

# COUNCIL Business Paper



**LISMORE**  
*City Council*

**October 27, 1998**



## **NOTICE OF COUNCIL MEETING**

**An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, OCTOBER 27, 1998, at 6.00pm and members of Council are requested**

to attend.

(Ken Gainger)  
**GENERAL MANAGER**

October 20, 1998



**PUBLIC ACCESS SESSION:**

**PAGE NO.**

Mrs Taylor re Report - DA98/148 - 2 Lot Subdivision, 468 Corndale Road,  
Corndale 2

Mr Lindsay Walker re Report - Lismore Flood Mitigation Scheme 44

**PUBLIC QUESTION TIME:**

**OPENING OF MEETING AND PRAYER (MAYOR):**

**APOLOGIES AND LEAVE OF ABSENCE**

**CONFIRMATION OF MINUTES - Ordinary Meeting 6/10/98  
Special Meeting 26/10/98 (To be tabled)**

**CONDOLENCES**

**DISCLOSURE OF INTEREST**

**MAYORAL MINUTES**

**NOTICES OF RESCISSION 1**

**NOTICES OF MOTION**

**SUSPENSION OF STANDING ORDERS**

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

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**COMMITTEE RECOMMENDATIONS**

**DOCUMENTS FOR SIGNING AND SEALING 95**

**QUESTIONS WITHOUT NOTICE**

**CONFIDENTIAL MATTERS - COMMITTEE OF THE**

WHOLE

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**Questions Without Notice:****CONFIDENTIAL MATTERS - Committee of the Whole:**

**CITY OF LISMORE**

**NOTICE OF RESCISSION MOTION**

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

**That the decision on Corndale Quarry approving an existing use extraction rate of 44,000sq.m. be rescinded.**

**COUNCILLO** R M Irwin  
**R**

**COUNCILLO** G A Wilson  
**R**

**COUNCILLO** P W Larsen  
**R**

**DATE** 6/10/98

(98-16545: Z3)

# LISMORE CITY COUNCIL - Special Meeting held October 27, 1998

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**Subject/File No:** DEVELOPMENT APPLICATION NO. 98/148 - 2 LOT SUBDIVISION, 468 CORNDALE ROAD, CORNDALE, BEING LOT 152 DP 874524 (DC:MJK: DA98/148)

**Prepared By:** Development Assessment Planner - Damian Chapelle

**Reason:** Council Policy 5.2.2 - Development Control Unit Function and Modus Operandii.

**Objective:** To obtain Council's determination.

**Management Plan Activity:** Development Assessment

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## 1 PRECIS

### Applicant

Walker and Newton, DX 7779, Lismore.

### Zoning

The subject site is zoned 1(r) Riverlands and 1(a) General Rural Zone in accordance with the provisions of Lismore Local Environmental Plan 1992.

### Location

The application relates to the property described as 468 Corndale Road, Corndale, being Lot 152 DP 874524. The site is located approximately 4km west of the village of Clunes at the intersection of James Gibson Road and Corndale Road.

### Background

1. On August 10, 1995, Walker and Newton, on behalf of property owners, EW & LD Taylor, submitted Development Application No. 95/402 for a subdivision to create one (1) additional lot with dwelling entitlement for special horse stud usage. Lismore City Council issued on July 17, 1996, a "Deferred Commencement" Consent. The consent became operational on September 19, 1996.
2. On March 5, 1998, Walker and Newton on behalf of property owners Mr and Mrs Taylor lodged Development Application No. 98/47 for a subdivision to create one (1) additional allotment. Council's Planning and Development Group on June 9, 1998, issued a refusal notice for the following reasons:
  - a) The subdivision did not comply with the minimum lot size pursuant to Clause 11(1) of the Lismore Local Environmental Plan 1992.
  - b) Council did not support the State Environmental Planning Policy Objection to the minimum allotment size.



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- c) The proposal is not consistent with the objectives of the Lismore Local Environmental Plan 1992 (1(a) General Rural Zone).

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- d) The proposal is inconsistent with the North Coast Regional Environmental Plan 1988, Clause 6 Agricultural Resources, Clause 12 Development Control and Agricultural Activities.
  - e) The proposal is inconsistent with Clause 20 of the North Coast Regional Environmental Plan 1988 as the proposed lots are not part of any rural settlement strategy.
3. The applicant on June 26, 1998, lodged Development Application No. 98/148 for the proposed subdivision. This Development Application is the subject of this report and has been referred to Council for determination at the specific request of the applicant.

### **Proposal**

The application proposes the creation of two (2) rural holdings, being proposed Lot 153 - 13.06 hectares and Lot 154 of 29.82 hectares. The subdivision design has been dictated by the division of the property by James Gibson Road.

### **Key Issues**

Compliance with:

- Development Control Plan No. 27 - Buffer Areas,
- North Coast Regional Environmental Plan 1988,
- Objectives of Lismore Local Environmental Plan 1992.

## **2 SUBMISSIONS FROM THE PUBLIC**

The application was received by Council on June 29, 1998, and was placed on public exhibition on June 30 to July 20, 1998. Adjoining landowners were also notified in writing. Council received six (6) submissions during the exhibition period. Letters were received from the following:

1. NG Raymond, Bailey Road, Corndale
2. E Mains, James Gibson Road, Clunes
3. A Hunter, Corndale Road, Corndale
4. M Doyle, James Gibson Road, Clunes
5. D & K Pellatt, Corndale Road, Corndale
6. Corndale Quarries Pty Ltd, James Gibson Road, Clunes

Issues raised in the submissions received by Council are summarised as follows.

- The agricultural report as submitted within the application is misleading, with the land unsuitable for macadamia production.

### ***Comment***

Council referred Development Application No. 98/47 which, as previously discussed, was for the same proposal as the subject of this report to NSW Agriculture for comment. NSW Agriculture did not comment directly on the potential success for macadamia nut production, however, did identify that the site inspection confirmed that the land contained a mix of agricultural land classes. The lands adjoining and proposed Lot 152 are considered good quality agricultural lands. On this basis alone, NSW Agriculture would not wish to see these lands subdivided from the larger lot as this would compromise the future commercial opportunities and sustainability of the current lot

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arrangement of 42.9 hectares. Previous fragmentation of lands in this locality have also potentially compromised the commercial sustainability of these lands. It is NSW Agriculture's opinion that rural residential development should be directed towards areas specially targeted or zoned for this purpose. Further, NSW Agriculture detailed that it did not support the view that the agricultural capacity of the lots will be enhanced by the subdivision.

- The proposal will present an adverse effect upon the existing rural amenity.

### ***Comment***

It is considered that the subject proposal is located in an area that has not been identified by any Council strategy for the creation of small holding allotments and hence the subdivision will create an additional two undersized allotments and associated dwelling houses within an area which is utilised for agriculture, extractive industries and a small scale piggery.

Further, as detailed above, the subject allotment is to be located within close proximity to the existing Corndale Quarry and it is considered that possible amenity issues may arise from the operation of the quarry, which may effect the future residents residing upon the proposed lots.

The applicant has completed air blast pressure tests on adjoining land parcels with no issues raised with ground vibration from blasting at Corndale Quarry. In relation to the subject site the quarry must not exceed 115dB (Linear Peak) overpressure and 5mm/second Peak Particle Velocity in accordance with Environmental Protection Authority guideline. However, offensive noise issues are commented on by Council's Health and Environmental Section and Building Regulation Section within Section 4 of this report.

- Possible effects upon adjoining owners by agricultural production and alternatively effects upon existing agricultural pursuits.

### ***Comment***

All dwellings on rural residential/small holding allotments are to comply with Development Control Plan No. 27 - Buffer Areas. In the case of intensive horticulture, an 80 metre dwelling setback with a 30 metre biological buffer is to be provided, whilst for grazing land a 30 metre dwelling setback and a 5 metre landscaped buffer is to be implemented.

Currently, no intensive horticulture is undertaken, hence it is considered inappropriate that buffers be placed for future dwellings, however for existing dwellings located in close proximity to the proposed subdivision, the possibility of effects through spraying and general farming practice may occur.

In relation to the preservation of existing farming activities, all future property owners are advised through Section 149 Notices (for rural residential or small holding allotments) that they are moving to an agricultural area and will be subject to standard day to day farming practices. Currently there is no as right of farming legislation and hence any existing agriculture being undertaken shall be protected in regard to the proximity of dwellings by Development Control Plan No. 27, whilst any noise issues shall be in accordance with Environmental Protection Authority Noise Controls in addition to the Noise Control Act 1975.

- Proximity of the proposed development in regard to Corndale Quarry and an adjoining piggery upon Lot 1 DP 185695.

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### *Comment*

The proposal's compliance with DCP No. 27 - Buffer Areas shall be discussed in detail further within this report, however, it is noted that the subject proposal and any dwelling to be located upon the proposed lots are within the secondary buffer zone as detailed within DCP No. 27.

- The subject site is floodprone.

### *Comment*

The applicant has identified the 1% floodline upon the subject lots. The floodline identifies significantly reduced opportunities for the location of a dwelling free of any flood restrictions, however there is area available for a proposed dwelling house free of floodwaters upon Lot 152.

### **3 SUBMISSION FROM PUBLIC AUTHORITIES**

As previously discussed, the Development Application which was previously determined by Council for an identical proposal to Development Application No. 98/148 was forwarded to NSW Agriculture in April of this year. A response was received stating that due to the northern lot (proposed Lot 152) being of good quality agricultural lands, that NSW Agriculture would not wish to see these lands subdivided from the larger lot as this would compromise the future commercial opportunities and sustainability of the current lot arrangement of 42.9 hectares. NSW Agriculture detailed that previous fragmentation of lands in this locality have also potentially compromised the commercial sustainability of these lands and it is the Department's opinion that rural residential development should be directed towards areas especially targeted or zoned for this purpose.

Council, forwarded a copy of the current application to NSW Agriculture for comment, with NSW Agriculture confirming that the Department has provided comment of the proposed subdivision from previous proposals. Further, NSW Agriculture noted that the application is not supported as the proposed lots are significantly less than the planning standard of 40 hectares and the use of SEPP No. 1 in this instance is considered inappropriate. In addition, there is no existing intensive agriculture on the lots and the stated productivity benefits and gains are purely speculative. NSW Agriculture concluded that the subdivision is not considered by the Department as a sustainable means of providing agricultural opportunities.

### **4 COMMENTS FROM OTHER GROUPS/SECTIONS**

Comments have been received from **Council's Manager of Subdivisions** with no issue raised concerning any engineering aspect relating to the subject development. However, the Subdivision Manager raises issues concerning the proximity and compliance with relevant buffers for the adjoining quarry and the land available outside that which is identified as 1% floodline.

**Council's Water and Sewerage Section** has raised no objections to the subject development.

**Council's Health and Environmental Section and Building and Regulation Section** - Corndale Quarry is licensed by the Environment Protection Authority. The licence is current to May 17, 2000, subject to special conditions L14 to L16, as detailed below:

- L14 The blast overpressure must not exceed 115dB (linear peak) and the peak practical velocity must not exceed 5mm/sec at any point in or on any residential premises.

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L15 All blasting operations must be monitored for overpressure and peak particle velocity. The Authority must be notified if any monitoring results exceed the requirements of Condition L14.

L16 All residents within 500 metres of the quarry must be given at least 1 hours notice of the blasting.

Council officers have carried out a noise assessment of noise emissions from the quarry of Lot 16 Corndale Road. The readings were taken approximately 350 metres from the quarry and were considered offensive under the EPA Guidelines. The current report does not take into account the general operations of the quarry. Council's Environmental Health Section have detailed that should any development on the subject land, that all development be outside the 500 metre primary buffer zone of Corndale Quarry in accordance with DCP No. 27.

### 5 ASSESSMENT UNDER SECTION 90 OF THE E.P. & A ACT -

#### 90(1)(a)(i) The provision of any Environmental Planning Instruments (EPI)

The land is zoned 1(a) General Rural and 1(r) Riverlands under the Lismore Local Environmental Plan 1992. Subdivision of land is permissible with a minimum lot size of 40 hectares, as established under Clause 11 of the Lismore Local Environmental Plan. Clause 11(1) details that Council must not consent to the subdivision of land for the purpose of agriculture, forestry or a dwelling house unless the area of each lot to be created is not less than the area shown, being in this instance 40 hectares. The applicant has submitted a State Environmental Planning Policy No. 1 Objection to Clause 11(1), for the creation of two lots, being 13.06 hectares and 29.82 hectares in area.

The applicant has proposed a subdivision for the creation of 2 lots below 40 hectares with a proposed departure from the minimum 40 hectare standard by 67% for proposed Lot 151.

An assessment of the proposal's consistency with the objectives of the 1(a) General Rural and 1(r) Riverlands Zone objectives is as follows:

The 1(a) General Rural Zone specifies within Objective (a) and (e) as follows:

- (a) To encourage and permit a range of uses creating a pattern of settlement of scale and character that maintains or enhances the natural economic, cultural, social and scenic amenity of the rural environment of the City of Lismore; and
- (e) To ensure that development occurs only on land which is suitable for and economically capable of that development so as not to create conflicting uses.

The objectives for the 1(r) Riverlands Zone relevant to the application are as follows:

- (a) To ensure the land is used to optimise its production potential;
  - (b) To prevent a range of activities that support the agricultural industries being conducted on the land and limit development that may, in the opinion of the Council, reduce the agricultural production potential of the land; and
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It is considered that the proposal does not satisfy the above objectives. The proposal's fragmentation of rural land for the provision of two (2) lots does not maintain or enhance the economic amenity of the rural area. A proposal of this nature presents the opportunity for the provision of additional dwelling entitlements, two forms of farming practice and should no agriculture continue, a worse case scenario - the under utilisation of agricultural land through farming practice and failure to adapt the land for horticulture through alternative development proposals.

It is considered that the proposed subdivision will not conserve the existing agricultural potential, and will in fact fragment an existing agricultural property which NSW Agriculture considers as an unsustainable means of providing agricultural opportunities. Further, this may also enhance the opportunity for conflicting landuses through the provision of an additional dwelling entitlement on a small holding within an agricultural area.

Clause 12 which addresses rural dwellings is also relevant to the subject application. Clause 12(4)(a) states that Council may consent to the erection of a dwelling house on land to which this Clause applies, only if the land "*consists of an allotment having an area equal to or greater than the area specified in the table to Clause 11(1) for a zone in which the land is situated*". The aim of Clause 12(4)(a) is to maintain the recognised role of agricultural land and to prevent the fragmentation of agricultural land, thus preventing the possible potential for conflicting landuse issues to be generated through the creation of additional dwelling entitlements on small holdings.

The applicant proposed through the creation of two lots, an additional dwelling entitlement in accordance with Clause 12(5) of Lismore LEP. Clause 12(5) allows an allotment lawfully created which may be undersized, however, approved through State Environmental Planning Policy No. 1 - Development Standards, to enjoy a dwelling entitlement. However, it is considered that the creation of a dwelling entitlement upon small holdings which have a significant departure below the 1(a) General Rural and 1(r) Riverland Zone minimum lot size will create an undesirable precedent.

### **North Coast Regional Environmental Plan 1988**

The North Coast Regional Environmental Plan (REP) is the principle statutory instrument specified in Regional and State Environmental Planning Policies and as such replaces other previous Section 117 Directions. The approach adopted by the REP is to specify objectives and directions on a range of matters to be met and undertaken by Councils when preparing LEP's and considering Development Applications. Relevant provisions of the REP which apply when considering this Development Application on the subject site to permit the proposed subdivision include:

#### **Clause 6 - Agricultural Resources**

North Coast REP 1988 Clause 6 - Agricultural Resources states the following objectives:

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6 *The objectives of this plan in relation to agricultural resources are:*

- (a) *To conserve the productive potential of agricultural lands;*
- (b) *To provide for new forms of agricultural development and changing patterns of existing agricultural developments;*
- (c) *To ensure that commercial agriculture is not effected adversely by incompatible uses which impair its long term sustainability; and*
- (d) *To ensure that industries and services that support agriculture are not disrupted.*

It is considered that the subject proposal is inconsistent with the objectives outlined within Clause 6 of the North Coast Regional Environmental Plan 1988 relating to agricultural resources. The primary objective outlined within Clause 6 is to conserve the productive potential of agricultural land. The subject proposal seeks to utilise agricultural land for the creation of one additional allotment and associated dwelling entitlement, thus reducing the land available for horticultural production. The creation of an additional allotment with associated infrastructure, including dwelling houses, outbuildings and access roads will as a whole, reduce the land which is currently available for utilisation as an agricultural resources.

NSW Agriculture, as previously canvassed in this report, considered that lands north of James Gibson Road (13 hectares) is good quality agricultural land and on this basis alone would not wish to see these lands subdivided from the larger lot as this would compromise the future commercial opportunities and sustainability of the current lot arrangement of 42.9 hectares. Further, previous fragmentation of lands in this locality have also potentially compromised the commercial sustainability of these lands, thus rural residential development should be directed towards areas especially targeted or zoned for this purpose.

### **Clause 12 - Development Control Impact of Development on Agricultural Activities**

Clause 12 of North Coast REP 'Development Control Impact of Development on Agricultural Activities' states that "*Council shall not consent to an application to carry out development on rural land unless it has first considered the likely impact of the proposed development on the use of adjoining or adjacent agricultural land and whether or not the development will cause a loss of prime crop or pasture land*".

The Development Application is accompanied by a State Environmental Planning Policy No. 1 (SEPP) Objections to the 40 hectare minimum lot size for the creation of two parcels below the minimum standard for land zoned 1(a) General Rural and 1(r) Riverland. The applicant has based the SEPP No. 1 Objection to the minimum lot size to provide for a subdivision which will create a more efficient use of land for horticulture. This stance is backed by an agricultural assessment undertaken by Wilkie Flemming and Associates which details that both proposed lots are agriculturally viable.

However, it is considered that the existing agricultural resources will be adversely effected through the creation of small holdings and the subsequent loss of viable

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agricultural land. Further fragmentation of agricultural land, reduction in agricultural viability and the potential creation of land use conflicts may result as a consequence of the subdivision. As discussed previously, the application was forwarded to NSW Agriculture for comments, with the Department advising Council that they do not support the application.

### **Clause 19 and 20 - Plan Preparation Rural Land Release Strategy**

The objective for rural housing as identified within Clause 19 of the North Coast Regional Environmental Plan in relation to rural housing is to ensure that any opportunities for rural housing area are available only as part of a planned strategy for rural living areas. The objectives of rural housing is further translated in Clause 20 of the North Coast REP which states:

Clause 20(1) for the North Coast REP 1988 states *“that Council should not prepared a draft Local Environmental Plan for rural land permitting rural residential or small holding development unless:*

- (a) It has prepared a Rural Land Release Strategy for the whole of its area; and*
- (b) The Director has approved of the Strategy; and*
- (c) The draft Plan is generally consistent with that Strategy.”*

Lismore City Council’s Rural Residential Provisions contained within Clause 15 as they apply to rural residential subdivision of land in a 1(a) General Rural Zone were repealed by Lismore LEP Amendment No. 34 which was gazetted on July 5, 1996. Consequently, the Lismore LEP contains no provisions for the creation of small holding allotments as defined under the Department of Urban Affairs and Planning ‘Guidelines on Rural Settlement on the North Coast of NSW’. Consequently, the proposal is not consistent with Clause 20 of the North Coast REP 1988, as no rural land release strategy has been prepared for the creation of small holdings upon land zoned 1(a) and 1(r) of the Lismore Local Government Area in accordance with Clause 20(1)(a).

The applicant has forwarded the view that Clause 19 clearly states that rural housing should be made available as part of a planned strategy. Further, the dwelling which will ensure from the creation of that lot is ancillary to the agricultural activities on the lot and therefore conforms with the aims and objectives of the zone and it is contended that the 1(a) and 1(r) zoning objectives constitute a planned strategy within the meaning of the North Coast Regional Environmental Plan.

It is considered that the applicant’s position in this regard is only partially correct. Lismore City Council contains an existing strategy for agriculture and rural housing, with the minimum lot size as identified in Clause 11(1) of the Lismore Local Environmental Plan as 40 hectares. It is considered that the applicant seeks to vary Council’s standard for rural housing by creating lots which are substantially below the statutory minimum area. Further, as illustrated previously within this report, it is considered that the proposal which seeks to create lots substantially below the minimum lot size also illustrates an inconsistency with the objectives of both the 1(a)



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General Rural and 1(r) Riverlands Zone in relation to the agricultural potential or alternatively conservation of viable agricultural land.

### **State Environmental Planning Policy No. 1**

The applicant, as previously discussed, has submitted a State Environmental Planning Policy (SEPP) No. 1 Objection to Clause 11(1) and Clause 12(4) for the creation of an undersized allotment with the provision of an ancillary dwelling entitlement. The purpose of SEPP No. 1 is to allow flexibility in statutory development standards where those development standards are considered to be unreasonable or unnecessary in the circumstances of the case. The applicant has detailed within the SEPP No. 1 Application that the standard is unreasonable or unnecessary in this circumstance as the standard was introduced to protect agricultural viability of the land and the proposed development is consistent in this regard.

It is considered that the standard in this instance is necessary and reasonable, as the matters raised by the applicant are not considered adequate to justify variance of the standard in that both NSW Agriculture and Lismore City Council believe that the agricultural viability will not be enhanced or conserved by the subdivision and that the subdivision in no way will increase the agricultural or horticultural viability.

The Development Application has not been forwarded to the Department of Urban Affairs and Planning (DUAP) for concurrence of the SEPP No. 1 Objection as Council's Planning and Development Group has not supported the objection to vary the 40 hectare minimum lot size. Should Council wish to support the application, the SEPP No. 1 Objection and reasons supporting it must be forwarded to DUAP for concurrence. Council is statutorily bound to obtain the concurrence of DUAP prior to issuing a Development Consent Notice. If DUAP chooses not to issue its concurrence, then the application must be refused consent.

**90(1)(a)(ii) Any draft E.P.I. that is or has been placed on exhibition N/A**

**90(1)(a)(iii) Any draft State Policy N/A**

**90(1)(a)(iv) Any Development Control Plan**

DCP No. 27 - Buffer Areas is applicable to the subject development, given the close proximity to the Corndale Quarry. DCP No. 27 (Clause 3.8 Extractive Industries) details that for large quarries such as Corndale Quarry (greater than 10,000m<sup>3</sup> pa) a primary buffer of 500 metres and a secondary buffer of 800 metres is required. As illustrated within Plan 1, proposed lot 153 is partially located within the primary and secondary buffer, whilst proposed Lot 154 is located completely within the primary and secondary buffer to the existing extractive industry. It is acknowledged that the extent of the buffer requirement depends on the size of the quarry, whether blasting is utilised, the nature of production methods, extent of crushing and screening operations, topography and site conditions, and the intensity of surrounding development and land uses.

It is acknowledged that minor topographical constraints exist to the benefit of the proposed development, with previous approvals issued within the general area

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illustrating no effect through airblast pressure tests, for dwellings inside the secondary buffer area. However, Council's Planning and Development Group considers that insufficient information has been submitted addressing the noise effects of the quarry to enable a technical assessment to be made concerning noise and vibration matters.

An existing piggery is located west of the subject site. The piggery is considered an average scale piggery (ie approximately 100 pigs) with a recommended buffer as prescribed by DCP 27 of 300 metres (primary buffer) and 600 metres (secondary buffer). The applicant has queried the legality of the piggery, however, pursuant to the provisions of the Pollution Control Act 1970, piggeries containing less than 50 breeding sows do not require approval of the Environment Protection Authority. Further, the piggery is not identified as a designated development pursuant to the Environmental Planning and Assessment Regulations 1994.

Lot 153 will be located wholly within the secondary buffer zone, with DCP No. 27 excluding all rural residential development being located within the primary and secondary buffer areas. Although the piggery is of an average scale, compliance with both primary and secondary buffer areas would be required in this instance. It should be noted that should the piggery intend increasing its capacity that appropriate approvals and licenses from the EPA and Council would need to be obtained. However, as the use is permissible in the subject zone and is located in an agricultural area, the introduction of additional small holding allotments may increase the opportunity for conflicting landuse issues. Therefore, it is not considered advantageous to promote sensitive landuses which may limit an area's agricultural resource base.

**90(1)(a1)(i) Conservation Agreements N/A**

**90(1)(a1)(ii) Any Plan of Management N/A**

**90(1)(b)(c1)(c2) The impact of the Development on the Environment**

The land has been substantially cleared in the past. Vegetation consists of mainly exotic plantings. The proposal is unlikely to have a significant on the environment, providing the matter of waste water disposal is dealt with adequately.

It is unlikely that the proposed development will have a significant effect on the environment of any protected or endangered flora and fauna in the immediate area. The nature of the proposal is such that the submission of a Species Impact Statement (SIS) is considered unnecessary in this instance as the extent of modification to the site's natural ecosystems will be minor.

**90(1)(c) Effect on the Landscape**

It is considered that the development will not have an adverse effect on the existing landscape, as the subject site is not located within a significant vista and existing residential and ancillary agricultural structures exist within the immediate locality.

**90(1)(d) The Social Effect and the Economic Effect of that Development in the Locality**

As discussed previously within this report, the proposed subdivision will not conserve

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the existing agricultural potential which exists upon the lot. Therefore, it is considered that the proposal will have an unsustainable economic effect of the development through the potential loss of viable agricultural land.

In relation to the social effect, it is considered that the additional pressure, albeit minimal, placed on existing services by the creation of small holding development within land zoned primarily for rural industries, pursuant to the provisions of the 1(a) General Rural and 1(r) Riverlands Zone is not supported.

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**90(1)(e) External appearance, design etc.**

As detailed previously within this report, the proposed subdivision boundaries follow the alignment of James Gibson Road, which bisects the subject property. The land is capable of providing a dwelling site with good orientation.

**90(1)(f) Size of Parcels, siting of buildings**

No lots proposed satisfy the minimum lots size requirements stipulated in Clause 11(1) of the LEP. The applicant has identified upon Lot 153 an area which may be suitable for a dwelling which is contained solely within the secondary quarry buffer zone, whilst as previously illustrated, the majority of proposed Lot 154 which contains the area being suitable for a proposed dwelling house is contained within the primary quarry buffer area.

**90(1)(g) Hazards, flooding, slip, erosion etc.**

The subject land is identified as being floodprone with the proposed subdivision plan identifying the 1% floodline. Area is available upon the proposed lots for the construction of a dwelling which may be free of floodwaters.

It is Council's practice to request the provision of Engineer's Certificates to be submitted at the Construction Certificate stage to demonstrate that the soil and footings are adequate for all buildings, hence Council is unable to determine the suitability of the site in regards to areas identified as possible slip prone.

**90(1)(h) Relationship to other land in the locality**

The main issue which arises from the subject development in its relationship to other land in the locality, is the site's proximity to the existing Corndale Quarry and piggery. The application is located within the buffer areas prescribed by Development Control Plan No. 27 for Extractive Industries and Piggeries and it is considered that conflicting issues which may arise as a result of the development due to such issues as noise from blasting, haulage and general quarrying and piggery operations.

It is acknowledged that a ridgeline runs parallel to James Gibson Road and may therefore reduce any externalities from the quarry and while several existing dwellings exist closer to the quarry than the proposed dwelling sites, it is considered that Council should not intensify a possible conflicting landuse issue.

**90(1)(i) Access parking and loading**

Council's Subdivision Manager has raised no objection concerning vehicular access, subject to the provision of a piped crossing to the individual sites.

**90(1)(j) Traffic generated, the road system**

Additional traffic generation will necessitate a further 5 trips per day from the development. Council's Manager of Subdivisions has raised no objection with the proposed increase in traffic as generated by the development, nor the inclusion of any upgrading of James Gibson or Corndale Roads. Section 94 Contributions would also apply to the development totalling \$6,156.

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- 90(1)(k) Public transport**  
Public transport currently exists in the locality, although as identified under the Social and Economic Effects of the Development, the inclusion of additional dwellings and the precedent established by the creation of small rural holdings in rural areas places additional pressures on community services and the provision of appropriate public transport to cater for an increasing rural population.
- 90(1)(l) Utility Services**  
No reticulated water and sewerage services are available to the subject site and hence onsite provision of water and effluent disposal are therefore necessary.
- 90(1)(m) Landscaping Trees N/A**
- 90(1)(m1) Likely to Cause Soil Erosion**  
No substantial works are required by the development. Minor works will require appropriate sedimentation controls to be included in accordance with Council's Engineering Design Manual. All disturbed areas will be required to be stabilised and revegetated within fourteen (14) days of completion of earthworks in each part of the development.
- 90(1)(n) Representation by Public Authorities**  
As previously canvassed within this report, the Department of Agriculture has assessed the application detailing that the application is not supported, as the proposed lots are significantly less than the planning standard of 40 hectares, with the Department considering that the subdivision is unsustainable in providing agricultural opportunities.
- 90(1)(o) The amenity of the neighbourhood, now and in the future**  
As discussed within Section 2 of this report, it is considered that the subject proposal is located in an area that has not been identified by any Council strategy for the creation of small holding allotments, hence the subdivision will create an additional two undersized allotments and associated dwelling houses within an area which is utilised for agriculture, extractive industries and a small scale piggery.  
  
It is considered that whilst the proposed development may not have an adverse effect upon the existing amenity of the area, it is considered that the introduction of a land use adjoining an extractive industry and piggery may produce possible adverse effect upon future residents which may reside upon the subject lots being created.
- 90(1)(p) Submissions under Section 87 of the Act N/A**
- 90(1)(p1) Any matter specified in an environment planning instrument as a matter to be taken into consideration or to which the consent authority shall otherwise have regard in determining the development application**  
All matters have been canvassed within the report.
- 90(1)(q) The circumstances of the case N/A**
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# LISMORE CITY COUNCIL - Special Meeting held October 27, 1998

## Development Application No. 98/148 - 2 Lot Rural Subdivision

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### 90(1)(r) The public interest

Matters of public interest have been dealt with under Sections 2 and 3 of this report.

### 90(1)(s) Other prescribed matters

- |   |                    |
|---|--------------------|
| a) Adequate provision for disabled persons.             | N/A                |
| b) NSW Coast Government Policy.                         | N/A                |
| c) Effect on protected or endangered fauna and habitat. | See S90 Assessment |
| d) Means to mitigate effect or harm on fauna.           | See S90 Assessment |
| e) Endanger any species of flora.                       | See S90 Assessment |

## 6 CONCLUSION

Subdivisions involving the creation of undersized rural holdings have been an issue on the New South Wales North Coast for some time, with a number of recent Environmental and Social Planning Studies into rural housing, in particular rural residential development and/or rural holdings, identifying and confirming problems associated with utility servicing, social development, and environmental and resource management. This has been caused by incremental and ongoing subdivision of rural land without establishing a strategic approach to the land use and settlement patterns, without incorporating the needs of other land users, real cost of development and management of rural holdings areas into the equation. Consequently, the North Coast Regional Environmental Plan (REP) which specifies the creation of rural settlement strategies has identified its significance in addressing these matters. Currently, Lismore City Council does not have a rural settlement strategy for the creation of rural dwellings and/or rural holdings on undersized allotments in accordance with the North Coast REP and thus relies on the strategy as identified in the Lismore Local Environmental Plan being the creation of rural lots with a minimum lot size of 40 hectares for land zoned 1(a) and 1(r) General Rural.

Issues concerning the proposal's close proximity to the existing Corndale Quarry and piggery is also of concern in the assessment of this application. The applicant has not provided Council with any noise or vibration assessment to ascertain the impacts of the quarry operation, including when the crusher is being utilised and blasting undertaken. In any event, the potential impact of the quarry upon future residents is not insignificant, as is evidenced by the ongoing dispute surrounding its current operations. It is not good planning practice to exacerbate such situations by supporting incompatible land uses.

Having regard to the legislation which permits a proposal of this type, it is deemed that the subject development is considered to be inappropriate and that the application should be refused in accordance with the reasons as specified in the recommendation of this report.

## RECOMMENDATION (PLA76)

A That Council refuse Development Application No. 98/148 for a proposed two (2) lot rural subdivision located at 468 Corndale Road, Corndale, being Lot 152 DP 874524 for the following reasons:

- 1 The subdivision does not comply with the minimum lot size in accordance with the provisions of Clause 11(1) of the Lismore Local Environmental Plan 1992.

# **LISMORE CITY COUNCIL - Special Meeting held October 27, 1998**

## **Development Application No. 98/148 - 2 Lot Rural Subdivision**

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- 2 The State Environmental Planning Policy No. 1 Objection to the minimum lot size in accordance with Clause 11(1) of the Lismore Local Environmental Plan 1992 is not supported.
- 3 The proposal is not consistent with the objectives of the Lismore Local Environmental Plan 1992 1(a) General Rural Zone and 1(r) Riverland Zone.
- 4 The proposal is not consistent with the North Coast Regional Environmental Plan 1988 Clause 6 Agricultural Resources.
- 5 The proposal is not consistent with the North Coast Regional Environmental Plan 1988 Clause 12 Development Control and Agricultural Activities.
- 6 The proposal is not consistent with Clause 19 of the North Coast Regional Environmental Plan 1988.
- 7 The proposal is not consistent with Clause 20 of the North Coast Regional Environmental Plan 1988.
- 8 The proposed development does not comply with the provisions of Development Control Plan No. 27 - Buffer Areas (Section 90(1)(a)(iv).
- 9 The proposed development may create a conflicting landuse with surrounding landuses.

# LISMORE CITY COUNCIL - Meeting held October 27, 1998

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**Subject/File No:** DEVELOPMENT APPLICATION 98/154 - COMMERCIAL PREMISES CONTAINING 41 MINI STORAGE SHEDS AND LUGGAGE LOCKER STORAGE, AT LOTS 5 & 6 DP 5446, 82 & 80 CULLEN STREET, NIMBIN  
(BT: DA98/154)

**Prepared By:** Development Assessment Planner - Brendan Toohey

**Reason:** Request by Councillors Roberts and Irwin.

**Objective:** Council's determination of the application.

**Management Plan** Development Assessment

**Activity:**

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## 1 PRECIS

### Applicant

Mr Lindsay Walker, Walker and Newton Pty Ltd, on behalf of D & CA Whitlen.

### Zoning

2(v) Village pursuant to the Lismore Local Environmental Plan, 1992.

### Location

The subject site is located on the western side of Cullen Street approximately one hundred (100) metres north of the intersection of Cullen Street and Sibley Street, Nimbin. This can be clearly seen in Figure 1.

### Proposal

The applicant proposes to erect a commercial building containing forty one (41) mini storage sheds and luggage lockers; demolish the existing single detached garage and southern verandah; remove four (4) Eucalyptus trees, one (1) Sheoak, one (1) Grevilea, one (1) Mulberry and one (1) Tsyzigium; erect a one and half (1.5) metre x two (2) metre sign; and the construction of two (2) visitor car parking spaces.

The development has been classified a Commercial Premises and as such is permissible within the 2(v) Village Zone.

### Key Issues

Public Submissions, Draft Nimbin Conservation Area.

## 2 DESCRIPTION OF THE PROPOSAL

Council on June 30, 1998, received a Development Application for the construction of 41 mini storage sheds, a luggage locker facility, removal of existing garage and site clearing. The subject site is currently occupied by a single storey dwelling and single detached garage with the rear portion of the site vacant of any structures, substantially cleared, and supporting a small number of trees and exotic grasses and other ground covers.

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The applicant is seeking Council's approval to develop a commercial premises involving the erection of forty (41) mini storage sheds, luggage lockers and associated parking and driveways areas, removal of a number of established trees and the garage and south verandah, as can be seen in Figure 2.

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## Development Application No. 98/154 - Mini Storage Sheds, Nimbin

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The development has been described as a commercial premises in both the advertising and title description of the development. Council Development Assessment Section has recommended the application be referred to as a Commercial Premises due the nature of the business actually hiring/letting out floor space for a commercial gain. A number of public submissions as outlined later in the report request the subject development be located at Alternative Way, where other like land uses are located, and which has been designated as the industrial area for Nimbin. However it is argued that this particular land use does not involve any manufacturing process.

The storage sheds will be visible from the adjoining school grounds and visitor parking area, however the main school buildings are located approximately fifty (50) metres away from the subject site.

### 3 SUBMISSIONS FROM THE PUBLIC

The proposal was advertised in the Northern Rivers Echo for a period of fourteen (14) days from July 9 to July 23, 1998.

At the time of writing Council's report, Council had received twenty seven (27) submissions, of which twenty (20) were a proforma. It should be noted that only two (2) submissions were received during the advertising of the application, the remainder were received after the close of exhibition.

The public submissions are attached to the report in Appendix 1. Issues raised during the public exhibition of the application are summarised below;

- *Unsupervised storage sheds encourage inappropriate behaviour in Cullen Street such as storage or drugs for sale on the nearby streets;*

**Comment**

Not a matter for Council to assess in the determination of this application.

- *There will be an increase in vehicles traversing across the footpath which is close to the school, shops and community centre.*

**Comment**

Information provided by the applicant, which is based on actual use patterns of similar facilities, suggests that the use of the storage sheds will predominately occur on weekends or outside school hours. In addition, facilities of this type are particularly low traffic generators.

- *This is a Heritage Conservation Zone in a residential area, and will have a negative visual and noise impact.*

**Comment**

The subject site has been included within the draft Conservation Area for Nimbin for which no specific objectives or guidelines have been developed at this time. The existing dwelling on the site will be retained and upgraded so the visual impact upon the streetscape will be negligible. The siting of the sheds towards the rear of the site and their relatively low scale will result in a minimal visual impact upon adjoining properties. Noise impacts are not likely to be significant given the low traffic generation, orientation and siting of the sheds.

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## Development Application No. 98/154 - Mini Storage Sheds, Nimbin

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- *Driveway has poor visibility because of bus stop and carpark on both sides of the road.*

**Comment**

The access to the subject site is considered to be acceptable to both the visibility of pedestrians and other vehicles.

- *Unsupervised access encouraging corrupt dealing, habitation and make the area unsafe for the neighbouring residents and school.*

**Comment**

A motion detector lighting system will be installed throughout the storage shed development to assist the occasional use of the storage sheds at night and deter any unauthorised users of the site.

- *Proposal is on commercial and residential area. The industrial area out of town on Gungas Road would be a more suitable site.*

**Comment**

The subject land use is considered a commercial use as no manufacturing will be occurring on site. The proposed land use is also in compliance with Council's Development Control Plan No. 9 - Village of Nimbin.

- *It would cause homelessness for at least two people living on the site.*

**Comment**

The occupation of the subject garage, which is to be demolished, has not received consent from Council.

- *Unnecessary increase in the number of vehicles reversing across the pedestrian footpath close to school, shops and community centre.*

**Comment**

Evidence produced by the applicant details the traffic generated by such a development will be considerably less than a dwelling house. It is recognised that with the incorporation of the existing dwelling within the development traffic will actually be higher than a dwelling house, however given the access driveway will be of a sufficient width to allow two (2) vehicles to pass each other when egressing and ingressing the subject site, and the good sight lines in both directions along Cullen Street, it is considered the safety of pedestrians and vehicles is satisfactory.

- *Negative visual impact in that area of the town.*

**Comment**

The subject development will not be obvious from the Cullen Street Streetscape as the existing dwelling is to be retained. The only indication of the storage sheds will be an advertising sign and a wider crossover.

- *This proposal will be an inappropriate use of village space that would encourage further inappropriate development and encourage the drug trade.*

**Comment**

The proposed use is considered to comply with Council's Development Control Plan No. 9 - Village of Nimbin, which has been discussed in other sections of the report. The unsubstantiated allegation that use of the site will encourage illegal drug trading is not a valid planning consideration.

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- *Unlimited noise and disturbance to neighbouring facilities, loss of quiet time is now controlled by noise pollution laws and possible increased danger to children from large vehicles moving to and from the location at unusual hours, with the added detraction of increased vehicular traffic.*

### **Comment**

The application has been suitably conditioned to control the emission of offensive noise (**refer to condition 19**). The access to the site is considered acceptable given the width of the crossover and sight lines in both directions. The subject sheds will be predominantly used during daylight hours during the week and on the weekends. At these times school children are generally not present.

Furthermore, due to the size of the subject storage sheds the majority of vehicles utilising the site would be cars rather than semi rigid trucks.

## **4 SUBMISSIONS FROM OTHER COUNCIL GROUPS/SECTIONS**

*Council's Environmental Health and Building and Regulations Sections* have commented on the proposal and have raised no objection to the proposed development, subject to the annexure of a number of conditions should a development consent notice be issued.

*Council's City Works Group* have commented on the proposal and have raised no objection to the development, subject to the annexure of a number of conditions should a development consent notice be issued.

### ***Economic Development Unit Manager's Comments***

The proposed storage sheds represent an opportunity to provide an additional service for visitors to Nimbin. This visitation provides positive economic benefits to the area and should be encouraged.

### ***Council's Heritage Advisor's Comments***

Council's Heritage Advisor has viewed the application and has made the following comments:-

*"As discussed with yourself at Council on Thursday 27th August, the inclusion of the proposed storage facility within the draft Nimbin Conservation Area is inappropriate.*

*The proposed units will occupy a significant area of land within the village and will dedicate the use of this prime site to a light industrial/commercial use which will affect the future evolution of the village and the proposed conservation zone.*

*Storage lockers for long or short term visitors to Nimbin could be located elsewhere in the village or if essential on this site in a manner which blends well within the Conservation Zone."*

### **Comment**

Council's Development Assessment Section acknowledges the above comments made by Council's Heritage Advisor. Given that the land use occupies the rear of the existing allotment and is of relatively low scale and the existing dwelling is to be retained, it is considered that the development will not detract from the character of the locality or affect the future evolution of the village.

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In regard to the comments on the inappropriateness of the proposed land use, it is considered that the commercial nature of the land use compliments the existing surrounding mixed land uses, being residential, commercial, community and educational.

In conclusion it is considered the development will not have a detrimental impact upon the character and amenity of the main street nor the Cullen Street streetscape.

### *Applicant's Response to the Public Submissions*

The applicant was provided a copy of all submissions received during the exhibition of the development application. It should be noted that the public submissions supplied to the applicant had all reference(s) to the author deleted.

The applicant's response to the submissions is detailed below, in addition Appendix 2 contains fourteen (14) letters of support:-

*"A total of 32 letters of objection were sent to Council. Seventeen (17) of these were identical and the majority of the remaining letters show evidence of paraphrasing and have common diction. It would appear that all letters were faxed from the same place.*

*The letters express concern about the following:*

- *24 hour unsupervised access to the site;*
- *pedestrian safety and increased traffic;*
- *drug problems in Nimbin;*
- *homeless people living in the sheds;*
- *negative visual impact of the site;*
- *inappropriate land use;*
- *noise pollution;*
- *Ms Brown will be evicted from a garage she lives in;*
- *proximity to a school;*
- *safety of residents.*

*Several letters launch into a character assassination of the current owner of the property and criticise the way he conducts his rental property business. The current owner is assumed to be connected with the proposed development.*

*Many letters suggest an alternative location for the mini storage complex. A few letters give highly emotive accounts of the drug problem in Nimbin and the welfare of homeless people.*

*Our aim is to bring to Nimbin a facility which is not currently available there and a need for this facility has been identified. The proposed development incorporates luggage lockers to assist day visitors and mini storage sheds for long term storage. We are both locals and have undertaken that planning of the development in such a way to not detract from the nature of the village, and its establishment will add to the range of facilities available in Nimbin. We urge you to read the Statement of Environmental Effects as prepared by 'Walker and Newton' regarding the development.*

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*The commonality of the letters indicates a degree of canvassing must have occurred by a small number of people against the development. Our research in Nimbin shows the objectors do not represent the interest of the wider community of Nimbin but only the self-interests of a small group.*

*It is bewildering to us that the objectors can associate all sorts of misdemeanours with a mini storage complex at Cullen Street but in the very same letters state that it would be acceptable to have mini storage sheds 500m down the road. The drug problem in Nimbin forms a key issue in the objectors letters, yet discussions with local police at Nimbin show no evidence of a connection between storage sheds and drug use, and in their opinion the existence of mini storage sheds would not alter the way drugs are used or dealt in Nimbin.*

*The sheds will be visited daily by the co-owner and at night security lights will be provided. To have set times to access the site would disadvantage the users and the associated fencing and gates would turn a very low profile development into something akin to a security compound. Other mini storage facilities in the surrounding towns have unlimited 24 hour access with no adverse ramifications.*

*We surveyed four other sites in Nimbin for the development. Several factors were taken into account and the most appropriate site was in Cullen Street, both from the construction point of view and the ease of access and convenience for the users of the facility.*

*As per paragraph 5.5 of the Statement of Environmental Effects, the expected extra traffic generated would be less than 5 cars per day. This is insignificant to pedestrian safety and a negligible increase in traffic.*

*Homeless people would not be able to access the sheds as they are locked and it is doubtful that a homeless person would go through the process of renting a shed, paying bond etc, to sleep on the concrete floor of an unlit colourbond shed with no amenities and to be evicted early the next day when the site manager arrives. Some letters revealed that the garage at the proposed development site is being occupied by Ms Brown and son. The garage is not approved as a dwelling and therefore they are in contravention of Council regulations. However, the plight of the occupier of the garage is not relevant to this Development Application.*

*The site cannot be seen from Cullen Street and would have no impact on the streetscape apart from a new concrete driveway being provided which is an improvement on the existing gravel/dirt driveway. The complex is inwards looking and presents a 2.5m high block wall to the next door neighbour (he has been informed and has no objections) and to the school car park. The wall will be bagged and painted in environmentally friendly colours.*

*There are no activities that will take place at the storage complex that could create a noise problem.*

*Several letters highlight the proximity of the sheds to the school without actually elaborating how this would have an adverse effect on the school children. Likewise, the safety of the residents in surrounding houses is questioned without mentioning what the perceived danger is.*

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*The proposed development complies with all zoning requirements as laid down by the Lismore Local Environmental Plan, DCP No. 9 and a Draft Conservation Plan. The Lismore City Council Development Assessment Planner has recommended this development as being appropriate land use.*

*In conclusion, the letters of objection lack any substance relating purely to the proposed development but merely highlight the drug problem which is entrenched in Nimbin and the plight of homeless people. There is no evidence that the presence of storage sheds would aggravate the drug problem and no mini storage facility that we are aware of has homeless people renting sheds and living in them. We are attempting to bring to Nimbin a facility which it does not have, a facility which is in demand, and we believe we have chosen the most appropriate and convenient site for the people of Nimbin."*

### 5 ASSESSMENT UNDER SECTION 90 OF THE E.P. & A ACT -

#### 90(1)(a)(i) The provision of any Environmental Planning Instruments (EPI)

The land is zoned Village 2(V) pursuant to the Lismore Local Environmental Plan 1992. The development of a Commercial Premises - Mini Storage Sheds is permissible in the zone, subject to Council consent.

#### **North Coast Regional Environmental Plan**

The North Coast Regional Environmental Plan identifies under Clause 36(c)

- (1) *that Council shall not grant consent in relation to any land within a Conservation Area unless it has considered the effect of the proposed development on the state or regional heritage value of that area in regard to the publication 'Built Heritage on the North Coast' published by the Department of Planning in 1992; and*
- (2) *in considering an application for consent referred to in subclause (1), the Council shall make an assessment of any measures needed to conserve Heritage Items within the Conservation Area for the heritage significance of the Conservation Area, including where appropriate, the preparation of a conservation plan for the whole or part of that area.*

The Planning and Development Group has taken the above issues into consideration when assessing this application and considered the report prepared by the applicant, adequately addressed the requirements of the Regional Environmental Plan both in relation to the proposed Commercial Premises - Mini Storage Sheds and its impact upon the Draft Conservation Area.

Council has not undertaken the preparation of a Conservation Plan for the area.

90(1)(a)(ii) Any draft E.P.I. that is or has been placed on exhibition N/A

90(1)(a)(iii) Any draft State Policy N/A

90(1)(a)(iv) Any Development Control Plan  
*Development Control Plan No. 9 - Nimbin Village.*

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## Development Application No. 98/154 - Mini Storage Sheds, Nimbin

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The subject site is located within the village of Nimbin therefore the provisions of the Council's Development Control Plan No. 9 - Village of Nimbin apply to the subject development.

The subject site is located within the defined business area of Nimbin, as detailed on Map 1 of Council's Development Control Plan No. 9- Village of Nimbin. The site also located on the border with *Village Centre* and *Existing Living Areas - precinct LE3*. The respective precinct summary sheets are discussed below:-

### **Village Centre**

The proposed development complies with the objectives of this precinct, in that the development is a continuation of the adjoining commercial land uses. The proposed development provides satisfactory access and provision of off street carparking. The location of the storage sheds to the rear of the allotment ensure the protection of the streetscape of Cullen Street. The proposed development is satisfactorily remote from the main retail/commercial area, hence the development will not detract from the existing visual elements (ie murals) of this area. The provision of the proposed storage facility will enhance the facilities available within the Village of Nimbin.

### **Existing Living Area**

The proposed development is of equivalent height to a one storey garage and as such will be not detract from the character of the surrounding area, which consists of the open space areas of the Nimbin Central School to the west, a two (2) storey commercial/restaurant building to the south and a single storey detached dwelling to the north. As the buildings are not for habitation the storage sheds have not been orientated to maximise solar insulation, and as mentioned the height of the storage sheds will not resulting the loss of solar access to any adjoining living areas.

The proposed storage sheds are located and designed to complement the low density, retail/commercial nature of the local area.

### ***Development Control Plan No. 16 - Building Line Setbacks***

Development Control Plan No. 16 permits a six (6) metre building line setback or alternatively a set-back which is in conformity with typical setbacks in the street. The applicant is seeking to maintain the existing setback to Cullen Street for landscaping.

### ***Development Control Plan No. 18 - Off Street Carparking***

Commercial premises as stated in Council's Development Control Plan No. 18 - Off Street Carparking requires the provision of 1/40m<sup>2</sup> of gross floor area and 1.5/100m<sup>2</sup> of public area. These listed carparking figures relate to the construction of 'typical' commercial land uses, such as banks, commercial offices and the like. As the use of the site will be considerably less than other commercial land uses a variation to Council's DCP is supported.

Council's Development Assessment Section recommends the utilisation of the carparking standard adopted for Bulk Stores, this being 1/300m<sup>2</sup>, therefore as the subject storage sheds have approximately five hundred and seventy (570m<sup>2</sup>) square



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metres of leaseable floor area, it is recommended two (2) carparking spaces be provided.

Further support to the variation of the DCP is in that patrons of the sheds will generally park adjacent to the leased shed to allow ease of loading and unloading, hence the carparking spaces may not be used. However, if assistance is required in the loading and unloading of materials parking spaces will be provided to allow vehicles to be located away from the manoeuvring areas within the subject site.

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### *Development Control Plan No. 36 - Outdoor Advertising Structures.*

The application involves the erection of a pole sign two (2) metres in height by 1.5 metres in width. The sign is to be erected on the northern side of the entrance driveway.

Pursuant to Clause 45 of the Lismore Local Environmental Plan, 1992 and Councils Development Control Plan No. 36 - Outdoor Advertising Structures pole signs are permissible within 2(v) Village zone with development consent.

#### **90(1)(a1)(i) Conservation Agreements**

The subject property has been included within the Draft Nimbin Conservation Area pursuant to the North Coast Regional Environmental Plan, 1988.

The proposed development is considered to comply with the Clause 36 of the North Coast Regional Environmental Plan 1988

#### **90(1)(a1)(ii) Any Plan of Management N/A**

#### **90(1)(b) The impact of the Development on the Environment**

The site is currently occupied by a number of mature exotic and native trees, none of which have any significant habitat value. The proposed site is within an existing residential/commercial precinct

#### **90(1)(c) Effect on the Landscape**

The proposal involves the removal of a number of established trees, as noted previously in the report. Council's Parks and Gardens Section have viewed the application have made the following comments:

The subject site has been in the past substantially modified, with limited vegetation now existent on site. Consequently, it is unlikely that the proposed development will have a significant effect on the environment of any protected or endangered flora and fauna in the immediate area. The nature of the proposal and the existing environment of the site is such that a submission of a Species Impact Statement is considered unnecessary, and the extent of the modification of the site's natural eco-systems would be minor.

The applicant has indicated further landscaping will be incorporated within the plans to preserve the Cullen Street frontage. It is appropriate that conditions requiring landscaping plans in accordance with Council's Landscape Guidelines be annexed to any consent should the application be approved by Council.

#### **90(1)(c1) Effect on Wilderness Area N/A**

#### **90(1)(c2) Effect on Environment of Endangered Fauna N/A**

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- 90(1)(d)**      **The Social Effect and the Economic Effect of that Development in the Locality**  
As can be seen from the number of public submissions received during and after the exhibition of the development application there is considerable concern expressed from the local community. In particular, to the use of the subject sheds for the storage and dealing of illegal drugs. As stated previously, this unsubstantiated allegation is not a valid planning consideration in the assessment of the application. The applicant, in response to the public submissions, outlines discussions held with the Nimbin Police who stated “*..in their opinion the existence on mini-storage sheds would not alter the way drugs are used or dealt in Nimbin.*”

The issue with regard to the economic viability of mini storage sheds in the Lismore Local Government Area is one that is based on marketing and management opportunities, and not one that can be specifically taken into consideration under Section 90 of the Environmental Planning and Assessment Act. However, the Planning and Development Group is of the opinion that the development will result in a net economic benefit to the Nimbin Area.

- 90(1)(e)**      **External appearance, design etc.**  
The subject development occupies the area to the rear of an existing dwelling house. The proposal will have little or no effect on the streetscape as the existing dwelling house will remain with the only visible sign of the development being the erection of a two (2) metre pole sign and a five (5) metre wide access driveway.

The proposed development will be visible from the adjoining Nimbin Central School, laneway linking Nimbin Central School with Cullen Street and the adjoining residential dwelling to the north, however, with the erection of a 1.8 metre fence only one (1) metre of the sheds will be seen from these areas.

- 90(1)(f)**      **Size of Parcels, siting of buildings**  
Development Application 98/72 adjusted the common boundary between 80 and 82 Cullen Street. The boundary adjustment resulted in the allotments being 947m<sup>2</sup> in area with the subject allotment being 1666m<sup>2</sup>.

The subject storage buildings have a zero setback to the adjoining properties to the north, west and south. However the proposed buildings will be only the height of a domestic garage (2.55m), hence no overshadowing will occur of any adjoining living areas.

- 90(1)(g)**      **Hazards, flooding, slip, erosion etc.** N/A

- 90(1)(h)**      **Relationship to other land in the locality**  
The subject site is adjoined to the south by a commercial development containing a restaurant and a number of offices, the Nimbin Community Centre development to the east, Nimbin High School to the west and a private residence to the north. Therefore the site is within a transition zone from commercial type land uses to a residential land use.

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**90(1)(i) Access parking and loading**

The provision of the visitor carparking spaces has been discussed earlier in the report.

The proposed development is only to be accessed from Cullen Street. The cross-over entrance is 5 metres in width which is considered sufficient to allow two (2) vehicles to pass each other. Furthermore the increased width will allow improved sight distances for vehicles ingressing and egressing the site.

Internal manoeuvring areas are all approximately four (4) metres in width which will allow vehicles up to 6 metres long to manoeuvre, ingress and egress the site.

**90(1)(j) Traffic generated, the road system**

Evidence presented by the applicant outlined that the use of the subject site for storage sheds will generate in the vicinity of one hundred and forty five (145) traffic movements per month or around 4 to 5 movements per day. The existing road system will adequately cope with this volume.

**90(1)(k) Public transport N/A**

**90(1)(l) Utility Services**

All required services are in existence.

**90(1)(m) Landscaping Trees**

As previously mentioned within this report, any consent issued will require the provision of a detailed landscape plan to be assessed by Council's Parks and Reserves Section. The plans submitted with the Development Application do not identify the removal of the existing landscaping along Cullen Street. Its retention will reduce the impact of the proposed development on the streetscape of Cullen Street.

**90(1)(m1) Likely to Cause Soil Erosion**

Should a development consent be issued by Council, a condition will be inserted requiring adequate sedimentation controls being applied to the site during the construction of the storage sheds.

**90(1)(n) Representation by Public Authorities N/A**

**90(1)(o) The amenity of the neighbourhood, now and in the future**

It is considered that the existing amenity of the neighbourhood is primarily influenced by the weekday and weekend, daytime use of the Nimbin Central School, Nimbin Neighbourhood Centre and the adjoining commercial premises. It is considered that the short term visitation of the subject site will not generate significant adverse impact upon the existing or likely future amenity of the neighbourhood and that appropriate conditions of consent will help preserve the neighbourhood amenity.

**90(1)(p) Submissions under Section 87 of the Act**

Two (2) public submissions were received within the advertising period, being 9/7/98 to 23/7/98.

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# LISMORE CITY COUNCIL - Meeting held October 27, 1998

## Development Application No. 98/154 - Mini Storage Sheds, Nimbin

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In addition, although twenty two (22) public submissions were received after the close of public exhibition, they have been included in appendix 2 for the information of Councillors.

**90(1)(p1) Any matter specified in an environment planning instrument as a matter to be taken into consideration or to which the consent authority shall otherwise have regard in determining the development application**

As previously discussed within this report.

**90(1)(q) The circumstances of the case**

As previously discussed within this report.

**90(1)(r) The public interest**

As previously discussed within this report.

**90(1)(s) Other prescribed matters**

- a) Adequate provision for disabled persons.
- b) NSW Coast Government Policy.
- c) Effect on protected or endangered fauna and habitat.
- d) Means to mitigate effect or harm on fauna.
- e) Endanger any species of flora.

## 6 CONCLUSION

The proposed storage sheds will provide an additional facility to the district centre of Nimbin. The proposal complies with the aims and objectives of the Development Control Plan No. 9 - Village of Nimbin, and with the relevant provisions of the North Coast Regional Environmental Plan, 1988. It is considered that due to the placement of the storage sheds to the rear of the allotment the Cullen Street streetscape will not be detrimentally altered.

The public's concerns raised in the submissions in regards to safety of pedestrians and school children have been noted and discussed within the preceding sections of this report. Council's Development Assessment Section regards the proposed accessway and sight lines to be acceptable to allow maximum safety to pedestrians and other vehicles.

## RECOMMENDATION (PLA78)

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

B That Council, as the consent authority, consent Development Application 98/154 for the erection of Commercial Building containing forth one (41) mini storage sheds and luggage locker storage, at Lots 5 and 6 DP 5446, 82 and 80 Cullen Street, Nimbin subject to the following conditions;

1 In granting this development consent, Council requires:

# LISMORE CITY COUNCIL - Meeting held October 27, 1998

## Development Application No. 98/154 - Mini Storage Sheds, Nimbin

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- 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. 98/272 Sheet 1 and 2 and dated 9/6/98 and supporting documents submitted with the application. Copies of the approved plan are attached to this consent.

*Reason: To correctly describe what has been approved. (EPA Act Sec 92(1))*

### **BUILDING CONDITIONS**

- 2 The mini storage sheds and luggage locker buildings shall be clad with a dark non-reflective material compatible with the environment of the locality. Associated colour schemes are to be submitted to Council for approval with the building application.
- 3 Prior to the commencement of building construction, details from a practising structural engineer, are to be submitted to council for approval, certifying that the footings and/or slab have been designed to suit the site conditions.

*Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 90(1)(o))*

*Reason: To comply with the provisions of Local Environmental Plan 1992 - City of Lismore. (EPA Act Sec 90(1)(a))*

*Reason: To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 90(1)(j) and Local Government Act Sec 33(f))*

### **DRAINAGE**

- 4 Hard surface areas, landscaped areas, roof water and subsoil drainage systems shall be designed so all water is directed to a Council approved drainage system to prevent discharge runoff onto adjoining land. This system shall be constructed in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.
- 5 Measures shall be put in place to control stormwater runoff. These control measures shall prevent soil erosion and the transport of sediment from the development site into either:
  - natural drainage courses
  - constructed drainage systems, or
  - waterways.

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Details of sediment control measures and revegetation works shall be submitted for Council approval prior to release of any building approval.

- 6 The applicant or developer shall make satisfactory provision for stormwater to be directed through piped drains that are constructed according to Council's Development Standards & Construction Manual (February 1993) as amended from time to time. All roof water from any
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## Development Application No. 98/154 - Mini Storage Sheds, Nimbin

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proposed building and/or surface water from paved areas shall be directed to a Council approved drainage system. All piped drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the applicant or developer.

7 A practising qualified surveyor is required to furnish a certificate confirming:

- all drainage lines have been located within the respective easements,
- roadworks are in accordance with the approved design plan, and
- any other structures like retaining walls are located in accordance with the approved design plan.

**Reason:** *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 90(1)(h))*

**Reason:** *To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 90(1)(g))*

**Reason:** *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 90(1)(j) and Local Government Act Sec 33(f))*

### ROADS

8 The applicant or developer shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time. The applicant or developer shall be responsible for any costs, including maintenance, for a period of twelve months from the date of approval of the work. Required roadworks include:

- b) Construction of a kerb and gutter and bitumen sealed road, from the face of the existing kerb to the existing sealed pavement, for the full frontage of the land in Cullen Street.

A practising qualified surveyor or engineer shall submit a "works-as-executed" set of plans showing the satisfactory completion of all roads and drainage works required by this consent.

9 Full design plans of the proposed engineering works to satisfy condition(s) shall be submitted to Council. Such plans shall be separate from the building application. Such plans must be approved by Council's City Works Group before construction of drainage or road works are commenced. A practising qualified surveyor or engineer shall submit a "works-as-executed" set of plans showing the satisfactory completion of all roads and drainage works required by this consent.

**Reason:** *To ensure an adequate road network in accordance with adopted standards. (Local Government Act Sec 332)*

### EARTHWORKS

10 Bulk earthworks shall not commence on site before release of any building approval.

**Reason:** *To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 90(1)(g))*

### VEHICULAR ACCESS

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## Development Application No. 98/154 - Mini Storage Sheds, Nimbin

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- 11 Redundant road pavement, kerb and gutter or foot paving, including any existing entrances or other special provisions shall be reinstated in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.
- 12 Driveways, access aisles and parking areas shall be provided with a bitumen sealed or other approved surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.
- 13 All loading and unloading shall take place within the property boundaries.
- 14 Vehicular access from the road pavement to the development shall be provided by the construction of a six (6) metre wide gutter crossing, in accordance with the Council's Development and Construction Manual (February 1993) as amended from time to time.
- 15 Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction, in accordance with Council's Development Control Plan No. 18 Off Street Carparking Requirements. All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition.

**Reason:** *To ensure an adequate road network in accordance with adopted standards. (Local Government Act Sec 332)*

**Reason:** *To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 90(1)(i))*

**Reason:** *To ensure adequate access to and from the development. (EPA Act Sec 90(1)(i))*

### **CARPARKING**

- 16 Provision shall be made for two (2) carparking spaces as shown in red on the approved plans with a bitumen sealed/paved or equivalent surface constructed and landscaped in accordance with the requirements of the Council's Development Control Plan No. 18 Off Street Carparking Requirements.
- 17 A sign shall be erected to clearly indicate off-street parking is available.
- 18 All vehicles connected with the premises shall be parked or garaged within the property at all times.

**Reason:** *To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 90(1)(i))*

**Reason:** *To ensure the free flow of traffic and comply with traffic regulations. (EPA Act Sec 90(1)(j))*

**Reason:** *To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 90(1)(i))*

### **PEDESTRIAN ACCESS**

- 19 Access to the building and public spaces shall be provided in accordance with the requirements of the Department of Planning Technical Bulletin No. 17 - "Access to Public Spaces for Disabled People" and the Building Code of Australia.



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## Development Application No. 98/154 - Mini Storage Sheds, Nimbin

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*Reason: To ensure that adequate provision is made for access to and from the development for disabled people. (EPA Act Sec 90(1)(s))*

### LANDSCAPING

20 A detailed landscaping plan (in duplicate) shall be submitted to Council prior to release of the building application. Landscaping plans shall be in accordance with Council's Landscaping Code and relevant Development Control Plans. Species identified in Council's Landscaping Code shall be planted wherever possible. Landscaping plans shall indicate:

- location of Council's sewer
- proposed location for planted shrubs and trees
- botanical name of shrubs and trees to be planted
- mature height of trees to be planted
- location of grassed areas
- location of paved areas
- location of trees identified for retention in the development application plans.

Council approved landscaping shall be completed prior to the use and/or occupation of the development. Landscaping shall be maintained at all times to the satisfaction of Council.

*Reason: To ensure that appropriate landscaping is provided. (EPA Act Sec 90(1)(m))*

### WATER AND SEWERAGE

21 Neither fill nor any building or other structure shall be placed over Council's sewer main when such fill or structure falls:

- i) within a distance from the main measured by projecting a 45° angle from the invert of the main to surface level

#### OR

- ii) within 1.5m of the main.

*Reason: To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 79C(b))*

### AMENITY

22 The land use shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.

23 All unsightly matter shall be stored out of sight from any adjacent premises or public place.

*Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 90(1)(o))*

### ENVIRONMENTAL

24 Any chemicals and oils are to be stored in a secure bunded area with a holding capacity of 110% of the largest container. (Where flammable and combustible liquids are stored, compliance standards relating to flammable and combustible liquids as specified in Australian Standard 1940-1993 - "The Storage and Handling of Flammable and Combustible Liquids" shall be implemented), and approval is to be obtained from the Workcover Authority before commencing associated works.

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## Development Application No. 98/154 - Mini Storage Sheds, Nimbin

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*Reason: To protect the environment. (EPA Act Sec 90(1)(b))*

### DEVELOPMENT

25 Side and rear boundary fences are to be provided to a minimum height of 1.8 metres.

*Reason: To preserve the appearance of the area. (EPA Act Sec 90(1)(o))*

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## Development Application No. 98/154 - Mini Storage Sheds, Nimbin

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### SIGNS/ADVERTISING/LIGHTING

- 26 Any further outdoor advertising material, signs or decorative materials (including flags or bunting) shall be approved by the Council prior to erection, in accordance with Development Control Plan No. 24 Outdoor Advertising Structures (as amended). A separate application shall be submitted.
- 27 Signage shall be non-reflective and non-iridescent to minimise any possible distraction to traffic.
- 28 This consent does not allow the use of any outdoor display lighting to illuminate the sign.
- 29 The sign shall be securely affixed to the supporting structure.
- 30 Provision is to be made for the illumination of the common areas at the rear and accessway of the site, only, throughout the hours of darkness. (SPC)
- 31 Any lighting on the site is to be directed in such a manner so that nuisance is caused to adjoining properties. (SPC)

*Reason: To preserve the appearance of the area. (EPA Act Sec 90(1)(o))*

*Reason: To preserve the amenity of the area and traffic safety. (EPA Act Sec 90(1)(o))*

### SECTION 94 LEVIES

- 32 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore City Council S94 Contributions Plan 1994 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the building approval is granted. The rates and amounts applying at the date of this notice, totalling \$9,120, are set out in the schedule for your information. All contributions, bonds etc. shall be paid prior to the release of the building approval.

Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the percentage increase from the date of approval to the date of payment, as notified by the Building Price Index (Sydney).

*Reason: To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated July 1995 as required by the increased population or activity. (EPA Act Sec 94)*

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## Development Application No. 98/154 - Mini Storage Sheds, Nimbin

### LISMORE CITY COUNCIL

**DEVELOPMENT CONSENT NO:** 98/154  
**ADDRESS:** 80 and 82 Cullen Street, Nimbin.

Consent date: October 20, 1998

To be read in conjunction with advice of development consent.

The levies imposed by Condition No. 32, as contributions towards the cost of meeting increased demand for public services and amenities that will result from the development, are identified in this Schedule.

The rates and amounts shown against the various items are those current at the date of this notice. If these levies are not paid within twelve (12) months of the date of this consent these rates shall be increased annually from July 1 each year in accordance with the percentage increase from the date of approval to the date of payment, as notified by the Building Price Index (Sydney).

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

*\* Note: For discount see Section 94 Plan*

Levy Area	Account No.	No. of ET's	Cost Per ET	Amount Payable
<b>Urban Roads</b>				
<b>Arterial Roads</b>				
Commercial Development	1655-5	285	\$32 per m <sup>2</sup>	9,120
<b>Total</b>				<b>\$9,120</b>

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

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

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

A COPY OF THIS ADVICE MUST BE  
PRESENTED WHEN MAKING PAYMENT

DATE:

RECEIPT NO:  
CASHIER:

### COUNCIL USE ONLY

#### Cashier to Note:

This section must be completed by a Financial Services Officer prior to receipt.

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

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

...../...../.....

**LISMORE CITY COUNCIL - Meeting held October 27, 1998**

**Development Application No. 98/154 - Mini Storage Sheds, Nimbin**

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**FINANCIAL SERVICES OFFICER**

**DATE**

# LISMORE CITY COUNCIL - Meeting held October 27, 1998

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**Subject/File No:** DRAFT AMENDMENT NO. 51 TO LISMORE LOCAL ENVIRONMENTAL PLAN 1992 - SECOND REGULAR UPDATE FOR 1998  
(HM: MJK: S724)

**Prepared By:** Manager-Strategic Planning - Helen Manning

**Reason:** To inform Council of rezoning proposals and of administrative changes to the LEP

**Objective:** To obtain Council's resolution to prepare an amending LEP

**Management Plan** Strategic Planning

**Activity:**

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## Introduction

A practice of regular amendments to the Lismore Local Environmental Plan (LEP) 1992 has been supported by Council and despite current resource limitations in the Strategic Planning Section it is proposed to continue this practice to the extent of preparing two updates per year. These will contain rezoning proposals and administrative changes requested by the Development Assessment Section, with the aim of improving and streamlining the operation of the LEP. The first update for 1998 was Amendment No. 47, which is now nearing completion.

The second update for 1998 is the proposed draft Amendment No. 51 which contains changes to the written plan and to the maps to enable the following:

1. Rezoning of land at Lismore Airport for the development of the new terminal.
2. Rezoning of land at Tuncester to 4(a) Industrial Zone in accordance with Council's Industrial Land Study.
3. The development of a service station adjacent to the Hilltop Hotel, Bruxner Highway, Goonellabah.
4. Insertion of a clause relating to land zoned 6(a) Recreation to the effect that Council is not required to purchase the land so zoned if it has resolved to rezone it.

## Item 1 - Rezoning for new Airport Terminal

The full text of the rezoning application submitted by consultants Walker & Newton is in the Attachments to this Business Paper. The following information summarises the application.

### **Introduction**

This rezoning application is necessary to give effect to Council's resolution of July 14, 1998. This resolution had seven sections, the second of which read -

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## LISMORE CITY COUNCIL - Meeting held October 27, 1998

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*“Council immediately proceed with a rezoning application as proposed by the Consultant’s Report (Attachment A) from 1(r) Riverlands Zone to 5 (Special Uses) Airport.”*

# LISMORE CITY COUNCIL - Meeting held October 27, 1998

## LEP Amendment No. 51 - Second Quarterly Amendment

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### **The Site**

Although Lismore City Council owns the Lismore Airport in many titles and operates the site as one holding, the proposed future passenger terminal will be constructed on an area which has frontage to the Bruxner Highway near the southern end of the existing runway. The specific terminal precinct will have an area of approximately 3.2 ha. The new terminal will be linked to the existing runway by a sealed taxiway.

The land is currently cultivated for tea tree production, however the operating company, being ATTORI, is renegotiating its lease agreement with the Council to facilitate the proposed terminal.

The land is located within an area which is identified as being within the Lismore Flood Plain. Accordingly, Sinclair Knight Merz were engaged to assess the impact of the proposal upon the flood characteristics of the overall flood plain.

Several options were modelled to determine the impact of the proposed redevelopment assuming both the existing site circumstances and those that may be anticipated in the future. This report, which accompanies this application in the Attachments, concludes that the proposal will have -

*“negligible increase in water levels in Wilson’s River adjacent to the development (maximum 10mm)”*

The development proposal is considered to be acceptable within the context of flood plain impacts.

### **Rezoning Considerations**

Parts of the Lismore Airport land are covered by a 5 (Special Uses) Zone pursuant to the provisions of the Lismore LEP. Other areas of the Airport are subject to the 1(r) (Riverlands Zone) pursuant to the provisions of the LEP. The proposed new airport terminal precinct lies within the 1(r) zoned areas.

The proposed airport terminal is defined as a “passenger transport terminal” subject to the provisions of Clause 5 of the Lismore Local Environmental Plan. This land use definition is noted as a “Prohibited” within the zone objectives for the 1(r) (Riverlands Zone).

As that part of the airport land on which it is proposed to construct the new terminal is within the 1(r) (Riverlands Zone) this proposal will require a rezoning of part of the airport land. The subject proposed airport terminal site, taxiway and apron should be included within the 5 (Special Uses) Zone. The area to be rezoned is shown on draft LEP Map Sheet 1 following this report.

### **Compliance with North Coast Regional Environmental Plan (REP)**

The proposed rezoning is subject to several of the Clauses as set out in the North Coast REP and these clauses are assessed in this section of the Rezoning Application.

### ***Flood Liable Land - North Coast REP Clause 45A(2)***

This Clause states:

*“A Draft Local Environmental Plan should not alter the zoning of flood liable land ... to a zone described as ... special uses ... and contain provisions which apply to flood liable land and which*

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*permit an intensification of development on that land ... unless justification by a flood plain management plan prepared by the Council in accordance with the Flood Plain Development Manual."*

### **Comment**

Lismore City Council has not, as at this date, completed the preparation of a Flood Plain Management Plan. In its absence, advice was sought from Sinclair Knight Merz with respect to the possible impact that the future terminal might have on the Lismore Flood Plain. Their advice was that the Airport Terminal development would cause "negligible increases in water levels in Wilsons River adjacent to the development (maximum 10mm)."

Advice was also sought from DLWC who concluded that given that the proposal provided a community service, it was within the Government's guidelines to allow such a development to proceed. This was provided such development was designed in the full knowledge of the conditions which it will experience. This design has been undertaken with a full knowledge of the flood characteristics which exist on the site.

It is therefore considered that as the flood plain management plan is not yet complete and that the State Government department responsible for overseeing said management plan's preparation is in agreement with the proposal the rezoning is consistent with Clause 45A of the REP.

For Councillor's information, the text of DLAWC's letter is repeated below:

*"In previous correspondence with LCC, DLWC (and previously Public Works) has encouraged Council to prepare a soundly based strategic plan for the future management of the Lismore floodplain. This has not been done to date and should be a product of Council's floodplain management committee process now taking place.*

*It is understood that an air terminal will perform a community service. Within the Government's guidelines there is scope for the development of such facilities provided they are designed in the knowledge of the conditions they will experience. It is also likely that any future floodplain management plan will provide for such a building. DLWC therefore does not object to the air terminal proposal so long as it is limited in scale and flood compatible in its design and operation.*

*However, in the absence of a floodplain management plan which deals with future development on the floodplain, DLWC views rezoning to allow further commercial development adjacent to the proposed air terminal as inappropriate. Consequently, in support of sound floodplain management, DLWC objects to the rezoning for commercial purposes."*

### **Bus Services - North Coast REP Clause 56A**

This Clause of the REP draws attention to the need to plan for the provision of adequate bus services within appropriate developments.

### **Comment**

The proposed Air Terminal has provision for a dedicated bus loading and unloading area. This area is situated close to and on the same level as the main entry and is provided with weather protection. It was considered that this feature was both essential in a new terminal and complimentary to Council's commitment to improving bus services for Lismore.

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### **Conclusion**

This proposal is consistent with the existing community expectation for the site, which is that it will continue to be used as an airport. It is also consistent with the Council's previous resolution to proceed with the construction of a new passenger terminal.

Flood plain issues are not an impediment on the construction of a new terminal.

The land proposed to be rezoned to 5 (Special Uses) adjoins the existing 5 (Special Uses) zone and should be viewed as a natural extension of the existing zone.

It is therefore recommended that this rezoning be effected at the earliest possible opportunity so as to facilitate the upgrading of the Lismore Airport, to reflect its regional status.

### **Item 2 - Industrial Zoning at Tuncester**

The subject land is 27 Rifle Range Road, Tuncester, being Lot 3 DP 828423. Its location is shown on the locality plan included in this report, and the proposed LEP map is on Sheet 2 following this report.

The land is identified in the Lismore Industrial Land Study as Future Expansion Site 4, suitable for the development of large scale heavy industry or offensive or hazardous uses. It surrounded by other industrial uses, being Hurfords timber processing, and a wrecking yard, and is adjacent to the Rifle Range.

There is no development proposal accompanying the rezoning application which, however, contains flooding and traffic impact evaluation. The full application is reproduced in the Attachment to this Business Paper.

Council's 1996 study "Large Industrial Sites in Lismore - Availability, Services & Location" states"

*"Part of this land is located in a flood prone area. A small ridgeline provides approximately 2ha of flood free land on the eastern boundary of the property which is above the 1:100 year flood level. Further industrial development may be provided on this property providing that an adequate amount of fill is provided so that floor levels are above the 1:20 year flood."*

The flooding assessment contained in the rezoning application states that much of the lot is above flood height, the exception being the north-west corner. The assessment concludes that this north-west corner *"is floodprone to a 5% ARI peak level no greater than 15.2 m AHD. This should be adopted as fill and or minimum floor level for industrial development of the lot without further freeboard being needed. Filling will not restrict flood flows and constitutes negligible loss of storage from the floodplain."*

The application states that part of the higher ground may well be the source of this fill, making development more economical. Such excavation, if necessary, may turn the higher ground into a valuable aspect of the site in terms of construction and access options.

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In relation to demand, the 1995 Industrial Land Study states that although there was at the time 10.9 ha of vacant unserviced industrial land at Tuncester, only approximately 4 ha was suitable for development as the residue was too steep. The Study concluded that there was a need to explore further areas for possible rezoning. Since the completion of the Study, an additional stage of the Wyrain estate has been rezoned for industrial use; however given the location of that site in relation to housing in South Lismore it may not be suitable for uses meeting the definition of 'offensive or hazardous' industry. It is considered prudent to act on the subject application to rezone the Tuncester land now, in advance of any development proposal, so should any large industrial concern indicate interest in Lismore a site is available without requiring the developer to go through the protracted rezoning process.

A water and sewerage service is available to the site, subject to the developer providing infrastructure to connect to existing mains and pay applicable headworks. The extent of such works would depend on the end use of the site.

A detailed analysis of traffic impacts will be required as part of any Development Application for the site. However, the traffic information provided as part of the rezoning application concludes that some upgrading of the intersection is required to accommodate the proposed development, including an auxiliary right turn lane for eastbound traffic in Kyogle Road, linemarking of the auxiliary left turn lane on Rosehill Road, and an auxiliary right turn lane for northbound traffic on Rifle Range Road.

The proposal is consistent with the requirements of the North Coast Regional Environmental Plan.

### **Item 3 - Service Station adjacent to the Hilltop Hotel, Bruxner Highway, Goonellabah**

The GeoLINK Group Pty Limited has applied for a variation to LEP 1992 to permit the development of a Service Station on Lot 6, DP 549575, Bruxner Highway, Goonellabah. The land has an area of 4598 sq. metres and is located adjoining the Hilltop Hotel on its northern side. A locality plan is included in this report. The current zoning is Residential 2(a) which prohibits development of a Service Station. The amendment sought to the LEP is not by a re-zoning, but by an enabling clause and insertion into Schedule 5 of the LEP, which will allow the Service Station to operate in the current zoning. The applicants have also advised that they are willing to entertain the idea of a sunset clause, so that a requirement will be included in the LEP that a Development Application must be submitted within twelve (12) months of the date of gazettal of this current amendment.

The complete application is reproduced in the attachments to this business paper.

The site has been cleared of the original native vegetation and the present vegetation consists primarily of exotic species. It has very low value as habitat for native fauna and therefore has very low conservation value in general.

The applicant acknowledges that the proposal will fall within the definition of "Service Station" contained within LEP 1992. This is defined as:

*"a building or place used for the fuelling of motor vehicles and the sale by retail of petrol, oil or other petroleum products, whether or not the building or place is also used for one or more of the following purposes -*

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- (a) *the hiring of trailers;*
- (b) *the retail selling or the installing of spare parts and accessories for motor vehicles;*
- (c) *the washing and greasing of motor vehicles;*
- (d) *the repairing and servicing of motor vehicles (but not the body building, panel beating, or spray painting of motor vehicles); or*
- (e) *the retail selling or hiring out of small convenience consumer goods, but only if the gross floor area used for such selling or hiring is not greater than 100 square metres.*

As any retailing is limited to less than 100 square metres of gross floor area, the proposal is not seen to comprise a Neighbourhood Business Development and therefore should not be delayed by Council's requirement for a retail centres strategy for Goonellabah. It is also for this reason that an enabling clause is favoured rather than the extension of the 3(b) Neighbourhood Business Zone from the Hotel adjoining to the south. With an enabling clause and a sunset clause, should the development not proceed within a reasonable time then the land will not remain zoned for commercial development which could hinder such zoning and development in other areas.

Councillors may recall a LEP Amendment processed several years ago which permitted a Service Station by virtue of an enabling clause on land at the corner of Holland Street and the Bruxner Highway. The existence of this land with the enabling clause has been repeatedly pointed out to the applicant who, however, responds that for various commercial reasons the land is either not available or not suitable. This is unfortunate, as should the applicant be able to utilise the land at Holland Street, then a Development Application would be able to be submitted immediately without the delaying factor of an amendment to the LEP.

The application summarises the environmental impact of the proposal as follows:

- Providing the only Service Station facility on the southern side of the Bruxner Highway between Wollongbar and Casino.
- Providing Service Station mechanical repair facilities to service the burgeoning residential area of Goonellabah;
- Consolidating the commercial activities in the vicinity of the Goonellabah Hotel site;
- Rationalising access to the Bruxner Highway in the vicinity of the Goonellabah Hotel site. A schematic site development plan and a traffic study is included within the application. Both indicate that an access point will be shared with the Hotel, although an 'entry only' point will be provided to the north of that site for the Service Station.

It should be noted that the schematic diagram of the development is conceptual only and all details will have to be submitted in a Development Application.

The proposal is affected by Clause 47 of the North Coast Regional Environmental Plan. Clause 47 contains various principles for commercial and industrial development, including that such development should be located where it can be adequately serviced by the transport system and is accessible from urban areas. The proposal complies with this Clause and is appropriately located adjacent to an existing 3(b) Neighbourhood Business Zone. The proposal is consistent with the remainder of the Regional Environmental Plan.

### Traffic Study

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## LEP Amendment No. 51 - Second Quarterly Amendment

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The traffic study is reproduced in full in the application which is in the attachments to this business paper. In summary, the traffic study recommends:

- Access should consist of a left-turn entry and an exit which is shared with the adjacent Hotel access. This drive-through arrangement is essential for this service station's viability and operation..
- The existing left turn lane should be extended to ensure that vehicles slowing to enter into the Service Station do not unnecessarily obstruct passing traffic.
- The exit movement from the Service Station should occur in a shared access arrangement with the adjacent Hotel. This allows the entry to the Service Station to be located as far south on the site frontage as possible and minimises the number of access driveways on the Bruxner Highway frontage.
- A median should be constructed on the Bruxner Highway to eliminate right turns into or out of the northern most entry driveway for the Service Station development. This is related to ensuring that right turns into or out of the Service Station (albeit minimal say five (5) vehicles per hour) will occur at a managed location in conjunction with Hotel access.
- The works indicated should be undertaken as part of the development and will ultimately contribute to the upgrading of Bruxner Highway. In the future a continuous median should desirably be constructed by the RTA past the site on the Bruxner Highway. The Developer should enter into the development in the knowledge that the RTA would be highly likely to construct such a median thereby limiting development access to left in/left out.

Diagrams illustrating these points are included in Appendix B of the rezoning application which is in the attachment to this business paper.

### **Item 4 - New Clause Relating to Requirement for Council to Purchase Land Zoned 6(a) Recreation**

Clause 29 Acquisition of Land in Lismore LEP 1992 applies to land zoned 6(a) Recreation and requires that the owner of any land so zoned may give notice in writing to Council requiring Council to purchase the land, and that on receipt of such a notice the Council must acquire the land to which the notice relates.

However, Council has not set aside funds for purchase of such land upon request. Additionally, some of the land now zoned 6(a) Recreation appears to be of limited use for recreation and may have been reserved for drainage or habitat protection purposes. There is no documentation of the basis for identification of some land as 6(a) Recreation, but an inventory of 6(a) zoned land is currently being undertaken.

It is proposed to include in the LEP a clause copied from a gazetted Port Stephens Council LEP which will allow Council to assess whether it requires land for which an acquisition notice has been received. The clause is as follows:

*"The Council need not take any action with respect to acquiring land within Zone No. 6(a) for 90 days (or for such other period as may be agreed between the owner and the Council before that period expires) after receiving a notice requiring acquisition of land if the Council, within 14 days after receiving the notice, notifies the owner that it is reviewing the zoning of the land. The Council need not acquire the land pursuant to the notice if the land is*

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*rezoned, or the Council decides or has decided to prepare a Local Environmental Plan to rezone the land, before the period of 90 days (or the agreed period) expires.”*

The advantage of this clause is that it will allow Council to determine whether or not it requires the land and if not, to resolve to rezone it more appropriately, thus saving unnecessary expenditure on unwanted land. As the clause is taken from the Government Gazette it is not expected that any legal difficulties will arise.

### **Expenditure Accountant's Comments**

At this time, Council has an obligation to purchase land zoned 6(a) Recreational under the Lismore LEP 1992 regardless of its community benefit. This is quite clearly an undesirable situation.

The purpose of this change in the LEP is to effectively 'limit' our obligations to acquire any land so zoned unless there is a distinct community benefit in its acquisition.

From a financial perspective, it would be appropriate to identify the parcels of land we would be likely to acquire so as funding options can be considered and catered for.

### **Public Consultations**

The draft Local Environmental Plan will be publicly exhibited for twenty eight (28) days, as required by the Environmental Planning and Assessment Act. Owners of land adjoining those parcels to be rezoned will be notified of the exhibition by letter. Government Departments to be consulted will be the Roads and Traffic Authority, and the Department of Land and Water Conservation. The applications and supporting information for the three (3) rezoning matters will be exhibited and will be sent to Government Departments.

### **Other Group Comments**

#### **Manager - Economic Development Unit**

**(a) *Lismore City Airport rezoning to establish a new terminal***

The Lismore Economic Development Unit has been intimately involved with the proposed new terminal establishment and is extremely supportive of this rezoning.

The rezoning will allow the establishment of a modern terminal facility with highway access and better transport access including public transport. Passenger volumes have continued to grow beyond the capacity of the current terminal.

There is also insufficient space available at the current terminal site for a new facility and this area also has the added disadvantage of clashes between general aviation activities and regular passenger transport aircraft.

**(b) *Rezoning of land at Tuncester to 4 Industrial Zone to permit the development of "offensive or hazardous industry"***

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Lismore has a severe shortage of suitably zoned industrial which is flood free and remote from intensive residential areas.

This was identified in the Industrial Land Study conducted by Lismore City Council in 1995. The same study also identified the Tuncester area as being "originally developed for use by hazardous and offensive industries, and those types of uses should be encouraged to continue to develop within the precinct". (Section 4.4, Industrial Land Study, 1995)

Lismore has a solid core of manufacturing activities with 1491 people employed by this section. The Lismore Economic Development Unit receives many enquiries from local businesses wishing to expand, and new businesses looking to establish in the city's industrial precincts. The limited availability of floodfree vacant land has restricted local business growth. The proposed rezoning can only assist with the supply for this demand.

(c) ***Service Station adjacent to the Hilltop Hotel, Bruxner Highway, Goonellabah***

For several years there has been a perceived market demand for a Service Station on the southern side of the Bruxner Highway due to lack of such facilities. This has not eventuated due to restructuring of the fuel industry, however the demand has remained. The proposed project would supply this demand and also provide benefits of employment and a revenue injection for the local construction industry.

### **Group Manager-City Works**

1. ***Airport Terminal:***

Access will be obtained from the Bruxner Highway and will require the construction of a dedicated intersection similar to a Type 3 which will include some storage lanes and painted medians.

Assuming passengers from smaller aircraft and support staff account for 10% of the traffic (*it is also assumed that other smaller aircraft will not land and depart at a similar time*), the major carrier therefore will have little effect on hourly volumes.

***Highway:***

We will need an intersection capable of handling a current Highway traffic volume of 9,000 vehicles per day and (say) a maximum count of 1,000 vehicles per hour; with the potential to grow to approximately 15,000 vehicles per day within the design life of the intersection.

***Access Road:***

The new road into the airport will need to be capable of handling approximately 260 vehicles per day with a volume of approximately 80 vehicles per hour. The likely worst case within the next five to ten years is approximately 350 vehicles per day with a peak volume of 110 vehicle movements per hour.

2. ***Rifle Range Road, Tuncester:***

This proposal will increase the traffic volumes on Rifle Range Road by a factor of approximately 10 or 12 and therefore the impact on Rifle Range Road must be carefully considered. Clearly Rifle Range Road will need to be upgraded to a minimum bitumen

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## LEP Amendment No. 51 - Second Quarterly Amendment

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standard of two (2) lanes, plus parking facilities, and built to a standard to effectively cater for heavy traffic on a regular basis.

Turning from Rifle Range Road towards Lismore will be the most common movement and one in which conflicts could occur. The intersection will require widening and painted islands.

It is assumed that the likely traffic flow across the intersection to Rosehill Road will be small. Unfortunately, this movement has the most potential for conflict. The intersection needs to be designed in accordance with relevant RTA / Ausroads Standards.

### 3. *Proposed Service Station - Ballina Road, Goonellabah, near Hilltop Hotel:*

I envisage no real traffic problems with this facility provided all access is obtained from the Hilltop Hotel side of the road. It is anticipated that in the longer term this section of road will be upgraded to two (2) through lanes each way, plus a parking lane; all separated by a centre median.

It is also likely that this upgrade will create a centre median at Pindari Crescent which will prevent east-bound traffic from turning right at Pindari Crescent.

The Service Station access will be via vehicles turning left into the Service Station and then exiting in the same manner. It will not be possible for east-bound traffic to turn into the Service Station as a centre median will need to be constructed as part of the DA .

Assuming this application is approved, it will be necessary for the Developer to construct the kerb and gutter and parking lane to fit into the future design of this section of road.

## **Conclusion**

Draft Amendment No. 51 contains three rezonings which can assist in economic development and employment creation in Lismore, and an additional matter which may avoid Council expenditure on the purchase of land.

The draft LEP falls within the guidelines for the use of the Director-General's delegations to Council for LEP preparation.

As all necessary information has been provided in the rezoning applications it is considered that there should be no requirement for a formal Local Environmental Study.

The draft amending LEP and Maps follow this report.

## **Recommendation (PLA75)**

It is recommended that pursuant to Section 54 of the Environmental Planning and Assessment Act, Council resolve to prepare draft Amendment No. 51 to Lismore Local Environmental Plan 1992 containing the following matters:

- 1 Rezoning of land at Lismore Airport for the development of the new terminal.
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# **LISMORE CITY COUNCIL - Meeting held October 27, 1998**

## **LEP Amendment No. 51 - Second Quarterly Amendment**

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- 2 Rezoning of land at Tuncester to 4 Industrial Zone in accordance with Council's Industrial Land Study.
- 3 The development of a service station adjacent to the Hilltop Hotel, Bruxner Highway, Goonellabah.
- 4 Insertion of a clause relating to land zoned 6(a) Recreation to the effect that Council is not required to purchase the land so zoned if it has resolved to rezone it.

# LISMORE CITY COUNCIL - Meeting held October 27, 1998

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**Subject/File No:** LISMORE FLOOD MITIGATION SCHEME  
(WJM:VLC:S107)

**Prepared By:** Group Manager - City Works

**Reason:** Provide an update on the current position.

**Objective:** Council to reaffirm the proposed levee alignment.

**Management Plan** Emergency Services

**Activity:**

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## **Background:**

Council, at its Special Meeting of November 26, 1996, considered a number of flood mitigation options and ultimately resolved to adopt Option 2 (1-in-10-year flood levee for Central Lismore), detailed in Points 1 to 4 (*copy attached as Appendix 1*).

Since that time the Lismore Levee Steering Committee has been working with Consultants to compile a thoroughly researched and viable levee scheme. This is now nearing completion and it is anticipated that an EIS will be placed on public exhibition early in 1999.

Point 4 of the above resolution reads -

*"Prior to exhibition of the Environmental Impact Statement, Richmond River County Council consult with and obtain the agreement of Lismore City Council regarding route plans and concept designs for the sensitive sections of the levee."*

On December 16, 1997, a report was submitted to Council detailing the proposed alignment for the 1-in-10-year levee scheme. Council subsequently resolved that, *"Council request the Richmond River County Council to include the attached levee alignment plan in the soon to be advertised EIS for Lismore"*.

## **Current Situation:**

This report is to confirm that the Steering Committee has been working towards a levee solution in line with Council's resolution of December 16, 1997. Minor changes at the corner of Gerard and Victoria Streets have been necessary to include a recently constructed sewer pumping station within the levee system.

Since this resolution, a great deal of time and resources have been committed to the design of the levee; the principal aim being to ensure that, when the levee is overtopped in a major flood event, the damage is kept to a level below that which would have occurred before the levee was constructed.

## **LISMORE CITY COUNCIL - Meeting held October 27, 1998**

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Considerable effort has also been given to ensure available evacuation routes are kept open for the maximum possible time. The availability of effective evacuation routes has a direct relationship to the amount of property lost and the number of people exposed to danger.

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## Lismore Flood Mitigation Scheme

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The current levee proposal almost doubles the available evacuation time for floods up to 1-in-100-year events when compared against the 'no levee' situation. This will be of huge advantage to residents and shopkeepers, not to mention the emergency service organisations; all of which usually evacuate under extreme weather conditions.

Particular care has been taken with the levee system adjacent to Spinks Park as this area has a high visibility. To minimise the visual impact, the levee has been constructed as low as practicable with a high level of landscape design.

To portray this aspect to the public, the firm, Virtual Architecture, has been engaged to produce colour images/photographs of the following areas of high visual impact. The process has involved the photographing of existing sites and using latest technology to impose the completed levee onto the photograph.

Photo images of the following sites will be available for display at the Council Meeting. The sites selected comprise -

- Lismore Police Station
- Spinks Park near the Transit Convenience Centre
- Spinks Park near the Lismore City Bowling Club
- Heritage Park.

The Steering Committee is now confident that the levee can be blended into the Spinks Park environs without substantial impact on the amenity of the above areas. It is anticipated that further enhancement of the landscaping proposals will occur as part of the public exhibition process when the community will be given the opportunity to provide valuable input into the aesthetics of Lismore into the next Century and beyond.

Messrs Lindsay Walker (Chairperson of the Steering Committee) and Scott Abbey of Sinclair, Knight & Merz will be in attendance at the Council Meeting to present the photo images and elaborate on the proposed levee route.

**Manager - Financial Services Comments** N/A

**Public Consultations** Covered as part of the public exhibition process of the EIS.

**Other Group Comments** N/A

**Recommendation** (WOR27)

1. That Council reaffirm the levee route as outlined in the SKP Report to this meeting.
  2. That Council concur with the proposed treatment of the levee wall through the sensitive areas of Lismore, as presented to Council in the visual displays supplied by "Virtual Architecture".
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# LISMORE CITY COUNCIL - Meeting held October 27, 1998

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**Subject/File No:** ROCHDALE HALL MANAGEMENT AGREEMENT  
(GRD:CD:P583)

**Prepared By:** Graeme Davis - Property Services Manager

**Reason:** Termination of current Agreement (December 31, 1998)

**Objective:** For Council to acknowledge input into the Centre and financial contribution over the past 20 years

**Management Plan** N/A

**Activity:**

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## **Background:**

On Property Services advice, Council entered into a structured Management Agreement for Rochdale Hall with the Lismore Theatre Company (LTC) on January 1, 1994 for a term of five (5) years. Such agreement not only provided for the day-to-day management of Rochdale Hall, but opened a window of opportunity to obtain funding to upgrade a public asset possibly over 50 years old.

With the existing lease set to expire on 31 December 1998, it is appropriate to consider the ongoing arrangements for the management of Rochdale Hall in the context of the advice of the Property Services Manager.

The LTC has a "self-interest" in the Hall as it is considered their "home" and has been for over 20 years. Much of the goods and chattels within the Theatre belong to the LTC. Should Council elect to call public submissions for the management of the Hall, then any interested parties would need to acknowledge the LTC's right to remove such equipment at any time and either Council or the new party/parties would need to provide funds to either purchase back the goods or provide new equipment.

In presenting this report, Property Services is mindful of the provisions of Section 55 of the Local Government Act however in Property Services' opinion Rochdale Hall is a special case. Accordingly it is appropriate to acknowledge the contribution made by the LTC and provide for an ongoing arrangement without calling for public submissions.

## **Public Consultations**

Discussions have been held with the LTC outlining the two alternatives, i.e. public tendering or selective tendering and their views are expressed in this report.

## **Other Group Comments**

**Manager Client Services:** Under the provisions of Section 55(1) of the Local Government Act, 1993, Council would normally call tenders for the Management Contract for this Hall due to the contract involving:

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*“a contract requiring the payment of instalments by or to the Council over a period of two or more years”.*

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## Report - Rochdale Hall Management Agreement

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In this instance it is recommended that Council not call tenders, but instead award the contract to Lismore Theatre Company in accordance with the Property Services Manager's recommendation.

This is permissible under Section 55(3) of the Act, which says:

“(3) This section does not apply to the following contracts:

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- *a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reason for the decision) that a satisfactory result would not be achieved by inviting tenders;”*

In this instance the extenuating circumstances are:

- The input to the state of the Hall by the LTC;
- The low value of the proposed payment to Council by the LTC (meaning that Council is not likely to be foregoing a potentially large income by not calling tenders);
- The work in kind by the LTC in maintaining Rochdale Hall. This is clearly to the community's advantage in having a proven high quality management arrangement for the Hall.

**Expenditure Accountant:** From a financial perspective, this would appear to be a reasonable outcome for this property.

After maintenance and general rates, the rental income returns approximately \$100 per annum to Council's operations. This return is complimented by the fact that the facility costs little in the way of 'indirect' administration and provides a community service, which has been supported over the last 20 years.

As an alternative, as we own this property, Council could consider selling this facility and using the funds to upgrading an existing facility, say the City Hall. This would consolidate our property interests, which are deteriorating at the current rate of annual funding.

**Recreation Planner:** The Recreation Planner, having read this report, concurs with the recommendations.

**Group Manager Planning and Development:** The Group Manager Planning and Development, having read this report, concurs with the recommendations.



## Report - Rochdale Hall Management Agreement

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### Recommendations (ENT31)

1. That Council resolve not to call public tenders for the management of Rochdale Hall, as the input by the LTC over the last 20 years (in kind) is clearly in the wider community's interest and contributes greatly to the operational efficiency of the Hall.
2. That Council retains ownership of Rochdale Hall, for as long as it can provide a public facility to the Goonellabah community, at a "break-even" financial position. Should this situation change (at whatever point in time), then an investigation into the possible sale be undertaken forthwith.
3. That Council invite the Lismore Theatre Company (LTC) to enter into a new management agreement over the public hall/theatre (Rochdale) situated at 159 Ballina Road, Goonellabah for a term of 5 years.
4. That the Mayor and General Manager affix the seal of Council to the agreement when presented.

# LISMORE CITY COUNCIL - Meeting held October 27, 1998

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**Subject/File No:** NOTICE OF MOTION - ABANDONMENT OF WATER CONSUMPTION CHARGES AS A RESULT OF A MAJOR BREAK (CWK:CD:S303)

**Prepared By:** Craig Kelly - Group Manager, Business & Enterprise

**Reason:** Seeking Council's Clarification On Above Policy

**Objective:** To Enable Staff to Implement Policy.

**Management Plan Activity:** Water Services

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## **Background:**

Council, at its Ordinary meeting held September 15, 1998, considered a Notice of Motion that excessive water consumption charges caused as a result of a major break be forgone under certain conditions. Following consideration of the Notice of Motion, Council adopted the policy as follows:

- 1. "On the occasion where a property's water reading identifies a substantial increase in consumption due to a major break in the lines leading to the house, that the cost for water for that period be averaged against previous accounts for water usage.*
- 2. This policy be implemented only for major breaks and the owner and/or plumber verifying the break provide sufficient proof.*
- 3. This concession shall only apply once per household.*
- 4. This policy be retrospective to outstanding situations on a merit basis."*

Following adoption of the policy, Council received an application from the Lismore Rugby Club seeking consideration of their water account under this policy (copy attached). Council now must clarify the policy adopted so as to enable the policy to be implemented. To do this a number of key clauses and possible interpretations are included below.

- *'Substantial increase'* - an increase in excess of 200% over the average of the four previous accounts would rate as substantial;
  - *'Major break'* - this indicates that only a break qualifies, a faulty washer in a toilet, dripping, taps, hoses left running, or a ballcock knocked off a cattle water trough are not 'breaks';
  - *'Lines leading to the house'* - this indicates the policy only applies to houses and then those lines leading thereto;
  - *'Sufficient proof'* - a letter from a qualified plumber and a statutory declaration from an owner would be acceptable where the break is not sighted by a Council employee;
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# LISMORE CITY COUNCIL - Meeting held October 27, 1998

## Notice of Motion - Abandonment of Water Consumption Charges as Result of Major Break

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- *'Once per household'* - ideally the concession should be linked to the consumer, however it may only be practical to allocate to the household. Council does not presently have the means to track a consumer who relocates within the Lismore LGA. Council does, however, have the facility to note allocation of the concession against the property record;
- *'House' and 'Household'* - indicates that this concession is only available to residential consumers and excludes all non-residential consumers (including commercial properties);
- *'Merit basis'* is not a concise term. The practical solution is that the consumer bears the burden of proof to justify the merit of the situation.

### Authorisation:

The General Manager or his nominated delegate must approve all applications successful in meeting the criteria.

### Expenditure Accountant's Comments

There has been no provision allowed for the funding of this expenditure in the budget.

Research indicates that if this concession had been applied to every service which had increased consumption in excess of 200% of the average during 1997/98, the total concession would amount to over \$22,500.

### Recommendations (ENT35)

It be recommended that:

1. An increase in excess of 200% over the average of the four previous accounts be rated as substantial.
  2. Only a break in the lines leading to the house would qualify.
  3. The concession only be available to houses and excludes non-residential consumers.
  4. A qualified plumber and a statutory declaration from the owner is sufficient proof where a Council staff member does not view the break.
  5. The concession to be linked to the property and only to be granted once.
  6. The consumer must justify 'merit' for consideration.
  7. The General Manager or his nominated delegate must approve the 'merit' referred to in Recommendation 6 above.
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# **LISMORE CITY COUNCIL - Meeting held October 27, 1998**

## **Notice of Motion - Abandonment of Water Consumption Charges as**

### **Result of Major Break**

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8. Based on actual claims paid, a specific funding allocation may be required for consideration as part of the budgeting process - this should be reported at quarterly budget reviews.

# LISMORE CITY COUNCIL - Meeting held October 27, 1998

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**Subject/File No:** LAND CLASSIFICATION OF PROPOSED ACQUISITION OF  
28 CITY VIEW DRIVE, EAST LISMORE  
(GRD:CD:P25878)

**Prepared By:** Graeme Davis - Property Services Manager

**Reason:** To comply with S34 of the Local Government Act 1993

**Objective:** To have Lot 6 DP 865421 classified as Operational Land in accordance  
with S31 of the Local Government Act 1993.

**Management Plan** N/A

**Activity:**

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## **Background:**

At its meeting on August 25, 1998 (Minute No. 327/98), Council resolved to adopt a report from the Group Manager Planning and Development on the subject of the property acquisition at 28 City View Drive, East Lismore, being part of the Wade estate, East Lismore. Council further resolved that, on transfer of such land, Lot 6 DP 865421 be classified as Operational land in Council's Land Register.

In accordance with the Local Government Act 1993 (Part 2 Chapter 6), Council was required to advertise its intention to classify Lot 6 DP 865421 as "Operational Land" and call for any submissions prior to confirming this action.

The advertisement for the intent was notified via Council's Newsletter on Thursday, September 3, 1998 and, as at Tuesday, October 6, 1998 (after the 28 days Public Notice), no such objections have been received. Accordingly, Property Services now makes the following recommendations.

## **Public Consultations**

By public notice dated September 3, 1998.

## **Recommendations (ENT33)**

1. That Lot 6 DP 865421, being open space situated 28 City View Drive, East Lismore, be confirmed as Operational Land on transfer from Mr Wade to Lismore City Council.
  2. That Lot 6 DP 865421, on transfer, be recorded in Council's Land Register as Operational Land.
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# LISMORE CITY COUNCIL - Meeting held October 27, 1998

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**Subject/File No:** AIRPORT ADVISORY PANEL  
(CWK:CD:P9733)

**Prepared By:** Group Manager Business & Enterprise - Craig Kelly

**Reason:** Consideration of Council

**Objective:** Approval of members of the Airport Advisory Committee.

**Management Plan**                      Airport  
**Activity:**

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## **Background:**

Council resolved, at its meeting of August 4, 1998 (Minute 307/98), to restructure the existing Aerodrome Advisory Panel (the Panel) in accordance with the recommendations of the new airport terminal feasibility study. This involved the inclusion of a number of industry and user groups being represented on the new panel.

The Councillor nominations received for the Panel were:

- *Cr John Crowther*
- *Cr Merv King*

From general advertising and enquiries the following nominations were received:

- *Aero Engineering (1)*                      *Mr Barry Waters - Aero Enterprise Pty Ltd*
  - *RPT Operators (2)*                      *Mr Maurice Gahan - Hazelton Airlines*  
   *Mr Colin Fanning - Impulse Airlines*
  - *Aero Club (1)*                              *Mr George Sommerville*
  - *General Aviation (1)*                      *Mr David Wright*
  - *Chamber of Commerce (2)*              *Mr Dick Smith - Aspect North*
  - *Public Transport Rep (1)*              *Mr Peter Joyce - Lismore Taxis*
  - *Southern Cross University (1)*        *Mr Kerry Fenton - Facilities Manager*
  - *State Government (1)*                  *Mr Andrew Winton-Brown - Public Works Dept.*
  - *Community Representatives (1)*        *Mr Habie Habib*  
   *Mr John Habib*
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# LISMORE CITY COUNCIL - Meeting held 27 October 1998

## Report - Airport Advisory Panel

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### Public Consultations

Advertisements were placed in the weekly Council newsletter calling for interested members of the public to nominate for the panel.

### Conclusion

All positions were filled by the appropriate number of applicants, apart from Community Representatives where two nominations were received for one place and Chamber of Commerce Representatives where one application only was received for two possible places.

For the Community Representative, Mr Habie Habib has an association with the airport for some 28 years and Mr John Habib is the current Reporting Officer for the airport. The Reporting Officer is a statutory position required of an airport operator. As Mr John Habib has the role of Reporting Officer, it was expected that he would attend Panel meetings to respond to the business therein, however he would not be allocated a voting position. This is consistent with the role undertaken by Mr Malcolm Hawkins, the airport manager and myself as Group Manager responsible for the airport. Accordingly it is recommended that Mr Habie Habib be allocated the Community Representative position on the Panel.

It is proposed that Council write to Lismore Unlimited to seek a further representative of the Lismore business community.

### Recommendation (ENT37)

The Airport Advisory Panel be constituted of the following members:

- *Lismore City Council (2)*                      *Cr John Crowther*  
*Cr Merv King*
- *Aero Engineering (1)*                      *Mr Barry Waters - Aero Enterprise Pty Ltd*
- *RPT Operators (2)*                      *Mr Maurice Gahan - Hazelton Airlines*  
*Mr Colin Fanning - Impulse Airlines*
- *Aero Club (1)*                                  *Mr George Sommerville*
- *General Aviation (1)*                      *Mr David Wright*
- *Chamber of Commerce (2)*              *Mr Dick Smith - Aspect North*
- *Public Transport Rep (1)*              *Mr Peter Joyce - Lismore Taxis*
- *Southern Cross University (1)*        *Mr Kerry Fenton - Facilities Manager*
- *State Government (1)*                  *Mr Andrew Winton-Brown - Public Works Department*



# LISMORE CITY COUNCIL - Meeting held 27 October 1998

## Report - Airport Advisory Panel

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- *Community Representatives (1) Mr Habie Habib*

# LISMORE CITY COUNCIL - Meeting held October 27, 1998

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**Subject/File No:** DISPOSAL OF SURPLUS COUNCIL URBAN PROPERTY  
(GRD:CD:S367)

**Prepared By:** Graeme Davis - Property Services Manager

**Reason:** Review of Council Properties following a Council Workshop held September 30, 1997

**Objective:** To confirm Property Services recommendations via report of 14 July, 1998.

**Management Plan** N/A

**Activity:**

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## Background:

Council will recall previous meetings and supplementary reports on the subject of the possible sale of surplus Council urban property and, in particular, Property Services Report of July 14, 1998 in that the following was resolved (Minute 239/98 refers).

“239/98

1. *That Walker and Newton, Consulting Surveyors and Planners, be engaged to undertake a study of the six allotments identified in this report and currently classified as community land, in order to present a background study sufficient for Council's Planning and Development Group to commence an LEP amendment to enable the subject land to be re-classified to operational status. Details of the Study to be reported to Council prior to commencing the LEP amendment process.*
  2. *Following gazettal of the operational classification of such lands, the approved lots be offered for sale.*
  3. *That property No. P5671, being 301 Keen Street, Lismore, be approved for disposal, **but** not listed until the levee system is identified and the Gas Works site is remediated.*
  4. *That the two remaining allotments identified in this report and already classified as operational land, namely P6648 and P14792, be offered for sale.*
  5. *That Council's Business and Enterprise Group, following a competitive selection process involving the submission of appropriate marketing strategies engage a licensed real estate agent to dispose of the subject allotments on Council's behalf.*
  6. *That the General Manager be authorised to approve the Contracts of Sale for each allotment for consideration no less than 15% below an independent market value established for each allotment.*
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7. *That the Council seal be affixed to the contracts of sale and transfer documents for the properties detailed within the report.”*

# LISMORE CITY COUNCIL - Meeting held October 27, 1998

## Disposal of Surplus Council Urban Property

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As a result of Mr Walker's investigation, the following properties were found to be, (in the view of Business and Enterprise Group), surplus to Council's needs and, if re-classified to Operational status via S27 of the Local Government Act 1993, should be offered for sale as soon as the subject sites can be re-classified (Annexures A to C refers).

PROPERTY NUMBER	ADDRESS	CLASSIFICATION OPERATIONAL/ COMMUNITY	ZONING	AREA
P23555	15 Westview Drive	Community	2(a)	980m <sup>2</sup>
P1020	3 Barr Scott Drive	Community	2(a)	1200m <sup>2</sup>
P6943	52 Mountain View Drive	Community	2(a)	522m <sup>2</sup>

In regards to the remaining lots as described in Annexures D to F, ie.

PROPERTY NUMBER	ADDRESS	CLASSIFICATION OPERATIONAL/ COMMUNITY	ZONING	AREA
P18049	116 Mountain View Drive	Community	2(a)	660.8m <sup>2</sup>
P3117	51 Deegan Drive	Community	2(a)	522m <sup>2</sup>
P4862	8 Holmesleigh Drive	Community	2(a)	769m <sup>2</sup>

It was considered again by Business and Enterprise Group that such allotments were strategically and environmentally sensitive and should not be disposed of.

Subsequently, in view of Property Services previous recommendations, as outlined in Minute 239/98 of July 14, 1998, the following action is now recommended and on advice to Business and Enterprise Group that such action is gazetted, the disposal procedures can commence forthwith.

### Expenditure Accountant's Comments

Financial Services supports the proposal to disposal of land identified as surplus on the basis that it will:

- a) reduce maintenance liability costs such as mowing etc.,
- b) provide more funds to maintain core facilities; and
- c) provide more funds to improve core facilities.

The sleeping issue that has not been addressed is 'what do we do with the sites that are surplus but cannot be sold'.

Also, the criteria for future potential land acquisitions needs to be clarified so as purchases strictly meet requirements.

### Public Consultations

Via LEP process.

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# LISMORE CITY COUNCIL - Meeting held October 27, 1998

## Disposal of Surplus Council Urban Property

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### Other Group Comments

#### **City Works Group - Parks and Reserves comments - (Sandy Pimm - Parks & Reserves Technical Officer):**

The Parks & Reserves department have been trying to reduce our maintenance budget for some time. Therefore we see the disposal of parkland which is unsuitable for community use as a positive move in this direction. With regard to the three parcels of land identified within this report, Parks & Reserves supports the proposed move to reclassify No. 15 Westview Drive and No. 3 Barr Scott Drive, but does **not** support reclassification of No. 52 Mountain View Drive due to significant vegetation contained within the lot. Five remnant rainforest trees exist on-site, all mature specimens between 10 and 20 metres in height. Locating a house on the site would mean removal of all or most of these trees.

It should also be noted that where land has been dedicated in lieu of developer contributions and Council resolves that the land is to be reclassified from community to operational, then section 32 (2) of the Local Government Act 1993 applies. This section states that "A Council may make such a resolution only if it is satisfied that the land has been found to be unsuitable for the provision, extension or augmentation of public amenities and public services because of any one or more of the following:

- the size of the land
- the shape of the land
- the topography of the land
- the location of the land
- the difficulty of providing public access to the land."

I consider all three land parcels recommended to be scheduled for LEP amendment to be unsuitable on one or more of the above grounds.

#### **Group Manager Business & Enterprise - Craig Kelly**

The comments of the Parks and Reserves Technical Officer are noted. The overall unsuitability of 52 Mountain View Drive for any passive or active purpose (refer to the comments of Walker and Newton - Consultant Surveyors and Planners in Attachment C) does not justify retention by Council in the view of Business and Enterprise. On discussion of this parcel with Council's Planning and Development staff, the option of altered setback or other concessions should be considered as part of the reclassification process. This may ultimately lead to the development of this parcel with minimal or no impact on existing trees.

### Conclusion

In accordance with the current comments, Property Services make the following recommendations.

### Recommendations (ENT34)

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# LISMORE CITY COUNCIL - Meeting held October 27, 1998

## Disposal of Surplus Council Urban Property

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- 1) That, in regards to Item 1 of resolution 239/98, this report be received and noted and the following action be approved.
  - a) Property No. P2355 being 15 Westview Drive, Goonellabah;
  - b) Property No. P1020 being 3 Barr Scott Drive, Goonellabah; and
  - c) Property No. P6943 being 52 Mountain View Drive, Goonellabah;be scheduled on the next available LEP for re-classification to Operational status.
  
- 2) That, in regards to the Expenditure Accountant's comments as to "what options remain open for the allotments that are surplus and are recommended not to be sold", City Works Group (Parks and Reserves Section) undertake a land assessment of the sites and implement a maintenance strategy which will limit outgoings and the on-going financial drain on Council.

# LISMORE CITY COUNCIL - Meeting held October 27, 1998

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**Subject/File No:** OPTIONS FOR EXTENSION OF THE WYRALLAH ROAD WASTE FACILITY  
(KW:P25041)

**Prepared By:** Manager – Waste Services, Kieran Wade

**Reason:** Recommendations from Council Workshop held July 7, 1998

**Objective:** To extend the life of the existing Landfill Waste Facility.

**Management Plan** 6.2 Waste Management Services

**Activity:**

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## **Background:**

Council held a workshop on July 7, 1998 to discuss the “big picture” on the current and proposed future operations of the Wyrallah Road Waste Facility. At that workshop it was then the view of Council that the existing Wyrallah Road Waste Facility had a life of approximately 14 years. Following the implementation of new Environmental Protection Authority requirements that the tip face be covered daily as opposed to monthly, forecasts of the life of the facility have reduced to ten years.

One of the recommendations from the Workshop was that a report on options for waste facilities for Lismore be submitted to Council. The following list of options are submitted for consideration:

1. Extension of the existing landfill site to the west through acquisition of additional contiguous land.
2. Piping of open drain between Car Wrecking Yard and Weighbridge.
3. Raise the height of the walls to the maximum height.
4. Acquisition and development of a new site.

- **Options:**

**Option 1:**

**Extension of the existing landfill site to the west through acquisition of additional contiguous land.**

These acquisitions would extend the life of the waste facility by an additional ten (10) years to the year 2018 approximately. Importantly, this would allow Council to expand its operations without relocating the Waste Facility.

As a guide, the estimated total acquisition and establishment costs would be in the order of \$1,000,000.

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# LISMORE CITY COUNCIL - Meeting held October 27, 1998

## Report - Options for Extension of the Wyrallah Road Waste Facility

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This option would require Council to consider purchasing two (2) properties fronting Gundurimba Road (128 and 153 Gundurimba Road), thereby allowing Council to use the adjoining land purchased three (3) years ago by Council for future extension of the current Waste Facility Operations (map attached).

Both acquisitions will be necessary to provide the required 250 metre buffer zone from the tip working face on Council's existing land, as required the Environment Protection Authority Landfill Guides.

Our approach to this matter would be to negotiate an "Option To Purchase" agreement, with purchase conditional upon receiving all necessary statutory approvals to extend the waste facility.

- **Option 2: Piping of the open drain**

This option will provide up to an additional three (3) years life for the facility on top of the existing life of ten (10) years based on current projections.

The piping of the open drain which is located between the Car Wrecking Yard and Weighbridge and commencing from the roadway at the northern end of drain near Manager - Waste Services office.

It has been calculated that a 900mm diameter concrete pipe with rubber rings would be required for these pipeworks which will extend a distance of approximately 170 metres in length. The cost to construct 170 metres of pipe work plus associated site cost is estimated to be \$130,000.

This option is subject to approval by the Environmental Protection Authority.

- **Option 3: Raise the height of walls to the maximum height**

The costs and outcomes of this option are dependent on the outcomes of Option 1 and 2 above. The larger the area available for enclosure the greater the volume increase to the facility.

It is anticipated that the life of the facility could be extended by approximately further ten years or more based upon the existing facility. Council's consultants, Woodward-Clyde, have been instructed to model the life of the facility based on the inclusion of the proposed areas in Option 1 and Option 2, showing the maximum wall height possible while still complying with the Environment Protection Authority requirements. The potential extension of the life of the facility encompassing this area is not yet available.

The final finished wall levels will require the approval of the Environment Protection Authority as part of the on-going upgrading of the LEMP for the Waste Facility.

As a guide, this option is feasible but would require Council to access over 50,000m<sup>3</sup> of clay (pug) material to construct the external walls higher. The cost of this material would be dependent on availability and access to site.

# LISMORE CITY COUNCIL - Meeting held October 27, 1998

## Report - Options for Extension of the Wyrallah Road Waste Facility

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- **Option 4: Acquisition and development of a new site**

The cost of this proposal would be approximately \$2 - \$4million due to the necessity to acquire land, construct the required infrastructure, preparation of a LEMP and gain all the necessary approvals. This proposal could take three (3) to five (5) years to gain all necessary Statutory Approvals.

The pre-requisite conditions that are required for a new waste facility include:

1. Meet all the current statutory requirements of the Environmental Protection Authority and the Department of Urban Affairs & Planning.
2. Access to reticulated water supply.
3. Minimum site area of 40 Ha.
4. Above the 1 in 100 year flood level.
5. No closer than 1 km to residential development or proposed future residential development.
6. Clay base material as preferred liner
7. Suitable gravel for cover and internal roads.
8. Located within 10 km of Lismore Post Office.

### **Waste Strategy Officer's Comments**

My first and very strong comment is that the life of the Wyrallah Road Waste Facility is highly probable to be terminal. Any decision to invest capital in extension of, or modification to, the existing site must carefully consider whether the investment would be better made on a more sustainable approach to waste disposal and resource recovery and reprocessing or on establishing access to a "guaranteed" long term site (or sites).

It is my professional judgement that at some point in the near future (projected within the next three to eight years) we will be faced with a need to relocate off the existing site due to one or many of the following factors;

- more stringent environmental management controls leading to prohibition of landfill operations on ANY flood plain (this is one of the major reasons for the severe problems experienced by Byron Shire in their attempts to get an extension to the Myocum Waste Facility. This is also the reason for closure of several small landfills in the Region in the past two years)
- potential for groundwater contamination on the existing site may already be high. Any additional hydraulic pressure through vertical extension will only increase this risk.
- proximity to Monaltrie Creek is a concern but especially the suggestion to cover the drain that runs to Monaltrie Creek and fill over with waste is highly risky.
- residential and other development will encroach on the sloping land to the west and north of the facility. Mandatory buffer zones may not be sufficient to prevent future conflicts especially over odour in the neighbouring air shed (real or perceived levels of odour will be subject to increasing scrutiny and lead to grater pressure to relocate).

# LISMORE CITY COUNCIL - Meeting held October 27, 1998

## Report - Options for Extension of the Wyrallah Road Waste Facility

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An additional issue for consideration is waste transportation through urban areas will become more regulated. Access to the existing facility sees a large number of vehicle movements along Wyrallah Road and thus through the Wyrallah Road shopping centre precinct, an extended length of residential area and past two school facilities. Such routes may become less than desirable in the future.

In addition to the above management of modern waste facilities requires implementation of a large range of environmental controls more stringent (closer to best practice) than those already in place. Better management of the Wyrallah Road Waste Facility may require “retrofitting” some of these technologies or approaches.

Rather than investing capital in bringing the existing facility up to full specification with best practice technology and techniques (for an operational life extension of say 10 years!) it may be better to “patch up” the existing facility to allow operation for a short period and invest most of our capital and human resources in identifying, purchasing and commissioning a new facility (or technology) capable of lasting many decades.

### W.S.O Conclusion

It disappoints me to have to say I am reluctant to support any of the options presented.

The best option by far is to concentrate on maximising the life of the existing cell and working **very hard** on identifying a much more sustainable long term solution through new technologies or by locating a more appropriate long term site.

Of the options presented I:

- suspect that Option One (western extension) will be stymied by the EPA and or DUAP by virtue of the fact that the parcels of land concerned are flood effected and therefore prohibited from use as landfill sites. If we proceed with this option we may have to sub-divide the parcels to make two lots; one in flood and one out of flood or, split the allotment classification as part operational/ part community if this is legally/ administratively possible.
- reject Option Two (piping of open drain) outright as too risky and too expensive for too limited benefit.
- am highly sceptical of Option Three (vertical extension) due to potential for bund wall slump and increased groundwater contamination risks associated with increased overburden mass on landfill base.

I can only conclude with the strongest possible recommendation that Council **ACTIVELY** and very rapidly commence a detailed search for new technologies or sites suitable for providing a long term more sustainable solution.

Sub-regional co-operation on this issue and cross boundary research is very strongly advised.

### Group Manager Business & Enterprise's Comments

The comments and conclusions of the Waste Services Officer are noted. These are potentially a reflection of the future direction of EPA regulation of waste sites.

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# **LISMORE CITY COUNCIL - Meeting held October 27, 1998**

## **Report - Options for Extension of the Wyrallah Road Waste Facility**

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The options proposed by the Manager Waste Services in this report are merely options. Rigorous and thorough evaluation of both cost and regulatory constraints must be undertaken before any further action.

On the basis of cost Options 1 through 3 have some merit and the recommendations made in the report are supported accordingly.

### **Expenditure Accountant's Comments**

From a financial point of view, it would be preferable to proceed with Options 2 immediately as it increases the life of the facility by 3 years and utilises the existing site, so the need and cost of infrastructure development is minimised.

At the same time, it would be appropriate for Option 1 and 3 to be pursued so as to determine the likely cost of acquisition, development and more importantly, gaining the necessary statutory approval. The intention would be to find out if we could proceed and at what cost without making a firm commitment to purchase. Although the cost of these options would be substantial, it would provide a disposal site for approximately the next 20 years.

In general terms, there is no doubt that the cost associated with development of the existing site would be less than acquiring and developing a new site.

As the Wyrallah Road Waste Facility is funded on a "user pays" basis, the future development of the facility must be factored into the cost to the user.

To provide this information, a simple financial plan has been prepared for this facility. The plan takes into consideration all the likely cash inflows and outflows, and, based on anticipated disposal quantities, calculates an indicative cost per tonne disposal fee. Council has already determined the disposal fee for 1998/1999 at \$39 per tonne and \$42 per tonne for 1999/2000.

The plan proposes that the fee structure increase annually by CPI to \$62 per tonne in 2009/2010. Included in the plan is provision for rehabilitation (\$1.8 million) and future site development (\$1.1 million). It is anticipated that there will be sufficient funds available for the acquisition and development purposes listed in the report.

It should be noted that, these funds do not exist now, but will be accumulated and expended over the remaining life of the existing facility. Also, there may be substantial change in the plan as "better and timely" information is received.

### **Conclusion**

The Options provided are to help Council determine the direction it wishes to follow in relation to the provision of a Waste Facility for the residents of the Lismore Local Government Area.

### **Recommendations (ENT38)**

# **LISMORE CITY COUNCIL - Meeting held October 27, 1998**

## **Report - Options for Extension of the Wyrallah Road Waste Facility**

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1. That as a first priority, Council consult with relevant statutory authorities in order to determine the feasibility of options for extending the life of the existing waste facility, and a further report to be submitted to Council on the outcomes.
2. That in conjunction with Recommendation 1, Council commence a process of identifying sustainable, alternative, long term solutions for waste management including:
  - a) potential waste facility sites within the LCC area;
  - b) potential waste facility sites outside the LCC area which could be operated in conjunction with other Councils;
  - c) The use of alternative technologies to reduce reliance on and/or extend the useful life of future landfill operations.
3. Any costs associated with these investigations be funded from existing Waste Management Reserves.

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**Subject/File No:** SEPTEMBER 1998 QUARTERLY BUDGET REVIEW STATEMENT  
(RS: S699)

**Prepared By:** Expenditure Accountant - Rino Santin

**Reason:** Clause 9, Local Government (Financial Management) Regulations 1993

**Objective:** To gain Council's approval to amend the 1998/99 budget to reflect actual or anticipated results.

**Management Plan** N/A

**Activity:**

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## **Background:**

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

The basis of the September review is to 'fine tune' any budgets that may vary due to more accurate information being available now than during the estimates process. This includes the reinstatement of budgets for works or projects carried forward from 1997/98.

Council resolved during the 1998/99 Management Plan process that staff report on a strategy to reduce the adopted General Fund deficit. It is intended that this report will meet that objective.

## **General Fund**

The 1998/99 Management Plan provided for a working fund deficit of \$123,000. This review details a reduction in the deficit of \$56,000 to \$67,000.

The issue of how to deal with the deficit is now of critical importance. Previously, Council was advised of a \$206,000 reduction in the 'cost of superannuation'. It was anticipated that these savings would 'solve' the deficit. It has now come to light that there will be an excess payable on the workers compensation premium of \$151,000. Effectively, both of these items cancel each other out and there is no financial 'windfall' or no financial 'disaster'.

The full impact of these changes will be reported to Council with the December 1998 Quarterly Budget Review Statement, but the above scenario is seen to be indicative.

It is likely that management will achieve the objective of reducing the deficit for 1998/99, allowing for some unforeseen events, by good management and good fortune. This is not sustainable. The ability of management to manage effectively is severely hampered when a planned deficit budget is adopted. This provides no latitude to fund for potential variances during the course of the year. An example of the type of situations faced include:

- legal costs which have been extremely expensive and
  - a decline in income such as interest on investments or user charges.
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# LISMORE CITY COUNCIL - Meeting held October 27, 1998

## September 1998 Quarterly Budget Review Statement

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On this basis, Council's objective should always be to adopt at least a 'balanced budget' and ideally a 'surplus budget' to allow management flexibility.

For Council's information, listed below are details of the significant variances.

### General Purpose Revenues

There has been additional income of \$21,300 generated by rates as a result of all outstanding supplementary valuation information and other rating adjustments being processed. Unfortunately, this has been 'offset' by the trend of decreasing returns on 'interest on investment'. Consequently, these transactions have no impact on the deficit.

### Koala Child Care Centre

Centre management in consultation with Financial Services have reviewed the 1998/99 budget in light of the 1997/98 result.

Budget expectations have been amended to reflect the current usage rates. In general, operating revenues have been reduced by \$18,200 and expenses cut by \$20,100. The expenditure cuts included a staff redundancy. There is no impact on the deficit as a result of these adjustments.

There is a greater confidence in these changes resulting in a break even position. Operations during the year are to be closely monitored.

### Library

This change reflects the reinstatement of the \$25,000 budget for the consultants to undertake a feasibility study on the possible co-location of the Library and Art Gallery on the Terania/Gundurimba Chambers site. This budget is fully funded from the Library reserve.

### Environmental Health

In 1997/98, this Council co-ordinated the regional 'Phosphorous Reduction' campaign. Due to changes in staff priorities, it was not possible to do so in 1998/99. Included in the budget are revenues of \$25,000 and expenses of \$25,000. The purpose of this change is to reduce both to nil. As these accounts are offsetting, there is no impact on the deficit.

### Workshop & Fleet Operations

The 1998/99 Management Plan provides for a transfer from reserve of \$1,465,000 to fund plant purchases. This transaction is based on there being sufficient funds in reserves at June 30, 1998. The balance of the reserve is insufficient to meet the budget so a reduction in the allocation for plant purchases of \$52,600 is required. As the plant purchases and transfer from reserve budget are complementary, there is no impact on the deficit.

### Bush Fire Services

The adopted Nimbin Community Centre and Peace Park Management Guidelines provided for the construction of a new Nimbin Bush Fire to be funded from existing reserves for Nimbin. The station is currently under construction on this basis.

The amount allocated for this purpose is \$27,700 and it is fully funded from reserves.



# LISMORE CITY COUNCIL - Meeting held October 27, 1998

## September 1998 Quarterly Budget Review Statement

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### Parks & Reserves - Urban

The purpose of the majority of this adjustment is to reinstate 1997/98 Section 94 Open Space budgets to be completed this financial year. Some of the work locations include, Platypus Park, Shearman Park, Clifford Park, Captain Rous Park, North Goonellabah Link Park and Kadina Park. In total, it is anticipated that \$170,700 will be expended on these works this year. These works are fully funded by a combination of S94 levies and reserves. As such, there is no impact on the deficit.

### Recreation Services & Leisure

These changes recognise the full cost of the Albert Park Car Park construction of \$122,000. Council provided \$55,000 in 1997/98 and \$67,000 in 1998/99 for this purpose. It is anticipated that works will be completed shortly. There is no impact on the deficit as a result of this recognition.

Council resolved at the June 23, 1998 meeting that the General Manager report back to Council on proposals to fund the Albert Park Car Park.

As it is apparent from this review that no additional revenue funding is available, and the fact that works can not be deferred due to the necessity to comply with the development approval, it is proposed that the \$67,000 required in 1998/99 be funded from Property Reserves.

It is unfortunate that this option is submitted as there is little relationship between the origin of the reserve and this proposal, however, no relationship could be established with any other non committed reserve.

### Urban Roads

The purpose of the majority of these changes is to reflect the reinstatement of 1997/98 budgets for works carried forward or being completed across financial years. Some of these works include, Keen & Conway Streets Roundabout, Uralba Street Reconstruction and the Wyrallah Road Drain. All works are funded from reserves.

The other variation of substance is the funding provided for cycleway construction.

Included in the 1998/99 budget was \$140,000 for cycleways construction (\$120,000 - Lismore & \$20,000 - Nimbin) on the basis of matching funding (\$70,000) to be received from the RTA. The RTA have advised that only \$32,000 is available for 1998/99 on works in Oliver Avenue and Rous Road.

Due to the underlying budget deficit of \$123,000, it is proposed that the level of cycleway construction be limited to \$64,000, being that required under the grant conditions. This has reduced the budget deficit by \$38,000 and is included in the reported deficit reduction of \$56,000.

The net result of these changes and the recognition of additional rental income is a reduction in the deficit of \$46,900.

### Bridges

The 1998/99 Management Plan identified that Thorne Bridge was programmed for construction this financial year. By a combination of 1997/98 bridge construction funds, 1998/99 maintenance and

# LISMORE CITY COUNCIL - Meeting held October 27, 1998

## September 1998 Quarterly Budget Review Statement

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construction funds, sufficient funding was identified for the project to be completed. As funding for this project is from reserves and existing allocations, there is no impact on the deficit.

### Property Services - Community Centres

Council purchased the Old Clunes School Site during 1997/98 for \$110,000. The interim funding for the acquisitions was from Property reserves. Included in the 1998/99 is the reimbursement of those funds. This change reflects that situation. As these changes are offsetting, there is no impact on the deficit.

A report on the funding option for this site is to be presented to Council shortly. Consequently, the use of loans for this purpose may be an interim measure.

### Property Services - Public Halls

Council resolved at the August 4, 1998 meeting to purchase a Yamaha Grand Piano for the City Hall. These changes reflect that acquisition and as the piano is fully funded, there is no impact on the deficit.

### Water & Sewerage Funds

A balanced budget position has been achieved in both funds to September 30, 1998.

In the Water Fund, the major changes have been:

- a) The net movement in reserves is to increase by \$268,400 the amount required from reserves for works during 1998/99.
- b) The reinstatement of capital works carried forward from 1997/98 totalling \$248,200.

These works include, Hunter Street, Uralba Street, Cathcart Street, Ewing Street and Noel Street mains. All works are predominately funded from reserves.

In the Sewerage Fund, the major changes have been:

- a) Additional user charge revenue of \$88,300 as a result of an ongoing review of services.
- b) The payment of redundancies to two treatment works staff requiring an extra \$18,500.
- c) Recognising the cost of the Environmental Management System project undertaken. The costs associated with this project of \$48,800 have been carried forward from 1997/98.
- d) The net movement in reserves is to decrease by \$27,900 the amount required from reserves for works during 1998/99.

### Other Group Comments

Not requested.

### Manager Financial Services

Incorporated in the body of the report.

### Conclusion

### Change in Net Assets

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# **LISMORE CITY COUNCIL - Meeting held October 27, 1998**

## **September 1998 Quarterly Budget Review Statement**

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The 1998/99 Management Plan provided for a deficit in the 'Net Change in Assets' of \$1,136,700. This review reduces this amount by \$127,000 to \$1,009,700.

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

### **Recommendation (COR53)**

- 1 Council adopt the September 1998 Budget Review Statement for General, Water and Sewerage Funds.
- 2 This information be submitted to Council's auditor.

# LISMORE CITY COUNCIL - Meeting held October 27, 1998.

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**Subject/File No:** QUARTERLY REVIEW - MANAGEMENT PLAN 1998/99  
(S4)

**Prepared By:** Corporate Development Officer

**Reason:** Requirement of Act - September 1998 Quarter

**Objective:** Information and Annotation of Councillors

## **Management Plan**

### **Activity:**

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### **Background:**

Clause 407 (1) of the Local Government Act, 1993 requires Council to periodically report on the performance set by the Management Plan.

The following information relates to the performance of activities and functions highlighted in the Plan for completion during the quarter ended September 1998.

### **GENERAL MANAGER'S OFFICE:**

This is the first quarterly report for the 1998/99 financial year.

The everyday business operations and functions of each Group are monitored on a regular basis through the functions of Management Group Meetings. These meetings are held each fortnight and provide the foundation for improved communication between the operations of each Group.

Council continues to liaise with all modes of media. The relationships being developed between the staff have greatly enhanced the profile and image of Council being portrayed to the community. All media releases issued were either published or put to air.

The public's access to Councillors was again actively promoted during this period. Councillors continued to attend to the concerns of the public through interviews, public contact forums and councillor requests.

The City played host to ten (10) students from Yamato Takada on the Sister City Cultural Exchange and the planning for the reciprocal visit by Lismore students in September was well under way.

Council participated in the 1998 Local Government Week. The principal activities conducted were a sausage sizzle which coincided with the visit by the French Citroen delegation, and visits to schools where staff gave an address to students on the functions of Lismore City Council.

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## Quarterly Review - Management Plan 1998/99

### HUMAN RESOURCES MANAGEMENT:

The following actions have been undertaken during this quarter in relation to the Goals and Objectives within the Human Resources section of the Management Plan.

Goal/ Objectives	Actions
Maintain a stable industrial climate	Information sessions for all staff on results of staff survey, new protected disclosure procedure, development of skills assessments
Develop and implement the Performance Evaluation System (PES)	Provision of samples and draft Performance Plans issued as requested, reminders issued to all supervisors
Develop a Skills Assessment Component of the Salary System in accordance with Award provisions	Working party has established draft procedures, identified target group, finalised position descriptions for target group and arranged appropriate training for supervisors.
Manage the procedures for performance based contracts and associated total remuneration packages (TRPs)	Packaging arrangements reviewed. Procedures drafted reflected industry best practice.
Measure staff morale	Recommendations from survey reported to staff and actioned via Middle Management Group
Implement OH&S practices	Ongoing development of Safe Working Procedures Handbook New procedures initiated (with support of State Government) for collection and disposal of used syringes
Develop Human Resource Strategies within a Human Resources Plan	Components of Human Resource Plan drafted.
Accurate and timely payment of wages	Ongoing payment of wages plus implementation and ongoing development of employee related statistical reports
Develop, document and implement training plan	All supervisors issued with data sheets (prior to PES) for recording section and employee training priorities. Results correlated into draft plan.
Implement the Workers Compensation strategy	Ongoing implementation and education. Pro-active redeployment program undertaken.
Facilitate the development of enterprise agreements	In-house briefing session delivered to target groups. Preliminary discussions conducted on potential agenda items
Refine and expand recruitment and selection services	Induction Program reviewed and changes implemented. Ongoing improvements to reflect Best Practice approaches.

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### **ADMINISTRATIVE SERVICES:**

During the first quarter, four (4) Ordinary and two (2) Special Business Papers were prepared and distributed. In all instances, the minutes were prepared and distributed to staff to "action" within the timeframes set out in the Management Plan.

Prior to the issue of Rates for the new financial year Council had in place its EFTPOS cash receipting method of payment. This proved popular with Council's Customers during the First Instalment, reducing waiting times as well as reducing Council's banking charges.

Council was also able to have in operation its computerised Section 603 (rating) Certificates in time for the new rating year. This has reduced the number of people who have to process this certificate from five (5) to two (2), with resulting decreases in the time to process these Certificates.

The State Government has adopted the State Records Act 1998, which will have a number of impacts on how Council stores its archival material and provides public access to such material. Staff have co-ordinated a regional information session on the new Act, to be held in the Council Chambers on 28th October, 1998.

### **FINANCIAL SERVICES:**

The major activities undertaken by financial services staff for the first quarter of the 1998/99 financial year were the levying of the rate notices, the completion of the annual financial statements and the submission of the quarterly budget reviews. All of these statutory requirements have been completed within the time frames set by the Local Government Act. It should be noted that the financial statements were completed and audited within two months and Lismore Council was within the first 20% of councils to submit its statements to the Department of Local Government and Co-operatives.

Continual improvements are being made to management reporting information, with a greater emphasis being placed on visual images such as graphs.

With the major statutory requirements now completed, the main priority for financial services, beside the normal day to day functions, will involve specific tasks such as the development of improved pricing structures for Council services.

### **INFORMATION SERVICES:**

#### **Prepare an Information Services strategy**

- **Preparation of Draft Strategic plan.**

The Senior Management Group is preparing a Corporate Information Strategy in consultation with an external consultant. Completion of the IS Plan to implement the Corporate Strategy is dependent on outcomes of this process.

#### **Implement solutions in response to Council requests**

- **Cater for Legislative changes**

Legislative changes are catered for as required.

Report for the ABS on Development Application statistics regarding Building Construction modified to cater for the new EPA legislation.

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- **Respond to external agency requirements**

External agency requests are catered for as required.

A Report for the Valuer-General containing information required for the new Valuation of the Lismore Council area was delivered as requested.

### **Improve administrative efficiency**

- **Expand PC Network**

The PC replacement program and conversion to the Windows 95 operating system environment is on-going with 40% of PC's converted.

Laser Printing facilities upgraded for Human Resources, Engineering, Wyrallah Road Depot store and the Mayor's secretary

- **Provide Training and Support**

User training is on-going with specialised training for new PC users being carried out in conjunction with the PC roll-out. Support services are provided to users on a daily basis. Assistance provided with Rates Levy 1, Water Billing and the production of Dog Registration notices.

- **Cater for new user requirements**

New user requirements are discussed and appropriate action plans agreed. Schedule for development and implementation of non-contracted administrative software items are negotiated with CIVIL and work is being carried out to the agreed schedule. Urgent software modifications are implemented as required and in conjunction with our agreed schedule.

Work completed:

EFTPOS Software implemented for Cash Receipting

- Creditor EFT remittance printing to LCC letterhead
- S603 Certificates
- Backflow Prevention device software specification delivered to CIVIL
- Landfill system software upgraded to Y2K compliance and two printers replaced
- Rates Levy 1, Pensioner and Journal processing complete.

Work in Progress:

- Finalisation of the new Rating system – Supplementary levy
- Essential Services software modifications
- Complete EPA changes for DA processing
- Cemeteries
- Data Purging facilities
- Occasional Child Care package implementation and training for Gingerbread House.

- **Maintain current user documentation**

Maintenance of User documentation is on-going

- **Upgrade communications capability**

Investigations into Wireless Communications to Wyrallah Road Depot commenced.

### **Geographical information services**

Identify and implement geographic information services.

- **Continue implementation of data sets identified in GIS Management Report.**

**Three new layers added: Hydrology, Bushfire Stations and Quarries**

- **Evaluate and acquire appropriate GIS technologies.**

Investigate thin client strategy 30% complete.

Attend IS 98 Conference at Coffs Harbour.

- **Evaluate and acquire appropriate GIS data sets.**

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### No new data sets acquired.

- **Undertake GIS research and development**  
Training for ABS Cdata96 software product completed.

### Introduce e-mail service

- **Develop and implement e-mail service**  
Strategic plan developed.  
Operational plan developed.  
EDT implemented.
- **Configure hardware**  
Exchange Server hardware configuration 100% complete - 'on-maintenance'.
- **Configure software**  
Exchange Server software configuration 100% complete - 'on-maintenance'.
- **Configure Wan Links**  
WAN Links to Internet configuration 100% complete - 'on-maintenance'.
- **Training**  
Server training completed for IS Admin Staff.  
Client training for Outlook on schedule as per project plan.

### Maintain geographic information services.

- **Maintain existing primary GIS map layers.**  
**On-going maintenance of:-**  
House number layer 25% complete.  
Zoning layer 25% complete.  
Lot/DP layer 25% complete.  
Cadastral layer 25% complete.  
Road layer 25% complete.
- **Develop customer focused GIS access interfaces.**  
**Development of LGES 1.02 100% Complete. - 'on maintenance'.**
- **Provide effective geographic information.**  
**Increased usage of LGES product now available at depots.**  
13 Job requests for mapping products completed.
- **Provide effective support services.**  
Corporate training of LGES continuing as new computers installed – 85% completed.  
Support for GIS and LGES – 0 customer complaints.
- **Provide effective management of GIS Section.**  
**On-going management of GIS Branch.**  
1998/9 Project plan 30% completed. On schedule with GIS project plan.

### Investigate and implement internet/intranet solutions.

- **Maintenance of Web site.**  
**On going maintenance of web site.**  
**Business papers updated on schedule.**  
Addition of Media Releases on Web site - Pilot project.
  - **Continued development of Web site.**  
Development of Crematory Web site 90% complete.  
10 new pages added to Web site.
  - **Evaluate and Implement Intranet solutions**  
No new development until deployment of e-mail is completed.
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### COMMUNITY SERVICES:

#### General Interagency and Regional Interagency

Community Services staff continued to have input into these vital network forums and are participating in a Community Caring for Kids campaign to address the links between child abuse, neglect and juvenile crime. Discussion at the August meeting took place regarding the requirement for Council to undertake a Social Plan in the next 12 months, along with distribution of a questionnaire for service providers.

#### Crime Prevention

The Crime Prevention Development Officer began work in September. He has attended a number of meetings already, as well as the Community Safety Committee meeting.

#### Health Planning for Nimbin

A consultation strategy was determined by the Health Planning committee. Community Consultation took place in August. There were a series of public meetings, attendance at the Visions of Nimbin expo and pamphlets distributed through the mail. The committee will meet again in October to evaluate the consultation.

#### Area Assistance Scheme

The 1998/99 round of AAS funding closed on July 17th. Council received six local applications and eight area projects. The Local Ranking Committee met twice at the end of July and at the beginning of August to rank the applications. There was a Regional Advisory Committee meeting in Grafton in July and then in September. A final meeting was held in Grafton in October to finalise the recommendations for funding. The recommendations were made at that time and these will be forwarded to the Minister for Urban Affairs & Planning.

A number of evaluations of funded projects were undertaken. These have been sent to the Department so as to finalise these projects.

#### Access Committee

The video sub-committee is continuing to meet regularly to produce the video on access. The timeframe has been determined with filming to be done in August and September, editing in October and November with a launch in December to coincide with the International Day of disability.

The committee had a win with the recent news that the word 'invalid' will be taken out of RTA legislation and brochures. It was brought to the committee's attention late last year that scooters were referred to as 'motorised conveyances for invalids.' The committee wrote to the local MP who in turn passed it on to the NSW Minister for Roads. A letter was received recently from the Minister that says the offending word will be taken out of the brochure and the legislation.

#### Seniors Week

The book published as a result of the Seniors Week Short Story Writing Competition was launched by the Mayor at the Northern Rivers Writers Festival on July 30th. All those who entered the competition had at least one of their stories published. Southern Cross University Press published the book in conjunction with council. They sponsored the first 50 books. A further 100 copies have been published with approximately 80 of these being sold. Proceeds from this are going into next year's event.

#### Community Profile

Work is still continuing on the Community Profile with the second stage of the 1996 census data having arrived. This will be a complete update on the 1994 profile. The profile provides statistics such as age breakdown, mobility, housing and income.

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### Nimbin School

The official opening of the Nimbin Community Centre occurred on July 4th. This saw the fruition of four years of planning, fund-raising and co-ordination by many members of the Nimbin community. In the few months it has been opened the centre is 100% occupied.

Support was given to the Neighbourhood and Information Centre with their application for funding under the Community Partnerships Initiative for the Self-Help and Recovery 4Everyone (SHAR4E) Project. This project has arisen out of the Nimbin community's drug problems and involves a 'bottom up' approach to the problem of illicit drug use with drug prevention strategies developed by the local community in response to the specific needs of the Nimbin community.

### Aboriginal Community Development

Kerrie Ellis is on board as the new Aboriginal Community Development Officer. Kerrie has been very busy implementing a number of actions arising from meetings of the Indigenous Advisory Committee. Such Actions include the following: Art Display (CBD), Planting of Trees, Basketball Day, the Artwork at Lismore Airport, and the Aboriginal Mentor Programme. Kerrie is very much involved in the Social Plan for Council taking on two target groups: Aboriginal People and Children. Maintaining opportunities to network with a number of community groups and interagency groups around Lismore.

### Indigenous Advisory Committee

The Indigenous Advisory Committee still remains as a consultative body to Council, comprises 16 Indigenous representatives, the Mayor, the Deputy Mayor and is resourced by the Aboriginal Community Development Officer. Meeting on a once a month bases to advise Council on Indigenous issues and for Council to refer items to the committee.

These tasks allow the Indigenous Advisory Committee to be involved jointly with Council planning and operations. The committee stands to break down the barriers and establish a rapport between Council and Indigenous members.

### Community Services Brochures

Community Services staff have been involved in the preparation of three information brochures. A culturally appropriate brochure has been designed by a local graphic artist with the assistance of the Indigenous Advisory Committee. The brochure details a range of services provided by council and likely to be accessed by Indigenous members of the community. A second brochure has been designed for the Youth Council and details the way young people can have their say about issues that affect them. The third in the series of brochures provides information about the community services functions of Council. All three brochures were launched in Local Government Week in August.

### Sport and Recreation Planning

A Plan of Management is being developed for Weston Park in Goonellabah and will proceed to public exhibition.

An Aquatic Facility Project Team has been established and a Councillor Workshop organised to determine Council's preferred option.

Plans for the Masters Games are well underway with sponsorship and media interest being sought.

### **KOALA CHILD CARE CENTRE:**

Centre Patronage:

Occupancy rate of enrolments for July – September 1998 - 101.66%

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Variables – beginning of July 105.6% to end of September 108.8%

The Centre has based its utilisation rate for the next financial year on 25 children per day.

### Accreditation:

Review due in May 1999 thus preparations have begun for a formal review of the centre's practices and procedures. Interested parents have been invited to join the Accreditation Committee.

### Staff Training:

First Aid rectification completed by one (1) staff member. The Director has undertaken Workplace Assessor training linked to the Council's Skills Assessment. Children's Asthma Management Training has been organised for November for all Koala staff.

### Community Involvement:

Koala Parent and Community Committee comprising of two (2) Councillors, four (4) parents, four (4) staff and two (2) prospective new members. Placement for one (1) TAFE Student undertaking practicum relating to children's development and Koala's services to the community.

### Children's Developmental Records:

Babies Possum and Kangas staff now all receive relief from teaching time to fulfil programming responsibilities. All other programmes especially the children's are individualised and of a high standard.

## **GINGERBREAD HOUSE:**

Staff perused certain computer programmes to confirm suitability for the Centre's operations.

Staff was involved in the following training activities:

- a) 'Getting Little Hands Working' gave staff great ideas for increasing fine motor activities.
- b) 'Infectious Control' where staff looked at how infections spread and to check their health policies.

During the quarter July – September the Centre's patronage averaged 12.49, which was an increase of 1.18 over the previous quarter.

Staff and children entered a 'design a scarecrow' competition at Alstonville Leisure Centre. The scarecrow made received the most votes and won first prize which was free advertising to the value of \$1000.00 from the Northern Star and \$200.00 worth of books from Dymocks.

A submission to the Area Assistance Scheme has been completed for an extra worker to help save money on staffing.

The quarterly newsletter was not mailed out, although it was available to parents and guardians at the Centre. In encouraging community involvement we have had visits by the ambulance and police officers and the children visited Lismore Base Hospital.

There is continuous upgrading of education programmes for children. Four children this quarter were referred to Early Intervention for assessment and they were all accepted into their programme for their special needs.

Three students from Wollongbar TAFE Child Studies course undertook their practicum at the Centre. A volunteer in the work for the dole programme attends each Wednesday. Programme planning is often undertaken outside staff hours due to the high demand on contact time.

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### **LIBRARIES:**

The Lismore Friends of the Library purchased bags to assist in the individual delivery of books to the housebound clients. These bags provide ease of delivery when the Friends deliver books to these clients.

Children's Book Week was a success in August. A total of 12 local schools displayed artwork to promote this important week to celebrate Australian Children's Literature. Library tours and story reading were also held during this week and the following week due to heavy demand for the service.

A quilted bag and quilted cushion made and donated by Mrs Irma Chelsworth were prizes in a competition at the Library. Money raised will assist in the purchase of more Large Print books for inclusion in the library collection.

### **ART GALLERY / EXHIBITIONS:**

#### **Exhibitions:**

The draft exhibition program for the year 2000 has been completed and 90% of the 1999 program is in place with loan agreements currently being negotiated. The Crosscurrents Touring exhibition has been negotiated with the artists and there are 9 national touring venues.

#### **Administration:**

The Gallery's financial reconciliations have all balanced. The air conditioners in the Optus Court and the Northern Rivers Echo Court have been installed and other minor maintenance works completed (eg patching exterior paintwork, installing padlocks/bolts for added security.) Funding Applications for \$250,000 towards the Art Gallery fitout completed.

#### **Education & Public Programs:**

Quarterly Education Bulletin compiled and sent to all local schools. L'RAG Newsletter distributed by mail and handouts.

26 school groups and 19 special interest groups visited the Gallery. Nine evaluations completed (excellent 13, very good 10, good 1, satisfactory 1; with all saying they would revisit).

Three events with Guest Speakers/Artists Talks - audience of around 170. Five basketry demonstrations - audience of approx 150. Participation by Lismore Embroiderers' Guild - 7 demonstrations with audience of approx. 330.

Gallery Volunteers remain between 35 and 38, training ongoing.

Two Outreach Talks presented to CWA and Probus Club.

Links with Tertiary Institutions: A one-hour lecture about the artist's relationship with the Gallery was presented to SCU and Lismore TAFE. Presentation about the Gallery's Ceramic collection presented to SCU ceramic students. Participated with selection of SCU student's works for art competition at SCU.

School Outreach and Cultural Tourist projects in progress.

Media coverage is targeted towards a local audience with editorials mainly in The Northern Rivers Echo and The Northern Star and with regular fortnightly interviews on 2NCR. National Coverage on ABC Television program *Snapshot* is more intermittent. Weekly paid advertising now also includes The Byron Shire Echo, the Express Examiner, the Advocate and the Byron News. With these newspapers now also providing editorials Feedback on content and quality of presentation of the Gallery's newsletter L'RAG continues to be very positive.

#### **Collection Management:**

Valuation of the Collection has been negotiated with Lawsons - fine art valuers and auctioneers. Further 50 items have been photographed in B&W colour and transparency. The entire collection is catalogued with details currently being modified

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### **Gallery Development:**

Selection of fine Aboriginal Art has been donated by Art Centers in Arnhem Land and leading Sydney Aboriginal Galleries for the annual Corporate Patrons Art Auction (fundraiser). The Gallery's Merchandising sales are increasing.

### **DEVELOPMENT ASSESSMENT:**

Development Application lodgement remains steady with 68 applications being lodged during the quarter. There has been a marked increase in the lodgement of DA's due to the elimination of the requirement to lodge BA's in accordance with the changes to the EP&A Act. It should be noted that the above figure does not include DA's dealt with by the Building Section.

### **New Legislation:**

Changes in the EP&A Act have increased processing time to a minor extent due to additional assessment and referral criteria.

### **Correspondence/Public Enquiries**

Enquiry based services continue to occupy a considerable amount of staff time, and remains a prominent aspect of service to the public.

### **Enforcement**

Due to staff time being almost exclusively occupied in Development Applications, legal issues, and enquiries, little time is available for enforcement issues. As previously advised, enforcement action usually occurs as a result of specific complaint or public concern, when follow up is promptly taken.

### **Mediation**

There has been no use of mediation services since the quarry issues earlier this year.

### **Quarry Monitoring:**

The annual quarry situation report will be presented to the December Council meeting.

### **STRATEGIC PLANNING:**

#### **Maintain local heritage fund:**

Funding was allocated to 14 applicants, 12 of who have undertaken the funded work. This action is 90% completed.

#### **Prepare Built Heritage LEP/DCP:**

Preparation of the LEP has been continually delayed by:

- . the non-acceptance by Council of the standard DUAP heritage planning controls with the result that protracted negotiations with the Heritage office have been required;
  - . Heritage Council has requested further delays until its preferred model provisions are endorsed by the Minister and can then be included in Lismore's LEP;
  - . the State Government's requirement for special procedures for any alteration of planning controls over publicly owned land or buildings means that a S.65 Certificate for exhibition of the draft LEP must be sought from DUAP rather than being issued by
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Council's delegate.

It is hoped to be able to obtain a Certificate and exhibition of the draft LEP before December.

Due to the resourcing demands of the heritage LEP preparation, there has been little progress on preparation of heritage DCP.

### Prepare Landscape/Conservation Area LEP:

To be reported to the Council meeting of 8 December 1998 for resolution to commence.

### Review DCP's 9, 22, 32, 33:

There are currently insufficient staff resources to prepare briefs, choose and supervise consultants, etc.

### Finalise Subdivision DCP:

The exhibited draft DCP has required updating to comply with the EP&A Act. The DCP should be finalised in December 1998.

### Review Development Strategies:

Limited resources within the Strategic Planning Section means that resources have been diverted to processing LEP amendments and no progress has been made on reviewing and implementing the Urban & Village Development Strategies.

### Prepare Rural Residential Strategy:

Review of the preliminary draft Strategy has proceeded slowly due to limited resources in the Strategic Planning Section. Council has resolved to prepare its own policy for Rural Landsharing Communities rather than continue under SEPP 15, and the preparation of this policy as a component of the Strategy will further delay finalisation of the Strategy.

### Maintain demographic information:

Not being undertaken due to lack of staff resources.

## **BUILDING AND REGULATION:**

July 1, 1998 saw the introduction of the new legislation, which amongst other things transferred the requirement to erect a building, demolish a building, and change the class/use of a building from the Local Government Act 1993 to the Environmental Planning and Assessment Act 1979 as amended. Apart from a few building applications remaining from the old system (prior to July 1, 1998) all work that would normally require a Building Application will now require a Development Application. Thus the number of Development Applications submitted to Council, in the short-term, increased threefold with two thirds of all Development Applications being dealt with by the Building and Regulation section.

July, August & September Development Applications have been handled in excellent time frames with a continuation of our monitoring and review procedures.

Even with the new legislation we have still been able to provide our two (2) day fast track service for Development Applications which do not need notification or advertising and comply with our predetermined criteria.

Upgrading of Fire Safety Standards has continued in this quarter, as we have become aware of deficient buildings through Development Applications, Building Certificate applications or complaints. The annual maintenance and certification of essential fire safety measures is to continue at a satisfactory pace.

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The retraining and the new procedures necessitated by the new legislation have however impacted significantly on the resources of the Building and Regulation staff and as a result, the Swimming Pool Survey has not progressed as envisaged. However it is expected that the next quarter will provide an opportunity to get back on track.

### **ENVIRONMENTAL HEALTH:**

The Environmental Health Section has the primary purpose to provide efficient and responsive management of environmental health services to the community. This is achieved through obtaining the following goals.

1. Implementation of environmental health statutes and policies.
2. Provision of environmental health management and the development and implementation of strategies and programmes.
3. Maintain acceptable standards for all commercial premises regulated by Council.

The Environmental Health Section is continuing to evolve within the organisation, developing a solid foundation upon which to provide expert advice both internally and externally on environmental and health related matters. Ranging from environmental health monitoring to environmental health education and promotion, activities are diverse in nature.

Auditing of commercial premises continues to be a core function of the Environmental Health Section to ensure premises are being maintained to recognised standards and to meet community expectations. With all auditing activities education is promoted as an essential component. This level of service will provide a solid foundation for the implementation of food regulatory reforms anticipated to be implemented later this year.

### **The provision of environmental health management through the development and implementation of strategies and programmes continues.**

#### **a) Environmental Audit**

Environmental audits of industrial and commercial land uses are continuing on a regular basis. The audits identify waste discharges to the physical environment and to Council's sewerage system that do not meet current environmental and/or waste water standards. The initial round of inspections is nearing completion. Re-inspection of premises is now being undertaken to determine compliance with Council's previous advice and/or instruction to ensure adequate upgrading works have been effected. Through the audit, process operators are encouraged to review current practices and explore opportunities that will effectively address the environmental audit objectives.

#### **b) Northern Rivers Phosphorus Reduction Campaign**

The Regional Phosphorus Reduction Campaign has continued throughout the north-east region with participating Councils increasing in number. The regional campaign continues to be a community awareness and education programme focussed on the need for responsible use of water and care for waterways, particularly through the reduction on nutrients into sewerage, stormwater and natural systems. A school calendar programme is currently nearing completion, which will result in production of a yearly calendar illustrated with local school artwork.

At a local level the Campaign will focus on community education with particular focus on industry and the possible construction of permanent educational activities within recreation areas.

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### c) Sun Protection Strategy

The Sun Protection Strategy is being actively implemented across relevant sections of Council. Shading of Nimbin pool has currently been finalised, with significant shaded areas now in place for the upcoming summer season. Staff of Queensland University of Technology recently evaluated the Strategy - Faculty of Health as Council is one of the few that have developed such an appropriate strategy for the community. Council's policy and implementation programme will be presented as best practice in an up coming public health conference in Queensland.

### d) State of the Environment Report

Activities are continuing for a comprehensive review of Council's State of Environment Report programmed for submission to Council in early 1999. The key focus of the comprehensive review will be the identification and monitoring of indicators within the catchment. One key indicator - water quality - is continuing to be monitored throughout the Wilsons/Richmond River Catchments. Council has now nominated twelve (12) key sites, which will be monitored now on a quarterly basis.

Following an invitation from the Minister, Council requested an exemption from the Minister to prepare a comprehensive SOE report for the 1997/98 reporting period on the grounds that the NOROC and the ALGA are currently financing a project to develop environmental indicators relevant to SOE reporting. Council's current SOE reporting structure does not effectively incorporate core indicators and the proposed project will greatly assist in such development as well as promoting consistency on a regional scale.

### e) Gasworks

The preliminary phases and approval phases associated with the Lismore Gasworks Remediation Programme are now complete and it is anticipated that on-site works will commence in the month of October as the tender has been awarded to Rainbow Environmental Services. The Gasworks Remediation Programme has been a complicated activity and to have the works completed by the end of the year will be a successful result.

## WASTE STRATEGIES:

The Waste Strategies Unit has the principle role of developing a strategic framework for efficient and environmentally responsible management control and minimisation of waste. This is achieved through the attainment of the following goals:

- Development and implementation of waste strategies, policies, systems and services;
- Development, implementation, evaluation and co-ordination of Council's dynamic waste minimisation strategy and leadership in the development and implementation of waste management and minimisation strategies, policies, systems and services.

Lismore City Council's leadership role in waste management resulted in the formalisation of the North East Waste Forum. The regional group has been funded by the Environment Protection Authority (to the value of \$100,000) to develop a reasonable waste plan for the north east region. To facilitate this outcome, Council's Waste Strategy Officer will be employed by the North East Waste Forum for a period of two (2) days per week for a 12 month period.

Council's Integrated Waste Management and Minimisation Strategy Development focussed significantly on a community consultation phase and development of a revised service regime. With approximately 2,500 survey responses, Council recently resolved to introduce a new waste management and minimisation service commencing July 1, 1999. The implementation phase of the service with green waste collection and reprocessing, infrastructure development and community education will dominate activities of the Waste Strategy Unit for the immediate future. To facilitate community education Council has employed a Waste Education Officer for an initial 12 month contact period.



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### **SURVEY, DESIGN AND SUBDIVISION:**

#### **Survey/Design classified Roads**

- Investigate and identify need
- Undertake survey
- Carry out design
- Produce plans and documentation

#### *Projects completed (or commenced) in this Quarter*

1. Eltham Road Eltham
2. Bangalow Road (Boatharbour to Bexhill)
3. Bruxner Highway (Richmond Hill to Alphadale)

#### **Survey/Design Council-owned Roads**

- Investigate and identify need
- Undertake survey
- Carry out design
- Produce plans and documentation

#### *Projects completed (or commenced) in this Quarter*

1. Music Street
2. Nielson Street (Dalley to Music)
3. Union Street (Elliott to Casino)
4. Magellan Street (Dibbs to Diadem)
5. Corndale Road/James Gibson Road Intersection
6. James Street Dunoon (School)

Delays experienced on (6.) due to service locations

#### **Survey/Design Miscellaneous Council Assets (Drainage, Parks etc.)**

- Investigate and identify need
- Undertake survey
- Carry out design
- Produce plans and documentation

#### *Projects completed (or commenced) in this Quarter*

1. Caniaba Street Culverts
2. Dibbs Street Drainage (Maranoa)
3. Smith Street Clunes Reserve

Delays experienced on (1.) due to Sinclair Knight Merz flood analysis

### **WORKS DEPOT WYRALLAH ROAD:**

The running of the depot has progressed satisfactorily over the last quarter. The depot has been open whenever works staff has been operational. Amenities have been kept to a good standard. There have been no recorded complaints associated with delays in stock ordering or delivery.

### **WORKSHOP AND FLEET OPERATIONS:**

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The last three months have been busy mostly with programmed preventative maintenance 'catch-up' after delays by registration inspections and Bush Fire Heavy Vehicle inspections.

Plant replacements ordered between July and September have included two (2) utilities, five (5) cars / station wagons and one Ransomes Winged rotary mower (3 metre wide cut).

One of the sedans ordered has been ordered with dual fuel (ULP and Liquid Petroleum Gas), this is the first of six to go into LCC's fleet on trial as per Council's recommendations.

Vehicles ordered prior to this quarter and delivered have included one (1) 17,600 litre water tanker mounted on a 8x4 Volvo truck (Roadworks construction and maintenance duties), one 'Franna AT-14' mobile crane and one (1) Isuzu Dual cab truck, both being used by the Bridges crews and only just received is the newest Freightliner / Macdonald Johnston Household Garbage collection truck which is replacing the last of the Mercedes Benz garbage trucks.

A Development Application has been lodged with Council to install a "see-saw" type tower next to the water tower in Felicity Drive to relocate Council's channel 1 two-way radio base antenna, the water telemetry antenna, the aircraft 'high point' warning lights and also to later install the SES radio antenna. By installing this tower, the problems associated with access via the internal ladder to the roof will be removed. This type of tower will allow the maintenance and servicing of those antennas and lights from the ground.

### **BUSHFIRE SERVICE:**

The wet weather in the early part of the year, while being of great benefit to the farmers in the district, has in fact produced prolific growth of fuel in all areas.

Several small grass fires in recent weeks have indicated the potential of what a prolonged dry spell may produce in the summer months.

The brigades have undertaken hazard reduction burns where possible and these have produced favourable results in all cases. The concern is always that landowners undertake to burn grass paddocks with insufficient equipment and subsequently get into trouble with a fire getting out of control. This practice is slowly being eradicated with a high profile availability of assistance and advice from all Brigades.

The recent release of the 1998/99 budget has seen Lismore allocated funds to purchase three new tankers for the fleet. This brings the number of new vehicles to six in the last two years. Continued funding on this scale will see all front line vehicles replaced with diesel powered units in the next three to four years.

Funding was also received for the construction of a new station for the Blue Knob Brigade. All Brigades now have modern stations to house their tankers and equipment.

Training of volunteers is again an important priority. Basic firefighter training provided at the completion of a probationary period of three months.

In conclusion, the Fire Control Officer is pleased to report the Rural Fire Brigades of Lismore City continue to provide a service in line with the expectations of the Rural Residents.

### **TRAFFIC, ENFORCEMENT AND LIGHTING:**

#### Car Parking:

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# LISMORE CITY COUNCIL - Meeting held October 27, 1998.

## Quarterly Review - Management Plan 1998/99

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Council continues to pursue the issue of on-street parking enforcement with the NSW Police Service. In recent discussions, Commander Barry Audsley indicated that he would reconsider Council's proposal for a shared arrangement for control of on-street parking. Council's off-street parking continues to be patrolled resulting in 150 infringement notices being issued for the first quarter of 1998/99 year.

The ex-Kirkland building in Magellan Street has now been demolished to make way for the extension of the Benelong Car Park.

### Animal Control:

Total dog registrations for the year ending September 30, 1998, were 3510. This represents an increase of 269 over the previous year.

Council's Pound facilities continue to be maintained to a high standard and 91 dogs have been impounded in the first quarter.

With the introduction of the new Companion Animal Act in September, Council will need to consider expanding the pound facility to cater for cats. This part of the new Act comes into force from July 1, 1999.

### Bus Shelters:

Bus shelters have been installed in Boyles Road, Hayden Road and Hunter Street. This brings the total number of shelters erected in the last three years to 32.

### Road Safety:

Three extremely successful road safety projects have been conducted recently.

- Opera at Coronation Park, The Channon.
- Race Day – Lismore Cup  
Both of these campaigns heavily promoted the 'Don't Drink – Drive' message
- Bike Week Campaign  
This was well attended and supported by both business organisations and Police.

Feedback from the public and business organisations on all three campaigns was very encouraging.

## **PARKS, RESERVES AND CITY BEAUTIFICATION:**

### CBD:

#### **Investigate alternative plant and equipment.**

During recent months successful trials have been conducted with the use of both alternate and new plant and equipment. This has led to reduced plant and labour costs for certain activities.

#### **Investigate and review co-ordination of services.**

New operating schedules/rosters have been devised for the path sweeping activity; this only requires the approval of senior management to be implemented.

#### **Review existing maintenance schedules.**

After successful trials on new maintenance schedules, the schedules are now in printing for use for the remainder of the year. However they will be reviewed regularly in accordance with budget allocations.

### Public conveniences and playgrounds:

#### **Investigate public liability and Risk Management matters.**

# LISMORE CITY COUNCIL - Meeting held October 27, 1998.

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A playground refurbishment budget allocation has been established to progressively bring our playgrounds up to relevant standards. Asset maintenance expenditure is being identified for future budgetary planning purposes.

### **Investigate water consumption.**

All water meters in both the Parks & Reserves and Sportsfield Departments have been investigated and plans developed to mitigate unnecessary consumption.

### **Implement regular inspections.**

Regular inspections are now carried out on Amenities blocks and playgrounds.

## **RECREATION SERVICES AND LEISURE:**

### **Provide quality passive & active recreation parks.**

Implement Section 94 projects as per plan.

Most projects have been commenced either physically or in the planning stages.

Develop community consultation strategy for development projects.

Strategy in place and in practice.

### **Lismore Lake and Lake Pool:**

#### **Seek government remediation assistance/grants.**

Grants have been submitted with encouraging feedback to date.

#### **Review maintenance schedules and programmes.**

Minor changes made to litter collection arrangements and to backwashing arrangements.

#### **Preserve areas of significant native vegetation.**

#### **Research and compile a list of relevant grants and apply for them.**

Grants program established and grants applied for. Successful grant application for Currie Park for three year term.

#### **Provide input into planning decisions.**

Process of referrals and comment put in place and working well at present.

## **ROAD / URBAN:**

Urban Roads maintenance programme is 33% expanded which is ahead of prorata expenditure, however considerable heavy patching has been undertaken in preparation for reseal programme and higher expenditures are to be expected. The construction programme is on schedule with Albert Park Carpark. The urban reseal programme was also commenced during September.

#### **Footpaths and Cycleways:**

Footpath construction was completed at Cynthia Wilson Drive, Clifford Street, Simmons Street, Balina Road between Hillcrest Avenue and Gordon Blair Drive, and Hunter Street this quarter. The RTA has advised cycleway funding of \$35,000 for 1998/99 and work will commence during the third quarter.

# LISMORE CITY COUNCIL - Meeting held October 27, 1998.

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### **ROADS / RURAL:**

Maintenance to local roads is as follows:

- Unsealed road maintenance 37% of the budget has been expended which is slightly over Expended for this quarter. This will be corrected during the remainder of the year.
- Sealed road maintenance 25% of the budget expended, which is on schedule.
- Bitumen reseal programme has not commenced at this stage.

Rehabilitation works have been completed at Corndale Road, Eltham Road and commenced at Nimbin Road, Goolmangar.

### **BRIDGES:**

Bridge Maintenance:

Only minor bridge maintenance has been undertaken this quarter as crews have been working on major construction.

Bridge Construction:

Construction of bridge replacement at Thorne Bridge, Rock Valley has continued on schedule this quarter. A new bridge deck has been installed at Tuncester Bridge, Kyogle Road.

### **RTA WORKS:**

#### State Roads

The maintenance programme for State Roads is slightly behind schedule with 9% of the budget expended. This however will be caught up when the reseal programme commences. No major rehabilitation work was commenced this quarter.

#### Regional Roads

Maintenance work is slightly ahead of schedule. Thirty four percent (34%) of the budget was expended however this includes some major rehabilitation works on Wyrallah Road.

### **WASTE MANAGEMENT SERVICES:**

It was proposed to distribute with the 1998/99 rates, collection stickers to service users. Even though no funding was allocated in the 1998/99 Budget for the distribution of collection stickers the service has been able to make some savings in other areas and will complete the distribution by December 1998.

The current EPA Licence is proposed to be amended in November 1998 to include conditions relating to Landfill Environment Management Plan (LEMP).

Construction and operation of the Revolve Centre has been postponed as no funding was provided in the 1998/99 Budget for this facility.

Additional staff has been engaged on a temporary part time basis, until June 1999, to carry out customer traffic control functions at the Wyrallah Road Waste Facility. Similarly the staffing for the weighbridge operation have been engaged on the temporary basis until June 1999.

### **LAWN CEMETERY AND CREMATORIUM:**

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# LISMORE CITY COUNCIL - Meeting held October 27, 1998.

## Quarterly Review - Management Plan 1998/99

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Goal/Objective	Response to Quarterly Target
Develop Business Plan	Preliminary draft has been prepared
Conduct Burial / Cremation Services	Activities conducted as per client expectations.  Reporting of activities consistent with the format desired by management.
Provide Memorials	Provided to meet individual requirements
Maintain and enhance gardens and general landscape environment.	All programmed activities for this quarter have been completed
Operate Administration Office	This is an ongoing activity conducted with a strong emphasis on serving the customer.

### **ECONOMIC DEVELOPMENT:**

Lismore City Airport Development consultancy was adopted by Council, resulting in approval to commence development of a \$1.92 million airport terminal adjacent to the Bruxner Highway.

Lismore Incentives for Investment Policy was adopted by Council. The Policy provides financial incentives for businesses to establish or expand in Lismore.

Facilitated as a board member the merger between Lismore City Wide, Lismore and District Chamber of Commerce and the Lismore Developers' Association.

Cellulose Valley Strategic Plan launch was performed by the Premier at Lismore and to 60 key industry stakeholders in Sydney. Both were very successful with strong interest from 5 businesses looking to establish on site at Lismore. We are now following through these leads and will use these to secure infrastructure funding from the State / Federal Governments.

The second edition of the Lismore Business Bulletin was produced and distributed to 700 local businesses.

Lismore Facts was produced and forms part of the Economic Development Unit's marketing material.

The 1998 Lismore Business Awards were conducted during the quarter. This included promotion of the Awards, calling for nominations, selecting a judging team, arranging judging appointments, judging, selection of winners and highly commended recipients and presenting the awards. There were over 300 nominations received, which were assessed by a judging team of 34. The awards were announced at the 1998 Lismore Business Awards Presentation Dinner that was attended by 420 people and was sold out over a week before the event. Mr. Bob Ansett was the Keynote speaker and Mr. Kevin Anderson from Prime Television was master of ceremonies.

Several speaking engagements were undertaken including presentations to the Regional Council of the Australian Business Chamber and Rotary Clubs.

The Lismore Economic Development Advisory Board conducted Strategic Planning sessions to identify priority near term goals for the 1998/99 period.

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# **LISMORE CITY COUNCIL - Meeting held October 27, 1998.**

## **Quarterly Review - Management Plan 1998/99**

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Throughout the quarter the Lismore Economic Development Unit has also facilitated many developments and provided advice and assistance to investors considering Lismore as a business destination.

### **QUARRY OPERATIONS:**

The income from quarry internal sales is below budget at this time mainly due to more competitive market in which the quarry now operates.

The external sales of the Asphalt plant are above estimates as the growing business is proceeding faster than expected. This also reflects in the over budget costs of raw materials.

Some of these costs are being reduced by production of 5mm aggregate in the quarry operation.

### **AERODROME OPERATIONS:**

Maintenance is being undertaken by ATTORI for Council and these have been performed to an acceptable standard.

The lighting system of the airport is aging which is reflected in the financial results of this quarter.

Impulse Airline is yet to commence operations at Lismore Airport due mainly to their recent success in attaining operations at the Tamworth Airport.

### **TOURISM:**

The new edition of the 'Lismore, Nimbin and Villages Holiday Guide' was produced in a new format that is already showing much appeal to customers as indicated in the increased requests and distribution of the Guide. Since September over 35,000 have been distributed using a targeted approach that minimises potential for waste. The local distribution accounts for 34.5%; country NSW 27.57% and the South East QLD region alone 17.47% (as illustrated by the chart below).

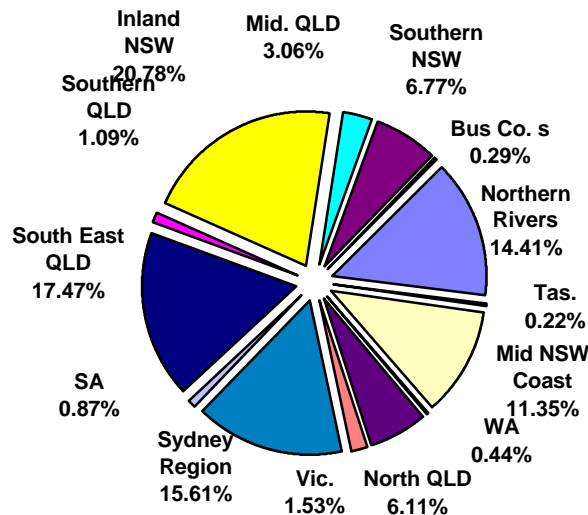
# LISMORE CITY COUNCIL - Meeting held October 27, 1998.

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Lismore Holiday Guide National Distribution  
September/October 1998 - 23000

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From July - September a staff roster rotated the Lismore Visitor and Heritage Centre (LVHC) three (3) full-time staff members through a seven day roster ensuring that the hours of opening were 9am -4.30pm daily. The total tourist visitation to the Centre over this period was 14,875 and the customer categories ranged through customer service 79%; festivals 3.8%; industry information 2.8%, internal customers.7.5%, marketing 2.6%, media 0.7% and the remainder is made up of "1300" phone inquiries and e-mails. Additionally the quarterly industry newsletter was produced in September and distributed to 80 industry operators.

Media activities promoting the Centre and Lismore Tourism Advisory Panel (LTAP) activities were achieved through local print and radio.

Co-operative marketing with 'Visions of Nimbin' was conducted. Discussions regarding cooperative opportunities for promotions with the Regional Tourism Organisation and Tourism NSW will be revealed during the next quarter.

Three journalist familiarisation tours were conducted highlighting attractions and business in the area as did a bus trip that hosted the LTAP, neighbouring Councils and Tourism NSW.

The Tourism Director attended workshops relating to the state accreditation of visitor Centres and has also been involved in establishing the regional World Heritage Task Force.

The LVHC has also contributed to the 1999 Masters Games activities and discussed the potential of hosting major sporting events in Lismore with selected sporting bodies.

### **PROPERTY SERVICES:**

#### Kirklands / Riveria Carpark:

The acquisition and demolition of the former Kirklands Building was completed and the site was transferred to City Works to project manage and construct a public carpark. From Property Services prospective this project was completed on time and as planned.



# LISMORE CITY COUNCIL - Meeting held October 27, 1998.

## Quarterly Review - Management Plan 1998/99

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### The Transit Centre

The operation and management is continually being monitored and the positive aspects of the city providing such a facility outweighs any criticism. In consultation with the Manager of Client Services public tenders have been called for the ongoing management of the facility commencing 1.2.99. The desired outcome is to minimise Council's ongoing financial subsidy in the Centre.

### Left Bank Café

The original lessee of the café, M/s L Jamisen, has sold her going concern and the assignment of the agreement with the new proprietors has been successfully negotiated. Council is certain the café will continue to provide the excellence in service to which patrons have become accustomed.

### Property Maintenance and repair

Property M& R is continuing in accordance with the 1998/99 Management Plan and no over-run in expenditure is expected.

## **SWIMMING POOLS:**

### The Memorial Baths

Total Swim Management appointed as pool manager on a one (1) year contract. The new contract has improved OH& S, patron safety and reporting requirements.

Memorial Baths opened on October 12, 1998 following reconstruction of entry building. Restoration of the Memorial building is well advanced.

Safety audit and rectification works were carried out on the pool surrounds.

# LISMORE CITY COUNCIL - Meeting held October 27, 1998.

## Quarterly Review - Management Plan 1998/99

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### Nimbin Pool:

Investigation into the public liability protection of the diving blocks in the Nimbin Pool is continuing.

This pool also opened on time for the new swimming season.

### **WATER SUPPLY SERVICES:**

Asset replacement contracts have been completed for the water main replacements in Ewing, Cathcart, Noel and Hunter Streets. Contracts for the outsourcing of the 1998/99 mains replacement programme will be drawn up during the second quarter.

An offer of subsidy is still yet to be advised from the Department of Land and Water Conservation to investigate water quality issues at Nimbin. Verbal advice from the DLWC is that the subsidy will be available in the very near future. Water quality testing using Council staff is proceeding.

A local consultant is reviewing headworks (Section 64) levies.

The Department of Public Works and Services have been engaged to expand the water fund financial plan out to a 20-year horizon and to update the business plan.

### **SEWERAGE SERVICES:**

Documentation of program maintenance and safe work procedures is continuing.

Contracts for the outsourcing of the 1998/99 sewer main replacement programme will be drawn up during the second quarter.

Caldwell Avenue Sewage Pump Station upgrade will be undertaken during the next three months. Replacement of the sewer line at North Lismore Sewage Pump Station has been delayed pending the engagement of a suitable contractor. The sewer line is in excess of 8 metres deep and combined with difficult site conditions requires specialist skills.

**BNR Plant and I/I Program AWT** - The new BNR Wastewater Treatment Plant at East Lismore was commissioned in June and the treatment optimisation phase is continuing satisfactorily. Some contractual matters remain outstanding. Minister Avery is being invited to open the works.

Contracts for the monitoring of stormwater Inflow / Infiltration into the sewerage reticulation are presently being let. Monitoring will commence in November and continue for 12 months.

The second phase of the program will be the development of a program of capital works to reduce I/I to manageable levels.

The investigation into the sewerage of the Village of Clunes has commenced.

Planting of the Tea Tree Farm at Lismore Airport, to be irrigated using effluent, is 50% complete and continuing as weather permits.

Design Plans for the water and sewer services for the proposed Caniaba Village are being prepared.

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# **LISMORE CITY COUNCIL - Meeting held October 27, 1998.**

## **Quarterly Review - Management Plan 1998/99**

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The Department of Public Works and Services have been engaged to expand the sewer fund financial plan out to a 20-year horizon and to update the business plan.

### **Other Group Comments**

Not sought

### **Recommendation**

That the report be received, the actions undertaken in each of the programmes noted and staff be congratulated on their performance during the quarter ended September 1998.

# LISMORE CITY COUNCIL - Meeting held October 27, 1998

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**Subject/File No:** INVESTMENTS HELD BY COUNCIL AS AT SEPTEMBER 30, 1998  
(GB:LC:S170)

**Prepared By:** Financial Accountant - Graeme Blanch

**Reason:** To comply with Section 625 of the Local Government Act

**Objective:** To invest Council's Surplus Funds to best advantage to comply with Council's investment policies

**Management Plan Activity:** General Purposes Revenues

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## **Background:**

The attached list of investments held by Council with various financial institutions had been made in accordance with Section 625 of the Act and in accordance with Council's investment policies.

Council's total investment for September amounted to \$24,360,383.06 with an average interest return of 6.96% compared to 4.30% the previous month. Interest rates at the same time last year returned Council on average of 5.18%. The Fund Managers averaged an interest return of 8.37% for September compared to 3.26% for August. The current outlook is that interest rates will remain at their current levels.

## **Manager - Financial Services Comments**

Included in the body of the report.

## **Public Consultations**

Not required

## **Other Group Comments**

Not requested.

## **Recommendation COR51**

That the report be received and noted.

# LISMORE CITY COUNCIL - Meeting held October 27, 1998

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**Subject/File No:** UNION PICNIC DAY  
(CMC:LC:98-16185, 98-16233: S25)

**Prepared By:** Group Manager - Corporate & Community Services - Col Cooper

**Reason:** Requests from the Unions/Associations.

**Objective:** For Council information.

## **Management Plan**

### **Activity:**

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### **Background:**

The Combined Lismore and Ballina branches of the Federated Municipal and Shire Employees Union Picnic Committee have advised that the annual picnic will be held on Friday, November 20, 1998 at Alstonville Show Ground. In addition, the Local Government Officers, Lismore Branch of the Federated Municipal Employees Union of Australia, have advised that their annual picnic will be held at Coraki Golf Club to be decided on the same day and will be held in conjunction with the Local Government Engineers and Health Surveyors Associations.

An invitation has been extended to all Councillors to join with members at the Alstonville picnic.

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

### **Manager - Financial Services Comments**

Not required.

### **Public Consultations**

Not required.

### **Other Group Comments**

Not requested.

### **Recommendation (Cor52)**

That Council approve Friday, November 20, 1998 as the Union Picnic Day for members of the abovementioned Unions/Associations.

# LISMORE CITY COUNCIL - Meeting held October 27, 1998

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**Subject/File No:** COUNCIL MEETING SCHEDULE  
(GW/LM: S43)

**Prepared By:** Manager-Administrative Services - Graeme Wilson

**Reason:** Issues to be considered prior to the Christmas/New Year break.

**Objective:** To set Council's meeting schedule.

**Management Plan** Administrative Services

**Activity:**

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## **Background:**

Council's meeting schedule for the remainder of 1998 sees meetings scheduled for:

- November 17 (Numulgi), and
- December 8

Discussions have been held with the Group Managers to ensure that all outstanding issues, as far as practical, are brought before these meetings.

As a result of these discussions it is apparent that Planning & Development, due to statutory advertising periods, cannot present a major rezoning report to the December 8 meeting. The options are to hold a second meeting on December 15, move the December meeting to December 15 or delay the rezoning until 1999.

The preferred option is to move the December 8 meeting to December 15, 1998.

The next issue which needs to be considered is a date for the first meeting in 1999. Traditionally this meeting has been held on the last Tuesday in January. However next year this falls on Australia Day. The options appear to be to either have the meeting a week earlier (still school holidays), a week later or on Wednesday, January 27, 1999.

Following discussion with senior staff, no problems are foreseen if the first meeting for 1999 is held on Tuesday, February 2, 1999.

## **Manager - Financial Services Comments**

Not required.

## **Public Consultations**

Not required.

## **Other Group Comments**

The report was prepared following discussion with Senior Management.

## **Recommendation (COR54)**

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## **LISMORE CITY COUNCIL - Meeting held October 27, 1998**

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- 1 That the Council meeting schedule for the remainder of 1998 be:
  - November 17 (Numulgi), and
  - December 15
  
- 2 That the first meeting for 1999 be February 2, 1999 and thereafter every third Tuesday.

**DOCUMENTS FOR SIGNING AND SEALING**

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

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

**Recommendation:**

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

**Re-certification of S88B Instrument - Council and M & A Walton - Industry Drive, East Lismore**

This was before Council on 6/10/98. Re-certification due to anomaly in wording.  
(D97/356)

**Loan to FNC Baseball Association - Guarantee by Council**

Council on 25/8/98 resolved to act as guarantor for a loan to a maximum of \$120,000.  
(P16984)

**Discharge of Mortgage - Mr & Mrs E A Say - Lot 26, DP 248151 at Dunoon**

This title deed was held by Council under an old Terania Shire Council mortgage which was paid out some years ago.  
(98-17015: P12708)

**Agreement - Council to C K & MM Sharpe - Outdoor Restaurant Licence - 1/106 Molesworth Street**

This licence is for a term of 2 years from date of settlement of sale of the business.  
(98-17179: P6894)



# LISMORE CITY COUNCIL - Ordinary Meeting held October 6, 1998

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## MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, OCTOBER 6, 1998 AT 6.00PM.

**Present:** Her Worship the Mayor, Councillor Irwin; Councillors Champion, Cole, Crowther, Gallen, Gates, King, Larsen, Roberts, Swientek and Wilson, together with the General Manager; Group Managers-Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager Environmental Health, Parks & Reserves Technical Officer and Manager-Administrative Services.

360/98 **Apologies/** Leave of absence was granted to Councillor Riddell by Council on  
**Leave of** March 31, 1998.  
**Absence:** Leave of absence was granted to Councillor Gates for the period  
October 9 to 21, 1998.  
(Councillors Larsen/Swientek)

361/98 **Minutes:** The Minutes of the Special Meeting held on September 15, 1998,  
were confirmed.  
(Councillors Larsen/Cole)  
The Minutes of the Ordinary Meeting held on September 15, 1998,  
were confirmed.  
(Councillors Roberts/Larsen)

### **Public Access Session:**

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

### **Mr Ray Sargent re Corndale Quarry - Continuing Use Rights, 422 James Gibson Road, Corndale**

(See Minute No.365/98)

Mr Sargent advised he spoke on behalf of Corndale residents. He referred to issues of non compliance by the quarry operator with legislative requirements, truck noise and visual amenity issues. He advised that residents would accept an extraction limit of 20,000 cubic metres. He disputed claims of lateral expansion.

### **Mr. Terry Collins re Corndale Quarry - Continuing Use Rights, 422 James Gibson Road, Corndale**

(See Minute No. 365/98)

Mr Collins advised that the area claimed for lateral expansion was beyond dispute. He referred to sworn statements obtained about extraction rates, and claimed a reasonable extraction rate was 44,000 cubic metres. (Q3)

**Mrs. Merle Fullerton re Landuse Practices - 17 Peate Street,  
North Lismore**

(See Minute No. 366/98)

Mrs Fullerton refuted the report, claimed it was biased, that accusations against her were false allegations, lies and were unsubstantiated. She referred to a neighbourhood dispute, claimed no fresh manure was used or flies emanated from this manure.  
(P8098,P8096)

**Mr. Brian Henry re Proposed Kadina Youth Activity Park**

(See Minute No. 367/98)

Mr Henry, Goonellabah Rotary Club spoke on the project. He provided background on the achievements of the Club, set out the desire of the Club to proceed with this youth project based on surveys of the needs of local youth. He advised the Club would seek minimal capital funding from Council.  
(P517)

**Mrs. Gail Allen re Proposed Kadina Youth Activity Park**

(See Minute No. 367/98)

Mrs Allen described the Kadina project as worthwhile. She sought Councils support to finish the Wade Park project, and details on costs associated with drainage and maintenance of Wade Park.  
(P517)

**Mr. Neville King re Working Party - Local Government Regulatory  
Reforms -**

**On-site Sewerage Management Facilities**

(See Minute No. 368/98)

Mr King sought council support to broaden the role of the committee to incorporate an examination of appropriate legislation.  
(S245)

**Mr. Chris Mallam - Item 17 Traffic Advisory Panel Minutes -  
Rowing Club Carpark**

(See Minute No. 369/98)

Mr Mallam emphasised the co-operation between City Wide, and Council staff on parking. He requested Council delay changing the parking hours in the Rowing Club Carpark until the survey on paid parking is undertaken and the analysis completed.  
(P15856)

**DISCLOSURE OF INTEREST:**

**S459**

Councillors Cole and King declared an interest in the report Working Party - Local Government Regulatory Reforms - On-site Sewerage Management Facilities (two applicants are fellow members of the Lismore District United Ratepayers Association).

**NOTICE OF MOTIONS:**

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**Future of Cedar Log at City Hall**

362/98 Formal notice having been given by Councillor Crowther it was **RESOLVED** that a report be brought to Council on the future of the Cedar Log at the City Hall; that the report canvas at least the following options:

- 1 Leave it where it is.
- 2 Relocate it to a more appropriate display area, say in Heritage Park.
- 3 It be cut up and the material used in some significant community project such as a new Library/Art Gallery Complex.

(Councillors Crowther/Larsen)

(98-15958: P6816)

**Economic Relationship - Council and Southern Cross University**

- 363/98 Formal notice was given by Councillor Crowther it was **RESOLVED** that Lismore City Council consult with Southern Cross University to explore ways to build on the present relationship, recognising the present and future role of the University in the economic and social wellbeing of our city.  
(Councillors Crowther/Cole) (98-15956: S640)

**SUSPENSION OF STANDING ORDERS:**

- 364/98 **RESOLVED** that standing orders be suspended and Council now deal with the undermentioned matters:-
- **Corndale Quarry - Continuing Use Rights, 422 James Gibson Road, Corndale**
  - **Landuse Practices - 17 Peate Street, North Lismore**
  - **Proposed Kadina Youth Activity Park**
  - **Working Party - Local Government Regulatory Reforms - On-site Sewerage Management Facilities**
  - **Item 17 Traffic Advisory Committee Minutes - Rowing Club Carpark**
- (Councillors Roberts/Larsen)

**Corndale Quarry - Continuing Use Rights, 422 James Gibson Road, Corndale**

(Copy attached)

At this juncture 7.15pm the Mayor vacated the Chair and left the meeting.  
The Deputy Mayor, Councillor Larsen took the chair.

- 365/98 **RESOLVED** that the report be received and that the Corndale Quarry be accepted as operational under the following continuing use right terms:
- 1 That maximum extraction rate be limited to 44,000m<sup>3</sup> per annum, commencing on 1 July each year.
  - 2 That the physical quarry working area within Lot 2 DP 716264 be limited to that area which had been actually and physically used for quarrying of extractive material prior to February 3, 1986 (i.e. no greater than the existing quarry working face as at current date).
  - 3 That the physical limits of the quarry as in term no. 2 above be marked on site with permanent steel post markers.
  - 4 That the operator agree to submit quarterly returns to Council commencing from July 1, 1998, indicating total extraction from the quarry during each preceding quarter.

(Councillors Crowther/Gates)

**Voting Against:** Councillors Roberts, Larsen, Wilson. (Q3)

**Landuse Practices - 17 Peate Street, North Lismore**

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(Copy attached)

366/98

**RESOLVED** that

1. the report be noted.
2. Council endorse the action taken by staff on this matter and that any future Council involvement relating to health matters be dealt with by staff only.

(Councillors Roberts/King)

**Voting Against:** Councillors Champion and Crowther.

(P8098, P8096)

### **Proposed Kadina Youth Activity Park**

(Copy attached)

**A MOTION WAS MOVED** that the report be received and -

1. Council give in-principle support to the proposal to develop a multi purpose recreation area.
2. That the Parks & Reserves department, and the Recreation Planner, proceed with consultation with the Goonellabah Rotary Club and other community groups to examine the feasibility of establishing a multi purpose recreation area at the Goonellabah Town Centre Public Reserve in and around the footprint of the earmarked or proposed Goonellabah Leisure and Aquatic Centre.
3. That approval be given to seek external grant funding for the project in anticipation of Council adoption of a Plan of Management and subsequent approvals.
4. That Council recognise the ongoing maintenance costs associated with this proposal, and agree to provide additional maintenance funds on a continuing basis, should the proposal receive Council approval.
5. A further report be brought before Council to determine the suitability of that particular site.
6. A Geo Technical report be obtained prior to the Plan of Management to ascertain the problems associated with the placement of facilities and structures on uncompacted fill of varying types and depth.

(Councillors Swientek/Gallen)

**AN AMENDMENT WAS MOVED** that the report be received and -

1. That Council give in-principle support to the proposal to develop Kadina Park as a multi-purpose recreation area with a focus on youth.
2. That the Parks & Reserves Department, in consultation with the Recreation Planner, proceed with the production of a Plan of Management for Kadina Park, with associated public consultation.
3. That approval be given to seek external grant funding for the project in anticipation of Council adoption of a Plan of Management and subsequent approvals.
4. That Council recognise the ongoing maintenance costs associated with this proposal, and agree to provide additional maintenance funds on a continuing basis, should the proposal receive Council approval.
5. A Geo Technical report be obtained prior to the Plan of Management to ascertain the problems associated with the placement of facilities and structures on uncompacted fill of varying types and depth.

(Councillors Gates/Cole)

At this juncture 8.03pm the Mayor re-entered the meeting and resumed the chair.

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

**Voting Against:** Councillor Swientek.

367/98 **RESOLVED** that the report be received and

1. That Council give in-principle support to the proposal to develop Kadina Park as a multi-purpose recreation area with a focus on youth.
2. That the Parks & Reserves Department, in consultation with the Recreation Planner, proceed with the production of a Plan of Management for Kadina Park, with associated public consultation.
3. That approval be given to seek external grant funding for the project in anticipation of Council adoption of a Plan of Management and subsequent approvals.
4. That Council recognise the ongoing maintenance costs associated with this proposal, and agree to provide additional maintenance funds on a continuing basis, should the proposal receive Council approval.
5. A Geo Technical report be obtained prior to the Plan of Management to ascertain the problems associated with the placement of facilities and structures on uncompacted fill of varying types and depth.

(Councillors Gates/Cole)

(P517)

**Working Party - Local Government Regulatory Reforms - On-site  
Sewerage Management Facilities**

(Copy attached)

**DISCLOSURE OF INTEREST:**

**S459**

Councillor King and Cole declared an interest in this matter and left the chamber during the debate and determination.

A MOTION WAS MOVED that Dr Leigh Davison and Mr Neville King be appointed to the On-site Sewerage Management Facilities Working Party.

(Councillors Roberts/Wilson)

AN AMENDMENT WAS MOVED that Mr John Chamberlain, Dr Leigh Davison, Mr Neville King, Mr Malcolm Black and Mr John Cade be appointed to the On-site Sewerage Management Facilities Working Party.

(Councillors Swientek/Larsen)

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

**Voting Against:** Councillors Irwin, Roberts, Wilson and Crowther.

368/98 **RESOLVED** that the report be received and that Mr John Chamberlain, Dr Leigh Davison, Mr Neville King, Mr Malcolm Black and Mr John Cade be appointed to the On-site Sewerage Management Facilities Working Party.

(Councillors Swientek/Larsen)

**Voting Against:** Councillors Wilson & Crowther.

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(S245)

**Item 17 Traffic Advisory Committee Minutes - Rowing Club  
Carpark**

At this juncture (8.16pm) Councillor Wilson left the meeting.

(Copy attached)

369/98 **RESOLVED** that no action be taken at this stage until the Kirkland Riviera Carpark is completed and operational and a report is presented to the Traffic Advisory Committee on paid parking.

(Councillors Gallen/Cole)

(P15856)

**RESUMPTION OF STANDING ORDERS:**

370/98 **RESOLVED** that standing orders be resumed.  
(Councillors Larsen/Roberts)

**REPORTS:**

**Corndale Quarry - Continuing Use Rights**

(See Minute No. 365/98)

**Landuse Practices - No. 17 Peate Street, North Lismore**

(See Minute No. 366/98)

**Proposed Kadina Youth Activity Park**

(See Minute No. 367/98)

**Working Party - Local Government Regulatory Reforms - On Site  
Sewerage Management Facilities**

(See Minute No. 368/98)

At this juncture (8.19pm) Councillor Wilson returned to the meeting.

**Corporate Environmental Policy - Environment Management  
Systems**

(Copy attached)

371/98 **RESOLVED** that the report be received and

- 1 That Council adopt the draft "Corporate Environmental Policy".
- 2 That Council publicly exhibit the Policy Statement.
- 3 That Council staff, contractors and service providers be made aware of the policy statement.

(Councillors Roberts/Swientek)  
(S245)

**Waste Management Advisory Panel - Citizen Representation**

(Copy attached)

A motion was moved that Mrs F Boyle, Mrs A Kowalczyk and Mrs S Beaver be appointed to the Waste Management Advisory Panel.  
(Councillors Swientek/Larsen)

AN AMENDMENT WAS MOVED that Mrs F Boyle and Mrs A Kowalczyk be appointed to the Waste Management Advisory Panel.  
(Councillors Roberts/Wilson)

On submission to the meeting the AMENDMENT was DEFEATED.

**Voting Against:** Councillors Swientek, Crowther, Larsen, Cole, King and Champion.

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372/98     **RESOLVED** that the report be received and that Mrs F Boyle, Mrs A Kowalczyk and Mrs S Beaver be appointed to the Waste Management Advisory Panel.  
(Councillors Swientek/Larsen)  
(S317)

**Lismore Airport - New Terminal, Taxiway & Carpark - Proposal  
for Selected Tender**

(Copy attached)

A MOTION WAS MOVED that

- 1 The construction of the Lismore Airport terminal complex be undertaken by a consortium of contractors appointed following a selective tendering process.
- 2 Selection of the tenders and contractor(s) be undertaken by Council in consultation with the original Project Team.
- 3 The final tender document, plans and finishes be brought before a Council meeting or a Council briefing session for endorsement.

(Councillor Crowther/Wilson)

AN AMENDMENT WAS MOVED that the Project team break up the project into stages and the team call for open tenders for each stage.

(Councillor Swientek)

The amendment lapsed for want of a seconder.

373/98 **RESOLVED** that the report be received and that

- 1 The construction of the Lismore Airport terminal complex be undertaken by a consortium of contractors appointed following a selective tendering process.
- 2 Selection of the tenders and contractor(s) be undertaken by Council in consultation with the original Project Team.
- 3 The final tender document, plans and finishes be brought before a Council meeting or a Council briefing session for endorsement.

(Councillors Crowther/Wilson)

(P9733)

**Financial Reports 1997/98**

(Copy attached)

374/98 **RESOLVED** that the report be received and that the 1997/98 financial reports be presented to the public.

(Councillors Larsen/Roberts)

(S568)

**Proposed Lismore Masters Games**

(Copy attached)

375/98 **RESOLVED** that the report be received and

- 1 Council sanction the Masters Games Event as detailed and conduct it under its Auspices.
- 2 Council disband the Games Steering Committee and thank all participants for their efforts.
- 3 Council sanction formation of a Lismore Masters Games Organising Committee (under section 355 of the LGA 1993) and endorse its operation with the following delegations and responsibilities:-
  - \* development and implementation of policies and procedures for the conduct of the Games (within the parameters as outlined within the report)

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- \* monitoring of the Games budget (see budget section)
- \* establishment and monitoring of key sub-committees
- \* marketing, planning and sponsorship procurement and determining benefits relevant to sponsors and participants
- \* liaison with local and district sporting bodies
- \* recruitment of volunteers and secondment of other professional advisers
- \* setting fees for the event (subject to Council endorsement)
- \* approving expenditure related to Games matters.
- \* appoint people to sub-committees The Organising Committee membership be as follows:
  - Councillors x 2
  - NOCAS x 1
  - Southern Cross University x 2
  - Lismore Economic Development Advisory Board x1
  - Community Sport/Lismore District Sports Association x 2
  - Lismore Unlimited x 2
  - Southern Cross University Student Union x 1
  - Tourism Office x 1
  - NSW Sport and Recreation x 1
- 4 **Individuals appointments to the Committee be as follows:-**Councillors - Cole, Larsen NOCAS - Jak Carroll  
Southern Cross University - Peter Cordery, Alison James  
Lismore Economic Development Advisory Board - Dave Arthur  
Community Sport/ Lismore District Sports Association - T Crollick, P Deegan  
Lismore Unlimited - J Bondfield and 1 other  
Student Union - Dave Graham  
Tourism Office - Andrea Roberts  
Sport & Recreation - Paul Hernage
- 5 A Games Co-ordinator be appointed to service Committees and implement games strategies
- 6 The Games Organising Committee commence promoting and organising the event immediately
- 7 A Sponsorship/Games update report be compiled for Councils consideration March 1999
- 8 Council endorse the inclusion of a contingency fund in the 1999/2000 budget for the Masters Games Event.
- 9 A detailed Plan of Management for the committee be formulated and presented to Council by December 1998.

(Councillors Gallen/Swientek)  
(S720)

## **Disclosure of Pecuniary Interest Returns**

(Copy attached)

376/98 **RESOLVED** that the report be received and noted.

(Councillors Swientek/Larsen)  
(S18)

## **Investments held by Council as at August 31, 1998**

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(Copy attached)

377/98 **RESOLVED** that the report be received and noted.  
(Councillors Larsen/Swientek)  
(S170)

**Application for Road Closure - Drulcope Pty Ltd (Elysian Farm) -  
Mulvena Road, Larnook**

(Copy attached)

- 378/98 **RESOLVED** that the report be received and
1. That the application of Drulcope Pty Ltd (Elysian Farm) to close that portion of non-public road situated within Lot 1 DP 358225 be endorsed.
  2. That the signatures of the Mayor and General Manager be affixed to the application as presented.
- (Councillors Larsen/Gates)  
(P11537)

**Airport Owners Conference**

(Copy attached)

- 379/98 **RESOLVED** that the report be received and that Council authorise the attendance of Cr John Crowther to the Australian Airports Conference in Longreach, Queensland.
- (Councillors Larsen/Wilson)  
(S370)

**COMMITTEE RECOMMENDATIONS:**

**Traffic Advisory Committee 16/9/98**

(Copy attached)

- 380/98 • **Item 17 (TAC179/98 and 180/98) See Minute No 369/98**
- RESOLVED** that the minutes be received and the recommendations contained therein be adopted excluding Item 9 (TAC169/98 and TAC170/98), Item 18 ((TAC181/98), Item 19 (TAC182/98) and Item 20 (TAC183/98 and TAC184/98)
- (Councillors Gallen/Cole)

- 381/98 • **Item 9 (TAC169/98 and TAC170/98)**
- RESOLVED**
1. That a plan of proposed traffic control measures for the section of Ballina Street between Diadem and Dibbs Streets be brought back to the next meeting.
  2. That after acceptance by Council and the community through advertising the proposed plan, Council write to the RTA advising that it would install a temporary roundabout at the intersection of Ballina and Dibbs Streets.
- (Councillors Crowther/Larsen)  
(98-14835, S342)

• **Item 18 (TAC181/98)**

A MOTION WAS MOVED

1. That Council support the erection of signs in the areas outlined above, together with any other areas that may become a problem in the future, prohibiting the sale of vehicles on the roadside.
  2. Council publicise in its newsletter action being taken in this regard and contact owners of vehicles "for sale" advising them of action that Council will take.
-

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3. A report be provided to Council determining the legal issues surrounding this matter.  
(Councillors Crowther/Larsen)

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AN AMENDMENT WAS MOVED THAT

1. Council support the erection of signs in the areas outlined above, together with any other areas that may become a problem in the future, prohibiting the sale of vehicles on the roadside.
2. Council publicise in its newsletter action being taken in this regard and contact owners of vehicles "for sale" advising them of action that Council will take.

(Councillors Gallen/Roberts)

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

**Voting Against:** Councillor Swientek.

382/98 **RESOLVED** that the report be received and

1. Recommended that Council support the erection of signs in the areas outlined above, together with any other areas that may become a problem in the future, prohibiting the sale of vehicles on the roadside.
2. Council publicise in its newsletter action being taken in this regard and contact owners of vehicles "for sale" advising them of action that Council will take.

(Councillors Gallen/Roberts)

**Voting Against:** Councillors Swientek.

(S374)

• **Item 19 (TAC 182/98)**

383/98 **RESOLVED** that the advertised plan be amended to show proposed traffic facilities for the three remaining intersections along Ballina Street and the amended plan be advertised for public comment and surrounding affected residents be advised by letter.

(Councillors Crowther/Larsen)

(R6002,R6030)

• **Item 20 (TAC183/98 and 184/98)**

384/98 **RESOLVED** that

1. Magellan Street, between Molesworth and Keen Streets, be declared a 'Shared Zone' with the speed limit set at 10 kph.
2. That signposting at other crossings be upgraded in accordance with any amended Technical Direction and that in Cullen Street, Nimbin, the existing and future raised pedestrian facilities become pedestrian crossings.

(Councillors Roberts/Larsen)

(S352)

## **DOCUMENTS FOR SIGNING AND SEALING:**

385/98 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

**Annual Review of Banking Facilities**

"Application for Advance" to be completed and executed under seal and returned to the Commonwealth Bank together with Council's 1998 audited financial statements.

(98-15078: S373)

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**Management Agreement - City Hall**

Fresh agreement with NORPA for management of the City Hall for the period 1/1/99 - 30/6/99  
(98-14932: P6816)

**Council to Jopol Pty Limited (Pollard) - Lease**

Lease agreement - Suite G2, 186 Molesworth Street - 1/7/98 - 30/6/99  
(98-15835: P6832)

**Re-certification of S88B Instrument - Council & M & A Walton - Industry Drive, East Lismore**

This matter was before Council on 4/8/98. Re-certification due to anomaly in wording.  
(D97/356)

**Deed of Agreement - Council to Shearman**

Acquisition of land at Goolmangar for road purposes.  
(98-15837: R2801)

**Contract of Sale and Transfer - Council to Wade**

Purchase of land 28 City View Drive for proposed Operational land - report to Council 25/8/98.  
(98-15834: P25878)

**Offer of Sale from the Department of Land & Water Conservation - Crown Public Road at Blakebrook**

Purchase of this road is being sought for use in conjunction with Blakebrook Quarry.  
(98-16041: P11234)

**Contract of Sale and Transfer - Industrial Site - Council to Binney**

Sale of Lot 55, DP 805421, 15 Lancaster Drive to Ross Binney  
(P22541)

**Deeds - Land Acquisition - Morton & Wallace & Others Acquisition of land at Rock Valley for road widening.**

(98-16328: R2401)  
(Councillors Larsen/Wilson)

**MATTER OF URGENCY-**

**Grand Master -Manchester Unity**

- 386/98 **RESOLVED** that this matter be admitted to the Business Paper as a Matter of Urgency.  
(Councillors Crowther/Swientek)
- 387/98 **RESOLVED** that a letter of congratulations be forwarded to Mr M Gamble on his achievement in being appointed Grand Master - Manchester Unity.  
(Councillors Crowther/Swientek)
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This concluded the business and the meeting terminated at 9.28 pm.

**CONFIRMED** this 27TH day of OCTOBER, 1998 at which meeting the signature herein was subscribed.

\_\_\_\_\_  
**MAYOR**

