

COUNCIL Business Paper



LISMORE
City Council

JULY 18, 2000



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, JULY 18, 2000, at 6.00pm and members of Council are requested to attend.

(Ken Gainger)
GENERAL MANAGER

July 11, 2000

COUNCIL BUSINESS AGENDA

July 18, 2000

PUBLIC ACCESS SESSION:

PAGE NO.

PUBLIC QUESTION TIME:

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE

CONFIRMATION OF MINUTES – Ordinary Meeting 27/6/00

CONDOLENCES

DISCLOSURE OF INTEREST

MAYORAL MINUTES

NOTICES OF RESCISSION

NOTICES OF MOTION

SUSPENSION OF STANDING ORDERS

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

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DOCUMENTS FOR SIGNING AND SEALING

QUESTIONS WITHOUT NOTICE

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Subject/File No: LISMORE SALEYARDS, PIG AND CALF PEN ENCLOSURE
P5986

Prepared By: Manager – Business Development: Andrew Lovett

Reason: Respond to Council Resolution (31/00), for options to be provided for the future of the Pig and Calf Pen enclosure

Objective: To resolve a future plan for the enclosure that will be most advantageous to Council

Management Plan Activity: Property

Background:

Up until 1996, the saleyards complex was operated by Council. In that year an arrangement was entered into with an association of Lismore stock agents for them to lease the larger part of the saleyards. This is the area that remains operational. Also at that time, the overall allotment was subdivided to allow for a lease to the Saleyards Association and also to the Department of Agriculture for the old Dip Site.

The Pig and Calf Pen (“Pen”) has remained unused and has become increasingly derelict since its closure. Its future has been a contentious issue since that time.

Council at its meeting of February 22, 2000 resolved as follows (Minute 31/00):

- “1. That Council resolve to not include the calf and pig enclosure area at the Lismore Saleyards in the schedule to the proposed Heritage DCP.*
- 2. That Council arrange to photograph and record significant Heritage features of the Lismore Saleyards in consultation with Council’s Heritage Adviser and Richmond River Historical Society.*
- 3. That the General Manager arrange for a report to be presented to Council at the earliest opportunity outlining future options for the utilisation and/or demolition of all or part of the calf and pig enclosure at the Lismore Saleyards.”*

Councillors received the Heritage Assessment during the deliberations of this resolution and subsequent rescission motion.

This report is in response to point three above.

Since the February meeting of Council, the following works have been carried out to lessen the visual impact of the Pen from Tweed Street and to lessen Council’s public liability risk:

1. the weather boards on the eastern gable of the northern bay have been repaired;
2. an improvised boundary fence has been erected using existing structures and plain wire;
and
3. “No Entry” signs have been installed around the periphery.

Potential Usages

From a practical perspective, the most obvious use of the existing structure would be for some type of storage or processing facility. This would require the removal of the internal fencing, repairs to the roof and gutters and levelling of the floor. The low ceiling height would require the use of a low mast forklift on the premises.

If demolished, the site could be used for industrial development, car parking or open space. There is already sufficient car parking and open space in the area.

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Lismore Saleyards Pig & Calf Pen Enclosure

Zoning

The zoning of the whole saleyards area is 1R Riverlands (flood prone agricultural). This zone has broad industrial usages either with or without advertising. Warehouses are prohibited in this zone. This is an important point as one of the people that have expressed an interest in using the site, wanted to use it as a timber storage facility. The technical interpretation of the term "warehouse" may be an important factor in the future.

Councillors may not be aware that the 1995 Industrial Land Study identified the potential for rezoning the whole saleyards complex and adjoining areas to 4a Industrial Land.

Flood

The site is flood prone and lies between the 10 and 12 metre AHD contours. The 1 in 100 year flood level at this site is 12.6 m. Clearly, for future industrial development to proceed on the site there will need to be a considerable amount of fill provided.

The Flood Plain Committee has initiated a further study into the flood characteristics of the entire flood liable area of Lismore City.

Saleyards Association Needs

The Saleyards Association have identified the following issues related to the Pig and Calf Pen that impinge upon their operation.

There is an awning attached to the southern end of the enclosure that overhangs the saleyards. This awning is lopsided and a risk to yarded cattle. It may impinge upon the saleyards quality certification.

It is difficult to reverse semi-trailers (stock carriers) into the saleyards site. The western end of the northern bay could be demolished allowing the trucks a larger turning circle. The heritage assessment considered this end to the bay to be of least significance as it is the most recent addition to the structure.

The cost of both these works has been estimated at \$3,000.

Another factor for the Saleyards Association is the longevity of the southern end of the Pen structure that forms part of the fencing structure for the Saleyards. If the fence deteriorates and needs repair the Saleyards Association may call on Council to contribute towards a replacement, steel stock fence.

Options for the Future

Three options are identified below. The square metre property values outlined below are very much estimates.

Option 1: Demolition

This option would require the demolition and removal of the timber structure and roof. The cost of this is in the order of \$25,000 plus and estimated \$5,000 for services.

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Lismore Saleyards Pig & Calf Pen Enclosure

This would leave a very uneven slab left on the ground to deal with. Two possibilities here would be to remove the slab and replace it with fill or retain it and resurface it with asphaltic concrete as a Carpark. The cost of either option is in the order of \$20,000 to \$25,000. This assumes that the concrete waste will be accepted at the Wyrallah Road Waste Facility at no cost (as per the resolution of Council's last meeting). If not then there would be an additional disposal cost of \$32,000.

Summary of costs:

Remove Structure	\$30,000	
Remove/Cover Slab	\$25,000	

Total Demolition	\$55,000	*****
Additional Disposal	\$32,000	
Cost if charged at	-----	
WRWF		\$87,000

It may be possible to negotiate a better deal than this if we can find a demolisher who is able to make good commercial reuse of the timber materials in the structure.

Option 2: Lease or Sell

The area of the allotment is 1,500 square metres. The realisable value of this land would be somewhere between \$25 and \$35 per square metre and this would be heavily dependent on the zoning and state of the site.

Therefore, under sale as is, the Council may realise $1,500 \times \$25 = \$37,500$ less expenses, say \$5,000 leaving \$32,500. Obviously, to achieve this we must find an interested buyer.

Normally, commercial leasing incomes could be considered as a percentage of the property value. If we assume 8%, then the yearly rental would be \$3,000. Given the poor state of repair of the structure it is highly unlikely that this level of rental would result. Council may well be able to negotiate with potential lessees over the payment of rates, maintenance and other matters.

Option 3: Rezone and Lease or Sell

By rezoning the site, Council may increase the value of the land to, say, \$32 per square metre.

Sale price $1,500 \times \$32$	\$48,000
less	
Selling Expenses	\$ 5,000
Rezoning Expenses	\$ 2,000

Net proceeds	\$41,000

Council's ability to rezone the site is dependent on the outcome of the Flood Plain Management Plan.

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Lismore Saleyards Pig & Calf Pen Enclosure

Principal Accountant Comments

From a financial viewpoint, the most attractive outcome is either Option 2 or Option 3. The saleyards, in their current state have become more of a liability than an asset and as such it makes economic sense to sell this property if possible.

The recommendations from the report require \$3,000 for modifications identified by the Saleyards Association and possibly, further costs relating to preparing the property for lease/sale, rezoning and demolition. The Manager – Client Services has submitted a request to reserve unspent funds relating to Stage One of the demolition of the saleyards from 1999/00. This amount is approximately \$6,000, which should cover all anticipated costs identified in this reports recommendations.

Depending on Council's decision, the financial impact of the options taken should be analysed further to minimise Councils exposure to increased net costs.

Other Group Comments

Comment from Group Manager City Works

Assuming the building is either modified or removed for re-development it is desirable that future traffic movements be planned around entry into the building being obtained from Alexander Parade.

The re-development of the building should not be seriously effected by floods as it is well away from the main rivers and therefore not likely to be effected by high water velocities. Similarly filling the site to achieve a 1 in 100 year flood tolerance should not have any undue side effects provided fill is obtained from within the flood plain.

Comment - Manager, Planning Services:

Industries are currently permissible with consent in the 1(r) zoning applying to the site, so that future rezoning may not be necessary unless a development proposal is inconsistent with the zone objectives. Any industrial proposal for the site would be considered on its merits, having regard particularly to the flooding characteristics of the site. It is expected that the Flood Plain Management Plan when completed will identify developable land and that which is highly constrained, and will remove the need for individual flood studies to be prepared for specific sites on developable land.

Public Consultations

Discussions with the Saleyards Association have been undertaken.

Conclusion

The recommendations seek to optimise Council's position with regard to the pig and calf enclosure on a commercial basis.

Recommendation GM21

That:

1. The Pen be recorded in line with Council Minute 31/00 (part 2).
2. Council demolish the western end of the northern bay of the Pen and also the awning that is attached to the southern end of the Pen (overhangs the saleyards).
3. The improvised boundary fence and “no entry” signage be maintained.
4. Council pursue the closure of that segment of Alexandra Parade on which the Pen intrudes and then through boundary adjustment incorporate this portion into the Pen allotment.
5. Council call registrations of interest for sale, leasing or demolition of the Pen under its current zoning
6. If the property remains in Council’s ownership then subject to the outcome of the Flood Plain Study:
 - a. pursue its rezoning to 4(a) Industrial Land;
 - b. further prepare the site for sale; and then
 - c. offer the site for sale as Industrial Land.

Councillors are requested to consult their copies of the Heritage Plan supplied to them as separate attachments to their Business Papers of 22/2/00

Subject/File No:	HEPBURN PARK DRAFT PLAN OF MANAGEMENT S/375
Prepared By:	Alex Wilford, Recreation Planner
Reason:	A Draft Plan of Management for Hepburn Park has been prepared
Objective:	To seek Council endorsement of the Draft Plan of Management for Hepburn Park before it is placed on public exhibition.
Management Plan Activity:	Community Services

Background:

In late 1998 Council's Public Land Strategic Management Team (PLSMT) developed a program that prioritised the preparation of plans of management for community land. The need for a specific plan of management for Hepburn Park was identified at that time and it was initially scheduled for completion in 2001. Its priority was elevated in 1999 when the development of a new hockey clubhouse facility and a table tennis centre were respectively proposed by Far North Coast Hockey Inc and the Far North Coast Table Tennis Association.

The NSW Department of Sport and Recreation are to provide a \$130,000 grant for the development of the hockey clubhouse facility, with Far North Coast Hockey Inc providing the balance. The proposed table tennis centre is to be developed by the Far North Coast Table Tennis Association in conjunction with the Goonellabah RSL Sports Club.

A Draft Plan of Management for Hepburn Park has been completed and is separately attached. The Draft Plan reflects the results of consultation with stakeholders, user groups, local residents, relevant Council Officers and the Lismore District Sports Association (LDSA).

The purpose of this report is to seek Council's in-principle endorsement of the Draft Plan before it is placed on public exhibition. In accordance with provisions of the Local Government Act 1993 (LGA 1993) the Draft Plan must be exhibited for a minimum 28 days with a further 14 days allowed for submissions.

Planning Process

Preparation of the Draft Plan of Management commenced in February 2000 and has involved the following process:

- Internal consultation and research of background information
- Discussions with key stakeholder and user group representatives
- Consultation with local residents and park users
- Preparation of a preliminary Draft Plan of Management
- Review and endorsement by PLSMT and other relevant Council Officers
- Review and endorsement by the LDSA, key stakeholders and user groups.

Park Management and Development

A number of park management and development issues have been identified during the preparation of the Draft Plan. These are discussed in section 4 of the Draft Plan and related objectives, performance targets, actions and priorities are presented in section 5.

The key elements of the Draft Plan are listed below:

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Hepburn Park Draft Plan of Management

Access and Parking

- Provide emergency vehicle access points.
- Provide disabled parking and passenger set down points.
- Provide adequate disabled access to any new facilities.
- Investigate strategies to improve and increase car parking.

Amenities and Recreation Facilities

- Enable the upgrade of field lighting.
- Enable the provision of playground equipment when/if required according to community needs.
- Enable the provision of spectator and/or informal park seating.
- Enable the provision of a clubroom for the use of RSL Club bowlers.

Landscaping, Tree Planting and Park Maintenance

- Ensure satisfactory standard and frequency of park maintenance.
- Select and install a suitable ground irrigation system.
- Increase shade provision through native shade tree planting.

Sports Facility Development

- FNC Hockey to develop a new clubhouse facility as proposed within the area they lease.
- Enable the development of a table tennis facility by the FNC Table Tennis Assoc. within the area leased by the Lismore RSL Club.
- Enable extension (second storey) and/or upgrade of the existing clubhouse facilities used by the Lismore Touch Association and Far North Coast Hockey affiliates.

Process Following Council's Endorsement

Upon Council endorsement of the Draft Plan, the following will be undertaken:

- The Draft Plan will be placed on public exhibition and submissions will be invited. This will be undertaken over a period of 6 weeks up until September 4, 2000;
- Advertise the exhibition of the Draft Plan and call for public submissions in the Northern Star and the Northern Rivers Echo;
- Consider any public submissions received and review the Draft Plan;
- Submit the Final Plan to Council for approval; and
- Advertise approval of Final Plan.

It is important to note that development of the hockey clubhouse facility cannot commence until Council has adopted the Final Plan and all Development Approvals have been lodged and approved. Under conditions of the NSW Department of Sport and Recreation's grant, works must commence on the clubhouse facility before 30 March 2001.

Implementation and Budgetary Requirements

The objectives and performance targets for the park, the means in which these will be achieved and assessed and their priorities are included in section 5 of the Draft Plan.

It is important to note that the hockey clubhouse facility and table tennis centre will be developed by the respective sporting organisations at no expense to Council.

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Hepburn Park Draft Plan of Management

Council's responsibilities for implementation predominantly relate to continued park maintenance and improvements such as shade tree planting, drainage works, ground irrigation and spectator seating. \$10,000 has also been allocated within the Urban Sportsground Fund for work at Hepburn Park in 2000/2001. Council has previously committed \$9,000 toward ground irrigation. This will be matched by the NSW Department of Sport and Recreation to complete the works.

Manager - Finance & Administration Comments

From a financial perspective, Council will be required to commit some funding towards improvements such as shade tree planting, drainage works, ground irrigation and spectator seating. A total of \$19,000 has been allocated for this purpose.

It is likely that this funding will be sufficient to meet these works depending on the type of spectator seating. If need be, future Urban Sportsground Development Funds can be allocated for this purpose.

With the preparation of this Plan, it would be appropriate that the Open Space Section 94 Plan be amended to incorporate these changes. As the Plan of Management dictates what can happen on this site, the S94 Plan should only cater for these works. This will impact on developer contributions.

Public Consultations

The following consultation has occurred during the preparation of the Draft Plan of Management.

- Discussions were held with representatives of stakeholder and user groups including; Far North Coast Hockey Inc, Lismore Touch Association, Far North Coast Table Tennis Association, Lismore RSL Club, Lismore District Cricket Association and Goonellabah Cricket Club.
- A media release was distributed to all local media outlets. The media release advised people that the plan was being prepared and encouraged community participation in the process.
- A questionnaire survey of neighbouring residents and park users was implemented to help identify community usage, values, preferences, issues and concerns in relation to the park.
- Relevant Council Officers, PLSMT and the LDSA have also been consulted during the preparation of the plan.

Further details of the consultation process and results are contained within section 3.4 of the Draft Plan.

Conclusion

The Draft Plan of Management for Hepburn Park presents objectives, targets, actions and priorities for the future development, management and use of this major sports facility and open space area. Whilst extensive input from key stakeholders, user groups and local residents has occurred to date, the public exhibition and submission period as required by the LGA 1993 will provide the community with a further opportunity for input before finalising the plan. The facilities proposed for development (hockey clubhouse facility and table tennis centre) will certainly improve the sport and recreation value of the park and assist in the development of local and regional sport.

Following exhibition a further report will be presented to Council for formal adoption of the plan.

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Hepburn Park Draft Plan of Management

Recommendation (COR24)

That –

- 1 Council give in-principle endorsement of the Draft Plan of Management for Hepburn Park.
- 2 The Draft Plan be placed on exhibition and public submissions be invited until September 4, 2000.

Subject/File No: LISMORE REGIONAL AIRPORT TERMINAL
(CWK:P9733)

Prepared By: Craig Kelly – Group Manager Business & Enterprise

Reason: To inform Council of current status of Airport Terminal Budget

Objective: To seek further funding from Council

Management Plan Activity: Airport

Background:

The Council resolution 202/99 of 29 June 1999 states:

“That the tender from McMaster Queensland in the amount of \$2,067,296 be accepted for the design and construction of the Lismore Airport Terminal and associated facilities”.

At the date of writing it does not appear that the contract cost to McMaster Qld will meet the dollar figure nominated in resolution 202/99. Following commencement of the project, there are changes to the project plan that have caused costs to rise. These variations are expected to be met by the contingency figure included in the budget of \$70,000. This contingency was considered reasonable at the time of budget preparation however a range of events, those controlled by Council and others outside Council’s control, have caused the budget to exceed the contingency. These events are discussed below. Throughout the project it was anticipated that scope for savings would be identified to reduce these overruns back to the contingency. While cost savings have been identified, it is now not anticipated that these will bring the project cost back within Resolution 202/99.

Outside Control of Project

1. Three Chain Road was to be a source of fill for the project. After commencement of extraction, a spring was struck which flooded the quarry and did not allow for further material to be extracted. The project was then required to purchase fill material and CBR 10 standard material from a range of sources. During this time, works were stood down for two days. Total additional cost to the project \$103,500.
2. Previous advice from Telstra & Optus regarding the cost of building over fibre optic cables as minimal in the order of \$5,000. After the project commenced this cost was revised to \$31,000, as an additional pipe conduit was subsequently specified, parallel to each existing cable.

Within Control of Project

1. Previous advice regarding terminal space from Hazelton was acceptance of a shared office. After it became apparent that there was a strong possibility that a second airline may fly into Lismore, both expressed a desire for separate offices at the terminal. The additional cost is not finalised for this adjustment however it is anticipated to be in the order of \$20,000.
2. A grease trap not included in the design was added at a cost of \$2,500.
3. The leaf motif on the tilt up panels was included at a cost of \$3,900.

Steps taken to offset these costs

To offset these costs the following steps have been taken:

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Report – Lismore Regional Airport Terminal

- 1 An internal concertina wall, which allowed for the café to be isolated from the main waiting area, has been deferred. Estimated saving; \$10,000.
- 2 Project management costs previously to be undertaken by the Manager Client Services were adopted by Group Manager Business & Enterprise within existing duties and budgets. Estimated saving; \$20,000.
- 3 Omission of a rising main. Estimated saving; \$17,600
- 4 Reduction in S.64 and S.94 fees in accordance with Council revision of these plans. Estimated saving; \$4,700.

Net Position

The net position, taking into account the contingency amount of \$70,000, is the project being at least \$40,000 over budget, with the possibility of further changes leading up to completion of the project.

It had been hoped that through careful management that other sources of savings would be identified. Council is continuing to work with McMaster to identify other savings and we are currently looking at some cosmetic finishes in the building. Apart from this it was hoped that changes to the speed limits on the Bruxner Highway would also lead to costs savings. Steps have been taken from the commencement of the project with the appropriate parties without success to date. These are still under investigation however given that the intersection work has commenced there it little possibility of design changes at this stage.

Proposed Funding Source – Accrued Interest

As is Council's practice, the Airport pays from the time of borrowing all interest costs on loans taken. The corresponding interest income generated by those loans funds invested but unspent is transferred to the General Fund. The airport project is part of a loan for airport purposes totalling approximately \$2.4M. The delays caused to the completion of the terminal by weather and other events has resulted in substantial holding of funds on behalf of the project, which have been reinvested for Council's benefit. Based on information provided by Finance, the accumulated interest income from those funds from commencement to project end is \$40,000.

It is entirely appropriate that these funds be applied to the airport project.

The application of these funds will fully offset the deficit to date on this project.

Proposed Funding Source – Airport Reserves

The Airport is to have a budgeted reserve balance of \$70,000 at June 30. This balance is more likely to be \$50,000. These funds were accumulated from previous surpluses of airport operations and the sale of airport land.

Revised Contingency Allocation for the remainder of the Project

The contingency allocation for the project included in the budget was \$70,000. Should Council agree to the funding of the existing deficit this does not allow for a further contingency until the end of the project. The amount of contingency spent on additional requirements is less than \$30,000. This is a reflection of the extensive specification works completed in the early stages of the project. There is a reasonable expectation that further contingency funds will be required and to this end a further allocation from the Airport Reserve is requested.

Report – Lismore Regional Airport Terminal

Manager - Finance & Administration Comments

Loan funds for this project have been borrowed in two separate amounts. The first of \$1,000,000 was taken up in May 1999. The aerodrome operating budget has been making the appropriate loan repayments, including interest, since that time.

Our practice to date has been to use interest earned from unexpended loans in General Fund. While this request is contrary to this practice, it is agreed that this is appropriate as the aerodrome pays the interest cost and therefore, should receive the interest earned. From my perspective, the fact that Council makes no contribution to aerodrome operations justifies this position.

In relation to the use of aerodrome reserves to act as a contingency for the remainder of the project, the purpose of creating reserves is exactly for this type of purpose. Consequently, the request is supported.

Public Consultations

Not required.

Conclusion

The majority of the budget overrun on the airport terminal was beyond the control of the project. All discretionary increases and savings identified are well within the allowed contingency. Further cost savings are being identified and pursued however these are not likely to bring the overrun back within the contingency. Accordingly it is recommend that the interest income accrued by the project be applied to the overrun and that a portion of \$40,000 from the airport reserves be allocated to the project cost to replenish the contingency fund for the remainder of the project.

Both funding sources identified in this report are generated from airport activities and will not impact on the borrowing capacity of Council.

Recommendations (ENT27)

That:

1. Council approve the reallocation of \$40,000 of interest income accrued on Airport loan funds to the Airport Terminal Project.
2. Council approve the transfer from the Airport Reserve of \$40,000 to act as a contingency for the remainder of the project.

Subject/File No: **PROPOSED RELOCATION OF ECONOMIC DEVELOPMENT UNIT (EDU)**
(PO'C:S644)

Prepared By: Craig Kelly - GROUP MANAGER BUSINESS & ENTERPRISE and
Peter O'Connor – MANAGER EDU

Reason: Respond to a resolution of Council

Objective: To canvass reasons for and against moving the EDU office.

Management Plan Activity: Economic Development

Background:

At its June meeting, LCC carried a resolution endorsing LEDAB's Strategic Plan 2000-2001. During debate, the original recommendation was amended to include the following:

"That a report be presented to a future Council meeting with the intention of relocating the Manager Economic Development back to the Council Administration Building" (142/00).

During the debate, it was proposed that the level of service to investors/developers would be greatly enhanced by the EDU being located in the Council Chambers. This would allow meetings to be arranged between investors, planners, engineers and other appropriate staff with the minimum of inconvenience to all concerned. In support of this view is the approach taken by Ballina Shire Council which offers an integrated 'one stop shop' service.

Other members of Council pointed out, when closing the abovementioned debate, that the business community was strongly of the view that the EDU should have a separate location in the CBD, suitably independent from Council. Councillor Irwin foreshadowed that the business community could be expected to contribute the same sentiments as part of the report to be prepared.

Leading business organisations in Lismore and members of the Lismore Economic Development Advisory Board were canvassed for their views on the option of the EDU remaining separate from Council and located in the CBD, or moving to Goonellabah. Responses were received in writing and verbal responses were received. Copies of all responses are attached.

A summary of these responses shows them to be uniformly opposed to a move to the Chambers at Goonellabah. Major points in support of the current location include:

- Ease of access for businesses at the CBD location.
- Sense of independence from Council and its regulatory culture.
- Maintenance of a pro-business atmosphere.
- Ease of achievement of strategic plan goals.
- Co-location benefits with other business service organisations.

Manager, Economic Development Comments:

I do not believe that the advantages offered by either a CBD or Goonellabah location are mutually exclusive.

Through normal management consultation between the EDU and the Planning Department, convenient locations for developers visiting Lismore can be prearranged. This already occurs in some instances, but could be improved. Usually, even with short notice, the Manager, Economic Development, can attend such meetings either in the CBD or at Goonellabah thus delivering the 'one stop' shop objective.

The front counter at the Chambers can be provided with our standard kit in order to maximise contact with 'walk in' enquiries. The advantage of having both a CBD and a Goonellabah 'point of information' is the increase coverage of potential customers.

The need for perceived independence from Council for the EDU is an important issue. Many of the dealings with investors require that the EDU provide strategies to address the existing Council policies and procedures. The image of one office under the same building that may actively seek a different outcome to decisions made in another office could provide an element of confusion/disbelief in a customer's mind. I dare say that I am understating this effect!

Group Manager Business & Enterprise Comments

The EDU continues to pay a major role in building bridges between the Council and the business community. Previously the business community has had a less than favourable view of Council and the bureaucracy however the establishment of the office in the CBD and actively getting involved in the affairs of the business community has addressed a major component of these concerns. In my view relocation of this office to Goonellabah is not the most effective means of continuing this process.

The particular circumstances referred to by Cr Chant do require note and action. Council must improve communication between the EDU and the Planning Department, so that there is improved understanding of all Council departments prior to these events. This is already happening. It is impractical to think that this can be failsafe and the logical alternative is to involve the General Manager, the Group Manager Business and Enterprise or alternately the Business Development Manager where a developer requires support that cannot be immediately provided by the Manager – Economic Development.

General Managers Comments:

Former Mayor, Jeff Champion, and I were prime movers in the establishment of the EDU. The establishment of the EDU followed a series of early morning meetings over a 12 month period with representatives of the Lismore business community, where Council's support for campaigns aimed at the retention of government sector jobs in Lismore was being actively sought. It became obvious to all concerned at these meetings that Lismore needed to establish an ongoing economic development role if it was to effectively compete with other local/regional centres for growth in jobs and the economy.

In gaining the support of the business community and the Council for the establishment of the EDU a number of factors were agreed to:

- A CBD location for the EDU office was imperative;
 - Although the EDU would initially be fully funded by the Council, it would progressively become self funding;
-

- Once it was self funded the EDU would be incorporated and would become the ***Lismore Economic Development Corporation***;
- Once incorporated the EDC would have an independent board some of whom would be elected Councillors.

In relation to the importance of the CBD location the following points were made:

- Council had already moved its Municipal Offices from the CBD to Goonellabah and was seen to be deserting the CBD at a time when it was in crisis;
- Because of the foregoing it was critical for business confidence that Council re-established a presence in the CBD;
- Potential investors would be looking for business/investment advice in a prominent/convenient CBD location in a pro-business environment;
- In a small community like Lismore there are potential benefits and economies of scale from co-location with other business organisations – this can only be achieved in a CBD location.

In conclusion I would reiterate that a CBD location for the EDU was determined after extensive consultation with the business community and regional business organisations, eg DSARD, NRRDB, LBEC, Chamber of Commerce (now Lismore Unlimited). To relocate the EDU office to Goonellabah now would be foolhardy and may yet again undermine business confidence and undo much of the positive work that Council has done in recent years in rebuilding relationships with the business community.

The issues raised by Cr Chant relating to a “one-stop-shop” concept are appropriate but can be achieved without the relocation of the EDU. We should work at ensuring that appropriate processes are in place to facilitate co-ordinated meetings with business investors involving the EDU and other, eg Planning, staff. Let’s not overreact to a relatively simple problem and apply the sledgehammer to the flea!

Conclusion:

The EDU can best achieve its objectives for greater economic activity and employment levels in the Lismore LGA by:

1. Maintaining an ongoing presence in the CBD, and co-locating with Lismore Unlimited and The Lismore Business Enterprise Centre.
2. Establishing a ‘point of information’ service at the Council Chambers front desk for persons interested in Economic Development.
3. Agreeing on an information sharing protocol/procedure with the Planning Department to ensure that visiting major investors are provided with a ‘one stop’ shop facility wherever practicable.

Recommendations (ENT28)

1. That the Economic Development Unit retain its location in the CBD; and
2. That the General Manager review current processes for dealing with investor/developer enquiries with a view to implementing a “one-stop-shop” approach and report the outcome to Council.

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Hire Charges – Dunoon District Soccer Club

When the merger of the two Departments was effected, substantial improvements were made to both the park bookings system and the fees and charges schedule which reflected these changes.

What has happened is that the Dunoon District Soccer Club has booked Balzer Park and has requested two fields to be marked (refer Annexure 1). One senior field has been marked on the western side of the cricket wicket and a junior field has been marked on the eastern side of the wicket. Soccer FNC has confirmed that the Club has junior players and does use a junior ground.

In accordance with Council's adopted fees and charges, the Club will be charged \$1,390 for the senior field and \$365 for the junior field. GST will apply to these charges.

In summary, the Dunoon District Soccer Club is now required to pay the same fees and charges that other Soccer Clubs pay when they hire soccer fields from Council. This brings this Club in line with Richmond Rovers, Lismore Workers and South Lismore Soccer Clubs.

I also believe there was some discussion regarding the size of the junior field. A comparison of the junior fields under the control of Council is provided below for the benefit of Councillors. It should be noted that junior fields may vary quite a bit according to the area available and the age group that is going to use them. However, I have listed below the largest junior fields that exist at all Council owned/managed fields in the Lismore Local Government area.

Ground	Club	Field Size
Richards Oval (Rec 12)	Lismore Workers	70m x 42m and 70m x 35m
Caniaba Street (Nesbitt Park)	South Lismore	75m x 36m
Neilson Park	Richmond Rovers	45m x 35m
Balzer Park	Dunoon	84m x 48m

Clearly it can be seen from the above table that the Dunoon Soccer Club has the largest junior soccer field in the Lismore Council area. I cannot understand the complaints that the junior field is too small and unusable unless, of course, the Club is referring to the mini-field that it established on the netball court. However, Council Staff do not mark this field and, accordingly, the Soccer Club is not charged for it.

Another factor for consideration in this matter is the higher cost of maintaining rural sports grounds as opposed to the cost of maintaining grounds in the urban area. For example, Richards Oval is a ground similar in size to Balzer Park with both senior and junior fields. The cost to maintain the grassed surface at Richards Oval is \$2,486 per annum whereas the cost to maintain the grass at Balzer Park is \$4,750. This does not include the cost of litter control, linemarking, or ground improvements and is primarily due to the travel distances involved.

Manager - Finance & Administration Comments

The 2000/2001 Fees and Charges have been structured so that all soccer ground users pay the same fee for ground hire, regardless of their location or player numbers. It is agreed that this is the most equitable and effective manner of charging for ground hire.

As we move towards greater cost recovery in the provision of sporting facilities, as agreed by the LDSA, charges for ground hire will increase over time above the CPI. Consequently, it is likely that we will continue to receive similar requests to this. Any precedent set now will be relied upon at that time.

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Hire Charges – Dunoon District Soccer Club

Public Consultations N/A

Other Group Comments Not required

Conclusion

It would appear that the real issue here has been created by the amalgamation of the rural and urban sporting fields under the one Council Department. This has led to the introduction of one schedule of fees consistent across the Lismore Local Government area. There is no longer one fee for rural fields and another fee for urban fields.

The existing system now provides for equity across the sports community for all ground hirers, regardless of where they are located or how many members each Club may contain. To move away from such a stance would create a precedent that could see all other Clubs requesting discounts for similar reasons.

Recommendation (WOR20)

1. That the report be received and noted.
2. That the fee charged to the Dunoon District Soccer Club be set according to the adopted Fees and Charges Schedule in line with other Soccer Clubs within the Lismore City Council area.

Subject/File No: **NORTHPOWER PLAN OF MANAGEMENT FOR VEGETATION CONTROL**
(NM:VLC:00-8737:S235,S95)

Prepared By: Manager Parks & Recreation – Neil Moreton

Reason: Councillor request

Objective: To explain the procedures and arrangements that exist between Council and the local electricity supply authority.

Management Plan Activity: Parks & Recreation

Introduction:

At the Council Meeting of June 27, 2000, a question was asked concerning the level of this Council's authority in relation to tree pruning activities undertaken by the local electricity supply authority (NorthPower) on a regular basis. This tree pruning is for electrical line clearance and is carried out systematically each year. To enable Councillors to gain a better understanding of this matter it would be appropriate to explain the reasoning and historical arrangements behind this activity.

Background:

Obviously one of the major causes of blackouts and electricity supply outages are trees falling onto power lines or tree limbs growing into them, causing them to touch and then arc or perhaps start a fire, etc.

Ever since powerlines have been installed the electrical supply authority for this area has managed the vegetation (trees and shrubs) beneath. This work has involved regular pruning of trees that grow to within a set distance from the powerlines. In most circumstances this distance is 3.0m. However, this may vary according to the voltage of the supply line as high voltage lines obviously require a greater distance.

Whilst this task has been seen as primarily the responsibility of the electrical supply authority, it has been a longstanding arrangement that Local Government authorities would provide some kind of assistance in relation to this work in each of their respective areas.

Accordingly, around the State, regional Councils each have a separate arrangement with their local electrical supply authority to contribute in some way to the cost of carrying out this enormous task. Some Councils supply a truck with a chipper and two staff; some Councils elect to pay a sum of money; other Councils opt for some other kind of arrangement such as paying a contractor to carry out some of the work.

Lismore City Council is no different. Until recently this Council supplied a truck, chipper and two staff to follow the NorthPower contractor and remove the tree off-cuts. Now, in the absence of a chipper, Council supplies labour for a longer period of time to assist with this task.

Another issue worth noting is the regular uproar received from residents about the type and necessity of the pruning works carried out. This relates to the increasing environmental awareness of our community, coupled with the increased appreciation of the amenity provided by street trees in urban environments. Council staff regularly field calls from residents objecting to the harshness of the pruning works and the subsequent effect on streetscapes, etc. Unfortunately there is not a lot Council can do about this.

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NorthPower Plan of Management for Vegetation Control

For the benefit of Councillors this is best explained as follows.

NorthPower acknowledges the Australian Standard AS4373 for tree pruning works. This Standard was released in 1996 after lengthy industry consultation and discussion. This Standard outlines the techniques and procedures to follow when pruning trees so as to reduce the stress and damage on a tree and to reduce the likelihood of long-term deleterious effects of pruning trees. Accordingly, NorthPower instructs its staff and/or contractors to abide by this Standard when carrying out line clearance works and to make this Standard a part of its contract specifications.

Unfortunately the standard requirements for power line clearance take precedence over this Australian Standard and, consequently, there are very limited opportunities for NorthPower staff to adhere to the tree pruning standard verbatim when undertaking line clearance works. In some situations, this results in dilapidated looking trees after the power line pruning has been done as the technical requirements for line clearance override the tree pruning requirements.

In short we cannot do anything other than to take over this task and potentially the liability associated with outages/blackouts. Needless to say, this could cost Council several hundred thousand dollars per annum and I question Council's ability to absorb such a cost on a regular basis given its other financial constraints.

Of more pressing concern are some recent developments initiated by NorthPower in relation to the future of vegetation management under power lines. These developments are likely to affect the relationship between NorthPower and Lismore City Council in the future and before completing this report, it would be pertinent to bring this to Council's attention.

These developments have recently been brought to the fore with the release of NorthPower's Vegetation Management Plan. This Plan was recently released amid an uproar from Local Government authorities about the Plan's contents and what it meant for the future. It will no doubt cause a lot of debate in the near future about who has primacy over the location of the powerlines - Local Government or the electrical supply authority?

In essence, the Plan is NorthPower's attempt at documenting what it believes has been the case for a very long time, and this is that NorthPower will be responsible for its existing workload but it does not intend to be responsible for trees planted after a power line has been installed.

This has ramifications for Councils where residents plant trees beneath power lines without Council's knowledge, and where trees are naturally seeding along rural roads with the assistance of birds and other wildlife. The Plan also lists line clearance requirements and gives recommendations about species selection and planting distances/spacings from power supply lines above and below ground.

In addition, it is unclear from reading the Plan about who will be liable for power outages in the future caused by recently planted trees - NorthPower or individual Councils - and this has caused much concern and protest from the Local Government sector.

Lismore City Council has been asked to provide comment by August 31, 2000. A public consultation meeting for the Northern Rivers Region, convened by NorthPower, was attended at Ballina, as well as a meeting solely for Local Government Officers at Inverell.

The Inverell meeting was called to allow Local Government authorities to discuss the Plan amongst themselves and to contemplate the implications. As a result of this meeting it was resolved that the Local Government & Shires Associations would be requested to enter the debate on our collective behalf and to negotiate with NorthPower.

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NorthPower Plan of Management for Vegetation Control

There was further discussion about whether or not NorthPower was trying to work its way out of the responsibility of managing vegetation under power lines and if this was the first step in trying to transfer this task to Local Government.

In addition, there were concerns about the rights of each of the two parties concerned (Local Government and NorthPower), in relation to this issue. To that end, consideration was given to parts of both the Electricity Supply Act (Sections 48 and 50), and the Local Government Act (Section 611). It was also resolved to seek further advice as to which Act takes precedence.

At this point in time, the advice received suggests that the Electricity Supply Act would have precedence over the Local Government Act. However, further advice is being sought.

Given the sensitivity of this matter and the potential for a very large impact on Council, I have approached NorthPower personally to seek clarification of all these and some other minor issues. I have been given verbal assurances that NorthPower does not intend to relinquish its responsibilities for its current workload within the Lismore Local Government area. However, I will be asking for confirmation of this assurance in writing.

In addition, on behalf of Council, I will provide comment on NorthPower's Management Plan and keep a close watch of the negotiations between NorthPower and the Local Government and Shires Associations.

Manager - Finance & Administration Comments

There is a considerable financial impact for Council associated with NorthPower divesting itself of part of this function. While there is some logic behind what is proposed, each party's responsibilities need to be clearly determined so that the exact impact can be costed and policies introduced to minimise costs where possible.

The fact that the Vegetation Management Plan will apply to all NorthPower customers, suggests that a joint Local Government submission should be made. Our close involvement with this submission is essential to ensure that all of our concerns are addressed and we are fully aware of the final outcome.

Public Consultations N/A

Other Group Comments Not required

Conclusion

The issues surrounding the NorthPower Plan of Management have the potential to impact significantly on Council. This matter will be watched with close interest and developments reported as soon as possible to enable Council to make any necessary adjustments/changes to its position.

Recommendation (WOR22)

1. That the report be received and noted.
 2. That the Manager - Parks and Recreation pursue NorthPower for written confirmation of its commitment to current responsibilities and clarification of the effect on Lismore City Council in the future.
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NorthPower Plan of Management for Vegetation Control

3. That discussions between NorthPower and the Local Government & Shires Associations concerning NorthPower's Vegetation Management Plan be monitored and any significant developments be reported to Council's Management Group.
4. That should the Local Government Sector decide to object to future developments and lobby relevant Government Ministers, Lismore City Council support this course of action.

Subject/File No: LISMORE TOURISM BUSINESS PLAN
(AR:S362)

Prepared By: Andrea Roberts, TOURISM DIRECTOR

Reason: To inform Council of the Lismore Tourism Business Plan 2000-2001

Objective: To seek Council endorsement

Management Plan Activity: Tourism - Strategic Plan link 2.1

Background:

Lismore Tourism is the tourism management function of the Lismore City Council Business and Enterprise Group and is responsible for devising and directing strategies that will enhance the appeal of the Lismore LGA as tourist destination.

While tourism is an integral sector of the local economy, (contributing \$76 million directly to the Lismore economy in 1996/97 – Source: Tourism NSW) the management of tourism requires an holistic approach that consider the economic impacts along with the natural and socio-cultural environments which are leading tourism attractions in our region.

The *Lismore Tourism Business Plan 2000/2001* (herein referred to as the *Plan*) pursues the Mission as outlined in the *Lismore City Council Management Plan*, that is:

‘To work with the community to maintain Lismore as the regional Centre in a healthy rural setting.’

Additionally, the *Plan* is derived from the *Lismore Tourism Strategic Plan 1999-2003* which is directly linked to the *Lismore City Council Strategic Plan 1996-2020 (2020 Vision)* that promotes the following aim:

To continue to expand sustainable tourism in partnership with regional tourism and development organisations.

Given that tourism management requires an integrated approach that links with existing structures and maximises partnerships with government and industry, the *Plan* also promotes broader strategic alliances as demonstrated through objectives that aim to:

- Implement relevant strategies of the *NSW Far North Coast Nature Based and Ecotourism Plan*
- Develop strategic and marketing partnerships with Tourism New South Wales, the Northern Rivers Regional Tourism Organisation, Lismore Unlimited, Lismore Economic Development Unit and businesses;
- Involve cooperation with Local Government in surrounding areas;
- Fulfil accreditation requirements of the State Visitor Information Network program (jointly conducted by the NSW Council of Tourist Associations and Tourism New South Wales).

The Lismore Tourism Business Plan 1999/2000 demonstrates the comprehensive, integrated and interrelated nature of managing tourism through the following Key Result Areas:

1. **MARKETING AND PROMOTION** - *Increase tourism awareness and intention to travel to the Lismore LGA;*
 2. **SUSTAINABLE TOURISM** - *Enhance the environmental, cultural and economic sustainability of the Lismore LGA tourism industry;*
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-
- 3. PRODUCT DEVELOPMENT - *Develop quality products and infrastructure that best motivate travel and meet customer demand;***
 - 4. BUSINESS DEVELOPMENT - *Support the growth of tourism related business in the Lismore LGA;***
 - 5. INFORMATION SERVICES - *Deliver quality customer service through the accredited Lismore Visitor Information Centre;***
 - 6. CORPORATE SERVICES - *Deliver quality corporate services to internal and external stakeholders.***

The *Plan* was endorsed by the Lismore Tourism Advisory Panel at its meeting held May 2, 2000 (LTAP16:00). The *Plan* will be reviewed quarterly in accordance with the *Lismore City Council Management Plan* process.

An excerpt from the *Plan* is provided as follows:

Vision Statement

Lismore Tourism aims to advance the appeal of the Lismore region as a tourism destination, in a sustainable manner.

Mission Statement

Lismore Tourism is engaged in mutual partnerships that advance tourism in a sustainable manner; providing flow-on and interrelated benefits to the economic, natural and socio-cultural environments; and building a diverse and satisfied customer base through targeted promotions, delivery of quality customer service and leadership.

Objectives and Strategies

KRA 1: Marketing and Promotion (<i>LCC Strategic Plan 2020 Vision Link 2.1.2</i>) Objective: <i>Increase tourism awareness and intention to travel to the Lismore LGA</i>
1.1 Undertake tactical promotion campaigns with govt. & industry partners that target domestic, high yield, geodemographic markets
1.2 Support the marketing of 'Rainforest Week' & other events that add depth to the tourism product & attract visitors during low seasons eg. Olympic Torch
1.3 Develop photographic images that support the tourism position of the Lismore LGA & can be accessed by industry, media & trade
1.4 Develop national & international markets through involvement in the Pacific Coast Touring Route
1.5 Expand the Lismore LGA tourism presence on the internet and develop a plan to promote tourism in the region and respond to inquiries
1.6 Produce a range of printed materials that motivate travel & provide information to visitors including Holiday Guide; Coach Planning Kit; School Kit; City Walk Tour Brochure; Byron to Lismore tourism route map; Day trip ideas; MICE 'bidding' documents
1.7 Maximise Lismore's exposure in the cooperative PR campaign through consultation, efficiency and preparedness
1.8 Pursue collaborative marketing projects in partnership with Lismore Unlimited
1.9 Develop a collaborative marketing campaign to increase leisure travellers through the Lismore Airport

KRA 2: Sustainable Tourism (<i>LCC Strategic Plan 2020 Vision Link 2.1.1; 2.1.2</i>) Objective: <i>Manage the environmental, cultural and economic sustainability of tourism in Lismore LGA</i>
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Report – Lismore Tourism Business Plan

2.1 Maintain information on sustainable tourism issues and market research through subscriptions and industry networking
2.2 Oversee improvements to interpretative and promotional materials to increase promotion and understanding of environmental/cultural attributes and values
2.3 Promote the development of ecotourism product in the Lismore LGA including eco; cultural, indigenous and regional cuisine tourism
2.4 Incorporate ecotourism principles in Lismore Tourism projects and in providing policy input to all tiers of government
KRA 3: Product Development (<i>LCC Strategic Plan 2020 Vision Link 2.1.3</i>) Objective: Develop quality products and infrastructure that best motivate travel and meet customer demand
3.1 Support the implementation of the Lismore Wilsons River Strategy.
3.2 Identify & support the implementation of tourist signposting including the development of billboard signposting in strategic gateway locations
3.3 Manage approval; system for 'Built Tourism Attractions Signposting Policy'
3.4 Support development of City Walk Tours for Lismore
3.5 Promote the development of an ecotourism lodging project in the Lismore LGA
3.6 Develop the 'Rainforest Way' (with partnerships) to increase self-drive tourism to Lismore & the hinterland
3.7 Develop interpretation in The Channon that promotes ecotourism values for the Protestors Falls site

KRA 4: Tourism Business Development (<i>LCC Strategic Plan 2020 Vision Link 2.1.3; 2.1.4</i>) Objective: Support the growth of tourism related business in the Lismore LGA
4.1 Produce & distribute information to tourism industry operators on trends and opportunities
4.2 Support the Business Plan activities of the Lismore Tourism Advisory Panel
4.3 Work with tourism industry and organisations to facilitate the professional development of business operators
4.4 Facilitate effective networks that develop the industry including 1 operator's famil. and 1 Christmas networking function
4.5 Develop and continue to improve business access to tourism industry information, statistics and market research – using technology, information kits, newsletters and fast fax
4.6 Prepare one article per year for economic development Bulletin
4.7 Host a tourism industry luncheon in partnership with EDU

KRA 5: Information Services (<i>LCC Strategic Plan 2020 Vision Link 2.1.2</i>) Objective: Deliver quality customer service through the accredited Lismore Visitor Information Centre
5.1 Coordinate the implementation, evaluation and continual improvement of the VIN Operations Manual
5.2 Develop staff and work experience training programs that link with VIN and accreditation
5.3 Strengthen resources through active involvement in SCU Internship program
5.4 Continually improve, oversee and implement induction/staff familis
5.5 Develop Level 3 Visitor Information Centres in strategic locations
5.6 Coordinate the collation, storage and retrieval systems for tourism attractions and facilities information (including Visnet and LCC internet)
5.7 Monitor and provide feedback to improve effectiveness of Budget; Contracts; Building , Furniture, equipment M&Rs; Accounts; Stocks and controls (souvenirs/consignment); Customer service; OHS; Bookings for group accommodation
5.8 Maintain db's, and stats relating to activities of Lismore Tourism (fast fax; familis; advertising; LVIC visitation)

5.9 Provide industry feedback on tourism complaints and compliments
5.10 Conduct a familiarisation tour of the Lismore area that will provide information to staff and volunteers of other Northern Rivers and Level 3 VIC's, Byron and Ballina VIC's
KRA 6: Corporate Services (<i>LCC Strategic Plan 2020 Vision Lin 2.1.1; 2.1.2</i>) Objective: Deliver quality corporate services to internal and external stakeholders
6.1 Cooperate with LCC EDU office on tourism issues
6.2 Promote the environmental, cultural and economic value of tourism in the local media
6.3 Provide quality advise to government and other organisations on issues that impact on tourism
6.4 Effectively utilise in-house research mechanisms and market intelligence to undertake informed planning and decision making
6.5 Continue to improve efficiency though Training; IT development; HR management; Project management
6.6 Maintain the integrity of the corporate image and destination branding
6.7 Develop and continually evolve an information sheet on the value of tourism for Lismore

Conclusion

The *Plan* provides the direction for staff of Lismore Tourism to manage, develop and promote tourism activities in a cooperative manner with 'sustainability' considerations as the overriding influence.

Recommendation (ENT26)

That Council adopt the Lismore Tourism Business Plan 2000-2001.

Subject/File No: MODEL PRIVACY MANAGEMENT PLAN – PRIVACY & PERSONAL INFORMATION PROTECTION ACT, 1998
(CMC/LM: 00-10028; 00-10337)

Prepared By: Group Manager-Corporate & Community Services

Reason: Legislative requirement.

Objective: Adoption of the Model Privacy Management Plan

Management Plan Activity:

Background:

The Privacy & Personal Information Protection Act 1998 (PPIPA) has been introduced in stages, with substantive parts requiring Council's compliance from July 1, 2000. The Act provides for the protection of personal information and for the protection of the privacy of individuals.

Personal information is defined in Section 4 of the PPIPA as *"Personal information is defined to mean information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. The information can be on a database and does not necessarily have to be recorded in a material form"*. Personal information does not include information about an individual that is contained in a publicly available publication and as such is not covered by the PPIPA, e.g. electoral rolls.

Section 33 of the PPIPA requires all councils to prepare a Privacy Management Plan (the "Plan") to deal with:

1. The devising of policies and practices to ensure compliance by the Council with the requirements of the PPIPA.
2. The dissemination of those policies and practices to persons within the Council.
3. The procedures that the Council proposes for internal review of privacy complaints.
4. Such other matters as are considered relevant by the Council in relation to privacy and the protection of personal information held by it.

The Model Plan has been prepared for the purpose of section 33 of the PPIPA.

The Act provides for the protection of personal information by means of twelve Information Protection Principles (detailed in the Plan). The Plan is designed to introduce policies and to maximise compliance with the PPIPA by its application to the following parties:

- Councillors
- Employees
- Consultants and contractors of the Council
- Council committees
- Council owned businesses

As mentioned earlier Council must adopt a Plan and it is proposed that we adopt the Model Privacy Management Plan as it has been prepared by a consultant in conjunction with a working party comprising local government representatives and Privacy NSW.

It is proposed that training of staff and/or councillors will be carried out over the next few months to ensure that all parties are aware of the implications of and the need to comply with the Act, the Plan and the Privacy Code of Practice for Local Government.

The Privacy Code of Practice for Local Government was approved by the Attorney-General on June 30, 2000 and by virtue of section 32 of PPIPA, Council must comply with it. The Code has the effect of modifying the application of Part 6 of the Act (the "public register" provisions) and the application of the 12 Information Protection Principles as they apply to local government.

Manager - Finance & Administration Comments

Not required.

Public Consultations

Not required.

Other Group Comments

Not required.

Conclusion

The introduction of this Act will have an effect on the way we carry out our day to day business and staff will need to be fully briefed on the implications of complying with this new legislation.

Recommendation (COR26)

That:

- 1 Council adopt the Model Privacy Management Plan in accordance with section 33 of the Privacy and Personal Information Protection Act 1998.
- 2 A review of the Plan be carried out within the next 12 months.

Subject/File No: **CBD UPGRADE DRAFT SURVEY**
 SM:KG:S273

Prepared By: Sue Morris – COMMUNICATIONS & MARKETING OFFICER

Reason: To present draft CBD upgrade survey proposal

Objective: To obtain Council endorsement of above draft survey

Management Plan Activity: 7.1 Public Open Space

Background

The following proposal has been prepared by the Steering Group for the Lismore Central Business District (CBD) Upgrade to meet the requirements of a Mayoral Minute from the Lismore City Council Ordinary Meeting, April 4, 2000.

The Mayoral minute resolved that:

1. *Lismore Unlimited carry out a survey of owners and operators of CBD property to determine:
 - a) what form the upgrade should take;
 - b) a fair and equitable contribution from benefiting ratepayers. The method of the survey to be approved by Council.*

2. *The method, extent and form of survey to be agreed to by Council and Lismore Unlimited.*

As a consequence of the above Mayoral Minute, a Steering Group comprising the following members was established: Barry Robinson, President, Lismore Unlimited, Brian Henry, Lindsay Walker, Bill Sheaffe, Tom Gordon, Graeme Meineke, Crs Suffolk, Crowther.

The Steering Group, working in conjunction with Peter Vitartas of Southern Cross University, has formulated the following framework for conducting the survey.

Research Objectives

To assess the views and attitudes of owners, operators and users of Lismore's CBD on;

- a) key aspects and facilities expected in a streetscape
- b) satisfaction with current CBD facilities
- c) Lismore CBD's parking, traffic flow and aesthetics
- d) current street scaping
- e) preferences for future upgrade works
- f) payment options for CBD upgrade works

Methodology

In order to accomplish the research objectives the methodology will incorporate two sampling processes. The following points outline the suggested format.

Face-to-face interviews

Sample: People randomly selected in the CBD over a two-week period. Control to be maintained for age, gender and occupational status. Quotas to be applied to time of day and day of week.

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CBD Upgrade Draft Survey

Sample size: 350

Data collection: To be undertaken by experienced interviewers who have undertaken a full briefing and training. The interview methods and techniques of the Australian Market Research Society to be utilised.

Self completion questionnaire

Sample: Business owners and proprietors in the Lismore CBD area.

Sample Size: Mail-out to all business owners and proprietors in CBD area.

Questionnaire: Draft proposal appropriately modified for self-completion purposes.

Data Analysis

Analysis of data is to be provided by sample group. Differences and similarities are to be identified. Responses are to be related to demographic details and other relevant identifiers. A hard copy report with tabular and graphical form and interpreted to be provided. Data in an electronic format suitable for analysis by SPSS Software is also to be made available.

Budget

A provisional estimate for the project from Southern Cross University is \$10,000.

Time Frame

The research can commence upon approval by Council. The project is expected to be completed within two (2) months of commencement.

In response to the findings of the survey the Steering Group will then consider draft concept drawings/designs, with a view to bringing the final Master Plan and Concept Drawings to Council on November 21, 2000.

(cover sheet)



AND

Seek your views on

Lismore's Central Business District
Upgrade



DRAFT QUESTIONS FOR QUESTIONNAIRE

Lismore City Council acting on a request by Lismore Unlimited has set aside substantial funds in the current financial year for the next stage of the upgrade of Lismore's Central Business District. The aim of this upgrade is to strengthen Lismore's position as the preferred destination to shop in the region.

This is to be done in two ways:

- (1) Improve the appearance of the main shopping block and
- (2) Improve the access to and around the main block.

Through these improvements it is hoped to attract additional shoppers and retail shops back to the CBD.

Your views are critical in helping us develop the final design.

Please take the time and assist us in what is probably the most important capital project in Lismore's future.

TO BE MODIFIED APPROPRIATELY FOR PERSONAL INTERVIEW AND SELF COMPLETION VERSIONS

1. The importance of facilities in the Central Business District (CBD)

The following questions are to identify how important different items are which go to make up our streetscapes. For each of the following items please indicate how important they are to you in a city streetscape using the scale of 1 for Not at all important through to 5 being Very important.

	Not at all important				Very Important
Outdoor eating areas	1	2	3	4	5
Bike racks	1	2	3	4	5
Public art (e.g statues, fountains, murals)	1	2	3	4	5
Litter bins	1	2	3	4	5
Gardens, garden beds	1	2	3	4	5

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CBD Upgrade Draft Survey

Seating / rest areas	1	2	3	4	5
Shade	1	2	3	4	5
Toilets	1	2	3	4	5
Wider footpaths	1	2	3	4	5
Night Lighting	1	2	3	4	5
Street cleanliness	1	2	3	4	5
Car parking	1	2	3	4	5

2. Satisfaction with current CBD facilities

The following items relate to your satisfaction with the **current facilities in Lismore's CBD**.

Please indicate your level of satisfaction for each item by indicating on the scale of 1 being Not at all satisfied through to 5 being Very satisfied.

	Not at all Satisfied				Very Satisfied
Number of outdoor eating areas	1	2	3	4	5
Bike racks	1	2	3	4	5
Public art (e.g statues, fountains, murals)	1	2	3	4	5
Litter bins	1	2	3	4	5
Gardens, garden beds	1	2	3	4	5
Seating / rest areas	1	2	3	4	5
Shade	1	2	3	4	5
Toilets	1	2	3	4	5
Wider footpaths	1	2	3	4	5
Night Lighting	1	2	3	4	5
Street cleanliness	1	2	3	4	5
Car parking	1	2	3	4	5

3. Your views on Lismore's CBD

We would now like you to answer some questions on Lismore's CBD. For the following statements please tell us how much you agree or disagree with each. Please use the scale of 1 being Strongly Disagree through to 5 being Strongly Agree.

	Strongly Disagree				Strongly Agree
I find Lismore's CBD attractive	1	2	3	4	5
Lismore has a parking problem	1	2	3	4	5
I enjoy visiting Lismore's CBD	1	2	3	4	5
Footpaths in Lismore are too narrow	1	2	3	4	5
Lismore's CBD is clean	1	2	3	4	5
When I visit Lismore's CBD I find it difficult to find a park	1	2	3	4	5
I avoid using Lismore's CBD because of poor traffic flow	1	2	3	4	5
I avoid using Lismore's CBD because of poor parking	1	2	3	4	5
I am in favour of a one-way traffic flow around Lismore's CBD	1	2	3	4	5
I am in favour of a two-way traffic flow around Lismore's CBD	1	2	3	4	5
There should be more short term (15-30 minutes) parking in Lismore	1	2	3	4	5

4. Your views on the Magellan Street upgrade

In the next set of questions we would like your views on the Magellan Street upgrade that was undertaken in 1998.

When was the last time you visited Magellan Street?

- Today
- Within the last week
- Within the last fortnight
- Within the last month
- More than a month ago

How often do you visit Magellan Street?

- Daily
- At least once a week
- Once a fortnight
- Once a month
- Less than once a month

In your opinion what do you like most about the current streetscape in Magellan Street?

What do you dislike most about the current streetscape in Magellan Street?

For the following statements please indicate the extent to which you agree or disagree with each. Please use the scale 1 being Strongly Disagree through to 5 being Strongly Agree.

	Strongly Disagree				Strongly Agree
When I first visited Magellan Street after the upgrade was completed, my initial impression was one of delight	1	2	3	4	5
I like to spend time visiting the shops in Magellan Street	1	2	3	4	5
I find it difficult to find a car park in Magellan Street	1	2	3	4	5
I would like to see more of Lismore's central business district developed like Magellan Street	1	2	3	4	5
I spend more time in Magellan Street now compared to before the upgrade was undertaken	1	2	3	4	5
I enjoy the wider footpaths in Magellan Street compared to other streets	1	2	3	4	5
Upgrading of other streets should be of a higher standard to that of Magellan Street	1	2	3	4	5
Overall I am very satisfied with the upgrade of Magellan Street?	1	2	3	4	5

5. Upgrade of the CBD

Given the council has allocated funds to upgrade the CBD, which street would you like to see upgraded first?

- Carrington Street (Inner CBD block area)
 - Keen Street
 - Molesworth Street
 - Woodlark Street
 - Don't know
-

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CBD Upgrade Draft Survey

Why have you chosen this street?

Do you support the payment of a Levy for CBD upgrade work?

- Yes
- No
- Don't Know

If a levy was to be applied by the Council, do you believe this should be applied to:

- The whole city (residents and businesses)
- All Lismore businesses only
- CBD businesses only
- Don't know

6. The following questions are to assist us in classifying your responses.

Do you work in the CBD?

- Yes
- No

If yes, in which street do you work?

What is the main purpose of your visit to the Lismore CBD today?

Please indicate if you belong to any of the following classifications:

- Lismore CBD shopper
- Lismore CBD employee
- Lismore CBD business owner
- Lismore CBD property owner
- Visitor to Lismore

What is the postcode of your normal place of residence?

What is your occupation?

Your age group: (please circle)

- 1) 18-20 2) 21-30 3) 31-40 4) 41-50 5) 51-60 6) Over 60

Gender; are you ...

- 1) Male
2) Female

Thank you for participating in our survey. Your input is greatly appreciated. If you have any questions or comments concerning this survey they can be directed to the supervisor, xxxxxxxxxx. Would you like his/her contact details? (If yes provide details)

Manager - Finance & Administration Comments: Not required

Other Group Comments: Not required

Recommendation (GM01)

1. That Council approve expenditure of \$10,000 for completion of CBD survey.
 2. That Council endorse the proposed methodology and content of the draft survey.
-

Subject/File No: 2000/2001 RATES AND CHARGES
(JB:S384)

Prepared By: Rating Service Co-Ordinator – Mr John Beacroft

Reason: Statutory Obligation

Objective: To set Council's 2000/2001 Rates and Charges

Management Plan Activity: Rates & Charges

Background:

Council has published its Draft Management Plan, including its Draft Revenue Policy, in accordance with Section 405 (1) of the Local Government Act, 1993.

Section 406 of the Local Government Act, 1993, requires "... Council must take into consideration any submissions that have been made concerning the Draft Management Plan prepared and exhibited...".

Submissions to the Plan were received up until June 19, 2000 in accordance with Sections 405(2)&(3) of the Local Government Act, 1993 and one submission in relation to rating was received and considered at Council's meeting on June 27, 2000.

Within this report there are various motions which relate to previous resolutions of Council in regard to the 2000/2001 rates and charges and by the adoption of the motions, Council's decisions will apply.

In particular, Council resolved at its March 14, 2000 meeting as follows :-

60/00 Resolved that the Report be received and-

That Council

- 1. Apply to the Minister for Local Government for a Special Rate Variation in an amount of \$100,000 for utilisation on the construction of the Lismore Flood Levee*
- 2. Council levy a Special Rate on the area, yet to be determined, to benefit from the construction of the Flood Levee for 2000/2001.*

Council has been advised by the Minister for Local Government that Council's application for a Special Rate Variation was unsuccessful. Council has previously, by adoption of the Management Plan, agreed to levy the Special Rate.

Financial Section

N/A

Other Group Comments

Not Requested.

Recommendation (COR23)

The following motions are recommended as the adoption of these draft motions will **levy the Special Rate for the Flood Levee**

(A) SUBJECT: GENERAL FUND RATES

Whereas Council has advertised its Draft Management Plan for 2000/2001, in accordance with Section 405 of the Local Government Act, 1993, and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993:

- (i) It is hereby resolved that a **Business Rate** to be known as the “**Business Inner CBD**” Rate, of **three point four zero nine seven (3.4097) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 1998 subject to a minimum amount of **three hundred and seventy four dollars twenty cents (\$374.20)** per assessment, be now made for the rating year July 1, 2000 to June 30, 2001, on all rateable land within the centre of activity known as the ‘Inner CBD’ within the area shown in Schedule ‘C’ and which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
- (ii) It is hereby resolved that a **Business Rate** to be known as the “**Business Urban**” Rate, of **two point three six five seven (2.3657) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 1998 subject to a minimum amount of **three hundred and seventy four dollars twenty cents (\$374.20)** per assessment, be now made for the rating year July 1, 2000 to June 30, 2001, on all rateable land within the centre of activity outside the Inner CBD but within the urban area of Lismore as shown in Schedule ‘D’, which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
- (iii) It is hereby resolved that a **Business Rate** to be known as the “**Business Other**” Rate, of **two point zero six six seven (2.0667) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 1998 subject to a minimum amount of **three hundred and seventy four dollars and twenty cents (\$374.20)** per assessment, be now made for the rating year July 1, 2000 to June 30, 2001, on all rateable land in the City of Lismore but not within the areas defined in Schedules ‘C’ and ‘D’ attached which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
- (iv) It is hereby resolved that a **Farmland Rate**, to be known as the “**Farmland Rate**” of **point eight zero eight eight (.8088) a cent in the dollar**, on the Land Value as at Base Date July 1, 1998, subject to a minimum amount of **three hundred and seventy four dollars twenty cents (\$374.20)** per assessment, be now made for the rating year July 1, 2000 to June 30, 2001, on all rateable land in the City of Lismore area, which meets the definition of Farmland as defined in Section 515 of the Local Government Act, 1993.
- (v) It is hereby resolved that a **Residential Rate** to be known as the “**Residential Rate**” of **one point five seven zero two (1.5702) cents in the dollar**, on the Land Value as at Base Date July 1, 1998, subject to a minimum amount of **three hundred and seventy four dollars twenty cents (\$374.20)** per assessment, be now made for the rating year July 1, 2000 to June 30, 2001, on all rateable land within the centres of population

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defined in Schedule 'A' attached and meeting the definition of residential land, as set out in Section 516 of the Local Government Act, 1993.

- (vi) It is hereby resolved that a Residential Rate sub-category to be known as “**Residential Billen**” of **one point five seven zero two (1.5702) cents in the dollar**, on the Land Value as at Base Date July 1, 1998 subject to a minimum amount of **two hundred and sixty three dollars thirty cents (\$263.30)** per assessment, be now made for the rating year July 1, 2000 to June 30, 2001 on all rateable land within the centre of population defined in Schedule 'B' attached and meeting the definition of residential land, as set out in Section 516 of the Local Government Act, 1993.
- (vii) It is hereby resolved that a Residential Rate sub-category to be known as the “**Residential Rural**” rate of **one point one nine three four (1.1934) cents in the dollar**, on the Land Value as at Base Date July 1, 1998 subject to a minimum amount of **three hundred and seventy four dollars twenty cents (\$374.20)** per assessment be now made for the rating year July 1, 2000 to June 30, 2001 on all land which meets the definition of Residential as defined in Section 516 of the Local Government Act, 1993, except for the land described in Schedules 'A' and 'B' attached to this report.
- (viii) It is hereby resolved that a Special Rate to be known as the “**Flood Levee**” rate of **point one zero zero seven (.1007) of a cent in the Dollar**, per assessment, on the Land Value as at Base Date July 1, 1998 subject to a minimum amount of **two dollars** be now made for the rating year July 1, 2000 to June 30, 2001 on all land within the area defined in Schedule 'I' attached to this report which in Council's opinion will receive a special benefit from the construction of the Flood Levee from a one in ten year flood event

(B) SUBJECT: SEWERAGE CHARGES

Council adopted a user pays charging system for sewerage and trade waste discharges at its November 28, 1995 meeting, Resolution 518/95. The adoption of the following draft motions will continue this Policy. In addition, Council's adoption of a charge for the monitoring of grease arrestors and corrugated plate interceptors at its January 27 1998 meeting is provided for within the following resolutions.

Sewerage and Trade Waste Charges

Whereas Council has advertised its Draft Management Plan for 2000/2001 in accordance with Section 405 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993.

Lismore Sewerage Scheme

- (i) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the provision of Sewerage Services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of **three hundred dollars and eight dollars (\$308.00)**, per assessment. This charge applies to properties connected to the Lismore Sewerage Scheme and is to be known as the “**Lismore Sewer**” charge for the period July 1, 2000 to June 30, 2001.

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- (ii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge, as per the attached Schedule “E”, where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of Sewerage Services to a parcel of land connected to the Lismore Sewerage Scheme to be known as the “**Lismore Sewer Multiple**” charge for the period July 1, 2000 to June 30, 2001, excluding residential Strata Units.
- (iii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **one hundred and eighty five dollars (\$185.00)** per assessment for all rateable parcels of land within 75 metres of a Lismore Sewer Main and capable of discharging into that main but not connected thereto to be known as the “**Lismore Sewer Unconnected**” charge for the period July 1, 2000 to June 30, 2001.

Lismore Trade Waste Charges

- (iv) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Lismore Sewer Scheme, as per the attached Schedule “F”, where the charge is indicated by the number of equivalent tenants allocated to an assessment in accordance with the methodology set out in Council’s Sewer Usage Charging Strategy to be known as the “**Lismore Non-Residential Sewer**” charge, except for properties declared by Lismore City Council to be Established Strength Users, for the period July 1, 2000 to June 30, 2001.
- (v) It is hereby resolved that, in accordance with Sections 502 and 539 of the Local Government Act, 1993, a charge be now made, for properties declared by Lismore City Council to be Established Strength Users in accordance with Lismore City Council’s Trade Waste Policy, Section 3.2, to be calculated in accordance with Lismore City Council’s Sewerage Usage Charging Strategy, Section 2.5, as follows:
 - A charge of **seventy four cents (74 cents)** per kilolitre of discharge; plus
 - A charge of **one dollar and twelve cents (\$1.12)** per kilogram of Biochemical Oxygen Demand; plus
 - A charge of **seventy one cents (71 cents)** per kilogram of Suspended Solids; plus
 - A charge of **one dollar and ninety six cents (\$1.96)** per kilogram of Oils and, or Greaseto be known as the “**Established Strength**” charge for the period July 1, 2000 to June 30, 2001.

Nimbin Sewerage Scheme

- (vi) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the provision of Sewerage Services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of **four hundred and thirty eight dollars (\$438.00)** per assessment. This charge applies to properties connected to the Nimbin Sewerage Scheme and is to be known as the “**Nimbin Sewerage**” charge for the period July 1, 2000 to June 30, 2001.
-

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- (vii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge, as per the attached Schedule “G”, where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of Sewerage Services to a parcel of land connected to the Nimbin Sewerage Scheme to be known as the “**Nimbin Sewerage Multiple**” charge for the period July 1, 2000 to June 30, 2001, excluding Residential Strata Units.
- (viii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **two hundred and sixty three dollars (\$263.00)** per assessment for all rateable parcels of land within 75 metres of a Nimbin Sewer Main and capable of discharging into that main but not connected thereto to be known as the “**Nimbin Sewerage Unconnected**” charge for the period July 1, 2000 to June 30, 2001.

Nimbin Trade Waste Charges

- (ix) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Nimbin Sewer Scheme, as per the attached Schedule “H”, where the charge is indicated by the number of equivalent tenants allocated to an assessment, in accordance with the methodology set out in Council’s Trade Waste Approvals Policy to be known as the “**Nimbin Non Residential Sewer**” charge for the period July 1, 2000 to June 30, 2001.

Lismore & Nimbin Sewerage Schemes

- i) It is hereby resolved in accordance with Section 501 of the Local Government Act, 1993, that an annual charge of **fifty-five dollars (\$55.00)** be now made for the annual inspection of properties connected to either the Lismore or Nimbin Sewer Schemes with grease arrestors or corrugated plate interceptors , to be known as the ‘ **Sewer Inspection**’ charge for the period July 1 2000 to June 30 2001.

(C) SUBJECT: WATER CHARGES

Council has adopted a user pays water charging process. To continue this formula the following resolutions should be adopted.

Water

Whereas Council has advertised its Draft Management Plan for 2000/2001 in accordance with Section 405 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993:

- (i) It is hereby resolved that in accordance with Section 501, 503, 539 and 541 of the Local Government Act, 1993 an annual charge be now made for the provision of water and water service availability, based on the size of the water service connected to a property. For a property which has two or more water connections, the cost of the services will be the total number of services multiplied by the fixed service charged; in cases where different sized services are connected the sum of the cost of the fixed service charges, except for water connections used solely for fire fighting services, the
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cost of which shall be **Eighty Five Dollars (\$85)** per fire fighting service; for the year July 1, 2000 to June 30, 2001 to be known as the “**Fixed Service Charge**” is hereby made in respect of:

Size of Service	Fixed Service Charge
20mm	\$ 85
25mm	\$ 141
32mm	\$ 233
40mm	\$ 361
50mm	\$ 563
65mm	\$ 945
80mm	\$ 1,437
100mm	\$ 2,245
150mm	\$ 5,049

- (ii) In accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993 an annual charge, for the availability of water to property not connected to Council’s Water Supply but capable of connection thereto and within 225 metres of a Lismore City Council water main in accordance with Section 552 (1)(b) of the Local Government Act, 1993, for the year July 1, 2000 to June 30, 2001, to be known as the “**Water Availability**” charge, of **Eighty Five dollars \$85.00** per assessment is hereby made.
- (iii) In accordance with Section 502 and 503 of the Local Government Act, 1993 for water recorded by the water meter on a property a charge of **eighty five cents (85 cents)** per kilolitre for the year July 1, 2000 to June 30, 2001 to be known as the “**Consumption**” charge is hereby made.

(D) SUBJECT: DOMESTIC AND NON DOMESTIC WASTE MANAGEMENT SERVICES

Whereas Council has advertised its Draft Management Plan for 2000/2001 in accordance with Section 406 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993:

- (i) It is hereby resolved that an annual charge be now made, in accordance with Sections 496 of the Local Government Act, 1993, for all land within the declared domestic waste scavenging areas, both urban and rural, maps of which are available at Council’s Oliver Avenue Office, not utilising the domestic waste management service provided by Council to be known as the “**waste availability**” charge, of **Thirty dollars (\$30.00)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council’s Oliver Avenue Office, which are levied the Nimbin Transfer Station Charge, for the period July 1, 2000 to June 30, 2001.
 - (ii) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all land within the Lismore City Council area, to be known as the “**Environment Protection**” charge, of **thirteen dollars and twenty five cents (\$13. 25)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council’s Oliver Avenue Office, which are levied the Nimbin Transfer Station Charge, for the period July 1, 2000 to June 30, 2001.
 - (iii) It is hereby resolved that an annual charge be now made, in accordance with Sections 501 and 541 of the Local Government Act, 1993, for all land located within the Nimbin Section 94 Plan Area, maps of which are available at Council’s Oliver Avenue
-

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Office, for the provision of the Nimbin Transfer Station Facility of **thirty seven dollars (\$37.00)** per assessment, for properties with multiple units of resident occupancy a charge of **thirty seven dollars (\$37.00)** per unit of residential occupancy located on each assessment, to be known as the “**Transfer Station**” charge. Properties exempted from this charge within the Nimbin Section 94 Plan Area are those properties paying a Waste Collection Service or Non-Domestic Waste Collection – Rural, Charge for the period July 1, 2000 to June 30, 2001.

- (iv) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Urban area of Lismore, a map of which is available at Council’s Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and Council collects an approved 240 litre mobile waste bin from that property, of **one hundred dollars (\$100.00)** per bin collected per annum, to be known as the “**Urban Non-Domestic Waste**” charge for the period July 1, 2000 to June 30, 2001.
 - (v) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties located outside the Urban area of Lismore, except for those properties located within the North Woodburn Waste Collection service area as defined, maps of which are available at Council’s Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and Council collects an approved 240 litre mobile waste bin from that property, of **one hundred and one dollars (\$101.00)** per bin collected per annum, to be known as the “**Rural Non-Domestic Waste**” charge for the period July 1, 2000 to June 30, 2001.
 - (vi) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council’s office, for the removal, weekly, of a 140 litre approved wastemaster bin. In addition, on a fortnightly basis Council will remove a 240 litre approved wastemaster bin. This charge is to be known as the “**Intergrated Waste**” collection service for the period July 1, 2000 to June 30, 2001 and will be charged at **one hundred and thirteen dollars (\$113)** per annum. Additional services will be charged at **one hundred and thirteen dollars (\$113) per annum**. Services commenced during the charging period will be charged for on a proportional basis.
 - (vii) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act, 1993, for the removal of one approved 240 litre wastemaster bin each week, from domestic premises, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council’s Oliver Avenue Office, of **one hundred and one dollars (\$101.00)**, to be known as the “**Waste Collection Service**” charge, additional services will be charged at **one hundred and one dollars (\$101.00)**, for the period July 1 2000 to June 30 2001. Services commenced during the charging period will be charged for on a proportional basis.
 - (viii) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Urban area of Lismore, a map of which is available at Council’s Administration offices, whose waste does not meet the definition of domestic waste contained within the Local
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LISMORE CITY COUNCIL – Meeting held July 18, 2000

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Government Act 1993 and where Council collects an approved 240 litre mobile waste bin on a fortnightly basis and a 140 litre approved wastemaster bin on a weekly basis from that property, of **one hundred dollars (\$100.00)** per bin collected per annum, to be known as the “**Non Domestic integrated waste**” charge for the period July 1, 2000 to June 30, 2001. For services commenced during the year a proportional charge will be made.

- (ix) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties located within the North Woodburn Waste Collection service area as defined, a map of which is available at Council’s Administration offices, Council has a weekly collection service of an approved 240 litre mobile waste bin from that property, a charge of **one hundred and seventy five dollars (\$175.00)** per annum, to be known as the “**North Woodburn Waste**” charge for the period July 1,2000 to June 30,2001.

(E) INTEREST CHARGES

Council is able, under Section 566 of the Local Government Act, to charge interest on outstanding Rates and Charges. The Minister for Local Government has advised , Circular 00/23, that the maximum allowable amount of interest for 2000/2001 is 10 %. This Council has generally adopted the maximum interest Rate as the amount to be charged.

- (i) It is hereby resolved that the 2000/2001 interest Rate on outstanding Rates and Charges will be **10%**.

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Subject/File No: INVESTMENTS HELD BY COUNCIL AS AT MAY 31, 2000
(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 the Local Government Act 1993 Regulations and Council's investment policies.

Council's total investment for May amounted to \$23,044,878.12 with an average return of 6.96%. Interest rates at the same time last year were 4.12%. Recent data releases indicate that Australia's economic growth is moderating. The Reserve Bank is likely to hold rates steady, assuming there are no inflation surprises.

Manager - Finance & Administration Comments:

Not required.

Public Consultations:

Not required.

Other Group Comments:

Not requested.

Recommendation (COR25)

That the report be received and noted.

LISMORE CITY COUNCIL - Meeting held July 18, 2000

Subject/File No: INVESTMENTS HELD BY COUNCIL AS AT JUNE 30, 2000
(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 the Local Government Act 1993 Regulations and Council's investment policies.

Council's total investment for June amounted to \$23,044,878.12 with an average interest return of 6.87%. Average interest rate at the same time last year was 5.09%. During the past 12 months Council has averaged \$23M per month held as investments. From information available it appears interest rates will remain unchanged.

Manager - Finance & Administration Comments

Not required.

Public Consultations

Not required.

Other Group Comments

Not requested.

Recommendation (COR27)

That the report be received and noted.

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MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD JUNE 21, 2000

AT 10.00 AM.

(WMacD:VLC:S352)

Present: Mr Bill Moorhouse (*Chairperson*), Councillors Ken Gallen, John Chant and Mervyn King, M/s Bronwyn Mitchell on behalf of Mr Thomas George, MP, Messrs Mike Baldwin (*Roads and Traffic Authority*), Chris Mallam (*Lismore Unlimited*), Snr Const Brian Buckley (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*) and Mr Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*).
Deputations: M/s Dorgan and Mrs Lynch for Item No. 5 (*Kadina Park Development*), and Messrs Robinson and Weihermann for Item No. 12 (*Cullen Street Bus Zone*).

Apologies: An apology for non-attendance on behalf of Mr Thomas George, MP, was received and accepted and leave of absence granted.

Minutes of Traffic Advisory Committee Meeting - May 17, 2000

Members were advised that the Minutes of the meeting held on May 17, 2000 were adopted by Council at its meeting of June 6, 2000, excluding Item No. 5 (***Laurie Allen Centre Parking Facilities***) and No. 8 (***Traffic Issues at Corndale***).

With respect to Item No. 5, the Committee noted Council's resolution.

Item No. 8 was dealt with in the "Business Arising" section of these Minutes.

Disclosure of Interest: Nil

Business Arising:

- C Jung; M/s J Healy; C Morrow & M/s K Preston;** expressing dissatisfaction with the Committee's views with regard to increasing safety conditions on Corndale Road near the Dorroughby Road intersection.
Mr MacDonald advised that he had again inspected the area in question with Police and RTA Representatives with a view to introducing a 60 kph speed limit on Corndale Road. The section of road is several kilometres in length with dwellings well spaced along the road apart from the few houses close together along one side of Corndale Road immediately north of Dorroughby Road. It would be illogical for motorists to have such a low speed limit in such a sparsely populated area and compliance would be low.
Snr Const Buckley suggested the proposal would be difficult to defend in Court if a motorist was to challenge the issue of receiving an infringement for speeding bearing in mind the limited roadside development.
As part of the further inspection, it was recognised that there was a need for a 'Stop' sign to be erected on both Dorroughby Road and Hunters Hill Road at their intersections with Corndale Road. It was also felt double white centre lines should be painted on all legs at the intersection of Hunters Hill Road with Corndale Road.
RECOMMENDED that the additional works outlined above be carried out.
FURTHER RECOMMENDED that the existing speed limit on Corndale Road remain for the reasons outlined above.

TAC62/00
TAC63/00

(00-7062/8410/8435/8436:R3801,S352,R3501)

Correspondence:

2. **M & Mrs B Taylor;** advising of a recent incident that occurred at the marked pedestrian crossing on Ballina Street near the Keen Street intersection and seeking increased warning measures for this crossing.
Members were advised that 'near misses' at the pedestrian crossing appeared to be occurring more regularly. It was a difficult location due to high traffic volumes and the divided four-lane Highway status of Ballina Street. The problem was exacerbated by some pedestrians assuming the marked crossing offered immediate protection without taking due consideration of approaching vehicle speeds and their own visibility to the motorist. There was a case for consideration that the marked crossing should be removed and the facility revert to a pedestrian refuge. This would ensure that pedestrians took due care and would still provide a safe point to cross the road.
- TAC64/00** However, before any further action takes place, it was **RECOMMENDED** that pedestrian/traffic counts be carried out to determine vehicle/pedestrian movements and these be brought back to the Committee for further consideration. (00-7136:S352,R6002)
3. **Mrs J Hardman;** seeking the installation of appropriate signage near her property at No. 637 Broadwater Road, Broadwater, to alert approaching motorists of the driveway access.
An inspection had revealed that there was restricted visibility of oncoming traffic when exiting from the property due to the positioning of the driveway and its close proximity to a rise in the road. As there was the potential for traffic volumes to increase upon the opening of the new Broadwater Bridge, it was suggested that a 'Concealed Driveway' sign may assist.
- TAC65/00** **RECOMMENDED** that the above sign be installed. (00-7466:S346)
4. **AJ Andrews;** seeking the installation of a roundabout at the intersection of Wyrallah Road and Esmonde Street, Lismore.
Members agreed that traffic volumes along Wyrallah Road had increased significantly in recent years, placing additional pressure on intersections along the road. It was suggested that a roundabout at the intersection of Wyrallah Road and Dalley Street would have a greater priority than Esmonde Street, but may benefit this intersection by providing greater gaps in traffic flows along Wyrallah Road. It was agreed that the whole of the area in the vicinity of the Wyrallah Road Shopping Centre should be investigated with a view to identifying an overall traffic management plan that may include the closure of some intersections off Wyrallah Road.
- TAC66/00** **RECOMMENDED** that this issue be referred to Council's Design Section to prepare a plan of possible treatments for further consideration. (00-7467:R7436,R5201)
5. **M/s D Dorgan;** expressing concern in relation to traffic, vehicular access and parking aspects of the proposed Kadina Park.
M/s Dorgan and Mrs Lynch attended the meeting and were invited to address the Committee outlining their concerns relating to the Kadina Park development. M/s Dorgan submitted that she was not opposed to the Kadina Park development in general but had concerns regarding the positioning of the lower carpark and the location of its access road off Kadina Street. It was pointed out that the Committee had suggested the access road could be moved further uphill towards Ballina Road. This would mean that the intersection would not be directly opposite Pineview Drive and would also increase sight distance to vehicles travelling north along Kadina Street to an acceptable distance.
-

5. **M/s D Dorgan – Kadina Park Development** (Cont'd)

It was noted that the location of the carpark within the development was a matter for others to determine. However, any new access points would need further consideration.

M/s Dorgan raised concerns relating to the traffic volumes of Kadina Street and the speed of those vehicles. The Chairperson suggested that volumes on Kadina Street would reduce upon completion of the new link road from Gordon Blair Drive. However, classifiers would be installed to determine actual vehicle speeds and whether or not any additional facilities to reduce speeds were required. It was noted that Kadina Street was a through road and it was unlikely that speed restriction devices, such as speed bumps, would be appropriate.

M/s Dorgan suggested that if the kerb was extended along the western side of Kadina Street, this would provide kerbside parking for a number of vehicles but the Committee did not consider this to be appropriate as this would increase on-street parking manoeuvres in an area that was already of concern to some residents.

M/s Dorgan presented the Committee with a petition objecting to the positioning of the carpark off Kadina Street with its access near its intersection with Pineview Drive. The Chairperson thanked M/s Dorgan and Mrs Lynch for their address and they left the meeting.

TAC67/00 **RECOMMENDED** that should Council decide the carpark should remain in its currently proposed location, it be noted that the new intersection location, as suggested above, be considered appropriate.

TAC68/00 **FURTHER RECOMMENDED** that classifiers be installed on Kadina Street to determine vehicle speeds. (00-7773,00-8062:P517)

6. **B & D Coaches;** seeking approval to extend its bus service to include Federation Drive, Eltham, and Ridgewood Road, Rosebank.

Members were advised that Federation Drive had a cul-de-sac at the end of the road which was considered adequate in which a mini-bus could turn and, therefore, there was no objection to the bus using this road.

The first 1.5Km length of Ridgewood Road from Mackie Road was in good condition and considered adequate for bus travel. However, there was some concern for the proposed turnaround area, being the driveway entrance to the McLeans' property. Whilst visibility in both directions was good, it was felt that children may be vulnerable when the bus was reversing. It would be preferable to either collect children and find a safer area in which to turn around further along the road or turn around within the McLeans' property if this was possible.

TAC69/00 **RECOMMENDED** that approval be granted for the Federation Drive bus route extension.

TAC70/00 **FURTHER RECOMMENDED** that the issue of finding a suitable turnaround area on Ridgewood Road be referred back to the Bus Operator for further investigation and discussion with the McLeans before approval is granted for an extension. (00-8143,00-9094:R8637,R3707)

7. **Mr & Mrs GJ Hagan;** drawing attention to the increasing number of Uturn manoeuvres being made by motorists at the intersection of Ballina Road and William Blair Avenue, Lismore Heights, and outlining their concern for this practice.

Snr Const Buckley advised that he regularly travelled along the section of Ballina Road in question and whilst it was acknowledged that many motorists carried out the U-turn manoeuvre at the intersection of William Blair Drive, there were very few options.

7. **Mr & Mrs GJ Hagan – William Blair Avenue** (Cont'd)

It was noted that there was a proposal to construct a roundabout at the intersection of Ballina Road and Invercauld Road which would give Council the opportunity to extend the centre median along the full length of Ballina Road. However, until this structure was installed, and bearing in mind that accidents had been reduced dramatically since the median was extended, it was felt that the current situation was the most appropriate given the circumstances. Prohibiting right-turns into or out of the western end of William Blair Avenue or prohibiting U-turns at this stage would only shift the problem.

TAC71/00 **RECOMMENDED** that the writers be advised in accordance with the above.

(00-8648:S352)

8. **NSW Roads & Traffic Authority;** forwarding a copy of a letter from the Richmond River High School P & C Association in which it questions the adequacy of the existing bus facilities at the School, particularly during the afternoon "bus peak" period.

Mr MacDonald advised that he had not had sufficient time to carry out an inspection prior to the meeting and this would be carried out before the next meeting.

TAC72/00 **RECOMMENDED** that the above be noted.

(00-9020:S352)

9. **Dr Brian Pollard;** drawing attention to the need for motorists to be made aware that left-turn only movements were permitted when exiting properties on the northern side of Ballina Street, between Conway and Brewster Streets, *eg, Pizza Hut premises.*

The Committee felt that the matter would be best referred to the management of the Pizza Hut as any additional signposting would be more appropriate within the property grounds. Perhaps even a left-turn pavement marking on the driveway would assist motorists as they exited from the Pizza Hut. It was noted that Dr Pollard had already written to the Manager of the Pizza Hut outlining his recent experience.

TAC73/00 **RECOMMENDED** that Council write to the Pizza Hut supporting Dr Pollard's request for clearer signposting to assist their patrons when leaving the premises.

(R6002)

General Business

10. **Speed Limit Extension on Nimbin Road, North Lismore**

Members were advised that it was proposed to extend the existing 60 kph zone for a further 350m around the 'bend' towards Nimbin. There had been many 'close calls' with motorists travelling around the bend from Nimbin, to be confronted by large vehicles either turning into or out of the old quarry site where Council currently stockpiled materials.

TAC74/00 **RECOMMENDED** in accordance with the above.

(R2801)

11. **No. 448 Bangalow Road, Boatharbour**
Mrs Toni Watson had highlighted her concern regarding the safety of children alighting from a mini-bus at the above location.
Mr MacDonald advised that he had spoken with Mrs Watson about this problem and had inspected the location with Police and RTA Representatives. Unfortunately there was no obvious solution apart from possibly asking the Bus Operator to use an area away from the 'bend' to drop off/pick up the children. This would mean the children would then need to walk along the side of the road. The Watsons would be best placed to assess whether or not this was a better option.
It was suggested that it may be possible for the mini-bus to enter and turn around within the property after dropping off the children.
TAC75/00 **RECOMMENDED** that the above suggestion be submitted to the Watsons to further discuss with the Bus Operator. (R4101)
12. **Cullen Street, Nimbin – Bus Zone**
The Committee had been asked to discuss options relating to the existing Bus Zone in front of the former Service Station.
Messrs Robinson and Weihermann attended the meeting and were invited by the Chairperson to outline their concerns. Mr Robinson advised that several of his clients had received infringements due to their vehicles being parked in the Bus Zone awaiting access to his workshop. Whilst he proposed no solution he was seeking the Committee's assistance in improving accessibility to his site. Mr MacDonald advised that he had spoken with the owner of the premises in question, Mr Peter O'Meagher, who was of the opinion that the Bus Zone should remain as its use was increasing, particularly with tourists buses.
A compromise was suggested that may reduce current problems. It was proposed that the length of the Bus Zone be reduced by approximately one (1) car length with this area being included as part of the existing 'No Standing' area at the front of the zone. This larger area could then be signposted as a 'Loading Zone' in lieu of 'No Standing' that was being phased out anyway under the new Australian Road Rules. This proposal was agreed to by those present.
TAC76/00 **RECOMMENDED** that the above action be taken. (R1701)
13. **Road Safety Officer – Report and Action Plan**
The proposed Action Plan for the Year 2000/2001 and the Road Safety Officer's report for activities carried out during May 2000 were tabled for information.
Mrs Johnson gave a brief outline of the plan which included estimates for proposed activities and funding sources.
TAC77/00 **RECOMMENDED** that the report on activities for May 2000 be noted and concurrence be given to the proposed action plan for the forthcoming year.(S596)
14. **Coleman's Bridge**
The Chairperson advised that he and Councillor King had recently attended a meeting with RTA Representatives at Grafton to discuss the issue of the Coleman's Bridge. The Authority had suggested that the bridge be closed for a period of approximately six (6) months to allow maintenance work to be carried out. It was felt that this would be unacceptable and would impact heavily on business houses of Union Street. Apparently it had been decided that the bridge should be retained due to its historical significance.
It was suggested that a more appropriate option would be for the Authority to build a new low level bridge beside the Coleman's Bridge before any closure was carried out.

LISMORE CITY COUNCIL - Meeting held July 18, 2000

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD JUNE 21, 2000 *(Cont'd)*

- TAC78/00** **RECOMMENDED** that this proposal be submitted to the Authority for urgent consideration. (R7329,S314)
15. **CBD Upgrading**
A plan was tabled at the meeting showing a proposal to upgrade both Keen Street and Molesworth Street between Woodlark and Magellan Streets. The plan retained two-way traffic movements but altered the angle of parking conditions in the centre rank and also the way in which parking would be accessed. It was acknowledged that it was only conceptual at this stage and further discussion was needed with relevant interest groups before any firm proposal was considered.
- TAC79/00** **RECOMMENDED** that the above proposal be noted. (S374,S353)
16. **Ballina Road, Goonellabah – Speed Limit in Front of Media Centre**
Mr Baldwin (RTA) advised that a survey had been carried out along Ballina Road with all relevant information entered into the N-Limits program that determined the appropriate speed limit. The recommended speed limit for the section of Ballina Road between Sunrise Crescent and Holland Street was 80 kph. However, it was acknowledged that due to the recently completed Service Station next to the Hilltop Hotel there was a need to extend the 60 kph zone around the 'bend' to a point between Sunrise Crescent and James Road.
- TAC80/00** **RECOMMENDED** that the 60 kph zone on Ballina Road be extended to a point between Sunrise Crescent and James Road.
- TAC81/00** **FURTHER RECOMMENDED** that the speed limit on Ballina Road between the new proposed location of the 60 kph zone and Holland Street remain at 80 kph. (R6408)
17. **Kadina Overpass**
The Chairperson advised that during recent discussions with the RTA, Authority Representatives had indicated it was likely funding for the overpass would be available within the 2000/2001 financial year, once all information had been collated. This information was well received by the Committee Members.
- TAC82/00** **RECOMMENDED** that the above information be noted. (R6408,S342)

This concluded the business and the meeting terminated at 12.30 pm.

CHAIRPERSON

TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE

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

- a) personnel matters concerning particular individuals;
- b) the personal hardship of any resident or ratepayer;
- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
- d) commercial information of a confidential nature that would, if disclosed:
 - prejudice the commercial position of the person who supplied it, or
 - confer a commercial advantage on a competitor of the council, or
 - reveal a trade secret;
- e) information that would, if disclosed, prejudice the maintenance of law;
- f) matters affecting the security of the council, councillors, council staff or council property;
- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Recommendation:

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

Item 1:

Grounds for Closure -

- Section 10D(2):**
- a) Section 10A (2)(g)
 - b) N/A
 - c) N/A

LISMORE CITY COUNCIL - Ordinary Meeting held June 27, 2000

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JUNE 27, 2000 AT 6.03PM.

Present: His Worship the Mayor, Councillor Gates; Councillors Baxter, Chant, Crowther, Gallen, Hampton, Irwin, King, Roberts, Suffolk, Swientek and Tomlinson, together with the Acting General Manager (Col Cooper), Acting Group Manager-Planning & Development (Matt Kelly); Group Managers - City Works and Business & Enterprise; Manager-Roads & Infrastructure, Manager-Planning Services, Manager-Business & Development, Manager-Finance & Administration, Contracts Officer, Contracts Engineer and Administrative Services Manager.

Apologies/ Nil
Leave of
Absence:

152/00 **Minutes:** The Minutes of the Ordinary Meeting held on June 6, 2000, were confirmed.
(Councillors Irwin/Suffolk)

PUBLIC ACCESS SESSION:

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

Stan Heywood re Rescission Motion and Notice of Motion – Flood Levee Funding

Mr Heywood questioned the need for a flood levee, its benefits to rural people and particularly the style and stability of the levee in Spinks Park.
(00-9037, 00-8945: S106)

Scott Sledge re Rescission Motion and Notice of Motion – Nimbin Community Development Association

Mr Sledge advised he was Secretary of the Nimbin Community Development Association and detailed his involvement with the Association. He stressed the community nature of the Centre and sought equity with other halls.
(00-8533, 00-8535: S164)

Daryl Winkler re Report – 2000/2001 Management Plan

(See Minute No. 156/00)

Mr Winkler, President of the Dunoon Soccer Club, raised concerns at the rate of increase on ground hire fees to the Club, emphasising the adverse impact such increases would have on the long term viability of the Club.
(S755)

CONDOLENCE:

Late J K (Ken) Armstrong

The Mayor drew the meeting's attention to the passing of James Kenneth (Ken) Armstrong. Ken served as a Councillor on Terania Shire Council for 15 years from 1956 to 1971 and was Deputy President from 1969 to 1971. Ken's service to local

government was recognised by the Shires Association in 1971 when he was presented with a plaque.

- 153/00 The Mayor moved that Council's expressions of sympathy be conveyed to the family of the Late Ken Armstrong and the motion was carried with members standing and observing the customary moment's silence. (S75)

DISCLOSURE OF INTEREST:

S459

Councillor Chant declared an interest in report "DA00/263 – Bulky Goods Showroom and Retail Facility - BBC Hardwarehouse – 2 Bruxner Highway, South Lismore (Landowner).

RESCISSION MOTIONS:

Flood Levee Funding

Formal notice having been given by Councillors Irwin, Roberts and Tomlinson it was MOVED that we hereby are lodging a motion to rescind the Council's decision in regard to flood levee funding at the meeting of June 6, 2000 (Min. No. 137/00).

(Councillors Irwin/Roberts/)

On submission to the meeting the MOTION was DEFEATED.

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

(00-9037: S106)

Nimbin Community Development Association

(Copy attached)

Formal notice was given by Councillors Irwin, Roberts and Tomlinson that the decision made at the meeting held on June 6, 2000 relating to the Nimbin Community Development Association be rescinded.

The Mayor declared the motion out of order.

(00-8533: S164)

Carparking at Nimbin

(Copy attached)

- 154/00 Formal notice having been given by Councillors Roberts, Irwin and Tomlinson it was **RESOLVED** that the decision made at the meeting held June 6, 2000 relating to carparking in Nimbin be rescinded.

A MOTION WAS MOVED -

- 1 That Council proceed to develop a staged plan for the construction of the carpark from the southern end to a point clear of the existing School buildings at a total project cost of \$175,000 to include through vehicular access to Cullen Street as detailed in the Section 94 Plan.
- 2 That Council works to the value of \$60,000 be carried out in 2000/2001 utilising the funds from the Cullen Street Calming Reserve, Car Parking Reserve and Nimbin Street Trees Section 94 funds to include linemarking, erection of a 1.8 m chain mesh fence with lockable pedestrian gates and beautification works to a minimum value of \$3,900.
- 3 That a financial plan be developed to provide the necessary funds in future years for the work to take place in viable units of no less than \$60,000.
- 4 That Council install a low-cost slow point and pedestrian refuge, approximately 12m south of the existing crossing. (estimated Cost \$4,000)

(Councillors Roberts/Irwin)

AN AMENDMENT WAS MOVED that –

- 1 That Council proceed to develop a staged plan for the construction of the carpark from the southern end to a point clear of the existing School buildings at a total project cost of \$175,000 to include through vehicular access to Cullen Street as detailed in the Section 94 Plan.
- 2 That Council works to the value of \$60,000 be carried out in 2000/2001 utilising the funds from the Cullen Street Calming Reserve, Car Parking Reserve and Nimbin Street Trees Section 94 funds to include linemarking, erection of a 1.8 m chain mesh fence with lockable pedestrian gates and beautification works to a minimum value of \$3,900.
- 3 That a financial plan be developed to provide the necessary funds in future years for the work to take place in viable units of no less than \$60,000.
- 4 That Council install a low-cost slow point and pedestrian refuge, approximately 12m south of the existing crossing. (estimated Cost \$4,000).
- 5 The construction of the carpark be conditional upon Council obtaining a Right-of-Way to the street to serve the northern end of the carpark.

(Councillors Gates/Baxter)

The voting being tied the Mayor declared the amendment APPROVED on his casting vote.

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

155/00 **RESOLVED** that –

- 1 That Council proceed to develop a staged plan for the construction of the carpark from the southern end to a point clear of the existing School buildings at a total project cost of \$175,000 to include through vehicular access to Cullen Street as detailed in the Section 94 Plan.
- 2 That Council works to the value of \$60,000 be carried out in 2000/2001 utilising the funds from the Cullen Street Calming Reserve, Car Parking Reserve and Nimbin Street Trees Section 94 funds to include linemarking, erection of a 1.8 m chain mesh fence with lockable pedestrian gates and beautification works to a minimum value of \$3,900.
- 3 That a financial plan be developed to provide the necessary funds in future years for the work to take place in viable units of no less than \$60,000.
- 4 That Council install a low-cost slow point and pedestrian refuge, approximately 12m south of the existing crossing. (estimated Cost \$4,000).
- 5 The construction of the carpark be conditional upon Council obtaining a Right-of-Way to the street to serve the northern end of the carpark.

(Councillors Gates/Baxter)

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

(00-8536: R1701)

NOTICE OF MOTIONS:

Flood Levee Costings

(Copy attached)

Formal notice was given by Councillor Irwin that this Council is concerned that the costings for the flood levee on which Council is making its decisions are over 2 years old.

To ensure that the community is protected against a blow-out in the amount that Lismore ratepayers have to contribute to the project, no further funds be committed to the project beyond 2000/2001 until:

- 1 A report is provided to Council giving a revised cost estimate for the flood levee from the 1998 costings which appear in the EIS.

- 2 The State/Federal Government give a commitment for a 2:2:1 funding formula for future years.
- 3 Council receives advice on its application for a special rate variation.
This motion was not considered.
(00-8945: S106)

Policy No. 1.4.11 – Nimbin Community Centre

(Copy attached)

Formal notice having been given by Councillor Roberts it was MOVED that Council amend Policy No. 1.4.11 to include the Nimbin Community Centre.

(Councillors Roberts/Irwin)

The voting being tied the Mayor declared the amendment DEFEATED on his casting vote.

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

(00-8535: S164)

REPORTS:

2000/2001 Management Plan

(Copy attached)

A MOTION WAS MOVED that the report be received and -

- 1 The additional \$256,000 from the NSW Local Government Grants Commission be allocated to:
 - a) \$45,200 for road rehabilitation
 - b) \$177,800 be held in reserve pending the outcome of the skills related back pay and finalisation of the Far North Coast County Council funding formula.
 - c) \$33,000 for improvement to lighting in Oakes Oval.
- 2 The redistributable savings of \$150,400 in superannuation contribution for salaries be reserved to fund the Skill Related Back Pay. On settlement of the claim and if any funds remain unexpended, a report is to be submitted to Council for further redistribution.
- 3 The Group Manager – City Works request the NSW Minister for Roads to ‘match’ the additional \$136,000 received from the Roads & Traffic Authority for works on Regional Roads.
- 4 Should the Group Manager – City Works be unsuccessful in gaining matching funds, the additional \$136,000 be applied to either enhancement or rehabilitation works as determined by Council.
- 5 A budget of \$500 be made available to the Lismore Council Access Committee to fund transport costs of committee members.
- 6 Far North Coast County Council be advised that financial support of the Lantana Control Taskforce will not be considered until the full ramification of the change in funding formula is assessed for Lismore.
- 7 All submissions to the 2000/01 Management Plan be received and all issues/concerns raised be noted and a further report be submitted relating to the completion of The Channon Walking Trail and the charges applicable to the Dunoon Soccer Club.
- 8 The amount provided for the operation of the Broadwater Ferry be reduced by \$21,800 and re-allocated to general working funds.
- 9 Council re-allocate \$450,000 set aside from CBD Beautification to a Flood Mitigation Contingency Fund.

(Councillors Swientek/Gallen)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 The additional \$256,000 from the NSW Local Government Grants Commission be allocated to:
 - a) \$45,200 for road rehabilitation
 - b) \$177,800 be held in reserve pending the outcome of the skills related back pay and finalisation of the Far North Coast County Council funding formula.
 - c) \$33,000 for improvement to lighting in Oakes Oval.
- 2 The redistributable savings of \$150,400 in superannuation contribution for salaries be reserved to fund the Skill Related Back Pay. On settlement of the claim and if any funds remain unexpended, a report is to be submitted to Council for further redistribution.
- 3 The Group Manager – City Works request the NSW Minister for Roads to ‘match’ the additional \$136,000 received from the Roads & Traffic Authority for works on Regional Roads.
- 4 Should the Group Manager – City Works be unsuccessful in gaining matching funds, the additional \$136,000 be applied to either enhancement or rehabilitation works as determined by Council.
- 5 A budget of \$500 be made available to the Lismore Council Access Committee to fund transport costs of committee members.
- 6 Far North Coast County Council be advised that financial support of the Lantana Control Taskforce will not be considered until the full ramification of the change in funding formula is assessed for Lismore.
- 7 All submissions to the 2000/01 Management Plan be received and all issues/concerns raised be noted and a further report be submitted relating to the completion of The Channon Walking Trail and the charges applicable to the Dunoon Soccer Club.
- 8 The amount provided for the operation of the Broadwater Ferry be reduced by \$21,800 and re-allocated to general working funds.

(Councillors Gates/Hampton)

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

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

156/00 **RESOLVED** that the report be received and –

- 1 The additional \$256,000 from the NSW Local Government Grants Commission be allocated to:
 - a) \$45,200 for road rehabilitation
 - b) \$177,800 be held in reserve pending the outcome of the skills related back pay and finalisation of the Far North Coast County Council funding formula.
 - c) \$33,000 for improvement to lighting in Oakes Oval.
- 2 The redistributable savings of \$150,400 in superannuation contribution for salaries be reserved to fund the Skill Related Back Pay. On settlement of the claim and if any funds remain unexpended, a report is to be submitted to Council for further redistribution.
- 3 The Group Manager – City Works request the NSW Minister for Roads to ‘match’ the additional \$136,000 received from the Roads & Traffic Authority for works on Regional Roads.
- 4 Should the Group Manager – City Works be unsuccessful in gaining matching funds, the additional \$136,000 be applied to either enhancement or rehabilitation works as determined by Council.
- 5 A budget of \$500 be made available to the Lismore Council Access Committee to fund transport costs of committee members.

- 6 Far North Coast County Council be advised that financial support of the Lantana Control Taskforce will not be considered until the full ramification of the change in funding formula is assessed for Lismore.
- 7 All submissions to the 2000/01 Management Plan be received and all issues/concerns raised be noted and a further report be submitted relating to the completion of The Channon Walking Trail and the charges applicable to the Dunoon Soccer Club.
- 8 The amount provided for the operation of the Broadwater Ferry be reduced by \$21,800 and re-allocated to general working funds.

(Councillors Gates/Hampton)

Voting Against: Councillors Irwin, Roberts, Swientek and Tomlinson. (S755)

Proposed 2000/2001 Urban and Rural Roads Program

(Copy attached)

157/00

RESOLVED that the report be received and –

- 1 That Council approve the list of “Proposed Roadworks Deemed Essential – 2000/01 Budget” contained in the body of the report.
- 2 That Council approve the “Proposed 2000/01 Rehabilitation Program” contained in the body of the report.

(Councillors Crowther/Tomlinson) (S745)

DA00/263 – BBC Hardwarehouse – 2 Bruxner Highway, South Lismore

(Copy attached)

S459

Councillor Chant declared an interest in this matter (landowner) and left the Chamber during discussion and voting thereon.

A MOTION WAS MOVED that the report be received and –

A That Council grant delegated authority to the General Manager 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 the application be approved, subject to:

PLANNING

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) under Project No. 864 (Drawing No's 121 and 123 – 137 inclusive, Amend B dated 6/4/2000; and Drawing No. 122 Amend D dated 10/5/2000); Drawing 12055-D-001 and 002 Revision 1 dated 7/4/2000; and Drawing L0084/01 dated 13/4/2000 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)*

2 Completion of all conditions contained in Subdivision Application DA99/222 and registration of the plans of subdivision under that approval prior to commencement of any construction works contained in this approval.

Reason: *To ensure pre-requisite requirements are met.*

- 3 Completion of all conditions of consent contained in Bulk Earthworks approval DA00/117 as relevant to proposed Lot 10 prior to commencement of any construction works contained in this approval.

Reason: To ensure pre-requisite requirements are met.

- 4 Formal rescission of the 20.116 metre wide electricity transmission line under DP 186233 which traverses the site.

Reason: To remove an impediment to the development.

BUILDING

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

- (a) Carry out water supply work.

- 5 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.

(f) Final – the development has been completed in accordance with the requirements of the Development Consent.

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.

- 6 The building is not to be occupied until an Occupation Certificate is issued by the Principal Certifying Authority.

Reason: To meet statutory requirements and to ensure compliance with this approval.

- 7 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 78H of the Environmental Planning and Assessment Regulation.

- 8 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 78G of the Environmental Planning and Assessment Regulation.

- 9 Temporary toilet facilities must be provided on the site, prior to commencement of building work and must be maintained until permanent facilities are provided. Pit or pan toilets are not permitted without the prior consent of Council.

Reason: To ensure the provision of minimum amenities to the site.

- 10 An application pursuant to Section 68 of the Local Government Act 1993 for the activity of carrying out stormwater and sewerage work. In this regard full details are to be submitted to Council and approved PRIOR TO THE RELEASE OF THE CONSTRUCTION CERTIFICATE. Stormwater details are to be prepared by a hydraulic engineer.

Reason: *To ensure compliance with the Local Government Act, 1993.*

- 11 Prior to the release of the Construction Certificate, documentary evidence from a practising consulting Engineer experienced in soil mechanics be submitted to the Principal Certifying Authority for approval, certifying that proper investigation has been made and the site is stable and suitable for building purposes.

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

WATER

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

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

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

- 13 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 submitted prior to the release of the Construction Certificate.

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

- 14 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".*

- 15 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))*

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

The contributions set out in the schedule are exclusive of any GST (if any) and if the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs after July 1, 2000, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined

below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

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

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

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

Reason: *To provide funds for the provision of services and facilities identified in Lismore City Council's Section 64 Contributions Plan dated February 1996 as required by the increased population or activity. (EPA Act Sec 94)*

DRAINAGE

17 Measures shall be put in place to control storm water 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 re-vegetated. 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 re-vegetation. Details of sediment control measures and re-vegetation 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))*

18 The proponent shall make satisfactory provision for storm water to be directed through piped drains that are constructed according to Council's Development, Design and Construction Manual (as amended). All roof water from any proposed building and/or surface water from paved areas shall be directed to a Council approved drainage system. All piped drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the 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))*

19 Prior to the issue of a final Construction Certificate by the Principal Certifying Authority, a suitably qualified person is required to furnish a Compliance Certificate confirming:

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

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

- 20 All storm water emanating from the development site shall be piped underground through the site and such pipes shall be contained within easements under section 88B of the Conveyancing Act. The drainage system shall be designed so that all storm water, which emanates from the site or drains through the site, is collected and transported to the retention basin provided at the eastern end of the site.

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))

- 21 Prior to the issue of a Construction Certificate the proponent shall provide a full set of storm water design computations and construction drawings, which have been prepared in accordance with Council's Development, Design and Construction Manual (as amended).

Particular care should be taken to ensure that the outfall of any piped drains and the outfall of the proposed open drain along the southern boundary of the development, is designed and detailed to dissipate outfall velocities to below 0.5m/s. The outfall should also be designed to spread the outfall storm water across a broad area and into the filter zone of the retention/sediment basin.

If it is required to drain development site flows into existing drainage lines, design computations shall be submitted which show that the existing system can accommodate the anticipated design flows.

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, and that the existing infrastructure is able to accommodate the additional development storm water flows. (EPA Act Sec 79C(b))

- 22 The provision of the open drain on the southern boundary of the proposed development shall be undertaken in a manner that promotes the retention of the natural environment and resembles a natural watercourse when viewed from surrounding properties. As much as possible, indigenous vegetation should be employed to provide a filter medium for stormwater flow through the open drain.

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

EARTHWORKS

- 23 Prior to release of the Construction Certificate, 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))

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

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

- 25 Bulk earthworks shall not commence on site before the release of the Construction Certificate.

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

ROADS

- 26 The proponent shall provide the following road works with associated storm water 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 road works include:

Three Chain Road

Reconstruction of Three Chain Road with kerb and gutter on both sides and a 10m minimum width asphalt road, measured from the face of the kerb to the road centreline, from the entry point of the internal access road to the taper of the roundabout on the Bruxner Highway. The minimum requirement for composition of the pavement shall be as follows:

- 225mm sub-base course pavement of DGS20 FCR
- 225mm base course pavement of DGB20 FCR
- 50mm wearing course of 10mm nominal size heavy grade asphalt

Three Chain Road-Bruxner Highway Intersection

Reconstruction of the approach taper layout of the roundabout at the intersection of the Bruxner Highway and Three Chain Road in accordance with AUSTRROADS Pt 6 "Roundabouts" giving particular attention to large vehicle turning circles and the transition of the Three Chain Road pavement and the taper entry to the roundabout.

Internal Access Road

Construction of and asphalt sealed road of minimum width 6m from Three Chain Road to the entry to the development on the northeast corner of the lot in accordance with the following minimum standards:

- 225mm sub-base course pavement of DGS20 FCR
- 225mm base course pavement of DGB20 FCR
- 50mm wearing course of 10mm nominal size heavy grade asphalt

An easement for Right-of-Carriageway under Section 88K of the Conveyancing Act shall be created over the proposed Lot 11 to the benefit of the proposed Lot 10 and must be registered with the Titles Office prior to granting of the Construction Certificate.

Bruxner Highway Access

Construction of and asphalt sealed left hand turn slot of minimum width 3m in accordance with the following minimum standards:

- 225mm sub-base course pavement of DGS20 FCR
 - 225mm base course pavement of DGB20 FCR
 - 50mm wearing course of 10mm nominal size heavy grade asphalt
 - Storage length for vehicles shall be 30m
 - Taper length shall be 30m
 - Provision of a traffic control island designed to restrict vehicles from turning left into the Bruxner Highway and with a concrete (or other approved material) median built as an integral part of the island. The median shall be 600mm wide and shall extend 20m north along the left turn storage lane.
 - The traffic island shall make provision to allow for the safe passage of cyclists.
-

No exit from the site shall be permitted from this access point and all entry to the site at this point shall be via the left hand turn slot.

All the above shall be subject to soil investigation and design in accordance with soil test results and the CBR of the sub-grade.

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))*

VEHICULAR ACCESS

27 Driveways, access aisles and parking areas shall be provided to the following standard:

- Domestic vehicle car park shall have a pavement composed of 300mm DGB20 FCR with a wearing course of 30mm thick, 10mm nominal size Type N asphalt
- Domestic vehicle access road shall be of minimum width 7.5m between kerb inverts and shall have a pavement composed of 300mm DGB20 FCR with a wearing course of 30mm thick, 10mm nominal size Type N asphalt. Kerb and gutter shall be constructed throughout the car park area and on both sides of the access road and shall be 300mm tray barrier kerb.
- The commercial vehicle and truck access road shall be of minimum width 6m but will require widening at locations indicated on the plans, and shall have a minimum pavement composition as follows:
 - 225mm sub-base course pavement of DGS20 FCR
 - 225mm base course pavement of DGB20 FCR
 - 50mm wearing course of 10mm nominal size heavy grade asphalt

All the above shall be subject to soil investigation and design in accordance with soil test results

The resulting pavement shall be 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))*

28 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))*

29 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 Car parking 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))*

30 To assist with the traffic management of the site the following signage shall be erected and complied with:

- Painted direction arrows within the car parks and on the internal access roads
- "No Trucks beyond this point" sign near the north east corner of the building to restrict the entry of trucks into the domestic vehicle access road and car park
- "No Right turn" sign at the Bruxner Highway entry/exit
- "No Trucks to enter" sign at the Bruxner Highway entry

- “Give Way” sign at both the Bruxner Highway exit and the intersection of the truck entry road and the exit road for vehicles leaving the site.
- “Cyclists Dismount” signs on the north and south approaches of the existing bicycle path at the Bruxner Highway entrance.

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

- 31 The entry point from the Bruxner Highway shall be restricted to the use by domestic passenger vehicles and utilities and shall be entry only from the left turn slot. Exit for all vehicles from the development shall be from the Three Chain Road entrance. Trucks and large commercial vehicles shall access and leave the site from the Three Chain Road entrance.

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

- 32 Provision shall be made for the car parking spaces as indicated on the plans submitted with the DA and shall be constructed to the standard stipulated in condition 26. The car park area shall be landscaped in accordance with the requirements of the Council's Development Control Plan No. 18 Off Street Car Parking Requirements. Documentary evidence shall be submitted to the Principal Certifying Authority prior to the release of an Occupation Certificate.

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

PEDESTRIAN ACCESS

- 33 Provision shall be made for safe pedestrian access from parking areas to the buildings and should include path paving where appropriate, and line marked safe refuges and access ways. A speed limit of 10kph should be enforced throughout the internal parking areas and access ways.

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

- 34 Provision shall be made for the continuation of the existing bicycle path through the proposed entry treatment at the Bruxner Highway entrance to the development including a treatment to ensure the safe passage of cyclists through the entry road intersection traffic island.

Reason: *To ensure that the safety of cyclists and pedestrians crossing the access to the development is maintained. (EPA Act Sec 79C(c))*

PUBLIC UTILITIES

- 35 Prior to the issuing of the Construction Certificate, the proponent shall commit to install a 400 watt high pressure sodium vapour street light at a location mid-way along the left hand turn island. The proponent must have written evidence that a contract has been entered into with the authorised electricity supplier for the supply and installation of the street light. The use of the development for which this consent is issued, shall not be permitted until the street light is in operation

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

- 36 Any illumination proposed for the 3 masts over the front entry of the building is to comply with the requirements of “Rules and Practices for Aerodromes” Chapter 12 Section 1 Appendix 1.

Reason: *To ensure compliance with aviation requirements.*

ENVIRONMENTAL HEALTH

- 37 An impermeable bunded and roofed on site storage area shall be provided to contain any bulk storage of oils, contaminants or pollutants. Full details shall be submitted to Council prior to the issuing of the Construction Certificate.

(NB: This condition does not relate to or include retail store and shelf items.)

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

- 38 The fit out and construction of the refreshment area is to be in accordance with Council's "Food Premises Code". The details are to be submitted to Council for approval prior to the release of the Construction Certificate.
Reason: *To provide adequate food safety in accordance with Council's Food Premises Code.*
- 39 The soil and water management plan is to be submitted and approved by Council prior to the release of the construction certificate.
The Soil and Water Management Plan must include and address the following issues:
- Adequate erosion and sedimentation control works;
 - Stabilisation and revegetation works;
 - Spillway management;
 - Quality of water in the sedimentation basin and the quality of water to be achieved prior to discharge to the Wilson's River. The quality of the water to be no less that that of the receival waters;
 - The staging of all works and the continual monitoring and management of the development during the construction and post construction stages;
 - Routine assessment of performance of erosion and sediment control works, both on a regular basis and following rain events;
 - Attention should be given to the design of the outlet of the sedimentation basin so as to ensure that there is adequate long-term protection against erosion and/or slumping of the riverbank at the point of entry into Wilsons River. Provision should be made for ongoing maintenance of this outlet in the long term, to ensure that it doesn't develop erosion problems in the years following completion of works.
- Reason:** *To protect the environment. (EPA Act Sec 79C(b))*
- 40 Full details of the collection, treatment and recycle of water for the indoor nursery and outdoor nursery are to be submitted and approved by Council prior to the release of the Construction Certificate. Design is to be in accordance with "Nursery Industry Water Management, Best Practice Guidelines", 1997, prepared by the Nursery Industry Association of Australia.
Reason: *To protect the environment. (EPA Act Sec 79C(b))*
- 41 Details of the stormwater pre-treatment devices to control sediments, oils and grease and gross pollutants from the development are to be submitted to Council for approval prior to the release of the Construction Certificate.
Reason: *To protect the environment. (EPA Act Sec 79C(b))*
- 42 Any stormwater, which has the potential to transport pollutants, shall be treated on site prior to entry into the reticulated stormwater system and the sedimentation basin.
Reason: *To protect the environment. (EPA Act Sec 79C(b))*
- 43 Full engineering details, including plans and specifications, performance standards, maintenance requirements etc and proposed location of the stormwater pre-treatment devices must be submitted to Council for approval prior to release of the Construction Certificate.
Reason: *To protect the environment. (EPA Act Sec 79C(b))*
- 44 Design details of the stormwater outfall from the Northern and Southern boundaries to the sedimentation basin are to be submitted to Council for approval prior to the release of the Construction Certificate. The design is to complement the existing natural environment and measures are to improve the quality of stormwater prior to entry to the sedimentation basin.
Reason: *To protect the environment. (EPA Act Sec 79C(b))*
-

- 45 All plumbing and drainage work associated with the Trade Waste installation are to be inspected and approved by Council's Water and Wastewater Section. A works-as-executed Drainage Diagram shall be submitted to Council on completion of works.

Reason: *To ensure adequate protection of utility services and to ensure compliance with the Trade Waste Approval. (EPA Act Sec 79C(b))*

CARPARKING

- 46 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))*

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

Reason: *To ensure that adequate provision is made for access to and from the development for disabled people. (EPA Act Sec 79C(b))*

LANDSCAPING

- 48 A detailed landscaping plan (in duplicate) shall be submitted to the Principal Certifying Authority prior to release of the Construction Certificate. Landscaping plans shall be in accordance with Council's Landscaping Code and relevant Development Control Plans. Species identified in Council's Landscaping Code shall be planted wherever possible. Landscaping plans shall indicate:

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

Principal Certifying Authority approved landscaping shall be completed prior to the release of the Occupation Certificate/Subdivision Certificate and 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))*

- 49 Relocation of the three Small-fruited figs to alternative Highway locations to the direction of Council's City Works/Parks and Reserves Departments.

Reason: *To preserve the streetscape amenity and to preserve the existing trees.*

FLOODING

- 50 In accordance with this development consent and in the event of flood waters entering the site, reasonable action shall be taken to minimise damage to machinery, equipment, goods or other property stored in the site upon the land.

Reason: *To ensure adequate protection from frequent flooding. (EPA Act Section 79C(c))*

AMENITY

- 51 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))*

52 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))

53 No goods shall be offered for sale or displayed on the footpath including advertising billboards.

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

54 Operating hours shall be:

- Monday – Friday 7.00am to 10.00pm
- Weekends and Public Holidays 8.00am to 6.00pm

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

SECTION 94 LEVIES

55 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 **\$46,730**, 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 Construction Certificate is granted.

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

The contributions set out in the schedule are exclusive of any GST (if any) and if the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs after July 1, 2000, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

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

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

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

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)

56 If the provision of services or the construction of any infrastructure or any other thing required by this consent occurs after July 1, 2000 and a GST is payable by Council, the applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of this consent.

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

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

Reason: *To cater for newly introduced GST provisions.*

ADVISORY NOTES

NOTE 1: Water and/or Sewerage Headworks levies payable under the Water Supply Authorities Act 1987 totalling **\$9,609** will need to be paid to Council prior to Council issuing a Construction Certificate under s.26 of the Water Supply Authorities Act 1987. The contributions set out in the schedule are exclusive of any GST (if any) and if the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs after July 1, 2000, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

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

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

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

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

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

NOTE 6: If any activity commences within the development which produces trade wastes, an application to discharge trade waste, including a plan that contains all details of the proposed trade waste installation shall be submitted to Council for approval.

C That the issue of a left turn out onto Bruxner Highway be reviewed during the construction of the development.

(Councillors Crowther/Hampton)

AN AMENDMENT WAS MOVED that the report be received and the development be approved as per the motion subject to the inclusion of condition 57, to read -

57 The proposed landuse shall not result in the emission of offensive noise.

Offensive noise means: noise that by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstance, is likely to:

- a) be harmful to,
- b) be offensive to,
- c) interfere unreasonably with the comfort or repose of, a person who is:
 - (i) if the offensive noise is made in premises that are not a public place - outside those premises, or
 - (ii) if the offensive noise is made in premises that are a public place - within or outside those premises.

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

and amendment of condition 54 to read –

54 Operating hours shall be:

- Monday – Friday 7.00am to 10.00pm
- Weekends and Public Holidays 8.00am to 6.00pm

NB: The hours of work for any offensive noise generating activity during the construction phase be limited to:

- Monday - Saturdays during daylight hours

With no offensive noise generating activities 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))*

(Councillors Roberts/Irwin)

On submission to the meeting the AMENDMENT was DEFEATED.

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

158/00 **RESOLVED** that the report be received and –

A That Council grant delegated authority to the General Manager 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 the application be approved, subject to:

PLANNING

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) under Project No. 864 (Drawing No's 121 and 123 – 137 inclusive, Amend B dated 6/4/2000; and Drawing No. 122 Amend D dated 10/5/2000); Drawing 12055-D-001 and 002 Revision 1 dated 7/4/2000; and Drawing L0084/01 dated 13/4/2000 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)*

- 2 Completion of all conditions contained in Subdivision Application DA99/222 and registration of the plans of subdivision under that approval prior to commencement of any construction works contained in this approval.
Reason: *To ensure pre-requisite requirements are met.*
- 3 Completion of all conditions of consent contained in Bulk Earthworks approval DA00/117 as relevant to proposed Lot 10 prior to commencement of any construction works contained in this approval.
Reason: *To ensure pre-requisite requirements are met.*
- 4 Formal rescission of the 20.116 metre wide electricity transmission line under DP 186233 which traverses the site.
Reason: *To remove an impediment to the development.*

BUILDING

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

- (a) Carry out water supply work.
- 5 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.
- (f) Final – the development has been completed in accordance with the requirements of the Development Consent.

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.*

- 6 The building is not to be occupied until an Occupation Certificate is issued by the Principal Certifying Authority.
Reason: *To meet statutory requirements and to ensure compliance with this approval.*
- 7 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 78H of the Environmental Planning and Assessment Regulation.*
- 8 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 78G of the Environmental Planning and Assessment Regulation.*

- 9 Temporary toilet facilities must be provided on the site, prior to commencement of building work and must be maintained until permanent facilities are provided. Pit or pan toilets are not permitted without the prior consent of Council.

Reason: *To ensure the provision of minimum amenities to the site.*

- 10 An application pursuant to Section 68 of the Local Government Act 1993 for the activity of carrying out stormwater and sewerage work. In this regard full details are to be submitted to Council and approved PRIOR TO THE RELEASE OF THE CONSTRUCTION CERTIFICATE. Stormwater details are to be prepared by a hydraulic engineer.

Reason: *To ensure compliance with the Local Government Act, 1993.*

- 11 Prior to the release of the Construction Certificate, documentary evidence from a practising consulting Engineer experienced in soil mechanics be submitted to the Principal Certifying Authority for approval, certifying that proper investigation has been made and the site is stable and suitable for building purposes.

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

WATER

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

- a) A conventional gravity sewer reticulation that comprises a sewer junction to service the lowest ground level of the allotment. Sewerage works shall be designed and constructed in accordance with Lismore City Council's adopted standards. Any costs shall be the responsibility of the proponent. The proponent shall be responsible for the full cost of any associated sewerage maintenance considered necessary by Lismore City Council's Manager-Water and Sewerage for a period of twelve months from the date of approval of the work.

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

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

- 13 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 submitted prior to the release of the Construction Certificate.

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

- 14 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".*

- 15 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))*

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

The contributions set out in the schedule are exclusive of any GST (if any) and if the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs after July 1, 2000, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

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

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

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

Reason: *To provide funds for the provision of services and facilities identified in Lismore City Council's Section 64 Contributions Plan dated February 1996 as required by the increased population or activity. (EPA Act Sec 94)*

DRAINAGE

17 Measures shall be put in place to control storm water 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 re-vegetated. 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 re-vegetation. Details of sediment control measures and re-vegetation 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))*

18 The proponent shall make satisfactory provision for storm water to be directed through piped drains that are constructed according to Council's Development, Design and Construction Manual (as amended). All roof water from any proposed building and/or surface water from paved areas shall be directed to a Council approved drainage system. All piped drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the 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))*

19 Prior to the issue of a final Construction Certificate by the Principal Certifying Authority, a suitably qualified person is required to furnish a Compliance Certificate confirming:

- all drainage lines have been located within the respective easements, and
- road works are in accordance with the approved design plan,
- any other structures like retaining walls are located in accordance with the Construction Certificate,
- all storm water has been directed to a Council approved drainage system,

- all conditions of consent/approval have been complied with.

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

- 20 All storm water emanating from the development site shall be piped underground through the site and such pipes shall be contained within easements under section 88B of the Conveyancing Act. The drainage system shall be designed so that all storm water, which emanates from the site or drains through the site, is collected and transported to the retention basin provided at the eastern end of the site.

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))*

- 21 Prior to the issue of a Construction Certificate the proponent shall provide a full set of storm water design computations and construction drawings, which have been prepared in accordance with Council's Development, Design and Construction Manual (as amended). Particular care should be taken to ensure that the outfall of any piped drains and the outfall of the proposed open drain along the southern boundary of the development, is designed and detailed to dissipate outfall velocities to below 0.5m/s. The outfall should also be designed to spread the outfall storm water across a broad area and into the filter zone of the retention/sediment basin.

If it is required to drain development site flows into existing drainage lines, design computations shall be submitted which show that the existing system can accommodate the anticipated design flows.

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, and that the existing infrastructure is able to accommodate the additional development storm water flows. (EPA Act Sec 79C(b))*

- 22 The provision of the open drain on the southern boundary of the proposed development shall be undertaken in a manner that promotes the retention of the natural environment and resembles a natural watercourse when viewed from surrounding properties. As much as possible, indigenous vegetation should be employed to provide a filter medium for stormwater flow through the open drain.

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

EARTHWORKS

- 23 Prior to release of the Construction Certificate, 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))*

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

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

- 25 Bulk earthworks shall not commence on site before the release of the Construction Certificate.

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

ROADS

- 26 The proponent shall provide the following road works with associated storm water 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 road works include:

Three Chain Road

Reconstruction of Three Chain Road with kerb and gutter on both sides and a 10m minimum width asphalt road, measured from the face of the kerb to the road centreline, from the entry point of the internal access road to the taper of the roundabout on the Bruxner Highway. The minimum requirement for composition of the pavement shall be as follows:

- 225mm sub-base course pavement of DGS20 FCR
- 225mm base course pavement of DGB20 FCR
- 50mm wearing course of 10mm nominal size heavy grade asphalt

Three Chain Road-Bruxner Highway Intersection

Reconstruction of the approach taper layout of the roundabout at the intersection of the Bruxner Highway and Three Chain Road in accordance with AUSTRROADS Pt 6 "Roundabouts" giving particular attention to large vehicle turning circles and the transition of the Three Chain Road pavement and the taper entry to the roundabout.

Internal Access Road

Construction of and asphalt sealed road of minimum width 6m from Three Chain Road to the entry to the development on the northeast corner of the lot in accordance with the following minimum standards:

- 225mm sub-base course pavement of DGS20 FCR
- 225mm base course pavement of DGB20 FCR
- 50mm wearing course of 10mm nominal size heavy grade asphalt

An easement for Right-of-Carriageway under Section 88K of the Conveyancing Act shall be created over the proposed Lot 11 to the benefit of the proposed Lot 10 and must be registered with the Titles Office prior to granting of the Construction Certificate.

Bruxner Highway Access

Construction of and asphalt sealed left hand turn slot of minimum width 3m in accordance with the following minimum standards:

- 225mm sub-base course pavement of DGS20 FCR
 - 225mm base course pavement of DGB20 FCR
 - 50mm wearing course of 10mm nominal size heavy grade asphalt
 - Storage length for vehicles shall be 30m
 - Taper length shall be 30m
 - Provision of a traffic control island designed to restrict vehicles from turning left into the Bruxner Highway and with a concrete (or other approved material)
-

median built as an integral part of the island. The median shall be 600mm wide and shall extend 20m north along the left turn storage lane.

- The traffic island shall make provision to allow for the safe passage of cyclists. No exit from the site shall be permitted from this access point and all entry to the site at this point shall be via the left hand turn slot.

All the above shall be subject to soil investigation and design in accordance with soil test results and the CBR of the sub-grade.

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))*

VEHICULAR ACCESS

27 Driveways, access aisles and parking areas shall be provided to the following standard:

- Domestic vehicle car park shall have a pavement composed of 300mm DGB20 FCR with a wearing course of 30mm thick, 10mm nominal size Type N asphalt
- Domestic vehicle access road shall be of minimum width 7.5m between kerb inverts and shall have a pavement composed of 300mm DGB20 FCR with a wearing course of 30mm thick, 10mm nominal size Type N asphalt. Kerb and gutter shall be constructed throughout the car park area and on both sides of the access road and shall be 300mm tray barrier kerb.
- The commercial vehicle and truck access road shall be of minimum width 6m but will require widening at locations indicated on the plans, and shall have a minimum pavement composition as follows:
 - 225mm sub-base course pavement of DGS20 FCR
 - 225mm base course pavement of DGB20 FCR
 - 50mm wearing course of 10mm nominal size heavy grade asphalt

All the above shall be subject to soil investigation and design in accordance with soil test results

The resulting pavement shall be 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))*

28 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))*

29 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 Car parking 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))*

30 To assist with the traffic management of the site the following signage shall be erected and complied with:

- Painted direction arrows within the car parks and on the internal access roads
- "No Trucks beyond this point" sign near the north east corner of the building to restrict the entry of trucks into the domestic vehicle access road and car park

- “No Right turn” sign at the Bruxner Highway entry/exit
- “No Trucks to enter” sign at the Bruxner Highway entry
- “Give Way” sign at both the Bruxner Highway exit and the intersection of the truck entry road and the exit road for vehicles leaving the site.
- “Cyclists Dismount” signs on the north and south approaches of the existing bicycle path at the Bruxner Highway entrance.

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

- 31 The entry point from the Bruxner Highway shall be restricted to the use by domestic passenger vehicles and utilities and shall be entry only from the left turn slot. Exit for all vehicles from the development shall be from the Three Chain Road entrance. Trucks and large commercial vehicles shall access and leave the site from the Three Chain Road entrance.

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

- 32 Provision shall be made for the car parking spaces as indicated on the plans submitted with the DA and shall be constructed to the standard stipulated in condition 26. The car park area shall be landscaped in accordance with the requirements of the Council's Development Control Plan No. 18 Off Street Car Parking Requirements. Documentary evidence shall be submitted to the Principal Certifying Authority prior to the release of an Occupation Certificate.

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

PEDESTRIAN ACCESS

- 33 Provision shall be made for safe pedestrian access from parking areas to the buildings and should include path paving where appropriate, and line marked safe refuges and access ways. A speed limit of 10kph should be enforced throughout the internal parking areas and access ways.

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

- 34 Provision shall be made for the continuation of the existing bicycle path through the proposed entry treatment at the Bruxner Highway entrance to the development including a treatment to ensure the safe passage of cyclists through the entry road intersection traffic island.

Reason: *To ensure that the safety of cyclists and pedestrians crossing the access to the development is maintained. (EPA Act Sec 79C(c))*

PUBLIC UTILITIES

- 35 Prior to the issuing of the Construction Certificate, the proponent shall commit to install a 400 watt high pressure sodium vapour street light at a location mid-way along the left hand turn island. The proponent must have written evidence that a contract has been entered into with the authorised electricity supplier for the supply and installation of the street light. The use of the development for which this consent is issued, shall not be permitted until the street light is in operation

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

- 36 Any illumination proposed for the 3 masts over the front entry of the building is to comply with the requirements of “Rules and Practices for Aerodromes” Chapter 12 Section 1 Appendix 1.

Reason: *To ensure compliance with aviation requirements.*

ENVIRONMENTAL HEALTH

- 37 An impermeable bunded and roofed on site storage area shall be provided to contain any bulk storage of oils, contaminants or pollutants. Full details shall be submitted to Council prior to the issuing of the Construction Certificate.

(NB: This condition does not relate to or include retail store and shelf items.)

- Reason:** *To protect the environment. (EPA Act Sec 79C(b))*
- 38 The fit out and construction of the refreshment area is to be in accordance with Council's "Food Premises Code". The details are to be submitted to Council for approval prior to the release of the Construction Certificate.
Reason: *To provide adequate food safety in accordance with Council's Food Premises Code.*
- 39 The soil and water management plan is to be submitted and approved by Council prior to the release of the construction certificate.
The Soil and Water Management Plan must include and address the following issues:
- Adequate erosion and sedimentation control works;
 - Stabilisation and revegetation works;
 - Spillway management;
 - Quality of water in the sedimentation basin and the quality of water to be achieved prior to discharge to the Wilson's River. The quality of the water to be no less that that of the receival waters;
 - The staging of all works and the continual monitoring and management of the development during the construction and post construction stages;
 - Routine assessment of performance of erosion and sediment control works, both on a regular basis and following rain events;
 - Attention should be given to the design of the outlet of the sedimentation basin so as to ensure that there is adequate long-term protection against erosion and/or slumping of the riverbank at the point of entry into Wilsons River.
Provision should be made for ongoing maintenance of this outlet in the long term, to ensure that it doesn't develop erosion problems in the years following completion of works.
- Reason:** *To protect the environment. (EPA Act Sec 79C(b))*
- 40 Full details of the collection, treatment and recycle of water for the indoor nursery and outdoor nursery are to be submitted and approved by Council prior to the release of the Construction Certificate. Design is to be in accordance with "Nursery Industry Water Management, Best Practice Guidelines", 1997, prepared by the Nursery Industry Association of Australia.
Reason: *To protect the environment. (EPA Act Sec 79C(b))*
- 41 Details of the stormwater pre-treatment devices to control sediments, oils and grease and gross pollutants from the development are to be submitted to Council for approval prior to the release of the Construction Certificate.
Reason: *To protect the environment. (EPA Act Sec 79C(b))*
- 42 Any stormwater, which has the potential to transport pollutants, shall be treated on site prior to entry into the reticulated stormwater system and the sedimentation basin.
Reason: *To protect the environment. (EPA Act Sec 79C(b))*
- 43 Full engineering details, including plans and specifications, performance standards, maintenance requirements etc and proposed location of the stormwater pre-treatment devices must be submitted to Council for approval prior to release of the Construction Certificate.
Reason: *To protect the environment. (EPA Act Sec 79C(b))*
- 44 Design details of the stormwater outfall from the Northern and Southern boundaries to the sedimentation basin are to be submitted to Council for approval prior to the release of the Construction Certificate. The design is to complement the existing natural environment and measures are to improve the quality of stormwater prior to entry to the sedimentation basin.
Reason: *To protect the environment. (EPA Act Sec 79C(b))*
-

- 45 All plumbing and drainage work associated with the Trade Waste installation are to be inspected and approved by Council's Water and Wastewater Section. A works-as-executed Drainage Diagram shall be submitted to Council on completion of works.

Reason: *To ensure adequate protection of utility services and to ensure compliance with the Trade Waste Approval. (EPA Act Sec 79C(b))*

CARPARKING

- 46 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))*

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

Reason: *To ensure that adequate provision is made for access to and from the development for disabled people. (EPA Act Sec 79C(b))*

LANDSCAPING

- 48 A detailed landscaping plan (in duplicate) shall be submitted to the Principal Certifying Authority prior to release of the Construction Certificate. Landscaping plans shall be in accordance with Council's Landscaping Code and relevant Development Control Plans. Species identified in Council's Landscaping Code shall be planted wherever possible. Landscaping plans shall indicate:

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

Principal Certifying Authority approved landscaping shall be completed prior to the release of the Occupation Certificate/Subdivision Certificate and 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))*

- 49 Relocation of the three Small-fruited figs to alternative Highway locations to the direction of Council's City Works/Parks and Reserves Departments.

Reason: *To preserve the streetscape amenity and to preserve the existing trees.*

FLOODING

- 50 In accordance with this development consent and in the event of flood waters entering the site, reasonable action shall be taken to minimise damage to machinery, equipment, goods or other property stored in the site upon the land.

Reason: *To ensure adequate protection from frequent flooding. (EPA Act Section 79C(c))*

AMENITY

- 51 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))*

- 52 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))

- 53 No goods shall be offered for sale or displayed on the footpath including advertising billboards.

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

- 54 Operating hours shall be:

- Monday – Friday 7.00am to 10.00pm
- Weekends and Public Holidays 8.00am to 6.00pm

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

SECTION 94 LEVIES

- 55 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 **\$46,730**, 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 Construction Certificate is granted.

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

The contributions set out in the schedule are exclusive of any GST (if any) and if the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs after July 1, 2000, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

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

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

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

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)

- 56 If the provision of services or the construction of any infrastructure or any other thing required by this consent occurs after July 1, 2000 and a GST is payable by Council, the applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of this consent.

NB: *GST means any tax levy charge or impost under the authority of any GST law (as defined by the GST Act) and includes GST within the meaning of the GST Act. The GST Act means a New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.*

Reason: To cater for newly introduced GST provisions.

ADVISORY NOTES

NOTE 1: Water and/or Sewerage Headworks levies payable under the Water Supply Authorities Act 1987 totalling **\$9,609** will need to be paid to Council prior to Council issuing a Construction Certificate under s.26 of the Water Supply Authorities Act 1987. The contributions set out in the schedule are exclusive of any GST (if any) and if the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs after July 1, 2000, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

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

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

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

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

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

NOTE 6: If any activity commences within the development which produces trade wastes, an application to discharge trade waste, including a plan that contains all details of the proposed trade waste installation shall be submitted to Council for approval.

C That the issue of a left turn out onto Bruxner Highway be reviewed during the construction of the development.

(Councillors Crowther/Hampton) (D00/263)

Broadwater Bridge

(Copy attached)

159/00

RESOLVED that the report be received and –

- 1 That Council advise Richmond Valley Council that subject to items 2, 3 and 5 below, it is not in a position to contribute to any further over-expenditure on the bridge.
- 2 That Lismore City Council authorise Richmond Valley Council to dispose of the ferry to the best advantage of both Councils and any funds generated from the ferry's disposal be used to help offset the bridge over-expenditure.
- 3 Any savings in the 1999/2000 operating costs of the ferry be forwarded to Richmond Valley Council to help offset the bridge over-expenditure.
- 4 That a new Boundary Works Agreement be entered into with Richmond Valley Council which outlines an equal share of the ongoing bridge maintenance costs, and including that the threshold notification limit be set at \$5,000.
- 5 Council agree to pay half cost of compensation paid to gain access to the riverbed to allow construction of bridge piers – to be funded from savings from Broadwater Ferry operating expenses.

(Councillors Gallen/King)

Voting Against: Councillor Irwin. (S134,D980014)

Lismore Riverbank Strategy

(Copy attached)

160/00

RESOLVED that the report be received and –

- 1 The Lismore Wilsons River Project Strategic Plan be notated in terms of the suggestions made in the submissions received prior to endorsement by Council.
- 2 The Riverbank Committee be requested to continue to develop DA proposals for the various components within the Strategic Plan in consultation with the Group Manager-Business & Enterprise and the General Manager.
- 3 Appropriate public consultation be included in the development of any proposals concerning the Strategic Plan and that management implement a process which ensures all staff are aware of how any proposals in regard to the riverbank should be progressed.

(Councillors Irwin/Roberts) (S640)

Water Schemes – Nimbin

(Copy attached)

161/00

RESOLVED that the report be received and –

- 1 Council adopt the revised estimate of \$186,000 for the Strategy Study for the Nimbin Water Supply Augmentation.
- 2 The additional funding required be allocated from S64 levies.
- 3 Council seek 50% Government subsidy from the DLWC for the revised estimate of \$186,000 for the Nimbin Water Supply Augmentation Strategy Study.
- 4 No further action be taken on this matter before approval of DLWC funding of 50% of the strategy is received.
- 5 Council enter into dialogue with Rous Water on options which might be available.

(Councillors Irwin/Crowther) (S304)

Use of Clean Fill to Develop Flood Prone Land

(Copy attached)

162/00

RESOLVED that the report be received and –

- 1 That Council await the foreshadowed proposal for the use of clean fill/rubble being advanced by the Manager of Waste Services, Kieran Wade.

- 2 That no further action on re-use of any clean fill/rubble be taken pending consideration of (1) above.

- 3 In the interim, suitable hard waste and rubble be accepted at the Wyrallah Road Waste Facility for storage or use at no charge.
(Councillors Swientek/Baxter) (P25041)

Provision for Electrical Supply – Nine Contestable Sites

(Copy attached)

- 163/00 **RESOLVED** that the report be received and –
- 1 That Council not accept any of the tenders received in relation to the tender for the provision of electricity supply.
 - 2 That Council enter into an agreement with Energy Australia in accordance with the State Government supply contract.
 - 3 That staff continue to monitor the situation with regard to street lighting and report back to Council when IPART recommend to the State Government that the legislation be revised to incorporate street lighting as being contestable.
- (Councillors Roberts/Hampton) (T20020)

Acquisition under Voluntary Flood Prone Purchase Scheme – 7 Shannon Street

(Copy attached)

- 164/00 **RESOLVED** that the report be received and –
- 1 Council authorise the General Manager or his delegate to negotiate the purchase of 7 Shannon Street under Flood Mitigation Schemes providing external funding support of at least 2/3 of the property price up to \$90,000.00 plus legal and valuation expenses.
 - 2 The General Manager and Mayor be authorised to sign and seal the Contracts of Sale and Property Transfers as necessary.
- (Councillors Crowther/Baxter) (P8916)

Councillor Questions or Requests for Information

(Copy attached)

- 165/00 **RESOLVED** that the report be received and –
- 1 That Council retain the existing system with the added proviso of a two (2) day turn-around for simple straightforward enquiries and
 - 2 Councillors are encouraged to utilise the Councillor Request procedure for straightforward questions.
- (Councillors Baxter/Gallen) (S43)

Attendance at the Australian Airports Association Conference

(Copy attached)

- 166/00 **RESOLVED** that the report be received and Council authorise the attendance of Councillor John Crowther to the Australian Airports Conference in Perth, Western Australia.
(Councillors King/Chant) (S370)

DOCUMENTS FOR SIGNING AND SEALING:

- 167/00 **RESOLVED** that the following documents be executed under the Common Seal of Council:

Deed of Lease: Council to Permodrive Pty Ltd.

For the Gundurimba Shire Council Building at 59 Magellan Street – 10/7/2000 to 9/1/2001
(00-9720: P6397)

Contract of Sale and Transfer: Sale to Buckley

Lot 17, DP 855155, 6 Bristol Circuit, Goonellabah
(00-8636: P25528)

Lease to Kindermann: Nimbin Transfer Station

Scavenging Rights in respect of recyclable and/or reusable building materials but no other materials - 11 Blade Road, Nimbin – 1/7/2000 – 30/6/2005.
(00-8404: P15978)

Lease to BP Australia Limited

Lots 9/803388 and 11/747121 known as Lismore Airport Aircraft Fuel Site No. 1. -
1/4/2000 to 31/3/2005.
(P17905)
(Councillors Roberts/Hampton)

This concluded the business and the meeting terminated at 9.26 pm.

CONFIRMED this 18TH day of JULY, 2000 at which meeting the signature herein was subscribed.

MAYOR

