the intersection of Ballina Road and Holland Street, Goonellabah.  
A plan of the proposed roundabout at the intersection of Ballina Road and Holland Street was tabled at the meeting. It was noted that the Developer was prepared to contribute \$146,000 towards the cost of construction, subject to development approval for the shopping centre from Council, for which it is understood rezoning approval is currently being considered.  
The Committee raised no objection to the site layout of the shopping centre which included a left-in and left-out off Ballina Road, provided a centre median was also constructed along Ballina Road from Holland Street for the length of the development property. It was presumed that more detailed access plans would be submitted with any application.  
The RTA had also indicated that funding was available for its one-third share with the other third to be sourced from Council.  
**TAC137/00** **RECOMMENDED** that approval be granted for the construction of an asphaltic concrete roundabout with works to commence at the earliest opportunity.  
(00-14333:R6408)

**General Business**

14. **Extra Traffic in Diadem / Brewster Streets Area**

Local residents had expressed concern for the extra traffic volumes generated in the Diadem Street area since the creation of the drop-off centre at Leycester Street.

Members noted that Orion Street, between Brewster and Dawson Streets, had been closed as part of the interchange project. However, the Committee could see no reason for general traffic flows to have increased significantly in the Diadem Street area since installation of the interchange as the facility had operated within basically the same locality for many years. Traffic using Diadem Street would be predominately local traffic. There may have been an increase in the number of buses but this would not be a large number.

It was agreed that traffic movements at the intersection of Dawson and Leycester Streets had been affected and it was pointed out that Council was pursuing the installation of a roundabout at this location.

Traffic counts for Diadem Street undertaken in April 2000 indicated daily traffic volumes were approximately 800 vehicles but there were no prior counts for comparison. As Diadem Street was a through road, the above counts were not considered excessive.

Mr Baldwin (RTA) advised that he would investigate funding options for installation of the roundabout and report back to the Committee.

**TAC138/00** **RECOMMENDED** that the residents be advised in accordance with the above.  
(R6019,R6007)

15. **Roundabout at Intersection of Molesworth / Magellan Streets**

A request had been received to review pedestrian facilities at the above location following installation of the roundabout.

Members agreed that urgent works were required at this intersection to ensure pedestrians did not walk through the roundabout proper but instead used the pedestrian crossings provided. This could be achieved by the installation of a suitable railing similar to the Conway/Keen Streets intersection.

**TAC139/00** **RECOMMENDED** that this matter be referred to Council's Roads & Infrastructure Section for action at the earliest opportunity.  
(R7322,R7319)

16. **Intersection of Ballina / Keen Streets, Lismore – Pedestrian Crossing**

Vehicular and pedestrian counts were tabled at the meeting. Three (3) counts of one-hour duration had been taken on a typical Thursday between 8.00am-9.00am, 12.00 Noon-1.00pm, and 4.00pm-5.00pm.

Vehicle counts for each of these periods in both directions at the crossing location comprised 1,623, 1,471 and 1,845 with corresponding pedestrian counts being 24, 45 and 25. These counts were outside the warrants for the installation of a marked pedestrian crossing.

Signposting and roadmarkings were of a high standard on the approaches to the crossing and as problems were still being experienced with a number of 'near misses' being reported, it was suggested that the facility be reverted to a pedestrian refuge, without zebra markings, and it be relocated slightly further west away from the intersection of Keen Street. This would also allow for the installation of pedestrian lighting above the facility using existing power poles.

**TAC140/00** **RECOMMENDED** that the above works be undertaken at the earliest opportunity.  
(R6002)

17. **Excessive Vehicle Speeds – Ballina Road, Goonellabah**  
Councillor Swientek had asked that the Committee consider traffic calming strategies for the section of Highway in the vicinity of No. 258 Ballina Road. Mr MacDonald advised that he had spoken with the resident of No.258 Ballina Road the day prior to the meeting, at which time she had advised that vehicles being parked in front of the residence had been involved in accidents on two separate occasions within the past 12 months or so. She advised many vehicles appeared to be speeding along Ballina Road in the area in question with the main problem time being between 8.00 pm and 11.00 pm. Const Paulson made note of this information and advised that patrols in this area would be increased in an effort to catch offenders.
- TAC141/00** **RECOMMENDED** that the resident be advised accordingly. (R6408)
18. **Intersection of Bangalow Road / Lagoon Grass Road, Boatharbour**  
Two plans were tabled at the meeting showing both a low cost (\$75,000) option for intersection improvements and a higher cost (\$170,000) proposal that took into account the status of Lagoon Grass Road upon construction of the link road from Pineapple Road. Both options included a protected right-turn bay for motorists entering Lagoon Grass Road and a bus bay area opposite the intersection once a small land resumption had taken place. The second option was preferred and it was noted that the RTA had advised that \$150,000 funding for this project was currently available.
- TAC142/00** **RECOMMENDED** that the above works proceed at the earliest opportunity. (R4101)
19. **Roundabout at the intersection of Dalley / Dibbs Streets, East Lismore**  
Const Paulson raised concerns that many motorists were ignoring the small roundabout at the above intersection and travelling too fast through the intersection. A number of accidents were still being experienced. It was suggested that a concrete centre piece that included a noticeable lip in its construction may assist in slowing traffic and reducing the number of accidents. This type of treatment had been installed at the Rous Road/Oliver Avenue intersection with some success.
- TAC143/00** **RECOMMENDED** that this proposal be referred to Council's Manager - Roads and Infrastructure for investigation of funding options and instigation of works at the earliest opportunity. (R7426,R6020)

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

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**CHAIRPERSON**

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**TRAFFIC & LAW  
ENFORCEMENT CO-ORDINATOR**

**DOCUMENTS FOR SIGNING AND SEALING**

The following documents have been prepared in accordance with previous resolutions of the Council and/or the provisions of the Local Government Act, 1993 and other relevant statutes.

It is now proposed that the Council authorise the signing and sealing of these documents.

**Recommendation:**

The following documents be executed under the Common Seal of Council:-

**Contract of Sale and Transfer – Purchase of Crown Public Road - Blakebrook Road Closure**

Lismore City Council and the State of New South Wales. Acquisition of Closed Crown Public Road for \$2,500 for use in conjunction with Blakebrook Quarry.  
(00-14086: P11234)

**Acceptance of Grant Offer – ATSIC**

Acceptance of Council's submission to act as "Banker" for the Aboriginal Women's Conference, to be held on November 28 and 29 at Byron Bay – the amount of the grant being \$22,000. Council's involvement is required due to the fact that the incorporation of the auspice body is as yet incomplete.  
(00-14908: S136)



**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE  
HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, SEPTEMBER 19, 2000  
AT 6.00PM.**

**Present:** His Worship the Mayor, Councillor Gates; Councillors Baxter, Chant, Crowther, Hampton, Irwin, King, Roberts, Suffolk and Swientek, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Business & Enterprise and Acting Group Manager- Planning & Development; Manager-Client Services, Strategic Planner, Recreation Planner and Manager-Finance & Administration.

246/00 **Apologies/  
Leave of  
Absence:** Leave of absence was granted to Councillors Gallen and Tomlinson at Council's meeting of August 29, 2000.  
Leave of absence was granted to Councillor Gates for the period September 20-23; Councillor Chant from September 25-28; and Councillors Hampton & Crowther from October 3-8.  
(Councillors Swientek/Irwin)

247/00 **Minutes:** The Minutes of the Ordinary Meeting held on August 29, 2000, were confirmed, subject to it being noted that Councillor King voted against Minute No. 224/00.  
(Councillors Irwin/Baxter)

248/00 The Minutes of the Special Meeting held on September 14, 2000 were confirmed, subject to "Ordinary" being changed to "Special" in the heading.  
(Councillors Swientek/Chant)

**PUBLIC ACCESS SESSION:**

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

**Mr S Heywood re Rescission Motion**

Mr Heywood spoke about the need to redevelop the Memorial Baths as well as the other major projects in the area, suggesting that Council should be cautious in its decision making.  
(00-13270: P6768)

**Mrs M Fullerton re Notice of Motion**

Mrs Fullerton expressed concern at Council's actions in relation to this situation. In defence, she quoted the Australian Constitution and requested Council support the Notice of Motion.  
(00-12534,12528: Z8098,P17483)

**Mrs R Sinnett re Notice of Motion**

Mrs Sinnett spoke about the need for Council to enforce the agreement between the parties.  
(00-12534,12528: Z8098,P17483)

**CONDOLENCE:**

**Late Bede McFadden**

The Mayor drew the Council's attention to the recent passing of Mr Bede McFadden, a former Councillor on Gundurimba Shire Council.

Mr McFadden was born at Coraki in 1918, attended Buckendoon School and St. Joseph's School in Woodburn. At the age of 19 he joined the army and served in New Guinea from 1941 until 1945 as a member of the 7<sup>th</sup> Division, 6<sup>th</sup> Australian Machine Gun Battalion.

On returning to Australia he worked at the Byron Bay Butter Factory then on the Railways for 19 years before leaving to help on the family property.

Mr McFadden served on Gundurimba Shire from 1968 to 1976, Rous County Council and the Summerland Tourist Association. For 20 years he was associated with the Woodburn-Evans Head RSL Branch and Club.

249/00 The Mayor moved that Council's expressions of sympathy be conveyed to the family of the late Mr McFadden and the motion was carried with members standing and observing the customary moment's silence.

(S75)

**RESCISSION MOTION:**

**Lismore Memorial Baths Redevelopment**

(Copy attached)

Formal notice having been given by Councillors Irwin, Roberts and Tomlinson it was MOVED that the subsequent resolution (221/00) regarding the Memorial Baths be rescinded.

(Councillors Irwin/Roberts)

On submission to the meeting the MOTION was DEFEATED.

**Voting Against:** Councillors King, Chant, Baxter, Hampton, Suffolk and Gates.

(00-13270: P6768)

**NOTICE OF MOTION:**

**Agreement – Council & Fullerton**

(Copy attached)

Formal notice having been given by Councillor Swientek it was MOVED that Council rescind the agreement with the Fullertons dated December 22, 1998.

(Councillors Swientek/Baxter)

A MOTION WAS MOVED that Councillor Swientek be granted an extension of time of 3 minutes to speak to the motion.

(Councillors Crowther/Baxter)

On submission to the meeting the MOTION was DEFEATED.

**Voting Against:** Councillors Irwin, Roberts, King, Chant, Hampton, Gates and Suffolk.

250/00 **RESOLVED** that Councillor Swientek be granted an extension of time of 2 minutes to speak to the motion.

(Councillors Roberts/Chant)

On submission to the meeting the NOTICE OF MOTION was DEFEATED.

**Voting Against:** Councillors Irwin, Roberts, King, Chant, Hampton and Gates.

(00-12528,12534: Z8098, P17483)

**REPORTS:**

**Provision for Airport Management Services**

(Copy attached)

- 251/00 **RESOLVED** that the report be deferred to a future Council meeting to permit contractual issues relating to the terminal development contract to be determined.  
(Councillors Crowther/Irwin) (T20005)

**Hepburn Park Plan of Management**

(Copy attached)

- 252/00 **RESOLVED** that the report be received and Council adopt the Plan of Management for Hepburn Park.  
(Councillors Swientek/Hampton) (S375)

**Adam Gilchrist Park Draft Plan of Management**

(Copy attached)

- 253/00 **RESOLVED** that the report be received and –
- 1 Council give in-principle endorsement of the Draft Plan of Management for Adam Gilchrist Park.
  - 2 The Draft Plan be placed on exhibition and public submissions be invited in accordance with the Local Government Act 1993.
- (Councillors Irwin/King) (D980007)

**LEP 2000 Review**

(Copy attached)

A MOTION WAS MOVED that the report be received and -

- 1 That pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, Council resolve to prepare a draft LEP Amendment to rectify anomalies in LEP 2000 as outlined in this report, subject to the deletion of the proposed wording in Clause 39 – Rural Workers' Dwellings – *“that the dwelling be rendered uninhabitable should its use as a rural worker's dwelling cease”*.
  - 2 That Council inform the Director-General of Urban Affairs and Planning of its decision to prepare a Local Environmental Plan.
  - 3 That Council consult with relevant public authorities and the development industry prior to finalising the draft amendment.
- (Councillors Roberts/Irwin)

AN AMENDMENT WAS MOVED that the report be received and -

- 1 That pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, Council resolve to prepare a draft LEP Amendment to rectify anomalies in LEP 2000 as outlined in this report.
  - 2 That Council inform the Director-General of Urban Affairs and Planning of its decision to prepare a Local Environmental Plan.
  - 3 That Council consult with relevant public authorities and the development industry prior to finalising the draft amendment.
- (Councillors Hampton/Suffolk)

On submission to the meeting the AMENDMENT was DEFEATED.

**Voting Against:** Councillors Irwin, Roberts, King, Swientek, Baxter and Crowther.

- 254/00 **RESOLVED** that the report be received and –
- 1 That pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, Council resolve to prepare a draft LEP Amendment to rectify anomalies in LEP 2000 as outlined in this report, subject to the deletion of the proposed wording in Clause 39 – Rural Workers' Dwellings – *“that the dwelling be rendered uninhabitable should its use as a rural worker's dwelling cease”*.

2 That Council inform the Director-General of Urban Affairs and Planning of its decision to prepare a Local Environmental Plan.

3 That Council consult with relevant public authorities and the development industry prior to finalising the draft amendment.

(Councillors Roberts/Irwin)

**Voting Against:** Councillors Chant, Hampton, Suffolk and Gates.

(S734)

**Clunes Wastewater Committee – Strategy**

(Copy attached)

255/00 **RESOLVED** that the report be received, the Committee's recommendation be adopted and that Council review the DCP for the village of Clunes.

(Councillors Irwin/Chant) (S288)

**Councillor Representation on Richmond Valley Committee – Northern Rivers Regional Strategy**

(Copy attached)

256/00 **RESOLVED** that the report be received and Council –

1 Nominate the Mayor, Councillor Gates to become a member of the Richmond Valley Committee and participate in the Northern Rivers Regional Strategy process; and

2 Nominate the Deputy Mayor as an alternate delegate should the Mayor be unavailable for particular meetings.

(Councillors Swientek/Irwin) (S586)

**Privacy Management Plan – Privacy & Personal Information Protection Act 1998 (PPIPA)**

(Copy attached)

257/00 **RESOLVED** that the report be received and –

1 The Administrative Services Manager, Mr Graeme Wilson be appointed as Council's Privacy Contact Officer.

2 Council adopt the Privacy Management Plan (attached) in accordance with Section 33 of the Privacy and Personal Information Protection Act 1998.

3 A review of the Plan be carried out within the next 12 months.

(Councillors Irwin/King) (S38)

**Employment of Senior Officers (Group Managers)**

(Copy attached)

258/00 **RESOLVED** that the report be received and the Council support the re-appointment of Group Managers as proposed by the General Manager.

(Councillors Irwin/Hampton) (S386)

**Lismore District Sports Association – Citizen Membership**

(Copy attached)

259/00 **RESOLVED** that the report be received and –

1 That the LDSA Management Plan be amended to allow for six members from outdoor sporting groups.

2 Council advertise and actively pursue nominations for the four vacant positions on the Committee.

(Councillors Swientek/Baxter) (S375)

**RTA Audit of Council**

(Copy attached)

- 260/00 **RESOLVED** that the report be received and the RTA Audit Report be noted, and City Works staff be congratulated on pre-qualifying for RTA tendering Category M.  
(Councillors Irwin/Chant) (S341)

**Investments Held by Council as at 31/8/00**

(Copy attached)

- 261/00 **RESOLVED** that the report be received and noted.  
(Councillors Baxter/Hampton) (S170)

**DOCUMENTS FOR SIGNING AND SEALING:**

- 262/00 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

**Restrictions on Use – 2 Sarah Court, Goonellabah**

Variation of a Restrictive Covenant  
(00-13735: P24378)

**Lease to Jopol – G2, 186 Molesworth Street, Lismore**

Lease for 12 months from 1/7/2000 to 30/6/2001.  
(00-13919: P6832)

**Linen Plan – Road Closure, part of Haywood Lane at Lagoon Grass**

DLWC approval - Mr G & Mrs B Bate – adjacent to Lot 1, DP 810168.  
(00-12573: R4403)

**Variation In Covenant to Permit A Relocation of a Building Envelope**

Lot 5, Flatley Drive, Clunes being Lot 5, DP 1012940  
To enable the relocation of the proposed building envelope  
(00-13835: D95/398)

**Council Sale to Wright**

Proposed Lot 63 at Lismore Airport.  
(Councillors Irwin/King)

**MATTER OF URGENCY:**

- 263/00 **RESOLVED** that the following motion be admitted to the business paper.  
(Councillors Gates/Irwin)

**Olympic Torch Relay**

- 264/00 **RESOLVED** that Council acknowledge the efforts of the Olympic Torch Relay Committee, all volunteers and staff manning stalls, who made the Olympic Torch Relay celebration a memorable day for Lismore.  
(Councillors Gates/Chant) (S727)

This concluded the business and the meeting terminated at 8.14 pm.

**CONFIRMED** this 10TH day of OCTOBER, 2000 at which meeting the signature herein was subscribed.

**MAYOR**



