

# COUNCIL Business Paper



OCTOBER 9, 2001



## **NOTICE OF COUNCIL MEETING**

**An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, OCTOBER 9, 2001 at 6.00pm and members of Council are requested to attend.**

(Ken Gainger)  
**GENERAL MANAGER**

October 2, 2001

# **COUNCIL BUSINESS AGENDA**

October 9, 2001

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**1 METHOD OF ELECTION OF DEPUTY MAYOR**

The method of election is to be found in schedule 3 of the Local Government (Elections) Regulation 1993. Relevant extracts of this schedule are detailed below:-

**Returning Officer**

- 1) The General Manager (or a person appointed by the General Manager) is the Returning Officer.

**Nomination**

- 2)
  - a) A councillor may be nominated without notice for election as mayor or deputy mayor.
  - b) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
  - c) The nomination is to be delivered or sent to the returning officer.
  - d) The returning officer is to announce the names of the nominees at the Council Meeting at which the election is to be held.

**Election**

- 3)
  - a) If only one councillor is nominated, that councillor is elected.
  - b) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
  - c) The election is to be held at the Council meeting at which the Council resolves the method of voting.
  - d) In this clause:  
“ballot” has its normal meaning of secret ballot;  
“open voting” means voting by a show of hands or similar means.

Traditionally this Council has determined that the election for Deputy Mayor would be by open voting.

**Recommendation**

That the method of election for Deputy Mayor be by open voting.

**2 ELECTION OF DEPUTY MAYOR**

**Policy No. 1.2.10**

Prior to any election, each candidate for the position of Deputy Mayor will give a short presentation outlining her/his reasons for standing, how s/he would operate as Deputy Mayor, what time commitment would be given and the skills s/he would have to offer; and each will answer questions from the floor on their candidacy.

**Election**

**MAYORAL MINUTE**

**Subject/File No:** EASEMENT ENCROACHMENT LOT 4 DP 28818 AT 169 BALLINA ROAD, GOONELLABAH  
(01-12457: P579)

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**Background (Mayor):**

Mr David Hancock, in the process of selling duplex units, required a certificate of compliance from Council. The certificate indicated there was a minor encroachment onto a drainage easement. The circumstances indicating how this occurred are well documented in the attached letter from Mr Hancock.

The building has been in existence for 21 years and there was a 750 mm concrete pipe installed in the unmarked drainage easement at the time the building was constructed. The pipe is located in red soil, which is very stable and consequently it is unlikely the joints will move or the pipe deteriorate for many years. Pipes installed in pug soil in the 1930's around the CBD have not caused any problems. The building is not located over any part of the concrete pipe.

The Group Manager-City Works has asked for underpinning of the foundations before issuing a certificate, however because of the circumstance detailed in Mr Hancock's letter and the unlikely need for any repair works for many years I am of the opinion the matter should be resolved by adopting the following recommendation.

**Comment by Group Manager-City Works**

There are two problems here:

- 1 The building encroaches on a council easement. This by itself is not a major problem as Council is able to give a Certificate accepting this encroachment or ask the owner to resurvey the land and register an amended plan.
- 2 The easement contains a substantial concrete water drainage pipe i.e. 750 mm internal diameter and has an invert between 1.5 and 2 m below current ground level.

There is little known about the pipe which was installed around 1965 some 15 years before the building. Council is responsible for the maintenance and repair of the concrete pipes.

While there would be sufficient space within the easement to carry out repairs, the long term stability of the building would be threatened if the pipes were ever excavated.

The only real answer to solve the problem is for the building to be underpinned which will ensure the stability of the building irrespective of what happens with the pipes. This is considered the correct answer bearing in mind the current owner and his builder were those most heavily involved in building over the easement.

The attached letter clearly states what is considered the best outcome for Council. Any substantial variance is likely to leave future owners and Council with a long term unresolved problem.

The ultimate outcome is that a future Council will be expected to meet the underpinning costs.

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**Comment by Manager-Building and Regulation (Peter Craig)**

The attached history of the property shows that the drainage easement was created on the adjoining lot prior to 1957. Subsequently a 3.05 metre wide drainage easement was created over the subject Lot 4 in 1965, with a 750mm diameter pipe being laid at some later stage. Although the DA and BA were not issued until 1980, it is possible that the Council had no knowledge of the easement and pipe being formulated on Lot 4, as the practice, at that time of creating easements did not have to be approved by Council.

Indeed the 3.05 metre wide drainage easement over Lot 4 should have been known to Mr Hancock at the time of his purchase of the land and his submission of the Development Application, as his title searches would have disclosed this information.

In relation to the issue of a Certificate under the Environmental Planning and Assessment Act, as we have not received any application as yet, I can only presume that the reference is to a Section 149D Building Certificate. A 149D Building Certificate is a certificate that operates to prevent Council from:

- (a) making an order (or taking proceedings for the making of an order or injunction) under this Act or the Local Government Act 1993 requiring the building to be repaired, demolished, altered, added to or rebuilt; and
- (b) from taking proceedings in relation to any encroachment by the building onto land vested in or under the control of the Council, in relation to matters existing or occurring before the date of issue of the Certificate.

It is my view that should we receive an application, then Council would require the applicant to provide the following additional information to assist in the determination of the Certificate:

1. An accurate representation of the depth of the footings of the building in regard to the distance away and depth of the pipe. This would enable the Council to determine whether the pipe is actually within the angle of influence of the footings of the building, and thus supporting some of the load from the building structure. If the pipe was not within the angle of influence, then the pipe/easement would not be an issue or obstacle in regard to the issue of a Building Certificate.
2. If the pipe is within the angle of influence from the footings of the building, it would be necessary to require a favourable report from an independent practising Structural Engineer, stating that the building would not cause structural failure of the pipe, which in turn could cause structural failure of the building. It would also be necessary for the Engineer to address any other possible scenario that would cause the pipe to collapse or move, and thus effect the building.

If the information was not forthcoming, Council would be required to pursue the matter under the Orders Provisions of the EP & A Act.

3. If items 1 and 2 were clarified to our satisfaction, then the issue of the Building Certificate would depend on whether Council was prepared to cover the costs of any shoring and underpinning to the building if the pipe ever had to be repaired, or whether Council required the underpinning to be done now as required by Council's Group Manager of City Works.

It should also be noted that inspection of the building in regard to an application for a Building Certificate could reveal other matters that may prevent the issue of a Building Certificate.

**LISMORE CITY COUNCIL**

**MEMO TO:** FILE P579 - LOT4, DP28818  
**SUBJECT:** DUPLEX CONSTRUCTED ON WHAT IS NOW KNOWN AS 169  
BALLINA ROAD, GOONELLABAH  
**DATE:** October 4, 2001

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(P579)

***THE PRESENT POSITION***

Duplex built in 1980 is partially constructed over Council Drainage Easement 10 feet (3.05 metres) wide with the western wall having a maximum encroachment upon the easement of approximately 705mm.

***HISTORY***

1. DP 28818 created by subdivision number 1957/14 of the late Gundurimba Shire Council.
2. DP 28818 intended to create a drainage easement over lot 5, 5 feet wide however:
3. DP 518895 created the easement within lot 4, 10 feet (3.05 metres) wide.
4. Sometime prior to 1980 Council (Gundurimba/Lismore) laid a 750mm pipe within the easement created in (3) above.
5. Sometime prior to 1980 the subject property was acquired by NS and C de Vries.
6. About 28/4/80 the subject property was in the course of being purchased by DK Hancock.
7. Contemporaneously with the purchase in (6) above DK Hancock caused Development Applications and Building Applications for the duplex to be lodged with Lismore City Council by Wade Constructions, with the consent of NS and C de Vries, by their Solicitors, IG Bondfield, Riley and Fiford.
8. Building works had commenced by 29/9/80.
9. Currently, RM Harding is in the course of purchasing the subject property from DK Hancock.

***OBSERVATIONS***

1. Those who may be reasonably considered to have had knowledge of the drainage easement created by DP 518895 at the time of construction of the duplex would be:
  - (a) Lismore City Council
  - (b) NS and C de Vries, and their Solicitors;
  - (c) IG Bondfield, Riley and Fiford
  - (d) DK Hancock and his Solicitors (unknown but possibly McIntosh, Barr and Gordon)
  - (e) Wade Constructions, Builders
  - (f) Richard Crandon and Associates, Design Engineers

2. I understand that during the 1960s this type of easement could only be created as appurtenant to a roadway in favour of a Local Authority; which presumably did not necessitate the formal consent of the Local Authority.
3. It appears that the building could have been mirror reversed during construction, which if correct, has substantially created the current situation.
4. Solution offered by Council in letter to McIntosh, Barr and Gordon dated 27/8/01.

***DOCUMENTS REFERENCED:***

1. Plan showing creation of properties.
2. DP 21818 consented to on 20/10/57
3. DP 518895 registered on 15/3/66
4. Development Application and Consent 1980/40
5. Letter from IG Bondfield, Riley and Fiford dated 28/4/80
6. Report from DA 1980/40, (various follow up issues).
7. Building Application and Consent 1980/459
8. Report from BA 1980/459, (easement and lack of building inspections).
9. Application for drainage diagram by Wade Constructions dated 3/8/80.
10. Report by Richard Crandon and Associates dated 29/9/80.
11. Survey by Riordans dated 15/9/01
12. Council's letter to McIntosh Barr and Gordon dated 27/8/01.

**RECOMMENDATION (MAYOR) (MM01)**

Subject to an inspection by an appropriate staff member that there are no structural faults or documentation of any faults in walls of the building encroaching on the easement, Council use its discretionary powers under the Environmental Planning and Assessment Act 1979 and issue a certificate accepting the encroachment on the drainage easement to enable completion of the sale.

**NOTICE OF MOTION**

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

**That Council supports in principle the installation of playground equipment at Elders Memorial Park and requires it to be included for consideration in the 2002/2003 budget.**

**COUNCILLOR** R M Irwin

**DATE** September 24, 2001

**STAFF COMMENTS BY:**

**Manager-Parks & Recreation (Neil Moreton)**

I would support this proposal. This is preferential to the alternative which would be to attempt to undertake these works without the necessary financial resources. A cost estimate for a medium sized playground would be \$20,000 - \$30,000.

This proposal allows Council to consider the project against its other priorities and to provide sufficient funding for the works without placing strain on the existing budget.

**Recreation Planner (Alex Wilford)**

The notice of motion is supported. The surrounding neighbourhood has a high proportion of children who would make good use of playground facilities. The type of playground equipment to be provided should be determined in consultation with children from the neighbouring area to help foster a sense of ownership and ensure that the end product satisfies user needs. It should also be noted that there has been some demand expressed for a small skatepark to be provided within this park.

(01-14031: P6489)

**Subject/File No:** FINANCIAL REPORTS - 2000/01  
(S755)

**Prepared By:** Principal Accountant, Gary Boyd

**Reason:** Statutory Requirement

**Objective:** Adoption of the 2000/01 Financial Reports

**Management Plan Activity:** Financial Services

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**Background:**

Council's 2000/01 Financial Reports have now been completed and audited, with the draft auditor's report received. In accordance with the provisions of the Local Government Act, 1993, (LGA) the following actions must be implemented by Council to allow the financial reports to be finalised:

- a) adopt the Financial Reports and 'Council Statement' for both the General Purpose Financial Reports and Special Purpose Financial Reports;
- b) confirm a meeting date to present the financial reports to the public; and
- c) advertise, for a minimum period of seven days prior to the meeting, that the financial reports and the auditor's report are available for public inspection.

In order to comply with these guidelines, Council will need to advertise that the financial reports are to be 'presented' to the public at the next meeting; i.e. November 13, 2001 and that they are available for public inspection up to the day after that meeting.

As Council will have to resolve to adopt the financial reports, a detailed report is presented now and Council's Auditor, Darran Singh, from Thomas Noble and Russell will speak during public access on these reports. This means that the report to the November 13, 2001 meeting will be basically a repeat of this report, but somewhat reduced. This is an anomaly within the reporting requirements of the LGA.

**Information:**

A draft copy of the 2000/01 financial reports has been included with the business paper. In respect to the actual content of the financial reports, it is normal practice for staff to provide a detailed analysis of the year's results, as part of the financial reports document. This analysis is included in the section of the reports titled "Financial Statements Review". The section titled "Auditor's Report" also provides a guide from the auditor's perspective to the actual results.

***1. Performance Indicators***

The key financial performance indicators, as shown in Note 13 of the General Purpose Financial Reports and listed in the following table, remain at satisfactory levels and are relatively consistent compared to the past four financial years.

To clarify the meaning and implication, a simple definition of each indicator is listed below.

- a) Current Ratio - The total cash or cash convertible assets available to meet liabilities within the next twelve months, or current period, expressed on a dollar for dollar basis. So, for 2000/01 we have \$3.59 available for every \$1.00 owing.
- b) Unrestricted Current Ratio - This is the same as the current ratio except it excludes assets and liabilities, which relate to activities that are restricted to specific purposes by legislation. They include Water, Sewerage and Domestic Waste.

# LISMORE CITY COUNCIL - Meeting held October 9, 2001

## Financial Reports – 2000/2001

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- c) Debt Service Ratio - The amount used to repay borrowings as a percentage of total operating revenues.
- d) Rate Coverage Ratio Percentage - This percentage is based on rates and annual charges revenues as a percentage of total operating revenues.
- e) Rates and Annual Charges Outstanding Percentage - This percentage is based on the amount outstanding as a percentage of the amount to be collected for rates and annual charges.

| Performance Indicator                         | 2000/01 | 1999/00 | 1998/99 | 1997/98 |
|---|---------|---------|---------|---------|
| Current Ratio                                 | 3.59    | 3.05    | 3.17    | 2.78    |
| Unrestricted Current Ratio                    | 2.60    | 2.39    | 2.49    | 1.85    |
| Debt Service Ratio Percentage                 | 6.21    | 7.89    | 7.05    | 8.24    |
| Rate Coverage Ratio Percentage                | 43.27   | 47.44   | 48.53   | 44.41   |
| Rates & Annual Charges Outstanding Percentage | 9.06    | 9.86    | 9.03    | 8.94    |

The Debt Service Ratio Percentage, after several years of improvement is at a satisfactory level. This trend is likely to be reversed with the proposed borrowing program in place for the Memorial Baths redevelopment and the Flood Levee construction. An increase in costs required to repay debt will impact on Council's ability to deliver services in future years.

The level of outstanding rates and charges has been identified as a manageable problem for a number of years. This can result in cash flow difficulties if demand for cash is greater than collections. It is pleasing to see the ratio trending in the right direction again in 2000/01, however a concerted effort needs to be maintained in this area to manage the problem. For example the amount of rates and annual charges outstanding at balance date was in excess of \$2.2 million dollars.

In terms of liquidity, it should be pointed out that Council's cash funded internal reserves for General Fund is a respectable \$10.9 million, an increase from 1999/00 of approximately \$1.7 million. The majority of this increase relates to Plant (\$1.1 million) with increased hire rates and budgeted replacements not occurring, accounting for the increase. These replacements are expected to proceed early in the new financial year. The other major reason for the increase is the movement in the ELE reserve (\$638,000). This has placed Council in a strong position to meet its obligations to employees in accordance with policy and will aid in the funding of the recent award issues regarding back-pay for certain employees.

Councillors and members of the public may express concern as to why reserves are so high, when the infrastructure in the local government area is being run down. This is a reasonable question, however a review of the reserves (Financial Reports Note 6) demonstrates that the majority of the reserves held relate to "big ticket" items such as property, quarries, transport infrastructure, waste, community facilities, information services, flood mitigation and remediation programs. Reserves are typically held in these areas for two reasons;

- (i) incomplete works carried over from one financial year to the next; and
- (ii) future provision for major expenditure items. The reserves are managed in accordance with Council's Reserves Policy and will be the subject of a separate report to Council's November meeting.

As such, Council's liquidity position is strong as we have access to these funds should circumstances deteriorate.

While the performance indicators mainly reflect a sound financial position, this may not be reflected “on the ground”. These results have been achieved through tight control over our finances, however our infrastructure continues to deteriorate and the demand for works and services continues to grow. This is the ongoing challenge we face to provide more funding to improve infrastructure but not undermine our sound financial position.

**2) Statement of Financial Performance**

The “Surplus/(Deficit) from All Activities” for 2000/01 is a \$9,418,000 increase or surplus. This is distinct from the Working Funds surplus of \$109,000, which is detailed below in the section titled ‘3) General Fund Result’. It does not reflect in any way the Council’s cash or liquidity position.

Whilst the overall result indicates that we are spending sufficient funds in accounting terms to maintain the existing asset base, the reality of the situation is that infrastructure has deteriorated significantly faster than anticipated and, therefore, there is a gap between what is required to be spent and what is actually spent. This is a significant problem and not easily resolved.

One of the primary objectives for any council should be to try and maximise the surplus generated from ordinary activities. This surplus can then be applied to capital works and to pay off debt. The following table shows the Surplus/(Deficit) from Ordinary Activities Before Capital Amounts and excluding depreciation for the last four years:

|  | <b>2000/01</b>  | <b>1999/00</b>  | <b>1998/99</b>  | <b>1997/98</b>  |
|--|-----------------|-----------------|-----------------|-----------------|
| <b>Item</b>  | <b>(\$'000)</b> | <b>(\$'000)</b> | <b>(\$'000)</b> | <b>(\$'000)</b> |
| Expenses from Ordinary Activities (excluding depreciation) | 29,521          | 29,085          | 31,849*         | 27,477          |
| Revenues from Ordinary Activities                          | 41,483          | 37,578          | 37,198          | 35,910          |
| <b>Surplus/(Deficit) from Ordinary Activities</b>          | <b>11,962</b>   | <b>8,493</b>    | <b>5,349</b>    | <b>8,433</b>    |

\* Expenses in 1998/99 included a large ‘loss on sale’ resulting from the scrapping of sewerage assets valued at \$3,415,000 upon commissioning new infrastructure. This distorts the Surplus/(Deficit) from Ordinary Activities shown above for 1998/99.

The large increase of \$3,469,000 in 2000/01 is due to a number of factors. The major items include:

A surplus made on the Roads and Traffic Authority (RTA) single invitation contract jobs performed this year, \$600,000. This has been reserved to fund future roadworks projects and potential overruns on contracts.

There was a greater surplus made on employee entitlements and oncost charges for the year due to decreased workers compensation costs occurring late in the financial year and a general surplus. This has been used to increase the ELE reserve to a satisfactory level of \$638,000, in accordance with Council’s policy.

The plant fund generated an additional \$700,000 in internal profit from last year. The current years figure reflects a more appropriate level of operating surplus required to maintain the plant fund. The increase can be attributable to a conscious act of increasing the majority of plant hire rates from January 2001 and an unexpected increase in expenses towards the end of the 1999/00 financial year due to fuel increases and other factors such as the introduction of the GST. Plant fund amounts have been reserved as per Council policy.

# LISMORE CITY COUNCIL - Meeting held October 9, 2001

## Financial Reports – 2000/2001

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Council received \$254,000 more in Financial Assistance Grant monies than in 1999/00. The majority of this funding was allocated to capital works, which improves the operating result because the revenue is shown as coming from operations but is expended under capital. This is a pleasing aspect of Council's financial direction, as it should be trying to increase its surplus from operations to fund capital replacement/restoration.

The Water Fund increased its operating surplus by \$607,000 from 1999/00, due largely to increased consumption demand on the revenue side. Savings were also made on salary and wages in expenses.

For the Sewerage Fund, the operating surplus increased by \$596,000. This was due to savings in operational chemical costs resulting from changes in treatment. In addition, Council received monies owed by the Department of Land and Water Conversation for operating expenses incurred in previous years.

Council has been very diligent in reducing its loan debt, as principal repayments on loans have decreased steadily over the past four years, as shown in the table below.

|  | 2000/01  | 1999/00  | 1998/99  | 1997/98  |
|--|----------|----------|----------|----------|
| Item                                   | (\$'000) | (\$'000) | (\$'000) | (\$'000) |
| Loan principal repayment from revenues | 1,774    | 1,955    | 1,744    | 2,153    |

This benefit will not be realised in future years as repayments are now set at more consistent levels. This position can be managed if future borrowings are for a mixture of self (water, sewer, aerodrome) and ratepayer (library, art gallery, swimming pool) funded purposes. The ideal result would be to not increase Council's unfunded commitment to loan repayments, as the trade-off is a real decrease in funds available for other services.

### **3) General Fund Result**

The result for General Fund in 2000/01 will be a surplus of \$90,000. This increases Council's working fund surplus to \$1,655,000.

It should be noted that Council adopted a budget surplus for 2000/01 of \$35,000 when considering the June Quarterly Budget Review Statement. It was identified at that time that this information was 'indicative only'.

Based on a final review of operations, a further net movement of \$55,000 in additional income, cost savings and balance sheet movements were recognised.

The pleasing aspect of this result is that there was not a reduction in the working funds balance due to all budget managers responsibly controlling the scarce resources made available to them.

I would like to add that this level of working funds represents approximately 3.3% of the annual budget of this Council. While this level is commendable, it should be maintained and improved to allow greater flexibility when required for emergency. It is important to note that these working funds are not cash, but are assets readily converted to cash such as debtors, land and trading stocks, etc.

### **4) Water and Sewer Fund Results**

Both the water and sewer funds continue to remain relatively sound with each maintaining a working funds balance of \$680,000. As distinct from General Fund, these funds are both cash funds.

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# **LISMORE CITY COUNCIL - Meeting held October 9, 2001**

## **Financial Reports – 2000/2001**

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Also, the level of 'net unrestricted funds' continues to grow so that capacity exists for significant capital works and debt redemption to occur. To highlight this situation, the water and sewer have cash reserve balances of \$2.6 & \$3.0 million respectively.

From an overall perspective, both funds are well resourced and these results and a continuation of the same are expected.

### **Manager - Finance & Administration Comments**

Incorporated in the body of the report.

### **Public Consultations**

In accordance with the LGA, the financial reports are to be advertised for public comment.

### **Other Group Comments**

Not required.

### **Author's Response to Comments from Other Staff**

Noted.

### **Conclusion**

As mentioned earlier, Council remains in a relatively sound financial position, however this can change quickly and it is imperative that Council ensures its operating costs are maintained within acceptable levels. This will allow the impact of uncontrolled costs or fluctuations to be mitigated.

It needs to be reinforced that if Council wants to increase service levels and expenditure in certain programs, then either additional revenues have to be generated, or unfortunately existing services have to be reduced, delivered more efficiently, or not provided at all.

### **Recommendation**

That Council,

- 1 Adopt the 2000/01 Financial Reports and 'Council's Statement' for both the General Purpose Financial Reports and Special Purpose Financial Reports.
- 2 Present the Financial Reports to the public at the November 13, 2001 council meeting.
- 3 Advertise the presentation of the Financial Reports to the public from November 3, 2001 and invite inspection of the reports.

**Subject/File No:** SOUTHERN CROSS UNIVERSITY: Construction of International Residential College in 4 Stages to comprise a total of 64 x 4 bedroom units, a community facility building, associated off street parking, internal roads, and bulk earthworks (for Stages 1(a) and 1(b) only).  
(WR:MJK: DA01/367)

**Prepared By:** Special Projects Planner – Warren Rackham

**Reason:** Application requires Council consent.

**Objective:** Council's determination of the application.

**Management Plan Activity:** Development Assessment

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**Background:**

1. The application is similar in intent to one on the same site approved by Council in 1996 but which did not proceed (DA95/403 – 247 bedrooms).

The current application is similar in purpose and intent to the previous one, but occupies less land space through use of two storey buildings throughout.

2. Being for University purposes, under the provisions of the EP & A Act and Regulations, the application is treated as an application by the Crown. Essentially Council may only apply conditions if either:
  - a) the conditions are 'concurred' with by the applicant,
  - b) in the case of non-agreement to any conditions imposed by Council, on the approval of the Minister for Planning.

**The Site**

The site is Lot 1 DP 625561, No. 26 Cynthia Wilson Drive, East Lismore. The site also has a large frontage to Rifle Range Road on its western boundary. The site contained a dwelling (now demolished), and a couple of domestic sheds. It contains a number of trees, has some steeper slopes and is generally divided down the centre by a gully draining from east to west.

Area is 4.772 hectares.

**Zoning**

The site is wholly zoned Special Uses 5 (University). The proposed use is permissible in the zone.

**Description of the Proposal**

The proposal is to develop the 4.772 hectare site with a total of 256 single bedroom student accommodation units, constructed in 4 bedroom clusters, plus a community facility building, student parking areas, internal roadways and pathways, earthworks required for building, and a water detention pond in the natural gully.

The student accommodation blocks will be in a total of 16 two-storey identical buildings, each containing 16 single bedroom units arranged in clusters of 4 bedrooms per cluster (hence the overall development is based on being a 64 x 4 bedroom unit development rather than being 256 x 1 bedroom units).

The community building is single storey, containing a kitchen area and toilets, and with communal open space.

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Two carparks will be constructed off Rifle Range Road, to contain a total of 77 spaces, and there will be an internal ring road system to enable loading/unloading in the general vicinity of the units.

Earthworks will be required for most of the buildings, being sloping ground. This will generally entail a cut and fill exercise in order to provide level building platforms. Earthworks for Stages 1(a) and 1(b) only are included with this application, Stages 2(a) and 2(b) will be subject to a separate Development Application later.

**Stages**

The development will be carried out in 4 stages, each stage including 4 building clusters (each building containing 4 x 4 bedroom units, or 16 single bed units).

- |            |  |
|------------|--|
| Stage 1(a) | 4 buildings (total 16 x 4 b/r)<br>Bulk earthworks Stage 1(a) and 1(b)<br>20 carparks<br>Internal pathways and access road                    |
| Stage 1(b) | 4 buildings (total 16 x 4 b/r)<br>Community facility building and BBQ area<br>Central Services Structure<br>19 carparks<br>Pathways and road |
| Stage 2(a) | 4 buildings (total 16 x 4 b/r)<br>Bulk earthworks for Stages 2(a) and 2(b)<br>19 carparks<br>Pathways and access roads                       |
| Stage 2(b) | 4 buildings (total 16 x 4 b/r)<br>19 carparks<br>Pathways and access roads   |

**Notification**

**Public**

The development was notified in accordance with Council policy, with one submission being received, raising concerns about “the danger from vehicles entering and leaving Cynthia Wilson Drive”, and the “danger to pushbike riders from increased traffic flow into Cynthia Wilson Drive at either the current entrance approx. 150m east of Rifle Range Road, or from Rifle Range Road itself”. The perceived traffic problem is exacerbated by the street slope of Cynthia Wilson Drive, causing cars to speed up on the incline, or braking problems on the decline. The application itself is supported by the author of the letter, but would like “altering the flow of traffic, or facilitating bicycle riding and promotion of road safety with regard to either compliance with road rules..... or the overall safety in bicycle riding”.

*Comment:* City Works will be recommending denial of the Cynthia Wilson traffic access, which will alleviate a major part of the concern raised. Upgrading of the junction of Cynthia Wilson with Rifle Range Road will assist with maintenance of road safety and traffic flow at that junction.

**Traffic Committee**

The Local Traffic Committee have considered the project, and raised three (3) concerns:

- i) considered that the carparking for Stage 1 (39 spaces) is inadequate.
- ii) concern regarding the proposed driveway off Cynthia Wilson Drive.

- iii) concern regarding the junction of Cynthia Wilson Drive and Rifle Range Road, particularly in the light of the proposed "through road" from Kellas Street. Traffic Committee recommend that the intersection (ie a channelised design) be constructed prior to the commencement of Stage 2 of the units development.

*Comment:*

- i) Parking has been a major section of consideration in the formulation of this DA. In the previous DA approved by Council a similar configuration was accepted, and this is based on the premise that as the students are from overseas and only spend a total of only 36 weeks a year on site, that there will be a general reliance on public transport and pedestrian access to the University itself.

The DA supports that each cluster of 16 x 4 b/r units will generate the need for 19 parking spaces, hence 39 spaces total for Stage 1(a) and 1(b). Rationale applied is that there is a prediction of one traffic movement per day for each 4 b/r cluster, and one visitor space per each 5 units. This equates to 16 spaces plus 3 visitor spaces per stage (total 19 spaces).

Factors submitted supporting this premises is:

- 1) Overseas visitors are less likely to own cars during the limited time they are here.
- 2) The college is within walking distance of the University.
- 3) Public transport is available, and the site is within 300m of the local bus terminal, with access to 3 routes.
- 4) There will be on site/on campus activities for the students.
- 5) Statistics show that "car ownership of on-campus student residents remains low, with less than 30% either owning or renting a vehicle for the academic year".
- 6) Council's previous approval was for a similar parking provision and similar parking ratios have been applied for similar college accommodation at other universities, and at SCU Coffs Harbour Campus no on-site parking was provided for a recent 92 bedroom approval.

Given the circumstances of the application, and the fact that should parking be proven inadequate at any future time that ample space is available to expand the facility, the proposal as submitted is supported.

- ii) SCU have advised that the driveway entrance on to Cynthia Wilson Drive will only "be utilised by university service staff and disabled persons". A lockable bollard is proposed to be located in the driveway, to restrict general vehicular access.

City Works however have a particular concern with –

- a) the ability of disabled persons being able to operate a lockable bollard; and
  - b) more particularly, the encouragement that will occur for students of Stages 1(a) and 1(b) to park off Cynthia Wilson Drive and have the convenience of a direct walk to their units. As a result, it is recommended that ALL access be denied off Cynthia Wilson Drive (including pedestrian), and the internal driveway system be modified to provide for alternate vehicular access to Stages 1(a) and 1(b).
- iii) City Works will require construction of a channelised intersection at the junction of Cynthia Wilson Drive with Rifle Range Road prior to release of an Occupation Certificate for Stage 1(b). If this is effected, concerns raised by the Traffic Committee will then be satisfied.

**National Parks and Wildlife Service**

The DA application contains an extensive Fauna Assessment and Koala Management Plan prepared by Prof P Baverstock and David Sharpe. This assessment includes detailed field work carried out on the site since 1995, and includes assessment and identification of every tree on site,

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and detailed habitat assessment. The site, containing Forest Red Gum and Tallowood species, and is classified as a koala habitat, and part of a "core habitat". As such, a Koala Management Plan has been prepared, as required under the provisions of SEPP 44.

Only three trees are proposed to be removed to accommodate the whole project, and of these only one is an identified Koala food tree.

The proposed activities will have minimal impact on vertebrate fauna, and no known impact on Schedule 12 species.

The Fauna Assessment and Koala Management Plan have both been fully reviewed by National Parks and Wildlife Service and after certain additional information was prepared by the Wildlife Consultant, NPWS have now advised that the recommendations made by the Consultant are supported, requesting that Council include additional requirements relating to 10 metre buffers from feed trees, retaining walls in lieu of batters, and additional planting of new trees around existing feed trees to any conditions of consent (this has been done).

Further to this, under the provisions of SEPP 44 (Koala Habitat) a Plan of Management (POM) for Core Koala Habitat must receive the approval of both the Council and the Director of DUAP.

As notice of satisfactory consultation from the Director-General (NPWS) has only recently been received, approval to the POM itself is still pending from the Director (DUAP). As Clause 13(2) of SEPP 44 requires the Director's approval to the Plan of Management, Council cannot issue any final consent to the application the Director's approval is obtained, and incorporates any variation to the Plan as may be required by the Director. This situation is reflected in the recommendations attached to this report.

#### **Aboriginal Heritage/Archaeological Values**

NPWS have also requested that the impact of the proposed change to the land use on anthropological or archaeological values of the site be ascertained from the Ngulingah Local Aboriginal Land Council, and the Gunjil Jindabah Centre. As at date of report these responses have not been received, but there is verbal indication that there are no concerns raised. It is recommended in this report that no consent be issued until and unless satisfactory written responses have been received from both these groups, as requested by NPWS.

#### **Assessment Under Section 79C of the E.P. & A Act -**

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

The site is zoned Special Uses 5 (Universities). The application is permissible under the zone, and meets zone objectives.

The proposal is consistent with relevant provisions of the North Coast Regional Environmental Plan.

##### **SEPP 44 – Koala Habitat Protection**

The site has been identified as a Core Koala habitat under the provisions of SEPP 44, requiring preparation of a Koala Plan of Management.

The Koala Management Plan submitted with the application proposes to:

- i) maintain and possibly enhance the current habitat for koalas, and
- ii) minimise all possible impacts of the proposed development on koalas.

The plan identifies that at least two marked Koalas have been recorded from the site; that preferred tree species is clearly the Tallowood, with Forest Reds also being heavily used.

All trees have been identified on site, and it is established that most of these provide habitat. Cynthia Wilson Drive remains a definitive hazard for Koalas, crossing between habitat areas (corridors).

The plan provides for the retention of all habitat trees on site with the exception of one tree only, and the planting of 500 Koala trees from seed collected locally. Seedlings will be cared for by University gardening staff. No dogs will be permitted on the site. On-site traffic will be restricted to 20km/hr. Annual monitoring will occur, with results to be reported to Council.

The Plan appears to be thorough and practical, and provides a medium by which development can still occur whilst protecting and enhancing the habitat, and is recommended for approval by Council.

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

There is no draft EPI currently on exhibition which would affect this development.

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

**DCP 14 – Residential Development**

The application, although of a specialised housing nature for university purposes, generally complies with DCP 14. Exemptions are carparking (already discussed), and earthworks which will in sections be deeper than 1.2 metres.

Earthworks for Stage 2(a) and 2(b) will be the subject of a separate application.

**DCP 17 – Tree Preservation**

Great emphasis has been placed on both retention of trees on the site, and the further planting of some 500 Koala food trees. Only 3 trees (nb. Including one Koala feed tree) are proposed for removal from the whole site.

**DCP 18 – Off Street Carparking**

Proposal does not comply with the DCP which, for a comparable multi-unit development, would require 141 spaces. Given the specific and restricted purpose of this development, the proposal is supported in its reduced parking form.

**DCP 43 – Crime Prevention**

The development has been designed taking into account the DCP provisions, though orientation, open space, lighting, student cluster facilities and monitoring by SCU security staff.

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

There are no matters prescribed affecting this application.

**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 site, being 4.772 hectares in area, is currently vacant (a single dwelling house has been removed). The development will have a visual impact, as it will eventually contain 16 two storey buildings, and an amenities complex. It is surrounded by a mix of residential, industrial, community use and university development, and, given the generous open space areas also incorporated into the site design, will result in an amenable, functional and visually pleasant final development.

The retention of almost all existing trees on site (and the planting of approximately 500 eucalyptus species) will contribute towards a 'softening' process throughout the development.

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Areas of impact concern (ie traffic, affectation to tree roots, stormwater flow) have all been addressed. The discouraging of student parking in Cynthia Wilson Drive has been addressed and alleviation methods conditioned.

Intersection upgrading will be required prior to effecting Stage 1(b), and will be a necessity in any case when and if the new connection road from Kellas Street is constructed. This proposed road does not interfere with the current site, being located north of the subject site, with access off Rifle Range Road.

There will be social and economic impacts arising from the development as there will ultimately be 256 additional (oversees) students living on this site who, although expected to utilise on-campus facilities, will also have an appreciable impact on general community and commercial facilities in Lismore and district.

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

The site, from a physical location aspect is very suitable for its purpose, being adjacent to the University. It has obviously been identified for a purpose allied to the University, being zoned for that purpose at least 10 years ago.

There are some physical constraints, being the slope of the land, the drainage gully and road frontages (traffic issues). Because of the slope an appreciable amount of cut and fill is required, and this is included for the purposes of Stages 1(a) and 1(b) at the time. A sizeable water retention basin is required to be constructed in the gully bed, inside the Rifle Range Road boundary, and separating the two proposed carparks. This basin is designed to slow runoff during high rainfall events. Stormwater quality of runoff is expected to be contained to similar levels as presently exists from the site.

In summary, provided reasonable checks and conditions are made, the site is quite suitable for the proposed development.

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

One submission was received as a result of advertising. As discussed earlier in this report, if proposed amelioration conditions are incorporated into any approval granted, the concerns raised (relating to bicycle safety and intersection works) will be satisfied.

The Traffic Committee comments have also been discussed, relevant suggestions made, and conditions included.

**79C(1)(e) The Public Interest**

This site has already previously been approved for a similar residential development. The construction of the facility will provide considerable employment and supply opportunities both during construction itself, and in permanent servicing. It will also be a healthy growth adjunct to the University itself, and provide economic flow-on to the commercial sector of Lismore and surrounding district.

**Section 94, 64 Methodology**

As will be appreciated, there has been extensive pre-lodgement discussion on this project, and particularly on potential Section 64 (Water and Sewer) and Section 94 (Community Facilities) charges which might apply. Comparisons have been made with a recent 96 room residential development by SCU at its Coffs Harbour campus, where no Section 94 charges and only a small Section 64 charge was applied. Also the fact that only the SES component of Section 94 charges was levied on the 1995 247 bedroom SCU approval on this site, and there is no rationale provided on file as to why this was so.

It is clear that under the provisions of the EP & A Act and Regulations a University carries the same legal referral processes as a Crown application. (Section 116B of the Act, Section 226(c) of the Regulations). Therefore under Section 116C a consent authority cannot impose any conditions of consent unless it has the concurrence of the University OR obtained the written authority of the Minister (for Planning) to do so. This makes the charging of S64 and 94 Contributions a very tenuous area and there is certainly a resistance to the charging of a full rate (ie the same rate as would apply to a comparable residential unit development in a residential area), and has led to rationale discounting in order to produce a charge rate acceptable by the University.

Basic rationale has been to discount ET's for:

- a) occupation rate of only 36 weeks per year; (reduces ET's applied)
- b) overseas students live on campus, have only a 25% road traffic rate; (reduces arterial road levy)
- c) living on campus only use 50% outside facilities. (reduces all other levies)

This has reduced the normal full S94 rate from \$222,579 to \$57,370 for the whole development, with a similar application for S64. The position is now that SCU have agreed to the discounted figures, and it is believed that a healthy compromise has been reached.

#### **Manager - Finance & Administration Comments**

No comment sought.

#### **Public Consultations**

- One submission received as a result of public notification, as reported above.
- NPWS referral to SEPP 44 Plan of Management – all satisfactory.
- Ngulingah LALC and Gunjil Jindabah Centre – awaiting written confirmation of verbal advice that there are no objections.

#### **Other Group Comments**

- Local Traffic Committee – comments reported in this report.
- City Works requires no access either pedestrian or vehicular to Cynthia Wilson Drive, and a man-proof fence to be erected. Also for a footpath to a bus stop in Cynthia Wilson Drive.

#### **Author's Response to Comments from Other Staff**

Requirements from the staff have been incorporated into draft conditions of development consent, and indications are that these are acceptable to the applicant.

**Preliminary Referral of Draft Conditions to Applicant**

As required under Council policy, draft conditions have been referred to the applicant for general acceptance, prior to Council consideration of the application.

There has been extensive negotiations on certain conditions, and agreement has generally been reached, however there may still be further negotiation on Condition No. 19 (intersection works at Cynthia Wilson Drive and Rifle Range Road) during the formal Sec. 116C referral process.

Conditions as agreed are contained in the recommendation below.

**Conclusion**

The application has been assessed under the requirements of the Environmental Planning and Assessment Act, with relevant considerations given. The development is a major infill within the University complex, and is one which has been planned for many years. It will add not only to the growth of the University itself, but also to employment and economic advantage to the City of Lismore generally.

The Plan of Management for the Core Koala habitat submitted with the DA and as endorsed by National Parks and Wildlife Service is acceptable and should be approved.

**Recommendation (PLA20)**

**A** That Council SUPPORT an approval to the application together with the attaching Koala Plan of Management, subject to compliance with the following conditions:

**PLANNING**

1. In granting this development consent, Council requires:
  - All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
  - All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
  - Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with the stamped approved plan(s) Project No. 00174E plans LP1 Issue B, SKI-4 (inclus) Issue A, EW1 Issue B, EW1A Issue B and EWA1-6 (inclus) Issue A and/or supporting documents submitted with the application. Copies of the approved plan is/are attached to this consent.

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

2. A separate Development Application to be lodged and approved for earthworks for proposed Stages 2(a) and 2(b), prior to any construction for those two stages.

**Reason:** *Earthworks for Stages 2(a) and 2(b) not part of this consent.*

**BUILDING**

3. A minimum of three (3) disabled access units are to be provided, and they shall be distributed as equitably as practical across the development.

**Reason:** *To satisfy criteria of Table D3.2 of the Building Code of Australia.*

4. The roofing must have a low reflective finish.

**Reason:** *To minimise the reflectivity of the building and to ensure its compatibility with the landscape.*

5. The use of the building must not unreasonably interfere with the amenity of the neighbourhood.

**Reason:** *To ensure that reasonable levels of amenity for neighbouring properties are maintained.*

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

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

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

7. Access for the disabled in accordance with AS1428.1 is to be provided to the main entrance of the community facilities building, and the nominated disabled residential unit buildings.

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

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

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

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

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

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

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

11. Provide signs, incorporating the disabled access symbol, identifying the location of each accessible entrance to the building, lift and sanitary facility.

**Reason:** *Required by Clause D3.6 of the Building Code of Australia.*

12. Disabled toilet facilities must be unisex.

**Reason:** *Required by Policy 03.01.31 of the Lismore City Council.*

13. No additional internal partitions are to be erected without prior approval.

**Reason:** *To indicate that additional approval is required.*

14. Access to the development shall meet the following requirements:

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

**Reason:** *To provide equality of access.*

15. Access to the building and facilities for disabled persons must be provided and constructed in accordance with the requirements of Technical Bulletin No. 17, Department of Environment & Planning, AS 1428.1-1992 "Design for Access and Mobility" and Clauses D3.2 and D3.3 Building Code of Australia, to ground floors of the respective buildings.

**Reason:** *To ensure equity in access.*

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

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

Principal Certifying Authority approved landscaping shall be completed prior to the release of the Occupation Certificate and maintained at all times to the satisfaction of Council. Trees identified for retention in the Development Application plans shall not be removed without separate Council approval.

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

## **ENGINEERING**

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

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

18. 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 Construction Certificate.

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

## **ROADS**

19. 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) prior to the release of the Interim or Final Occupation Certificate for stage 1(b). In relation to the following works, the proponent shall pay Council's GST cost prior to the release of the Interim or Final

Occupation Certificate for stage 1(b). 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:

Intersections

- a) Construction of a channelised intersection layout at the junction of Cynthia Wilson Drive and Rifle Range Road in accordance with relevant standards.

A practising qualified surveyor or engineer shall submit to Council for approval prior to the release of the Interim or Final Occupation Certificate for stage 1(b), 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))*

20. Full design plans of the proposed engineering works to satisfy condition(s) 17, 18, 19, 20 and 28 shall be submitted to and approved by Council prior to the issue of a Construction Certificate for each stage. 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.

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

21. The proponent shall provide a plan of management for the construction of all civil works outside the real property boundaries of the proposed development. The plan shall table scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community. Such plan shall include a Traffic Control Plan prepared by an RTA accredited person. This plan of management shall be lodged with Council prior to the commencement of works. All works shall comply with the Occupation Health and Safety Act.

**Reason:** *To ensure no conflict occurs between civil works and general public during construction.*

**VEHICULAR ACCESS**

22. Redundant road pavement, kerb and gutter or foot paving, including any existing entrances or other special provisions shall be reinstated in accordance with Council's Development, Design and Construction Manuals (as amended).

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

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

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

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

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

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

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

### **CARPARKING**

26. Provision shall be made for a total of seventy seven (77) carparking spaces (in 4 stages) with a bitumen sealed/paved or equivalent surface constructed and landscaped in accordance with the requirements of the Council's Development Control Plan No. 18 Off Street Carparking Requirements for each stage. Documentary evidence to be submitted to the Principal Certifying Authority prior to the release of an Interim or Final Occupation Certificate.

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

27. The proponent shall construct a 1.2m wide reinforced concrete, paving block or equivalent footpath, leading from the entrance to the proposed carpark on Rifle Range Road along the Rifle Range Road reserve to the intersection with Cynthia Wilson Drive in accordance with Council's Development, Design and Construction Manuals (as amended). Any costs shall be the responsibility of the proponent. Works to be completed prior to the release of the Interim or Final Occupation Certificate for Stage 2(a).

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

28. The proposed vehicular access and pedestrian link to Cynthia Wilson Drive shall be deleted. Alternate disabled vehicular access shall be provided via the conversion of the proposed footpath between cluster 1a and the Community facilities building to a 3m wide shared pathway/driveway.

**Reason:** *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a)) and to ensure adequate access to and from the development. (EPA Act Sec 79C(c))*

29. Pedestrian and vehicular access from Cynthia Wilson Drive shall be prohibited, excepting emergency access. Prior to the release of the Interim or Final Occupation Certificate for stage 1(a) the proponent shall construct a man proof fence for the full frontage of the land to Cynthia Wilson Drive, such fence may incorporate an emergency use only locked vehicular access gate.

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

### **ENVIRONMENTAL HEALTH**

30. The applicant shall employ a suitably qualified consultant to oversee the installation and maintenance of all soil and water management works on the site. The consultant will be required to provide a written report to Council's Development Assessment Engineer on a weekly basis during construction works certifying that all works have been carried out in accordance with best practice and the approved plans.

**Reason:** *To ensure a reasonable monitoring programme*

31. The applicant shall provide on-site training for all works, subcontractors, consultants and personnel in relation to soil and water management plans and works. Training shall include:

- general information on the soil and water management plan;
- correct construction of sediment fences;
- purpose and function of staging program;
- purpose and function of sediment fences and barrier fences;
- maintenance on soil and water management works.

**Reason:** *To ensure a reasonable monitoring programme*

32. Prior to the commencement of works the applicant shall prepare, and submit to and gain the approval of Council, of a soil and water management plan that identifies stormwater management (both quantity and quality) and maintenance issues associated with the proposed development for both construction and post construction phases.

**Reason:** *To ensure a reasonable monitoring programme*

**WATER & SEWER**

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

Full details of the proposed backflow method and cross connection controls shall be designed and installed in accordance with Australian Standard 3500.1 and submitted prior to the release of the Construction Certificate.

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

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

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

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

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

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

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

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

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

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

The contributions set out in the schedule are exclusive of any GST (if any) and 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.

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

39. The water reticulation to service this development is to be drawn from the existing internal supply serviced via the bulk water meter at the Ross Street Reservoir. A separate internal private bulk water meter is to be installed on the service line to this development.

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

40. A conventional gravity sewer reticulation design to service this development is to be submitted to Council for concurrence and approval with reference to the connection point to Council's sewer.

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

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

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

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

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

#### **DEVELOPMENT**

42. The planting of a minimum of 500 trees throughout the site, to consist of tallwood, forest red gum and grey ironbark. Attention should be given to planting a number of these trees adjacent and around existing trees, particularly where adjacent to excavation works.

A landscaping plan showing all proposed landscaping (including the planting of 500 koala feed trees) for each stage be submitted to Council prior to release of the Construction Certificate for Stage 1(a).

**Reason:** *Site enhancement and supplementation to Koala feed trees; to assist with buffering of existing trees.*

43. No roots of identified Koala food trees located south-east of the buildings contained in cluster (Stage) 1(b) are to be disturbed during construction, including earthworks. Soil within 10 metres of tree trunks is not to be disturbed in any way, and retaining walls (engineered to maximize soil strength) are to be incorporated into earthworks in lieu of batters, where necessary, in order to achieve this aim.

**Reason:** *To ensure presentation of existing trees on site.*

44. Apart from the three (3) trees nominated in this application, no trees are to be removed from site without the express approval of the Council.

**Reason:** *To ensure perpetuation of habitat.*

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

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

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

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

46. That the Ngulingah Local Aboriginal Land Council and NSW National Parks and Wildlife Service be immediately advised in the event of the discovery of any Aboriginal sites or relics as a consequence of the development. All works to cease and not to recommence until the approval of these two bodies has been obtained.

**Reason:** *To protect Aboriginal heritage.*

**SECTION 94**

47. Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore Contributions Plan 1999 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the Construction Certificate is granted. The rates and amounts applying at the date of this notice, totalling **\$57,370**, are set out in the schedule, together with attached discounting notes, for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the Construction Certificate is granted.

Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the listing of rates applicable for the financial year in which payment is made. This listing of rates reflects the adjustment made for the Consumer Price Index (CPI) on an annual basis.

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.

**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)*

**INFORMATION TO APPLICANTS**

**ADVISORY NOTES**

**NOTE 1:** An assessment for the purposes of the Building Code of Australia has not been conducted and all information pertaining this will be required.

**NOTE 2:** Water and/or Sewerage Headworks levies payable under the Water Supply Authorities Act 1987 totalling **\$247,727** will need to be paid to Council prior to Council issuing a Construction Certificate under s.26 of the Water Supply Authorities Act 1987.

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

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

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

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

**LISMORE CITY COUNCIL**

**DEVELOPMENT CONSENT NO:** 2001/367  
**ADDRESS:** 26 Cynthia Wilson Drive, East Lismore

**IMPORTANT TO NOTE**

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

To be read in conjunction with advice of development consent.

The levies imposed by Condition No. 47, as contributions towards the cost of meeting increased demand for public services and amenities that will result from the development, are identified in this Schedule.

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

**\* Note: For discount see Lismore Contributions Plan 1999**

1 x 4 b/r unit = 1 ET = total of 64 ET's less 1 ET credit (existing dwelling) = **63 ET's**

63 ET's x 0.69 (occupation rate at only 36 weeks per annum) = 43.47 ET's

**Schedule at 43.47 ET's:-**

| <b>Levy Area</b>               | <b>Account No.</b> | <b>No. of ET's/m<sup>2</sup></b> | <b>Cost Per ET/m<sup>2</sup></b> | <b>Amount Payable</b> |
|--------------------------------|--------------------|----------------------------------|----------------------------------|-----------------------|
| <b>Open Space</b>              |                    |                                  |                                  |                       |
| Urban Catchment (West) - Local | 1643-2             | 43.47                            | 268                              | \$11,650              |
| - Citywide                     | 1643-1             | 43.47                            | 331                              | \$14,389              |
| <b>Street Trees</b>            |                    |                                  |                                  |                       |
| Urban Catchment (West)         | 1643-21            | 43.47                            | 83                               | \$3,608               |
| <b>Community Facilities</b>    |                    |                                  |                                  |                       |
| Urban Catchment (West) - Local | 1650-2             | 43.47                            | 113                              | \$4,912               |
| - Citywide                     | 1650-1             | 43.47                            | 565                              | \$24,561              |
| <b>Urban Roads</b>             |                    |                                  |                                  |                       |
| <b>Arterial Roads</b>          |                    |                                  |                                  |                       |
| Urban Catchment (West) res     | 1655-1             | 43.47                            | 1787                             | \$77,681              |
| <b>SES</b>                     |                    |                                  |                                  |                       |
| All areas                      | 1695-1             | 43.47                            | 19                               | \$826                 |
| <b>Bushfire</b>                |                    |                                  |                                  |                       |
| Equipment                      | 1690-1             | 43.47                            | 76                               | \$3,304               |
| Facilities (Control Room)      | 1690-6             | 43.47                            | 19                               | \$826                 |
| <b>Footpaths</b>               |                    |                                  |                                  |                       |
| Lower Lismore Trunk            | 1680-1             | 43.47                            | 25                               | \$1,087               |
| Connector                      | 1680-2             | 43.47                            | 38                               | \$1,652               |
| Internal                       | 1680-3             | 43.47                            | 189                              | \$8,216               |
| <b>Cycleways</b>               |                    |                                  |                                  |                       |
| Urban West Catchment           | 1680-12            | 43.47                            | 16                               | \$696                 |
| <b>Bus Shelters</b>            |                    |                                  |                                  |                       |
| Urban Catchment West           | 1683- 1            | 43.47                            | 4                                | \$174                 |
| <b>Total</b>                   |                    |                                  |                                  | <b>\$153,580</b>      |



**LISMORE CITY COUNCIL - Meeting held October 9, 2001**

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**LISMORE CITY COUNCIL**

**DEVELOPMENT CONSENT NO:** 2001/367  
**ADDRESS:** 26 Cynthia Wilson Drive

To be read in conjunction with advice of development consent.

The levies imposed by Note No. 2 are identified in this Schedule.

The rates and amounts shown against the various items are those current at the date of this notice. If these levies are not paid within twelve (12) months of the date of this consent these rates shall be increased annually from the date of this notice, in accordance with the percentage increase from the date of approval to the date of payment, as notified by the CPI (Sydney).

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

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| <b>Levy Area</b>   | <b>Account No.</b> | <b>No. of ET's</b> | <b>Cost Per ET</b> | <b>Amount Payable</b> |
|--|--------------------|--------------------|--------------------|-----------------------|
| Water and Sewerage Headworks Levies are charged under Division 2 of Part 3 of the Water Supply Authorities Act 1987 (as amended) of the Local Government Act 1993 and amounts payable are set out below. |                    |                    |                    |                       |
| <b>Water Headworks</b>   |                    |                    |                    |                       |
| <b>Urban Reservoir Zone</b>  |                    |                    |                    |                       |
| - Central  | 8175-1             | 41.6               | 767                | \$31,907              |
| <b>Rous County Council</b>   |                    |                    |                    |                       |
| All areas except Nimbin Per Allotment  | 9200-2             | 41.6               | 1257               | \$52,291              |
| <b>Sewerage Headworks</b>  |                    |                    |                    |                       |
| Goonellabah  | 7175-1             | 41.6               | 3931               | \$163,529             |
| <b>Total</b>   | <b>7175-3</b>      |                    |                    | <b>\$247,727</b>      |

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**ET'S CORRECT - WATER & SEWER SERVICES OFFICER** ..... **DATE** ...../...../.....

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

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

A COPY OF THIS ADVICE MUST BE  
PRESENTED WHEN MAKING PAYMENT DATE:

RECEIPT NO:  
CASHIER:

- B** That the draft conditions be referred to the applicant (SCU) for concurrence, as required by Section 116C of the Environmental Planning and Assessment Act.
- C** That the General Manager be empowered to grant final approval to the development pending:
- i) receipt of written concurrence to finally agreed draft conditions of consent following Section 116C referral to the applicant;
  - ii) approval being received from the Director of the Department of Urban Affairs and Planning to the Koala Plan of Management, and inclusion into the current Plan of any additional matters as may be notified by the Director; and
  - iii) receipt of advices from the Ngulingah LALC and Gunjil Jindabah Centre that there are no objections to the proposed development on the site.
- D** That Council grant delegated authority to the General Manager to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.

**Subject/File No:** LISMORE SQUARE CAR BOOT MARKET  
SECTION 96 MODIFICATION APPLICATION – DA2001/194  
(WR:MG:DA01/94)

**Prepared By:** Warren Rackham – Special Projects Planner

**Reason:** Application has been requested to be reported to full council by Councillors Gates and King.

**Objective:** Council's determination of the application.

**Management Plan Activity:** PLANNING

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**Background:**

1. The Lismore Square Car Boot Market has operated since the 1980's under a number of consents, each one being for a 5 year period. Various restrictions have been placed on each consent, related to operation of the market and numbers of shops permitted to be open within the main plaza area, the most recent consent restricting a maximum of 35 shops open.
2. The most recent consent (DA01/194) is effective for a five year period, from June 13, 2001.

**The Site:**

Lot 100, DP 600498, 2 McKenzie Street, Lismore, being the Lismore Square Shopping Centre complex.

**Current Application:**

The current application seeks to *modify* the original consent by:

- a) Deleting Condition No. 13 restricting the operation of the Sunday Car Boot Market when more than 35 shops in the Square (other than Coles and K-Mart) are open to the public.
- b) Amending (or deleting) Condition 17 relating to the hire charge of \$110 per market on Humbly Oval for parking.
- c) Modifying Condition 19 to reduce the level of payments of \$4,349 per annum towards pavement strengthening and bitumen sealing of parking areas in the vicinity.

The application has been requested to be presented to full Council for consideration.

**Manager - Finance & Administration Comments**

Not referred

**Public Consultations**

Not notified (not required).

**Other Group Comments**

***Building and Regulation*** – No comments.

***Environmental Health*** – No comments.

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**Water and Sewer** – No comments.

**City Works**

City Works have carried out an extensive re-analysis of the annual contribution required under Condition No. 19 (contribution towards pavement strengthening and bitumen sealing of parking areas), and has summarised the outcome as follows:

The contribution as it currently stands is based on 35 shops in the plaza being open, and a contribution of \$4,349 per annum per annum towards the provision of 315 parking spaces on the public road area, and based on a 5 year period. Contributions paid have now met the target costs and could, if the condition limiting number of shops has a ceiling of 35, be removed.

However the application is now to operate the markets with **no** restriction or number of shops open – there being 49 shops (exclusive of Coles, K-Mart and Franklins), therefore an additional **14 shops** are to be 'considered'.

These 49 shops occupy 3,755 sq. m, at a carparking rate of 1 per 35m<sup>2</sup> = 108 spaces. The 14 shops (additional in this application) will therefore commensurately require **31 spaces**.

If the same calculation principle as previous DA's is applied, then a payment for increasing on-street parking could be taken in lieu of provisions.

As per previous calculations:

Space plus access at 25m<sup>2</sup>  
At \$80 per m<sup>2</sup> equals \$2,000 per space  
Used for 23 days in each 365 day year equals \$126 per space.  
= Total \$3,906 for the 5 year period  
OR, \$782 per year + CP1

**Parks and Gardens**

"There are a number of indirect costs associated with this arrangement of allowing parking around Humbly Oval. These include the cost of installing traffic barriers around the grounds to assist in keeping the market traffic off the grounds.

Also insurance and liability issues with cars being inappropriately parked during sporting events, as well as other issues. I did check with senior management prior to setting the fee and they concurred with my view.

It is recommended that the fee remain as is".

**Consultation with Other Agencies**

Not relevant to this application.

**Objections/Submissions**

No submissions – advertising not required for this application.

**Planning Comments – Relevant Sec. 79C (1) Considerations**

1. There are 3 individual requests in this modification application and each has been supported with reasoning from the applicant's consultant. The main catalyst for the modification application has been one of cost – the previous 5 year consent conditioned charges of \$3,866 per annum (indexed to BPI) whereas the current consent, with indexation applied AND the additional charge of \$110 per market on Humbly Oval equates to a total of \$6,879 per annum.

## LISMORE CITY COUNCIL - Meeting held October 9, 2001

### DA01/194 Lismore Square Car Boot Market

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2. The applicant has submitted details in support of their requests, including:
  - Customer numbers at the centre are lower on Sundays than for other days;
  - Market stalls have declined, with a fall of “22% since 1997” (figures and statistics provided);
  - There is greater on-street parking available in the vicinity on Sundays (including no professional uses in Uralba Street).
  - Need to be competitive with other centres (eg Ballina Fair).
  - Market staff clean Humbly Oval after each use;
  - Stall operations in the car boot market are largely family operations, and have difficulty in raising the stall fees payable;
  - The market is becoming “less profitable and more of a public service”.

The applicants advise that should these conditions not be modified then the markets may no longer be viable as they currently operate. Council is also asked ‘to consider the economic and social value of the markets to the local area’.

3. The numbers of shops open is directly limited to carparking facility, and the carpark sealing condition which has been applied throughout. *If* there were to be no increase in shops open (ie above the 35 approved) then this charge in Condition 19 could be removed. If it is agreed to remove the restriction on shop numbers by deleting Condition 13, the revised charge would then be \$782 per year for 5 years. This would seem to present an ideal compromise for both these conditions.

(eg Delete Condition 13 removing restriction on shop numbers,  
Modify Condition 19 by reducing \$4,349 pa to \$782).

4. The charge imposed by Condition 17 on Humbly Oval is not recommended for deletion. Council’s Park and Recreation Manager has considered the position, and whilst vehicles use (and have, as a matter of necessity, been required to use) Humbly Oval for this development, the maintenance of (and hire of public land) remains a consumer responsibility and obligation. The charge of \$110 has been made as a *minimum* charge on maintenance costs, and as such is recommended to remain.
5. In summary, if Council adopts the recommendations below, the overall charge to the applicant for the term of this consent will fall from \$6,879 to \$3,312 per year – which is less than the contributions levied over the last 5 years, and with all shops being open.

#### **Author’s Response to Comments from Other Staff**

The recommendations from other staff are supported, and reflected in the comments, and in the recommendation below.

#### **Conclusion**

The modification of the consent is considered reasonable and acceptable having regard to the above issues and to the circumstances of the case. The provisions of Sec 96(2) of the EP & A Act 1979 have been satisfactorily upheld.

It is believed that a satisfactory solution to the situation will have been reached if the following recommendation is adopted.

**Recommendation (Pla 21)**

That the application be modified as follows:

1. Condition No. 13 be deleted;
2. Condition No. 17 be adhered to;
3. Condition No. 19 be modified by deleting the amount of \$4,349 and replacement with the amount of \$782.

**Subject/File No:** ALTERATION OF VILLAGE DEVELOPMENT STRATEGY & REPEAL OF DCP 23 – VILLAGE OF WYRALLAH (S537)

**Prepared By:** Manager, Planning Services – Helen Manning

**Reason:** To update planning controls by removing outdated DCP information

**Objective:** To prepare a package of up to date planning controls for Lismore's Villages

**Management Plan Activity:** Strategic Planning

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**Background:**

In 1993 Council adopted separate development control plans for the villages of Dunoon (No. 19), Clunes (No. 21) and Wyrallah (No. 23). Despite these being separate plans, they all have the same format and contain similar information such as population growth and dwelling approval rates to 1993, servicing requirements, and assessments of land available for expansion. None of these plans have been reviewed to date.

In 1996 Council prepared and adopted the Village Development Strategy, which assesses likely demand for village style living and outlines a potential growth area for each major village. Without exception these areas are identical to those indicated in the village specific development control plans.

As part of the rationalisation and updating of planning controls, it is proposed to remove this duplication by taking all strategic planning type information from the DCPs and placing it in the Strategy. It is proposed to then prepare one consolidated DCP applying to the villages of Dunoon, Clunes, Wyrallah and possibly Bexhill, to contain the expected development control provisions such as general principles aimed at maintaining village character, servicing requirements and conceptual transport and open space layouts for village expansion areas. Preparation of this consolidated DCP is to commence upon the resolution of sewerage options for Clunes. It will not duplicate the provisions of other DCPs such as Residential Development, Subdivision, Car Parking, Buffer Areas, etc. Nor is it proposed to include controls for Nimbin and Caniaba, as DCPs for these villages are more recent in origin and include more up to date detail than No.s 19, 21 and 23.

Recent planning investigations for the expansion of Wyrallah have highlighted that DCP 23 Wyrallah contains little useful information other than the identification of land for expansion, which is to be transferred to the Strategy. The repeal of this DCP is therefore recommended.

**Planning for Wyrallah expansion**

Expansion of Wyrallah village is constrained by flood prone lands, agricultural lands, and a dip site. Notwithstanding, the DCP identified land to the north and south of the existing village which could be development for village style subdivision if effluent disposal problems could be overcome.

The disposal of domestic waste waters is a key issue affecting the future development of the village of Wyrallah. On-site waste water management is problematic within the village due to the poor soil environment encountered. The soil environment generally is very shallow, containing significant rock outcrops which are major limitations to sustainable on-site management of waste waters.

The DCP requires that subdivision to create multiple lots is to provide a reticulated sewerage system and package treatment plant, and subdivision to create only one or two blocks is to provide either the means to connect to the package treatment plant of adjoining developments, or provide sufficient site area for the utilisation of conventional septic disposal systems. Other alternative effluent disposal technologies can be assessed by Council on a case by case basis.

Council's 'On Site Sewage and Wastewater Management Strategy' came into effect in 1999.

Within the past 12 months two local planning consultancies have undertaken investigations in the identified village expansion locations with a view to ultimately seeking rezoning to 2(v) Village. One consultancy has agreed that soil conditions to the south of the village do not permit the use of septic effluent disposal and has concluded that the expense of a package treatment plant would render the project unviable, given current low population growth rates. No further investigations are being undertaken for this land at this time.

A preliminary development concept for land to the north of the village, using septic effluent disposal on larger lots, cannot meet the requirements of the 'On Site Sewage and Wastewater Management Strategy' without the importation of large amounts of additional soil. This may render this proposal unviable also, and the consultants are currently rethinking options for this land.

### **Proposal**

It is proposed to transfer the sections of the DCPs 19, 21 and 23 relating to future expansion areas of Dunoon, Clunes and Wyrallah into the Villages Development Strategy. This will enable continued consideration of any development proposals which are consistent with the Strategy.

The remainder of the DCP 23 Wyrallah, comprising outdated building statistics and servicing information, serves no useful purpose and can be repealed. This information is not usually placed in the format of a DCP and may have served the purpose of 'padding' at the time of preparation.

The DCPs for Dunoon and Clunes contain relevant information on conceptual road linkages for expansion areas, and should remain in place until the consolidated villages DCP is prepared.

### **Manager - Finance & Administration Comments**

Not requested. The above work is to be undertaken in house as part of the planned work program and raises no additional financial impacts.

### **Public Consultations**

The amendment of the Villages Development Strategy will require public exhibition. An exhibition period of one month is proposed.

The Environmental Planning & Assessment Regulation requires no public consultation for the repeal of a development control plan. Instead, Council must give public notice in a local newspaper of its intention to repeal the DCP and of its reason for doing so, fourteen days before publishing a notice of repeal in the newspaper.

### **Other Group Comments**

#### **Environmental Health Section**

Incorporated within the report.

**Author's Response to Comments from Other Staff**

Not required.

**Conclusion**

The DCPs for Dunoon, Clunes and Wyrallah were prepared in the early 1990s and contain a certain amount of strategic information more properly placed in the Villages Development Strategy. The Dunoon and Clunes DCPs contain some useful guidelines for the development of expansion areas, but all three DCPs contain a large amount of 'padding' comprising outdated statistics which even if updated have no place in a development control plan.

Repeal of DCP 23 – Village of Wyrallah is part of the program of reducing and rationalising the number of development control plans applying in Lismore.

**Recommendation (PLA19)**

That, pursuant to clause 23 of the Environmental Planning & Assessment Regulation, Council resolve to:

1. Repeal DCP 23 Village of Wyrallah,
2. Place strategic planning information about the future expansion of Dunoon, Clunes and Wyrallah into the Village Development Strategy; and
3. Place the amended Village Development Strategy on public exhibition for one month.

**Subject/File No:** DRAFT CATCHMENT MANAGEMENT PLAN  
(Northern Rivers Catchment Management Board)  
(HM:MG:S227)

**Prepared By:** Manager Planning Services – Helen Manning  
Manager Environmental Health – Matt Kelly  
Manager Lismore Water – Anu Atukorala

**Reason:** To relay Council's views to Board

**Objective:** To obtain Council support for Board's initiatives

**Management Plan Activity:** Strategic Planning

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**Introduction:**

This report was considered by Council at its September meeting and Council resolved that *"consideration of this matter be deferred to a Council workshop to be held on September 18, 2001, the outcome of which is to be reported to the October Council meeting"*.

At the workshop, representatives of the Board gave an overview of the draft Plan and responded to questions from Councillors. Cr Roberts as the Board's Chairperson advised that the wording of the draft Plan in relation to one of the land use issues was ambiguous and clarified the intent of the draft Plan in relation to the management of conflict arising from the location of rural residential lots amongst rural resources.

As a result of this clarification the comment relating to Management Action 2.3 has been altered. All other contents of this report remain identical to that considered by Council in September.

**Background:**

The Northern Rivers Catchment Management Board (NRCMB) was established by the State Government in June, 2000. Membership of the Board is drawn from industry, conservation groups, government and the community. The Board's area of responsibility includes the catchments of the Tweed, Brunswick and Richmond Rivers. Cr. Diana Roberts is the Board's Chairperson.

The principal role of the NRCMB is to develop a draft Catchment Management Plan (CMP) for the Northern Rivers for submission to the Minister by October, 2001. The Plan is a strategic 'whole of government' approach to identifying and addressing critical natural resource management issues within the catchments over the next decade. It is intended to be advisory, rather than regulatory and is to be consistent with and promote the principles of Ecologically Sustainable Development and Total Catchment Management.

A copy of the draft Plan was in the attachment to the September Business Paper.

The Plan is to be the 'business plan' for natural resource and environment management in the Northern Rivers catchment. It will indicate priorities for investment such as funding and other resources. Critical to the Plan's success will be the development of an investment strategy, to include costing of actions, financial implications and identification of the investment sources.

The purpose of this report is to advise Council of the actions allocated to Lismore City Council and to seek Council's support in principle (subject to provision of resources to undertake the work) for the draft Plan. It is understood that the Plan may be altered on the basis of submissions received before being submitted to the Minister; if the Minister endorses the Plan it will be exhibited for public comment before being finally adopted.

**Draft Catchment Management Plan**

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The five key natural resource management areas on which the Board has focussed are:

- Biodiversity
- Land Use Planning
- Water and Stream Management
- Acid Sulfate Soils Management
- Aboriginal Cultural Heritage

Each of these areas can be seen as first order objectives, which then include Catchment Targets, Management Targets, Strategies, Management Actions and allocated responsibilities. Local Government has been identified as having responsibilities for undertaking actions to achieve the nominated targets.

**Catchment Target 1: An additional 50% of the area of priority and high-risk conservation value (HCV) ecosystems outside reserves or State Forests brought under active management by 2011.**

Strategies to achieve this target are listed at pages 5, 6 and 7 of the Plan. Responsibilities are allocated to State Government agencies, the Board, Landcare and the community. Local Government is not mentioned specifically but some responsibilities may eventuate with community partnerships, for example.

**Catchment Target 2: A landuse planning framework, which overcomes three principal sources of conflict between human settlement and sustainable use of rural resources, operational by 2010.**

(The three principal sources of conflict are agricultural land; human settlement; small rural lots).

Management Targets are:

*2.1 Permanently protect in agricultural reserves those large contiguous areas of land mapped as most important for current and/or future food, fibre and timber production, and rural employment by 2008.*

The Board is to commission a mapping process, with assistance from relevant Government agencies and industry groups. Councils are nominated for participation, in particular for ensuring that local plans reflect and protect the identified agricultural lands. Important agricultural land is also to be identified in regional strategies.

Comment: It is appropriate that good agricultural land be identified on the above basis. Lismore Council can contribute the findings of the McLeans Ridges Horticultural Study, but has not undertaken any additional analysis of agricultural lands. The Rural Housing Strategy avoids good agricultural land. Outcomes of the Board's mapping process can be included in the Lismore LEP.

*2.2 Human settlement limits defined by 2005*

The Board is to commission a consultation process with interested stakeholders. Councils are asked to participate in the identification and mapping of geographical limits to settlement by 2003, and to implement the findings in local planning.

Comment: This has been a requirement of the North Coast Regional Environmental Plan for some time. Lismore Council has adopted strategies which identify limits to growth for urban and village development, and for rural residential development. The Urban Development Strategy is to be reviewed within the time frame nominated. Existing information can be provided to the Board.

**Draft Catchment Management Plan**

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Should coastal development continue at the current rate additional demands for water supply may arise. On the advice of Rous Water, a site for a new dam (and its catchment) has been identified in Council's LEP, but development of this source may need to be initiated.

*2.3 Reduce conflict-related impediments to sustainable use of rural resources by reversing the impacts of all targeted small rural lots by 2010.*

Cr Roberts clarified at the workshop that this action is to apply to *targeted* small lots only ie only those which have led to conflict (and those which may in the future) and not all small rural lots in the LGA.

Comment: This does not substantially reduce the magnitude of the task. Councils are required to: identify the small rural lots that are the source of conflict; determine criteria that can be used to prioritise small rural lots for conflict resolution; prioritise small rural lots for conflict reductions; participate in the preparation of guidelines for conflict resolution; and approach owners and neighbours of targeted lots with customised 'win-win' solutions.

The identification of "targeted" lots presents difficulties in that reports of conflict do not relate to the same lots over time. Conflict can arise with a change of ownership of lots, the new owners of a small lot not being as tolerant of farming practices as the previous owner, or with change of ownership, agricultural activities or management practices on the farm land. Council staff are not able to predict these changes and their effects.

This goal would demand considerable staff time and could not be undertaken by Lismore Council without additional resources. It is considered that should this goal remain in the plan additional 'conflict' could be created with the aim of accessing funds for compensation or purchase of concessional lots.

Lismore's current planning controls over rural areas are designed to prevent continuation of the problem, which is a result of past concessional lot provisions. It is suggested that, rather than trying to fix the problems of the past, there are several more positive approaches to ensure that such problems are not created in the future. For example, codes of practice for the various agricultural industries may set best practice benchmarks regarding noise reduction; Council could attempt to require development consent for changes to farming practices and include externalities in its merit based decision. The development of conflict management guidelines appropriate for rural areas may be an appropriate target. However, the Northern Rivers Regional Strategy process also aims to produce conflict resolution guidelines on a regional basis and some duplication may be occurring.

It is considered that this Management Action should be deleted from the Plan on the ground that it is impractical. If it is to remain in the Plan then considerable additional resources will be required from the State Government.

**Catchment Target 3: Environmental and hydrological stress indices in priority subcatchments lowered by 2011.**

*3.1 Water sharing plans established in priority sub-catchments by 2006*

Coopers Creek and Tuckean are within the Lismore LGA. This is a very positive initiative which interacts with the Water Management Plan and water reform package.

Councils are expected to participate in strategic education and community awareness programs commissioned by the Board. For Lismore this would be a continuation of current work.

# LISMORE CITY COUNCIL - Meeting held October 9, 2001

## Draft Catchment Management Plan

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### *3.2 A co-ordinated and integrated approach to water quality data collection, storage and reporting established and implemented by 2004*

This is a positive initiative which has been progressively addressed for some years through agencies. Council is actively monitoring water quality as a component of the SOE report.

#### *3.3.1 Develop and implement a demand reduction program at a water utilities level which will promote use efficiency and minimise loss.*

And

#### *3.3.2 Maintain and enhance support for the "Waterwise Program".*

Management actions recommended by the Board include universal water metering, implementation of 2-part water tariffs, leak detection etc.

Comment: Lismore Water has implemented all of these management actions. As such, establishing a benchmark as at 2001 may not be appropriate for councils such as Lismore.

### *3.4 Best Management Practices (BMPs) to address water quality issues to be developed, promoted and adopted for key industries and local government by 2006.*

Local Government is given a responsibility to ensure that it has environmental BMP/industry standard for its activities. Given local government responsibilities for gravel roads, on-site waste water disposal and stormwater, and the BMPs being the practices currently recommended by advisory agencies for the sustainable use and management of natural resources, this is a major demand on resourcing and a process of continual improvement. This is part of Council's Environmental Management System which was unfunded after the first year.

Resourcing through the whole of government investment strategy will be critical to Council's ultimate participation.

### *3.5 Streambanks rehabilitated and protected on targeted stream sections by 2006*

Identification of priority sub-catchments is to be led by the Board and DLWC, with local government asked to 'engage the community' within the streams identified. Obtaining landholder commitment will be a major part of this process to ensure its long-term effectiveness.

Again, resourcing through the whole of government investment strategy will be critical to Council's ultimate participation.

### *3.6 All treated effluent discharged from municipal STP's to either:*

- a) be of reuse standard by 2011*
- or*
- b) reuse 50% of all dry weather flow for non-potable purposes by 2011.*

Comment: It may not be appropriate to set a minimum reuse limit (of 50%). The percentage reused may have to be determined case by case. As an example, Tamworth City Council has recently received advice from the DLWC that the reuse scheme, which it proposes for its sewerage plant, will impact on the Murray-Darling Basin and the loss of the return effluent flow would effectively equate to diversion. This effectively means that reuse is not appropriate in that instance.

**Draft Catchment Management Plan**

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In addition, "return flow use in waterways" may require a very much higher standard of treatment, which is likely to be unaffordable by small rural communities unless further assistance is available via the Country Towns Water Supply and Sewerage Program. All indications are that this program is under-funded at this stage.

**Catchment Target 4: 50% reduction in acid outflow from targeted hotspots and specific problem sites by 2015.**

Within Lismore LGA the ASS 'hot spot' is Tuckean Swamp. Lismore has the standard ASS LEP/DCP in place and monitoring is the responsibility of the Broadwater Sugar Milling Co-operative.

Training for Council technical staff, recommended as a strategy in the Plan, is a positive initiative. The need for training has also been raised through the Richmond Floodplain Committee.

**Catchment Target 5: Site and non-site relationships to country significant to the Aboriginal community taken into account in all natural resource use decision-making by 2011.**

The separation of Aboriginal cultural relationships to country has been done only in an effort the way catchment management deals with Aboriginal issues

One of the advantages of this approach may be catchment management performance Aboriginal issues may be better monitored, assessed and evaluated.

**Manager - Finance & Administration Comments**

The development of a Catchment Management Plan is a concept which is worthy of Council's support.

In reviewing the draft, there are many Management Actions for which Council will have some responsibilities. Based on the general information given, it is not possible to quantify the cost to Council of meeting these requirements, but it would be fair to say that it would be a significant cost. Also, it would involve allocating resources in the Budget for strategic purposes that we currently do not, or to the extent identified, provide.

As such, it is suggested that the draft Catchment Management Plan be supported on the basis that it is acknowledged that Council is not likely to have the resources available to implement it's responsibilities and that the State/Federal Governments will need to contribute the significant portion of any resources required.

**Public Consultations**

Public consultation will be managed by the Board

**Other Group Comments**

Comments from relevant Groups/Sections of Council have been incorporated into the report.

**Author's Response to Comments from Other Staff**

Not required.

**Draft Catchment Management Plan**

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**Conclusion**

The Draft Catchment Management Plan is an attempt at strategic management of natural resource issues on the North Coast, and as such should receive 'in principle' support from Councils, subject to the provision of resources from the State Government to carry out the actions required.

At this stage the Plan does not include the investment strategy or priorities and further review by Council will be required once these elements have been completed. The investment strategy process will be critical not only to comprehensive evaluation of this Plan but to its implementation.

The draft Catchment Management Plan is one of four State Government initiatives which could have significant effects on Councils' resources and operations over the next decade, the other plans being the Regional Vegetation Management Plan, the Water Quality Management Plan, the Northern Rivers Regional Strategy and the 'PlanFirst' revision of the NSW planning process. The resourcing demands of these other initiatives are currently unknown. To date, co-ordination of the recommendations and effects of these plans appears to be lacking, but one of the aims of PlanFirst is to achieve such co-ordination.

**Resourcing through the whole of government investment strategy will be critical to Council's ultimate participation.**

**Recommendation (PLA18)**

That Council advise the Northern Rivers Catchment Management Board that it supports the draft Plan in principle, subject to:

1. Review and/or deletion of management action 2.3 concerning the reversal of impacts of small rural lots, as outlined in the above report; and
2. The State Government providing the investment strategy and prioritisation document for further Council review; and
3. The State Government providing sufficient resources to carry out the actions required.

**Subject/File No:** TENDERS FOR THE PROVISION OF BANKING SERVICES – T21018

**Prepared By:** CONTRACTS OFFICER – CHRIS ALLISON

**Reason:** To inform Council of tenders received for the provision of banking services for a three year period

**Objective:** To obtain Council approval to award the Tender

**Management Plan Activity:** Financial Services

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**Background:**

In order to test the market place with regard to the provision for banking services, Council recently called for tenders from financial institutions to provide a range of services.

The Client Services Unit on behalf of Corporate Services prepared the tender documents

Tenders were advertised in the Northern Star and the Sydney Morning Herald. Tender documents were issued to five (05) companies, with four (04) tenders being received by the close of tender on 2.00pm, Tuesday, July 17, 2001.

The tenders received are summarised below:

| <b>TENDERER</b>                |
|--------------------------------|
| Commonwealth Bank of Australia |
| National Australia Bank        |
| Macquarie Bank                 |
| Summerland Credit Union        |

An evaluation panel consisting of Graeme Blanch (Financial Accountant) and Chris Allison (Contracts Officer) undertook the assessment of tenders.

The tender documentation (Clause B7) defined four (04) areas by which each tender would be assessed: Price Competitiveness, Customer Service Network & Range of Services and Transparency of Pricing Structure, the tenderers were required to address each of these criteria in their tender.

The tenders from Macquarie Bank and Summerland Credit Union did not offer the full range of banking services required by council and were considered non-conforming tenders and were not fully evaluated.

The Commonwealth Bank of Australia is the current provider of banking services for Council and is able to provide Council with the full range of services required, including a range of on-line computer services, which are currently used for various functions in Council.

The National Australia Bank offers similar services including on-line computer services. In order to fully evaluate the service offered by the National Australia Bank, the Bank was invited to demonstrate the online services, which were viewed and evaluated by Graeme Blanch, Sandy Burrows, Ian Lollback, Peter Power and Chris Allison. It was agreed by all staff that the software was of an equal standard to that of the Commonwealth Bank, however the security features within the software were of a higher standard.

## **LISMORE CITY COUNCIL - Meeting held October 9, 2001**

### **Tenders for the Provision of Banking Services**

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The initial tender set the contract term for three (3) years, however given the level of work required if Council were to change service providers, Council commenced negotiations with the Commonwealth Bank and National Australia Bank to vary the term to five (5) years.

The fee structures are similar (refer Attachment A), with the Commonwealth Bank showing marginal savings could be achieved over the term of the contract. A full evaluation of the tenders (refer Attachment B) has indicated that there are only minor differences between these two major banks in regard to services offered. The one improved level of service offered by the National Australia Bank is the use of Australia Post as an agent to accept payment of Council rates. Given the number of Australia Post Offices, although it is impossible to quantify, it is expected that this facility would be highly used as a method of rate payment,

The transferring of bank accounts would be a major change for Council and staff have estimated that it would take approximately three months to effect such a change and there is an associated cost to implement the change. The following is a list of areas, which need to be addressed if a transfer was to take place.

- CIVIL Software would be required to install and set-up the components required to transfer from the Commonwealth to the National;
- Notification to all customers of changes to banking services;
- Set up of software and staff training
- Reprinting of installment notices, both general rates and water & sewer
- Reprinting of cheques (cost will be met by National Bank)

Attachment A provides details of the fee structures of both banks. When the estimated cost of the changeover is added to the total projected costs for the National Bank for the five (5) year period the net projected savings for the contract period is estimated at \$23,232.00 should Council maintain services with the Commonwealth Bank.

#### **Manager – Finance & Administration Comments**

Council has been a customer of the Commonwealth Bank for at least the last fifty years. Over this time and with different staff, a strong working relationship has developed. This has resulted in an efficient and effective service for Council.

It is clear from this process that there is very little between the banks as far as the value to Council is concerned. Consequently, I see no benefit in changing banking service providers and support accepting the tender from the current provider, being the Commonwealth Bank

#### **Public Consultations**

Not required.

#### **Other Group Comments**

Not required.

#### **Author's Response to comments from other staff**

I concur with the Manager – Finance & Administration comments that the development of a strong working relationship with the provider of financial services is important to the day to day operations of Council and those relationships have already been established with the Commonwealth Bank.

**Tenders for the Provision of Banking Services**

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**Conclusion**

Basically the Commonwealth Bank of Australia and National Australia Bank have offered Council the same range of services. The full evaluation shows no advantage between either of the financial services providers, however it is noted that the Commonwealth Bank have provided the lowest priced conforming tender.

**Recommendation – GM29**

1. The contract for the provision for banking services be awarded to Commonwealth Bank of Australia for a five (5) year period based on the rates tendered.
2. The Mayor and General Manager be authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.

## LISMORE CITY COUNCIL - Meeting held October 9, 2001

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**Subject/File No:** TELEVISION BLACK SPOTS PROGRAM  
(CA:S571)

**Prepared By:** Contracts Officer – Chris Allison

**Reason:** To meet the requirements of the Tendering Regulations

**Objective:** To obtain a resolution from Council to proceed.

**Management Plan Activity:** Administrative Services

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### **Background:**

Council has previously lodged an Expression of Interest to obtain funding under the Television Black Spots Program for various areas around Lismore to improve television reception for the residents of Lismore. As part of the process Council engaged the services of Broadcast Services Australia (BSA) to assist Council in the technical assessment of "identified black spots" and preparation of the grant application. As part of this engagement of services, Council signed a Memorandum of Understanding, which included a provision for BSA to supply, install and warrant the necessary equipment as defined in the technical solution. BSA has undertaken all the works as previously agreed with the exception of supply and installation of the equipment.

Final estimates have now been provided and it is expected that the final cost for the supply and installation of the equipment will exceed \$100,000, which is in excess of the amount provided under the Local Government (Tendering) Regulation 1999. Under Section 55 of the Local Government Act, Council is required to call tenders before entering into a contract where, amongst other criteria, the contract is for a period of two or more years and/or the contract exceeds a value of \$100,000.

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

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

The process to call tenders for the supply and installation of the equipment would be a very involved task and Council does not have the appropriate expertise to develop the technical requirements to include in the tender documentation. Council would need to engage a further consultant to assist in the development of the tender documentation and evaluation. This is not supported.

Council entered into the Memorandum of Understanding with BSA in good faith and at the time of engaging BSA, the cost to supply and install the equipment was not expected to exceed \$100,000. BSA have completed all other required works and staff believe it would be inappropriate not to comply with all of the proposed works under the Memorandum of Understanding.

### **Manager – Finance & Administration Comments**

From Council's perspective, the total capital costs associated with the Television Black Spots Program is fully underwritten by the Department of Communications, Information Technology and the Arts (DCITA). The funding provided is a maximum of \$25,000 per channel (x 5) and \$25,000 for site establishment, i.e. a total maximum grant of \$150,000.

## **LISMORE CITY COUNCIL - Meeting held October 9, 2001**

### **Television Black Spot Program**

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When talking with a representative from BSA to ensure they were aware of the issues faced by Council, I was advised that they have been in regular contact with DCITA in relation to the Program and have played a significant role in having the maximum amount set per channel at around \$25,000 based on their costings. This is consistent with their estimate of around \$19,000- \$22,000 per channel. I would like to add that BSA have already supplied and installed a large number of transmitters and as such have the experience and capacity to undertake this project.

Another factor, which is influencing this process, is the fact that DCITA need all the relevant approvals from Council by October 8, 2001. This is not possible if we go to tender, but a short delay for Council to resolve accordingly would be acceptable. If we go to tender, it is likely that this would not be determined by Council until the December 2001 meeting and this may jeopardise or at least delay the introduction of this service unnecessarily.

Based on this information, I support the recommendation.

#### **Public Consultations**

Not required.

#### **Other Group Comments**

Not required.

#### **Conclusion**

To facilitate the works and to proceed without undue delay, it is recommended that Council not call tenders for the supply and installation of equipment under the Television Black Spots Program for the East Lismore service.

#### **Recommendation – GM30**

1. That owing to the extenuating circumstances and the existing Memorandum of Understanding signed by Council with BSA, that Council not call tenders for the supply and installation of equipment under the Television Black Spots Program for the East Lismore service.
2. The General Manager or his delegate be authorised to negotiate directly with BSA to form a contract on Council's behalf.
3. BSA be engaged to complete the works in accordance with the Memorandum of Understanding.
4. The Mayor and General Manager be authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.

**Subject/File No:** DISPOSAL OF SURPLUS LAND - RURAL QUARRIES AT BEXHILL,  
BISHOPS CREEK AND NEWBY'S HILL  
(P11056,P15386,P12517)

**Prepared By:** Manager Client Services, Lindsay Walker

**Reason:** To facilitate orderly disposal of surplus rural land.

**Objective:** To obtain resolution of Council for land sales.

**Management Plan Activity:**

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**Background:**

In March 2001 Council considered a report which outlined plans for the rehabilitation and future action for 18 rural quarries.

The adopted resolution is listed below:

*Recommendations (ENT04)*

*That:*

1. *Council adopt the rehabilitation strategies nominated in this strategy report.*
2. *An amount of \$95,000 be allocated from the Quarry Rehabilitation Reserve to carry out the rehabilitation.*
3. *Any proceeds on the sale of surplus land be reimbursed to the Quarry Rehabilitation Reserve.*
4. *The General Manager be authorised to negotiate and finalise the sale of development consents and quarry land snow surplus to Councils requirements, as nominated in this report.*
5. *The General Manager be authorised to sign Contract of Sale and Memorandum of Transfer documents regarding the sale of existing quarry development consents.*
6. *In the case of Parmenters Quarry, the General Manager be authorised to negotiate finalisation to this matter, in line with the principal that Council pay for the material removed and Council rehabilitate the whole quarry site and fence the rehabilitated area on completion. Also the General Manager be authorised to sell the surplus roadside land at independent valuation, being the disused quarry, to Ian and Dorothy Cullen.*

In the process of preparing an orderly program for the remediation and disposal of these rural quarries it became clear that some of the properties were potential surplus assets.

The three sites, the subject of this report have all been confirmed as having an existing dwelling entitlement and do not enjoy any further quarrying potential. Each site requires minimal remediation and has a potential for sale as surplus land.

The three sites were inspected by Real Estate agents and it was thought that they would have a value of about \$30,000.00 after remediation. As remediation and site preparation would cost approximately \$5,000.00 it would seem that it is worthwhile Council proceeding with an orderly program of remediation and sale for each of the subject quarries.

**Proposed Program**

It is considered that Council should minimise its exposure by remediating and selling the sites one at a time.

# **LISMORE CITY COUNCIL - Meeting held October 9, 2001**

## **Disposal of Surplus Land – Rural Quarries**

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The first quarry to be remediated was that at Greengates Road, Bexhill. The second and third are proposed to be those at Bishops Creek and Newby's Hill.

### **Site Proposed for sale**

1. 48 Greengates Road, Bexhill - being Lot 2A in Deposited Plan 382967.
2. 22 Bishops Creek Road, Coffee Camp – being Lot 1 in Deposited Plan 432410.
3. 790 Oakland Road, East Coraki – being Lot 237 in Deposited Plan 755699.

### **Group Manager – Business and Enterprise**

The actions proposed are consistent with the Rural Quarry Strategy and the previous resolutions of Council. On this basis the recommendation is supported.

### **Manager – Finance and Administration Comments**

I agree with the proposal as it provides for the logical remediation and sale of excess properties to Council's and ratepayers' benefits.

### **Public Consultations**

Not required.

### **Other Group Comments**

Not requested.

### **Author's Response to Comments from Other Staff**

Noted.

### **Conclusion**

In March 2001 Council allocated \$95,000.00 for the rehabilitation of rural quarries which were recognised as having no further resource potential.

It further resolved that revenue from the sale of surplus land be used to reimburse the Quarry Rehabilitation Reserve.

The proposed sale of three of the rural quarries as outlined in this report has the potential to contribute approximately \$60,000.00 to the Rehabilitation Reserve.

### **Recommendation – GM31**

1. That the General Manger be authorised to conduct negotiation for the sale of surplus rural quarries:
  - a. Lot 2A in Deposited Plan 382967 at Bexhill
  - b. Lot 1 in Deposited Plan 432410 at Bishops Creek
  - c. Lot 237 in Deposited Plan 755699 at Newby's Hill
2. That the General Manager be authorised to execute and apply the common seal of the Council on the Contract of Sale, Memorandum of Transfer or any other instrument necessary for the transfer of the properties.

**Subject/File No:** ROAD CLOSURE - CELLULOSE VALLEY  
(LW/MB: P27476)

**Prepared By:** Manager Client Services, Lindsay Walker

**Reason:** To gain Council authorisation to proceed with the disposal of closed road

**Objective:** To obtain necessary council resolution for transfer of closed road

**Management Plan Activity:**

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**Background:**

In January 2000 Council issued a consent for site works which were necessary for the preparation of the Cellulose Valley Technology Park (CVTP) site. These works included the construction of Crawford Road which required both widening and closing of various parts of the existing public road.

Upon completion of the road works, Southern Cross University, in conformity with the Council consent, prepared and lodged a final survey plan, which was registered as Deposited Plan 1027540.

This plan gave effect to Council's consent conditions by dedicating, as public road, lots 5 and 6 and closing public road shown as lots 1 and 2.

As set out in the development application (D.A.99/738) it was intended that the area of closed road, being lot 1 with an area of 3292m<sup>2</sup>, be transferred to the Southern Cross University in lieu of their land, being 3079m<sup>2</sup>, that was dedicated to Council as public road.

The certificate of title for the aforesaid lot 1 in D.P. 1027540 has now been issued to Council. As the required areas of public road have been dedicated to Council it would be appropriate for Council to transfer the closed road area to Southern Cross University.

All costs associated with the proposed land transfer are to be met by Southern Cross University.

**Conclusion**

The proposed transfer of lot 1 in D.P. 1027540 is consistent with the development issued as D.A.99/738 and is in compensation for road widening which was dedicated by Southern Cross University in Crawford Road.

The land transfer costs are all borne by Southern Cross University.

**Manager-Finance & Administration Comments**

Not required.

**Public Consultations**

Not required.

**Other Group Comments**

Not required.

**Author's Response to Comments from Other Staff**

N/A

**Recommendation GM32**

That the General Manager be authorised to execute and apply the common seal of the Council on the contract for sale, memo of transfer or any other instrument necessary for the transfer of lot 1 in D.P.1027540 to the Southern Cross University.

## LISMORE CITY COUNCIL - Meeting held October 9, 2001

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**Subject/File No:** WASTE SERVICES STRATEGIC BUSINESS PLAN - PROGRESS REPORT  
(KW:CD:P25041)

**Prepared By:** Kieran Wade – Manager Waste Services

**Reason:** Provide Council with a progress report on Northern Rivers Waste Services Business Plan 2000 – 2020.

**Objective:** Information for Councillors

**Management Plan Activity:** Waste Services

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### **Background:**

On April 4 2000, Council approved a Business Plan for Northern Rivers Waste Services which highlighted Goals and Objectives of the Business Plan that are listed below and stating their present outcomes to date.

### **Consolidated Action Plan**

|   | <b>GOALS AND OBJECTIVES</b>  | <b>ACTIONS PLANNER</b>   | <b>Quarterly Month</b> | <b>Target Year</b>             | <b>Completion Date of Action</b> |
|---|--|--|------------------------|--------------------------------|----------------------------------|
| 0 | Overall Adoption and Implementation of Business Plan   | Manager - Waste Services (MWS)   | June                   | 2020                           | <i>Ongoing</i>                   |
|   |  | (a) Council Adoption of the Business Plan  | March                  | 2000                           | <i>April 4, 2000</i>             |
|   |  | (b) Monthly Review of Progress through Action Plan   | Each Month             |                                | <i>Ongoing</i>                   |
|   |  | (c) Annual reviews by Council of Progress through the Action Plan and Minor Amendments to Action Plan due to Situation Changes | February               | 2001                           | <i>Council Meeting 9/10/01</i>   |
|   |  | (d) Incorporation into Annual Management Plan  | March                  | Each year                      | <i>March 2001 budget review</i>  |
|   |  | (e) Major Review of Entire Business Plan   |                        | First Year of each new Council |                                  |
| 1 | Reduce the quantity of waste going to landfill by 60% based on 1990 levels (in line with NSW legislation). | MWS  | Ongoing                |                                | <i>Ongoing</i>                   |

# LISMORE CITY COUNCIL - Meeting held October 9, 2001

## Waste Services Strategic Business Plan – Progress Report

|   | <b>GOALS AND OBJECTIVES</b>                      | <b>ACTIONS PLANNER</b>  | <b>Quarterly Month</b> | <b>Target Year</b> | <b>Completion Date of Action</b>   |
|---|--|---|------------------------|--------------------|--|
| 1 | (Cont'd)   | (a) Establish a landfill reporting system measuring against the EPA 1990 baseline of 1.017 tonnes per person p.a., our target of 400 kilograms per person p.a. and our current landfill rate of 601 kilograms per person p.a. | June                   | 2000               | <b>Currently a reduction of 49% to landfill 30/6/01<br/>Currently standing at 500.9 kg/c/pa</b>          |
|   |  | (b) Establish the Organics Reprocessing Service and Facility (see Goal 8)   | June                   | 2000               | <b>Operational 22/10/01</b>  |
|   |  | (c) Establish a shop/revolve/buy-back centre at the Wyrallah Road facility  | June                   | 2000               | <b>Operations to commence 3/9/01</b>   |
|   |  | (d) Investigate the worm farm reprocessing of biosolids extracted from our Sewerage Treatment Plants  | December               | 2000               | <b>Outstanding</b>   |
|   |  | (e) Investigate the feasibility and implementation of a commercial Organics waste collection service with a view to recovery of an additional 1,500 tonnes p.a..  | March                  | 2001               | <b>Council commenced Organic services to Non Domestic Waste customers February 2001 outside CBD area</b> |
|   |  | (f) Investigate the feasibility of providing local business and industry with a Cleaner Production Advisory Service.  | June                   | 2001               | <b>Outstanding</b>   |
| 2 | Obtain and Retain EPA Licensing for the Landfill | MWS   | July                   | Each year          | <b>Ongoing</b>   |
|   |  | (a) Negotiate and secure landfill license by mid March of each year   | March                  | Each year          | <b>Council received new Licence from EPA March 2001</b>  |
|   |  | (b) Ensure economic and other resources are set aside for the replacement and rehabilitation of the Wyrallah Road Facility  | March                  | Each year          | <b>Reviewed each March with Annual budget</b>  |
|   |  | (c) Review landfill licence compliance  | July                   | Each year          | <b>First review will take place before 1/7/02</b>  |
|   |  | (d) Report on landfill licence compliance   | August                 | Each year          | <b>Leachate Pond to be completed by 31/10/01</b>   |
|   |  | (e) Amend landfill management practices as necessary  | September              | Each year          | <b>Ongoing</b>   |

**LISMORE CITY COUNCIL - Meeting held October 9, 2001**

**Waste Services Strategic Business Plan – Progress Report**

|   | <b>GOALS AND OBJECTIVES</b>   | <b>ACTIONS PLANNER</b>  | <b>Quarterly Month</b> | <b>Target Year</b> | <b>Completion Date of Action</b>   |
|---|---|---|------------------------|--------------------|--|
| 3 | Identify, Fund and Progress the necessary Landfill Capacity to Cover the Period through to 2020 and beyond          | MWS   | June                   | 2010               | <b>Outstanding</b>   |
|   |   | (a) Prepare and report landfill capacity projections for the next 20 years for all the expansion options. | December               | 2000               | <b>Based on current tonnages to landfill approx. 12 years life remaining</b>   |
|   |   | (b) Optimise the use of the existing waste facility using vertical and lateral extension.                 | December               | 2000               | <b>Commenced</b>   |
|   |   | (c) Investigate the viability of a regional waste facility.   | December               | 2000               | <b>Preliminary enquires have been made to adjoining Councils, one interested at this time</b>  |
|   |   | (d) Negotiate a significant reduction in the amount of daily fill required under the EPA landfill licence | March                  | 2001               | <b>Will be reviewed in July 2002 by EPA</b>  |
|   |   | (e) Identify the site selection and approval criteria for an extended or new landfill site                | April                  | 2001               | <b>Workshop held 17/10/00 Council resolved to proceed with the purchase of adjoining properties to west of landfill. Owners at this stage have not agreed to sell to Council</b> |
|   |   | (f) Identify potential sites for an alternate waste disposal site   | December               | 2001               | <b>Preliminary investigations have taken place at this stage</b>   |
| 4 | Develop a Customer Service and Marketing Ethos for the Business Unit and consequently improve Customer Satisfaction | MWS   |                        |                    |  |

# LISMORE CITY COUNCIL - Meeting held October 9, 2001

## Waste Services Strategic Business Plan – Progress Report

|   | <b>GOALS AND OBJECTIVES</b>                     | <b>ACTIONS PLANNER</b>  | <b>Quarterly Month</b> | <b>Target Year</b> | <b>Completion Date of Action</b>   |
|---|---|---|------------------------|--------------------|--|
|   |   | (a) Direct all customer enquires through the Business and Enterprise Customer Service Group                   | March                  | 2000               | <b><i>This action completed March 2000</i></b>   |
|   |   | (b) Implement the CIVIL complaints management system  | April                  | 2000               | <b><i>Completed by September 2001</i></b>  |
|   |   | (c) Establish measures and reporting indicators on customer complaints  | April                  | 2000               | <b><i>Monthly reporting Operational Performance Report</i></b>   |
|   |   | (d) Develop a mud map of the Wyrallah Road Waste Facility that can be handed out to people at the weighbridge | June                   | 2000               | <b><i>Produced on each Tip Voucher tickets</i></b>   |
|   |   | (e) Establish customer services policy and procedures manual  | December               | 2000               | <b><i>Currently in draft</i></b>   |
|   |   | (f) Research and assess new waste services against criteria   | February               | Each year          | <b><i>Ongoing for Council to expand Northern Rivers Waste into other areas</i></b>                                       |
|   |   | (g) Monitor customer satisfaction indicators  | March                  | Each year          | <b><i>Carried by monthly Operational Performance Review</i></b>  |
|   |   | (h) Review and amend customer services policies and procedures as required                                    | May                    | Each year          | <b><i>Ongoing</i></b>  |
|   |   | (i) Survey the community to determine what their requirements are for the waste services                      | September              | Each year          | <b><i>Outstanding</i></b>  |
|   |   | (j) Develop criteria for potential new waste services   | September              | 2000               | <b><i>Council is currently investigating the commencement of a Waste collection service to the south of the city</i></b> |
| 5 | Improve the Quality of Council's Waste Services | MWS   | Ongoing                |                    |  |
|   |   | (a) Analyse customer complaints to identify areas for improvement   | Ongoing                |                    | <b><i>Ongoing and reviewed on daily basis to improve those areas of complaints</i></b>                                   |

# LISMORE CITY COUNCIL - Meeting held October 9, 2001

## Waste Services Strategic Business Plan – Progress Report

|   | GOALS AND OBJECTIVES  | ACTIONS PLANNER   | Quarterly Month | Target Year | Completion Date of Action  |
|---|---|---|-----------------|-------------|--|
|   |   | (b) Establish and review quality benchmarks against other industry operators  | November        | 2000        | <b>Manager Waste Services compares services costs annually at budget time with other adjoining Councils</b>                |
|   |   | (c) Review and update policies and procedures to ensure an ever sharpening focus on delivery of a quality service                                   | November        | 2000        | <b>Ongoing</b>   |
|   |   | (d) Advise the community of steps they can take to improve waste services' capacity to provide a quality service to them                            | August          | Each year   | <b>Carried out on daily basis</b>  |
|   |   | (e) Review the quality of all goods and services purchased by the Waste Services Business Unit with the objective of continuously improving quality | September       | 2000        | <b>Carried out on daily basis</b>  |
|   |   | (f) Train and retrain staff in practices, equipment use and maintenance required to deliver a quality service                                       | Review October  | Each year   | <b>Annually</b>  |
|   |   | (g) Review available plant and equipment to ensure the most suitable is acquired  | November        | Each year   | <b>March each year as part of budget process</b>   |
| 6 | Develop Waste Services' Position of Lowest Cost in the Northern Rivers Region | MWS   |                 |             |  |
|   |   | (a) Review all expense areas using the 80:20 rule to tackle large expense items first   | Ongoing         |             | <b>Ongoing on a daily basis</b>  |
|   |   | (b) Review staff gradings   | June            | 2000        | <b>Completed Skills Assessments June 2001</b>  |
|   |   | (c) Renegotiate plant hire rates  | September       | 2000        | <b>Waiting on new Fleet Manager. Changes to Plant Fund will facilitate greater control of plant hire rates within NRWS</b> |
|   |   | (d) Initiate job redesign project   | December        | 2000        | <b>If and when required for staff</b>  |

# LISMORE CITY COUNCIL - Meeting held October 9, 2001

## Waste Services Strategic Business Plan – Progress Report

|   | GOALS AND OBJECTIVES  | ACTIONS PLANNER  | Quarterly Month | Target Year | Completion Date of Action                                       |
|---|---|--|-----------------|-------------|---|
|   |   | (e) Implement purchasing review focussing on cost effectiveness  | December        | 2000        | <b>Quotes gained before Items are purchased</b>                 |
|   |   | (f) Review services that are provided and eliminate those that are wasteful or not required by the community | February        | Each year   | <b>Ongoing</b>  |
|   |   | (g) Review and report local government benchmarks against other like councils                                | March           | Each year   | <b>Review other Councils annually</b>                           |
| 7 | Implement Job Redesign, Workplace Assessment and Other Initiatives to make Work Practices More Efficient and Flexible | GMBE and MHR   | December        | 2000        |   |
|   |   | (a) Develop a “vice-captain” role as a backup for Manager Waste Services                                     | June            | 2000        | <b>Applications closed 24/8/01</b>                              |
|   |   | (b) Implement workplace skills assessment  | September       | 2000        | <b>Completed June 2001</b>                                      |
|   |   | (c) Review staff grading   | September       | 2000        | <b>March 2002</b>   |
|   |   | (d) Undertake job redesign project   | December        | 2000        | <b>Deferred until all Skill Assessments have been completed</b> |
|   |   | (e) Implement team approach to work organisation   | December        | 2000        | <b>Team approach already exists with all staff</b>              |
| 8 | Implement the Organics Resource Recovery Facility and Service   | GMBE   | December        | 2000        |   |
|   |   | (a) Finalise negotiation with contractor/s   | June            | 2000        | Negotiation complete and agreement signed                       |
|   |   | (b) Review collection service and particularly contamination levels  | June            | 2000        | Annual audit of organics stream                                 |
|   |   | (c) Establish the Organics facility  | December        | 2000        | <b>Operational 22/10/01</b>                                     |

**LISMORE CITY COUNCIL - Meeting held October 9, 2001**

**Waste Services Strategic Business Plan – Progress Report**

|    | <b>GOALS AND OBJECTIVES</b>  | <b>ACTIONS PLANNER</b>  | <b>Quarterly Month</b> | <b>Target Year</b> | <b>Completion Date of Action</b>  |
|----|--|---|------------------------|--------------------|---|
|    |  | (d) Maintain Council direction towards the establishment of a regional Organics facility              | February               | Each year          | First priority is to have the Organics Facility established   |
| 9  | Pursue Appropriate and Viable Business Opportunities Particularly in the Area of Resource Recovery           | MBD/WSO   | Ongoing                |                    |   |
|    |  | (a) Define criteria for potential investment  | June                   | 2000               |   |
|    |  | (b) Identify possible opportunities for new business or service provision                             | Ongoing                |                    | <b>Investigate introduction of Grease Trap and Septic Pump out service to Lismore and surrounding</b> |
|    |  | (c) Assess the viability of new business or service provision   | Ongoing                |                    | <b>Ongoing</b>  |
|    |  | (d) Make decisions on provision of new businesses and implementing new services                       | Review February/ March | Each year          | <b>Daily basis</b>  |
| 10 | Correct the Pricing of Commercial and Rural Collections and Increase the Quantity of these Services Provided | MWS   |                        |                    |   |
|    |  | (a) Investigate all methods for ensuring cost recovery and profitability of commercial waste services | March                  | 2000               | <b>March each year budget</b>   |
|    |  | (b) Establish volume breakpoints for pricing of commercial services                                   | March                  | 2000               | <b>March each year budget</b>   |
|    |  | (c) Review all rural and commercial pricing to ensure cost recovery and profitability                 | March                  | 2000               | <b>March each year budget</b>   |
|    |  | (d) Develop and implement marketing plan for commercial and rural services.                           | June                   | 2001               | <b>In process</b>   |

**Manager - Finance & Administration Comments**

Nil

**Public Consultations**

Nil

**Other Group Comments**

Nil

**Author's Response to Comments from Other Staff**

Nil

**Conclusion**

The first year of the Northern Rivers Waste Services Business Plan has seen a period of significant change. The next step in this review is to reassess the full list of actions and reset timelines for those actions not complete.

**Recommendation (ENT10)**

That the report be received and noted.

**Subject/File No:** POLICY ON FOOTPATH / CYCLEWAY RISK MANAGEMENT  
ASSESSMENT  
(GW/KB: S187)

**Prepared By:** Administrative Services Manager - Graeme Wilson

**Reason:** As a result of a recent High Court ruling.

**Objective:** To adopt a formal policy.

**Management Plan Activity:** Administration Services

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**Background:**

As Councillors are aware, the area of public liability claims continues to be one of significant concern to local government. Staff have been responding to recent changes in this area to place Council in the best possible position and to take affirmative action to reduce the risk of claims.

One such area has been our footpath / cycleway network. Using a best practice manual prepared by Statewide and with the assistance of Eurobodalla Shire Council, a procedure has been developed to assess and record potential hazards. A copy of both these documents has been separately enclosed with the business paper.

On the affirmative action side, the assessment process has been completed for the Lismore basin and will now move to Lismore Heights, Goonellabah and the villages, as resources permit.

A works program has been developed using resources placed in reserve.

Further details with respect to the financial implications of the assessment process will be presented to Council as part of its 2002/03 Management Plan process.

With respect to the Council defending potential public liability claims, the advice from Council's Insurance Brokers, Jardine Lloyd Thompson Pty Ltd, is that it should adopt its Footpath / Cycleway Asset Management Procedure as a Council policy. This will allow the document to be presented to the courts as part of defending any claim.

It should be noted that whilst the trip height has five categories, in the first survey staff have concentrated only on the top two as these represent the greatest risk. Future surveys will expand the use of the categories.

**Manager – Finance & Administration Comments**

This approach to risk management is supported, as it is clear that the incidence and cost of litigation will continue to increase and this needs to be mitigated. If we do not take a proactive approach now, in light of the High Court ruling, it is likely that the cost of claims will significantly impact on our ability to provide for works and services generally.

**Public Consultations**

Not required

**Other Group Comments**

City Works group has participated in the development of the procedure and the assessment process.

**Author's Response to Comments from Other Staff**

Noted.

**Recommendation (COR37)**

That Council adopt as policy the Footpath / Cycleway Asset Management Procedures for the assessment of risk and prioritisation of maintenance works within budget allocations determined by Council.

**Subject/File No:** DISCLOSURE OF PECUNIARY INTEREST RETURNS 2000/2001  
(GW/LM: S18)

**Prepared By:** Administrative Services Manager – Graeme Wilson

**Reason:** Request by Department of Local Government

**Objective:** To meet the guideline requirements.

**Management Plan Activity:** Administrative Services

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**Background:**

In 1997 the Department of Local Government issued a set of guidelines on the administrative processes associated with the completion of Pecuniary Interest Returns.

The new procedures did not change the intent of the Act, but were designed to regulate uniformly throughout NSW how it was applied. The result was a minor increase in associated administration, including the need for completed Pecuniary Interest Returns to be tabled at a Council meeting.

In accordance with the procedure, tabled are Returns for councillors and designated staff.

**Manager - Finance & Administration Comments**

Not required.

**Public Consultations**

Not required.

**Other Group Comments**

Not requested.

**Author's Response to Comments from Other Staff**

N/A

**Recommendation (COR38)**

That the report be received and noted.

# LISMORE CITY COUNCIL - Meeting held October 9, 2001

## MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD SEPTEMBER 19, 2001 AT 10.00 AM. (WMacD:VLC:S352)

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**Present:** Mr Bill Moorhouse (*Chairperson*), Councillors John Chant and Mervyn King, M/s Bronwyn Mitchell on behalf of Mr Thomas George, MP, Mr Mike Baldwin (*Roads and Traffic Authority*), Snr Const Brian Buckley (*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 Mr Thomas George, MP, Councillor Ken Gallen and Mr John Daley (*Lismore Unlimited*) were received and accepted and leave of absence granted.

### **Minutes of Traffic Advisory Committee Meeting – August 22, 2001**

Members were advised that the Minutes of the meeting held on August 22, 2001 were adopted by Council at its meeting of September 11, 2001, excluding Item No. 13 (Remarking of Bruxner Highway, South Lismore, at Three Chain Road Roundabout), and No. 15 (Ballina Street Pedestrian Crossing near Keen Street).

1. **Remarking of Bruxner Highway, South Lismore, at Three Chain Road Roundabout** (*Item 13 of Minutes of August 22, 2001*)

Councillor Suffolk was in attendance for this item and explained his reasoning for suggesting that the status quo remain at the roundabout at the intersection of Union Street and Three Chain Road. Councillor Suffolk was of the opinion that half the traffic travelling south along Union Street was actually turning right into Three Chain Road. This being the case, there was no need to change from the current flows as they appear to be working satisfactorily.

**TAC127/01** **RECOMMENDED** that traffic counts be carried out to determine actual flows with the results to be reported back to the next meeting for further consideration.  
(R4807)

2. **Ballina Street Pedestrian Crossing near Keen Street** (*Item 15 of Minutes of August 22, 2001*)

The Committee noted that a letter was to be addressed to the Minister for Roads regarding this issue.  
(R6002)

**Disclosure of Interest:** Nil

**Correspondence:**

3. **S Wilson (on behalf of residents of Hindmarsh Street);** requesting that Hindmarsh Street, between High and Brunswick Streets, be closed to through traffic.

Members were of the opinion that the one-way section of Hindmarsh Street, between High and Brunswick Streets, was an important link onto Brunswick Street and should be retained. It was noted that if this section of road were closed to through traffic, a considerable amount of additional traffic would be diverted west into Leicester Street in front of the Schools and would place more pressure on the safe movement of students between School sites.

**TAC128/01** **RECOMMENDED** that the one-way section of Hindmarsh Street remain open to through traffic for the reasons set out above and the writer be advised accordingly.  
(01-12942:R6029)

## LISMORE CITY COUNCIL - Meeting held October 9, 2001

### MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD SEPTEMBER 19, 2001 AT 10.00 AM.

(WMacD:VLC:S352)

4. **Albert Park Public School P & C Association;** requesting the Committee reconsider the decision to remove the marked pedestrian crossing on Ballina Street, near the Keen Street intersection.  
The Committee noted Council's resolution with regard to this issue.  
TAC129/01 **RECOMMENDED** that the writer be advised accordingly. (01-13313:R6002,S342)
5. **M/s M Roffey;** requesting that the speed limit for Nimbin Road be reverted to 100 kph following the reconstruction of various sections.  
The general opinion of members was that there were still many sections of Nimbin Road that were not conducive to higher speeds than the currently signposted 80 kph speed limit.  
TAC130/01 **RECOMMENDED** that the existing 80 kph speed limit on Nimbin Road remain.  
(01-13370:S352,R2801)
6. **Ruthven Hall Committee;** enquiring as to why the Bus Stop was relocated at the junction of Coraki and Flood Reserve Roads.  
The location had been inspected prior to the meeting and it was felt that the bus bay, as recently reconstructed, was appropriate and offered more space for the bus to pull well off the road. It was suggested that the fact that the bay was closer to the crest did not mean that the children had to cross Coraki Road at that point. There was ample opportunity for children to cross near Flood Reserve Road.  
TAC131/01 **RECOMMENDED** that the Hall Committee be advised accordingly.  
(01-13507:R5001)
7. **Nimbin Chamber of Commerce and TS Bates;** requesting the extension of the 60 kph speed zone on the eastern side of the Nimbin Village to the intersection of Gungas and Tuntable Falls Road.  
It was pointed out that speed limits relate to roadside development and, in this instance, development past the Service Station was predominately rural. It was felt that the location of the existing 60 kph signs on Gungas Road, together with the '60 kph Ahead' signs were currently in the most appropriate position and that any further extension was not warranted.  
TAC132/01 **RECOMMENDED** that the writers be advised accordingly.  
(01-13763,01-13400:S352,R2141)
8. **Mrs Ivy Proctor;** drawing attention to the lack of traffic signage at the intersection of Robson and Tregeagle Roads, Wyrallah.  
Whilst an inspection of the location had been carried out and signposting appeared to be adequate, it was noted that several accidents had occurred at the intersection of Tregeagle and Robson Roads recently. It was suggested that a 'SLOW DOWN' plate be added to the bottom of the existing T-junction sign at Robson Road and that this signage also be duplicated on the opposite side of the road in order to highlight the existence of the intersection. As the intersection was a T-junction, a 'Stop' sign was not considered warranted.  
TAC133/01 **RECOMMENDED** in accordance with the above. (01-13442:S352,R5209)

#### **General Business**

9. **Deloraine Road, Lismore Heights – Parking of Vehicles/Caravans**  
Mr R Ejdays of Warrick Place had raised his concerns regarding the number/location of caravans and vehicles being parked along both sides of Deloraine Road.

Mr MacDonald advised that he and Snr Const Buckley had spoken with the owner of the caravan that was parked on Deloraine Road and he had agreed to move the caravan to the rear of his property. This would resolve the current problems.

**TAC134/01** **RECOMMENDED** that the above be noted. (R7111)

**10. Wyrallah Road, East Lismore – Extension of 60 kph Zone**

Council's Manager – Waste Services had requested that the Committee consider extending the 60 kph zone on Wyrallah Road to a point south of the waste facility access.

It was noted that development between Council's Works Depot and the Waste Facility entrance was not sufficient to warrant an extension of the existing 60 kph zone. The entrance to the waste facility had been recently upgraded to allow space for through traffic to manoeuvre around motorists propped to turn right. Whilst this was considered adequate, it was suggested that a protected right-turn bay similar to that constructed at the Council Works Depot entrance would further enhance safety.

**TAC135/01** **RECOMMENDED** that Council's Manager – Waste Services be advised accordingly. (R5201)

**11. Gainsborough Way, Goonellabah – Speed Control Devices**

Councillor Swientek had asked that the Committee reconsider the installation of speed control devices on Gainsborough Way.

The Committee noted that Gainsborough Way was off Sheridan Drive which had been the subject of two comprehensive surveys of residents in the past to determine the level of support for the installation of speed bumps. On both occasions the proposal had been rejected by the majority of residents. It had been identified that one or two residents who lived towards the end of the street were the cause of most of the concerns. This had been dealt with by a visit from Police Officers.

Whilst the Committee raised no objection to the installation of traffic calming devices on Gainsborough Way, it was felt that a similar situation to Sheridan Drive could be the main problem. Bearing in mind the significant cost of calming facilities, same were not considered warranted unless there was an indication from a significant number of residents that such problems existed. To date this had not been forthcoming.

**TAC136/01** **RECOMMENDED** that the above be noted. (R6448)

**12. Intersection of Salkeld / Betteridge Roads, Blue Knob**

EW & LJ Flower had requested consideration be given to the installation of a convex safety mirror at the above location.

This intersection had been inspected prior to the meeting and it was noted that both Salkeld and Betteridge Roads were narrow, winding gravel roads that were not conducive to high speeds. Betteridge Road was a dead-end road, approximately 100m in length, that serviced a handful of properties. It was felt that dust from the gravel roads would render a convex safety mirror useless in a very short period.

With this in mind and the fact that traffic volumes along the road would be very low, a convex safety mirror was not considered appropriate. However, if the residents of Betteridge Road felt that such a device would help, there was no objection to installation of their own mirror.

**TAC137/01** **RECOMMENDED** in accordance with the above. (R2004,R2009)

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**13. Erection of Tourist Signs at City Entrances**

The Tourist Information Centre had requested the Committee consider installing suitable tourist signs at the entrances to the City, indicating the distance to the Visitor Centre, public toilets, picnic tables, barbecue facilities, etc.

This issue was discussed at length and it was noted that new 'i' signs had recently been installed throughout the City to bring them up to date with the new standard. It was felt that these signs were intended to lead visitors to the Information Centre where they could access information about other facilities available within the City. This was particularly the case for facilities that were in the centre of Lismore.

Service symbol signs generally existed on Main Roads to advise motorists of services within a Town that was off the main route.

**TAC138/01 RECOMMENDED** that the above be noted. (S347)

**14. Exit Lanes on City Roundabouts**

A number of roundabouts were identified where two entry lanes merged into one immediately upon exiting the other side. Without some reconstruction or loss of parking, there was little that could be done to alleviate the current situation in the short term. However, the problem should be kept in mind when upgrading works are being carried out or new roundabouts constructed.

**TAC139/01 RECOMMENDED** that the above be noted. (S352)

This concluded the business and the meeting terminated at 11.00 am.

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**CHAIRPERSON**

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**TRAFFIC & LAW  
ENFORCEMENT CO-ORDINATOR**

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**CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE**

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

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

**Recommendation:**

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

**Item 1: Strategic Planning - Rous County Council**

**Grounds for Closure -**

**Section 10D(2):** a) Section 10A (2)(g)

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, SEPTEMBER 11, 2001 AT 6.00PM.**

- Present:** His Worship the Mayor, Councillor Gates; Councillors Baxter, Chant, Crowther, Gallen (from 6.12pm), Hampton, Irwin, King, Roberts, Suffolk, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Environmental Health, Manager-Water & Wastewater, Projects Assessment Planner, Manager-Client Services, Waste Minimisation Officer, Recreation Planner, Waste Education Officer, Manager-Communications & Community Relations and Administrative Services Manager.
- 177/01 **Apologies/ Leave of Absence:** Leave of absence was granted to Councillor Chant for the period September 22-26 and Councillor Tomlinson for the period September 30-October 6.  
(Councillors Baxter/Gallen)
- 178/01 **Minutes:** The Minutes of the Ordinary Meeting held on August 14, 2001, were confirmed.  
(Councillors Irwin/Chant)

**PUBLIC ACCESS SESSION:**

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

**Ms G Longmuir re Rescission Motion – Relocation of Lismore Neighbourhood Centre**

(See Minute No. 179-180/01)

Ms Longmuir advised the Centre was prepared to undertake a double move on the basis of no cost to the Centre and no reduction in the developer contribution to a new location.

(01-11901: P26243)

**Mr Brian Henry re Report – Kadina Park**

(See Minute No. 187/01)

Mr Henry spoke on behalf of the Goonellabah Rotary Club in support of the project. He gave an update on the status of the grant application and stressed the requirement for matching Council funding. On a more general note he also stressed that Council had to be ready to take advantage of funding opportunities when they arose.

(P517)

**RESCISSION MOTIONS:**

**Old Lismore High School Site – Lismore Neighbourhood Centre**

(Copy attached)

- 179/01 Formal notice having been given by Councillors Irwin, Roberts and Tomlinson it was **RESOLVED** that Council's decision in regard to the motion on the Old Lismore High School Site with regard to the Lismore Neighbourhood Centre, be rescinded.  
(Councillors Irwin/Tomlinson) (01-11901: P26243)
-

- 180/01     **RESOLVED** that –
- 1     That Council move to immediately fast track the relocation of the Lismore Library from its current position to “B” Block on the Old Lismore High School site.
  - 2     The necessary plans and submissions be prepared by the General Manager to take the proposed development through to a stage of attainment of the appropriate regulatory approvals.
  - 3     Detailed estimates be prepared by the General Manager identifying all the costs of the development and that these estimates be reported back to Council in due course, prior to the calling of construction tenders.
  - 4     The General Manager report to Council potential funding sources for the construction, including the sale of the existing Library facility and the allocation by Council to the Library Reserve Fund.
  - 5     The costs involved in preparing a suitable design, the development application and estimates be met from the existing Library Reserve Fund.
  - 6     No action proceed on Items 1-5 inclusive until the Lismore Neighbourhood Centre indicates in writing their preparedness to vacate the building they now occupy to temporary accommodation to permit the Lismore Square expansion to commence within 6 weeks or longer, at Council’s pleasure. This item is not meant to prevent the preparation of a development application only as this can be done “in house” without Council incurring major additional costs.
  - 7     The architect, when preparing the specification for tenders, be directed to investigate the condition of steel beams, the structural integrity of B Block, if necessary, by removing panels and whether the existing roof needs replacement. These items then be incorporated in the specifications for costing if necessary.
  - 8     The project not proceed unless it can be funded by the sale of the Neighbourhood Centre and the \$100,000 from reserves used to service loan funds or the rent from the Neighbourhood Centre or grant funding.
  - 9     A double move, should it occur, be at Council’s/developer’s expense and not funded from the developer contribution which may be used to further relocate the Neighbourhood Centre.
  - 10    Should they have to move to commercial premises, Council guarantee that the level of rent will be the same as they are currently paying.
- (Councillors Irwin/Tomlinson) (01-11901: P26243)

**Recycling Review**

(Copy attached)

- 181/01     Formal notice having been given by Councillors Swientek, Hampton and Suffolk it was **RESOLVED** that Council rescind its decision on Waste Minimisation Recycling Review from the August 14 meeting.  
(Councillors Swientek/Suffolk)  
**Voting Against:** Councillors Irwin, Roberts, Tomlinson, Gallen and Crowther.

- 182/01     **RESOLVED** that Council approve the survey form and covering letter and adopt the recommendations contained in Murray Cullen’s report “Lismore City Council Recycling Survey – July 2001” to issue the form as recommended to a representative sample of 533 residents subject to Option C including the cost of 2 tip vouchers to all rural environmental levy payers (approximately \$13.00) with the two vouchers currently issued to all domestic waste service customers remaining (as funded by waste services) and the wording in the survey being amended to reflect this change.  
(Councillors Roberts/Irwin) (01-11900: S763)

**NOTICE OF MOTIONS:**

**Alstonville Bypass**

(Copy attached)

Formal notice having been given by Councillor Crowther it was MOVED that Lismore City Council support Ballina Shire Council in its endeavours to effect the construction of the Alstonville Bypass.

(Councillors Crowther/Gallen)

AN AMENDMENT WAS MOVED that –

- 1 Council write to Mr Scully expressing concern at the failure of the Alstonville Bypass EIS to examine and address the impact of traffic further west of the proposed bypass, namely the blackspots at Wollongbar, the intersection of Alphadale Road/Bruxner Highway at McLeans Ridges and the extra traffic impact on the residential communities of Goonellabah, Lismore Heights and Lismore where traffic has already reached saturation levels (in places).
- 2 Council recognize the needs for communities like Alstonville to bypass traffic a 3km residential/business section of the Bruxner Highway and alleviate traffic for its 4,500 residents **but** Council also recognizes the need for the RTA to commence planning to bypass residential communities along the 12km length of Bruxner Highway through Lismore, including the residential communities of 15,000 Goonellabah residents, 2,500 Lismore Heights residents and 13,000 Lismore/East Lismore residents and South Lismore residents.
- 3 Council call on the Minister to take an holistic approach in solving the traffic problems experienced along the Bruxner Highway between Alstonville and Lismore and consider supporting the development of Lismore's proposed north-east corridor with suitable connections to Ballina and Alstonville to act as a viable bypass for Alstonville and Lismore that could solve Alstonville's and Lismore's traffic problems.

(Councillor Swientek)

The amendment LAPSED for want of a seconder.

183/01

**RESOLVED** that Lismore City Council support Ballina Shire Council in its endeavours to effect the construction of the Alstonville Bypass.

(Councillors Crowther/Gallen)

**Voting Against:** Councillor Swientek.

A FORESHADOWED MOTION WAS MOVED that –

- 1 Council write to Mr Scully expressing concern at the failure of the Alstonville Bypass EIS to examine and address the impact of traffic further west of the proposed bypass, namely the blackspots at Wollongbar, the intersection of Alphadale Road/Bruxner Highway at McLeans Ridges and the extra traffic impact on the residential communities of Goonellabah, Lismore Heights and Lismore where traffic has already reached saturation levels (in places).
- 2 Council recognize the needs for communities like Alstonville to bypass traffic a 3km residential/business section of the Bruxner Highway and alleviate traffic for its 4,500 residents **but** Council also recognizes the need for the RTA to commence planning to bypass residential communities along the 12km length of Bruxner Highway through Lismore, including the residential communities of 15,000 Goonellabah residents, 2,500 Lismore Heights residents and 13,000 Lismore/East Lismore residents and South Lismore residents.

- 3 Council call on the Minister to take an holistic approach in solving the traffic problems experienced along the Bruxner Highway between Alstonville and Lismore and consider supporting the development of Lismore's proposed north-east corridor with suitable connections to Ballina and Alstonville to act as a viable bypass for Alstonville and Lismore that could solve Alstonville's and Lismore's traffic problems.

(Councillors Swientek/Baxter)

184/01 **RESOLVED** that –

- 1 Council write to Mr Scully expressing concern at the failure of the Alstonville Bypass EIS to examine and address the impact of traffic further west of the proposed bypass, namely the blackspots at Wollongbar, the intersection of Alphadale Road/Bruxner Highway at McLeans Ridges and the extra traffic impact on the residential communities of Goonellabah, Lismore Heights and Lismore where traffic has already reached saturation levels (in places).
- 2 Council recognize the needs for communities like Alstonville to bypass traffic from a 3km residential/business section of the Bruxner Highway and alleviate traffic for its 4,500 residents **but** Council also recognizes the need for the RTA to commence planning to bypass residential communities along the 12km length of Bruxner Highway through Lismore, including the residential communities of 15,000 Goonellabah residents, 2,500 Lismore Heights residents and 13,000 Lismore/East Lismore residents and South Lismore residents.
- 3 Council call on the Minister to take an holistic approach in solving the traffic problems experienced along the Bruxner Highway between Alstonville and Lismore and consider supporting the development of Lismore's proposed north-east corridor with suitable connections to Ballina and Alstonville to act as a viable bypass for Alstonville and Lismore that could solve Alstonville's and Lismore's traffic problems.

(Councillors Swientek/Baxter) (01-12259: S516)

**Pelican Lights – Ballina Street**

(Copy attached)

185/01 Formal notice having been given by Councillor Irwin it was **RESOLVED** that –

- 1 This Council lobby the State Government to approve the installation of pelican lights in Ballina Street.
- 2 The General Manager write to the Minister for Roads advising him of:
  - a) the decision by the Traffic Advisory Committee not to replace the pedestrian crossing;
  - b) the impact of this decision on residents, and in particular the students of Albert Park School;
  - c) Council's desire to install a pelican lights crossing, and
  - d) a request for the State Government to fund this facility this financial year due to the danger that currently exists for residents.

(Councillors Irwin/Chant) (01-12232: S342,R6002)

**SUSPENSION OF STANDING ORDERS:**

186/01 **RESOLVED** that standing orders be suspended and Council now deal with the undermentioned matters:-

- **Report - Kadina Park**  
(Councillors Roberts/Tomlinson)

**Report – Kadina Park**

(Copy attached)

- 187/01 **RESOLVED** that the report be received and this matter be referred to the Financial Plan Workshop on October 16, 2001 and a report be submitted to that meeting indicating if Council's cost for preparation of the Management Plan can be claimed as part of Council's contribution, together with the in kind contribution by the Goonellabah Rotary Club. The report should identify and detail what options are available including developer contributions to make up any shortfall of Council's contribution.  
(Councillors Hampton/Suffolk)  
**Voting Against:** Councillors Irwin, Roberts and Gallen. (P517)

**RESUMPTION OF STANDING ORDERS:**

- 188/01 **RESOLVED** that standing orders be resumed.  
(Councillors Irwin/Baxter)

**REPORTS:**

**DA01/223 - Upgrading of Coleman's Bridge, Lismore**

(Copy attached)

- 189/01 **RESOLVED** that the report be received and –  
**A** That Council SUPPORT approval of the application, subject to compliance with the following conditions:  
1 In granting this development consent, Council requires:  
• All alterations or additions to the existing structure be carried out in accordance with any amendment or modification outlined in these conditions and be substantially in accordance with the stamped approved plan No. 5.1 and supporting documents submitted with the application. A copy of the approved plan is attached to this consent.  
**Reason:** *To correctly describe what has been approved. (EPA Act Sec 79C)*

**ENVIRONMENTAL**

- 2 Works and activities undertaken must not create offensive noise. In this respect it will be necessary that the operations undertaken on-site and the use of machinery comply with the proposed noise mitigation measures outlined in Section 7.9.4 of the Statement of Environmental Effects. Detailed management procedures for the mitigation of noise and vibration in order to comply with the proposed mitigation measures must be submitted to Council for approval prior to work commencing.  
**Reason:** *To protect the environment. (EPA Act Sec 79C(b))*
- 3 Works and activities undertaken must not pollute or contaminate Leycester Creek. In this respect it will be necessary that the operation comply with the mitigation measures outlined in Section 7.4.2 of the Statement of Environmental Effects. Detailed management procedures for water quality controls showing how the mitigation measures will be achieved must be submitted to Council for approval prior to work commencing.  
**Reason:** *To protect the environment. (EPA Act Sec 79C(b))*
- 4 Works and activities must not create air pollution or dust nuisance. In this respect it will be necessary that the operation comply with the mitigation measures outlined in Section 7.3.3 of the Statement of Environmental Effects. Detailed management procedures for air quality controls showing how the mitigation measures will be achieved must be submitted to Council for approval prior to work commencing.  
**Reason:** *To protect the environment. (EPA Act Sec 79C(b))*
-

- 5 The applicant or developer shall prepare an environmental management plan for areas of environmental protection. The management plan shall address restoration works, weed control and maintenance, and mitigation strategies listed within Section 7.5.2 (Flora and Fauna) of the Statement of Environmental Effects prepared by GHD dated April 2001. The management plan shall be submitted to Council and approved prior to the commencement of works on-site.

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

- 6 Provision of adequate toilet and washroom facilities for the bridge-workers during the term of the construction works.

**Reason:** *To ensure provision of necessary facilities for workers.*

#### **WATER AND SEWER**

- 7 Relocation or replacement of the **sewer and water** pipes that traverse the bridge and bridge abutments is the responsibility of the proponent. Any relocation or replacement work shall be undertaken to the satisfaction of the Lismore City Council's Manager-Water and Sewerage. Any costs associated with these works shall be the responsibility of the proponent.

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

- 8 The proponent is responsible for ensuring that the existing **water and sewer** pipes are not damaged while performing the works. If the existing **water and sewer** pipes are damaged during the course of performing the works, the proponent will:

- notify Lismore City Council immediately when the breakage occurs, and
- repair the damage at no cost to Lismore City Council.

Any costs associated with these works shall be the responsibility of the proponent.

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

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

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

- 10 The proponent shall ensure that the same level of service is provided with regards to the supply of water within the existing reticulation system for the area as currently supplied by Lismore City Council.

**Reason:** *To ensure adequate services are provided (EPA Act Sec 79C(e)).*

- 11 The proponent shall ensure that the same level of service is provided with regards to the function of the rising sewer main servicing the sewer reticulation system as currently supplied by Lismore City Council.

**Reason:** *To ensure adequate services are provided (EPA Act Sec 79C(e)).*

#### **ENGINEERING**

- 12 All works shall comply with the Occupational Health and Safety Act and a Traffic Control Plan prepared by an accredited person.

**Reason:** *To ensure public safety during construction.*

- 13 All loading and unloading, with the exception of pre-fabricated components, shall take place within the existing compound area, including the parking of construction and private vehicles associated with the development. All vehicles must enter and leave the compound area in a forward direction.

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

- 14 The periods of closure together with advice on alternate travel routes shall be clearly sign-posted at the site, and advertised in the local newspaper and radio. A minimum of four (4) weeks notice shall be given advising the public of the expected closure.

**Reason:** *To provide adequate notice of proposed interruptions to traffic to the general public.*

- 15 The Doolan Decking on the approach spans to be bitumen coated, similar to that as applied to the current approach spans.

**Reason:** *To maintain visual appearance of current structure.*

- 16 The placement of suitable signage at each end of Coleman's Bridge advertising the availability of local businesses.

**Reason:** *To assist with alleviating impacts on loss of trade caused by the bridge closure/partial closure.*

- 17 All works and site occupation for "depot purposes" by the Roads and Traffic Authority of Crown Land being Lot 195, DP 755729, Bridge Street, North Lismore and adjacent to and between the ends of Colemans and Fawcetts Bridges, to cease and the site be vacated **within 6 months** of the completion of works in this application. The site to be restored and landscaping be carried out to Council's satisfaction.

**Reason:** *To ensure removal of all works materials and occupation of this site.*

- B** That the application be referred to the applicant (RTA) for concurrence to consent conditions, as required by Section 116C of the EP & A Act.

- C** That, upon satisfactory concurrence with consent conditions by the applicant, the application be referred to the Director of Urban Affairs and Planning for concurrence, as required by Section 36A of the North Coast Regional Environmental Plan, being a heritage item of State and Regional significance.

- D** That, upon any satisfactory concurrence of the Director (DUAP) being received, Council issue formal consent to the applicant.

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

(Councillors Swientek/Gallen)

**Voting Against:** Councillor King. (01/223)

**Kadina Park**

(See Minute No. 187/01)

**Draft Catchment Management Plan (Northern Rivers Catchment Management Board)**

(Copy attached)

- 190/01 **RESOLVED** that consideration of this matter be deferred to a Council workshop to be held on September 18, 2001, the outcome of which is to be reported to the October Council meeting.

(Councillors Gates/Crowther) (S227)

**Tenders for Provision for Land Application of Biosolids**

(Copy attached)

- 191/01 **RESOLVED** that the report be received and –

- 1 The contract for the land application of biosolids (biosolids already accumulated and for biosolids which will be generated over the next 12 months) from South Lismore and East Lismore Sewage Treatment Plants be awarded to Arkwood Organic Recycling at the rates submitted by Arkwood Organic Recycling.

2 The Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.

3 In the spirit of cooperation and considering the significant benefit to the region, three truck loads of biosolids be provided to the Southern Cross University to carry out mine rehabilitation trials at Drake as requested by Professor David McConchie.

(Councillors Crowther/Swientek) (T21019)

**Tenders for Provision for Water Main Replacement – Casino Street, Lismore**

(Copy attached)

192/01 **RESOLVED** that the report be received and –

1 The contract for the water main replacement at Casino Street be awarded to Camglade Pty Ltd for the amount of \$185,289.50 including GST (\$168,445.00 excluding GST) plus rate only item costs.

2 The Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.

(Councillors Chant/Crowther) (T22001)

**Tenders for Provision for Water Main Replacement – Various Locations in Lismore**

(Copy attached)

193/01 **RESOLVED** that the report be received and –

1 The contract for the water main replacement for Elizabeth Street, New Ballina Road, Shelley Avenue, Cambridge Drive, Keen Street and Elliot Road (Stage 1) be awarded to Camglade Pty Ltd for the amount of \$221,041.70 including GST (\$200,947.00 excluding GST) plus rate only item costs.

2 The Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.

(Councillors Crowther/Chant) (T22002)

**Council Committees – Citizen Membership**

(Copy attached)

194/01 **RESOLVED** that the report be received and –

1 Council call for expressions of interest from the general public to serve on the following committees for the next two years:

- Aerodrome, Civic Pride, Art Gallery and Public Transport Advisory Panels;
- Wayiganna Aboriginal Advisory Committee;
- Lismore District Sports Association, Floodplain Management, Road Management and Koala Management Committees.

2 The citizen membership of the following committees be retained:

- Lismore Masters Games Organising Committee, Clunes Wastewater and Nimbin Water Supply Committees.

3 The Urban Arterial Roads DCP No. 25 Committee be disbanded and its role be incorporated into the Roads Management Committee.

4 The current Councillor membership of committees be retained for the remaining two years of this Council, except for Civic Pride Advisory Panel and Roads Management Committee and –

- a) A councillor has indicated he wishes to resign from Civic Pride Advisory Panel and nominations be called to replace him.
- b) A councillor has requested an appointment to the Roads Advisory Committee and as there are already 5 councillors on this committee, applications be called for one additional councillor.

5 Nominations be called for an additional councillor to be appointed to the LEDAB Committee and the following people be appointed:

- Mr Brian Henry

- Mr Andrew Hurford
- Ms Tracey Mills
- Ms Liz Terracini
- Ms Ros Derrett
- Mr Martin Butcher
- Cr John Crowther
- Cr John Chant
- Mr Andrew Dostine
- President of Lismore Unlimited – currently Mr Barry Robinson
- Mr Maurice Gahan
- Cr David Tomlinson
- Mr Bernard O'Brien
- Ms Margot Sweeney
- Mr Greg Beaver
- Mr Simon Thomson
- Mr Simon Irwin

6 That the following people be re-appointed to TAP for a period of six months:

- Ms Ros Derrett
- Mr Maurice Gahan
- Ms Christine Grant
- Mr Rob Allan
- Mr Bob McKenzie
- Mr Bill Sheaffe
- Mr David Harris
- Ms Maree Walo
- Ms Heather Lickiss
- Mr Geoff Smith
- Ms Lisa Walker
- Cr Merv King
- Cr Reg Baxter
- Cr David Tomlinson

7 That a detailed review of Tourism Industry Representation and the potential merger of LEDAB and TAP, be carried out and reported to Council by February 2002.

8 As a component of calling for expressions of interest Council positively promote the work and functions of committees and take steps when calling for new members such as target based advertising, personal approaches and information evening for all interested, advertisements in rural papers, letters to community organisations such as Ratepayers Associations, Chambers of Commerce etc. When asking people to apply, request they identify the skills and interest they bring to the committee.

9 In respect to the Roads Management Committee, applicants be asked to explain how they will liaise and consult with the community in their area.

(Councillors Gallen/Tomlinson)

**Civic Design Advisory Panel**

Councillor Suffolk tendered his resignation from the Committee. No nominations were received to replace him.

**Roads Management Committee**

Councillors Irwin and Roberts tendered their resignation from the Committee.

195/01

**RESOLVED** that Councillors Crowther and Suffolk be appointed to the Committee.

(Councillors Hampton/Baxter)

- 196/01 **Lismore Economic Development Advisory Board**  
**RESOLVED** that Councillor Baxter be appointed to the Board.  
(Councillors Chant/Hampton) (S36)

**COMMITTEE RECOMMENDATIONS:**

- 197/01 **Traffic Advisory Committee 22/8/01**  
**RESOLVED** that the minutes be received and the recommendations contained therein be adopted, excluding Clause 13 (TAC118/01) and Clause 15 (TAC120/01).  
(Councillors Irwin/Suffolk)

- 198/01 **Clause 13 (TAC118/01) – Remarking of Bruxner Highway, South Lismore**  
**RESOLVED** that this matter be referred back to the Traffic Advisory Committee for further consideration.  
(Councillors Suffolk/Hampton) (R4807)

- 199/01 **Clause 15 (TAC120/01) – Pedestrian Facilities – Ballina Street (Keen Street Intersection)**  
**RESOLVED** that the recommendation be received and noted.  
(Councillors Irwin/Crowther) (R6002)  
(S352)

**DOCUMENTS FOR SIGNING AND SEALING:**

- 200/01 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

**S88E Instrument – Restriction on Use of Land – Lot 33, DP 875064, 1566 Bangalow Road, Clunes**

Owner to maintain private water line from Council's water main to and within Lot 33.  
(01-12416: P25960)

**Contract of Sale of Lot 26 (Hangar Site) at Lismore Regional Airport**

Council is selling a lot of land at the airport to Mr Kim Berger for development of a hangar for storage of recreational aircraft. The land is sold at independent valuation.

**Section 88B Instrument**

This instrument creates easements at Lismore Regional Airport for Rights of carriageway and sewerage as part of the proposed subdivision plan.

**Deed of Variation to Contract, Sale to Wright**

Council has previously resolved to sell an existing hangar site to Mr David Wright at valuation. The lot numbers in the proposed subdivision plan have changed and this change is to be reflected in the contract of sale by a deed of variation.  
(01-12861: P9733)

**Deed of Establishment – Statewide Mutual (Jardine Lloyd Thompson Pty Ltd)**

Deed Poll admitting new member to the NSW Local Government (Jardines) Mutual Liability Scheme – public liability and professional indemnity insurance.  
(01-13089: S188)  
(Councillors Hampton/King)

**MATTERS OF URGENCY:**

201/01 **RESOLVED** that the following matter be admitted to the business paper as a matter of urgency.  
(Councillors Irwin/Crowther)

**Ansett Air Services**

202/01 **RESOLVED -**  
1 That this Council consider the continuation of Ansett as of national significance with particular reference to rural and regional Australia.  
2 That Council lobby the Prime Minister immediately on the need for the government to ensure a regional airline service to rural Australia is maintained.  
(Councillors Irwin/Crowther) (S370)

203/01 **RESOLVED** that the following matter be admitted to the business paper as a matter of urgency.  
(Councillors Swientek/Suffolk)

**Lease to Mr & Mrs Fullerton**

A MOTION WAS MOVED that Council take another opportunity to negotiate with the Fullertons to enter into a licence agreement for the subject land within the next month.  
(Councillors Swientek/Suffolk)

On submission to the meeting the MOTION was DEFEATED

**Voting Against:** Councillors Irwin, Roberts, Tomlinson, Gallen, King, Chant, Hampton and Gates.  
(P2752)

This concluded the business and the meeting terminated at 9.25 pm.

**CONFIRMED** this 9<sup>TH</sup> day of OCTOBER, 2001 at which meeting the signature herein was subscribed.

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**MAYOR**

