

COUNCIL Business Paper



JUNE 27, 2000



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, JUNE 27, 2000, at 6.00pm and members of Council are requested to attend.

(Col Cooper)
ACTING GENERAL MANAGER

June 20, 2000

COUNCIL BUSINESS AGENDA

June 27, 2000

PUBLIC ACCESS SESSION:

PAGE NO.

PUBLIC QUESTION TIME:

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APOLOGIES AND LEAVE OF ABSENCE

CONFIRMATION OF MINUTES – Ordinary Meeting 6/6/00

CONDOLENCES

DISCLOSURE OF INTEREST

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NOTICE OF RESCISSION MOTION

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

We hereby are lodging a motion to rescind the Council's decision in regard to flood levee funding at the meeting of June 6, 2000 (Min. No. 137/00), i.e.

"RESOLVED that the minute be received and Council confirm it will provide \$2 million for flood levee funding based on its share of cost being one third of the total but it will still pursue a higher contribution from State and Federal Governments."

COUNCILLOR Irwin

COUNCILLOR Tomlinson

COUNCILLOR Roberts

DATE 9/6/2000

See Notice of Motion in this business paper.

(00-9037: S106)

NOTICE OF RESCISSION MOTION

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

The decision made at the meeting held on June 6, 2000 relating to the Nimbin Community Development Association be rescinded (no resolution).

COUNCILLOR R M Irwin

COUNCILLOR D J Roberts

COUNCILLOR D R Tomlinson

DATE June 6, 2000

See Notice of Motion in this business paper.

(00-8533: S164)

NOTICE OF RESCISSION MOTION

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

The decision made at the meeting held June 6, 2000 relating to carparking in Nimbin be rescinded (Min. No. 139/00) i.e.

“RESOLVED *that the report be received and –*

1. *That Council commence negotiation with the Nimbin Central School to implement its preferred option to build the northern access to provide the maximum number of car park spaces for the funds available.*
2. *That carpark works to the value of \$60,000 be carried out in 2000/01 utilising the funds from the Cullen Street Calming Reserve, Car Parking Reserve & Nimbin Street Trees Section 94 funds.*
3. *That a financial plan be developed to provide the necessary funds in future years for the work to take place in viable units of no less than \$60,000.*
4. *That Council install a low-cost slow point and pedestrian refuge, approximately 12m south of the existing crossing. (estimated Cost \$4,000).*
5. *Future beautification of Cullen Street, Nimbin to be in consultation with the Nimbin Chamber of Commerce.”*

COUNCILLOR D J Roberts

COUNCILLOR R M Irwin

COUNCILLOR D R Tomlinson

DATE June 6, 2000

(00-8536: R1701)

NOTICE OF MOTION

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

That this Council is concerned that the costings for the flood levee on which Council is making its decisions are over 2 years old.

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

- a) *A report is provided to Council giving a revised cost estimate for the flood levee from the 1998 costings which appear in the EIS.*
- b) *The State/Federal Government give a commitment for a 2:2:1 funding formula for future years.*
- c) *Council receives advice on its application for a special rate variation.*

COUNCILLOR R M Irwin

DATE 13/6/00

STAFF COMMENTS BY: Manager - Finance & Administration & Group Manager-City Works

The Lismore Flood Levee System is a significant project estimated to cost \$9.4 Million. The level and timing of Council's contribution is an issue that requires further clarification. From a financial perspective:-

- a) The Lismore Levee EIS included an '*Estimate of Construction Cost*' that was completed using the best information available in the last quarter of 1998. This estimate was also based on accurate survey information collected by local surveying firms. Volumes of material have been accurately calculated with the whole costing process being supervised by Quantity Surveyors.

Mr Scott Abbey of Sinclair Knight Merz (Flood Levee Consultants) has also been contacted and he remains satisfied with the 1998 Estimate provided the Building Price Index is applied.

The attached estimate of \$9.38 Million (1998 Dollars) is likely to be as accurate as is reasonably possible at this stage of the project.

To update the estimate to Year 2000 Dollars, it is necessary to factor in two years of Building Price Index (BPI) for this region which is more closely tied to Queensland than New South Wales.

The BPI for Brisbane comprises –

September 1998	123.93
March 2000	128.31
Estimate to June 30, 2000	Not available but assume 128.31 **

** Demand is expected to fall due to the GST on building products. The suggestion is that the BPI will stabilise or fall as a result of the drop in demand.

The above represents a BPI rise of 4.38% since the estimate was completed in September 1998.

Therefore, the estimate updated to June 2000 is - $\$9.38\text{M} \times 1.0438 = \9.791 Million .

- b) Given the response from the Minister for Agriculture and Minister for Land & Water Conservation, Richard Amery, MP, dated June 6, 2000 (copy forwarded to Councillors 13/6), it would appear that the maximum subsidy available from the State is 33%. This automatically assumes our contribution will be higher than 20% and as such, there will be an impact on ratepayers. It is agreed that advice should also be sought from the Federal Government as to its subsidy position. This is required so a full financial assessment can be made.
- c) Our application for a special rate variation cannot be submitted to the Minister for Local Government for consideration until the 2000/2001 Management Plan is approved by Council. This is scheduled for this meeting. It is anticipated that a response from the Minister will be received during July 2000. As the funding for this project is predicated on the Minister's approval of this application, it is logical to await this advice so the impact on ratepayers can be adequately assessed.

NOTICE OF MOTION

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

That Council amend Policy No. 1.4.11 to include the Nimbin Community Centre.

COUNCILLOR D J Roberts

DATE June 6, 2000

STAFF COMMENT BY MANAGER-FINANCE & ADMINISTRATION:

Council first considered a report on this issue at the May 16, meeting. Further information was requested and this was presented to the June 6, meeting. Council at that meeting voted against a motion to "amend Policy 1.4.11 to include the Nimbin Community Centre".

I have been specifically requested to comment on the aspects relating to Councils 'subsidy' of the acquisition, development and utilisation of the site occupied by the Nimbin Community Centre (NCC). My understanding of the facts relating to these issues are provided in the following commentary.

Old School Site

The Old School Site encompasses the NCC, public toilets, Nimbin rural fire station and peace park. While 'title' of the NCC and peace park land will transfer to Nimbin Community Development Association (NCDA) on full payment of the loan, the public toilets and rural fire station are intended to be held in Council's name in perpetuity.

Public Toilets

The location of the public toilets at Nimbin was discussed by Council over an extended period due to the fact that the lease arrangement with the Nimbin School of Arts facility was about to lapse (and they did not want to renew) and an alternate location was not readily available. As Council was securing the Old School Site on behalf of the NCDA, Council staff were of the opinion that this site offered a suitable alternative location.

The provision of public toilets is a council obligation. It was fortuitous that the NCDA proposal provided an ideal opportunity to satisfy this obligation when no other alternative was available. NCDA has provided adequate toilets facilities for site users in accordance with the development conditions. It is logical to suggest that we are receiving the significant benefit from the toilets being available on this site, given these facts. It should be noted that we fund all the cleaning/construction costs associated with these toilets as we do with any other public toilet in our local government area.

Sale Proceeds – Rural Fire Station Land

Council resolved in two parts to allocate funds from the sale proceeds of rural fire station land to the Old School Site.

The first related to the part sale proceeds of the Cecil Street site in 1994. These funds totalled \$40,000 and were applied to the NCDA proposal on the following basis,

Construction of Rural Fire Station	\$27,700
Purchase Land – Rural Fire Station & Public Toilet	\$12,300
Total	\$40,000

As you can see, Council's investment in the Old School Site has been prudent in that,

- a) this acquisition provided land for the public toilets in Nimbin,
- b) the Rural Fire Station was upgraded to the required standard,
- c) the consideration given for the land is less than 'market value', and
- d) ownership of these assets is vested in Council.

The second related to the sale proceeds from the balance of the Cecil Street site in 1999. The net proceeds totalled approximately \$10,100. Of this amount, \$4,000 was used to fund the construction of the Rural Fire Station (Total \$31,700) and \$6,100 was applied to the NCDA loan.

When these facts are taken into consideration, Council has a 'greater' asset value than the initial cash investment. Consequently, while NCC has benefited from the situation by having their loan reduced by \$6,100, Council has benefited more by acquiring land and buildings at less than their market value.

Loan Conditions

The loan conditions relating to NCDA are as follows :

Amount :	\$191,500
Term :	10 Years
Interest Rate :	6.21%
Instalments Per Annum :	2

No problems have been encountered with NCDA to date and all instalment payments due have been paid in full and on time.

This loan is different from other loans to other community or sporting groups. The difference being that Council externally borrowed these funds specifically for this purpose, rather than using our own internal funds. As such, the interest rate charged to NCDA, being the same that we pay to the bank, is higher than that we would have charged if we had used our own funds. On this basis, I would suggest that NCDA is not receiving an advantage comparative to other like arrangements.

Legal Agreement Costs

Council's total legal expenses incurred on the acquisition of the Old School Site and the preparation of the Deed of Agreement and Lease between NCDA & Council was \$15,952.80. Of this amount, Council resolved in 1998 that a maximum of \$3,500 would be recoverable from NCDA. NCDA also incurred their own legal costs in addition to this amount.

I am not aware of all the facts relating to why these costs were incurred other than to say that this process was drawn out in both the dealings with the Department of Education on the conditions of sale of the site, and the conditions required to adequately protect Council's interests included in the Deed and Lease.

It is understood that as the complexities associated with the Deed & Lease stem from Council's requirements and were not generated by NCDA, both parties paid their own legal expenses. (apart from the \$3500 contribution mentioned above.)

Preparation of Management Guidelines

It has been suggested that staff were heavily involved in the preparation of the Nimbin Community Centre and Peace Park Management Guidelines. This statement is incorrect as NCDCA appointed Rhea Clark & Diana Roberts to undertake this task.

As this was a significant project, Council's Community Lands Officer provided input into the document as they would with any submission being prepared by a community organisation which asked for assistance.

In kind assistance was also provided. This included granting access to vacant work space and computer facilities for one day a week for a number of weeks which allowed the development of the draft Management Guidelines.

This arrangement is no different than that allowed for many other community based activities including the Masters Games, Olympic Torch Relay, Inter Continental Baseball Series etc.

Section 94 Plan

The Community Facilities Section 94 Plan – Nimbin & District has always included the provision of a Community Centre. This facility is valued at \$390,000. A maximum of \$39,000 is to come from developers' levies and the balance from other sources.

In the majority of Section 94 works, the 'other sources' generally refers to Council's contribution. In the NCC case, the NCDCA is to fund the full amount with no contribution required from Council.

While contributions from government grants can offset this amount, there is a significant benefit to Council in this arrangement. The level of subsidy to Council of this arrangement is estimated to be in the vicinity of \$300,000.

The Deed also provides that on receipt of Section 94 developer levies, these funds are to be firstly applied to any outstanding loan commitment, and secondly, remitted to NCDCA for works agreed between the parties.

When considering all the facts, the significant financial benefit is to Council in this situation.

Summary

From my perspective, when considering all the facts relating to,

- a) Public Toilets,
- b) Sale Proceeds – Rural Fire Station Land,
- c) Loan Conditions,
- d) Legal Agreement Costs,
- e) Preparation of Management Guidelines, and
- f) Section 94 Plan,

there is no ongoing subsidy afforded to the Nimbin Community Centre. In actual fact, it is logical to suggest that Council is the recipient of any ongoing financial benefit.

COMMENT BY ACTING GENERAL MANAGER – Col Cooper

One other aspect raised in the debate on this issue was the grants received and commercial activities carried out on the site. It should be noted that the Clunes Association (COSA) have recently received a grant for \$110,000 to establish a Telecentre under the Federal Government's Networking the Nation funding. This one grant to COSA exceeds all the grants received by Nimbin since they commenced operating.

In addition, COSA are looking at setting up a private art gallery and have held a number of exhibitions to date.

As Councillors would be aware, the purchase of the Clunes School Site has been fully funded by Council and to date no rental has been paid. This is in stark contrast to what has occurred at Nimbin.

If Council believes that the policy should not be extended to Nimbin, then it is strongly suggested the COSA be also removed from the policy to ensure that Council is seen to be consistent and fair with its distribution of funding.

(00-8535: S164)

Subject/File No: 2000/2001 MANAGEMENT PLAN
(RS:S755)

Prepared By: Manager - Finance & Administration - Rino Santin

Reason: Local Government Act 1993 requirement

Objective: Finalise and adopt the Management Plan

Management Plan Activity: Financial Services

Background:

The Local Government Act 1993 (LGA) requires all Council's to advertise a draft Management Plan each year for a period of twenty eight (28) days, to allow submissions from the public. This Council's Management Plan advertising period closed on Monday, June 19, 2000.

As the closure date for public submissions was after the preparation of this business paper, an additional report will be forwarded, if required, to all Councillors which includes a copy of all submissions received.

Key Inclusions:

a) Special Rate Variation

Council is to make an application to the Minister for Local Government for a Special Rate Variation of \$100,000 or an additional 0.66%. If approved, these funds are to be used for construction of the Lismore Flood Levee. This would make the rate increase for 2000/2001 a total of 3.36%. This is to be raised by way of a Special Rate applied to those properties which will receive protection from a 1 in 10 year flood event.

b) Road Funding

A total of \$2,000,000 is to be provided in 2000/2001 for road rehabilitation. This is in accordance with Council's target funding to improve our road infrastructure. As well as rehabilitation works, \$860,000 is available for road enhancement.

This is a change in focus from previous years to rehabilitation rather than maintenance/enhancement and reflects the valuable input gained from the 'Fix the Roads Working Party'. It is part of a strategy to gain the most benefit from the limited funds available, while still pursuing increased funding from other spheres of government.

Proposed Changes

The Management Plan on displayed provided for a \$20,000 operating surplus. Since that time, staff have received more accurate or relevant information which will result in a number of changes to that reported. Details relating to these changes are listed below for consideration.

Formal Advice

1) The NSW Local Government Grants Commission has advised that the preliminary recommendations for the 2000/2001 Financial Assistance Grants (FAGS) allow for an increase of \$210,800 on the general purposes and \$45,200 on the local roads components. It has been stressed that this information is indicative and may change.

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It was discussed at the Management Plan Workshop held on May 15, 2000, that as both interest from reserves (\$177,500) and quarry reserves (\$150,000) have been used to fund the roads rehabilitation program, it would be prudent and financially responsible to reimburse these reserves from any additional funding received. This is likely to be the only real opportunity to do so.

With this in mind, the application of the general purpose component to reimburse these reserves and the roads component to the road rehabilitation program is supported.

2) The Local Government Superannuation Scheme has advised that the superannuation contribution required from Council for 2000/2001 will be reduced as a result of "...continuation of strong investment performance..". The bottom line is that our superannuation contribution will decrease by \$437,000. This is now three consecutive years that this reduction has been provided.

This reduction is spread over General, Water and Sewerage Funds. The amount applicable to each is \$383,000, \$23,000 and \$31,000 respectively. As Water & Sewerage Funds are 'restricted', these savings must be retained within the Fund. The General Fund component is available for redistribution.

Superannuation is an 'employee cost' which is costed to operations by charging an oncost. Effectively, this reduction means that we can reduce the oncost rate by 5.0%.

As a result of this reduced oncost rate, for salaries budgets, there are savings of approximately \$210,600. After activity based costing (\$45,000) and self financing activity (\$15,200) adjustments, there is \$150,400 for redistribution.

For wages budgets which are activity based such as road maintenance, park maintenance, road construction etc, the impact of the reduced oncost rate will mean that \$172,400 will be available to undertake more works within those budgets. Given the fact that insufficient funding is available to meet current service levels, no reallocation of these savings away from wage based activities is supported.

It is also important to note that this saving in superannuation contributions is a "windfall" and cannot be relied upon annually to support Council's operations. While it is gratefully accepted, the practice of not allowing for it in the budget process will continue.

3) The Roads & Traffic Authority has advised that funding equivalent to the 3X3 Council Determined Road Funding Program will be made available to Council for the next four years. The funds must be spent on Regional Roads and can be applied as Council's contribution to REPAIR projects. Consideration will be given to its use on Local Roads under exceptional circumstances.

The amount allocated is \$136,000.

The NSW Minister for Roads will be approached and requested to 'match' these funds so that more works can be undertaken. The outcome of this approach should be known shortly. Should this be unsuccessful, it is proposed that this amount will be used as part of Council's contribution to works already proposed on MR306 Dunoon Road. This would result in an additional \$136,000 being available for either enhancement or rehabilitation works on local roads.

The allocation of all road funds for works during 2000/2001 is the subject of a separate report to this Council meeting. The intention is to have the works program approved by Council.

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4) Lismore Council Access Committee has requested that we provide a budget of \$500 to reimburse transport and other costs for committee members. This situation was highlighted at the recent Annual General Meeting where Catherine Ryan was appointed to the committee. Catherine is in a wheelchair and requires a wheelchair accessible taxi to attend meetings. The cost of the taxi is approximately \$27.00. It would be unreasonable for Council to expect Catherine and other members to meet the cost of the public transport and as such, funding is sought (copy attached)

5) Far North Coast County Council (FNCCC) has requested funding to support the Lantana Biological Control Taskforce for the next three years. FNCCC advise that "the project is on the verge of releasing a rust fungus and two new insects to the suite of insects already released."

The project has the support of NSW NP& WS (\$25,000) and NSW Agriculture (\$25,000 in kind) and additional financial support is required. It is mentioned that other councils have pledged up to \$3,000, but any amount is accepted even if a 'one off' amount.
(copy attached)

Council Resolution

1) Second Stage of Street Beautification – Cullen Street, Nimbin (139/00)

Council resolved at the June 6, 2000 meeting that \$64,000 would be expended on the Nimbin Car Park (\$60,000) and Traffic Calming (\$4,000). These works would be funded from Reserves and Section 94 contributions. These works are fully funded.

2) Clunes Village Report (141/00)

Council resolved at the June 6, 2000 meeting that our contribution to the Concept Phase of Clunes Wastewater Options be increased to a total of \$172,000 with the additional funding to come from Reserves and Grants. This project is fully funded.

3) General Aviation Landing Fees (143/00)

Council resolved at the June 6, 2000 meeting that the Fees & Charges applicable to the Aerodrome would be amended to include,

- a) all non RPT aircraft to pay \$6.30 per MTOW,
- b) regular commercial users have an option of negotiating a fee,
- c) private and recreational users have an option of paying a flat fee of \$308 (\$280 + GST),

Also, it was resolved to provide \$2,000 in Section 356 Donations for bona fide community service providers who must apply for an exemption.

The impact of these changes will increase revenue for the Aerodrome. This increase will be reserved for that aerodrome purpose. The cost to General Fund will be \$2,000 for the S356 Donations.

Other Items

1) Memorial Baths Redevelopment

Currently included in the Management Plan is \$2.5 million to redevelop this facility. It has been estimated that this project will cost in the vicinity of \$3.7-\$4.0 million depending on the final options included or excluded.

As the likely source of funding for this increase will be loans, potentially we have an increased commitment to repayments of \$178,000 per annum for 15 years. Depending on attendance levels, this cost may be offset with additional revenue.

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I understand that a further report will be presented to Council on this issue which will include the funding implications.

2) Lismore Flood Levy

The total financial commitment and impact on ratepayers is yet to be assessed as a number of variables remain unknown. They include,

- a) revised project cost,
- b) Federal/State subsidy ratios, and
- c) special rate variation funding approval.

When all this information is available, a report on the financial implications will be submitted to Council.

3) Skills Related Back-Pay

Manager – Human Resources Comments: Council has an obligation within the provisions of the 1997 Local Government Award to provide for *“progression through the salary system based upon the acquisition and use of skills.”* Further, this provision requires for employees to *“be assessed at least annually”*.

In addition, the provision outlines that where *“skills based progression is not reasonably available, employees shall have access to performance based salary progression”*. These provisions exist within both the 1995 and 1997 Awards. Consequently, since that time Council has been working towards compliance with these obligations.

It needs to be recognised that this is no small undertaking as the award provisions ultimately require that each position must be defined in terms of the skills required for work performed at all levels of that grade. Also, as each Council in NSW has its own, individual, salary structure there is little if any opportunity to directly copy a system that has been implemented by another NSW Council.

Hence, since these award obligations were introduced staff have been endeavouring to implement systems that comply with the obligations. As you are aware, the Performance Evaluation System (PES) was implemented in 1996 as a component of the salary system. Accordingly, it will provide the basis for assessment where *“skills based progression is not reasonably available”*.

Work on the skills based component of the salary system has been progressed via a Skills- Based Progression working party, which ultimately developed the procedures and format that will apply to skills – based assessments within Lismore City Council.

Skills-based Assessments have occurred when the skills component of the system has been implemented. Nevertheless, while this implementation work has been underway, eligible staff have not had access to yearly skills assessments. Consequently, the issue of entitlements for back-pay has arisen.

This back-pay matter is currently under negotiation with the industry parties. LCC has already tabled an offer based on a one-off payment to eligible staff. However, this has been rejected by the unions who have indicated that they would prefer for staff to receive a progression to their next salary step on a permanent basis.

There is no question that eligible staff have an entitlement for back pay. Therefore, the only outstanding question relates to settlement of this matter in a manner that is equitable to both Council and staff.

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Our costings indicate that a payment in the vicinity of \$250,000 is likely once the terms of settlement are agreed. It is likely that this will have an ongoing impact. Accordingly, the purpose of bringing this matter to the attention of Council is to flag that settlement of this matter will impact on the forthcoming budget.

4) Fees & Charges

The GST status of some Fees & Charges is still under review. This is the result of modifications to the legislation or changes in our interpretation of the legislation. The main area affected includes, Building & Regulation and Development Assessment.

Consequently, there have been some changes to the published Fees and Charges as a result of the GST status.

5) Far North Coast County Council (FNCCC)

FNCCC have advised that due to a change in the funding formula, the amount of operational funding available will be reduced. While specific details are yet to be received on "what this means for Lismore", it is possible that Council will need to increase the current level of contribution above \$84,500 to receive the same level of service.

Public Consultations

The Management Plan has been advertised in accordance with the LGA.

Conclusion

As previously stated, this report has been prepared prior to the closure of public submissions. Consequently, there may be other issues to resolve as a result of Council's consideration of the submissions received, as well as those already identified in this report. Many of these items could have a significant impact on Council and we need to be mindful of this situation in future deliberations.

If the following recommendations are adopted, the surplus for 2000/20001 will be \$17,500. While a surplus of say \$50,000 would be desirable to allow both Council and Management flexibility, this is a far better result than commencing the year with a deficit budget.

Recommendation (COR22)

That Council adopt the advertised draft Management Plan including the Budget and Fees & Charges, and :-

- 1 The additional \$256,000 from the NSW Local Grants Commission be allocated to :-

a) Interest On Reserves	\$177,500
b) Quarry Reserve	33,300
c) Road Rehabilitation	45,200
- 2 The redistributable savings of \$150,400 in superannuation contribution for salaries be reserved to fund the Skill Related Back Pay. On settlement of the claim and if any funds remain unexpended, a report is to be submitted to Council for further redistribution.
- 3 The Group Manager – City Works request the NSW Minister for Roads to 'match' the additional \$136,000 received from the Roads & Traffic Authority for works on Regional Roads.

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- 4 Should the Group Manager – City Works be unsuccessful in gaining matching funds, the additional \$136,000 be applied to either enhancement or rehabilitation works as determined by Council.
- 5 A budget of \$500 be made available to the Lismore Council Access Committee to fund transport costs of committee members.
- 6 Far North Coast County Council be advised that financial support of the Lantana Control Taskforce will not be considered until the full ramification of the change in funding formula is assessed for Lismore.

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Subject/File No: PROPOSED 2000/01 URBAN AND RURAL ROAD CONSTRUCTION PROGRAM
(GH:LC:S745)

Prepared By: Manager Roads & Infrastructure – Gary Hemsworth

Reason: To inform Council of the selection process surrounding the recommended Construction Program.

Objective: Obtain Council approval for the 2000/01 Road Construction Program.

Management Plan Activity: Roads; Urban/Rural

Background:

A systematic process has been used to arrive at the proposed road construction program. Factors including traffic volume, road condition, the size of the job, location of the job and many other factors have been considered in the selection process. The “Fix the Roads” Working Party has provided input and comment throughout the process.

Funding Available

The following line items from the Draft Budget 2000/2001 have been used to provide funds for the construction Program:

Urban Road Construction	\$311,000
Rural Road construction	\$559,000
Rural Road FAG's	\$560,200
Special Rate Increase 96/97	\$276,000
Special Rate Increase \$625	\$625,000
Total	\$2,331,200

An additional \$136,000 has been received under the 3 x 3 Program. It is recommended this money not be distributed until the Mayor and Group Manager City Works meet with Minister for Roads, Mr Carl Scully. Funds may be needed to match an offer from the Minister for Roads on Regional Roads.

At the budget Workshop several road projects were deemed essential by Management. The “Fix the Roads” Working Party considered these projects and forward the following recommendations for Council's consideration.

Proposed Roadwork's Deemed Essential –2000/2001 Budget

Project Description	Comment	Amount
Upgrade Infrastructure Union/Casino Street	High Councillor priority and “Fix the Roads” agree work is needed.	\$80,000
Unsealed Rural Roads grading Program	Funds only retain existing funding levels which will allow improved practices to continue	\$91,500
Upgrade 1.7km to Broadwater Bridge	Majority agreed not to fund but wait and see how existing conditions perform.	Nil
Pelican Creek Road – Development Contribution	Existing commitment by Council to contribute towards road upgrade.	\$70,000
Caniaba Road – Development Contribution	Existing commitment by Council to contribute towards road upgrade.	\$74,000
Ballina/Holland Street Roundabout –	Fix the Road Working party voted 7/5 to	\$120,000

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Development Contribution	include the Program.	
Total		\$435,500

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Proposed 2000/01 Urban and Rural Road Construction Program

The funds remaining for rehabilitation works, when the essential items are included, total \$1,895,700. It was agreed that funding should be split 70/30 between Rural and Urban which is a historical split based on road lengths; Rural \$1,335,700 & Urban \$560,000.

Selection Process for Rehabilitation Works

The following steps were used to arrive at the recommended road rehabilitation list.

1. Survey, which measured the roughness of all roads, was examined to determine the worst (or roughest) sections of road.
2. The above information was compared to road inspection reports using the criteria recommended by the Roads Consultant –Neil Arbuthnot.
3. Using the information from 1 and 2 above, the worst sections of road were identifiable and confirmed through visual inspections.
4. The points systems developed by the “Fix the Roads” Working Party was used to rate the worst sections of road. The points systems allocated points based on the following criteria; traffic volumes, condition of the road, bus usage, tourist usage, maintenance costs, construction cost, safety and road hierarchy (or importance). The ranking of the various projects is attached for information.
5. The following conditions were then applied to the above ranking:
 - (i) Only one project on each road per year was considered appropriate otherwise busy roads like Wyrallah Road would take all the money.
 - (ii) The size of individual projects should be limited to a maximum of \$250,000. This allows the money to be spread throughout the Council area. Staged construction over several years will allow the bigger projects to be completed.
 - (iii) If projects have equal points, traffic volumes and visual inspection should be used to determine priority.

Proposed Rehabilitation Program

Using the above selection process the following rehabilitation Program is recommended:

ROAD NAME	LOCATION	COST	CUM. COST
RURAL ROADS – LOCAL			
Wyrallah Road	1.0km –1.9 sth Riverbank Rd (Stage 1)	250,000	250,000
Eltham Road	1.45 – 2.15km east Bangalow Road	200,000	450,000
Rock Valley Road	1.5 – 2.25km nth Rosehill Road (Stage 1)	200,000	650,000
James Gibson Road	Corndale Road – 0.7 km east	180,000	830,000
Pinchin Road	2.3 – 3.1 km east Nimbin Road	125,000	955,000
Boyle Road	Nimbin Road – 0.5km east	150,000	1,105,000
Crofton Road	Nimbin Road – 0.5km east	60,000	1,165,000
# Gundurimba Road	Various Sections	90,700	1,255,700
# Tregeagle Road	Various Sections	80,000	1,335,700
* Cawongla Road	9.1 to 9.7 km Nth Rock Valley Road	96,000	
* Bridge/Agnes/ Breckenridge Road	Various Sections – Wyrallah Village	40,000	
URBAN ROADS – LOCAL			
Wyrallah Road	Arnett Street to Harmony Street	175,000	175,000
Orion Street	Sections Molesworth to Dawson Street	105,000	280,000
Cooling Street	Oakeshott to Donnans Road	160,000	440,000
Industry Dr R'bout	Intersection with Military Road	120,000	560,000
* Invercauld Raod	Fig Tree Dr to Uni Conference Centre	65,000	
* Ostrom Street	From Casino Road	72,000	

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Proposed 2000/01 Urban and Rural Road Construction Program

Note: # Total of \$170,700 to be distributed between Gundurimba and Tregeagle Roads exact amounts and locations to be determined.

** Next projects on priority list, not funded at this stage.*

Manager - Finance & Administration Comments

The purpose of this report is to specifically recommend to Council the allocation of \$2,331,200 which is available for road works during 2000/2001. This will provide a comprehensive list of works which can be planned to best effect from an operating perspective and provide relevant information to the road users.

While this outcome is highly desirable, it would be prudent not to fully allocate all the funds at this time. The "Fix the Roads Working Party" have identified two issues which may result in the need to amend this program. They include,

- a) the flexibility to 'match' a contribution from the Minister for Roads if outcomes from a proposed meeting is successful, and
- b) the wait and see approach on the Broadwater Bridge approaches may result in the need for funding this year.

Also, it is possible that additional funds may be realised during the year.

It is suggested that a program of works be adopted to a total of say \$3.0 million, with the proviso that a maximum of \$2.0 million be spent immediately. A further report would then be submitted to Council once these issues (as detailed above) are resolved on or before November 30, 2000 so that the balance of the funds can then be released for the works to be undertaken. Such an approach would require deferring allocating funds to works (at this stage) to the value of \$331,200 from the Rehabilitation Program.

Public Consultations

N/a.

Other Group Comments

N/a.

Recommendation WOR18

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

Subject/File No: BULKY GOODS SHOWROOM AND RETAIL FACILITY – BBC
HARDWAREHOUSE, LOT 1 DP 181537, 2 BRUXNER HIGHWAY,
SOUTH LISMORE
(WR:MJK: DA00/263)

Prepared By: Special Projects Planner – Warren Rackham

Reason: Council determination.

Objective: To seek Council determination of the application.

Management Plan Activity: Development Assessment

Background:

Council will be aware of this proposal as it has been foreshadowed in previous associated applications on the site as follows:

- Rezoning of part of the land in April 1998 to accommodate a car yard.
- Subdivision of Lot 1 DP 181537 under Development Application No. 99/222 to provide a separate allotment for the BBC development (plan not yet registered).
- Earthworks and site fill Development Application No. 2000/117 to provide flood free building platforms for both a car yard/motor dealership and the BBC development.
- The application for the adjoining caryard (Development Application No. 2000/192) is currently under consideration.

The Site:

The site is Lot 1 DP 181537, No. 2 Bruxner Highway, South Lismore. The BBC development will ultimately occur within a 2.06 hectare subdivided lot from Lot 1, when the 2 lot subdivision plan in DA99/222 is registered.

The site fronts Bruxner Highway, directly opposite the Krauss Avenue Industrial area, and will ultimately adjoin a proposed car yard and motor showroom to the north; the land to the south being currently vacant.

Zoning:

The site subject of the BBC development was zoned from Rural 1(r) to Business 3(f) in April 1998. The proposed use is permissible in the zone.

Description of the Proposal

The proposal is to develop the 2.05 hectare site with:

- A large 'Hardwarehouse' building 60m x 100m (6,000m² floor space containing 5,527m² retail/showroom space) and ranging from 9m high at sidewalls to 13m at the highest point along the centre of the ridge.
 - An outdoor nursery, building materials yard and bulk materials bins (of 4,004 sq. m), and a carpark containing 209 car spaces.
-

- Driveways, storage, drive-through/pick up, etc.

Access to the site is proposed as a 'left in, left out' driveway off the Bruxner Highway, and with a full two way entry/exit at the rear to the Right-of-Way which is to be created off Three Chain Road in the subdivision under DA99/222.

The development is proposed to be constructed in one stage. Colour scheme is standard corporate BBC, essentially white with maroon banding, and with the three 'corporate' masts at the front entry, two at 27m and one at 30m high.

Notification

The development was notified in accordance with Council policy. No submissions were received.

ASSESSMENT UNDER SECTION 79C OF THE E.P. & A ACT -

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

The site is zoned 3(f) Business Flood Liable, with the development permissible. The application is consistent with zone objectives.

Clause 16 of the LEP relates to development which has frontage to a main road. Whilst the subject property fronts the Bruxner Highway, ingress is proposed (by conditioning) to be restricted to "left in" only, thus all other traffic movements will be required to take place off an upgraded Three Chain Road and Right-of-Carriageway access.

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

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 No. 7 – Flood Prone Lands

The site is located in a floodway. The filling of the site and resultant development of same was fully canvassed concurrent with the rezoning application in 1997/8. The earthworks and landfill application was subsequently dealt with under DA00/117. There are no further effects on flood issues created by the current application.

DCP No. 16 – Building Line Setback

The DCP allows a zero set back in this zone. The proposed building is set back at least 25 metres or greater from Bruxner Highway.

DCP No. 17 – Tree Preservation

The application includes a full Section 5A eight-part test over the development site, and includes assessment of the requirement for removal of three of the 'Small-fruited Fig' trees to facilitate the ingress access off the Highway.

The detailed assessment found that the proposal "would not involve the imposition of a significant effect on any threatened flora or fauna species".

Further, due to the visual significance of the avenue of fig trees along this section of the Bruxner Highway, the three figs proposed for removal are proposed to be relocated, not destroyed. The consultant states:

“Extreme care should be taken with the removal and relocation of the Small-fruited Figs that are proposed to be moved. Because of the landscape significance of the trees, they should be relocated to a position where they continue to form a part of the avenue figs on the southern approach to Lismore. Only a qualified arborist or botanist with experience in successfully moving large fig trees should be engaged to conduct the operation as the trees are of heritage value.”

Relocation of the trees (in the same vicinity) should therefore be to the direction of Council's City Works/Parks and Reserves Departments.

DCP No. 18 – Carparking

The application states that 224 spaces will be provided, being 209 in the forecourt area, and 15 within the building and adjacent to the eastern walls. The applicant emphasises that RTA guidelines only require (for a floor space of 7,470m²) 195 spaces.

From calculations provided, parking would be as follows:

Retail Floor Space	4,397
Indoor Nursery	920
Showroom	210
Outdoor Nursery	<u>1,050</u>
	6,577m ²

At 3 spaces/100m², this would require 198 spaces.

The above calculation does not include the 2,954m² area of the outdoor 'Building and Materials Yard', but as this involves bulk storage of heavy items and that sales will occur from inside, no additional parking is considered warranted. Therefore, as the proposal will supply 224 spaces, it is considered that the requirements of DCP No. 18 have been adequately met.

DCP No. 26 – Industrial Development Standards

Although the development is located in a 3(f) zone, it is considered to be more appropriately akin to an industrial development, and indeed because of its size, purpose and heavy materials use, is really a light-industrial application (NB "Bulky Goods Showroom" also forms part of DCP No. 26 in any case).

The proposal is in accord with the provisions of DCP No. 26.

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

There are no matters prescribed directly affecting this development.

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

As the site is currently undeveloped, and due to the large size of this building, there will be a marked visual impact. This will, however, not be out of character with the adjacent Industrial 4(a) zoning, on which is erected many large industrial buildings.

It would be expected that this development will engender increased employment opportunities, and broaden the range of hardware and home improvement materials generally. Approximately 60 – 90 people will be employed during construction and fitout stages, and 100 people on a permanent or part-time basis when operational.

It is also expected that the building will create something of a 'gateway focus' to the southern entrance of the City, which, in turn, will have a spin-off effect on other businesses in the area.

It is expected that there will be some alteration to traffic impacts in the area, generated by the development. Main focus will be the Bruxner Highway/Three Chain Road roundabout intersection, particularly as this will become a 4-way intersection as against what is effectively only a 3way intersection at present. The Traffic Consultant's report attended to the application concludes *"The proposed development will have little impact on the level of service of the Bruxner Highway and its intersection with Three Chain Road"*.

It is considered that, when road upgrading and engineering works are completed (in accord with recommended conditions) that traffic impacts will be minimal.

There has been some concern and interpretation difficulty with assessing stormwater flows and treatment from the whole of this site, and in conjunction with the anticipated development (car yard) on the adjoining lot, the previously approved earthworks DA and the rear drainage/sedimentation areas. This has had to be 'covered' by conditioning, requiring additional information prior to release of any Construction Certificate.

Engineer's Comments

This development is proposed to be located on a subdivided lot to become Lot 10 in the proposed subdivision of Lot 1 DP 181537. This lot adjoins Lot 11 which is also to be developed and will ultimately service a car sales outlet. Due to the unknown staging of the two developments on proposed Lots 10 and 11, and the requirement for a right-of-carriageway over Lot 11 for the benefit of Lot 10 (under Section 88K of the Conveyancing Act), the road related conditions for the ultimate development of both sites must be placed on any Development Application for the development of either lot. The engineering issues to be considered in the Development Application can be summarised as follows:

- Traffic management issues;
- Road construction issues;
- Parking requirements;
- Pedestrian and cyclist access requirements;
- Stormwater drainage;
- Stormwater management.

Each of these broad areas will be dealt with in detail separately.

1. Traffic Management Issues

The trip generation figures have been submitted by the proponent's consultant and in general can be adequately serviced by the existing road infrastructure. The only exception to this is the physical condition of Three Chain Road between the proposed entry/exit point to the proposed Lot 11 and the roundabout on the Bruxner Highway. Further traffic management capital works must also be undertaken to ensure the safety and free flow of vehicles entering and exiting the site.

The trips generated by private vehicles have been assessed as being 186 trips per weekday and 494 trips per weekend morning. The trips generated by commercial vehicles are estimated to be 32 trips per day. Perusal of the proponent's submission indicates that these estimates appear to be reasonable.

As the Bruxner Highway is a State Highway, any major traffic management changes along its corridor must be considered by the Regional Traffic Committee. This Committee met on Thursday, June 8, 2000, and considered the proposed development, which was listed as Item B on its agenda.

The resolution of the meeting in dealing with the development was as follows:

1. *The left turn deceleration lane for entry to the site from the Bruxner Highway will need to be of a sufficient length to accommodate prevailing highway speeds.*
2. *The left turn exit onto the Bruxner Highway should not be provided. This exit is likely to promote U-turn movements on the Bruxner Highway by vehicles wishing to return to Lismore.*
3. *The centre median on the Bruxner Highway should be deleted. The nose of the left turn island could be extended north along the acceleration lane to prevent highway right turns into the site.*
4. *The left turn island for highway access to the site will require lighting for night time delineation.*
5. *The left turn from the highway will impact on the cycleway at this location. The cycleway will need to be accommodated in works for the deceleration lane.*
6. *The design for the carparking area does not identify pedestrian pathways.*

Each of the issues raised by the Regional Traffic Committee have been included within the proposed consent conditions of the Development Application.

Council's general specification for the construction of road and drainage works sets the minimum width for an access road in an industrial or commercial area as 10 metres. This is the width which will be conditioned on the reconstruction of Three Chain Road, and which may present some difficulties in the transition to the current roundabout at the Bruxner Highway which has approach tapers of 6.5 metres. A proposal will need to be submitted to redesign the tapers of the roundabout to align with the reconstructed width of Three Chain Road. Further, particular care will need to be taken to ensure that 25 metre semi-trailers can negotiate the turn into and out of Three Chain Road from the Bruxner Highway.

1.1 *Heavy Vehicle Turning Paths within the Development*

When the initial plans were submitted to Council, heavy vehicle turning paths were checked with standard AUSTROADS templates and were found to be inadequate for the maximum size of vehicles to be used to deliver products to the development. This was identified to the proponent's consultants and a new set of plans with amended internal road layout was submitted. The new plans were found to be satisfactory for the movement of heavy vehicles through the site.

Heavy vehicles will not be permitted to enter the site from the Bruxner Highway entrance. Heavy vehicles will only be permitted entry and exit to the site from the Three Chain Road entry, via the constructed right-of-way through the proposed Lot 11.

1.2 Private Domestic Vehicles

Private domestic vehicles will be able to access the development site from either the Bruxner Highway left turn entry or from the Three Chain Road entry/exit and the right-of-way. Private domestic vehicles will only be able to exit the site from the Three Chain Road entry/exit, as no vehicles will be permitted to exit the site from the Bruxner Highway left turn entry. The circulation of private domestic vehicles throughout the carparking area is adequate, but there is some concern with the lack of defined pedestrian access corridors.

2. Road Construction Issues

The construction of the internal access road through the right-of-way will need to be to a standard to accommodate the largest commercial vehicle to be used during the operation of the development. Further, it will need to be of a width to allow the safe passage of private domestic vehicles and large commercial vehicles, and will need to be constructed whether or not the adjoining development on the proposed Lot 11 goes ahead. Three Chain Road from the point of access to the road within the right-of-way and the roundabout on the Bruxner Highway, will need to be upgraded to a width of 10 metres between kerb invert in accordance with Council's specifications. Three Chain Road will be required to have kerb and channel constructed on both sides, but this condition will not be continued along the internal right-of-way to the boundary of Lot 10.

The standards required for the construction of the roads provided for in the conditions attached to this DA and the depths given within the conditions, will be subject to soil testing and the CBR (California Bearing Ratio) of the underlying subgrade material. The parking area and circulation roads for the private domestic vehicles will be constructed to a marginally lower standard than Three Chain Road or the internal access road within the right-of-way, due to the lower axle loads of light private vehicles. All seal surfaces will be treated in asphalt, which is necessary due to the screwing action of the tyres on the surface wearing course.

3. Parking

The layout for parking as proposed is suitable for the scale of the development, and is in excess of Lismore City Council's "*DCP No. 18 for Offstreet Carparking Requirements*". The only concern with the design of the parking areas, is that no pedestrian access has been provided.

4. Pedestrian and Cyclist Requirements

The construction of the left hand turn entrance into the development site from the Bruxner Highway will cut across the existing bicycle path which is located parallel to the property boundary on the Bruxner Highway. This will require the proposed left hand turn traffic island to be provided with a safe path through for the use of pedestrians and cyclists. This may mean a break in the island, delineation of the crossing area and appropriate signage. These details have not been provided with the information submitted in support of the DA and conditions have been proposed within the consent document to deal with these shortcomings.

Pedestrian access through the domestic vehicle car park does not appear to have been considered at all. What is proposed is a vast car park area sealed and line marked and with nominal landscaping within small islands. No provision has been allowed for the safe movement of pedestrians through the car park to the commercial development. The proponent should submit an amended car parking plan which details defined pedestrian pathways in accordance with the consent conditions proposed.

5. Stormwater Drainage

The main stormwater drain consists of an underground pipe drain situated in an easement along the northern boundary of the development site which should have been placed as part of the development application for the filling of the site. This drain must have the capacity to drain the external flows from the Bruxner Highway and all the development flows which are proposed to be connected into it. Preliminary design plans have been submitted with the DA which in the absence of engineering calculations appear to be adequate. These plans indicate that the entire development site drainage will discharge to this main drain.

An open drain is proposed along the southern boundary of the development site and has been designed as a cast in situ inverted box concrete drain. The preferred treatment of this drain is to construct a grassed open swale with strategically placed indigenous vegetation. This would perform the combined function of a landscape barrier and a natural stormwater filter. The drain as constructed diverts flow emanating from the Bruxner Highway and an intermittent stream which passes through property to the south of the development site.

It is believed that the proponents would prefer the concrete lined open drain due to space restrictions on the development site.

6. Stormwater Management

The management of stormwater as it out falls the constructed drainage system has not been adequately addressed in the DA submission. Whilst the statement of environmental effects for the previous DA for the filling of the site adequately dealt with stormwater management, this does not appear to have flowed through to the current DA. Issues which need to be addressed include the following:

- Method for separating oils, greases and silts which enter the drainage system from the car park areas.
- Details of the proposed outfall structures and methods by which water will be transported to the filter zone of the retention basin.
- A management and maintenance plan for the operation of interceptor pits and the retention basin.

These issues have been included in proposed consent conditions of the DA and will need to be satisfied prior to the issue of a construction certificate for the proposed development.

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

The site has been specifically set up and subdivided for the proposed purpose. The proposed use has been known for some time, and, given the size of the building, would need land of commensurate size to accommodate it. Being located immediately adjacent to the existing industrial estate, and with good access off the main road, the site is ideally and strategically located.

Internal contribution by way of earthfilling is required, in order to raise the proposed building above flood level.

There is no record of other natural hazards such as landslip, instability, etc. Bushfire risk is low.

Drainage from the site is to the east, across the residue (ie as subdivided) land from Lot 1 DP 181537, via a sedimentation basin (previously approved, DA00/117).

Electricity, telephone, water and sewer are all available to the property.

In summary, the site is considered suitable for the development, subject to recommended conditions of consent.

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

There were no submissions received following notification of the proposal.

The development was referred to the Regional Traffic Committee under the requirements of SEPP 11. The Authority has no objection to the development, but has requested six conditions or alterations to be made, including denial of left-turn out on to Bruxner Highway, and deletion of the centre median on the Highway opposite the ingress point.

Comment on the RTA's Traffic Committee are included with the Engineer's comments, and recommended conditions.

79C(1)(e) The Public Interest

The public interest will be well served by the provision of a 'one-stop' total hardware/homewares/nursery development. It is considered that the development, appropriately conditioned, constructed and operated, will be conducive to the public interest.

Signage

Signage for the site is restricted to the building itself, to be painted in corporate colours, mainly white with maroon banding, plus "Hardware House" and "Nursery", a total of 6 wall signs. There is no free standing sign on the Highway frontage proposed.

The other structures which will impose are the three "corporate" white painted stayed masts at the front entrance, the highest at 30 metres, the other two at 27 metres (from ground level). It appears that the masts serve no purpose other than act as a corporate identity. The highest is somewhat softened by the height (13 metres) and bulk (100 metres long) of the building itself, so is somewhat commensurate.

The height of the masts do no impinge into aircraft operations in relation to the nearby Lismore Airport.

Section 94 Charging

For the purposes of Section 94 calculations, the following floor areas have been adopted:

<u>Indoor</u>	Retail Floor Space	4,397 sq.m
	Indoor Nursery	920
	Showroom	210
<u>Outdoor</u>	Outdoor Nursery	1,050
	Building/Materials yard	<u>2,954</u>
		9,531 sq.m

At \$16 per sq.m of GFA, S94 contribution at 'Commercial' rates would therefore be (\$16 x 9,531) = \$152,496

At 'Industrial' rate, S94 contribution would be (\$2 x site area)

$$= (\$2 \times 20,620) = \underline{\$41,240}.$$

Commercial -v- Industrial

There is some argument here as to whether it should be the Commercial rate or the Industrial rate which should apply. The applicant has specifically referred to and requested that the development be considered as industrial in nature, stating:

“The overall economic viability of this type of developments are finely tuned to reflect movement in construction costs. The net return per m2 gross floor area is not equivalent to that achieved for commercial retail development, eg shops, supermarkets, offices and the like,”
and also makes the following points:

- *The development utilises large building floor areas and space to accommodate a warehouse function involving the storage of bulky items often necessitating use of fork lifts, trolleys and the like.*
- *The land is not located in the Lismore CBD which is nominated as the contribution area in cl. 2.6 of the Section 94 of the Section 94 Plan – Part D Transport.*
- *The development is for a bulky goods (public access) warehouse and not for commercial development (shops, offices etc).*
- *Whilst the land is zoned 3(f) – Business (Flood Liable) lands in the immediate locality to the north and west are zoned 4 – Industrial. Bulky good warehouses are permissible developments in the industrial zone.*

The Hardwarehouse, as a “Bulky Goods Store”, is something of a hybrid. Whilst there is certainly retail floor space, the very nature, size and servicing of the overall enterprise and the heavy building materials it also handles almost ensures that it be located out of the CBD, and most suitably, in an Industrial zone.

The existing BBC warehouse is in the South Lismore Industrial zone. The fact that the land is zoned Business 3(f) is not a reflection on the charging, and at the time of rezoning the 3(f) was determined as a result of the proposed use, car yard and motor showroom. In hindsight, the zoning would have been better suited as Industrial 4(a).

Further, DCP 26 (Industrial Development Standards) clearly includes controls for ‘Bulky Goods Stores’, which further reinforces such uses as being more industrially orientated than commercially. Additionally, the adopted S94 plan (under the Contributions Rate) clearly states Commercial Rate for the CBD. The proposed development site is not within the CBD.

With this in mind, the Section 94 charge for Industrial applications (at \$2/m² of site area) has been recommended for the Arterial Road Contributions, rather than the Commercial rate of \$16/m² gross floor area.

Conclusion

The application has been assessed under the requirements of the Environmental Planning and Assessment Act, with relevant considerations as outlined in this report. The development constitutes a major commercial/industrial project, and will provide both an impetus to the southern gateway to Lismore, and create continued growth and employment.

Accordingly, and having regard to the relevant provisions of the Environmental Planning and Assessment Act, it is recommended that the application be approved.

RECOMMENDATION (PLA25)

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

PLANNING

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

and be substantially in accordance with the stamped approved plan(s) under Project No. 864 (Drawing No's 121 and 123 – 137 inclusive, Amend B dated 6/4/2000; and Drawing No. 122 Amend D dated 10/5/2000); Drawing 12055-D-001 and 002 Revision 1 dated 7/4/2000; and Drawing L0084/01 dated 13/4/2000 and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

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

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

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

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

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

Reason: *To remove an impediment to the development.*

BUILDING

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

- (a) Carry out water supply work.
- 5 The following building works are to be certified by Council or by an Accredited Certifier in the form of a Compliance Certificate.
-

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

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

Reason: *To assess compliance with this approval.*

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

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

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

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

Reason: *Required by Clause 78H of the Environmental Planning and Assessment Regulation.*

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

Reason: *Required by Clause 78G of the Environmental Planning and Assessment Regulation.*

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

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

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

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

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

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

WATER

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

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

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

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

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

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

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

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

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

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

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

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

in respect of the provision of such services or construction of any infrastructure or any other thing.

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

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

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

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

DRAINAGE

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

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

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

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

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

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

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

- all drainage lines have been located within the respective easements, and
 - road works are in accordance with the approved design plan,
-

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

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

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

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

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

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

Reason: *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land, and that the existing infrastructure is able to accommodate the additional development storm water flows. (EPA Act Sec 79C(b))*

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

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

EARTHWORKS

- 23 Prior to release of the Construction Certificate, certification from a practising qualified engineer experienced in soil mechanics is required verifying:

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

- adequate drainage has been provided.

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

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

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

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

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

ROADS

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

Three Chain Road

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

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

Three Chain Road-Bruxner Highway Intersection

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

Internal Access Road

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

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

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

Bruxner Highway Access

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

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

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

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

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

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

VEHICULAR ACCESS

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

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

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

The resulting pavement shall be constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).

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

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

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

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

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

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

- Painted direction arrows within the car parks and on the internal access roads
- "No Trucks beyond this point" sign near the north east corner of the building to restrict the entry of trucks into the domestic vehicle access road and car park
- "No Right turn" sign at the Bruxner Highway entry/exit
- "No Trucks to enter" sign at the Bruxner Highway entry
- "Give Way" sign at both the Bruxner Highway exit and the intersection of the truck entry road and the exit road for vehicles leaving the site.
- "Cyclists Dismount" signs on the north and south approaches of the existing bicycle path at the Bruxner Highway entrance.

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

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

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

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

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

PEDESTRIAN ACCESS

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

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

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

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

PUBLIC UTILITIES

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

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

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

Reason: *To ensure compliance with aviation requirements.*

ENVIRONMENTAL HEALTH

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

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

- 38 The fit out and construction of the refreshment area is to be in accordance with Council's "Food Premises Code". The details are to be submitted to Council for approval prior to the release of the Construction Certificate.

Reason: *To provide adequate food safety in accordance with Council's Food Premises Code.*

- 39 The soil and water management plan is to be submitted and approved by Council prior to the release of the construction certificate.

The Soil and Water Management Plan must include and address the following issues:

- Adequate erosion and sedimentation control works;
 - Stabilisation and revegetation works;
 - Spillway management;
 - Quality of water in the sedimentation basin and the quality of water to be achieved prior to discharge to the Wilson's River. The quality of the water to be no less that that of the receival waters;
-

- The staging of all works and the continual monitoring and management of the development during the construction and post construction stages;
- Routine assessment of performance of erosion and sediment control works, both on a regular basis and following rain events;
- Attention should be given to the design of the outlet of the sedimentation basin so as to ensure that there is adequate long-term protection against erosion and/or slumping of the riverbank at the point of entry into Wilsons River. Provision should be made for ongoing maintenance of this outlet in the long term, to ensure that it doesn't develop erosion problems in the years following completion of works.

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

- 40 Full details of the collection, treatment and recycle of water for the indoor nursery and outdoor nursery are to be submitted and approved by Council prior to the release of the Construction Certificate. Design is to be in accordance with "Nursery Industry Water Management, Best Practice Guidelines", 1997, prepared by the Nursery Industry Association of Australia.

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

- 41 Details of the stormwater pre-treatment devices to control sediments, oils and grease and gross pollutants from the development are to be submitted to Council for approval prior to the release of the Construction Certificate.

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

- 42 Any stormwater, which has the potential to transport pollutants, shall be treated on site prior to entry into the reticulated stormwater system and the sedimentation basin.

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

- 43 Full engineering details, including plans and specifications, performance standards, maintenance requirements etc and proposed location of the stormwater pre-treatment devices must be submitted to Council for approval prior to release of the Construction Certificate.

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

- 44 Design details of the stormwater outfall from the Northern and Southern boundaries to the sedimentation basin are to be submitted to Council for approval prior to the release of the Construction Certificate. The design is to complement the existing natural environment and measures are to improve the quality of stormwater prior to entry to the sedimentation basin.

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

- 45 Prior to the release of the Construction Certificate, an application to discharge trade waste, including a plan that contains all details of the proposed trade waste installation, shall be submitted to Lismore City Council. Designs are to be in accordance with Australian Standard 3500, the NSW Code of Practice - Plumbing and Drainage and the DLWC guidelines for the On-site Pre-treatment of Trade Waste Discharges to Sewer.

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

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

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

- 47 Prior to release of the Occupation Certificate an approval to discharge Trade Waste under Part 3 of the Local Government (Approvals) Regulations 1999 is to be obtained from the Water and Wastewater Section.

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

- 48 All bulk material which is to be stockpiled on site must be contained within a bunded area to prevent contamination of stormwater runoff.

CARPARKING

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

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

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

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

LANDSCAPING

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

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

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

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

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

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

FLOODING

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

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

AMENITY

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

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

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

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

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

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

- a) be harmful to,
- b) be offensive to,
- c) interfere unreasonably with the comfort or repose of,

a person who is:

- (i) if the offensive noise is made in premises that are not a public place - outside those premises,

or

- (ii) if the offensive noise is made in premises that are a public place - within or outside those premises.

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

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

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

- 58 Operating hours shall be:

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

(NB. The hours of work for any noise generating activity within the proposed site are to be limited to the following hours

- Monday – Friday 7.00am to 6.00pm
- Saturdays 8.00am to 1.00pm

with no work generating activities to take place on Sundays or Public Holidays).

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

SECTION 94 LEVIES

59 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore City Council S94 Contributions Plan 1994 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the Construction Certificate is granted. The rates and amounts applying at the date of this notice, totalling **\$46,730**, are set out in the schedule for your information. Where the total contribution payable exceeds \$20, 000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the Construction Certificate is granted.

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

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

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

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

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

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

ADVISORY NOTES

NOTE 1: Water and/or Sewerage Headworks levies payable under the Water Supply Authorities Act 1987 totalling **\$9,609** will need to be paid to Council prior to Council issuing a Construction Certificate under s.26 of the Water Supply Authorities Act 1987.

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

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

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

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

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

NOTE 3: Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment act, 1979, are to be complied with:

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

NOTE 4: The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue any relevant documentary evidence or certificates.

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

DATE FROM WHICH CONSENT OPERATES

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

Development Application No. 2000/263

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

COMPLIANCE

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

REVIEW OF DETERMINATION

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

RIGHT OF APPEAL

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

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

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

LAPSING OF CONSENT

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

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

EXTENSION OF CONSENT

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

NOTICE TO COMPLETE

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

LISMORE CITY COUNCIL - Meeting held June 27, 2000

Development Application No. 2000/263

LISMORE CITY COUNCIL

DEVELOPMENT CONSENT NO: 2000/263

ADDRESS: 2 Bruxner Highway, South 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. 60, 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.

Levy Area	Account No.	No. of ET's	Cost Per ET	Amount Payable
Open Space				
Street Trees				
Urban Catchment (West)	1643-21	58.4	77	\$4,497
Urban Roads				
Arterial Roads				
Industrial Development	1655-7	20,620	\$2 per m ² (site area)	\$41,240
SES				
All areas	1695-1	58.4	17	\$993
Total				\$46,730

ET'S CORRECT - PLANNING 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:

COUNCIL USE ONLY

Cashier to Note:

LISMORE CITY COUNCIL - Meeting held June 27, 2000

Development Application No. 2000/263

This section must be completed by the Manager-Financial Services, the Expenditure Accountant or the Financial Accountant prior to receipt.

I hereby certify that the fees payable have been checked to ensure that;

- a) the number of ET's is in accordance with the development application;
- b) the cost per ET is in accordance with the relevant Lismore Contributions Plan and/or Section 64 Plan applicable, as at the date of development application approval;
- c) the Consumer Price Index has been applied to the schedule of Section 94 fees and the Building Price Index to Section 64 fees, where the period between the date of consent and the date of payment is in excess of twelve (12) months.

.....
FINANCIAL SERVICES OFFICER

...../...../.....
DATE

LISMORE CITY COUNCIL - Meeting held June 27, 2000

Development Application No. 2000/263

LISMORE CITY COUNCIL

DEVELOPMENT CONSENT NO: 2000/263

ADDRESS: 2 Bruxner Highway, South Lismore

To be read in conjunction with advice of development consent.

The levies imposed by Note No. 1 are identified in this Schedule.

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

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

Levy Area	Account No.	No. of ET's	Cost Per ET	Amount Payable
<hr/> <p>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.</p> <hr/>				
Water Headworks				
Urban Reservoir Zone				
Nth/Sth/CBD/Pt East - Central	8175-1	1.5	1873	\$2,809
<hr/>				
Rous County Council				
All areas except Nimbin Per Allotment	9200-2	1.5	1257	\$1,257
<hr/>				
Sewerage Headworks				
South Lismore Treatment Plan	7175-1	1.5	3277	\$4,915
Total				\$9,609

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:

LISMORE CITY COUNCIL - Meeting held June 27, 2000

Subject/File No: BROADWATER BRIDGE
(CEM:VLC:S134,D980014)

Prepared By: Group Manager – City Works

Reason: Over-expenditure request from Richmond Valley Council.

Objective: To seek Council's determination.

Management Plan Activity: Bridges

Background:

The concept of constructing a bridge over the Richmond River at Broadwater has been actively pursued by the Broadwater Mill and the former Richmond River Shire Council since around 1988. Following a number of reports and considerable discussion, approaches were made direct to the Labor Party which held power at the time.

This resulted in a joint proposal to fund the bridge –

Funding Source	Amount (\$)	
Federal Government	1,400,000	
State Government		Responsible for Reconditioned Lift Span
Cane Industry	500,000	
Richmond River Shire Council	250,000	
Lismore City Council	250,000	
Total:	\$2,400,000	Cash

At the time, Lismore City Council was expending approximately \$25,000 per annum towards the maintenance of the ferry which was nearing the end of its life. The logic of paying a 'one off' contribution of \$250,000 appeared preferable to maintaining the ferry indefinitely.

Council, at its meeting of August 5, 1997, resolved to install the bridge, as follows –

1. That Lismore City Council agree to the construction of the Broadwater Bridge with a maximum cost contribution of \$250,000.
2. That the contribution of \$250,000 be funded from loan borrowings with repayments being funded from the savings made by eliminating the ferry service.
3. That Lismore City Council continue to campaign (*with the assistance of the Richmond River Shire Council and Broadwater Sugar Mill*) for funding to reconstruct the approach roads at an anticipated cost of \$2.0 Million.
4. That if no road funding is forthcoming prior to the bridge being built, when it is opened, Lismore City Council erect signs warning of the Broadwater Mill over the narrow section from the proposed bridge to where the road widens out.
5. That Lismore City Council investigate other means of funding the increased road network liability including a toll."

From the initial proposal of a bridge, Lismore City Council has been deeply concerned with the effect a bridge would have on the low standard roads in the area, particularly the traffic that would be generated on roads leading to Wyrallah Road (*former MR147*).

Broadwater Bridge

Request for Additional Funds

Richmond Valley Council has now made a formal request for an additional payment of \$76,500 towards the cost of constructing the bridge.

In summary, Richmond Valley Council has provided the following reasons for the over-expenditure -

1. Major delays in receiving approvals to commence the project.
2. Original concept based on a 1991 project estimate.
3. Delays for final approval to commence construction of the sub-structure was during an extraordinary wet weather period in which water levels were raised.
4. An extensive attack of the temporary timber false-work on the Broadwater side from teredo required rebuilding of the false-work.

Lismore City Council's agreement to the Broadwater Bridge project and a previous Boundary Works Agreement (1987), have been cited by Richmond Valley Council as documentation that obligates Lismore City Council to 50% of the over-expenditure.

In terms of the existing Boundary Works Agreement documentation, this relates specifically to the *ferry punt over the Richmond River at Broadwater* and extrapolation to encompass the new bridge is not valid.

In respect to Lismore City Council's resolution of August 5, 1997 and subsequent advice to the then Richmond River Shire Council, it is reasonably clear that this Council has no legal obligation to provide additional contributions to the project.

At present, all cane trucks originating from Lismore City Council's area utilise the Pacific Highway. However, in August 2000 when the bridge opens, it is anticipated that traffic flows will relocate to the Lismore Local Roads Network. Council believes that the existing local roads will rapidly fail under this high traffic loading. This will require the complete reconstruction of Broadwater Road at a cost in excess of \$2.0 Million. In the short-term, upgrading of 1.7Km of Broadwater Road will be required at a cost of \$540,000. Clearly the new bridge will be an advantage to some. However, the cost to this Council is going to be substantial.

Other Issues Requiring Attention

Richmond Valley Council has recently advised that the ferry's fate will need to be determined and one of the suggestions is 'Sale by Tender' which could generate funds for the project.

The project has incurred a 6% over-expenditure on a 1991 estimate which is a credit to the Richmond River Shire Council project management engineering staff. In addition, Richmond River Shire has been forthcoming (*in conjunction with Lismore City Council*), in its support for lobbying for additional funding for the Lismore Local Roads Network.

Long-term maintenance of the bridge will need to be addressed as the current boundary works have lapsed and the new bridge will come on line in August 2000. The previous Boundary Works Agreement of equal ongoing shared maintenance contributions towards the ferry has worked well. However, the minimum level where notification would be required should be raised from \$1,000 to \$5,000.

LISMORE CITY COUNCIL - Meeting held June 27, 2000

Broadwater Bridge

Manager - Finance & Administration Comments

The issue is whether or not Council has an obligation to meet a one-half share of the additional construction costs associated with the Broadwater Bridge. The total requested is \$76,500. To complicate this issue, there are no specific funds available to meet the increased contribution.

From Council's perspective, the maximum contribution of \$250,000 was set in 1997 and this was clearly conveyed to Richmond Valley Council (*formerly Richmond River Shire Council*). The issue of a cost over-run and subsequent contribution rates appears not to have been discussed.

I am uncertain if all other contributors to the project have been requested to increase their contribution. If not, this should be pursued by Richmond Valley Council.

Currently, this Council provides a 50% contribution towards the net operating costs of the Broadwater Ferry. It would appear that there will be a saving of approximately \$10,000 in our contribution to this service for 1999/2000. If needed, this amount could be applied to the Broadwater Bridge. Any funds beyond this would need to be re-allocated from proposed Works Budgets in 2000/2001.

Public Consultations Not required

Other Group Comments N/A

Conclusion

Lismore City Council has been a reluctant participant in the project as the successful completion of the bridge will impact adversely on the Local Roads System and will require this Council to carry out substantial reconstruction of the adjoining road systems at substantial long-term costs to Lismore City Council's ratepayers.

Council has now been asked by Richmond Valley Council to extend its contribution from the previous \$250,000 to approximately \$327,000.

Recommendation (WOR19)

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

Subject/File No: LISMORE RIVERBANK STRATEGY
(PO:S640)

Prepared By: Peter O'Connor – MANAGER ECONOMIC DEVELOPMENT UNIT

Reason: Respond to Council Resolution 397/99

Objective: To Advance the Riverbank Project

Management Plan Activity: Economic Development

Background:

The meeting of December 14, 1999 of Council resolved (397/99) that following the public exhibition of the Lismore Wilsons River Project Strategic Plan a report be presented to Council incorporating submissions received. The plan came off exhibition at the end of February and attracted a total of eleven comments.

Submissions:

The Rainforest Information Centre submitted a five point statement in which they commented that they had never been contacted regarding any aspect of the project and that also the Wilson River Landcare Group also had not been contacted.

The Rainforest Information Centre was subsequently advised by letter, under my signature, that a significant number of environmentalists had taken part in the public consultation processes including members of the Wilsons River Landcare Group and the Summerland Greens.

Beyond comments about the process, the Rainforest Information Centre registered its opposition to tracks, trails or lighting in any part of Pritchard Park and argued for increased plantings along the whole of the river bank as the preferred form of development.

Binnie O'Dwyer and Ruth Rosenhek, co-ordinators for Friends of the Earth Northern Rivers (FoENR), took a very similar position to that of the Rainforest Information Centre as outlined above. In addition, they opposed construction of a car park near the Winsome Hotel which, in their opinion, would detract from the Wilson River Landcare Group's work in Pritchard Park.

Vanessa Ekins wrote in her capacity as a member of the Wilson River Landcare Group. Ms Ekins argued for some of the Centenary of Federation grant to be allocated for the planting of native species, for the Ngulingah Aboriginal Land Council to be consulted, for no car park in the vicinity of the Winsome Hotel and for Pritchard Park to be primarily a rainforest/botanical garden.

In other comments Ms Ekins suggested a curving pathway in a different part of the park, constructed out of sand and gravel and illuminated by low wattage, low set lighting.

For the area designated "The Ropes", Ms Ekins recommended further consultation with Ngulingah Aboriginal Land Council, sand and gravel pathways, native grasses and no built structures.

For the Riverside Picnic Area, Ms Ekins recommended preservation of existing vegetation, greater use of native grasses and further planting of native species along the riverbank.

Report – Lismore Riverbank Strategy

The Hon. Janelle Saffin, MLC offered her general support and help for the project. Ms Saffin particularly supported the work already done by the Wilson River Landcare Group and endorsed their continuing involvement.

Mr Steve Bolt, wrote in his capacity as spokesperson for the North Lismore Progress Association. Mr Bolt supported Council's initiative to improve the riverbank and argued for greater funding, tree planting and weed clearing. He also encouraged the involvement of Council staff directly in these processes.

Mr Bolt opposed a car park near the Winsome Hotel, suggesting instead that the existing carpark outside the skate rink would be adequate. Mr Bolt also opposed any development within Pritchard Park which would interfere with the regeneration process and concluded that any built structures would have to be deferred for a significantly long time in order not to compromise such regeneration.

Finally, Mr Bolt recorded his association's opposition to the flood levee on the basis that it would result in higher flood levels in North Lismore.

The Wilsons River Landcare Group Inc. submitted a two-page document introducing an eleven-page draft plan of management. Their proposals were generally in line with those of Ms Ekins, as outlined above. The draft plan of management sighted four authors, three of whom have Bachelor degrees in Applied Science. The thrust of the draft plan of management is to restore Pritchard Park as close as possible to a low land sub-tropical rain forest.

Ms Megan Edwards wrote in her capacity as an individual resident of Lismore. Ms Edwards supported and encouraged re-vitalisation of the riverbank and concurred with the vision of the Wilson River Landcare Group for Pritchard Park.

For the area known as "The Ramp", Ms Edwards acknowledged the suitability of the existing work which had created a safe area for boating and family recreation and argued for adequate controls on jet ski and speed boat use.

For the "Riverside Picnic Area", Ms Edwards supported the existing heritage park/skate park but opposed the levelling of the bank and the construction of the flood levee.

For the area known as "Riviera", Ms Edwards supported the concept of a viewing platform and public outdoor eating areas with extensive use of open grassed spaces. Ms Edwards also argued against attempting a walkway/cycleway for this portion of the development.

For the area known as "Stops", Ms Edwards supported the construction of the viewing platform but felt that it could be better located at the Riviera site. While expressing concerns about the Stops being an open grassed area, Ms Edwards did support the concept of a walkway/cycleway commencing from this point and proceeding north, thereby allowing Pritchard Park to be better utilised. Ms Edwards opposed the construction of a carpark at the Winsome Hotel.

For the area known as "Bundjalung Nature Plantation and Wharf Park", she strongly supported a bush-tucker garden and the restoration of the old railway wharf.

Ms Anne O'Shannessy wrote in her capacity as a resident of Lismore. Ms O'Shannessy supported the walkway/cycleway, the Riviera concept and the re-development of the western bank with a bush-tucker orchard and the restoration of the old railway wharf.

Ms O'Shannessy expressed her hope that the development as a whole would re-ignite interest in the river with a return of boating and rowing regattas of the kind held many years ago.

Report – Lismore Riverbank Strategy

Mr Wayne Garrard wrote in his capacity as Catchment Manager of DLWC and based at Alstonville. Mr Garrard expressed concern that the proposed walkway/cycleway should not contribute to bank scouring during flood time. Mr Garrard also warned against low growing native vegetation being relied upon exclusively to provide protection against erosion.

Accordingly, he stated the need for more substantial stream bank vegetation which would necessitate viewing platforms and other structures being located further back from the riverbank.

All other proposals received Mr Garrard's endorsement on a conceptual basis.

Mr Paul Jones wrote in his capacity as an architect who practices in the Region. Mr Jones strongly argued for the development to ultimately convey a strong urban amenity presence. Accordingly he suggested bold and simple architectural features which provided for promenades, ornamentation, shelters and landscaping, all of which needed to be capable of multi-purpose use.

In this context Mr Jones supported the walkway/cycleway and argued that this should be the first priority of the development on the basis that it would unify the whole of the proposed development area and would set the tone for everything which will follow.

Ms Leigh Davison wrote in her capacity as a lecturer in the School of Resource Management, SCU. Ms Davison expressed concern with only one item, namely the proposed levelling of the riverbank between the RSL Club and the Ballina Street Bridge. While not expressing opposition to this as a concept, Ms Davison urged full consultation with an appropriately qualified specialist, in order to determine the effect of changing the shape of the channel.

In all other regards Ms Davison expressed her delight with the way that things were developing.

The copies of the submissions are attached.

Current Action:

The Riverbank Committee (Brian Henry, Lindsay Walker, Ros Derrett, Andrea Roberts, Alan Hoskins and Peter O'Connor), have met on three occasions since the closing of the exhibition. The Committee has decided to concentrate its activities on the Bundjalung Nature Plantation and Wharf Park and the Riverside Picnic Area as funding opportunities for these developments have demonstrated much greater likelihood of becoming a reality.

The above submissions have also been considered by the committee and their approach has been to defer any action in relation to Pritchard Park or the Riviera.

The focus of the Committee's work is to create draft development application documents for both the Bundjalung Nature Plantation and Wharf Park and the Riverside Picnic Area.

In due course such documentation would be referred back to the existing stake holder groups which have already participated in the public consultation progress for the riverbank re-development. It is anticipated that this will occur in July and August of this year.

Group Manager – Business & Enterprise Comments

The initiative to develop a Riverbank Strategy for Lismore is long overdue and must be applauded. This project was taken on by the Lismore Economic Development Advisory Board as a Direct Action Goal and considerable time and effort has gone into the Strategy's development.

Report – Lismore Riverbank Strategy

The process is founded on effective public consultation. To this end staff sought out, by a combination of direct mail and media support, input from the community to make the strategy development process as inclusive as possible. The initial mail out advising of the strategy and the proposed public meeting was sent to approximately 80 community groups and individuals.

The initial public meeting was well attended by representatives of key community groups, political parties and substantially the general public. The success of this meeting set the tone for the strategy development process as a whole.

Unfortunately not all interested parties were specifically invited or became informed of the meeting by the publicity campaign. These people however have had the opportunity to comment on the draft strategy and their comments are valuable. The important consideration however was the initiative of the LEDAB to develop a strategy rather than a blueprint. Any development in accordance with the strategy will require further consultation as a proposal is developed from concept to reality. The majority of comments raised as part of the consultation process can be appropriately incorporated into this consequent process.

Manager-Finance & Administration Comments

This project is fully supported on the basis that it will enhance one of the natural assets that Lismore has to offer, the Wilsons River. The benefits as such will “flow” to all Lismore residents. As I understand, the next stage in the process is to prepare development applications for certain components of the Plan. It is requested that special consideration by management be given to the financial impact on Council of these development applications prior to their submission.

Other Group Comments

Not required.

Conclusion

The Wilsons River Project Strategic Plan has drawn comment from several sectors of the community with no underlying fundamental opposition to the objectives put forward to Council in December 1999. The ongoing processes of public consultation which are being pursued by the Riverbank Committee will ensure that the views of the community will continue to be obtained as the development proceeds.

Recommendation (ENT24)

1. That the Lismore Wilsons River Project Strategic Plan as placed on public display be endorsed by Council.
2. That the Riverbank Committee be requested to continue to develop DA proposals for the various components within the Strategic Plan in consultation with the Group Manager-Business & Enterprise and the General Manager.
3. That appropriate public consultation be included in the development of any proposals concerning the Strategic Plan.

Subject/File No: WATER SCHEMES – NIMBIN
(S304)

Prepared By: A/Manager, Water and Wastewater Services – Janaka Weeraratne

Reason: To request Council approval for the revised estimate for the Nimbin Water Supply Strategy Study

Objective: Council's approval of the revised estimate

Management Plan Activity: Strategic Link 6.5, 6.4, 2.2

Background:

At its meeting of December 15, 1998, Council resolved as follows:

1. *Council accepts the DLWC's (Department of Land and Water Conservation) offer of 50% of the \$80,000 estimate subsidy for the preconstruction investigation of the Nimbin Water Supply.*
2. *That Council's contribution of the Study of \$40,000 be funded by S64 levies.*
3. *Council engage Department of Public Works and Services (DPWS) to carry out the investigation into options to improve the consistency of water supplied to Nimbin.*

At the Council meeting held on April 4, 2000, Council was presented a report on the treatment options for the Nimbin Water Supply and Council resolved as follows:

1. *Council commences community consultation using the Nimbin Water Supply Augmentation Strategy Report March 2000 prepared by the Department of Public Works and Services as a basis for the consultation process.*
2. *That, following commencement of the consultation process, a consultation committee be formed comprising representatives of the community, two Councillors and staff representatives.*
3. *The consultation committee report back to Council with the preferred option on completion of the consultation process.*
4. *Council seek Government subsidy from the DLWC for the augmentation of the Nimbin Water Supply Scheme.*
5. *Preliminary investigation be carried out on the availability of subterranean water as part of the consultation process.*
6. *Councillors Roberts, Baxter and Hampton be nominated to the Consultative Committee.*

Report

The original estimate for the Nimbin Water Supply Strategy Study was prepared in November 1998. The revised cost of the study has increased from \$80,000 to \$186,000, owing to general cost increases and a broadening of the scope of the review by DLWC. The investigation now requires an increased level of community consultation and the inclusion of additional statutory government requirements. This estimate has been examined and is considered to be reasonable and consistent with similar cost estimates for the Clunes Wastewater Strategy. The detailed breakdown of the additional costs are as given in Attachment A.

The DLWC requires Council concurrence to the revised estimate before it will process Council's funding application.

Manager - Finance & Administration Comments

Our contribution to this Strategy Study is now estimated to be \$93,000 on the basis that a 50% subsidy is available from DLWC. This excludes Council's administration costs. While funding this cost from Nimbin Water - S64 levies is supported, it is unlikely that these funds will be available when required. In this instance, bridging finance from Water Reserves will need to be utilised.

It is with great interest that I look forward to the final report from the Strategy Study and the recommendations. In particular, the costings for the project need to be rigorously prepared so that they relate to a likely final cost. It is only when we receive this information that the real impact on users can be calculated.

Public Consultations

To be undertaken as part of the Strategy Study.

Other Group Comments

Group Manager Business & Enterprise - At the time of reporting to Council, the estimate provided by DPWS was the most current available. Since that time, the scope of works included in these studies has increased substantially and this has directly impacted on the cost, as it did with Clunes.

Without support from DLWC at this stage, there is no prospect of support of any construction phase beyond the strategy. Therefore if Council wishes to address long-term drinking water quality issues at Nimbin, this is a cost which must be borne.

Manager Environmental Health – The following comments were provided within the Report – 'Treatment Options of the Nimbin Water Supply', considered by Council at the Meeting held April 4, 2000.

"The Australian Drinking Water Guidelines 1996 provide the Australian community and water supply industry with guidance on what constitutes good quality drinking water (as distinct from water which is acceptable). They are concerned with the safety of water from a health point of view and with its aesthetic quality. The guidelines are applicable to any water intended for drinking and replace the 1987 NHMRC/AWRC Guidelines for Drinking Water Quality in Australia. The guidelines have been adopted by the NSW Department of Health, who have formally requested water supply authorities to implement appropriate actions to manage drinking water supplies to satisfy the nominated performance standards for system management and performance.

The performance of the Nimbin water supply as monitored through analytical testing procedures has failed to meet the 95th percentile (95% of monitoring results should satisfy the guideline) standard recommended as guidelines were exceeded on more than a rare occasion. These results are attributed to the unfiltered nature of the supply and support the need for the proposed augmentation works."

Conclusion

To enable the further investigation into the Nimbin Water Supply Augmentation, Council's concurrence is requested for the revised estimate of \$186,000.

Recommendations (ENT21)

That:

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

Subject/File No: USE OF CLEAN FILL TO DEVELOP FLOOD PRONE LAND
(PO:P25041)

Prepared By: Peter O'Connor – MANAGER ECONOMIC DEVELOPMENT UNIT

Reason: Response to earlier Council Resolution

Objective: To Weigh up the possibilities regarding the use of clean fill/rubble available within Lismore LGA.

Management Plan Activity: Economic Development/Waste Services

Background:

This matter was passed to the Economic Development Unit in February 2000 to investigate and finalise. The issue has its genesis in Council proceedings in June 1998. As a result of a resolution of Council (191/98), staff were asked to report on the provision of a suitable area where earth spoil and rubble can be deposited to build up low land, or in the case of rubble, crushed for road sub-base or similar uses.

Gordon Fraser-Quick reported at the time that he was investigating hard fill sites and rubble for road bases. His current advice in this regard is included in the comments section of this report.

Volumes:

The Manager Waste Services, Kieran Wade, advises that only 206 tonnes of clean fill/rubble were received at the Wyrallah Road Waste Facility in the 1998/99 financial year. He does not regard this as a significant volume upon which any substantial re-use of the material could be based.

This low volume suggests that the private sector is taking and using greater amounts of this material as it is more commercially advantageous financially than the current disposal cost imposed by Council.

Planning Considerations:

The routine planning rules/processes will apply to any proposed application of clean/fill rubble. These include

- DA preparation and approval;
- Flood plain study where appropriate;
- Control of dust/silting.

These development costs would need to be recovered in some manner so as not to be a burden on council.

Site Supervision:

Some staffing presence at any approved site for the use of clean fill/rubble would seem to be required in order to ensure the quality of dumped fill and also to administer the charging regime applicable to the activity. These costs would also need to be subject to recovery.

Report – Use of Clean Fill to Develop Flood Prone Land

Immediate Opportunity:

In a separate report soon to be presented to Council (Management and Operational Options for Wyrallah Road) Kieran Wade is proposing an application for clean fill/rubble at the Wyrallah site, which would provide cost savings to Council and reduce the current disposal fees. This could well be the best immediate outcome for Council, consistent with the intent of the May 1998 resolution of Council.

Other Group Comments:

Waste Strategy Officer:

From the preliminary investigation undertaken over the past two years it is concluded that, without a more strategic and well planned approach, the use of rubble and hard fill to elevate flood prone land SHOULD NOT BE ENCOURAGED. Rather, hard clean fill should be accepted for landfill cover at Wyrallah Road Waste Facility at either low cost or at no cost until a more sustainable management option is identified.

The User Pays Waste Services Pricing Policy adopted by Council in 1997 and the Integrated Waste Strategy adopted by Council in 1998 both stated that clean fill and rubble should be accepted at the Waste Facility at a subsidised or NIL charge. This provides economic incentive for reuse of these materials. The supply also offsets Council costs associated with winning materials from Council's on-site quarry. The quarry is not required to be licensed, as it is part of the Waste Facility operations. It is a valuable resource and its life should be prolonged.

The hard fill study referred to, as being undertaken in June 1998 remains incomplete due to a lack of staff resources. The issue crosses over many areas in Planning and Development and is of great interest to numerous State agencies.

The investigation conducted by Council's waste minimisation team set out with the aim of:
"To identify possible sites for the deposition of clean fill so as to raise existing land above that of a 1:100 year flood or provide flood proofing from such a flood event".

This aim was developed so as to ensure that the city and community gained greatest possible long-term value out of use of the material as a resource not as a waste.

The objectives of the study were to:

- *Determine what industrial land could be enhanced by filling;*
- *Locate sites for future industrial use that can either be filled or flood proofed by way of levee banks;*
- *Identify transport links that can either be raised or flood proofed by way of levee banks;*
- *To encourage industrial development within the Lismore District*
- *Locate fill sites for the development of flood proofed residential areas;*
- *Divert clean fill away from the Wyrallah Road Waste Facility.*

These objectives were developed with a view to assessing the full range of the environmental, social and economic impact of use of rubble to fill areas, which would ordinarily be inundated in a flood event.

To highlight the difficulty faced by Council in making a decision on this issue without a more detailed and thorough review the following Council documents may need to be amended or will apply if we decide to elevate flood prone land.

Report – Use of Clean Fill to Develop Flood Prone Land

- Lismore Local Environment Plan (1992);
- Development Control Plan No 7. Flood Prone Land;
- Development Control Plan No 26. Industrial Standards;
- Large Industrial Sites In Lismore: Availability Services and Location (Report 1996);
- Lismore Industrial Land Study (Report 1995);
- Lismore Urban Development Strategy;
- Policy and Procedure Manual.

Some of these documents are directly contradictory. On one hand industrial development and land filling are encouraged and on another, the filling of particular flood impacted land parcels is specifically prohibited.

This list is not a comprehensive list when considering the very large range of stakeholders who will have an interest in or potentially or actually be affected by the proposed use of rubble and hard fill on flood affected areas.

The social, environmental and economic cost of inappropriate use of fill will be substantial. The benefits however of appropriate and well planned and soundly conducted fill could be very substantial indeed.

There is a need to undertake a very detailed study on the long-term best method of managing hard fill. Until that study is completed the use of hard fill and rubble to elevate flood prone land should not be encouraged. However, the use of hard fill and rubble as daily cover at the Wyrallah Road Waste Facility should be encouraged.

City Works

Lismore City Council does not have any formal policies in regard to the re-use of rubble or other second hand materials

For efficiency reasons the re-use of fill and topsoil is usually maximised on our projects. The re-use of old pavement materials on shoulders and unsealed roads is also undertaken. Also the stabilisation or overlaying of existing pavements is undertaken in preference to digging up and disposing of existing roads.

The re-use of rubble does not occur at present, as there are no satisfactory means to break down the material to a useful product.

Lismore City Council does not have a standard with which materials would have to comply with.

We would rely on established standards already being used in the industry. i.e. RTA or Sydney Metropolitan Councils.

If rubble processing could be undertaken successfully and economically Council would utilise materials. The supply of rubble and second hand materials is very erratic and currently could not be relied upon.

Lismore City Council roads section does not have the equipment or ability to process rubble or second hand materials. It would be necessary to approach the Quarries (Business and Enterprises) to check their capability in this area.

Report – Use of Clean Fill to Develop Flood Prone Land

The volume of rubble and second hand materials would make the economic viability of processing questionable in Lismore.

Benefits of re-use options include a potentially cheaper source of materials and environmental benefits as the enlargement of existing quarries and opening up of new quarries would not be necessary

Additional hidden costs however could include:

- Assuming centralised processing location;
- Long haul distances, which would increase haulage costs;
- Hauling materials long distances over existing network causes damage to roads.

Group Manager Business & Enterprise

The objective of the Council resolution was twofold. Firstly to provide a reduced cost means of disposing of clean fill and, secondly, the possibility of raising flood prone land in the process. The cost of managing a suitable, approved site on the floodplain may not be any less than the current cost of disposal at the Landfill given the process outlined above. There does, however, appear to be a benefit in obtaining clean fill at the Landfill to use for cover of the working face and this will be addressed in the report to be presented by the Manager Waste Services. Should this outcome be adopted there appears an opportunity to meet the first objective of the resolution, if not the second.

Conclusion

The expansion of Council's activities into either direct flood prone land reclamation via clean fill or recycling fill for road base will generate significant costs that must be recovered and/or be offset by an appropriate cost benefit analysis. Floodplain management must be undertaken on a wholistic basis and any further fill must be subject to appropriate scrutiny. The opportunity to use this material at Wyrallah Road Landfill presents an opportunity and this will be addressed in the upcoming report by the Manager Waste Services.

Recommendations (ENT23)

1. That Council await the foreshadowed proposal for the use of clean fill/rubble being advanced by the Manager of Waste Services, Kieran Wade.
2. That no further action on re-use of any clean fill/rubble be taken pending consideration of (1) above.

Subject/File No: PROVISION FOR ELECTRICAL SUPPLY – NINE CONTESTABLE SITES T20020

Prepared By: CONTRACTS OFFICER, CHRIS ALLISON (CA:T20020)

Reason: To inform Council of tenders received for electrical supply.

Objective: Council approval of selected Contractor

Management Plan Activity: Client Services / General Manager

Background:

With the deregulation of the energy market, Council is in a position to tender for the supply of electricity for contestable sites. Currently, sites which consume 100,000 kwh per annum are eligible to be tendered as contestable sites. The current contract was negotiated three years ago directly with NorthPower, the rates negotiated with NorthPower at the beginning of the current contract were extremely favourable to Council and it was expected that the new rates tendered by all providers would be substantially higher than the current contract rates. The following sites are eligible market sites and currently under contract.

- Council Chambers & Office
- Memorial Baths
- Blakebrook Quarry
- Ross Street Pumping Station
- Dawson St Pumping Station
- East Lismore Sewerage Treatment works
- South Lismore Sewerage Works
- Lismore Lake pool
- Bounty Street Pumping Station

Of the total electrical supply, only 28% of the total charges are variable by the electricity provider, the other 72% of charges are fixed by the relevant government authority.

Tenders were recently advertised, with six providers requesting the tender documents. Tenders were received from four providers, with a submission also being received from the current state government contractor.

Tenders with relevant contestable rates were received from the following providers (rates are \$ per KWHR):

	Year 1			Year 2		
	Peak Rate	Shoulder Rate	Off-Peak Rate	Peak Rate	Shoulder Rate	Off-Peak Rate
NorthPower	3.540	3.727	2.220	3.826	3.987	2.298
Origin Energy	3.6500	3.6400	2.2500	3.8400	3.9200	2.4300
CitiPower	3.6600	3.6600	2.2890	4.1840	4.1840	2.3670
ACTEW Energy	3.8809	3.8809	2.3400	4.0869	4.0869	2.4052

LISMORE CITY COUNCIL – June 27, 2000

Provision for Electrical Supply – Nine Contestable Sites T20020

The following submission was received from the provider selected as the electricity retailer by the State Government Contracts Control Board, which Lismore City Council can utilise.

	Year 1			Year 2		
Energy Australia						
Conventional Energy	3.1870	3.2760	2.2020	3.4080	3.5140	2.2430
Hydro Power	3.2430	3.3330	2.2410	3.4680	3.5750	2.2820
Seda Green Power	4.4960	4.4960	4.4960	4.6520	4.6520	4.6520

As part of this agreement, the State Government has a requirement that each user of this contract is required to use at least 6% "Green Power".

The following provides details of the total contestable portion of the contract for the nine sites based on current usage figures.

Total Annual Usage All Sites kWh 453405 1252629 1253778

	Year 1			Year 2			2 Year Total
	Peak Rate	Shoulder Rate	Off-Peak Rate	Peak Rate	Shoulder Rate	Off-Peak Rate	
NorthPower	3.540	3.727	2.220	3.826	3.987	2.298	
	16050.54	46685.48	27833.87	17347.28	49942.32	28811.82	\$186,671.30
Origin Energy	3.6500	3.6400	2.2500	3.8400	3.9200	2.4300	
	16549.28	45595.70	28210.01	17410.75	49103.06	30466.81	\$187,335.60
Citipower	3.6600	3.6600	2.2890	4.1840	4.1840	2.3670	
	16594.623	45846.221	28698.978	18970.47	52410.00	29676.93	\$192,197.21
ACTEW Energy	3.8809	3.8809	2.3400	4.0869	4.0869	2.4052	
	17596.19	48613.28	29338.41	18530.21	51193.69	30155.87	\$195,427.65
Energy Australia							
Conventional Energy	3.1870	3.2760	2.2020	3.4080	3.5140	2.2430	
	14450.02	41036.13	27608.19	15452.04	44017.38	28122.24	\$170,686.00
Hydro Power	3.2430	3.3330	2.2410	3.4680	3.5750	2.2820	
	14703.92	41750.12	28097.16	15724.09	44781.49	28611.21	\$173,668.00
Seda Green Power	4.4960	4.4960	4.4960	4.6520	4.6520	4.6520	
	20385.09	56318.20	56369.86	21092.40	58272.30	58325.75	\$270,763.60
Cost 94% Conventional & 6% "Green Power"	14806.122	41953.050	29333.892	15790.464	44872.678	29934.451	\$176,690.66

The pricing under the State Government Contract is less than the rates provided by the four providers who tendered. When the requirement to include the 6% Green Power is factored into the rates, Council is still favoured by using the government contract.

LISMORE CITY COUNCIL – June 27, 2000

Provision for Electrical Supply – Nine Contestable Sites T20020

The Appendix A provides costings for the first year of the contract for the Administration Offices when all components are factored into the electricity charges. Based on current usage rates, electricity charges for the Administration offices are expected to increase from \$47,187.00 to \$56,303.00 for the next financial year.

In addition to the normal contestable sites, it was originally proposed that street lighting be made contestable from February 1, 1997, however the Independent Pricing and Regulatory Tribunal of NSW (IPART) are still working to have street lighting included a “contestable site”. Council staff have continued to monitor the situation but until the legislation is revised, Council has no option but to continue to deal with NorthPower.

Principal Accountant’s Comments

Given that the last contract negotiated with NorthPower favoured Council considerably, staff have been cognisant of the potential increase in electricity prices when these items were due to be re-tendered. It appears that prices for these sites will increase by approximately 20-30 percent compared to the last contract.

Budget items that have a direct impact on the general fund balance have been amended through this years budget process and should adequately cover this increase. Other budget programmes, being Water, Sewerage and the Quarry, have either been increased or have the capacity to cover this increase through reserves if need be.

Public Consultations

Not required.

Other Group Comments

Not required.

Conclusion

Although the contestable portion of the electrical is only 28% of the total cost of electricity supply, there are savings, which Council can obtain. The tender was for a for either a one, three or five year term and the State Government contract is for a two year period with an option for the Government to extend the contract for a period of up to a further three years. By utilising the State Government Contract, Council can include a component for electricity generated from renewable, sustainable and environmentally friendly sources at a lesser cost than could otherwise be achieved.

Recommendation GM20

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

LISMORE CITY COUNCIL – June 27, 2000

Provision for Electrical Supply – Nine Contestable Sites T20020

APPENDIX A - Head Office

NorthPower

Energy Pricing

	Units - kWh	Rate c/kWh	Total \$
Pk Energy	99,555	3.540	\$3,524.25
Shl Energy	311,720	3.727	\$11,617.80
Off Pk Energy	110,678	2.220	\$2,457.05
Total	521,953	3.372	\$17,599.10

Fixed Charges (subject to confirmation)	\$40,689.79
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Total Cost of Offer:	\$58,288.89
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Average Cents/kWh:	11.167
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ACTEW Energy

Energy Pricing

	Units - kWh	Rate c/kWh	Total \$
Pk Energy	99,555	3.881	\$3,863.63
Shl Energy	311,720	3.881	\$12,097.54
Off Pk Energy	110,678	2.340	\$2,589.87
Total	521,953	3.554	\$18,551.04

Fixed Charges (subject to confirmation)	\$40,797.09
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Total Cost of Offer:	\$59,348.13
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Average Cents/kWh:	11.370
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Citipower

Energy Pricing

	Units - kWh	Rate c/kWh	Total \$
Pk Energy	99,555	3.660	\$3,643.71
Shl Energy	311,720	3.660	\$11,408.95
Off Pk Energy	110,678	2.289	\$2,533.42
Total	521,953	3.369	\$17,586.08

Fixed Charges (subject to confirmation)	\$40,687.64
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Total Cost of Offer:	\$58,273.72
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Average Cents/kWh:	11.165
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LISMORE CITY COUNCIL – June 27, 2000

Provision for Electrical Supply – Nine Contestable Sites T20020

Origin Energy

Energy Pricing

	Units - kWh	Rate c/kWh	Total \$
Pk Energy	99,555	3.650	\$3,633.76
Shl Energy	311,720	3.640	\$11,346.61
Off Pk Energy	110,678	2.250	\$2,490.26
Total	521,953	3.347	\$17,470.62

Fixed Charges (subject to confirmation)	\$40,675.38
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Total Cost of Offer:	\$58,146.60
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Average Cents/kWh:	11.140
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Energy Australia

Energy Pricing

	Units - kWh	Rate c/kWh	Total \$
Pk Energy	99,555	3.187	\$3,172.82
Shl Energy	311,720	3.276	\$10,211.95
Off Pk Energy	110,678	2.202	\$2,437.13
Total	521,953	3.031	\$15,821.89

Fixed Charges (subject to confirmation)	\$40,481.55
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Total Cost of Offer:	\$56,303.44
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Average Cents/kWh:	10.787
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LISMORE CITY COUNCIL - Meeting held June 27, 2000

Subject/File No: ACQUISITION UNDER THE VOLUNTARY FLOOD PRONE PURCHASE SCHEME – 7 SHANNON STREET, LISMORE.
(AL:LC:P8916)

Prepared By: Manager Business Development – Andrew Lovett

Reason: Richmond River County Council have secured State & Commonwealth funding towards this acquisition.

Objective: Obtain Council approval to proceed with the acquisition.

Management Plan Activity: Property, Flood Mitigation.

Background:

The General Manager of Richmond River County Council, has negotiated with Mr & Mrs Doolan for the purchase of their property located at 7 Shannon Street, Lismore. The State Valuation Office has provided a value for the property of \$90,000.00. Mr O'Sullivan has been advised that sufficient funding is available to acquire the property on a Commonwealth/State/Council/1:1:1 basis.

The cadastral description of this allotment is Lot 6 DP 12970.

Manager - Finance & Administration Comments

This acquisition has been identified as the next priority under the Voluntary Flood Prone Property Acquisition Scheme as it is located outside the proposed levee bank location. On the basis that a 1:1:1 subsidy is available, sufficient funds are available for this acquisition.

Public Consultations

N/a.

Other Group Comments

Group Manager – City Works:

During the development of the Lismore Levee EIS, particular care was taken to carefully analyse the potential flood threats within the Shannon/Barry Streets area.

This analysis revealed that –

1. during a major flood event, water velocities would be high
2. houses in this area would be isolated early in the flood event
3. due to flood velocity, it would be difficult for residents to evacuate in safety.

These factors exist with or without the levee.

The best option appeared to be to purchase the affected houses and return the riverbank land to riverbank parkland. The levee is proposed to be constructed well back from the riverbank which will minimise its impact on both the river system and the community.

Dwellings at Barry and Shannon Streets will then be situated outside of the levee. Clearly the purchase of these houses is the best solution to a number of problems. The purchase of the dwelling at No. 7 Shannon Street is simply one step in this process.

LISMORE CITY COUNCIL - Meeting held June 27, 2000

Acquisition under Voluntary Flood Prone Purchase Scheme – 7 Shannon Street

Conclusion

The property at 7 Shannon Street, has been identified as the next priority under the Voluntary Flood Prone Property Acquisition Scheme. Richmond River County Council has been advised by the Department of Land and Water Conservation that there will be funding made available for the acquisition of this property on a Commonwealth/State/Council 1:1:1 basis.

Recommendation GM21

That:

1. Council authorise the General Manager or his delegate to negotiate the purchase of 7 Shannon Street under Flood Mitigation Schemes providing external funding support of at least of 2/3 of the property price up to \$90,000.00 plus legal and valuation expenses.
2. The General Manager and Mayor be authorised to sign and seal the Contracts of Sale and Property Transfers as necessary.

Subject/File No:	COUNCILLOR QUESTIONS OR REQUESTS FOR INFORMATION
Prepared By:	Corporate Development Officer – Paul Parry
Reason:	Review Procedures for Councillor Questions or Requests for Information
Objective:	Information and determination
Management Plan Activity:	1.1 and 1.2

Background:

This system was introduced in 1996 with the prime objective of developing a procedure to ensure Councillors' questions and/or requests for information were handled in an efficient and effective manner. There are three major objectives to the procedure:

- Ensure a reply is supplied within five (5) working days.
- Processing via General Manager to eliminate any ambiguity surrounding questions and replies
- Procedure promotes transparency within Council's operation.

Since the programme was introduced only one change has been made. This change was in relation to the turn around time for the response. Initially, staff was required to provide a response within two (2) working days, but following a spate of complex enquiries relating to the proposed Joint Venture Aquatic Centre the General Manager decided to extend the deadline to five (5) working days.

Even prior to the abovementioned a good proportion of the of Requests had changed from the straightforward to requiring significant research, which meant that the two (2) day turn around was unreasonable and created enormous in-house pressures, given that normal staff duties had to be maintained at the same time.

So, in October 1998 the five (5) day turn around time proposal was extended to incorporate all future Requests.

Our recent survey proposed that straightforward enquiries would be responded to within two (2) working days. This particular target was suggested as a direct result of a goal set by the General Manager to provide Councillors with the earliest possible response. This two (2) working day objective is achievable only on the simplest of enquiries because of the reason outlined above. On face value the enquiry may appear straightforward but in fact may be quite involved and thus will be dealt with within the five (5) day time frame.

Eight Councillors provided feedback to the survey with the majority supporting the existing system. One particular comment emerging from the feedback related to straightforward questions being raised during question time at Council. It is true that the introduction of Post Mortem has become a partial substitute for Councillor Requests. Some Councillors are of the opinion that these questions should be directed through the Councillor Request procedure rather than at Council meetings. Some Councillors have raised this issue in their feedback.

However, our office endeavours to provide Councillors with their response as early as practicable within the five (5) working day timeframe.

LISMORE CITY COUNCIL - Meeting held June 27, 2000

Councillor Questions or Requests for Information

Recommendation

- a) That Council retain the existing system with the added proviso of a two (2) day turn-around for simple straightforward enquiries and
- b) Councillors are encouraged to utilise the Councillor Request procedure for straightforward questions.

Subject/File No: ATTENDANCE AT THE AUSTRALIAN AIRPORTS ASSOCIATION CONFERENCE (CWK:CD:S370)

Prepared By: Craig Kelly – GROUP MANAGER BUSINESS & ENTERPRISE

Reason: Councillor attendance at an Interstate Conference

Objective: To obtain Council authorisation for Cr Crowther to attend the Australian Airports Association Conference in Perth, Western Australia (Policy No. 1.2.2).

Management Plan Activity: Airport

Background:

The Airport Owners Association Conference will be held in Perth, Western Australia from November 13, 2000 to November 16, 2000. It is customary for the Chairman of the Aerodrome Advisory Panel and either the Group Manager Business and Enterprise or the Airport Manager to attend.

The conference is the single largest gathering of airport owners in Australia and represents a substantial lobby group to aviation policy makers. A copy of the conference agenda is attached.

The expected cost of attendance at the conference is estimated to be \$2,200. This amount is to be allocated to Councillor Professional Development (A/c 2055.2).

Through attendance at the Conference it is expected that the Chairman of the Airport Advisory Panel remains abreast of the most current developments in airport operation and safety. This assists in the overall management of the facility and informs other members of the Airport Advisory Panel of the current view of best practice.

Conclusion

Attendance at the Australian Airports Conference is considered to be necessary and consistent with prior years.

Recommendation (ENT22)

That Council authorise the attendance of Cr John Crowther to the Australian Airports Conference in Perth, Western Australia.

DOCUMENTS FOR SIGNING AND SEALING

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

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

Recommendation:

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

Deed of Lease: Council to Permodrive Pty Ltd.

For the Gundurimba Shire Council Building at 59 Magellan Street (P6397)

Contract of Sale and Transfer: Sale to Buckley

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

Lease to Kinderman: Nimbin Transfer Station

11 Blade Road, Nimbin
(00-8404: P15978)

LISMORE CITY COUNCIL - Ordinary Meeting held June 6, 2000

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JUNE 6, 2000 AT 6.00PM.

- Present:** His Worship the Mayor, Councillor Gates; Councillors Baxter, Chant, Crowther, Hampton, Irwin, King, Roberts, Suffolk and Tomlinson, together with the Acting General Manager (Col Cooper), Group Managers- City Works, Acting Planning & Development, Business & Enterprise; Acting Manager Water & Wastewater, Manager Economic Development, Acting Manager Client Services and Administrative Services Manager.
- 134/00 **Apologies/**
Leave of
Absence: Apologies for non-attendance on behalf of Councillors Gallen & Swientek were received and accepted and leave of absence granted for Councillor Irwin from June 17 to 23, 2000.
(Councillors Baxter/King)
- 135/00 **Minutes:** The Minutes of the Ordinary Meeting held on May 16, 2000, were confirmed subject to it being noted that seven (7) Councillors Roberts, King, Tomlinson, Swientek, Gallen, Baxter and Crowther voted against the amendment in respect to Minute No 131/00.
(Councillors Roberts/Suffolk)

PUBLIC ACCESS SESSION:

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

Jane Marie re: Section 356 Donations – Nimbin Community Development Association

Ms Marie on behalf of Nimbin Community Development Association gave a brief history of the Community Centre, its development costs, running costs and current activities of the centre. Ms Marie stressed the benefits of the Centre to Nimbin and the need for ongoing support for the Centre.
(S164)

Ms Lyn Carson re Notice Motion

Ms Carson detailed benefits to Council of trialling a Residents Feedback Panel, stressing that such a panel could only provide feedback and that Council would still be making the decisions. She referred to written support by the General Manager and Mayor for her research project.
(S389)

Jane Marie re Second Stage Of Street Beautification – Cullen Street, Nimbin

(See Minute No. 140/99)

Ms Marie spoke on behalf of the Nimbin Central School. She stressed the need for a 1.8m mesh fence between the Carpark and the school to ensure the safety of school children.
(R1701)

CONDOLENCES

Family of the Late Gwen Trudgeon

Lismore's Regional Museum depends solely on volunteers and it has been kept going by the dedication of volunteers such as Gwen Trudgeon who died on May 10, 2000.

The Museum, of which the Richmond River Historical Society is curator, is one of Lismore's great cultural assets.

Over the past two decades Mrs Trudgeon worked tirelessly, planning and overseeing changing displays and caring for the Society's collection of objects closely related to the city's history.

Among other things she has ensured the opening of the Museum by preparing the Roster of Custodians, an onerous task as anyone who had done it will know. She especially enjoyed showing school groups around the Museum.

Mrs Trudgeon also gave generously of her time to other voluntary groups, serving on the RSL Women's Auxiliary and helping at the Anglican Church's Opportunity Shop at Goonellabah.

Her contribution to the City of Lismore over the past two decades has been greatly valued.

Family of the Late Jon Axtens

Jon Axtens was a great contributor to the letters to the Editor of both the Northern Star and the Echo and he performed the duties somewhat as a community watch dog and kept us all honest. He was a dedicated community worker and he had the interest of Lismore always at heart.

- 136/00 The Mayor moved that Council's expressions of sympathy be conveyed to the families of the above and the motion was carried with members standing and observing the customary moments silence.
(S75)

MAYORAL MINUTE

Flood Levee Funding

(Copy attached)

- 137/00 **RESOLVED** that the minute be received and Council confirm it will provide \$2 million dollars for Flood Levee funding based on its share of cost being one third of the total but it will still pursue a higher contribution from State and Federal Governments.
(Councillors Gates/Crowther) (S106)
Voting Against: Councillors Irwin, Roberts and Tomlinson.
Dissenting Vote:
Councillor Irwin.

NOTICE OF MOTIONS:

Community Consultation Project

(Copy attached)

Formal Notice being given by Councillor Gallen it was **MOVED** that Council authorise the General Manager to auspice the Community Consultation project funded by the University of Sydney and that the project be subject to a review by Council after a twelve month trial.

(Councillors Tomlinson/Roberts) (S43)

On submission to the meeting the MOTION was DEFEATED.

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

Community Consultation Project

(Copy attached)

Formal Notice was given by Councillor Gates that if Councillor Gallen's Notice of Motion on the People's Panel is carried then the program be conducted within the following guidelines -

- 1 Participants
 - a) have a long term commitment to the Lismore Local Government Area;
 - b) be ratepayers of Lismore;
 - c) be briefed on Council's financial position, emphasising the funding shortfall for basic infrastructure, and
 - d) be representative of the financial contribution made to Council's finances.
- 2 The programme only be used for future decisions of Council.
- 3 The programme not be used to overturn existing Council decisions.
- 4 New initiatives promoted by the Panel must also be accompanied by a financial plan indicating where funds would be sourced.
- 5 Council approve the method of selection of the Panel.

When the programme is complete Council review its existing community consultation process to determine whether savings can be made.

At the request of Councillor Gates the Notice of Motion was WITHDRAWN.

(S43)

SUSPENSION OF STANDING ORDERS:

138/00

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

Section 356 Donations – Nimbin Community Development Association

Second Stage Of Street Beautification – Cullen Street, Nimbin

(See Minute No. 139/00)

(Councillors Roberts/Baxter)

REPORTS

Section 356 Donations – Nimbin Community Development Association

(Copy attached)

A MOTION WAS MOVED that the report be received and Council amend Policy 1.4.11 to include the Nimbin Community Centre.

(Councillors Irwin/Roberts) (S164)

On submission to the meeting the MOTION was DEFEATED.

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

Second Stage Of Street Beautification – Cullen Street, Nimbin

(Copy attached)

A MOTION WAS MOVED that the report be received and

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

(Councillors Roberts/Irwin)

AN AMENDMENT WAS MOVED that

1. That Council commence negotiation with the Nimbin Central School to implement its preferred option to build the northern access to provide the maximum number of car park spaces for the funds available.
2. That carpark works to the value of \$60,000 be carried out in 2000/01 utilising the funds from the Cullen Street Calming Reserve, Car Parking Reserve & Nimbin Street Trees Section 94 funds.
3. That a financial plan be developed to provide the necessary funds in future years for the work to take place in viable units of no less than \$60,000.
4. That Council install a low-cost slow point and pedestrian refuge, approximately 12m south of the existing crossing. (estimated Cost \$4,000).
5. Future beautification of Cullen Street, Nimbin to be in consultation with the Nimbin Chamber of Commerce.
6. Line marking be carried out to existing car park.

(Councillors King/Gates)

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

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

139/00

RESOLVED that the report be received and

1. That Council commence negotiation with the Nimbin Central School to implement its preferred option to build the northern access to provide the maximum number of car park spaces for the funds available.
2. That carpark works to the value of \$60,000 be carried out in 2000/01 utilising the funds from the Cullen Street Calming Reserve, Car Parking Reserve & Nimbin Street Trees Section 94 funds.
3. That a financial plan be developed to provide the necessary funds in future years for the work to take place in viable units of no less than \$60,000.
4. That Council install a low-cost slow point and pedestrian refuge, approximately 12m south of the existing crossing. (estimated Cost \$4,000).
5. Future beautification of Cullen Street, Nimbin to be in consultation with the Nimbin Chamber of Commerce.
6. Line marking be carried out to existing car park.

(Councillors King/Gates) (R1701)

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

Dissenting Vote: Councillor Irwin

RESUMPTION OF STANDING ORDERS:

140/00 **RESOLVED** that standing orders be resumed.
(Councillors Crowther/Baxter)

Clunes Village Report

(Copy attached)

141/00 **RESOLVED** that the report be received and

1. That Council endorse the Terms Of Reference (TOR) and the Protocols of The Clunes Wastewater Committee.
2. That Council adopt the Clunes interim on-site wastewater strategy and Council staff commence inspections of properties falling into risk category 1 & 2 as detailed in Attachment B.
3. That Council seek support from Rous Water for a demand management program specifically targeting the Clunes Village.
4. Council adopt the revised estimate of \$521,000 for the Concept Phase for the Clunes Wastewater Scheme.
5. An additional \$37,000 be allocated to the Concept Phase from Sewerage Reserves (Total \$172,000).
6. That the Mayor on behalf of Council write to the Minister for DLWC seeking urgent attention to the request for additional funds to progress the study

(Councillors Crowther/King) (S288)

LEDAB Strategic Plan 2000/01

(Copy attached)

142/00 **RESOLVED** that the report be received and

1. That the Strategic Plan 2000/2001 of LEDAB be endorsed.
2. That LEDAB's charter be amended to read -
"LEDAB will actively assist Council in the sustainable economic development of Lismore by:
 - (a) *Providing advice to Council and its Economic Development Unit on specific proposals/opportunities that may exist or arise in the Lismore Region; and*
 - (b) *Implementing projects and proposals referred to the Board either by Council or its General Manager".*
3. That a report be presented to a future Council meeting with the intention of relocating the Manager Economic Development back to the Council Administration Building.

(Councillors Irwin/Tomlinson) (S653)

Voting Against: Councillor Crowther.

Second Stage Of Street Beautification – Cullen Street, Nimbin

(See Minute No. 139/00)

General Aviation Landing Fees

(Copy attached)

143/00 **RESOLVED** that the report be received and
That from July 1, 2000:

1. No aircraft will be exempt from landing fees. Therefore the existing exemptions will be withdrawn. The threshold for aircraft under 1500 kg MTOW will also be removed.
2. The existing scheme to be replaced with a charge of \$6.30 per MTOW landed for all non-RPT aircraft.

3. Regular commercial users of the airport have the option of negotiating a fee directly with Council for an agreed number of landings within a set period, subject to approval of the General Manager.
4. Any negotiated fee in point 3 above would include a clause requiring additional payment or a refund if actual usage was plus/minus 20% of expected usage.
5. Those operating purely for private and recreational purposes would pay a lesser fee and this would be set for each twelve month period, being \$280 per annum in 2000/2001.
6. Those bodies providing a bona fide community service can apply to the Council directly for exemption from fees however these should be paid for through Section 356 donations, directly from the general fund.
7. Council provide an amount of \$2000 in Section 356 donations in 2000/2001 for exemptions outlined in Point 6.
(Councillors Crowther/King) (P9733)

Land Acquisition From Horizons Residential Estate (Eastern Bypass)

(Copy attached)

144/00

RESOLVED that the report be received and

1. That Council authorise the Mayor and General Manager to execute and apply the Council seal to the Deed of Agreement with Horizons Residential Village Pty Ltd.
2. Council authorise the Mayor and the General Manager to approve and to apply the Council Seal to the Plan of Subdivision which dedicates the subject allotment as road (if required).

(Councillors Hampton/King) (S654:P27215)

Sister Cities

(Copy attached)

145/00

RESOLVED that the report be received and that Council agree in principle to establishing a Sister City agreement with both Lismore Waterford, Ireland and Eau Claire, Wisconsin USA and staff be authorised to continue the planning process with both parties

(Councillors Baxter/Crowther) (S390)

COMMITTEE RECOMMENDATIONS

Traffic Advisory Committee 17/5/00

(Copy attached)

146/00

RESOLVED that the minutes be received and the recommendations contained therein be adopted excluding Clause 5 (TAC50) & 8 (TAC53).

(Councillors Irwin/Chant)

TAC 50 Laurie Allan Centre Parking Facilities

147/00

RESOLVED

1. That the previous proposal be submitted to the Senior Citizens and implemented if agreement is reached.
2. That the parking ticket proposal submitted to the Senior Citizens be extended to the Court Support Workers for use in the Clyde Campbell Car Park.

(Councillors Irwin/Crowther) (R7319,P6301)

TAC 53 C Jung

LISMORE CITY COUNCIL - Ordinary Meeting held June 6, 2000

148/00 **RESOLVED** that this matter be referred back to the Traffic Committee to reconsider the introduction of a 60kph zone on Corndale Road between Boomerang Bridge and 100 metres past the intersection with Dorroughby Road.
(Councillors Suffolk/Irwin)(R3801,S352)

DOCUMENTS FOR SIGNING AND SEALING:

149/99 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

Building Envelope

Request for Seal of Council on a Form of Request to the Land Titles Office to amend a building envelope location on Lot 8 DP 883395 (Subdivision in DA 95/436 – 360 Cowlong Road, McLeans Ridges for AC Rose). Letter 00-7693:D95-436.

Licence Agreement

Licence Agreement, R C & L J Clark-Smith - Letter 00-7209: P4031

Funding and Performance Agreement

Long Day Care Subsidies - Letter 00-7923, S389

Contract for Sale of Land

Contract for Purchase of Harold Fredericks Carpark from Department of Education. Letter 00-8132:P25791
(Councillors Roberts/Irwin)

At this juncture 8.38 Councillor Roberts left the meeting.

MATTER OF URGENCY

Membership of Airport Advisory Panel

150/00 **RESOLVED** that this matter be admitted as a matter of Urgency.
(Councillors Crowther/Hampton)

Voting Against: Councillors Irwin.

151/00 **RESOLVED** that

1. The resignation of Councillor Suffolk from the Airport Advisory Panel be accepted.
2. The Councillor membership of the Airport Advisory Panel be expanded to three (3).
3. Councillor Baxter be appointed to the Airport Advisory Panel.
(Councillors Crowther/King) (S370)

At this juncture 8.40 Councillor Roberts rejoined the meeting.

NOTICE OF RESCISSION MOTION:

The Acting General Manager – Col Cooper advised Council that he had been handed two Notices of Rescission Motion signed by Councillors Irwin, Roberts and Tomlinson with respect to the resolution Nimbin Community Development Association and Second Stage of Street Beautification – Cullen Street, Nimbin (Minute No 139/00).

The Acting General Manager – Col Cooper advised Council that the Rescission Motions would be considered at the next ordinary meeting of Council and that in the interim the council resolution referred to in the Rescission Motion could not be carried into effect until the Rescission Motion had been dealt with.

This concluded the business and the meeting terminated at 8.50 pm.

CONFIRMED this Twenty Seventh day of June, 2000 at which meeting the signature herein was subscribed.

MAYOR

