

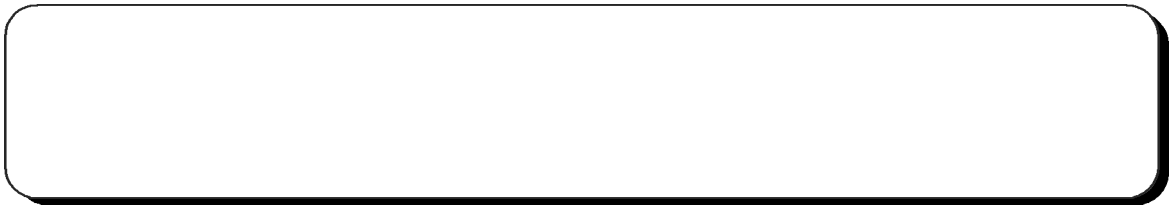


NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, AUGUST 4, 1998, at 6.00pm and members of Council are requested to attend.

(Ken Gainger)
GENERAL MANAGER

July 28, 1998



PUBLIC ACCESS SESSION:

PAGE NO.

Mr Terry Collins re: Report - Corndale Quarry - Continuing Use Rights - 422
James Gibson Road, Corndale

Dr Geoff Cawley - re: Report - Purchase of Replacement Grand Piano

PUBLIC QUESTION TIME:

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE

CONFIRMATION OF MINUTES - Ordinary Meeting 14/7/98
Special Meeting 30/7/98 (To be tabled)

CONDOLENCES

DISCLOSURE OF INTEREST

MAYORAL MINUTES

NOTICES OF RESCISSION

NOTICES OF MOTION

1

SUSPENSION OF STANDING ORDERS

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

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QUESTIONS WITHOUT NOTICE

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE



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CITY OF LISMORE

NOTICE OF MOTION

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

Councillor Swientek has lodged a Notice of Motion in respect to discussions held at the Aquatic Centre Workshop and subsequent correspondence from Malcolm Marshall.

At the time of printing the business paper discussions were ongoing with Councillor Swientek with respect to the exact wording of the Motion.

Due to Councillor Swientek's work commitments, these discussions could not be finalised in time for the Notice of Motion to be included in the business paper.

The Notice of Motion will be separately faxed to Councillors.

COUNCILLOR F F Swientek

DATE July 15, 1998

LISMORE CITY COUNCIL - Meeting held August 4, 1998

Subject/File No: DEVELOPMENT APPLICATION NO. 98/7 - PERRADENYA ESTATE
(DC:MJK: DA98/7)

Prepared By: Development Assessment Planner - Damian Chapelle

Reason: Council determination of a Development Application for a Village Subdivision being greater than 30 lots.

Objective: To obtain Council's approval for a 184 lot residential village subdivision to be undertaken over 20 Stages.

Management Plan Activity: Development Assessment

1 PRECIS

Applicant

Woromar Pty Ltd, PO Box 1564, North Sydney 2059.

Zoning

The subject site is zoned 2(v) Village in accordance with Lismore Local Environmental Plan 1992.

Location

The application relates to properties described as 7 & 39 Frederick Road and 568 Caniaba Road, Caniaba, being respectively Lots 1 - 3 DP 836708.

The proposed Perradenya Estate is located on the elevated Caniaba Plateau approximately 4km south-west of Lismore and 14km north-east of Casino. At the base of the plateau to the north-east is Lismore Airport, rural and urban fringe areas and the main Lismore City area.

Proposal

The Development Application comprises the subdivision of the Perradenya Estate to create one hundred and sixty eight (168) lots for housing incorporating two (2) integrated housing lots, six (6) lots for designated public and private open space, one (1) lot for the purpose of a village centre, one (1) lot for a water reservoir and five (5) lots for water pump stations. At a later date the applicant intends to submit to Council a separate Development Application in respect of the village centre and the two (2) integrated housing allotments. The Estate will be developed and released on a Staged basis comprising Stages 1 to 20 inclusive. The allotment sizes range, depending on the landuse classification in accordance with Development Control Plan No. 35 - Caniaba Village. The applicant details that the range of allotment sizes will cater for a larger market segmentation than would otherwise be available in a more conventional style of development and provide the opportunity for a greater mix of housing styles.

In total the proposal provides approximately 26 hectares or 35% of the total site area for private and public open space. The public open space is to be dedicated to Council and includes the provision of a village green which will consist of a multi-use sports oval, two tennis courts, a basketball court, childrens playground, skateboard ramp, changeroom/pavilion and associated carparking area. The applicant also intends to provide community reserves within the hamlets located in association with the proposed bus pickup points. The estate area will provide for extensive landscaping and the availability of passive recreational areas.

The private open space area will remain in the ownership of CorPol Properties until Stage 20 is developed, where the land will then be transferred to the proposed Community Association. The applicant intends that the membership of the Association will initially comprise of the future residents of the Perradenya Estate, however, as the Caniaba Village is developed additional members from outside the estate will add to the Association, which is to be an incorporated body created in accordance with the Association Incorporation Act 1984. Those residents who become members of the Caniaba Village Association will be required to comply with by-laws outlining management guidelines for the private open space. The details incorporated within the by-laws are to be submitted to Council as a condition of consent to ensure that all appropriate provisions concerning maintenance, access and amenity issues are adequately addressed.

It is proposed that Lots 1701 and 1801 (private open space) will provide the facilities for an equestrian centre/pony club which will consist of horse yards, buildings for storage of equestrian equipment, and stabling of horses. The implementation of the equestrian facility etc will be the subject of a separate Development Application.

Key Issues

Public interest, environmental issues, compliance with Development Control Plan No. 35 - Caniaba Village.

2 BACKGROUND

The Caniaba Plateau was identified in Council's 1992 LEP as being a potential future urban development area and was formally included with an 'urban investigation area' zoning on the Local Environmental Plan map.

Council was approached in 1992 by the owners of the Perradenya property at Caniaba seeking Council's views on a possible development of this land for rural residential village or urban purposes. Council recognised the development potential of the site and resolved to proceed with an investigation of development options, as required by the LEP.

In 1993 Council commissioned Planning Consultants, Christopher M Murray and Associates to undertake a planning study of the Perradenya land to ascertain its suitability for development. This study was funded by the owners of Perradenya and was completed in July 1993. The Study found Perradenya to be well suited to development with their village accessible to Lismore.

Council at its meeting of August 2, 1994, resolved to determine development options for the Caniaba Plateau and the Perradenya Estate after completion of the 2020 Strategy. The Villages Strategy Component of the 2020 Strategy was prepared in the first half of 1996 and submitted to Council at its meeting of August 6, 1996. Around the same time in May 1996, Woromar Pty Ltd submitted a rezoning application proposing the creation of a village on the Perradenya property. The Village Strategy predicts that by the year 2020, assuming that growth rates and housing occupancy rates remain stable, an additional 1,170 village lots/dwellings will be required to satisfy the projected population. The Strategy estimates that given certain assumptions, existing villages could yield an additional 680 lots. Should the Strategy's assumptions remain valid over this time, the results would be a shortfall in village lots supply of 490 lots by the year 2020. This shortfall could be addressed to some extent by the development of approximately 350 lots at Caniaba, however, the Strategy also shows that predicted demand is likely to be satisfied until the year 2011. In the case of a new village at Caniaba, the Perradenya Estate is one of the largest holdings at Caniaba and is ready to be developed, subject to development consent from Council.

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Council on July 15, 1997, resolved to support an application to rezone approximately one third of the Caniaba Village area known as Perradenya Estate to 2(v) Village zone in order to permit a village subdivision based around ecologically sustainable development (ESD) principles.

3 DESCRIPTION OF THE PROPOSAL

The Development Application submitted to Council comprises the subdivision of the Perradenya Estate to create one hundred and sixty six (168) housing allotments incorporating two (2) integrated housing lots, together with the sites for the village centre, public and private open space and community and other facilities. At a later date it is the intention of the applicant to submit to Council separate Development Applications in respect to the village centre and the two integrated housing allotments. The applicant has proposed that the estate will be developed and released on a staged basis, comprising 20 Stages, as follows:

Stage	Allotments
Stage 1	15 allotments & 1 sports oval
Stage 2	16 allotments
Stage 3	13 allotments
Stage 4	14 allotments
Stage 5	8 allotments
Stage 6	1 allotment (integrated housing)
Stage 7	1 allotment (integrated housing)
Stage 8	1 allotment (Village Centre)
Stage 9	10 allotments
Stage 10	12 allotments
Stage 11	10 allotments
Stage 12	9 allotments
Stage 13	11 allotments
Stage 14	9 allotments
Stage 15	11 allotments
Stage 16	9 allotments
Stage 17	1 private open space allotment
Stage 18	1 private open space allotment
Stage 19	10 allotments
Stage 20	9 allotments

The total development provides for a range of allotment densities and landuses. The proposed Village Centre is intended to consist of two (2) lots for integrated housing, with additional lots available for a village common, agricultural buffer planting, shops, restaurant, professional offices, carparking, community hall site and childcare centre etc, depending on market forces for the final landuse approval. The layout of the village centre, as illustrated in the attached plan DA3 is indicative only and a detailed plan will be submitted as part of a separate Development Application prior to the release of Stage 3.

West of the village centre it is proposed that the village residential area will cater for allotment sizes ranging from a minimum of 800m², with an average of lot size 1,358m². Development Control Plan No. 35 - Caniaba Village makes provisions for higher density allotments to be located adjoining the village centre, and the village green. West of the village residential hamlet the Perradenya Estate has provision for five (5) rural hamlets in which allotment sizes range from 1,500m² to 8,130m²,

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depending on the topography of the site and natural hazards, ie bushfire. All allotments have sufficient areas to ensure that a suitable building platform is available for a proposed dwelling. The applicant has proposed building envelopes on all lots to be included within the hamlets and will be identified on the Final Plan of Survey, in order to enhance streetscapes.

The development area is accessed by a system of roads connected to Fredericks Road and Caniaba Road. It is important to note the legal agreement which was endorsed between Lismore City Council and CorPol Properties on December 18, 1997, specified roadworks that will be required to be undertaken by the applicant upon the release of a Development Consent Notice from Council.

In summary, the applicant will be required to upgrade Caniaba Road from the Bruxner Highway to the intersection of Fredericks Road, in accordance with Council's Development Construction Manual, to an 8.4 metre gravel formation with a sealed bitumen surface of 6.4 metres in width, including pavement marking to a width of 6 metres and appropriate street furniture as necessary. Further, the applicant is to construct a pedestrian refuge, including pavement markings, islands and bollards in Caniaba road located in front of the existing school. The road pavement shall also be widened to provide a bus setdown and pickup point for students of Caniaba Primary School in accordance with Council's Development Construction Manual. Council shall include as a condition of any consent a requirement for the preparation of the Plan of Management which will highlight in detail the roadworks to be undertaken as part of the Perradenya development. The Plan of Management will reflect the timing of the proposed works in line with the release of each stage of the Perradenya Estate subdivision. The upgrading of the property's frontage and the road standards for the internal road network will be conditional upon a Development Consent Notice issued by Council.

The internal road system links all allotments to the village green with local traffic calming measures incorporated into the road design. The links between hamlets have been designed to incorporate a combined pedestrian and vehicular use, thereby encompassing principles of 'green street' in accordance with AMCORD standards. It is proposed that all internal access roads will be constructed to rural road standards with a sealed surface and no kerb and gutter. Stormwater drainage will be provided by grass swales within the road reserve and where stormwater drainage lines are to be constructed, they are to be provided by a pipe system with drainage pits and first flush ponds where appropriate.

The provision of water and sewer, and, stormwater drainage facilities to service the Perradenya Estate have been the subject of extensive assessment by Lismore City Council, the applicant and Rous County Council, with regard to (especially) water reticulation. A brief overview summary of the proposal, as contained in the development application is as follows:

- (a) Water Reticulation - this will involve three options that are available for water use for domestic purposes for Perradenya Estate residents. The property owner may choose either:
 - (i) the provision of reticulated town water for indoor use and rainwater tanks for outdoor use;
 - (ii) the provision of reticulated town water for indoor use and the provision of reticulated reclaimed water for outdoor use.
 - (iii) the provision of reclaimed water for both indoor and outdoor use.

Certain incentives may be offered to property owners who choose options (ii) or (iii), with the incentive proposed to be offered by Rous County Council. The developer of the Perradenya

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Estate is currently entering into an agreement with Rous County Council and Lismore City Council to make the provision of options (ii) and (iii) available to property developers. Properties choosing options (i), (ii) or (iii) will be required to be plumbed in accordance with Australia Standard 3500 and the special requirements of Lismore City Council.

As previously, Council will require submission of a separate Development Application for the reclaimed water supply scheme. The DA will identify the site of the plant and how the system will operate, including dealing with effluent and by-products. Until the appropriate approvals/licenses are obtained for the water reclamation scheme, residents will be required to utilise Option 1.

- (b) Sewer Reticulation - provision of this facility will involve the transportation of sewage effluent from the estate via a series of pumping stations and rising carrier mains to the South Lismore Treatment Plant for treatment and subsequent disposal of the effluent.
- (c) Stormwater Drainage Quality - it is proposed that a series of first flush storage ponds will be constructed at selected locations within the estate. The applicant has detailed that this will ensure that the quality of the runoff from the estate will have removed any pollution from it caused by the development, with stormwater control designed in accordance with the Environment Protection Authority's guidelines "Managing Urban Stormwater".

4 SUBMISSIONS

Submissions from the Public

The application was advertised in the local newspaper and adjoining owners were notified on two (2) occasions, firstly for a period of twenty one (21) days between Saturday January 17, 1998 and Tuesday February 10, 1998, with sixteen (16) submissions received. Secondly, for a period of fourteen (14) days between Wednesday June 3, 1998 and June 18, 1998, with six (6) submissions received. Letters were received from the following:

Exhibition January 17 to February 10, 1998

1. C Viner, Frederick Road, Caniaba
2. A Chapple, Caniaba Road, Caniaba
3. T Bayley and J Rose, Dougan Road, Caniaba
4. PT & MM Muldoon, Fredericks Road, Caniaba
5. JL & MJ Everingham, Caniaba Road, Caniaba
6. W Kauter, Fredericks Road, Caniaba
7. S Bryant, Tregeagle Road, Tregeagle
8. C Alison, Fredericks Road, Caniaba
9. B Alison, Fredericks Road, Caniaba
10. D & C Callander, Caniaba Road, Caniaba
11. B & C Alison, Fredericks Road, Caniaba
12. K Byrnes, Fredericks Road, Caniaba
13. GC Cauley, Fredericks Road, Caniaba
14. J & D Sheridan, Caniaba Road, Caniaba
15. C Moran, Caniaba Road, Caniaba
16. Caniaba Public School P & C School Safe Committee, Caniaba Road, Caniaba

Exhibition June 3 to June 18, 1998

1. PT & MM Muldoon, Fredericks Road, Caniaba
2. W Kauter, Fredericks Road, Caniaba
3. C Alison, Fredericks Road, Caniaba
4. B Alison, Fredericks Road, Caniaba
5. J & D Sheridan, Caniaba Road, Caniaba
6. J Rose, Dougan Road, Caniaba

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

1. That the proposed subdivision will affect the existing rural amenity of the Caniaba Village.

Comment:

The impact on the amenity of Caniaba is unavoidable for a development of this scale. The impact may be partially reduced by the design of the subdivision addressing such aspects as road design, housing density, open space provision and the use of buffers where appropriate. It is considered that the proposed development is designed in a manner which is consistent with the existing village area and in accordance with Council's Development Control Plan No. 35. The provision of over 36% of the site area for public and private open space and generous landscaping that is to be provided through the subdivision will create a rural village atmosphere.

In regard to the existing amenity of the residents of Caniaba during the construction of the subdivision, appropriate conditions will be included on any consent notice issued by Council requiring the provision of a Plan of Management addressing primarily sedimentation control and hours of operation for the construction of the subdivision.

2. The dams present a potential hazard for young children.

Comment:

Unlike swimming pools, dams are not classed as a recreational facility, and providing childproof fencing around dams would be impractical. In these cases the responsibility lies with individual householders to ensure young children are kept away from dams or appropriately supervised. However, the design shall provide a 1:4 gradient so that any person entering the wet area may walk out.

3. That the subdivision does not make adequate provision for the management of on-site stormwater.

Comment:

In accordance with Council's Development Engineering Manual (As Amended) and the Environment Protection Authority's guideline 'Managing Urban Stormwater', the applicant has prepared a Stormwater Drainage Management Plan consistent with the requirements of the respective policy documents. The Stormwater Management Plan has been assessed by Council's City Works Group and Environmental Health Services with no objections raised, subject to appropriate conditions being included within any consent notice issued by Council.

4. That the Development Application is not consistent with the requirements of the DCP and should not be assessed prior to the adoption of DCP No. 35 - Caniaba Village.

Comment:

The applicant has provided Council with an addendum report discussing the proposal's compliance with DCP No. 35 - Village of Caniaba. The addendum report was prepared following the Caniaba Village Steering Committee meeting adopting a final draft of DCP No. 35. The final draft, as adopted by the Steering Committee, was then adopted by Council at its meeting of June 23, 1998. Notwithstanding the applicant's addendum report, the proposal is considered to be in compliance with the mandatory requirements of the DCP, with the application also adopting a number of "recommendation only" requirements itemised within the plan.

5. That the development does not provide adequate landscape buffers to the adjoining horticultural lands and that the buffers are located upon private property.

Comment:

Conflicts in land use may occur where village development encroaches into non-village areas and established land use practices associated with the particular land use or activity are likely to lead to a

real or perceived loss of amenity for residents. Effects which may be generated by certain land uses and which could be perceived to be incompatible with residential development include noise, odours, chemicals sprays, dust, etc.

The most appropriate means for reducing potential land use conflicts is to provide for a physical separation between incompatible land uses in the form of a buffer area. The purpose of a buffer area is to provide a sufficient setback requirement such that impacts are reduced to the extent that they do not adversely effect the adjoining land use. While buffers of 150 metres are often recommended between residential and agricultural areas, biological buffers offer an alternative to conventional setback requirements in that they assist in the capture of airborne pesticide droplets, through the creation of a vegetation filter. Research into the behaviour of pesticide spray drift has shown that vegetation screens can prove effective barriers to spray drift where they meet the following criteria:

- a) are a minimum width of 30 metres;
- b) contain random plantings of a variety of tree and shrub species of different growth habits and spacings of 4 - 5 metres.
- c) include species which have long, thin and rough foliage which facilitate the more efficient capture of spray droplets.
- d) provide a permeable barrier which allows air to pass through the buffer.

In addition, biological buffers have additional advantages in that they:

- 1) create corridors and habitat areas for wildlife;
- 2) increase the biological diversity of the area, thus assisting with pest control;
- 3) favourably influence the micro-climate;
- 4) are aesthetically pleasing; and
- 5) provide opportunities for recreation such as cycleways, walkways.

The applicant has proposed within the Perradenya Estate an 80 metre dwelling setback, to existing horticulture and a minimum setback of 50 metres to vacant agricultural land, including a 30 metre biological buffer which will be established prior to the final release of the subdivision plan for each stage along boundaries adjoining horticultural landuses. The landscape buffer has been provided at the intersection of Caniaba and Fredericks Road, extending for the full frontage of Fredericks Road. In addition, in accordance with DCP No. 35, a 30 metre dwelling setback and 5 metre landscape buffer will be provided upon all lots adjoining land utilised for grazing purposes.

6. That the proposed Perradenya subdivision will have an adverse social impact with increased crime and drugs being prevalent in the village of Perradenya.

Comment:

The applicant has prepared a Social Impact Assessment that has been assessed by Council's Community Services Officer in accordance with Council's Social Impact Policy.

Council's Community Development Project Officer has advised that the mitigating measures to the social concerns have been included in the 'deed of agreement' as previously tabled. It is stated that there are some residents that still don't want the proposal as it will substantially change the Caniaba area from rural country to a village. There will be negative social impacts for these people that are unable to be mitigated against. There are some positive outcomes for other people with the provision of community facilities close by.

Further, Council's Community Development Project Officer has identified a number of conditions that shall be included in any Development Consent Notice issued if the proposal is approved by Council.

7. That the proposed development will substantially increase vehicle generation to greater levels than highlighted in the application, of which the condition of Caniaba Road is unsuitable.

Comment:

The proposed development has been assessed in accordance with Council's Engineering Design Manual. Further, prior to Council adopting the rezoning of the Perradenya Estate to 2(v) Village, a legal agreement was endorsed between Lismore City Council and CorPol Properties on December 18, 1997, specifying roadworks that will be required to be undertaken by the applicant upon release of a Development Consent Notice from Council. The roadworks specified within the contract are in accordance with Council's Engineering Design Manual and adequately cater for the traffic generation as proposed by the Perradenya Village Subdivision.

The Development Application did not identify traffic generation figures for the future subdivision of Lot 601, 701 and for the village centre. The development of the abovementioned lots will require a further Development Application to be submitted to Council for assessment. Should the applications be approved by Council, road upgrading (if required) shall be a condition of approval and reflect the use and traffic generation of that site. The road upgrading, as a requirement for Development Application No. 98/7 has not taken into consideration works required to be undertaken for Lot 601 or 701 and the village centre as Council is unable to accurately assess the traffic generation figures without definitive development plans to be approved by Lismore City Council. However, Council's City Works Group consider that the proposed upgrading of Caniaba Road shall adequately meet the needs of the proposed lots.

8. That the Perradenya Estate does not contain adequate recreational facilities.

Comment:

The applicant has proposed the provision of recreational facilities within the area identified as the 'Village Green'. The Village Green will contain a full size sporting oval and pavilion, full size basketball court, two tennis courts, skateboard ramp and childrens playground. The provision of all recreational facilities except the basketball court and skateboard ramp will be required to be provided on site prior to the release of the final plan of subdivision for Stage 1. It is considered that adequate pedestrian, bicycle and vehicular access is provided to access the site and serve the existing and future residents of Caniaba.

9. Proximity to airport and height restriction of developments.

Comment:

Air traffic can have a negative effective on the well-being of people who live under or close to flight paths. Caniaba Plateau lies within free airspace to the runway of Lismore Airport. Pilots can use this airspace around the Airport to establish the most convenient and safest approach and departure from the Airport based on ease of entry and weather patterns. These planes can range from large commercial passenger planes to ultralight aircraft.

There are specific requirement within the Federal Civil Aviation Act (CAA), CAA regulations and CAA orders in relation to restrictions to buildings and landscaping within the obstacle limitation surface (OLS) which is referred to within Council's DCP No. 27 - Buffer Areas and DCP No. 35 - Caniaba Village. The regulations identify restrictions on dangerous lights which glare or misinterpretation situations for pilots.

Council has received comments from the Civil Aviation Safety Authority (CASA) in regards to the proposed Perradenya Estate Subdivision and the locality of the Lismore Airport. CASA has advised that no objections are raised, subject to any development exceeding 15 metres above the natural ground level obtaining CASA's approval prior to Development Consent. In regard to the proposed Perradenya subdivision, no works or structures shall be constructed which exceed 15 metres above natural ground level.

10. What measures can Council introduce to ensure that the development, as approved, will be completed and not remain uncompleted for Council to rectify.

Comment:

In accordance with Section 121(B)(1) of the Environmental Planning and Assessment Act 1979, Council can require the applicant to complete a development that is subject to a Development Consent within a period of time being not less than 12 months from the date of servicing the applicant or developer an order to complete works.

11. That the proposed density of Perradenya is excessive, thereby reducing the creation of village lots upon properties within the identified Caniaba village.

Comment:

DCP No. 35 - Caniaba Village makes provision for lots within the village centre and village residential area of a minimum 800m² with an average of 1000m², allowing for mixed housing with variable densities. DCP No. 35 also details that single dwellings and dual occupancies will be located in settlement areas of the village residential area and that the design and presentation should help to establish an integrated village with a sense of place, rather than dominate the landscape. A separate Development Application is to be lodged with Council for the integrated lots, and at which time Council may assess the final density and design.

The village of Caniaba as identified in DCP No. 35 contains 29 existing lots and combined with the proposed 168 Perradenya Estate Lots, a total of approximately 150 lots may be proposed for future development to meet the anticipated population of 1,000 people at Caniaba.

12. That the proposed Perradenya Subdivision is not financially feasible for Council to extend its services, nor is it viable to extend services due to the topography.

Comment:

Should Development Consent be issued for the proposed Perradenya subdivision, conditions in accordance with Section 80A and Section 94 of the Environmental Planning and Assessment Act 1997, will identify work to be undertaken by the developer to the satisfaction of Council. Conditions will require the provision of roadworks and infrastructure to service the proposed subdivision, whilst contributions in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and Section 64 of the Local Government Act 1993, will be collected from the developer to meet the demand for public amenity and services created by the development. It is envisaged that Council funds allocated to works for the Caniaba Village will be collected through Section 94 contributions as levied upon developments for future subdivision within the identified Village area. Further, Rous County Council shall proceed with the reclamation scheme thereby providing finance for the proposed water reclamation strategy.

The proposed route identified for the location of water and sewer infrastructure has been influenced by the availability of land within existing road reserves or Council owned land. By locating the proposed infrastructure within existing road reserves there is no need to create easements on

adjoining properties not in the ownership of Lismore City Council. Further, there are no physical constraints which shall prohibit the provision of infrastructure to service the proposed development.

13. No adequate safeguards have been implemented for the control of domestic pets.

Comment:

Conditions requiring a covenant to be placed in accordance with Section 88b of the Conveyancing Act shall be required where property owners wishing to keep domestic animals will be required to do so in accordance with DCP No. 35. Further, residents will be required to comply the Companion Animals Legislation upon its gazettal.

14. The proposed subdivision does not provide for kerb and gutter.

Comment:

Council shall not be requiring provision of kerb and gutter for the proposed Perradenya subdivision. It is considered that adequate engineering design has been incorporated within the road design to adequately cater for stormwater disposal, thereby satisfying the primary objectives that kerb and gutter would otherwise provide. In addition, it is considered within a village area that for an aesthetic value, kerb and guttering should be discouraged, with the roads bounded by landscaped drainage swales.

15. That the proposed development will have an adverse effect upon existing flora and fauna.

Comment:

The Development Application was forwarded to NSW National Parks and Wildlife Service for comment. National Parks and Wildlife Service detailed that any likely impacts of the proposal on natural heritage values are linked to the effective implementation of the amelioration principles outlined in the applicant's Flora and Fauna Assessment. National Parks and Wildlife have approved the proposed ameliorative measures, which will be included in any development consent notice issued by Council.

In addition, a specific condition shall be included which requires the preparation of an Environmental Management Plan for areas of natural heritage value and open space. The management plan will be submitted to National Parks and Wildlife for their approval. The long-term conservation of the natural heritage values in the south-western portion of the property was a key consideration in the assessment of this proposal. Subsequently, in addition to the Management Plan, a condition shall be included requiring a covenant be placed upon the property and identified on the final plan of subdivision for the preservation of vegetation within this area.

16. The Development Application does not adequately canvass the proposed use of reclaimed water.

As identified within DCP No. 35 - Caniaba Village, properties located within the development known as 'Perradenya Estate' will have an option of utilising water recycling by participating in a reticulated waste water collection system. The waste water shall form the feed source for the water reclamation options identified in Section 3 of this report. In order that the integrity of the water reclamation process is protected, Council may restrict the discharge of commercial and industrial waste to the sewer system. Any proposal to reclaim water and process sewerage in this manner will require a Development Application to be lodged with Council addressing matters in relation to siting, design, operation and management, environmental aspects, community consultation and social amenity issues.

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Development Application No. 98/7 - Perradenya Estate

In the event of a full reclamation scheme not proceeding, then an alternative sewerage scheme which seeks to achieve a high standard of water efficiency, treatment and reuse of effluent shall be implemented which developers of the proposed reticulated village scheme area will be required to participate. This could include piping sewerage to South Lismore Treatment Works for treatment and effluent reuse on tea tree plantations adjacent to Lismore Airport.

17. The increase in traffic from the development presents safety issues for the drop off and pick up of school children from Caniaba Primary School.

Comment:

As previously discussed, Lismore City Council and CorPol Properties endorsed a Deed of Agreement which specified road works to be undertaken by the developer. The agreement contained provisions for the widening of Caniaba Road to provide for a bus setdown and pick up point and the inclusion of appropriate street furniture to service the Caniaba Primary School.

18. What Garbage Collection Service will be provided to cater for the development.

Comment:

Council shall consider the village as part of the servicing district and hence a service shall be provided to cater for those residents on Fredericks Road and within the Perradenya estate.

19. That the proposed stormwater plan does not make provisions for increased stormwater volumes leaving the property, nor its treatment within the first flush ponds and the respective management of the pond system.

Comment:

The only catchment of significant change in its flow path and volume identified by the applicant identified by the applicant is the area which currently discharges onto land adjoining Lot 4 DP 247494 (Fredericks Road) causing flooding problems to the existing dwelling. The major change to the catchment shall reduce flows onto the subject allotment and direct waters to the existing pipe crossing to the west, all other areas of discharge shall remain unchanged.

Further, all requirements and management procedures are in accordance with the Environment Protection Authority guidelines for managing urban stormwater. Conditions detailing management procedures for the first flush ponds and the associated reserves will be a condition of consent for their operation.

Public Authority Comments

The following Authorities were consulted at the beginning of the exhibition period, and their comments requested:

1. National Parks and Wildlife Service
2. Department of Land and Water Conservation
3. Roads and Traffic Authority
4. NSW Department of Agriculture
5. Environment Protection Authority
6. Manager of School Service Unit, Department of School Education
7. Regional Traffic Committee.

1. NSW National Parks and Wildlife Service

LISMORE CITY COUNCIL - Meeting held August 4, 1998

Development Application No. 98/7 - Perradenya Estate

NPWS detailed in general terms the likely impact of the proposal on natural heritage values, which are linked to the effective implementation of the ameliorative principles outlined in the applicant's flora and fauna assessment.

Lismore City Council has forwarded the proposed landscape plan which adopted the ameliorative measures for NPWS comment. In response, National Parks and Wildlife have detailed conditions of consent addressing the long term conservation of the natural heritage values in the south-west of the property, the conditions shall require appropriate endemic species to be provided to compliment the values of this area and further enhance the function and success of the proposed wildlife corridors and buffers. Further, it is considered the restoration works incorporating weed control and bush regeneration should be undertaken to enhance the natural heritage values and the viability of threatened species populations.

NPWS recommended that the long term conservation of the natural heritage values in the south-west of the property be a key consideration in the assessment of the proposal, recommending that Council consider identifying this area either in an appropriate Environmental Planning Instrument or through some other enforceable mechanism as an area to be set aside for conservation purposes.

Comment:

Council has identified the south-western sector of the property within DCP No. 35 for environmental protection. Further, a condition shall be placed within any consent notice requiring that a covenant in accordance with Section 88b of the Conveyancing Act be placed over the area identified, with requirements for its preservation and maintenance being included. The area is to be detailed with the final plan of subdivision.

NPWS required that an assessment of the archaeological sensitivity of the subject land be undertaken. The applicant engaged Mr Ron Herron, an archaeological expert, to undertake an assessment of the site. The report concluded that no part of the property was of significance to the Aboriginal community. Council acknowledges the recommendation of Mr Herron's report, however NPWS have raised concerns as to the processes involved and involvement of the Ngulingah LALC for the preparation of the site assessment Report. Mr Herron has provided Council with an amended report which confirms the involvement of the Ngulingah LALC and Bundjalung Elders. NPWS was forwarded a copy of the amended report and have issued Council with comments raising no objection to the proposed development upon the subject site.

2. NSW Department of Agriculture

NSW Agriculture commented on the proposed Perradenya concept, endorsing the consolidation of rural residential lots in a village theme consistent with a shire-wide strategy. The loss of good quality agricultural land is, however, a concern, as is the creation of possible conflicts between agriculture and residential development, whilst approval and implementation of the development could lead to an increase in the value of adjoining land, thereby limiting the long-term use of these lands for agriculture.

With regard to the general requirements of NSW Agriculture, the Department detailed that the development should be undertaken in accordance with DCP No. 35.

NSW Agriculture's comments address comments addressed the management of landuse conflict, the Kopps dip site, drainage management, domestic animal control, the provision of the equestrian shed and yards and the future village centre within their comments. All NSW Agriculture

recommendations addressed within correspondence have been reflected in conditions to be included in any development consent notice issued by Council.

3. Environment Protection Authority

The EPA identified issues in regards to the following areas:

- Compatibility with adjoining agricultural land uses, with reference to pesticide use, buffer zones, and noise.

The EPA detailed that the existing agricultural activities which surround this site include stone fruit and macadamias which rely on the regular application of pesticides. The prevailing winds can vary significantly in terms of strength and direction, particularly south-east and north-east. The application of pesticides may result in complaints about spray drift and odour from nearby residents. The nearby use of pesticides may restrict the use of rainwater tanks by village residents. Further, according to the Agricultural Assessment, agricultural activities are currently undertaken as early as 5.00am and as late as midnight.

Comments:

The Perradenya subdivision will be required to have an 80 metre dwelling setback to existing horticulture and 50 metres to vacant land which incorporates a 30 metre wide landscaped buffer. It is considered that adopted appropriate buffer distances are reasonable to minimise the effects of the adjoining agricultural landuse in regards to both noise and spraydrift.

In regard to the effects of spray drift and the use of rainwater tanks, it is noted within Development Control Plan No. 35 that rainwater tanks will only be utilised as one of the three (3) options available for residents within the Perradenya Estate for outdoor use only, and hence should not present any health risk associated with pesticides. Notwithstanding, DCP No. 35 requires rainwater tanks to include a roof water first flush system to address issues of pesticides.

- Stormwater Management - *the EPA have recommended that the applicants should prepare a Plan of Management in accordance with the EPA document 'Managing Urban Stormwater'.*

Comments:

The applicant has submitted a Plan of Management to the satisfaction of Lismore City Council. The EPA comments have been incorporated within the stormwater Plan of Management and it is considered that stormwater controls meet the requirements of the EPA Guidelines for managing urban stormwater.

- Kopps Dip

Comments:

The applicant has prepared a Plan of Management in accordance with the 'Guidelines for the Assessment and Cleanup of Cattle Tick Dip Site for Residential Purposes', and the EPA document 'Contaminated Sites Sampling Design Guidelines'. The Plan of Management for the remediation of Kopps Dip is in accordance with the abovementioned guidelines and to the satisfaction of Council's Environmental Health Section.

- Sewerage Management - *The EPA noted that Council should satisfy itself that the treatment plant located in South Lismore has existing capacity to manage the entire load from this development and comply with its licence to charge limits prior to determining this application.*

Comment

The South Lismore Treatment Plan has adequate capacity to cater for the Perradenya subdivision, whilst complying with its licensed discharge limits.

4. The Regional Traffic Advisory Committee

The Regional Traffic Advisory Committee met on March 10, 1998, to discuss the proposed Perradenya subdivision. The Committee recommended that the following points be considered:

- *Concerns about the general condition and alignment of Caniaba Road between the junction with the Bruxner Highway and the subdivision.*

Comment:

The Deed of Agreement between CorPol Properties and Lismore City Council, in addition to conditions of consent, will require that adequate roadworks be undertaken in accordance with Council's Engineering Manual as previously tabled.

- *The proposed roundabout at Fredericks Road and Caniaba Road was considered to be inappropriate due to the vertical alignment on these approaches.*

Comment:

Conditions of consent shall require a roundabout at the Fredericks Road and Caniaba Road intersection, with sight distance complying with the requirements of AUSTRROADS Pt 5.

- *No direct access to Caniaba Road should be allowed and this would impact on Lots 307 and 313.*

Comment:

Council's City Works Group raises no objection to Lots 307 and 313 obtaining access from Caniaba Road. Access from Caniaba Road will require additional road upgrading to the western entry in Caniaba Road, which will be conditioned within any approval issued.

- *Lot 801 should be redesigned to allow all servicing and access to be gained from the internal road system.*

Comment:

The amended subdivision design has incorporated access to Lot 801 by the internal road system.

- *Redesign of the internal road network should be carried out to provide a more practical circulating bus route, indented laybys and bus shelters, this should include traffic calming devices to inhibit vehicle speeds.*

Comment:

The amended subdivision design incorporates an internal road network which facilitates the movement of buses to service the residents of Perradenya. Plan number DA-98.6 illustrates all proposed busbays which have been designed in association with hamlet open space areas. The final bus route will be determined upon the issue of an appropriate Department of Motor Transport licence to the successful tender to serve the Caniaba area.

Traffic calming devices have been identified, with location and fixture details to be submitted to Council's City Works Group for approval.

- *The preferred treatment at Caniaba Road/Fredericks Road junction would be an AUSTRROADS Type 'C' right-turn within a minimum design speed of 80km/h.*

Comment:

The construction of a roundabout to the intersection of Caniaba and Fredericks Roads has been adopted as the preferred traffic calming device as opposed to the RTA recommendation of a Type C intersection. The preferred option shall provide controlled movements entering/exiting Fredericks Road whilst ensuring slowing traffic speed within the village area.

- *Council should consider a staging of the improvements consistent with the proposed land release. Initial priorities should focus on improvements to Caniaba Road/Fredericks Road and upgrading of Caniaba Road east of the site.*

Comment:

It is proposed to undertake the upgrading of Caniaba Road in stages as identified in a Plan of Management, which is required to table all civil works required.

- *Proposed Road No. 3 would connect to Fredericks Road near the western boundary of Lot 601.*

Comment:

Council has, in accordance with DCP No. 35, requested the developer to link road no. 3 to Caniaba Road. The road connection, subject to conditions, will meet Council's Engineering Standards.

5. Department of Land and Water Conservation (LAWC)

- *LAWC detailed that the applicant should prepare an Erosion and Sediment Control Plan as a condition of consent with the plan forwarded to the Department for approval. The Plan is to indicate specific locations of works and the types of works to be implemented at specific locations for erosion and sediment control.*

Comment:

A plan for erosion and sediment control will be required as a condition of consent and that the plan be submitted for approval prior to construction commencing.

- *LAWC identified the close proximity of agricultural development to the proposed development and the potential for conflict between the village area and the traditional agricultural sector. LAWC considered the provision of a 30 metre buffer may not be adequate to prevent the conflict of development and its effectiveness will depend on a number of factors, including buffer design, sensitivity of residents, type and timing of activities undertaken on adjoining lands and climatic conditions. Subsequently, LAWC recommend the proponents be required to establish the buffer at the earliest opportunity so that tree plantings will have greater time to establish prior to residents moving onto the site.*

Comment:

Should the Development Application be approved by Council, a condition will be recommended within any Development Consent Notice requiring the applicant to undertake the buffer planting prior to release of the Final Plan of Subdivision for each stage, whilst a security bond will be required to be lodged with Council to ensure that all landscaping and buffer plantings are planted and maintained. The bond is to be fully refundable after a period of three (3) years, subject to the plantings being established and maintained to the satisfaction of Council.

- *LAWC detailed that no design or capacity of the first flush storage pond had been provided and this should be requested and referred to the Department prior to construction. LAWC commented that for the first flush storage ponds to be effective in treating the first flush runoff, the ponds must be designed so that when they are full, further runoff bypasses the structure to avoid any mixing of clean water with the first flush dirty water. Further, LAWC indicated that no assessment had been undertaken as to the likely impacts of the development on the catchment*

hydrology and how the designs for stormwater management will be modified to incorporate these impacts, or what measures will be taken to minimise these impacts on downstream landholders.

Comment:

The applicant has prepared a stormwater management plan which addresses the above requirements of LAWC. The stormwater issues raised are addressed in the EPA Guidelines in which the applicant's amended stormwater design adequately addresses. Conditions of consent will be included to guarantee compliance with EPA standards.

LAWC has no objection to the development, providing the above concerns have been satisfactorily addressed.

6. Civil Aviation Safety Authority (CASA)

Comments were sought from CASA due to the close proximity of the Lismore Aerodrome to the proposed subdivision. CASA have raised no objection to the proposal subject to any structure greater than 15 metres above ground level being referred to CASA for assessment.

5 COMMENTS FROM OTHER DEPARTMENTS

Manager-Water and Sewerage Section

The Caniaba village development presents this Council and Rous County Council with the opportunity to trial innovative water and sewerage options in a greenfield site.

Council has previously resolved to join with the developer of the Perradenya Estate to construct a water and sewerage infrastructure for the whole village. Whilst this entails some financial risk to Council, Council's up-front commitment is a vote of confidence for the whole development.

The water and sewerage conditions of consent for the Perradenya development are in conformity with the Development Control Plan which calls for the supply of water to the development to be reclaimed from the sewerage system or from rainwater tanks. The choice being at the sole discretion of the customer.

Rous County Council is proceeding with the water reclamation plant and will lodge a Development Application for this in the future.

Community Development and Project Officer

The Social Impact Assessment submitted really summarises what has occurred in the process so far. It is not a Social Impact Assessment, but rather mainly draws on the first one undertaken for the rezoning proposal. However, the first Social Impact Assessment did raise the issue and concerns which have been fine tuned through numerous subsequent meetings and workshops with the community. Mitigating measures to the social concerns have been included in the deed of agreement. It is stated that there are some residents that still don't want the proposal as it will substantially change the Caniaba area from rural/country to a village. There will be negative social impacts for these people that are unable to be mitigated against. There are some preliminary outcomes for other people with the provision of community facilities close by.

Council's Community Development and Project Officer has identified a number of conditions of consent which are to be included to any consent notice issued by Council.

Manager-Environmental Health

LISMORE CITY COUNCIL - Meeting held August 4, 1998

Development Application No. 98/7 - Perradenya Estate

The development of the Perradenya subdivision as an Ecological Sustainable Development has given Council the opportunity to ensure that Council's environmental policies and strategies are implemented. Such strategies and policies include stormwater management, sun protection, effluent disposal, buffer zones, contaminated lands and the use of reclaimed water.

Most of the above areas have been adequately addressed, with some issues such as sun protection and reclaimed water requiring the provision of further information as conditioned in the development consent.

The Plan of Management of Kopps Dip has been submitted to Council and adequately addresses the contaminated land issue associated with the dip site. The remediation measures outlined within the plan adequately protects the community from the impact of the former land use.

The Stormwater Management Plan has been submitted and adequately addresses stormwater pollution, overland flow objectives, erosion control through specifically designed retention basins and management practices.

Manager-Subdivisions

The standard of all civil works associated with the Perradenya development have been assessed in accordance with Draft Development Control Plan No. 28 - Subdivision and Development Control Plan No. 35 - Caniaba Village. These documents set a greener streetscape, whilst tabling the performance needs of such a development.

Due to the complexity of the Perradenya development and the issues raised by concerned residents, considerable conditions of consent have applied. The primary issues of concern related to additional traffic, stormwater runoff and water quality, standard of Caniba Road, and safety for school children at the Caniaba School, to name a few.

All issues have been addressed in the conditions of consent. All works are subject to the lodgement and approval of detailed engineering design plans prior to any works being commenced.

Stormwater design is to be carried out in accordance with the Environmental Protection Authority publication, "Managing Urban Stormwater" which addresses stormwater system design and water quality criteria.

The standards for the upgrading of Caniaba Road have been addressed, however, the staging of these works is to be tabled in a plan of management so that the primary areas of concern are carried out in the initial stages (ie, Caniaba School road frontage). This plan of management shall be lodged and approved by Council prior to the approval of any other engineering works associated with the development.

LISMORE CITY COUNCIL - Meeting held August 4, 1998

Development Application No. 98/7 - Perradenya Estate

Expenditure Accountant

Caniaba Village Water and Sewerage Schemes

Council has resolved to undertake 'Stage One' of these works, which provides these services to the whole village, in conjunction with the Perradenya Estate works.

These funds are to be 'recovered' from developers through a water and sewerage headworks contribution plan being prepared for Caniaba Village. Our contribution of \$1,095,000 for 'Stage One' in 1998/99 and \$320,000 for 'Stage Two' is to be recovered as development of the village proceeds.

It is not possible to estimate when these funds will be fully recovered.

Road and Drainage Works

The total cost of works incorporated under the legal agreement is approximately \$800,000. The apportionment of costs is approximately one third to Perradenya, one third to future Caniaba Village development and one third from the existing population (or Council's cost).

The one third to future Caniaba Village development is to be collected by Section 94 levies.

At this stage, based on the timing of works, it is likely that Council will have to fund both its share and the future Caniaba Village development's share for works undertaken. The call on these funds for works, estimated at around \$533,000, is dependant on the staged development.

It should be noted that when works are required, the Urban & Rural Roads Construction program will need to be amended to include these works as no provision has been made for this purpose.

As with the Water and Sewerage Scheme, it is impossible to determine when the collection of the future Caniaba Village development component of these funds by Section 94 levies (approximately \$266,000), will eventuate.

Rating

The creation of Caniaba Village will result in approximately 350- 400 additional rateable assessments. Based on the existing rating structure, Council will generate additional rate income. This income would be applied to the maintenance of infrastructure, provision of services and contribution to management, on the same basis as existing rate income.

It is difficult to assess the rating impact of this development on neighbouring assessments. Simplistically, if it resulted in the land valuation of adjoining owners to increase relative to other land valuations in the Council's area, it would cause the general rates payable by that owner to increase. Conversely, if it resulted in a decrease relative to other land valuations in the Council area, it would cause the general rates to adjoining owners to decrease.

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

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

The land is zoned 2(v) Village Zone under the Lismore Local Environmental Plan 1992. Subdivision within the 2(v) Village Zone for residential purposes is permissible through the provisions of Clause 19.

Clause 19(2) identifies that Council should not consent to subdivision of land to which this clause applies unless the applicant has demonstrated to the satisfaction of

Council that environmental and other matters specified in Schedule 3 have been adequately dealt with and that adequate arrangements, satisfactory to Council, have been made for the provision of reticulated water supply and electricity supply and disposal of stormwater and sewerage effluent on each lot created.

The applicant has adequately demonstrated to Council that the matters as identified in Schedule 3 have been addressed within the Statement of Environmental Effects, whilst as previously canvassed within the report, adequate arrangements to the satisfaction of Council have been made for the provision of reticulated water supply and the disposal of stormwater and sewerage effluent on each lot created, whilst a condition of consent confirming electricity supply shall be included as a condition of consent.

Clause 27 - Preservation of Trees, provides for the purpose of securing or preserving the amenity of a premise or a streetscape or neighbourhood, and securing or preserving koala habitat. The applicant has proposed the removal of f trees from the site located within proposed building envelopes and the road reserve, with all other trees to remain. The majority of trees to be removed are broadleaf apple, of which many appear to be in a poor health, exhibiting canopy reduction or loss of major limbs. Very few trees are considered to be of conservation significance, except for three (3) Figs located upon the proposed sports ovals, which are to be relocated onsite. Further, one (1) large Forest Red Gum shall be preserved, as the tree exhibited signs of koala usage and is thus considered to be worthy of retention. Further, the applicant's environmental consultants identify that preference should be also given to retaining Pink Wood and Blood Wood which is a secondary koala feed tree.

In accordance with comments received by NSW National Parks and Wildlife, appropriate endemic species shall be planted and restoration works incorporating weed control and bush regeneration shall be undertaken to compliment the values of the south-western corner, and enhance the function and success of the proposed corridors and buffers.

Clause 33 - Buffer zones. As previously advised within this report, the applicant is to provide an 80 metre dwelling setback to existing intensive horticulture and a minimum 50 metre setback to vacant land, whilst also incorporating a 30 metre wide landscaped buffer for the full frontage of the development along Fredericks Road.

North Coast Regional Environmental Plan 1988

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

Clause 6 - Agricultural Resources Objectives and **Clause 12 - Impact on Agricultural Resources.** This Clause applies for development on rural land and the possible effects that may cause a loss of prime crop or pasture land. Whilst it is

acknowledged that the subject land is zoned 2(v), it is considered that appropriate measures have been taken in regards to appropriate landscape buffers and dwelling setback provisions from existing horticultural land. The report commissioned by Lismore City Council undertaken by NSW Agriculture to assess the proposed Perradenya subdivision addressed:

- the effects on agricultural/horticultural industries
- effects on other land in the area
- reasonable alternatives, cumulative impacts and likelihood of lots remaining available for agricultural use.

The report identified that the main impact on agricultural/horticultural industries would be the precedent set in allowing extensive residential development on Class 3 Agricultural land. This is likely to lead to increased land speculation, increased land values and rates leading to the associated erosion of farm viability. The report detailed that Agricultural industries will also find it increasingly difficult to carry out normal farming operations because of complaints from new neighbours over the use pesticides and noise generated by machinery operated out of hours. Neighbouring holdings would likely experience these impacts, with moderate potential for new residents to attempt to curtail farming activities. The planting of a properly designed windbreak 30 metres wide along Fredericks Road would assist in intercepting spray droplets, but spray odours and noise problems would remain. NSW Agriculture suggested that a reasonable alternative would be a full urban development in the longer term, with the potential development of a comprehensive Caniaba Plan which achieves a higher use of the area for urban purposes, well buffered agricultural pursuits, integrated effluent treatment reuse scheme, together with the required range of community services similar to the Alstonville plateau.

It is considered that the matters identified in the report undertaken by NSW Agriculture have been included within the Caniaba DCP and within the proposed development, with appropriate conditions to be included to address the above matters within any consent notice to be issued by Council.

Clause 28 - Natural Environment Objectives. The REP aims at protecting areas of natural vegetation and wildlife destruction and to provide corridors between significant areas, whilst protecting the scenic quality of the region. The proposed development, in accordance with DCP No. 35 proposes to maintain the south-western portion of the site classified as Environment Protection. An Environmental Plan of Management is to be submitted for the area addressing weed removal, bush regeneration and the ongoing management and maintenance of the environmental protection area.

In regard to the scenic quality, it is considered that the proposed subdivision design and location of building envelopes below the ridgeline, in addition to the proposed landscaping of the Perradenya Estate, will soften the effect upon the scenic quality of the area.

The proposed stormwater management has been adequately designed with appropriate conditions to be included with any consent notice issued by Council to

ensure that stormwater disposal, is in accordance with the EPA Guidelines “Managing Urban Stormwater”.

Clause 41 - Urban Housing Objectives and Clause 43 - Development Control Residential Development. In the assessment of the proposed Perradenya Estate, it is considered that the density of the development has been maximised without adversely effecting the environmental features of the land. In accordance with the recommendations made by NSW Agriculture, it is considered that the most appropriate development is for a full village development with the provision of adequate open space, wildlife corridors and the preservation of environmental protection areas.

The proposed road network extending from the Bruxner Highway, Fredericks Road, Caniaba Road and the internal road pedestrian/cycleway/bridleway design is in accordance with DCP No. 35. Subsequently, it is considered that it meets the requirements of the North Coast REP, with the road networks being designed so as to discourage dependency on private motor transport.

The REP requires Council is be satisfied that soil erosion will be minimised in accordance with sedimentation and erosion management plans. Subsequently, in accordance with comments received by the Department of Land and Water Conservation and Council’s Construction Design Manual, the applicant shall be required, through the inclusion of a condition of consent, to supply the Department of Land and Water Conservation the appropriate sedimentation and erosion management control plan prior to works commencing.

Clause 64 - Community Services Objectives and Clause 66 - Development Control-Adequacy of Community and Welfare Services. Before granting consent to a Development Application for the subdivision of land and for residential purposes, the Council shall consider the adequacy of community and welfare services available to the land and take into account the results of that consideration. The applicant has submitted a Social Impact Assessment (SIA) which has been assessed by Council’s Community Services Officer, with no objections being raised, subject to the inclusion of a number of conditions of consent.

Clause 77 - Recreation Objectives and Section 82 - Development Control-Sporting Fields or Specialised Recreation Facilities. It is considered that the location of the open space is well serviced by an existing and proposed road network which will cater for adequate pedestrian cycle and bridleway access to the sporting oval. Further, Council has undertaken a number of workshops with the Caniaba residents, and has received comments during the exhibition period for the Development Application, which nominated the proposed landuses to be included within the open space by the developer.

State Environmental Planning Policies (SEPP)

SEPP No. 11 - Traffic Generating Development

The proposed development falls within the provisions of State Environmental Planning Policy (SEPP) No. 11 - Traffic Generating Development. The objective of SEPP No. 11 is to ensure that appropriate traffic authorities are notified of major developments. In this case the Regional Traffic Authority has commented on the proposed development and their comments concerning the Perradenya Estate subdivision have been discussed within this report.

SEPP No. 44 - Koala Habitat Protection

SEPP No. 44 encourages the proper conservation and management of areas of natural vegetation that provide habitat for Koalas. An assessment has been undertaken by the applicant addressing the requirements of SEPP No. 44. The assessment undertaken concluded that the subject site is not a core habitat area as defined by SEPP No. 44 and subsequently a Plan of Management is not required to be submitted prior to development.

Notwithstanding the subject site not being identified as a core habitat area, Lismore Council as a condition of consent shall require a Plan of Management (as discussed previously within this report) which addresses open space and environmental protection areas and the Koala habitat species to be planted within the subdivision. The provision of an Environmental Management Plan and further, the inclusion of a condition requiring the landscape plan for the provision of wildlife corridors is considered to be an appropriate means in providing suitable habitat and encouraging the proper conservation of natural vegetation to provide habitat for Koalas. NPWS has recommended the adoption of the amelioration measures, as identified within the Flora and Fauna Report submitted with the Development Application, to be included as conditions of consent, whilst Lismore City Council has included additional conditions which aims at reducing any possible conflicts for koalas migrating through the Perradenya Estate.

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

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

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

Development Control Plan (DCP) No. 35 - Caniaba Village details requirements being mandatory and/or recommended for development within the Caniaba village as follows:

Clause 4.1 - Village Centre - the applicant has identified three (3) allotments 601, 701 and 801 incorporating a commercial precinct and two (2) lots for integrated housing. The applicant has not identified detailed design for each of the three (3) allotments. A separate Development Application shall be submitted to Council for assessment in accordance with the DCP for the abovementioned lots. Upon submission of a separate Development Application, Council will be able to identify and assess the subdivision design, which is required to take the shape of a horse shoe cluster around the village green, maximising northerly aspects in accordance with DCP No. 35.

The Caniaba Streetscape encompassing the area of Caniaba Road for the frontage of the village centre is to be an integral part of the village and not solely a vehicle transportation corridor. The applicant has identified (within an amended plan) proposed landscaping to be utilised within a buffer area located at the Caniaba Road/Fredericks Road intersection, whilst a separate Development Application for the village centre shall incorporate appropriate streetscape design elements.

Clause 4.2 - Village Residential Development - the DCP identifies a concept of the village providing for a range of housing types from cottages and low key apartments set in park-like settings close to the village centre, to individual houses on larger rural style lots. The applicant has designed the residential development precincts on a hierarchical basis, with a centrally located village centre and clusters of village residential living, and larger lots within hamlet living upon the western portion of the Perradenya Estate.

In accordance with the Development Control Plan, the subdivision settlement type has identified lots within the village residential area having a minimum lot size of 800 m², with an average of 1,000m², hence a density being of medium to low, thus allowing mixed housing of variable densities, traffic calmed and car-free areas, and linked open space.

The applicant has proposed four (4) hamlets located west of the central and village residential areas. The hamlets will comprise of a minimum lots size of 1,500m², with densities ranging from low to medium. The larger lot sizes are dependant on topography, with subdivision design allowing for a variety of housing types, linked to a pedestrian and traffic network to the village centre and adjoining large areas of private open space to the south.

Due to the bushfire hazard within the southern portion of the site, the applicant has created three (3) self sustainable acreages of greater area than 5,000m², with a low density comprising of single dwellings. The single dwellings will be located on lots which contain slope and natural hazard constraints on the southern slope topography adjoining the remnant vegetation.

The subdivision design has taken into consideration the orientation of the lots to facilitate siting of dwellings, taking advantage of micro-climate benefits and having dimensions to allow adequate on-site solar access. Primarily all lots have been orientated to the north, whilst lots orientated east to west contain adequate areas to allow for flexibility in the location of dwelling envelopes to maximise a northerly orientation. Further, building envelopes upon each allotment will be located on land that contains slopes less than 20%, whilst having regards to hazards and nuisances.

Each hamlet has been divided by open space areas which contain a minimum width of 20 metres. These areas contain a dual function, primarily for a drainage reserve and also for the purposes of a wildlife corridor with vegetation as proposed and supported by NSW National Parks and Wildlife.

Clause 4.3 - Community and Recreational Facilities - the DCP outlines the concepts for the community and recreational facilities for the village centre which

shall provide the focal point for informal and organised socialising and meeting places. A Development Application shall be submitted for the village centre which is to incorporate, in accordance with DCP No. 35, adequate area for a community centre, village green and commercial land uses.

The area surrounding the existing silo upon the Perradenya Estate shall be transformed into the open space area providing for a spectrum of sporting facilities and recreational pursuits such as tennis, oval sports, basketball and skateboarding park and play equipment. This area shall be linked by a pedestrian walkway, cycleway and bridleway. The bridleway will be linked to the proposed equestrian centre on the private open space lots, being Lots 1701 and 1801. The commencement of an equestrian facility within the Perradenya Estate will be the subject of a separate Development Application to be submitted to Council.

The applicant shall provide the open space area incorporating a full size oval, tennis courts, playground, associated carparking, pavilion at the release of Stage 1. The provision of the basketball court and skate ramp shall be provided during the release of the remaining lots when sufficient demand is created. The provision of the abovementioned recreational facilities will be the subject of a separate Development Application.

The internal pedestrian system shall provide passive recreational areas adjoining the proposed bus stop locations. These areas may also be utilised as a meeting place area available for informal recreation for those people who wish not to utilise the areas within the proposed, village green and sports oval.

Clause 4.4 - Movement Networks - in accordance with the DCP, the village layout design offers people choice in accessing the estate, while providing diverse and integrated movement network to fulfil day to day needs in travelling within and to and from the village. Internal village roads have been designed to reduce traffic speed to minimise vehicle/pedestrian conflict, whilst the roads are constructed with grass verges, swales and landscaped edges to provide picturesque corridors and increase infiltration rates from stormwater runoff. Recommended conditions of consent shall incorporate provision of traffic calming measures, gateways and thresholds, and the provision of shelter crossing refuges for walkways and pedestrians.

The hierarchy of cycle and walkways, as well as bridle paths have been provided, thereby offering a range of options for recreational and task orientated journeys. Council's City Works Group has assessed the road hierarchy and movement routes and types, with no issues raised in regards to the proposal's compliance with the DCP.

In regard to the provision of public transport, the Deed of Agreement as endorsed by Lismore City Council and CorPol Pty Ltd identified that the property owner is to negotiate with the bus service operator approved by the Department of Motor Transport in respect of assistance to be provided by the owner to enable the operator to increase services between Lismore and Caniaba. The preferred date for commencement of increased services should be from the time of issue of building approval for the first dwelling and the preferred additional service are two round trips per day, subject to the approval of the Department of Motor Transport. The

applicant has identified a number of bus pick up points which are strategically located at the Hamlet connections, thereby locating all properties within 400 metres of a designated bus stop.

Clause 4.5 - Utility Services - the concept of the proposed development as outlined within the DCP encompasses an integrated approach to supply, use and management of power, water and waste. The utility services have been based around Ecologically Sustainable Development (ESD) principles, providing for a more efficient living, with particular attention to global issues of greenhouse gas emissions, water wastage, over-consumption and the waste stream in general.

The applicant has proposed an integrated water use system linking houses, buildings and public facilities with a design to minimise use and waste of water. The proposed development has the capability to harvest water in the landscape with stormwater stored in dams located upon the private open space allotment to supplement a reduced demand on reticulated water from the Lismore City system.

An integrated water supply and sewerage treatment strategy has been prepared for the village. The strategy as proposed is detailed within Section 3 of this report, whilst compliance with DCP No. 35 is acknowledged.

In the event of the full reclamation scheme not proceeding, and further until the reclamation plant commences, an alternative sewerage scheme which seeks to achieve a high standard of water efficiency treatment and reuse of effluent is to be implemented in which developers of the proposed reticulated village scheme area will be required to participate. It is proposed that sewage will be reticulated to the South Lismore Treatment Plant, at which the option remains to utilise the treated effluent upon the approved Tea Tree and Turf Farm establishment located adjoining the Lismore Airport.

Clause 4.6 - Natural Environment and Biodiversity - The proposed development has identified and makes provisions for the protection of the existing vegetation remnants, water courses and other habitat within the Perradenya Estate. The application has maintained all areas of environmental significance clear of inappropriate development, whilst buffers have been utilised for development adjoining areas of environmental significance. The applicant has prepared a landscape plan which has been submitted to Council and NSW National Parks and Wildlife for comment. Only native species are to be planted in designated areas which meets the requirements for wildlife corridors and buffer zones as highlighted within the DCP.

The applicant has prepared a Stormwater Management Plan to address domestic stormwater from the hamlet and precinct levels by developing a series of natural filtration systems which incorporate sediment, nutrient and pollution traps. Council has assessed the proposed stormwater control methods in accordance with the Environment Protection Authority Guidelines "Managing Urban Stormwater".

The DCP identifies environmental streetscapes which provide environmentally landscaped treatment for vehicle, pedestrian and cycle accessways. The main objective is to create a habitat area ensuring the balance of road reserves for a function on nature strips for potential refuge links. As discussed previously, the

landscape plan has been forwarded to NSW National Parks and Wildlife, with no objections raised, subject to conditions of consent being implemented.

The proposed drainage reserves are to act as major habitat refuge links and wildlife corridors serving any fauna which is located upon the property or traverses the property. The corridors are to be linked via a landscaped area upon the private open space lots which act as a buffer area to the proposed residential development. It is considered that these corridors are of primary significance and have identified designated routes which are not interfered with by residential development activities and bisected by road on limited occasions. A condition of consent in accordance with the DCP shall require 10% of each residential allotment to be landscaped with local native species in accordance with Council's landscape guidelines which will enhance the wildlife corridors and act as a secondary refuge link through the Perradenya subdivision.

Clause 4.7 - Open Space - The DCP identifies an attractive open space network which is based around the natural environment and is socially orientated, whilst sensitively incorporating utility service corridors simulating recreational opportunities.

The developer proposes a multi-functional, active open space area identified as Lot 116 upon the subdivision plan. The open space area is to contain one (1) full size oval to be utilised for either cricket, football or soccer etc, two (2) junior football fields, two (2) tennis courts, one (1) basketball court, changeroom facilities, one (1) skateboard ramp, a childrens playground and associated off-street carparking area.

The applicant has also identified private open space areas which are located upon Lots 912, 1210, 1410, 1701 and 1801. The applicant proposes that the private open space lots will cater for an equestrian centre, horse and walking trails, landscaping, reafforestation and retention of existing timbered areas.

In the short term, the private open space will remain in the title of CorPol Properties P/L as the development company, until such time as both the construction of the various facilities and the development of the Perradenya Estate is completed. Further, it is also the developer's intention that the company will be responsible for the ongoing maintenance and management of the land and associated facilities until the properties are transferred to the Caniaba Village Association upon the release of Stage 20.

Clause 4.8 - Landscaping - The Development Application has provided for extensive landscaping throughout the development, adopting for fauna which visit the site and for aesthetic and buffer purposes. The landscaping plan as prepared by the applicant requires minor modifications which are to be implemented through conditions upon any consent notice issued by Council. The landscaping proposed, subject to minor modifications, has been undertaken in accordance with DCP No. 35.

In regards to management of the areas of environmental significance, as contained within the private open space areas, any consent notice shall include conditions which require restoration works, weed control and bush regeneration. The above measures shall be identified in a Plan of Management which is to be submitted to Council and NSW National Parks and Wildlife for approval. The Plan of Management shall be

prepared in accordance with measures identified within the DCP and address environmental weed management, water management, nutrient management, hazards, views, climate control and biodiversity habitat creation.

Clause 4.9 - Catchment Management - It is proposed that a range of land and stormwater management approaches are to be utilised to increase infiltration rates above normal residential situations and to reduce excessive stormwater runoff closer to natural levels. As detailed previously, the catchment management has been undertaken in accordance with best practice catchment management as tabled in the EPA document "Management Urban Stormwater". The adoption of vegetation for the purpose of stabilising soil, reducing and slow down of runoff, improving infiltration and reduce the operation and increased transportation is a measure that has been adopted within the Perradenya subdivision.

As a condition of consent, the applicant is required to prepare a Plan of Management for the construction of the proposed subdivision. This will entail matters addressing erosion and sediment control in accordance with Section 4.9 of DCP No. 35. The report will be required to address construction activities and treatment techniques for the prevention and treating of any soil erosion problem and Council inspections, whilst the development is to retain as much vegetation as feasibly possible with vegetation not located within any road reserve or building envelope to be retained. The Plan of Management is also to address maintenance of the drainage reserves which are incorporated within both private open space and Council maintained drainage reserves.

Clause 4.10 - Hazards and Nuisances - It is considered that the village has been designed in a manner to avoid or reduce either existing or potential hazards.

Kopps cattle tick dip site has been the subject of a Plan of Management which has been designed in accordance with the EPA standards contaminated land guidelines and have been endorsed by Council's Environmental Health Services. The recommendations of the Plan of Management are to be conditioned within any Development Consent Notice by Council.

Three (3) lots have been identified with high bushfire classification. Bushfire radiation zones are to be incorporated within the subdivision design through conditions of consent. Consultation with Council's Fire Control Officer has been undertaken as part of the assessment of the proposed subdivision. Council's Fire Control Officer has requested that a 30 metre buffer between the high bushfire hazard and the proposed building envelope be created, and which has been adopted by the applicant in the location of building envelopes within proposed Lots 1605, 1606 and 1607. Dual vehicular access has been given to all lots to allow for greater option for access by residents and emergency vehicles.

Although the applicant has submitted a landscape plan to Council, amendments are required in its final design and species list. The landscaping of the estate will also incorporate planting of native fire retardant trees. Further, in addition to the provision of two dams upon the private open space areas, Council's water and sewer services have requested that fire hydrants be provided at approved intervals throughout the Perradenya Estate subdivision.

In regard to the planting of biological buffers and dwelling setbacks to adjoining agricultural lands this matter has been addressed previously within the report.

Air flights over Caniaba and specifically the Perradenya Estate is addressed within the DCP. As detailed within DCP No. 35, Section 149 Certificates issued for all purchasers of land in the village area will be marked that their properties are within free airspace with a general statement that the property may be affected by intermittent aircraft noise. CASA has raised no objections to the proposed subdivision, subject to all structures greater than 15 metres above natural ground surface being referred for assessment.

Council recognises issues surrounding the inappropriate choice of type of domestic animals, and the effect that they may have on the quality of rural land use of adjoining farmers, hence a condition of consent to be adopted within a covenant upon the Title pursuant to Section 88b of the Conveyancing Act shall be annexed to any condition of consent which requires animals to be kept in accordance with guidelines which will minimise nuisance.

Clause 4.11 - Community Resource Management - It is considered that the proposal is inconsistent with DCP No. 35, Clause 4.11 - Community Resource Management. It is acknowledged, however, that the proposed subdivision is not to be created under Community Title as required by Clause 4.11.1 as a mandatory provision.

However, It is considered that whilst the creation of the private open space allotments has not been undertaken in a conventional form as prescribed by the Community Title Legislation, that the proposed development meets the community resource management objectives by encouraging local governance and management of natural features, whilst promoting sustainable community action and community involvement. The Caniaba Village Association to be created to govern the private open space allotments shall be made up of three (3) groups:

- a) Future Perradenya Estate residents (mandatory membership); and
- b) Existing residents of Caniaba Village (optional membership); and
- c) Future residents of the Caniaba village (optional membership).

All members shall be subject to by-laws which are to be submitted to Council for approval, and as previously discussed within this report, shall incorporate environment and land management, utility and infrastructure service facilities and community facilities and services. The by-laws will ensure legal access to the private open space lots whilst guaranteeing the lot's management and maintenance. Conditions of consent have been included to attend to the legal framework of the neighbourhood by-laws and its application to the Caniaba Village Association.

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

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

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

Most of the site has been cleared of its native vegetation. Trees have been retained or planted across the moderately sloping lands which comprise the northern and eastern portion of the site. The site's south-west portion which contains steeper slopes supports regrowth vegetation of approximately 40 years of age.

The applicant engaged a Flora and Fauna expert to undertake an assessment of the proposal and in determining the environmental significance of the site. The flora and fauna assessment has broken the property into three communities as follows:

a) Community 1 - low closed grass lands with scattered trees

The applicant has detailed that this community dominates the site, occupying all areas except the steeper sloping land in the south-west of the site. The community is composed of exotic pasture grasses, whilst trees are scattered sparsely throughout and include remnant individuals. The report details that there are very few shrubs in this community due to the active slashing over an extended period, and consequently this community is in poor condition relative to its likely original structure and floristic composition and can be allocated a low overall botanical conservation value.

b) Community 2 - tall closed forest (Forest Red Gum/Hoop Pine)

This community is based on the higher portions of the steep south-western slopes of the Study site. The area contains a dominant canopy species, including Forest Red Gum and Hoop Pine with secondary occurrences of Brushbox, Pink Butterwood, Northern Grey Ironbark and Broadleafed Apple.

The Flora and Fauna Report details that in relation to its regional structure and floristic composition, this community is in poor condition, being regrowth of a moderately young age, with heavy weed infestations. This community may be allocated a low medium botanical conservation value.

c) Community 3 - Discontinuous clumps of mid high closed forest (dry rainforest growth)

This community is situated on the lower western slopes of the site. The community consists of dense closed clumps of vegetation separated by areas of grass land. The Flora and Fauna Report have identified that one threatened plant species, being the Thorny Pea is common in this community. The Thorny Pea is listed as vulnerable under the Threatened Species Conservation Act 1995, and also as a rare and threatened Australian plant species as defined by Briggs and Lee (1988) due to the species having a very restricted distribution in Australia with a maximum geographic range of less 100km and is vulnerable species presently endangered but at risk of disappearing from the wild state within 20 to 50 years.

In regards to the natural heritage of the site and its assessment, Council has forwarded to NSW National Parks and Wildlife Service (NPWS) a copy of the Development Application for comment.

NPWS has advised Council that it understands that the subject land is generally cleared, except for scattered individual trees and an area of regrowth forest in the south-west of the subject land. Further, that the south-western area of regrowth forest, which includes the threatened species Thorny Pea and may provide habitat suitable for other threatened species, will in no way be detrimentally effected by the

proposed development. NPWS has recommended that Council ensure the appropriate management structures are established to allow the long term maintenance and enhancement of the conservation values of this area. Subsequently, through the provisions of Section 88B of the Conveyancing Act 1919, appropriate measures shall be included in the long term preservation of this site, addressing primarily weed removal and bush regeneration.

NPWS has also commented on the proposal in regard to the effects upon the Koala population. The NPWS has advised Council that it understands that Koalas are active in the locality and have been known to use the subject land, but there is little evidence to suggest that Koalas have used the subject land in the recent past. NPWS notes that the preliminary Flora and Fauna Assessment recommends a number of ameliorative measures to minimise the impact of the proposal on Koalas. The applicant, in accordance with conditions of consent, shall prepare a Management Plan for the environmental protection area, which is to adopt the measures as highlighted within Clause 4 of the applicant's Flora and Fauna Assessment, as submitted by the applicant. It is considered that by adopting this recommendation that the conservation of the existing Koala habitat is ensured and that the Koala habitat is maximised. The Local Koala Carers Group may be able to provide assistance in the formulation of specific amelioration measures that are suitable to the conditions prevailing on the subject land, which are to be incorporated within the Plan of Management.

Comments were received by both the Department of Land and Water Conservation and the Environmental Protection Authority in regard to the proposed stormwater management to be adopted within the Perradenya Estate subdivision. All recommendations made by the abovementioned public authorities have been incorporated within the design, or alternatively appropriate conditions of consent have been included, ensuring no adverse effects upon the natural environment from stormwater disposal.

90(1)(c) Effect on the Landscape

It is acknowledged that the subject development will have an effect upon the landscape of the area, with the proposed development and subsequent dwellings occupying an area that was previously undeveloped for residential purposes. Given the locality of the development and the surrounding environment, the subdivision design has taken into consideration the visual prominence in which the development is to be located. Subsequently, the following ameliorative measures are proposed for the development.

- 1) Provision of a vegetative buffer zone along the eastern and northern perimeters of the site, with a depth of 30 metres. It is acknowledged that the buffer has a dual purpose, that being as its title suggests, a buffer to the adjoining agricultural activities and also as a softening/screening purpose for the development.
- 2) Extensive street plantings, which attempt to soften the visual impact of residential housing on the site, and foster a rural character.

- 3) All housing shall be below the level of the existing ridgeline on the site (northerly and easterly facing slopes), with 3 lots facing the south on the western side of the site, with housing lots below the ridgeline.
- 4) Subdivision roads generally follow the site contours and gentle slopes, with only a minor portion of Road 11 traversing an area of more than 20% slope, consequently, the potential for cut and fill for the entire development is significantly reduced.
- 5) The provision of open space in regard to the active open space areas, wildlife corridors and private open space help to soften the impact of the development, whilst providing greater areas of natural vegetation.

It is considered that the overall impact of the development from the northern side fronting Fredericks Road will be at a low density development, encompassing low site coverage and roadside screening. Thus it is considered that Fredericks Road will have the appearance of a tree lined country road, with limited vehicular access points to serve Perradenya Village.

Along the southern frontage to Caniaba Road, the development shall incorporate integrated housing and village lot subdivision incorporating an 800 metre minimum lot size, with an average of 1,000m². It is considered that most visual impact will be from the Caniaba Road frontage, where landscaping is proposed, but significantly reduced to that fronting Fredericks Road, given that no required landscaped buffer shall be provided.

It is noted that in accordance with DCP No. 35 - Caniaba Village, each property is to dedicate 10% of private open space for the provision of planting native species which will significantly help establish minor refuge links in the residential areas, whilst providing an enhanced streetscape for the proposed subdivision.

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

90(1)(c2) Effect on Environment of Endangered Fauna

The Environmental Consultant's Report which accompanies the application includes an assessment to determine the significance of effect on threatened species, populations or ecological communities or their habitats, in accordance with Section 5A of the Environmental Planning and Assessment Act 1979.

As previously discussed within this report, one threatened species is identified on the site, that being the Thorny Pea, which is located on the south-western corner, as identified within DCP No. 35 as environmental protection area. The proposed development will have no disturbance to this part of the site and it is considered unlikely that the proposed development would disrupt the lifecycle of members of the Thorny Pea population to the extent that it would place a viable local population at risk of extinction, nonetheless, mitigation strategies as identified within the Flora and Fauna Report shall be adopted within the conditions of consent.

In regard to fauna which may be effected by the development, the applicant has identified the Koala species as requiring assessment in accordance with Section 5A of

the Environmental Planning and Assessment Act. The report has determined the effect upon the Koala colony, taking into consideration breeding, foraging, nesting/roosting, migration and movement, to determine whether the proposed development will have an adverse effect upon the Koala population.

The Fauna report identifies that maintenance of access to potential habitat in the south-western corner of the site will be achieved by avoiding the placement of potential constraints and hazards to movements between this habitat and identified habitats to the north of the site. Access to potential foraging areas will be maintained, with the planting of primary Koala food trees and open space zones to increase the foraging resource for Koalas in this area, whilst the preservation of Koala food trees and the habitats in which they occur will in itself ensure the maintenance of nesting and roosting opportunities.

In regard to migration/movement, the report identifies the fragmentation of Koala habitat compels animals to come to the ground on more occasions than would normally occur if habitat was more contiguous. This is the case in the Caniaba area, where patches of forest are separated by expanses of agricultural land, hence Koalas are forced to negotiate such areas when utilising patchy resources within a home range, or dispersing to new territories, and are very susceptible to dog attacks at this time. The report considers it necessary that ensuring the continued free movement of Koalas through the site and planting primary food trees in open space zones to consolidate existing habitat in the area will ensure that this aspect of the Koala lifecycle will not be significantly impacted.

The conclusions reached within the Flora and Fauna Report detailed that no threatened fauna species were recorded during site surveys, however Koalas are known to occur in the locality and for the purpose of this assessment, it was assumed that they will occasionally utilise the site, hence the proposed development should be subject to ameliorative measures to satisfactorily address the Koala population within the Caniaba area. Further, following analysis to the provisions relating to Section 5A of the Environmental Planning and Assessment Act 1979, the Flora and Fauna Report did not consider it necessary for a Species Impact Statement to be submitted with the Development Application, nor the preparation of a Plan of Management in accordance with State Environmental Planning Policy No. 44 - Koala Habitat Protection.

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

The proposal falls within the provisions of Council's Social Impact Assessment (SIA) Policy, subsequently the application is accompanied by a SIA Report. The original application did not submit a SIA, and consequently the assessment that has been undertaken is applicable to the amended design.

Council's Community Services Section has commented on the SIA and has found that, as stated previously, there was extensive community consultation during the rezoning application and then for the Development Control and DA process. The SIA does not reiterate the issues raised by these consultations, but leads us to believe that the facilities proposed and included in the Deed of Agreement are as a result of the consultations taking place. Broadly speaking, the issues were:

- 1) Such development would adversely effect our present lifestyle.
- 2) Such development would create a situation whereby undesirable elements of urban living could be introduced into their present rural lifestyle.
- 3) Adverse effect on both property values and present agricultural/horticultural activities.

Council undertook a number of workshops with residents where they were encouraged to raise any matters of interest and/or concern to them. The main issues emerging from these meetings (and said to be addressed in the rezoning application, the DA or the Draft DCP) were; public transport, community facilities, existing agricultural/horticultural activities, sewer treatment, external roads, stormwater drainage management, streetlighting, control of domestic dogs and cats. A Steering Committee was established by Council resolution which included 3 representatives from the Caniaba Residents' Group. Newsletters were also prepared by Council which contained information to keep residents informed.

The SIA submitted summarised what had occurred in the process so far, it is not a new SIA, but rather mainly draws on the first one undertaken for the rezoning proposal. However, the first SIA did raise the issues and concerns which have been fine tuned in numerous subsequent meetings and workshops with the community. Mitigating measures to the social concerns have been included in the Deed of Agreement. It is stated that there are some residents who still don't want the proposal and will substantially change the Caniaba area from rural/country to a village. There will be negative social impacts for these people that are unable to be mitigated against. There are some positive outcomes for other people with the provision of community facilities close by.

Council's Community Services Section has listed several conditions to be placed on any consent that may be issued by Council. Those conditions identified within the Community Services Assessment have been included in the condition of consent within this report.

It is the Planning and Development Group's view that the proposed development will increase the range of choice for housing in the Lismore area and provide a high

quality rural village environment, which provides first up employment during the construction of the proposed subdivision.

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

As canvassed previously within this report, the applicant in this instance will utilise Fredericks Road and Caniaba Road for access to the proposed subdivision. The subdivision shall be accessed by 3 points from Fredericks Road, while access from Caniaba Road shall be provided by an internal road with also lane access to 7 lots available from Caniaba Road. Council's City Works Group has raised no concerns in relation to the proposed road network which has been assessed in accordance with DCP No. 35 - Caniaba Village, Council's Engineering Design Manual (as amended from time to time) and consistent with the Deed of Agreement as signed between Lismore City Council and CorPol Pty Ltd.

The subdivision has been designed in accordance with DCP No. 35 - Caniaba Village, which addresses the character, location, siting, shape, size and design of the subdivision upon the Perradenya Estate. The development, being in accordance with the DCP, is therefore generally responsive to the topography of the site in allowing for residential hamlets, multiple use open space, environmental protection and sports field and associated facilities.

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

As addressed previously within this report, the subdivision design meets the minimum lot size requirements as specified in DCP No. 35. Further, the applicant has made provision for building envelopes upon each property that maximise the benefits of the existing site, and address any existing topography or climatic issues, to ensure energy savings can be made in the home by reducing reliance on artificial means for controlling the internal climate. The design and layout of each lot has utilised the benefits of solar access by orientating lots and/or building envelopes, taking advantage of the micro-climatic benefits and thus having dimensions to allow adequate on-site solar access and being able to take into account likely dwelling sizes and the relationship of each lot to the street.

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

The proposal, as submitted by the applicant, has considered in determining the extent of development proposed on Perradenya Estate, the general natural constraints which are present upon the subject site. All hazards have been assessed in accordance with DCP No. 35 and discussed in detail previously within this report. The land is subject to a bush fire hazard classification, with the south-western slopes being identified as a high bushfire danger, while a medium bushfire classification is located within the proposed private open space allotment.

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

The Perradenya Estate subdivision is described as a greenfield site development and subsequently it is adjoined by a number of existing agricultural land uses and properties zoned for agricultural land uses, however not undertaking any intensive operation to date. The appropriateness of the development in regard to other land in the locality has been addressed previously within this report, specifically within the assessment in accordance with DCP No. 35 and Section 90(1)(a)(i). The provision of

any Environmental Planning Instruments and Section 90(1)(g) - Hazards, flooding, slip, erosion etc.

90(1)(i) Access parking and loading

The Development Application was accompanied by a Traffic Assessment for the proposed Perradenya subdivision. The reports related to Caniaba Road as the prime access to the site, between Perradenya Estate and the Bruxner Highway. The report addressed the existing and estimated future traffic generation, assessment of existing pavement conditions and the relevant road contributions upgrading. Council's Subdivision Unit has undertaken an assessment of the Traffic Study undertaken by the applicant, with no objections being raised, subject to a number of conditions of consent detailing specific road construction works to cater for the Perradenya Estate. The results of the traffic assessment undertaken by Council's Subdivision Unit are formulated in the Deed of Agreement signed by Council and the property owner CorPol Properties Pty Ltd on December 18, 1997, specifying roadworks which are to be undertaken in accordance with Council's Design and Construction Manual.

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

The proposed development will generate an additional 770 daily vehicle movements along Caniaba Road to the Bruxner Highway intersection. It is acknowledged that the vehicle generation has not included the village centre and the two proposed integrated lots, however road upgrading works (should they be required), shall be determined after the assessment of a separate Development Application for each of the abovementioned lots. Council, through the provisions of Section 94 of the Environmental Planning and Assessment Act will apply a Rural Road Contribution established at \$2,000 per lot, which shall be collected for roadworks to be undertaken along Caniaba Road from Fredericks Road to Bruxner Highway required to be undertaken via the Deed of Agreement and conditions of consent to cater for the proposed development.

90(1)(k) Public transport

The Deed of Agreement makes provision that the owner will negotiate with the bus service operator in respect of assistance to be provided by the owner to enable the operate to increase services between Lismore and Caniaba. The preferred date for commencement for increased services shall be from the time of issue of building approval for the first dwelling and the preferred additional services are two round trips per day, subject to the approval of the Department of Transport.

90(1)(l) Utility Services

Utility services, as prescribed within Section 4.5 of DCP No. 35 - Caniaba Village, shall be provided by the applicant to meet all mandatory requirements applicable at subdivision stage for the development. The DCP has encompassed water supply, sewerage, telecommunications and power, with mandatory requirements identified for each of the above utility services. The remaining utility services which are required to be provided for the provision of dwellings shall be done so, subject to a separate Development Application for each individual lot.

90(1)(m) Landscaping Trees

The applicant has lodged with Council a Landscape Plan which encompasses the proposed landscape buffers and also the internal landscaping for street tree planting. Council requires further amendments to the landscape plan, and consequently a condition of consent shall require the provision of an amended Landscape Plan addressing the specific requirements of DCP No. 35 and comments made by NSW National Parks and Wildlife. Further, a Section 94 Contribution of \$140 per lot created will be levied for the provision of street tree planting for the south-west precinct, which incorporates the Caniaba village.

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

As previously discussed within this report, a Sediment Control Plan shall be prepared by the applicant in accordance with guidelines as established by the Department of Land and Water Conservation. The sediment control measures will be required to be put in place and properly maintained to prevent soil erosion and transportation of sediment off the site during construction. Disturbed areas should be stabilised and revegetated within 14 days of the completion of the earthworks and each part of the development.

90(1)(n) Representation by Public Authorities

All comments received by Public Authorities in regards to the Perradenya subdivision have been discussed within Section 4 of this Report.

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

As discussed previously within this report, the effect on the amenity of Caniaba is unavoidable for a development on this scale. The impact may be partially reduced by the design of the subdivision and the use of appropriate buffers, street landscaping and appropriate traffic management, as part of the Development Application.

In regards to the construction of the Perradenya Subdivision, appropriate amenity controls shall be put in place to manage the hours of operation, whilst the construction of the subdivision shall not interfere with the amenity of the locality through the inclusion of a condition which requires the issues such as the emission of noise, vibrations, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, or otherwise have no adverse effect upon the existing locality. Further, as discussed, the applicant or developer is to prepare an Erosion and Sediment Control Plan in accordance with the Department of Land and Water Conservation Guidelines, Urban Erosion and Sediment Control which is to be approved prior to construction commencing for the development.

90(1)(p) Submissions under Section 87 of the Act N/A

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

N/A

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

The particular circumstances of the case have previously been addressed in this report.

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90(1)(r) The public interest

Matters of public interest were addressed within Section 4 of this report.

90(1)(s) Other prescribed matters

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

7 CONCLUSION

The Development Application as submitted to Lismore City Council for the proposed Perradenya Estate is generally in accordance with Development Control Plan No. 35 - Caniaba Village. It is therefore considered that the Perradenya Estate satisfies the aims of the plan to develop an ecologically sustainable settlement, providing innovative and achievable examples of ecologically sustainable development principles for residential living and resource management.

It is acknowledged that the major variation of the development from the DCP is in regard to the creation of lots for the purpose of private open space to be utilised by members of the Caniaba Village Association. Section 4.11 of DCP No. 35 identifies the requirements for the community resources management of private open space where it is a mandatory requirement that the applicant provide a Community Title subdivision for the establishment of private open space allotments. It is considered in this instance that whilst the applicant has not created the Perradenya Estate subdivision as a Community Title subdivision, rather a Torrens Title freehold subdivision, that the objectives have been achieved with a greater capacity to incorporate ESD Principles and public use than required by the DCP. As discussed previously within this report, the applicant, as a condition of consent is required to transfer all lots highlighted for private open space to the Caniaba Village Association. The Caniaba Village Association will be created from residents of the Perradenya Estate where it is a mandatory requirement to be a member of the association, whilst residents of the broader Caniaba village may join the Association, subject to adherence with the by-laws which shall be established for the management and operation of these private open space lands.

Whilst this differs from the DCP requirements, it is considered that allowing the land to be open to residents outside the Perradenya Estate who wish to join the Caniaba Village Association to take an active role in the management and maintenance of the land, is a positive outcome. Further, by potentially increasing the possible membership, the creation of additional finance for the ongoing maintenance and management for the private open space areas is considered advantageous.

As discussed within Section 4 of this report, Council did receive submissions to the proposed development. It is considered that issues raised within the submissions do not warrant the application's refusal, however appropriate modifications of the proposed development and conditions of consent have been included to reflect issues raised within the received submissions.

It can be said that the proposed development will afford the future residents of the subject subdivision to a good level of amenity without adversely impinging on that which is existing in the immediate locality. Having regard to the legislation which permits a proposal of this type, it is deemed to be reasonable, subject to appropriate conditions being included to any Development Consent Notice to issued by Council.

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RECOMMENDATION (PLA53)

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

B That Council, as the consent authority, approve Development Application No. 98/7 for a staged village subdivision to create:

- 168 Village Allotments
- 2 Integrated Allotments
- 1 Village Centre Allotments
- 1 Water Reservoir Allotment
- 2 Drainage Reserve Allotments
- 5 Public/Private Open Space Allotments
- 5 Sewer Pump Station Lots (numbered 3000 - 3004)
- Associated earthworks and staged as follows

Stage 1	15 Village Allotments 1 Public Open Space 1 Water Reservoir Allotment 1 Sewer Pump Station	Numbered 101 - 115 Numbered 116 Numbered 117 Numbered 3001
Stage 2	16 Village Allotments	Numbered 201 - 216
Stage 3	13 Village Allotments	Numbered 301 - 313
Stage 4	14 Village Allotments	Numbered 401 - 414
Stage 5	8 Village Allotments	Numbered 501 - 508
Stage 6	1 Integrated Allotment	Numbered 601
Stage 7	1 Integrated Allotment	Numbered 701
Stage 8	1 Village Centre Allotment 1 Sewer Pump Station	Numbered 801 Numbered 3003
Stage 9	10 Village Allotments 1 Private Open Space Allotment	Numbered 901 - 910 Numbered 911
Stage 10	12 Village Allotments 1 Drainage Reserve	Numbered 1001 - 1012 Numbered 1013
Stage 11	10 Village Allotments 1 Sewer Pump Station	Numbered 1101 - 1110 Number 3002
Stage 12	9 Village Allotments 1 Private Open Space	Numbered 1201 - 1209 Numbered 1210

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Stage 13	11 Village Allotments 1 Drainage Reserve Allotment 1 Sewer Pump Station	Numbered 1301 - 1311 Numbered 1312 Numbered 3004
Stage 14	9 Village Allotments 1 Private Open Space Allotment	Numbered 1401 - 1409 Numbered 1410
Stage 15	11 Village Allotments	Numbered 1501 - 1511
Stage 16	9 Village Allotments	Numbered 1601 - 1609
Stage 17	1 Private Open Space Allotment	Numbered 1701
Stage 18	1 Private Open Space Allotment 1 Sewer Pump Station	Numbered 1801 Numbered 3000
Stage 19	10 Village Allotments	Numbered 1901 - 1911
Stage 20	9 Village Allotments	Numbered 2001 - 2009

STANDARD

1 In granting this development consent, Council requires:

- All roads, and/or
- 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) No. DA98.1 (Issue D), DA98.2 (Issue B), DA98.3 (Issue B), DA98.4 (Issue D), DA98.5 (Issue B), DA98.6 (Issue B) and DA98.7 (Issue B) and dated January 1998 and/or supporting documents submitted with the application. Copies of the approved plan are attached to this consent.

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

DRAINAGE

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

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

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks in each part of the development. Topsoil shall be preserved for site revegetation. Details of sediment control measures and revegetation works shall be submitted for Council approval with the engineering plans. Earthworks shall not commence before Council approval is obtained. The applicant or developer shall be responsible for any costs, including maintenance, considered necessary by the Council's City Works Group, for a period of twelve months from the date of approval of the work.

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

- all drainage lines have been located within the respective easements, and

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- roadworks are in accordance with the approved design plan.
- 4 The applicant or developer shall make satisfactory provision for all drained surface water and roof water from any future building to be directed through piped drains to Council's drainage system or other approved drainage system. All drainage lines over adjoining land are to be located within drainage easements. The applicant or developer shall be responsible for any costs, including maintenance, for a period of twelve months from the date of approval of the completed works.
 - 5 All stormwater drainage systems shall be designed in accordance with the EPA Publication "Managing Urban Stormwater". Any proposed system shall include an underground pipe drainage system meeting the needs of dry weather flow.
 - 6 Stormwater first flush/retardation systems shall be designed for all developed catchment areas to prevent increases in flows from the site, the design of these systems shall ensure that the existing pipe culverts under Caniaba and Fredericks Roads are adequate to accommodate calculated discharge flows from the site. Special attention shall need to be considered for any discharge towards Lot 4 DP 247494 - 166 Fredericks Road, ensuring no additional flooding problems arise and to alleviate as much as possible existing flood problems by diverting flows to adjoining culverts.
 - 7 A Plan of Management for the first flush retention ponds and drainage reserves shall be submitted and approved by Council prior to the approval of engineering plans for Stage 1. Such Plan of Management shall include construction to meet the requirements of each stage, mowing, weed infestation, mosquito control, water quality monitoring, desilting and any other maintenance issues.
 - 8 The developer shall undertake hydraulic modelling to provide major and minor concepts for stormwater systems to accommodate the 100 year Average Recurrence Interval (ARI) and the 10 year ARI (please note that depending on these results, it may be more appropriate to provide rock-lined channels rather than grassed swales).
 - 9 Water plants such as *Typha orientalis*, *Phragmites* sp and *Juncas* sp shall be planted around the perimeter of retention ponds and dams to act as vegetative flow dispersers and cleansing agents. The above species shall be included within the landscape plan as detailed within Condition 12.
 - 10 The applicant or developer shall be responsible for the establishment and maintenance of drainage reserves until Council has released the final plan of subdivision for Stage 20. The legally constituted Community Association to be responsible for upkeep and management of drainage reserves in the Private Open Space lots in the long term.

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

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

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

Reason: *Ensure no vehicular pipe crossings are required and ease of maintenance plant.*

LANDSCAPING/OPEN SPACE

- 11 The applicant or developer shall be responsible for the establishment of community open space components as identified in the landscape plan numbered 98.7 Issue A dated January 1998. The applicant or developer shall be responsible for the maintenance of the community open space components until Council has released the final plan of subdivision for Stage 20.
- 12 A detailed landscaping plan (in duplicate) shall be submitted and approved by Council prior to the commencement of any works being carried out. Landscaping plans shall be in accordance with Council's Landscaping Code and the requirements of Development Control Plan No. 27 - Buffer Areas and Development Control Plan No. 35 - Caniaba Village. Species identified in Council's Landscaping Code shall be planted wherever possible. Landscaping plans shall indicate:
- location of Council's sewer (if applicable)
 - 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
 - streetscape plantings in accordance with DCP 35
 - general streetscape and transport interchange zones in accordance with Council's Community Sun Protection Policy
 - inclusion of native fire retardant vegetation in areas classified as high bushfire.

Council approved landscaping shall be completed prior to the release of the final linen plan for each approved stage release. Landscaping shall be maintained at all times to the satisfaction of Council. Trees identified for retention in the development application plans shall not be removed without separate Council approval.

Wildlife Corridors

- 13 Species listed in the landscape plan numbered 98.7 Issue A dated January 1998 be amended as follows:
Eucalyptus citriodora (Lemon-scented Gum), *I. nicholli* (Peppermint) and *Melaleuca armillaris* shall be replaced with the local species *E. siderophloia* (Northern Grey Ironbark), *E. propinqua* (Small-fruited Grey Gum) and *Allocasuarina torulosa* (Forest Oak)
- 14 Wildlife corridors in the north-west of the proposed development shall be extended to the south in such a manner that they form links with existing forest and proposed buffer areas. Details are to be illustrated within the landscape plan as required within Condition 12.
- 15 The tree planting density within the planted area shall be an average of 1600 trees per hectare.
- 16 Native groundcovers and shrubs shall be included within the planted zone to enhance the value of the wildlife zone and shall be included within the landscape plan as required in accordance with Condition 12..

Fire Buffer

- 17 The landscape plan required in accordance with Condition No. 12 shall replace *Acacia melanoxylon* with *Commersonia barietata* and replace *Euodia elleryana* with *Acronychia oblongifolia*.
- 18 The applicant or developer shall increase the density of trees planted to 1600 trees per hectare. Native fire retardant trees shall be planted and included within the landscape plan required in accordance with Condition 12.
-
-

Street Planting

19 The applicant or developer shall replace *Acronychia wilcoxiana* with *Commersonia bartiama*.

Biological Screen

20 The applicant or developer shall replace *Acronychia wilcoxiana* with *Acmena smithii*.

All Plantings

21 The applicant or developer shall replace *Acronychia acidula* with *Acmena smithii*.

22 A report is required from a qualified Bush Regenerator prior to the commencement of work giving an appraisal of the present condition of the vegetation to be retained within the environmental protection area on the site and the likely impact of the development on any remnant vegetation on the site. The report shall also detail:

- a) Methods to be undertaken to ensure the preservation and longevity of the vegetation to be retained.
- b) Estimated quantities (%) of loss of total vegetation.

23 To prevent the spread of undesirable and invasive species and to ensure the preservation of urban bushland within the Local Government area, evidence shall be supplied to Council to demonstrate the control/eradication of the invasive bushland weed species identified below, and regeneration or replanting of native vegetation.

- | | |
|-------------------------------------|---------------------|
| • <i>Ligustrum sinense</i> | Small Leafed Privet |
| • <i>Ligustrum lucidum</i> | Large Leafed Privet |
| • <i>Cinnamomum camphora</i> | Camphor Laurel |
| • <i>Erythrina sykesii</i> | Coral Tree |
| • <i>Ochna serratifolia</i> | Ochna |
| • <i>Anredera cordifolia</i> | Madeira vine |
| • <i>Asparagus spp</i> | Asparagus Fern |
| • <i>Cardiospermum grandiflorum</i> | Balloon Vine |

24 Written consent from Council shall be obtained before any tree may be ringbarked, cut down, lopped, removed or damaged outside the boundaries of identified building envelopes including essential services access areas.

25 The applicant or developer shall relocate the three (3) figs currently located on the proposed sports oval on Lot 116 to an alternative location within Lot 116. The location shall be identified upon plans lodged for the proposed sports facilities as required by Condition No. 30.

26 The applicant or developer shall prepare an environmental management plan for areas of environmental protection and open space. The management plan shall address restoration works, weed control and bush regeneration and maintenance, and mitigation strategies listed within the Flora and Fauna Assessment prepared by Woodward-Clyde dated October 1996. The plan of management shall be submitted to Council and approved prior to the commencement of works on site.

27 Land shown as public open space and pathways shall be dedicated as public reserves for recreation or open space. Any costs shall be the responsibility of the applicant or developer.

28 A security bond to the value of 10% of the total cost of landscaping works for each stage to be released is to be lodged with Council to ensure that all landscaping and buffer plantings are planted and maintained. The bond is to be fully refundable after a period of three (3) years

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subject to the plantings being established and maintained with a mortality rate no greater than 10% to the satisfaction of Council.

- 29 The open space identified as Lots 116, 912, 913, 1013, 1312, 1410 and 1411 shall be maintained by the developer at no cost to Council until the release of Stage 20 at which time Council shall accept responsibility for the ongoing management of the parcels. This shall also include any other first flush ponds established as part of the development which are to be located wholly within a separate parcel or road reserve. The applicant or developer shall consult with Council's City Works Group to identify the applicant's or developer's specific maintenance programme.
- 30 A Development Application shall be lodged for the proposed tennis court, changeroom/pavilion and associated carparking, basketball court and skateboard ramp prior to the commencement of construction upon the subject lot. Full details of sun protection requirements are to be submitted to Council in accordance with Council's Community Sun Protection Strategy.
- 31 The applicant or developer shall, at the release of the final plan of subdivision for Stage 1, provide a tennis court, changeroom/pavilion and associated parking, full size oval, childrens playground and barbecue facilities. Prior to the land being dedicated to Lismore City Council, a Plan of Management in accordance with the Local Government Act and relevant sections of the Local Government Act 1993 Land Management Manual, shall be submitted to Council for the sports oval.
- 32 The proposed bridleway paths shall be prohibited from accessing the area identified as environmental protection with Development Control Plan No. 35. The requirement shall be included as a Covenant upon Lot 1701 in accordance with S88B of the Conveyancing Act 1919 and included within the neighbourhood by-laws established for the Caniaba Village Association.
- 33 The applicant or developer shall provide details of the proposed open space areas to be located upon Lots 1410, 1210 and 911 prior to construction commencing. The open space areas shall be in accordance with Clause 4.3 - Community and Recreation Facilities of Development Control Plan No. 35 - Caniaba Village.
- 34 The applicant or developer shall provide a pump sourced by electricity to provide a non-potable water supply sourced from the dams upon Lot 1801.
- 35 The applicant or developer shall include bushfood species within the landscaping plan in accordance with Development Control Plan No. 35 - Caniaba Village.
- 36 The Forest Redgum (*Eucalyptus Tereticornis*) located upon Lot 1209 shall be preserved and may not be ringbarked, cut down, lopped, removed or damaged without Council approval.
- 37 The Pink Bloodwoods (*Corymbia Entermedia*) located upon Lots 1201 and 1210 shall be preserved and may not be ringbarked, cut down, lopped, removed or damaged without Council approval.

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

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

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

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Reason: To conform to the provisions of the Tree Preservation Order, gazetted in accordance with Local Environmental Plan 1992 - (City of Lismore). (EPA Act Sec 90(1)(a))

Reason: To ensure adequate protection of utility services. (EPA Act Sec 90(1)(l))

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

SECTION 88B INSTRUMENT

38 The following matters shall be included within a Section 88B Instrument for each Title created in accordance with the Conveyancing Act 1919:

- a) Property fences shall have a minimum 20cm clearance at the bottom of the fence to permit the continued free movements of koalas.
- b) Each property owner is to plant a minimum of 10% of the private outdoor open space property with local native species in accordance with Council's 'Landscape Guidelines' and Development Control Plan No. 35 - Caniaba Village.
- c) Each property shall comply at all times with Lismore City Council Policy "Guidelines for the Keeping of Animals for Domestic Purposes 1997" and the "Companion Animals Legislation".
- d) A secure area on each property is required for dogs and cats where quality of life of the animal is satisfied and their behaviour is not detrimental to neighbourhood amenity, resident safety and wildlife in accordance with Development Control Plan No. 35 - Caniaba Village.
- e) Access to Fredericks Road shall be prohibited to all residential lots which front Fredericks Road.
- f) Each property shall be subject to and comply with at all times, the provision of the approved Neighbourhood Management Statement for the Caniaba Village Association.
- g) No tree may be ringbarked, cut down, lopped, removed or damaged within the area defined as Community 2 and Community 3 as identified in Figure 3 of Woodward Clyde Report titled "Flora and Fauna Assessment of Lots 11, 12 and 13 in DP 808456 (Perradenya Estate Caniaba) October 1996" without the consent of Lismore City Council.
- h) Any proposed structure greater than 15 metres in height above the natural ground level shall be referred to the Civil Aviation Safety Authority for assessment.

Reason: To ensure legal application of conditional requirements.

SIGNAGE

39 All outdoor advertising material, signs or decorative materials (including flags or bunting) shall be approved by the Council prior to erection, in accordance with Development Control Plan No. 24 Outdoor Advertising Structures (as amended). A separate application shall be submitted.

40 The applicant or developer shall provide appropriate signage identifying the dam and indicating safety measures. The sign shall be located adjoining the dams located upon Lot 1801.

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

BUSHFIRE

- 41 The applicant or developer is to establish a 20 metre Primary Radiation Zone to all building envelopes upon Lot 1605, 1606 and 1607. The zone is to be kept clear of all combustible material not exceeding 3 tonnes per hectare. No new trees are to be higher than 3 metres and no trees within 10 metres of the building envelope. The above requirements are to be placed within a Section 88B Instrument in accordance with the Conveyancing Act 1919.
- 42 The applicant or developer is to establish a 10 metre Radiation Protection Zone from the Primary Radiation Zone to all lots being 1605, 1606 and 1607. The zone is to be clear of all combustible material at all times with a ground fuel level not exceeding 5 tonnes per hectare. No new trees are to be higher than 5 metres and no more than 50% of canopy cover will be permitted. No trees are to overhang the dwelling or main buildings. The above requirements are to be placed within a Section 88B Instrument in accordance with the Conveyancing Act 1919.

Reason: To provide adequate protection from bush fire risk. (EPA Act Sec 90(1)(g))

SUBDIVISION

- 43 The applicant or developer shall place allotment number identification at the front boundary corners to indicate the side boundaries and/or access shafts.
- 44 The applicant or developer shall submit a final subdivision linen plan for Council approval. Such plan/s shall be accompanied by a \$50 per lot final linen plan checking fee.
- 45 Lot 117 shall maintain formal frontage to a constructed road throughout the various stages of the development. This may be provided by means of creating the lot along the proposed road network, being reduced as the road pavement is constructed and dedicated as road reserve.
- 46 Site works in connection with the construction of the subdivision shall be carried out between the following hours:
- Monday to Saturday - 7 am to 7 pm.
- No works in connection with the construction of the subdivision shall be carried out on any Sunday or Public Holiday. All works carried out on the site shall be managed to minimise the impact on all residential premises in the vicinity.
- 47 The applicant or developer shall prepare an Erosion and Sediment Control Plan. The plan shall be in accordance with LAWC guidelines "Urban Erosion and Sediment Control - Revised Edition 1992". The Control Plan shall be submitted and approved to the Department of Land and Water Conservation prior to construction commencing.
- 48 Lismore City Council is to be notified a minimum of 24 hours prior to commencement of works to enable inspection of sedimentation controls on-site.
- 49 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.
- 50 The items included within the Deed of Agreement endorsed by Lismore City Council and CorPol Property Pty Ltd on December 18, 1997, shall be executed by the developer or applicant to the satisfaction of Lismore City Council. Documentary evidence of compliance shall be submitted to Lismore City Council.

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- 51 The applicant or developer in association with Rous County Council, shall submit a Development Application to Lismore City Council for the creation of an allotment to service the proposed water reclamation scheme prior to the release of Stage 9.

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

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

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

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

PEDESTRIAN ACCESS/ROADS

- 52 The applicant or developer shall construct a 2m wide reinforced concrete, paving block or equivalent footpath in a 2m wide pathway reserve, leading from the road pavement in Road No. 6 to Lot 116 (public open space). Any costs shall be the responsibility of the applicant or developer with works completed prior to the release of the final linen plan.
- 53 Any access shafts servicing private open space shall be incorporated into the private open space lot. Details of the construction of such shafts ensuring low maintenance requirements shall be submitted and approved by council prior to any works commencing.
- 54 The applicant or developer shall, at no cost to Council, provide shared walking/cycling trails constructed of a minimum 150mm deep cement stabilised gravel pavement, 2m wide and edged with treated timber or similar, as tabled in DCP No. 35 - Caniaba Village. Detailed design plans shall be submitted to and approved by Council prior to any works being carried out. Works shall be completed prior to the release of the final linen plan at each stage of the development.
- 55 The applicant or developer shall at no cost to council provide a 2m wide shared walking/cycling path from Road No. 2 through the Village Centre to the edge of the sealed pavement in Fredericks Road as tabled in DCP No. 35. The sealed pavement shall be widened by one metre to allow for the future provision of a pedestrian refuge
- 56 The applicant or developer shall, at no cost to Council, provide shared walking/cycling trails constructed of a minimum 150mm deep cement stabilised gravel pavement, 2m wide and edged with treated timber or similar, as tabled in DCP No. 35 - Caniaba Village, from the proposed development to Caniaba Primary School.
- 57 The applicant or developer shall at no cost to Council provide treated timber bus shelters and bicycle locking facilities at locations along the approved bus route within the development. Standard bus shelter detail is available from Council. Should Department of Motor Transport not support the application to provide a bus route through the development, the developer shall provide a bus turning area at the intersection of Fredericks Road and Road No. 11. Bus shelters shall then be provided in Fredericks Road at Road No. 11, Road No. 8, Road No.1, and at the pedestrian path leading from the village centre.
- 58 The applicant or developer shall provide the following roadwork's with associated traffic management devices, signage and stormwater drainage structures that have been designed and constructed in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time. The applicant or developer shall be responsible for any
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costs, including maintenance for a period of twelve months from the date of approval of the work. Required roadwork's include:

The construction of road pavements comprising of a gravel formation comprising a minimum depth of 300mm of compacted gravel, and including a bitumen sealed surface, in accordance with the following table:

Road No.	Reserve width (m)	Pavement/ formation width (m)		Seal width		Comments
		With Traffic Manag't	No Traffic Manag't	With Traffic Manag't	No Traffic Manag't	
1	20.0	9.0	11.0	7.0	9.0	Fredericks Rd. to the Int. of Rd. 2
	18.0	7.5	8.5	5.5	6.5	From the Int. Rd.2 to Rd. 13
2	20.0	9.0	11.0	7.0	9.0	
3	20.0	9.0	11.0	7.0	9.0	
4	16.0	6.0	7.0	4.0	5.0	
5	18.0	7.5	8.5	5.5	6.5	
6	18.0	7.5	8.5	5.5	6.5	
7	16.0	6.0	7.0	4.0	5.0	
8	20.0 (30.0m proposed)	9.0	11.0	7.0	9.0	
9	16.0	6.0	7.0	4.0	5.0	
10	16.0	6.0	7.0	4.0	5.0	
Link Road	20.0	9.0	11.0	7.0	9.0	
11	20.0	9.0	11.0	7.0	9.0	
12	18.0	7.5	8.5	5.5	6.5	
13	16.0	6.0	7.0	4.0	5.0	
Fredericks Rd	20.0	8.0	8.0	6.0	6.0	
Caniaba Rd	20.0	8.4	8.4	6.4	6.4	
Access Rd	16.0	6.0	7.0	4.0	5.0	

These roadworks and associated drainage structures are to be undertaken in the following stages identified in the development application:

Roundabout

A single lane circulating roundabout shall be constructed at the intersection of Fredericks Road and Caniaba Road in accordance with AUSTRROADS guidelines giving particular attention to sight distance. This work shall be completed prior to the release of the 33rd allotment any additional lots over 32.

Traffic calming devices shall be constructed on Caniaba Road between the intersections of Fredericks Road / Caniaba Road and proposed Road No.3 and Caniaba Road in accordance with DCP No. 35.

Intersections

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Thresholds as defined in Development Control Plan No. 35, Section 4 shall be placed at the entry point to all streets, roads and cul-de-sacs, shared driveways, and shall indicate the preferred traffic route through the development.

Stage 1

Road No. 1- from Fredericks Road to the southern boundary of Lot 110
Road No. 2 - from Road No.1 to the western boundary of Lot 114
Road No. 3- from Road No. 1 to the eastern boundary of Lot 106
Fredericks Road - from the western boundary of Lot 116 to the intersection of Caniaba Road

Stage 2

Road No. 3 from the eastern boundary of Lot 106 to the eastern boundary of Lot 210
Road No. 4 from Road No. 3 to the southern boundary of Lot No. 205

Stage 3

Road No. 3 from the eastern boundary of Lot 210 to the eastern boundary of Lot 306
Caniaba Road From the intersection of Fredericks Road to the western boundary of Lot 303
Access Road From the western boundary of Lot 313 to the eastern boundary of Lot 307

Stage 4

Road No. 3 from the eastern boundary of Lot 306 to the eastern boundary of Lot 414
Road No. 5 From Road No. 3 to the southern boundary of Lot No. 406

Stage 5

Road No. 3 from the eastern boundary of Lot 414 to the eastern boundary of Lot 508

Stage 6

Road No. 3 from the eastern boundary of Lot 508 to the eastern boundary of Lot 601

Stage 7

Road No. 3 from the eastern boundary of Lot 601 to Caniaba Road including an intersection in accordance with AUSTRROADS Pt 5

Stage 8

Village Green NIL

Stage 9

Road No. 2 from the eastern boundary of Lot 910 to the western boundary of Lot 912

Stage 10

Road No. 6 from Road No. 2 to the western boundary of Lot No. 1008
Footpath from Road No. 6 to Lot 116

Stage 11

Fredericks Road From the eastern boundary of Lot 1302 to the eastern boundary of Lot 1008
Road No. 8 from Fredericks Road to Road No. 2
Road No. 2 from the eastern boundary of Lot 1301 to the southern boundary of Lot 1110
Road No. 7 From Road No.2 to the western boundary of Lot 1106

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Stage 12	
Road No.2	from the northern boundary of Lot No. 1201 to the eastern boundary of Lot 1206
Stage 13	
Road No.2	form Road No.8 to the southern boundary of Lot 1311
Road No. 9	from Road No. 2 to the eastern boundary of Lot 1307
Stage 14	
Road No. 2	from southern boundary of lot 1311 to the eastern boundary of Lot 1404
Link road	from road No.2 to the western boundary of Lot 1410
Stage 15	
Fredericks Road	from the western boundary of Lot 1510 to the eastern boundary of Lot 1302
Road No. 11	From Fredericks road to the southern boundary of Lot 1508
Road No. 10	from Road No. 11 to the western boundary of Lot 1504
Stage 16	
Road No. 11	from the southern boundary of Lot 1508 to the eastern boundary of Lot 1603
Stage 17	
Road No. 1	from Road No. 2 to the northern boundary of lot 1910
Stage 18	
Equestrian	separate Development Application
Stage 19	
Road No. 1	from the northern boundary of lot 1910 to Road No. 13
Road No. 12	From road No. 1 to the eastern boundary of lot 1205
Road No. 13	from Road No.1 to the western of Lot 1908
Stage 20	
Road No. 13	from the eastern boundary of Lot 2001 to the eastern boundary of Lot 2005

During the construction of various stages any damage caused by construction traffic on previous works shall be repaired by the developer at no cost to council.

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

- 59 Prior to the approval of any engineering plans for the Perradenya Subdivision, design plans and a plan of management for the upgrading of Caniaba Road from the eastern side of the Caniaba Road/Fredericks Road Intersection to the Bruxner Highway shall be submitted to and approved of by Council as tabled in Legal agreement.

Such plans shall address the following standards:

- Bitumen sealed road pavement 6.4m wide on an 8.4m formation including cement stabilisation where required by the Group Manager-City Works.
- Road side furniture and pavement markings in accordance with RTA guidelines.
- Sign posting of speed limits outside the boundaries of the proposed village area.
- Sealing the intersection of Caniaba Road and Norton Road to a point west of the crest in Norton Road.
- Clearing of vegetation and carrying out earthworks where necessary along Caniaba Road to improve site distance as specified by the Group Manager-City Works.
- Provision of pedestrian refuges and bus set down/collection areas located adjacent to the Caniaba School.
- Upgrading of the Bruxner Highway and Caniaba Road intersection to cater for the anticipated traffic generation.

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Council shall be responsible for assuring these works are carried out with the developer's contribution of \$2,000 per lot and as negotiated in the Plan of Management.

- 60 Full design plans of the proposed engineering works to satisfy condition(s) shall be submitted to Council. Such plans shall be separate from the subdivision plans. Such plans must be approved by Council's City Works Group before construction of any drainage or road works are commenced. A checking fee of \$107 per lot, is payable on submission of engineering design plans for drainage or roadworks.
- 61 Road names proposed for the subdivision shall be submitted for Council approval prior to lodgement of the linen plan. A suitable name for any new road/s shall be in accordance with Council's adopted road naming policy.
- 62 Redundant road pavement, kerb and gutter or foot paving, including any existing entrances or other special provisions shall be reinstated in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.
- 63 Where a vehicular access is required, where the garage or carport floor level is 1.4 m above or 1.0 m below the road pavement, a longitudinal section in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time must be supplied with the Engineering Plans for approval prior to the release of linen plans. It should be noted that gutterbridge crossings will not be allowed
- 64 The access shaft of Lots 117, 304, 405, 409 and 1408 shall be constructed in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time. A 3.0 metre wide asphaltic concrete (25mm depth) sealed or equivalent surface shall be applied to the full length of the shaft commencing from the road pavement. The access shaft shall have services provided through the length of the shaft and include the construction of a vehicle crossing in accordance with Council's access standards and completed prior to the release of the Linen Plan.
- 65 The access shaft of Lots 212 - 213 and 503 - 504 shall be constructed in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time. A 4.0m wide asphaltic concrete (25mm depth) sealed or equivalent surface shall be applied to the full length of the shaft commencing from the road pavement. The access shaft shall have services provided through the length of the shaft and include the construction of a vehicle crossing in accordance with Council's access standards and completed prior to the release of the Linen Plan.

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

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

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

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

PUBLIC UTILITIES

- 66 Prior to release of the final linen plan for each stage, the applicant or developer in consultation with Telstra Australia, shall ensure the provision of telephone services is taken into consideration. Written evidence from Telstra Australia shall be required confirming action has commenced and relevant payments have been made.
- 67 Prior to release of the final linen plan for each stage, written evidence from NorthPower shall be required confirming that NorthPower shall provide underground electrical power to each lot and that charges for the extension of electricity supply have been paid.
- 68 All street lighting proposed for the development shall be in accordance with the recommended criteria in Development Control Plan No. 35.

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

WATER AND SEWERAGE

- 69 The applicant or developer shall provide water works to service the development. These works shall include (but are not limited to):
- a) A dual water reticulation that comprises a potable water service and a reclaimed water service to each allotment that will meet the minimum pressure and fire fighting requirements of the proposed Perradenya Estate and future Caniaba Village.
 - b) The reclaimed water pipework is to be designed to be connected to the town water reservoir until Rous County Council constructs the reclaimed water reservoir.
 - c) A potable water reservoir and access road (sealed) with provision for connection to the reclaimed water reservoir to be constructed by Rous County Council. The potable water reservoir should be sized to meet the total demands of the proposed Perradenya Estate and the future Caniaba Village.
 - d) A water supply pump station (with provisions for installation of disinfection equipment) and access road (sealed) sized to meet the total demands of the proposed Perradenya Estate and future Caniaba Village
 - e) A trunk potable water main to supply the Perradenya Estate and the future Caniaba Village.
 - f) Augmentation of existing reticulation mains in Lismore City.
 - g) Telemetry system to link into Council's Water and Sewerage telemetry system
 - h) Manproof fence around the potable water reservoir and water supply pump station
 - i) Water supply easements (if required)
 - j) Subdivide (and purchase if necessary) the land for the water supply pump station site.

These water supply works shall be designed and constructed in accordance with Council's adopted standards. Any costs shall be the responsibility of the applicant or developer (funding to be shared with Council in accordance with Council's decision dated 17/2/98). The applicant or developer shall be responsible for the full cost of any associated water maintenance considered necessary by the Manager - Water and Sewerage for a period of twelve months from the date of approval of the works. A

practicing qualified surveyor shall submit a "works-as-executed" set of 1:1000 transparency plans and plans in electronic format (AutoCAD or similar) showing these works.

- 70 The applicant or developer shall provide sewerage works to service the development. The works shall include (but are not limited to):
- a) A gravity sewer reticulation that comprises a sewer junction to service the lowest ground level of each allotment.
 - b) Sewerage pump stations with access roads (sealed) with Sewerage Pump Station 1 being designed to accommodate the requirements of the reclaimed wastewater plant to be designed and constructed by Rous County Council
 - c) Sewerage rising mains from the Perradenya Estate to the South Lismore Wastewater Treatment Works
 - d) A strategy to overcome hydrogen sulphide generation in the sewerage system.
 - e) Telemetry system to link into Council's Water and Sewerage telemetry system
 - f) Manproof fence around the sewerage pump stations
 - g) Sewerage easements for pipework

These sewerage works shall be designed and constructed in accordance with Council's adopted standards. Any costs shall be the responsibility of the applicant or developer (funding to be shared with Council in accordance with Council's decision dated 17/2/98). The applicant or developer shall be responsible for the full cost of any associated sewerage maintenance considered necessary by the Manager - Water and Sewerage for a period of twelve months from the date of approval of the work. A practicing qualified surveyor shall submit a "works-as-executed" set of 1:1000 transparency plans and plans in electronic format (AutoCAD or similar) showing these works

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

Full details of the proposed backflow method and cross connection controls shall be designed in accordance with Australian Standard 3500.1 and submitted with the engineering plans.

- 72 The water supply service to each allotment shall be sized in accordance with Australian Standard 3500.1 to service the whole development.

- 73 Prior to the release of any stamped final plan of subdivision, the applicant or developer must apply to Council under s.26 of the Water Supply Authorities Act, 1987, and obtain from Council a certificate under s.27 of the Act.

Following the making of an application under s.26 of the Water Supply Authorities Act, Council may require:

- i) the payment of a monetary contribution towards the cost of construction of certain water and sewerage supply works and drainage channels which benefit or will benefit the land on which the proposed development is to be carried out; and/or
- ii) the applicant to enter into an agreement which requires the construction of such works.

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- 74 Full design plans of the proposed engineering works to satisfy condition(s) 69, 70, 71, 75, 78 and 79 shall be submitted to Council. Such plans shall be separate from the subdivision plans. Such plans must be approved by the Manager-Water and Sewerage before construction of any water and/ sewerage works are commenced.
- 75 Lot sizes for the sewerage pump station sites and accesses, reservoir site and access are to be created to the requirements of Manger-Water and Sewerage. All these lots are to be operational land when handed over to Council. Any costs shall be the responsibility of the applicant or developer
- 76 The applicant or developer is responsible for getting all relevant licenses required to construct and operate all water and sewerage infrastructure prior to construction commencing. Any costs shall be the responsibility of the applicant or developer
- 77 The applicant or developer shall submit to Council details of fire hydrant location prior to construction commencing. Fire hydrants shall be spaced at intervals of 60 metres maximum.
- 78 he applicant or developer, in association with Rous County Council, shall construct a water reclamation scheme in accordance with DCP No. 35 - Caniaba Village.

Reason: To ensure adequate utility services. (EPA Act Sec 90(1)(l))

ENVIRONMENTAL

- 79 That the Kopps dip be remediated in accordance with the "Kopps Dip Management Plan" by Ray Sargent and Associates dated April 2, 1998.
- 80 That a notice of completion of remediation works in accordance with Section 18 of draft SEPP No. 55 - Remediation of Land, be submitted to Council prior to release of the linen plan.
- 81 The remediated dip site is to be appropriately surveyed and recorded on the subdivision plan.

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

VILLAGE ASSOCIATION

- 82 A Management Statement for the Caniaba Village Association must include, as a minimum, by-laws, plans and other particulars relating to:
- a) The location, central management, use and maintenance of any part of the association property that is an open accessway or a private accessway.
 - b) The central management, use and maintenance of any other part of the association property, including any special facilities provided on the association property.
 - c) The provisions for community resource management as identified in Clause 4.11.1 - Community Title of Development Control Plan No. 35 - Caniaba Village.
 - d) Insurance of the association property.
- 83 The terms of the approved Management Statement are binding on the Neighbourhood Association and each person who is a proprietor, lessees, occupier or mortgagee in possession of a residential lot within the Perradenya Estate, and to any member of the public who obtains membership of the Caniaba Village Association.
- 84 The Caniaba Village Association shall, as a minimum, comply with the structure as outlined in correspondence dated July 21, 1998, by Mallesons Stephen Jaques Solicitors titled "Discussion Paper Perradenya Estate Association", Clause 3 - 'Characteristics of the Company/Incorporated Model'.
-

- 85 The Management Statement for the Caniaba Village Association shall be submitted to and approved by Lismore City Council prior to commencement of works upon the subject land.
- 86 The Management Statement is to be included within a Section 88B Instrument in accordance with the Conveyancing Act 1919. The Management Statement is to be complied with at all times by each person who is a proprietor, lessee, occupier or mortgagee in possession, and to any member of the public who obtains membership of the Caniaba Village Association.
- 87 The applicant and/or developer shall transfer the private open space lots to a company limited by guarantee or incorporated association. The time of transfer is to be included within the proposed Management Statement which shall be submitted to Council for approval prior to commencement of works upon the subject site.

SECTION 94 LEVIES

- 89 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 linen plan is released. The rates and amounts applying at the date of this notice, totalling \$643,534, are set out in the schedule for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the release of the subdivision linen plan.

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

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

Advisory Notes

NOTE 1: Water and/or Sewerage Headworks levies payable under the Water Supply Authorities Act 1987 totalling \$574,400 are to be paid to Council prior to release of the Compliance Certificate under Section 27 of the Act.

NOTE 2: The dual water reticulation and gravity sewerage reticulation may be undertaken in staged construction. If the works are undertaken in staged construction, all works (including sewerage pump stations and access roads) for that stage will have to be complete before the Linen Plan is released. This includes the payment of relevant headworks charges.

NOTE 3: The applicant or developer will need to contact all relevant authorities to ensure that all requirements of other authorities are satisfied for the design and construction of the required water and sewerage infrastructure to service this development.

NOTE 4: The applicant or developer will need to liaise with Lismore City Council's Water and Sewerage Department during the design and construction of the water and sewerage works to ensure that Council's requirements are satisfied.

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NOTE 5: As part of these works, Lismore City Council will consider contributing up to 50% towards the investigation, design and construction costs for the water supply pump station, trunk main and reservoir and 100% towards the investigation, design and construction of the sewer rising main as long as these works are able to be utilised for the proposed Caniaba Village.

NOTE 6: The Local Government Act provides that all buildings and alterations, including retaining walls, shall be subject to the issue of a building approval from Council. Issue of this Development Consent in no way implies that the building(s) comply with all of the provisions of the Local Government Act and the Building Code of Australia. Building Application forms are available from Council. No building or site work can commence until a building permit has been issued.

NOTE 7: Building approval is required for all retaining wall structures (including rockwalls, sleepers, crib walls and the like) proposed to be erected on the land.

NOTE 8: 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 or building application to build on the land.

NOTE 9: All lots created shall be maintained by regular mowing, slashing or the like. Maintenance shall prevent excessive growth of vegetation to reduce fire hazard and/or vermin.

NOTE 10: Council's planning instruments require a development consent for most forms of advertising signs and structures. Development Control Plan No. 24 Outdoor Advertising Structures (as amended) sets out standards for various forms of advertising. Information is available from Council.

NOTE 11: Council's Bush Fire Hazard Maps, indicate that land in the development application is in a high bush fire hazard area. Conditions have been imposed in accordance with the NSW Bushfire Services Manual "Planning for Bushfire Protection".

NOTE 12: The final linen plan shall not be released by Council until all conditions of Development Consent Notice 98/7 have been complied with to the satisfaction of Council.

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Council Use Only

This section must be completed by a council officer prior to receipt by the cashier.

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

.....
Assessing Officer Name
(please print)

.....
Assessing Officer Signature

Where the total fees due are in excess of \$50,000, the amount payable must be confirmed by either the Finance Manager, the Manager - Expenditure Accounting or the Manager - Financial Accounting prior to receipt by the cashier.

.....
Finance Representative Name
(please print)

.....
Finance Representative Signature

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Development Application No. 98/7 - Perradenya Estate

LISMORE CITY COUNCIL

DEVELOPMENT CONSENT NO: 98/7

ADDRESS: 7 & 39 Frederick Road and 568 Caniaba Road, Caniaba

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 Building Price Index (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 Division 2 of Part 3 of the Water Supply Authorities Act 1987 (as amended) of the Local Government Act 1993 and amounts payable are set out below.				
<i>WATER HEADWORKS</i>				
Stage II Augmentation Works Caniaba	8175.11	200	350	\$70,000
Rous County Council				
All areas except Nimbin Per Allotment	9200-2	200	1257	\$251,400
<i>SEWERAGE HEADWORKS</i>				
South Lismore Treatment Works	7175-1	200	1265	\$253,000
TOTAL				\$574,400

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: CORNDALE QUARRY - CONTINUING USE RIGHTS, LOT 2 DP 716264, 422 JAMES GIBSON ROAD, CORNDALE (WR:MJK: Q3)

Prepared By: Manager-Development Assessment - Warren Rackham

Reason: Requirement to establish operating parameters for this quarry under "continuing use rights".

Objective: For Council to determine extractive quantity and physical site use for the purposes of 'continuing use rights'.

Management Plan Activity: Development Assessment

Background:

1. This quarry has had a considerable history, which briefly set out is as follows:
 - a) 'Special Purpose; subdivision for quarry approved August 1985 (DA85/2056).
 - b) Staff amenities building and weighbridge approved April 1993.
 - c) Corndale Quarry registered under SEPP No. 37 - July 9, 1993.
 - d) DA94/266 to extract 49,700m³ per annum lodged June 1994, withdrawn May 1995 (not lodged as "Designated Development").
 - e) DA95/240 to extract 150,000m³ per annum lodged June 1995. Refused by Council February 18, 1997.
 - f) DA97/342 to extract 112,500m³ per annum lodged November 1997, subsequently reduced to 87,000m³ per annum. Refused by Council May 12, 1998.
2. The quarry has previously been accepted by Council as enjoying a 'continued use right', and it is under "use right" terms which it must now operate.

Technically, the quarry is required to be operating under use right parameters since February 18, 1997, when Council determined the Development Application (in this case, by refusal), and moratorium protection rights for extractive quantity (ie 20,000m³) and lateral expansion ability given under SEPP 37 provisions ceased. However, no positive action was taken (by Council) since that time (other than to issue an interim extraction limit of 14,501m³ pa) because a further Development Application (DA97/342) was in the course of being prepared, lodged and determined.

3. Council now has the benefit of legal advices on the information lodged by Mr T Collins (on behalf of Corndale Quarries).

4. 'Use Rights' are tied to the operating conditions which were occurring at the quarry as at February 3, 1986 (ie being the date at law when the "expansion, enlargement and intensification" provisions of S109 of the Environmental Planning and Assessment Act were amended).

Current extraction cannot exceed rates which were occurring as at February 3, 1986; no lateral expansion can occur; and no additional equipment can be introduced to that which existed or was operated as at February 3, 1986.

5. There has been appreciable variation to the extraction rates claimed as occurring on February 3, 1986, from the applicant - ranging from 36,460m³ (claim May 1997) to 44,460m³ (SEPP 37 registration claim; also claim May 1998), and 60,000m³ (October 1992 claim).
6. Council has received material from Mr Collin's Solicitors regarding claimed use right figures, including statutory declarations, signed statements and partly Council's own records. These papers have all been referred to Council's legal advisers (Messrs Phillips Fox).
7. Over the period of assessing the Corndale Quarry Development Applications, and more particularly since the most recent refusal in May 1998, concerned residents of the locality have made strong requests to Council to:
- i) ensure the quarry is operated in a legal manner; and
 - ii) require reinstatement of any part of the quarry which may have been quarried illegally.

Current Position

Council is now required to determine, on the basis of all information to hand, a fair and reasonable assessment of what the extraction rate was, or most likely would have been, immediately prior to February 1986. Also, to "peg" the maximum physical area of quarry operation, based on all advices and legal opinion available.

Information to Hand - Extraction Rate

1. In May 1997, TJ & W Collins forwarded via his Solicitors, information including 2 statutory declarations, 10 signed statements, and an extract from Council's ledger for extraction from Corndale Quarry for 1986 and 1987. The information claimed an amount of 36,460m³ made up of 20,000 extracted by Council, and 16,460 supplied to small orders. Council's legal advice was that much of the material was not contemporary, and was unsworn. Subsequently, Council's advice to Mr Collins was to only adopt 14,501m³, being the contemporary figure from Council's records for the year 1986. Mr Collins has categorically insisted that he has a use right "for at least 36,460m³", as submitted by his Solicitors in May 1997. (NB. Mr Collins has openly acknowledged that he had exceeded this claimed amount for the 1994/95, 1995/96 and 1996/97 financial years - he advises that he DID NOT exceed his claimed quota of 36,460 in FY 1997/98).
2. Mr Collins has (through his Solicitor) submitted 2 more statutory declarations, one from an operator of the quarry in 1984, and one from the previous owner from 1985 to 1988. These documents have also been examined by Council's Solicitor, who now advises that "*if the evidence is the best and only evidence that can be produced, it would be open to Council to accept that evidence as the best estimate of the true rate of extraction as at 3 February 1986*".

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Corndale Quarry - Continuing Use Rights

However, Council's Solicitor states that as the statutory declaration by the owner at the time appears to be guesswork, that Council should reasonably accept the 1986 figure of 14,501 in addition to weighing up 'the probity of the evidence' submitted by the private statements. If this were adopted, a reasoned figure could be:

Council's 1986 rate	14,501
Private Supply Statements	<u>16,460</u>
	30,961, say 31,000m ³

3. Mr Collins has claimed 36,460m³, and, more recently, 44,460m³ because "Council accepted that figure when it accepted the SEPP 37 registration in 1993". (NB. The 44,460m³ was never substantiated by the operator).
4. I believe that it is reasonable to accept that somewhere between 30,961m³ and 36,460m³ would have been extracted from Corndale Quarry during the year 1985, from anecdotal evidence available.

As a median of these two calculations, 33,710m³, say 34,000m³ is therefore suggested as an acceptable use right figure for adoption.

Physical Size of Quarry

The establishment of physical size is more complex. Essentially at law, the quarry working area is contained to the physical size as at February 3, 1986. However, it was not until after the 'Vaughan Taylor' case in 1991 that the Court determined that no lateral expansion was possible without the benefit of a development consent, and consequently no quarry operator until this time would have been aware of the law, as then determined. SEPP 37 then permitted lateral expansion under a controlled moratorium - in Corndale Quarry's case, until DA refusal in February 1997. The law is 'silent' as to what occurs with physical working area "post SEPP 37 moratorium", and in terms of February 1986 situation.

In all realms of "reasonableness", it would be impractical to require any quarry operator to go back to physical 1986 positions. It is therefore reasonable to suggest that Corndale Quarry be required to stop any further lateral expansion beyond that which occurred as at February 18, 1997, being the date when Council refused DA95/240 and protection under SEPP 37 moratorium rights ceased.

In any case, Mr Collins has claimed that the land was actually quarried (for gravel) beyond current working face prior to 1986, and is currently endeavouring to establish this fact through further statutory declarations. At the time of this report, the statutory declarations (one from former quarry owner, and one from a dozer operator during 1984) were still being prepared, but it appears that the area occupied up to the current quarry face was in fact previously quarried for ridge gravel during 1984. The 1987 aerial photographs appear to confirm this claim. If this is the case, then the quarry may well be 'legal' in its current position. Mr Collins has (verbally) confirmed that the working faces as existing will not be enlarged at any time (except, of course, if approved under any future Development Application)

Manager - Financial Services Comments Not requested.

Public Consultations

Not sought - but Council has received a number of letters from various local residents over the last few months requesting proper controls being placed on the quarry.

Other Group Comments Not requested.

Summary

Both the quarry operator and residents in the quarry locality have requested that Council determine the operational parameters of Corndale Quarry. It is stressed that there is NO clear set of absolute facts available for this quarry (and, for that fact, most other quarries operating under use rights), but Council is in the position of having to make a fair and reasonable determination based on the best advice in hand.

Whatever Council's decision, it may be challenged either by the operator, or by any residents.

It also should be noted that, under use right operation, there are no conditions which are applicable other than general regulations, such as noise and pollution controls under relevant State Acts.

Recommendation (PLA54)

That the Corndale Quarry be accepted as operational under the following continuing use right terms:

- 1 That maximum extraction rate be limited to 34,000m³ per annum, commencing on 1 July each year.
- 2 That the physical quarry working area within Lot 2 DP 716264 be limited to that area which had been actually and physically used for quarrying of extractive material prior to February 3, 1986 (ie, no greater than the existing quarry working face as at current date).
- 3 That the physical limits of the quarry as in term no. 2 above be marked on site with permanent steel post markers.
- 4 That the operator agree to submit quarterly returns to Council commencing from July 1, 1998, indicating total extraction from the quarry during each preceding quarter.

Subject/File No: **ROAD PRIORITY LISTING**
(GJH:VLC:S374)

Prepared By: Manager - Roads & Infrastructure

Reason: Requested by Council.

Objective: To provide Council with a list of roadworks which could be undertaken with the Special Rate increase.

Management Plan Activity: N/A

Background:

Council will recall a Special Rate increase was levied on Lismore City residents on the basis of attracting dollar-for-dollar funding from the State Government. The funds were to be expended on upgrading the Regional Roads Network.

The NSW Roads and Traffic Authority (RTA) has advised that it is not prepared to fully match Council's contribution. The response from Mr Paul Forward, Director of Road Network Infrastructure included -

“...I appreciate the need for your proposed rehabilitation projects. However, it is inappropriate for the RTA to circumvent existing road funding assistance schemes because to do so would:

- 1. create an undesirable precedent, and*
- 2. require funds to be diverted away from major State Roads in New South Wales.”*

I assure you that the RTA is providing assistance to the maximum extent possible....”

Road Priority Listing

At a recent Budget Workshop staff were asked to prepare a list of local roads which could be repaired/upgraded should the Council decide to allocate unmatched “Special Rate” funds for this purpose.

The funds available are shown in the Manager - Financial Services' comments below.

A listing of possible road projects within the urban and rural areas is attached. Please note that on the rural roads list, the projects have been grouped into categories for Council's consideration.

Manager - Financial Services Comments

In order to clarify the overall funding situation, the following table outlines the additional funds set aside by Council for roadworks over the past two years.

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Road Priority Listing

Additional Funds Allocated by Council to Roadworks - 1997/98 and 1998/99

Item	1997/98 Budget (\$)	1998/99 Budget (\$)	Total Available (\$)
Special Rate Increase 1996/97	301,000	226,000	527,000
Special Road Rate	625,000	625,000	1,250,000
Efficiency Gains	240,000	142,000	382,000
Total	1,166,000	993,000	2,159,000

Explanations for each of these items are -

Special Rate Increase 1996/97:

This item represents the revenue raised from the 2.5% Special Rate increase originally approved in 1996/97. This item reduced in 1998/99 due to \$75,000 being allocated to fund maintenance work on Regional Roads that are progressively being declassified by the RTA.

Special Road Rate:

This item represents the revenue raised from the Special Road Rate increase of 4.85% initially raised in 1997/98.

Efficiency Gains 1997/98:

This item represents the revenue gained from Council allocating the majority of the 1997/98 rate pegging increase into additional roadworks. The allocation reduced by \$98,000 in 1998/99 due to part of the funds being used to finance substantial increases in the ***Parks*** and ***Rural Roads*** operating budgets.

When the two years' budgets are combined, Council has \$2,159,000 available. Of this, the following expenditure has been either incurred to date, or is committed -

<u>Item</u>	<u>\$</u>	<u>\$</u>
Opening Balance:		2,159,000

Less:

1. Magellan Street Works:

(a) Funding of Magellan Street Expenditure (As per Council Resolution No. 154/98)	166,000	
(b) Provisional allowance for further expenditure to possibly be incurred on Magellan Street project.	300,000	

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Road Priority Listing

2. RTA Matching Funds Provided of \$531,000:

Expenditure incurred on Nimbin Road to match the \$531,000 provided by the RTA (ie, 1997/98 \$285,000 - 1998/99 \$246,000)

(a)	Koonorigan Road - Expenditure \$486,300 - Council share 50%	243,150
(b)	Booerie Creek Road - Expenditure to date \$185,800 - Council share 50%	92,900
(c)	Booerie Creek Road - Balance to be incurred during 1998/99 to complete works. Estimated expenditure \$389,900 - Council share 50%	194,950

(NB: Items (a), (b) and (c) equal the \$531,000 RTA commitment)

3. RTA - Regional Roads Repair Program:

For 1998/99 Council has been allocated \$145,000 under this programme.

These funds are subject to matching funding being provided by Council and at this stage no funds are specifically allocated by Council in the 1998/99 budget for this work. In order to match these funds, a further allocation will have to be taken from the total funds available. The total funds (ie, \$290,000 being \$145,000 x 2) will be expended on the completion of the Booerie Creek roadworks - Council share 50%

145,000

Closing Balance = Total Available:

\$1,017,000

The critical point in this analysis is that of the total funds originally allocated by Council, only the Special Road Rate funds (\$625,000 for two years), are restricted in their use in any way. That is, Council has given a number of commitments that these funds will only be expended when matching funds are provided. In order to determine how much of the total funds still available are restricted, it is necessary to sort out from which component the works completed, or planned, are to be funded. The following table outlines a recommended scenario -

Recommended Funding Source for Works Completed or Committed

Item	1996/97 Increase	Special Road Rate	Efficiency Gains	Total
Opening Balance	\$527,000	\$1,250,000	\$382,000	\$2,159,000
1. Magellan Street Over-Expenditure			166,000	166,000
2. Magellan Street Provision	84,000		216,000	300,000
3. Koonorigan Road Intersection		243,150		243,150
4. Booerie Creek Road to Date		92,900		92,900
5. Booerie Creek Road - Finalisation of \$531,000 RTA funding		194,950		194,950
6. Booerie Creek Road - Matching Commitment \$145,000 RTA funding	145,000			145,000
Closing Balance	\$298,000	\$719,000	0	\$1,017,000

Road Priority Listing

The only item that could possibly be disputed here, is Item 6 as to whether it should be funded from the “1996/97 Increase” or the “Special Road Rate” funds. As this item is part of a “normal” RTA funding programme, it cannot be considered as additional matching funds raised by Council.

Based on the above, Council has \$298,000 that can be allocated in any way it sees fit, whereas the \$719,000 is potentially subject to the provision of matching funds being found.

Other relevant issues that need to be kept in mind before allocating these funds are -

- a) As mentioned in this report, Council has resolved to upgrade Stoney Chute Road to a bitumen seal over a period of five years. Currently only \$115,000 has been allocated in the 1998/99 budget for this work and if Council wishes to fulfil this commitment, the level of expenditure will have to be increased, either this year or in subsequent years.
- b) As the RTA has indicated in writing that there will be no further matching funds provided, Council must determine what its strategy is for the balance of the Special Road Rate (\$719,000). Does Council wish to refund the monies next year or does it want to embark on a consultation strategy to expend the monies on Local Roads?
- c) Finally, any priority listing for roadworks should be based on tangible factors such as traffic counts, accidents, etc, rather than parochial issues.

General Manager's Comments

The failure of the RTA to match funds raised by the Council through its *Special Rate Variation* is most disappointing. Whilst this situation could well change given that State Government elections are looming, we have to be realistic and assume that the RTA's rejection of the Council's proposal is final.

This leaves the Council in a difficult position. It has given the community an undertaking that it would refund unmatched *road rate* funds (i.e. applied to regional roads) by virtue of a general rate adjustment, yet it has an opportunity to apply those funds (\$719,000) to upgrade and repair our decaying local roads network, albeit without the benefit of matching RTA funds.

Should the Council prefer to embark upon the latter course, it should only do so if the proposal has broad community support. If, following appropriate community consultation, such support is not forthcoming, the Council should, in my opinion, refund the \$719,000 as originally proposed.

It is however critical that the Council think long and hard about the potential implications of re-allocating these funds. The Council has invested heavily in building its credibility with the community and if it is seen to renege on its part of the bargain (i.e. to refund unmatched funds), it will provide fertile ground for the cynics and will potentially set the Council back in its quest to position itself as a credible, community oriented Council.

Public Consultations For Council to determine.

Other Group Comments N/A

Road Priority Listing

Conclusion

The RTA will not match the funds raised by the Special Rate increase. The opportunity now exists to upgrade some Local Roads which are in very poor condition. The attached priority lists are submitted as a basis to start the community consultation process.

Recommendation (WOR23)

1. Council immediately allocate \$298,000 toward road reconstruction based on 66% urban and 34% rural, reflecting the areas where the funds were collected.

Urban roads comprising:

- * **Nielson Street** (Music to Dalley Streets) \$112,000
- * **Magellan Street** (Dibbs to Hunter Streets) \$ 86,000 (Part funding only).

Rural roads comprising:

- * **Wyrallah Road** (4.60Km-5.65Km from Ballina Street
- South of Monaltrie Road) \$100,000

Total: **\$298,000**

2. That as the RTA has not provided matching funding for the Special Road Rate, Council proceed to discuss with the community the options for making use of the \$719,000.

Options include:

- (a) Refund the money as a reduction in the 1999/2000 rate.
- (b) Re-allocate the funds for use on Local Roads, preferably in a manner that represents where the funds were collected, *ie, 66% urban and 34% rural.*

(Note: At this point in time it is not considered desirable to nominate the roads which would receive additional funds. However, the listing attached to the report could be considered a guide.)

Subject/File No: PURCHASE OF REPLACEMENT GRAND PIANO
(RS/ P6816)

Prepared By: Expenditure Accountant - Rino Santin

Reason: Musica Viva have advised that they are not able to service a loan of \$22,500

Objective: To clarify Council's commitment

Management Plan Activity: Public Halls

Background:

Council resolved at the July 14, 1998 meeting to provide \$22,500 to Musica Viva to purchase a second hand Yamaha grand piano on the basis that these funds be considered a 'loan' to Musica Viva.

The cost of the replacement grand piano is \$55,000 and was to be funded by a \$10,000 trade in for the existing piano, a \$22,500 contribution from Musica Viva and the \$22,500 loan from Council.

In subsequent discussions with Musica Viva, they have advised that they are not in a position to commit to the repayment of a loan. Unfortunately, at the time Council considered this matter, they believed that Council was going to provide a 'grant' of \$22,500 and not as resolved, a 'loan' of \$22,500.

The issue that Council needs to determine is the level of support to this project.

Manager - Financial Services Comments

Once again this is a worthy project deserving of Council's assistance. Unfortunately it is only one of many and it would be poor financial management to approve funding for this acquisition in isolation. It is only prudent to consider one-off purchases, such as this, during the annual budget deliberations, when all other funding issues are part of the debate. It is acknowledged that it is not always possible to plan purchases in this manner due to availability etc. However it is far more responsible to initially provide funds in a budget, after considering all other competing programmes, research what is available and then make an informed purchase decision in accordance with proper purchasing procedures, rather than reacting in an ad hoc manner to what becomes available in the marketplace.

Also from the concluding comments provided by the Expenditure Accountant, the question has to be asked as to how Musica Viva can raise the shortfall in their initial contribution, being \$17,500 (based on \$22,500 less \$5,000) in such a short time frame, yet they are not able to make annual repayments based on approximately \$5,500 per annum for a period of four years?

Public Consultations

NA

Other Group Comments

NA

Conclusion

The 1998/99 Budget has been adopted by Council with a deficit of \$123,000. Management has been given the objective to reduce this figure. To substantially reduce this deficit will be extremely difficult especially if the changes are to be sustainable. Consequently, it would not be prudent to provide the funding for this acquisition from revenue.

The only other source of funding available would be Property Reserves as the City Hall is considered part of the property management portfolio. As the City Hall has never been in a position to contribute to the reserve and is never likely to be, it would be inappropriate to use this reserve for this purpose as it penalises other components of the property management portfolio.

I would like to add that Musica Viva have advised that they have approximately \$5,000 available and have plans to undertake the necessary fund raising to reach the \$22,500 required. While it appears achievable, there is some uncertainty about their ability to generate the additional \$17,500 in contribution. This would need to be accomplished prior to August 7, 1998 to meet the conditions of sale.

From an overall perspective, as there are insufficient revenue funds available to carry out our day to day activities and there is not an appropriate reserve, that Council decline the opportunity at this time.

Recommendation

Recommended that Council not proceed with the provision of \$22,500 to Musica Viva to purchase a second hand Yamaha grand piano.

Subject/File No: DEVELOPMENT CONTROL PLAN NO. 37 - RURAL LANDSHARING COMMUNITIES
(AM: S523)

Prepared By: Assistant Strategic Planner - Alan McNeil

Reason: DCP review necessary due to recent Gazettal of SEPP No. 15.

Objective: Resolution to exhibit draft DCP No. 37.

Management Plan Activity: Strategic Planning

Background:

Council adopted Development Control Plan (DCP) No. 20 - Multiple Occupancy on July 16, 1994. The intention of this Plan was to facilitate the development of multiple occupancy communities, and the guidelines were parallel to, and extension of, the guidelines contained within State Environmental Planning Policy (SEPP) No. 15.

SEPP No. 15 was subsequently revoked, and on April 9, 1998, a new SEPP No. 15 was Gazetted. The title of the SEPP changed from "multiple occupancy" to "rural landsharing communities", and the guidelines contained within the policy were also amended. Accordingly, it is now necessary for Council to remove all the guidelines which contradict the new SEPP by replacing DCP No. 20 with a new DCP (No. 37), which will include all relevant guidelines.

Draft DCP No. 37 is attached to this report for the information of Council. The guidelines contained within the plan are extracted from both the existing DCP and from the new SEPP.

In summary, the sections of the plan extracted from the new SEPP are:

1. the definitions of "dwelling", "ground level", "height", "heritage item", "home improvement area", and "prime crop and pasture land".
2. subclause 2.1.1 (DA requirements).
3. subclause 2.2.1 (matters for consideration) except the last 2 points. Note: this section is not called a "review of environmental factors".
4. subclause 2.2.2 (requirement for a site analysis).
5. clause 2.3 (Management Plan).
6. clause 2.4 (Density of development).
7. clause 2.5 (Subdivision).

All remaining sections of the plan are taken from the existing DCP, with administrative corrections made. Comments were requested from other Council officers, on the relevance of specific guidelines (eg. access, waste disposal).

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Development Control Plan No. 37 - Rural Landsharing Communities

Manager - Financial Services Comments Not required.

Public Consultations

Draft Development Control Plan No. 37 is to be advertised as being on exhibition, and will be placed on exhibition for a period of twenty eight (28) days.

Other Group Comments

Draft Development Control Plan No. 37 has been prepared in consultation with the other Planning and Development Group Sections. Comment has also been sought from Manager Subdivisions, Bob Hanby and Fire Control Officer, Ray Collyer. Mr Collyer requests the DCP be consistent with the "Bushfire Mitigation Guidelines". Comment from Mr Hanby and Mr Collyer will be regarded as submissions to the exhibition of the DCP and will be reported to Council at the close of the exhibition period.

Conclusion

The new plan attached provides a comprehensive and updated list of guidelines for the development of rural landsharing communities (formerly multiple occupancies). The reviewed plan does not change the intent of the plan, which is to encourage and facilitate the development of rural landsharing communities.

It should be noted that Council's endorsement of the DCP is sought for exhibition purposes only. Following analysis of all submission a further report to Council will recommend amendments to, or adoption of the DCP.

Recommendation (PLA52)

Pursuant to Section 17 of the Environmental Planning and Assessment Regulation 1994, Council resolve to exhibit the draft Development Control Plan No. 37 for a period of twenty eight (28) days.

Subject/File No: DEVELOPMENT APPLICATION NO. 97/293 - LISMORE SQUARE SHOPPING CENTRE EXTENSIONS - FURTHER CONSIDERATION OF CONDITIONS
(WR:MJK: DA97/293)

Prepared By: Manager-Development Assessment - Warren Rackham

Reason: Requested reconsideration of certain conditions of the Lismore Square development, being conditions at variance with respective conditions of consent under the previous approval DA96/8.

Objective: For Council to consider specific amendment of certain conditions.

Management Plan Activity: Development Assessment

Background:

1. Council on April 21, 1998 determined the Lismore Square extensions DA, and applied 94 conditions to that approval.
2. Subsequent to Council's approval, and at the request of the applicant, a set of adopted conditions (but not the consent) was conveyed to the applicant.
3. After delay in response from the applicant, two meetings were then held at Council's office (with the applicant, at their request) to fully discuss the areas of concern within the adopted conditions.
4. The applicant has not sought any defrayment of or major alteration to the conditions as adopted by Council; but in a written submission to Council (see attachment) seeks a closer alignment to previously adopted conditions, or a "more practical" approach to specific working issues.
5. Although minor alterations were considered under delegation granted to the General Manager, legal opinion sought by Council advised that only some of the changes sought should be effected under that Delegation. As formal consent has not yet been issued, the conditions at variance are therefore referred back to Council for further consideration (Council's legal advice is that this procedure may be followed, similar to that with the Broadwater Bridge DA recently). It is emphasised that there is no alteration to the original intention or tenor of the conditions as adopted, merely a refinement or practical working application applied. Further, that there would be no prejudice caused to any objector to the DA in the event of the alterations being supported.

Conditions Submitted for Alteration

1. Conditions 3.2, 3.3 and 7.1

In the current development approval, Conditions 3.2 (Neighbourhood Centre), 3.3 (Toilet Block and water main, Richards Oval) and 7.1 (Composite Roadworks Condition) each requires that all works within each condition be carried out "*at full cost to the applicant or developer*".

In the original approval under DA96/8, the corresponding conditioning required works to be carried out *“at full cost to the applicant or developer, or as negotiated between the Council and the developer”*.

In either case there is opportunity to ‘negotiate’ final responsibilities for conditions compliance, however the applicant has requested similar condition wording as per the 1996 approval.

Comment

In each of these 3 conditions, Council would be required to have some assistance input due to land negotiations, additional improvements beyond that generated by the development, parking arrangements, roadworks and pathways in excess of that as generated, etc. As for previous DA96/8, a ‘schedule of works’ responsibility list was prepared identifying both Council’s and the developer’s areas of responsibility, and adopted by Council subsequent to the 1996 approval of DA96/8.

The current conditions (as drafted by Council’s Consultant) impose full responsibility upon the developer to meet the whole of the works. The alterations sought provides some latitude for Council to undertake its part of the works required. As for previous DA96/8, a ‘schedule of works’ will be similarly prepared, and submitted to Council for adoption at a later meeting.

2. Condition 12.9 - Trolley Management - Current condition states:

“A strategy is to be prepared and instigated to encourage patrons to return trolleys to trolley storage areas. Details of proposed strategies are to be provided with the Building Application and will be required to be reviewed as an on-going process and appropriate actions implemented to ensure that the intent of the requirement is complied with at all times.”

Council has been requested to consider an amended condition to read:

“The developer to prepare and instigate a strategy to encourage patrons to return trolleys to trolley storage areas. The developer is to make all reasonable endeavours to have its major tenants and other trolley users/providers adhere to a trolley management strategy. The developer shall use all reasonable endeavours to include in any new leases conditions which require the tenants to incorporate a trolley management strategy into their business”.

Comment

The amended condition is considered reasonable and practical in Centre working terms, and is supported.

3. Condition 13.4 - Freight Deliveries - The current condition prohibits all large freight deliveries between the hours of 10.00pm and 7.00am, Monday to Sunday. As these deliveries now occur outside of those hours (apparently with little problem), and due to the need for large vehicle deliveries to avoid busy traffic times, the request is to alter the condition in deliveries to read:

“Heavy transport freight deliveries shall not exceed one traffic movement per tenant per hour between the hours of 10.00pm and 7.00am, Monday to Sunday. Bulk rubbish removals shall not exceed one traffic movement per tenant between the hours of 10.00pm and 7.00am Monday to Sunday.”

Comment

The request is considered reasonable and practical, and is supported.

4. Condition 6.3 - Construction Hours - Current condition limits “all on-site works” construction hours to:

Monday - Friday - 7.00am to 6.00pm

Saturday - 8.00am to 4.00pm

Sunday and Public Holidays - no work.

It is requested the condition be altered to read:

“All on-site works, whether major or not, which are required to be carried out at night for safety reasons shall be notified to Council 24 hours prior to carrying out same, and all noise and disturbance of amenity as a result of such works shall be minimised.”

because of the necessity to carry out a number of site works at night “for safety reasons”.

Comment

The requested alteration is too open, and allows a 24 hour works capacity. It is suggested that the condition be amended to read “*All major on-site works....*”; and to alter the corresponding clarifying paragraph to read:

“Internal works within the shell of the building, or works which are required to be carried out at night for safety reasons, may be undertaken outside these hours provided that all such activity is properly contained so as to minimise any noise and/or nuisance disturbance to the amenity of the adjacent residential area.”

5. Condition 7.1 - Proposed median at intersection of Uralba and Diadem Streets - request to include lengths of median (ie 40 metres) in condition.

Comment - Agreed.

6. Condition 1 - Plan reference no's - Alter plan reference numbers to reflect amended plans submitted with Development Application.

Comment - Agreed.

7. Various Conditions - Request to alter all reference to “applicant” or “applicant/developer” throughout conditioning, to read “proponent”.

Comment

Council’s legal advice is that it is immaterial which term is used, and that it is incumbent upon the beneficiary of the consent to comply with the condition - in fact, future consents should make no reference at all to “applicant”, etc. No change is recommended.

8. Condition 21.1 - Section 94 Charges. The S94 charges as applied to the 1996 approval amounted to \$578,476, plus water and sewer charge \$22,645.

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Development Application No. 97/293 - Lismore Square Shopping Centre Extensions

The current charge now applicable is \$656,172, plus water and sewer to be calculated from hydraulic plans.

The substantial increase over the two year period has been caused by a 15.65% increase in BPI.

The applicant is most concerned about this considerable difference in charge (which is “well above inflation”), and has requested as follows:

“Notwithstanding the fact that the size of the leaseable floor area of the premises has been reduced, there has been a substantive increase in contributions between Development Approval 96/8 and the current Approval 97/293. This has occurred as a consequence of Council’s use of the ‘Building Price Index’ for inflation adjustment of contributions. The Building Price Index has increased in the period by some 15.65%, where in the Consumer Price Index (CPI) has remained generally steady.

The proponent requests that the Council in the subject circumstances not apply the BPI increase but apply a CPI increase. It is through no fault of the proponent that implementation of Development Application 96/8 has been frustrated by various Court proceedings and the like. Accordingly, as a matter of reasonableness, the proponent requests that Council set contributions under Condition 21 of the Approval in accordance with the CPI only.”

Comment

As the S94 charges applied to the current DA are in accordance with the current adopted S94 Policy, any variance will have to be for Council to determine. In this case, Council may give special consideration based on the fact that the developers had no control over the Court of Appeal’s subsequent decision that the rezoning was invalid through a perceived interpretation of wording in the LEP amendment.

Manager - Financial Services Comments Not requested.

Public Consultations Not required.

Other Group Comments Not requested.

Recommendation (PLA56)

A. That Council amend the following conditions as below:

- 1 Condition 3.2 - add “or as negotiated between Council and the developer” to the condition.
- 2 Condition 3.3 - add “or as negotiated between Council and the developer” to the condition.
- 3 Condition 7.1 - add “or as negotiated between Council and the developer” to the condition.
- 4 Condition 12.9 - alter condition to read:

“The developer to prepare and instigate a strategy to encourage patrons to return trolleys to trolley storage areas. The developer is to make all reasonable endeavours to

have its major tenants and other trolley users/providers adhere to a trolley management strategy. The developer shall use all reasonable endeavours to include, in any new leases, conditions which require the tenants to incorporate a trolley management strategy into their business”.

- 5 Condition 13.4 - alter condition to read:

“Heavy transport freight deliveries shall not exceed one traffic movement per tenant per hour between the hours of 10.00pm and 7.00am, Monday to Sunday. Bulk rubbish removals shall not exceed one traffic movement per tenant between the hours of 10.00pm and 7.00am, Monday to Sunday.”

- 6 Condition 6.3 - alter condition to read:

“That all major on site works in connection with the construction of the development be between the following hours:

Monday to Friday - 7 am to 6 pm.

Saturday 8 am to 4 pm.

Sundays and Public Holidays - no work.

Internal works within the shell of the building, or works which are required to be carried out at night for safety reasons, may be undertaken outside these hours provided that all such activity is properly contained so as to minimise any noise and/or nuisance disturbance to the amenity of the adjacent residential area.”

- 7 Condition 7.1 - add length of median (40 metres) to relevant section of this condition.

- 8 Condition 1 - alter plan number references from sd46, sd47 and sd52, to sd46-D, sd47-D and sd52-A respectively.

- B That, under the circumstances of this particular application, Council agree to vary the Section 94 charges by application of the CPI factor to the relevant charges as in the 1996 approval under DA96/8, in lieu of the BPI factor as has been applied under normal Section 94 policy.

Subject/File No: LISMORE CITY HALL
(P6816)

Prepared By: Craig Kelly - Group Manager Business and Enterprise

Reason: Impending completion of existing NORPA management agreement for City Hall on 31 December 1998

Objective: Resolution of Council.

Management Plan Activity: N/A

Background:

Council resolution (369/95) at its meeting of September 5, 1995 offered a three year management agreement of Lismore City Hall, based on a \$87,000 per annum fee, where \$82,000 is paid to Northern Rivers Performing Arts Inc. (NORPA) and \$5,000 is allocated for capital asset purchases. This agreement commenced on January 1, 1996 and terminates on December 31, 1998. The management agreement was formalised at Council's meeting of March 10, 1998 where Council approved the document for signing and sealing.

NORPA wrote to Council on 4 May 1998 stating their intention to retain the management of the City Hall for a further three years. NORPA requested that as part of the 1998/99 budget that Council include an increase in support for City Hall to \$135,000 per annum. With the budget discussions well advanced at that time no allowance for this increase was included.

In formalising the existing management agreement Council called for expressions of interest and formulated a sub-committee for the evaluation of responses. As the preferred contract term is three years, it is anticipated that the value of this management agreement is likely to exceed \$100,000 in total. In accordance with s.55 of the *Local Government Act (1993)*, a Council must invite tenders for a contract to provide service where that service exceeds \$100,000. The process of tendering has a number of steps including advertising for expressions of interest, distribution of tender documents, evaluation and selection.

The time period required for the tendering process and reporting to Council for decision is anticipated to take a minimum of three months. Should the existing venue manager be unsuccessful, a transition period would be required for the smooth transfer of control of the venue. This would extend the entire process to approximately five months.

Given this proposed timeframe it is timely to commence renegotiations of the management agreement of Lismore City Hall. Accordingly there are two options for consideration. Firstly, call for expressions of interest immediately so that the proposed tendering process timetable can be met for December 31, 1998. Secondly, extend the existing management agreement to June 30, 1999, to provide further time for the tendering process and to align the management agreement with the management planning cycle of Council.

The existing management agreement has no provision for an extension period. The agreement has a "Renewal" clause which allows for renewal of term and allocation of funds by Council. Thus, under the second option above, Council would renew the existing management agreement for a six month period with a Council allocation of \$43,500 (\$41,000 to NORPA and \$2,500 to capital asset replacement). All other terms and conditions would remain constant. If this were adopted Council would call for expressions of interest for the management of City Hall in January, 1999 with anticipated appointment of the venue manager in April 1999.

Two brief discussions on this matter were held with NORPA representatives. While the option of a six month renewal is not preferred, it was not discounted out of hand.

Councillors should also note that in the adopted Management Plan, for the current financial year, the management fee for the year ending June 30, 1999 is in accordance with the terms of the existing management agreement. Consequently if any increase in the management fee were approved for the period from January 1, 1999 to June 30 1999, this would not be funded under the adopted Management Plan.

Manager - Financial Services Comments

As mentioned in this report, due to the fact that any renewal of a three year contract will exceed \$100,000, Council must advertise for expressions of interest to comply with the Local Government Act. However, as an interim measure, it is desirable from Council's viewpoint to align the contract with the management planning process and a six month extension is appropriate. This amount will be under the \$100,000 threshold and the only real issue is whether or not it is acceptable to NORPA.

Public Consultations

Not required.

Other Group Comments

Not required.

Recommendations (ENT23)

1. That Council offer NORPA a renewal of the existing management agreement for a period of six months from January 1, 1999 to June 30, 1999, with a contribution from Council to NORPA of \$41,000 and a capital allowance of \$2,500, with all other terms and conditions remaining constant.
2. That the General Manager be authorised to sign the City Hall Management Agreement and apply the Council seal thereto.
3. That Council commence the tendering process by calling for expressions of interest for the management of City Hall in January 1999.

Subject/File No: LISMORE GASWORKS REMEDIATION PROGRAMME
(MK:MJK: P5672)

Prepared By: Manager-Environmental Health - Matt Kelly

Reason: Determination of tenders for the remediation of the former Lismore Gasworks Site.

Objective: Selection of preferred tender.

Management Plan Activity: Environmental Health

Background:

The matter of the determination of tenders for the remediation of the former Lismore Gasworks Site was formally considered by Council at its Ordinary Meeting of January 27, 1998. Following consideration of the report, Council resolved to:

- “1. *That Council, in accordance with Clause 18 of the Local Government (Tendering) Regulation 1993) decline to accept any of the tenders received for the remediation of the former Lismore Gasworks Site.*
2. *That Council enter into negotiations with representatives of all five (5) tenderers who submitted tender applications for the remediation of the former Lismore Gasworks Site.*
3. *That Council decline to advertise for or invite fresh tenders as an exhaustive public tender process has been completed with in excess of 30 tender document sets released to the market place.*
4. *That the City Works Group be asked to investigate the remediation of the site and report to Council on its capacity and cost to undertake the rehabilitation.”*

The initial five (5) tenderers were advised of Council’s resolution and initial tender evaluation and were requested to undertake a review of their original tender submission, with the assessment criteria nominated in the tender specification and with knowledge of the nominated limitations and feedback. All five tenderers resubmitted a revised tender submission. Table 1 provides a summary of the tender submissions. As with the original tender submissions, the subsequent submissions varied considerably in key areas of the assessment criteria and within the lump sum schedule of costs for key remediation activities. The tender specification identified the criteria on which tenders would be assessed to be:

- a) Financial Benefit - includes factors such as tender price and financial performance.
- b) Relevant Experience - includes factors such as track record, comments by referees and experience in similar activities.

- c) Level of Services - includes factors such as physical resources, methods and procedures.
- d) Quality - includes factors such as innovation and quality plans.
- e) Conformity with Tender.

In the subsequent review process, tenders received by:

- Transfield Environmental Services Pty Ltd; and
- Fluor Daniel GTI (Australia) Pty;

were excluded from further review based on the assessment criteria of financial benefit. Remaining companies

- Mactech Environmental Services Pty Ltd;
- Rainbow Environmental Services Pty Ltd; and
- ERM Mitchell McCotter;

were invited to take part in a formal interview/presentation process. This additional stage in the review process enabled Council to provide a copy of the Development Consent Notice (determined by Council on June 23, 1998) to allow appropriate consideration to be given by the companies on any impact the DA consent would have on the tender submissions presented. Further, any proposed variations by companies could be identified and justified with a final cap design being presented.

A summary of the formal review process is provided as follows:

1. Mactec Environmental Services Pty Ltd

- a) Financial Benefit - lump sum schedule of costs \$521,650.52.
- b) Relevant Experience - Mactec Environmental Services have demonstrated a proven capacity to undertake this project through a combination of environmental and management capability, personnel and a proven background in remediation activities.
- c) Level of Service/Quality - the tender application is comprehensive in nature, enabling with confidence an assessment procedure equating level and/or quality of service with the nominated lump sum cost structure presented in Table 1 of this report.
- d) Conformity with Tender - the level of conformity with the tender specification is medium to high, with the provision of a comprehensive and detailed assessment of the scope of works, detailed submission and methodologies and lump sum schedule of costs, and schedule of rates and statement of experience and capabilities.

2. Rainbow Environmental Services Pty Ltd

- a) Financial Benefit - lump sum schedule of costs \$475,550.

- b) Relevant Experience - Rainbow Environmental Services have demonstrated a proven capacity to undertake this project through a combination of experience of personnel and background remediation activities (environmental management activities would be sub-contracted to specialist companies as nominated within the tender proper with Rainbow Environmental being the principle and civil works contractor).
- c) Level of Service/Quality - the tender application is comprehensive in nature, enabling with confidence an assessment procedure equating level and/or quality of service with the nominated lump sum cost structure presented in Table A of this report.
- d) Conformity with Tender - the level of conformity with the tender specification is medium to high, with the provision of a comprehensive and detailed assessment of the scope of works, detailed submission and methodologies and lump sum schedule of costs, and statement of experience and capabilities. The submission, however, did not provide a sample safety plan, detailed programme schedule and/or schedule of rates.

3. ERM Mitchell McCotter/Rainbow Environmental Services

- a) Financial Benefit - lump sum schedule of costs \$565,000 (\$17,000 held as a contingency).
- b) Relevant Experience - ERM Mitchell McCotter and Rainbow Environmental Services have demonstrated a proven capacity to undertake this project through a combination of experience, personnel and background in remediation activities.
- c) Level of Service/Quality - the tender application is comprehensive in nature, enabling with confidence an assessment procedure equating level and/or quality of service with the nominated lump sum cost structure presented in Table A of this report.
- d) Conformity with Tender - the level of conformity with the tender specification is high, with the provision of a comprehensive and detailed assessment of the scope of works, detailed submission and methodologies, lump sum schedule of costs, and schedule of rates and statements of experience and capabilities.

Manager - Financial Services Comments

Staff have undertaken an exhaustive investigation process to reach a decision on the preferred tenderer for this work. Based on Rainbow Environmental Services Pty Ltd being chosen, adequate funds are available to finance the work. The only point of caution is that after the tendered works are deducted from the funds available, there is very little left in the way of finance for associated costs such as supervision, contract variations and other incidentals. Therefore it is imperative that the contract be monitored with the utmost caution and any other costs are minimised.

Public Consultations Not required

Other Group Comments

Group Manager - City Works

With respect to Item 4 of Council's resolution from its meeting of January 27, 1998, City Works Staff have examined the proposal as submitted, and have decided that the best approach to achieving the desired result would be to utilise tradespersons who were already familiar with this type of work. City Works Staff would be prepared to carry out works on an hourly basis for the successful Contractor if required.

The City Works Contract Engineer, Wes Johnstone, has been involved with the selection of the successful Contractor and will be supervising the works on behalf of Council. This appears to be a good solution to a potentially difficult problem.

Conclusion

Tenders received were evaluated through a programme consisting of:

1. Original tender evaluation and reporting;
2. Subsequent tender evaluation;
3. Formal interview, presentation and evaluation; and
4. Final review of tender submissions and evaluation.

As an outcome of this process, it is recommended that the tender submission by Rainbow Environmental Services Pty Ltd be accepted by Council, subject to:

- a) Provision of a sample safety plan;
- b) Submission of a detailed programmed schedule;
- c) Submission of a schedule of rates for the Lismore Gasworks Remediation Programme.
- d) Acceptance of the cap design by the EPA.

Recommendation (PLA55)

- 1 That Council accept the Tender Submission, as amended, by Rainbow Environmental Services Pty Ltd for the remediation of the former Lismore Gasworks Site, subject to:
 - a) Submission of a detailed programmed works schedule;
 - b) Submission of a sample safety plan;
 - c) Submission of a Schedule of Rates;
 - d) Acceptance of the cap design by the Environment Protection Authority.
2. That Council give notification of acceptance of the successful tender in accordance with Clause 19 of the Local Government (Tendering) Regulation 1993.

LISMORE CITY COUNCIL - Meeting held August 4, 1998

Lismore Gasworks Remediation Programme

TABLE 1

Tender Summary - Remediation Works Former Gas Works Site

Lump Sum Costs		Rainbow Environmental	ERM Mitchell McCotter	EM MACTEC	Fluor Daniel GTI (Aust)	Transfield Environmental
Preliminary Works						
1	LCC Liaison & Approvals	\$ 3,000.00	\$ 6,985.00	\$ 2,632.50		
2	Fencing & Signage	\$ 13,200.00	\$ 19,360.00	\$ 6,318.00		
3	Planning	\$ 4,500.00	\$ 5,050.00	\$ 2,223.00		
4	Safety Plan & Equipment	\$ 2,600.00	\$ 1,240.00	\$ 5,147.00		
5	Decontamination & Amenities area	\$ 14,000.00	\$ 5,720.00	\$ 3,510.00		
6	Runoff controls	(See item 2)	\$ 5,687.00	(See item 2)		
	Sub-total	\$ 37,300.00	\$ 44,042.00	\$ 19,830.50		
Remediation Works						
1	Monitoring & Management	\$ 6,800.00	\$ 87,435.00	\$ 18,720.00		
2	Building Demolition	\$ 57,000.00	\$ 55,550.00	\$ 73,710.00		
3	Treat Metal Oxides	\$ 9,500.00	\$ 9,900.00	\$ 9,055.80		
4	Consolidate Contaminated Soils	\$ 313,950.00	\$ 31,358.00	\$368,042.00		
4a	River Bank Stabilisation		\$ 14,898.00			
5	Site Validation	\$ 30,000.00	\$ 12,204.00	\$ 13,811.85		
6	Capping Contaminated Soils	(See item 4)	\$ 265,331.00	(See item 4)		
6a	Revegetation		\$ 9,900.00			
7	Monitoring Wells	\$ 13,500.00	\$ 12,153.00	\$ 10,056.15		
8	Demobilisation from Site		Inc	\$ 5,850.00		
9	Reporting	\$ 7,500.00	\$ 5,050.00	\$ 2,574.00		
	Sub-total	\$ 438,250.00	\$ 503,771.00	\$ 501,819.80	\$ 613,872.00	\$ 637,600.00

TOTAL \$ 475,550.00 \$ 547,813.00 \$ 521,650.30

Projected timeline for completion of works 10 Weeks 16 Weeks 15 Weeks

* T & M - Price to be based on time and materials

Subject/File No: **RURAL FIRE BRIGADE OFFICERS 1998/99**
(RC/CA: S104)

Prepared By: Fire Control Officer - Ray Collyer

Reason: To advise Council of the names of the persons duly elected at the Brigade Annual General Meetings to hold Field Officer positions and Permit Officers within their brigades for the next 12 months.

Objective: To have Council ratify those appointments.

Management Plan Activity: Fire Protection

Background:

Brigades within Lismore City Council area hold their Annual General Meeting during April/May of each year. Election of office bearers are conducted and all Captains, Senior Deputy Captains, Deputy Captains and Group Officers are duly elected. Provided each nominated person has reached the level of training required, the nomination is approved by the Fire Control Officer.

As well as the Brigade personnel acting as Permit Officer during the Bush Fire Danger Period from October 1 to March 31 each year, the Richmond River Cane Growers have asked nominated people to perform the permit function for cane growers within the Council area. This service assists the Brigades in an important function.

I have pleasure in presenting to Council for formal approval, under Section 16(a)(b) of the Rural Fires Act 1997, the names of the persons so elected and nominated (copy of list attached).

Brief statistics are as follows:-

No. of Group Officers	10
No. of Captains	18
No. of Senior Deputy Captains.....	30
No. of Deputy Captains.....	64
No. of Permit Officers	63
Resignations/Retirements - Captains.....	2
Resignations/Retirements - Other Ranks.....	18

New Captains

Neville Davis - Blue Knob Brigade
Col Jackson - Caniaba Brigade
Paul Sayers - Tullera Brigade

Richmond River Cane Growers Association Permit Officers

Christine Pepper
Jack Norman Hanley

LISMORE CITY COUNCIL - Meeting held August 4, 1998

Rural Fire Brigade Officers 1998/99

Manager - Financial Services Comments N/A

Public Consultations N/A

Other Group Comments N/A

Recommendation (WOR24)

That the Brigade Officers, as listed, be accepted in their appointed positions for 1998/99.

Subject/File No: **TENDERS FOR SPRAYED BITUMINOUS SURFACING WORKS**
(DJP:VLC:T98024)

Prepared By: Rural Works Engineer, DJ Patch

Reason: To inform Council of tenders received for the 1998/99 Sprayed Bituminous Surfacing Programme.

Objective: Council approval of selected Contractor.

Management Plan Activity: Roads

Background:

Tenders for the 1998/99 Sprayed Bituminous Surfacing Programme were recently invited.

Tenders were received from the following organisations -

1. Boral Asphalt
2. Inroads Pty Limited.

Due to this type of work being carried out at many separate locations at various times throughout the year, tenders were invited on a Schedule of Rates basis.

To enable a comparison, two typical projects for this Council have been selected and costs calculated based on the tendered rates (*refer Appendix 'A'*).

Tenders received for sprayed bituminous surfacing works -

A. 100,000m² Bitumen Reseal Programme (*10 Working Days*):

<u>Contractor</u>	<u>Cost</u>
Boral Asphalt	\$122,568
Inroads Pty Limited	\$147,092

B. 10,000m² Bitumen Seal on New Works:

<u>Contractor</u>	<u>Cost</u>
Boral Asphalt	\$12,857
Inroads Pty Limited	\$17,470

LISMORE CITY COUNCIL - Meeting held August 4, 1998

Tenders for Sprayed Bituminous Surfacing Works

Financial Section

To be funded by the 1998/99 Budget:	Rural Reseals	\$ 577,000
	Urban Reseals	\$ 150,000
	RTA Reseals (Grant)	\$ 400,000
	Regional Road Reseals	\$ 180,000

	Total:	\$1,307,000
		=====

Manager - Financial Services Comments

Reviewing the tender documentation, it is clear that Boral Asphalt were the cheapest Tenderer. However, in saying this, issues that need to be kept in mind include -

- a) As this was a *schedule of rates contract*, both Tenderers have provided a wide range of prices depending on the volume of work being undertaken at any one time. The greater the volume the far cheaper the rate. A review of the works undertaken for this tender during 1997/98 indicated that the actual works tended to be completed in smaller pieces which meant that the price paid by Council was towards the more expensive end. Therefore, the onus should be on City Works Staff to try and programme the works to maximise the amount of work being undertaken at any one time to minimise the cost to Council.
- b) Discussions with Client Services Staff indicate that Council may be able to obtain a better overall price by preparing the tender as a *lump sum contract* with all the works planned clearly identified and programmed. Obviously this will require a far greater deal of planning by staff and this is an area that both City Works and Client Services Staff should research thoroughly over the next 12 months to determine whether or not it is achievable.

Public Consultations Not required

Other Group Comments N/A

Conclusion

Due to the nature of this work, the selection of a Contractor depends significantly on availability at the time required. As a result, the Specification enables Council to use any of the Contractors who submitted a tender, depending on cost and availability.

Contractors will be firstly selected on the basis of lowest cost and, secondly, on the basis of availability.

Recommendation (WOR25)

That Council adopt the following order of priority for the engagement of bitumen sealing contractors for major and minor works -

1. Boral Asphalts
2. Inroads Pty Limited.

Subject/File No: INVESTMENTS HELD BY COUNCIL AS AT MAY 31, 1998
(GB/LM: S170)

Prepared By: Manager-Financial Accounting, Graeme Blanch

Reason: To comply with Section 625 of the Local Government Act.

Objective: To invest Council's surplus funds to best advantage to comply with Council's investment policies.

Management Plan Activity: General Purposes Revenues

Information:

The attached list of investments held by Council with various financial institutions has been made in accordance with Section 625 of the Act and in accordance with Council's investment policies.

Council's total investment for May amounted to \$21,395,726, an increase of \$524,553 over the previous month but a decrease of \$297,131 from the same time last year. Average interest rate return for May was 5.17% compared to 5.11% last month. On current trends it would appear that interest rates will remain at their current levels.

Financial Section

Included in the body of the report.

Public Consultations

Not required.

Other Group Comments

Not requested.

Recommendation (COR40)

That the report be received and noted.

Subject/File No: INVESTMENTS HELD BY COUNCIL AS AT JUNE 30, 1998
(GB/LM: S170)

Prepared By: Manager-Financial Accounting, Graeme Blanch

Reason: To comply with Section 625 of the Local Government Act.

Objective: To invest Council's surplus funds to best advantage to comply with Council's investment policies.

Management Plan Activity: General Purposes Revenues

Information:

The attached list of investments held by Council with various financial institutions has been made in accordance with Section 625 of the Act and in accordance with Council's investment policies.

Council's total investment for June amounted to \$21,395,726.17 with an average interest return of 4.84%, compared to 5.17% the previous month. At the same time last year the average interest return was 5.72%. The current trend with interest seems to indicate the rate will remain at current levels over the next few months.

Financial Section

Included in the body of the report.

Public Consultations

Not required.

Other Group Comments

Not requested.

Recommendation (COR41)

That the report be received and noted.

Subject/File No: CODE OF MEETING PRACTICE
(GW/LM: S38)

Prepared By: Manager-Administrative Services - Graeme Wilson

Reason: Changes to legislation.

Objective: Adoption of Code of Meeting Practice

Management Plan Activity: Councillors

Background:

Council considered a report on its Code of Meeting Practice at its meeting held on March 31, 1998. The report was triggered by changes to the Local Government Act, principally associated with matters surrounding closed meetings.

The major discretionary change to the Code was the proposed introduction of the following clause (23AAA).

- *After a motion to close part of a meeting to the public has been moved and seconded, the chairperson will ask the General Manager if there are any written representations from the public on the proposed closure.*
- *The General Manager will read out any written representations.*
- *The chairperson will ask if any persons wish to make verbal representations.*
- *The opportunity to speak will be chosen in random order by the chairperson.*
- *Speakers will be limited to a maximum of 2 minutes.*

This clause was to give effect to the change in the Act requiring Council to allow members of the public to address Council on whether it should close part of the meeting.

The proposed changes were adopted and advertised, with no public submissions being received.

More Changes

Whilst the Code was on public exhibition, the Government made further changes to the Act. Relevant to this issue -

- The Government deleted the requirement that Council report annually on the percentage of time Council spends in Closed Committee.
- The Government deleted the requirement to put a timeframe on when closed reports can be released to the public.
- The Government has given Council the discretion (as opposed to mandatory requirement) to allow members of the public to make representations to or at a meeting as to whether part of that meeting should be closed to the public.

Impact of Changes

Council now has the opportunity to adopt the revised Code as advertised or adopt it with the deletion of Clause 23AAA.

Code of Meeting Practice

Whilst supportive of the concept of open and transparent government I would recommend that Clause 23AAA be deleted on the following basis:-

1. This Council has a culture of open government and only reluctantly moves to close meetings to the public.
2. The Act gives very specific directions as to what matters can be considered in Closed Committee; therefore Council cannot inappropriately move into Closed Committee.
3. Should Council delete the clause, the public will still have the opportunity through Public Access and Public Question Time, and direct representations to Councillors to oppose issues being considered in Closed Committee.

Manager - Financial Services Comments

Not required.

Public Consultations

Not required.

Other Group Comments

Not requested.

Recommendation (COR42)

That Council adopt the revised Code of Meeting Practice, subject to the deletion of Clause 23AAA.

LISMORE CITY COUNCIL - Meeting held August 4, 1998

Subject/File No: SECTION 356 DONATIONS TO COMMUNITY GROUPS
(TS:S164)

Prepared By: Community Development & Project Officer - Tricia Shantz

Reason: Section 356 - Policy Guidelines

Objective: To inform Council of the Section 356 Funding for 1998/99

Management Plan Activity: 1.5

Background:

Council has allocated \$29,500 in its 1998/99 budget for miscellaneous Section 356 Community Donations. In accordance with Council policy, applications were sought from community groups and a total of 50 applications totalling \$98,928 were received.

The following projects received the most votes from Councillors:

1. Young Drums	\$2,200
2. Koori Works	\$1,900
3. Visions of Nimbin	\$2,200
4. Nimbin Community School Co-operative	\$2,200
5. Up the Pole A Festival of Humour	\$2,200
6. Rosebank Rural Fire Service	\$1,500
7. Jiggi Valley Fire Service	\$2,200
8. Friends of the Botanic Garden	\$2,200
9. Goonellabah RSL Cricket	\$2,200
10. Rural Fire Service Tuncester Brigade	\$2,200
11. Lismore Regional Mission Uniting Church	\$1,600
12. Lismore Pre-school Kindergarten	\$1,000
13. Blakebrook P&C	\$2,000
14. Wyrallah Bushfire Brigade	\$1,300

SUB-TOTAL **\$26,900**

There is an amount of \$2,600 left. There were four projects that received five (5) votes each. These were:

a) Tullera Rural Fire Service - Cement slab to the front of the fire station.	\$1,250
b) Lismore District Good Shepherd Carers - To provide a community service for frail aged, lonely and disabled people in their homes voluntarily.	\$2,200
c) Friends of the Koala - Purchase of a Voroscope (ophthalmic instrument), garden tools, electronic scales, automatic garden sprinkler for tree nursery.	\$2,200
d) Modanville P&C Assoc. - They have received funding for a multi-purpose court to be built on school grounds. With the support of Dept. of Sport & Recreation (grant of \$5,981 on a 50-50 basis) they have decided to build in cement, not bitumen. This has left a shortfall to fund goal posts for basketball and netball.	\$2,100

LISMORE CITY COUNCIL - Meeting held August 4, 1998

Section 356 Donations to Community Groups

It is suggested that Councillors vote on one of these projects and that remaining funds be held over to meet unexpected requests for Community Donations to a maximum of \$200 for the remainder of this financial year.

Manager - Financial Services Comments

The recommendations within this report are in accordance with the 1998/99 budget.

Other Group Comments

N/A

Recommendation

1 That 1998/99 Miscellaneous Section 356 Donations be provided to the following fourteen (14) projects:-

1) Young Drums	\$2,200
2) Koori Works	\$1,900
3) Visions of Nimbin	\$2,200
4) Nimbin Community School Co-operative	\$2,200
5) Up the Pole A Festival of Humour	\$2,200
6) Rosebank Rural Fire Service	\$1,500
7) Jiggi Valley Fire Service	\$2,200
8) Friends of the Botanic Garden	\$2,200
9) Goonellabah RSL Cricket	\$2,200
10) Rural Fire Service Tuncester Brigade	\$2,200
11) Lismore Regional Mission Uniting Church	\$1,600
12) Lismore Pre-school Kindergarten	\$1,000
13) Blakebrook P&C	\$2,000
14) Wyrallah Bushfire Brigade	\$1,300

2 That Council allocate funds for one additional project as follows:-

a) Tullera Rural Fire Service	\$1,250; or
b) Lismore District Good Shepherd Carers	\$2,200; or
c) Friends of the Koala	\$2,200; or
d) Modanville P & C Association	\$2,100.

3 That the remaining funds be held over to meet unexpected requests for Community Donations to a maximum of \$200 for the remainder of this financial year.

Subject/File No: VOLUNTARY FLOOD PRONE LAND PURCHASE PROGRAM -
PROPERTY AT 12 WINTERTON PARADE, NORTH LISMORE
(GRD:CD:P10295)

Prepared By: Graeme Davis - Property Services Manager

Reason: Request by Richmond River County Council

Objective: To seek Council approval to proceed with acquisition.

Management Plan Activity: N/A

Background:

Correspondence has been received from Richmond River County Council requesting that Lismore City Council acquires the abovementioned property from funds specifically identified for **Flood Acquisition**.

Councillors may recall that this property was first approved for acquisition by the Department of Land and Water Conservation back on August 12, 1996 (letter 96-12992) for a sum of \$61,000. However, due to lack of Government funds, the sale did not proceed.

Unfortunately, the wooden structure erected on Lot 5 DP 37270 was gutted by fire in June, 1998 and, through negotiations with Richmond River County Council and Council's acting General Manager at the time (Mr Col Cooper), the owners (Mr David and Mrs Nina Oom) have agreed in principal not to rebuild but, subject to Council approval and a fresh application to the Department of Land and Water Conservation being agreed upon, to dispose of the vacant allotment to Council for an agreed sum of **\$20,000**. As at the time this report is written no formal valuation has been received however, if it arrives in time for the meeting, it can be tabled on request.

As the attached map indicates, the property identified as 12 Winterton Parade, North Lismore is in a defined floodway and is located within the Department of Public Works Lismore Flood Plain Management advice dated March, 1983.

As a result of the fire, Council's Planning and Development Group issued an Emergency Order (No. 3) on Mr and Mrs Oom on June 11, 1998 to either repair or demolish the building. A site inspection since that time has revealed the burnt out remains have been demolished and the site is now clear of all rubbish.

Expenditure Accountant's Comments

Council has provided \$200,000 in the 1998/99 Budget for the acquisition of non specific Flood Prone Properties with funding by subsidy \$134,000, revenue \$33,000 and reserve \$33,000.

It was envisaged at that time that these funds would be applied specifically towards purchasing properties in conflict with the possible location of the flood levee.

LISMORE CITY COUNCIL - Meeting held August 4, 1998

Voluntary Flood Prone Land Purchase Program - 12 Winterton Parade, North Lismore

It is understood that this property does not meet this criteria, but because of the fact that the purchase price is relatively 'cheap' compared to other acquisitions, a subsidy is applicable and other benefits mentioned by the Group Manager - City Works, the purchase should proceed.

It should be reaffirmed that the first priority for the balance of the funding should be specifically to acquire properties in conflict with the possible location of the flood levee.

Public Consultations

Not required.

Other Group Comments

Group Manager Planning & Development:

I support the recommendations outlined in this report.

Group Manager City Works:

From an SES flood management point of view, it is highly desirable to have all dwellings removed from floodways as, during flood events, these houses and their occupants are the ones most at risk.

Recommendations (ENT24)

1. That Lismore City Council approve (subject to subsidy funds becoming available) the purchase of Lot 5 DP 37270 being No. 12 Winterton Parade, North Lismore for the sum of \$20,000.
2. That the General Manager be authorised to sign the Contract of Sale and Transfer to bring about this action.

Subject/File No: AERODROME ADVISORY PANEL
(CWK:CD:S84)

Prepared By: Craig Kelly - GMBE

Reason: Panel restructure in accordance with Consultant's recommendation

Objective: To obtain a resolution of Council.

Management Plan Activity: N/A

Background:

As part of the consultancy to advise on the Lismore Terminal upgrade, Captain Buck Brooksbank made a number of recommendations with regard to the administration of the airport. His report included the following at page 12:

The Airport Management Committee be developed to have the following areas of expertise represented by an individual for each area:

- *Lismore City Councillor. To provide the direct link between the Council and represent overall community interests*
- *RPT (Regular Public Transport) Operations*
- *Flying training and GA (General Aviation)*
- *Business acumen with extensive experience*
- *Accounting qualifications and proven performance*
- *Marketing of service provider products*
- *Chamber of Commerce. To give a broad range of business community input.*

The current panel has the following membership:

- Three Councillors: Crs Crowther, King and Gates
- Five Citizen Members: Mr H Habib, Mr J Habib, Mr G Somerville, Mr R Sargent and Mr R Smith.
- Council staff member Mr M Hawkins (secretary to the panel).

The existing panel have overseen the management and maintenance of the existing terminal, runway and surrounds. Having reviewed the Lismore Airport in the context of de-regulation and broader industry trends, Capt. Brooksbank sees opportunities for the development of the total airport precinct. This requires both a broad range of experience including those outlined in his recommendation as well as greater representation of major customer groups of the airport. Accordingly it is proposed to restructure the Aerodrome Advisory Panel to include a broader range of disciplines and experience, to assist in development over the coming crucial two to five years.

To this end Council have identified the major community air service user groups to be represented on the panel.

Conclusion

The de-regulation of the regional air transport market will see volatility and change over the coming years. The Council, through its decision to redevelop the airport terminal, has taken a proactive step toward meeting these challenges. The continuation of this process necessitates the restructure of the Aerodrome Advisory Panel to enhance diversity and to allow direct feedback from key user groups.

The following proposed Panel structure was developed in consultation with the Chair of the current Panel, Cr. Crowther and closely follows the structure proposed by Captain Brooksbank.

- Two Councillors;
- One Representative of Southern Cross University;
- Two Business / Chamber of Commerce representatives;
- Two RPT operations representatives (One per RPT operator);
- One Public Transport representative;
- One State Government representative;
- One General Aviation representative;
- One Aero Club representative.

Recommendations (ENT25)

1. That the following be adopted as an agreed membership of a restructured Aerodrome Advisory Panel:
 - Two Councillors;
 - One Representative of Southern Cross University;
 - Two Business / Chamber of Commerce representatives;
 - Two RPT operations representatives (One per RPT operator);
 - One Public Transport representative;
 - One State Government representative;
 - One General Aviation representative;
 - One Aero Club representative.
2. In order to facilitate the timely implementation of the Lismore Airport Strategic Plan, that the re-structured Panel take effect from October 1, 1998.
3. That the Chairman of the current Advisory Panel, Cr Crowther and the General Manager liaise in immediately calling for Expressions of Interest for membership of the re-structured Panel and present recommendations to the Council on proposed appointees.
4. That present Advisory Panel members be thanked for their service to the Council and the community and be encouraged to re-nominate for the re-structured Panel.
5. That the re-structured Aerodrome Advisory Panel review the aims and objectives of the Plan of Management for the Panel. (See existing Management Plan as appended.)

Present: Mr Bill Moorhouse (*Chairperson*), Councillor Ken Gallen, Messrs Bill Rixon, MP, Michael Baldwin (*Roads and Traffic Authority*), Chris Mallam (*Lismore Unlimited*), Snr Const David Driver (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*) and Mr Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*).

In Attendance: Br Neville (*Trinity College*), Mr Jim McGrath (*St Carthage's School*) and Mr Warren Jacobsen (*Executive Officer Lismore Dioceses*) for Item No. 8.

Messrs Reg Powell (*Cool Rocks Cellars*), Tony Isaac (*Woolworths*) and Ian Whipps for Item No. 9.

Apologies: Apologies for non-attendance on behalf of Councillors Eleanor Cole, Bob Gates and Mervyn King were received and accepted and leave of absence granted.

Minutes of Traffic Advisory Committee Meeting - June 17, 1998

Members were advised that the Minutes of the Meeting held on June 17, 1998 were adopted by Council at its meeting of July 14, 1998, excluding Item Nos. 9 and 12.

The Committee noted Council's resolutions in relation to these two items.

Disclosure of Interest: Nil

Correspondence:

1. **Parish Centre Pre-School;** drawing attention to the on-street parking problems being experienced in Keen and Zadoc Streets, Lismore, in the vicinity of St Andrew's Church, and seeking increased patrols or a time reduction for parking in Zadoc Street.

The Committee was of the opinion that the demand for parking in Zadoc Street was such that a reduction in existing time restrictions was not practical. Snr Const Driver advised that he had made arrangements for Zadoc Street to be included in more regular patrols by the Parking Police Officers. This was seen as a more effective means of ensuring parking was available.

TAC113/98 **RECOMMENDED** that the writer be advised in accordance with the above.

(98-9881:S353)

2. **Blakebrook Public School;** seeking the 60 kph School Zone on Rosehill Road, Tuncester, to be highlighted for oncoming motorists by painting "60" on the road surface, similar to Goolmangar Public School.

Mr Baldwin advised that the RTA was currently arranging quotations for the upgrading of School Zone facilities in this area. It was initially intended to only install the new pavement markings for School approaches at this stage with signage being upgraded at a later date. It was also agreed that the existing 80 kph speed signs needed to be relocated further west along Rosehill Road to help clarify existing speed restrictions.

2. **Blakebrook Public School** (Cont'd)
TAC114/98 **RECOMMENDED** that pavement markings be installed on approaches to all Schools that currently have School Zones upon receipt of funding from the RTA.
TAC115/98 **FURTHER RECOMMENDED** that the 80 kph zone on Rosehill Road be extended to a point 720m west of Nimbin Road. (98-10377:S352,R2704)
3. **Peace Bus Collective;** outlining the Peace Bus '98 timetable and seeking permission to display the bus on Wednesday, August 5, 1998 in Keen Street, Lismore, close to the Big Scrub Environment Centre.
The western side of Keen Street in front of the Big Scrub Environment Centre was not considered a suitable site for the double-decker bus to park due to the height of the bus and the conflict this would cause with awnings. There were also concerns raised regarding the restrictions this may pose on the free flow of pedestrian traffic along the footpath.
TAC116/98 **RECOMMENDED** that permission be granted for the bus to park on the eastern side of Keen Street in front of the former Lismore High School site. (98-10809:S424)
4. **M Burton & G Dark;** drawing attention to the ongoing problems being experienced with the excessive speed of vehicles in the vicinity of the Rosebank General Store, at the intersection of Eureka and Rosebank Roads, and seeking a re-appraisal of the current situation.
Mr MacDonald advised that he had met with Mr Burton on-site together with Police and RTA Representatives. It would appear there is a reluctance from some community members to conform to the existing 60 kph speed limit through Rosebank and to reduce speeds sufficiently when negotiating the speed bump which was installed last year. All three approaches were well signposted and it was suggested to Mr Burton that this issue could be canvassed throughout the community via their local newsletter. Snr Const Driver also suggested it would be possible for Police to show a presence in the area in the near future which, in itself, would be a deterrent to speeding motorists.
Mr Burton agreed to raise the issue in the next community newsletter advising that the problem had been drawn to the attention of the relevant Authorities and that due care should be taken.
TAC117/98 **RECOMMENDED** that the above action be noted. (98-10961:S352,R3704,R3703)
5. **P Willott;** drawing attention to the traffic hazard which exists on Bangalow Road at its intersections with both Lagoon Grass Road and Howards Grass Road and suggesting turning lanes for north-bound traffic as a possible solution.
It was pointed out that the Howards Grass Road intersection was situated in the middle of one of the very few long straight sections of Bangalow Road that allowed motorists to overtake. The installation of a double white line would be illogical to most motorists. Sight distance on the approaches from either side was extremely good as was the signposting. The existence of a deep drain opposite the intersection prohibited the widening of the road shoulder without considerable expenditure.
-

5. **P Willott** (Cont'd)
An unbroken white line already existed on Bangalow Road around the bend on the approaches to Lagoon Grass Road which prohibited motorists from overtaking. It was noted that this intersection would need to be upgraded as part of the proposed link road construction from Pineapple Road to Lagoon Grass Road.
- TAC118/98 **RECOMMENDED** that the writer be advised of this proposal and that the installation of a double white line on Bangalow Road, each side of Howards Grass Road could not be justified for the reasons set out above. (98-11310:R4101)
6. **Caniaba Public School P & C Association;** advising of amended School hours and requesting that the School Zone be altered accordingly.
Mr Baldwin advised that the RTA had no objection to altering the School Zone signs to better reflect the new operating hours.
- TAC119/98 **RECOMMENDED** that the times on the School Zone signs be altered to read 8.00am to 9.00am and 2.00pm to 3.00pm. (98-11318:S352)
7. **Hon Carl Scully, MP, Minister for Roads;** advising of the continuation of the 50 kph urban speed limit for an additional 12-month period.
Members noted that Council had already resolved to continue with the trial of the reduced urban limit. Some concerns were raised about the existing large signs on the entries to the City advising that Lismore was a 50 kph trial area. It was felt that the signs were being misinterpreted by some motorists as meaning that even the Main Roads were included as 50 kph roads.
- TAC120/98 **RECOMMENDED** that the red ring around the 50 be removed from the existing entry signs.
- TAC121/98 **FURTHER RECOMMENDED** that a letter be issued to the Minister for Roads confirming Council's ongoing involvement in the trial. (98-11327:S352)

General Business

8. **Proposed Bus Interchange - Hindmarsh/Brewster Streets and Bypass off Brunswick Street**
Representatives from Trinity College, St Carthage's School and Lismore Dioceses were present for this item. Plans were tabled showing a proposed bus interchange along the western side of Hindmarsh Street between Leycester Street and Laurel Avenue.
Neither Br Neville or Mr Jacobsen offered any objection to the proposal. Mr McGrath (*St Carthage's School*) opposed the plan stating that it was too great a distance in which to take his School students to the section of the interchange that was south of Orion Street. Mr McGrath requested that consideration be given to creating a special Bus Stop along the southern side of Leycester Street where his children could be collected separately. There was some doubt as to whether this could be achieved. All of the guests were strongly urged to come to some mutual agreement in order that a firm proposal could proceed. Unfortunately, this was not forthcoming.

8. **Proposed Bus Interchange - Hindmarsh/Brewster Streets and Bypass off Brunswick Street** (Cont'd)

It was agreed that St Carthage's School and Trinity College would organise a further meeting with all bus operators to submit the current option and Mr McGrath's amendment for discussion.

Upon departure of the guests, the Committee suggested that it may be possible to still retain the 'saw tooth' design of the interchange but for it to start in Orion Street and go around the corner into Hindmarsh Street. This would need to be investigated further to ascertain whether or not the number of bus spaces required would fit into this area.

While the guests were present, discussions also took place regarding a proposal for a new link road across the playing fields and the river, north of Brunswick Street. The plans tabled showed that with some earthworks, playing fields could be shifted around without loss in area. A crossing point at least similar to the one on Brunswick Street would be provided on the new link road to allow safe access to the playing fields from St Carthage's School.

The plan also included the closure of the one-way section of Keen Street behind Trinity College at its intersection with Dawson Street. This would allow an uninterrupted link between Trinity College and the playing fields, and provide a safe area for both staff and parents to park. Also included was the closure of Leycester Street at its intersection with Dawson Street (*in front of the Cathedral*). There was general support for this proposal from all present.

TAC122/98

RECOMMENDED that the above be noted.

(S673,S683)

9. **Centre Median - Keen Street**

Messrs Reg Powell (*Cool Rocks Cellars*), Tony Isaac (*Woolworths*) and Ian Whipps were present for this item. The Chairperson pointed out that Council's main objective was to provide a pedestrian refuge to enhance the safety of the many pedestrians that crossed Keen Street to the Bus Zone on the eastern side of Keen Street. There were concerns that leaving a gap in the centre median opposite the Cool Rocks Cellar's driveway would increase potential danger for pedestrians crossing Keen Street.

Mr Powell stated that at least 50% of his business was from customers heading south along Keen Street and turning right into his driveway closest to Lismore Central's exit driveway. Messrs Powell and Isaac considered it necessary to retain this movement in order for the business to remain viable. However, they were prepared to take the matter back to the owners of Lismore Central for further investigation.

The Committee agreed that it would be possible to hold off any works until Messrs Powell and Isaac reported back.

TAC123/98

RECOMMENDED that the above be noted.

(R7313)

10. **Pedestrian Refuge - Ballina Street - Below Hunter Street**

Mr MacDonald advised that Council had resolved that this issue be considered in conjunction with the new underpass. The general feeling of the Committee was that the pedestrian refuge should not be reinstated in Ballina Street, below Hunter Street. This would be a duplication of facilities. The majority use of the underpass would be during daylight hours. However, it would be very well lit for night time use.

TAC124/98 **RECOMMENDED** that the refuge not be reinstated at this stage and its need be re-assessed once the underpass was in operation. (R6002)

11. **80 kph Speed Limit for Rural Roads**

Mr MacDonald advised that Council had resolved that a survey of all rural roads be carried out with a view to reducing the existing speed limit on the majority back to 80 kph.

A preliminary survey and discussions with the RTA revealed that the majority of rural roads would not meet the criteria set by the Authority for an 80 kph speed limit. Speed limits generally related more to roadside development than road conditions which would normally be dealt with by way of warning signs, etc. It was acknowledged that existing 100 kph signs at the end of lower limits were encouraging some motorists to travel faster but this was a State limit and not the recommended speed for a particular road.

Mr Baldwin pointed out that the use of the old de-restriction sign was still permissible in lieu of the 100 kph signs and it was noted that Council was already using these on some roads.

TAC125/98 **RECOMMENDED** that this practice continue in lieu of reduced speed limits. (S352)

12. **Pedestrian Refuge - Oliver Avenue, Goonellabah**

The Committee was advised that a need for a pedestrian refuge at Oliver Avenue had been recently identified as part of the footpath construction programme. The refuge had already been installed and appeared to be working well. The Committee concurred with its installation.

TAC126/98 **RECOMMENDED** that the above be noted. (R6493)

13. **Drop-Off and Collection Points - Lismore CBD**

A survey of the CBD revealed that there was a number of 'No Standing' and 'No Parking' areas that already could be used to drop off or collect passengers. It was noted that many motorists had adopted the practice of pulling up and double parking in front of a particular store to set passengers down. With existing pressures on parking, particularly on the inside of the 'Main Block', additional drop off areas could not be justified. It was suggested that not all motorists may be aware that they can use the 'No Standing' and 'No Parking' areas for this purpose. This use may be able to be incorporated into a future education programme by the Road Safety Officer.

TAC127/98 **RECOMMENDED** that the above be noted. (S353)

14. **Short-Term Parking - Molesworth Street - Transit Convenience Centre**

A requirement of the Building Application for the Transit Convenience Centre was that six (6) short-term parking spaces be provided in the Rowing Club Carpark. With the start of the parking in the carpark being well down the access road, it was suggested that it may be more suitable to provide the short-term spaces in the Molesworth Street centre rank in front of the Transit Centre and beside the Taxi feeder rank. The advantages of this option would be that the spaces would be much more visible to visitors and access across to the Centre would be on a flat grade.

Discussions also took place regarding a proposed disabled parking bay to be introduced in front of the Transit Centre. It was suggested that rather than parallel to the kerb on the western side of Molesworth Street, it may be more appropriate to also install the disabled bay in the centre rank between the Taxi feeder rank and the proposed short-term parking bays. The advantage of installing the bay in the centre rank was that the bay could be much wider and disabled drivers would not be opening the car door into oncoming traffic. A kerb ramp could still be provided in front of the Taxi rank on the western side of Molesworth Street to allow easy access to the footpath.

TAC128/98 It was suggested that this proposal be taken to the Access Committee for comment and should it agree, the Traffic Advisory Committee **RECOMMEND TO COUNCIL** that a disabled parking bay be installed in the centre rank in Molesworth Street, immediately south of the existing Taxi feeder rank.

TAC129/98 **FURTHER RECOMMENDED** that six (6) 15-minute parking spaces be provided in the centre rank in Molesworth Street to the south of the bays mentioned above. (R7322)

15. **Intersection of Kyogle and Rosehill Roads, Tuncester**

The Committee noted that the Roads and Infrastructure Manager, Mr Hemsworth, had investigated the intersection both in relation to accident statistics and intersection layout, and he could not support the installation of guard-rail at this location.

TAC130/98 **RECOMMENDED** that the above information be noted.

(D980005,R2707,R2704)

16. **Weston Park Plan of Management**

This item had been referred to the Committee for comment from Council's Recreation Planner, Mr David Edwards. It was acknowledged that not all items were relative to the Committee. However, the following is provided to assist in developing the plan.

Pedestrian Access:

1.1 **Pedestrians/Cyclists crossing Rous Road experience difficulty due to traffic volumes and road width.**

Proposed Action: Investigate opportunities for a pedestrian refuge island located in the proximity of the Reserve Street and Rous Road intersection to improve the safety of pedestrians accessing Weston Park.

It was suggested that a pedestrian refuge could be installed in Rous Road, immediately north of Reserve Street.

TAC131/98 **RECOMMENDED** that this facility be installed should funding be available. (R6610)

16. Weston Park Plan of Management (Cont'd)

- 1.2 The main entrance to Weston Park through Reserve Street and adjoining carpark does not have a footpath. Pedestrian/cyclist safety and comfort is compromised due to the lack of a defined all-weather pathway.

Proposed Action: Identify the potential location for a path along one side of Reserve Street and the Park carpark to improve pedestrian safety, accessibility and comfort. This would link to the existing footpaths in Rous Road.

In light of the refuge recommendation, it was suggested that a footpath along the northern side of Reserve Street would be most appropriate.

Vehicle Access to the Park:

- 2.1 Instances of excessive vehicle speed and unsafe driving in Reserve Street and the adjoining carpark endanger pedestrians and cyclists using this main Park access.

Proposed Action: Investigate vehicle speed reduction strategies at this main entrance to the Park to improve pedestrian and motorist safety.

These may include installation of an entry threshold (ie, band of paving), at the Reserve Street and Rous Road intersection; construction of a 'squeeze point' incorporating a pedestrian refuge island at the Reserve Street carpark entry, and lowering the carpark speed limit to 10 kph.

It was felt the most effective way of slowing vehicles down before entering the carpark area in Reserve Street would be by the installation of a Watts Profile Speed Bump at the start of the carpark.

- 2.2 The main vehicle access off Jubilee Avenue to the informal carparking area is boggy during wet ground conditions.

Proposed Action: Determine traffic design standards for the main vehicle entry off Jubilee Avenue with the intent to formalise this entry.

There was some doubt as to whether a separate entrance off Jubilee Avenue was required. However, this could be determined in consultation with the Soccer Club.

- 2.3 The Spring Avenue entry to the Park, whilst currently closed to vehicles, could provide an alternative Park entry for the rear allotment access of properties along the western Park boundary. As this alternative entry requires vehicle barriers to deny thoroughfare between Spring Avenue and Reserve Street, safer pedestrian conditions and additional recreation space would be created between Field 3 and the tennis complex.

Proposed Action: Determine whether to re-open vehicle access from Spring Avenue for rear allotment access of properties adjoining the western Park boundary whilst closing access from Reserve Street between Field 3 and the tennis complex.

The Committee raised no objection to opening the end of Spring Avenue to provide vehicular access to Field 3 and to the rear of the properties backing onto the park, provided vehicular access along the rear of the tennis courts from or to Reserve Street was prohibited.

16. Weston Park Plan of Management (Cont'd)

Carparking:

2.5 When the carpark off Reserve Street is full, overflow on-street parking occurs in Reserve Street. Due to the narrow width of Reserve Street, this parking pattern does not meet RTA standards.

Proposed Action: Determine requirements to upgrade on-street parking in Reserve Street to RTA standards to accommodate overflow parking from Park users and visitor parking for local residents.

The fact that vehicles park both sides of Reserve Street during busy times does have the effect of slowing traffic. However, parallel parking would obviously be better accommodated in this area if the road was widened and kerb and gutter installed. This would require a design and funding.

2.6 The main entrance and carpark off Reserve Street has no passenger set-down or disabled carparking bay.

Proposed Action: Identify the requirements for a disabled persons carparking bay and passenger set-down area to be located near the entrance of the Soccer Club.

Disabled parking and a set-down area could be provided at the end of the carpark closest to the Soccer Club. (P8505)

17. Magellan Street Closures - between Molesworth and Keen Streets

This item was raised as a result of a recent road closure that was given approval at relatively short notice for an event. Some business houses had objected to the closure.

It was recognised that there was a need to develop appropriate guidelines in consultation with traders and Lismore Unlimited for future closures. Mr Mallam agreed to take this issue to the next meeting of Lismore Unlimited and report back on the outcome.

TAC132/98 **RECOMMENDED** that the above be noted. (R7319)

18. Eltham Roundabout Proposal

Several plans were tabled showing various options for intersection treatments at the intersection of Eltham Road and Johnston Road, Eltham. Option 2 of the roundabout designs was considered the most appropriate. However, it would be hard to justify the cost of its construction, estimated at \$20,000, at this stage.

It was pointed out that arrangements had recently been made to have a double white line painted along Eltham Road from the bridge to a point just past the Eltham Pub. This was intended to retain through traffic on the correct side of the road.

TAC133/98 **RECOMMENDED** that the new proposals be considered at a later date. (R4002,R4001)

19. **Intersection of Molesworth and Magellan Streets - Pie Van Location**

A plan was tabled illustrating several options for the relocation of the Pie Van as a result of the pending reconstruction of the above intersection. It had been suggested that it may be possible for the Van to park parallel to the kerb on the northern side of Magellan Street beside the AMP Building. However, a site investigation revealed that pedestrian safety would be at risk when crossing Magellan Street should the Van be parked in this area.

Pedestrian numbers would increase with the new Transit Centre and the proposed Kirkland Riviera Carpark.

Council had already resolved that the proposed relocation of the Pie Van to a position further west of its current location be taken into account in any future negotiations and lease arrangements. This was still considered the most appropriate site.

TAC134/98 **RECOMMENDED** that the above be noted. (R7319)

20. **New Roundabout - Ballina and Conway Streets Intersection**

Mr Baldwin raised concerns that there may be a need for adjustment of parking signs along the southern side of Conway Street in the vicinity of the new roundabout.

TAC135/98 **RECOMMENDED** that signposting adjustments be carried out as required. (R7307)

This concluded the business and the meeting terminated at 12.45 pm.

CHAIRPERSON

TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR

DOCUMENTS FOR SIGNING AND SEALING

COUNCIL 4/8/98

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

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

Recommendation:

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

Boundary Adjustment & S88B Instrument - Council & M & A Walton - Industry Drive, East Lismore

Final Plan for boundary adjustment which involves the land swap of equal areas of land held by Council and land in private ownership in order to retain important koala food trees.

(98-11209,98-7323: D97/356)

Lease - Council to Castlesands Pty Ltd - 2/186 Molesworth Street, Lismore

Lease of Suite 2 for a period of three years from February 8, 1998.

(98-10170: P6832)

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, July 14, 1998 AT 6.05PM.

- Present: Her Worship the Mayor, Councillor Irwin; Councillors Champion, Cole (from 6.55pm), Crowther, Gallen, Gates, King, Larsen, Roberts, Swientek and Wilson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Economic Development, Expenditure Accountant and Aerodrome/Quarries Manager (from 6.30pm).
- 245/98 Apologies/ An apology for anticipated late arrival by Councillor Cole was
Leave of received and accepted.
Absence: Leave of absence was granted to Councillor Riddell by Council on March 31, 1998.
- 246/98 Minutes: The Minutes of the Ordinary Meeting held on June 23, 1998, were confirmed.
(Councillors Wilson/Gallen)

PUBLIC ACCESS SESSION:

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

Dr Geoff Cawley Re Mayoral Minute

(See Minute No. 247/98)

Dr Cawley advised that replacement of the existing Petroff piano is essential and that a unique opportunity to purchase a secondhand Yamaha concert grand piano for \$55,000 less a \$10,000 trade-in was now available. He urged Councillors to support the recommendation.

(P6816)

Mr Bill Sheaffe Re Reports -

a) Lismore City Airport Development Study

(See Minute No. 252/98)

Mr Sheaffe advised that the business community through Lismore Unlimited had been involved with the process from the beginning, fully supported it and urged Councillors to adopt the recommendations of the Study.

(P9733)

b) Creating an Environment for Economic Development

(See Minute No. 253/98)

Mr Sheaffe advised that the business community had been involved with this process through the Economic Development Board and although much had been achieved, the need for a valuable tool in the form of an Incentives Policy had been highlighted. He agreed with the recommendations within the report.

(S640,S653)

MAYORAL MINUTE:

City Hall

- 247/98 RESOLVED that the minute be received and that Council provide an interest free loan of \$22,500 to Musica Viva for the purpose of purchasing a second hand Yamaha grand piano, subject to the following conditions:
- 1 The piano become a Council asset.
 - 2 The loan be funded from Property Reserves.
 - 3 The General Manager be given delegated authority to negotiate other terms and conditions in relation to the loan and conditions of use of the piano.
- (Councillors Irwin/Crowther) (P6816)

MOTIONS:

Naming of Carrington Street Carpark

(Copy attached)

- 248/98 Formal notice having been given by Councillor Crowther it was **RESOLVED** that the carpark (unnamed) in Carrington Street situated on Council property be known as the "Barney Shearman Carpark".
- (Councillors Crowther/Champion) (98-9709: P6397)

Naming of Carpark on old Kirklands Bus Depot Site

(Copy attached)

Formal notice having been given by Councillor Crowther it was **MOVED** that the proposed new carpark on the old Kirklands Bus Depot site be named "Kirkland Riviera Carpark".

(Councillors Crowther/King)

AN AMENDMENT WAS **MOVED** that the proposed new carpark on the old Kirklands Bus Depot site be named "Riviera Carpark".

(Councillors Swientek/Wilson)

On submission to the meeting the AMENDMENT was **DEFEATED**.

Voting Against: Councillors Irwin, Roberts, Larsen, Champion, King, Gates and Crowther.

- 249/98 **RESOLVED** that the proposed new carpark on the old Kirklands Bus Depot site be named "Kirkland Riviera Carpark".
- (Councillors Crowther/King)

- 250/98 **FURTHER RESOLVED** that a report be presented outlining an appropriate policy for the naming of public places.
- (Councillors Gallen/Wilson)
(98-9710: P6301)

North-East Corridor to Connect with Pacific Highway

(Copy attached)

- 251/98 Formal notice having been given by Councillor Swientek it was **RESOLVED** that Council explore the feasibility of establishing a new north-eastern corridor to eventually replace the Lismore-Bangalow Road (T.R. 65) and to connect in with upgraded proposals to the Pacific Highway.

(Councillors Swientek/Wilson) (98-10763: R4101)

Lismore Memorial Baths

(Copy attached)

Formal notice was given by Councillor Gates that Council review its decision to close the Memorial Baths and the report of 13/6/95 on which this decision was based be updated to include funds expended on the facility over the last 8 years and cost involved to keep the facility open.

At the request of Councillor Gates the motion was WITHDRAWN.

(98-10762: P6768)

REPORTS:

Lismore City Airport Development Study

(Copy attached)

252/98 RESOLVED that the report be received and

- 1 Council resolve to proceed with the development of a new airport terminal as proposed in the consultant's report (Attachment A).
- 2 Council immediately proceed with a rezoning application as proposed by the consultant's report (Attachment A) from 1(r) (Riverlands Zone) to 5 (Special Uses) Airport.
- 3 Should the proposed re-zoning be approved the new airport terminal be financed by Council raising loan funds (Option B in the business paper) to a maximum of \$1.92M and provided that the airport operation remains self-funding.
- 4 Should the proposed rezoning be approved, a report from Manager-Financial Services be submitted to Council outlining proposed funding arrangements for the development.
- 5 The General Manager be authorised to re-negotiate the licence agreement with Main Camp/ATTORI to facilitate the proposed airport terminal.
- 6 A further report be submitted by the General Manager prior to estimates consideration in the 1999/2000 financial year with regard to resources required for project managing the airport terminal development.
- 7 Council proceed to advertise a landing fee range of between \$2-\$10 per person pursuant to the provisions of the Local Government Act to provide scope to negotiate with a prospective additional RPT Service carried for Lismore Airport.

(Councillors Crowther/Larsen)

Dissenting Vote:

Councillor Champion (Point 3)

(P9733)

Creating an Environment for Economic Development

(Copy attached)

253/98 RESOLVED that the report be received and -

- 1 That Council -
 - a) support the proposals outlined in the Lismore "Incentives for Investment Policy" document (see Attachment A);
 - b) adopt the Lismore Incentives for Investment Policy as outlined in Attachments A & B, subject to the following amendments:-

- i) inclusion of a further notation that provides for the cumulative impact of the policy to be reported (see Page 16 of the bound policy under 'Monitoring the Policy's Success' and under Policy 11.1.1 'Policy Review' on Page 4);
 - ii) a review of the Social Impact eligibility criteria (Page 8 of the bound policy) be carried out in conjunction with the Community Development & Project Officer; and
 - iii) under Eligibility Criteria it be made clear that assistance can also be provided to existing businesses who may be reinvesting, or otherwise providing local economic renewal;
- c) establish the Incentives Contribution Fund as discussed in the attached report and that a further report be submitted by the Manager Financial Services in consultation with the Manager Economic Development as to how this fund may be financed.
- 2 A further report by the General Manager be submitted in relation to the administrative procedures and timing for implementation of the Lismore Incentives for Investment Policy.
- (Councillors Roberts/Champion) (S653,S640)

1998 Rates and Charges - Addendum Report

(Copy attached) (Tabled)

254/98

RESOLVED that the report be received and -

- 1 Lismore City Council adopt the Integrated Waste Minimisation and Management Strategy as presented to Council and the community in April and May 1998.
- 2 Lismore City Council proceed with the staged implementation of the Integrated Waste Minimisation and Management Strategy, subject to regular reviews.
- 3 Subject to satisfactory tenders for processing of organic waste, Lismore City Council adopt for implementation in the 1999/2000 financial year, i.e. from 1st July 1999, a waste collection and resource recovery service consisting of a fortnightly 240 litre waste, weekly 140 litre organic resource and improved Drop Off Centre Recycling service, with a garbage charge of \$80 being levied for the 1998/1999 financial year.
- 4 That the proposed amended waste service regime apply only to properties within the urban precinct of Lismore for the 1998/99 Financial Year.
- 5 Council provide as part of the modified waste service regime an annual (or more often) hard waste collection service, two landfill access vouchers and an at call - at cost on site green waste shredding service.

(Councillors Roberts/Larsen) (S317)

1998/99 Rates & Charges

(Copy attached)

255/98

RESOLVED that the report be received and -

(A) SUBJECT: General Fund Rates

Whereas Council has advertised its Draft Management Plan for 1998/9, in accordance with Section 405 of the Local Government Act, 1993, and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993 and approval has been given by the Minister for Local Government for a Special Rate Variation:

- (i) It is hereby resolved that a **Business Rate** to be known as the “**Business Inner CBD**” Rate, of **two point three three four zero (2.3340) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 1995 subject to a minimum amount of **three hundred and fifty five dollars and ninety cents (\$355.90)** per assessment, be now made for the rating year July 1, 1998 to June 30, 1999, on all rateable land within the centre of activity known as the ‘Inner CBD’ within the area shown in Schedule ‘C’ and which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
- (ii) It is hereby resolved that a **Business Rate** to be known as the “**Business Urban**” Rate, of **two point one one six three (2.1163) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 1995 subject to a minimum amount of **three hundred and fifty five dollars and ninety cents (\$355.90)** per assessment, be now made for the rating year July 1, 1998 to June 30, 1999, on all rateable land within the centre of activity outside the Inner CBD but within the urban area of Lismore as shown in Schedule ‘D’, which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
- (iii) It is hereby resolved that a **Business Rate** to be known as the “**Business Other**” Rate, of **two point zero zero six four (2.0064) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 1995 subject to a minimum amount of **three hundred and fifty five dollars and ninety cents (\$355.90)** per assessment, be now made for the rating year July 1, 1998 to June 30, 1999, on all rateable land in the City of Lismore but not within the areas defined in Schedules ‘C’ and ‘D’ attached which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
- (iv) It is hereby resolved that a **Farmland Rate**, to be known as the “**Farmland Rate**” of **point seven eight zero five (.7805) of a cent in the dollar**, on the Land Value as at Base Date July 1, 1995, subject to a minimum amount of **three hundred and fifty five dollars and ninety cents (\$355.90)** per assessment, be now made for the rating year July 1, 1998 to June 30, 1999, on all rateable land in the City of Lismore area, which meets the definition of Farmland as defined in Section 515 of the Local Government Act, 1993.
- (v) It is hereby resolved that a **Residential Rate** to be known as the “**Residential Rate**” of **one point four two one two (1.4212) cents in the dollar**, on the Land Value as at Base Date July 1, 1995, subject to a minimum amount of **three hundred and fifty five and ninety cents (\$355.90)** per assessment, be now made for the rating year July 1, 1998 to June 30, 1999, on all rateable land within the centres of population defined in Schedule ‘A’ attached and meeting the definition of residential land, as set out in Section 516 of the Local Government Act, 1993.
- (vi) It is hereby resolved that a Residential Rate sub-category to be known as “**Residential Billen**” of **one point four two one two (1.4212) cents in the dollar**, on the Land Value as at Base Date July 1, 1995 subject to a minimum amount of **two hundred and fifty dollars and forty cents (\$250.40)** per assessment, be now made for the rating year July 1, 1998 to June 30, 1999 on all rateable land within the centre of population defined in Schedule ‘B’ attached and meeting the definition of residential land, as set out in Section 516 of the Local Government Act, 1993.

- (vii) It is hereby resolved that a Residential Rate sub-category to be known as the **“Residential Rural”** rate of **one point one five three four (1.1534) cents in the dollar**, on the Land Value as at Base Date July 1, 1995 subject to a minimum amount of **three hundred and fifty five dollars and ninety cents (\$355.90)** per assessment be now made for the rating year July 1, 1998 to June 30, 1999 on all land which meets the definition of Residential as defined in Section 516 of the Local Government Act, 1993, except for the land described in Schedules ‘A’ and ‘B’ attached to this report.

(B) SUBJECT: Sewerage Charges

Council adopted a user pays charging system for sewerage and trade waste discharges at its November 28, 1995 meeting, Resolution 518/95. The adoption of the following draft resolutions will continue this Policy. In addition, Council’s adoption of a charge for the monitoring of grease arrestors and corrugated plate interceptors at its January 27, 1998 meeting is provided for within the following resolutions.

Sewerage and Trade Waste Charges

Whereas Council has advertised its Draft Management Plan for 1998/9, in accordance with Section 405 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993.

Lismore Sewerage Scheme

- (i) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the provision of Sewerage Services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of **three hundred dollars (\$300.00)**, per assessment. This charge applies to properties connected to the Lismore Sewerage Scheme and is to be known as the **“Lismore Sewer”** charge for the period July 1, 1998 to June 30, 1999.
- (ii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge, as per the attached Schedule “E”, where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of Sewerage Services to a parcel of land connected to the Lismore Sewerage Scheme to be known as the **“Lismore Sewer Multiple”** charge for the period July 1, 1998 to June 30, 1999, excluding residential Strata Units.
- (iii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **one hundred and eighty dollars (\$180.00)** per assessment for all rateable parcels of land within 75 metres of a Lismore Sewer Main and capable of discharging into that main but not connected thereto to be known as the **“Lismore Sewer Unconnected”** charge for the period July 1, 1998 to June 30, 1999.

Lismore Trade Waste Charges

- (iv) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Lismore Sewer Scheme, as per the

attached Schedule "F", where the charge is indicated by the number of equivalent tenements allocated to an assessment in accordance with the methodology set out in Council's Sewer Usage Charging Strategy to be known as the "**Lismore Non-Residential Sewer**" charge, except for properties declared by Lismore City Council to be Established Strength Users, for the period July 1, 1998 to June 30, 1999.

- (v) It is hereby resolved that, in accordance with Sections 502 and 539 of the Local Government Act, 1993, a charge be now made, for properties declared by Lismore City Council to be Established Strength Users in accordance with Lismore City Council's Trade Waste Policy, Section 3.2, to be calculated in accordance with Lismore City Council's Sewerage Usage Charging Strategy, Section 2.5, as follows:

A charge of **seventy one cents (71 cents)** per kilolitre of discharge; plus

A charge of **one dollar and seven cents (\$1.07)** per kilogram of Biochemical Oxygen Demand; plus

A charge of **seventy cents (70 cents)** per kilogram of Suspended Solids; plus

A charge of **one dollar and eighty eight cents (\$1.88)** per kilogram of Oils and, or Grease to be known as the "**Established Strength**" charge for the period July 1, 1998 to June 30, 1999.

Nimbin Sewerage Scheme

- (vi) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the provision of Sewerage Services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of **four hundred and twenty seven dollars (\$427.00)** per assessment. This charge applies to properties connected to the Nimbin Sewerage Scheme and is to be known as the "**Nimbin Sewerage**" charge for the period July 1, 1998 to June 30, 1999.

- (vii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge, as per the attached Schedule "G", where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of Sewerage Services to a parcel of land connected to the Nimbin Sewerage Scheme to be known as the "**Nimbin Sewerage Multiple**" charge for the period July 1, 1998 to June 30, 1999, excluding Residential Strata Units.

- (viii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **two hundred and fifty six dollars (\$256.00)** per assessment for all rateable parcels of land within 75 metres of a Nimbin Sewer Main and capable of discharging into that main but not connected thereto to be known as the "**Nimbin Sewerage Unconnected**" charge for the period July 1, 1998 to June 30, 1999.

Nimbin Trade Waste Charges

- (ix) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Nimbin Sewer Scheme, as per the attached Schedule "H", where the charge is indicated by the number of

equivalent tenements allocated to an assessment, in accordance with the methodology set out in Council's Trade Waste Approvals Policy to be known as the "**Nimbin Non Residential Sewer**" charge for the period July 1, 1998 to June 30, 1999.

Lismore & Nimbin Sewerage Schemes

- i) It is hereby resolved in accordance with Section 501 of the Local Government Act, 1993, that an annual charge of **fifty dollars (\$50.00)** to be known as "**Sewer Inspection**" charge for each grease arrestor or corrugated plate interceptor located on a property connected to either the Lismore or Nimbin Sewer Schemes, be now made for the annual inspection thereof, for the period July 1, 1998 to June 30, 1999.

(C) SUBJECT: Water Charges

Council has adopted a user pays water charging process. To continue this formula the following resolutions should be adopted.

Water

Whereas Council has advertised its Draft Management Plan for 1998/9 in accordance with Section 405 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993:

- (i) It is hereby resolved that in accordance with Section 501, 503, 539 and 541 of the Local Government Act, 1993 an annual charge be now made for the provision of water and water service availability, based on the size of the water service connected to a property.

For a property which has two or more water connections, the cost of the services will be the total number of services multiplied by the fixed service charged; in cases where different sized services are connected the sum of the cost of the fixed service charges, except for water connections used solely for fire fighting services, the cost of which shall be **\$84** per fire fighting service; for the year July 1, 1998 to June 30, 1999 to be known as the "**Fixed Service Charge**" is hereby made in respect of:

Size of Service	Fixed Service Charge
20mm	\$ 84
25mm	\$ 140
32mm	\$ 232
40mm	\$ 360
50mm	\$ 562
65mm	\$ 944
80mm	\$ 1,436
100mm	\$ 2,244
150mm	\$ 5,048

- (ii) In accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993 an annual charge, for the availability of water to property not connected to Council's Water Supply but capable of connection thereto and within 225 metres of a Lismore City Council water main in accordance with Section 552 (1)(b) of the Local Government Act, 1993, for the year July 1,

1998 to June 30, 1999, to be known as the “**Water Availability**” charge, of **\$84.00** per assessment is hereby made.

- (iii) In accordance with Section 502 and 503 of the Local Government Act, 1993 for water recorded by the water meter on a property a charge of **eighty five cents (85 cents)** per kilolitre for the year July 1, 1998 to June 30, 1999 to be known as the “**Consumption**” charge is hereby made.

(D) SUBJECT: Domestic and Non Domestic Waste Management Services

Whereas Council has advertised its Draft Management Plan for 1998/9 in accordance with Section 406 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993:

Council’s Draft Management Plan outlined various options in relation to the type of service that may be provided. Council held a workshop on July 7 1998 to determine which of the options contained in the Draft Management Plan would be Council’s preferred service for 1998/9. As this Business Paper was prepared prior to that workshop, the motions reflecting Council’s decisions will be tabled at this meeting.

Some aspects of Council’s waste management service were not part of the workshop and the motions to make these charges are included below.

- (i) It is hereby resolved that an annual charge be now made, in accordance with Sections 496 of the Local Government Act, 1993, for all land within the declared domestic waste scavenging areas, both urban and rural, maps of which are available at Council’s Oliver Avenue Office, not utilising the domestic waste management service provided by Council to be known as the “**waste availability**” charge, of **ten dollars (\$10.00)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council’s Oliver Avenue Office, which are levied the Nimbin Transfer Station Charge, for the period July 1, 1998 to June 30, 1999.
- (ii) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all land not within the declared domestic waste scavenging area, maps of which are available at Council’s Oliver Avenue Office, for waste minimisation services provided by Council, to be known as the “**Waste Reduction**” charge, of **seven dollars and fifty cents (\$7.50)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council’s Oliver Avenue Office, which are levied the Nimbin Transfer Station Charge, for the period July 1, 1998 to June 30, 1999.
- (iii) It is hereby resolved that an annual charge be now made, in accordance with Sections 496 and 501 of the Local Government Act, 1993, for all land within the declared waste scavenging area, maps of which are available at Council’s Oliver Avenue Office, for waste minimisation services provided by Council, to be known as the “**Waste Minimisation**” charge, of **fifteen dollars (\$15.00)** per assessment , except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council’s Oliver Avenue Office, which are levied the Nimbin Transfer Station Charge, for the period July 1, 1998 to June 30 1999.
- (iv) It is hereby resolved that an annual charge be now made, in accordance with Sections 501 and 541 of the Local Government Act, 1993, for all land located within the Nimbin Section 94 Plan Area, maps of which are available

at Council's Oliver Avenue Office, for the provision of the Nimbin Transfer Station Facility of **thirty dollars (\$30.00)** per assessment, for properties with multiple units of resident occupancy a charge of **thirty dollars (\$30.00)** per unit of residential occupancy located on each assessment, to be known as the "**Transfer Station**" charge. Properties exempted from this charge within the Nimbin Section 94 Plan Area are those properties paying a Domestic or Non-Domestic Waste Management Charge for the period July 1, 1998 to June 30, 1999.

- (v) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Urban area of Lismore, a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and Council collects an approved 240 litre mobile waste bin from that property, of **eighty one dollars (\$81.00)** per bin collected per annum, to be known as the "**Urban Non-Domestic Waste**" charge for the period July 1, 1998 to June 30, 1999.
- (vi) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located outside the Urban area of Lismore, a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and Council collects an approved 240 litre mobile waste bin from that property, of **ninety nine dollars (\$99.00)** per bin collected per annum, to be known as the "**Rural Non-Domestic Waste**" charge for the period July 1, 1998 to June 30, 1999.
- (vii) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act, 1993, for the removal of one approved 240 litre wastemaster bin each week, from domestic premises, located outside the urban area of Lismore but within the declared domestic waste scavenging area, maps of which is available at Council's Oliver Avenue Office, of **ninety nine dollars (\$99.00)**, to be known as the "**Rural Domestic Waste**" charge, additional services will be charged at **ninety nine dollars (\$99.00)**, for the period July 1 1998 to June 30 1999. Services commenced during the charging period will be charged for on a proportional basis.
- (viii) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for the removal of one approved 240 litre wastemaster bin each week, from domestic premises, located inside the urban area of Lismore and within the declared domestic waste scavenging area, maps of which are available at Council's Oliver Avenue Office, of **eighty dollars (\$80.00)** to be known as the "**Domestic Waste**" charge, additional services will be charged at **eighty dollars (\$80.00)** per service, for the period July 1, 1998 to June 30, 1999. Services commenced during the charging period will be charged for on a proportional basis.

For services commenced during the year a proportional charge will be made.

INTEREST CHARGES

Council is able, under Section 566 of the Local Government Act, to charge interest on outstanding Rates and Charges. The Minister for Local Government has advised that the

maximum amount of interest in 1998/9 is 10%. This Council has generally adopted the maximum interest Rate as the amount to be charged.

E(i) It is hereby resolved that the 1998/9 interest Rate on outstanding Rates and Charges will be **10 %**.

(Councillors Roberts/Larsen) (S384)

Local Government and Tax Reform

(Copy attached)

A MOTION WAS MOVED that the report be received and the following statements reflect Council's policy on taxation reform and be communicated to the Prime Minister, the Federal Treasurer, the Minister for Finance and Administration, the Minister for Regional Development, Territories and Local Government, local State and Federal Government members, the ALGA and the Local Government Association of NSW:

- 1 Council advocates greater Council control over the level and methods of rating;
- 2 Council pursues the removal of arbitrary exemptions from rates;
- 3 Council opposes the encroachment by other spheres of government into the property tax area;
- 4 Council supports the Commonwealth collecting sufficient revenue over spending needs for an adequate equalisation pool;
- 5 Council advocates a local government share of a growth tax;
- 6 Council seeks greater recognition of local government roles and responsibilities in funding;
- 7 Council supports the hypothecation of a road user charge to local roads and road transport-related environmental spending;
- 8 Council demands that any increased reciprocal taxation be accompanied by compensating revenues;
- 9 Council advocates that should a GST be introduced, that local government and municipal services be zero-rated to prevent extra costs to Councils and ratepayers;
- 10 Council demands the inclusion of representatives from local government peak bodies in intergovernmental forums and consultation processes associated with taxation reform.
- 11 Council not support the introduction of a GST.
- 12 Council restate the position adopted at its meeting of 5/8/97 (Minute 278/97) and as supported at the 1997 Local Government Association Conference.

(Councillors Swientek/Gallen)

AN AMENDMENT WAS MOVED that the report be received and the following statements reflect Council's policy on taxation reform and be communicated to the Prime Minister, the Federal Treasurer, the Minister for Finance and Administration, the Minister for Regional Development, Territories and Local Government, local State and Federal Government members, the ALGA and the Local Government Association of NSW:

- 1 Council advocates greater Council control over the level and methods of rating;
- 2 Council pursues the removal of arbitrary exemptions from rates;
- 3 Council opposes the encroachment by other spheres of government into the property tax area;
- 4 Council supports the Commonwealth collecting sufficient revenue over spending needs for an adequate equalisation pool;
- 5 Council advocates a local government share of a growth tax;

- 6 Council seeks greater recognition of local government roles and responsibilities in funding;
- 7 Council supports the hypothecation of a road user charge to local roads and road transport-related environmental spending;
- 8 Council demands that any increased reciprocal taxation be accompanied by compensating revenues;
- 9 Council advocates that should a GST be introduced, that local government and municipal services be zero-rated to prevent extra costs to Councils and ratepayers;
- 10 Council demands the inclusion of representatives from local government peak bodies in intergovernmental forums and consultation processes associated with taxation reform.
- 11 Council restate the position adopted at its meeting of 5/8/97 (Minute 278/97) and as supported at the 1997 Local Government Association Conference.

(Councillors Larsen/King)

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

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

256/98 RESOLVED that the report be received and the following statements reflect Council's policy on taxation reform and be communicated to the Prime Minister, the Federal Treasurer, the Minister for Finance and Administration, the Minister for Regional Development, Territories and Local Government, local State and Federal Government members, the ALGA and the Local Government Association of NSW:

- 1 Council advocates greater Council control over the level and methods of rating;
- 2 Council pursues the removal of arbitrary exemptions from rates;
- 3 Council opposes the encroachment by other spheres of government into the property tax area;
- 4 Council supports the Commonwealth collecting sufficient revenue over spending needs for an adequate equalisation pool;
- 5 Council advocates a local government share of a growth tax;
- 6 Council seeks greater recognition of local government roles and responsibilities in funding;
- 7 Council supports the hypothecation of a road user charge to local roads and road transport-related environmental spending;
- 8 Council demands that any increased reciprocal taxation be accompanied by compensating revenues;
- 9 Council advocates that should a GST be introduced, that local government and municipal services be zero-rated to prevent extra costs to Councils and ratepayers;
- 10 Council demands the inclusion of representatives from local government peak bodies in intergovernmental forums and consultation processes associated with taxation reform.
- 11 Council restate the position adopted at its meeting of 5/8/97 (Minute 278/97) and as supported at the 1997 Local Government Association Conference.

(Councillors Larsen/King)

Voting Against: Councillors Wilson, Swientek and Gallen.

(S569)

Sale of Surplus Council Property

(Copy attached)

257/98 RESOLVED that the report be received and -

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

(Councillors Roberts/Larsen) (S367)

Review of Delegates to Far North Coast County Council

(Copy attached)

258/98 RESOLVED that the report be received and Council agree to reduce the delegate numbers to the Far North Coast County Council to one delegate, effective from the next local government election in 1999.

(Councillors Larsen/Swientek) (98-9624:S331)

Policy Review

(Copy attached)

259/98 RESOLVED that the report be received and

- 1 That Council approve the changes to Policies Nos. 1.4.4, 1.8.5, 5.2.3, 5.2.4, 5.2.6, 5.2.7, 5.2.10, 5.2.11, 5.2.12, 5.2.15, 5.2.17, 5.2.23, 5.2.24, 5.2.26 and 11.2.1 as outlined in the report.
- 2 That Council note that Policies Nos. 1.5.4, 1.8.2, 1.8.4, 1.8.6, 5.2.1, 5.2.5, 5.2.8, 5.2.9, 5.2.13, 5.2.14, 5.2.16, 5.2.18, 5.2.19, 5.2.20, 5.2.21, 5.2.22, 5.2.25, 5.2.27, 5.3.1 and 5.3.2 remain unchanged.
- 3 That Policy No. 1.2.14 be amended as follows:
 - a) Retention of the word "*all*" in Item 1.
 - b) Alteration of Item 7 as follows:

"Staff ensure that no meetings involving Councillors (other than site inspections) be scheduled for the period 4.00pm-6.00pm on the Monday one week prior to and the Monday immediately preceding a Council meeting, unless no site inspections are required."

- 4 That Policy No. 5.2.2 be amended as follows:
- a) Special Issues - Clauses 1 and 2 to be retained.
 - b) Special Issues - Clause 3 to be altered as follows:
“Where a written valid Section 90 public objection cannot be overcome, the DCU shall not give its concurrence. In such cases the application is to be submitted to the Council for determination.”
 - c) Other changes as detailed in the report.
- (Councillors Cole/King) (S9)

Lismore Tourism Advisory Panel Structure

(Copy attached)

- 260/98 RESOLVED that the report be received and that Council adopt the Panel’s new structure as detailed in the report.
(Councillors Larsen/King)(S164)

Section 356 Community Donations

(Copy attached)

A MOTION WAS MOVED that the report be received and that Policies 1.4.13 and 1.4.11 be varied as detailed below:-

Policy No. 1.4.13 - General Fund Section 356 Donations

Under the Heading “Eligibility”

Item 6 - delete.

New Item 6

“Rural Halls are not eligible for funding under the General Fund Miscellaneous Section 356 Donations.”

Guidelines for Selection

“Councillors will allocate votes for projects. The number of votes to be allocated will be determined by staff based on the number of applications received. Councillors will only allocate one vote per project.”

Policy No. 1.4.11 - Donations to Country Halls

Item 1 - will be amended by increasing the level of donation to 100% and clarification of the policy to be general rates.

Item 2 - will be deleted and replaced by:-

“Council shall each year make a donation of \$1,000 from the Rural Halls Section 356 Donations for each of the listed Rural Public Halls for the purpose of insurance and hall maintenance.”

Items 3 and 4 - will be deleted.

(Councillors Wilson/Gallen)

AN AMENDMENT WAS MOVED that the report be received and that Policies 1.4.13 and 1.4.11 be varied as detailed below:-

Policy No. 1.4.13 - General Fund Section 356 Donations

Under the Heading “Eligibility”

Item 6 - delete.

New Item 6

“Rural Halls are eligible for funding under the General Fund Miscellaneous Section 356 Donations.”

Guidelines for Selection

“Councillors will allocate votes for projects. The number of votes to be allocated will be determined by staff based on the number of applications received. Councillors will only allocate one vote per project.”

Policy No. 1.4.11 - Donations to Country Halls

Item 1 - will be amended by increasing the level of donation to 100% and clarification of the policy to be general rates.

Item 2 - will be deleted and replaced by:-

“Council shall each year make a donation of \$1,000 from the Rural Halls Section 356 Donations for each of the listed Rural Public Halls for the purpose of insurance and hall maintenance.”

Items 3 and 4 - will be deleted.

(Councillors Champion/Cole)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillors Irwin, Roberts, Wilson, King, Swientek, Gallen and Gates.

A FORESHADOWED AMENDMENT WAS MOVED that the report be received and under “Guidelines for Selection”, Policy 1.4.13 include:

“Councillors allocate total votes to individual projects to the value of the allocation available for distribution.”

(Councillors Swientek/Cole)

On submission to the meeting the FORESHADOWED AMENDMENT was DEFEATED.

Voting Against: Councillors Irwin, Roberts, Larsen, Wilson, King, Cole, Gates and Crowther.

261/98 RESOLVED that the report be received and that Policies 1.4.13 and 1.4.11 be varied as detailed below:-

Policy No. 1.4.13 - General Fund Section 356 Donations

Under the Heading “Eligibility”

Item 6 - delete.

New Item 6

“Rural Halls are not eligible for funding under the General Fund Miscellaneous Section 356 Donations.”

Guidelines for Selection

“Councillors will allocate votes for projects. The number of votes to be allocated will be determined by staff based on the number of applications received. Councillors will only allocate one vote per project.”

Policy No. 1.4.11 - Donations to Country Halls

Item 1 - will be amended by increasing the level of donation to 100% and clarification of the policy to be general rates.

Item 2 - will be deleted and replaced by:-

“Council shall each year make a donation of \$1,000 from the Rural Halls Section 356 Donations for each of the listed Rural Public Halls for the purpose of insurance and hall maintenance.”

Items 3 and 4 - will be deleted.

(Councillors Wilson/Gallen)

Voting Against: Councillors Champion, Cole and Swientek.

A FURTHER MOTION WAS MOVED that under "Guidelines for Selection", include "Staff provide a brief report on how each project application meets the selection guidelines of the policy on an equity basis."

(Councillors Wilson/Gallen)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Larsen, Champion, King, Cole, Swientek, Gates and Crowther.

262/98 **FURTHER RESOLVED** that Council review the list of halls with a view to recommending consolidating support for the 1999/2000 financial year to those halls most heavily utilised in strategic locations.

(Councillors Roberts/Wilson)

Voting Against: Councillors Larsen and Champion.

263/98 **FURTHER RESOLVED** that Council pursue options for reducing the cost of insurance to community halls and report back to Council on the issue.

(Councillors King/Swientek)

(S164)

1998 Annual Conference - Local Government Association

(Copy attached)

264/98 RESOLVED that the report be received and

- 1 Council appoint the Mayor and General Manager to attend the Conference as delegate and observer respectively.
- 2 Council appoint two Councillors as delegates to the Conference.
- 3 Councillors self-nominate as observers to the Conference.
- 4 Council consider any further motions raised by Councillors at this meeting.

(Councillors Gallen/Larsen)

Nominations for Council delegates were received in the names of Councillors Roberts, Swientek and Gates.

A ballot was held resulting in the appointment of Councillors Gates and Swientek as delegates to the Conference.

Motions to Conference:

Uranium

265/98 RESOLVED that the LGA express its concern to the Federal Government in the strongest possible terms in regard to the decision to allow the mining and processing of uranium at Jabiluka on the grounds that:

- 1 The traditional owners do not support mining on their land.
- 2 There is a significant risk associated with the storage of radioactive tailings and other waste that will last for thousands of years.
- 3 The safety of nuclear materials in terms of proliferation cannot be guaranteed by even the strictest safeguards.
- 4 The economic costs of loss of tourism and environmental damage have not been adequately considered.

(Councillors Wilson/Larsen)

Voting Against: Councillors Champion, Gates and Crowther.

Transport

266/98 RESOLVED that the LGA call on the NSW government, through the Department of Transport, to act immediately to improve transport access and public transport opportunities in regional NSW, including:

- 1 Investigation of the impact of “transport poverty” (lack of access to public or other forms of transport by disadvantaged people living in regional areas) and means of overcoming it.
- 2 Investigation of options to reduce reliance on and demand for private motor vehicle use, and hence reduce expenditure growth for increased urban road and parking infrastructure.
- 3 Investment in a feasibility study or trial of demand responsive transport (**PPT, or personal public transport) in regional NSW, funding for which was withdrawn by the Federal Government in 1996 following the closure of the Department of Housing and Regional Development.
- 4 Investigation of the strategies and investment that would be required to improve public transport in regional areas to significantly higher levels.

***PPT is a system which involves combining the best of taxi and bus services, using central phone number/despatching systems as for cabs, mobile phones/2-ways and even ‘electronic bus stops’ which inform patrons of options, order vehicles and calculate fares depending on the ‘wait’.*

(Councillors Roberts/Wilson)

Voting Against: Councillors Champion and Crowther.

Water & Sewerage

267/98 RESOLVED that the LGA urge all councils to adopt provisions within their development control planning process that requires all new buildings and major alterations and additions requiring a development application to:

- 1 Install AAA-rated water efficient shower heads.
- 2 Install 6 litre per minute flow regulators in all handbasin and kitchen taps.

(Councillors Roberts/Larsen)

(S569)

Motion to Local Government Association Conference - Needle Recovery Programmes and Responsibilities

(Copy attached)

268/98 RESOLVED that the report be received and a motion be submitted to the State and National Local Government Associations requesting that they initiate investigations to:-

- 1 Determine methods to recoup the cost from needle manufacturers for needle recovery programmes.
- 2 Identify alternative methods of needle recovery. Such investigation to identify relevant costs to responsible organisations in the implementation of any recovery programme.

(Councillors Gates/Wilson)(S226/2)

ADJOURNMENT:

The meeting adjourned at 9.12pm and resumed at 9.25pm.

At this juncture (9.12pm) Councillor Champion left the meeting.

Greenhouse Gas Emissions - Use of LPG in Council Vehicles

(Copy attached)

- 269/98 RESOLVED that the report be received and -
- 1 That over the next six to twelve-month period, Council purchase a minimum of five (5) LPG-fuelled vehicles as part of its regular vehicle replacement programme.
 - 2 These vehicles be used to evaluate the potential for Council increasing the number of LPG-fuelled vehicles in its fleet.
 - 3 Council investigate the feasibility of using LPG in heavy diesel vehicles.
 - 4 Council submit to the LGA Executive that all councils in NSW should consider converting their vehicle fleets to LPG.
- (Councillors Wilson/Larsen)

- 270/98 FURTHER RESOLVED that the following motion be submitted to the Local Government Association Conference:
“That the LGA lobby the State Government to improve the rail network to ensure it is the major carrier of freight in the State.”
(Councillors Cole/Wilson) (S360,S232)

Roads Policy and Operations and Procedures Manual

(Copy attached)

- 271/98 RESOLVED that the report be received and
- 1 That Council endorse the introduction of a Maintenance Management System (MMS) for Roads.
 - 2 That the Activity Specifications, when developed, be presented to Council for adoption as Council’s *“Roads - Operations and Procedures Manual”*.
 - 3 That a further report be presented to Council in 12 months outlining Council’s *“Roads Policy”* as it relates to budget and level of service.
 - 4 Council congratulate the Manager-Roads & Infrastructure for work done to date and the workshop presentation.
- (Councillors Cole/Larsen) (S374)

North-Eastern Weight Of Loads Group (NEWLOG) Agreement

(Copy attached)

- 272/98 RESOLVED that the report be received and
1. That Council renew its membership in NEWLOG for a five-year period.
 2. That audited financial statements be presented to Council prior to December 31 of each year.
- (Councillors Gallen/King)
Voting Against: Councillor Larsen.
(S374)

Application to Close Part of Un-Named Road Adjacent to Lot 1 DP 375673 and Building Line Variation Request

(Copy attached)

- 273/98 RESOLVED that the report be received and -
- 1 That the application to close part of an un-named road running off Lot 1 DP 375673 (being 107 Nightcap Range Road, Dorrroughby) be endorsed and the application be sent by the applicants to the Department of Land and Water Conservation for adoption and gazettal if approved. Such costs to be applicants’ responsibility.
-

- 2 That if such application is approved by the Department, then the land be surveyed and, subject to a deposited plan/identifier being issued, then such allotment to be sold to Mr and Mrs Oates at market value determined by a registered valuer.
- 3 That a building line variation in setback be approved subject to there being no objections after the amended application is notified in accordance with Council's policy and that landscape screening be provided to the northern elevation of the Expanded Dwelling immediately between the new road boundary and the northern external wall other than immediately in front of the garage. Details to be submitted and approved prior to commencement of work.
- 4 That the General Manager be authorised to sign any documents necessary to bring about the action.

(Councillors Gates/Roberts) (P16795)

Proposed New Commercial Waste Service for the Lismore Area

(Copy attached)

- 274/98 RESOLVED that the report be received and that Council not proceed with the proposed Commercial Waste Service involving collection in industrial size bins approved by the Council on November 18, 1997.

(Councillors Larsen/Gates) (S318)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 17/6/98

(Copy attached)

- 275/98 RESOLVED that the report be received and the recommendations contained therein be adopted, excluding Item 9 (TAC105/98), Item 12 (TAC109/98) and Item 13 (TAC110/98).

(Councillors Cole/Roberts)

• **Item 9 (TAC105/98) - NSW Roads & Traffic Authority**

- 276/98 RESOLVED that the recommendation be received and noted on the basis of further information provided.

(Councillors Roberts/Larsen)

• **Item 12 (TAC109/98) - Magellan Street, Lismore - Partial Closure**

- 277/98 RESOLVED that the recommended action be taken and consultation with all residents affected by the proposed closure be undertaken.

(Councillors Roberts/Wilson)

• **Item 13 (TAC110/98) - Keen Street, Lismore - Proposed Pedestrian Refuge**

- 278/98 RESOLVED that the owner of the Cool Rocks Cellar be invited to the next meeting of the Committee in order to resolve the issue.

(Councillors Larsen/Wilson)

(S352)

DOCUMENTS FOR SIGNING AND SEALING:

- 279/98 RESOLVED that the following documents be executed under the Common Seal of Council:-

Transfer - Council to Jarjum Centre Inc.

Council resolved on October 7, 1997 to donate Lot 21, DP 730937, 4 Rifle Range Road to an Aboriginal Board specifically set up for the purpose of ensuring that the pre-school remain in community ownership for the benefit of the Aboriginal children of Lismore.
(98-11006: P18107)

Lease - Council to Northern Rivers Division of General Practice

Lease of Suite 4, 186 Molesworth Street, Lismore to Northern Rivers Division of General Practice to two years from 1/6/98.
(98-11454: P6832)
(Councillors Roberts/Larsen)

NOROC PLANNING & DEVELOPMENT COMMITTEE

280/98 RESOLVED that Councillor Swientek be appointed delegate to the Committee.
(Councillors Wilson/Roberts)
(S381)

This concluded the business and the meeting terminated at 10.16 pm.

CONFIRMED this 4TH day of AUGUST, 1998 at which meeting the signature herein was subscribed.

MAYOR