

COUNCIL Business Paper



LISMORE
City Council

NOVEMBER 23, 1999



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at TULLERA
COMMUNITY HALL on TUESDAY, NOVEMBER 23, 1999, at 6.30pm and
members of Council are requested to attend.

Councillors are requested to attend at 6.00pm to meet residents informally.

(Ken Gainger)
GENERAL MANAGER

November 16, 1999



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NOTICE OF RESCISSION MOTION

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

- 1 That Council's decision to advise Southern Cross University that Council does not wish to proceed with the joint venture project in East Lismore be rescinded.*
- 2 That Council's decision in regard to the Memorial Baths be rescinded.*

COUNCILLOR R M Irwin

COUNCILLOR D J Roberts

COUNCILLOR J F Crowther

DATE 2/11/99

NOTICE OF MOTION

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

That Council amend Policy 1.2.2 to provide that the registration (including any official dinner) fee for a Councillor's spouse/partner be met by Council when attending the Local Government Association Conference.

COUNCILLOR K R Gallen

DATE 2/11/99

STAFF COMMENT BY GROUP MANAGER-CORPORATE & COMMUNITY SERVICES:

Clause 5 of the policy provides:

5 *Spouse/Partner*

Where the attendee is accompanied by his or her spouse/partner no objection is raised subject to Council not being involved in any additional costs.

Where the Mayor has requested a councillor to attend a function in his/her stead and the nature of the function is such that the Mayor has determined the councillor should be accompanied, Council will meet travelling and subsistence expenses for the spouse/partner.

When considering a change to this policy, regard should be had to comments by ICAC, the Ombudsman and Council's Expenses & Facilities Policy which states that plans for any travel should be transparent to the community and have an identifiable benefit to the local area through Council activity.

If Council is of the opinion that there is an identifiable benefit to the local community in paying a spouse/partner's registration fees, then a policy change should occur. This would obviously reduce the amount of funds available for professional development/conference attendance by Councillors.

(99-18405: S9)

While this option is NOT preferred primarily because of the interest costs and the detrimental cash flow impact on future budgets, if it can be proved that there,

- a) is a 'net economic benefit', and
- b) it does not place Council at any financial risk,

then, the proposal to assess the feasibility is supported.

The preferred funding option would be to reduce or eliminate other works and services currently undertaken.

What also needs to be considered is the fact that this program would need to be ongoing to have any significant benefits. As such, it is more than likely that this option would be unaffordable. SIMPLY PUT, WE DON'T HAVE THE CAPACITY TO AFFORD THIS UNLESS WE REDUCE OR ELIMINATE OTHER WORKS/SERVICES. It may also impact on our capacity to borrow for other future capital works projects.

It is strongly suggested that if Council resolves to support this initiative, loan repayment costs be funded by a reduction in the maintenance budget for roads, unless other savings can be identified.

STAFF COMMENT BY GROUP MANAGER-CITY WORKS

At the last meeting of the Fix the Roads Working Party on November 10, 1999, a discussion paper was presented detailing the high cost of trying to patch failed pavements and also pointed out the inefficiency of this process and the inability of Council to fund continued patching.

The conclusions were -

- That it is more efficient to rehabilitate a failed pavement as soon as possible before spending large amounts on patching to achieve doubtful results.
- That tearing up the bitumen surface on busy roads was unacceptable if there were no funds allocated to reconstruct the road.

The conclusion appeared to be that the Fix the Roads Working Party could not accept the tearing up of a busy bitumen road unless there was an identified funding source to rectify the pavement within a reasonable period of time. This will be debated again at the next meeting.

If Council decides that it is not prepared to revert a bitumen road into a gravel road, it follows that Council has no option other than to maintain the road in an acceptable condition.

The only question is how this may be funded. We can rehabilitate with cement at a cost of a little over \$100,000 per kilometre which will last 10-20 years. Alternatively, we can continue trying to fix the failing bitumen roads at a cost of up to \$30,000 per kilometre per year on a continuing basis.

Despite the cost this will still not give an acceptable level of service to the community.

Clearly the best option is to rehabilitate the pavement. We can either find the \$100,000/Km now or consider loan funding the work with a repayment of approximately \$14,700 per year (10-year loan term at 8% pa).

This is clearly more acceptable than expending \$30,000/Km per annum to achieve an unacceptable result in attempting to patch the unpatchable.

When looked at on an individual basis, the use of loan funds appears a reasonable option -

1. The loan period is clearly shorter than the life of the pavement.
2. Expending \$14,700 per annum to repay a loan is much more acceptable than outlaying \$30,000/Km per annum on patching.

We have both the key criteria of the loan period and identification of funding source clearly identified. However, Council does not have sufficient funds to repay the substantial loans required in upgrading the whole network. Therefore, we need to limit our commitment to (say) \$1.0M or \$2.0M at any one point in time.

\$1.0 Million	\$2.0 Million
10Km of Key Roads	20Km of Key Roads
<u>Annual Repayment Cost</u> \$147,000 pa	<u>Annual Repayment Cost</u> \$294,000 pa
<u>Suggested Saving on Patching</u> \$300,000 LESS \$147,000	<u>Suggested Saving on Patching</u> \$600,000 LESS \$294,000
(Say) \$150,000	(Say) \$300,000

The only hole in the entire argument is that Council has not allocated sufficient funds to patch the roads system. However, in an ordinary year it would be desirable to use some of the patching funds to repay the loan. With an annual patching budget of approximately \$770,000 our capacity to repay this loan is limited.

From a Staff point of view, it would be much more preferable to utilise patching funds to repay a loan than throwing the money into potholes that shows nil benefit in the long-term. If part of the 2000/2001 funding was used for loan repayments, other less important roads would need to ultimately be sacrificed.

(99-18808: S745)

Subject/File No: DEVELOPMENT APPLICATION 99/695 - Erection of a Hospital (Drug and Alcohol Detoxification); Demolition of two (2) medical centres; nineteen (19) carparking spaces and associated landscaping.
(BT: DA99/695)

Prepared By: Development Assessment Planner - Brendan Toohey.

Reason: Council determination of a Development Application exceeding \$2 million.

Objective: To obtain Council's approval for Development Application No. 99/695.

Management Plan Activity: Development Assessment

Applicant

Lyon Architects, PO Box 621, LISMORE 2480.

Zoning

The subject lands are zoned 5 Special Use (Hospital), pursuant to the provision of the Lismore Local Environmental Plan 1992.

Location

The cadastral description of the subject lands are as follows:

Lot 1 DP 900631, Lot 2 DP 333108, and Lot 1 DP 333108, being 56, 58 Uralba Street and 75 Hunter Street, Lismore.

Key Issues

Public interest.

2 INTRODUCTION AND BACKGROUND

The provision of Health services in rural and regional areas has been an issue for many years within the rural areas of Australia. This was evidenced by the inclusion of Health as one of the central themes discussed at the recently held Regional Australia Summit held at Parliament House in Canberra.

The Northern Rivers area has to date received considerable attention from the media in relation to drug and alcohol issues, especially the communities of Nimbin and Byron Bay. The applicant has submitted findings from the NSW Bureau of Crime Statistics Research which details that the northern rivers area has the highest rate of cannabis offences in New South Wales and the third highest for possession and use of narcotics.

The Northern Rivers Area Health Service, like most other NSW Health Services has seen an increase in demand for services. The need for a specialist detoxification service in the Northern Rivers Area Health Service has been identified as a "major service gap" for many years by the community, resulting in the current proposal being submitted to Council.

3 DESCRIPTION OF THE PROPOSAL

Lyons Architects have submitted a development application of behalf on the NSW Department of Health for the construction of a Hospital for the specific purpose of drug and alcohol detoxification purposes. The facility includes the following:

1. An administration/counselling suite comprising a reception area, offices, a meeting room and store rooms, etc.;
2. Methadone clinic with associated dispensing room, consulting and interview room;
3. Accommodation wing for "in-patients" comprising twelve (12) beds in both a single and double room configuration and associated courtyard/garden area;
4. Dining/recreation component with food servery and amenity staff room;
5. Provision of nineteen (19) carparking spaces, comprising 7 for the public/patients and twelve (12) secure carparking spaces for staff;
6. Associated landscaping, pathways and accesses.

Figures 1 and 2 outline the floor plan for the Hospital and details the use of each respective room within the building.

The subject site is currently occupied by a dwelling house which is being utilised by the Head Injury Service and a private Medical Centre. Both are to be demolished as part of this proposal. The existing staff carpark will also be removed.

The proposed building is predominantly single storey in structure. A small component above the secure staff carpark which adjoins Shepard Lane is of two storey construction. The combination of the scale of the building, compliance with Council's Development Control Plan 16 - Building Line Setbacks, and extensive landscaping along the Hunter and Uralba Streets will ensure that the building does not dominate the immediate streetscapes of both street frontages.

Carparking for the proposed Hospital will be provided in two locations - seven (7) carparking spaces will be provided for visitors to the site with access from the Hunter Street frontage. Twelve (12) carparking spaces to be utilised by staff will be provided in a subfloor area, with access from Shepard Lane.

The development will be purpose built to suit the specific needs of the hospital staff and clients of the hospital, for example the Methadone Clinic will have different entry and exit points. In addition, the entrance to the detoxification section of the building will be a control point and all clients will be under supervision.

Security for the building includes cameras being placed both inside and outside the building, and all clients being supervised whilst within the building. The secure undercroft carparking will prevent clients from utilising this space which is for staff purposes only.

4 SUBMISSIONS FROM THE PUBLIC

The proposal was advertised in the local newspaper and adjoining owners were given the opportunity to comment from Thursday October 21 to November 1, 1999. At the end of the public exhibition period no submissions were received.

5 COMMENTS FROM OTHER GROUPS/SECTIONS

Other Groups Comment

Council's Building and Regulation Manager has raised no concerns, subject to the inclusion of conditions of consent should the proposal be approved by Council.

Council's Environmental Health Manager has raised no concerns, subject to the development of an appropriate waste management plan, which has been included as a condition of consent, should the proposal be approved by Council.

Council Manager of Water and Sewerage has raised no objections to the development, subject to the inclusion of a number of conditions of consent.

Council's City Works Group has raised no objections to the development, but have made the following comment:

The existing entrance to Shepard Lane is only 4.5 metres wide. This is not considered adequate for two-way traffic. To widen the existing lane way to 6 metre would require the relocation of an electricity pole and replacement of the existing entrance kerb crossing. Discussions with the Group Manager - City Works has identified that the preferred option for the lane way would be to convert the lane to one way traffic with entrance at Hunter Street. Therefore the consent has been suitably conditioned to require the lane entrance to be widened, subject to the concurrence of the Traffic Committee. This issue has been forwarded to the next meeting of the Traffic Committee for consideration.

Council's Community Services Section have made the following comments:

"There are already Health Department facilities on the site, so the introduction of a facility such as this is not a new use and is not an unexpected use in this area. The area surrounding the Lismore Base Hospital is seen by the general public as a 'health precinct'. Also, there have been many studies and reports undertaken over the past decade identifying the need for such a service. The proposed general location was identified as the most suitable at a meeting that included representatives from relevant services located in the Northern Rivers.

The report canvasses the various options, including the No go option. Demographics are provided for the Northern Rivers area, which is appropriate given that the service will provide for the Northern Rivers area. The statistics do show that we have the population to support a proposal such as this. The Northern Rivers area records the highest prevalence of injected drug use in regional NSW. People currently leave the area to access services such as this. They usually have to travel to Newcastle or Sydney, as well as Queensland. And, then, if

they come back to this area to recover the services aren't here to assist. There are no dedicated detoxification beds in the NRAHS and admission into acute hospitals for detoxification is ad hoc.

The need for a specialist detoxification service in the NRAHS emerged as a major community concern during the NRAHS Planning for Better Health Paper No. 2, 1997. At least 250 persons have been identified as leaving the NR area for detoxification, which is about 5 people per week. This figure excludes requests or need for detoxification presenting to GPs, refuges, community agencies and people who do not seek professional help. A Detoxification Information questionnaire was distributed to all community health centres with drug and alcohol staff in the NR area. All questionnaires were returned but one. The estimated number of requests for detoxification in 1996/97 was 567 cases.

Security measures have been put in place through the design of the building. Eg. The Methadone clinic will have one entry point and a different single point of exit. Their departure will be monitored by security cameras. Security cameras will be placed inside and outside the building. A security car park is to be provided for staff only thus avoiding the likelihood of a client user frequenting the space.

There aren't any conditions of consent that I would place on this DA. They have covered issues well, eg. Creating a separate entrance and exit for the Methadone Clinic, security for entrances and car parking. There is no doubting the need for this facility, given its long history with many studies undertaken. The design of the building appears to be sensitive to the needs of the clients who will use it, eg. Good use of open space, separating the facilities, co-locating services."

Council's Crime Prevention Officer has made the following comments:

- *Often residents living nearby a new facility such as this one are frightened of a rise in crime - particularly break and enter and theft of property. Whether these perceptions are based on fear or fact, it is important to take the fear of risk into account. By offering increased security measures, in consultation with residents, feelings of safety can be enhanced. Possible suggestions are that the developers pay for **sensor lights, security mesh for windows and doors, deadlocks for windows and doors**, etc. Also assurance of the security in regard to the centre should be offered to all nearby residents.*
- *Closed Circuit Television (CCTV) has been proposed to monitor the entry and exit points to the unit. Northern Rivers Area Health need to be aware of the implications of such equipment - for example ongoing and maintenance costs of equipment, policies and procedures where a breach of security does occur, guidelines that spell out the type of behaviours that constitute a breach of security, etc.*
- *Landscaping in a complex such as this is of utmost importance to safety. In conjunction with shade trees, **shrubs with a maximum potential height of 1 metre** are recommended for all areas around the carpark and exit and entry points and where lines*

of visibility are important for safety. I recommend that all shrubs noted in the plans are specifically of this type.

- *I particularly applaud the inclusion of ‘a pleasant, landscaped area’ (p41 of SIA) to avoid loitering as a way to alleviate the public’s fear of crime as well as to promote positive engagement with clients.*

6 ASSESSMENT UNDER SECTION 79C OF THE E.P. & A ACT, 1979 (as amended) -

79C(1)(a)(i) Any Environmental Planning Instruments (EPI)

The subject land is zoned 5 Special Use (University) under the provisions of the Lismore Local Environmental Plan 1992. The development of the Hospital (Drug and Alcohol Detoxification Unit) is permissible, subject to the issue of a Development Consent Notice from Lismore City Council, pursuant to Clause 9 of the Lismore LEP 1992.

Provisions of the Lismore LEP 1992 applicable to the proposal are:

Clause 31 - Community Use of Special Use or Recreation Land

This Clause applies to all land zoned 5 Special Use and/or 6(a) Open Space. It states that Council may consent to the use of land or to the use of buildings situated on such land for community purposes, which may include the commercial operation of that land or those buildings. The proposed development is consistent with this clause.

North Coast Regional Environmental Plan 1988

The North Coast Regional Environmental Plan (REP) 1988 is the principal statutory instrument specified in Regional and State planning policies and as such replaces other previous Section 117 Directions. The approach adopted by the REP specifies objectives and directions on a range of matters to be met and undertaken by Council when preparing Local Environmental Plans and considering Development Applications. Relevant provisions of the REP which apply when considering this Development Application include:

Clause 60 - Objectives

The objective of this clause is to provide a “...high level of health and education facilities in the region.”. It is believed the provision of the drug and alcohol detoxification facility will provide a necessary service, and fill a much needed service gap within the area controlled by the Northern Rivers Area Health Services. The proposal complies with this objective.

Model Provisions

Clause 5 - ‘Consideration of Certain Applications’ requires Council to take into account the aesthetic appearance of the proposed development from any main or arterial road, public reserve or land zoned as open space. The subject development will be not be visible from any of the abovementioned land categories. The proposed ameliorative measures incorporating intensive landscaping upon the subject site will result in the proposal having a positive impact upon the streetscape.

79C(1)(a)(ii) Any draft Environmental Planning Instrument

At the time of drafting this report Council's 'new' Local Environmental Plan was still with the Department of Urban Affairs Planning (DUAP) awaiting authorisation. Assessment of the copy submitted to DUAP reveals no inconsistency between the proposed development and the plan.

79C(1)(a)(iii) Any Development Control Plan

Development Control Plan No. 16 - Building Line Setbacks

The proposed development is setback six (6) metres from the Uralba Street frontage and three (3) metres from both the Hunter Street and Shepard Lane frontages. Council's Development Control Plan No. 16 - Building line Setbacks stipulates that a zero setback is permitted in land zoned 5 Special Use. The proposed setbacks are considered appropriate, in that they will not dominate the streetscape, but complement the existing general single storey character. The proposed setback including the provision of extensive landscaping will improve the appearance of the intersection of Hunter and Uralba Street.

Development Control Plan No. 18 - Off Street Carparking

The application has provided nineteen (19) carparking spaces, comprising seven (7) carparking spaces for the general public, and twelve (12) carparking spaces provided in a ground level secure carparking area for staff. Council's Development Control Plan No. 18 requires the provision of twenty seven (27) carparking spaces, hence the development is deficient in eight (8) carparking spaces.

Clause 1.7 of Council's Development Control Plan No. 18 - Off Street Carparking states inter alia:

"...Council may allow a variation to the provision standards. This is subject to no adverse impact arising from the provision of less than the required number of carparking spaces."

As Councillors would be aware, onstreet carparking within the immediate vicinity of the Lismore Base Hospital is heavily utilised. A further reduction of offstreet carparking by the construction of the proposed hospital over the existing carpark is not desirable. However, the recent approval (DA99/516) of a one hundred and eleven (111) space carpark, located between Hunter and Weaver Street, will reduce this pressure significantly. It should be noted this approved development added fifty four (54) carparking spaces to the already existing fifty seven (57) carparking spaces.

Lismore Base Hospital is currently exploring avenues to further reduce this onstreet carparking problem by the relocation of services to other areas of the Lismore urban area, or to other centres within the Northern Rivers Area Health Services area.

In addition, the Lismore Base Hospital is a main public transport node and as such is serviced well by public transport (ie buses and taxi). Therefore, it could be argued that a number of patients arriving for treatment could access the facility utilising public transport.

It should also be noted that the methadone clinic is already operating within the existing Lismore Base Hospital, and the proposal only involves the relocation of the services to a

purpose built structure. There will therefore be no intensification to the existing onstreet/offstreet carparking situation around Lismore Base Hospital.

In conclusion, the variation to Council's Development Control Plan No. 18 - Offstreet Carparking for the non-provision of eight (8) carparking spaces is considered acceptable.

79C(1)(a)(iv) Any Matters Prescribed by the Regulations

The subject development is not inconsistent with regulations as established by the Environmental Planning and Assessment Regulations 1994 (as amended) and the Local Government Approval Regulations 1993.

79C(1)(b) The Likely Impacts of the Development, including Environmental Impacts on Both the Natural and Built Environments and Social and Economic Impacts of the Locality

The proposal is appropriately located within an established urban area with a hospital precinct character.

Crime prevention measures through environmental design have been incorporated within the proposal for both staff and clients. This includes limiting the number of ingress and egress points to the building, securing of the staff carpark to allow a clear definition of staff/clientele areas in a secure manner to mitigate any potential security problem, and the inclusion of security cameras both within and outside the subject building. In addition to the above measures, appropriately located landscaping is to be used to screen the development from surrounding public areas.

Council's Community Services Officer and Crime Prevention Officer have both commented on the proposal and support the development subject to minor changes which have been incorporated into recommended conditions of approval.

79C(1)(c) The Suitability of the Site for the Development

The subject site does not possess any physical constraints to the construction of the proposed hospital.

The subject site has been significantly modified by past and present uses, with little significant vegetation remaining on the site. The only significant vegetation is a row of palms along the Hunter Street frontage of the carpark, and a number of small trees located on the Uralba Street frontage.

The overall development of the subject site is consistent with the surrounding land uses which adjoin the Lismore Base Hospital which include consulting rooms, community health services and other government and non-government health care agencies. The location of the proposed hospital within this immediate area will reinforce its hospital precinct character.

Further evidence that the proposed development will have minimal impact is demonstrated by the shadow diagrams submitted by the applicant. These diagrams detail the subject building will not cast a shadow across any internal living rooms or bedrooms of the adjoining dwelling house.

Sight distances for vehicles ingressing and egressing the subject site from both the Shepard Lane entrance and the Hunter Street entrance are considered satisfactory. However, the application has been suitably conditioned to ensure the intersection of Hunter Street and Shepard Lane is increased in width to 6 metres to allow two way access. This is also the case with the vehicular egress from the subject site to Hunter Street which has also been conditioned to be increased to six (6) metres.

Access to the proposed development is further enhanced by the existing roundabout located at the intersection of Hunter and Uralba Street. The surrounding road infrastructure is quite adequate for anticipated traffic volumes.

79C(1)(d) Submissions Made in accordance with this Act or the Regulations

No submissions were received during the exhibition of the development application.

79C(1)(e) The Public Interest

The provision of a purpose built drug and alcohol detoxification facility has been identified by the Northern Rivers Area Health Service as an important community service.

7 CONCLUSION

The proposed development will provide a much needed public health facility for a specific sector of the community.

The design, scale, and location of the proposed hospital is considered appropriate and warrants Council support.

It should be noted by Council that if a consent is to be issued it will firstly require the formal concurrence of the Department of Health (ie the Northern Rivers Health Service). When concurrence is received formal approval can then be issued by Council.

RECOMMENDATION (PLA73)

- A That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.
- B That Council, as the consent authority, approve Development Application 99/645 for the erection of a Hospital (Drug and Alcohol Detoxification Unit), construction nineteen (19) carparking spaces including the provision of two (2) Disabled Carparking Spaces, and associated landscaping at Lot 1 DP 900631, Lot 2 DP 333108 and Lot 1 DP 333108, being 56, 58 Uralba Street and 75 Hunter Street, Lismore.

ANCILLARY ACTIVITIES APPROVED UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT IN CONJUNCTION WITH THIS APPLICATION:

- (a) Demolish a building or part of a building.
-

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

- (a) Carry out water supply work.
- (b) Carry out sewerage work.
- (c) Carry out stormwater drainage work.
- (d) Connect a private drain with a public drain.
- (e) Connect a private sewer with a public sewer.

In granting this development consent, Council requires:

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

and be substantially in accordance with the stamped approved plans titled DA1^A to DA5^A, PROJECT 9918, dated Sept. 99 and supporting documents submitted with the application. Copies of the approved plans are attached to this consent.

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

BUILDING AND REGULATION

2 The following building works are to be certified by Council or by an Accredited Certifier in the form of a Compliance Certificate.

- (a) Footings - the foundation trenches are open and the steel reinforcement is in position, prior to concrete being placed.
- (b) Drainage - the drainage lines have been laid externally by the plumber and drainer, so that a water test may be carried out, prior to the pipes being covered. The internal drainage is to be certified by the plumber and or drainer and a layout plan to be submitted to Council prior to pouring of the concrete slab.
- (c) Slab - the slab reinforcement is in position, prior to concrete being placed.
- (d) Framework - the framework is completed, wet area flashing in place, waterpiping and electrical wiring in place, external brickwork erected (where applicable) and the roof covering in position, prior to fixing the internal linings.
- (e) Occupation - the building is completed or an Occupation Certificate is required.

In the event that Council is the Principal Certifying Authority, you are required to notify Council at least 24 hours prior to the inspection.

Reason: To assess compliance with this approval.

3 Provide an on-site sign, in prominent visible position, stating:

- (a) That unauthorised access to the site is not permitted, and
- (b) Showing the name of the builder or person responsible for the site and a telephone number at which such person can be contacted outside working hours.

Reason: Required by Clause 37A of the Local Government (Approvals) Regulation.

4 Provide a fence, hoarding or other measure to restrict public access to the site, when work is not in progress or the site is otherwise unoccupied. The fence is to be provided prior to any work commencing on site.

Reason: *Required by Clause 37A of the Local Government (Approvals) Regulation.*

- 5 Before work is commenced Council must be informed in writing of the name and accreditation number of the Principal Certifying Authority who has been appointed to do the work.

Reason: *Required by Section 113 of the Local Government Act.*

- 6 Provide a stainless steel or copper shower tray for the base of the shower recess, or other construction approved by Council.

Reason: *To ensure adequate dampproofing of the building.*

- 7 External lighting must be adjusted or hooded to prevent any nuisance to neighbouring property.

Reason: *To ensure a reasonable level of amenity for adjoining properties.*

- 8 Glazing to doors, windows, shower screens and bath enclosures must comply with AS 1288-1994 "Glass in Buildings". For external glazing the design wind speed must be provided to the glazier.

Reason: *To ensure compliance with glazing and wind loading standards.*

- 9 Retaining wall structures 1200 mm (1.2 m) or more in height must be of a design certified by a Practising Structural Engineer acceptable to Council.

Reason: *To ensure the structural integrity of the retaining wall.*

- 10 Erosion and sediment control measures must be put in place and be maintained to prevent soil erosion and the transportation of sediment from the site into natural or constructed drainage lines or watercourses. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion.

Note: Inspections of the structural work will not be carried out and work may not proceed, until the sedimentation controls are in place.

Reason: *To prevent erosion of materials from the site.*

- 11 Provide notices displaying the words "Danger ! Demolition in Progress", in appropriate places to the fencing or hoarding.

Reason: *To warn the public of site dangers.*

- 12 The effects of vibration, dust, noise and concussion on adjoining buildings and their occupants must be minimised, by selecting appropriate demolition methods and equipment.

Reason: *Required by the Environmental Planning and Assessment Act 1979.*

- 13 Demolition of the structure must be in accordance with Sections 2 and 3 of AS 2601 "The Demolition of Structures".

Reason: *Required by the Environmental Planning and Assessment Act 1979.*

- 14 Structural Engineering details for footings, slabs, retaining walls and structural steelwork are to be submitted to and approved by Council prior to commencement of the work.

Reason: *To ensure the adequate structural design of the building components.*

- 15 Roof water drains and drainage from paved surfaces must be connected to the street water-table.
-

Reason: Required by Clause FP1.3 of the Building Code of Australia.

- 16 Provide 6/3 litre dual flush toilet suites to all water closets.

Reason: To conserve water.

- 17 Provide vacuum breaker devices to all external taps.

Reason: To prevent the contamination of the water supply by cross connection.

- 18 Access for the disabled in accordance with AS1428.1 is to be provided to the main entrance of the building.

Reason: Required by Clause D3.2 of the Building Code of Australia.

- 19 Facilities for the use of the disabled must be provided as specified in Clause F2.4 Building Code of Australia and shall be constructed to the requirements of AS 1428.1-1993 "Design for Access and Mobility".

Reason: Required by Clause F2.4 of the Building Code of Australia.

- 20 Provide signs to the disabled facilities in accordance with AS 1428.1-1993 "Design for Access and Mobility".

Reason: To highlight the availability of facilities for disabled persons.

- 21 Provide car parking spaces for the disabled, including signage, in accordance with the requirements of AS 2890.1 - 1993 "Off-Street Car Parking" Cl 2.4.5(b).

Reason: Required by Clause D3.5 of the Building Code of Australia.

- 22 Provide interconnected, automatic smoke alarms wired into the electrical mains and having a stand-by battery power supply, in accordance with Clause E1.7 of the Building Code of Australia.

Reason: To comply with Clause E1.7 of the Building Code of Australia.

- 23 A certificate from a licensed electrician must be provided upon completion of the installation of the smoke alarms, certifying that the smoke alarm installation complies with AS 3786 "Smoke Alarms".

Reason: To ensure compliance with this building approval.

- 24 The main switchboard within the building, if it sustains emergency equipment, must be separated from other parts of the building by construction having an FRL of 120/120/120 and any doorway must be fitted with a self closing fire door having an FRL of -/120/30.

Reason: Required by Clause C2.13 of the Building Code of Australia.

- 25 Fire hose reels must be provided in accordance with Clause E1.4 Building Code of Australia and the following:-

- (a) Must comply with Australian Standard 1221 "Fire Hose Reels" and be installed in accordance with Australian Standard 2441, "Installation of Fire Hose Reels".
 - (b) At the connection of the most hydraulically disadvantaged hose reel to the fire main or water service pipe, provide a water flow rate of 0.33 L/s.
 - (c) Must not be installed in fire-isolated stairways, fire-isolated ramps or fire-isolated passageways.
 - (d) At least one hose reel must be accessible to all occupants of the storey served by it.
-

- (e) No part of the storey must be beyond the reach of the nozzle end of a fully extended hose reel installed on that storey.

Reason: Required by Clause E1.4 of the Building Code of Australia.

- 26 Details of the fire hydrant protection of the building is to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

- 27 Provide portable fire extinguisher/s, suitable to address the relevant risk, in accordance with AS2444.

Reason: Required by Clause E1.6 Building Code of Australia.

- 28 Access to the development shall meet the following requirements:

- a) Paths and steps to have even non-slip surfaces.
- b) Paths to be a minimum of 1350 mm wide, with a maximum camber of 1:100.
- c) Provide fixed, rigid, continuous handrails 900 mm above steps and paths, where the ground level falls away close to the path. Handrails are to be provided on both sides of steps and to extend a minimum of 300 mm past the first and last step. A change in surface texture is recommended between steps and a path, and a contrasting surface is required at the edge of paths and steps to assist the visually impaired.
- d) The first and last step in a flight of stairs are to have the tread painted or constructed of white or a light colour.
- e) Changes in levels of less than 150 mm and single steps are to be avoided.
- f) Stairs must not have open risers.

Reason: To provide equality of access.

- 29 An emergency lighting system is to be provided throughout the building to comply with Clause E4.2 Building Code of Australia. Details of the emergency lighting system and a certificate from an electrical engineer certifying the level of illumination required is provided and that the circuits are designed as required, is to be submitted to the Principal Certifying Authority prior to installation.

Reason: Required by Clause E4.2 of the Building Code of Australia.

- 30 Provide emergency light exit signs on or near every door affording direct access from a storey to:-
- (a) An enclosed stairway or ramp serving as a required exit:
 - (b) An external stairway servicing as a required exit:
 - (c) An external access balcony leading to a required exit:
 - (d) On or near every door discharging from an enclosed stairway or ramp at every level of access to a road or open space.
 - (e) A door forming part of a required exit in a storey required to be provided with emergency lighting.

Reason: Required by Clause E4.5 of the Building Code of Australia.

- 31 Electrical plans to indicate the position of all exit signs must be submitted to the Principal Certifying Authority for approval prior to any work being commenced on the site.

Reason: To ensure compliance with this approval.

- 32 Provide a solid core self-closing door to the garage store room.

Reason: To ensure compliance with this approval.

-
- 33 The building shall be clad with a low-reflective material compatible with the environment of the locality. Associated colour schemes are to be submitted to Council for approval prior to commencement of work.

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

- 34 The new building shall be setback a minimum of 6 metres from the boundary adjoining Uralba Street, 3 metres adjoining the boundary fronting Hunter Street and a zero setback is permitted to Shepard Lane.

Reason: *To comply with the provisions of Local Environmental Plan 1992 - City of Lismore. (EPA Act Sec 79C(a))*

DRAINAGE

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

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

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

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

- 36 Hard surface areas, landscaped areas, roof water and subsoil drainage systems shall be designed by a suitably qualified person experienced in Hydraulic design and submitted to the Principal Certifying Authority prior to release of the Construction Certificate. Drainage is to direct all water to a Council approved drainage system to prevent discharge runoff onto adjoining land. This system shall be constructed in accordance with Council's Development, Design and Construction Manuals (as amended).. All piped drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the proponent.

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

CARPARKING

- 37 Provision shall be made for nineteen (19) carparking spaces with a bitumen sealed surface constructed and landscaped in accordance with the requirements of the Council's Development Control Plan No. 18 Off Street Carparking Requirements.

Reason: *To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))*

- 38 A sign shall be erected to clearly indicate off-street parking is available.

Reason: *To ensure the free flow of traffic and comply with traffic regulations. (EPA Act Sec 79C(c))*

39 All vehicles connected with the premises shall be parked or garaged within the property at all times.

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

40 The carpark identified in Section 6.4.2 of ASPECT North's report shall be completed prior to the release of the Occupation Certificate for the Hospital - Drug and Alcohol Detoxification unit.

Reason: *To comply with the provisions of Local Environmental Plan 1992 - City of Lismore. (EPA Act Sec 79C(a))*

VEHICULAR ACCESS

41 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, Design and Construction Manuals (as amended).

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

42 Driveways, access aisles and parking areas shall be provided with a bitumen sealed or other approved surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).

Reason: *To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))*

43 All loading and unloading shall take place within the property boundaries, including the parking of construction and private vehicles associated with the development.

Reason: *To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))*

44 Vehicular access from the road pavement to the development shall be provided by the construction of a crossing, in accordance with the Council's Design and Construction Specification for Vehicular Access.

Reason: *To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))*

45 Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction, in accordance with Council's Development Control Plan No. 18 - Off Street Carparking Requirements. All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition.

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

ROADS

46 The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work. Required roadworks include:

urban road

- a) Construction of a kerb and gutter and a bitumen sealed pavement, from the edge of the existing seal to the kerb and gutter, for the full frontage of the land in Uralba Street. Appropriate landscaping measures shall be provided to protect the existing tree.
-

- b) Construction of the eastern entrance to Shepard Lane to a 6 metres wide pavement with appropriate return radius. Should the conversion of Shepard Lane to one way traffic be approved by the Local Traffic Committee then the widening of the entrance shall be no longer be required.

An accredited certifier or practising qualified surveyor or engineer shall submit to the Principal Certifying Authority for approval prior to the release of the compliance certificate, a "works-as-executed" set of plans and construction certification. The compliance certificate for construction shall detail satisfactory completion of all roads, drainage and civil works required by this development consent and Construction Certificate.

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

- 47 Full design plans of the proposed engineering works to satisfy condition 45 shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate. If such plans are approved by Council, a checking fee of \$114 per lot, being \$114 is payable on submission of engineering design plans for drainage or roadworks.

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

PEDESTRAIN ACCESS

- 48 The proponent shall construct a 1.5m wide reinforced concrete, paving block or equivalent footpath, leading from the end of the existing footpath in Hunter Street to Shepard Lane in accordance with Council's Development, Design and Construction Manuals (as amended). Any costs shall be the responsibility of the proponent.

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

DEVELOPMENT ASSESSMENT SECTION

- 49 All separate parcels of land shall be consolidated into one allotment and registered under one title with the Registrar General prior to occupation of the building.

Reason: *To prevent future dealing in separately titled land, the subject of one consolidated site development application. (EPA Act Sec 79C(c))*

WATER AND WASTEWATER

- 50 Relocation or replacement of the sewer pipe that traverses the land is the responsibility of the proponent. Any relocation or replacement work shall be undertaken to the satisfaction of the Lismore City Council's Manager-Water and Sewerage. Any costs associated with these works shall be the responsibility of the proponent.

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

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

Full details of the proposed backflow method and cross connection controls shall be designed and installed in accordance with Australian Standard 3500.1 and documentary evidence submitted to Council on the completion of works.

Reason: *Required by NSW Code of Practice "Plumbing and Drainage".*

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

Reason: *Required by NSW Code of Practice "Plumbing and Drainage".*

- 53 Sewer connections must be effectively sealed off at the boundary riser. In this regard a Minor Works Permit must be applied for at Council and all work is to be carried out in accordance with Lismore City Council Sewer Specifications prior to the commencement of work.

Reason: *Required by Clause 65 of the Local Government (Approvals) Regulation.*

- 54 Water connections must be effectively disconnected. In this regard a Disconnection Permit must be applied for at Council and all work is to be carried out in accordance with Lismore City Council Water Specifications, prior to the commencement of work.

Reason: *Required by Clause 65 of the Local Government (Approvals) Regulation.*

- 55 Full design plans of the proposed engineering works to satisfy condition(s) shall be submitted to Lismore City Council. Such plans must be approved by the Manager-Water and Sewerage before the issue of the Construction Certificate. Construction of these works will need to be completed before a Certificate of Compliance is issued by Lismore City Council under s.26 of the Water Supply Authorities Act 1987.

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

- 56 Construct a sewer manhole on the existing sewer line inside the western boundary on number 56 Uralba Street, Lismore. This new manhole is to be constructed in accordance with Lismore City Council's adopted Sewer specifications. The manhole is to provide a junction to service this development, the existing gravity line on the east of this new manhole is to be terminated and capped outside the manhole. The existing manhole number 3ET3 is to be filled and the sewer vent to be removed. Any cost associated with the works shall be the responsibility of the proponent.

After satisfactory completion of this work, a practising qualified surveyor shall submit a "works as executed drawing" of this work on a transparency at a scale of 1:1000.

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

LANDSCAPING

- 57 Written consent from Council shall be obtained before any tree may be ringbarked, cut down, lopped, removed or damaged.

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 79C(a))*

- 58 The landscaped areas as detailed on plan entitled "Site Landscaping Plan, Sheet No. DA5^A, SEPT 99" are to be planted using plants from a container of minimum size of thirty five (35) litre bags or 2 metres high, and shall be maintained by the applicant/owner in a healthy and vigorous condition until they attain the minimum height for protection by Council's Tree Preservation Order. Prior to protection by Council's Tree Preservation Order, any of the aforementioned trees found to be in poor condition (*damaged, dying or dead*) shall be replaced by the applicant with a tree of the same size and species. (SPC)

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

AMENITY

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

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

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

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

ADVERTISING/LIGHTING

- 61 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. 36 Outdoor Advertising Structures (as amended). A separate development application shall be submitted for this purpose.

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

- 62 External sensor lights are to be erected outside the building, and are to be located or shielded so no additional light is cast on adjoining land or distracts traffic.

Reason: To preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))

ENVIRONMENTAL HEALTH

- 63 Prior to occupation the applicant shall submit to Council, and have approved, a Waste Management Plan for the proposed drug and alcohol detoxification unit. The plan shall identify:

- (a) Waste characterisation and composition;
- (b) Generation rates;
- (c) Treatment and storage processes; and
- (d) Methods of disposal.

ADVISORY NOTES

NOTE 1: Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment act, 1979, are to be complied with:

- (i) A Construction Certificate is to be obtained from the Consent Authority or an Accredited Certifier in accordance with Section 81A(2)(a) of the Act.
- (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
- (iii) Council is to be given at least two (2) days notice of the persons intention to commence building works, in accordance with Section 81A(2)(c) of the Act.

NOTE 2: The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue any relevant documentary evidence or certificates.

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

NOTE 4: Water and/or Sewerage Headworks levies payable under the Water Supply Authorities Act 1987 totalling \$20,502.00 will need to be paid to Council prior to Council issuing a Compliance Certificate under s.26 of the Water Supply Authorities Act 1987.

NOTE 5: A connection fee is payable on the connection of a dwelling to the water supply. The current connection fee can be obtained by contacting Council.

NOTE 6: The applicant or developer shall pay to Council all Water and Sewerage Headworks Levies deemed necessary in by Council in accordance with Section 64 of the Local Government Act 1993, as detailed in the attached schedule. Such levies shall be paid prior to release of final linen plan.

DATE FROM WHICH CONSENT OPERATES

Section 83 of the Environmental Planning and Assessment Act provides that the consent shall become effective and operate from the date endorsed upon the notice, **except** in the case of designated development to which objections have been lodged, when the consent shall become effective 28 days after the consent is issued.

Where an appeal is lodged, either by the applicant or an objector in respect of designated development, the consent shall remain in deferment and not become effective until the appeal has been determined. The consent shall be void if, on appeal, the development is refused.

COMPLIANCE

The development shall be carried out in accordance with the application, and “approved plans” as may be attached to this consent, and as amended by the foregoing conditions. **All conditions** shall be complied with prior to occupation of the development and, where appropriate, during the operating life of the development.

REVIEW OF DETERMINATION

Under the provisions of Section 82A of the Environmental Planning and Assessment Act 1979, an applicant may request the Council to review a determination of the application. The request for a review must be made within twenty eight (28) days after the date of the determination.

RIGHT OF APPEAL

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Where an appeal is made in the case of a designated development, each person who objected is required to be given notice of the appeal, and will have the right to be heard at that hearing.

Except in the case of designated development, there is no provision within the Act for a third party (objector) to appeal against the consent issued by the Council.

LAPSING OF CONSENT

To ascertain the extent to which the consent is liable to lapse, refer to Section 95 of the Environmental Planning and Assessment Act, 1979.

Section 95 of the Environmental Planning and Assessment Act generally provides that development consent shall lapse after three (3) years from the date of operation of this consent, unless building work, engineering or construction work relating to this development is commenced on the land.

EXTENSION OF CONSENT

In accordance with Section 95A, upon receipt and consideration of written application to the Council, an extension of twelve (12) months may be granted should the consent be valid for a period of less than five (5) years. Written application (including reasons for requesting such extension) is to be submitted to Council at least one month prior to the consent notice expiry date. Council cannot approve any more than one (1) application for a twelve (12) month extension to any consent notice.

NOTICE TO COMPLETE

Where development has been commenced, but the work not completed, Section 121B provides that the Council may issue an order requiring completion of the work within a specified time, being not less than twelve months.

Subject/File No: RATES & CHARGES - FOUR YEAR STRATEGY
(S384)

Prepared By: Rating Services Co-Ordinator

Reason: Follow up from Rating Workshop - October 26, 1999

Objective: For Council to make a determination

Management Plan Activity:

Background:

A Workshop was held on October 26, 1999 with the objectives of providing Councillors with the background to the current rating and charging structure and seeking to establish a four year plan in relation to rates and charges.

The Workshop did not arrive at a conclusive position in relation to a four year strategy but did request further information be provided.

As this requested information would require a fairly large investment of resources by staff, this report has been prepared to seek Council's confirmation of the information sought and additionally to focus attention on the four year Plan.

In looking at the requested information there are several distinct parcels of information sought, several of which are not necessarily related directly to the reason for the Workshop, that is establishing a four year rating strategy.

The following issues arose from the Workshop.

- * 1) *Gather and distribute previous Council decisions and information supplied to Council regarding Rural Landsharing Communities and rating decisions.*
 - * 2) *Quantify the difference between what the amount of rates Council currently raises on Rural Landsharing Communities and what would be raised if Council rated each dwelling at the minimum rate.*
 - * 3) *Report on the possibility of a Special Rate Variation for the Flood Levee.*
 - * 4) *Calculate and distribute information on base amounts using: -*
 - *various percentages as the base amounts*
 - *a common base amount across all categories as well as differential base amounts*
 - * 5) *Obtain comparative rating information on rating structures (including the rate in the dollar) from surrounding and similar sized regional Council's*
-

- * 6) *Obtain and compare the percentage of the total income generated from non rating activities of local Councils with Lismore*

Points 1 & 2 above are issues related to a perceived discrepancy in rate income being gathered from Rural Land Sharing Communities. Under the current provisions of the Local Government Act no action can be taken by Council to rate the properties any differently than adjoining land.

As such it would seem that if Council wants to pursue this issue, it should be done by representations to Government and the Department of Local Government for a change in Legislation. The issue should not be linked however with Council's rating policy, as the policy must be formulated on what is achievable under the current Legislation.

Point 3 has many variations and it would be almost impossible to produce a report that would allow any certainty of producing the required outcome.

At this point in time there is no timetable, funding or works program available. If as suggested previously that \$100,000 per annum would be required to fund the works this represents a small proportion of Council's General Fund rate income of \$14.926 Million.

The history of Council's previous applications for a Special Rate Variation would suggest that asking for \$100,000 additional rate income would have very little chance of success.

Point 4 offers Council an alternate position to its current rating structure and it is important that such information be considered. Fortunately a computer program is available which allowed the information to be obtained easily and it is supplied with this report.

As can be seen there are significant changes to rates payable by individuals. There are both winners and losers with the size of the variation being dependent upon the application and size of the base amount.

If Council were to pursue this issue, early in its term appears the best time to do so, as it allows time for the process to be consolidated.

Point 5 This information is partly shown in the Rating Workshop Paper at Page 15 (copy attached). At page 14 of the Rating Workshop Paper, there is a list of reasons given by the Department of Local Government suggesting how such comparisons can be affected by variations peculiar to an area.

Point 6 This is a major endeavour and one which may be best undertaken by Council's Economic Development Unit as a project, however it is suggested that the obtaining of this information will not have an immediate effect or influence the methods by which Council obtains its rating income.

Summary

The Rating Workshop sought to arrive at two outcomes: -

* An education process for Councillors

and

* To set out Council's Rating Strategy for the four years of its term

Hopefully, the first objective was achieved. Regretfully, the second objective was not.

This report has been submitted to focus attention on the need for Council to determine a rating strategy and to deal with the requests for more information bearing in mind the resources required to deal with such requests.

It was obvious from the Rating Workshop that Council is concerned at the level of rates being levied on its Ratepayers and the need to restrict any future rate increases to the limit allowed by the Minister for Local Government.

Manager - Finance & Administration Comments

Not requested.

Public Consultations

Not Sought

Other Group Comments

Not Sought

Conclusion

Rating policy provides Council with an opportunity to equitably and fairly recover the costs incurred in providing services to ratepayers.

The establishment of a four-year strategy also allows for certainty within Council when formulating the annual budget each year, as well as providing a degree of certainty to our ratepayers. If Council does not wish to pursue further detailed investigation on the use of base rates (refer to the attachments), then it is appropriate that Council adopt the existing differential system.

Recommendation (COR50)

- 1 That Council adopt the current rating structure and differentials of income between rating categories for the next four years.
 - 2 That no rate increases above the allowable State Government permissible increase be sought for the next four years apart from the possible introduction of a Special Rate and application for a Special Rate Variation for the construction of the Flood Levee (which will be the subject of a report to Council when more information is available).
 - 3 That Council write to the Minister for Local Government, Mr Harry Woods seeking his views on a possible change to the Local Government Act to accommodate the introduction of suitable rating levels for Rural Land Sharing Communities.
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- 4 That a report be prepared by Council's Economic Development Unit on the income generated by surrounding Council's from non-rating activities.

Subject/File No: DRAFT AMENDMENT NO. 5 TO LISMORE LOCAL ENVIRONMENTAL PLAN, 1999 - ACID SULFATE SOILS & DEVELOPMENT CONTROL PLAN NO. 38 - ACID SULFATE SOILS (BT: S714, S715)

Prepared By: Development Assessment Planner - Brendan Toohey

Reason: To advise Council of submissions received during exhibition and to adopt Draft LEP and DCP.

Objective: To obtain Council's determination as to whether or not to proceed with the amending LEP and DCP.

Management Plan Activity: Strategic Planning

Council at its meeting of May 18 1999, resolved to exhibit Draft Local Environmental Plan No. 5 (DLEP) to Lismore Local Environmental Plan 1999 and Draft Development Control Plan for Acid Sulfate Soils (DCP).

Introduction:

In recent years there has been an increasing awareness of the environmental damage and loss of farm productivity potentially caused by the release of toxic runoff following the disturbance of Acid Sulfate Soils (ASS).

Previous studies undertaken by the Department of Land and Water Conservation (DLAWC) indicate that potential acid sulfate soils are present within some southern areas of the Lismore Local Government Area. It is therefore timely that policy be introduced to ensure that potential acid sulfate conditions on development sites are correctly identified and managed to prevent adverse environmental effects both on and off site.

This report accordingly seeks Council's adoption of an amendment of the Lismore Local Environmental Plan (LEP) 1999 to adopt the Model LEP and Development Control Plan (DCP) for Acid Sulfate Soils currently endorsed by the Department of Urban Affairs and Planning Acid Sulfate Soils Management Advisory Committee (ASSMAC). This action is currently being taken by several other North Coast Councils, most recently Hastings, Richmond River and Tweed, and is further supported by recommendations within Council's 1995 State of the Environment Report which identified Acid Sulfate Soils as a primary concern regarding water quality for Lismore.

Background to the Acid Sulfate Soil problem:

A brief outline of the nature of Acid Sulfate Soils is helpful in appreciating the necessity for introduction of the Local Environmental Plan amendment and Development Control Plan.

In summary, potential acid sulfate sediments generally occur in low lying flood plains of rivers and creeks and were formed under certain restricted conditions between 3,000 and 6,000 years ago. These

conditions required the presence of iron-rich sediments from a river, sulfate from sea water, sulfate reducing bacteria and a plentiful supply of organic matter (usually mangroves).

Actual acid sulfate materials are formed when the pyrite in these sediments is exposed to oxygen, resulting in acidification. Pyrite remains stable and does not cause acidity if kept free of oxygen. Oxygen admission can occur naturally or can be caused by human disturbance. Common causes of disturbance and admission of oxygen are lowering of the natural water table (for example by drainage works), or excavation of materials containing pyrite and their dumping at the surface.

Actual acid sulfate materials are highly undesirable because they cause severe acidification of natural waters and soils. Acidification causes clay minerals to dissolve, eventually releasing aluminium and iron to waters. Potentially, aluminium may remain in water in forms that are highly toxic to aquatic animals and plants. Iron in solution can also be toxic to aquatic life and may additionally result in heavy stains and slimes. Acid sulfate soils can also have an adverse impact upon structures through poor foundation qualities, concrete corrosion and general corrosion of engineering structures.

The Richmond and Wilson Rivers support a healthy commercial and recreational fishery, however there has been a noticeable decline in fish numbers since about the mid 1970's. Red Spot disease, prevalent in fish, was first reported in 1975 on the Richmond River and outbreaks have occurred at regular intervals since.

Acid sulfate soils already affect agricultural and tea tree management practices, namely in the choice of crops, the introduction of liming practices, fertilisers requirements and drainage practices.

Proposed LEP and DCP

In summary the draft LEP seeks to require development consent for works, including agricultural related activities, in locations identified as having potential to disturb acid sulfate soils, or lower the level of the ground watertable. A copy of the Amendment is included as a separate attachment to the Business Paper. Due to the size of the planning maps a summary only of the maps is in the attachment.

As Councillors may be aware, DLAWC has prepared Acid Sulfate Soil Risk Maps which predict the distribution of acid sulfate soils based on an understanding of the factors which led to their formation, reinforced by soil surveying. DLAWC has recently adapted these maps for planning purposes to be utilised in association with the Model LEP.

The four (4) Acid Sulfate Soil Planning Maps for Lismore are based on the 1:25000 topographic map coverage and establish five (5) classes of land based on the probability of acid sulfate soil occurrence and type of works likely to disturb them. A table in the draft LEP indicates activities that require development consent in each land class.

Specifically, under the policy consent would be required for the works specified for each class of land as follows:

Class of Land as shown on Acid Sulfate Soils Planning Map	Works
1	Any Works.
2	Works below natural ground surface Works by which the watertable is likely to be lowered.
3	Works beyond 1 metre below the natural ground surface Works by which the watertable is likely to be lowered beyond 1 metre below natural ground surface.
4	Works beyond 2 metres below the natural ground surface Works by which the watertable is likely to be lowered beyond 2 metres below natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.

“**Works**” includes any landform alteration that results in the disturbance of soil including, agricultural-related works, drains, engineering works, flood mitigation works, maintenance of existing drains, and any works which may alter ground levels. These terms are further defined in the draft DCP, a copy of which is included as a separate attachment to the Business Paper.

Where it is proposed to carry out works requiring development consent under the Draft LEP, the Draft DCP requires that the application must be lodged with a *Preliminary Soils Assessment* and/or *Soil Management Plan*. The soils assessment clarifies the extent of risk and must be prepared by a suitably qualified person and include matters outlined in the EPA’s “*Assessing and Managing Acid Sulfate Soils*” document, which will be included as an Appendix of the DCP. The *Soil Management Plan* will only be required in circumstances where the nature of the proposed development is considered likely to pose particular risk to acid sulfate soils. The LEP subsequently requires these matters to be considered by Council prior to DA determination.

Figure 1 details the location of Potential and Actual acid sulfate soils, within the Lismore Local Government Area. Acid Sulfate Soils have been identified as occurring in low lying areas south of Wyrallah, including locations such as Dungarubba, Swan Bay, Bungawalbyn and the Tuckean and accordingly rural landowners in these areas will be affected by introduction of the policy.

Activities such as the construction and maintenance of agricultural drains are currently considered ancillary agricultural pursuits and therefore do not require consent in rural zones. As outlined above, should the provisions of the draft LEP requiring development consent be adopted these would prevail over “Development Without Consent” provisions currently contained within the LEP land use tables (Clause 9).

In regard to the requirement for consent, Councillors should note that the definition of agricultural related works **does** include drainage works, including construction and maintenance of open drains, construction of dams and stock water holes, site levelling, topsoil removal, and laying of pipes and cables. It does **not**, however include ploughing, scarifying tiling or deep ripping (to a depth less than 30 cm from the surface).

In order to minimise costs and inconveniences for landowners resulting from the requirement for consent, where a development involves, or may impact upon, a number of properties in the one locality, proponents will be permitted to prepare and lodge a joint Development Application for the proposed works and ongoing management. Examples where joint Development Applications would prove advantageous would be where a development may involve maintenance of new and/or existing drains that traverses two or more properties or where proposed flood mitigation works may impact upon a specific area.

To further minimise inconvenience to landowners, where a property contains a series of drains or works that would require development consent for each individual section, the owners are encouraged to submit a *drainage management plan* for the whole property. This plan would form part of the Development Application. Such a management plan would cover all the drains on that specific property, including their maintenance and rehabilitation details, as needed.

Development Control Plan No. 38 - Acid Sulfate Soils (DCP 38) which accompanies the Draft LEP provides a greater level of guidance to landowners, consultants and the general community on the procedures involved in the management of areas affected by Acid Sulfate Soils. The DCP details, in a clear and concise manner, the Development Application procedure for works which will require the consent of Council.

Whilst it is acknowledged that the proposed amendments will result in an administrative workload increase due to the need to process additional Development Applications, the recommended 'self regulator' approach for cane production areas will have a mitigating impact upon administrative resources. In addition, the nature of landuse in these areas is such that applications for drainage and maintenance of existing drains would be the most common and in this regard it is hoped that landowners would undertake joint applications or long term drainage management plans for their farms.

Public Consultations

The draft amending plan and Development Control Plan were publicly exhibited for 30 days, with advertisements notifying the public of the exhibition inserted in Council's Newsletter page in "The Echo" at the beginning and towards the end of the exhibition period. Relevant Government Authorities and Non-Government Authorities were notified and comments sought.

At the close of public exhibition on September 24 1999, only one (1) submission had been received, from the New South Wales Sugar Milling Co-operative Ltd. A copy of this submission is included as a separate attachment to the Business Paper.

Comment on NSW Sugar Milling Co-operative submission

The NSW Sugar Milling Co-operative has requested that works in acid sulfate soils for cane production be exempt from the consent process, so as to permit self regulation in the management of acid sulfate soils.

From information supplied from the NSW Sugar Milling Co-operative it appears the Sugar Industry is quite pro-active in the on-going management of acid sulfate soils. Each cane grower when signing a "production area entitlement" with the Sugar Co-operative commits themselves to the management of acid sulfate soils in accordance with the Sugar Industry's current best practice document.

The Sugar Co-operative has stated that the proposed LEP amendment, in its current form, will generate in the vicinity of 200 Development Applications. As Councils Planning and Development Group does not have sufficient staff resources to administer such a large number of additional development applications it is strongly recommended that an amendment to the DLEP be sought to allow the sugar industry to self regulate the issue of acid sulfate soils.

Self regulation, it is argued, will allow immediate response to changing weather conditions. Self regulation can be achieved by individual farm drainage management plans; best practice guidelines; internal control through the Sugar Industry and an annual audit by the Council. The Sugar Industry has proposed an amendment to the DLEP which involves the inclusion of the following clause:

“26A (1) Acid Sulfate Soils

- (4) Sub-clauses (2) and (3) do not apply to works carried out on land shown as classes 1, 2, 3, 4 and 5 on the series of maps marked “Acid Sulfate Soil*
- (5) For the purpose of agriculture (including drains, land levelling, dams, road works and the like) provided:*
 - (i) A Production Area Entitlement with the NSW Sugar Milling Co-operative Limited applies to the land at the time of carrying out the works; and*
 - (ii) The works are carried out in accordance with the Sugar Industry Best Practice Guidelines and individual farm drainage management plans which are endorsed by ASSMAC, NSW Agriculture and Department of Urban Affairs and Planning and lodged with the Lismore City Council.”*

The abovementioned clause has been vetted by a number of State Government Departments (DUAP, EPA and Dept. of Agriculture) and other Local Governments (Tweed Shire Council), with all stating the intentions of the proposed clause being sound.

Discussions with the Regional Office of DUAP has indicated that DUAP supports in principle the proposal; subject to the appropriate mechanisms to ensure accountability and guarantees of sound environmental performance. To achieve this it is considered that some adjustment is required to the suggested amendment;

1. The objectives of the plan should reflect the availability of self regulation;
 2. In view of the possibility of other organisations wishing to enjoy the same regulation privilege, the clause could be written in more general terms;
 3. It needs to be made clear that the Guidelines are to be approved by DUAP; and the individual farm management plans by the Sugar Mill only.
-

One area of concern has been raised during discussions with DUAP, this being the ability of Drainage Unions to take advantage of the self regulation provision. This is not the intention of the Sugar Mill, which is primarily concerned with drainage within the cane production area of the individual grower. However, many of the cane growers production areas contain "major drains" on their properties into which that internal drainage flows, but which is the responsibility of the Drainage Unions to maintain. To avoid any uncertainty those major drains should be specifically deleted from any proposed provision. The Mill has provided a list of the major drains, and these have been attached as a separate Schedule to be included within the DLEP.

Council staff are investigating cost effective options to disseminate information to affected property owners in the event that the LEP Amendments and DCP are adopted.

These options could include general media releases, letter box drops of summary information to affected property owners, and the use of industry representative groups, eg NSW Sugar Milling Co-Operative, Cane Growers Association, etc.

Other Group Comments

Manager - Environmental Health

It is recognised that the sugar industry has been proactive in the management of acid sulfate soils and has established credibility in the management of these soils in northern NSW through the preparation of farm management plans, raising awareness of cane growers of acid hazard and committing to the management of acid sulfate soils to current industry best practice. This commitment and resourcing from industry has provided a significant platform for the achievement of recognised environmental outcomes that would not have been realised within an equivalent time frame should the approach have been solely a regulatory one driven by government. It is recognised that the current level of resourcing and technical expertise within council would, through any assessment process, rely heavily on industry and/or government agency input/comment. This may be seen as unnecessary duplication and hindrance to an industry that has displayed a commitment to best practice management through a recognised industry regulated structure. Therefore the notion of self regulation is supported for inclusion into the draft LEP framework subject to consideration of the following matters.

- (a) Industry suggests a self regulation model that incorporates an annual audit process by council. It is identified that council currently is not resourced nor has the expertise pool to undertake an audit function effectively. The model I believe should be amended to recognise a 'whole of process' self regulation model where industry has complete responsibility for information gathering, implementation of actions and review processes.

Where the desired outcome is not being achieved ie. a farm not being managed to industry best practice and there is a threat to the environment, industry should notify council as the regulatory authority so that appropriate directions, if necessary, can be given. Ultimately protection of the environment is a responsibility that falls to council or the EPA.

- (b) The submission seeks exemption from the consent process for works in acid sulfate soil areas on lands that have a Production Area Entitlement with the NSW Sugar Milling Co-operative Limited.
-

I don't support a blanket exemption as nominated as it does not provide any transparency to the decision making process where such works may have the potential to have a significant impact upon the natural environment and excludes totally public participation. The recommendation to this report nominates an amendment that recognises industries self regulatory ability but also factors in an approval process for activities that may significantly impact on the environment or be undertaken in environmentally sensitive areas. The recommendation also recognises the philosophies introduced through the integrated planning process.

- (c) It is my understanding that a separate approval process is, in theory, required under the provisions of the Local Government Act, Section 68, to connect a private drain to a public drain. This requirement has already been determined by the Land and Environment Court in a drainage matter in the Tuckean area. The recommendation to this report nominates an amendment that would require Council consent for works within or connecting to a public drain.

Recommendation (PLA70)

- 1 Council adopt draft Local Environmental Plan Amendment No. 5 as amended on the basis of the submission from the NSW Sugar Milling Co-operative, as printed in the Attachment.
- 2 Draft Local Environmental Plan No. 5 - Acid Sulfate Soils be forwarded to the Department of Urban Affairs and Planning;
- 3 That Council resolve to adopt Development Control Plan No. 38 - Acid Sulfate Soils.

Subject/File No: RECLASSIFICATION OF LISMORE TOURIST CARAVAN PARK
(AL:CD:P3058:S367/1)

Prepared By: Andrew Lovett - Manager Business Development

Reason: Difficulties in extension to the current lease under the existing community land classification.

Objective: Council to determine its intentions for the future usage of the land and then to commence the reclassification process. If this is successful, then to commence negotiations with the current lessees for an extension to the lease.

Management Plan Activity: Property Services

Background:

The Lismore Tourist Caravan Park has operated at its current location, 50 Dawson Street, for a period that is believed to be in excess of 30 years. It is located on Council land, which is classified as Community Land and categorised as General Community Use. It falls under the terms of the Lismore Park Plan of Management. Council has historically operated the Caravan Park through the contracting or employment of Park Manager's and more recently Council has leased the facility to private operators.

Chronological History of Events

On July 1, 1993, Council entered into a lease arrangement with the Cavanagh family for the Lismore Tourist Caravan Park. This lease was for a period of five years, with an option to extend for a further five years.

On September 7, 1993, Council resolved that the Lismore Tourist Caravan Park along with a number of other parcels of Council land be classified as 'operational' in line with the then new Local Government Act of 1993.

This Council resolution was rendered invalid by Clause 6 (2)(d) (Classification of Existing Public Land) Schedule 7, Savings & Transitional Provisions of the Local Government Act 1993 and the land is classified as community land. This section states that:

“(2) On the relevant commencement, the following land that is vested in or under the control of a council is taken to have been classified as community land:

(d) Land reserved, zoned or otherwise designated for use under an environmental planning instrument as open space....”.

At the relevant commencement in 1993, the caravan park was zoned 6a Recreational (Open Space). The current zoning remains 6a Recreational.

At its meeting held September 17, 1996, Council approved the assignment of the lease from the Cavanagh family to Mr and Mrs JV Donadel, the current lessees.

On December 9, 1997, Council adopted the Lismore Park Plan of Management. Section 3.3 of this plan specifies terms for any new leases for the Lismore Park area. One of those terms is:

“New leases will be issued for a period no longer than five years (including any option to renew) unless exceptional circumstances apply.”

On July 1, 1998 Mr and Mrs Donadel exercised the pre-existing option for renewal of the existing lease. This renewal period terminates on June 30, 2003.

During 1998, the provisions within the Local Government Act 1993 pertaining to Community Land were further amended with the inclusion of the categorisation of Community Land and core objectives of specific categories of Community Land. These provisions place further requirements in terms of the use of community land.

Since the execution of the lease option in 1998, Mr Donadel has been in contact with Council staff, Mr Graeme Davis and more recently Mr Andrew Lovett, endeavouring to negotiate a further extension of the lease term.

Difficulties in Further Extension to the Lease under Community Land Classification

Over the last 3 months the Manager - Business Development has carried out an examination of the community land provisions of the Local Government Act 1993, to determine if there is an appropriate mechanism to extend the lease as requested by Mr Donadel. Throughout this process advice has been taken from Solicitors, Messrs Bondfield Riley.

Sections 36, 45, 46 and 47 of the Local Government Act, as well as provisions of the Lismore Park Plan of Management, provide for required terms and conditions for leases over the Lismore Tourist Caravan Park.

The following issues were identified:

1. The Lismore Park Plan of Management requires that leases be for a term not exceeding five (5) years unless there are exceptional circumstances;
2. The recent additions to the Local Government Act 1993, specifically Section 46 (1) (b) (I) and Section 36I cast some doubt as to whether the granting of a new lease for the Caravan Park would meet the requirements of the core objectives for this land which is categorised as General Community Use;
3. Section 46A(3) requires that leases over Community Land for a term exceeding five (5) years may be granted only by tender, unless the lease is granted to a non-profit organisation.
4. The purpose of the community land classification and the provisions of the Local Government Act 1993 which govern community land have a clear general intent of the prevention of Council's granting leases (exclusive access) over community land for periods longer than five years.

A good case can be mounted for Council to resolve that there are exceptional circumstances as identified in point 1 above. However, there remains some serious doubt about the legality of Council granting an extension to the lease to Mr and Mrs Donadel in the current circumstances, due to points 2, 3 and 4 above.

Conversion to Operational Land

The appropriate course of action is for Council to determine if this parcel of land should continue to be used for a Caravan Park. If Council so decides, then it could pursue an LEP amendment to reclassify the land as operational status in line with Council's intention in 1993. Subject to a successful reclassification, the Council could then negotiate a lease extension pursuant to Section 55 (3) of the Local Government Act 1993. This section of the Act addresses the tendering requirements of Council and provides for an exception to the need to tender for "*a contract for the leasing of land by a Council*". Unfortunately, this section of the Act does not apply to community land.

Alternately, if Council decides to retain the caravan park and the community land classification there would be two possible courses of action. Firstly, Council could enter into a new five (5) year lease at the end of the current option period in June 2003, in effect waiting another three years. Secondly, Council could call tenders for the proposed five year lease (July 2003 - June 2008), now, three years before its commencement. Neither option appears to provide a commercially satisfactory solution.

Economic Value

The Lismore Tourist Caravan Park is licensed for 75 sites and provides low-cost accommodation for a large number of people. The management of the park under Mr and Mrs Donadel has been excellent and there is a return to Council of some \$31,302 per annum in lease rental for the park. This represents an excellent commercial return on the value of Council's asset. This will provide positive cash flow to Council of \$488,536 over the next 20 years (in today's dollars and assuming CPI of 2% and a discount rate of 5%).

The Caravan Park employs a number of people, which adds to the economic benefit to Lismore.

Mr Donadel has advised that during the 1998 financial year, the Caravan Park took some 6720 site bookings from visitors to Lismore. This generated an income of \$92,000 for the Caravan Park. The multiplier effect through the rest of the community would increase this by a significant factor.

Flooding:

Due to the property's close vicinity to Brown's Creek, it is one of the first properties within Lismore to go under water during floods.

During times of heavy rain there is a necessary sequence of operations of the floodgates and pumping station at the end of Brown's Creek. This sequence of operations is designed to minimise flooding to the CBD and when flooding is unavoidable the operations are designed to minimise the velocity of flood waters in that precinct. This may put the Lismore Tourist Caravan Park at increased risk of early flooding.

At these times the Emergency Services are hard pressed to maximise the safety of all Lismore residents and their property. The evacuation of a large number of on-site caravans at the Lismore Tourist Caravan Park is a significant task which Emergency Services personnel will not have the resources to assist with. The responsibility for the evacuation of the Caravan Park lies with the lessee.

The terms of the current lease include provisions for this and require the lessee to detail a Flood Management Plan, which Mr Donadel has just recently updated. A copy of this plan is attached.

Manager - Finance & Administration Comments

From a financial perspective, this is an opportunity to review the lease rental payable to the Council. As such no objection is raised to the recommendation other than: a) rental review period be mid way through the term and b) provision for the contractor to pay any GST applicable to the lease rental payment to Council.

Public Consultations

If the recommendations were adopted then Public Consultations would be held during the LEP Amendment process.

Other Group Comments

Group Manager City Works:

Points to Consider -

Point 1: Flood

Lismore Caravan Park is located at the lowest point within the Lismore Basin and is subject to frequent and rapid flooding from the river system and local stormwater outlets. Because of the low level (approximately 6.5m AHD), both forms of flooding can occur very rapidly. Consultants, Sinclair Knight Mertz, have suggested we need to plan on having an evacuation time of less than two hours.

Point 2: Removal of Houses from Flood-Affected Areas

This Council has identified the need to both plan and implement planning practices that encourage people to remove permanent houses from the floodplain. Council has been involved in moving approximately 70 houses off the floodplain, which is equivalent to spending in excess of \$7.0M to reduce the flood risk to local residents.

When the above points are considered, it is clear that Council has a duty of care to minimise the potential flood hazards for all people irrespective of where they live. It is not reasonable for Council to knowingly expose people to substantial risk simply because they do not live in a permanent dwelling. If there is a risk because people live in flood-prone areas, we need to take appropriate action to minimise that risk.

In the case of the Caravan Park, we need to have a plan that recognises the severe flood risk and move towards rectifying that risk. In this case the only real way of mitigating the flood risk is to move residents permanently out of the severe flood-prone areas and find an alternative use for the existing Caravan Park.

Given the severe shortage of carparking land within the CBD precinct, off-street parking would appear to be the best alternative use for the land. A 5-year transition period would appear a responsible time frame.

Council should not allow people to reside in highly flood-prone areas.

The process of converting this land to Operational Land will require public exhibition and comment from the DLWC and SES. My understanding is that both organisations will strongly oppose any form of reclassification as the proposal has the potential to increase the community's exposure to regular flooding.

Manager - Economic Development:

Support for the recommendation is recorded by the EDU. The presence of the Park is conducive to economic activity in the CBD and the commercial returns to Council and the lessees are considered to be very satisfactory.

Tourism Director:

The Lismore Caravan Park provides an economic benefit as well as an accommodation asset to the tourism industry in Lismore. According to Domestic Tourism Trends provided by Tourism NSW, over 80% of the Northern Rivers tourism market are 'self-drive' and 17.5% of visitor nights in the region is spent in caravan parks. This market segment is clearly quite large and the Lismore Caravan Park is positioned to further develop a strong tourism business that provides obvious benefits for Lismore City Council and the community.

Conclusion

The Lismore Caravan Park is a strong, viable business, which is located within the Lismore Park precinct with a community land classification. As such, the terms of any leases are prescribed by the Lismore Park Plan of Management and the community land provisions of the Local Government Act. In 1993, Council made clear its intention to classify this land as operational. By resolving to pursue an LEP amendment to reclassify the land from community to operational, this anomaly will be corrected.

Council will also take another step in progressing business confidence in Lismore.

The risks associated with the flooding of the Lismore Tourist Caravan Park require careful management and ongoing monitoring to maximise the safety of tenants and property.

Recommendations (ENT22)

That:

- 1 Lot 1 DP 636233 being 50 Dawson Street continue to be used as a Caravan Park.

- 2 Pursuant to the Local Government Act 1993, Council give Public Notice of its intention to reclassify Lot 1 DP 636233 as operational land.

- 3 Pursuant to Section 54(1) of the Environmental Planning and Assessment Act, a draft Local Environment Plan be prepared to amend the Lismore Local Environmental Plan 1992 to reclassify Lot 1 DP 636233 from community to operational.
- 4 Subject to the outcome of the Local Environment Plan Amendment process, the General Manager or his delegate enter negotiations with Mr and Mrs Donadel with the intention of extending the current lease and incorporating a market based rental assessment and provision for appropriate rental reviews and the impacts of GST legislation.
- 5 That the SES Controller carry out an annual review of the Flood Management Plan for the Lismore Tourist Caravan Park, on an ongoing basis. This annual review to take place in the first quarter of each financial year.

Community Representatives on Council Committees

Two RPT operations representatives (one per RPT operator) - Maurice Gahan (Impulse Airlines have declined to nominate at this stage.)

One Public Transport representative - Doug Lawrence

One State Government Representative - Andrew Winton-Brown

One General Aviation representative - David Wright

One Aero Club representative - George Somerville

One aviation engineering representative - Barry Waters

Citizen Members - 1 vacancy

Nominations

Habib Habib

Recommendation

That Council note the appointment of the delegates from the nominated organisations and appoint *Habib Habib* as the citizen member.

Civic Design Advisory Panel

Delegates from Nominated Organisations

Lismore Unlimited - vacant

Lismore Regional Botanic Gardens - Mary Harris

Citizen Members - 6 vacancies

Nominations

Mary Betteridge

Annette Potts

Eleanor Cole

Bill Sheaffe

John Barnes

Carmel Beelitz

Recommendation

That Council note the appointment of the delegates from the nominated organisations and appoint *Mary Betteridge, Annette Potts, Eleanor Cole, Bill Sheaffe, John Barnes, Carmel Beelitz* to the Panel.

Lismore Art Gallery Advisory Panel

Citizen Members - 8 vacancies

Nominations

John Jeboult

Lyn Thomson

John Stretch

Melissa Hirsch

Steven Glese

Bruno Ivan

Vicki Fayle

John Page

Jan Davis

Simon Thomsen

Robin Osborne

John Stewart

The Art Gallery Director has reviewed the applications and has suggested the following appointments:

- John Jeboult, Bruno Ivan, Vicki Fayle, John Page, Jan Davis, John Stretch and Simon Thomsen.

Further, she is recommending that the final position be either Steven Glese or John Stewart.

Recommendation

That Council determine its citizen members.

Lismore Tourism Advisory Panel

Delegates from Nominated Organisations

Representative of hospitality industry - Bill Sheaffe
Representative of the moteliers of Lismore - Christine Grant
Representative of the caravan parks of Lismore - G Smith
Representative of the media in Lismore - Heather Lickiss
Representative of the transport industry in Lismore - M Gahan
Representative of Lismore Unlimited - R W McKenzie
Representative of National Parks & Wildlife - Wayne Pellow
Representative of Economic Development Board - Ros Derrett
Sporting Representative - John Bancroft
Representative of Southern Cross University - Maree Walo
Representative of Service Clubs - David Harris

Citizen Members - this Panel has one citizen member but there is a restriction that it be a "rural representative". Both nominations received meet this criteria.

Nominations

Stan Heywood
Rob Allan

Recommendation

That Council determine its citizen member.

Public Transport Advisory Panel

Delegates from Nominated Organisations

Representative from Kirklands - Alan Folpp
Representative from Public Transport Development Project - Shawn Phillips
Representative from Lismore Unlimited - Vacant
Representative from Lismore Taxis - Doug Lawrence
Representative from Community Transport - Colleen Thomas

Citizen Members - 3 vacancies

(In accordance with Council's decision of 3/6/97 the number of citizen members has been reduced from 4 to 3 to comply with the size requirement of 10 members.)

Nominations

Therese Crollick
Simon Cripps-Clark
Brian Slapp
Robert Weatherby
Nathan Kesteven
Vanessa Ekins

With respect to the nominations received, the only comment staff would like to make is to mention the contribution made by Robert Weatherby to the Panel over a number of years. He has been the Chairperson and driving force behind this Panel.

Recommendation

That Council determine the three community representatives.

Lismore District Sports Association

In total there are nine vacancies, broken into various categories as detailed below.

One business community

Nominations - nil.

One SCU or NC Academy of Sport

Nominations - David Graham

Five outdoor sports groups

Nominations

Therese Crollick
Gloria Mortimer
Robyn Whitney
Mary Lemon
Barry Davidson

One indoor sports group

Nominations - nil

One Sports Council for the Disabled

Nominations - nil

Recommendation

That David Graham, Therese Crollick, Gloria Mortimer, Robyn Whitney, Mary Lemon and Barry Davidson be appointed to the Lismore District Sports Association Committee.

Floodplain Management Working Party

Delegates from Nominated Organisations

Community Representatives on Council Committees

Representatives from Richmond River County Council - 2

Representatives from Public Works Department - 2

Representatives from Department of Planning - 1

Representatives from North Lismore Progress Association - 1

Representatives from Lismore & Richmond River Flood Mitigation Scheme Inc. - 1

Representatives from Lismore Unlimited - 1

Mid-Richmond Action Committee - 1

Citizen Members - 5 vacancies

Nominations

Graham Askey

Dick Smith

Ken Parr

John Barnes

Vince Collins

Recommendation

That Graham Askey, Dick Smith, Ken Parr, Vince Collins and John Barnes be appointed to the Working Party.

Rural Settlement Strategy Steering Committee

Citizen Members - 8 vacancies. These are broken into sub-categories.

One member of the development industry

Nomination

Alan Kerr

Two surveyor or consultant planners or related professional involved in rural residential design.

Nominations

Lindsay Walker

Ray Sargent

One Representative of PAN Council

Nomination

Bill Kidd

Four general community representatives, at least one of whom is from a rural area and is not a landowner who could be part of a rural land release strategy.

Nominations

Alan Moses

Stan Heywood

Brian Moynihan

Vanessa Ekins

John Barnes

D Raymont

Recommendation

That Council appoint Alan Kerr, Lindsay Walker, Ray Sargent and Bill Kidd to the Working Party and Council determine its community representatives.

Koala Management Steering Committee

Delegates from Nominated Organisations

Representatives from Friends of the Koala Foundation - Mr John Hyde

Representatives from Southern Cross University - Ross Goldingay

Representatives from National Parks-Northern Zone - Mr John Turbill

Representatives from NSW Farmers Association - Mrs E Cole

Representatives from Lismore & Dist. United Ratepayers Assn. - Cr Merv King Representatives
from EnVite - Mr Mike Delaney

Citizen Members

Two urban "property owner" representatives

Nominations

Mrs Patricia O'Brien

Five rural "property owner" representatives

Nominations

Beverley Bryant

Lloyd Moss

Laurie Clark

One Resident Representative

Nomination

John Barnes

Recommendation

That Council note the appointment of the delegates from the nominated organisations and appoint Patricia O'Brien, Beverley Bryant, Lloyd Moss, Laurie Clark and John Barnes to the Steering Committee.

Other Committees

Nominations were not called for the Fix the Roads Working Party due to its recent appointment.

The Lismore Economic Development Board is reviewing its structure and a report will be presented to the next Council meeting in this regard.

Recommendation

That Council re-appoint the existing members of the Fix the Roads Working Party and the Lismore Economic Development Board.

Manager - Finance & Administration Comments

Not requested.

Public Consultations

Positions were advertised in the Northern Rivers Echo and nominations requested from the public.

Other Group Comments

Relevant staff were consulted during preparation of this report.

Recommendation (COR51)

- 1 Council appoint Habib Habib to the Aerodrome Advisory Panel.
- 2 Council appoint Mary Betteridge, Annette Potts, Eleanor Cole, Bill Sheaffe, John Barnes, Carmel Beelitz to the Civic Design Advisory Panel.
- 3 Council appoint _____, _____, _____, _____, _____ to the Art Gallery Advisory Panel.
- 4 Council appoint _____ to the Lismore Tourism Advisory Panel.
- 5 Council appoint _____, _____, _____, to the Public Transport Advisory Panel.
- 6 Council appoint David Graham, Therese Crollick, Gloria Mortimer, Robyn Whitney, Mary Lemon and Barry Davidson to the Lismore District Sports Association.
- 7 Council appoint Graham Askey, Dick Smith, Ken Parr, Vince Collins and John Barnes to the Floodplain Management Working Party.
- 8 Council appoint Alan Kerr, Lindsay Walker, Ray Sargent and Bill Kidd to the Rural Settlement Strategy Steering Committee.
- 9 Council note the appointment of the delegates from the nominated organisations and appoint Patricia O'Brien, Beverley Bryant, Lloyd Moss, Laurie Clark and John Barnes to the Koala Management Steering Committee.
- 10 That Council re-appoint the existing members of the Fix the Roads Working Party.

Subject/File No: COUNCIL MEETINGS AND PUBLIC CONTACT FORUMS IN RURAL LOCATIONS
(GW/LM: S4)

Prepared By: Administrative Services Manager - Graeme Wilson

Reason: Council policy

Objective: Determine schedule and meeting locations.

Management Plan Activity: Corporate Management

Background:

A. Rural Meetings and Public Contact Forums

Council's Policy 1.2.7 of open government states Council will meet three times a year at village locations and will also conduct three Public Contact Forums at rural locations. Over the past 9 years Council has visited almost every Public Hall at least once, visits which are well received by local residents.

In the current year two rural Council meetings have been held, the first at Marom Creek in February and the other at Eltham in May. The third meeting for this year is tonight's meeting at Tullera.

All three Public Contact Forums - Tuntable Creek, Koonorigan and Dungarubba - have been conducted, all with good attendance from local residents.

It is proposed that Council continue both practices in 2000 and in this regard the following schedule of venues is suggested:

a) Council Meetings	February 22	Bexhill
	May 16	Keerrong
	November 21	Jiggi
b) Public Contact Forums	March 6	Blue Knob
	June 19	Ruthven
	September 4	Repentance Creek

B. Council Meeting Schedule

Following this meeting, only one Council meeting is scheduled to complete the adopted schedule for 1999. This meeting is set down for December 14, 1999.

This year, the first Ordinary meeting was scheduled for the first Tuesday in February. It is proposed to continue this practice into 2000, with the first meeting scheduled for February 1, 2000.

Discussions have been held with relevant staff to determine if such a break would pose any problems - none are foreseen.

Should the need arise, the Mayor and/or two Councillors have the ability to call a Special meeting during this period.

Manager - Finance & Administration Comments

Not requested.

Public Consultations

Not required.

Other Group Comments

Not requested.

Recommendation (COR49)

1 That the schedule of venues, as outlined below be adopted.

a) Council Meetings	February 22	Bexhill
	May 16	Keerrong
	November 21	Jiggi
b) Public Contact Forums	March 6	Blue Knob
	June 19	Ruthven
	September 4	Repentance Creek

2 That the first meeting for 2000 be February 1, 2000 and thereafter every third Tuesday.

Subject/File No: TENDER FOR THE OPERATION OF THE NIMBIN CARAVAN AND HOLIDAY PARK AND SWIMMING POOL COMPLEX
(JW/TI: T20008)

Prepared By: Project Engineer, Client Services - Janaka Weeraratne

Reason: Tenders for the Management of the Nimbin Caravan and Holiday Park and Swimming Pool Complex

Objective: To obtain Council approval to award the Tender

Management Plan Activity: Property Service - Strategic Plan Link 1.5

Background:

In accordance with Councils resolution 292/99, tenders were called for the Management of Nimbin Caravan and Holiday Park and Swimming Pool Complex.

Tender documents were prepared by the Client Services Unit on behalf of the Business and Enterprise Group.

Tenders were advertised in the Northern Star and Courier Mail, and tenders were open for four weeks. Four sets of tender documents were issued. One tender was received by the close of tender on 2.00pm, Tuesday, November 2, 1999. To promote more competitive operation of the Complex, the tender documents allowed for the submission of alternative tenders but no alternative tenders were received.

The single tender received was from Peter and Judith Ryan, the current Contractors.

Tender Examination:

Tender:

The following is a comparison of costs between the tender received from Peter and Judith Ryan and the current contract.

Item	Current Amount	Tendered Amount (+GST)	Without GST	GST
Amount per week - Caravan Park (+ Recreation Area)	\$675.00	\$742.50	\$675.00	\$67.50
Amount per week for pool - swimming season (26 weeks)	\$145.00	\$165.00	\$150.00	\$15.00
Amount per week for pool - non-swimming season (26 weeks)	\$20.00	\$27.50	\$25.00	\$2.50
Amount per week for supply of consumables	\$95.00	\$105.00	\$105.00	-
Cost per week for swimming season	\$915.00	\$1,012.50	\$930.00	\$82.50
Cost per week for non-swimming season	\$790.00	\$875.00	\$805.00	\$70.00
Total Cost per year to Council	\$44,330.00	\$49,075.00	\$45,110.00	-

LISMORE CITY COUNCIL - Management of the Nimbin Caravan & Holiday Park & Nimbin Swimming Pool Complex T20008

The Goods and Services Tax (GST) will become payable on July 1, 2000.

An evaluation panel consisting of Andrew Lovett (Manager, Business Development) and Janaka Weeraratne undertook an assessment of this tender and this tender meets Council's requirements.

Acting Manager - Finance & Administration Comments

Sufficient funding has been provided within the 1999/2000 budget for the change in contract prices for the Management of the Nimbin Caravan Park and Swimming Pool Complex.

The issue of GST transactions will only impact on Council's cash flow, not on the overall cost of the contract for the management of the caravan park and swimming pool. That is, the contractor is providing a service, which Council will be liable to pay a tax on. Council, as a registered business, will then claim back that tax paid from the Australian Taxation Office.

Manager - Business Development Comments

Mr & Mrs Ryan have managed the facility over the last twelve (12) months. Their approach has been professional and I support the recommendation to accept their tender.

Public Consultations

Not required.

Other Group Comments

Not required.

Conclusion

The single tender for the Management of the Nimbin Caravan and Holiday Park and Swimming Pool Complex was submitted by Peter and Judith Ryan. The tenderer has been performing satisfactorily over the past year and is considered to have the technical and managerial abilities to be capable of completing the work satisfactorily. It is recommended that the Management of the Nimbin Caravan and Holiday Park and Swimming Pool Complex be awarded to Peter and Judith Ryan for the amount of \$930 per week for the swimming season and \$805 per week for the non-swimming season (subject to GST and CPI) for the period January 8, 2000 to June 30, 2002.

Recommendation (GM11)

1. That the Management of the Nimbin Caravan Park and Swimming Pool Complex be awarded to Peter and Judith Ryan for the amount of \$930 per week for the swimming season and \$805 per week for the non-swimming season (subject to GST and CPI) for the period January 8, 2000 to June 30, 2002.
 2. That the Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of Council.
-

Subject/File No: TENDERS FOR THE PROVISION OF WATER MAIN CONSTRUCTION
(JW:TI: T20009)

Prepared By: Project Engineer, Client Services - Janaka Weeraratne

Reason: Tenders for the provision of water main construction have closed

Objective: To obtain Council approval to award the Tender

Management Plan Activity: Strategic Plan Link: 6.5, 6.4, 2.2

Background:

Tenders have been called for the water main construction in Parkes, Hunter and Dibbs Streets as part of the 1999/2000 water main replacement program.

These water mains were identified as needing replacement because they were in poor service condition.

Tender documents were prepared by the Client Services Unit on behalf of the Water and Wastewater Business Unit.

Tenders were advertised in the Northern Star, Gold Coast Bulletin and Courier Mail. Two tenders were received by the close of tender on 2.00pm, Tuesday, November 2, 1999.

Tender Examination:

Tenders:

The tenders received are summarised below:

TENDERER	TENDERED PRICE	ADJUSTED TENDER PRICE
Camglade Pty Ltd	\$137,543.00	\$165,083.00
Limerick Constructions Pty Ltd	\$148,278.00	\$180,438.00

The tender price includes only the supply and laying cost of the pipeline. The adjusted tender price includes the supply and laying costs plus restoration costs and connection of water meters.

The estimated cost of undertaking these works is \$195,000.00 which includes survey, investigation, design and construction supervision. An evaluation panel consisting of Terry Gobbe (Assets Manager, Water and Wastewater Services) and Janaka Weeraratne undertook the assessment of the tenders. The tender documentation (Clause B7) defined four areas by which each tender would be assessed. The tenderers were required to address each of these criteria in their tender. The following table shows the weighted result for each criteria.

Tenders for Provision of Water Main Construction

ASSESSMENT CRITERIA			
Item	Weighting	Camglade P/L	Limerick Constructions P/L
Total Price	60%	59%	55%
Knowledge of local conditions	15%	12%	12%
Capability, Quality and Safety	15%	12%	9%
Management	10%	7%	7%
Total	100%	90%	83%

The weighted assessment shows Camglade Pty Ltd offers the best value tender for this project.

Referee Check:

The referees given by Camglade Pty Ltd were contacted and they indicated that this company had the necessary technical and managerial abilities to be capable of completing this work satisfactorily.

Manager - Water and Waste Water Services

I concur with the conclusion and recommendation.

Acting Manager - Finance & Administration Comments

Sufficient funding has been provided within the 1999/2000 budget for these works to be undertaken.

Public Consultations

Not required.

Other Group Comments

Not required.

Conclusion

The best value tenderer for the water main replacement is Camglade Pty Ltd. The tenderer has performed similar work satisfactorily for private developers and Lismore City Council in the past. The tenderer is considered to have technical and managerial abilities to be capable of completing the work satisfactorily. It is recommended that the Water Main Construction for Hunter, Parkes and Dibbs Streets be awarded to Camglade Pty Ltd for the amount of \$137,543.00 plus rate only item costs.

Recommendation (GM10)

1. The water main construction (20009) be awarded to Camglade Pty Ltd for the amount of \$137,543.00 plus rate only item costs.
 2. Should Camglade Pty Ltd withdraw their tender, then the tender be awarded to Limerick Constructions Pty Ltd.
 3. The Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.
-

Subject/File No: AIRPORT MANAGEMENT OPERATIONS
 (CWK:CD:P9733)

Prepared By: Craig Kelly - Group Manager Business and Enterprise

Reason: To meet the requirements of the Tendering Regulations

Objective: To obtain a resolution of Council.

Management Plan Activity: Airport

Background:

The Lismore City Airport Development Study, which was adopted by Council, includes a report by International Airline Crewing on development options for the whole Lismore Airport. A key recommendation under the heading of "Airport Administration" was the employment of a dedicated full time Airport Manager for a period of three years. After that time the position should be reviewed. The Airport Manager would have a range of responsibilities including airside operations and general aviation development.

In conjunction with this position a number of other contracts associated with the new terminal also require fulfilment. These include operations of the airport café, rental car operator spaces, secure carparking, cleaning and security.

To facilitate these engagements it is proposed to go to the market and seek suitable parties to undertake all or part of the proposed responsibilities. Owing to the diversity of activities at the airport and the desire to allow potential contractors to propose alternative management and business arrangements, a satisfactory result will not be achieved by calling tenders for the provision of these services. Accordingly it is proposed to call for registrations of interest for all of the areas required.

It is proposed that this be by a two-stage process:

- Stage 1. The calling for Registration of Interest from parties interested in providing the management and business development service for the airport.
- Stage 2. Negotiation with the most favourable respondent(s) to the call for Registration of Interest with the intention of developing a contract.

Acting Manager - Finance & Administration Comments:

Provision has been made in the Aerodrome Budget for a management contract. This was adopted as part of the 1999/2000 Management Plan, using information supplied from the Aerodrome's long term financial plan.

Public Consultations:

Public consultation was undertaken as part of the Lismore City Airport Development Study. Calls for Registration of Interest will be widely advertised.

Other Group Comments

Manager-Client Services

The process proposed by the Group Manager-Business & Enterprise will ensure compliance with Section 55 of the Local Government Act and deliver the best outcome to Council.

Under Section 55 of the Local Government Act Council is required to call tenders before entering into a contract where, amongst other criteria, the contract is for a period of two or more years and/or the contract exceeds a value of \$100,000. Both these criteria apply to the proposed Airport Management Contract.

Section 55 of the Act also lists a number of types of contracts where Section 55 does not apply. One of those contracts is:

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

Given the diversity of activities to be conducted at the Airport and the need to be able to negotiate with potential contractors, the proposed approach by the Group Manager-Business & Enterprise is appropriate in this instance.

Conclusion

To facilitate the ongoing development of the Airport, it is appropriate to proceed with this process during the construction phase of the new terminal.

Recommendations (ENT23)

1. That owing to the extenuating circumstances, being the diversity of activities at the airport and the desire to allow potential contractors to propose alternative management and business arrangements, Council call for Registrations of Interest to provide Management and Business Development Services for Lismore Airport.
 2. That these services will be engaged through a two stage process,
 - Stage 1. The calling for Registration of Interest from parties interested in providing the management and business development services for the airport.
 - Stage 2. Negotiation with the most favourable respondent(s) to the call for Registration of Interest with the intention of developing a contract(s).
 3. The General Manager or his delegate be authorised to negotiate the contract(s) on Council's behalf.
 4. The Mayor and General Manager are authorised to execute the contract(s) on Council's behalf and affix the Seal of Council to the contract(s).
-

Subject/File No: APPLICATION TO HAVE LOT 520 DP 843447 (74A CECIL STREET, NIMBIN) CLASSIFIED AS 'OPERATIONAL' LAND WHEN VESTED IN LISMORE CITY COUNCIL BY NSW DEPARTMENT OF PUBLIC WORKS AND SERVICES (P24895)

Prepared By: Andrew Lovett - Manager Business Development

Reason: Council Resolution is required to have the land which forms part of Nimbin Water Supply scheme, classified as 'operational' land prior to transfer from Department of Land and Water Conservation

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

Management Plan Activity: N/A

Background:

On January 29, 1999 the Department of Land and Water Conservation purchased Lot 520 Deposited Plan 843447 (74a Cecil Street, Nimbin), 1.883 hectares, under the Land Acquisition (Just Terms Compensation) Act 1991. This land now forms part of the Nimbin Water Supply and, under Section 59 of the Local Government Act 1993, will now be vested in Lismore City Council by the NSW Department of Public Works and Services.

The land would automatically be classified as 'community' land unless Council resolves to classify the land as 'operational' pursuant to Sec. 31(2) of the Local Government Act 1993. By such a process the subject allotment is freed of the requirement for a Plan of Management.

If Council does resolve to classify the land as operational, the matter will be required to be advertised for a period of not less than 28 days, as detailed in Section 34 of the Act, with any submissions received to be reported back to Council.

Other Group Comments:

Terry Gobbe, Manager Asset Planning, Water & Wastewater, concurs that as this land forms part of the Nimbin Water Supply, it is imperative that it be classified as 'operational' land.

Recommendations (ENT20)

That Council give public notice of a proposed resolution to classify Lot 520 D.P. 843447, 74a Cecil Street Nimbin, as 'operational' land when vested in Council.

Subject/File No: APPLICATION FOR CLOSURE OF CROWN PUBLIC ROADS -
NUMULGI STREET AND SECTION OF WITHERS STREET, BEXHILL
(P18653)

Prepared By: Andrew Lovett, Manager Business Development

Reason: Request by Applicants, Mr KW & Mrs HM Willis

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

Management Plan Activity: N/A

Background:

Council is in receipt of an application from Messrs McIntosh, Barr & Gordon, Solicitors on behalf of Messrs KW & RHM Willis, for the closure of roads in the Parish of Bexhill as shown on the attached plan. This application must have Council's consent and endorsement before being lodged by the applicants with the NSW Department of Land and Water Conservation.

The roads referred to in the application comprise of Crown public roads under the control of the NSW Department of Land and Water Conservation. These roads have never been constructed or used for property access.

Manager - Finance & Administration Comments

Not applicable.

Public Consultations

Not applicable.

Other Group Comments

Warren Rackham, Manager - Development Assessment, has indicated that no objections are held to the closure of the roads and that the closure and purchase of the roads tie in with a proposed re-subdivision of adjacent lands that has been submitted to Council by Mr & Mrs Willis.

City Works Group have indicated that they have no objections to the closure and sale of the identified crown roads.

Recommendations (ENT21)

1. That the application to close part of Numulgi Street, Withers Street, Hill Street and North Street, Bexhill (as shown on the plan appended to the report) be endorsed and the application be returned to the applicants for them to lodge with the Department of Land and Water Conservation, for adoption and gazettal if approved.
 2. Any costs associated with the road enclosure be borne by the applicants.
-

Subject/File No: INVESTMENTS HELD BY COUNCIL AS AT OCTOBER 31, 1999
(GB/LM: S170)

Prepared By: Financial Accountant - Graeme Blanch

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

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

Management Plan Activity: General Purposes Revenues

Background:

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 October amounted to \$25,144,878 with an average return of 4.53%. Interest rates at the same time last year were 5.60%. Fund Managers have performed below term deposit rates for the last month. Their current performance will be closely monitored with interest rates on term deposits slightly on the increase.

Manager - Finance & Administration Comments

Included in the body of the report.

Public Consultations

Not required.

Other Group Comments

Not requested.

Recommendation (COR52)

That the report be received and noted.

DOCUMENTS FOR SIGNING AND SEALING

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

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

Recommendation:

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

Review of Overdraft Facilities - Commonwealth Bank
Continuation of current level of facilities to October 2000.
(99-18264: S179)

Deed of Agreement and Linen Plan - Council and Graham
1162A Nimbin Road M.R. 142
(99-17612: P26602)

Contract of Sale and Transfer - Council to Norco Pauls Milk
Part Lot 73, DP 876840, being 250 Oliver Avenue, Goonellabah
(99-17544: P26676)

Contract of Sale and Transfer - Council to Bienke -
Proposed Lot 61, Airport Drive
(99-19061: P18575)

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF
LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY,
NOVEMBER 2, 1999 AT 6.03PM.**

Present: His Worship the Mayor, Councillor Gates; Councillors Baxter, Chant, Crowther (from 6.17pm), Gallen, Hampton, Irwin, King, Roberts, Suffolk, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Client Services, Workshop & Fleet Manager and Administrative Services Manager.

338/99 Apologies/
Leave of
Absence: Leave of absence was granted to Councillors Gallen and Baxter for the week November 8-15, 1999 and to Councillor Irwin from November 5-9.
(Councillors Swientek/Hampton)

339/99 Minutes: The Minutes of the Ordinary Meeting held on October 12, 1999, were confirmed.
(Councillors Irwin/Tomlinson)

PUBLIC ACCESS SESSION:

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

Mr Allan Stuckey Notice of Motion - Magellan Street Survey

Mr Stuckey claimed that Magellan Street traders were at a disadvantage to other traders around the block. He raised concerns about vehicular access, parking, wasted space and loss of trading.

(99-17534:R7319,S352)

Bill Sheaffe re Notice of Motion - Magellan Street Survey

Mr Sheaffe advised he considered that the downturn in trading was not a result of the street redesign. He cited support from Lismore Unlimited for the work done and the continuation of the project around the block. He urged Council to continue its CBD modification project.

(99-17534:R7319,S352)

Greg Jeromson - re Report - Caravan Cafe (Lismore Pie Van)

(See Minute No. 344/99)

Mr Jeromson referred to the delay he had experienced with Council over this issue, expressing disappointment at his treatment and Council's attitude.

(P23113)

Brian Henry re Report - Investigation of Aquatic Facilities for Lismore

(See Minute No. 345-346/99)

Mr Henry urged Council to retain the joint venture project with SCU as an option for consideration. He cited the benefits of joint ventures, the benefits to the city of a regional facility, economic advantages and benefits of working with SCU.

(S719)

Lyn Avery re Report - Investigation of Aquatic Facilities for Lismore

(See Minute No. 345-346/99)

Ms Avery spoke against a joint venture with SCU and in support of a pool in its current location and one in Goonellabah. She spoke of the needs of Goonellabah and the benefits that such a facility would bring to its residents.

(S719)

CONDOLENCE:

Family of the Late Len Sackett

Len Sackett, a businessman in Lismore for more than 40 years, died in Lismore on October 25. He had retired two years ago as a tax agent after a 42 year partnership with Lloyd Weir. His father, Frank Sackett, had moved into premises in Molesworth Street before World War II and in July 1955 he made Lloyd Weir and his son his partners.

Len Sackett was a fine sportsman in his youth and at 15 was a country NSW junior diving champion. He was also a keen member of the Ballina-Lismore Surf Life Saving Club, played rugby league, baseball, hockey, golf and bowls. He was a life member of the Ballina Angling Club.

He leaves a widow, Betty, two sons and a daughter.

340/99 The Mayor moved that Council's expressions of sympathy be conveyed to the family of Mr Sackett and the motion was carried with members standing and observing the customary moment's silence.

(S75)

MAYORAL MINUTE

Lismore Flood Levee Funding

(Copy attached) (tabled)

341/99 RESOLVED that the minute be received and that -

- 1 Council pursue funding from the Federal Government for an amount of \$420,000 using funding option 2.
- 2 Council seek confirmation from the State and Federal Governments that the 40:40:20 funding arrangements will be the formula for the funding of the project.

(Councillors Gates/Swientek)

Voting Against: Councillors Irwin, Roberts and Tomlinson.

(S106)

NOTICE OF MOTIONS

Magellan Street Survey

(Copy attached)

Formal notice having been given by Councillor Swientek it was MOVED that

- 1 Lismore City Council undertake a survey of businesses in Magellan and Carrington Streets to assess the impact of and value of the beautification project and the changing traffic patterns in Magellan and Carrington Streets.

- 2 The business and property owners be surveyed to choose a preferred traffic pattern in Magellan Street from the following options:-
 - a) Leave as is

- b) Two way traffic between Molesworth Street and Keen Street
- c) Molesworth to Carrington leave as is. Between Carrington and Keen Street allow entry from Keen Street, traffic then travel west along Magellan Street then have the option of turning left or right into Carrington Street or into the angle parking zone.
- d) As in "c" but create exit into Keen Street.

3 Approximate costs of options obtained prior to and included with the survey.
(Councillors Swientek/Suffolk)

On submission to the meeting the motion was DEFEATED.

Voting Against: Councillors Irwin, Roberts, King, Tomlinson, Gallen, Chant and Crowther.
(99-17534:R7319,S352)

State of the Roads Report

(Copy attached)

342/99 Formal notice having been given by Councillor Tomlinson it was RESOLVED that the General Manager arrange for the City Works Department to urgently conduct a comprehensive review of the Council's road network with the aim of producing a State of the Roads Report.

This report should:

- 1 Detail all roads and streets within the Council boundaries that fall below the minimum standards recommended by the Fix The Roads Committee and adopted by Council at its meeting of September 28, 1999.
- 2 Detail the estimated cost of bringing each of these roads and streets up to these basic standards.
- 3 Detail the funds available to Council to meet this demand.
- 4 Detail other factors that will affect the ability of Council to meet its commitments to the roads over the next four years.

That this State of the Roads Report be presented to Council at the first meeting in the new year following consideration by the Fix the Roads Working Party.

(Councillors Tomlinson/Roberts) (\$745)

SUSPENSION OF STANDING ORDERS:

343/99 RESOLVED that standing orders be suspended and Council now deal with the undermentioned matters:-

- Caravan Café (Lismore Pie Van)
 - Investigation of Aquatic Facilities for Lismore
- (Councillors Roberts/Irwin)

Report - Caravan Café (Lismore Pie Van)

(Copy attached)

344/99 RESOLVED that the report be received and -

- 1 That the Pie Van remain at the present location until the levee works are commenced then the Van will be moved to the area adjacent to the Transit Centre as shown on the plan.

- 2 A pie cart adjacent Magellan Street will be provided by entering into a contract with Mr Jeromson.

- 3 The Group Manager of Business and Enterprise should negotiate the terms of the contract with Mr Jeromson and the Mayor and General Manager be authorised to execute the contract on Council's behalf and affix the common seal of Council.
- 4 In the meantime, the present site be tidied up to eliminate the drainage and puddling problem to conditions suitable to a food vending outlet.
- 5 That the contract mentioned in points 2 and 3 be executed immediately to give Mr Jeromson security of tenure over the existing and future site to enable him to refurbish the cart with confidence.

(Councillors Gallen/Irwin) (P23113)

Investigation of Aquatic Facilities for Lismore

(Copy attached)

A MOTION WAS MOVED that the report be received and Council confirm the decision of the previous Council and proceed into further discussions with Southern Cross University to bring the joint venture to fruition.

(Councillors Irwin/Roberts)

On submission to the meeting the motion was DEFEATED.

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

A FORESHADOWED MOTION WAS MOVED that the report be received and Southern Cross University be advised that Council does not wish to continue with the Joint Venture Leisure & Aquatic Centre at East Lismore.

(Councillors Baxter/Swientek)

- 345/99 RESOLVED that the report be received and Southern Cross University be advised that Council does not wish to continue with the Joint Venture Leisure & Aquatic Centre at East Lismore.

(Councillors Baxter/Swientek)

Voting Against: Councillors Irwin, Roberts, Tomlinson and Crowther.

Dissenting Vote:

Councillors Irwin and Roberts.

A MOTION WAS MOVED that -

- 1 The following option be costed:
 - a) An outdoor 50m pool, leisure and program pool, toddlers pool, grandstand, ancillary plant, changerooms, and ancillary works at the Memorial Baths
plus
 - b) An indoor 25m pool and ancillary works at Goonellabah
plus
 - c) The proposed stage 1 indoor facility at Goonellabah.
- 2 The following option be costed:
 - a) An outdoor 50m pool, leisure and program pool, toddlers pool, grandstand, ancillary plant, changerooms, and ancillary works at Goonellabah
plus
 - b) An outdoor 25m pool and ancillary works at the Memorial Baths

plus

- c) The proposed stage 1 indoor facility at Goonellabah.

- 3 The following option be costed:
 - a) An outdoor 50m pool, leisure and program pool, toddlers pool, grandstand, ancillary plant, changerooms, and ancillary works at the travelling show reserve
plus
 - b) An outdoor 25m pool and ancillary works at Goonellabah
plus
 - c) The proposed stage 1 indoor facility at Goonellabah
plus
 - d) The demolition of the Memorial Baths and conversion to a Memorial Garden.
- 4 An amount of \$15,000 be allocated to the development of Options listed in recommendations 1, 2 and 3. These funds being made available from this current years budget allocation for the Joint Venture Aquatic Centre.
- 5 The options presented for consideration by Council be evaluated for their ability to satisfy key user group and social needs.

(Councillors Swientek/Gallen)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Irwin, Roberts, King, Tomlinson, Chant, Baxter, Hampton, Suffolk, Gates and Crowther.

A FORESHADOWED MOTION WAS MOVED that -

- 1 Subject to a suitable preliminary design/costing being approved by Council, Council proceed to construct a 50m pool at the Memorial Baths site in three stages as follows:
Stage 1 - Construct an east west 50m pool, leisure and program pool plus ancillary plant. Use existing toddlers pool if possible. Portable spectator stands to be used and retain northern stands. Provision to be made for future heating.
Stage 2 - Extend pool grounds into Market Street, closing the section between Molesworth and Victoria Streets to link with Council owned land on southern side of Market Street. Relocate access to RSL Club by relocating Market Street on southern side of Lismore Clinic.
Stage 3 - Construct new change rooms, entry, office and kiosk building to allow RSL Sub-branch to take over existing building.
- 2 Negotiations be entered into with the RSL Club to relocate Market Street and upgrade parking to increase capacity.
- 3 Council plan to have the new pool in operation by 2000/2001 by early closure of current season, if necessary.
- 4 Council defer consideration of a Goonellabah pool until after the Memorial Pool has been rebuilt.
- 5 Council advise Southern Cross University it would consider a joint venture at the Memorial Baths site.

(Councillors Hampton/Chant)

346/99 RESOLVED that the -

- 1 Council proceed to construct a 50m pool at the Memorial Baths site, subject to a suitable preliminary design/costing being approved by Council, in three stages as follows:

Stage 1 - Construct an east west 50m pool, leisure and program pool plus ancillary plant. Use existing toddlers pool if possible. Portable spectator stands to be used and retain northern stands. Provision to be made for future heating.

Stage 2 - Extend pool grounds into Market Street, closing the section between Molesworth and Victoria Streets to link with Council owned land on southern side of Market Street. Relocate access to RSL Club by relocating Market Street on southern side of Lismore Clinic.

Stage 3 - Construct new change rooms, entry, office and kiosk building to allow RSL Sub-branch to take over existing building.

- 2 Negotiations be entered into with the RSL Club to relocate Market Street and upgrade parking to increase capacity.
- 3 Council plan to have the new pool in operation by 2000/2001 by early closure of current season, if necessary.
- 4 Council defer consideration of a Goonellabah pool until after the Memorial Pool has been rebuilt.
- 5 Council advise Southern Cross University it would consider a joint venture at the Memorial Baths site.

(Councillors Hampton/Chant)

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

Dissenting Vote:

Councillors Irwin, Roberts and Gallen.

(S719)

RESUMPTION OF STANDING ORDERS:

347/99 RESOLVED that standing orders be resumed.

(Councillors Roberts/King)

At this juncture (9.09pm) Councillor Swientek left the meeting.

ADJOURNMENT:

The meeting adjourned at 9.09pm and resumed at 9.27pm.

REPORTS

DA99/112 - 6 Dwelling Site Rural Landsharing Community, Blade Road, Nimbin

(Copy attached)

348/99 RESOLVED that the report be received and -

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

- B** That Council, as the consent authority, approve Development Application No. 99/112 for a rural landsharing community consisting of six (6) dwelling sites, one (1) community building site and associated road works and earthworks.

- 1 In granting this development consent, Council requires:
- All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
 - All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
 - Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions
- and be substantially in accordance with the stamped approved plan(s) Project No. 00039-1 Exhibit No. 2 dated August 13, 1999 and Figure 1 submitted February 22, 1999 and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

BUILDING

- 2 That an all weather vehicular access be constructed and maintained from the Council maintained road to the dwelling sites, at no cost to Council.

Reason: To ensure adequate vehicular access to the dwelling.

- 3 The proponent shall provide Council with details of all trees proposed to be removed to facilitate construction works associated with the proposed development. Such information is to be submitted to Council for approval prior to commencement of construction.

Reason: To draw attention to the need for Council approval.

- 4 Sediment control measures shall be put into place and be properly maintained to prevent soil erosion and the transport of sediment off the development site or into natural or made drainage lines or watercourses during rainfall and runoff. All disturbed areas shall be stabilised and be revegetated by turfing or an approved seeding method within 14 days of completion of earthworks in each part of the development. It is a requirement that the topsoil be preserved for use with the site revegetation. Details showing sediment control measures and revegetation works shall be submitted and be approved prior to any earthworks commencing and be maintained for the full length of the maintenance period.

Reason: To prevent erosion of material from the site.

- 5 Development Applications and Construction Certificate Applications are to be lodged with Council for each proposed dwelling.

- 6 A Development Application is to be lodged with Council for the community building.

- 7 A Development Application is to be lodged with Council for conversion of the existing studio to a dwelling.

- 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.

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

VEHICULAR ACCESS

- 9 An all weather vehicular access shall be constructed and maintained from the road pavement to the proposed dwelling sites in accordance with Council's Design and Construction Specification for Vehicular Access.

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

BUSHFIRE

10 All dwelling sites and roads should be clearly marked to allow for ease of identification.

- 11 All access and internal roads shall be built to Council standards and be a minimum of 5 metres wide and have a minimum of 4 metres vertical clearance.
- 12 Each dwelling shall be provided with a 45,000 litre water tank fitted with a 38mm gate valve or ball valve.
- 13 The proponent shall create a 6 metre wide slashed perimeter fire break on the northern property.

PLANNING

- 14 Dwelling site number 3 does not form part of this approval.
- 15 All requirements of State Environmental Planning Policy No. 15 - Rural Land Sharing Communities, gazetted April 9, 1998 are to be complied with at all times.

PUBLIC UTILITIES

- 16 The proponent shall provide evidence from NorthPower that the supply of electricity can be made to each dwelling site.
Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))
- 17 The proponent shall provide evidence from Telstra that the supply of telephone services can be made to each dwelling site.
Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))

LANDSCAPING

- 18 A detailed landscaping plan (in duplicate) shall be submitted to Council prior to release of the final linen plan. Landscaping plans shall be in accordance with Council's Landscaping Code and the requirements of Development Control Plan No. 27 - Buffer Areas and other relevant Development Control Plans. Species identified in Council's Landscaping Code shall be planted wherever possible. Landscaping plans shall indicate:
 - location of Council's sewer (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.Council approved landscaping shall be completed prior to the release of the final linen plan. 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.
Reason: To ensure that appropriate landscaping is provided. (EPA Act Sec 79C(c))

DRAINAGE

- 19 Paved surfaces, landscaped areas, roof water and subsoil drainage systems, shall be designed so all water is directed to a drainage system acceptable to Council to prevent discharge runoff onto adjoining land. Full design details of the proposed drainage system shall be submitted for approval with the Construction Certificate.
Reason: To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 79C(b))
-

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

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

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

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

ROADS

- 21 The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). The proponent shall be responsible for any costs, including maintenance, for a period of twelve months from the date of approval of completion of the work. Required roadworks include:

- For internal roads, Construction of a 3m gravel pavement on a 5m wide formation and associated passing bays and intersection widening with a minimum unsealed gravel depth of 150mm. All road slopes in excess of 12% must be sealed with the table drains lined and have a minimum gravel depth of 300mm.

An accredited certifier or practising qualified surveyor or engineer shall submit to the Principal Certifying Authority for approval prior to the release of the compliance certificate, a "works-as-executed" set of plans and construction certification. The compliance certificate for construction shall detail satisfactory completion of all roads, drainage and civil works required by this development consent and Construction Certificate.

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

- 22 The applicant shall pay a contribution of \$3,000, increased annually in accordance with the CPI, to Council for the upgrading of the Stanger Road/Stoney Chute Road intersection. The payment shall be made prior to Council issuing the first construction certificate for a dwelling on the site. In lieu of payment at the Construction Certificate stage, Council will accept a bond of 130% of the amount. If the monies are not then received within two years of the Construction Certificate approval Council will claim the bond money.

- 23 The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). Required roadworks include:

- For internal roads construction of a 3 m gravel pavement on a 5m wide formation and associated passing bays and intersection widening with a minimum unsealed gravel depth of 150mm. All road slopes in excess of 12% must be sealed with the table drains lined and have a minimum gravel depth of 300mm.

An accredited certifier or practising qualified surveyor or engineer shall submit to the Principal Certifying Authority, prior to the release of the compliance certificate, a “works-as-executed” set of plans and construction certification. The compliance certificate for construction shall detail satisfactory completion of all roads, drainage and civil works required by this development consent and Construction Certificate.

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

- 24 Full design plans of the proposed engineering works to satisfy condition(s) 21 shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate. If such plans are approved by Council, a checking fee of \$114 per lot, being \$684 is payable on submission of engineering design plans for drainage or roadworks.

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

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

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

EARTHWORKS

- 26 Prior to commencement of any works certification from a practising qualified engineer experienced in soil mechanics is required verifying:

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

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

- 27 Fill material shall not encroach onto any adjoining land without the written consent of the owner of that land.

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

SECTION 94 CONTRIBUTIONS

- 28 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 Construction Certificate is granted. The rates and amounts applying at the date of this notice, totalling \$19,701, 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 a Construction Certificate for each dwelling site, with Section 94 contributions totalling \$3,283.50 per dwelling site.

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

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

ENVIRONMENTAL HEALTH

- 29 A separate effluent report based on Greg Alderson and Associate's Report dated August 11, 1999, is to be submitted to Council with each Development Application for each separate dwelling. The report is to indicate the hydraulic loading for each dwelling and the proposed location of each associated effluent disposal area.
- 30 Full details of the type of composting toilet to be installed on the site is to be submitted to Council with the Development Application for each dwelling.
- 31 Full maintenance plans for the effluent disposal system, including the composting toilet, are to be provided with the Development Application for each dwelling, in accordance with Greg Alderson and Associate's Report dated August 11, 1999.

AMENITY

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

Monday to Friday - 7.00am to 6.00pm

Saturday - 8.00am to 1.00pm

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

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

NOTE 1: Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment act, 1979, are to be complied with:

- (i) A Construction Certificate is to be obtained from the Consent Authority or an Accredited Certifier in accordance with Section 81A(2)(a) of the Act.
- (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
- (iii) Council is to be given at least two (2) days notice of the persons intention to commence building works, in accordance with Section 81A(2)(c) of the Act.

NOTE 2: The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue any relevant documentary evidence or certificates.

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

(Councillors Roberts/Irwin)

Voting Against: Councillors King and Crowther.
(DA99/112)

349/99 FURTHER RESOLVED that Council immediately take appropriate action to improve the safety of the Stoney Chute/Stanger Road intersection.
(Councillors Roberts/Irwin)

350/99 FURTHER RESOLVED that Council determine that those Rural Landsharing Community applications to come before Council will be those with substantial objections, substantial planning concerns or more than 10 dwellings.
(Councillors Roberts/Gallen)

Caravan Café (Lismore Pie Van)

(See Minute No. 344/99)

Investigation of Aquatic Facilities for Lismore

(See Minute No. 345-346/99)

Amendment No. 3 to DCP No. 14 - Residential Development

(Copy attached)

351/99 RESOLVED that the report be received and Council -

- 1 Pursuant to Clause 20(1) of the Environmental Planning and Assessment Regulation 1994, adopt Amendment No. 3 to Development Control Plan No. 14.
- 2 Agree that pursuant to Clause 20(2) of the Environment Planning and Assessment Regulation 1994 public notice be given of Council's decision within fourteen (14) days of that decision

(Councillors Irwin/Tomlinson) (S461)

On-site Sewage & Wastewater Management Strategy

(Copy attached)

352/99 RESOLVED that the report be received and -

- 1 That Council approve the On-Site Sewage and Wastewater Management Strategy.
- 2 That the On-Site Sewage and Wastewater Management Strategy be included in Development Control Plan No.14 - Residential Development.
- 3 Staff be congratulated on the manner in which they have prepared this strategy.

(Councillors Roberts/Baxter) (S245)

Regional Employment and Unemployment

(Copy attached)

353/99 RESOLVED that the report be received and -

- 1 That Council write to the federal Minister responsible for regional development urging support for the Senate Committee recommendations.
- 2 That Council refer the Senate Committee report to the Economic Development Advisory Board together with a request that the Board canvass support for the Committee's recommendations with federal politicians within the region.
- 3 That Council seek the support of NOROC in canvassing federal government support for the Senate Committee recommendations.

(Councillors Irwin/Gallen) (S153: 99-17327)

September 1999 Quarterly Budget Review Statement

(Copy attached)

354/99 RESOLVED that the report be received and -

1 Council adopt the September 1999 Budget Review Statement for General, Water and Sewerage Funds.

2 This information be submitted to Council's auditor.
(Councillors Irwin/Baxter) (S699)

Management Plan 1999/2000 - September Review

(Copy attached)

355/99 RESOLVED that the report be received and content noted and further, staff be congratulated on their performance during the period ending September 1999.
(Councillors Baxter/Chant) (S4)

1999 Financial Reports

(Copy attached)

356/99 RESOLVED that the report be received and that Council present to the public the 1999 Financial Statements.
(Councillors Hampton/King) (S699)

Disclosure of Pecuniary Interest Returns - 1998/99

(Copy attached)

357/99 RESOLVED that the report be received and noted.
(Councillors Gallen/King) (S18)

Investments Held by Council as at September 30, 1999

(Copy attached)

358/99 RESOLVED that the report be received and noted
(Councillors Crowther/Chant) (S170)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 20/10/99

(Copy attached)

359/99 RESOLVED that the minutes be received and the recommendations contained therein be adopted, excluding clauses 9,16, 22, 23, 24 and 25.
(Councillors Gallen/Irwin)

Clause 9 - Tweed Shire Council

360/99 RESOLVED that Council demand that an 80kph speed limit be placed on the Blue Knob Road within its boundary.
(Councillors Roberts/Irwin) (99-15153,99-17085: R2001)

Clause 16 - 80kph zone - Wyrallah Road (Between Wyrallah Village and Tuckurimba Road)

361/99 RESOLVED that an 80kph zone be created on Wyrallah Road, 200 metres either side of the Tucki Tucki Nature Reserve.
(Councillors Irwin/King)

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

(R5201)

362/99 Clause 22 - Walsh Bridge - Rosehill Road
RESOLVED that -
1 A "Give Way" sign be erected on Rosehill Road on the former "Brewery" side of the bridge giving Lismore-bound traffic right-of-way.
2 An advance warning "Give Way Ahead" sign be erected prior to the "Give Way" sign.
(Councillors Gallen/Crowther) (R2704)

363/99 Clause 23 - East Lismore Taxi Service
RESOLVED that Council pursue with the Lismore Taxi Co-operative, the establishment of a free taxi phone at the Wyrallah Road Shopping Centre.
(Councillors Crowther/Irwin) (R5201)

364/99 Clause 24 - Lismore Central - Keen Street Median
RESOLVED that no further action be taken at this stage.
(Councillors Roberts/Hampton) (R7313)

365/99 Clause 25 - Nimbin Road - Line-Marking
RESOLVED that the existing centre line-marking be extended to include the "bend" in question.
(Councillors Irwin/Gallen) (R2801)
(S352)

DOCUMENTS FOR SIGNING AND SEALING:

366/99 RESOLVED that the following documents be executed under the Common Seal of Council:-

Lease - Council to Jopol Pty Ltd (Pollard)
Suite G2/186 Molesworth Street, Lismore.
(P6832)

Final Plan of Survey & S88B Instrument - Proposed Easement for Drainage
Proposed Easement for Drainage for Sewerage - Hilltop Estate, 339 Ballina Road,
Goonellabah Kundry Pty Ltd, Godunov Pty Ltd & Affetti Pty Ltd
(D99/110)
(Councillors Hampton/Suffolk)

CONTINUATION:

367/99 RESOLVED that the time being 10.30pm the meeting continue to the end of the business paper.
(Councillors Irwin/Chant)

MATTER OF URGENCY:

368/99 Report - Replacement of Council Plant - V318 Cat 120G Motor Grader
RESOLVED that this matter be admitted to the business paper as a matter of urgency.
(Councillors King/Gallen)

369/99 RESOLVED that the report be received and Council purchase one (1) only Caterpillar 120H Motor Grader as tendered by Gough & Gilmour, Grafton, for the cost of \$239,622.00* less the trade-in offer of \$40,000.00 for V318.
Changeover cost to Council is \$199,622.00*
(*Utilise the 'payment on delivery offer' to further reduce the changeover cost by \$1,000.00, new changeover cost being \$198,622.00.)
(Councillors Gallen/Chant)
Voting Against: Councillor Crowther.
(T99-027)

NOTICE OF RESCISSION MOTION:

The Group Manager-Corporate & Community Services advised Council that he had been handed a Notice of Rescission Motion signed by Councillors Irwin, Roberts and Crowther with respect to the resolution - Investigation of Aquatic Facilities for Lismore - (Minute No. 345-346/99)

The Group Manager-Corporate & Community Services advised Council that this rescission motion would be considered at the next ordinary meeting of Council and that in the interim the Council resolution referred to in the rescission motion could not be carried into effect until the rescission motion had been dealt with.

This concluded the business and the meeting terminated at 10.50 pm.

CONFIRMED this 23RD day of NOVEMBER, 1999 at which meeting the signature herein was subscribed.

MAYOR

