



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, MAY 13, 2003, at 6.00pm and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

May 6, 2003

COUNCIL BUSINESS AGENDA

13/5/03

PAGE NO.

PUBLIC ACCESS SESSION:

Mr Jeff Larson and Ms Helen Robinson re Report Proposed Recreation
Area – 229 Borton Road, Tullera

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PUBLIC QUESTION TIME:

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE

CONFIRMATION OF MINUTES – Ordinary meeting 8/4/03
– Extraordinary meeting 6/5/03

CONDOLENCES

DISCLOSURE OF INTEREST

MAYORAL MINUTES

NOTICES OF RESCISSION

NOTICES OF MOTION

1

SUSPENSION OF STANDING ORDERS

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

REPORTS

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COMMITTEE RECOMMENDATIONS

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DOCUMENTS FOR SIGNING AND SEALING

QUESTIONS WITHOUT NOTICE

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE

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NOTICE OF MOTION

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

That an item be placed as a regular agenda item for Council meetings for acceptance of petitions from the community.

Comment

Many Councils have such an arrangement in place, and it allows Council to carry out its obligations as a representative government to accept, listen to, and take note of petitions from citizens without requiring individual Councillors to submit a Notice of Motion to enable that to happen.

COUNCILLOR R M Irwin

DATE April 12, 2003

STAFF COMMENT BY: Group Manager-Corporate & Community Services

Unless there were strict guidelines as to what was deemed a formal petition of importance/substance, I would urge caution in adopting a process that would see acceptance of **all** petitions at a Council meeting.

A petition by definition is a formally drawn up request soliciting some favour, right, mercy or other benefit. Council receives many such requests on a weekly basis, many with multiple signatures and /or based on a "form" letter. Many residents may see their request as fitting the definition of a petition.

The vast majority of these requests are of an operational nature and are rightly handled by staff. In fact the Local Government Act states that the General Manager is responsible for such day-to-day operational matters.

Potentially the receipt of such "petitions" at a Council meeting could stifle the workings of Public Access and deny access by other residents, with matters on the agenda to address Council.

I believe that the opportunity already exists for a person to hand up a petition in Public Question Time. This forum has been used in the past to not only receive petitions, but also present to Council such matters as plaques/letters of appreciation etc.

(03-4340: S43)

LISMORE CITY COUNCIL - Meeting held May 13, 2003

Subject/File No: PROPOSED RECREATION AREA – 229 BORTON ROAD, TULLERA
(CS:MG:DA03/128)

Prepared By: Development Assessment Planner - Chris Soulsby

Reason: Significant number of objectors raised important issues for consideration by Council

Objective: To enable the determination of the development application for a recreation area.

Management Plan Activity: Development Assessment

PRECIS

Applicant: Newton Denny Chapelle, Consulting Surveyors and Planners on behalf of Sheach Consultancy

Zoning: 1(a) General Rural Zone

Location: 229 Borton Road, Tullera, Lot 41 DP 603527. A locality plan is provided as map 1.

Proposal: Recreation Area. (A copy of the DA is provided in the attachments)

Key Issues: The development of this land as a recreation area should not pose any significant planning issues other than noise and traffic generation. However due to the clientele of the facility other significant issues arise. These are: resident objection, relating to crime prevention, access to facilities, management of the recreation area, traffic and unauthorised works.

Manager - Finance & Administration Comments Not required

Public Consultations

The proposal was notified and exhibited in accordance with the provisions of DCP 41. The lodgement date for submissions was extended to enable all interested persons time to lodge a submission. A detailed analysis of the submissions is provided in the S79C(1) (d) assessment. The committee formed to deal with the previous application for a group home (02/668) has been involved in the consultation process. The developer attempted to have pre-lodgement consultation with the residents. There are conflicting reports from the applicant and the objectors as to the success and the intent of the letters sent and the meeting held at Tullera as part of this consultation. Some of these issues are raised in the objector's letters. The veracity of the issues raised out of the pre-lodgement consultation, or lack of it dependent on which side of the argument is accepted, is not a matter for consideration in determination of the DA. It is raised here to bring to the Councillors' attention that there is significant disagreement between the resident objectors and the developer.

Mediation was offered as an option to clarify the issues and where possible to resolve the differences. The resident's committee agreed to be a party to the mediation but the developer declined. The consultant for the developer advised that the mediation was not an option for the developer as the developer had already significantly compromised on the proposed development by removing the residential component and further reduction in the proposal was not an option. The developer however, provided additional written information to the resident's questions. Both the questions and responses are attached for information.

DESCRIPTION OF THE PROPOSAL

The applicant proposes to establish a recreation area on the property. The purpose of the recreation area is to provide a facility for up to eight (8) children and their mentors to undertake outdoor activities at the property. These children reside in other dwellings remote from the property and will be taken to the property for the day. The developer proposes to provide the following activities on the site:

- Flying fox;
- Climbing wall;
- Rope walk;
- Golf tees/greens;
- Area for general activities (ball games).

The children will be accompanied to the site by their mentor and will be supervised all day.

The existing bails will be utilised for storage of equipment and as a lunch area. The applicant has also indicated that the bails will be used for "key mentor meetings" on Mondays. The owner has advised that the management of the consultancy will be undertaken from the existing dwelling as a home occupation.

The developer has undertaken some works without consent. Poles for the flying fox and the climbing wall have been erected and some earthworks for the golf tees have been undertaken. A condition requiring a building certificate and engineering certification for the climbing wall and flying fox could be imposed if Council approves the DA. Building work to provide an awning on the bails has also been commenced without approval. The building work on the bails will be the subject to a separate application. The owner and consultant had been advised verbally and then in writing to cease all unauthorised works. The partial completion of works prior to determination of the DA does not affect Council's ability to determine the application. The unauthorised works do however demonstrate the developer's inclination to carry out activities without consideration for the relevant planning law.

Other works such as clearing of bamboo, dam excavation and the erection of a farm shed have also been undertaken. No approval was required for these works.

ASSESSMENT UNDER THE E.P. & A ACT -

S5A The applicant presented an 8 Part test that concluded that the development will not have a significant impact on flora and fauna in the locality.

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

The relevant environmental planning instruments are:

1. Lismore City Local Environmental Plan 2000; and
2. SEPP 55 Contaminated lands.
3. North Coast Regional Environmental Plan 1988.

North Coast Regional Environmental Plan 1988: The application has demonstrated that the proposal will not adversely impact upon the agricultural capacity of the land. Accordingly the proposal complies with clause 6 of the REP.

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Proposed Recreation Area – 229 Borton Road, Tullera

SEPP 55 Contaminated Land: Whilst SEPP 55 applies to the development site as existing structures are being used it has minimal relevance. The SEPP requires that where a change of use of the land is involved the Council must be satisfied that the level of contamination, if any, is appropriate for the new use. Given the likely level of contamination this may be done by way of a deferred commencement condition to satisfy Council's contaminated lands policy.

Lismore City Local Environmental Plan 2000: Recreation area is defined in schedule 5 of the L.E.P and means:

“An area used for outdoor sporting, leisure or recreation activities and may include clubhouse facilities, spectator facilities or shelters, but (in a table providing general zoning controls) does not include a building or place elsewhere specifically defined in this Schedule”.

The land is zoned 1(a) Rural General and the proposed use is not listed as being prohibited. Clause 29(3) requires that Council must form the opinion that the development is consistent with objectives of the zone in order to approve of the development. All uses other than those listed as prohibited or advertised development (permissible with consent) are permissible with consent if Council forms the requisite opinion that the use is consistent with the zone objectives.

The zone objectives are set out as follows:

- (a) to maintain and encourage sustainable agricultural activities within the zone, and*
- (b) to enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment, and*
- (c) to discourage the fragmentation of rural land, and*
- (d) to restrict the establishment of inappropriate traffic generating uses along main road frontages, and*
- (e) to enable the provision of rural tourist accommodation and facilities only where such facilities are compatible with the form and density of the nature of the locality.*

The proposal is not inconsistent with objectives a), b) and c) as agriculture can still be practised on the remainder of the site and the proposal will not impact upon agriculture on the adjoining properties. In the long term, the development will not sterilise the site's use for agricultural pursuits if the use of the recreation area ceases. The proposal does not involve subdivision so it will not fragment rural land and is not incompatible with objective c). Objectives d) and e) are not relevant to the application.

Use of the bails: There is not a issue in utilising the bails as a lunch room/storage area for equipment. However, its use as a meeting area for the mentors on a regular basis to discuss matters not pertaining to the recreation area, ie the general running of the consultancy, is considered to be a commercial use and is prohibited within the 1(a) Zone. It is intended to condition this component out of any approval.

79C(1)(a)(ii) Any Draft EPI that is or has been placed on Exhibition

Currently there are no Draft Planning Instruments of relevance to this application that have been placed on exhibition

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

Development Control Plan 27 - Buffer Areas applies to this development. There is a macadamia plantation on the subject land. As this intensive horticulture is on the same land as the recreational area, the provisions of the DCP do not apply. There are no other activities on the site or external to the site that would require buffering.

Development Control Plan 18 - Carparking applies to this development. Assuming a maximum of eight (8) vehicles coming to the site during the weekday plus the vehicle allocated to the dwelling there is a need for nine vehicle spaces. Adequate space is available for provisions of car parking.

Development Control Plan 43 - Crime Prevention through Environmental Design. This DCP focuses primarily on urban design and the design of buildings. It is not the design of the facilities on this site that is likely to cause a problem in this locality. This DCP has little further relevance.

79C(1)(a)(iv) Any Matters Prescribed By The Regulations

The Area Building Surveyor has considered the provisions of the Building Code of Australia with respect to the works on site. As the structural works have already been completed certification by a structural engineer would be required. This issue can be dealt with by way of conditions of consent.

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

The impact on the physical environment are negligible. The impacts on the social environment are however, more important with respect to this development. In accordance with the guidelines issued by Planning NSW this matter was discussed and formally referred to the NSW Police Service for their comment. A copy of the latest Police referral is provided in the attachments. A copy of the original referral for the previous DA is also attached. The Police report concludes by stating that the incidents relate to the type of client and not the location of the facility. This facility, because of the type of client, will probably cause the Police to be called regardless of where it is located. The Police do not recommend that the application be refused.

The application has been discussed with Department of Community Services (DOCS) and Juvenile Justice. Both organisations indicated that a formal referral was not required for the use of this site as a recreation area.

The question is essentially “will this development have a significant adverse impact on the surrounding residences due to criminal or mental health affected incidents caused by children attending the recreation area?”. To answer this question Councillors should consider the facts contained in the Police referral, the submission letters and determine the potential risk for an incident to occur. The submission letters are discussed in detail below. Councillors are advised that fears and perceptions have been determined by the Court not to be justifiable planning reasons to refuse a development application. However, in this circumstance, there would appear to be a potential risk to property off the site. Based on discussions with the Police it would appear that the risk is real and goes beyond a fear or perception. The risk relates to a child evading their mentor and leaving the site. There can be no guarantee that this will not occur. It would appear that whilst one on one monitoring occurs at the houses and is proposed at the site (and is the best way of keeping the children under observation/control) it is still not completely effective. It is probable that such monitoring would be more effective during the day while activities are being run at the site. It is considered that whilst there is potential for increased crime in the locality due to this facility the risk is not of such significance to warrant refusal.

Councillors will need to consider the crime risk presented by a child leaving a large site unnoticed. Such a risk could be somewhat mitigated by appropriate management practises being implemented throughout the consultancy. An example is that a child would not be brought out to the recreation area if he or she were exhibiting signs of tension, stress, mental illness etc. This primarily relates to the duty of care owed to the child by the service provider and this is monitored by DOCS. This concept has been discussed with DOCS.

The developer must be licensed by DOCS. It is reasonable to condition that documentary evidence of the licensing be produced to Council prior to commencement. Whilst it is considered that the social impact is an important consideration, there is not adequate evidence of an adverse social impact or criminal impact to warrant refusal of the application. However, a trial period of twelve (12) months in this circumstance is warranted.

Councillors may consider that any potential increased crime risk is unacceptable and justifies refusal of the DA. Of all the arguments presented by the objectors as discussed below and addressed in this report this is the one that could provide a legitimate reason to refuse the application. However, it is not the opinion of the planning staff nor of the police that the risk is so great as to warrant refusal.

Traffic: A question was raised in the submissions about the suitability of Borton Road to accept additional traffic movements. Traffic counts taken on Borton Road, near the Tullera Road intersection, March 2003 showed a traffic count of 130 (average annual daily traffic). The application proposes an additional 16 traffic movements per day. This will result in a final traffic count of 146 movements per day at the intersection, decreasing towards the development. Austroads rural roads standards identify a one lane ie: 3.5m wide pavement with 2 x 1.5m shoulders road formation can accommodate up to 150 vehicles per day. The existing pavement within Borton Road meets this standard and will be of an acceptable standard to cater for the predicted traffic upon the road.

The use of a farm manager does not require consent nor does the use of the dwelling as a home occupation to manage the other group homes require consent. Traffic movements for these components cannot be considered by Council.

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

The location of a recreation area in a rural setting is considered appropriate. Even when the client base is considered the site considered to be suitable.

79C(1)(d) Any Submissions made in Accordance with this Act or the Regulations

There were a significant number of submissions received as a result of the notification and exhibition of this application. A total of 184 submissions by way of objection. 153 of these were 'form' letters that appear to have been circulated around the community with instructions on how to fill them out. Some of these have individual comments on the bottom of them. The 'form' letters come in eight basic types. It was noted that some persons have signed upwards of six of the different types of form letters. Some letters were without addresses, others had only the first page of the form letter sent. Consideration of the total numbers of letters in sent following the public exhibition yields misleading picture as to the level of objection. A précis of the points of objection is as follows:

- Proposal does not comply with the objectives of the 1(a) General Rural Zone;
- Lack of regard for the community;
- Lack of regard for Council's rules;

- Inappropriate change of land use of the property;
- Degradation of local roads
- Inconsistencies in the DA and inconsistencies in the information provided to the community;
- Incomplete DA;
- Safety of children in the program;
- Impacts on flora and fauna;
- Land degradation;
- Requires rezoning;
- Delays in essential services;
- Difficulties in conducting search and rescue operations in the locality;
- The developer will not do as told;
- Traffic impacts on Borton and Bentley Roads;
- Who pays to fix the roads?;
- Will rates go up if the roads are fixed?;
- References to subdivision in the DA;
- There will be busloads of people playing golf at the property;
- This is a correctional facility;
- Farmers can't move stock or machinery because of the development;
- Deterioration in sense of community;
- Danger to children from stock;
- Bushfire risk;
- Traffic noise;
- Adverse impact on families;
- Land devaluation;
- DA is for a business;
- Don't want to have to lock doors;
- Noise impacts;
- Fall in land values;
- Wanting strict conditions;
- Lack of community consultation;
- Occupational health and safety;
- The facility is not needed;
- Children can drown in farm dams;
- Danger to children from farm chemicals;
- Crime risk;

- Complete destruction of the whole community;
- Public liability insurance problems;
- The developer won't comply with the conditions of the consent;
- The development will increase in home and contents insurance premiums;
- Steep escarpments are a danger to children;
- Want compensation for falling land values;
- The children will abscond;
- Danger to children from farm machinery;
- Reduction in viable agricultural land;
- Lighting of fires;
- Would you like it next to your house;
- Proposal does not fit the locality;
- Golf balls can hit cars;
- Assault on the elderly;
- Home invasions;

All the submissions are provided in the attachments. Some of the views raised in the points of objection are not considered to be valid planning reasons. An example of this is that farm machinery or dams are a danger to children.

Many objectors have picked up the reference to subdivision in the statement of environmental effects. This typographical error has been corrected by the consultant, Mr Chapelle, in writing. Minor typographical errors or omissions in a DA are not necessarily fatal in the assessment.

The objectors do raise concerns about their safety and crime problems and social impact. It is accepted that these fears and perceptions are genuinely held. This is confirmed by the police report. However, it is considered that whilst there may be a risk it is not of such significance to warrant refusal.

A recent development in the interpretation of social impact in planning law was the adoption of the "Broad" principle, (*Broad v City of Brisbane*). This case has been accepted and adopted into NSW Planning Law. The principle is that subjective consideration of intangibles such as the concept of amenity can be utilised in determination of a planning matter. Specifically "*Injury to the amenity must be determined according to the standards of comfort and enjoyment which are to be expected by ordinary people of plain, sober and simple notions not affected by some special sensitivity or eccentricity*".

The means that, whilst Council can consider the impacts on residential or rural amenity that go beyond the traditional physical impacts of a development such as overshadowing, loss of views etcetera, Council must be careful in application of this principle. It does not mean that simply because the residents express an opinion that their enjoyment of the social environment will diminish that this can be accepted as a fact. It does however give the Council the ability to consider the feel of the neighbourhood when assessing an application. In this case Council would need to form the opinion that up to eight (8) children with their mentors attending the property for outdoor activities will adversely alter the amenity, social interaction and alter the "feelings" of the rural environment in this locality.

This development may cause an alteration in the way in which people behave in this locality. Some residents have expressed the view that they will have to lock their houses and farm sheds when they now do not do so. This is based on an assumption that criminal activity will emanate from the recreation area. It is not accepted that locking of doors will adversely alter the "feel" of the environment. Similarly it cannot be accepted that eight (8) children visiting a site will alter the way rural people interact and visit one another.

The objectors raise various assertions about the traffic impacts on Borton Road. This issue is considered above and is not considered significant.

There is no issue raised in the submissions that is of such significance to warrant refusal of the application.

79C(1)(e) The Public Interest

Despite the number of objections the development is not considered to be contrary to the public interest. In determining the greater public interest or benefit of such a facility consideration needs to be given to the broader implications. Diversion of youth away from the criminal justice system via programs such as this has significant benefits to a community in both economic and social terms. That is not to say that it is acceptable to sacrifice one part of the community for the benefit of the greater community. However if it can be concluded that the immediate impacts of the proposal are not so severe that the proposal will cause significant harm to the local community in the area surrounding to development then the public interest is best served by approval of the proposal to allow the greater benefit to accrue.

CONCLUSION

The above assessment has demonstrated that whilst there are issues to be considered concerning this application but they are not of such significance or weight as to warrant refusal of the development application.

As the application is unique and may have potential impacts, a trial period is a viable mechanism to further assess the impacts of the development. This will enable both the Council and the community to assess the actual impacts rather than the dealing with predicted risk factors. It will also allow the developer to demonstrate to Council and the community his ability to comply with conditions of consent and to meet the requirements of the Environmental Planning and Assessment Act, 1979. If, despite the above assessment, there are unacceptable impacts or breaches of the consent or the Act Council may utilise various sanctions against the developer. These range from orders, civil enforcement action in the Land and Environment Court to criminal proceedings in the court. Council may also not renew the consent when the applicant re-applies for a new consent or applies to extend the consent by way of a Section 96 modification. On this basis, a time limited consent for a period of one (1) year is recommended.

LISMORE CITY COUNCIL - Meeting held May 13, 2003

Proposed Recreation Area – 229 Borton Road, Tullera

RECOMMENDATION (PLA45)

- A That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.
- B That Council, as the consent authority, approve Development Application 2003/128 for the establishment of a recreation area subject to the conditions listed below:

DRAFT CONDITIONS OF CONSENT – DA03/128 – 229 BORTON ROAD, TULLERA

Deferred Comment Consent – Conditions

1. The developer shall prepare a report on land contamination in accordance with Council's Lands Policy. The report shall be submitted to Council for concurrence.
2. In the event that this report identifies that the site is contaminated, then the developer shall submit a remediation strategy to Council for approval. The remediation of the land shall be such that it is acceptable to use the site as a recreation area.
3. Conditions 1 and 2 (if required) are to be complied with prior to commencement of the consent.

Operative Conditions

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) No. 02/534 dated 9/9/02 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)*

PLANNING

2. The developer shall present documentary evidence of a licence issued by the NSW Department of Community Services to Council prior to the commencement of the use.

Reason: *To ensure compliance with legislation.*

3. This consent is valid for a period of 12 months from the commencement of the use. The applicant shall notify Council of commencement in writing. Use of the site must cease 12 months after commencement, should an application for extension of this consent not be submitted to Council within the consent period.

Reason: *To enable Council to monitor potential impacts during a trial period.'*

4. No more than 8 children (less than 18 years old) accompanied by 8 adult mentors (maximum 16 persons) shall utilise the recreation area at any one time.

Reason: *To minimise traffic impacts.*

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Proposed Recreation Area – 229 Borton Road, Tullera

BUILDING

5. The developer shall apply for a 149D Building Certificate for all the structures including the flying fox, climbing wall and recreational structures that have been erected without consent. The application for the Building Certificate shall be accompanied by a report on the structures from a structural engineer. Use of these structures shall not occur until the Building Certificate has been issued by Council.

VEHICLE ACCESS

6. The existing vehicular access from the road pavement to the lot shall be relocated or upgraded to provide suitable sight distance, and be constructed in accordance with the Council's Design and Construction Specification for Vehicular Access prior to the release of the Interim or Final Occupation Certificate. **VA4**

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

7. An all weather vehicular access shall be constructed and maintained from the road pavement to the **proposed** office site in accordance with Council's Design and Construction Specification for Vehicular Access. **VA5**

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

DRAINAGE

8. All stormwater from the site shall be disposed of without causing nuisance to adjoining properties. **DG13**

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)).

EFFLUENT DISPOSAL

9. An assessment and report, by a suitably competent person, on the existing sewage management facility must be undertaken. The report must address the proposed effluent loadings and the adequacy of the existing system to cater for those loadings. The report must include accurate plans and details relating to any upgrading required and must comply with Council's On-Site Sewage and Wastewater Management Strategy.

Reason: To ensure the protection of public health and the environment.

10. An application for approval to alter a sewage management facility must be submitted to and approved of by Council prior to release of the construction certificate.

Reason: To comply with the statutory requirements

AMENITY

11. 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. **AM4**

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

CARPARKING

12. Provision shall be made for eight (8) carparking spaces with a gravel surface constructed and landscaped in accordance with the requirements of the Council's Development Control Plan No. 18 Off Street Carparking Requirements, Australian Standard AS2890.1 Parking Facilities – Off Street Parking and Council's Development, Design and Construction Manuals (as amended). Documentary evidence to be submitted to the Principal Certifying Authority prior to the release of an Interim or Final Occupation Certificate. **CP1**

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

NOTE: In the event that the consent is extended, relevant S94 levies will be imposed for the previous 12 months and the extension period.

LISMORE CITY COUNCIL - Meeting held on Tuesday, May 13, 2003

Subject/File No: TENDERS FOR THE DESIGN AND CONSTRUCTION OF DISINFECTION FACILITY AT EAST LISMORE SEWAGE TREATMENT PLANT (T23009)

Prepared By: Contracts Engineer - Ravi Ariyasinghe and
Contracts Officer - Chris Allison

Reason: To inform Council of tenders received for the design and construction of disinfection facility at East Lismore sewage treatment plant

Objective: To obtain Council approval to award the tender

Management Plan Activity: Wastewater Services

Background:

Tenders have been called for the design and construction of disinfection facility at East Lismore sewage treatment plant (STP).

At present, effluent disinfection at East Lismore STP is achieved via a maturation pond. The system is incapable of achieving good disinfection and in the warmer months, due to biological activity within the lagoons, Phosphorus release and high algae growth occur. The EPA has issued a pollution reduction program (PRP) requiring Council to install a disinfection facility by December 2003.

Council's management, engineering and environment consultants GHD Pty Ltd prepared the tender documents. The request for tender was advertised in the Sydney Morning Herald, the Courier Mail and the Weekend Star.

Two tenders were received by the close of tender at 2.00pm on Thursday 03 April 2003.

Tender Examination:

The tenders received are summarised below.

Tenderer Details	Lump Sum Tendered Amount	
	Excluding GST	Including GST
Aquatec-Maxcon Pty Ltd 119 Toongarra Road IPSWICH QLD 4305	\$2,012,268.00	\$2,213,494.80
I.M. Engineering Pty Ltd PO Box 202 MAYFIELD NSW 2304	\$2,060,665.00	\$2,266,731.50

GHD Pty Ltd undertook the detailed assessment of tenders.

A panel consisting of Ravi Ariyasinghe and Chris Allison of Client Services; Anu Atukorala, Janaka Weeraratne and Jeremy Silk of Lismore Water; and Chris Hennessy of Department of Land and Water Conservation overviewed the evaluation process.

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Tenders – Disinfection Facility at East Lismore

Criteria for assessment and selection of the tender was outlined in Clause 3.8 of the Conditions of Tendering contained in the tender document:

Mandatory Criterion - the tenderer must be able to demonstrate sufficient financial viability and capability to satisfactorily perform the Contract; and

Evaluation Criteria - tenderers will be evaluated against the following criteria and their respective weightings:

Criterion	Weighting
(a) Whole-of-life cost	50%
(b) Proven experience and references for the Tenderer	20%
(c) Quality of plant and equipment offered	20%
(d) Safety and simplicity of operation	10%

The attachment A shows the weighted result for each criterion.

The detailed tender assessment report prepared by GHD Pty Ltd is also attached (Attachment B).

The economic comparison (Clause 3.3.1 of the attachment B) shows that the whole-of-life costs differ by only 1.2% and consequently the prices can be considered to be equivalent, albeit marginally favouring Aquatec-Maxcon.

The evaluation matrix (Clause 3.3.5 of the attachment B) ranks the tender of Aquatec-Maxcon above that of I M Engineering.

In summary:

- The whole of life costs for the offer of Aquatec-Maxcon are marginally lower than those for the offer of I M Engineering,
- In terms of expected performance of the equipment offered to provide the specified level of disinfection both tenders are considered equivalent,
- The preliminary design for the works offered by Aquatec-Maxcon has a number of advantages in respect of simplicity of operation (lift pump station) and the form of materials for attenuator construction; and
- The assessment methodology of the conforming tenders, as stated in the tender document, resulted in Aquatec-Maxcon being the preferred tenderer.

Alternative Offer:

Under the terms of the tender document, "a tenderer may submit an alternative non-conforming tender provided they submitted a conforming tender". In addition to the conforming tender, Aquatec-Maxcon submitted a non-conforming tender for consideration by Council. Council staff and the consultant GHD Pty Ltd did not consider this non-conforming tender until after the tender evaluation of the conforming tenders was completed and Aquatec-Maxcon were determined to be the nominated preferred tenderer.

The offer of the preferred tenderer, Aquatec-Maxcon, determined from the foregoing analysis, contained the following preface statement (inter alia):

"After considerable processing of both design and cost options, we, that is, Aquatec-Maxcon Pty Ltd are of the opinion that this project, if split into two projects, for example, civil engineering construction and design and mechanical/electrical design and installation, would provide significant cost savings.

LISMORE CITY COUNCIL - Meeting held on Tuesday, May 13, 2003

Tenders – Disinfection Facility at East Lismore

A direct pricing to Lismore City Council for each section as described above would lessen the margins applied when a single offer is made through any one organisation - given that the project has a very high civil cost compared to the equipment and electricians the "risk margin" could be eliminated on this civil component or at least significantly minimised."

Aquatec-Maxcon was requested to provide split pricing as suggested and Council received these figures by facsimile on Thursday 17 April 2003.

The prices are summarised as follows:

Mechanical/ Electrical by Aquatec-Maxcon	\$657,205
Civil Construction by Hepburn & Thorpe	\$1,121,731
Total	\$1,778,936 (Excl GST)
Initial tender price	\$2,012,268 (Excl GST)

The alternative offer therefore could potentially realise savings of \$233,332. Some of this saving would be offset by additional project management costs.

Legal advice was sought with respect to the Local Government (Tendering) Regulations 1999 and the relevant contract law. The advice from Walters Solicitors is that Council has not breached the Local Government (Tendering) Regulations and the proposed splitting of the contract would not be in breach of contract law.

Manager - Finance & Administration Comments

Expenditure for this project has been included in the draft 2003/04 budget to \$2.2 million. Funding consists of \$666,000 from the DLWC and \$800,000 from developer levies collected and the balance from sewerage fund reserves.

Public Consultations

Not required.

Other Group Comments

Manager - Lismore Water

The recommendation to split the contract and award the Mechanical and Electrical Equipment to Aquatec-Maxcon Pty Ltd and the Civil Works to Hepburn & Thorpe (Qld) Pty Ltd is concurred to.

Author's Response to Comments from Other Staff

Not required.

Conclusion

It is considered that Aquatec-Maxcon Pty Ltd and the nominated sub-contractors have the ability to complete the works satisfactorily in accordance with the tender document. After the evaluation of the conforming tenders, staff and the consultant, GHD Pty Ltd, closely examined the non-conforming tender of Aquatec-Maxcon Pty Ltd and the proposal has a substantial financial saving for Council.

Under the Local Government (Tendering) Regulations 1999 Clause 19 (3e), *Council may decide not to accept any tenders received and enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract*".

LISMORE CITY COUNCIL - Meeting held on Tuesday, May 13, 2003

Tenders – Disinfection Facility at East Lismore

In addition, if Council resolves to enter into negotiations in accordance with Clause 19 (3e), Council must state the reason for declining to call fresh tenders.

Council is currently under a requirement by the EPA to complete these works by no later than December 31, 2003 and the project construction period for the works is between 26 – 32 weeks. By re-tendering, it would not be possible to comply with the requirements as set out by the EPA.

Recommendation

That:

1. Council not accept either conforming tender in accordance with the Local Government (Tendering) Regulations 1999 Clause 19 (3e) and due to timing constraints set by the EPA not call new tenders for the works
2. The contract for the Design & Construction of UV Disinfection Facility - Mechanical and Electrical Equipment, for the amount of \$657,205 (plus GST) and the effluent reticulation system for an additional amount of \$18,500 (plus GST) be awarded to Aquatec-Maxcon Pty Ltd.
3. The contract for the Design & Construction of UV Disinfection Facility - Civil Works, for the amount of \$1,121,731 (plus GST) be awarded to Hepburn & Thorpe (Qld) Pty Ltd.
4. The Mayor and General Manager are authorised to execute the Contracts on Council's behalf and attach the Common Seal of Council.

LISMORE CITY COUNCIL - Meeting held May 13, 2003

Subject/File No: DEDICATION OF LOT 2, DP544201 AS COUNCIL PUBLIC ROAD – DALE PLACE, GIRARDS HILL
(LW:TI:P3799,P21267)

Prepared By: Lindsay Walker, Manager Client Services

Reason: To complete the necessary step to declare all of Dale Place as public road.

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

Management Plan Activity: N/A

Background:

It has recently been brought to Council's attention that Lot 2 in Deposited Plan 544201, known as 5 Esyth Street, is held by Council as a fee simple title.

This is an anomaly as the lot has been developed as roadway and forms an integral part of Dale Place, Girards Hill.

In legal terms the result of this Lot 2 not being dedicated as public road is that three of the residences in Dale Place have no legal access to the public road network. This report seeks a resolution to rectify the anomaly and dedicate the remainder of Dale Place as public road.

Manager - Finance & Administration Comments Not applicable

Public Consultations Not applicable

Other Group Comments

The City Works Group has indicated that the land is formed and used as roadway (ie, Dale Place), and requests that the necessary steps be taken to declare the land as public road.

Author's Response to Comments from Other Staff Not necessary

Conclusion

The recommendation below completes the process in allowing Council to place a notice in the Government Gazette, dedicating Lot 2, DP544201 as a public road.

Recommendation

That Council resolve:

1. That Lismore City Council dedicate Lot 2, Deposited Plan 544201 at Girards Hill, Parish of Lismore, County of Rous as public road under section 10 of the Roads Act 1993 by notice published in the New South Wales Government Gazette.
2. That the General Manager and Mayor be authorised to sign any documents necessary to bring about the action.

LISMORE CITY COUNCIL - Meeting held May 13, 2003

Subject/File No: MARCH 2003 QUARTERLY BUDGET REVIEW STATEMENT
(GB: S802)

Prepared By: Principal Accountant – Gary Boyd

Reason: Clause 7, Local Government (Financial Management) Regulations 1993

Objective: To gain Council's approval to amend the 2002/03 budget to reflect actual or anticipated results.

Management Plan Activity: N/A

Background

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

This review of the budget versus forecast actuals has been carried out at a program level. Significant variances that impact on the budget cash balance have been identified in the report.

While undertaking this review, it was noticeable that the majority of budgets appear to be on target. However, concern is raised in that there is little margin for error if unexpected situations arise.

General Fund

The 2002/03 Management Plan provided for a budget cash surplus of \$30,000. The September review reported a decrease of \$3,200. December detailed a decrease of \$124,000. This review shows a decrease of \$55,800 and reports a total budgeted cash deficit of \$153,000.

For Councillors benefit, the detail of the budget cash balance movement is as follows.

Budget Balance Movements for Quarter	Amount \$
Opening (Deficit) Balance at January 1, 2003	(97,200)
Add – Greater than expected Health and Building Services income as a result of demand for services tied to the increased activity in the building industry.	34,500
Add – Unexpended funds remaining from office renovations in the Health and Building Services section.	13,000
Add – Increased revenue in the Planning Services section relating to development application fees and planning certificates exceeding budget expectations.	20,000
Add – Savings made in the Community Services section in relation to salary costs as a result of several vacancies not being filled immediately.	24,000
Less – increase in forecasted expenses for parks and recreation section due to increased service levels required during the year.	(30,000)
Less – Costs relating to the increased level of service, maintenance and increased charges for disposing of recyclables collected at drop-off centres.	(54,300)
Less – Insurance excess costs.	(63,000)
Closing (Deficit) Balance at 31 December, 2002	(153,000)

For Councillors information, listed on the next page are the details of the activities with significant variances. Please refer to the attachment for individual programs for details of all budget movements.

LISMORE CITY COUNCIL - Meeting held May 13, 2003

March 2003 Quarterly Budget Review Statement

Administration Services

The December Quarterly Budget Review reported on a recent public liability case where Council's insurers were underwritten by HIH Limited. Staff were anticipating the State and Federal governments to provide a bail out package that would effectively fund all or most of Council's costs not covered. This did not eventuate.

At the time of the December Review, staff estimated the funds required until the end of the year for all insurance expenses. These forecasts were incorporated into the net figure of \$170,000 reported in the December review.

Since that time there have been significant costs incurred relating to existing cases against the insurance excess allocation. This has resulted in the need to provide additional funding of \$63,000, which has reduced the budget balance.

Human Resources

Council has received a cheque from our Workers Compensation insurer of \$115,000. This relates to an adjustment for the 2002 calendar year, due to actual claims being less than estimated claims. In addition, Council's 2003 premium is less than the forecast figure. As a result, the oncost rate for wages staff for the remainder of the financial year has been reduced to effectively allow more work to be undertaken with the same budget. This approach is consistent with past practices.

Part of the Workers Compensation premium includes a capital levy paid to Statecover, Council's insurer. This capital levy effectively means that Council has an equity share in Statecover. The purpose of the capital levy is to raise funds for the effective operation of the business. For 2003, this amount is \$68,000. A budget for this amount has been allocated to the balance sheet, from the current premium allocation, for a more correct accounting treatment.

Urban Roads

A final invoice of \$197,900 for extra works requested by Southern Cross University on the access road to the University has been included in the budget for revenue and expenses. The University's total contribution comes to \$1,097,900 on a total cost of \$1,435,000 for the University access road and Kellas Street upgrade.

Private Works income and expenses have both been increased by \$80,000 to reflect actual forecasts.

Rural Roads

A grant of \$30,000 has been acquired to aid in the development of a roadside vegetation management plan. The grant requires Council to contribute \$10,000. This has been met from existing operating expenses.

In the 2002/03 original budget there was a road project totalling \$108,000 on Willis / Muller Roads. This was based on residents contributing 50% of the costs or \$54,000. The residents have not been able to meet their half share and consequently this project has been removed from the roads programme with Council's \$54,000 reallocated to other projects.

Roads and Traffic Authority (RTA)

Further changes to the program of works as approved by the RTA have been incorporated into the current budget.

A reallocation and reconciliation of existing budgets between Urban, Rural and RTA roads has been undertaken to reflect planned expenditure to the end of June. This has not affected the budget cash balance.

LISMORE CITY COUNCIL - Meeting held May 13, 2003

March 2003 Quarterly Budget Review Statement

Waste and Quarry

The Wyrallah Road Waste Facility has acquired a loader that the Quarry has recently replaced. To fund this transfer of machinery, an agreed \$70,000 has been transferred to Quarry Plant reserves.

Water Fund

Consumption revenue forecasts have been reduced by \$191,000 due to the severe drought conditions experienced in recent times. This has been offset by a reduction in reserves. The Water Fund is in a sufficient financial position to withstand this short-term drop in revenues.

Sewerage Fund

In contrast to the Water Fund, Sewerage revenues have been increased in the Trade Waste area. The original 2002/03 forecasts reflected anticipated changes to the rates and thresholds made. It was anticipated that with these new rates, volumes would be reduced and hence the amount charged reduced. This did not eventuate and an increase in revenue of \$76,000 has been made to reflect actual amounts. This has resulted in an increase in reserves.

Change in Net Assets

The 2002/03 Management Plan showed a surplus in the "Change in Net Assets" of \$1,542,000. The September review increased the surplus by \$1,042,000, the December review decreased the result by \$73,000. This review decreases the result by \$276,000 to show an Increase in Net Assets at the end of March 2003 of \$2,235,000.

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

Manager - Finance & Administration Comments

Included in the body of the report.

Public Consultations

Not required.

Other Group Comments

Not applicable.

Author's Response to Comments from Other Staff

Not applicable.

Conclusion

A budget deficit situation is not ideal. However, given the extraordinary circumstances surrounding the HIH Group and the legal and insurance costs incurred by Council resulting from this, Council remains in a relatively sound financial position.

Recommendation

1. Council adopt the March 2003 Budget Review Statement for General, Water and Sewerage Funds.
2. This information be submitted to Council's Auditor.

Subject/File No: MANAGEMENT PLAN REVIEW 2002/03 – MARCH QUARTER 2003
(S854)

Prepared By: General Manager

Reason: Requirement of the Act

Objective: Information and Annotation of Councillors

Management Plan Activity: General Manager

Background:

Council is required under Clause 407(1) of the Local Government Act, 1993 to periodically report on the performance targets outlined in the Management Plan.

This report includes information that relates to the performance of programmes and activities highlighted in the Plan for completion during the quarter ended March 2003.

Recommendation:

That the report be received and its contents noted.

GROUP: GENERAL MANAGERS
Management Plan Review
Period ending March 2003

Review of exceptional items across each functional area of the General Manager's Group

Communications and Community Relations

- **Communications Strategy** – progressive implementation, including:-
 - Proactive media planning and discussion with staff in over fifty (30) issues, eg, Molesworth St upgrade, rates review, drought issues, state election.
 - Published *Annual Report* to residents.
 - Re-badged council's advertising, to make it more cost-effective and consistent.
- **Internet** – Published Spring iteration of website and co-ordinated continued improvement of Internet. New pages added on Molesworth St, Council elections, Masters Games and Wilsons River.
- **Community Relations** –
 - Organised and produced FloodSafe Week. Over 150 participants, including partnership with Richmond River County Council and SES.
 - Attended Emergency Management Australia workshop at Mt Macedon, Victoria, to present to national steering committee on community awareness as it relates to local government.
 - Promoted a 'time extension' campaign for owners of failing on-site sewage management systems.
 - Promoted and produced a 'meet the candidates' meeting for State election, focussing on the Alstonville by-pass, radiotherapy oncology unit and water security issues.
- **Issue management** – maintained daily pro-active media schedule, including maintenance of positive media profile on issues and exceptionally high media coverage of events (greater than 98%)
 - Co-ordinated public communication re Molesworth St upgrade.
- **Statutory** – Managed contributions for 03-04 Management Plan to ensure high degree of innovation and change, and to ensure plan reflects current strategic plan.
- **Customer Service** – adoption of 'Access to Service' customer service policy.
 - Monthly meetings of new customer service committee.
 - Hosted regional meeting of National Local Government Customer Service Network – over 15 councils represented.

Client Services

- Continue to work with levee committee to ensure that riverbank and parkland areas are completed to a high standard.
- Finalise the completion of the library relocation.
- Oversee the refurbishment of the Carrington Street site to accommodate the Neighbourhood Centre.
- Oversee sale of one disused quarry.
- Continue to finalise pending sales of Council industrial land.
- Supervise lodgement of new DA to create more vacant residential land stock for sale.
- Continue to pursue solution to opening of Skyline Road.
- Issue and Review tenders for UV treatment contract at Sewerage Treatment Plant.
- Assist with dismantling of Client Services section.
- Assist Business & Enterprise with leachate treatment process for Lismore Waste Facility.

Human Resources

- Safety Officer developed initiatives to enhance Risk Management practices in the OHS area.
- Consolidated the work of Injury Management Co-ordinator and established Injury Management Procedure to operate across Council in relation to staff return to work following injury.
- Staff information sessions scheduled to ensure adequate information on procedures and changes.
- Human Resources Information System (HRIS) Project Scoping and Business Case development continued.
- Progressed the initiative to offer Roads staff opportunity to enrol in Civil Construction Certificate.
- Review of new staff induction program progressed by HR Working Party
- HR Intranet site development continued.
- Concluded sessions for all staff on EEO & Harassment Free Workplace and updated Council Procedure.
- Recruited Human Resources Officer - Industrial Relations.
- Progressed a number of outstanding industrial issues to successful conclusion.
- Established regular communication meetings with union delegates.
- Developed agreed process for consultation on workplace change reflecting Award requirements.

Workshop , Fleet Management and Sign Shop

- 1 new backhoe / loader delivered to LCC workshop to replace stolen machine (V220 Urban Roadwork's). Induction of all operators completed.
- Submit recommendation to Council for the purchase of replacement of **a)** 3 only 6x4 tipper trucks for Roadworks. (V196, V197, V198) and **b)** Quarry stockpile / sales loader (V207) and place orders after recommendations adopted.
- Delivery to LCC Workshop of replacement Waste Collection Truck (V191).
- Delivery to LCC Workshop of replacement 18,000 litre Water Tanker (V147).
- Purchase of 3,000litre effluent tanker trailer for Lismore Water to use at sewer main breakages.
- Maintenance and repair of all LCC fleet – *Ongoing*.
- Delivery is continuing for the replacement of the majority (75%) of the car fleet from 'Fleet Leasing' companies as per the decision of MGM – *Ongoing*.
- Separation of the Plant Fund into relevant Departments completed and working.
- Workshop Manager's new Position filled.
- 2 new permanent 'Afternoon shift' mechanics positions filled.
- Continuing with "Skills Assessments" of workshop and signshop staff.
- Replacement of vandal damaged signs.
- Replacement of road signs damaged from Motor Vehicle Accidents.
- Signs for Council departments as requested.
- New signs for private customers as requested.

Economic Development / Tourism

- Community consultation on design of the Riviera area of the Wilsons River Project
- Community consultation on naming of the segments of the Wilsons River Project
- Visit to the Cultural Precinct at Kelvin Grove in Brisbane
- Undertaking the feasibility study for the proposed Byron/Lismore Tourism Organisation in conjunction with Byron Shire Council and Tourism NSW
- Facilitation services for a range of potential large developments for the City
- Assistance with the Department of Education and Training's Northern Stars ... Under the big top.
- Participation in Regional Reference Group and preliminary Audit processes with Southern Cross University
- Masters Games Launch
- Preparation of a number of tourism promotions – Brisbane/Byron Bay
- Assistance with the appointment of a Community Economic Development Officer for Nimbin (Co-funded with Dept of State and Regional Development and the Premier's Dept)
- Implementation of bar coding system at the Visitor Information Centre.

GROUP: CORPORATE & COMMUNITY SERVICES

Management Plan Review
Period ending March 2003

Review of exceptional items across each functional area of the Corporate and Community Services Group

Community Services

- *Art Gallery* – Jacklyn Wagner’s exhibition of photographs “Walk on the South Side” will be touring to two venues in Queensland in 2003. A staff restructure has taken place with an Assistant Director being appointed.
- *Seniors Week* – 150 entries received for the short story and poetry writing competition and a very successful Seniors Expo was held at Alstonville Showground co-hosted by Lismore & Ballina Councils, with more than 800 seniors attending.
- *Kadina Park* – Stage 1 works are continuing and include construction of an informal sports field, concrete pathways, a youth activity/retreat area, a basketball/netball court, picnic and BBQ facilities and landscaping.
- *Art in the Heart Cultural Precinct* – the new library opened for business on March 17, although the lift was not operational until mid April. The Project Team has resolved that professional consultants should develop the final master plan for the precinct.
- *Youth Activities and Services* – the Graffiti Traineeship program funded by the Attorney General’s completed a second successful series of workshops. Planning is well underway for Youth Week, which will be celebrated during the week April 5 to 13.

Information Services

- *Miscellaneous* – Intranet site gradually being used more and more by staff to share internal information, developed new customer database for the Art Gallery, investigated feasibility of moving towards multi-function devices, commenced implementation of Ad- Hoc Report Writer software, e-mail addresses changed to new format.
- *Records Management* - commenced implementation of the NSW State Records Disposal Schedule and investigation of feasibility of moving towards document imaging.

Finance & Administration

- *Payment Options* – given the ongoing delay with Lgov to finalise an agreement for a “state wide collection service”, we have recommenced negotiations with Australia Post to provide payment facilities at all post office agencies in Australia. This is expected to commence in the new financial year.
- *Rating Review* – following five public meetings and a subsequent Councillor workshop to discuss the existing rating structure, Council resolved to not change the structure for 2003/04 and to form a working party to review and report back to the new Council.
- *Insurance and Risk Management* – A new risk management strategy/procedure and assets register for playground equipment has been introduced using a best practice “model” document. It features an inspection process and risk ranking schedules. Over the past six months we have seen a decline in the number of public liability claims. This decline can be attributed to recent legislative changes and the effort that Council staff has put into risk management processes over the past two years.
- *Review of Section 94 Plan* – the Manager – Finance & Administration has continued the co-ordination of the review of the Open Space, Community Facilities and Transport, Section 94 Plans. It is planned to conduct a workshop in May, report to Council in June with final adoption planned for August, following public comment.

GROUP: PLANNING AND DEVELOPMENT

Management Plan Review
Period ending March 2003

Review of exceptional items across each functional area - Planning and Development Group.

Planning Services

- **Urban Development Strategy:** reported to Council's December meeting with decision deferred. Council workshop held February. Strategy to be reported again to April meeting. Major cause for non-adoption to date has been impact of Lismore Speedway operations on proposed residential redevelopment of land on North Lismore plateau.
- **Rural Housing Strategy:** Strategic Planner has met with planning consultants preparing locality development guidelines and rezoning applications for rural residential development.
- **Review & update planning instruments:-**
 - **Amendment No. 11- Goonellabah Medical Centre:** Submitted to Minister for approval and gazettal.
 - **Amendment No. 13- Implementation of Flood Plain Risk Management Plan:** Prepared for consultation with DLWC
 - **Amendment 14- Annual General update:** reported to February Council meeting for commencement of process and preliminary draft legal instrument prepared for consultation purposes.
 - **Koala Management Plan:** Overview presented to Middle/Snr Management; estimates of costs of implementation to be obtained from relevant Section Managers prior to presenting re-drafted Plan to Steering C'tee and Council.
 - **Villages Development Strategy:** Edit of existing document undertaken, placed on Council Web site.
 - **Monitoring of Development Applications:** Average processing time/application for quarter 46.6 days (standard – 40 days).

Environmental Health

- **Audit of Commercial Premises:** Risk Assessment undertaken in February/March and inspections commenced.
 - **Stormwater Management Strategy:** SEA project for region has been extended to September 2003. Stormwater Projects Officer has subsequently been employed by Council as Compliance/projects Officer. Replacement SEA Project employee is working on intermittent basis from Council. Urban Drainage & Bushland Reserve Remediation and Education Project is continuing to be implemented by Vanessa Tallon. Claude Riley Reserve works programme has been completed along with Windsor Court. Weed busters programme has also commenced with educational field days and community education being undertaken. Weeds busters calendar has been produced and disseminated to interested ratepayers.
 - **Clean up Australia Day:** Revised strategy developed and March cleanup completed.
 - **State of the Environment Report:** 2002/03 is supplementary reporting year. Year 2000 comprehensive report has been converted into electronic version by Steven Hill Productions and placed on Council's web page. Planning has commenced for comprehensive report due in November 2004. Water monitoring for comprehensive report commenced in April 2002. Water monitoring strategy is currently being developed.
 - **Sun Protection:** Discussions held with Parks and Reserves determined 2002/03 projects to be shading of Nesbitt Park (cricket shelters) and Riverview Park. Construction of Skate Park sun shelter now complete. Cricket shelter for Nesbitt Park was relodged with more expansive shelter to be constructed, DA approved March. Joint venture arrangements have enabled maximum benefit from dollars spent.
-

Management Plan Review – March Quarter 2002/03

- **On-site Sewage Management:** Audit/Education programme continues. On-site Sewage Management Working Group concluded consultation phase and strategy was redrafted. Council formally placed the document on public exhibition following consideration at March meeting. On-Site Inspection Programme commenced 3-month 'period of grace' from February with objective of having all known failing systems upgraded. Accompanied by highly visible media/ education campaign.

Waste Minimisation Strategies

- **Actions Planned – Strategies and Programmes:-**

Recycling Review: DOC's continue to operate efficiently and cleanly with new improved service standards. Waste Minimisation carried out program of DOC inspection program during January. LCC's Law Enforcement Unit enlisted to assist in issuing Penalty Enforcement Notices to Dumpers.

Organics Service: 91 rejection 'slips' issued (comprising 1st, 2nd, 3rd 'notices' & service withdrawal) and 39 home visits conducted during quarter.

Develop and implement schools waste education program 'Resources On Tour': LCC organised and delivered workshops at 3 host schools in Lismore, to help schools carry out waste audits and prepare environmental management plans. 21 schools attended workshops during March with positive feedback. Waste Minimisation is now taking bookings from schools to progress to next round of program. Direct assistance will be provided to schools to carry out their own audits.

Provide Yearly Report on Composition of Waste, Diversion Rates and Contamination Status: During February waste minimisation reviewed November 2002 waste audit draft report. Findings suggest that contamination rates have held fairly steady since previous June audit (excluding heavily contaminated outliers captured by bin rejection sticker program), at 1.4% for domestic and 2.5% for non-domestic. 327 samples sorted, equating to over 5 tonnes of material.

Implement Media Plans for Contamination Management in Organics Stream:- Media releases and associated TV and radio interviews during February included organics anti-contamination advert 'Worm Eats Fish' and, in March recycling DOC anti-contamination advert about fines for illegal dumping at DOC's.

Develop and Implement Council Procurement policy: Waste Minimisation has continued to progress LCC's 'in house' waste reduction strategy, through liaison with IT services to promote reduction in paper usage, through promotion of good practices such as double sided printing, technical infrastructure and default settings to assist this. Waste Minimisation gave talks to 2 group meetings on subject and provided encouragement to managers to promote paper saving measures through presentation to March MGM meeting.

Building Services

- **Monitoring of Development Applications:-** Average processing time/application 21.8 days for the quarter (standard-25 days).
- **Fire Safety Measure Program:-** Two Fire Orders issued during quarter. Numerous other premises have been brought to our attention and preliminary investigations have been undertaken.
- **Swimming Pool Survey:-** survey not currently meeting performance targets (12 inspections/quarter) although staff continuing to follow-up previous pool fencing inspections.
- **Inspections of Caravan Parks, Places of Public Entertainment, Public Halls, Boarding Houses:-** delayed as consequence of staff resignations (see item below).

Staffing Matters:- Staff resignations during quarter have impacted on achievement of a number of program targets. Recruitment to fill positions is continuing

GROUP: BUSINESS AND ENTERPRISE

Management Plan Review
Period ending March 2003

Review of exceptional items across each functional area of the Business & Enterprise Group

Northern Rivers Waste

- Richmond Valley Council has not yet called tenders for Waste Collection Services Contract
- Council was advised that funding applications with Resource NSW to monitor and research contamination rates was not successful. Tryton were also unsuccessful with similar applications.
- The report from Council's consultant's URS regarding the extension of landfill to the west of Wyrallah road Waste Facility is substantially prepared however yet to be finalized. This is anticipated for the final quarter of this year.
- Council engaged the services of Geolink to provide options for the disposal and treatment of leachate draining from the Landfill to meet EPA requirements as stated in Council's Landfill Environment Management Plan (LEMP). A project plan was submitted to the EPA to commence in May 2003.
- Council is awaiting approval from the EPA of its proposed design of the interim leachate storage facility.

Lismore Memorial Gardens (LMG)

- Preparation of detailed plan for the first section of the LMG landscape plan.
- Review of procedures and policies regarding the retention and placement and Rights of Burial.

Northern Rivers Quarry & Asphalt (NRQ&A)

- Construction of new amenities block substantially completed.
- Conducted visit of site by Department of Mineral Resources inspectors.
- Commenced drop cut into floor of quarry.
- Undertook planning exercise as part of the update of the NRQ&A business plan.
- Sub-contracted the asphalt supply and laying for the Molesworth Street Upgrade.

Lismore Regional Airport

- Undertook marketing activities in the quiet holiday period to retain awareness of REX and Lismore.
- Commenced discussions with Aspect North regarding the development of the aerial mapping service to be based at South Lismore Industrial Estate.

Property

- Industrial land contracts exchanged at the Centenary Industrial Estate.
- Development Application lodged for the next stage of Blue Hills Estate.

Lismore Water

- Active participation in the water supply management process through the implementation of water restrictions and water education initiatives.
- Compliance with EPA licences is within 80% tolerance.
- Clunes Wastewater Project – final options report considered in March with a proposed date for the final report moved to May 2003.
- Tender for the UV disinfection unit issued.
- Council was successful in its appeal against the turf farm decision.
- Lismore Water undertook substantial works as part of the Molesworth Street Upgrade.

GROUP: CITY WORKS
Management Plan Review
Period ending March 2003

Review of exceptional items across each functional area of the City Works Group.

Parks & Recreation:

- Repairs/maintenance programme to playgrounds in Council area – Complete.
- Grass cutting and path sweeping programmes - On schedule.
- Garden maintenance programme - Slightly behind schedule.
- Construction of new playground at Oakeshott Street – Complete.
- Sporting field renovations completed: Hepburn and Nielson Park, Crozier and Richards Oval and Caniaba Street Reserve.
- Landscaping works for Molesworth Street upgrade.
- Assist with restoration works after levee construction.
- Management Plan Update :Behind with monitoring customer service response times, this has not progressed due to Megan Huett's car accident. There are areas of the Plan which did not commence due to Council not funding the respective activity in the current budget (*ie, camphor laurel control*).

Urban Roads:

- Molesworth Street Upgrade continuing.
- Heavy Patching Programme in urban area.
- Cycleway Construction – Bruxner Highway (Kadina Street to James Road) – Complete.
- Footpath repair programme continuing.
- Kerb and gutter replacement – Hillcrest Avenue and Snow Street – Complete.
- Kerb and gutter construction – Taylor Avenue and Fischer Street.
- Reseal programme - 90% complete.
- Development of asset management system - on schedule.
- Urban maintenance and storm damage repair.
- Kellas Street reconstruction – Complete.
- University Access Roads 1 & 2 – Complete.
- Commenced retaining wall at First Avenue, Lismore.
- Metal storage bins at Depot – Complete.

Rural Roads:

- Completed reconstruction of Cullen Street, Nimbin.
- Commenced intersection upgrade of Stony Chute and Nimbin Roads.
- Commenced heavy patching of Koonorigan Road.
- Completed gravel maintenance in the following areas: Dunoon, Stony Chute Road, Caniaba Area, Back Creek Road, Mountain Top Road, Wallace Road.
- Reseals completed on Duncan Road, Taylors Road, Woodlawn Road.
- Duncan Road shoulder maintenance complete.

Bridges:

- Commenced concrete abutment sheeting for Numulgi and Fernside Bridges.
- Commenced Walsh Bridge railing repair.

Emergency Services:

- Flood Levee construction on schedule. Next stage of levee system (RSL Club to Club Lane) – Tenders closed ready for construction.
- Pump station at Gasworks Creek complete and operational.
- 3,000 flood information pamphlets distributed to households.
- Three flood awareness meetings held in flood-affected areas.

Bush Fire Services:

- Local crews involved in the fire emergency at Canberra. Damage sustained to vehicles at the height of the event with windows being blown in due to wind gusts.
- Welcome rain allowed operations to return to normal. Brigade training courses commenced.
- Bushfire Danger Period revoked at the end of March. Landowners are encouraged to clear properties during the colder weather.
- A Fire Mitigation Officer has been employed by the Service to assist in determination of Bushfire Hazard Reduction Certificates. Other duties will include assessing Development Applications and property inspections.

Traffic, Enforcement, Street Lighting and Road Safety:

- 174 dogs and 31 cats lifetime registered.
- 87 dogs and 29 cats impounded.
- On-street/off-street parking enforcement continued – 177 fines issued.
- 18 abandoned vehicles impounded.
- Street lighting around Lismore Base Hospital upgraded.
- Street lighting at Renwick Street upgraded.
- Street lighting installed at Keen Street, south of Albert Park Public School.
- “*Safe Driving*” procedure complete and endorsed.
- “*Drinks without Dramas*” campaign continued.
- 5 new bus shelters constructed – locations to be determined.

Survey, Design and Subdivision Control:

- Rotary Drive, Lismore – Widening (Bent Street to Dixon Place).
- Dibbs/Bright Streets, East Lismore – Intersection widening.
- Lismore Urban Street Map Update.
- Pedestrian Underpass – Ballina Road, Goonellabah (Kellas Street to Gallagher Drive).
- Dunoon Road Rehabilitation – Cowley to Fraser Roads.
- Blue Knob Road Realignment – 200 metres south of Lillian Rock Road.
- Skyline Road Realignment, Monaltrie.
- Blakebrook Quarry, Blakebrook – Detail Survey.
- Lismore City Council Administration Centre – Oliver Avenue - Detail Survey.
- Molesworth Street Beautification – Ongoing Set-Out Control.
- Brewster Street Reconstruction – Kerb & Gutter and Drainage (Brewster to Ballina Streets).
- Design Temporary Carpark – Keen Street - Old High School Site.
- Design work has kept ahead of construction programme.

Development Control:

- Review of outstanding quarry levies - Complete.
- Transport components of Section 94 Plan rewritten.
- Comments provided on Rural Bushfire Protection Guidelines.

Design Plans Assessed:

- Residential Subdivision – Toongahra Circuit, Goonellabah; Waratah Way, Goonellabah; Greenwood Drive, Goonellabah; Karissa Drive, Goonellabah.
- Rural Residential Subdivision – Dunoon Road, Tullera; Perradenya Estate, Caniaba; Whispering Valley Drive, Richmond Hill.
- Commercial Development – Medical Centre, Laurel Avenue, Lismore.

Jobs Under Construction:

- Residential Subdivision – Palmvale Drive, Goonellabah; Greenwood Drive, Goonellabah.
- Rural Residential Subdivision – Cowlong Road, McLeans Ridges; Richmond Hill Road, Richmond Hill; Kahala Place, Richmond Hill; Whispering Valley Drive, Richmond Hill.

Present: Mr Bill Moorhouse (*Chairperson*), Councillors Ken Gallen, John Hampton and Mervyn King, Ms Bronwyn Mitchell on behalf of Mr Thomas George, MP, Mr Mike Baldwin (*Roads and Traffic Authority*), Sgt Jodie Hamilton (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*) and Mr Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*).

Apologies: Apologies for non-attendance on behalf of Councillor John Chant, Messrs John Daley and Thomas George, MP, were received and accepted and leave of absence granted.

Minutes of Traffic Advisory Committee Meeting – March 19, 2003

Members were advised that the Minutes of the meeting held on March 19, 2003 were adopted by Council at its meeting of April 8, 2003, excluding Item Nos. 10 and 19.

With respect to Item No. 10 (*Short-Term Parking Near Auto Banks*), the Committee noted Council's resolution. (S353)

With regard to Item No. 19 (*Review of Bus Zones – Lismore CBD*), Mr MacDonald advised that he had contacted Mr Bob Marsh and had spoken with him about the proposed changes. Mr Marsh had advised that he could not see any problem with the proposed changes and would convey the proposal to the other country Bus Operators and advise Council if any concerns were raised. No further advice was forthcoming. (S135,R7307)

Disclosure of Interest: Nil

Correspondence:

1. **S Fergus**; requesting a concealed driveway sign be installed on Wyrallah Road, East Lismore, near the intersection with Avondale Avenue, to highlight the driveway access to No. 42 Wyrallah Road.

The Committee was advised that the property in question already had a driveway access off Wyrallah Road and this was considered the most appropriate location for an approved access. A 'concealed driveway' sign was not considered appropriate for the second driveway that had been installed just around the corner on Avondale Avenue.

TAC48/03 **RECOMMENDED** that the writer be advised that a warning sign was not considered appropriate and that the property owner should reconsider the formalisation of the second driveway on Avondale Avenue due to its closeness to the intersection and potential conflict with through traffic. (03-2056:P10578)

2. **Lismore High School Council**; requesting that parking facilities on College Road, East Lismore, opposite the bus bays be restricted during School bus hours.

Mr MacDonald advised that arrangements had been made for the 'No Stopping' sign on the northern side of Dalley Street to be relocated further south.

2. **Lismore High School Council** (Cont'd)
With regard to the second issue relating to parking along the western side of College Road opposite the Bus Zone, it was felt that prohibiting parking was not appropriate for a number of reasons. These reasons included the fact that the restrictions would also apply to adjacent residents and their visitors; by opening up the through road width, vehicle speeds were likely to increase and there was the potential for the problem to be shifted to a less desirable location.
It was noted, however, that the School Zone on College Road presently finished just north of Dalley Street. It was suggested that this zone should be extended to beside the High School to include the area designated for Bus Zones which would assist in reducing any excessive speeding.
- TAC49/03** **RECOMMENDED** that the School Zone on College Road be extended to a point just south of Music Street. (03-3097:R7426,R7420)
3. **Mr & Mrs P McQuhae**; seeking an extension of their current bus service in the Eltham, Clunes and McLeans Ridges areas.
It was noted that other bus operators currently used the roads in question with no problem and that Mr and Mrs McQuhae's bus was only a 25-seat Toyota Coaster type bus.
- TAC50/03** **RECOMMENDED** that approval be given for the bus route extension as proposed. (03-3265:S135,R4001,R4408)
4. **Northern Rivers Kidney Association Inc**; requesting that additional disabled parking spaces be allocated on Uralba Street in front of the main entrance to the Lismore Base Hospital for renal patients.
The Committee noted that there were currently three disabled parking bays on-street in front of the Base Hospital and other disabled bays and short-term parking bays on Hospital property in front of the Accident & Emergency Unit. It was more likely that these bays were being abused but as they were located on private property, their provision and use was a matter for the Hospital to address.
- TAC51/03** **RECOMMENDED** that Council suggest to the Association that it raise the matter with the Hospital with a view to providing additional disabled parking spaces within the area in question and/or request Council's Rangers to patrol the area in question on its behalf. (03-3327:R6058,S146)
5. **Mr Z Aloni**; requesting the installation of traffic signage at the intersection of Coopers Creek Road, Upper Coopers Creek Road and Minyon Falls Road.
The intersection had been inspected and it was agreed that signage needed to be updated.
- TAC52/03** **RECOMMENDED** that –
- (a) a 'Give Way' sign be installed on Minyon Falls Road at its intersection with Coopers Creek Road and Upper Coopers Creek Road
 - (b) the existing 'Give Way' sign on Upper Coopers Creek Road be removed
 - (c) 'Y' intersection warning signs be installed on Coopers Creek Road and Upper Coopers Creek Road. (03-1951:S345,R3605,R3606,R3604)

6. **A Charles;** advising that the business proprietors of Nos. 80-82 Cullen Street, Nimbin, have given approval for the Bus Zone to be extended by a few metres north of its present location.

Council had already approved the extension of the Bus Zone in front of Nimbin Connexion. However, the owners and adjacent resident had requested that it be moved a few metres further north to the driveway of No. 82 Cullen Street to avoid vehicles parking in the Bus Zone or too close to the driveway. They had also requested the times to be installed on the Bus Zone signs.

TAC53/03 **RECOMMENDED** that the Bus Zone sign be relocated to a position 3.0m south of the driveway to No. 82 Cullen Street and the times of 9.00am to 5.00pm be included on the signs. (R1701)

7. **Ms K Myers;** expressing concern for the excessive speed of traffic on Eltham Road and requesting a reduced speed limit of 60 kph be applied between Pearces Creek Bridge and Pearces Creek School.

The area had been inspected prior to the meeting and it was felt that generally signposting along the section of road in question was good, apart from the 'Children' symbol and 'School' warning signs on the eastern approach to Humpty Back Road.

Some of the signage was not clearly visible due to overgrown vegetation along the roadside. As the area was predominately a rural environment, a reduction in the speed limit was not considered appropriate.

TAC54/03 **RECOMMENDED** that the 'Children' symbol warning and 'School' signs for west-bound traffic on Eltham Road be renewed and that roadside vegetation be cleared to afford greater visibility of existing signage, particularly in the area from the Pearces Creek Bridge to Humpty Back Road. (03-3487:R4002)

8. **Jungle Patrol;** advising of the traffic control measures proposed for Mardi grass 2003 to be held on May 2-4, 2003, inclusive.

It was noted that the proposed traffic conditions involving closures and parking were the same as for the past couple of years. These conditions had worked in the past and the Committee raised no objection provided the Nimbin Police was also satisfied with the arrangements.

TAC55/03 **RECOMMENDED** that approval be granted for the alteration of traffic conditions, as proposed, provided the Nimbin Police was also in agreement. (S824)

General Business

9. **Brewster Street, Lismore – Parking Facilities**

Ms S Henry had requested that parking arrangements on the western side of Brewster Street, opposite McDonalds Restaurant, be formalised.

It was agreed that parking facilities opposite McDonalds needed to be formalised.

TAC56/03 **RECOMMENDED** that 45° 'nose in' angle parking be introduced on the western side of Brewster Street, between Uralba Street and opposite the northernmost driveway to Beaurepair Tyre Centre, and parallel parking be introduced from this point up to the existing 'No Stopping' sign.

TAC57/03 **FURTHER RECOMMENDED** that the area in question be included in the next resealing programme and then line-marked accordingly. (R6007)

10. **Access Road off Ballina Road, Goonellabah – East of Bruxner Crescent**
Ms V Walker had requested the Committee consider banning right-turn movements out of the access road located just east of the bottom Bruxner Crescent intersection with Ballina Road.
An inspection of the area in question revealed that the sight distance of oncoming vehicles for motorists exiting the access road, particularly if attempting to turn right, was severely restricted by the existing amco guardrail. Left-turns were possible with due care.
- TAC58/03** **RECOMMENDED** that a 'No Right Turn' sign be erected at the end of the guardrail on the western side of the access road off Ballina Road, east of Bruxner Crescent. (R6408)
11. **Wyrallah Road, Tuckurimba - Curve**
Concerns had been raised for the number of motorists losing control on the last right-hand bend travelling from Woodburn before the climb up Tuckurimba Hill. An inspection revealed that the corner in question could be safely negotiated at 100 kph and there was no obvious reason why the curve would cause motorists to lose control apart from excessive speed. Warning signs were not considered necessary. However, it was felt that additional guideposts around the bend at closer intervals might assist in better delineation of the corner.
- TAC59/03** **RECOMMENDED** that additional guideposts be erected around the bend in question on Wyrallah Road. (R5201)
12. **Nimbin Road, Goolmangar - Curve**
Concerns had been raised for the number of motorists losing control on the last left-hand bend coming from Nimbin before the Goolmangar Village. The curve was reasonably sharp but was well signposted. A 'curve' warning sign with an advisory speed of 55 kph was in place as well as chevron hazard markers around the bend itself.
- TAC60/03** **RECOMMENDED** that the reflectivity of the signs be checked for night use and they be replaced if found inadequate.
- TAC61/03** **FURTHER RECOMMENDED** that a large size aggregate seal be carried out around the bend in order to improve the road surface quality. (R2801)
13. **Second Avenue – Parking Facilities**
The Mayor raised concerns relayed to him regarding motorists parking right up to the corner on the eastern side of Second Avenue, south of Ballina Street.
- TAC62/03** **RECOMMENDED** that the area be inspected with a view to installing 'No Stopping' signs if considered necessary. (R7473)
14. **Accident statistics**
Sgt Hamilton advised that Lismore Police had been using statistics taken over the past five years to identify the worst roads in the Lismore Local Government area for the number of accidents. The top 10 streets had been specifically targeted by Lismore Police with the result that there had been a significant reduction in the number of incidents. Of notable interest were Woodlark Street and Dalley Street. Mrs Johnson undertook to arrange a closer investigation of the relevant statistics for these two streets in order to ascertain the type and date of same and report back to a future meeting. The Police initiative was acknowledged and encouraged to continue to produce further positive results.
- TAC63/03** **RECOMMENDED** that the above be noted. (S352)
-

15.

Road Safety initiatives

Mrs Johnson outlined her current campaigns which included the Wade Park Road Safety Park, Molesworth Street reconstruction, Buckle Up campaign, speed trailer and the Pedestrian campaign. Mrs Johnson also advised of a recent Strategic Planning Workshop she had attended at Grafton when she raised the issue of further education being required on the correct use of roundabouts. Unfortunately this had not received strong support at the Workshop. The Committee noted that this was an issue that was constantly being raised by the public in this area due to the large number of roundabouts, and members were of the opinion that the issue was an important one and should be included in the Regional Strategic Plan for road safety.

TAC64/03

RECOMMENDED that Council support the Committee's view and a letter be issued to the NSW Roads & Traffic Authority requesting that a campaign targeting the correct use of roundabouts be included in the Regional Strategic Plan for road safety. (S596)

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

CHAIRPERSON

**TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR**

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, APRIL 8, 2003 AT 6.03PM.

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

65/03 **Apologies/** An apology for non-attendance on behalf of Councillor Gallen was
Leave of received and accepted and leave of absence granted.
Absence: (Councillors Swientek/Baxter)

66/03 **Minutes:** The Minutes of the Ordinary Meeting held on March 11, 2003,
were confirmed.
(Councillors Crowther/Hampton)

PUBLIC ACCESS SESSION:

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

Lorraine Vass re Notice of Motion – Koalas/Skyline/Durheim Roads

(See Minute No. 71/03)

Ms Vass advised she was President of the Friends of the Koala. She spoke in support of the petition, detailing the reasons behind it, including the proposed upgrade of Skyline Road.

(03-3041: S642)

Damian Chapelle re Report - DA02/771 – 105 Lot Subdivision - 35 Just Street, Goonellabah

(See Minute No. 73/03)

Mr Chapelle spoke of the long term planning associated with the development of the area. He detailed the conditions to be imposed on the development and the positive nature these would have. However, he sought the deletion of condition 84, describing it as inappropriate and illegal.

(D02/771)

Rick McCarthy re Report - DA02/771 - 105 Lot Subdivision - 35 Just Street, Goonellabah

(See Minute No. 73/03)

Mr McCarthy spoke in opposition to access to the construction of Stages 1 and 2 via McIntosh Road. He referred to increased danger to local traffic and pedestrians, a decline in the infrastructure with benefits accruing to the developers.

(D02/771)

Mr B Maxwell re Report – Draft Lismore Urban Strategy

(See Minute No. 75/03)

Mr Maxwell detailed the history of the speedway and its benefits to the citizens of Lismore. He claimed the proposal before Council threatened its future.

(S650)

Barry Garland re Report - Rating Review

(See Minute No. 76/03)

Mr Garland spoke on behalf of the Richmond Hill Ratepayers Association. He supported change to the existing rating structure moving away from total reliance on land value as a determining factor. (S384)

Stan Heywood re Traffic Advisory Committee 19/3/03 Minutes – Clause 19

(See Minute Nos. 79/03)

Mr Heywood claimed the revised bus zones benefit one company to the detriment of passengers and rural bus operators. (S135,R7307)

CONDOLENCES:

Late I R (Bob) Gates, Former Mayor

It was with great regret that Council learned of the sudden passing of our former Mayor, Bob Gates.

Ian Robert Gates was born in Lismore in 1937. He was educated at North Lismore Primary and Lismore High Schools. He spent 35 years working in local government, culminating in his appointment as Deputy City Engineer in Lismore. He retired from local government employment in 1993 and in 1995 was elected as a councillor with Lismore City Council.

At the 1999 local government elections he was returned as the popularly elected Mayor, a position he held for 3 years until ill health forced him to seek leave of absence in August 2002. He retired from Council in January 2003 after a very meritorious 42 years involvement in local government.

Bob was well known for his unswerving support of the Lismore flood levee. He was the instigator of the Lismore Lake and his knowledge of all facets of local government will be sorely missed.

Bob was very involved in various community organisations and took a keen interest in local affairs.

Bob is survived by wife Helen and three sons.

Late Col Bennett

The death of Colin McEwan Bennett after a long illness, severed a link with the business section of Lismore.

The late Mr Bennett attended school in Lismore and went on to become principal of Bennett Industries which became a major construction company. He was also the proprietor of Bennett Cranes and Bennett Hire.

Many major buildings in the area stand as monuments to Bennett Constructions and in the city itself we have the City Hall, St. Vincent's Hospital and areas of the University just to name a few.

Late Cec Reynolds

Council mourns the passing of Cec Reynolds. Cec was a labourer and plant operator with Gundurimba Shire Council and Lismore City Council and was in the employ of those councils for over 40 years.

He was a very reliable employee and was very proud of the equipment with which he worked. He was well liked and respected by his work colleagues.

67/03

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

(S75)

DISCLOSURE OF INTEREST:

S459

Councillor King declared an interest in the report – Draft Lismore Urban Strategy (member of Show Society).

MAYORAL MINUTE:

Regional Express Airlines Visit to Lismore

68/03 **RESOLVED** that the minute be received and Council invite Regional Express Airlines to conduct a Board meeting in Lismore.
(Councillors King/Crowther) (S370)

RESCISSION MOTION:

Aspect North Development at Lismore Airport

69/03 Formal notice having been given by Councillors Irwin, Roberts and Tomlinson it was **RESOLVED** that Council rescind the decision on Aspect North and the Airport.
(Min. No. 57/03)
(Councillors Irwin/Tomlinson)
(03-2747: P25804)

MOTIONS:

Aspect North Development at Lismore Airport

Formal notice having been given by Councillor Irwin it was **MOVED** that Council revert to the original recommendation, i.e. that -

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

(Councillors Irwin/Tomlinson)

On submission to the meeting the motion was **DEFEATED**.

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

A MOTION WAS **MOVED** that -

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

- 5 That the agreement address the following issues –
 - i) a target completion date for the proposed development
 - ii) Council to receive the first refusal rights should Aspect North wish to dispose of the site.
 - iii) Identification of the terminal building in name of Habib Habib be retained.
- 6 That the matter of funding essential works at the airport be considered as part of the budget process.

(Councillors Crowther/Chant)

AN AMENDMENT WAS MOVED that -

- 1 Council record its support for this development and commit that it will work with the principals to achieve beneficial outcomes;
- 2 Council seek advice from Ambidji Frontec, the airport managers, regarding the suitability of the site for this purpose and the long term development of the Lismore Regional Airport;
- 3 The existing valuations for the airport hangar land be updated;
- 4 The General Manager be delegated authority to negotiate an agreement with Aspect North following independent valuation advice on the site plan as attached to the March report for the sale of the freehold title;
- 5 That the agreement address the following issues –
 - i) a target completion date for the proposed development
 - ii) Council to receive the first refusal rights should Aspect North wish to dispose of the site.
 - iii) Identification of the terminal building in name of Habib Habib be retained.
- 6 That money received from the sale of the land to Aspect North be directed towards essential works at the airport.

(Councillors Irwin/Tomlinson)

On submission to the meeting the amendment was DEFEATED.

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

70/03

RESOLVED that -

- 1 Council record its support for this development and commit that it will work with the principals to achieve beneficial outcomes;
- 2 Council seek advice from Ambidji Frontec, the airport managers, regarding the suitability of the site for this purpose and the long term development of the Lismore Regional Airport;
- 3 The existing valuations for the airport hangar land be updated;
- 4 The General Manager be delegated authority to negotiate an agreement with Aspect North following independent valuation advice on the site plan as attached to the March report for the sale of the freehold title;
- 5 That the agreement address the following issues –
 - i) a target completion date for the proposed development
 - ii) Council to receive the first refusal rights should Aspect North wish to dispose of the site.
 - iii) Identification of the terminal building in name of Habib Habib be retained.
- 6 That the matter of funding essential works at the airport be considered as part of the budget process.

(Councillors Crowther/Chant)

Voting Against: Councillors Irwin, Swientek and Tomlinson.

(03-2747: P25804)

71/03 **Koalas/Skyline/Durheim Roads**
Formal notice having been given by Councillor Irwin it was **RESOLVED** that Lismore Council receive and note the petition from the Friends of Koalas concerning koalas and Skyline/Durheim Road as reflecting broad support within the community for the future protection of koalas.

(Councillors Irwin/Swientek)

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

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

A MOTION WAS MOVED that the upgrading and realignment of Skyline Road be referred to the Roads Management Committee where any work will be prioritised according to the transparent points system that Committee has developed.

(Councillors Tomlinson/Irwin)

On submission to the meeting the motion was DEFEATED.

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

(03-3041: S642)

SUSPENSION OF STANDING ORDERS:

72/03 **RESOLVED** that standing orders be suspended and Council now deal with the undermentioned matters:-

- **Report - DA02/771 – 105 Lot Subdivision, Just Street, Goonellabah**
- **Report - Draft Lismore Urban Strategy**
- **Report - Rating Review**
- **Report - Traffic Advisory Committee Minutes 19/3/03**

(Councillors Irwin/Suffolk)

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

A MOTION WAS MOVED that the report be received and -

- A** That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.
- B** That Council at its own cost provide adequate traffic calming devices along McIntosh Road, and improve the sight distance at the Pamela Drive McIntosh Road intersection and this occur prior to construction of the subdivision.
- C** That Council commit to repairing any damage to the City Acres subdivision as a result of road construction for the development and that a report be submitted to Council on measures such as footpaths and bus shelters through City Acres.
- D** That Council, as the consent authority, approve Development Application 02/771 for a 105 Lot residential subdivision, dedication of a public reserve, stormwater drainage works and a sewer pump station subject to the conditions listed below:

STANDARD

- 1 In granting this development consent, Council requires:
- the development,
 - all roads/civil works,
 - lot boundaries, and

- areas subject to any amendment or modification called for in the following conditions

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

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

DRAINAGE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EARTHWORKS

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

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

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

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

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

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

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

ROADS

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

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

Stage 1

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

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

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

Stage 2

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

Stage 3

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

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

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

Stage 4

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

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

Stage 5

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Provision of the following services:

- water supply
- sewer
- stormwater
- telephone

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

Stage 1

Lot 8 driveway 3.0m wide

Lot 17 driveway 3.0m wide

Stage 3

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

Lot 67 driveway 3.0m wide.

Stage 4

Lot 75 driveway 3.0m wide

Stage 5

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

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

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

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

SUBDIVISION

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

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

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

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

PUBLIC UTILITIES

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

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

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

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

PUBLIC RESERVE

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

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

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

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

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

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

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

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

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

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

- 25 All open space/public reserves are to be dedicated to Council upon release of the subdivision certificate for Stage 1. A right-of-way is to be registered to give Council access to the dedicated open space.
Reason: To allow for equitable dedication of land to offset against the payment of contributions and to ensure that adequate road access is available to the open space.
- 26 The developer shall enter into a contract with Council to maintain the public reserves until the release of the subdivision certificate for Stage 4.
The developer shall annually submit to Council evidence of public liability insurance to the value of \$10,000,000 while ever the developer is maintaining Council owned reserves.
Reason: To negate any maintenance burden on Council.
- 27 A riparian remediation plan must be submitted to Council for approval prior to approval of the Engineering Design Plans.
The remediation plan must detail a riparian revegetation strategy and bank stabilisation works for the section of Tucki Tucki Ck adjoining the proposed subdivision and must be consistent with guidelines and recommendations made by the Department of Land and Water Conservation for such works.
Reason: To provide an effective and functional updated riparian zone.
- 28 The approved riparian strategy is to be implemented to the satisfaction of Council prior to the release of the Subdivision Certificate for the dedication of the reserve.
Reason: To provide an effective and functional updated riparian zone.

SECTION 94 CONTRIBUTIONS

- 29 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore City Council S94 Contributions Plan 1994 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the Subdivision Certificate is released. The rates and amounts applying at the date of this notice, totaling \$ 566,384 represent the total liability under the provisions of the contribution plan. The value of the lands to be dedicated and additional works has been deducted from the total liability and the remaining contribution totaling \$ 306,441 and the reduced rates of contribution are set out in the schedule for your information. Should the proponent wish to pay the Section 94 and Section 64 levies in one installment, and the total contribution payable exceeds \$20, 000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the release of the Subdivision Certificate. █
Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the percentage increase from the date of approval to the date of payment, as notified by the Consumer Price Index (Sydney).
The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.
If the contributions set out in the schedule, or part thereof, are to be met by the dedication of land or other approved Material Public Benefit, then the Applicant will pay to Council the GST (defined below) applicable to the value of land dedicated or (Material Public Benefit) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

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

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

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

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

AMENITY

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

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

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

Monday to Friday - 7.00am to 6.00pm

Saturday - 8.00am to 1.00pm

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

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

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

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

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

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

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

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

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

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

LAND CONTAMINATION

37 A contaminated land report must be submitted to Council for approval prior to release of the final plan of survey in accordance with Council's Contaminated Lands Policy adopted by Council on 12/11/2002.

The report must include a statutory declaration verifying that ownership of the land has been held by the Pearce family since the early 1930's and verifying that their landuse did not include activities likely to result in land contamination. The statement must also provide evidence that landuse on the site prior to ownership by the Pearce family was not likely to cause land contamination.

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

BUILDING

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

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

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

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

- 40 A building envelope is to be identified on proposed Lot 102 and registered in the title. The building envelope is to be in accordance with the approved plan no. 02/332 dated 10/9/2002. Any request to vary the building envelope or remove trees, apart from those indicated in the DA, be brought to Council for a decision.

WATER & SEWER

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

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

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

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

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

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

- 43 Prior to issue of a Subdivision Certificate by the Principal Certifying Authority, the proponent must apply to Lismore City Council under Section 305 of the Water Management Act 2000, and obtain from Lismore City Council a Certificate of Compliance under Section 307 of the Water Management Act 2000.
Following the making of an application under Section 305 of the Water Management Act 2000, Lismore City Council under Section 306 of the Water Management Act 2000, may require the proponent to do either or both of the following:
- a) to pay a specific amount to the Lismore City Council by way of contribution towards the cost of such works as are specified in the notice, being existing works or projected works, or both,
 - b) to construct works to serve the development.
- Reason:** *To provide adequate services for the development (EPA Act Sec 79C(c))*
- 44 Full design plans of the proposed engineering works to satisfy condition(s) 41 and 42 shall be submitted to Lismore City Council. Such plans must be approved by the Manager-Water and Sewerage before the issue of the Construction Certificate.
Construction of these works will need to be completed before a Certificate of Compliance is issued by Lismore City Council under Section 307 of the Water Management Act 2000.
Reason: *To provide adequate services for the development (EPA Act Sec 79C(c))*
- 45 The proponent, at no cost to Council, is to dedicate an easement 3m wide over the proposed/existing sewer main as directed by Council.
Reason: *To ensure adequate protection of utility services (EPA Act Sec 79C(b))*
- 46 The proponent shall pay to Council all Water and Sewerage Headworks Levies deemed necessary by Council and in accordance with Section 64 of the Local Government Act 1993, as detailed in the attached schedule. Such levies shall be paid prior to release of the Subdivision Certificate.
Reason: *To provide funds for the provision of services and facilities identified in Lismore City Council's Section 64 Contributions Plan dated February 1996 as required by the increased population or activity. (Water Management Act 2000, Sec 306)*
- 47 Pump Station**
- a) Full details and plans of the proposed sewer pumping station and rising main are to be included with the sewer reticulation proposed, including any staging, together with the existing sewer reticulation currently discharging into Just Street Pump Station.
The proposed sewer pumping station is to be designed so as to have eight hours detention storage capacity in dry weather flows. All civil, mechanical and electrical works to comply with Council's adopted Standards. The pump station is to be designed to incorporate the entire Just Street catchment. Four copies of pump operations manuals and other relevant documents to be provided. Full design plans of these works are to be prepared by a qualified consultant and submitted to Council's Water and Sewerage Department for approval before any construction commences.
 - b) The proposed sewer rising main to be covered by a 5m wide easement in favour of Council on Private property. The new sewer rising main is to discharge into a new sewer manhole to be constructed at the end of the sewer main in Apo Street.
After satisfactory completion of this work, a practising qualified surveyor shall submit a "works-as-executed" set of 1:1000 transparency plans and plans in digital format (Autocad or similar) showing these works.

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

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

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

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

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

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

CRIME PREVENTION

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

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

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

Reason: *Crime Prevention.*

INTEGRATED DEVELOPMENT - DEPARTMENT OF LAND AND WATER CONSERVATION

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

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

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

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

- The appropriate permit fee paid to DLWC.
- 54 Work is to be carried out in accordance with drawings and any management plans required by these conditions and approved by DLWC that will accompany the 3A permit.
- 55 Any Part 3A permit issued is to be renewed on an annual basis until all works and all rehabilitation, including maintenance provisions, have been satisfactorily completed in accordance with the permit conditions. Any application for renewal will be lodged at least 1 month prior to the permit expiry date.
- 56 Work shall not cause damage to, or increase erosion of, the stream bed or banks. The permit holder shall carry out any instructions given by DLWC with a view to preventing degradation of the stream bed or banks.
- 57 Any vegetation or other material removed from the area of works shall be disposed of so that the material cannot be swept back into the stream during a flood.
- 58 All works proposed must be designed, constructed and operated so they do not cause erosion or sedimentation and do minimise adverse impacts on aquatic and riparian environments.
- 59 No plastic netting is to be used for any purpose, in the stream or within the riparian zone unless such netting is of a rapidly biodegradable variety.
- 60 Erosion and sediment control measures are required to be implemented prior to any works commencing, and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the river system. These measures are to be in accordance with Council's requirements and follow best management practices as outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998) manual (the "Blue Book").
- 61 The excavation of soil/spoil and its removal is the responsibility of the permit holder and the owner or occupier of the land.
- 62 The approval of NSW Fisheries is required for all proposed designs of in-stream works prior to the issue of the Part 3A permit.
- 63 These conditions are issued with the proviso that operations shall be carried-out on freehold land. Should operations be on Crown Land, these conditions are rendered null and void and the occupier of Crown Land should contact DLWC's Crown Lands section.
- 64 Work is to be carried out in accordance with any conditions imposed by other government agencies, provided such conditions do not conflict with these conditions or the conditions on the Part 3A permit.
- 65 The permit holder and the owner or occupier of the land are responsible for any works undertaken by any other person or company on this site.
- 66 The rehabilitation of the area in accordance with the Part 3A permit conditions is the responsibility of the permit holder and the owner or occupier of the land.
- 67 Any Part 3A permit granted is not transferable to any other person or company without the written approval of DLWC and does not authorise works at any other site.
- 68 Any Part 3A permit granted does not give the holder the right to occupy any land without the owner(s) consent nor does it relieve the holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the site and/or the activities proposed.
- 69 Work as executed survey plans of a professional standard shall be provided to DLWC upon request.
- 70 If, in the opinion of a DLWC officer, any activity is being carried out in such a manner that it may degrade the riparian zone, stream, lake or foreshore environment, all work shall cease immediately upon oral or written direction of such an officer.

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

Urban Bushland Regeneration

- 81 The developer shall prepare an environmental management plan for the area of open space on the eastern side of Tucki Tucki Creek. The management plan shall address weed control / eradication and bush regeneration and maintenance, The plan of management shall be submitted to Council and approved prior to the commencement of works.
Reason: *To ensure that appropriate landscaping is provided. (EPA Act Sec 79C(c))*
- 82 A detailed landscaping plan (in duplicate) shall be submitted to Council prior to release of the commencement of works. Landscaping plans shall be in accordance with the approved management plan as required by condition 81 Landscaping plans shall indicate:
- location of Council's sewer
 - proposed location for planted shrubs and trees
 - botanical name of shrubs and trees to be planted
 - mature height of trees to be planted
 - location of grassed areas
 - location of paved areas
 - location of trees identified for retention in the development application plans.

Council approved landscaping shall be completed prior to the release of the Subdivision Certificate for stage 4. Trees identified for retention in the Development Application plans shall not be removed without separate Council approval.

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

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

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

Road Network

- 84 The boundaries for lots 1 to 5 shall be amended to accommodate a road **reserve but the road is not to be constructed by the developer** between lots 1 and 2. This road shall link to the road proposed in stage 14 of the Olleyville Estate.

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

- 85 The developer shall provide details of traffic calming mechanisms to be constructed at the following locations:

- a) The intersection of Just and Apo Streets on the northern part of Just Street; and
- b) The intersection of Just Street and Pauline Court on Pauline Court.

These details shall be shown on the engineering plans as required by condition 11A.

Reason: *To minimise the traffic flow and speed into lower order streets in the road network.*

NOTE 1: Water and/or Sewerage Headworks levies payable under the Water Management Act 2000 totalling **\$716,976** will need to be paid to Council prior to the release of the Linen Plan under Sec 306 of the Water Management Act 2000.

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

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

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

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

(Councillors Irwin/Tomlinson) (D02/771)

AN AMENDMENT WAS MOVED that the report be received and -

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

B That Council, as the consent authority, approve Development Application 02/771 for a 105 Lot residential subdivision, dedication of a public reserve, stormwater drainage works and a sewer pump station:

Subject to the conditions listed below:

STANDARD

- 1 In granting this development consent, Council requires:
- the development,
 - all roads/civil works,
 - lot boundaries, and
 - areas subject to any amendment or modification called for in the following conditions
- be substantially in accordance with the stamped approved plan(s) and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.
- Reason:** *To correctly describe what has been approved. (EPA Act Sec 79C)*

DRAINAGE

- 2 Measures shall be put in place to control stormwater runoff. These control measures shall be in place prior to the commencement of works and shall prevent soil erosion and the transport of sediment from the development site into either:
- adjoining land
 - natural drainage courses
 - constructed drainage systems, or
 - waterways.
- All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Details of sediment control measures and revegetation works shall be submitted to Council for approval prior to commencement of any works upon the site.
- Reason:** *To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))*
- 3 The proponent shall make satisfactory provision for existing and proposed lots to dispose of stormwater without causing a nuisance to other properties. All works are to be constructed according to Council's Development, Design and Construction Manual (as amended). All roof water from any existing or proposed buildings and/or surface water from paved areas shall be directed to a discharge point to prevent intensification of discharge runoff onto adjoining land. All drainage lines are to be located within drainage easements.
- Any stormwater line with an area of influence from the stormwater line measured by projecting a 45° angle from the invert of the line to the surface level extending outside of the easement shall be covered by a restriction on use requiring any structure within this area to be pierced to the stormwater invert level. All costs shall be the responsibility of the proponent.
- Reason:** *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 79C(b))*
- 4 Prior to release of the Subdivision Certificate, a suitably qualified person or Principal Certifying Authority is required to furnish a statutory certificate confirming:
- all drainage lines have been located within the respective easements,
 - roadworks are in accordance with the approved design plan,
 - any other structures like retaining walls are located in accordance with the Construction Certificate,
 - all stormwater has been directed to a Council approved drainage system.
 - all conditions of consent/approval have been complied with.

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

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

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

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

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

EARTHWORKS

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

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

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

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

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

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

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

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

ROADS

- 10 The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). In relation to the following works, the proponent shall pay Council's GST cost prior to the release of the Subdivision Certificate.

The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work. Required roadworks include:

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

Stage 1

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

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

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

Stage 2

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

Stage 3

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

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

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

Stage 4

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

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

Stage 5

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

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

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

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

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

- 11 Prior to the approval of Engineering Design Plans for each stage of development, the applicant shall undertake traffic counts at the intersection of Rous Road and McIntosh Road.

Should the traffic counts indicate the intersection warrants upgrading to a Type B Intersection, in accordance with AUSTRROADS Pt 5 "Intersections at Grade", then either the intersection shall be upgraded to a Type B Intersection or the link to Dudley Drive or Just Street constructed. These works shall be constructed prior to release of the next Subdivision Certificate.

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

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

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

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

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

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

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

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

Provision of the following services:

- water supply
- sewer
- stormwater
- telephone

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

Stage 1

Lot 8 driveway 3.0m wide

Lot 17 driveway 3.0m wide

Stage 3

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

Lot 67 driveway 3.0m wide.

Stage 4

Lot 75 driveway 3.0m wide

Stage 5

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

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

- 15 The access shafts to proposed lots 8 and 75 shall be a minimum width of 5m
Reason: To ensure adequate provision of utility services (EPA Act Sec 79C(b))

SUBDIVISION

- 16 The proponent shall place allotment number identification on the frontage kerb and gutter to indicate the side boundaries and/or access shafts prior to release of the Subdivision Certificate.
Reason: To provide visual identification of lot boundaries (EPA Act Sec 79C(e)).
- 17 The proponent shall submit an application for a Subdivision Certificate for Council certification. Such application shall be accompanied by a Subdivision Certificate fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.
Reason: To comply with environmental planning instrument. (EPA Act Sec 79C(a))

PUBLIC UTILITIES

- 18 Prior to approval of the Subdivision Certificate, the proponent shall ensure the provision of telephone services is provided to all lots and including the full length of battle-axe handles. A Certificate of compliance from the relevant utility provider shall be required confirming that the respective utilities requirements have been met.
Reason: To ensure adequate provision of utility services (EPA Act Sec 79C(b))
- 19 Prior to approval of the Subdivision Certificate, a certificate of compliance from Country Energy shall be required confirming that Country Energy has provided underground electrical power to each lot, including the full length of battle-axe handles and adequate street lighting for the development as required by the relevant Australian Standard, and that charges for the extension of electricity supply have been paid.
Reason: To ensure adequate provision of utility services (EPA Act Sec 79C(b))

PUBLIC RESERVE

- 20 Prior to release of the Subdivision Certificate for Stage 4 the applicant shall, at no cost to Council, construct a 4m wide, 150mm thick, gravel fire access track from the end of Tamai Place to the southern boundary of lot 48 in DP849862. Full design details to be submitted to and approved by Council prior to approval of engineering design plans.
Reason: Bushfire access and to provide adequate pedestrian / cycle access through the reserve
- 21 Prior to release of the Subdivision Certificate for Stage 4, the applicant shall provide a 2m wide asphaltic concrete seal to the proposed gravel bushfire access track from the end of Tamai Place to the southern boundary of lot 48 in DP849862. Full design details to be submitted to and approved by Council prior to approval of engineering design plans. The full cost of these work estimated at \$7200 has been credited against the S94 contributions set out in condition 29.
Reason: To ensure an adequate pedestrian network in accordance with adopted standards. (EPA Act Sec 79C(a))
- 22 Land shown as Public Reserve and zoned 6(a) Open Space shall be dedicated as public reserves for recreation and open space/urban bushland/habitat enhancement. Any dedication costs shall be the responsibility of the proponent. Note: Credit against the dedication of this land shall be given in accordance with the Lismore Contributions Plan 1999 refer Condition 29.
Reason: To meet the anticipated demand for open space by residents of the development and the community. (EPA Act Sec 94)

- 23 Land shown as Public Reserve and zoned 2(a) residential shall be accepted by the Council as public reserve. Note: No credit against Section 94 Contributions will be given for this land as this land is surplus to the requirements for the open space needs of the subdivision.
Reason: *To allow access to the remaining open space (EPA Act Sec 79C)*
- 24 All land to the west of Tucki Creek that is to be created as public reserve shall be cleared of all surface rocks and slashed to Council's satisfaction prior to the release of the subdivision certificate.
Reason: *To ensure that the land is in a satisfactory condition to be utilised and maintained as open space.*
- 25 All open space/public reserves are to be dedicated to Council upon release of the subdivision certificate for Stage 1. A right-of-way is to be registered to give Council access to the dedicated open space.
Reason: *To allow for equitable dedication of land to offset against the payment of contributions and to ensure that adequate road access is available to the open space.*
- 26 The developer shall enter into a contract with Council to maintain the public reserves until the release of the subdivision certificate for Stage 4.
The developer shall annually submit to Council evidence of public liability insurance to the value of \$10,000,000 while ever the developer is maintaining Council owned reserves.
Reason: *To negate any maintenance burden on Council.*
- 27 A riparian remediation plan must be submitted to Council for approval prior to approval of the Engineering Design Plans.
The remediation plan must detail a riparian revegetation strategy and bank stabilisation works for the section of Tucki Tucki Ck adjoining the proposed subdivision and must be consistent with guidelines and recommendations made by the Department of Land and Water Conservation for such works.
Reason: *To provide an effective and functional updated riparian zone.*
- 28 The approved riparian strategy is to be implemented to the satisfaction of Council prior to the release of the Subdivision Certificate for the dedication of the reserve.
Reason: *To provide an effective and functional updated riparian zone.*

SECTION 94 CONTRIBUTIONS

- 29 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore City Council S94 Contributions Plan 1994 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the Subdivision Certificate is released. The rates and amounts applying at the date of this notice, totaling \$ 566,384 represent the total liability under the provisions of the contribution plan. The value of the lands to be dedicated and additional works has been deducted from the total liability and the remaining contribution totaling \$ 306,441 and the reduced rates of contribution are set out in the schedule for your information. Should the proponent wish to pay the Section 94 and Section 64 levies in one installment, and the total contribution payable exceeds \$20, 000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the release of the Subdivision Certificate. █
Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the percentage increase from the date of approval to the date of payment, as notified by the Consumer Price Index (Sydney).

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

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

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

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

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

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

AMENITY

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

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

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

Monday to Friday - 7.00am to 6.00pm

Saturday - 8.00am to 1.00pm

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

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

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

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

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

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

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

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

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

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

LAND CONTAMINATION

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

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

BUILDING

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

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

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

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

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

WATER & SEWER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 Pump Station

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

The proposed sewer pumping station is to be designed so as to have eight hours detention storage capacity in dry weather flows.

All civil, mechanical and electrical works to comply with Council's adopted Standards. The pump station is to be designed to incorporate the entire Just Street catchment. Four copies of pump operations manuals and other relevant documents to be provided. Full design plans of these works are to be prepared by a qualified consultant and submitted to Council's Water and Sewerage Department for approval before any construction commences.

- b) The proposed sewer rising main to be covered by a 5m wide easement in favour of Council on Private property.
The new sewer rising main is to discharge into a new sewer manhole to be constructed at the end of the sewer main in Apo Street.
After satisfactory completion of this work, a practising qualified surveyor shall submit a "works-as-executed" set of 1:1000 transparency plans and plans in digital format (Autocad or similar) showing these works.
- c) The sewer pumping station is to be supplied with a 25mm water service with back-flow prevention fitted in accordance with Australian Standard 3500.1
- d) The sewer pumping station to be provided with a suitable sealed, all weather access in accordance with Council's adopted standards .
Such access and Pump station to be enclosed within a Lot to be created to the requirements of Manager-Water and Sewerage. The lot is to be operational land when handed over to Council. Any costs shall be the responsibility of the applicant or developer.
- e) A man proof fence is to be erected around the Sewer Pump Station
- f) All easements are to be professionally prepared and submitted for the approval of Council
- g) All agreed cost sharing associated with the construction of the Pump Station will need to be determined and approved by Council before any construction commences.
- h) Provide and install Telemetry system to link into Council's Water and Sewerage telemetry system.

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

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

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

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

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

CRIME PREVENTION

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

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

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

Reason: Crime Prevention.

**INTEGRATED DEVELOPMENT - DEPARTMENT OF LAND AND WATER
CONSERVATION**

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

- 52 Irrespective of the granting of this consent or approval by any other Authority, work is not to commence in, or within a horizontal distance of 40m from the top of the bank of the watercourse/foreshore, without the prior issue of a Part 3A permit by DLWC.
- 53 Prior to the issue of the Part 3A permit the applicant must provide DLWC with the following:
- A copy of Council's development consent including all conditions of approval;
 - Plans and/or other documentation (3 copies) that satisfy the DLWC's General Terms of Approval and recommendations which are included in the consent conditions; and,
 - The appropriate permit fee paid to DLWC.
- 54 Work is to be carried out in accordance with drawings and any management plans required by these conditions and approved by DLWC that will accompany the 3A permit.
- 55 Any Part 3A permit issued is to be renewed on an annual basis until all works and all rehabilitation, including maintenance provisions, have been satisfactorily completed in accordance with the permit conditions. Any application for renewal will be lodged at least 1 month prior to the permit expiry date.
- 56 Work shall not cause damage to, or increase erosion of, the stream bed or banks. The permit holder shall carry out any instructions given by DLWC with a view to preventing degradation of the stream bed or banks.
- 57 Any vegetation or other material removed from the area of works shall be disposed of so that the material cannot be swept back into the stream during a flood.
- 58 All works proposed must be designed, constructed and operated so they do not cause erosion or sedimentation and do minimise adverse impacts on aquatic and riparian environments.
- 59 No plastic netting is to be used for any purpose, in the stream or within the riparian zone unless such netting is of a rapidly biodegradable variety.
- 60 Erosion and sediment control measures are required to be implemented prior to any works commencing, and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the river system. These measures are to be in accordance with Council's requirements and follow best management practices as outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998) manual (the "Blue Book").
- 61 The excavation of soil/spoil and its removal is the responsibility of the permit holder and the owner or occupier of the land.
- 62 The approval of NSW Fisheries is required for all proposed designs of in-stream works prior to the issue of the Part 3A permit.
- 63 These conditions are issued with the proviso that operations shall be carried-out on freehold land. Should operations be on Crown Land, these conditions are rendered null and void and the occupier of Crown Land should contact DLWC's Crown Lands section.
- 64 Work is to be carried out in accordance with any conditions imposed by other government agencies, provided such conditions do not conflict with these conditions or the conditions on the Part 3A permit.
- 65 The permit holder and the owner or occupier of the land are responsible for any works undertaken by any other person or company on this site.

- 66 The rehabilitation of the area in accordance with the Part 3A permit conditions is the responsibility of the permit holder and the owner or occupier of the land.
- 67 Any Part 3A permit granted is not transferable to any other person or company without the written approval of DLWC and does not authorise works at any other site.
- 68 Any Part 3A permit granted does not give the holder the right to occupy any land without the owner(s) consent nor does it relieve the holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the site and/or the activities proposed.
- 69 Work as executed survey plans of a professional standard shall be provided to DLWC upon request.
- 70 If, in the opinion of a DLWC officer, any activity is being carried out in such a manner that it may degrade the riparian zone, stream, lake or foreshore environment, all work shall cease immediately upon oral or written direction of such an officer.
- 71 If the permit conditions have been breached, the permit holder shall restore the site in accordance with the permit conditions and/or as directed by DLWC. If any breach of the permit conditions requires a special site inspection by DLWC, then the permit holder shall pay a fee prescribed by DLWC for this inspection and all subsequent breach inspections.
- 72 If works are to cease prior to completion DLWC must be notified in writing one month in advance of the cessation of the operation.
- 73 All drainage and service infrastructure shall be located as far from the banks of the creek as possible, preferably within the boundaries of the lots.
- 74 Any stormwater infiltration or sedimentation structures are to be located out of the 1:100 flood level area adjacent to the creek
- 75 No works are to occur within the riparian zone, for a width of 10 m, measured horizontally and at right angles to the flow from the top of the bank.
- 76 A *Soil and Water Management Plan* (S&WMP) for all site works is to be prepared by a suitably qualified person(s) with knowledge and experience in the preparation of such plans, in consultation with, and with the approval of DLWC **prior to the issue of the Part 3A Permit**. The S&WMP is to cover all aspects of soil and water management requirements for the site that could impact on the stream and must include details of staging, monitoring, management responsibilities, maintenance and decommissioning requirements. The S&WMP must meet the requirements outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998) manual (the "Blue Book").
- 77 All disturbed soil surfaces are to be stabilised and rehabilitated immediately it is possible to do so to with sterile exotic cover crops or couch turf. Kikuyu is not permitted.
- 78 Disturbance to native vegetation is to be kept to an absolute minimum. Any disturbed vegetation is to be rehabilitated using local native groundcovers, shrubs and trees.
- 79 If disturbance is deemed to be excessive, the Department may require the preparation and implementation of a Vegetation Management Plan and remedial works.
- 80 Any stormwater outlet to the watercourse is to be designed and constructed to minimise any erosion or scour of the banks or bed of the watercourse.

Urban Bushland Regeneration

- 81 The developer shall prepare an environmental management plan for the area of open space on the eastern side of Tucki Tucki Creek.

The management plan shall address weed control / eradication and bush regeneration and maintenance, The plan of management shall be submitted to Council and approved prior to the commencement of works.

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

82 A detailed landscaping plan (in duplicate) shall be submitted to Council prior to release of the commencement of works. Landscaping plans shall be in accordance with the approved management plan as required by condition 81 Landscaping plans shall indicate:

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

Council approved landscaping shall be completed prior to the release of the Subdivision Certificate for stage 4. Trees identified for retention in the Development Application plans shall not be removed without separate Council approval.

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

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

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

Road Network

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

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

85 The developer shall provide details of traffic calming mechanisms to be constructed at the following locations:

- a) The intersection of Just and Apo Streets on the northern part of Just Street; and
- b) The intersection of Just Street and Pauline Court on Pauline Court.

These details shall be shown on the engineering plans as required by condition 11A.

Reason: *To minimise the traffic flow and speed into lower order streets in the road network.*

NOTE 1: Water and/or Sewerage Headworks levies payable under the Water Management Act 2000 totalling **\$716,976** will need to be paid to Council prior to the release of the Linen Plan under Sec 306 of the Water Management Act 2000.

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

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

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

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

C City Works investigate traffic calming in McIntosh Road and report back to Council on that matter.

(Councillors Hampton/Crowther)

On submission to the meeting the amendment was APPROVED and became the motion.

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

73/03

RESOLVED that the report be received and –

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

B That Council, as the consent authority, approve Development Application 02/771 for a 105 Lot residential subdivision, dedication of a public reserve, stormwater drainage works and a sewer pump station:

Subject to the conditions listed below:

STANDARD

1 In granting this development consent, Council requires:

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

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

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

DRAINAGE

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

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

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

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

- 3 The proponent shall make satisfactory provision for existing and proposed lots to dispose of stormwater without causing a nuisance to other properties. All works are to be constructed according to Council's Development, Design and Construction Manual (as amended). All roof water from any existing or proposed buildings and/or surface water from paved areas shall be directed to a discharge point to prevent intensification of discharge runoff onto adjoining land. All drainage lines are to be located within drainage easements.
Any stormwater line with an area of influence from the stormwater line measured by projecting a 45° angle from the invert of the line to the surface level extending outside of the easement shall be covered by a restriction on use requiring any structure within this area to be pierced to the stormwater invert level. All costs shall be the responsibility of the proponent.
Reason: *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 79C(b))*
- 4 Prior to release of the Subdivision Certificate, a suitably qualified person or Principal Certifying Authority is required to furnish a statutory certificate confirming:
- all drainage lines have been located within the respective easements,
 - roadworks are in accordance with the approved design plan,
 - any other structures like retaining walls are located in accordance with the Construction Certificate,
 - all stormwater has been directed to a Council approved drainage system.
 - all conditions of consent/approval have been complied with.
- Reason:** *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 79C(a))*
- 5 The discharge of stormwater from the site shall be limited to the pre-development flow (rural flow) for an ARI of 10 years and a time of concentration of 6 minutes. On-site retention of stormwater shall be encouraged to achieve this requirement. Full design details shall be submitted with the Engineering Design Plans.
Reason: *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 79C(b)).*
- 6 A Stormwater Management Plan must be submitted to and approved by Council prior to detailed engineering design plans being approved by Council. The Plan must detail measures to be implemented to reduce peak flow rates from the site and improve stormwater quality prior to flows entering Tucki Tucki Creek. The plan must give consideration to the receiving waters of Tucki Tucki Ck and develop stormwater quality objectives for flows entering the creek. The Plan must also detail how the measures proposed to be put in place to improve stormwater quality will achieve those objectives. The detailed engineering plans shall reflect the approved Stormwater Management Plan.
Reason: *To protect Tucki Tucki Creek from urban stormwater runoff.*

EARTHWORKS

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

- adequate drainage has been provided.
Reason: To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))
- 8 A qualified practising structural engineer shall provide Council with a certificate of structural adequacy for any proposed retaining walls in the development, prior to commencement.
Any proposed retaining wall associated with roadworks shall be constructed wholly within the lots. No retaining wall shall be constructed upon the road reserve.
Reason: To ensure the development is constructed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 79C(b))
- 9 Prior to the release of the Subdivision Certificate, a NATA registered geotechnical testing authority shall submit documentary evidence, certifying that the fill material has been placed in accordance with Australian Standard 3798 "Guidelines on earthworks for commercial and residential developments".
Reason: To ensure the development is completed in accordance with the conditions and approved construction design plans. (EPA Act Sec 79C(b))

ROADS

- 10 The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). In relation to the following works, the proponent shall pay Council's GST cost prior to the release of the Subdivision Certificate. The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work. Required roadworks include:
Construction of an intersection layout at the junction of McIntosh Road and Rous Road in accordance with AUSTRROADS Pt 5 "Intersections at Grade" giving particular attention to sight distance, as required by Condition No. 11.
Stage 1
Construction of Dudley Drive to an urban road shape with a bitumen sealed width of 11m between kerbs from the end of the existing road pavement in McIntosh Road to the western boundary of proposed lot 19.
Construction of Betty Court to an urban road shape with a bitumen sealed width of 6 m between kerbs from Dudley Drive to the northern boundary of proposed lot 11.
Construction of the link road between Dudley Drive and the land to the south, as identified in condition 84, to an urban road shape with a bitumen sealed width of 9m between kerbs.
Stage 2
Construction of Just Street to an urban road shape with a bitumen sealed width of 11m between kerbs from Dudley Drive to the Northern boundary of lot 22.
Stage 3
Construction of Just Street to an urban road shape with a bitumen sealed width of 11m between kerbs from the end of the existing pavement to the Northern boundary of lot 22.
Construction of Pauline Court to an urban road shape with a bitumen sealed width of 9m between kerbs from Just Street to the eastern boundary of proposed Lot 50.
Construction of Tamai Place to an urban road shape with a bitumen sealed width of 6m between kerbs from Pauline Court to the southern boundary of proposed lot 57.

Stage 4

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

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

Stage 5

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

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

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

A practising qualified surveyor or engineer shall submit to Council for approval prior to the release of the Subdivision Certificate, a "works-as-executed" set of plans and construction certification.

The certification shall detail satisfactory completion of all roads, drainage and civil works required by this development consent and approved design plans.

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

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

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

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

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

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

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

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

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

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

Provision of the following services:

- water supply
- sewer
- stormwater
- telephone

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

Stage 1

Lot 8 driveway 3.0m wide

Lot 17 driveway 3.0m wide

Stage 3

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

Lot 67 driveway 3.0m wide.

Stage 4

Lot 75 driveway 3.0m wide

Stage 5

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

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

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

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

SUBDIVISION

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

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

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

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

PUBLIC UTILITIES

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

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

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

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

PUBLIC RESERVE

- 20 Prior to release of the Subdivision Certificate for Stage 4 the applicant shall, at no cost to Council, construct a 4m wide, 150mm thick, gravel fire access track from the end of Tamai Place to the southern boundary of lot 48 in DP849862. Full design details to be submitted to and approved by Council prior to approval of engineering design plans.
Reason: *Bushfire access and to provide adequate pedestrian / cycle access through the reserve*
- 21 Prior to release of the Subdivision Certificate for Stage 4, the applicant shall provide a 2m wide asphaltic concrete seal to the proposed gravel bushfire access track from the end of Tamai Place to the southern boundary of lot 48 in DP849862. Full design details to be submitted to and approved by Council prior to approval of engineering design plans. The full cost of these work estimated at \$7200 has been credited against the S94 contributions set out in condition 29.
Reason: *To ensure an adequate pedestrian network in accordance with adopted standards. (EPA Act Sec 79C(a))*
- 22 Land shown as Public Reserve and zoned 6(a) Open Space shall be dedicated as public reserves for recreation and open space/urban bushland/habitat enhancement. Any dedication costs shall be the responsibility of the proponent. Note: Credit against the dedication of this land shall be given in accordance with the Lismore Contributions Plan 1999 refer Condition 29.
Reason: *To meet the anticipated demand for open space by residents of the development and the community. (EPA Act Sec 94)*
- 23 Land shown as Public Reserve and zoned 2(a) residential shall be accepted by the Council as public reserve. Note: No credit against Section 94 Contributions will be given for this land as this land is surplus to the requirements for the open space needs of the subdivision.
Reason: *To allow access to the remaining open space (EPA Act Sec 79C)*
- 24 All land to the west of Tucki Creek that is to be created as public reserve shall be cleared of all surface rocks and slashed to Council's satisfaction prior to the release of the subdivision certificate.
Reason: *To ensure that the land is in a satisfactory condition to be utilised and maintained as open space.*
- 25 All open space/public reserves are to be dedicated to Council upon release of the subdivision certificate for Stage 1. A right-of-way is to be registered to give Council access to the dedicated open space.
Reason: *To allow for equitable dedication of land to offset against the payment of contributions and to ensure that adequate road access is available to the open space.*
- 26 The developer shall enter into a contract with Council to maintain the public reserves until the release of the subdivision certificate for Stage 4. The developer shall annually submit to Council evidence of public liability insurance to the value of \$10,000,000 while ever the developer is maintaining Council owned reserves.
Reason: *To negate any maintenance burden on Council.*
- 27 A riparian remediation plan must be submitted to Council for approval prior to approval of the Engineering Design Plans. The remediation plan must detail a riparian revegetation strategy and bank stabilisation works for the section of Tucki Tucki Ck adjoining the proposed subdivision and must be consistent with guidelines and recommendations made by the Department of Land and Water Conservation for such works.
Reason: *To provide an effective and functional updated riparian zone.*
- 28 The approved riparian strategy is to be implemented to the satisfaction of Council prior to the release of the Subdivision Certificate for the dedication of the reserve.

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

SECTION 94 CONTRIBUTIONS

29 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore City Council S94 Contributions Plan 1994 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the Subdivision Certificate is released. The rates and amounts applying at the date of this notice, totaling \$ 566,384 represent the total liability under the provisions of the contribution plan. The value of the lands to be dedicated and additional works has been deducted from the total liability and the remaining contribution totaling \$ 306,441 and the reduced rates of contribution are set out in the schedule for your information. Should the proponent wish to pay the Section 94 and Section 64 levies in one installment, and the total contribution payable exceeds \$20, 000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the release of the Subdivision Certificate. **Y**

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

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

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

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

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

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

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

AMENITY

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

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

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

Monday to Friday - 7.00am to 6.00pm

Saturday - 8.00am to 1.00pm

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

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

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

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

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

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

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

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

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

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

LAND CONTAMINATION

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

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

BUILDING

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

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

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

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

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

WATER & SEWER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 Pump Station

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

The proposed sewer pumping station is to be designed so as to have eight hours detention storage capacity in dry weather flows. All civil, mechanical and electrical works to comply with Council's adopted Standards.

The pump station is to be designed to incorporate the entire Just Street catchment. Four copies of pump operations manuals and other relevant documents to be provided. Full design plans of these works are to be prepared by a qualified consultant and submitted to Council's Water and Sewerage Department for approval before any construction commences.

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

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

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

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

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

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

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

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

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

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

- 48 An analysis of the water reticulation is required to assess the impact of the subdivision including any staging and future developments on water pressure within the adjoining water reticulation. Additional lead-in water mains and or a pressure reducing valve/s may be required to be constructed by the developer as a part of this condition. This is dependent upon the findings of the water analysis.
Reason: *To provide adequate services for the development (EPA Act Sec 79C (c))*
- 49 Council will require an extension of the sewer main from the proposed lot 101 to service properties number 10 and 12 Apo Street .Council will meet all costs associated with the design and construction of these works.
Reason: *To ensure adequate protection of utility services (EPA Act Sec 79C (b))*

CRIME PREVENTION

- 50 Lots 57, 67, 82 & 89 shall be created with a 1.5m splay on the rear corner fronting the reserve.
Reason: *Crime Prevention - to improve vision into the reserve.*
- 51 The proposed pedestrian pathway from Pauline Court to Dudley Drive is to be deleted.
Reason: *Crime Prevention.*

INTEGRATED DEVELOPMENT - DEPARTMENT OF LAND AND WATER CONSERVATION

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

- 52 Irrespective of the granting of this consent or approval by any other Authority, work is not to commence in, or within a horizontal distance of 40m from the top of the bank of the watercourse/foreshore, without the prior issue of a Part 3A permit by DLWC.
- 53 Prior to the issue of the Part 3A permit the applicant must provide DLWC with the following:
- A copy of Council's development consent including all conditions of approval;
 - Plans and/or other documentation (3 copies) that satisfy the DLWC's General Terms of Approval and recommendations which are included in the consent conditions; and,
 - The appropriate permit fee paid to DLWC.
- 54 Work is to be carried out in accordance with drawings and any management plans required by these conditions and approved by DLWC that will accompany the 3A permit.
- 55 Any Part 3A permit issued is to be renewed on an annual basis until all works and all rehabilitation, including maintenance provisions, have been satisfactorily completed in accordance with the permit conditions. Any application for renewal will be lodged at least 1 month prior to the permit expiry date.
- 56 Work shall not cause damage to, or increase erosion of, the stream bed or banks. The permit holder shall carry out any instructions given by DLWC with a view to preventing degradation of the stream bed or banks.
- 57 Any vegetation or other material removed from the area of works shall be disposed of so that the material cannot be swept back into the stream during a flood.
- 58 All works proposed must be designed, constructed and operated so they do not cause erosion or sedimentation and do minimise adverse impacts on aquatic and riparian environments.
- 59 No plastic netting is to be used for any purpose, in the stream or within the riparian zone unless such netting is of a rapidly biodegradable variety.

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

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

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

Urban Bushland Regeneration

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

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

- 82 A detailed landscaping plan (in duplicate) shall be submitted to Council prior to release of the commencement of works. Landscaping plans shall be in accordance with the approved management plan as required by condition 81. Landscaping plans shall indicate:

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

Council approved landscaping shall be completed prior to the release of the Subdivision Certificate for stage 4. Trees identified for retention in the Development Application plans shall not be removed without separate Council approval.

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

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

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

Road Network

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

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

85 The developer shall provide details of traffic calming mechanisms to be constructed at the following locations:

- a) The intersection of Just and Apo Streets on the northern part of Just Street; and
- b) The intersection of Just Street and Pauline Court on Pauline Court.

These details shall be shown on the engineering plans as required by condition 11A.

Reason: *To minimise the traffic flow and speed into lower order streets in the road network.*

NOTE 1: Water and/or Sewerage Headworks levies payable under the Water Management Act 2000 totalling **\$716,976** will need to be paid to Council prior to the release of the Linen Plan under Sec 306 of the Water Management Act 2000.

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

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

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

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

C City Works investigate traffic calming in McIntosh Road and report back to Council on that matter.

(Councillors Hampton/Crowther)

Voting Against: Councillors Irwin, Roberts and Tomlinson.

Draft Lismore Urban Strategy

S459

Councillor King declared an interest in this matter (member of Show Society) and left the Chamber during discussion and voting thereon.

74/03 Prior to leaving the Chamber, it was **RESOLVED** that Councillor Crowther take the chair in the absence of the Acting Mayor.
(Chant/Suffolk)

A MOTION WAS MOVED that the report be received and Council -

A Adopt the Lismore Urban Strategy as exhibited but incorporating the following amendments -

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

- 6 Change the preferred use for Lot 2 DP 620590 and part Lot 1 DP 957677 to future light industrial. Include reference to Planning NSW's Sustainable Urban Settlement Guidelines in the Implementation
 - 7 Include a requirement for a buffer to agricultural land at the Tucki Creek area.
 - 8 Include reference to DLWC's multi-attribute mapping for mass movement areas.
 - 9 Delete the numbering of greenfield sites in the section of the Strategy relating to sequencing so that sequencing refers only to short and medium term. Change the Invercauld Road site from long term to medium term.
 - 10 Include a requirement that 'core koala habitat' as defined in SEPP 44 be identified at the rezoning application stage.
 - 11 Include a requirement that scattered koala habitat trees be mapped and an assessment of the significance of these trees to koala populations and their movements be provided at the rezoning stage.
 - 12 Amend the map of the greenfield sites to exclude those areas that are not considered in the Strategy.
 - 13 Include a statement that a future access road from the Trinity Drive greenfield site to Bangalow Rd be designed to discourage its use by through traffic from outside the area.
 - 14 Clarify the extent of proposed urban release area at Pineapple Road to include the area at the northern end of Daniel Drive (and including a severed lot created by the new alignment of Pineapple Road).
 - 15 Include the Lucia Crescent infill site as having limited potential for urban residential development.
 - 16 Update the population projections and housing balance sheet to take into account the 2001 Census data.
 - 17 Delete reference to those infill sites that were investigated but not recommended for inclusion in the strategy.
 - 18 Include a requirement for master plans to be prepared and submitted for greenfield sites at the rezoning stage.
 - 19 Include reference to the results of the sewer modelling undertaken by Australian Water Technologies.
 - 20 Clearly define in the Strategy the limit to urban expansion in an easterly direction as representing a line extending south from the eastern boundary of the Regatta estate through to the eastern boundaries of the Napier Court estate and the Seventh Day Adventist School in Blue Hills Ave.
 - 21 Amend the section of the Strategy relating to the North Lismore plateau to allow a rezoning submission for the plateau land to be lodged upon finalisation of a legally binding agreement between Council and the Show Society that addresses the future operations of the speedway.
 - 22 Include the Monaltrie area in the sequencing as long term priority.
- B** Forward the Strategy to Planning NSW for the Director-General's agreement.
(Councillors Suffolk/Swientek)

AN AMENDMENT WAS MOVED that the report be received and Council –

- A** Adopt the Lismore Urban Strategy as exhibited but incorporating the following amendments
- 1 Include reference to Planning NSW's Sustainable Urban Settlement Guidelines in the implementation section of the Strategy. Consistency with the Guidelines should be a matter for applicants to address when preparing rezoning applications for land identified in the Strategy.
 - 2 Include Class 6 (Specialist class land) as a constraint along with Classes 1,2 & 3 representing prime crop and pasture land.
 - 3 Include information on requirements for rezoning applications in the Strategy.
 - 4 Include a disclaimer stating that inclusion of land within the Strategy does not guarantee rezoning or development approval.
-

- 5 Include a requirement for an independent assessment of potential agricultural land use conflicts at the rezoning stage for the North Lismore plateau.
- 6 Change the preferred use for Lot 2 DP 620590 and part Lot 1 DP 957677 to future light industrial. Include reference to Planning NSW's Sustainable Urban Settlement Guidelines in the Implementation
- 7 Include a requirement for a buffer to agricultural land at the Tucki Creek area.
- 8 Include reference to DLWC's multi-attribute mapping for mass movement areas.
- 9 Delete the numbering of greenfield sites in the section of the Strategy relating to sequencing so that sequencing refers only to short and medium term. Change the Invercauld Road site from long term to medium term.
- 10 Include a requirement that 'core koala habitat' as defined in SEPP 44 be identified at the rezoning application stage.
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- 12 Amend the map of the greenfield sites to exclude those areas that are not considered in the Strategy.
- 13 Include a statement that a future access road from the Trinity Drive greenfield site to Bangalow Rd be designed to discourage its use by through traffic from outside the area.
- 14 Clarify the extent of proposed urban release area at Pineapple Road to include the area at the northern end of Daniel Drive (and including a severed lot created by the new alignment of Pineapple Road).
- 15 Include the Lucia Crescent infill site as having limited potential for urban residential development.
- 16 Update the population projections and housing balance sheet to take into account the 2001 Census data.
- 17 Delete reference to those infill sites that were investigated but not recommended for inclusion in the strategy.
- 18 Include a requirement for master plans to be prepared and submitted for greenfield sites at the rezoning stage.
- 19 Include reference to the results of the sewer modelling undertaken by Australian Water Technologies.
- 20 Clearly define in the Strategy the limit to urban expansion in an easterly direction as representing a line extending south from the eastern boundary of the Regatta estate through to the eastern boundaries of the Napier Court estate and the Seventh Day Adventist School in Blue Hills Ave.

B Forward the Strategy to Planning NSW for the Director-General's agreement.

(Councillors Roberts/Irwin)

On submission to the meeting the amendment was APPROVED and became the motion.

Voting Against: Councillors Baxter, Hampton, Irwin and Crowther.

75/03 **RESOLVED** that the report be received and Council –

A Adopt the Lismore Urban Strategy as exhibited but incorporating the following amendments

- 1 Include reference to Planning NSW's Sustainable Urban Settlement Guidelines in the implementation section of the Strategy. Consistency with the Guidelines should be a matter for applicants to address when preparing rezoning applications for land identified in the Strategy.
- 2 Include Class 6 (Specialist class land) as a constraint along with Classes 1,2 & 3 representing prime crop and pasture land.
- 3 Include information on requirements for rezoning applications in the Strategy.
- 4 Include a disclaimer stating that inclusion of land within the Strategy does not guarantee rezoning or development approval.

- 5 Include a requirement for an independent assessment of potential agricultural land use conflicts at the rezoning stage for the North Lismore plateau.
 - 6 Change the preferred use for Lot 2 DP 620590 and part Lot 1 DP 957677 to future light industrial. Include reference to Planning NSW's Sustainable Urban Settlement Guidelines in the Implementation
 - 7 Include a requirement for a buffer to agricultural land at the Tucki Creek area.
 - 8 Include reference to DLWC's multi-attribute mapping for mass movement areas.
 - 9 Delete the numbering of greenfield sites in the section of the Strategy relating to sequencing so that sequencing refers only to short and medium term. Change the Invercauld Road site from long term to medium term.
 - 10 Include a requirement that 'core koala habitat' as defined in SEPP 44 be identified at the rezoning application stage.
 - 11 Include a requirement that scattered koala habitat trees be mapped and an assessment of the significance of these trees to koala populations and their movements be provided at the rezoning stage.
 - 12 Amend the map of the greenfield sites to exclude those areas that are not considered in the Strategy.
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 - 15 Include the Lucia Crescent infill site as having limited potential for urban residential development.
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 - 18 Include a requirement for master plans to be prepared and submitted for greenfield sites at the rezoning stage.
 - 19 Include reference to the results of the sewer modelling undertaken by Australian Water Technologies.
 - 20 Clearly define in the Strategy the limit to urban expansion in an easterly direction as representing a line extending south from the eastern boundary of the Regatta estate through to the eastern boundaries of the Napier Court estate and the Seventh Day Adventist School in Blue Hills Ave.
- B** Forward the Strategy to Planning NSW for the Director-General's agreement.
(Councillors Roberts/Irwin)

Voting Against: Councillors Irwin and Crowther. (S650)

Rating Review

76/03 **RESOLVED** that the report be received and –

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

(Councillors Tomlinson/Irwin) (S384)

Traffic Advisory Committee Minutes 19/3/03

77/03 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted, excluding Clauses 10 and 19.

(Councillors Roberts/Tomlinson)

Clause 10 – Short-Term Parking Near Auto Banks

A MOTION WAS MOVED that one parallel parking bay with a 5-minute time limit be introduced at the following locations -

- along the western side of Molesworth Street in the vicinity of the Summerland Credit Union and the Westpac Bank
- along the northern side of Woodlark Street in the vicinity of the Commonwealth Bank and the ANZ Bank
- along the southern side of Magellan Street in the vicinity of the Commonwealth Bank.
- along the eastern side of Molesworth in the vicinity of the National Australia Bank.
(Councillors Hampton/Suffolk)

AN AMENDMENT WAS MOVED that Council receive and note the recommendation and no action be taken.

(Councillors Irwin/Crowther)

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

Voting Against: Councillors Hampton and Suffolk.

78/03 **RESOLVED** that Council receive and note the recommendation and no action be taken.

Voting Against: Councillors Hampton and Suffolk.
(S353)

Clause 19 – Review of Bus Zones – Lismore CBD

79/03 **RESOLVED –**

1 That -

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

2 That the gap in the centre median on Conway Street, at its intersection with Carrington Street, be closed thereby prohibiting right-turn movements into and out of Carrington Street.

3 That Mr MacDonald be consulted to determine if we need to discuss this issue with rural bus operators.

(Councillors Roberts/Tomlinson) (S135,R7307) (S352)

RESUMPTION OF STANDING ORDERS:

80/03 **RESOLVED** that standing orders be resumed.
(Councillors Irwin/Roberts)

REPORTS:

DA02/771 – 105 Lot Subdivision - 35 Just Street, Goonellabah

(See Minute No. 73/03)

Draft Lismore Urban Strategy

(See Minute No. 75/03)

Rating Review

(See Minute No. 76/03)

On Site Sewage Management Strategy

81/03

RESOLVED that the report be received and –

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

(Councillors Suffolk/Roberts) (S245)

Rous Water Revised S64 Plan

82/03

RESOLVED that the report be received and Council -

- 1 Note the proposed increase in Rous' S64 charges from \$1,380 to \$3,133.
- 2 Write to Rous Water requesting an extension of time of four (4) weeks.
- 2 Staff review the S64 plan and make a submission to Rous.
- 3 Council hold a workshop to discuss S64 charges.
- 5 Rous be requested to place the S64 Plan and its business papers on its website to facilitate public submissions.

(Councillors Irwin/Hampton) (S306)

**Application for Closure of Council Public Road – Tuntable Creek Road,
The Channon**

83/03

RESOLVED that the report be received and –

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

(Councillors Irwin/Chant) (R3305)

**Application for Opening and Closing of Council Public Road – Rous Road,
Goonellabah**

84/03

RESOLVED that the report be received and –

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

(Councillors Swientek/Hampton) (P8805,R6610)

85/03 **Citizen Appointment to Art in the Heart Advisory Panel**
RESOLVED that the report be received and Ros Derrett be appointed to the Art in the Heart Advisory Panel.
(Councillors Irwin/Hampton) (S857)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 19/3/03
(See Minute Nos. 77-79/03)

This concluded the business and the meeting terminated at 9.27 pm.

CONFIRMED this 13TH day of MAY, 2003 at which meeting the signature herein was subscribed.

MAYOR

