

Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at
the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on
July 10, 2007
and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager
June 28, 2007



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting - June 12, 2007

Extra-ordinary Meeting - June 21, 2007

Disclosure of Interest

Public Access Session

Public Question Time

Condolences

Mayoral Minutes

Notice of Rescission Motions

Notice of Motions

Altering Order of Business

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

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Strategic Plan Summary

Lismore regional city

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

Rescission Motion

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

Move that the report required to come to Council at the August meeting on how the remaining priority items can be funded this financial year be rescinded.

Councillor Irwin

Councillor Tomlinson

Councillor Dowell

Date 27/6/07

Notice of Motion

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

That the report on how to fund prioritised items agreed at the Extraordinary meeting of 21 June be brought Council at the September, not the August, meeting.

Councillor R Irwin

(S952)

Notice of Motion

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

That Council review its Carriageway and Kerbside Land Use Policy (5.2.24) to consider the inclusion of a clause prohibiting smoking in outdoor dining areas on Council owned land.

Councillor J Dowell

Councillor Dowell's Comments

Council's policy on Carriageway and Kerbside Land Use (5.2.24) states that Council's aim is 'to provide outdoor meeting places where people can comfortably sit in an outdoor area and enjoy light refreshments' and with a design 'conducive to social interaction' that will 'have a positive effect on the streetscape'

On July 1, 2007, the NSW Smoke Free Environment Act prohibits smoking in enclosed areas. It is anticipated that Council will be asked to consider Development Applications for outdoor dining areas on Council owned property, particularly our footpaths. These areas will then become the smoking zone and any application for an outdoor dining licence may be a request to allow smoking on a confined and concentrated area of public footpath.

All over Australia, communities are moving to make their public areas healthier and cleaner by banning smoking in and near parks, playgrounds, beaches, sports facilities, building entrances and outdoor dining areas.

Tasmania and Queensland have had a ban on smoking in outdoor dining areas for 12 months. Manly voted to ban smoking on its beaches, playgrounds, sporting fields and outdoor dining areas in September 2004. Mosman and Newcastle have also banned smoking in all fresco dining areas under control of Council. By all reports, rather than decreasing, patronage has in fact increased as people who do not want to be exposed to smoke, chose to frequent the cleaner, more sociable and more inviting areas.

Council also needs to consider the financial costs of not acting. In addition to the escalating costs of cleaning our stormwater, waterways and footpaths, inaction now may increase our vulnerability to future claims of exposure to cigarette smoke or to claims by future addicts that Council promoted smoking to passers-by including children or those who were trying to quit.

Ultimately, this is an issue of health and welfare and the right of Lismore people both now and into the future, to breathe fresh air.

Staff Comments

Environmental Health

The NSW Department of Health have imposed legislative requirements on the establishment of smoke free areas. It is recognised that legislative guidance for Local Government will be enhanced gradually in the future, however the State Government is still considering the rights of both smokers and non-smokers as this legislation is firmed.

This may very well include kerbside dining and the like in the future

The imposition of smoke free kerb side dining areas could lead to a situation where smokers will simply

Notice of Motion

“step” over the bollards or defined dining area and smoke on the unregulated side of the defined area. Unless Council is prepared to ban smoking on all of the road reserve the partial regulation of licenced areas is not likely to greatly improve the amenity of non-smoking patrons.

Assets

Council should be mindful of the following issues in reaching a decision on whether to permit smoking in outdoor dining areas on Council owned land.

If Council is of a mind not to adopt the suggested policy, it is considered reasonable that where a particular premises seeks to rely on a leased outdoor dining area as an area where smoking is permitted, a rental premium should be applied. The ability to offer an area where patrons can eat and drink and still have a smoke whilst seated at their table will potentially give them a commercial advantage over competitors that do not offer such a facility.

Should the suggested smoking ban be adopted, any patron that wishes to smoke can readily move outside the leased/licensed area to smoke. They could remain in close proximity to the dining area and this would reduce the effectiveness of the ban.

(S9)

Notice of Motion

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

That given its historical significance and the lack of a detailed report on alternatives to demolition, Pavilion 2 is not to be demolished.

Councillor R Irwin

Staff Comment

The proposal to demolish Pavilion No. 2 is based on a structural engineer's assessment that the building is unsafe and should be demolished. However, there are no plans to commence this process immediately. Alternatives to demolition will be explored and a report presented to Council on these alternatives to allow Council to make a decision on the best way forward with this matter. Only after Council has received this report and endorsed a course of action would any work in that regard be commenced.

Accordingly, an alternative Council resolution is recommended:-

“That no action be taken to demolish Pavilion No. 2 before the Council has considered an options report on the future of the building”.

(P15870)

Notice of Motion

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

That Council not charge rent to Lismore Theatre Company for their management of Rochdale Theatre.

Councillor J Dowell

Councillor Dowell

Background:

The 2007-2008 budget waived \$5000 from this year's annual rental paid by the Lismore Theatre Company for the use of the Rochdale Theatre. In their submission, the LTC had requested that the Rochdale Theatre be placed in a similar lower rental category as other community halls thereby reducing the rental to \$NIL.

To address the ongoing nature of this request and to avoid the need for the LTC to apply every year for rent relief, it is necessary for Council to consider the change of status through a resolution.

Comment:

The Lismore Theatre Company is the custodian and manager of the Council-owned property, the Rochdale Theatre. The LTC maintains the building and adds to the community by producing quality amateur theatre at an affordable price.

It could be considered that LTC is a miniature and amateur version of NORPA who is the custodian and manager of City Hall on behalf of Council.

The difference between the two organisations is that while Council pays NORPA nearly \$300,000 each year to manage City Hall, we charge Lismore Theatre Company \$7000 pa rental.

In addition, the income from all LTC activities including memberships, grants, hire and door takings in 2006 was \$27,968.46. Expenses in 2006 including equipment, electricity, insurance, production rights and rent totalled \$29,710.33. ie a loss of \$1741.87. It is obvious that LTC is not making ends meet.

The largest single expense for LTC is the rent paid to LCC. In 2006 the rent was \$6349.73.

By waiving the annual rental, Council is demonstrating its commitment to the provision of cultural activities and its support for an important volunteer organisation. LTC is not requesting that they be paid to manage Rochdale Theatre. Neither is the theatre requesting that it receive a Section 356 donation of \$1000 as 29 country halls receive every year. They are requesting that Council recognise the contribution LTC is making to the community and allow them to continue their custodial duties without the burden of raising the costs of the rent.

Staff Comment

The question of rental relief for 2007/08 has been approved and so it is recommended that a permanent arrangement be subject to a report and policy on rental assistance to community groups. By agreeing to such a request on an ad hoc or individual basis, Council will undoubtedly attract similar requests from other community groups. Council will be placed in a difficult position to assess such requests without a policy to ensure a consistent approach and outcome for all community groups. Similarly there are a range of issues to be considered including the ownership of the land that the facility is located upon, (Council or Crown) and the condition of the buildings being occupied. Consistent with this approach it is recommended that Council request the preparation of a report and draft policy which addresses the question of rental for users of the Rochdale Theatre and similar venues. (P583)

Report

Subject	Review of Dunoon DCP
File No	S924
Prepared by	Senior Strategic Planner
Reason	Council resolution of June 12, 2007
Objective	Council's agreement to review the Dunoon section of the DCP using external consultants
Strategic Plan Link	Quality of Life
Management Plan Activity	Review and update planning controls

Overview of Report

This report has been prepared in response to Council's resolution of June 12, 2007 that a report be presented to the next Council meeting on the updating of the Dunoon DCP. It recommends that a consultant be engaged to review the current development controls for Dunoon.

Background

At its meeting of June 12, 2007 Council adopted the new Lismore DCP incorporating twenty nine individual DCPs into a single plan for Lismore. Council also resolved that a report be presented to the next Council meeting on the updating of the Dunoon DCP.

The previous Dunoon DCP (No 19) is now Chapter 7 of Part B of the new Lismore DCP. It was not possible to review all of the DCPs that now comprise the various chapters of the Lismore DCP even though some of these DCPs were drafted almost fifteen years ago.

A subdivision application for 56 lots on vacant 2(v) to the east of Dunoon has focused attention on the fact that the Dunoon DCP is dated. That application has raised significant community concerns in Dunoon particularly in regard to the proposed lot density and its perceived impacts on village character and amenity.

That particular application will be determined on its merits and in accordance with the current planning controls, however it is acknowledged that the current Dunoon planning controls may no longer reflect the views and expectations of a significant proportion of Dunoon residents. A number of the older DCPs are in need of review but other strategic planning projects have had a higher priority.

Council's current strategic planning priority is the preparation of a new comprehensive LEP for Lismore together with an accompanying local environmental study. The requirement for a new LEP is one of the outcomes of the State Government's current planning reforms which seek to standardise the format of LEPs throughout the State. Council has until March 2009 to complete this process.

There is also an issue of resources within the strategic planning section. The second strategic planner's position has been a long standing vacancy which will now be filled in mid July. Although current resources and workloads preclude an "in-house" review of the Dunoon DCP at this stage, an alternative option would be to engage a planning consultant to undertake most of the work.

Staff would oversee the process and would have input into the review and its outcome. The use of

consultants means that the DCP review process could be brought forward and it is anticipated that work on the Dunoon DCP could commence in July 2007.

The outcome of the review would be the preparation of a draft updated plan for Dunoon. This could then be exhibited as an amendment to the consolidated Lismore DCP.

Comments

Financial Services

Not required

Other staff comments

Council's Development Engineer and Environmental Health section would be consulted in the review of the Dunoon DCP.

Public consultation

It is important that there is opportunity for community input in the review before the draft DCP proceeds to the formal public exhibition stage. Community input could be facilitated through a questionnaire/postal survey to all village landowners and residents and a public meeting in Dunoon. Following the initial community consultation, a draft DCP will be prepared and reported to Council before being publicly exhibited for the statutory exhibition period.

Recommendation

1. That Council resolve to review the section of the Lismore DCP that relates to Dunoon village using a planning consultant; and
2. That a report on the review be presented to Council prior to the public exhibition of the amended DCP.

Report

Subject	Draft Amendment No. 37 to Lismore Local Environmental Plan – Industrial estate at Terania, Tweed & Lake Sts, North Lismore
File No	S954
Prepared by	Manager, Planning Services
Reason	To advise Councillors of rezoning proposal
Objective	To obtain Council's endorsement for commencement of LEP amendment process
Strategic Plan Link	Economic Development
Management Plan Activity	Implement adopted Council land use strategies

Overview of Report

An application has been received for the rezoning of 10 ha at North Lismore from Riverland 1(r) to Industrial 4(a) to facilitate the development of an industrial estate. The property is bounded by Terania St to the south, Tweed St to the east, Lake St to the north and the unformed Bouyon St to the west. It is currently undeveloped. The application is supported by a Planning Report addressing traffic and access, stormwater management, flooding, flora and fauna, contamination and social and economic impacts. The proposal implements a recommendation of Council's Industrial Lands Study and endorsement by Council is recommended.

Background

Council's Industrial Land Study (1995) identified the site between Terania, Tweed, Lake and Bouyon Streets as having potential for industrial development provided flood mitigation measures were investigated and proved feasible. The Study noted that significant amounts of land fill would be necessary.

The site location is identified in the locality diagram attached to this report. It directly adjoins the current North Lismore industrial 4(a) zone to the west of Bouyon Street. It is currently undeveloped and has been used for grazing purposes.

The proposal has been the subject of a number of pre-lodgement meetings with Council technical staff, and staff requests have been included in the proposal.

A copy of the Planning Report by applicant Stephen Fletcher & Associates has been placed in the Councillors' Room for perusal by Councillors.

Statutory Requirements

SEPP 55 Remediation of Land: the applicant has undertaken a preliminary contaminated land assessment which is included in the Planning Report. The report concludes that no further investigation is required in respect of pesticides, metals or petroleum hydrocarbons. However, a management plan for contamination identified on the site should be a requirement of a site specific DCP.

Far North Coast Regional Strategy: the site is shown as 'employment land' within the Strategy. The proposal complies with outcomes and actions contained in the Strategy.

North Coast Regional Environmental Plan: Clauses 45 and 45A require the consideration of hazards and the inclusion in a LEP of measures to minimise adverse impact. Flooding is the only hazard applying to the site. Under the Lismore Floodplain Management Plan the site is identified as 'high flood risk area' and recommended planning controls are carried forward into Lismore DCP 1 Ch. 8 Flood Prone Land. These controls prohibit residential development but permit additional industrial development subject to criteria shown in the DCP. Any future development applications over the subject site must comply with these development controls. Flood modelling has been carried out over the site, concluding that the proposal is acceptable with minimal impacts. This issue is further discussed below.

The proposal complies with cl. 47 of the REP – Principles for commercial and industrial development in that it is within the existing urban area, provides an expansion of a current industrial area, will provide sufficient flexibility for a range of industrial uses and lot sizes, and provides accessible employment opportunities.

S117 Directions:

- *Direction No. 15 Flood Prone Land* – consistent. The proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual.
- *Direction No. 16 Industrial Zones* – consistent. The proposal is in accordance with an adopted Council strategy and the Far North Coast Regional Strategy.
- *Direction No. 17 Integrating Land Use and Transport* – consistent. The site is on a public transport route.
- *Direction No. 22 Rural Zones* – justifiably inconsistent, as the site has been identified for industrial development in an adopted Council strategy and the Far North Coast Regional Strategy.
- *Direction No. 30 Implementation of Regional Strategies* – consistent.

Local Environmental Plan: rezoning to Industrial 4(a) will be commenced as an amendment to the current Lismore Local Environmental Plan. However, given the length of time now required for rezoning proposals this amendment, should it be endorsed by Council, may ultimately be included in the preparation of the new comprehensive standard template LEP under the mandated zoning identification which will apply to industrial areas. Regardless of the ultimate identification of the zone, it will permit subdivision and development for industrial purposes and require compliance with local controls for flood affected land.

Lismore Development Control Plan No. 1 –

- **Ch 3 Industrial Development:** the DCP requires that all applications for the rezoning of land to a 4(a) Industrial zone are to be accompanied by a subdivision concept plan which may provide the basis for a future DCP applying to that land. Where the proposed rezoning is supported by Council the Draft DCP amendment will be placed on public exhibition prior to the rezoning being forwarded to the Minister for gazettal. A concept plan for the proposal is shown following this report and it is proposed that a draft DCP for the site will be prepared for exhibition concurrently with exhibition of the draft LEP amendment.
- **Ch 11 Buffer Areas:** requires buffer areas between industrial development and any adjoining residential development or zoning. Residential development adjoins the site along part of the Terania and Tweed Sts. frontages. Buffer areas will be required to be included in the subdivision design by the site specific DCP noted above.
- **Other controls within DCP 1:** the development would also be required to comply with other development control provisions in place at the time of preparation and lodgement of a DA, such as those for infrastructure, landscaping, crime prevention, flood prone land and advertising structures.

Analysis of Issues

Flooding

The site is located in an area which serves as an overland flow path to a small flood storage area. Should the proposal proceed this flow path will be restricted however water can still flow around and through to subject area without having a significant impact upon existing development in all flood events.

Flood modelling has been carried out by Patterson Britten & Partners and concludes:

By developing the site above the 1 in 100 ARI flood level, there is a decrease in the effective flowpath of the Wilson River to the junction with Leycester Creek. This results in an increase in peak water level of approximately 0.01m in the Wilsons River.

Peak velocities increase by a maximum of 0.2m/s at the south eastern corner of the site (from approximately 0.2-0.3m/s).

This analysis was based on a 'worst case' scenario in which the entire site was filled above the 1 in 100 ARI level. However, this scenario is not proposed; instead the proposal is to minimize the extent of imported fill to reduce impact on the flood regime. The concept design (which will be mandated in the DCP) proposes that roads and the majority of each lot will remain at current levels, with filling permitted only for building pads. Roads will convey storm and floodwaters away from the site to approved locations.

Traffic & Access

Access to the site is proposed at one location from Terania St via the constructed Bouyon St and at two points from Lake St. which will require upgrading accordingly. A Traffic Impact Assessment Report has been prepared by TTM Traffic Engineering which concludes:

'There are numerous opportunities for development traffic to disperse throughout the surrounding road network. This dispersion is such that the impact of the proposed development upon individual intersections will be minor.

It is concluded that the proposed development will not trigger the need for upgrade works at any of the intersections surrounding the site. However proposed new intersections should be designed so that adequate pavement width is available for through traffic to pass a vehicle propped to turn right into the site.'

Comment: Council's Development Assessment Engineer advises:

'Terania, Bouyon, Lake and Tweed Streets are currently below the road standard for industrial development, as identified within DCP 1 Ch 5 Urban Subdivision. It is recommended that the upgrading of these roads, to meet the standard within the DCP, should be a requirement of the rezoning.

The following upgrading works should be required to be constructed in conjunction with the development of the land:

- Bouyon Street be constructed to an 11 metre width with kerb and gutter on both sides;
- Lake Street to be constructed to an 8.5 metre wide sealed pavement with kerb and gutter on the southern side at an offset of 5.5 metres from the road centreline;
- The frontages of Tweed and Terania Streets will need to be upgraded with kerb and gutter at an offset of 6.5metre from the centreline and a minimum width road pavement of 10 metres.

The intersections of the proposed roads with both Terania and Tweed Streets shall be designed in accordance with Austroads Part 5 intersections.

It should be noted that the release of this industrial land will further contribute towards the need for Council to investigate the provision of additional river crossings. At present the existing bridge crossings are near capacity and operating at a reduced level of service. The traffic to be generated from the rezoning will add to this congestion. The provision of an additional river crossing north of the CBD is currently contained within Council's Section 94 Urban Arterial Roads Plan and the development of the land will pay contributions towards Urban Arterial Roads. Although these contributions will be collected this will not ensure that the additional crossing will be constructed upon the development of the land as the contributions may be utilised on any section of the arterial road network.

In addition the existing section 94 plan does not require contribution towards an additional crossing in the vicinity of the existing Ballina Street Bridge. The development of this land will contribute additional traffic to this existing bridge that is currently operating at a reduced level of service.

Though this is the case it is considered that these issues are much broader than this rezoning and should be addressed as part of Council's strategic infrastructure planning.'

Proposed Lot Sizes

The Planning Report contains a discussion about lot sizes and suggests a range of sizes between 1000m² and 2500m², arguing that other industrial areas in Lismore have provided larger lots in excess of 2500m² and there is a minimal supply of lots of smaller sizes. This is not a matter to be determined within the rezoning process, but the requirement for a minimum average lot size will be included in the DCP.

Flora & Fauna

A Flora & Fauna Assessment has been undertaken for the site and is included in the applicant's Planning Report. The site has been cleared and has a history of grazing and the Assessment concludes that that it is devoid of any significant flora or fauna.

Water & Sewer

The site is connected to reticulated water and sewer. Lismore Water has considered the proposal and requires no further information until a subdivision application is lodged.

Stormwater Management

A Stormwater Management Plan is included in the applicant's Planning Report. In summary, a piped stormwater network is to convey flows to outlet points at locations which receive stormwater in the currently undeveloped state. Grassed swales and runoff areas are to be provided on the site where achievable and drainage is to be directed to dry bio-retention basins in Council lands which are maintained as parks or pastoral lands. The Report states that this has been adopted at Council's request to minimise requirements for future maintenance. Council's Environmental Health Co-ordinator advises that the proposal has been modelled and shows that Council's water quality objectives for treatment of stormwater can be met.

Social & Economic Impacts

It is expected that significant employment will be generated during construction and operation of this industrial area. Implementation of the concept plan through a DCP will minimise impacts such as noise on nearby residential properties.

Proposed Development Control Plan

A site specific Development Control Plan should address the following matters:

- average lot sizes
- specification of uses for particular precincts, based on distance from residences
- amount and location of land fill
- stormwater control and management
- access, road design and parking
- landscaping
- buffers and minimisation of noise and lighting impacts on nearby residences
- building design and materials
- matters to be addressed in a DA for subdivision (including management plan for contaminants)
- energy efficiency
- compliance with Floodplain Management Plan

The applicant will be given the choice of either preparing the draft DCP for consideration by Council staff, or of having staff prepare it on a user pays basis.

Comments

Financial Services

The developer will be required to generally meet all the costs associated with rezoning and development of this land.

In regards to traffic and access, it is noted that the development and subsequent use of this land will increase traffic flows. In particular, the reference to the need for Council to investigate the provision of an additional river crossing is highlighted as this infrastructure will require a significant contribution from Council when constructed.

Other staff comments

Manager, Economic Development & Tourism:

The Manager, Economic Development is supportive of this proposal given the anticipated significant employment that will be generated during construction and operation of this industrial area.

Environmental Health Co-ordinator:

Noise

The proposal includes identification of precincts to ensure land closest to residences is used for low key industrial purposes only and land further away with greater buffer to sensitive residential land is available for general industrial use. This is supported by Environmental Health and allows better site management during development to reduce impacts from noise. There may still be a need to provide mounds designed to reduce noise and visual impacts to residents immediately adjacent to the proposed lands, however this can be considered and achieved at the subdivision and development stage of the process.

Contaminated Land

A sampling program was carried out in accordance with NSW EPA guidelines using a systematic sampling regime and composite sampling of four sub-samples into one individual sample for analysis.

Results were compared to recognised Health Investigation Levels (HILs). Results for metals were well below recommended (HILs) for commercial and industrial sites apart from manganese. This may be due to high naturally occurring manganese concentrations, knowledge that manganese precipitates under waterlogged conditions and that this site was in an area which experiences the strongest waterlogging effects.

Sampling and analysis for pesticides were carried out including organochloride, organophosphate, and DDT. All levels were well below recommended HILs.

Composite sampling and analysis for petroleum hydrocarbons (TPH) was carried out for three fractions of TPH. The consultant reports that the concentrations for the individual Health Investigation Level of 450mg/l is not exceeded, however the level for composite sampling is. These concentrations, although elevated, are uniform across the site and the consultant concludes that it is likely the source of contamination is the same for the entire site and the most likely contaminating agent is floodwaters containing petroleum hydrocarbons. Data supports this conclusion and there is no evidence hot spots exist on the site.

The Environmental Health section recommends that a management plan be developed for contamination at the time a development application is lodged for any subdivision of the site and that this requirement be incorporated into the site specific DCP to be prepared for the site.

Public consultation

Should Council endorse the rezoning proposal it must be circulated to State Government agencies prior to formulation of the contents of the draft LEP or DCP. Adjoining landowners will be notified.

The draft amending local environmental plan and supporting development control plan will be exhibited concurrently, for a minimum period of 28 days unless Council requires additional time.

Conclusion

Rezoning of the site for industrial subdivision and development is consistent with Council's Industrial Land Study, with the Far North Coast Regional Strategy, and with other statutory requirements applying to the amending LEP process.

Recommendation





It is recommended that Council:

1. Pursuant to S54 of the Environmental Planning & Assessment Act, resolve to prepare draft Amendment No. 37 to Lismore Local Environmental Plan and to notify the Department of Planning accordingly;
2. Agree that no site specific local environmental study is required in view of the disturbed nature of the site, its location on the urban fringe, the environmental analysis contained in the applicant's report and the proposal's compliance with local and State Government adopted land use strategies.
3. Agree that as the unformed Bouyon St is part of the proposal and is Council owned, the preparation and public exhibition of the draft LEP amendment be in accordance with the Departmental guideline 'LEPs and Council Land'; and
4. Resolve to prepare and exhibit a site specific development control plan addressing the issues raised above and which will form part of Lismore Development Control Plan No 1 Part B.

Figure 6 - Site Precinct Plan



LEGEND

	<i>Precinct 1</i>	2.14 Ha	General Industrial Use 4(a) Zone
	<i>Precinct 2</i>	2.83 Ha	General Industrial Use 4(a) Zone
	<i>Precinct 3</i>	1.49 Ha	General Industrial Use 4(a) Zone
	<i>Precinct 4</i>	1.61 Ha	Low key Industrial and limited bulky good showrooms.
	<i>Precinct 5</i>	0.8 Ha	Low key Industrial and limited bulky good showrooms.

Report

Subject	Nominations for Membership-Sustainable Environment Policy Advisory Group
File No	S908
Prepared by	Manager Environmental Health & Building Services
Reason	To advise the Council of the nominations for the Climate Change representative on the committee
Objective	To gain the endorsement of the Council in regard to the selected nominee
Strategic Plan Link	Natural Environment
Management Plan Activity	Environmental Health

Overview of Report

Nominations have been advertised for a vacancy on the Sustainable Environment Policy Advisory Group (SEPAG) for a Climate Change representative. Two nominations have been received and as a result a recommendation has been made.

Background

At the Council meeting of 10th April 2007, Council suggested that the SEPAG provides a suitable forum to oversee implementation actions described in Councils Local action Plan (LAP) to reduce green house gases and that a climate change representative be included to the SEPAG's membership. As a result at the meeting of 8th May 2007, Council adopted a recommendation that "*Council advertise for a representative of a recognised local climate change organisation for membership on the SEPAG*".

In order to recruit a replacement, advertisements inviting nominations were placed in Councils City News. As a result two nominations have been forthcoming as follows:

- Keelin Turner – representing the Lismore Climate Action Group
- Susan Stock – representative of Nimbin Climate Change Action Group

Copies of both nominations are enclosed separately for Councils perusal.

Conclusion

Both candidates have merit and applicable credentials that full fill the criteria as follows;

1. Be a member of and be able to represent a recognised local climate change organisation
2. Demonstrate a knowledge of the Cities for Climate Protection (CCP) program and councils. milestones and targets under the program.
3. Demonstrate an ability to work in a team environment.

Sue Stock is a current member of the Community Services PAG, being one of two village representatives.

Keelin Turner and Karl Sprogis from the Lismore Climate Action Group have previously addressed Council through public access regarding the adoption of Councils LAP. The Lismore Climate Group were also proactive in detailing their submission to Councils draft LAP during the public exhibition period. On this basis it is recommended that the Lismore Climate Change representative Keelin Turner be nominated on the SEPAG.

Recommendation

1. That Keelin Turner be appointed as the Climate Change representative on the Sustainable Environment PAG.

Report

Subject	Councillors' Expense and Provision of Facilities Policy
File No	S38
Prepared by	Corporate Compliance Co-ordinator
Reason	Legislative Requirement
Objective	To review policy
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Councillors

Overview of Report

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

Background

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

252 Payment of expenses and provision of facilities

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

In 2006, the Department of Local Government issued Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors.

Subsequently Council reviewed its policy having regard to these Guidelines and made minimal changes.

In May this year the Department issued revised Guidelines with only minor amendments, being clarifications which have no impact upon Council's existing policy.

No changes are proposed to the policy.

Comments

Financial Services

Not required.

Other staff comments

Not required.

Recommendation

That Council, having reviewed its policy "Payment of Expenses and Provision of Facilities", make no changes.

Report

Subject	Investments held by Council – June 2007
File No	S178
Prepared by	Management Accountant
Reason	Required under Clause 212 Local Government (General) Regulations 2005, Local Government Act 1993, and Council's Investment policy.
Objective	To report on Council Investments
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Financial Services

Overview of Report

Council investments as at 30 June 2007 are estimated to be \$35,033,762 subject to the final value of funds held under separate management being advised shortly.

The interest rate reported over the period of June 2007 is estimated to be 7.23% in comparison to 6.60% for June 2006. Council's return of 7.23% is above the Bank Bill Swap Rate for the same period of 6.55%. The final interest return may vary due to actual returns achieved in the funds held under separate management. The portfolio managers of these funds have provided an estimate of returns expected for the period and this may vary due to the capital movements within investments held.

Background

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

Due to timing issues the final value of some investments is not available within the required reporting time-frame for this report; therefore an estimate is provided based on the investments held and advice from the portfolio managers. The actual balance will be stated in the next investments report to Council.

Report on Investments

- *Confirmation of Investments – 31 May 2007* \$34,387,606
- *Estimated Investments – 30 June 2007* \$35,033,762

Some variation is expected to the Estimated Investments amount due to the final valuation of funds held under separate management not being made until after the end of the month reported.

The current rate of return on investments for June 2007 is estimated to be 7.23% compared to 6.60% for the same period last year. Council's return of 7.23% is above the Bank Bill Swap Rate for the same period of 6.55%. The final rate of return may vary as a result of the final valuation of funds held under separate management are only estimated at this time. The rate of return reported has been calculated

using actual returns where available and estimates provided by portfolio managers.

The following attachments have been included for Council's information:

- Summary of Investments including name of institution, lodgement date, maturity date, interest rate and the estimated interest earned in the period.
- Value of investment held by month with last year comparison - graphical
- Investment by type - graphical
- Weighted average interest with last year comparison – graphical
- Investment by Institution as percentage of total portfolio – graphical

Comments

Responsible Accounting Officer

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

Other staff comments

N/A

Public consultation

N/A

Conclusion

A report on investments is required to be submitted to Council monthly. This report meets that requirement. For 30 June 2007, estimated investments total \$35,033,762 and the annualised rate of return was 7.23%.

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

Recommendation

The report be received and noted

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING
HELD ON JUNE 20, 2007, AT 10.00 AM.**

	Present	Councillor Merv King (<i>Chairperson</i>), Ms Bronwyn Mitchell (<i>on behalf of Thomas George, MP</i>), Liz Smith (<i>RTA</i>), Snr Consts Steve Hilder and Rob Clarke (<i>Lismore Police</i>).
	In Attendance	Councillor Jenny Dowell, John Daley, Scott Turner (<i>Manager-Assets & Support Services</i>), Salina Runge (<i>Road Safety Officer</i>), and Bill MacDonald (<i>Traffic & Emergency Services Coordinator</i>). Chris Soulsby and Mike Perkins for Item No. B-07-06:12.
TAC23/07	Apologies	An apology for non-attendance on behalf of Thomas George, MP, was received and accepted.
TAC24/07	Minutes	The Committee was advised that the minutes of the Traffic Advisory Committee Meeting held on May 16, 2007, were confirmed by Council on June 12, 2007.

Disclosure of Interest

Nil

Part 'A' – Committee Recommendations

Nil

Part 'B' – Determined by Committee

P Butcher - Intersection of Bruxner Highway and Pineapple Road

Requesting consideration of installing a roundabout at the intersection of the Bruxner Highway and Oliver Avenue (Regatta Estate entrance).

- B-07-06:1 A proposal for a roundabout had been developed some time ago but did not gain support at that time. The current 'Staggered T' design was considered the appropriate treatment given existing conditions. It would be difficult to justify the considerable expenditure of a roundabout without the proposed link of the two ends of Oliver Avenue or without any significant accident history. However, it is suggested that this matter be part of an overall review of intersections along the Bruxner Highway where upgrades or concerns have been identified in order that they may be prioritised in terms of funding and implementation. It is proposed that further consultation be undertaken with the RTA to develop the comprehensive plan required. (07-4516:R6408,R6550)

Goolmangar Public School – Shared Bus Zone on Nimbin Road

Requesting consideration of allowing parents to share the Bus Zone in front of the school on Nimbin Road for dropping off and picking up children.

- B-07-06:2 Mr MacDonald advised that an onsite meeting had been held with the School Principal and it had been agreed that parents could park at the rear of the existing Bus Zone, behind the signs, without fear of repercussions. This would not interfere with the safe operation of the Bus Zone itself, which was only serviced by one bus. (07-4524:P20295,R2801)

Dr G Boyce – Speed Limit on Skyline Road, Goonellabah

Drawing attention to an anomaly that exists on Skyline Road with respect to the speed limit and requesting the speed limit outside the 60 kph zone be reduced from 100 kph to 80 kph.

- B-07-06:3 Police Officers have been carrying out patrols of this road with a small number of excessive speeds detected. It had been suggested that this matter be referred to the RTA for assessment and determination on the need to reduce the speed limit on Skyline Road, however, this was not considered necessary.
Snr Const Hilder advised that Dr Boyce had since made further contact with Police Officers and provided information on individuals and this was being pursued. This was seen as the most appropriate way of dealing with this issue. (07-4698:R5102)

Cr R Irwin – Intersection of Krauss Avenue and Airport Access Road

Raising concerns about the need to clarify traffic priorities and controls at the intersection of Krauss Avenue and the airport access road, South Lismore.

- B-07-06:4 This intersection has been inspected with the Acting Manager - Roads & Parks, Mr Darren Patch, and in the short term, arrangements have been made to install a Give Way sign and continuity line on the terminating leg of the existing T-junction. This will clarify the existing status and is the desirable treatment suggested by the RTA under normal conditions. The Committee confirmed support for the short term treatment as indicated above.
Liz Smith pointed out that the RTA had concerns about the potential queuing of heavy vehicles onto the highway, particularly as the estate developed, and it was agreed that a further report be provided on the timing of the longer term proposal of upgrading the intersection to provide priority to traffic entering Krauss Avenue from the Bruxner Highway. This would be referred to Council's Design Services Section to develop a plan and estimate for the longer term proposal. (R6924,P29428)

Cr R Irwin – Intersection of Ballina Road (SH16) and Second Avenue

Requesting consideration of modifying the existing centre median on Ballina Road, between Diadem Street and Second Avenue, to allow a designated right-turn bay into Second Avenue from Ballina Road.

- B-07-06:5 This conflicts with the long-term proposal to construct a centre median on Ballina Road through its intersections with Hunter Street and Second Avenue. However, it is suggested that the proposal be included in the overall review of intersection treatments along the Bruxner Highway as mentioned previously. (R6408,R7473)

Cr R Irwin – Intersection of Ballina Road (SH16) and Cowlong Road, Alphadale

Proposing an alternative treatment for the intersection of Ballina Road and Cowlong Road in lieu of a roundabout.

- B-07-06:6 Council has made previous requests to the RTA for consideration of constructing a roundabout at this intersection. To date, neither approval nor funding has been forthcoming. It is suggested that this matter be included in the overall review of intersection treatments along the Bruxner Highway as mentioned previously. (R6408,R4501)

Cr R Irwin – Heavy Bus Usage on Diadem Street, Lismore

Raising concerns on behalf of Diadem Street residents about the number of buses using Diadem Street and suggesting that their numbers could be reduced now that the roundabout at the intersection of Dawson and Leycester Streets has been completed.

- B-07-06:7 The residents' concerns have been previously relayed to the Manager of Kirklands Coaches and he had advised that the majority of buses that currently travel on Diadem Street actually service the residents of that area. However, he took on board the concerns and undertook to investigate whether a further reduction in the number of buses using Diadem Street were possible. A recent discussion with the Operations Manager and an informal survey of the number of buses using Diadem Street revealed that there were in fact 14 Kirklands buses that used Diadem Street when either accessing or departing the Trinity Interchange. The Committee agreed that a letter be written to Kirklands Coaches confirming the current usage and requesting that they investigate the current routes and take action to reduce the number of services using Diadem Street provided an alternative is available. (R6019)

Cr F Swientek – Intersection of Pleasant Street and Rous Road, Goonellabah

Requesting that investigations be carried out into the possibility of widening Pleasant Street at its intersection with Rous Road to accommodate both a left and right-turn lane for east-bound traffic or to shift the centre line.

- B-07-06:8 This has been examined in the past and was found not to be possible to shift the centre line to accommodate two eastbound lanes due to the need to maintain turning paths in Pleasant Street for larger vehicles. The Committee agreed that this issue be referred to Council's Design Services Section to investigate the possibility of widening Pleasant Street and to develop a plan and estimate for any such proposal. (R6502,R6610)

Rosegum Drive, Goonellabah – Speeding Issue

- B-07-06:9 This issue was discussed by the Committee at its meeting on April 18, 2007 when it was recommended that classifiers be installed on Rosegum Drive to determine actual vehicle speeds prior to any further consideration of this matter. Counts have now been carried out and the resulting 85th percentile speed has been determined to be 46.1 kph. Obviously this indicates that there is not a significant speeding problem in the area and as already suggested to concerned residents, the most appropriate way to deal with individual motorists is to report their details direct to the Lismore Police Station. This information will be reaffirmed to the resident in writing. (R6508)

Intersection of Diadem and Leycester Streets – Sight Restrictions

Ms M Smith had raised concerns about the restricted visibility of oncoming traffic when exiting Diadem Street onto Leycester Street due to the excessive planting of vegetation on Council's road reserve by the adjacent property owner.

- B-07-06:10 This matter has been before the Committee previously with the result that line-marking was adjusted to further highlight the intersection and move the continuity line on Diadem Street further north towards the through traffic lane on Leycester Street. This has had a limited effect on reducing potential conflict and it is considered that the only real opportunity to gain further improvements is to remove sufficient of the vegetation closest to the corner to open up visibility of oncoming traffic. The Committee agreed that this matter be referred to Council's Parks Section for action as outlined above. (R6019,R6042)

Bruce's Buses – Pedestrian Access at Leycester / Hindmarsh Streets Intersection

Raising concerns about the danger created for students who cross Leycester Street immediately west of Hindmarsh Street, at the roundabout.

B-07-06:11 Mr Bruce of Bruce's Buses had pointed out that bus drivers generally look to the right when negotiating the roundabout to turn left into Leycester Street from Hindmarsh Street and are constantly confronted by students crossing the road, which is potentially very dangerous. It was suggested that students be prohibited from crossing at this location by some physical means such as fencing. The students would then need to be encouraged to use the marked pedestrian crossing further west on Leycester Street. A number of inspections were carried out to observe current practices, which revealed that approximately 200 students cross Leycester Street in the afternoon at the location in question and on the whole the existing refuges were used correctly by the students. Fencing the corner was not considered to be a viable option as this may then lead to students using existing gaps in the fence and walking between buses, which would be even more dangerous. Forcing an additional 200 students to use the existing marked crossing further west on Leycester Street would also impact on its capacity to operate effectively.

Snr Const Hilder raised concerns that he had observed a number of bus operators not taking due care when turning left onto Leycester Street and turning with one hand while using a two-way radio. It was suggested that these concerns be relayed to operators and requesting more attention be given. It was also suggested that Council's Road Safety Officer make contact with schools whose students use the interchange and provide material that might help reinforce the correct use of existing facilities. (R6042,R6029)

Proposed Integrated Residential Development – McKellar Court, Goonellabah

A Development Application has been received for 80 single storey units at No. 757 Ballina Road, Goonellabah, with access/egress from McKellar Court.

B-07-06:12 Mike Perkins and Chris Soulsby were present for this item and outlined the proposal to the Committee.

It was noted that the development would increase traffic movements at the intersection of the Bruxner Highway and Pindari Crescent by approximately 25%. This was significant and it was suggested that an appropriate treatment for the intersection be investigated in conjunction with the RTA. Appropriate treatment options would be:

- the construction of medians at the intersection to prevent right-turn movements out of Pindari Crescent whilst maintaining the right-turn into Pindari Crescent
- a 'seagull' treatment or a roundabout.

It was proposed that Council consult with the RTA to determine the preferred option and include this as a requirement of the development consent. It was agreed that the outcome would be reported back to Committee Members for information.

In addition to the above, the Committee agreed that the following should be included in development conditions -

1. Minimum of 2.0m wide external footpaths
2. Proposed turning radius at the entrance to the development be adequate to allow buses to turn in a full forward movement
3. A bus/taxi shelter be provided
4. Due to the lack of internal footpaths, 'shared zone' signage be erected within the development. (D060854)

Roundabout at Intersection of Dawson (MR65) and Leycester Streets

B-07-06:13 Liz Smith reported that she had spoken to the crossing supervisor at the Leycester Street marked pedestrian crossing and made him aware of the need to ensure he staggered student movements to assist with the efficient operation of the roundabout. From observations this appeared to have had some impact. (R6017,R6042)

Rosebank Road – Speed Limit Review

B-07-06:14 Liz Smith reported that the speed limit review on Rosebank Road had been completed and it had been determined that the speed limit, between the 60 kph signs in the Rosebank Village and Mackie Road, should be reduced to 80 kph. However, prior to this being implemented Ms Smith would arrange a further survey so that appropriate curve warning and advisory speed signs could be erected in addition to reducing the speed. (R3704)

Duncan Road, Dunoon/Numulgi – Speed Limit Review

B-07-06:15 Liz Smith reported the speed limit review on Duncan Road had been completed and it had been determined that the speed limit should remain as is. (R3401)

Closure

This concluded the business and the meeting terminated at 11.20 am.

Chairperson

Traffic & Emergency Services Co-Ordinator

Financial Assistance - Section 356

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

Budget: \$1,100 To date: \$770.00

Michael Gahan – Gained selection in the Australian Baseball representative Team playing in the Cal Ripken Youth World Series Tournament August in the USA – August 2007

In accordance with policy.

\$335.00

South Lismore Junior Rugby League Football Club requesting Council reduce the fees payable for their use of Crozier Field and canteen on booked junior rugby league games to \$100 per day for ground hire and \$40 per day canteen hire. (S164 & P25112:07-5127)

Comment: For ground hire, normal hire fees would total \$970 (\$194 x 5 days) for the five booked dates. Based on the difference between their request of a reduction to \$100 booking fee (per day) the reduction would equate to \$470.

The request also included a fee of \$40 for the hire of the canteen. As the current fee is \$40 per day, not reduction is required.

Recommendation: That the request be approved and that the ground hire charges be reduced by \$470 for the booked dates.

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

Budget: \$14,700 To date: \$15,060

Northern Rivers Prostrate Fund Raising Committee requesting Council discount the fees (\$113) for the use of the Fountain Room at the City Hall for a seminar on September 8, 2007. An entrance fee is not to be charged (S164 & P6816:07-5413).

Recommendation: In accordance with Clause 1 of the policy, a donation of 25% of the hire fee applies. \$28.25

Lismore Filipino Community requesting Council waive all fees (\$199) for the use of the Fountain Room at the City Hall for the 109th National Day Celebration for the Declaration of Philippine Independence on June 23, 2007. An entrance fee is not to be charged (S164 & P6816:07-5456).

Recommendation: In accordance with Clause 1 of the policy, a donation of 25% of the hire fee applies. \$49.75

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

Budget: \$9,000 To date: \$10,354.81

Animal Right & Rescue \$32.73

Challenge Foundation \$161.00

Five Loaves \$95.09

Friends of the Koala \$16.36

Section 356 Donations

Lismore Soup Kitchen Inc \$0.00

LifeLine \$170.00

Lismore & Dist Police Boys Club \$0.00

Saint Vincent De Paul \$29.36

Salvation Army \$0.00

Westpac Life Saver Rescue Helicopter \$0.00

Shared Vision Aboriginal Corporation \$0.00

In accordance with policy.

\$504.54

d) Mayor's Discretionary Fund (GL2033.26)

Budget: \$2,700 To date:\$2653.89

St Vincent's Hospital fundraising for St Josephs aged care facility

\$100.00

g) Miscellaneous Donations

Lismore Neighbourhood Club - \$100 donation

For loan of crockery and resources for 3 functions for World Refugee Week at Lismore City Hall on Tuesday 19th, 2 x Wednesday 20th.

Allocation number = 2711.3

Recommendation

In accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed above is hereby approved.

Documents for Signing & Sealing

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

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

Recommendation

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

Discharge of Mortgage over Lot 1 DP 580057 and Lot 160 DP 755686, Old Shire of Terania, Locality Bexhill, Parish Bexhill County of Rous

The owners of these two properties had a mortgage with Terania Shire Council which was discharged in March 1995. The Mortgage was never removed from the title and this is now required. The signing and sealing of the "Discharge of Mortgage" document by Council is requested.

Creation of Easement to Drain Sewage

Subdivision approval was given (May 20, 1991) for a block of land located at 662 Ballina Road, Goonellabah. The land was subdivided according to the consent but the sewer connection for the subdivided lot ran through the adjoining property (664 Ballina Road). To enable 662 Ballina Road to be legally connected to the sewer an "Easement to Drain Sewage Over Existing Line of Pipes" has to be created. As Council will be the beneficiary of the Easement, signing and sealing of the Linen Plan and the Section 88B instrument is required.

Confidential Matters–Committee of the Whole

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

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

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

Clause 34 of Council Code of Meeting Practice

Representations from the public as to whether part of the meeting should be closed to the public can be made after the motion to close the meeting has been moved and seconded for a period of 10 minutes.

Recommendation

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

Item	<i>Write of a Debt</i>
Grounds for Closure	Section 10A(2) A & B):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because of the personal details of the applicant and debt.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBERS, GOONELLABAH ON TUESDAY, JUNE 12, 2007 AT 6.00PM.

Present Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager, Executive Director-Development & Governance, Executive Director-Infrastructure Services, Manager Building and Environmental Services, Environmental Health Officer, Corporate Compliance Officer and General Manager's Personal Assistant.

365/07 **Apologies/
Leave of
Absence** Apologies for non-attendance on behalf of Cr Henry and Hampton were received and accepted and leave of absence granted. A leave of absence was granted to Cr Crimmins from July 1 to July 5, 2007. (Councillors Irwin/Chant)

366/07 **Minutes** The minutes of the Ordinary Meeting held on May 8, 2007, were confirmed. (Councillors Dowell/Chant)

Public Access Session

Prior to dealing with the circulated reports and associated information, a Public Access Session was held at which Council was addressed by the following:

Candice Parkes – Development Application No 2007/152 – “As Built” filled paved area and a dividing boundary fence at 75 Nelson Street, East Lismore

Ms Parkes raised concern about the loss of privacy following the building of a new house. She spoke to the adjoining fence, retaining wall and failure to comply with DCP 39. She asked that the height of the fence be increased to improve her privacy.

Janelle Paletto - Development Application NO 2007/152 – “As Built” filled paved area and a dividing boundary fence at 75 Nelson Street, East Lismore

Ms Paletto outlined the building of their home. She claimed only minor variations to Council's requirements. She requested the application as built be approved.

John Zart (Rosebank Improvement Group) – Proposed 2007/2008 Road Capital Works Programme

Mr Zart advised he spoke on behalf of local residents. He detailed the efforts that had been made to identify and prioritise road works in their local area. He expressed disappointment that none of these projects were included in the 2007/08 works programme. He asked that this allocation be reviewed.

David Yarnall – Proposed 2007/2008 Road Capital Works Programme

Mr Yarnell spoke against the proposal that funds be directed from rural roads to CBD roads.

Paula McDougall – The Lismore Development Control Plan

Ms McDougall sought a review of DCP19, in consultation with the local community to maintain the rural character of villages.

Joe Friend – Policies and Strategies to address Environmental Priorities

Mr Friend stressed the importance of the health of the local river and sought support for this through inclusions in the appropriate environmental policies.

Condolence

Late Harold Fredericks OAM

The death occurred last Sunday of Harold Richmond Fredericks. Harold was born in Ballina 84 years ago. He joined the Australian Army in 1940 soon after the beginning of the second World War and in 1943 he was selected to join the Elite Z Force which operated in Borneo.

Following the War he joined the NSW Police Force and served for 36 years including 17 years as a Detective.

His commitment to Local Government began when he was elected to Lismore City Council 1983. He served as Mayor for five terms.

His involvement with the Westpac Life Saver Rescue Helicopter is very well known and the guidance provided by Harold and other local people has seen the service develop into the very professional and essential organisation that it is today.

Harold is survived by his wife Colleen and two daughters and two sons. On behalf of Council and the people of Lismore, I extend our very sincere sympathies to his family and I would ask you to rise and join me in a period of silence in memory of Harold Fredericks.

367/07 The Mayor moved that Council's expressions of sympathy be conveyed to the family of Harold Fredericks and the motion was carried with members standing and observing the customary moment's silence.
(S75)

Notice of Motions

Installation and plumbing of rainwater tanks

Formal notice having been given by Councillor Ekins it was MOVED that the installation and plumbing of rainwater tanks is obligatory on all new residential buildings that do not fall under BASIX's, commercial and industrial buildings in the Lismore City Council area.
(Councillors Ekins/Irwin) (S369)

AN AMENDMENT WAS MOVED that Council explore:

- The implications of the added cost to consumers.
- The potential water savings.
- And energy use of Cr Ekins proposal before proceeding on this issue.

(Councillors Swientek/Meineke)

On submission to the meeting the AMENDMENT was DEFEATED.

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

On submission to the meeting the MOTION was DEFEATED.

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

Stormwater levy rebate options

Formal notice was given by Councillor Ekins of her intention to move that Council staff prepare a report on stormwater levy rebate for residential commercial and industrial rate payers who have installed and plumbed water tanks.

At the request of Councillor Ekins the Notice of Motion was WITHDRAWN.

Replacing the children's playground, removed some years ago, at Nesbitt Park

- 368/07 Formal notice having been given by Councillor Irwin it was **RESOLVED** that Council staff provide a report to Council on replacing the children's playground, removed some years ago, at Nesbitt Park with a particular view to using the funds from the Nesbitt Family Trust to achieve this.
(Councillors Irwin/Graham) (P19781)

Altering Order of Business

- 369/07 **RESOLVED** that the order of business be altered to debate the following matters raised during Public Access.

- Development Application No 2007/152 - 75 Nielson Street
- Proposed 2007/2008 Road Capital Works Programme
- The Lismore Development Control Plan
- Policies & Strategies to address Environment Priorities

(Councillors Irwin/Tomlinson)

Reports

Development Application No 2007/152 – “As Built” filled paved area and a dividing boundary fence at 75 Nielson Street, East Lismore

A MOTION was MOVED that the report be received and that:

Development consent be granted for an “As Built” Filled Paved Area and 1900 to 2000mm high Colorbond Boundary Fence on the southern side of the subject property, subject to the following conditions of consent.

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

- (a) Carry out surface stormwater drainage work.

STANDARD CONDITIONS

- 1 In granting this development consent, Council requires:

- All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
- All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
- Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with the stamped approved plan(s) No. 2 and 3 dated 03/08/2004 and/or supporting documents submitted with the application. A copy of the approved plans is attached to this consent.

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

- 2 The following building works are to be **inspected** by Council or by an Accredited Certifier. In the event that Council is the Principal Certifying Authority, you are required to notify Council at least 24 hours prior to the inspection.

- (a) **Occupation** - the building work is completed prior to any Occupation Certificate being issued in relation to the building.

Reason: To assess compliance with this approval.

- 3 The eave down lights being shielded from the neighbouring property at 77 Nielson Street, East Lismore.

Reason: To ensure that reasonable levels of amenity for neighbouring properties are maintained.

- 4 Surface stormwater from the paved area must be directed clear of the adjoining properties and must be collected and disposed of to Council's street water table.

Reason: Required by Clause 3.1.2.5 of the Building Code of Australia Housing Provisions.

(Councillors Meineke/Graham)(DA2007/152)

AN AMENDMENT WAS MOVED that:

Development consent be granted for an "As Built" Filled Paved Area and 1900 to 2000mm high Colorbond Boundary Fence on the southern side of the subject property, subject to the following conditions of consent.

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

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- 4 Surface stormwater from the paved area must be directed clear of the adjoining properties and must be collected and disposed of to Council's street water table.

Reason: Required by Clause 3.1.2.5 of the Building Code of Australia Housing Provisions.

- 5 The surface of the paved area between the residence and the subject southern boundary is to be lowered by 200mm along the length of the southern wall of the subject residence, to be ramped up to the level of the paving surrounding the pool area at a grade of 1:14 or steeper. The ramp is to commence a maximum of 3m from the rear corner of the subject

dwelling and terminate at the south western corner of the dwelling at the existing pool/patio paved level.

Reason: *To ensure that reasonable levels of amenity for neighbouring properties are maintained.*

(Councillors Irwin/Dowell)

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

Voting Against: Councillors Chant, Graham and Meineke.

370/07 **RESOLVED** that the order of business be altered to debate the following matters raised during Public Access.

- Development Application No 2007/152 - 75 Nielson Street
- Proposed 2007/2008 Road Capital Works Programme
- The Lismore Development Control Plan
- Policies & Strategies to address Environment Priorities

(Councillors Irwin/Dowell)

Voting Against: Councillors Chant, Crimmins, Graham, and Meineke.

Proposed 2007/2008 Roads Capital Works Programme

An MOTION was MOVED that the report be received and:

1. That Council approve the 2007/2008 Roads Capital Works Programme as set out in the body of the report.
2. That the Council's policy on the annual distribution of roads fund be reviewed by the Roads PAG once Council has received the ARRB Report on the Road Network sustainability.
3. That this review factor in the relative importance of the CBD roads and streets.
4. That an amount of \$50,000 be added to the roads budget to increase the amount to be spent on vital road safety issues to \$100,000.

(Councillors Tomlinson/Crimmins)(S374)

An AMENDMENT was MOVED:

1. That Council approve the 2007/2008 Roads Capital Works Programme as set out in the body of the report.
2. That the Council's policy on the annual distribution of roads fund be reviewed by the Roads PAG once Council has received the ARRB Report on the Road Network sustainability.
3. That this review factor in the relative importance of the CBD roads and streets.
4. That an amount of \$50,000 be added for consideration in the roads budget to increase the amount to be spent on vital road safety issues to \$100,000.

(Councillors Dowell/Meineke)

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

Voting Against: Councillors Irwin and Tomlinson.

371/07 **RESOLVED** that the report be received and:

1. That Council approve the 2007/2008 Roads Capital Works Programme as set out in the body of the report.
2. That the Council's policy on the annual distribution of roads fund be reviewed by the Roads PAG once Council has received the ARRB Report on the Road Network sustainability.
3. That this review factor in the relative importance of the CBD roads and streets.
4. That an amount of \$50,000 be added for consideration in the roads budget to increase the amount to be spent on vital road safety issues to \$100,000.

(S374)

Voting against: Councillors Swientek.

The Lismore Development Control Plan (consolidation of existing DCPs)

372/07 **RESOLVED** that the report be received and that Council:

1. Adopt the Lismore Development Control Plan as exhibited but incorporating the proposed amendments as outlined in Attachments 1 and 2 to this report as well as the proposed amendments to Chapter 9 of Part B (Dunoon Village) to omit references to the Department of Health guidelines and to delete the 'Recommendations' contained in the final sections of that chapter; and
2. Give public notification of Council's adoption of the DCP in accordance with clause 21 of the Environmental Planning and Assessment Regulation 2000.
3. That a report be presented to the next Council meeting on the updating of the Dunoon DCP.
(Councillors Tominson/Dowell)(S924)

Policies and strategies to address environmental priorities

373/07 **RESOLVED** that the report be received and:

1. That Council adopt the policies as presented.
2. That Council undertake staff workshops to develop actions for each strategy associated with the environmental policies and that these be considered in future management plan and budget deliberations.
(Councillors Ekins/Swientek)(S908)

Water Restrictions

374/07 **RESOLVED** that the report be received and:

1. That Council note that Level One (1) Water Restrictions will be imposed in the Lismore City Council area when Rocky Creek Dam levels fall to 60%.
2. That Level One (1) restriction criteria be in accordance with the "Water Restrictions Level One (1)" outlined in the report.
(Councillors Irwin/Graham)(S302)

Stormwater Management Plan and Charges

A MOTION WAS MOVED that the report be received and

1. That Council adopt the Stormwater Management Plan 2007.
2. That Council adopt the Stormwater Management Services Charge as follows:
 - Residential Properties to be charged \$25.00 per rate assessment;
 - Residential Strata properties to be charged \$12.50 per lot
 - Business Properties of 4200m² or less to incur an annual charge of \$25.00 per 350m² or part thereof of the property area:
 - Business Properties with an area greater than 4 200m² to be individually assessed and charged a minimum of \$300.00 or \$25.00 per 350m² or part thereof of impervious area, whichever is the greater.
 - Strata titled properties are also required to be appropriately rated in accordance with *the Local Government (General) Amendment (Stormwater) Regulation 2005*. In this regard Strata or company titled properties, the total area of the whole property shall be used to calculate the "unit charge". The "unit charge" is to be divided in the same proportion as the unit entitlement of the strata, as shown on the registered strata plan subject to a minimum charge for each strata lot being not less than the unit charge for business properties being \$25.00.
3. That Council note a right of appeal for Business Properties the subject of this charge which will be based on area of imperviousness or existing S68 approved stormwater treatments as set out in this report.
(Councillors Irwin/Chant)(S722)

AMENDMENT was moved:

1. That Council adopt the Stormwater Management Plan 2007.
2. That Council adopt the Stormwater Management Services Charge as follows:
 - Residential Properties to be charged \$25.00 per rate assessment;
 - Residential Strata properties to be charged \$12.50 per lot
 - Business Properties of 4200m² or less to incur an annual charge of \$25.00 per 350m² or part thereof of the property area:
 - Business Properties with an area greater than 4 200m² to be individually assessed and charged a minimum of \$300.00 or \$25.00 per 350m² or part thereof of impervious area, whichever is the greater.
 - Excluding the business properties with a S68 approved stormwater device.
 - Strata titled properties are also required to be appropriately rated in accordance

with *the Local Government (General) Amendment (Stormwater) Regulation 2005*. In this regard Strata or company titled properties, the total area of the whole property shall be used to calculate the "unit charge". The "unit charge" is to be divided in the same proportion as the unit entitlement of the strata, as shown on the registered strata plan subject to a minimum charge for each strata lot being not less than the unit charge for business properties being \$25.00.

3. That Council note a right of appeal for Business Properties the subject of this charge which will be based on area of imperviousness or existing S68 approved stormwater treatments as set out in this report.

(Councillor Meineke)

The AMENDMENT lapsed for want of a seconder.

375/07 **RESOLVED** that the report be received and:

1. That Council adopt the Stormwater Management Plan 2007.
2. That Council adopt the Stormwater Management Services Charge as follows:
 - Residential Properties to be charged \$25.00 per rate assessment;
 - Residential Strata properties to be charged \$12.50 per lot
 - Business Properties of 4200m² or less to incur an annual charge of \$25.00 per 350m² or part thereof of the property area:
 - Business Properties with an area greater than 4 200m² to be individually assessed and charged a minimum of \$300.00 or \$25.00 per 350m² or part thereof of impervious area, whichever is the greater.
 - Strata titled properties are also required to be appropriately rated in accordance with *the Local Government (General) Amendment (Stormwater) Regulation 2005*. In this regard Strata or company titled properties, the total area of the whole property shall be used to calculate the "unit charge". The "unit charge" is to be divided in the same proportion as the unit entitlement of the strata, as shown on the registered strata plan subject to a minimum charge for each strata lot being not less than the unit charge for business properties being \$25.00.
3. That Council note a right of appeal for Business Properties the subject of this charge which will be based on area of imperviousness or existing S68 approved stormwater treatments as set out in this report.

(Councillors Irwin/Chant)(S722)

Voting against: Swientek and Meineke

Affordable Housing

376/07 **RESOLVED** that the report be received and that Council support the development of a project plan for a localised affordable housing project.
(Councillors Dowell/Graham)(S116)

Draft Regional Policy for the Management of Contaminated Land

377/07 **RESOLVED** that the report be received and that the draft '*Regional Policy for the Management of Contaminated Land*' be formally adopted as Council's Contaminated Land Policy replacing existing Council Policy - '*Contaminated Lands Policy Version 3.1*'.

(Councillors Meineke/Irwin)(S904)

Purchase of Vehicle for Richmond Tweed Regional Library

A MOTION WAS MOVED that:

That Council, on behalf of the Richmond-Tweed Regional Library -

1. Purchase one (1) only new SCANIAP340DA4X2MNA as tendered (T27011) from K & J Trucks Pty Limited of Coffs Harbour, NSW, for the cost of **\$158,975.00 including GST**.
2. Accept the offer from Golden City Car and Truck Centre of Gympie, Queensland, to purchase the existing Prime-mover (Fleet No. 52) for **\$63,297.00** including GST.

(Councillors Dowell/King)(T20011)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Irwin, Ekins, Swientek, Chant Graham and Meineke.

James Gibson Road, Clunes – Road Widening and Closure

378/07 **RESOLVED** that the report be received and:

That in accordance with Section 67 of the Local Government Act Council agree to undertake works to reform a pad for a shed on private property, being Lot 1, DP 209907, No. 204 James Gibson Road, at no cost to the owners for the following reasons:

1. Council has realigned the road reserve/ private property boundary on James Gibson Road to facilitate road widening and improved road alignment. This was undertaken with the cooperation of the owners of the private property and with an undertaking that reforming an existing pad for the erection of a shed would be considered by council.
2. The realignment of the boundary has resulted in the shed pad not meeting the required 15 metre setback from the road reserve.
3. That the General Manager and Mayor be authorised to sign and affix the Council Seal to land transfer documents and plans of survey or any other documents deemed necessary to complete this resolution.

(Councillors Graham/Swientek)(R3902:P10942)

Annual Remuneration Fee for Mayor and Councillors

379/07 **RESOLVED** that the report be received and that the fee payable for Councillors and the Mayor for 2007/08 to be the maximum fee for category three Councils.

(Councillors Graham/Swientek)(S38)

Voting against: Councillor Dowell

Lismore Water – Recycled Water Project Reference Group (PRG)

380/07 **RESOLVED** that the report be received and that Council establish a Recycled Water Project Reference Group as a sub-committee of the SEPAG.

(Councillors Meineke/Graham)(S302)

Strategic Plan Steering Committee

- 381/07 **RESOLVED** that the report be received and that the recommendations from the April meeting of the Strategic Plan Steering Committee as detailed within the report be adopted. (Councillors Dowell/Irwin)(S4)

Investments held by Council – May 2007

- 382/07 **RESOLVED** the report be received and noted. (Councillors Irwin/Swientek)(S178)

Committee Recommendations

Traffic Advisory Committee May 16, 2007

- 383/07 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted. (Councillors Irwin/Dowell) (S352)

Financial Assistance - Section 356

- 384/07 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved.

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

Budget: \$14,700 To date: \$15,060

The Wizard of Oz Show requesting Council waive all the fees for the use of the City Hall (\$280) and front of house (\$110) for one of Australia's top children's show on July 11, 2007. An entrance fee is proposed. (S164 & P6816:07-3996).

Recommendation: Council not agree to waive all hall hire and front of house fees and instead in accordance with Clause 2 of the policy, a donation of 20% of the hire fee applies. \$56.00

Lismore Craft and Quilters Inc. requesting Council waive or discount the fees for the use of the City Hall (\$1,012) for Quilt Show from August 30, 2007 to September 2, 2007. An entrance fee is proposed (S164 & P6816:07-3782).

Recommendation: In accordance with Clause 2 of the policy, a donation of 20% of the hire fee applies. \$202.40

Upsurge requesting Council waive all the fees (\$695) for the use of the City Hall for a youth concert on August 11, 2007. An entrance fee is proposed. (S164 & P6816:07-3727).

Recommendation: Council not agree to waive all hall hire fees and instead in accordance with Clause 2 of the policy, a donation of 20% of the hire fee applies. \$139.00

Yabur Yulgan requesting Council discount the fees for the use of the City Hall (\$113) for a Children's Disco as part of NAIDOC Week celebrations. No entrance fee is proposed

(S164 & P6816:07-4235).

Recommendation: In accordance with Clause 1 of the policy, a donation of 100% of the hire fee applies \$113.00

Spirit of the Land Foundation requesting Council discount the fees for the use of the City Hall (\$700) for a school matinee and public concert on June 13, 2007. An entrance fee is proposed (S164 & P6816:07-5035).

Recommendation: In accordance with Clause 2 of the policy, a donation of 20% of the hire fee applies \$140.00

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

Budget:	\$6,000	To date:	\$11,747.81
Animal Right & Rescue			\$38.18
Challenge Foundation			\$170.00
Five Loaves			\$170.00
Friends of the Koala			\$76.36
Lismore Soup Kitchen Inc			\$82.55
Lismore Soup Kitchen Inc			\$799.00 (December '06 - April '07)
LifeLine			\$170.00
Lismore & Dist Police Boys Club			\$16.36
Saint Vincent De Paul			\$10.91
Saint Vincent De Paul			\$594.00 (January - April)
Salvation Army			\$80.36

In accordance with policy. \$2,207.72

c) Mayor's Discretionary Fund (GL2033.26)

Budget	\$2,700	To date	\$1753.89
Lismore City Council Sponsored Educational Grant through the Country Women's Association of NSW			\$350.00
Australia's Biggest Morning Tea Event matching contribution from Council to funds raised by staff.			\$200.00
Ms Luth Batt – Australia Day Multicultural Award winner assistance to attend National Philippines Week.			\$100.00
Lismore Toy Library – appeal for funding for toy replacement			\$150.00

d) Miscellaneous Donations

Mental Health Support Group requesting Council waive all the fees for the modification of two reusable banners for a mental health charity concert on October 13, 2007. The cost to modify the banners is estimated to be \$510.00.

Recommendation: Council agree to waiving the fees associated with modifying the two reusable banners.

(Councillors Irwin/Dowell)(S164)

Documents for Signing and Sealing

A MOTION was MOVED that:

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

Easement for Water Supply - New Ballina Road (P7135)

As part of Council's water supply infrastructure maintenance a water main was renewed which services 46, 50 and 52 New Ballina Road, Lismore Heights. An "Easement for Water Supply" had to be created over these lots. The Easement has also been created over 56 and 58 New Ballina Road and 35 Beardow Street for possible future servicing of the adjoining properties. The Linen Plan and associated Section 88B Instrument is required to be executed under Council Seal.

Department of Community Services funding (S728)

The Department of Community Services provides funding subsidies for the following operational areas to assist with service delivery:

- (1) Community Services Grants Program - specific Community Development work undertaken by Council's Community Development Officer \$12,309
- (2) Koala Child Care Centre - Education and development program for ages 0 - 6 \$34,510

Licence Agreement - Kerbside Dining - Goanna Bakery (P5624)

Licence over part of the footway of Keen Street outside premises situated at 171 Keen Street, Lismore comprising an area of 16.8 m² for the permitted use as kerbside dining. Licence is in accordance with Lismore City Council Policy 5.2.24 Carriageway and Kerbside Land Use. Term of licence is 5 years with a 2 year option.

Licence Agreement - Kerbside Dining - Mecca Café (P6314)

Licence over part of the footway of Magellan Street outside premises situated at 80 Magellan Street, Lismore comprising an area of 46.5 m² for the permitted use as kerbside dining. Licence is in accordance with Lismore City Council Policy 5.2.24 Carriageway and Kerbside Land Use. Term of licence is 5 years with a 2 year option.

Licence Agreement - Kerbside Dining - La Baracca (P5624)

Licence over part of the footway of Keen Street outside premises situated at 29 Keen Street, Lismore comprising an area of 29.61 m² for the permitted use as kerbside dining. Licence is in accordance with Lismore City Council Policy 5.2.24 Carriageway and Kerbside Land Use. Term of licence is 5 years with a 2 year option.

Transfer granting Easement to Drain Water - 57-59 Coleman Street, Bexhill - Lot 1 Sec 21 DP 758102 and Lot 1 DP 244707 (P22658 & P20978)

The owners of 57 Coleman Street, Bexhill have constructed a stormwater pipeline over their property and partly over 59 Coleman Street conveying water from Bangalow Road to the rear

of the properties. The pipeline was designed by Council and installed under Council supervision. Transfer documentation requires signing and sealing to create the Easement to Drain Water in favour of Council.

Deeds of Agreement (2) - Realignment of Nimbin Road - Council and Shearman/Greber (R2801)

Acquisitions of private land and disposal of unnecessary road of Nimbin Road to facilitate the realignment of Nimbin Road for the construction of the new Blakebrook Bridge.

2. That Council take no action on the sale of 28 Weemala Street, Lismore Heights.
(Councillor Swientek/Meineke)

An AMENDMENT was MOVED:

1. That the following documents be executed under the Common Seal of the Council:
 - Easement for Water Supply - New Ballina Road
 - Department of Community Services funding
 - Transfer granting Easement to Drain Water - 57-59 Coleman Street, Bexhill - Lot 1 Sec 21 DP 758102 and Lot 1 DP 244707 (P22658 & P20978)
 - Deeds of Agreement (2) - Realignment of Nimbin Road - Council and Shearman/Greber
 - Contract for the sale of land, and Transfer - Lot 54 DP 28852 - 28 Weemala Street, Lismore Heights (P10149)
2. That consideration of the following documents be deferred pending the preparation of a report on smoking in alfresco dining areas on public land:
 - Licence Agreement - Kerbside Dining - Goanna Bakery (P5624)
 - Licence Agreement - Kerbside Dining - Mecca Café (P6314)
 - Licence Agreement - Kerbside Dining - La Baracca (P5624)(Councillors Dowell/Tomlinson)

On Submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillors Irwin, Ekins, Swientek, King, Chant, Crimmins, Graham and Meineke.

A FORESHADOW AMENDMENT was MOVED that the following documents be executed under the Common Seal of Council:

Easement for Water Supply - New Ballina Road

As part of Council's water supply infrastructure maintenance a water main was renewed which services 46, 50 and 52 New Ballina Road, Lismore Heights. An "Easement for Water Supply" had to be created over these lots. The Easement has also been created over 56 and 58 New Ballina Road and 35 Beardow Street for possible future servicing of the adjoining properties. The Linen Plan and associated Section 88B Instrument is required to be executed under Council Seal.

Department of Community Services funding

The Department of Community Services provides funding subsidies for the following operational areas to assist with service delivery:

- (1) Community Services Grants Program - specific Community Development work undertaken by Council's Community Development Officer \$12,309
- (2) Koala Child Care Centre - Education and development program for ages 0 - 6 \$34,510

Licence Agreement - Kerbside Dining - Goanna Bakery (P5624)

Licence over part of the footway of Keen Street outside premises situated at 171 Keen Street, Lismore comprising an area of 16.8 m² for the permitted use as kerbside dining. Licence is in accordance with Lismore City Council Policy 5.2.24 Carriageway and Kerbside

Land Use. Term of licence is 5 years with a 2 year option.

Licence Agreement - Kerbside Dining - Mecca Café (P6314)

Licence over part of the footway of Magellan Street outside premises situated at 80 Magellan Street, Lismore comprising an area of 46.5 m² for the permitted use as kerbside dining. Licence is in accordance with Lismore City Council Policy 5.2.24 Carriageway and Kerbside Land Use. Term of licence is 5 years with a 2 year option.

Licence Agreement - Kerbside Dining - La Baracca (P5624)

Licence over part of the footway of Keen Street outside premises situated at 29 Keen Street, Lismore comprising an area of 29.61 m² for the permitted use as kerbside dining. Licence is in accordance with Lismore City Council Policy 5.2.24 Carriageway and Kerbside Land Use. Term of licence is 5 years with a 2 year option.

Transfer granting Easement to Drain Water - 57-59 Coleman Street, Bexhill - Lot 1 Sec 21 DP 758102 and Lot 1 DP 244707 (P22658 & P20978)

The owners of 57 Coleman Street, Bexhill have constructed a stormwater pipeline over their property and partly over 59 Coleman Street conveying water from Bangalow Road to the rear of the properties. The pipeline was designed by Council and installed under Council supervision. Transfer documentation requires signing and sealing to create the Easement to Drain Water in favour of Council.

Deeds of Agreement (2) - Realignment of Nimbin Road - Council and Shearman/Greber
Acquisitions of private land and disposal of unnecessary road of Nimbin Road to facilitate the realignment of Nimbin Road for the construction of the new Blakebrook Bridge.

Contract for the sale of land, and Transfer - Lot 54 DP 28852 - 28 Weemala Street, Lismore Heights (P10149)

Council has negotiated an offer of \$750.00 inclusive of GST for the sale of Lot 54 DP 28852 - 28 Weemala Street, Lismore Heights (297m²). The price is consistent with the valuation obtained October 27, 2006. This land was included in Lismore Local Environmental Plan 2000 (Amendment No. 12) - reclassification of public land as operational land.
(Councillor Irwin/Chant)

On submission to the meeting the AMENDMENT was approved and became the MOTION:
Voting against: Councillor Swientek

A FORESHADOWED AMENDMENT was MOVED that:

1. The following documents be executed under seal:

Easement for Water Supply - New Ballina Road

As part of Council's water supply infrastructure maintenance a water main was renewed which services 46, 50 and 52 New Ballina Road, Lismore Heights. An "Easement for Water Supply" had to be created over these lots. The Easement has also been created over 56 and 58 New Ballina Road and 35 Beardow Street for possible future servicing of the adjoining properties. The Linen Plan and associated Section 88B Instrument is required to be executed under Council Seal.

Department of Community Services funding

The Department of Community Services provides funding subsidies for the following operational areas to assist with service delivery:

- (1) Community Services Grants Program - specific Community Development work undertaken by Council's Community Development Officer \$12,309
- (2) Koala Child Care Centre - Education and development program for ages 0 - 6 \$34,510

Licence Agreement - Kerbside Dining - Goanna Bakery (P5624)

Licence over part of the footway of Keen Street outside premises situated at 171 Keen Street, Lismore comprising an area of 16.8 m² for the permitted use as kerbside dining. Licence is in accordance with Lismore City Council Policy 5.2.24 Carriageway and Kerbside Land Use. Term of licence is 5 years with a 2 year option.

Licence Agreement - Kerbside Dining - Mecca Café (P6314)

Licence over part of the footway of Magellan Street outside premises situated at 80 Magellan Street, Lismore comprising an area of 46.5 m² for the permitted use as kerbside dining. Licence is in accordance with Lismore City Council Policy 5.2.24 Carriageway and Kerbside Land Use. Term of licence is 5 years with a 2 year option.

Licence Agreement - Kerbside Dining - La Baracca (P5624)

Licence over part of the footway of Keen Street outside premises situated at 29 Keen Street, Lismore comprising an area of 29.61 m² for the permitted use as kerbside dining. Licence is in accordance with Lismore City Council Policy 5.2.24 Carriageway and Kerbside Land Use. Term of licence is 5 years with a 2 year option.

Transfer granting Easement to Drain Water - 57-59 Coleman Street, Bexhill - Lot 1 Sec 21 DP 758102 and Lot 1 DP 244707 (P22658 & P20978)

The owners of 57 Coleman Street, Bexhill have constructed a stormwater pipeline over their property and partly over 59 Coleman Street conveying water from Bangalow Road to the rear of the properties. The pipeline was designed by Council and installed under Council supervision. Transfer documentation requires signing and sealing to create the Easement to Drain Water in favour of Council.

Deeds of Agreement (2) - Realignment of Nimbin Road - Council and Shearman/Greber Acquisitions of private land and disposal of unnecessary road of Nimbin Road to facilitate the realignment of Nimbin Road for the construction of the new Blakebrook Bridge.

Contract for the sale of land, and Transfer - Lot 54 DP 28852 - 28 Weemala Street, Lismore Heights (P10149)

Council has negotiated an offer of \$750.00 inclusive of GST for the sale of Lot 54 DP 28852 - 28 Weemala Street, Lismore Heights (297m²). The price is consistent with the valuation obtained October 27, 2006. This land was included in Lismore Local Environmental Plan 2000 (Amendment No. 12) - reclassification of public land as operational land.

2. That a clause be inserted into the outdoor dining lease areas prohibiting smoking.
(Councillors Tomlinson/Dowell)

On submission to the meeting the FORESHADOWED AMENDMENT was DEFEATED

Voting Against: Councillors Irwin, Ekins, Swientek, King, Chant, Crimmins, Graham and Meineke.

385/07 **RESOLVED** that the following documents be executed under the Common Seal of Council:

Easement for Water Supply - New Ballina Road (P7135)

As part of Council's water supply infrastructure maintenance a water main was renewed which services 46, 50 and 52 New Ballina Road, Lismore Heights. An "Easement for Water Supply" had to be created over these lots. The Easement has also been created over 56 and 58 New Ballina Road and 35 Beardow Street for possible future servicing of the adjoining properties. The Linen Plan and associated Section 88B Instrument is required to be executed under Council Seal.

Department of Community Services funding (\$728)

The Department of Community Services provides funding subsidies for the following operational areas to assist with service delivery:

- (1) Community Services Grants Program - specific Community Development work undertaken by Council's Community Development Officer \$12,309
- (2) Koala Child Care Centre - Education and development program for ages 0 - 6 \$34,510

Licence Agreement - Kerbside Dining - Goanna Bakery (P5624)

Licence over part of the footway of Keen Street outside premises situated at 171 Keen Street, Lismore comprising an area of 16.8 m² for the permitted use as kerbside dining. Licence is in accordance with Lismore City Council Policy 5.2.24 Carriageway and Kerbside Land Use. Term of licence is 5 years with a 2 year option.

Licence Agreement - Kerbside Dining - Mecca Café (P6314)

Licence over part of the footway of Magellan Street outside premises situated at 80 Magellan Street, Lismore comprising an area of 46.5 m² for the permitted use as kerbside dining. Licence is in accordance with Lismore City Council Policy 5.2.24 Carriageway and Kerbside Land Use. Term of licence is 5 years with a 2 year option.

Licence Agreement - Kerbside Dining - La Baracca (P5624)

Licence over part of the footway of Keen Street outside premises situated at 29 Keen Street, Lismore comprising an area of 29.61 m² for the permitted use as kerbside dining. Licence is in accordance with Lismore City Council Policy 5.2.24 Carriageway and Kerbside Land Use. Term of licence is 5 years with a 2 year option.

Transfer granting Easement to Drain Water - 57-59 Coleman Street, Bexhill - Lot 1 Sec 21 DP 758102 and Lot 1 DP 244707 (P22658 & P20978)

The owners of 57 Coleman Street, Bexhill have constructed a stormwater pipeline over their property and partly over 59 Coleman Street conveying water from Bangalow Road to the rear of the properties. The pipeline was designed by Council and installed under Council supervision. Transfer documentation requires signing and sealing to create the Easement to Drain Water in favour of Council.

Deeds of Agreement (2) - Realignment of Nimbin Road - Council and Shearman/Greber (R2801)

Acquisitions of private land and disposal of unnecessary road of Nimbin Road to facilitate the realignment of Nimbin Road for the construction of the new Blakebrook Bridge.

Contract for the sale of land, and Transfer - Lot 54 DP 28852 - 28 Weemala Street, Lismore Heights (P10149)

Council has negotiated an offer of \$750.00 inclusive of GST for the sale of Lot 54 DP 28852 - 28 Weemala Street, Lismore Heights (297m²). The price is consistent with the valuation obtained October 27, 2006. This land was included in Lismore Local Environmental Plan 2000 (Amendment No. 12) - reclassification of public land as operational land.

(Councillor Irwin/Chant)

Voting against: Councillor Sientek

Confidential Matters – Committee Of The Whole

386/07 **RESOLVED** that Council now exclude the press and public and meet in Committee of the Whole to consider the following matters;

CBD Car Parking

Grounds for closure: Section 10A(2)(d)ii)

Public interest: Discussion of this matter in an open meeting would on balance be contrary to the public interest because it may confer a commercial advantage on a third party with which Council is proposing to conduct business.

(Councillors Dowell/Graham)(P5841)

Resumption of Open Council

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

1. That the General Manager be authorised to proceed in the purchase of the property as outlined in the report and prepare a report on alternate uses of the property
2. Upon acquisition the land will classified as operational land.

387/07 **RESOLVED** that the General Manager's report of Council meeting in Committee of the Whole be received and adopted.

(Councillors Graham/Irwin)

Voting against: Councillor Ekins

Closure

This concluded the business and the meeting terminated at 10.32 pm.

CONFIRMED this 10th of July, 2007 at which meeting the signature herein was subscribed.

MAYOR

**MINUTES OF THE EXTRA ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE
HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON THURSDAY, JUNE 21, 2007 AT 6.00PM.**

Present Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager, Executive Director-Development & Governance, Executive Director-Infrastructure Services, Manager-Finance, Corporate Compliance Officer, Financial Accountant, Management Accountant and Fleet Administrator.

388/07 **Apologies/
Leave of
Absence** An apology for non-attendance on behalf of Cr Hampton was received and accepted and leave of absence granted.
(Councillors Irwin/Crimmins)

Public Access Session

Prior to dealing with the circulated reports and associated information, a Public Access Session was held at which Council was addressed by the following:

Martin Field – Purchase of Fleet for Richmond-Tweed Regional Library

Mr Field detailed the tender evaluation process outlining factors that favoured the SCANIA, mainly to do with safety of operations. He stressed the support by the RTRL Committee for this machine.

Simon Clough – Lismore Climate Action Group

Simon supported Council's initiatives on climate protection projects but sought a variation to the condition that projects should show a return to Council within 10 years. He asked that any savings to Council by such projects be reinvested in further green house initiatives.

Reports

Purchase of Fleet for Richmond-Tweed Regional Library

389/07 **RESOLVED** that Council on behalf of the Richmond-Tweed Regional Library –

1. Purchase one (1) only new SCANIAP340DA4X2MNA as tendered (T27011) from K & J Trucks Pty Limited of Coffs Harbour, NSW, for the cost of \$158,975.00 including GST.
2. Accept the offer from Golden City Car and Truck Centre of Gympie, Queensland, to purchase the existing Prime-mover (Fleet No. 52) for \$63,297.00 including GST.
(Councillors Dowell/King)

2007/08 – 2010 Management plan, budget and fees and charges

Suspension of Standing Orders

390/07 **RESOLVED** that Standing Orders be suspended to allow a workshop discussion of the budget.
(Councillors Graham/Tomlinson)

Resumption of Standing Orders

391/07 **RESOLVED** that Standing Order be resumed.
(Councillors Irwin/Graham)

A MOTION was moved that Council:

1. Acknowledge receipt and consideration of all public submissions
 2. Seek approval from the Department of Local Government for new borrowings of \$9,610,000 for works detailed in the 2007/08 – 2010 Management Plan.
 3. That Management undertake a strategic view of the promotion fund component of the SBRVL in consultation with EDPAG, LUO, EDU and business ratepayers and report back to Council.
 4. A maximum of \$30,000 from the total SBRVL promotion fund is to be made available to Management for commitments and day to day actions until the strategic review recommendations are approved by Council.
 5. Adopt the 2007/08 – 2010 Management Plan, Budget and Fees & Charges, based on that advertised and Management's recommendations included in the report subject to the inclusion of Extensions to Blue Knob Hall Gallery and Café - \$7,000.
- (Councillors Graham and Meineke)

An AMENDMENT was moved that:

1. Acknowledge receipt and consideration of all public submissions
2. Seek approval from the Department of Local Government for new borrowings of \$9,610,000 for works detailed in the 2007/08 – 2010 Management Plan.
3. That Management undertake a strategic review of the promotion fund component of the SBRVL in consultation with EDPAG, LUO, EDU and business ratepayers and report back to Council.
4. A maximum of \$30,000 from the total SBRVL promotion fund is to be made available to Management for commitments and day to day actions until the strategic review recommendations are approved by Council.
5. Adopt the 2007/08 – 2010 Management Plan, Budget and Fees & Charges, based on that advertised and Management's recommendations included in the report subject to the following amendments:
 - a. Inclusion of:
 - Extensions to Blue Knob Hall gallery and Café - \$7,000
 - Road Safety Works - \$20,000
 - b. Deletion of:
 - Part Roads – Urban Footpaths Maintenance - \$50,000
6. That staff provide a report to Council at its August meeting on how the following projects can be funded in 2007/08
 - a. Atmosphere – Top 10 Retrofit Program; Pilot a retrofit program on top ten energy consuming Council Facilities - \$20,000
 - b. Water – An assessment of opportunities to capture, store and utilise rainwater for Council Facilities - \$20,000
 - c. CCP Resourcing - \$20,000
 - d. Richmond-Tweed Regional Library – Sunday Afternoon opening - \$9,900

e. Cultural Development Officer and Initiatives - \$100,000
(Councillors Irwin/Dowell)

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

Voting against: Councillors Crimmins, Ekins, Henry and Graham

392/07

RESOLVED that Council:

1. Acknowledge receipt and consideration of all public submissions
2. Seek approval from the Department of Local Government for new borrowings of \$9,610,000 for works detailed in the 2007/08 – 2010 Management Plan.
3. That Management undertake a strategic review of the promotion fund component of the SBRVL in consultation with EDPAG, LUO, EDU and business ratepayers and report back to Council.
4. A maximum of \$30,000 from the total SBRVL promotion fund is to be made available to Management for commitments and day to day actions until the strategic review recommendations are approved by Council.
5. Adopt the 2007/08 – 2010 Management Plan, Budget and Fees & Charges, based on that advertised and Management's recommendations included in the report subject to the following amendments:
 - a. Inclusion of:
 - Extensions to Blue Knob Hall gallery and Café - \$7,000
 - Road Safety Works - \$20,000
 - b. Deletion of:
 - Part Roads – Urban Footpaths Maintenance - \$50,000
6. That staff provide a report to Council at its August meeting on how the following projects can be funded in 2007/08
 - a. Atmosphere – Top 10 Retrofit Program; Pilot a retrofit program on top ten energy consuming Council Facilities - \$20,000
 - b. Water – An assessment of opportunities to capture, store and utilise rainwater for Council Facilities - \$20,000
 - c. CCP Resourcing - \$20,000
 - d. Richmond-Tweed Regional Library – Sunday Afternoon opening - \$9,900
 - e. Cultural Development Officer and Initiatives - \$100,000

(\$952)

Voting against: Councillors King, Swientek, Graham and Meineke

2007/08 Rates and Annual Charges

A MOTION was moved that Council apply a 3% rate increase and exclude the Stormwater Management Services Charge.

(Councillor Swientek)

The MOTION lapsed for want of a seconder.

393/07

RESOLVED that Following advertisement of the draft 2007/08 - 2010 Management Plan in accordance with Section 405 of the Local Government Act, 1993 and the consideration of submissions received in accordance with Section 406 of the Local Government Act, 1993 :-

RATES

1. It is hereby resolved that a **Business Rate** to be known as the '**Business Inner CBD**' rate of **three point five zero seven seven (3.5077) cents in the dollar** per assessment, on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety dollars (\$290.00)** per assessment be now made for the rating year July 1, 2007 to June 30, 2008, on all rateable land within the centre of activity known as the Inner CBD shown as within the red boundary of the map, Schedule 'C,' and that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **four point seven (4.7%) percent of the Business Inner CBD income.**
2. It is hereby resolved that a **Business Rate** to be known as the '**Business Urban**' rate of **one point three nine seven four (1.3974) cents in the dollar** per assessment, on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety dollars (\$290)** per assessment be now made for the rating year July 1, 2007 to June 30, 2008, on all rateable land within the centre of activity outside the Inner CBD shown as within the red boundary of the map, Schedule 'C', but within the urban area of Lismore as shown by the red boundary on the map, Schedule 'D' and that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **nine point six (9.6%) percent of the Business Urban income.**
3. It is hereby resolved that a **Business Rate** to be known as the '**Business Other**' rate of **point nine three two two (0.9322) cents in the dollar** per assessment on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety dollars (\$290)** per assessment be now made for the rating year July 1, 2007 to June 30, 2008, on all rateable land in the City of Lismore but not within the areas defined within the maps, Schedules 'C' and 'D' attached and the Village of Nimbin, as defined by the map of Nimbin Village in Schedule 'A', and that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **twenty two point five (22.5%) percent of the**
4. It is hereby resolved that a **Business Rate** to be known as the '**Nimbin Business**' rate of **one point one nine one two (1.1912) cents in the dollar** per assessment on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety dollars (\$290)** per assessment that represents be now made for the rating year July 1, 2007 to June 30, 2008, on all rateable land within the Village of Nimbin, as defined by the map of Nimbin Village in Schedule 'A', that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993 The total income from base amounts equates to **sixteen point one (16.1%) percent of the Nimbin Business income.**
5. It is hereby resolved that a **Farmland Rate** to be known as the '**Farmland**' rate of **point four three four one (0.4341) of a cent in the dollar** per assessment on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety dollars (\$290)** per assessment be now made for the rating year July 1, 2007 to June 30, 2008, on all rateable land in the City of Lismore area that meets the definition of Farmland as defined in Section 515 of the Local Government Act, 1993. The total income from base amounts equates to **sixteen point six (16.6%) percent of the Farmland income.**
6. It is hereby resolved that a **Residential Rate** to be known as the '**Residential**' rate of **point six one six nine (0.6169) of a cent in the dollar** per assessment on the land value as at base date July 1, 2006, with a **base amount of two hundred and ninety dollars (\$290)** per assessment be now made for the rating year July 1, 2007 to June 30, 2008, on all rateable land within the centres of population defined and within the red lines shown on the maps in Schedule 'A' attached and meeting the definition of residential as defined in Section 516 of the Local Government Act, 1993. The total

income from base amounts equates to **thirty three point six (33.6%) percent of the Residential rate income.**

7. It is hereby resolved that a **Residential Rate** to be known as the '**Residential Rural**' rate of **point four nine six eight (0.4968) of a cent in the dollar** per assessment on the land value as at base date July 1, 2006, with a **base amount of two hundred and ninety dollars (\$290)** per assessment be now made for the rating year July 1, 2007 to June 30, 2008 that meets the definition of Residential on all rateable land except for land within the centres of population defined by the maps in Schedule 'A' attached and meeting the definition of residential as defined in Section 516 of the Local Government Act, 1993. The total income from base amounts equates to **twenty six point seven (26.7%) percent of the Residential Rural rate income.**
8. It is hereby resolved that a Special Rate to be known as the '**Flood Levee**' rate of **point zero six zero nine (0.0609) of a cent in the dollar** per assessment on the land value as at base date July 1, 2006 subject to a **minimum amount of two dollars (\$2)** per assessment be now made for the rating year July 1, 2007 to June 30, 2008 on all land within the area shown within the red boundary as defined in Schedule 'E' attached to this report that in Council's opinion will receives a special benefit from the construction of the Flood Levee for protection from a one in ten year flood event.
9. It is hereby resolved that a Special Rate to be known as the '**Clunes Sewer Investigation**' rate of **point zero six six three (0.0663) of a cent in the dollar** per assessment on the land value as at base date July 1, 2006 with a **base amount of one hundred dollars (\$100)** per assessment, be now made for the rating year July 1, 2007 to June 30, 2008 on all land within the area shown within the red boundary as defined in Schedule 'J' attached to this report that in Council's opinion will receive a special benefit from the investigation of solutions to the issues of sewer management within Clunes . The total income from the base amounts equates to **forty nine point five (49.5%) percent of the Clunes Sewer Investigation Special Rate.**

SEWER AND TRADE WASTE CHARGES

10. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge be now made for the provision of Sewerage Services to single units of residential occupation with residential as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of **four hundred and sixty one dollars (\$461.00)**, per assessment. This charge applies to properties connected to the Lismore Sewer Scheme and is to be known as the "**Sewer**" charge for the period July 1, 2007 to June 30, 2008.
11. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge, as per the attached Schedule "F", where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of Sewerage Services to a parcel of land connected to the Lismore Sewer Scheme to be known as the "**Sewer Multiple**" charge for the period July 1, 2007 to June 30, 2008, excluding residential Strata Units.
12. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **two hundred and seventy six dollars sixty cents (\$276.60)** per assessment for all rateable parcels of land within 75 metres of a Lismore Sewer Scheme main and capable of discharging into that main but not connected thereto to be known as the "**Sewer Unconnected**" charge for the period July 1, 2007 to June 30, 2008.
13. It is hereby resolved that in accordance with Sections 501 and 539 of the Local

Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Lismore Sewer Scheme, as per the attached Schedule "G", where the charge is indicated by the number of equivalent tenants or part thereof allocated to an assessment in accordance with the methodology set out in Council's Sewer Usage Charging Strategy to be known as the "**Non-Residential Sewer**" charge, except for properties declared by Lismore City Council to be Established Strength Users, for the period July 1, 2007 to June 30, 2008.

WATER CHARGES

14. It is hereby resolved that in accordance with Section 501, 539 and 541 of the Local Government Act, 1993 an annual charge be now made for the year July 1, 2007 to June 30, 2008 for the provision of water and water service availability, based on the size of the water service connected to a property. For a property which has two or more water connections, the charge for the services will be the total number of services multiplied by the fixed service charged; in cases where different sized services are connected, the charge will be equal to the sum of all the fixed service charges, except for water connections used solely for fire fighting services where the charge will be **one hundred dollars (\$100.00)** per fire fighting service. This charge to be known as the "**Fixed Service Charge**" is hereby made in respect of:

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

15. In accordance with Sections 501, 539 and 541 of the Local Government Act, 1993 an annual charge, for the availability of water to property not connected to Council's Water Supply but capable of connection thereto and within 225 metres of a Lismore City Council water main in accordance with Section 552 (1)(b) of the Local Government Act, 1993, for the year July 1, 2007 to June 30, 2008, to be known as the "**Water Availability**" charge, of **one hundred dollars (\$100.00)** per assessment is hereby made.
16. In accordance with Section 502 of the Local Government Act, 1993 for water recorded by the water meter on a property, a charge of **one dollar thirty five (\$1.35)** per kilolitre for the year July 1, 2007 to June 30, 2008 to be known as the "**Consumption**" charge is hereby made.

DOMESTIC AND NON DOMESTIC WASTE MANAGEMENT SERVICES

17. It is hereby resolved that an annual charge be now made, in accordance with Sections 496 of the Local Government Act, 1993, for all land within the declared domestic waste scavenging areas, both urban and rural, maps of which are available at Council's Oliver Avenue Office, not utilising the domestic waste management service provided by Council to be known as the "**Waste Availability**" charge, of **six dollars (\$6.00)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue office, that are levied the Nimbin Transfer Station Charge, for the period July 1, 2007 to June 30, 2008.

18. It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all land within the Lismore City Council area, to be known as the “**Waste Minimisation**” charge, of **twenty nine dollars (\$29.00)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council’s Oliver Avenue Office, that are levied the Nimbin Transfer Station Charge, for the period July 1, 2007 to June 30, 2008. Two 100KG tip vouchers are included as part of the ‘Waste Minimisation’ Charge.
19. It is hereby resolved that an annual charge be now made, in accordance with Sections 501 and 541 of the Local Government Act, 1993, for all land located within the Nimbin Section 94 Plan Area, maps of which are available at Council’s Oliver Avenue Office, for the provision of the Nimbin Transfer Station Facility, of **sixty eight dollars (\$68.00)** per assessment and for properties with multiple units of residential occupancy a charge of **sixty eight dollars (\$68.00)** per unit of residential occupancy located on each assessment, to be known as the “**Transfer Station**” for the period July 1, 2007 to June 30, 2008. Properties paying for a waste removal service are exempt from this charge. Two 100KG tip vouchers are included for each ‘Transfer Station’ charge.
20. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council’s office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile waste bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 120 or 140 litre approved mobile bin. This charge is to be known as the “**Integrated Waste**” collection service for the period July 1, 2007 to June 30, 2008 and will be charged at **one hundred and seventy seven dollars sixty cents (\$177.60)** per annum. Additional services will be charged at **one hundred and seventy seven dollars sixty cents (\$177.60)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
21. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council’s office, for the removal, on a fortnightly basis, of the approved organic contents of a 240 litre approved mobile waste bin. In addition, on a monthly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 120 or 140 litre approved mobile bin. This charge is to be known as the “**Integrated Waste Urban Half**” collection service for the period July 1, 2007 to June 30, 2008 and will be charged at **ninety seven dollars seventy cents (\$97.70)** per annum. Additional services will be charged **ninety seven dollars seventy cents (\$97.70)** at per annum. Services commenced during the charging period will be charged for on a proportional basis.
22. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council’s office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile waste bin and the approved recyclable contents a 240 litre approved mobile bin In addition, on a fortnightly basis, Council will collect the approved waste contents of a 120 or 140 litre approved mobile bin. This charge is to be known as the “**Integrated Waste- Recycle Plus**” collection service for the period July 1, 2007 to June 30, 2008 and will be charged at **two hundred and twenty four dollars forty cents (\$224.40)** per annum. Additional services will be charged at **two hundred and twenty four dollars forty cents (\$224.40)** per annum. Services commenced during the charging period will be charged for on a proportional basis.

23. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the organic contents of a 240 litre approved mobile waste bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 80 litre approved mobile bin, the cost of the provision of this bin is at the ratepayer's cost This charge is to be known as the **"Integrated Waste- Discount"** collection service for the period July 1, 2007 to June 30, 2008 and will be charged at **one hundred and thirty dollars forty cents (\$130.40)** per annum. Additional services will be charged at **one hundred and thirty dollars and forty cents (\$130.40)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
24. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 240 litre approved mobile bin, the cost of the provision of this bin is the ratepayer's cost. This charge is to be known as the **"Integrated Waste – Waste Plus"** collection service for the period July 1, 2007 to June 30, 2008 and will be charged at **two hundred and ninety six dollars (\$296.00)** per annum. Additional services will be charged at **two hundred and ninety six dollars (\$296.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
25. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile bin and the approved waste contents of a 120 or 140 litre approved mobile bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin. This charge is to be known as the **"Integrated Waste – Premium"** collection service for the period July 1, 2007 to June 30, 2008 and will be charged at **three hundred and forty seven dollars seventy five cents (\$347.75)** per annum. Additional services will be charged at **three hundred and forty seven dollars seventy five cents (\$347.75)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
26. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile bin and the approved waste contents of a 240 litre approved mobile bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin. The provision of the additional 240 litre bin is at the ratepayer's cost. This charge is to be known as the **"Integrated Waste – Premium Plus"** collection service for the period July 1, 2007 to June 30, 2008 and will be charged at **four hundred and seventy two dollars (\$472.00)** per annum. Additional services will be charged at **four hundred and seventy two dollars (\$472.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
27. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, that have over 10 weekly collection services and subject to the Manager – Northern Rivers Waste approval,

- for the removal, weekly, of the approved waste contents of a 240 litre approved mobile bin. The provision of additional bins is at the ratepayer's cost. This charge is to be known as the "**Waste Collection – Urban**" service for the period July 1, 2007 to June 30, 2008 and will be charged at **one hundred and eighty seven dollars (\$187.00)** per annum per mobile waste bin collected. Services commenced during the charging period will be charged for on a proportional basis.
28. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, subject to the approval of the Manager of Northern Rivers Waste, fortnightly, of the approved waste contents a 240 litre approved mobile bin. This charge is to be known as the "**Special Needs**" collection service for the period July 1, 2007 to June 30, 2008 and will be charged at **two hundred and sixteen dollars (\$216.00)** per annum. Additional services will be charged at **two hundred and sixteen dollars (\$216.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
29. It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Lismore Urban Area, a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and where Council collects the approved waste contents of an approved 240 litre mobile waste bin and the approved organic contents of a 240 litre approved mobile waste bin on a weekly basis from that property. The charge is to be known as "**Commercial/Industrial Integrated**" for the period July 1, 2007 to June 30, 2008 and will be charged at **one hundred and eighty seven dollars (\$187.00)** per annum. Additional services will be charged at **one hundred and eighty seven dollars (\$187.00)** per annum. For services commenced during the year a proportional charge will be made.
30. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Oliver Avenue Office for the removal, weekly, of the approved waste contents a 240 litre approved mobile bin and on a fortnightly basis, the approved recycling contents of a 240 litre approved mobile bin. This charge is to be known as the "**Waste Collection Service – Rural**" collection service for the period July 1, 2007 to June 30, 2008 and will be charged at **one hundred and eighty five dollars ninety cents (\$185.90)** per annum. Additional services will be charged at **one hundred and eighty five dollars ninety cents (\$185.90)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
31. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Oliver Avenue Office for the removal, fortnightly, of the approved waste contents a 240 litre approved mobile bin and on a weekly basis the approved recyclable contents of a 240 litre approved mobile bin. This charge is to be known as the "**Waste Collection Service – Rural Recycle**" collection service for the period July 1, 2007 to June 30, 2008 and will be charged at **one hundred and eighty five dollars ninety cents (\$185.90)** per annum. Additional services will be charged at **one hundred and eighty five dollars ninety cents (\$185.90)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
32. It is hereby resolved that an annual charge be now made, in accordance with Section 496

of the Local Government Act 1993, for all land, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Oliver Avenue Office for the removal, fortnightly, of the approved waste contents a 240 litre approved mobile bin and on a monthly basis the approved recyclable contents of a 240 litre approved mobile bin. This charge is to be known as the "**Waste Collection Service – Rural Half**" collection service for the period July 1, 2007 to June 30, 2008 and will be charged at **one hundred and two dollars twenty five cents (\$102.25)** per annum. Additional services will be charged at **one hundred and two dollars twenty five cents (\$102.25)** per annum. Services commenced during the charging period will be charged for on a proportional basis.

33. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Oliver Avenue Office for the removal, fortnightly, the approved organic contents of a 240 litre approved mobile bin. This charge is to be known as the "**Waste Collection Service – Rural Organic**" collection service for the period July 1, 2007 to June 30, 2008 and will be charged at **fifty two dollars (\$52.00)** per annum. Additional services will be charged at **fifty two dollars (\$52.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis
34. It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties located outside the urban area of Lismore, maps of which are available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and Council collects weekly, the approved waste contents a 240 litre approved mobile bin and the approved contents of a 240 litre approved mobile bin of **one hundred and eighty five dollars ninety cents (\$185.90)** per bin collected per annum, to be known as the "**Commercial/Industrial Rural Integrated**" charge for the period July 1, 2007 to June 30, 2008. Additional services will be charged at **one hundred and eighty five dollars ninety cents (\$185.90)** per annum. Services commenced during the charging period will be charged for on a proportional basis.

STORMWATER MANAGEMENT SERVICES CHARGE

35. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible residential property, as define, excluding residential strata units, within the Tucki Tucki Creek catchment area shown on Schedule 'H', of **twenty five dollars (\$25.00)** per assessment, to be known as the '**Stormwater Charge – Residential - Tucki**' for the period July 1, 2007 to June 30, 2008.
36. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible residential property, as define, excluding residential strata units, within the Wilsons River catchment area shown on Schedule 'I', of **twenty five dollars (\$25.00)** per assessment, to be known as the '**Stormwater Charge – Residential- Wilsons River**' for the period July 1, 2007 to June 30, 2008
37. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all residential strata units and all residential company titled units within the Tucki Tucki Creek catchment area shown on the map in Schedule 'H', of **twelve dollars fifty cents (\$12.50)**, to be known as the '**Stormwater Charge – Res Strata - Tucki**' for the period July 1, 2007 to June 30, 2008.
38. It is hereby resolved that an annual charge be now made, in accordance with Section

496A (1) of the Local Government Act, 1993, for all residential strata units and all residential company titled units within the Wilsons River catchment area shown on the map in Schedule 'I', of **twelve dollars fifty cents (\$12.50)**, to be known as the '**Stormwater Charge – Res Strata – Wilsons River**' for the period July 1, 2007 to June 30, 2008.

39. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all business/commercial and industrial property, except for business/commercial and industrial strata units and company titled units, located within the Tucki Tucki Creek catchment area of Lismore shown on the map in Schedule 'H', of **twenty five dollars (\$25.00)** for each 350 m² or part thereof subject to the following; for properties up to 4,200 m² in area, the charge will be \$25 per 350m² or part thereof to a maximum of \$300; for properties whose area exceeds 4,200m², \$25 for each 350m² or part thereof, subject to any reduction due to the porous nature of the property which has determined using Council's adopted Stormwater Appeals Procedure and the charge is to be known as the '**Stormwater Charge – Business Tucki**' for the period July 1, 2007 to June 30, 2008.
40. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all business/commercial and industrial property, except for business/commercial and industrial strata units and company titled units, located within the Wilsons River catchment area of Lismore shown on the map in Schedule 'I', of **twenty five dollars (\$25.00)** for each 350 m² or part thereof subject to the following; for properties up to 4,200 m² in area, the charge will be \$25 per 350m² or part thereof to a maximum of \$300; for properties whose area exceeds 4,200m², \$25 for each 350m² or part thereof, subject to any reduction due to the porous nature of the property which has determined using Council's adopted Stormwater Appeals Procedure and the charge is to be known as the '**Stormwater Charge – Business - Wilsons River**' for the period July 1, 2007 to June 30, 2008.
41. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible business/ commercial and industrial strata units and company titled units, located within the Tucki Tucki Creek catchment area of Lismore shown on the map in Schedule 'H', to be calculated at **twenty five dollars (\$25.00)** for every 350m² or part thereof of the total property and the product of that calculation being divided by the sum of the strata unit entitlement or the total sum of units of the company title with the product of that calculation being multiplied by the individual strata unit entitlement or company title entitlement to give the charge that is to be known as the '**Stormwater Charge – Bus Strata - Tucki**', subject to a minimum charge of \$25 per assessment, for the period July 1, 2007 to June 30, 2008.
42. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible business/ commercial and industrial strata units and company titled units, located within the Wilsons River catchment area of Lismore shown on the map in Schedule 'I', to be calculated at **twenty five dollars (\$25.00)** for every 350m² or part thereof of the total property and the product of that calculation being divided by the sum of the strata unit entitlement or the total sum of units of the company title with the product of that calculation being multiplied by the individual strata unit entitlement or company title entitlement to give the charge that is to be known as the '**Stormwater Charge – Bus Strata - Wilsons River**', subject to a minimum charge of \$25 per assessment, for the period July 1, 2007 to June 30, 2008.

INTEREST CHARGES

43. It is hereby resolved in accordance with Section 566 (3) of the Local Government Act for the period July 1, 2007 to June 30 2008, the interest rate on outstanding rates and

charges will be **ten percent (10%)**
(Councillors Irwin/Graham)
Voting against: Councillor Swientek

Closure

This concluded the business and the meeting terminated at 8.30 pm.

CONFIRMED this 10th day of July, 2007 at which meeting the signature herein was subscribed.

MAYOR

