



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, APRIL 8, 2003, at 6.00pm and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

April 1, 2003

COUNCIL BUSINESS AGENDA

April 8, 2003

PUBLIC ACCESS SESSION:

PAGE NO.

Lorraine Vass re Notice of Motion

PUBLIC QUESTION TIME:

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE

CONFIRMATION OF MINUTES – March 11, 2003

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DISCLOSURE OF INTEREST

MAYORAL MINUTES

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MAYORAL MINUTE

Subject/File No: REGIONAL EXPRESS AIRLINES VISIT TO LISMORE

Background:

I understand that the Senior Executive of Regional Express Airlines is contemplating a visit to Lismore possibly in July. I believe an official invitation from Council would help to strengthen the already strong relationship that exists between Lismore and our airline.

Comment – Group Manager-Business & Enterprise

Council has received verbal advice that Regional Express Airlines (Rex) are considering holding a Board meeting in the regions and at this time are considering Lismore. I support the sentiments of the Mayor as the opportunity to host the Rex Board will continue to foster the good relationship that exists between the Council, community and the airline. This occurrence would also present opportunities for direct dialogue between Councillors and Rex management.

Recommendation (MM01)

That Council invite Regional Express Airlines to conduct a Board meeting in 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:

We hereby rescind the decision on Aspect North and the Airport at Council's meeting of March 11.

- "57/03 **RESOLVED** that the report be received and –
- 1 *Council record its support for this development and commit that it will work with the principals to achieve mutually beneficial outcomes;*
 - 2 *Council seek advice from Ambidji Frontec, the airport managers regarding the suitability of the site for this purpose and the long term development of the Lismore Regional Airport;*
 - 3 *The existing valuations for the airport hangar land be updated;*
 - 4 *The General Manager be delegated authority to deal with Aspect North on the principle of them being granted ownership of the land at no cost to them, this being based on Council's financial support of Aspect North in concert with Federal funding. Such funding having been made subject to Council support. The quantum of Council's contribution is based on the valuation of the block.*
 - 5 *The value of the block be available from the development incentive fund, same being transferred to the Aerodrome fund and used at the Airport to fund essential works.*
 - 6 *In the discussions with Aspect North they be advised of the following:*
 - a) *A need to commit to a completion date for the works.*
 - b) *Agree to give Council first option to purchase the site in the event of their not proceeding at UCV.*
 - c) *Identification of the name of the terminal building Habib Habib being retained on the building."*

COUNCILLOR R M Irwin

COUNCILLOR D J Roberts

COUNCILLOR D R Tomlinson

DATE March 17, 2003

STAFF COMMENT BY:

Manager – Economic Development & Tourism

I support the Rescission Motion and the intent to revert to the original recommendation on the report titled Aspect North Development at Lismore Regional Airport submitted to the Council meeting held on March 11, 2003.

The original recommendations provide a framework for the General Manager to negotiate an appropriate agreement via professional discussions with representatives Aspect North. Such agreement would be of a legal contractual nature, require the application of Council's seal, and necessarily would be returned to Council for endorsement prior to actually entering into any legally binding agreement. I believe it is wise to provide the General Manager with a broad latitude to negotiate this agreement towards attaining the most mutually beneficial outcome.

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Rescission Motion – Aspect North

The Incentives for Investment Policy is provided by Council to encourage, in particular, employment generating investments in the Lismore municipality. Clearly Aspect North is intending to generate a very significant number of jobs and it would be very appropriate for the Incentives Fund to be utilised to support this development, in an appropriate way. The purpose of the Incentives Fund is definitely not for the upgrade of facilities and infrastructure on Council installations such as the airport.

The Council Policy allows for the following types of assistance:

- 1 Investment facilitation;
- 2 Section 94 Charges;
- 3 Section 64 Charges;
- 4 Application fees;
- 5 Council rates;
- 6 Relocation expenses;
- 7 Development Consent conditions.

At this stage, nowhere in the Policy does it refer to the acquisition of land.

I have not yet sighted a valuation for the proposed parcel of land at the airport but I expect the valuation would be in excess of the amount of funds available in the Incentives Fund.

Manager-Finance & Administration

The Incentives for Investment fund has a current balance of \$148,500. The fund has been used to support a number of developments since its inception and there is an ongoing demand for access to these funds.

To effect the existing resolution, it is likely that the current balance and the annual contributions of \$50,000 for the next few years will be committed to this development. This may not be prudent given that no funding would be available for any other development over this time.

Another issue which I believe is relevant relates to the 'proceeds' being used for works at the airport. Given that general fund is contributing approximately \$258,000 towards airport operations this year, the proceeds should be used first to offset the deficit. If this approach were taken, then a range of worthy projects, including airport works, could be considered for funding by Council.

On this basis, the motion is supported. It is suggested that as the original recommendations provide reasonable flexibility for negotiating with Aspect North and reporting back to Council, they be reconsidered for approval.

(03-2747: P25804)

NOTICE OF MOTION

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

If the rescission motion is successful, we seek to revert to the original recommendation.

“That:

- 1 *Council record its support for this development and commit that it will work with the principals to achieve mutually beneficial outcomes;*
- 2 *Council seek advice from Ambidji Frontec, the airport managers regarding the suitability of the site for this purpose and the long term development of the Lismore Regional Airport;*
- 3 *The existing valuations for the airport hangar land be updated;*
- 4 *The General Manager be delegated authority to negotiate an agreement with Aspect North consistent with independent valuation advice and the plan as attached to this report for the sale of the freehold title and if required an interim licence for the site.”*

COUNCILLOR R M Irwin

DATE March 17, 2003

(03-2747: P25804)

NOTICE OF MOTION

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

That Lismore Council receive and note the petition from the Friends of Koalas concerning koalas and Skyline/Durheim Road as reflecting broad support within the community for the future protection of koalas.

COUNCILLOR R M Irwin

DATE March 24, 2003

STAFF COMMENT BY: Manager Client Services

Council acknowledges the significance of the koala population and the broad community recognition of its fragility.

In recognition of this fact, Council staff are currently working with both community bodies and government departments to achieve an alignment for the Skyline Road upgrade that has the least possible impact upon koalas.

(03-3041: S642)

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Subject/File No: DEVELOPMENT APPLICATION NO. 02/771 – SUBDIVISION
35 JUST STREET, GOONELLABAH

Prepared By: Development Assessment Planner - Chris Soulsby

Reason: Council Resolution

Objective: Determination of the development application for the subdivision of 105 residential allotments

Management Plan Activity: Development Assessment

Background:

On March 11, 2003 Council considered a report on the 105 lot subdivision at Just Street (Pearce Estate). The determination of the DA was deferred to allow for input from the residents who did not receive a notification letter and to allow alternate staging options to be considered and to enable a site inspection. A copy of the original report is attached.

Manager - Finance & Administration Comments

No change to previous.

Public Consultations

Consultation was undertaken initially in accordance with *DCP 41 Notification and Advertisement of Development Applications*. Due to a clerical error five properties did not receive their notification. The owners and occupiers of these properties were notified and no submissions were received from them. Three additional submissions were received. The first was from a resident of McIntosh Road. This submission canvassed the concept of ending McIntosh Road and Dudley Drive in cul-de-sacs. This is discussed in detail below. The second was a petition signed by 16 residents of Just Street. The 16 signatories represent eight residences on Just Street. The main thrust of the petition relates to traffic safety and to trees on lot 49. The issue of tree preservation was covered in the original report and further elaboration is not required, the traffic issues are discussed below. The third submission raises many issues, a précis of the points of this objection is as follows:

- Non compliance with DCP 28 6.2.1 Neighbourhood Design;
- Crime prevention;
- Inadequacy of pedestrian / cycleway facilities;
- Impacts on rainforest and habitat due to increased traffic movements;
- Impacts on the arterial road network (Oliver Ave);
- Locating cul-de-sacs on Just Street to separate the subdivision into sections;
- Poor public transport routes;
- Lack of a water supply;
- Lack of an adequate stormwater system;
- Inadequate flora and fauna study.

Some of these issues have been covered in the original report and will not be discussed in detail here. Copies of this submission and all the previous submissions are attached.

Traffic:

The proposition of ending Dudley in a cul-de-sac goes contrary to the road network planning that has been in place since the creation of City Acres. In 1978 plans for City Acres indicate a connection with the road network to Kadina Street (unformed), where the proposed link to Dudley Drive will be.

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Development Application No. 2002/771

Subsequent subdivisions in Goonellabah, the original master plan for the Pearce land (1988) and the Olleyville Estate (1992) showed construction of Dudley Drive to link through to McIntosh Road. Council constructed a water main along the proposed route of the road in 1992. The road route was based on the aforementioned masterplans. Council has an indicative road layout plan showing this link in 1998. Creation of cul-de-sacs at this point goes contrary to the long term planning for the road network and would have an undesirable impact on the functionality of the overall network. Such an option is not supported by Council's Planning or Engineering Staff.

The developer has agreed to alter the staging of the development to create stages 1 and 2 followed by 5, 4, 3. This will direct traffic from a maximum of 33 lots onto McIntosh Road until the completion of stages 5, 4, and 3. Minor changes have been made to the road construction conditions to reflect the alterations in staging.

Road safety is raised as an issue by the residents of Just Street. The safety impacts of this development on the road rework were reviewed by the traffic committee. No issues of significance were raised. Specifically the petition raises three points with respect to traffic safety, these are:

1. Installation of speed humps;
2. Speed islands;
3. 40km/h speed limit;

It is considered that speed humps are not a desirable traffic calming device in a residential environment due to the noise problem that they create and the adverse impacts on the use of some of these roads as bus routes. 40km/h speed limits as proposed in the petition are not considered to be necessary given the functional classification of the roads (DCP 28 and Ausroads). A 50km/h speed limit is contended to be acceptable in a residential area. Dudley Drive has been designed as a collector road and a 40km/h speed limit would significantly limit its ability to function as such. Given the width of the proposed carriageways in the development and the availability of footpaths and a cycleway traffic calming mechanisms at intersections are also not required.

Provision of cul-de-sacs on Just Street (refer to plan attached in the submissions) to break the stages of the development into separate traffic catchments, whilst still allowing pedestrian access at first appears a viable option. However it would preclude the use of Just and Apo Streets as bus routes. In the short term it would also exacerbate the amount of traffic being directed out through City Acres, until the link through Dudley Drive is created. This negates the altered staging proposed by the developer intended to fix this problem. It would also be detrimental to the connectivity of the road hierarchy. For these reasons it could not be supported.

DCP 28: - The provisions of DCP 28 with respect to neighbourhood design have been adequately addressed in the design layout of the development.

Stormwater System:- It is considered that the street layout and the proposed stormwater disposal system will be adequate in terms of quantity and quality control.

Conclusion

The changes in the staging decrease the minor amenity impacts that may have occurred on McIntosh Road. The additional submissions raised no issues that would warrant refusal or modification of the application.

Recommendation (PLA8)

- A That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.
- B That Council, as the consent authority, approve Development Application 02/771 for a 105 Lot residential subdivision, dedication of a public reserve, stormwater drainage works and a sewer pump station:

Subject to the conditions listed below:

STANDARD

1 In granting this development consent, Council requires:

- the development,
- all roads/civil works,
- lot boundaries, and
- areas subject to any amendment or modification called for in the following conditions

be substantially in accordance with the stamped approved plan(s) and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

DRAINAGE

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

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

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

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

3 The proponent shall make satisfactory provision for existing and proposed lots to dispose of stormwater without causing a nuisance to other properties. All works are to be constructed according to Council's Development, Design and Construction Manual (as amended). All roof water from any existing or proposed buildings and/or surface water from paved areas shall be directed to a discharge point to prevent intensification of discharge runoff onto adjoining land. All drainage lines are to be located within drainage easements.

Any stormwater line with an area of influence from the stormwater line measured by projecting a 45° angle from the invert of the line to the surface level extending outside of the easement shall be covered by a restriction on use requiring any structure within this area to be pierced to the stormwater invert level. All costs shall be the responsibility of the proponent.

Reason: To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 79C(b))

4 Prior to release of the Subdivision Certificate, a suitably qualified person or Principal Certifying Authority is required to furnish a statutory certificate confirming:

- all drainage lines have been located within the respective easements,
- roadworks are in accordance with the approved design plan,
- any other structures like retaining walls are located in accordance with the Construction Certificate,
- all stormwater has been directed to a Council approved drainage system.
- all conditions of consent/approval have been complied with.

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

5 The discharge of stormwater from the site shall be limited to the pre-development flow (rural flow) for an ARI of 10 years and a time of concentration of 6 minutes. On-site retention of stormwater shall be encouraged to achieve this requirement. Full design details shall be submitted with the Engineering Design Plans.

Reason: To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 79C(b)).

6 A Stormwater Management Plan must be submitted to and approved by Council prior to detailed engineering design plans being approved by Council. The Plan must detail measures to be implemented to reduce peak flow rates from the site and improve stormwater quality prior to flows entering Tucki Tucki Creek. The plan must give consideration to the receiving waters of Tucki Tucki Ck and develop stormwater quality objectives for flows entering the creek. The Plan must also detail how the measures proposed to be put in place to improve stormwater quality will achieve those objectives. The detailed engineering plans shall reflect the approved Stormwater Management Plan.

Reason: To protect Tucki Tucki Creek from urban stormwater runoff.

EARTHWORKS

7 Prior to commencement of works, certification from a practising qualified engineer experienced in soil mechanics is required verifying:

- civil engineering works including retaining walls have been assessed as structurally adequate,
- civil engineering works will not be affected by landslip either above or below the works,
- civil engineering works will not be affected by subsidence either above or below the works, and
- adequate drainage has been provided.

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

8 A qualified practising structural engineer shall provide Council with a certificate of structural adequacy for any proposed retaining walls in the development, prior to commencement.

Any proposed retaining wall associated with roadworks shall be constructed wholly within the lots. No retaining wall shall be constructed upon the road reserve.

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

- 9 Prior to the release of the Subdivision Certificate, a NATA registered geotechnical testing authority shall submit documentary evidence, certifying that the fill material has been placed in accordance with Australian Standard 3798 "Guidelines on earthworks for commercial and residential developments".

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

ROADS

- 10 The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). In relation to the following works, the proponent shall pay Council's GST cost prior to the release of the Subdivision Certificate. The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work. Required roadworks include:

Construction of an intersection layout at the junction of McIntosh Road and Rous Road in accordance with AUSTRROADS Pt 5 "Intersections at Grade" giving particular attention to sight distance, as required by Condition No. 11.

Stage 1

Construction of Dudley Drive to an urban road shape with a bitumen sealed width of 11m between kerbs from the end of the existing road pavement in McIntosh Road to the western boundary of proposed lot 19.

Construction of Betty Court to an urban road shape with a bitumen sealed width of 6 m between kerbs from Dudley Drive to the northern boundary of proposed lot 11.

Construction of the link road between Dudley Drive and the land to the south, as identified in condition 84, to an urban road shape with a bitumen sealed width of 9m between kerbs.

Stage 2

Construction of Just Street to an urban road shape with a bitumen sealed width of 11m between kerbs from Dudley Drive to the Northern boundary of lot 22.

Stage 3

Construction of Just Street to an urban road shape with a bitumen sealed width of 11m between kerbs from the end of the existing pavement to the Northern boundary of lot 22.

Construction of Pauline Court to an urban road shape with a bitumen sealed width of 9m between kerbs from Just Street to the eastern boundary of proposed Lot 50.

Construction of Tamai Place to an urban road shape with a bitumen sealed width of 6m between kerbs from Pauline Court to the southern boundary of proposed lot 57.

Stage 4

Construction of Just Street to an urban road shape with a bitumen sealed width of 11m between kerbs from the end of the existing pavement to the southern boundary of lot 69.

Construction of Sandie Place to an urban road shape with a bitumen sealed width of 6m between kerbs from Just Street to the eastern boundary of proposed lot 74.

Stage 5

Construction of Just Street to an urban road shape with a bitumen sealed width of 11m between kerbs from the end of the existing pavement within Just Street to the southern boundary of lot 85.

Construction of Apo Street to an urban road shape with a bitumen sealed width of 11m between kerbs from the end of the existing pavement to the intersection with Just Street.

Construction of Maurine Court to an urban road shape with a bitumen sealed width of 6m between kerbs from Apo Street to southern boundary of lot 103.

A practising qualified surveyor or engineer shall submit to Council for approval prior to the release of the Subdivision Certificate, a "works-as-executed" set of plans and construction certification. The certification shall detail satisfactory completion of all roads, drainage and civil works required by this development consent and approved design plans.

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

- 11 Prior to the approval of Engineering Design Plans for each stage of development, the applicant shall undertake traffic counts at the intersection of Rous Road and McIntosh Road. Should the traffic counts indicate the intersection warrants upgrading to a Type B Intersection, in accordance with AUSTRROADS Pt 5 "Intersections at Grade", then either the intersection shall be upgraded to a Type B Intersection or the link to Dudley Drive or Just Street constructed. These works shall be constructed prior to release of the next Subdivision Certificate.
- 11A Full design plans of the proposed engineering works to satisfy condition(s) 2, 3, 5, 10, 12 & 14 shall be submitted to and approved by Council prior to commencement of these works. Such plans shall be accompanied by the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

NOTE: Where a development is proposed to be staged then appropriate plans to satisfy this condition for that stage shall be submitted and approved by Council prior to commencement of works.

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

- 12 The grade from the road pavement to each lot shall permit the construction of vehicular access in accordance with Council's Design and Construction Specification (Vehicular Access). Engineering design working drawings shall provide evidence of the feasibility of lot access. Such drawings shall be submitted for Council approval prior to release of the Approved design plans.

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

- 13 Road names proposed for the subdivision shall be submitted for Council approval prior to lodgement of the Subdivision Certificate. A suitable name for any new road/s shall be in accordance with Council's adopted policy.

Reason: *To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 79C(b))*

- 14 The access shaft of the following lots shall be constructed to the widths shown in accordance with Council's Development, Design and Construction Manuals (as amended). A asphaltic concrete (25mm depth) sealed or equivalent surface shall be applied to the full length of the shaft commencing from the road pavement.

Provision of the following services:

- water supply
- sewer
- stormwater
- telephone

shall be installed/conduits laid for the full length of the shaft, prior to construction.

Stage 1

Lot 8 driveway 3.0m wide
Lot 17 driveway 3.0m wide

Stage 3

Lots 38 & 39 a combined driveway 4.0m wide with kerb and gutter on one side of the driveway.
Lot 67 driveway 3.0m wide.

Stage 4

Lot 75 driveway 3.0m wide

Stage 5

Lots 96 & 97 a combined driveway 4.0m wide with kerb and gutter on one side of the driveway.

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

- 15 The access shafts to proposed lots 8 and 75 shall be a minimum width of 5m

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

SUBDIVISION

- 16 The proponent shall place allotment number identification on the frontage kerb and gutter to indicate the side boundaries and/or access shafts prior to release of the Subdivision Certificate.

Reason: To provide visual identification of lot boundaries (EPA Act Sec 79C(e)).

- 17 The proponent shall submit an application for a Subdivision Certificate for Council certification. Such application shall be accompanied by a Subdivision Certificate fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

Reason: To comply with environmental planning instrument. (EPA Act Sec 79C(a))

PUBLIC UTILITIES

- 18 Prior to approval of the Subdivision Certificate, the proponent shall ensure the provision of telephone services is provided to all lots and including the full length of battle-axe handles. A Certificate of compliance from the relevant utility provider shall be required confirming that the respective utilities requirements have been met.

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

- 19 Prior to approval of the Subdivision Certificate, a certificate of compliance from Country Energy shall be required confirming that Country Energy has provided underground electrical power to each lot, including the full length of battle-axe handles and adequate street lighting for the development as required by the relevant Australian Standard, and that charges for the extension of electricity supply have been paid.

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

PUBLIC RESERVE

- 20 Prior to release of the Subdivision Certificate for Stage 4 the applicant shall, at no cost to Council, construct a 4m wide, 150mm thick, gravel fire access track from the end of Tamai Place to the southern boundary of lot 48 in DP849862. Full design details to be submitted to and approved by Council prior to approval of engineering design plans.

Reason: Bushfire access and to provide adequate pedestrian / cycle access through the reserve

- 21 Prior to release of the Subdivision Certificate for Stage 4, the applicant shall provide a 2m wide asphaltic concrete seal to the proposed gravel bushfire access track from the end of Tamai Place to the southern boundary of lot 48 in DP849862. Full design details to be submitted to and approved by Council prior to approval of engineering design plans. The full cost of these work estimated at \$7200 has been credited against the S94 contributions set out in condition 29.

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

- 22 Land shown as Public Reserve and zoned 6(a) Open Space shall be dedicated as public reserves for recreation and open space/urban bushland/habitat enhancement. Any dedication costs shall be the responsibility of the proponent. Note: Credit against the dedication of this land shall be given in accordance with the Lismore Contributions Plan 1999 refer Condition 29.

Reason: *To meet the anticipated demand for open space by residents of the development and the community. (EPA Act Sec 94)*

- 23 Land shown as Public Reserve and zoned 2(a) residential shall be accepted by the Council as public reserve. Note: No credit against Section 94 Contributions will be given for this land as this land is surplus to the requirements for the open space needs of the subdivision.

Reason: *To allow access to the remaining open space (EPA Act Sec 79C)*

- 24 All land to the west of Tucki Creek that is to be created as public reserve shall be cleared of all surface rocks and slashed to Council's satisfaction prior to the release of the subdivision certificate.

Reason: *To ensure that the land is in a satisfactory condition to be utilised and maintained as open space.*

- 25 All open space/public reserves are to be dedicated to Council upon release of the subdivision certificate for Stage 1. A right-of-way is to be registered to give Council access to the dedicated open space.

Reason: *To allow for equitable dedication of land to offset against the payment of contributions and to ensure that adequate road access is available to the open space.*

- 26 The developer shall enter into a contract with Council to maintain the public reserves until the release of the subdivision certificate for Stage 4.

The developer shall annually submit to Council evidence of public liability insurance to the value of \$10,000,000 while ever the developer is maintaining Council owned reserves.

Reason: *To negate any maintenance burden on Council.*

- 27 A riparian remediation plan must be submitted to Council for approval prior to approval of the Engineering Design Plans.

The remediation plan must detail a riparian revegetation strategy and bank stabilisation works for the section of Tucki Tucki Ck adjoining the proposed subdivision and must be consistent with guidelines and recommendations made by the Department of Land and Water Conservation for such works.

Reason: *To provide an effective and functional updated riparian zone.*

- 28 The approved riparian strategy is to be implemented to the satisfaction of Council prior to the release of the Subdivision Certificate for the dedication of the reserve.

Reason: *To provide an effective and functional updated riparian zone.*

SECTION 94 CONTRIBUTIONS

29 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 Subdivision Certificate is released. The rates and amounts applying at the date of this notice, totaling **\$ 566,384** represent the total liability under the provisions of the contribution plan. The value of the lands to be dedicated and additional works has been deducted from the total liability and the remaining contribution totaling **\$ 306,441** and the reduced rates of contribution are set out in the schedule for your information. Should the proponent wish to pay the Section 94 and Section 64 levies in one installment, and the total contribution payable exceeds \$20, 000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the release of the Subdivision Certificate. **Y**

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 Consumer Price Index (Sydney).

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

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

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

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

Where a development is to be staged then the relevant levies as required by the number of lots to be released under an individual subdivision certificate shall be paid prior to the release of the subdivision certificate for that stage.

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

AMENITY

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

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

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

Monday to Friday - 7.00am to 6.00pm
Saturday - 8.00am to 1.00pm

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

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

- 33 Any noise generated during the construction of the development shall not exceed the limits specified in the Noise Control Manual.

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

- 34 A water truck designed to suppress dust from exposed surfaces and access roads shall be available at the site or in the immediate vicinity. Exposed surfaces and access pads shall be regularly wetted to suppress dust generation.

Reason: *To protect the environment. (EPA Act Sec 79C(b))*

- 35 A noise assessment report must be submitted to and approved by Council prior to detailed engineering design plans being approved by Council. The report must assess the impact of road traffic noise on residents in McIntosh road in accordance with the EPA guideline "Environmental Criteria for Road Traffic Noise." In the event that road traffic noise exceeds the criteria level outlined in Part 8 Table 1 of the EPA guideline, the loop road connecting the subdivision to the existing Just street must be completed.

Reason: *To protect the amenity of the residents of McIntosh Road.*

- 36 After occupation of stage 3 of the subdivision. A report demonstrating that the noise levels predicted in the report required by condition 37 are being achieved shall be submitted to Council. Should the actual noise levels exceed the criteria level outlined in Part 8 Table 1 of the EPA guideline, the loop road connecting the subdivision to the existing Just street must be completed.

Reason: *To protect the amenity of the residents of McIntosh Road.*

LAND CONTAMINATION

- 37 A contaminated land report must be submitted to Council for approval prior to release of the final plan of survey in accordance with Council's Contaminated Lands Policy adopted by Council on 12/11/2002. The report must include a statutory declaration verifying that ownership of the land has been held by the Pearce family since the early 1930's and verifying that their landuse did not include activities likely to result in land contamination. The statement must also provide evidence that landuse on the site prior to ownership by the Pearce family was not likely to cause land contamination.

Reason: *To comply with Council's contaminated lands policy.*

BUILDING

- 38 Prior to the release of the Subdivision Certificate, a qualified practising Engineer, experienced in soil mechanics, shall submit documentary evidence in the form of a Geotechnical Investigation Report to the Principal Certifying Authority for approval, certifying that each allotment is suitable for building purposes and classifying each allotment in accordance with Australian Standard 2870 "Residential Slabs and Footings". Any allotment subject to further earthworks during the construction phase will require an amended Geotechnical Report.

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

- 39 Benching (ie cutting, filling or levelling) of the land to create building platforms does not form part of this approval and will only be considered in conjunction with a Development Application to build on the land.

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

- 40 A building envelope is to be identified on proposed Lot 102 and registered in the title. The building envelope is to be in accordance with the approved plan no. 02/332 dated 10/9/2002.

WATER & SEWER

- 41 The proponent shall provide water works to service the development. The works shall include:

- a) A conventional water reticulation that comprises a water service to each allotment. Water reticulation works shall be designed and constructed in accordance with Lismore City Council's adopted standards. Any costs shall be the responsibility of the proponent. The proponent shall be responsible for the full cost of any associated water maintenance considered necessary by Lismore City Council's Manager-Water and Sewerage for a period of twelve months from the date of approval of the works. After satisfactory completion of this work, a practising qualified surveyor shall submit a "works-as-executed" set of 1:1000 transparency plans and plans in digital format (Autocad or similar) showing these works.

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

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

- a) A conventional gravity sewer reticulation that comprises a sewer junction to service the lowest ground level of each allotment. Sewerage works shall be designed and constructed in accordance with Lismore City Council's adopted standards. Any costs shall be the responsibility of the proponent. The proponent shall be responsible for the full cost of any associated sewerage maintenance considered necessary by Lismore City Council's Manager-Water and Sewerage for a period of twelve months from the date of approval of the work. After satisfactory completion of this work, a practising qualified surveyor shall submit a "works-as-executed" set of 1:1000 transparency plans and plans in digital format (Autocad or similar) showing these works.

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

- 43 Prior to issue of a Subdivision Certificate by the Principal Certifying Authority, the proponent must apply to Lismore City Council under Section 305 of the Water Management Act 2000, and obtain from Lismore City Council a Certificate of Compliance under Section 307 of the Water Management Act 2000.

Following the making of an application under Section 305 of the Water Management Act 2000, Lismore City Council under Section 306 of the Water Management Act 2000, may require the proponent to do either or both of the following:

- a) to pay a specific amount to the Lismore City Council by way of contribution towards the cost of such works as are specified in the notice, being existing works or projected works, or both,
- b) to construct works to serve the development.

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

- 44 Full design plans of the proposed engineering works to satisfy condition(s) 41 and 42 shall be submitted to Lismore City Council. Such plans must be approved by the Manager-Water and Sewerage before the issue of the Construction Certificate. Construction of these works will need to be completed before a Certificate of Compliance is issued by Lismore City Council under Section 307 of the Water Management Act 2000.

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

- 45 The proponent, at no cost to Council, is to dedicate an easement 3m wide over the proposed/existing sewer main as directed by Council.

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

- 46 The proponent shall pay to Council all Water and Sewerage Headworks Levies deemed necessary by Council and in accordance with Section 64 of the Local Government Act 1993, as detailed in the attached schedule. Such levies shall be paid prior to release of the Subdivision Certificate.

Reason: *To provide funds for the provision of services and facilities identified in Lismore City Council's Section 64 Contributions Plan dated February 1996 as required by the increased population or activity. (Water Management Act 2000, Sec 306)*

47 Pump Station

- a) Full details and plans of the proposed sewer pumping station and rising main are to be included with the sewer reticulation proposed, including any staging, together with the existing sewer reticulation currently discharging into Just Street Pump Station.

The proposed sewer pumping station is to be designed so as to have eight hours detention storage capacity in dry weather flows. All civil, mechanical and electrical works to comply with Council's adopted Standards. The pump station is to be designed to incorporate the entire Just Street catchment. Four copies of pump operations manuals and other relevant documents to be provided. Full design plans of these works are to be prepared by a qualified consultant and submitted to Council's Water and Sewerage Department for approval before any construction commences.

- b) The proposed sewer rising main to be covered by a 5m wide easement in favour of Council on Private property. The new sewer rising main is to discharge into a new sewer manhole to be constructed at the end of the sewer main in Apo Street.

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

- c) The sewer pumping station is to be supplied with a 25mm water service with back-flow prevention fitted in accordance with Australian Standard 3500.1
- d) The sewer pumping station to be provided with a suitable sealed, all weather access in accordance with Council's adopted standards .
Such access and Pump station to be enclosed within a Lot to be created to the requirements of Manager-Water and Sewerage. The lot is to be operational land when handed over to Council. Any costs shall be the responsibility of the applicant or developer.
- e) A man proof fence is to be erected around the Sewer Pump Station
- f) All easements are to be professionally prepared and submitted for the approval of Council
- g) All agreed cost sharing associated with the construction of the Pump Station will need to be determined and approved by Council before any construction commences.
- h) Provide and install Telemetry system to link into Council's Water and Sewerage telemetry system.

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

- 48 An analysis of the water reticulation is required to assess the impact of the subdivision including any staging and future developments on water pressure within the adjoining water reticulation. Additional lead-in water mains and or a pressure reducing valve/s may be required to be constructed by the developer as a part of this condition. This is dependent upon the findings of the water analysis.

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

- 49 Council will require an extension of the sewer main from the proposed lot 101 to service properties number 10 and 12 Apo Street .Council will meet all costs associated with the design and construction of these works.

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

CRIME PREVENTION

- 50 Lots 57, 67, 82 & 89 shall be created with a 1.5m splay on the rear corner fronting the reserve.

Reason: Crime Prevention - to improve vision into the reserve.

- 51 The proposed pedestrian pathway from Pauline Court to Dudley Drive is to be deleted.

Reason: Crime Prevention.

INTEGRATED DEVELOPMENT - DEPARTMENT OF LAND AND WATER CONSERVATION

Rivers and Foreshores Improvement Act 1948 – General Terms of Approval Conditional to Issue of Part 3A Permit

- 52 Irrespective of the granting of this consent or approval by any other Authority, work is not to commence in, or within a horizontal distance of 40m from the top of the bank of the watercourse/foreshore, without the prior issue of a Part 3A permit by DLWC.

- 53 Prior to the issue of the Part 3A permit the applicant must provide DLWC with the following:
- A copy of Council's development consent including all conditions of approval;
 - Plans and/or other documentation (3 copies) that satisfy the DLWC's General Terms of Approval and recommendations which are included in the consent conditions; and,
 - The appropriate permit fee paid to DLWC.

- 54 Work is to be carried out in accordance with drawings and any management plans required by these conditions and approved by DLWC that will accompany the 3A permit.

- 55 Any Part 3A permit issued is to be renewed on an annual basis until all works and all rehabilitation, including maintenance provisions, have been satisfactorily completed in accordance with the permit conditions. Any application for renewal will be lodged at least 1 month prior to the permit expiry date.

- 56 Work shall not cause damage to, or increase erosion of, the stream bed or banks. The permit holder shall carry out any instructions given by DLWC with a view to preventing degradation of the stream bed or banks.

- 57 Any vegetation or other material removed from the area of works shall be disposed of so that the material cannot be swept back into the stream during a flood.

- 58 All works proposed must be designed, constructed and operated so they do not cause erosion or sedimentation and do minimise adverse impacts on aquatic and riparian environments.

- 59 No plastic netting is to be used for any purpose, in the stream or within the riparian zone unless such netting is of a rapidly biodegradable variety.
- 60 Erosion and sediment control measures are required to be implemented prior to any works commencing, and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the river system. These measures are to be in accordance with Council's requirements and follow best management practices as outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998) manual (the "Blue Book").
- 61 The excavation of soil/spoil and its removal is the responsibility of the permit holder and the owner or occupier of the land.
- 62 The approval of NSW Fisheries is required for all proposed designs of in-stream works prior to the issue of the Part 3A permit.
- 63 These conditions are issued with the proviso that operations shall be carried-out on freehold land. Should operations be on Crown Land, these conditions are rendered null and void and the occupier of Crown Land should contact DLWC's Crown Lands section.
- 64 Work is to be carried out in accordance with any conditions imposed by other government agencies, provided such conditions do not conflict with these conditions or the conditions on the Part 3A permit.
- 65 The permit holder and the owner or occupier of the land are responsible for any works undertaken by any other person or company on this site.
- 66 The rehabilitation of the area in accordance with the Part 3A permit conditions is the responsibility of the permit holder and the owner or occupier of the land.
- 67 Any Part 3A permit granted is not transferable to any other person or company without the written approval of DLWC and does not authorise works at any other site.
- 68 Any Part 3A permit granted does not give the holder the right to occupy any land without the owner(s) consent nor does it relieve the holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the site and/or the activities proposed.
- 69 Work as executed survey plans of a professional standard shall be provided to DLWC upon request.
- 70 If, in the opinion of a DLWC officer, any activity is being carried out in such a manner that it may degrade the riparian zone, stream, lake or foreshore environment, all work shall cease immediately upon oral or written direction of such an officer.
- 71 If the permit conditions have been breached, the permit holder shall restore the site in accordance with the permit conditions and/or as directed by DLWC. If any breach of the permit conditions requires a special site inspection by DLWC, then the permit holder shall pay a fee prescribed by DLWC for this inspection and all subsequent breach inspections.
- 72 If works are to cease prior to completion DLWC must to be notified in writing one month in advance of the cessation of the operation.
- 73 All drainage and service infrastructure shall be located as far from the banks of the creek as possible, preferably within the boundaries of the lots.

- 74 Any stormwater infiltration or sedimentation structures are to be located out of the 1:100 flood level area adjacent to the creek
- 75 No works are to occur within the riparian zone, for a width of 10 m, measured horizontally and at right angles to the flow from the top of the bank.
- 76 A *Soil and Water Management Plan* (S&WMP) for all site works is to be prepared by a suitably qualified person(s) with knowledge and experience in the preparation of such plans, in consultation with, and with the approval of DLWC **prior to the issue of the Part 3A Permit**. The S&WMP is to cover all aspects of soil and water management requirements for the site that could impact on the stream and must include details of staging, monitoring, management responsibilities, maintenance and decommissioning requirements. The S&WMP must meet the requirements outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998) manual (the "Blue Book").
- 77 All disturbed soil surfaces are to be stabilised and rehabilitated immediately it is possible to do so to with sterile exotic cover crops or couch turf. Kikuyu is not permitted.
- 78 Disturbance to native vegetation is to be kept to an absolute minimum. Any disturbed vegetation is to be rehabilitated using local native groundcovers, shrubs and trees.
- 79 If disturbance is deemed to be excessive, the Department may require the preparation and implementation of a Vegetation Management Plan and remedial works.
- 80 Any stormwater outlet to the watercourse is to be designed and constructed to minimise any erosion or scour of the banks or bed of the watercourse.

Urban Bushland Regeneration

- 81 The developer shall prepare an environmental management plan for the area of open space on the eastern side of Tucki Tucki Creek. The management plan shall address weed control / eradication and bush regeneration and maintenance, The plan of management shall be submitted to Council and approved prior to the commencement of works.

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

- 82 A detailed landscaping plan (in duplicate) shall be submitted to Council prior to release of the commencement of works. Landscaping plans shall be in accordance with the approved management plan as required by condition 81 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 release of the Subdivision Certificate for stage 4. Trees identified for retention in the Development Application plans shall not be removed without separate Council approval.

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

- 83 Should the works proposed in the approved management plan and landscaping plan be established for a period of less than 12 months prior to the release of the subdivision certificate for stage 4 the developer shall lodge a bond with Council. The bond shall be to the value of 110% of the estimated cost of the works. The bond shall be refunded 12 months after the completion of works.

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

Road Network

- 84 The boundaries for lots 1 to 5 shall be amended to accommodate a road between lots 1 and 2. This road shall link to the road proposed in stage 14 of the Olleyville Estate.

Reason: To ensure an adequate road network. (EPA Act Sec 79C(a))

INFORMATION TO APPLICANTS

ADVISORY NOTES

NOTE 1: Water and/or Sewerage Headworks levies payable under the Water Management Act 2000 totalling **\$703,188** will need to be paid to Council prior to the release of the Linen Plan under Sec 306 of the Water Management Act 2000.

NOTE 2: A connection fee is payable on the connection of a dwelling to the water supply. The current connection fee can be obtained by contacting Council.

NOTE 3: On completion of works and prior to issue of a compliance certificate under Section 307 of the Water Management Act 2000, Council will require a maintenance bond to be paid to Council.

NOTE 4: Prior to design commencement of sewer pump station contact Council's Water and Sewerage Section to ascertain all Council requirements.

NOTE 5: This development approval does not guarantee compliance with the Disability Discrimination Act and the developer should therefore investigate their liability under the Act. Council can assist developers by directing them to Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility (Part 1 is mandatory in the BCA).

LISMORE CITY COUNCIL - Meeting held April 8, 2003

LISMORE CITY COUNCIL

DEVELOPMENT CONSENT NO: 2002/771

ADDRESS: 35 Just Street, Goonellabah

IMPORTANT TO NOTE

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

To be read in conjunction with advice of development consent.

The levies imposed by Condition No. 29, as contributions towards the cost of meeting increased demand for public services and amenities that will result from the development, are identified in this Schedule.

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

Levy Area	Account No.	No. of ET'	Cost Per ET's/m2	Amount Payable	Reduced Cost per ET after dedication	Amount Payable after land dedication
Open Space						
Urban Catchment (East) - Local	1643-3	104	655	\$ 68,120.00	\$ -	\$ -
- Citywide	1643-1	104	340	\$ 35,360.00	\$ -	\$ -
Urban Bushland						
Rest of Goonellabah/East Lismore/Lis Heights	1644-2	104	349	\$ 36,296.00	\$ -	\$ -
Street Trees						
Urban Catchment (East)	1643-22	104	85	\$ 8,840.00	\$ 85.00	\$ 8,840.00
						\$ -
Community Facilities						
Urban Catchment (East) - Local	1650-3	104	1157	\$ 120,328.00	\$ 1.55	\$ 161.02
- Citywide	1650-1	104	581	\$ 60,424.00	\$ 581.00	\$ 60,424.00
Urban Roads						
Arterial Roads						
Urban Catchment (East) res	1655-3	104	1839	\$ 191,256.00	\$ 1,839.00	\$ 191,256.00
SES						
All areas	1695-1	104	20	\$ 2,080.00	\$ 20.00	\$ 2,080.00
Bushfire						
Equipment	1690-1	104	78	\$ 8,112.00	\$ 78.00	\$ 8,112.00
Facilities (Control Room)	1690-6	104	20	\$ 2,080.00	\$ 20.00	\$ 2,080.00

LISMORE CITY COUNCIL - Meeting held April 8, 2003

Footpaths

Goonellabah Trunk	1680-4	104	57	\$ 5,928.00	\$ 57.00	\$ 5,928.00
Connector	1680-5	104	53	\$ 5,512.00	\$ 53.00	\$ 5,512.00
Internal	1680-9	104	194	\$ 20,176.00	\$ 194.00	\$ 20,176.00

Cycleways

Urban East Catchment	1680- 8	104	16	\$ 1,664.00	\$ 16.00	\$ 1,664.00
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Bus Shelters

Urban catchment East	1683- 3	104	2	\$ 208.00	\$ 2.00	\$ 208.00
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Total **5446** **\$ 566,384** **\$ 2,946.55** **\$ 306,441.02**

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

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

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

A COPY OF THIS ADVICE MUST BE PRESENTED WHEN MAKING PAYMENT **DATE:** **RECEIPT NO:**
CASHIER:

COUNCIL USE ONLY

Cashier to Note:

This section must be completed by the Manager-Financial Services, the Expenditure Accountant or the Financial Accountant prior to receipt.

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

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

.....
FINANCIAL SERVICES OFFICER

...../...../.....
DATE

LISMORE CITY COUNCIL

DEVELOPMENT CONSENT NO: 2002/771

ADDRESS: 35 Just Street, Goonellabah

IMPORTANT TO NOTE

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

To be read in conjunction with advice of development consent.

The levies imposed by Note No. 1 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 the date of this notice, in accordance with the percentage increase from the date of approval to the date of payment, as notified by the CPI (Sydney).

The following Levies are charged under and amounts payable are set out below.

Levy Area	Account No.	No. of ET's	Cost Per ET	Amount Payable
Water and Sewerage Headworks Levies are charged under Section 306 of the Water Management Act 2000 and amounts payable are set out below.				
Water Headworks				
Urban Reservoir Zone				
- Holland Street	8175-1	102	1469	\$149,838
Rous County Council (Except Nimbin)	9200-2	102	1380	\$140,760
Sewerage Headworks				
Goonellabah	7175-1	102	4045	\$412,590
Total				\$703,188

ET'S CORRECT - WATER & SEWER 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:

Subject/File No: DRAFT LISMORE URBAN STRATEGY
(BB: S650)

Prepared By: Strategic Planner – Bruce Blackford

Reason: Completion of Council workshop on the draft Lismore Urban Strategy.

Objective: Council's adoption of the Lismore Urban Strategy.

Management Plan Activity: Strategic Planning

Background:

At its meeting of December 10, 2002 Council considered a report on submissions received in response to the two (2) month public exhibition of the draft Lismore Urban Strategy. Council resolved to conduct a workshop on the draft Strategy to ensure that all matters and submissions raised during the exhibition period were given full consideration. The workshop was held on February 4, 2003 and focussed on two main issues - the North Lismore plateau and land in the Blue Hills Ave area.

North Lismore plateau

The draft Urban Strategy was prepared to satisfy clause 38 of the North Coast Regional Environmental Plan 1988. Clause 38 requires that Councils prepare urban land release strategies prior to the rezoning of land for significant urban growth. Planning NSW must give its agreement to the Urban Strategy before it becomes operative. Avoidance of potential land use conflicts is a fundamental principle of land use planning and likely to be a consideration of the Director before granting such agreement. Planning NSW through its Living Centres project is currently investigating ways that land use conflict is managed and addressed in the Northern Rivers. The Department will therefore require justification that potential conflict issues have been adequately addressed before agreement to the Strategy is given.

The draft Urban Strategy acknowledges the positive attributes that the plateau land at North Lismore exhibits in terms of its residential capability. However, given the proximity of the site to the Lismore Showground, the potential exists for real conflict with new residential development as long as the speedway continues to operate under current conditions. If the conflict issue can be satisfactorily resolved, there would appear to be no major impediment to the rezoning proceeding.

A number of measures have been proposed by the landowners' group in an attempt to resolve this issue. These include notations on Section 149 Certificates, disclosure of noise levels to prospective purchasers and a DCP that would require noise ameliorative measures to be incorporated into the building design. While each of these measures may have some merit in terms of managing potential conflicts, it is considered that the degree to which current noise levels recorded at the site exceed recommended guidelines for motor sport activities means that conflict will be likely even if all such measures are implemented.

To further progress this issue, the North Lismore plateau landowners group has negotiated an 'in principle' agreement with the North Coast National Agricultural and Industrial Society. The agreement provides for compensation to be paid to the Society presumably for any losses that the Society may incur as a result of any eventual loss to its income stream.

LISMORE CITY COUNCIL - Meeting held April 8, 2003

Draft Lismore Urban Strategy

A meeting was subsequently held between Council staff and representatives of the Show Society to determine how this agreement might provide a basis for addressing Council concerns and facilitating the rezoning process. The outcome of that meeting was that a four point agreement between Council and the Show Society was established. It is considered that the agreement provides a satisfactory basis for progressing the issue of the North Lismore plateau rezoning in that it provides Council with a degree of certainty that the potential conflict issue will be resolved before any development commences on the plateau. The four points are:

1. The Show Society to agree with Council that the Speedway only be permitted to continue to operate under current conditions for the term of the current lease (approx 4½ years).
2. The Show Society to surrender the continuing use rights for the Speedway at the end of the Speedway's current lease.
3. The Show Society to agree that any future proposal to operate the Speedway at its current location will require the lodgement of a Development Application and, if consented to, will be required to comply with any restrictions on noise emissions that Council might consider appropriate to impose.
4. That if, after the expiry of the current lease (in 2007), development has not commenced on the North Lismore plateau, the Show Society be permitted to re-issue a new lease for the Speedway on a year by year basis until such time as development does commence.

The Show Society is agreeable to the above terms providing it is suitably compensated for the loss of income that may arise with any eventual phasing out of the Speedway. On this basis the Show Society would be prepared to enter into a legal agreement with Council encompassing the four points outlined above, providing it has first entered into a legal contract with the landowners' group which ensures that the compensation agreement as negotiated with that group is delivered.

A copy of the four point agreement, together with the in principle agreement between the Show Society and the landowners was referred to Council's solicitors. Copies of the solicitor's advice are included as attachments. The advice states that while there may be some difficulties in drafting an enforceable condition to give effect to point No.4, this matter can be explored further with the Society and its solicitors.

A legally binding agreement between Council and the Show Society would provide a suitable trigger for Council to accept a rezoning submission for the plateau land. This would enable the rezoning to proceed within a timeframe that may be acceptable to the landowners. The four and a half year time frame is considered reasonable given that the lead time to develop unzoned rural land for urban residential purposes is unlikely to be less than this period given the statutory processes involved. Those processes include:

1. Agreement to the Urban Strategy by the Director-General of Planning (3-4mths).
2. Preparation and lodgement of rezoning submission by the landowners
3. Processing of rezoning application through to gazettal (12-18mths).
4. Adoption of a Master Plan and S94 plan for the area (3mths).
5. Lodgement of a Development Application and determination by Council (3-4mths)
6. Completion of subdivision construction and infrastructure works (6-12mths)
7. Release of linen plan and registration by RG.

Accordingly it is considered that the Urban Strategy could be amended to allow a rezoning submission for the land to be lodged upon finalisation of a legally binding agreement between Council and the Show Society based upon the four point agreement.

Blue Hills Ave

There was consensus at the workshop that Council should define a limit to the incremental expansion of urban development in an easterly direction. That limit has been set to some extent in the draft Strategy where it identifies which land has potential for future urban development.

Thus the limit to urban development would represent a line extending south from the eastern boundary of the Regatta (formerly Toongahra) estate through to the eastern boundaries of the Napier Court estate and the Seventh Day Adventist School in Blue Hills Ave. That limit needs to be made more explicit in the Strategy and it is recommended that the Strategy be amended so that Council's intent is clearly stated. Most of Lot 7 DP 255203 lies to the east of that line. This land is not considered suitable for future urban development because of sewer issues and potential conflict with intensive horticultural operations on adjoining land. The draft Strategy identifies some potential for future urban development on part of Lot 7 facing Blue Hills Ave providing it can be demonstrated that any proposed blocks can be sewered by gravity mains to the existing pump station near the corner of Blue Hills Ave and Taylor Road.

Public Consultations

The draft Strategy was exhibited for a period of two (2) months and twenty two (22) submissions were received. Copies of the submissions were included in the attachments to the Council report of December 10, 2002. A summary of the submissions, together with responses to the issues raised in the submissions is reproduced from the December 10 report as follows:

Submission No.1 - NSW Agriculture

NSW Agriculture recognises that the draft Lismore Urban strategy is an important element in providing growth opportunities in Lismore in a planned and strategic manner. Specific issues relate to:

- a) Future rezoning – detailed assessment at the rezoning stage should take into account Planning NSW's '*Sustainable Urban Settlement Guidelines*'.

Comment: Preparation of the draft Lismore Urban Strategy has been guided by the Sustainable Urban Settlement Guidelines. The Guidelines cover four stages of planning and development – strategic planning, local environmental planning, site planning and building. It is agreed that detailed assessment at the rezoning stage should also have regard for the Guidelines and that this should be listed as a requirement in the implementation section of the Strategy.

- b) Greenfield sites – North Lismore plateau, Tucki Creek and Pineapple Road areas in particular require closer examination where they adjoin higher quality agricultural land.

Comment: An inspection of these sites was carried out with Mr Rik Whitehead of NSW Agriculture. The outcome of those inspections is contained in a second submission from NSW Agriculture which is addressed separately.

- c) Infill sites – it is recommended that the focus for future growth be the existing undeveloped 2(a) zoned lands.

Comment: Proposed land releases identified in the Strategy are predicated upon an assumption that the bulk of the existing residentially zoned land will be developed before major land releases occur. This is factored into the Housing Balance Sheet shown in Section 7 (Supply and Demand) of the Strategy. Exceptions are areas such as Trinity Drive that have the potential to satisfy a sector of the market that the current stock of zoned land is unable to meet.

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- d) Mapping process – the constraint maps for Trinity Drive should be checked as they show significant areas of constraints. Mapping of agricultural lands should also include Class 6 (specialist class) as well as buffers to horticulture, intensive animal industries and prime agricultural lands.

Comment: The composite constraints map has been reviewed and modified where necessary. It is recommended that the map showing prime agricultural land also be modified to include Class 6 lands as a constraint to development.

- e) Clause 43 Investigation Area – the removal of this area from the LEP mapping is supported as urban development in this area would appear inappropriate and unnecessary.

Comment: Noted.

- f) Final Strategy – the final strategy should contain the requirements and process that will apply to rezoning applications and should make it clear to landowners that inclusion in the strategy does not guarantee an automatic right to development.

Comment: It is agreed that such information should be included in the Strategy to assist landowners who wish to proceed to the rezoning stage, and to make it clear that inclusion in the Strategy does not guarantee approval of a future rezoning or development application.

Submission No.2 – NSW Agriculture (second submission)

This submission relates to specific sites following a joint inspection with Council's strategic planner of the main areas identified in the draft Strategy:

- a) North Lismore plateau – future rezoning should be accompanied by an independent assessment of potential land use conflicts to ensure that opportunities for agriculture are not overlooked and to ensure that existing agricultural activities do not become a future source of complaint from residents.

Comment: It is recommended that a paragraph reflecting NSW Agriculture's concerns be added to the Strategy in the section relating to the North Lismore plateau.

- b) Lucia Cres, North Lismore – no major issues for agriculture

Comment: Noted

- c) Trinity Drive area – future rezoning does not raise any issues for agriculture.

Comment: Noted

- d) Pineapple Road area – extension of the Daniel Drive area does not raise any issues for agriculture.

Comment: Noted

- e) Holland Street sites – provide limited opportunities for commercial agriculture.

Comment: Noted

- f) Land to the south of Toongara (Lot 2 DP 620590) – located between light industrial uses to the west and agricultural uses to the east, the best use would seem to be either industrial or horticultural.

Comment: The Holland Street area comprises a mix of zonings including industrial, urban residential, rural residential, open space and rural. To some extent these zonings have occurred over time in an ad-hoc manner resulting in potentially incompatible land uses often being located in proximity to one another. Future rezonings in the area will not necessarily resolve these issues. However NSW Agriculture's recommendations with respect to the site have merit and industrial development on this site is less likely to conflict with agricultural uses to the east and existing industrial uses to the west.

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The site provides the best opportunity for industrial expansion in Goonellabah and although demand for industrial land in this area has recently been fairly slow, the site provides an opportunity for different forms of development such as an office or technology park or industrial/retail type development. It is therefore recommended that the preferred use for this site be stated as light industrial in the Strategy.

- g) Blue Hills Ave area – the eastern part of Lot 7 DP 255203 is unsuitable for urban development given its proximity to macadamia plantations to the east.

Comment: This is consistent with the recommendations of the draft Strategy.

- h) Tucki Creek area – no objection to future rezoning providing buffers are provided to adjoining agriculture.

Comment: It is recommended that a paragraph referring to buffer requirements be added to the section referring to Tucki Creek.

- i) Invercauld Road area – generally considered less suited to urban development.

Comment: These sentiments are reflected in the draft Strategy through its allocation of a low priority in terms of sequencing.

- j) Monaltrie, lower Skyline Rd and Wyrallah Rd areas – areas are isolated from the existing urban area, priority should be given to accommodating growth with the existing urban precincts.

Comment: This is consistent with the recommendations of the Strategy.

Submission No.3 - NSW National Parks and Wildlife Service

NPWS supports Council in its strategic approach to the identification of appropriate urban release areas but raises the following concerns:

- a) Primary koala habitat as defined in the draft Koala Plan of Management should be considered an absolute constraint in the mapping process e.g. there are some major constraints in some of the identified urban release areas such as Monaltrie and the Invercauld Road areas.

Comment: Primary and secondary koala habitat (as mapped by Ecograph, 2000) has generally been treated as an absolute constraint to new urban development in the draft strategy. The primary and secondary koala habitat map was used in the sieve mapping process for identifying unconstrained lands. However koala habitat is often dispersed and fragmented in nature. Thus small areas of habitat may occur adjacent to or within areas that are otherwise unconstrained and that have been identified in the draft strategy as greenfield sites. A mapping error shows primary habitat within the Invercauld Road site, whereas the majority of the habitat is located outside but adjacent to the site. A significant area of primary habitat is located within the Monaltrie investigation site. The Monaltrie site has not been identified as having urban potential within the timeframe of the strategy and the occurrence of this and other constraints may preclude this area for consideration for urban development in the future. For these reasons it is recommended that the site not be included in the proposed sequencing for release areas in section 9.7.

- b) Apart from primary habitat areas there is a requirement to deal with scattered habitat trees that are not mapped as well as manage the landscape between habitat remnants.

Comment: It is agreed that scattered habitat trees can represent a significant constraint to urban development because of their importance to local koala populations. However land release strategies are necessarily 'broad-brush' in scope with greater detail being required at the rezoning and development application stages.

Such detail would include detailed flora and fauna assessments and it is recommended that a statement be included in the Strategy to make this clear. Inclusion of land within a strategy is no guarantee of subsequent approval of either a rezoning or development application.

- c) There is no specific mention of threatened flora and fauna habitat when determining land use constraints.

Comment: In addition to primary and secondary koala habitat, the draft strategy identifies other significant native vegetation remnants as a constraint to urban development and this has been included in the sieve mapping process for identifying unconstrained lands. Significant native vegetation includes rainforest and riparian communities (including rainforest regrowth) as mapped by Ecograph in 2000. Records of threatened species have been mapped using the NPWS database.

The NPWS records are not definitive but provide a useful indication of which threatened species may be expected to occur in an area. The occurrence of a threatened species record on a property has not been treated as an absolute constraint in the Strategy, as threatened fauna in particular may be highly mobile in nature. The draft strategy states that where a record exists on a property, it will be the responsibility of the applicant to undertake detailed flora and fauna investigations at the rezoning and development application stages.

Submission No.4 - Department of Land and Water Conservation

- a) Mass movement – there is no indication of the criteria used in determining land as ‘potentially affected by mass movement’. Although not mentioned, there is evidence of previous mass movement in the Monaltrie area generally and on Lot 11 DP 602908 Skyline Road. Also shallow slumps are sometimes associated with floodplains.

Comment: Mapping of lands potentially affected by slump/mass movement was derived from the multi-attribute mapping supplied by the Department of Land and Water Conservation (1999). Much of the land affected by mass movement is also mapped as having slopes of 20% or more. The mass movement and slope maps have been combined as one map in the Strategy, and as a consequence the full extent of lands affected by mass movement is not always apparent. Lot 11 DP 602908 Skyline Rd was a potential infill site that was investigated but not recommended for inclusion in the Strategy. Where small localised areas with evidence of slumping occur in potential release areas, these would need to be identified at the rezoning stage.

- b) Not all Flood Fringe areas identified on Map No.4 are flood fringe. The Monaltrie site and Infill Sites 1,12 & 13 have been identified as flood prone. The impact of flooding on these sites, including evacuation strategies and impacts of development on flood behaviour, should be considered prior to development taking place.

Comment: Flood Fringe Area is defined in the Lismore Floodplain Management Plan as all areas affected by the probable maximum flood (PMF) that are not mapped as Floodway or High Flood Risk Area. Flood Fringe Areas have been treated as an absolute constraint in the sieve mapping process. Thus all lands potentially affected by the PMF have been excluded from consideration for new urban subdivision. The Monaltrie site is partially affected by flooding and such areas as are flood prone would be unsuitable for residential development. Infill investigation sites 1, 12 & 13 have been rejected as being suitable for residential development in the assessment process described in the Strategy.

Submission No. 5 - Rous Water

The investigation area at Trinity Drive extends across land that has been purchased by Rous Water for the proposed Lismore Source Treatment Plant. A noise buffer zone to ensure no residential development occurs within 200 metres of land owned by Rous Water should be provided.

Comment: The land owned by Rous Water is located on Bangalow road partly within the 1(d) Investigation zone extending from the end of Trinity Drive. The treatment plant site is at the end of a narrow spur extending in a north-west direction from the plateau area that has been identified as having development potential. The spur is considered too narrow to be suitable for urban development and the potential development area is greater than 200 metres from the boundary of Rous Water land. It is recommended that the Strategy maps be amended to clearly identify those areas considered to have development potential and that the need for a buffer to the treatment plant be noted in the Strategy.

Submission No.6 - Friends of the Koala

- a) Concern expressed that the Strategy only takes into account primary and secondary koala habitat as identified in the Ecograph survey. Further assessment is needed to determine if areas are core habitat under SEPP 44.

Comment: 'Core koala habitat' is defined in SEPP 44 as land supporting a resident koala population. To determine whether 'primary koala habitat' as mapped by Ecograph meets the criteria for core koala habitat under the SEPP, surveys to determine evidence of koala usage would need to be undertaken. Because of a lack of resources such surveys have not been undertaken by Council, however this will be a requirement of landowners at the rezoning stage particularly if primary koala habitat has been identified on their property.

- b) Koala movement corridors need to be managed appropriately to ensure that there is minimal disturbance to koala movements. Some of the sites identified in the Strategy have been identified as supporting major koala corridors e.g. 53 Barham St, Carramar Dr, James Rd, 642 & 632 Skyline Rd and Monaltrie.

Comment: Insufficient work has been carried out in terms of tracking koala movements in Lismore to accurately establish the location of koala corridors. The draft Koala Plan of Management for south-eastern Lismore identifies potential habitat links where buffers to primary koala habitat overlap. However while it can be assumed that koalas will travel between areas of primary koala habitat, it is also likely that they will disperse over wider areas in search of other koalas. In terms of the sites identified in the submission, 53 Barham St is the only site that has been identified as having potential for urban residential subdivision within the timeframe of the strategy. This site is located between two substantial areas of primary koala habitat, however because of slope constraints applying to the site, the density of development will necessarily be low and there will be opportunities for revegetating parts of the site which remain undeveloped. Carramar Dr, James Rd and 642 & 632 Skyline Rd are not recommended for inclusion in the Strategy as future release areas and Monaltrie is not recommended for inclusion within the timeframe of this Strategy.

- c) Urban development can coexist with koala conservation providing it is well planned. The statement in the Strategy that koala habitat is a major constraint to new residential subdivision is therefore misleading.

Comment: There are a number of examples outside of Lismore where developments have been designed to minimise impact on koala populations and koala movements. Such developments typically incorporate prohibitions on the keeping of dogs, road design to reduce vehicle speeds and large lots and building envelopes to maximise tree retention. The market for such developments is untested in Lismore as is their success in maintaining viable koala populations over the long term. Given the amount of suitable land still available in Lismore for urban growth, it is considered that there is no need for new development to be located within primary habitat areas.

Submission Nos. 7, 8, 9, 10 & 11 (residents of Trinity Drive)

Five separate submissions were received from residents of Trinity Drive opposing the inclusion of the Trinity Drive greenfield site in the Urban Strategy for the following reasons:

- a) An additional 400 plus traffic movements will have a detrimental effect on the road, the amenity of existing residents and safety of children who use the road. The current width of Trinity Dr is insufficient for the additional traffic. Alternative access to Ballina St via Woodlawn Ave is unsuitable. Many residents of this area use Mountain View Dr, Barr Scott Dr, High St, Renwick St and Leicester St as alternative route to the CBD. These roads are not wide enough for the extra traffic that will be generated. The proposed connection of Trinity Dr to Bangalow Rd is also unsuitable as it will create a shortcut between Ballina and Bangalow Roads and result in an increase in traffic. Current access to Trinity Dr via eastern end of Bruxner Cres is dangerous for motorists during peak periods.

Comment: The existing accesses to Ballina Rd, via Mountain View Dr and Bruxner Cres, is incapable of carrying the increased traffic generated by future development as proposed in the Strategy. The draft Strategy recognises the need for an alternative access to Ballina Rd and proposes that this be achieved via Woodlawn Ave through an approved subdivision to the east of Trinity Drive.

It is considered that an acceptable access to Ballina Rd can be achieved in this manner. However it is acknowledged that the development of 280 or more lots in this area will result in a significant increase in the number of traffic movements in Trinity Dr and that this will impact upon the existing character and amenity of the area. It is essential that this be addressed through future subdivision and road design which should seek to disperse local traffic and discourage through traffic from other areas. As far as is practicable, alternative routes should be provided in the subdivision design so that local traffic is not concentrated along a single route. As one means of achieving this, it is proposed that access to the new release area be provided via both Trinity Drive and Ashgrove Drive. This would enable the construction of a loop road to service new lots and provide motorists with a choice of routes thus encouraging the dispersal of traffic rather than its concentration. Traffic calming design in both the new and existing roads can reduce traffic speed and ameliorate impacts in terms of safety and amenity. Traffic calming will also assist in discouraging through traffic from outside the local area using Trinity Drive as a shortcut between Ballina Road and Bangalow Road when such a link is eventually constructed. The alignment of this road link will need to be sufficiently convoluted for similar reasons. When the proposed arterial road link is constructed between Pineapple Road and Bangalow Road, traffic will be more likely to use this route as it will provide a more direct link between Goonellabah and Bangalow Road. It is important that these issues relating to road design and traffic calming at Trinity Drive be flagged in the Strategy and that they be carried through into a masterplan or DCP for the area. It is recommended that the Strategy be amended to include these requirements.

- b) Future subdivision will cause a drop in land value for existing residents.

Comment: Allotments in the proposed release area should offer a high level of residential amenity and so should be popular in the market and attract high values. This should not adversely affect values of other property in the area.

- c) The area has no access to parks and playground equipment. Future development would exacerbate this situation.

Comment: Given the potential number of allotments that could be created in the area, the developers will be required to provide sufficient open space and open space facilities to cater for the projected increase in population arising from new development.

- d) Lismore already has sufficient land for subdivision as identified in the Strategy with over 590 vacant lots and the potential for another 2040 lots in land already zoned. Current population growth does not warrant further land release.

Comment: The Trinity Drive area has been included in the Strategy as a priority because it has the potential to provide high quality residential lots with good amenity.

It is perceived to have the ability to satisfy a sector of the market that is not being adequately satisfied by the existing stock of zoned land. For this reason it is believed that the take up rate for land in this area will be greater than for other areas where land has been zoned and has remained vacant for some time.

e) Trinity Dr is not serviced by public transport.

Comment: The nearest public bus route is along Bruxner Cres/Mountain View Dr. It is acknowledged that this is a fair distance to walk (uphill) from the proposed release area. Kirklands has indicated that the Northern Ridges bus route could be expanded if and when road links are created between Trinity Dr and Northcott Dr, Northcott Dr and Hillcrest Ave, etc. This would bring a bus route closer to the release area (500 to 1,300m) but still beyond what could be considered to be reasonable walking distance to public transport. The problem is that no large greenfield site will be adequately serviced by public transport until such time that it has developed to the point where there are sufficient people living in the area to make the provision of public transport viable.

f) The Trinity Drive area has a strong sense of community with a low crime rate and is a safe area for children. This will be destroyed if further development is allowed as proposed in the Strategy.

Comment: The quality and standard of development in the new release area should be at least comparable to that of existing development in Trinity Drive. As the area currently has a low crime rate, new development of a similar type and character should be unlikely to have a significant effect on crime rates in the area. In terms of safety, this has been discussed previously with respect to traffic volumes and speed. The Trinity Drive plateau area has been zoned 1(d) Investigation under the LEP since 1992. Residents of Trinity Drive, who have purchased their properties since 1992, must have had some expectation that some form of development would occur in this area in the future. Similarly the owners of the 1(d) land would have had legitimate expectations that they would eventually be able to develop their land for a higher order use than the current use of low intensity grazing.

Submission No. 12 - Newton Denny Chapelle (on behalf of owner of 20 Holland St, Goonellabah)

Advise of owner's support for the inclusion of Lot 2 DP1021834 Holland Street, Goonellabah in the Strategy as future residential and that they are currently preparing a subdivision design for the property.

Comment: Noted.

Submission No.13 - Skyline Road Ratepayers Group (14 landowners)

Requests that area be rezoned for rural residential purposes. The area is close to the CBD and other shopping and medical facilities and has existing access to services such as town water, power, telephone and school bus.

Comment: It is not the role of the Urban Strategy to identify land for future rural residential development. That task was undertaken during the preparation of the Lismore Rural Housing Strategy which was adopted by Council in December 2000. Planning NSW agreed to the Rural Housing Strategy on the condition that Council may approve a maximum 240 rural residential lots within a 10 year period (24 lots per year). It is acknowledged that Skyline Road is already rural residential in character, however the Rural Housing Strategy identifies more than sufficient land to meet the current quota and it is not recommended that significant additions be made to that strategy until it is reviewed in 2006.

Submission No.14 - Riordans Consulting Surveyors (on behalf of North Lismore Plateau Rezoning Group)

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The submission objects to fact that the North Lismore plateau (referred to in the exhibited Strategy as the Dunoon Road plateau) has not been given the highest priority in the Strategy and that its proximity to the Lismore Speedway is viewed as a 'prohibition' to development. There is also an objection to the high priority given to the Trinity Drive area given issues with access to the site and potential limitations on water and sewerage supply.

Comment: Planning NSW's guidelines for Urban Settlement Strategies requires that strategies provide a staged release program for land identified as having urban residential potential. Staging may be defined in terms of short, medium and long term release. The proposed sequencing in the draft Strategy prioritises the six greenfield sites in these terms with both Trinity Dr and the North Lismore plateau identified as potentially short term release areas. However for the North Lismore plateau site, there is an additional caveat that rezoning is not to proceed while the Lismore Speedway continues to operate from the Showground site. It is considered that the speedway operations are incompatible with residential development and it would be poor planning practice to rezone land that could ultimately accommodate a population of around 2,400 people in proximity to such use. If the issue of the speedway is resolved at some future time, there would be no sequencing restrictions applying to the rezoning of the plateau site.

It is recommended that the numbering of greenfield sites in the sequencing priorities be deleted to avoid confusion on this issue and that sequencing priorities refer to short, medium and long term only.

Submission No.15 - Newton Denny Chapelle (on behalf of owner of Lot 182 DP787249 Lucia Crescent, Lismore Heights)

Submission includes a subdivision plan of the subject land, prepared in 1995, to create 52 lots. The owners were advised that the property would be identified as future expansion area after completion of 2020 Strategy. Seeks reconsideration of recommendation in the Strategy.

Comment: The site was assessed in the draft Strategy as being significantly constrained by slope with limited potential for development. The site was subsequently re-assessed having regard for the proposed subdivision plan submitted by Newton Denny Chapelle. The subdivision plan was found to be unresponsive to the site proposing subdivision on parts of the land that would be considered too steep for residential development. There is a small area of developable land on the lot that could potentially yield around 12-15 lots generally above the 40m AHD contour line. It is recommended that future development be restricted to this area.

Submission No. 16 – Owner of Lot 7 DP 255203 Blue Hills Ave, Goonellabah

Seeks consideration of whole property for inclusion in Strategy rather than just small portion on the western side.

Comment: Lot 7 is a "battleaxe" shaped lot with frontage to Blue Hills Ave. The lot has a total area of 10 ha with the access "handle" having an area of about 14,500m². The entire property is zoned 1(b) Agricultural. The draft Strategy identifies only the access handle as having urban potential. The draft Strategy also identifies other land in Blue Hills Ave as having urban potential, however given the likely overall lot yield, the provision of a new sewerage pump station in the area would not be supported. Consequently landowners will need to demonstrate that all proposed lots are capable of gravity feeding to the existing pump station near the corner of Blue Hills Ave and Taylor Road. Most of Lot 7 is incapable of being serviced by the existing pump station. It is also considered unsuitable for urban development in that it is zoned 1(b) Agricultural and adjoins an established macadamia plantation to the east.

Submission No. 17 - Malcolm Scott (on behalf of four landowners in Invercauld Road)

Objects to the proposed sequencing in the Strategy of the Invercauld Road area as No.5 out of the six identified greenfield sites. A better balance of release timeframes between the northern and southern areas of Goonellabah would provide greater market choice.

The area is unaffected by major constraints to development, apart from areas of primary and secondary koala habitat on northern, southern and western boundaries. The area is located in proximity to CBD and other shops and facilities and adjoins existing residential areas. It satisfies many of the desirable criteria identified by real estate agents and purchasers of vacant land who were interviewed in the Strategy. The submission also puts forward reasons why other greenfield sites that have been assigned a higher priority in the Strategy should be downgraded in priority.

Comment: The site represents a large area of relatively unconstrained land although it does not enjoy the potential level of amenity offered by sites such as Trinity Drive and North Lismore plateau. However it borders the existing urban area and should have a higher priority than Monaltrie which is located much further out. It is considered that some of the better quality land in this area could be developed in the medium term.

Submission No.18 – owners of Lot 2 DP 587430 Wyrallah Road

The draft Strategy has underestimated the potential of Lot 2 DP 587430 Wyrallah Rd. A plateau area on the north western section of the property is adjacent to Wilson Park and existing residential areas and is suitable for future residential development. Similarly flood free land on either side of Wyrallah Rd has potential for a wide range of uses.

Comment: This lot straddles Wyrallah Road with much of the eastern half being flood prone and much of the western half being constrained by slope. Some flood free areas on the eastern side have been identified as having potential for industrial development. The area to which the submission refers is located between Council's depot in Wyrallah Road and the Wilson Park Reserve. The site is gently to moderately sloping and would be capable of supporting some form of development provided satisfactory access can be achieved from Wyrallah Rd. Although the site has a pleasant outlook to Wilson Park, the potential incompatibility of residential development with the adjoining industrial use to the south makes the site more suited to light industrial type development.

Submission No.19 – owners of 24 Bridge St, North Lismore

Submission states that there is a zoning anomaly on the western side of Bridge St, North Lismore between Simmons St and Colemans Bridge. Although the land use in this area is predominantly commercial, the current zoning is Residential 2(f). The submission seeks a rezoning for property at 24 Bridge St from 2(f) to 3(f).

Comment: It is agreed that the current zoning on the western side of Bridge St between Simmons St and Colemans Bridge does not reflect the character and existing land use. The draft Strategy recognises this and recommends that this area be rezoned to a more appropriate commercial zone.

Submission No.20 - Newton Denny Chapelle (on behalf of Summerland Christian School, Pineapple Road)

Submission clarifies owner's position with respect to Lot 62 DP 1017850 Pineapple Road. The two areas of the property which are considered to have future development potential are at the northern end of Daniel Drive and a severed portion of about 2,140m² created by the recent realignment of Pineapple Road.

Comment: The Pineapple Road area is one of the greenfield sites identified in the draft Strategy as capable of accommodating urban growth. However most of the developable land on the eastern side of Pineapple Road (and a small amount on the western side) has been identified in Council's Rural Housing Strategy as being suitable for rural residential development. It is unlikely that those landowners identified in the Rural Housing Strategy will be interested in seeking an urban residential zoning on their land and will pursue rural residential development instead. This effectively restricts the urban potential of the Pineapple Road area to the land owned by the Summerland Christian School. The submission lodged on behalf of the School is supported. There is a significant area at the end of Daniel Drive, generally above the 130m AHD contour, that is suitable for urban development.

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It is therefore recommended that the Strategy be amended such that the areas identified in the submission represent the areas at Pineapple Road suitable for future urban residential development.

Submission No.21 – owner of 212 James Rd, Goonellabah

Submission expresses disappointment that land in James Rd is not recommended for urban residential in the draft Urban Strategy. The land meets all criteria except for slope. Requests that Council reconsider this land.

Comment: The submission relates to four parcels of land (Lots 86 & 193 DP755718, Lot 1 DP772536 and Lot 2 DP708633), located at the end of James Road and having a combined area of 66.4ha. Lot 193 supports two existing dwelling houses. Much of the site is either excessively steep (up to 33%) or is low lying and affected by local flooding. The site is not considered suitable for urban residential development.

Submission No.22 – owner of 51 James Road, Goonellabah

Submission seeks inclusion of Lot 311 DP 1005554 James Road in the Strategy and has enclosed a proposed plan of subdivision to create four lots.

Comment: Lot 311 has an area of 1.228ha and is adjacent to the existing 2(a) boundary. The site supports an existing dwelling as well as a number of mature eucalypts including primary koala habitat as identified by Ecograph. As the lot is over 1ha in area, SEPP 44 (Koala Habitat Protection) will apply and a Local Environmental Study would most likely be required prior to any rezoning proposal proceeding. Clause 38 of the North Coast REP requires that Councils prepare urban release strategies before they can consider rezoning proposals that constitute significant urban growth. The purpose of a Strategy is not to identify every small lot on the periphery of the urban area that could possibly have some subdivision potential. The owners of such lots have the option of submitting a rezoning application to Council at any time regardless of whether or not the land is identified in a land release strategy. In view of this, and the fact that the land is subject to significant constraints under SEPP 44, it is not recommended that the land be included in the Strategy.

Other Issues:

2001 Census

Population figures from the 2001 Census were released during the exhibition period of the draft Strategy. Because this data was not available when the Strategy was prepared, population projections that provide the basis for predicting future land stock requirements were based upon the previous 1996 Census data. The projections have now been updated using 2001 Census results. This has had implications in terms of projected land demand as the actual Census population figure for 2001 was lower than the population projection for 2001 used in the draft Strategy.

Update of statistics

Statistics such as development approvals etc have been updated using data collected for 2002.

Master plan

All of the greenfield sites identified in the Strategy comprise landholdings in different ownerships. To ensure coordination between different landowners, it is recommended that the landowners be required to submit a master plan for each area at the rezoning stage. This will help to achieve consistency particularly in terms of road layout and hierarchy, and open space provision.

Format and content

Some formatting changes have been made to the strategy as the draft included background information that would not necessarily be relevant in the final document.

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This particularly applies to infill sites where information about potential infill sites that have not been recommended for future residential has been deleted. Information relating to the evaluation of the 1996 Strategy has been moved to the appendices.

Sewer modelling

Following preparation of the draft Strategy, Australian Water Technologies was engaged to carry out modelling of the Goonellabah sewer catchment using projected lot yields for each of the proposed release areas identified in the Strategy. The results of the modelling shows that each of the proposed release areas in the Strategy could be developed and fully sewered without risk of sewage overflows under normal dry weather flows. However the frequency of overflows under wet weather conditions would be increased in certain areas. The modelling will provide the basis for developers to carry out more detailed modelling to determine the sewer upgrading requirements for their particular development. This will form the basis of Section 64 plans for the area.

Manager - Finance & Administration Comments

Not required.

Other Group Comments

City Works and Business and Enterprise (Water and Wastewater) have been consulted throughout the Strategy's preparation and their recommendations have been incorporated into the Strategy.

Author's Response to Comments from Other Staff

Not required

Conclusion

A number of amendments to the draft Strategy as exhibited were proposed in the December 10 Council report as a result of issues that were raised in the submissions. Other amendments were also proposed as a consequence of the availability of Census data, sewer modelling etc. Further amendments are proposed as an outcome of this report. The following is a summary of all the recommended changes to the draft Strategy:

1. Include reference to Planning NSW's *Sustainable Urban Settlement Guidelines* in the Implementation section of the Strategy. Consistency with the Guidelines should be a matter for applicants to address when preparing rezoning applications for land identified in the Strategy.
2. Include Class 6 (Specialist class land) as a constraint along with Classes 1,2 & 3 representing prime crop and pasture land.
3. Include information on requirements for rezoning applications in the Strategy.
4. Include a disclaimer stating that inclusion of land within the Strategy does not guarantee rezoning or development approval.
5. Include a requirement for an independent assessment of potential agricultural land use conflicts at the rezoning stage for the North Lismore plateau.
6. Change the preferred use for Lot 2 DP 620590 and part Lot 1 DP 957677 to future light industrial.

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7. Include a requirement for a buffer to agricultural land at the Tucki Creek area.
8. Include reference to DLWC's multi-attribute mapping for mass movement areas.
9. Delete the numbering of greenfield sites in the section of the Strategy relating to sequencing so that sequencing refers only to short and medium term. Change the Invercauld Road site from long term to medium term and delete the Monaltrie area from the sequencing priorities.
10. Include a requirement that 'core koala habitat' as defined in SEPP 44 be identified at the rezoning application stage.
11. Include a requirement that scattered koala habitat trees be mapped and an assessment of the significance of these trees to koala populations and their movements be provided at the rezoning stage.
12. Amend the map of the greenfield sites to exclude those areas that are not considered in the Strategy.
13. Include a statement that a future access road from the Trinity Drive greenfield site to Bangalow Rd be designed to discourage its use by through traffic from outside the area.
14. Clarify the extent of proposed urban release area at Pineapple Road to include the area at the northern end of Daniel Drive (and including a severed lot created by the new alignment of Pineapple Road).
15. Include the Lucia Crescent infill site as having limited potential for urban residential development.
16. Update the population projections and housing balance sheet to take into account the 2001 Census data.
17. Delete reference to those infill sites that were investigated but not recommended for inclusion in the strategy.
18. Include a requirement for master plans to be prepared and submitted for greenfield sites at the rezoning stage.
19. Include reference to the results of the sewer modelling undertaken by Australian Water Technologies.
20. Clearly define in the Strategy the limit to urban expansion in an easterly direction as representing a line extending south from the eastern boundary of the Regatta estate through to the eastern boundaries of the Napier Court estate and the Seventh Day Adventist School in Blue Hills Ave.
21. Amend the section of the Strategy relating to the North Lismore plateau to allow a rezoning submission for the plateau land to be lodged upon finalisation of a legally binding agreement between Council and the Show Society incorporating the four points of agreement as outlined in this report.

A copy of the draft Lismore Urban Strategy incorporating proposed amendments 1 to 19 above was attached to the December 10, 2002 Council report. Proposed amendments 20 and 21 arise from further discussion and recommendations contained in this report.

Recommendation (PLA7)

That Council:

- 1 Adopt the Lismore Urban Strategy as exhibited but incorporating amendments 1 to 21 as outlined in this report, and
- 2 Forward the Strategy to Planning NSW for the Director-General's agreement.

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Subject/File No: RATING REVIEW
(S384)

Prepared By: Rating Services Coordinator, John Beacroft

Reason: To provide information requested from the Rating Workshop, March 17, 2003

Objective: Seek Council's direction to any change in the rating structure.

Management Plan Activity: General Purpose Revenues

Background:

A series of public meetings have been held to discuss Council's rating structure. Council at a workshop held on March 17, 2003 considered the feedback, comments and suggestions from those meetings.

A workshop paper, which provided background, commentary and options, was made available and after debate and questions relating to rating options, the following matters were seen as requiring further investigation and reporting.

**** Excise of villages from urban/village residential rating category***

Whilst no specific agreement was made to this proposal, there was discussion about the services available within villages being different to those available to the Lismore urban area.

Currently within the rates structure there are three residential rates: -

- * Residential Urban/Village 1. 8541 cents in the dollar
- * Residential Rural 1. 3378 cents in the dollar
- * Residential Billen Cliffs 1. 8541 cents in the dollar (all pay special minimum rates of \$279.50)

Options

As a means of assessing this change, please find attached three examples of a separate rate in the dollar (RID) applying to villages. These examples have been based on the assumption that the lowest RID would be greater than the residential rural rate as villages are perceived to have greater access or receive more services. The increments are equivalent to the current residential rural rate plus 25%, 50% & 75% of the difference between the current urban/village and residential rural rates.

All properties with a land value above the minimum would have a decrease in their rates.

If this option were pursued, it would result in at least one or more categories paying more rates. In effect all that occurs is the same pie is sliced differently. The amounts to be redistributed based on the above examples are: -

- a) Residential Rural + 25% \$ 141,903
- b) Residential Rural + 50% \$ 94,602
- c) Residential Rural + 75% \$ 47,301

If the amount to be redistributed was reallocated over the remaining rating categories based on the current income percentages, the assessment with the average valuation would be effected as follows :

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Category	Average Valuation	25%	50%	75%
Farmland	\$162,126	\$13.06	\$ 8.70	\$ 4.35
Residential	\$ 38,809	\$ 6.45	\$ 4.30	\$ 2.15
Res-Rural	\$ 69,834	\$ 8.33	\$ 5.55	\$ 2.78
Bus-Inner CBD	\$124,028	\$46.78	\$31.19	\$15.59
Bus-Urban	\$101,212	\$21.56	\$14.37	\$ 7.19
Bus-Other	\$ 45,741	\$ 9.66	\$ 6.44	\$ 3.22

No comment on the above process is required except to make the point that prior to adjusting rates, it is important for Council to be able to justify the current system in keeping with the Local Government Act 1993 requirements.

Richmond Hill

The option to separately rate Richmond Hill as either a village or possibly have a lesser residential rate has been investigated. To achieve this status, the Local Government Act 1993 guidelines provide that :-

"Council would have to form the opinion that Richmond Hill was a 'centre of population' having a discernable community of interest amongst the residents which differs from those living outside that part of the area and that area is independently serviced by infrastructure that reflects the focus of that part of the area",

It is considered that it would be extremely difficult for Council to form an opinion that Richmond Hill is a 'centre of population' that would justify the alteration of the rating category within the context that is allowed within the Act.

*** *One rate in the dollar***

As part of the Workshop discussions, a point was made in relation to what sort of rating system Council should have. It was suggested that as part of the review process, the background to our current differential rating system would be better understood if a comparison was able to be made with a purely ad valorem system based on one rate in the dollar.

An example of this scenario is attached. It excludes the city safe program, promotion fund and flood levee.

With this situation, there is a huge shift in 'who pays what' with the most obvious beneficiaries being the business sector whilst the farming sector would suffer huge increases in their rates.

While not supportive of this outcome, it begs the following questions:

- Is this the starting point for a rating review ?
- Why is there such a gap between the rates in dollar?

Some points will be made later in the report that perhaps may provide some justification for the current system.

*** *Business rates – Expansion of city safe program***

As part of the review, an anomaly in relation to the service delivery area and rate collection area for the City Safe Program was identified. After issuing a letter to all property owners who could be affected if the area paying for the Program was extended, there was sufficient objection to warrant discussing of the options.

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This is to be discussed with Lismore Unlimited so as to ascertain how this matter might progress and then to a public meeting. A report is planned to come to the May Council meeting.

Council's current rating structure, where to from here ?

This issue was debated quite often at the public meetings and the workshop.

Currently there are seven rates, all valuation based but levied differentially as well as a special rate for the flood levee.

A frequently asked question is why is this so? By way of an attempt to explain the current system, the history of how rates were levied in the past provides some clues for where the system is today.

In regard to the historic viewpoint, the first time that this Council rated the whole of the amalgamated area, that is the old Lismore City together with the Terania and Gundurimba Shire areas, using a common set of values was 1979.

The rating structure at that point in time was as follows: -

General Rate for Lismore (includes businesses)	4.70	cents in the \$	100%
General Rate for Villages and non rural areas outside Lismore	2.75	cents in the \$	58%
Rural Rate	2.065	cents in the \$	43%

From the 1980 rates brochure, the following comments were made :-

'The Council has chosen 1980 to change from the basis of rating on unimproved value to land value. That is a higher value generally in respect of rural properties and a few others'

1980 also saw the introduction of a business rate for the first time, which in essence was to be used for the proposed Heritage Centre.

The rating structure, in 1980 was as follows :

General Rate for Lismore	4.33	cents in the \$	100%
General Rate for Villages and non rural areas outside Lismore	2.067	cents in the \$	47%
Rural Rate	1.222	cents in the \$	28%
Commercial Rate	5.33	cents in the \$	123%

In 1983, whilst there had been a revaluation, there was an attempt to keep the rates in the dollar proportionate to what they had been in the previous year. On this basis, a RID relationship was established with farmland rate being 33.3% of the urban rate. 1984, 1985, 1986 and 1987 saw the continuance of this relationship. This was regardless of what changes had occurred within the valuation mix.

In 1988, there was a change as to how the farmland rate was administered in that it required an application to be made. Prior to this, Council had allowed farmland rates to all properties with an area over 2 hectares. At this time there were around 3,000 properties being rated at the farmland rate and after receiving applications this number was reduced by approximately 1,000. There was seen a need to introduce a rate between the residential and farmland rates for those properties that were no longer eligible to receive the farmland rate. This resulted in the introduction of the residential rural rate.

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Council also sought an increase in the allowable income and the then Minister for Local Government replied allowing a change in rating structure which introduced some new rates but also the following:-

' ... I am unable to approve an increase in the higher urban (Lismore) differential general rate beyond the statutory limit of 6.5%. I consider the current level of rates paid by these categories of ratepayers high, relative to other categories....'

This meant that whilst all the other rate categories increased by the 10% increase sought and allowed, the urban rate was increased by the 6.5% allowed.

This brought about a change into Council's rating structure, which is the genesis of today's structure.

At some stage after this, the relationship changed to income from each rating category rather than RID. There are no reported or anecdotal reasons for this occurring.

Subsequent minor changes have been made to the above with the introduction of the three business rates to reflect the approach by Lismore Unlimited.

In conclusion, it is clear that there is no obvious justification for the existing rating structure.

A way forward

In view of Council's resolution 377/99 "to maintain the current structure for the four year term", and an apparent desire amongst Councillors to justify and/or make changes to the rating structure, it may be appropriate to refer this issue to the new Council.

On the basis that elections are in September, a Working Party could be formed consisting of several Councillors and staff to look at the rating structure.

Manager - Finance & Administration Comments

Included in report.

Public Consultations

Public meetings were held in Nimbin, Clunes, Lismore (Lismore & District Workers Club and Goonellabah Community Centre) and Wyrallah during March to discuss the current rating structure and rating methodology.

Feedback from these meetings was considered at a Councillor Workshop held on March 17, 2003.

Other Group Comments

NA

Author's Response to Comments from Other Staff

NA

Rating Review

Conclusion

In view of the difficulty in justifying the current rating structure, any changes could be construed to be adhoc. It is suggested that the existing resolution, which was adopted at the beginning of the current Council's term should remain in force for the 2003/04 rating year.

'377/99 Resolved that the report be received and

- 1. That Council adopt the current rating structure and differentials of income between rating categories for the next four years,*

Given the proximity of the 2003 Local Government elections, it would seem appropriate that any decision on the future direction of Councils rating structure be referred to the new Council with the suggestion that a working party be formed to determine the future direction.

Recommendation (COR07)

- 1 No changes be made to the general fund rating structure for 2003/04, (subject to special rate variation increase and/or changes requested by the business communities of Nimbin and Lismore).
- 2 A working party be formed, at the commencement of the new Council's term, made up of representative members of Council and staff to discuss the complexities of the rating structure and report back on any suggested changes.

Subject/File No: ONSITE SEWAGE MANAGEMENT STRATEGY
(S245)

Prepared By: Manager Environmental Health & Building Services - Tony Kohlenberg

Reason: To advise Council of the finalisation of the review of the On-Site Sewage Management Strategy

Objective: For Council to endorse public exhibition of the Strategy

Management Plan Activity: Environmental Health

Background:

At the Council meeting of December 11, 2001, Council resolved that:

1. A working Party be established to review Council's On-Site Sewage Management Strategy (OSSMS).
2. That the working party comprise of Council staff, three Councillors, four consultants and one independent chairperson.
3. Councillors Suffolk, Gates and Roberts be nominated to the working party.

A further report was put to Council in February 2002, whereby consultants Peter Lucena & Associates, Greg Alderson & Associates, Richard Crandon & Associates and Duncan Dey an independent consultant, were elected to the committee along with Leigh Davison from Southern Cross University as an independent chairperson.

Since this time the committee has met on eleven (11) occasions from March 5, 2002 and concluding on the March 19, 2003.

A workshop with plumbers, consultants and other regional Council representatives was also held in December 2002, which provided information on the progress of the Strategy and related topics. Feedback on relevant aspects of the strategy was also received.

The review has been comprehensive with all aspects of the Strategy reviewed. This includes review of:

- Guiding Principles
- Aims and Objectives
- Treatment options
- Disposal options
- Nutrient accountability
- Soil categorisation
- Computer modelling

On-Site Sewage Management is a growing technical area and I feel that all members of the committee would agree that it has been a learning process for all concerned. The final document is an excellent result, taking into account cutting edge aspects of the issue and combining practical, workable solutions.

On-Site Sewage Management Strategy

All members of the committee are to be congratulated on their diligence and commitment to the successful finalisation of the Strategy. In particular Southern Cross graduate Tony McCardell, is to be congratulated on his valued input into the significant upgrading of the computer model to accommodate all relevant changes and recommendations. The model has been acknowledged by committee members as an excellent tool to be used by consultants and Council staff.

Manager - Finance & Administration Comments

Not Required.

Conclusion

The OSSM review has been finalised after significant research and input from all committee members. It is the committee's recommendation that the reviewed OSSMS be placed on public exhibition for thirty days and a copy of the OSSMS be issued to all consultants for comment prior to final adoption by Council.

A copy of the strategy has been made available to all Councillors.

Recommendation (PLA6)

1. That the reviewed On-Site Sewage Management Strategy be placed on public exhibition for a period of thirty days and
2. That a further report be submitted to Council after the exhibition period for Council's final adoption of the strategy.

Subject/File No: ROUS WATER REVISED S64 PLAN
(AA:CD: S306)

Prepared By: Anu Atukorala - Manager Lismore Water

Reason: Need for review of Rous' S64 Plan

Objective: Ensure S64 charges are reasonable

Management Plan Activity: Water Services

Background:

Council has received an updated copy of Rous Water's Developer Contribution Plan (S64 Plan). The recommendation of this plan is to increase the S64 charges from the current \$1,380 to \$3,133.

The report was received on March 10, 2003 with a covering letter indicating that the exhibition period will conclude on April 14, 2003 (as determined by Rous Council). This timeframe would not be adequate for Council staff to review the report fully. Hence it is recommended that Council write to Rous requesting an extension of time of four (4) weeks.

Manager - Finance & Administration Comments

As the proposed contribution from developers will more than double, it is appropriate that staff be given the opportunity to fully review the S64 Plan and provide a detailed submission to Rous Water.

In regards to Section 64 contributions, we have an issue with Rous Water with their inability to ensure that all constituent councils consistently levy these charges. This has been outstanding since February 2001 (Minute 12/01). We still hold S64 levies collected from developers for Rous Water since that time.

Public Consultations

N/A.

Other Group Comments

Group Manager Business & Enterprise – Craig Kelly

Contact was made with Rous seeking a copy of the Contributions Plan in mid- February after the decision of Rous Water to put the revised plan on exhibition. Staff commitments in March, which were known, have not aided the report's assessment after its late arrival. With the review undertaken in 2001 of the Lismore Water contributions plan and the inconsistent methods of recovering these developer contributions across the constituent Councils a thorough review and potentially a Councillor workshop may be required.

Author's Response to Comments from Other Staff

N/A.

Conclusion

Given the substantial increase in S64 charges proposed, it is recommended that Council staff review the report fully. Accordingly an extension of time of at least four (4) weeks be requested.

Report – Rous Water Revised S64 Plan

Given that Rous Council has determined the exhibition period, it is appropriate that a formal request be made for this extension of time.

Recommendations (ENT02)

That Council:

1. Note the proposed increase in Rous' S64 charges from \$1,380 to \$3,133.
2. Write to Rous Water requesting an extension of time of four (4) weeks.
3. Staff review the S64 plan and make a submission to Rous.

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Subject/File No: APPLICATION FOR CLOSURE OF COUNCIL PUBLIC ROAD – TUNTABLE CREEK ROAD, THE CHANNON (R3305)

Prepared By: Lindsay Walker, Manager Client Services

Reason: Request by applicants J & D Brown, seeking to close and purchase an unused formed portion of a Council road

Objective: To seek Council's endorsement of the recommendation.

Management Plan Activity: N/A

Background

Council is in receipt of an application from Riordans Consulting Surveyors on behalf of Mr J & Mrs D Brown for the closure of two portions of Tuntable Creek Road, The Channon (shown as hatched on the attached plan). The area referred to in the application comprises of two parts of an unused section of a public Council road no longer used following the re-alignment of Tuntable Creek Road in 1976.

The proposed Part 1 is an area of approximately 4000m² with the Brown's dwelling encroaching upon part of this area. Mr and Mrs Brown considered that this area of public road was to be transferred to them in 1976 as compensation for other areas which were dedicated when the road was re-aligned, however the transfer failed to take place.

Council accepts the justice in closing and transferring the proposed Part 1 without seeking compensation for the land and furthermore considers that it should contribute to 50% of the cost of survey work and plan registration with both parties paying their own legal costs required for the closure.

The proposed Part 2 is an area of road, approximately 1600m², no longer in use and Mr and Mrs Brown consider that the closure and purchase of this area would facilitate the better management of the property. This land was a formed road and the formation is still visibly evident within the road reserve area. The road crossed Tuntable Creek and the old bridge crossing is also still evident. Council considers that this area should be dealt with as a normal road closure, which following closure, could be purchased from Council.

Manager - Finance & Administration Comments

Not applicable.

Public Consultations

Not applicable.

Other Group Comments

The Group Manager City Works has no objection to the closure and sale of the identified sections of the Council road.

Author's Response to Comments from Other Staff

Noted.

Conclusion

Both areas have been formed and used as roadway prior to the re-alignment of Tutable Creek Road and therefore would become vested in Council after closure. The recommendation below completes the process which allows Council to approach the NSW Department of Land and Water Conservation for the closure of the areas and when closed to become vested in Council.

Recommendation (GM68)

1. That the application to close the identified Parts 1 and 2 of Tutable Creek Road (shown as hatched on the attached plan) be endorsed and lodged with the Department of Land and Water Conservation for adoption and gazettal as Council land if approved.
2. Council agree not to seek compensation for Part 1 of the road closure and also to contribute 50% to the cost of survey work and plan registration with both parties paying their own legal costs.
3. All costs associated with the road closure and purchase of Part 2 of the road closure be borne by the applicants.
4. That the General Manager or his delegate be authorised to sign any documents necessary to bring about this recommendation.

Subject/File No: APPLICATION FOR OPENING AND CLOSING OF COUNCIL PUBLIC ROAD – ROUS ROAD, GOONELLABAH (P8805,R6610)

Prepared By: Manager Client Services – Lindsay Walker

Reason: To rectify road and boundary inconsistencies between Rous Road and adjoining property

Objective: To seek Council resolution

Management Plan Activity: City Works

Background

The recent land transfer of lot 5 in DP 583964 occasioned a cadastral survey of the lot. Pegs were placed at the corner of the land and it was determined that there were significant differences between the existing Rous Road alignment and the property boundaries.

Following negotiations between the landowner and Council staff, it was resolved that a correction of the anomalous boundary could be best affected by a swap of land between Council's road and the adjoining lot 5. This land swap will result in a uniform footpath being available between the existing Rous Road bitumen and the adjoining lot 5 property boundary.

130m² of lot 5 in DP 583964 will be dedicated as public road and in compensation, Council will close and transfer 233m² of existing road.

Manager - Finance & Administration Comments

N/a

Public Consultations

N/a

Other Group Comments

Group Manager City Works

This is a very logical and common method of solving a road boundary problem.

Author's Response to Comments from Other Staff

Nil.

Conclusion

N/a

Recommendation (GM70)

- 1 That Council authorise the General Manager and/or his delegate to conclude the transfer of the two abovementioned areas of land at 164 Rous Road, Goonellabah to rectify road alignment anomalies.
 - 2 That the General Manager and Mayor be authorised to sign and apply the common seal of the Council to the subdivision plans together with the Contract for Sale and transfer documents as necessary.
-

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Subject/File No: CITIZEN APPOINTMENT TO THE ART IN THE HEART ADVISORY PANEL S857

Prepared By: Manager Community Services

Reason: To fill a vacancy on the Art in the Heart Advisory Panel

Objective: To gain Council's approval to appoint the Panel's nominee

Management Plan Activity: Community Services

Background:

At the July 2002 Council meeting, Council approved the appointment of 14 members of the general public who had nominated to join the Art in the Heart Advisory Panel. The Plan of Management current as at the February 2003 Panel meeting, stated that: *"Extraordinary vacancies on the Panel shall be appointed by Council on the advice of the Panel, or through advertisement as resolved by Council."* Although the vacancy requirements for Council Committees/Panels altered following the March 2003 Council meeting (they now require advertising), the Art in the Heart Advisory Panel resolution to fill its vacancy occurred prior to this change in procedure.

As a result, the Art in the Heart Advisory Panel has recommended that Ros Derrett be appointed to the Panel. Ros Derrett, OAM, has been an enthusiastic supporter of the proposed Cultural Precinct since its inception, and was the creator of the name 'Art in the Heart'. She facilitated many of the workshops leading up to the formation of this Committee. Ros is a lecturer at Southern Cross University, specialising in Tourism. She will bring to the Panel much needed expertise in creative enterprise as well as specialised knowledge of tourism. Her appointment will further strengthen links between Council and Southern Cross University.

Current members of the Art in the Heart Advisory Panel include:

- Rohan Shearn
- Jill Jameson
- Jan Davis
- Bronwyn Larner
- Rob Garbutt
- Phillipa Howells
- Stephen Welstead
- Lorraine Vass
- Marion Forwood
- Ellen Shead
- Jyllie Jackson
- Emma Newman
- Adele Wessell

Manager - Finance & Administration Comments

Not required.

Public Consultations

Not required.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not required.

Conclusion

Ros is a highly regarded and well respected member of the Lismore community. She has established links with the business community, arts community, the tourism industry, and is a well-respected member of the University staff. Ros will provide significant strength, vision and benefit to the Panel.

Recommendation (COR06)

1. That Ros Derrett be appointed to the Art in the Heart Advisory Panel.

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MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD MARCH 19, 2003

AT 10.00 AM.

(WMacD:VLC:S352)

Present: Mr Bill Moorhouse (*Chairperson*), Councillor Ken Gallen, Mr Mike Baldwin (*Roads & Traffic Authority*), Sgt Jodie Hamilton (*Lismore Police*), and Ms Bronwyn Mitchell (*on behalf of Thomas George, MP*), together with Mr Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*).

Apologies: Apologies for non-attendance on behalf of Councillors Merv King, John Chant and John Hampton, Messrs Thomas George, MP and John Daley and Mrs Wendy Johnson (*Road Safety Officer*), were received and accepted and leave of absence granted.

Minutes of Traffic Advisory Committee Meeting – February 19, 2003

Members were advised that the Minutes of the meeting held on February 19, 2003 were adopted by Council at its meeting of March 11, 2003.

Disclosure of Interest: Nil

Correspondence:

1. **NSW Roads & Traffic Authority;** outlining new guidelines for event management proposed to be introduced for a trial period.

A full copy of the guidelines was tabled at the meeting for discussion. Events were in four categories with Categories 2, 3 and 4 being the ones that would mostly affect Council. A greater emphasis has been placed on the responsibilities of the 'Event Organiser', particularly in the need for a "Traffic Control Plan" to be part of any larger event application.

TAC28/03 **RECOMMENDED** that the contents of the new 'Event Guidelines' be noted and any future events be dealt with in accordance with the guidelines. (03-1663:S352)

2. **NSW Roads & Traffic Authority;** advising that it does not favour Council's proposal to construct a roundabout at the intersection of Walker Street and Booyong Road, Clunes.

It was noted that the Authority had rejected Council's proposal for a roundabout but had not offered any alternative treatment that would allay the concerns of the residents as to the dangers of the existing intersection. It was noted that Council's Design Services Section was currently investigating additional traffic calming measures within the Village. Any proposed facilities may assist in at least slowing traffic in the vicinity of the above intersection.

TAC29/03 **RECOMMENDED** that the Authority's advice be noted.
(03-1828:R4101,R1301,R3901,R1302)

3. **S Battistuzzi & Ms K van der Wall;** drawing attention to the intersection of Mayfield Street and Eltham Road, Eltham, and seeking improved safety measures for motorists.

Whilst sight distance problems did exist at the above intersection, it was noted that Mayfield Street serviced approximately six properties and approach speeds to and from Mayfield Street would be relatively low. Widening of the intersection would address the current concerns but the significant cost could not be justified under current funding conditions. There was also no known accident history.

TAC30/03 **RECOMMENDED** that the writers be advised that in the absence of any accident history and bearing in mind the relatively low traffic volumes using Mayfield Street, Council could not justify the significant expenditure it would take to improve the current situation.
(03-1913:R4009,R4002)

4. **Dr P Tsicalas**; requesting the parking facilities within the area of Fermoy Avenue and Weaver Street, Lismore, be reviewed.
Parking restrictions were not considered warranted either side of the Hospital Carpark entrance off Weaver Street.
- TAC31/03** **RECOMMENDED** that 'No Stopping' signs be installed on the eastern side of Weaver Street at a distance of 10m each side of Fermoy Avenue to keep the intersection clear. (03-1949:S352,R6022,R6062)
5. **Ms M Northfield**; requesting that a lower speed limit be applied to Cowlong Road and Alphadale Road, Lindendale.
It was noted that de-restriction signs existed on Cowlong Road and Alphadale Road near their intersections with the Bruxner Highway. Roadside development was predominately rural and the existing speed limit was considered appropriate. It was pointed out that as with any road, it was the motorists' duty to drive to prevailing road conditions and the existence of a higher signposted speed limit was not necessarily the speed which could be traveled.
- TAC32/03** **RECOMMENDED** that the writer be advised that given the existing roadside development, the current speed limit was considered the most appropriate. (03-2141:R4608)
6. **Ms H Passfield**; drawing attention to the intersection of Wyrallah Road and Mathieson Lane, Tucki Tucki, and requesting that upgrading works be carried out to improve driver safety.
An inspection of the intersection revealed that a sight distance problem did exist for motorists exiting from Mathieson Lane when looking to the south. Appropriate warning signs were in existence but some clearing of the vegetation along the eastern side of Wyrallah Road would significantly improve the current situation.
- TAC33/03** **RECOMMENDED** that this matter be referred to Council's Roads & Infrastructure Section for clearing of vegetation along the eastern side of Wyrallah Road, south of Mathieson Lane. (03-2449:R5201)

General Business

7. **Intersection of Invercauld Road / Simons Avenue, Goonellabah**
Ms L Cameron had expressed concern for traffic congestion at the above intersection, particularly right-turn movements out of Simons Avenue.
It was noted that this was an increasingly busy intersection and upgrading of same would need to be addressed in the future.
- TAC34/03** **RECOMMENDED** that this matter be referred to Council's Design Services Section for investigation and preparation of a plan and estimate for any proposed works. (6465,R6514)
8. **Keen Street, Lismore – One-Way Section**
Councillor Crowther had requested the Committee investigate the closure of the one-way section of Keen Street, north of Orion Street.
Whilst the immediate closure of this section of Keen Street was not considered warranted, it was acknowledged that such a proposal would be best considered as part of any overall plan for the proposed Northern Bypass.
- TAC35/03** **RECOMMENDED** that the above proposal be reconsidered as part of any negotiations relating to the Northern Bypass project. (R7313)

9. **Barham Street, East Lismore – Parking**
Councillor Hampton had requested that 'No Standing' signs be erected along the eastern side of Barham Street, between Wyrallah Road and No. 16.
It was noted that 'No Parking' restrictions existed along the western side of Barham Street opposite the houses in question. Any parking restrictions in front of the residences would mean the residents would also be disadvantaged. However, it was suggested that a single white line painted out each side of the existing driveways may help keep the driveways clear during busy times at the Golf Club.
TAC36/03 **RECOMMENDED** that a white line be painted at 90° to the kerb, 2m below and 1m above each of the driveways up to No. 16 Barham Street. (R7410)
10. **Short-Term Parking Near Auto Banks**
The Committee had been requested to consider the introduction of short-term parking (5min) in the vicinity of auto banks/ATMs.
It was suggested that such a proposal would also assist couriers and reduce the incidence of double parking.
TAC37/03 **RECOMMENDED** that one parallel parking bay with a 5-minute time limit be introduced at the following locations -
 - along the western side of Molesworth Street in the vicinity of the Summerland Credit Union and the Westpac Bank
 - along the northern side of Woodlark Street in the vicinity of the Commonwealth Bank and the ANZ Bank
 - along the southern side of Magellan Street in the vicinity of the Commonwealth Bank. (S353)
11. **CMCA Rally – May/June 2003**
The Committee considered the option of providing alternative parking areas for larger vehicles close to the Lismore CBD during the above rally. It was difficult to predict what demand there would be for such parking but it was suggested that there was already parking set aside along the eastern side of Dawson Street in the vicinity of the Tourist Caravan Park that could be used. In the event of any specific function in Lismore that would require additional parking, it was suggested that an area could be set aside on both sides of Dawson Street, between Woodlark and Magellan Streets.
TAC38/03 **RECOMMENDED** that the above information be relayed to the Tourist Information Centre. (S353)
12. **Keen Street, Lismore – Traffic Congestion**
Kirklands Coaches had raised the issue of traffic congestion for south-bound vehicles on Keen Street in the vicinity of Lismore Central. Vehicles propped to make right-turns into the shopping centre block through traffic.
TAC39/03 **RECOMMENDED** that a continuity line be painted along the centre of Keen Street in line with the western side of the centre median, up to the entrance under Lismore Central, with the inclusion of right-turn arrows to encourage right-turning traffic to move to the centre of the road, allowing room for through traffic to manoeuvre. (R7313)

13. **Intersection of Donnans Road / Brunswick Street, Lismore**
J Ruane had requested consideration be given to the provision of a left-turn and acceleration lane from Donnans Road into Brunswick Street.
The Committee was not aware of any significant problems for left-turn vehicles out of Donnans Road and in the absence of any accident history, the need for considerable expenditure in further upgrading the intersection could not be justified.
- TAC40/03 **RECOMMENDED** that the complainant be advised accordingly. (R6009,R7113)
14. **Richmond Hill Road**
The results of recent speed counts were tabled for discussion. Mr MacDonald advised that recent speed surveys carried out on Richmond Hill Road indicated that approximately 80% of motorists were traveling above the signposted speed limit of 60 kph. It would be fair to assume that a significant proportion of these were local traffic.
It was suggested that the current speed limit may be too low and roadside development did not indicate to motorists that they should be traveling at 60 kph. However, it was acknowledged that politically it may be difficult to introduce a higher limit of (say) 70 kph. Whilst the road remained an important collector road in Council's road hierarchy, clear access needed to be maintained. However, following completion of the Eastern Bypass onto Lagoon Grass Road, measures could be taken to ensure Richmond Hill Road remained a residential road.
- TAC41/03 **RECOMMENDED** that the above be noted. (R1012)
15. **Keen Street, Lismore – Relocation of 50 kph sign**
Sgt Hamilton had requested the Committee investigate the possibility of relocating the 50 kph sign on Keen Street near Albert Park Public School.
- TAC42/03 **RECOMMENDED** that the existing 50 kph speed limit be extended a further 280m south to a point in line with the southern boundary of No. 361 Keen Street.(R7313)
16. **Krauss Avenue and Habib Drive, South Lismore – 50 kph Zone**
Sgt Hamilton requested the Committee investigate the introduction of a 50 kph speed zone for the above streets.
- TAC43/03 **RECOMMENDED** that both Krauss Avenue and Habib Drive be included in the urban 50 kph speed limit zone and additional 50 kph signs be erected accordingly. (R6924,R6921)
17. **Union Street, South Lismore – 50 kph Zone**
Sgt Hamilton requested the Committee investigate the location of the 60 kph signs on Union Street.
- TAC44/03 **RECOMMENDED** that a 50 kph speed limit sign be erected at the western end of Fawcett Bridge for traffic coming into the CBD. (R6938)
18. **Cullen Street, Nimbin – Additional Speed Bump**
R Agnew had requested consideration be given to the installation of an additional speed bump on Cullen Street, south of Thorburn Street.
It was noted that this section of Cullen Street had been recently upgraded. However, there was some doubt as to the need for an additional traffic calming device so close to the one in front of the School at the marked crossing.
- TAC45/03 **RECOMMENDED** that classifiers be installed on Cullen Street, south of Thorburn Street, to determine actual vehicle speeds with the results being submitted back to the Committee for further consideration. (R1701)

19. Review of Bus Zones – Lismore CBD

Mr MacDonald tabled a plan submitted by Kirklands Coaches which proposed to introduce several new Bus Zone locations and the removal of several existing zones; the net result of which means a more effective and accessible service. Two of the main benefits comprised the removal of buses from Magellan Street and the removal of the Bus Stop on Keen Street, opposite Lismore Central.

The introduction of the new Bus Zones on Conway Street would bring forward the need to close the gap in the centre median on Conway Street, at its intersection with Carrington Street.

It was felt proposed vehicle and pedestrian counts would determine the need for two marked pedestrian crossings on Conway Street; possibly one between Carrington and Keen Streets and the other between Carrington and Molesworth Streets.

The potential conflict between turning movements and pedestrians needing to cross Conway Street would be removed by the closure as indicated.

TAC46/03 RECOMMENDED that -

- the Bus Zone on the eastern side of Keen Street, south of Woodlark Street, be removed
- the Bus Zone on the eastern side of Keen Street, opposite Lismore Central be removed
- the Bus Zone on the western side of Keen Street, north of Magellan Street and in front of Pagotto's Butchers, be removed
- a new Bus Zone be introduced on the northern side of Magellan Street, east of Keen Street, near the new Library
- a new Bus Zone be introduced on the northern side of Conway Street, east of Carrington Street
- a new Bus Zone be introduced on the southern side of Conway Street, east of Carrington Street.

TAC47/03 FURTHER RECOMMENDED that the gap in the centre median on Conway Street, at its intersection with Carrington Street, be closed thereby prohibiting right-turn movements into and out of Carrington Street. (S135,R7307)

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

CHAIRPERSON

**TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR**

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE CANIABA COMMUNITY HALL ON TUESDAY, MARCH 11, 2003 AT 6.37PM.

Present: Acting Mayor, Councillor King; Councillors Baxter, Chant, Crowther, Gallen, Hampton, Irwin, Roberts, Suffolk, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Finance & Administration, Manager-Community Services, Manager-Communications & Community Relations, Development Assessment Planner (Chris Soulsby), Fleet Manager, Administrative Services Manager and Team Leader-Administrative Support.

Apologies/ Leave of Absence: Leave of absence was granted to Councillor Gallen for the Traffic Advisory Committee meeting on March 19.

- 42/03 **Minutes:** The Minutes of the Ordinary Meeting held on February 11, 2003, were confirmed.
(Councillors Irwin/Chant)
- 43/03 The Minutes of the Extraordinary Meeting held on February 16, 2003 were confirmed.
(Councillors Crowther/Hampton)

PUBLIC ACCESS SESSION:

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

Damian Chapelle re Report DA02/771 – 105 Lot Subdivision, Just Street, Goonellabah

(See Minute No. 49/03)

Mr Chapelle sought Council's approval of the development. He talked to the traffic and noise issues, the riparian zone enhancement and the compliance of the application with planning requirements. He objected to the construction of the roadway with the Olley Estate. (D02/771)

Jackie McCalman re Report DA02/771 – 105 Lot Subdivision, Just Street, Goonellabah

(See Minute No. 49/03)

Ms McCalman opposed the establishment of a through road to Just and Dudley Streets. She claimed City Acres is a safe area and there is no justification for a through road, which would only be for the economic gain of the developer, and the social disruption and traffic noise would lead to a loss of lifestyle options. (D02/771)

Spokespersons for Lismore Neighbourhood Centre re Lismore Neighbourhood Centre Report - Anne Meagher & J Tyler

(See Minute No. 52/03)

Ms Meagher detailed some of the services provided by the Neighbourhood Centre, referred to Council's long term commitment to relocate to the Library site, and claimed the Parry's site is untenable and not in the best interests of the Centre.

Ms Tyler advised she had been involved in the relocation plans since 1998 and raised concerns regarding costing and the concept of economic rationalism. (P6621)

CONDOLENCES:

Late Frank Lancaster

A former long serving Lismore City Council Engineer, Mr Frank Lancaster, recently passed away.

Mr Lancaster served as City Engineer from 1959 to 1987. He was a President of the NSW Municipal Engineers Society and subsequently was made a Life Member.

In Lismore he was involved in the planning and implementation of the Browns Creek carpark, one of a large number of engineering achievements.

He is survived by his widow Lorna and family of three and Council extends its deepest sympathy to the family.

Late Aunty Fay Smith

In presenting this condolence for Auntie Fay Smith, I acknowledge that we are standing on traditional Bundjalung land and pay tribute to the Bundjalung people.

Auntie Fay Smith was an amazing woman who touched the lives of many, many people. Her family of seven children, 28 grand-children and 6 great grand-children was the foundation of her life and they are a credit to her.

A proud Bundjalung woman, Auntie Fay confronted many challenges and much sadness in her life, including the hardships of growing up as an Aboriginal woman, her battle with poor health over the past years and the tragic loss of a loved son. However, she worked through all the challenges and sadness to become an inspiring and respected Elder for her people and for the broader community in this area.

Auntie Fay was committed to reconciliation between Indigenous and non-Indigenous Australians and lived that commitment in her daily life. Despite the legacy of the many hardships that Aboriginal people experience, Auntie Fay had no room for bitterness. She reached out and connected with people from all walks of life, giving generously of herself to others and to the cause of reconciliation, for which she received an Australia Day Award from Lismore Council in 1999.

She was a working member of the task force for Lismore's 'Hands Together 2000 - Crossing Bridges', which was attended by some 1500 people, all of whom acknowledged and knew Fay, who led the walk.

She exhibited considerable talent as an artist and endeavoured to establish and maintain a craft business, Bundjalung Way, an outlet for Aboriginal art and craft. Two of her own major art works were used as logos on T-shirts, buttons and publicity for the historic reconciliation events in Lismore and Byron Bay on 28 May 2000. A basket created by Fay was given as a gift to Her Highness Tooi Tosi Malietoa, Princess of Western Samoa, who Fay, together with Auntie Agnes Roberts, met as Indigenous Ambassadors leading to an invitation for both women to go to Samoa as guests of the Royal Family.

Auntie Fay had a strong interest in politics, reflected in her being involved in a mentoring program offered by Lismore Council, where she attended Council meetings sitting with the councillors for six months in 1999. This led to her standing at the 1999 local government election on a ticket with her daughter Diane, where she polled well. Her interest in local politics was maintained to the end through her membership of Lismore Council's Wayiganna Aboriginal Advisory Committee.

Auntie Fay contributed significantly to the education of her people. She was a founder of the Jarjum Pre-School in East Lismore, gave many talks at local schools on Indigenous culture and issues and was an Elder consultant to Southern Cross University in its establishment of Aboriginal programs and the College of Indigenous Australian People.

Auntie Fay's enormous contribution to this community was recognised in many ways.

She received the ATSC Award 2000, a Certificate of Achievement from NAIDOC week 2002, the Indigenous Community Award from the Quota Club of Lismore in 1993, the Reconciliation Bridge Walk and Corroboree award in 2000, and a NSW Premier's Award for her contribution to community services.

She was a torch-bearer locally for the Sydney Olympics in 2000 and attended the Disabled Artists World Conference in Los Angeles in 1999 representing Australia as a Bundjalung Elder. Her commitment to peace was reflected in her participation in the peace walk from Canberra to Sydney, which took three weeks, before the Sydney Olympics.

She will be deeply missed.

Late Stan Moore

South Lismore recently lost a long time resident and supporter of the area in the passing of Stan Moore. Mr Moore was a long time president of the South Lismore Progress and Development Association. He was prominent in the development of South Lismore and developed the StanMor Centre on Casino Road. He provided a facility for the Young Drums percussion group to practice in.

Late Mrs Marjorie Chant and Late Eric Dell

Council condolences are also extended to Councillor John Chant on the passing of his mother, Marjorie Chant and to staff member, Lyn McLean, on the passing of her father, Eric Dell.

- 44/03 The Mayor moved that Council's expressions of sympathy be conveyed to the families of the above and the motion was carried with members standing and observing the customary moment's silence.
(S75)

MAYORAL MINUTE:

Leave of Absence for Acting Mayor

- 45/03 **RESOLVED** that the minute be received and –
- 1 That leave of absence be granted to the Acting Mayor (Councillor Merv King) for the period March 15 to April 6, 2003.
 - 2 That Council elect an Acting Deputy Mayor during the period of leave of absence granted to Councillor King.
(Councillors King/Crowther)

- 46/03 **RESOLVED** that the election be by open voting.
(Councillors Roberts/Crowther)

The General Manager advised that two nominations were received, being for Councillors Chant and Swientek

Election

Councillor Chant – 7
Councillor Swientek – 4

The General Manager declared Councillor Chant elected as Acting Deputy Mayor for the period March 15 to April 6, 2003.
(S44)

MOTIONS:

Sealing of Gravel Roads

- 47/03 Formal notice having been given by Councillor Tomlinson it was **RESOLVED** that in accordance with the recommendations of the Roads Advisory Committee:
- 1 Council relax its policy which prohibits extension of the sealed road network.
 - 2 That the draft 2003/04 budget incorporate an allocation of \$200,000 to be used for sealing gravel roads.
 - 3 That all funds allocated for sealing gravel roads be additional to the current roads construction budget.
- (Councillors Tomlinson/Irwin)
(03-1793: S182,S745)

Grading of Unsealed Roads

- 48/03 Formal notice having been given by Councillor Tomlinson it was **RESOLVED** that that as recommended by the Roads Advisory Committee and supported by Council's roads consultant Neil Arbuthnot funds be included in the 2003/04 draft budget to allow three gradings per annum of category A unsealed roads.
- (Councillors Tomlinson/Roberts)
- Voting Against:** Councillors Baxter, Hampton and Crowther.
(03-1792: S182,S745)

REPORTS:

DA02/771 – 105 Lot Subdivision - Just Street, Goonellabah

A MOTION WAS MOVED that the report be received and –

- A** That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.
- B** That Council, as the consent authority, approve Development Application 02/771 for a 105 Lot residential subdivision, dedication of a public reserve, stormwater drainage works and a sewer pump station:

Subject to the conditions listed below:

STANDARD

- 1 In granting this development consent, Council requires:
 - the development,
 - all roads/civil works,
 - lot boundaries, and
 - areas subject to any amendment or modification called for in the following conditionsbe substantially in accordance with the stamped approved plan(s) and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

DRAINAGE

- 2 Measures shall be put in place to control stormwater runoff. These control measures shall be in place prior to the commencement of works and shall prevent soil erosion and the transport of sediment from the development site into either:
 - adjoining land
 - natural drainage courses

- constructed drainage systems, or
- waterways.

All disturbed areas shall be stabilised and revegetated.

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

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

- 3 The proponent shall make satisfactory provision for existing and proposed lots to dispose of stormwater without causing a nuisance to other properties. All works are to be constructed according to Council's Development, Design and Construction Manual (as amended). All roof water from any existing or proposed buildings and/or surface water from paved areas shall be directed to a discharge point to prevent intensification of discharge runoff onto adjoining land. All drainage lines are to be located within drainage easements.

Any stormwater line with an area of influence from the stormwater line measured by projecting a 45° angle from the invert of the line to the surface level extending outside of the easement shall be covered by a restriction on use requiring any structure within this area to be pierced to the stormwater invert level. All costs shall be the responsibility of the proponent.

Reason: *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 79C(b))*

- 4 Prior to release of the Subdivision Certificate, a suitably qualified person or Principal Certifying Authority is required to furnish a statutory certificate confirming:

- all drainage lines have been located within the respective easements,
- roadworks are in accordance with the approved design plan,
- any other structures like retaining walls are located in accordance with the Construction Certificate,
- all stormwater has been directed to a Council approved drainage system.
- all conditions of consent/approval have been complied with.

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

- 5 The discharge of stormwater from the site shall be limited to the pre-development flow (rural flow) for an ARI of 10 years and a time of concentration of 6 minutes. On-site retention of stormwater shall be encouraged to achieve this requirement. Full design details shall be submitted with the Engineering Design Plans.

Reason: *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 79C(b)).*

- 6 A Stormwater Management Plan must be submitted to and approved by Council prior to detailed engineering design plans being approved by Council. The Plan must detail measures to be implemented to reduce peak flow rates from the site and improve stormwater quality prior to flows entering Tucki Tucki Creek. The plan must give consideration to the receiving waters of Tucki Tucki Ck and develop stormwater quality objectives for flows entering the creek. The Plan must also detail how the measures proposed to be put in place to improve stormwater quality will achieve those objectives. The detailed engineering plans shall reflect the approved Stormwater Management Plan.

Reason: *To protect Tucki Tucki Creek from urban stormwater runoff.*

EARTHWORKS

- 7 Prior to commencement of works, certification from a practising qualified engineer experienced in soil mechanics is required verifying:
- civil engineering works including retaining walls have been assessed as structurally adequate,
 - civil engineering works will not be affected by landslip either above or below the works,
 - civil engineering works will not be affected by subsidence either above or below the works, and
 - adequate drainage has been provided.

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

- 8 A qualified practising structural engineer shall provide Council with a certificate of structural adequacy for any proposed retaining walls in the development, prior to commencement.

Any proposed retaining wall associated with roadworks shall be constructed wholly within the lots. No retaining wall shall be constructed upon the road reserve.

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

- 9 Prior to the release of the Subdivision Certificate, a NATA registered geotechnical testing authority shall submit documentary evidence, certifying that the fill material has been placed in accordance with Australian Standard 3798 "Guidelines on earthworks for commercial and residential developments".

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

ROADS

- 10 The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). In relation to the following works, the proponent shall pay Council's GST cost prior to the release of the Subdivision Certificate. The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work. Required roadworks include:

Construction of an intersection layout at the junction of McIntosh Road and Rous Road in accordance with AUSTRROADS Pt 5 "Intersections at Grade" giving particular attention to sight distance, as required by Condition No. 11.

Stage 1

Construction of Dudley Drive to an urban road shape with a bitumen sealed width of 11m between kerbs from the end of the existing road pavement in McIntosh Road to the western boundary of proposed lot 19.

Construction of Betty Court to an urban road shape with a bitumen sealed width of 6 m between kerbs from Dudley Drive to the northern boundary of proposed lot 11.

Stage 2

Construction of Just Street to an urban road shape with a bitumen sealed width of 11m between kerbs from Dudley Drive to the Northern boundary of lot 22.

Stage 3

Construction of Just Street to an urban road shape with a bitumen sealed width of 11m between kerbs from the end of the existing pavement to the northern boundary of proposed lot 67.

Construction of Pauline Court to an urban road shape with a bitumen sealed width of 9m between kerbs from Just Street to the eastern boundary of proposed Lot 50.

Construction of Tamai Place to an urban road shape with a bitumen sealed width of 6m between kerbs from Pauline Court to the southern boundary of proposed lot 57.

Stage 4

Construction of Just Street to an urban road shape with a bitumen sealed width of 11m between kerbs from the end of the existing pavement to the northern boundary of lot 80.

Construction of Sandie Place to an urban road shape with a bitumen sealed width of 6m between kerbs from Just Street to the eastern boundary of proposed lot 74.

Stage 5

Construction of Just Street to an urban road shape with a bitumen sealed width of 11m between kerbs from the end of the existing pavement to the north to the end of the existing pavement of stage 4.

Construction of Apo Street to an urban road shape with a bitumen sealed width of 11m between kerbs from the end of the existing pavement to the intersection with Just Street.

Construction of Maurine Court to an urban road shape with a bitumen sealed width of 6m between kerbs from Apo Street to southern boundary of lot 103.

A practising qualified surveyor or engineer shall submit to Council for approval prior to the release of the Subdivision Certificate, a "works-as-executed" set of plans and construction certification. The certification shall detail satisfactory completion of all roads, drainage and civil works required by this development consent and approved design plans.

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

11 Prior to the approval of Engineering Design Plans for each stage of development, the applicant shall undertake traffic counts at the intersection of Rous Road and McIntosh Road. Should the traffic counts indicate the intersection warrants upgrading to a Type B Intersection, in accordance with AUSTRROADS Pt 5 "Intersections at Grade", then either the intersection shall be upgraded to a Type B Intersection or the link to Dudley Drive or Just Street constructed. These works shall be constructed prior to release of the next Subdivision Certificate.

11A Full design plans of the proposed engineering works to satisfy condition(s) 2, 3, 5, 10, 12 & 14 shall be submitted to and approved by Council prior to commencement of these works. Such plans shall be accompanied the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

NOTE: Where a development is proposed to be staged then appropriate plans to satisfy this condition for that stage shall be submitted and approved by Council prior to commencement of works.

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

12 The grade from the road pavement to each lot shall permit the construction of vehicular access in accordance with Council's Design and Construction Specification (Vehicular Access). Engineering design working drawings shall provide evidence of the feasibility of lot access. Such drawings shall be submitted for Council approval prior to release of the Approved design plans.

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

13 Road names proposed for the subdivision shall be submitted for Council approval prior to lodgement of the Subdivision Certificate. A suitable name for any new road/s shall be in accordance with Council's adopted policy.

Reason: To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 79C(b))

- 14 The access shaft of the following lots shall be constructed to the widths shown in accordance with Council's Development, Design and Construction Manuals (as amended). A asphaltic concrete (25mm depth) sealed or equivalent surface shall be applied to the full length of the shaft commencing from the road pavement.

Provision of the following services:

- water supply
- sewer
- stormwater
- telephone

shall be installed/conduits laid for the full length of the shaft, prior to construction.

Stage 1

Lot 8 driveway 3.0m wide

Lot 17 driveway 3.0m wide

Stage 3

Lots 38 & 39 a combined driveway 4.0m wide with kerb and gutter on one side of the driveway.

Lot 67 driveway 3.0m wide.

Stage 4

Lot 75 driveway 3.0m wide

Stage 5

Lots 96 & 97 a combined driveway 4.0m wide with kerb and gutter on one side of the driveway.

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

- 15 The access shafts to proposed lots 8 and 75 shall be a minimum width of 5m

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

SUBDIVISION

- 16 The proponent shall place allotment number identification on the frontage kerb and gutter to indicate the side boundaries and/or access shafts prior to release of the Subdivision Certificate.

Reason: To provide visual identification of lot boundaries (EPA Act Sec 79C(e)).

- 17 The proponent shall submit an application for a Subdivision Certificate for Council certification. Such application shall be accompanied by a Subdivision Certificate fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

Reason: To comply with environmental planning instrument. (EPA Act Sec 79C(a))

PUBLIC UTILITIES

- 18 Prior to approval of the Subdivision Certificate, the proponent shall ensure the provision of telephone services is provided to all lots and including the full length of battle-axe handles. A Certificate of compliance from the relevant utility provider shall be required confirming that the respective utilities requirements have been met.

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

- 19 Prior to approval of the Subdivision Certificate, a certificate of compliance from Country Energy shall be required confirming that Country Energy has provided underground electrical power to each lot, including the full length of battle-axe handles and adequate street lighting for the development as required by the relevant Australian Standard, and that charges for the extension of electricity supply have been paid.

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

PUBLIC RESERVE

- 20 Prior to release of the Subdivision Certificate for Stage 3 the applicant shall, at no cost to Council, construct a 3m wide, 150mm thick, gravel fire access track from the end of Tamai Place to the southern boundary of lot 48 in DP849862. Full design details to be submitted to and approved by Council prior to approval of engineering design plans.

Reason: *Bushfire access and to provide adequate pedestrian / cycle access through the reserve*

- 21 Prior to release of the Subdivision Certificate for Stage 3, the applicant shall provide a 2m wide asphaltic concrete seal to the proposed gravel bushfire access track from the end of Tamai Place to the southern boundary of lot 48 in DP849862. Full design details to be submitted to and approved by Council prior to approval of engineering design plans. The full cost of these work estimated at \$7250 has been credited against the S94 contributions set out in condition 29.

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

- 22 Land shown as Public Reserve and zoned 6(a) Open Space shall be dedicated as public reserves for recreation and open space/urban bushland/habitat enhancement. Any dedication costs shall be the responsibility of the proponent. Note: Credit against the dedication of this land shall be given in accordance with the Lismore Contributions Plan 1999 refer Condition 31

Reason: *To meet the anticipated demand for open space by residents of the development and the community. (EPA Act Sec 94)*

- 23 Land shown as Public Reserve and zoned 2(a) residential shall be accepted by the Council as public reserve. Note: No credit against Section 94 Contributions will be given for this land as this land is surplus to the requirements for the open space needs of the subdivision.

Reason: *To allow access to the remaining open space (EPA Act Sec 79C)*

- 24 All land to the west of Tucki Creek that is to be created as public reserve shall be cleared of all surface rocks and slashed to Council's satisfaction prior to the release of the subdivision certificate.

Reason: *To ensure that the land is in a satisfactory condition to be utilised and maintained as open space.*

- 25 All open space/public reserves to be dedicated to Council upon release of the subdivision certificate for Stage 1. A right-of-way is to be registered to give Council access to the dedicated open space.

Reason: *To allow for equitable dedication of land to offset against the payment of contributions and to ensure that adequate road access is available to the open space.*

- 26 The developer shall enter into a contract with Council to maintain the public reserves until the release of the subdivision certificate for Stage 4.

The developer shall annually submit to Council evidence of public liability insurance to the value of \$10,000,000 while ever the developer is maintaining Council owned reserves.

- 27 A riparian remediation plan must be submitted to Council for approval prior to approval of the Engineering Design Plans.

The remediation plan must detail a riparian revegetation strategy and bank stabilisation works for the section of Tucki Tucki Ck adjoining the proposed subdivision and must be consistent with guidelines and recommendations made by the Department of Land and Water Conservation for such works.

Reason: *To provide an effective and functional updated riparian zone.*

28 The approved riparian strategy is to be implemented to the satisfaction of Council prior to the release of the Subdivision Certificate for the dedication of the reserve.

Reason: *To provide an effective and functional updated riparian zone.*

SECTION 94 CONTRIBUTIONS

29 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 Subdivision Certificate is released. The rates and amounts applying at the date of this notice, totalling \$566,384 represent the total liability under the provisions of the contribution plan. The value of the lands to be dedicated has been deducted from the total liability and the remaining contribution totaling \$ 306,441 and the reduced rates of contribution are set out in the schedule for your information. Should the proponent wish to pay the Section 94 and Section 64 levies in one installment, and the total contribution payable exceeds \$20, 000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the release of the Subdivision Certificate. █

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

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

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

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

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

Where a development is to be staged then the relevant levies as required by the number of lots to be released under an individual subdivision certificate shall be paid prior to the release of the subdivision certificate for that stage.

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

AMENITY

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

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

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

Monday to Friday - 7.00am to 6.00pm

Saturday - 8.00am to 1.00pm

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

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

33 Any noise generated during the construction of the development shall not exceed the limits specified in the Noise Control Manual.

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

34 A water truck designed to suppress dust from exposed surfaces and access roads shall be available at the site or in the immediate vicinity. Exposed surfaces and access pads shall be regularly wetted to suppress dust generation.

Reason: To protect the environment. (EPA Act Sec 79C(b))

35 A noise assessment report must be submitted to and approved by Council prior to detailed engineering design plans being approved by Council. The report must assess the impact of road traffic noise on residents in McIntosh road in accordance with the EPA guideline "Environmental Criteria for Road Traffic Noise." In the event that road traffic noise exceeds the criteria level outlined in Part 8 Table 1 of the EPA guideline, the loop road connecting the subdivision to the existing Just street must be completed.

Reason: To protect the amenity of the residents of McIntosh Road.

36 After occupation of stage 3 of the subdivision. A report demonstrating that the noise levels predicted in the report required by condition 37 are being achieved shall be submitted to Council. Should the actual noise levels exceed the criteria level outlined in Part 8 Table 1 of the EPA guideline, the loop road connecting the subdivision to the existing Just street must be completed.

Reason: To protect the amenity of the residents of McIntosh Road.

LAND CONTAMINATION

37 A contaminated land report must be submitted to Council for approval prior to release of the final plan of survey in accordance with Council's Contaminated Lands Policy adopted by Council on 12/11/2002. The report must include a statutory declaration verifying that ownership of the land has been held by the Pearce family since the early 1930's and verifying that their landuse did not include activities likely to result in land contamination. The statement must also provide evidence that landuse on the site prior to ownership by the Pearce family was not likely to cause land contamination.

Reason: To comply with Council's contaminated lands policy.

BUILDING

38 Prior to the release of the Subdivision Certificate, a qualified practising Engineer, experienced in soil mechanics, shall submit documentary evidence in the form of a Geotechnical Investigation Report to the Principal Certifying Authority for approval, certifying that each allotment is suitable for building purposes and classifying each allotment in accordance with Australian Standard 2870

“Residential Slabs and Footings”. Any allotment subject to further earthworks during the construction phase will require an amended Geotechnical Report.

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

39 Benching (ie cutting, filling or levelling) of the land to create building platforms does not form part of this approval and will only be considered in conjunction with a Development Application to build on the land.

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

40 A building envelope is to be identified on proposed Lot 102 and registered in the title. The building envelope is to be in accordance with the approved plan no. 02/332 dated 10/9/2002.

WATER & SEWER

41 The proponent shall provide water works to service the development. The works shall include:

- a) A conventional water reticulation that comprises a water service to each allotment. Water reticulation works shall be designed and constructed in accordance with Lismore City Council's adopted standards. Any costs shall be the responsibility of the proponent. The proponent shall be responsible for the full cost of any associated water maintenance considered necessary by Lismore City Council's Manager-Water and Sewerage for a period of twelve months from the date of approval of the works. After satisfactory completion of this work, a practising qualified surveyor shall submit a “works-as-executed” set of 1:1000 transparency plans and plans in digital format (Autocad or similar) showing these works.

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

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

- a) A conventional gravity sewer reticulation that comprises a sewer junction to service the lowest ground level of each allotment. Sewerage works shall be designed and constructed in accordance with Lismore City Council's adopted standards. Any costs shall be the responsibility of the proponent. The proponent shall be responsible for the full cost of any associated sewerage maintenance considered necessary by Lismore City Council's Manager-Water and Sewerage for a period of twelve months from the date of approval of the work. After satisfactory completion of this work, a practising qualified surveyor shall submit a “works-as-executed” set of 1:1000 transparency plans and plans in digital format (Autocad or similar) showing these works.

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

43 Prior to issue of a Subdivision Certificate by the Principal Certifying Authority, the proponent must apply to Lismore City Council under Section 305 of the Water Management Act 2000, and obtain from Lismore City Council a Certificate of Compliance under Section 307 of the Water Management Act 2000.

Following the making of an application under Section 305 of the Water Management Act 2000, Lismore City Council under Section 306 of the Water Management Act 2000, may require the proponent to do either or both of the following:

- a) to pay a specific amount to the Lismore City Council by way of contribution towards the cost of such works as are specified in the notice, being existing works or projected works, or both,
- b) to construct works to serve the development.

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

44 Full design plans of the proposed engineering works to satisfy condition(s) 41 and 42 shall be submitted to Lismore City Council.

Such plans must be approved by the Manager-Water and Sewerage before the issue of the Construction Certificate. Construction of these works will need to be completed before a Certificate of Compliance is issued by Lismore City Council under Section 307 of the Water Management Act 2000.

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

45 The proponent, at no cost to Council, is to dedicate an easement 3m wide over the proposed/existing sewer main as directed by Council.

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

46 The proponent shall pay to Council all Water and Sewerage Headworks Levies deemed necessary by Council and in accordance with Section 64 of the Local Government Act 1993, as detailed in the attached schedule. Such levies shall be paid prior to release of the Subdivision Certificate.

Reason: *To provide funds for the provision of services and facilities identified in Lismore City Council's Section 64 Contributions Plan dated February 1996 as required by the increased population or activity. (Water Management Act 2000, Sec 306)*

47 Pump Station

a) Full details and plans of the proposed sewer pumping station and rising main are to be included with the sewer reticulation proposed, including any staging, together with the existing sewer reticulation currently discharging into Just Street Pump Station.

The proposed sewer pumping station is to be designed so as to have eight hours detention storage capacity in dry weather flows. All civil, mechanical and electrical works to comply with Council's adopted Standards. The pump station is to be designed to incorporate the entire Just Street catchment. Four copies of pump operations manuals and other relevant documents to be provided. Full design plans of these works are to be prepared by a qualified consultant and submitted to Council's Water and Sewerage Department for approval before any construction commences.

b) The proposed sewer rising main to be covered by a 5m wide easement in favour of Council on Private property. The new sewer rising main is to discharge into a new sewer manhole to be constructed at the end of the sewer main in Apo Street.

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

c) The sewer pumping station is to be supplied with a 25mm water service with back-flow prevention fitted in accordance with Australian Standard 3500.1

d) The sewer pumping station to be provided with a suitable sealed, all weather access in accordance with Councils adopted standards .

Such access and Pump station to be enclosed within a Lot to be created to the requirements of Manager-Water and Sewerage. The lot is to be operational land when handed over to Council. Any costs shall be the responsibility of the applicant or developer.

e) A man proof fence is to be erected around the Sewer Pump Station

f) All easements are to be professionally prepared and submitted for the approval of Council

g) All agreed cost sharing associated with the construction of the Pump Station will need to be determined and approved by Council before any construction commences.

h) Provide and install Telemetry system to link into Council's Water and Sewerage telemetry system.

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

- 48 An analysis of the water reticulation is required to assess the impact of the subdivision including any staging and future developments on water pressure within the adjoining water reticulation. Additional lead-in water mains and or a pressure reducing valve/s may be required to be constructed by the developer as a part of this condition. This is dependent upon the findings of the water analysis.

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

- 49 Council will require an extension of the sewer main from the proposed lot 101 to service properties number 10 and 12 Apo Street. Council will meet all costs associated with the design and construction of these works.

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

CRIME PREVENTION

- 50 Lots 57, 67, 82 & 89 shall be created with a 1.5m splay on the rear corner fronting the reserve.

Reason: *Crime Prevention - to improve vision into the reserve.*

- 51 The proposed pedestrian pathway from Pauline Court to Dudley Drive is to be deleted.

Reason: *Crime Prevention.*

INTEGRATED DEVELOPMENT - DEPARTMENT OF LAND AND WATER CONSERVATION

Rivers and Foreshores Improvement Act 1948 – General Terms of Approval Conditional to Issue of Part 3A Permit

- 52 Irrespective of the granting of this consent or approval by any other Authority, work is not to commence in, or within a horizontal distance of 40m from the top of the bank of the watercourse/foreshore, without the prior issue of a Part 3A permit by DLWC.

- 53 Prior to the issue of the Part 3A permit the applicant must provide DLWC with the following:

- A copy of Council's development consent including all conditions of approval;
- Plans and/or other documentation (3 copies) that satisfy the DLWC's General Terms of Approval and recommendations which are included in the consent conditions; and,
- The appropriate permit fee paid to DLWC.

- 54 Work is to be carried out in accordance with drawings and any management plans required by these conditions and approved by DLWC that will accompany the 3A permit.

- 55 Any Part 3A permit issued is to be renewed on an annual basis until all works and all rehabilitation, including maintenance provisions, have been satisfactorily completed in accordance with the permit conditions. Any application for renewal will be lodged at least 1 month prior to the permit expiry date.

- 56 Work shall not cause damage to, or increase erosion of, the stream bed or banks. The permit holder shall carry out any instructions given by DLWC with a view to preventing degradation of the stream bed or banks.

- 57 Any vegetation or other material removed from the area of works shall be disposed of so that the material cannot be swept back into the stream during a flood.

- 58 All works proposed must be designed, constructed and operated so they do not cause erosion or sedimentation and do minimise adverse impacts on aquatic and riparian environments.

- 59 No plastic netting is to be used for any purpose, in the stream or within the riparian zone unless such netting is of a rapidly biodegradable variety.

- 60 Erosion and sediment control measures are required to be implemented prior to any works commencing, and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the river system. These measures are to be in accordance with Council's requirements and follow best management practices as outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998) manual (the "Blue Book").
- 61 The excavation of soil/spoil and its removal is the responsibility of the permit holder and the owner or occupier of the land.
- 62 The approval of NSW Fisheries is required for all proposed designs of in-stream works prior to the issue of the Part 3A permit.
- 63 These conditions are issued with the proviso that operations shall be carried-out on freehold land. Should operations be on Crown Land, these conditions are rendered null and void and the occupier of Crown Land should contact DLWC's Crown Lands section.
- 64 Work is to be carried out in accordance with any conditions imposed by other government agencies, provided such conditions do not conflict with these conditions or the conditions on the Part 3A permit.
- 65 The permit holder and the owner or occupier of the land are responsible for any works undertaken by any other person or company on this site.
- 66 The rehabilitation of the area in accordance with the Part 3A permit conditions is the responsibility of the permit holder and the owner or occupier of the land.
- 67 Any Part 3A permit granted is not transferable to any other person or company without the written approval of DLWC and does not authorise works at any other site.
- 68 Any Part 3A permit granted does not give the holder the right to occupy any land without the owner(s) consent nor does it relieve the holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the site and/or the activities proposed.
- 69 Work as executed survey plans of a professional standard shall be provided to DLWC upon request.
- 70 If, in the opinion of a DLWC officer, any activity is being carried out in such a manner that it may degrade the riparian zone, stream, lake or foreshore environment, all work shall cease immediately upon oral or written direction of such an officer.
- 71 If the permit conditions have been breached, the permit holder shall restore the site in accordance with the permit conditions and/or as directed by DLWC. If any breach of the permit conditions requires a special site inspection by DLWC, then the permit holder shall pay a fee prescribed by DLWC for this inspection and all subsequent breach inspections.
- 72 If works are to cease prior to completion DLWC must to be notified in writing one month in advance of the cessation of the operation.
- 73 All drainage and service infrastructure shall be located as far from the banks of the creek as possible, preferably within the boundaries of the lots.
- 74 Any stormwater infiltration or sedimentation structures are to be located out of the 1:100 flood level area adjacent to the creek
- 75 No works are to occur within the riparian zone, for a width of 10 m, measured horizontally and at right angles to the flow from the top of the bank.
- 76 *A Soil and Water Management Plan (S&WMP)* for all site works is to be prepared by a suitably qualified person(s) with knowledge and experience in the preparation of such plans, in consultation with, and with the approval of DLWC **prior to the issue of the Part 3A Permit.**

The S&WMP is to cover all aspects of soil and water management requirements for the site that could impact on the stream and must include details of staging, monitoring, management responsibilities, maintenance and decommissioning requirements. The S&WMP must meet the requirements outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998) manual (the "Blue Book").

- 77 All disturbed soil surfaces are to be stabilised and rehabilitated immediately if it is possible to do so with sterile exotic cover crops or couch turf. Kikuyu is not permitted.
- 78 Disturbance to native vegetation is to be kept to an absolute minimum. Any disturbed vegetation is to be rehabilitated using local native groundcovers, shrubs and trees.
- 79 If disturbance is deemed to be excessive, the Department may require the preparation and implementation of a Vegetation Management Plan and remedial works.
- 80 Any stormwater outlet to the watercourse is to be designed and constructed to minimise any erosion or scour of the banks or bed of the watercourse.

URBAN BUSHLAND REGENERATION

- 81 The developer shall prepare an environmental management plan for the area of open space on the eastern side of Tucki Tucki Creek. The management plan shall address weed control / eradication and bush regeneration and maintenance. The plan of management shall be submitted to Council and approved prior to the commencement of works.

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

- 82 A detailed landscaping plan (in duplicate) shall be submitted to Council prior to release of the commencement of works. Landscaping plans shall be in accordance with the approved management plan as required by condition 81. 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 release of the Subdivision Certificate for stage 4. Trees identified for retention in the Development Application plans shall not be removed without separate Council approval. LN1

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

- 82 Should the works proposed in the approved management plan and landscaping plan be established for a period of less than 12 months prior to the release of the subdivision certificate for stage 4 the developer shall lodge a bond with Council. The bond shall be to the value of 110% of the estimated cost of the works. The bond shall be refunded 12 months after the completion of works.

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

ROAD NETWORK

- 83 The boundaries for lots 1 to 5 shall be amended to accommodate a road between lots 1 and 2. This road shall link to the road proposed in stage 14 of the Ollyville Estate.

Reason: To ensure an adequate road network. (EPA Act Sec 79C(a))

- 84 That Stages 1, 2 and 5 be constructed in that order.
(Councillors Hampton/Chant)

AN AMENDMENT WAS MOVED that this item be deferred until the next meeting to enable the people of Just Street who were not consulted to have some input into the development and for staff to consider staging options and to allow Councillors to conduct a site inspection.

(Councillors Irwin/Tomlinson)

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

Voting Against: Councillors Baxter, Hampton and Crowther.

49/03 **RESOLVED** that this item be deferred until the next meeting to enable the people of Just Street who were not consulted to have some input into the development and for staff to consider staging options and to allow Councillors to conduct a site inspection.

(Councillors Irwin/Tomlinson)

Voting Against: Councillors Baxter, Hampton and Crowther.

SUSPENSION OF STANDING ORDERS:

50/03 **RESOLVED** that standing orders be suspended to allow open discussion on the Lismore Neighbourhood Centre.

(Councillors Swientek/Baxter)

Voting Against: Councillor Gallen.

RESUMPTION OF STANDING ORDERS:

51/03 **RESOLVED** that standing orders be resumed.

(Councillors Roberts/Irwin)

Lismore Neighbourhood Centre

52/03 **RESOLVED** that the report be received and noted and the Council continue on with its original plan to relocate the Neighbourhood Centre to the former Library site.

(Councillors Crowther/Irwin)

(P6621)

Application for Closure of Crown Public Road – Part of Lake Street, North Lismore

53/03 **RESOLVED** that the report be received and -

1 That the application to close the identified part of Lake Street, North Lismore (shown as hatched on the attached plan) be endorsed and lodged with the Department of Land and Water Conservation for adoption and gazettal if approved.

2 All costs associated with the road closure be borne by the applicant.

3 That the General Manager or his delegate be authorised to sign any documents necessary to bring about the recommendation.

(Councillors Chant/Suffolk) (R6220)

Replacement of Council Plant – 3 Tipping Trucks

54/03 **RESOLVED** that the report be received and that Council –

1 Purchase three (3) only **Scania P94GB6X4NZ** trucks with the **Shephard's** Tipping bodies as tendered (T23006) from **K & J Trucks of Coffs Harbour** for the cost of **\$511,500.00 (\$170,500.00 each)** (includes GST)

2 Not accept any 'Private Offer to Purchase' vehicle 196 and it be transferred to **Northern Rivers Quarry & Asphalt (LCC)**, for the amount of **\$35,280.00** (includes GST – matches the highest offer to purchase).

3 Accept the 'Private Offer to Purchase':-

a) V197 from **Valley Motor Auctions Pty Limited of Kotara NSW**, for the amount of **\$36,780.00** (includes GST – Non ITC).

and

- b) V198 from **Valley Motor Auctions Pty Limited of Kotara NSW** for the amount of **\$38,380.00** (*includes GST – Non ITC*).
(Councillors Swientek/Hampton) (T23006)

Replacement of Council Plant - Quarry Loader

- 55/03 **RESOLVED** that the report be received and Council purchase one (1) only **Komatsu WA470-5 Loader** unit as tendered (T23007) from **Komatsu Australia Pty Ltd** for the cost of **\$413,985.00** (*includes GST*)
(Councillors Swientek/Hampton) (T23007)

New Sporting Field Hire Policy

- 56/03 **RESOLVED** that the report be received and this matter be referred to the Lismore District Sports Association for further consideration and report back to Council in May.
(Councillors Baxter/Hampton)
(S157)

ADJOURNMENT:

At this juncture (9.04pm) the meeting adjourned for supper to enable discussion with local residents in accordance with policy.

The meeting resumed at 9.26pm.

Aspect North Development at Lismore Regional Airport

- 57/03 **RESOLVED** that the report be received and –
- 1 Council record its support for this development and commit that it will work with the principals to achieve mutually beneficial outcomes;
 - 2 Council seek advice from Ambidji Frontec, the airport managers regarding the suitability of the site for this purpose and the long term development of the Lismore Regional Airport;
 - 3 The existing valuations for the airport hangar land be updated;
 - 4 The General Manager be delegated authority to deal with Aspect North on the principle of them being granted ownership of the land at no cost to them, this being based on Council's financial support of Aspect North in concert with Federal funding. Such funding having been made subject to Council support. The quantum of Council's contribution is based on the valuation of the block.
 - 5 The value of the block be available from the development incentive fund, same being transferred to the Aerodrome fund and used at the Airport to fund essential works.
 - 6 In the discussions with Aspect North they be advised of the following:
 - a) A need to commit to a completion date for the works.
 - b) Agree to give Council first option to purchase the site in the event of their not proceeding at UCV.
 - c) Identification of the name of the terminal building Habib Habib being retained on the building.

(Councillors Irwin/Crowther)
(P25804)

Bad Debt Write-off

- 58/03 **RESOLVED** that the report be received and in accordance with the Local Government (Financial Management) Regulations Council write off the following amounts as unrecoverable against the 'Provision for Doubtful Debts' account:
- McMaster Pty Ltd - Sundry Debtor 91643 \$90,772.87.
 - Civicworks Pty Ltd - Sundry Debtor 91738 \$163,343.29.
- (Councillors Irwin/Chant) (Q1,Z99/011)

Naming of Sportsgrounds

- 59/03 **RESOLVED** that the report be received and –
- 1 That Council rename the following sportsgrounds:
 - a) Neilson Park E2 be renamed 'Bill Harris Field'
 - b) Caniaba Street Reserve (large cricket oval) be renamed 'Lyn Larsen Oval'
 - c) Caniaba Street Reserve (small cricket oval) be renamed 'Marie Lee Oval'.
 - 2 That appropriate signage be erected on the three grounds.
(Councillors Chant/Irwin) (P17883,P7349,P1729)

Review of Committee Plans of Management

- 60/03 **RESOLVED** that the report be received and Council adopt the changes to its committee Plans of Management as follows:
- 1 **Casual Vacancies**

The current clauses, as set out in the report, be replaced with the following clause:
Council will call for nominations to fill extraordinary vacancies by newspaper advertisement, any application so received shall be first referred to the committee for subsequent recommendation for appointment by Council.
 - 2 **Extraordinary (Special) Meetings**

The following clauses be adopted as a standard:

 - a) *The chairperson has authority to call special meetings of the committee.*
 - b) *If the chairperson receives a report in writing from two committee members they must call a special meeting of the committee within 14 days.*
 - 3 **Code of Conduct**

The following clauses be adopted:

 - a) *citizen members be subject to the provisions of the Code of Conduct and it be changed accordingly.*
 - b) *The following clause be included in all Plans of Management:
All committee members are required to comply with the requirements of the Council's Code of Conduct.*
 - 4 **Pecuniary Interest**

The following clauses be adopted:

 - a) *It shall be a condition of membership that Primary Pecuniary Interest Returns are completed and lodged with Council.*
 - b) *Any committee member having a pecuniary interest in any matters being discussed by the committee shall declare same at the meeting of the committee and shall withdraw from the meeting room during the debate and determination of the matter. Such action to be recorded in the committee minutes.*
 - 5 **Annual Reports/Strategic Plans**

The requirement for annual reports and strategic plans be incorporated in all Plans of Management.
(Councillors Swientek/Irwin) (S36)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 19/2/03

- 61/03 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted.
(Councillors Irwin/Gallen)
(S352)
-

DOCUMENTS FOR SIGNING AND SEALING:

62/03 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

Schedule of Conditions – Financial Assistance – East Lismore Treatment Works

The Minister for Land & Water Conservation has approved financial assistance from the Country Towns Water Supply and Sewerage Program of up to \$666,000 (37% of the estimated cost of \$1,800,000 or of the actual cost, whichever is the lesser) for the construction of disinfection facilities and associated works at the Treatment Plant.

(03-1479: P21662)

(Councillors Irwin/Hampton)

MATTER OF URGENCY:

Regional Forestry Agreement

63/03 **RESOLVED** that this matter be admitted to the business paper as a matter of urgency. (Councillors Crowther/Baxter)

Voting Against: Councillors Irwin, Roberts, Tomlinson, Swientek and Gallen.

A MOTION WAS MOVED that -

- 1 Lismore City Council express its disillusionment and objection of the Premier's intention to abrogate the Regional Forestry Agreement by promising to include the remaining areas of State Forest on the North Coast into National Parks.
- 2 That Council express its concern to the Premier at the lack of consultation with stakeholders.

(Councillors Crowther/Baxter)

AN AMENDMENT WAS MOVED that Council express its concern to the Premier at the lack of consultation with stakeholders.

(Councillors Swientek/Irwin)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillors Tomlinson, Gallen, Swientek, King, Chant, Baxter, Hampton, Suffolk and Crowther.

64/03 **RESOLVED** that –

- 1 Lismore City Council express its disillusionment and objection of the Premier's intention to abrogate the Regional Forestry Agreement by promising to include the remaining areas of State Forest on the North Coast into National Parks.
- 2 That Council express its concern to the Premier at the lack of consultation with stakeholders.

(Councillors Crowther/Baxter)

Voting Against: Councillors Irwin, Roberts, Tomlinson, Gallen and Swientek. (S108)

This concluded the business and the meeting terminated at 10.06 pm.

CONFIRMED this 8TH day of APRIL, 2003 at which meeting the signature herein was subscribed.

MAYOR

