



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, DECEMBER 9, 2003, at 6.00pm and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

December 2, 2003

COUNCIL BUSINESS AGENDA

December 9, 2003

<u>PUBLIC ACCESS SESSION:</u>	PAGE NO.
Damian Chapelle re Rescission Motion	1
John Barnes re Comprehensive Koala Plan of Management	35
PUBLIC QUESTION TIME:	
OPENING OF MEETING AND PRAYER (MAYOR):	
APOLOGIES AND LEAVE OF ABSENCE	
CONFIRMATION OF MINUTES - Ordinary meeting 4/11/03 Extraordinary meeting 25/11/03	
CONDOLENCES	
DISCLOSURE OF INTEREST	
MAYORAL MINUTES	
NOTICES OF RESCISSION	1
NOTICES OF MOTION	2 - 3
SUSPENSION OF STANDING ORDERS (Consideration of the Suspension of Standing Orders to debate matters raised during Public Access).	
REPORTS	4 - 60
COMMITTEE RECOMMENDATIONS	61 - 64
DOCUMENTS FOR SIGNING AND SEALING	65
QUESTIONS WITHOUT NOTICE	66 - 68
CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE	

INDEX

REPORTS:	<u>PAGE NO.</u>
Skyline Road Realignment	4 - 6
Tenders for the Supply and Installation of Water Treatment Equipment for the Aquatic Centre	7 - 9
Tenders for Demolition of Existing Facility and Construction of a New Aquatic Centre	10 - 18
Goonellabah Indoor Sports and Leisure Centre	19 - 23
Review of S94 Contributions Plan 1999	24 - 34
Draft Comprehensive Koala Plan of Management for the South-eastern Portion of the Lismore Local Government Area	35 - 46
Nimbin Peace Park Management Committee	47
Lismore Masters Games 2003 – Final Report and Other Matters	48 - 50
Replacement of Council Plant - 24 Tonne Excavator	51 - 54
Replacement of Council Plant - 15-17 Tonne Loader	55 - 57
Tenders for the Relining of Sewer Mains, Various Locations, Lismore	58 - 60
<u>Committee Recommendations:</u>	
Traffic Advisory Committee 19/11/03	61 - 64
<u>Documents for Signing and Sealing:</u>	65
<u>Questions Without Notice:</u>	
<u>CONFIDENTIAL MATTERS - Committee of the Whole:</u>	66 - 68

NOTICE OF RESCISSION MOTION

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

That the motion approving Development Application 1998/7 – Section 96 Amendment – Perradenya Estate, be rescinded.

Note:

The delay in the construction of the roundabout may be substantially delayed by the just terms resumption process, it being far better to negotiate a land settlement.

COUNCILLOR J R Hampton

COUNCILLOR B R Suffolk

COUNCILLOR J F Crowther

DATE November 25, 2003

(03-12299: D98/7)

NOTICE OF MOTION

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

- 1 That Council review its current planning policies/requirements concerning road widths for new subdivisions to enhance Integrated Urban Water Management and Water Sensitive design, to reduce ongoing maintenance costs of wider roads and to help reduce speed of vehicular movements through suburban streets.**
- 2 That a report be brought to Council with recommendations to achieve the above objectives early in 2004.**

COUNCILLOR F F Swientek

DATE 26/11/03

STAFF COMMENT BY: Manager-Planning Services, Helen Manning

The matters raised by Councillor Swientek can be included in a review of Development Control Plan No. 28 – Subdivision, which is to commence early in 2004.

(03-12297: S371)

NOTICE OF MOTION

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

That Lismore City Council explore the feasibility of providing a safe swimming venue along a suitable location in Tucki Creek in Goonellabah.

COUNCILLOR F F Swientek

DATE November 26, 2003

Comment By Cr Swientek

In view of the fact that Lismore City Council have reneged on the long standing commitment to provide public swimming facility in Goonellabah, Council should at least provide some form of safe water access and facility along Goonellabah's main natural water course.

Currently potential sites for suitable swimming are signposted out of bounds by Lismore City Council forbidding young people access to potential swimming holes.

It is with some embarrassment and trepidation that I put forward this Notice of Motion. I believe that Lismore City Council in ignoring staff and expert user groups' advice to maintain the existing Memorial Baths and developing a new facility in Goonellabah has left half of Lismore's urban population without a swimming facility. This area is rapidly growing and the small existing facility now known as "The Summit" is designed primarily as a training facility and is not large enough for the growing water space needs of a growing suburb which is Lismore's largest suburb and largest residential precinct.

If Lismore City Council has no vision or resources for a facility in Goonellabah in the next 5 to 10 years then Lismore City Council should at least provide or designate an outdoor aquatic recreation area where young people could at least relax and cool of in the hotter months of the year.

Water quality monitoring would have to be done. I understand that it is currently monitored and this would provide Lismore City Council and residents to be more conscious of improving the quality of water run off into the stream where they and their children may wish to swim.

If Lismore City Council refuses to support this option then what water space options will Lismore City Council provide?

Please see the latest census figures to be provided as an attachment.

STAFF COMMENT BY: Recreation Planner, Alex Wilford

The proposal to create a swimming facility within Tucki Tucki Creek is not supported as it raises serious environmental, risk management and public liability concerns.

The Goonellabah Sport and Leisure Centre is the subject of a separate report within this business paper. A swimming facility is proposed as a part of this development.

(03-12298: S845)

Subject/File No: SKYLINE ROAD REALIGNMENT
(LW:TMI:S642/4)

Prepared By: General Manager, Paul O'Sullivan

Reason: Council determination of Development Application

Objective: To gain Council approval to the development proposal and the consent conditions

Management Plan Activity: Roads

Background:

In May 2002 Council resolved to proceed with the upgrade and realignment of Durheim and Skyline Roads. This approval was subject to the concurrence of the National Parks and Wildlife Service (NPWS).

A copy of Council's resolution, together with the independent planning report by Malcolm Scott and its 23 consent conditions (previously distributed to Councillors and enclosed separately to this report for completeness) was forwarded to NPWS for concurrence. In October 2002 whilst NPWS was considering this application the local Friends of the Koala (FOK) group opened discussions with Council. This dialogue was helpful in establishing a better mutual understanding of the issues of significance to both FOK and the Council.

During these discussions Council agreed to a request by FOK that a more comprehensive koala study be made in the subject area. The consultant preferred by FOK and endorsed by NPWS was the respected Steve Phillips who has vast experience in koala management – particularly in association with road design.

In agreement with NPWS Council engaged Mr Phillips and additional site work was undertaken. This work has led to the development of a route proposal which, in the main, follows the original road alignment but has additional construction elements included to ensure that koalas cannot get onto the roadway. These measures include underpasses, continuous fencing, driveway grids and road grids. Mr Phillips has addressed the initial concerns of NPWS about the effectiveness of these physical structures and advises that his recommendations amount to best practice. The preferred alignment is shown on the plans attached. It amounts to a minor variation compared to the May 2002 route.

NPWS has been consulted throughout the process and is supportive of both the process and the current proposal. Accordingly NPWS has now issued concurrence conditions which incorporate the koala protection measures proposed. These measures include floppy top koala road exclusion fencing, driveway grids, roadway grids and koala underpasses.

As the final road alignment became clear and the koala protection measures were refined, staff remained mindful of the "Archaeological Assessment" which was undertaken in January 2000 by Mr Adrian Piper. A recent field inspection has confirmed that neither the scar tree nor the potential burial site identified in that report fall within the proposed carriageway. Notwithstanding this, conditions 14 to 18 inclusively will ensure that even in the event of poor site identification the proposed roadworks will not impact upon any archaeology.

During the period that the current proposal was being developed in consultation with FOK, Mr Phillips, NPWS and affected landowners, I had advised the Group Manager City Works to anticipate the construction works commencing in October.

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Skyline Road Realignment

Some delay was experienced in the receipt of the final NPWS conditions but I have been informed that as Council is the consent authority for this roadworks proposal these conditions must be incorporated into a resolution formally adopted by the Council. Prior to receiving this legal advice, the intention had been to commence works on November 24, 2003.

Manager - Finance & Administration Comments

Council has allocated \$1.52 million in the 2003/04 Management Plan to undertake these works. From a financial perspective, there is no reason these works could not commence immediately.

Other Group Comments

Group Manager City Works

This project has had a long gestation period and it is pleasing to see NPWS concurrence has now been issued. To reduce the risks of weather disruptions it is important to make an early start on this construction project.

Manager - Communications & Community Relations

The roadwork has been the subject of high levels of public consultations, which has led to significant improvements in the koala protection measures to be incorporated. In particular, special consultation has occurred with the Friends of the Koala group. Concurrently, Council has also released for public discussion a Koala Plan of Management for the South-East region of the LGA. This was accompanied by several information sessions, public meetings and the release of a comprehensive information booklet on the subject of koala conservation. The release of this information has heightened an awareness of koala management issues in the LGA over the past few months, and increased the amount of information available to Council upon which to plan the project.

Council has prepared a communications strategy to govern the release of information about the project. The strategy has been devised in accordance with Council's normal communication procedures, and specifically addresses the criteria suggested in the consultant's report, and contained in the concurrence conditions from the NPWS.

The communications strategy outlines a timetable for release of information to local residents, environment groups and the wider Lismore population. It commences before construction begins, and continues beyond physical completion of the project. Generally, the communications strategy exceeds the requirements stated in the concurrence conditions.

The most recent release of new information occurred on 28 November 2003, via a media release, which was sent to all media and is on permanent display on council's website at www.lismore.nsw.gov.au. More information will be added as it becomes available

Author's Response to Comments from Other Staff

Staff comments are consistent with the tenor of the report.

Conclusion

The proposed realignment of this section of Skyline and Durham Roads has been the focus of considerable scrutiny over a long period of time. This has led to the development of koala protection measures that are now considered by NPWS and Mr Phillips to be the optimum standard. Ongoing monitoring of the site will provide certainty in regard to the efficacy of the proposals and may lead to the development of standards and guidelines for koala protection in areas of concentration throughout the state.

Skyline Road Realignment

The purpose of this report is therefore to formally endorse the inclusion of the specific conditions requested by NPWS (refer their letter 14/11/03 attached) into the Council development approval. No conditions previously imposed (May 2002) by the Council as the consent authority, have been altered.

Recommendation (GM06)

- 1 That Council confirm its approval of the proposed upgrade and realignment of Durham Road and Skyline Road, Monaltrie as set out in the April 2002 report by Malcolm Scott entitled "Assessment of the proposed upgrade of Durham Road and Skyline Road, Monaltrie, Lismore" and noting the realignment has been varied in accordance with the plans attached.
- 2 That such approval be subject to the "Conditions of approval and Koala Plan of Management" which accompany this report, and which incorporate additional conditions required by NPWS as conditions of concurrence under Section 112C(1) of the Environmental Planning and Assessment Act.

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Subject/File No: TENDERS FOR THE SUPPLY AND INSTALLATION OF WATER TREATMENT EQUIPMENT FOR THE LISMORE AQUATIC CENTRE (T24003)

Prepared By: Contracts Officer – Chris Allison

Reason: To inform Council of tenders received for the supply and installation of water treatment equipment a new aquatic centre.

Objective: To obtain Council approval to award the Tender

Management Plan Activity: Property & Special Projects

Background:

The Project Team agreed to a proposal whereby Council would call tenders for the supply and installation of the water treatment plant for the Lismore aquatic centre separately from the tender for construction works and the successful tender would then become a nominated sub-contractor to the principal pool contractor. This would provide Council with a greater degree of control over the project, in particular the water treatment equipment to be installed in the new facility.

Legal advice was obtained with regard to the process and although Council will be required to approve the successful tenderer for this component of the works, the successful tenderer will not be engaged directly by Council.

Registrations of interest were called for the supply and installation of the water treatment plant for the aquatic centre in August 2003. Seven ROI's were received and these were shortlisted to five companies who were invited to tender for the works.

Tender documents were sent out to the five companies on August 30, 2003 with tenders being received from Swimplex Pty Ltd and Aquapure Constructions Pty Ltd.

Tender Examination:

The tenders received are summarised below:

TENDERER	ORIGINAL TENDER PRICE *
Swimplex Pty Ltd	\$890,229.00
Aquapure Constructions Pty Ltd	\$609,100.00

*The prices shown above are inclusive of toddler's pool and heating of the three pools, but exclusive of GST.

An evaluation panel consisting of Lindsay Walker (Manger – Property & Special Projects), Rick Bzowy (Architect)/John Wemyss (Beca Pty Ltd) and Chris Allison (Contracts Officer) undertook the assessment of tenders.

The tender documentation (Clause B7) defined five (5) areas by which each tender would be assessed: Total Price, Experience & Past Performance, Capability & Conformity, Quality & Safety and Management with 60% of the total attributed to the price. The tenderers were required to address each of these criteria in their tender. Attachment A shows the weighted result for each criterion.

As a result of the evaluation of the equipment offered, both tenderers were requested to clarify several areas of their tenders. The main difference in the tender prices related to 3 items on the tender schedule, each tenderer was requested to provide a detailed cost breakdown of these components.

Aquapure Pty Ltd provided a breakdown of the components but did not supply the costing details. A further examination of the components identified possible discrepancies in the quantities of the proposed component list and the consultant's drawings. Aquapure were again asked to provide a detailed cost breakdown of the components and confirm quantities tendered. In addition, the consultants indicated that Aquapure were not conforming in some areas of their tender and were asked to provide a conforming tender. Aquapure failed to address all the issues identified and did not respond in the time framed allowed.

The tenders were structured to enable Council to select "components" of works to be undertaken.

The weighted assessment shows that the tender by Aquapure Pty Ltd has scored the highest in the evaluation of the tenders which is, however due entirely to the low tender price. They failed to address several key issues, which may have affected the tendered price and are in effect a non-conforming tender. Swimplex Pty Ltd have installed water treatment plants in several recent aquatic centre projects and are considered more than capable of undertaking these works.

The price of these works has been included in the total cost of the contract for the construction of the aquatic centre.

Manager – Property & Special Projects

Refer to comments in the separate report before Council at this meeting dealing with the tender for the construction of the aquatic centre.

Manager - Finance & Administration Comments

Refer to comments in the report to the separate report before Council at this meeting dealing with the tender for the construction of the aquatic centre.

Public Consultations

N/A

Other Group Comments

N/A

Author's Response to Comments from Other Staff

Not required

Conclusion

Although Swimplex Pty Ltd did not score the highest in the evaluation criteria, this was due to the low price tendered by Aquapure Pty Ltd. The price tendered by Swimplex Pty Ltd is in accordance with the price estimated by the consultants who designed the water treatment plant.

Swimplex Pty Ltd are highly considered in the aquatic industry and are considered more than capable of undertaking the works.

Recommendation (GM03)

- 1 The contract for the supply and installation of the water treatment plant for the Lismore aquatic centre be awarded to Swimplex Pty Ltd.
- 2 The General Manager be authorised to negotiate with Swimplex Pty Ltd to finalise the contract amount.
- 3 That Council nominate this contract to Swimplex Pty Ltd as a nominated sub-contractor.

Subject/File No: TENDERS FOR DEMOLITION OF EXISTING FACILITY AND CONSTRUCTION OF A NEW AQUATIC CENTRE – T24015

Prepared By: Contracts Officer, Chris Allison & Manager-Special Projects & Properties, Lindsay Walker

Reason: To inform Council of tenders received for the demolition of existing facility and construction of a new aquatic centre.

Objective: To obtain Council approval to award the Tender

Management Plan Activity: Property & Special Projects

General Background

In May 2003 Council resolved that a report on the Memorial Baths be received and:

1. *Council construct a new replacement 51 metre, 8 lane outdoor heated pool on the site of the existing Memorial Baths.*
2. *Design layout and costing details be submitted to the Baths Project Committee for concurrence prior to the implementation.*
3. *That when funds become available, a Goonellabah swimming centre be constructed in stages.*

Since that time the Baths Project Committee has worked with Council's consultant architect to prepare design plans which reflect the community's requirements. Tenders were called from five contractors for a design which included all pool elements that were considered appropriate for the site.

The Committee has always been mindful of the inevitable fact that adding features to the basic configuration described in the May resolution would increase the capital cost. Accordingly, the tender documents were prepared in a way that allowed both staging of the project and the inclusion (or deletion) of any or all of the facility's elements.

The facility elements included in the design documents are:

- All work associated with the construction of a 51 metre pool and including but not limited to concourse, amenities, water handling and treatment, alteration of existing entry building, etc;
- 25 metre pool;
- Children's pool together with separate water handling and treatment systems, landscaping and shading;
- Grandstand seating;
- Market Street work;
- Site lighting to accommodate night time pool use;
- General signage;
- Site landscaping and fencing;
- 25 metre pool shade structure;
- Children's pool shade structure;
- 51 metre pool shade structure;
- Movable boom;

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Tenders for Demolition of Existing Facility and Construction of a New Aquatic Centre

- Country Energy power upgrade;
- Heat pump upgrade;
- Professional fees; and
- Bowling club shed construction

The Council's November decision to require full sun protection over the main pool was not included in the tender process because of the time deadline set with tenderers.

Committee Recommendation

The Project Committee **RECOMMENDS** to the Council that all of the foregoing elements be included in the approved development, excluding the provision of a shade structure over the 51 metre pool.

Relevant detail is as follows:-

- 1 Three distinct heated water bodies, being a 51m competition standard pool incorporating disabled access and a movable boom, a 25m program and support pool and a self-contained children's pool and recreational area.
- 2 Grandstand seating capacity for 450 people.
- 3 General finishes -
 - a) Baths Pavilion – all new works will match existing finishes;
 - b) Pools – fully tiled;
 - c) Pool concourse – concrete;
 - d) Grandstand – concrete with timber infills;
 - e) All change rooms – non slip epoxy to floors; paint finish to walls; showers fully tiled;
 - f) Plant room – painted blockwork; concrete floors;
 - g) New external building works – rendered blockwork; external grade plywood; timber shade battens; zincalume roofing.

It will be seen from the above information that the Baths Project Committee **RECOMMENDS** a pool design which accommodates the broadest range of users to the highest standards.

Financial Considerations

If we go back to the terms of the May 6 resolution, which described a 51 metre, 8 lane outdoor heated pool on the existing site, the cost based on the tenders received would be as follows:-

Site preliminaries and Establishment	200,000
Demolition Work	150,000
51 Metre pool, amenities, water handling and heating	4,060,000
Market Street work – road	110,000
Site signage	5,000
Landscaping and fencing	30,000
Professional Fees	400,000
Staff time and incidentals	20,000
Contingency	200,000
Pool boom (fixed)	80,000
	\$5,255,000

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Tenders for Demolition of Existing Facility and Construction of a New Aquatic Centre

The figures reported to Council in May indicated a preliminary estimated construction cost of \$3,700,000 but this did not include pool heating, professional fees nor roadworks. These costs and other detail have taken that estimate to \$5,255,000.

Since that time, the Project Committee has identified a number of facilities which it deems as essential if this Council is to provide an aquatic centre which reasonably meets contemporary standards. The preferred design results in three water bodies which will meet the needs of all user categories from toddlers through to competitive swimmers. The median tenders received indicate costs to deliver an optimum standard facility will be as follows:-

ESSENTIAL ELEMENTS

Site preliminaries and Establishment	280,000
Demolition Work	150,000
51 Metre pool, amenities and water handling (no heating)	3,930,000
Market Street work – road	110,000
Market Street work – electricity	160,000
Site signage	5,000
Landscaping and fencing	50,000
Professional Fees	600,000
Staff time and incidentals	20,000
Contingency	310,000
Pool boom	200,000
SUB TOTAL	\$5,815,000

ADDITIONAL ELEMENTS

51 metre pool		
Grandstand seating	160,000	
Site lighting	180,000	
Pool heating	130,000	
SUB TOTAL	\$470,000	\$6,285,000
25 metre pool only		
25 metre pool and finish work	525,000	
Shade structure	100,000	
Heating	52,000	
SUB TOTAL	\$677,000	\$6,962,000
Children's pool		
Pool	446,000	
Bowls shed	18,000	
Shade structure	40,000	
Heating	27,000	
SUB TOTAL	\$531,000	\$7,493,000

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Tenders for Demolition of Existing Facility and Construction of a New Aquatic Centre

Shade Main Pool		
Sails and support structure	900,000	
Heating upgrade (due to constant shade cover)	100,000	
SUB TOTAL	\$1,000,000	\$8,493,000

Following a review of both the design plans and the elemental costings the Committee **RECOMMENDS** to Council that all elements be included in the pool construction with the exception of the shade structure over the 51m pool.

To add a large shade structure over the 51m pool will detract both from the aesthetics of the site and the outdoor swimming experience. Council's potential liability for skin damage and health risks to pool patrons associated with exposure to the sun can be ameliorated by the display of educational signs around the aquatic centre. This view generally prevails in public swimming pools as investigations undertaken, both by staff and the consultant architect, have failed to find another public outdoor pool which has chosen such a structure.

A large shade structure over the 51m pool will add approximately \$1M to the cost of the pool and will diminish the aesthetics of the site.

Staffing / Revenue Considerations – Recreation Planner, Alex Wilford

The table below provides a summary of the estimated annual operating performance of the upgraded Memorial Baths, depending on the elements that are to be included.

As a reference, the financial performance of the existing Memorial Baths shows an annual operating deficit of \$90,000 at a cost per visit of \$1.60 based on 56,000 attendances per annum.

Summary of Estimated Annual Operating Performance

Configuration	Elements	Attendance	Income	Expenditure	Performance	Cost per Visit
1	51m , 25m & children's pools	115,500	335,318	368,203	-\$32,885	-\$0.28
2	51m pool only	59,500	167,493	226,115	-\$58,622	-\$0.99
3	51m + 25m pools	91,000	260,313	301,372	-\$41,059	-\$0.45
4	51m pool + children's pool	77,000	216,440	263,774	-\$47,334	-\$0.61

This assessment assumes that all pools are heated and that the 25 metre and children's pools are shaded and the main 51 metre pool is not shaded. The swimming season is also to be extended from 6 to 9 months per year and the daily opening hours are to be marginally increased. The assumed entrance fees are \$2.80 for adults and \$2.20 for children and pensioners.

The results of the assessment indicate that Configuration 1, which includes a 51 metre 8 lane heated pool, a 25 metre 4 lane heated and shaded pool and a shaded and heated children's pool, would attract the highest annual attendance (115,500 visits) and achieve the best operating performance (-\$32,885 pa or -\$0.28 per visit) of the available options.

In terms of staffing, it is estimated that Configuration 1 would result in an approximate 50% increase in the number of full-time equivalent positions over the course of the swimming season. The increased staff levels can be attributed to generally higher attendance rates and the proposed extension to the swimming season (from 6 months to 9 months per year) and daily opening hours.

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Tenders for Demolition of Existing Facility and Construction of a New Aquatic Centre

Tender Background

Registrations of interest were called for the demolition of existing Memorial Baths and the construction of a new aquatic centre in September 2003. Eleven ROI's were received and these were evaluated against the criteria as stated in the ROI document. Registrants were required to address each of these criteria in their submission; capability, general experience & past performance, specific knowledge & experience in relation to public aquatic facilities and financial capability. Specific knowledge & experience accounted for 40% of the total evaluation criteria. Six companies were shortlisted and invited to tender for the works.

Tenders for the supply and installation of the water treatment equipment were called separately from this tender and the successful tenderer will become a nominated sub-contractor to the principal contractor. Please refer to the separate report before Council at this meeting.

Tender documents were sent out to the six companies on October 28 2003 with tenders being received from FE Marsh & Co Pty Ltd, Hooker Cockram Projects Ltd, Seymour Whyte Constructions Pty Ltd and Arenco Pty Ltd by the closing date of November 26, 2003

An evaluation panel consisting of Lindsay Walker (Manager – Property & Special Projects), Rick Bzowy (Architect) and Chris Allison (Contracts Officer) undertook the assessment of tenders.

The tender documentation (Clause B7) defined four (04) areas by which each tender would be assessed: Total Price, Capability & Conformity, Quality & Safety and Management & Financial with 60% of the total attributed to the price. The tenderers were required to address each of these criteria in their tender. Attachment A shows the weighted result for each criterion.

As a result of the Council resolution at the November 04, 2003 regarding the shading of the pools, preliminary concept designs were prepared by Bzowy Architecture. Indicative costing to shade the 51 metre pool is approximately \$1,000,000. This is a cost estimate only and does not include the cost of the detailed design (architectural, structural and hydraulic [redesign of the heat pumps for the 51 metre pool]) but allows for the cost of upsizing the heat pumps to meet the increased demands.

The tender was structured to enable Council to select “components” of works to be undertaken as part of this contract. The Project Committee reviewed the tender submissions in relation to the budget and have recommended that Council undertake all works, with the exception of shading over the 51 metre competition pool.

The weighted assessment shows that the tenders by Hooker Cockram Projects Ltd and Seymour Whyte Constructions Pty Ltd have scored the highest in the evaluation of the tenders. Both companies have constructed several pools and are considered capable of undertaking these works.

A full financial assessment of the successful tenderer will be undertaken prior to awarding the contract.

Manager - Finance & Administration Comments

The estimated total cost for this project is \$7.493 million, which includes heated 51 metre, 25 metre and children's pools. This is the single biggest project funded by Council and without doubt, our priority. It is important to remember that from time to time, Council will need to take on projects of this magnitude to replace or provide community facilities, so this type of situation will continue to be a consideration for future Councils.

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Tenders for Demolition of Existing Facility and Construction of a New Aquatic Centre

The 2003/04 Management Plan provides \$3.7 million in funding for this project with \$3.43 million from loans and \$270,000 from Section 94. An additional \$3.793 million is required and the preferred funding option would be loans. The total annual loan repayments are estimated to be \$720,000 for a twenty year period.

To meet this financial commitment and to continue to provide a broad range of other works and services into the future, we will need to specifically:-

- a) Acknowledge that additional rate revenue generated in future from 'rate pegging increases' and 'growth in the number of rateable properties' will be used to meet recurrent works and services, and the loan repayments for this project.
- b) Pursue the sale of surplus and non core property holdings to realise funds which can be available to either reduce loan borrowings for this project, or used to invest in other major works. There are significant dollars and therefore benefits to be derived from this activity. These include the sale of commercial buildings, residential and industrial land, and general surplus lands.
- c) Explore opportunities to increase 'dividends' from business units.
- d) Continue the ongoing review of both the way and type of works and services delivered to the community to ensure that they are effective and efficient.

Public Consultations

N/A

Other Comments

General Manager

There is no question that the financial scale of this project exceeds any historical single development which is the responsibility of Lismore City Council but it is also proper to consider the cost implications in context.

The public infrastructure proposed as a replacement for the Lismore Memorial Baths is by its nature, not a commercial investment but rather a cost to the community. It is not very different to a bridge, a Civic Centre, the flood levee wall in principle on the basis that these structures will be in place for use by the community for many decades. That being so, it is equitable for both current ratepayers and those in the future to pay towards the cost of the facility. One means of amortising the cost in this manner is to borrow capital and redeem the debt via public funds over a reasonable period.

Lismore City Council has control of a budget which manages annual revenues of \$61 million from all sources and whilst the majority of these funds are applied to recurrent expenditure programs, there is significant flexibility in the budget.

The \$7.5 million investment in these works should be looked upon in at least two components. The first is the cost of providing a same-for-same replacement for the Memorial Baths which is estimated at \$5.3 million. This is the minimum cost which Lismore City Council as an organisation will have to finance for an improvement to its swimming pool facilities under any scenario. On that basis, the primary level of expenditure is a given – there is next to no scope for negotiation.

The second part is the expenditure on facilities which may not be regarded as essential. This could include the 25 metre pool, the toddlers pool, disabled access, movable boom, grandstands, shade protection, heating, etc.....

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Tenders for Demolition of Existing Facility and Construction of a New Aquatic Centre

The incremental or marginal cost of these elements – again irrespective of where sited is up to \$3.2 million.

If, as recommended, the main pool shade structure is not built, the maximum cost is \$2.2 million. Accordingly, the debate about how Council proceeds to deliver this project should centre on that figure.

More importantly, these figures should really be expressed as annual costs because it is this money – not the capital which impacts on the Council's budget.

Scenario I – Borrow \$5 Million

Limit the scale of the development to a replacement 51 metre pool and after applying \$270,000 in S94 developer contributions, borrow the balance over a 20 year repayment term. The annual costs are:

<i>Debt servicing</i>	<i>500,000</i>
<i>Net operating costs</i>	<i><u>58,000</u></i>
<i>Ongoing cost to Council budget</i>	<i><u>\$558,000</u></i>

Scenario II – Borrow \$7.2 Million

Proceed to accept a tender priced to include all the elements recommended by the Baths Project Committee (\$7.5 million) and after applying \$270,000 from S94 funds, borrow \$7.2 million. The annual costs are:

<i>Debt servicing</i>	<i>720,000</i>
<i>Net operating costs</i>	<i><u>33,000</u></i>
<i>Ongoing cost to Council budget</i>	<i><u>\$753,000</u></i>

Scenario III – Borrow \$6.2 Million

As per above but Council commits to devoting \$1 million from the proceeds of property sales towards this project, the figures become –

<i>Debt servicing</i>	<i>620,000</i>
<i>Operating costs</i>	<i><u>33,000</u></i>
<i>Ongoing cost to Council budget</i>	<i><u>\$653,000</u></i>

Scenario IV – Borrow \$6.2 million

As above apply \$1 million from the proceeds of property sales towards the project and require \$200,000 per annum to be paid as a dividend by Council's business units. Such a dividend is feasible economically, is expected to be mandated by the State Government prior to the next Council budget year and would have the effect of relieving the ratepayers of \$2 million in annual debt servicing costs. The equation would look like this –

<i>Debt servicing</i>	<i>620,000</i>
<i>Operating costs</i>	<i>33,000</i>
<i>Dividend</i>	<i><u>(200,000)</u></i>
<i>Ongoing cost to Council budget</i>	<i><u>\$453,000</u></i>

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Tenders for Demolition of Existing Facility and Construction of a New Aquatic Centre

The foregoing examples are not intended to be definitive but are a means of demonstrating that the cost of a high standard facility is not beyond the financial capabilities of Lismore City Council and its community.

Councillors will recognise that the annual budget is far from inflexible when it is seen that over the last two financial years, there was an improvement to the Council's position before capital transactions between budget approval and audited final accounts of \$932,000 (2002) and \$1,804,000 (2003). These figures were derived from a multiplicity of intra-year budget variations and include additional rates collected from new development, fluctuations in insurance and legal costs, investment earnings, special grants, electricity contract negotiations and many other operational revenue and expenditure items.

For this financial year, there have already been variations such as:

<i>Development activity fees</i>	135,000 +
<i>Financial Assistance Grant</i>	52,300 -
<i>Airport landing fees concession</i>	131,000 -

There will be others to come and there is a strong likelihood of the full year returning another overall improved result. The Council's rate base of over \$17 million ensures annual growth in revenue of more than \$600,000 alone. For next year Council can look forward to a reduction in its Workers' Compensation premium of nearly \$200,000. This rebate is sustainable with appropriate management and is a cash saving to the budget.

The message in the foregoing remarks is that Lismore City Council can afford to move forward on its May 6 decision to redevelop the Memorial Baths and it can also have confidence that there is flexibility in the method of financing the proposed high standard facility to the extent it is not necessary to agonise over the tenders received except to be satisfied the tenderer selected is capable of delivering a quality result, on time and to the agreed contract terms.

The **RECOMMENDATION** contained in this report is commended to the Council for adoption.

Author's Response to Comments from Other Staff

Noted.

Conclusion

Both Hooker Cockram Projects Ltd and Seymour Whyte Constructions Pty Ltd have scored highly in the evaluation of the tenders and both companies are highly experienced in the construction of aquatic facilities. Seymour Whyte Constructions Pty Ltd have recently completed the construction of a large aquatic centre in northern Queensland on similar soil conditions.

Seymour Whyte Constructions Pty Ltd have scored highest in the overall evaluation and are the preferred tenderer to undertake the works.

Seymour Whyte Constructions Pty Ltd submitted a tender sum of \$5,481,699.00 for the construction of the aquatic centre excluding the supply and install of the water treatment equipment.

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Tenders for Demolition of Existing Facility and Construction of a New Aquatic Centre

Tenders were called separately for this component and the successful tenderer, Swimplex Pty Ltd will become a nominated sub-contractor to Seymour Whyte Constructions Pty Ltd. The tender price of \$890,224.00 for the water treatment will form part of the total contract with Seymour Whyte Constructions. It is normal practice to allow a 5% contingency in contracts and is included in the contract sum.

The total project costs for construction of the aquatic centre are as follows:

Seymour Whyte Constructions	\$5,481,699	
Supply & Install Water Treat Equipment	\$ 890,224	
Contingency	<u>\$ 318,596</u>	\$6,690,519
Professional Fees		\$ 600,000
Electricity Upgrade		\$ 160,000
Staff Time & Incidentals		\$ 20,000
Replacement of Bowls Shed		<u>\$ 18,000</u>
Total Project Value		<u>\$7,488,519</u>

Recommendation (GM01)

- 1 Council accept the recommendation of the Project Committee and redevelop the Memorial Baths site in accordance with the works described in DA03/673 but excluding a shade structure over the 51 metre pool.
- 2 The tender for the construction of the aquatic centre T24015 be awarded to Seymour Whyte Constructions Ltd.
- 3 That the Mayor and General Manager be authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.
- 4 That Council seek a Section 96 variation to remove the consent conditions requiring shading over the 51 metre pool.

Subject/File No:	GOONELLABAH INDOOR SPORTS AND LEISURE CENTRE (P22522)
Prepared By:	Recreation Planner, Alex Wilford
Reason:	A masterplan design and cost estimates have been prepared for the proposed Goonellabah Sport and Leisure Centre
Objective:	To present and discuss the masterplan design and cost estimates and to further advance the project.
Management Plan Activity:	Community Services

Background:

The need for an indoor sport and recreation centre in Goonellabah is widely accepted. The development of such a facility was recommended in the Lismore Recreation Needs Study conducted by Michael King and Associates in 1998 and all subsequent consultation has confirmed this need.

An initial feasibility study prepared by Venue Group Consultants in July 1999 recommended a two-staged development on Council owned land within the Goonellabah Town Centre precinct with stage 1 consisting of two indoor sports courts and ancillary facilities and stage 2 an indoor 25 metre swimming pool.

The building area available on Council's land within the Goonellabah Town Centre site is restricted by a creek and the location of an underground service easement. This prompted discussions with Consolidated Properties in 2001 that led to a proposal to adjust the common property boundary between council's land and their commercial land to enhance the area available for the proposed sport and leisure centre.

The land swap arrangements were not formalised and the project remained on hold for most of 2002 due to the uncertainty surrounding the proposed development of a new aquatic centre in Lismore and potential implications for this project. The Goonellabah site was being considered as one of several options for the aquatic centre.

Further progress was made in late 2002 when Council's Community Services staff conducted a community survey and consulted with potential user groups to gauge the level of support and to identify preferences and priorities for the centre. The results of the consultation, reported to Council in December 2002, reinforced the need for a multi-purpose recreation centre to meet the diverse needs of the Goonellabah community. The need to provide programs/activities and space for youth was highlighted as a key priority.

In December 2002 Council approved in-principle the following list of preferred inclusions:

- Indoor sports hall with two multi-purpose courts
- Café/reception
- Crèche/child minding
- Multi-purpose youth/community activity space
- Linked skatepark

Although the consultation also confirmed a strong demand for swimming facilities in Goonellabah, it was suggested at the time that this demand would be met through the development of the proposed Lismore regional aquatic centre. However, in May 2003 when Council resolved to redevelop the Memorial Baths as an outdoor facility, it also resolved "that when funds become available a Goonellabah Swimming Centre be constructed in stages".

Conceptual Masterplan

Carrying on from their previous work at the site, Bzowy Architecture was engaged in September 2003 to prepare a conceptual masterplan and costings for the staged development of the site. The list of inclusions previously adopted by Council (with the addition of a swimming centre) and the results of recent consultation with local youth, community service organisations, potential user groups and relevant Council officers have served as the basis for the masterplan.

The masterplan addresses all critical development issues such as operational flexibility, roadworks, vehicle access and parking, topography, and site constraints associated with the location of services and the adjacent creek. The masterplan design and an architectural summary prepared by Bzowy Architecture are attached to this report.

The masterplan allows flexibility in staging the development to accommodate changing community needs and the availability of funding. The main elements and the suggested staging for the development of the masterplan are:

Stage A.

- Sports Hall with 2 multi-purpose high ball courts
- Multi-purpose Youth and Community Centre
- Amenities
- Reception/Administration Offices
- Kiosk / kitchen
- Linked Skate Park
- Stage A parking for approximately 65 cars with dedicated bus drop off

The sports hall and youth/community centre may also be developed as distinct stages if desired.

Stage B.

- Indoor 25m pool
- Indoor leisure pool
- Amenities
- Main entrance, reception and administration zone
- Cafe with adjoining wet and dry lounge areas
- Crèche
- Stage B parking for approximately 77 cars with dedicated bus drop off

Stage C.

- Health and Fitness Centre (second level) with:
 - gymnasium
 - multifunctional space for aerobics, etc
 - assessment/consultation rooms
- Stairs and disabled lift to second level

Cost Estimates

Detailed cost estimates prepared by Wilde and Woollard Quantity Surveyors are also attached. A brief summary of the estimated total costs as per the suggested staging is provided below:

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Goonellabah Indoor Sports & Leisure Centre

Stage A.	Sports Hall (highball courts) Youth and Community Centre	3,882,120 922,735 <u>4,804,855</u>
Stage B.	Swimming Centre	6,128,963
Stage C.	Health and Fitness Centre	1,827,540
Total		<u>12,761,358</u>

The cost estimates include a 10% allowance for contingencies but do not include professional fees associated with the design, documentation and project management of the development. These fees are generally between 8% and 12% of the capital costs.

Site Issues

There are a number of physical constraints which limit the amount and location of useable building space on the site. An upper tributary of Tucki Tucki Creek, runs through the northern and eastern sections of the site and a 6 metre wide north-south running sewerage and Telstra easement virtually bisects the site.

Following consultation with the former Department of Land and Water Conservation (now the Department of Infrastructure Planning and Natural Resources) in 2000 it was agreed that the 20 year flood line be used to define the limit of any development or fill on the site. Sinclair Knight Merz completed a flood study in 2001 to establish the 10, 20 and 100 year flood lines for the site.

Construction over the easement is also problematic (and costly) and is generally limited to roads, paths and car parking. Any building works over the easement need to be bridged or concrete encased so as to ensure the integrity of the underground services.

The site also slopes quite steeply from the west to the creek line in the east and as a result a substantial amount of cut/fill and/or retaining works will be required. The extension of Gordon Blair Drive, a 7 metre wide link road between Ballina Road and Oliver Avenue is also to be accommodated on the site.

The above factors, together with the desire to minimise the extent to which the development encroaches upon the adjacent commercial land owned by Consolidated Properties, have been carefully considered and addressed during the preparation of the masterplan.

Land Swap Proposal

Consolidated Properties recently indicated (24/11/03) that they are still very supportive of the proposed land swap arrangements. The masterplan is to serve as the basis for finalising the property boundary adjustment. It is important that these arrangements be finalised as soon as practicable.

Management / Options

There are three broad management options, with numerous variations, that are commonly applied to the management and operation of local government leisure facilities. These include:

- **Direct Management** - where Council retains total control and accountability for the operation through directly employed staff.

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Goonellabah Indoor Sports & Leisure Centre

- **Private Lease or Independent Management** - where council contracts/leases the facility to a private operator or independent organisation (usually with access and fee conditions).
- **Indirect Management** - where the operation of the facility is placed at 'arms length' from Council, but with Council retaining some effective control through the terms of its membership of a "Board/Committee" formed to manage the centre.

The masterplan has been designed to allow for flexibility in the way the centre is to be managed and operated. It is recommended that the management of the centre be explored in detail as part of the business planning process in consultation with a project steering committee and other relevant stakeholders. Detailed financial operating projections would also be developed as part of this process.

Project Funding

Council has a total of approximately \$2.2 million available for this project comprising the following:

Section 94 Community Facilities Urban East Catchment	\$1,260,000
Goonellabah Swimming Pool Reserves	<u>\$ 947,000</u>
	\$2,207,000

Based on the cost estimates provided this would leave a shortfall of approximately \$3.0M to undertake the suggested stage 1 works. There is some potential to attract grant funding (sport, recreation and youth) and to develop management and/or capital partnerships.

Manager - Finance & Administration Comments

The development of the Goonellabah Indoor Sports and Leisure Centre is seen to be the next major priority for Council after the Memorial Pool Redevelopment. Given the project has a total cost estimate of \$14.0 million (including professional fees) on a staged basis (Stage A \$5.27 million, Stage B \$6.73 million and Stage C \$2.0 million), it is appropriate that a Project Steering Committee be formed to best undertake the key tasks listed in the recommendations.

The major financial issue to consider is the affordability of the proposal due predominately to its impact on Council to provide other works and services. The ability to stage the project is considered an essential element as this will allow borrowings in manageable sized amounts. For example, for Stage 1 to proceed, we will need to source approximately \$3.0 million which is likely to be from loans and grants in addition to the \$2.2 million we currently have available. The timing of any borrowings for the works to proceed will need to fit into Council's capacity to meet repayments and other commitments. The cost of operations also needs to be factored into the equation and this will be assessed as part of the business plan.

Public Consultations

The masterplan design reflects the results of public consultations undertaken over several years in relation to this project, which have been previously reported to Council. This consultation has included:

- Lismore Recreation Needs Study, Michael King and Associates, 1998
- Goonellabah Indoor Leisure Centre Feasibility Study, Venue Group Consultants, 1999
- Goonellabah Leisure Centre Community Questionnaire, LCC Community Services, Oct 2002
- Goonellabah Youth Focus Group Sessions, Bzowy Architecture and LCC Community Services, Sept-Oct 2003.

Goonellabah Indoor Sports & Leisure Centre

The public consultation has confirmed the need and overwhelming support for the development of a flexible multi-purpose leisure centre that caters for the diverse needs of the Goonellabah community. The need for a programs/activities and dedicated space for youth is a high priority. There is also strong demand for swimming facilities in Goonellabah.

It is suggested that the masterplan be placed on public exhibition to provide further opportunities for public input to the planning process.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Noted.

Conclusion

This report has presented and discussed the conceptual masterplan and cost estimates for the staged development of the proposed Goonellabah Indoor Sports and Leisure Centre. The masterplan responds to the complexities of the site and incorporates the elements most desired by the community. The design is flexible in terms of staging, management and usage. Placing the masterplan on public exhibition would provide the opportunity for further public input and comment.

A Project Steering Committee consisting of three Councillors and relevant council officers should now be formed to oversee the advancement of this project. Key initial tasks include:

- finalise the masterplan with reference to community comment and feedback,
- finalise the property boundary adjustment with Consolidated Properties, and
- develop a business plan which explores management options, funding opportunities and the financial operating performance of the centre.

Recommendation (COR26)

1. The masterplan be placed on exhibition for public comment and feedback.
2. That a Project Steering Committee consisting of Councillors _____, _____ and _____ and relevant council officers be formed to oversee the advancement of the project, with initial tasks to include:
 - a) Finalise the masterplan,
 - b) Finalise the common property boundary adjustment with Consolidated Properties,
 - c) Preparation of a business plan.
3. The above information be reported to Council prior to proceeding with the design for stage 1.

Subject/File No: REVIEW OF SECTION 94 CONTRIBUTIONS PLAN 1999
(S517)

Prepared By: Development Assessment Planner - Chris Soulsby

Reason: Completion of Review of S94 Contributions Plan

Objective: Resolution to adopt the draft contributions plan

Management Plan Activity: Planning Services

Background:

At its meeting of November 13, 2001 Council adopted a series of amendments to its Section 94 Contributions Plan (CP) that arose as part of a first stage review of the CP. A copy of that report is provided in the attachments. The amendments related primarily to administrative issues in the CP that had been identified by a staff working group representing various sections of Council involved in the collection, management or expenditure of Section 94 funds. This first stage review had no appreciable effect upon the level of contributions payable by the developer or upon the funding commitments for Council.

The second stage of the review process was then undertaken and this involved a review of apportionment factors, works schedules and updating population projections based upon results from the 2001 Census. The review has involved staff from Planning Services, Parks and Recreation, Community Services, City Works and Financial Services. The Management Group considered the works schedules and the apportionment in the draft CP. A workshop was held with Councillors and the CP project team. The draft CP resulting from this process has a timeframe to 2013.

At its meeting of July 8, 2003 Council considered the changes proposed in the draft CP and resolved:

1. That the draft Section 94 Contributions Plan (with updated valuations for land acquisition costs in the Recreation and Community Facilities Works Programmes) be placed on public exhibition for a period of eight (8) weeks.
2. That letters be sent to affected community and sporting organisations advising them of the recommendations and proposed changes to the Plan and inviting them to comment.
3. That an information session on the Plan be held for local consultants and representatives from the development industry.

Public Consultations

Prior to the CP being placed on exhibition Council wrote to the following community and sporting organisations to advise of the changes in the draft CP:

- Nimbin Community Development Association;
 - Wyrallah Hall Committee;
 - Bexhill Hall Committee
 - Dunoon Hall Committee
 - Marom Creek Hall Committee
 - Coffee Camp Hall
 - Tuntable Creek Hall
 - Caniaba Spring Grove Community Hall
 - Dunoon Pre-school
-

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Review of Section 94 Contributions Plan 1999

- Jiggi Pre-school
- Eltham Hall Committee
- Lismore Touch Association
- Far North Coast Baseball Association
- Soccer Far North Coast
- Lismore District Cricket Association
- Lismore Twilight Cricket
- Village Cricket
- Lismore Athletic Club
- Lismore Swans AFL
- Far North Coast Cricket Council
- Lismore Workers Rugby League Club
- Marist Bothers Rugby League Club
- Lismore Rovers Soccer Club
- South Lismore Soccer Club
- Far North Coast Men's Hockey Association
- Far North Coast Womens Hockey Association
- Lismore Netball
- Nimbin Soccer
- Lismore Oztag
- Clunes Dunoon Village Cricket
- Dunoon & District Little Athletics
- Lismore City Rugby League Club

The CP was then placed on public exhibition from August 4 until September 27. Notices were placed in The Echo every second week commencing July 31 until September 11, 2003. Copies of the draft CP were made available at the Council's Administration Centre, City Library, Nimbin Community Centre, general stores at Clunes, Bexhill, Dunoon, The Channon and Rosebank and on Council's website.

A public information session on the draft CP was held on August 19 at the Council Chambers. Notices of this meeting were placed in the Echo for the two weeks preceding and the local planning consultants, Lismore Unlimited and Lismore Economic Development Board were all specifically invited.

There was a delay in notifying landowners, whose land is identified in the CP, due to the need to gain and consider some legal advice. This advice is discussed separately below. The delay caused by the late receipt of this advice required an extension to the exhibition period until November 21.

A total of thirteen submissions were received resulting from the information sessions and exhibition of the draft CP. Copies of all the submission are provided in the attachments. A précis and discussion of each of the submissions follows:

NSW Rural Fire Service:

Requests the inclusion of alternate items into the works schedule and provides reasons as to why the items are required. The additional items to be included into the works schedule over a ten year period are:

- | | |
|-------------------------|----------|
| • Tanker Enhancement | \$94,000 |
| • New Equipment (CABA) | \$20,000 |
| • Upgrade Catering unit | \$6,000 |

Planners comments: As the tanker fleet is progressively renewed over a ten year time frame, enhancement of the new tankers to increase capability will occur. The need for tanker enhancement to expand coverage due to an expanding population is justifiable in terms of causal nexus. This enhancement of capability is 100% attributable to new development. These enhancements to the bushfire fleet reduce pressure throughout the entire network. The requirement for new equipment to allow offensive fighting of house fires is also justifiable in term of causal nexus. Extra CABA equipment (breathing apparatus) will need to be purchased to expand the general capabilities of the brigades. As the equipment will be utilised across the entire LGA for both new and existing dwellings, only a proportion of these costs are attributable to new population and can be collected from new development. This amounts to 10.0% on a LGA wide basis. The same logic applies to the upgrade of the catering unit and it will also be apportioned to 10.0% of the total cost.

The cost implications for Council of the RFS submission are discussed in further detail below.

McIntosh Barr & Gordon on behalf of Mr Brian Larrescy:

Mr Larrescy owns a parcel of land identified for future acquisition in the draft CP. Mr Larrescy raises three issues, these are:

- 1) Council has not taken into account the existence of trees and koalas on the land;
- 2) Council has not taken into account the current bushfire arrangements for buffer zones on the land;
- 3) Council does not appear to have taken into account the existence of water mains.

Mr Larrescy also sets out five conditions to which he purports Council would have to agree to for the acquisition to occur. These are:

- a) Council acquire the whole of the land excepting the curtilage of the dwelling house;
- b) Council provide sewer to the dwelling at its cost;
- c) Council compensate for the land acquired on the basis of residential land in accordance with the appropriate legislation;
- d) That Council indemnify Mr Larrescy for any damage caused by the three issues raised above and / or any damage caused by falling trees;
- e) That Council accept responsibility for fencing the whole of the land excepting the curtilage of the dwelling house.

Planners comments: In determining the suitability of the land for future acquisition Council staff including the Development Assessment Planner, Strategic Planner, Environmental Planner, and the then Manager Parks and Recreation considered the amount and type of vegetation on the land and the its potential habitat value. The existence of the vegetation and a water main, Council's asset, in the land to be acquired has no impact on the potential acquisition of the land. Similarly the asset protection zones prescribed in Planning for Bushfire Protection have little bearing on the potential acquisition of this land. The conditions presented in this submission relate to matters for negotiation when the land is rezoned and acquired and are not relevant to the inclusion of the land in a contribution plan to enable Council to collect funds from developers to pay for the acquisition. The conditions a - e are not relevant to the CP as the CP does not form an offer to acquire either compulsorily or by treaty. The submission does not specifically object to funds being collected from developers to acquire this land.

Mr John Duffy:

Raises five questions / issues:

- 1) How does Council identify / prioritise the projects in the works schedules?
 - 2) The application of works schedules and apportionment is complex and restrictive; it ties up funds for a long period of time. Can there be a more effective rolling plan with simpler apportionment;
 - 3) Richmond Hill is located within the Urban East catchment but gets no facilities.
-

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Review of Section 94 Contributions Plan 1999

- 4) The amount of money (maintenance and refurbishment) spent on the main road (Richmond Hill Road) is not proportional to the local population when through traffic is considered. There is a need for a walking track / cycleway on this road.
- 5) There is a lack of development potential in the Richmond Hill area. Will this change the apportionment?

Planners Comment: The works were prioritised by the respective groups within Council in consultation with planning and finance staff based upon predicted community need. Works proposed to be included in the schedules were vetted by planning staff to determine if the work passed the tests of causal and spatial nexus and to determine the appropriate apportionment. Finance staff reviewed the projects based upon the apportionment to determine affordability for Council and impact on the development industry. The restrictive nature of the CP is determined by the Environmental Planning and Assessment Regulation 2000 and is not variable. The catchment areas are based upon the collector districts (CD) for the census. The incorporation of Richmond Hill into the urban east catchment is considered reasonable given the facilities provided and the accessibility of those facilities; this is the concept of spatial nexus. As Richmond Hill Road is a Council road, funding for maintenance and refurbishment is an issue for Council to determine in its recurrent budget and not relevant to the CP. The lack of growth in the Richmond Hill area is balanced by the high growth in the remainder of the urban east catchment, primarily Goonellabah. There will be no significant change in the apportionment. This issue is a good reason not to excise Richmond Hill from the urban east catchment. There is no argument that there may be a need for a footpath / cycleway on Richmond Hill Road. Given the likely apportionment within catchment the bulk of the cost would fall to existing population (Council). On this basis S94 is not the most appropriate mechanism to fund these works.

Lismore Unlimited Opportunities (LUO) & Lismore Economic Development Advisory Board:

This submission raises many issues regarding these organisations objectives, opinions on the CP and recommendations on the draft CP. Only those of relevance to the draft CP will be addressed here. The main issues for these organisations are:

- The combination of increased S64 charges and S94 charges needs to be considered for residential allotments and the markets ability to bear the combined costs;
- Requests that Council consider calculating S94 charges for commercial accommodation based on a square metre rate rather than as a proportion of an ET;
- It is critical that the urban roads charge on commercial development be kept to under \$20 per m². Use of RTA grants or a cross subsidy from residential development to fund this level of commercial contribution is recommended.
- No further increase in industrial contribution rates. Further modelling is required;
- It is critical to keep the cost of car spaces under \$10,000. The group considers a land acquisition cost of \$200 per m² to be an appropriate cost for land acquisition for carparking.
- Increase the incentives for investment program;

Planners Comments: The combination of charges and their impact on the market is not a planning consideration. The underlying principal for S94 and S64 charges is that new development pays for the increased demand for services and infrastructure. The services and infrastructure are required to enable new development to occur. If the market does not pay for the infrastructure then development cannot occur. However given the significant increases in land prices being achieved at sale currently it is considered that the market can currently absorb the increase in contributions.

The calculation of rates for commercial accommodation based on a square metre rate would not change the amount paid, as the square metre rate would be based on proportion of an ET. The proportion of an ET is a more transparent method of calculation.

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Review of Section 94 Contributions Plan 1999

The rate of \$35 per m² for commercial development is already subject to a 50% subsidy. There is no planning justification for this subsidy rather it is based on a desire to stimulate economic development. Further reduction in this rate would potentially require input of Council funds to make up the shortfall. The current 50% subsidy is funded through RTA and Federal grants. Such an input of Council funds would reduce Council's ability to fund other projects.

The industrial rate has increased from \$2.23 per m² of site area to \$2.36 per m² of site area, an increase of 6% for creation of lots at the subdivisions stage. The same rate has been adjusted, based upon traffic generation, to a per m² for gross floor area, applied only where there is an intensification of use. This also equates to a 6% increase. The cost of provision of car spaces in the CBD is based upon actual costs incurred by Council and should not be reduced. The figures used within the plan to determine the land cost for parking are the actual purchase price paid by Council (increased for C.P.I.) for each of the sites. The adoption of an estimated figure as proposed would not provide a true representation of the actual cost to Council of providing these car parks for developers.

The incentives for investment program is of little planning relevance to the consideration of the CP but Council may wish to consider this issue separately.

Wyrallah Hall Committee:

The committee has submitted two letters, the first complementing Council on inclusion of the hall in the draft CP and the second requesting an additional \$12,000 in funding. The additional funding is to modernise the kitchen facilities.

Planners Comments: Unfortunately the replacement of existing infrastructure does not meet the causal nexus test. The \$12,000 kitchen upgrade, whilst needed, cannot be funded through S94. There is currently a \$10,000 component of the draft CP for upgrading of Wyrallah Hall that consists of increasing the covered outdoor area to increase the capacity of the facility. It is not proposed to include the additional \$12,000 into the works schedule.

Mr Trevor Wise:

Owns an allotment of land along the proposed Tucki Tucki Creek corridor. His concerns relate to the amount of land affected by the corridor, public liability, that this corridor when combined with the Koala Management Plan will make primary production impossible and the amount of money to be collected is not enough compensation. Mr Wise requests more

Planners Comments: Mr Wise's land is located east of City Acres and is zoned part 1(d) Investigation Area, part 1(a) General Rural and part 6(a) Open Space. Only the area zoned 1(d) on the western side of the creek will be available for future urban development at this time. Close examination of the aerial photography and inspection of the creek indicates that only the land on the western side of the creek will be required as part of the corridor. The land on the eastern side would complete the corridor but is not absolutely essential to protect the creek from urban development and to provide the for a footpath / cycleway link. Mr Wise has an orchard that is located on the eastern side of the creek that would become isolated if all of the 40m wide strip on the eastern side were acquired. It is considered appropriate to exclude this area from the mapping. This is discussed in more detail below.

Mr & Mrs Wright:

Have concerns about the future acquisition of their land along Tucki Tucki Creek. They raise issues / questions on water rights, fencing, the amount of land being taken, and price to be paid. They do not like the loss of both sides of the creek.

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Review of Section 94 Contributions Plan 1999

Planners Comments: The majority of the issues raised relate to future negotiations on the acquisition. The draft CP identifies the indicative areas that are likely to be required. Council may not require both sides of the creek in this location. After rezoning has occurred negotiations on compensation and other matters can be initiated by either the landowner or Council

Newton Denny Chapelle:

This submission is made on behalf of various clients and their colleagues in the development industry. The issues raised are:

- Commercial development levy should be less than \$20 per m²;
- Differentiation of the commercial levy for urban roads between office and retail space;
- Differentiation between differing traffic generating uses for application of the industrial urban road levy;

Planners Comments: As commented earlier, there has already been a reduction in the commercial levy due to likely grant funding from both the RTA and Federal government.

It is acknowledged that there is a difference in traffic generation between office floor space and retail floor space. The traffic study does not differentiate between these uses in terms of trip generation. It distributes the traffic generation evenly over all the commercial uses in the catchment. If Council were to make this distinction it would add a level of complexity to the CP that would require a further traffic study to determine the proportions of trips generated by each component and differing growth factors for expansion of these individual components of the commercial sector. In the absence of a study it is the opinion of the Development Assessment Planner and Development Engineer that the probable outcome of such a study would be to significantly increase the rate for retail to well above the currently recommended \$35.91 per m² whilst reducing the rate for office space. Based upon the RTA guide to traffic generating developments the differential could vary from 5:1 to 12:1 considering the total trip generation for the commercial sector. This ratio would change further when the breakdown of office to retail floor space is known. This factor would probably skew the ratio further and increase the amount to be paid by the retail component. It is clear that there is a significant level of cross subsidisation between these two components of the commercial sector. There is potentially a significant benefit to the economic growth of Lismore arising from this cross subsidisation, the exact level of benefit is however unknown. Due to the cost of a further study and the potential adverse impacts on the retail sector separation of these components is not recommended despite the obvious equity issue.

Differentiation between the differing traffic generating characteristics of the various types of industrial development presents the same difficulties as discussed above with respect to the commercial sector. It is not disputed that, for example, warehousing generates less traffic than general industry and a car repair station generates more trips than both. The traffic study upon which the contribution rates are predicated makes no distinction between these types of use. The draft CP will allow the base rate to be applied at the time of subdivision and if a more intensive industrial land use occurs then the increase will be picked up at the DA for the land use based upon floor area. This is however based on the same generic rate of traffic generation that has been converted from site area to gross floor area (GFA).

Caniaba Hall Committee:

The hall committee had made a submission requesting that the hall remain in the CP. The submission identified population growth as a trigger for requiring improved carparking, connection to town water, sewerage and an increase in the hall size.

Planners Comments: The increase in population within this catchment and the inadequate size of the hall at Perradenya justifies the inclusion of some of the works requested.

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Review of Section 94 Contributions Plan 1999

Following consultation with the Community Development & Project Officer it was determined that the carparking was the greatest priority for this hall. The estimated cost to provide 15 spaces is \$25,000 and this will be 100% attributable to new development.

Jenny Rose:

Primarily objected to the exclusion of further funding for the Caniaba Hall. Requested improvements to the hall, carparking, access and connection to sewer and water.

Planners Comments: These matters have been considered and the carparking component is recommended for inclusion into the CP.

Paul Recher:

Mr Recher's submission targets the 50% subsidy given to the commercial sector for the strategic urban roads section of the plan and the underlying assumptions in the works schedules. Specifically, Mr Recher attacks the assumptions upon which the principal for the 50% subsidy is based, namely increased economic development due to the decreased cost to the developer.

Planners Comment: From a purist planning perspective the 50% subsidy does not meet the underlying intent of section 94 planning being, that new development should pay its way. The subsidy does however recognise the strategic economic importance to a regional centre of new employment generating development, particularly in an area of high unemployment. Where such a subsidy can be initiated in a cost neutral way to Council through the use of grants to fund the difference in the developer's share it may be of some benefit. Mr Recher's argument against the urban strategic roads program is at odds with the PPK traffic studies and is not accepted.

North Lismore Progress Association:

This submission focuses on the urban strategic roads program, in particular the component that impacts on North Lismore. It states that as there has been no EIS it is presumptuous to include this item in the contributions plan.

Planners Comment: The EIS and consent process for the urban strategic roads program is of little relevance to collecting funds via a CP to pay for the road. The mere inclusion of the works in the CP does not prejudice the assessment of the merits of the works under a different part of the Environment Planning and Assessment Act 1979. The requirement for the works to be included in the CP has been established by the PPK traffic study. This study identifies the infrastructure required but does not assess the impacts on the environment other than the predicted improvements in traffic flow. It is considered that in the absence of any technical evidence that the works are not required this item should remain in the works schedule.

Clunes Old School Association:

This submission questions the methodology and consultation with community groups. The submission requests that the works schedule for Clunes be reassessed to determine if the level of facilities is appropriate for the predicted growth.

Planners Comment: The works schedule was reviewed by staff inclusive of the Community Development & Project Officer. The current level of community facilities within Clunes was considered adequate and for this term of this CP no additional facilities are recommended. The exhibition period has given community groups the opportunity to make submissions on the inclusion of additional works. Not all of these submissions have been accepted, but it is considered that adequate consultation has been undertaken.

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Review of Section 94 Contributions Plan 1999

Amendments to the Contributions Plan

Rural Fire Service: Based on the submission from the RFS amendment of the draft CP is warranted. The following table represents the apportioned costs to be incorporated into the CP.

Equipment	Cost	Apportionment	Contribution	RFS Funding
Tanker Enhancement	84,000	100%	84,000	0
New Equipment (CABA)	20,000	10.0%	2,000	18,000
Upgrade Catering unit	6,000	10.0%	600	5,400
Total	110,000		86,600	23,400

The submission presented by the RFS results in a small increase in the overall contribution from the current rate of \$98 per ET to \$106 per ET. The submission allowed for a more detailed analysis of the apportionment to appropriately reflect the true cost to new development. It should be noted that due to the accurate calculation of the apportionment the funds available to the RFS are reduced from \$108,128 to \$86,600.

Because the RFS is only partially funded by Council (13.3%) and Council has no control over the non-developer component of the apportionment, a note is to be added to the CP to the effect that this component of the CP does not place an obligation on Council to meet the difference between the cost and developer contributions. Rather, the onus is on the RFS to meet this shortfall of \$23,400.

Caniaba Hall Carpark The submissions and discussions between Council's Community Development & Project Officer and the Caniaba Hall committee have indicated that an additional item is required to be added to the works schedules. A new table will be added to the rural southwest local open space strategy plans. The table will be as follows:

Facility	Priority	Description of Works	Total Cost	Proportion of local use	Reconciliation from previous plan	% Attributable to new devt.	Amount Levied
Caniaba Hall	1	Upgrade Carpark	\$25,000	100%	0	100%	\$25,000
TOTAL			\$25,000		0		\$25,000

This will result in a decrease of \$2 or 1% from the current plan.

Tucki Tucki Creek Corridor Mapping: The submissions, further analysis of the aerial images and site inspection indicates that the mapping for the future land acquisitions requires amendment. Map 5 will be amended by deletion of the eastern component of the future acquisition area. Specifically the eastern side of Tucki Tucki Creek on lot 1 DP 123272 , lot 1 DP 796712 and lot 10 DP 247057.

If in the extreme long term the land on the eastern side of the creek is used for urban development then the 40m on the eastern side of the creek could be included into a contribution plan and rezoned for acquisition.

Legal Advice: Council requested advice from our solicitors regarding the identification of land for future acquisition within the CP. The concern of staff was by including the land in the CP it could trigger the requirement for acquisition of the subject land prior to the rezoning (prematurely). The legal advice answered this question in the negative.

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Review of Section 94 Contributions Plan 1999

The identification of land within the CP as a basis for collection of monies from developers to fund a future acquisition does not present the landowner with the avenue of requiring Council to acquire the land. Only rezoning of the land to 6(a) provides that opportunity in accordance with clause 70 of the Lismore City Local Environmental Plan 2000.

Reconciliation: Where a facility is to be carried forward from the 1999 CP into the draft CP, the estimated cost of the facility has to be reduced by the amount of contributions collected to date plus Council's commitment to collections based on the apportionment factor contained in the existing plan. The final reconciliation of the 1999 Plan will need to occur on December 8, 2003, just prior to the new Plan coming into effect. Additional contributions received under the current CP between now and that date will have the effect of reducing the cost of facilities and thus reducing the contribution for that facility from developers.

Manager - Finance & Administration Comments

The recommended changes to the draft Lismore Contributions Plan 2003 are supported as they reflect logical improvements and do not significantly impact the contribution from either Council or developers. As previously stated and after considering these changes, the overall Plan is considered affordable from a financial perspective.

In regards to the commercial sector contribution towards strategic urban roads, the proposed rate is \$35.91 per square metre of ground floor area compared to the current rate of \$18.39. This is after the Council determined 50% subsidy is applied. If Council were to consider reducing this rate and fund the shortfall, the following scenarios are indicative: -

Rate of Subsidy	Commercial Contribution	Council Contribution
0	\$71.82	0
50%	\$35.91	\$2,002,100
60%	\$28.73	\$2,402,600
70%	\$21.55	\$2,803,000
72%	\$20.11	\$2,883,100
74%	\$18.67	\$2,983,200

The impact of increasing the subsidy applicable to the commercial sector is to increase Council's contribution. Given the life of the Strategic Urban Roads component of the Plan is estimated to be 30 years, the cost to Council of increasing the subsidy from 50% to say 72% is approximately \$30,000 per annum.

As reported above, the current plan is to be reconciled and any developer contributions received plus the appropriate Council contribution is to be expended in accordance with that plan or carried forward to the draft plan. This exercise is to be completed on December 8, 2003 and sent to Councillors. It is important to note that this will decrease the level of developer and Council contributions included in the draft plan, however it is not expected to be significant.

Other Group Comments

City Works Group

In the formulation of the Transport components of the contribution plan emphasis has been placed on maintaining consistency between the contributions plan and the studies undertaken to determine transport needs. This methodology has been implemented to ensure there is a strong nexus between the need for the works and their inclusion within the plan. The current PPK traffic study was utilised in determining the Strategic Urban Roads component of the plan. This study provided a detailed analysis of the future urban road needs of the City. It provides a very strong justification for this component of the plan.

This strength is considered paramount given this component of the plan is often the most significant contribution for development and therefore the most likely to be legally challenged. Given this strong link it is considered this component of the plan is well founded and could be easily defended legally. Further any proposed changes to this component of the plan would need to be examined in relation to the existing study, or further studies undertaken, to ensure that the justification for the plan is maintained.

Manager - Economic Development and Tourism

I have a different view from the author, with regard to three items raised in the combined submission from LUO and LEDAB.

I strongly advise that Council should ensure that:

1. The urban roads charge on commercial development be kept under \$20 per square metre; and
2. The charge for provision of CBD car parks be kept under \$10,000 per car park; and
3. There is no further cost impost on Industrial Development as a result of the new Section 94 Plan.

In the report it is asserted that, "The combination of charges and their impact on the market is not a planning consideration". Given the recent feedback through the Resident Satisfaction Survey and Community First - focus groups, it is clear that the community has a different view.

We live in the region of Australia that has:

1. The highest unemployment levels;
2. One of the lowest level of household incomes; and
3. The lowest Gross Regional Product (per capita).

It is a massive priority to create jobs through the encouragement of business investment. Population growth here is driven by people's desire to live in this wonderful "lifestyle region". The choice to live here leads - creation of jobs must follow. Given the recent increases in residential real estate the market can bear the proposed increases in charges on residential development. Council will however significantly impact the job creation process by increasing charges on commercial and industrial development as proposed.

The table below sets out the substantial increases in charges proposed in the report.

	Current Charge	Proposed Charge	Percentage Increase
Urban Roads - Commercial	\$18.39	\$35.00	90%
CBD Car Park	\$8,628	\$14,000	62%

Despite the rhetoric in the text about the increases in subsidies, the reality is that development charges are proposed to increase very substantially in both of these categories. Some otherwise viable developments will consequently not proceed and jobs will be lost.

Author's Response to Comments from Other Staff

The comments from the city works group are strongly endorsed. A CP that is based upon sound strategic studies should be robust enough to withstand legal challenges to it's validity and to the reasonableness of the contributions being levied.

The issues discussed by the finance and administration manager are also accepted and have been discussed at length above in the body of the report.

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Review of Section 94 Contributions Plan 1999

Points 1-3 made by the Manager Economic Development and Tourism are noted and have been generally considered under the submission by LUO and LEDAB. The Resident Satisfaction Survey did not ask about the level of contributions charges or its impact on the market rather it asked a generalised question on satisfaction with Council's land use planning. As stated above the combination of charges being S94 and S64 is not a relevant consideration in the technical assessment of the CP. The Development Assessment Planner cannot endorse the Manager Economic Development and Tourism's position on the CP.

Conclusion

The updating of the CP has been an ongoing project by a multi-disciplinary team from Planning Services, Finance, City Works and Community Services. The new CP is based upon the principles set out in the Environmental Planning and Assessment Act 1979, regulations and the DUAP Guide to S94 Planning. The approach by the project team has been to produce an equitable and fiscally responsible contributions plan that provides for the necessary infrastructure and services to enable the Lismore community to develop in a sustainable manner.

If Council adopts the draft CP there will need to be a number of minor changes to the plan as exhibited as have been discussed above. The recommendation below is to enable the planning and finance staff the ability to implement these changes and reconcile the previous CP.

Recommendation (PD01)

- A That Council adopt the Lismore Contributions Plan 2003 subject to the following changes:
- 1 Map 5 will be amended by deletion of the eastern component of the future acquisition area. Specifically the eastern side of Tucki Tucki Creek on lot 1 DP 123272, lot 1 DP 796712 and lot 10 DP 247057.
 - 2 Insert a new table into the works schedule for the Rural Southwest catchment for an upgrade to the Caniaba Hall carparking.

Facility	Priority	Description of Works	Total Cost	Proportion of local use	Reconciliation from previous plan	% Attributable to new devt.	Amount Levied
Caniaba Hall	1	Upgrade Carpark	\$25,000	100%	0	100%	\$25,000
TOTAL			\$25,000		0		\$25,000

- 3 Replace the current items in the works schedule for the Rural Fire Service with:

Equipment	Cost	Apportionment	Contribution	RFS Funding
Tanker Enhancement	84,000	100%	84,000	0
New Equipment (CABA)	20,000	10.0%	2,000	18,000
Upgrade Catering unit	6,000	10.0%	600	5,400
Total	110,000		86,600	23,400

4. Reconcile the current plan and apply the amounts to be carried forward to the calculation of contribution rates effective from December 10, 2003.

- B Grant delegated authority to the General Manager to make minor amendments and to correct formatting or typographical errors that do not alter the intent or value of the plan.

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Subject/File No: DRAFT COMPREHENSIVE KOALA PLAN OF MANAGEMENT FOR THE SOUTH-EASTERN PORTION OF THE LISMORE LOCAL GOVERNMENT AREA (SP: S310)

Prepared By: Environmental Planner – Sandy Pimm

Reason: Public exhibition of draft plan complete

Objective: Council adoption of draft plan

Management Plan Activity: Planning Services

Background:

Council resolved on July 8, 2003 to place the *draft Comprehensive Koala Plan of Management for the south-eastern portion of the Lismore Local Government Area* (hereafter referred to as 'the draft Plan') on public exhibition for a period of two months. The draft Plan was exhibited and community input sought during September and October 2003.

All issues raised during the exhibition period have been compiled and addressed within an *Issues Paper* contained in the Attachments to this Business Paper. Main issues are listed and addressed below under headings that group together similar issues for the sake of clarity and continuity. As a result of the issues raised, some changes are proposed to certain sections of the draft Plan, however, these changes are not considered significant enough to warrant re-exhibition of the Plan.

The issues, responses and proposed changes as a result of consultation have been considered by the Koala Management Plan Steering Committee at its meeting on November 19, 2003. The Committee resolved unanimously to recommend Council adoption of the draft Plan with the changes as agreed (detailed hereunder and Committee Minutes contained in the Attachments).

Comparison between SEPP 44 regulation and Plan regulations

SEPP 44 Koala Habitat already applies to Lismore and requires land owners to prepare individual Koala Plans of Management if they propose a development on land greater than 1 hectare and which contains core koala habitat.

Adoption of the Comprehensive Koala Plan of Management will remove this requirement from land within the "Lismore Vicinity" area.

The table below shows a detailed comparison of the requirements of SEPP 44 versus the Comprehensive Koala Plan of Management.

	SEPP 44	Draft Plan
Area covered	Any property with koala habitat	Lismore Vicinity
When activated	1 hectare Any development	Any property with mapped koala habitat Any development or activity
Tree species included	Forest Red Gum, Tallowwood, Swamp Mahogany	Forest Red Gum, Tallowwood, Swamp Mahogany
Exemptions	None	1 tree per property per year
Study required	Assess whether "potential" or "core" koala habitat Map vegetation Individual Koala Plan of Management	Mapping done Guidelines for Koala Habitat assessment step by step procedure to follow Performance criteria to follow
Cost to developer	\$2000 to \$10,000	Maximum \$2000
Time period before approval	3 months minimum, usually with 40 day DA assessment period on top	If meet criteria, within 40 day DA assessment period

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Draft Comprehensive Koala Plan Of Management

Clarity of development potential	Uncertain	Certain
Required monitoring period	Ongoing	Five years

Public Consultations

The Plan was exhibited from September 1, 2003 until October 31, 2003. During this period community consultation/information sessions consisted of:

- Four informal information sessions held from 3pm to 7pm with Council staff and mapping available at:
 - Tregeagle Hall on Tuesday 30/9/03
 - Wyrallah Hall on Wednesday 1/10/03
 - Goonellabah Community Centre on Thursday 2/10/03
 - McLeans Ridges Hall on Wednesday 8/10/03

Information sessions were generally poorly attended with a total of nine groups of people (16 people in total) seeking information or clarification. Those who attended appeared satisfied with the response and generally stayed for at least half an hour.

- A brochure and flyer sent to all landowners with habitat of any category mapped on their land. The brochure gave an outline of plan proposals and advised how to seek further information. The flyer advised of the upcoming public meetings and how to make a submission.

A total of 1185 properties were highlighted to receive the brochure, however, fewer brochures were sent because some landowners (public and private) owned more than one property so repeats were avoided where recognised.

- Two facilitated public meetings with speakers and a presentation on Plan implications from 6pm to 8pm at:
 - Wyrallah Hall on Tuesday 21/10/03 for rural issues
 - Goonellabah Community Centre on Wednesday 22/10/03 for urban issues

Approximately 40 people attended the rural public meeting and 15 people attended the urban public meeting. Both meetings were facilitated and included a presentation on koalas' home ranging behaviour and a presentation on the aspects of the draft plan particular to the 'Rural south-east' or 'Lismore Vicinity' situation. A number of submissions commented on the value of these meetings in disseminating information and allowing people to have their say.

- A total of eight Media Releases sent to all local media, generating four newspaper stories, two television stories and three radio interviews plus at least three highlighted Letters to the Editor (one responded to by Council). The draft Plan consultation process was also advertised in Council's weekly newspaper insert.
- Submissions to the draft Plan were invited and the closing date reiterated in the media on three occasions and at the information sessions and public meetings.

A total of 212 submissions to the draft Plan were received, plus a petition containing 72 signatures. Of these:

- 180 were in favour
 - 20 plus the petition of 72 signatures were against
 - 12 were deemed to be neutral
- TOTAL = 212 plus petition of 72 signatures

Most of the letters would be termed “form letters” raising similar issues, with only 40 letters expressing individual opinion – 20 for the Plan and 20 against. Twelve separate letters were deemed to be neutral. All submissions made to the draft Plan will be available for perusal by Councillors in the Councillors Room from the 2nd to the 9th of December 2003.

- A total of forty-nine phone and counter enquiries in relation to the draft Plan were received during the exhibition period.

Issues raised during consultation

1. Area covered by the draft Plan

Issues raised under this heading include:

- the draft Plan should cover the entire Local Government Area (LGA),
- that it should at least include other areas important to koalas such as Ruthven, Tullera and Rosebank,
- that it imposed an unfair burden on affected areas and
- the significance of, and that regulatory measures should be applied to, the Koala Critical Precinct.

2. Urban/Rural split

Issues raised under this heading include:

- regulations should apply across the whole Plan area equally and
- that the boundary chosen between the Lismore Vicinity and the Rural south-east splits some properties.

3. Scientific basis for the draft Plan

Issues raised under this heading include:

- the habitat/population is not declining,
- information was obtained by trespass or without declaring the implications of study,
- questions the importance of some of the “Preferred Koala Food Trees” listed,
- questions the accuracy of mapping,
- questions the validity of using Koala Carer records and Community Survey records and
- refers to the possibility of an ‘Endangered population’ declaration under the Threatened Species Conservation Act 1995.

4. The draft Plan will prevent development

Issues raised under this heading include:

- the ability to develop land in the future will be impacted,
- the draft Plan will ‘sterilise’ land,
- the clause relating to “new roads must avoid bisecting areas of koala habitat” will prevent development throughout the draft Plan area,
- buffer zones and corridors will in effect apply regulations to the whole draft Plan area and
- koala food trees should be phased out of urban areas.

5. The draft Plan will impact on farming practices

Issues raised under this heading include:

- “won’t be able to drive a fence post”
- farmers just want to be left alone

6. Cost of implementation and source of funding for the draft Plan

Issues raised under this heading include:

- for/against an Environmental Levy
 - Council funds should not be used
 - incentives are the responsibility of State/Federal Government
7. Tourism potential of koalas
Issues raised under this heading include:
- people choose to live here because of koalas/wildlife
 - overseas and other visitors come here to see koalas
 - potential to tap into tourist dollars
8. Dogs/other threats
Issues raised under this heading include:
- dogs are a big problem roaming at night, no-one to contact after hours
 - foxes and ticks are other problems
9. Legal issues
Issues raised under this heading include:
- the naming of the draft Plan as a *Comprehensive* Plan does not accord with the SEPP 44 definition,
 - reference to guidelines being placed in a future DCP.
10. Makeup of any future Koala Advisory Committee
- Members specified so as to ensure balanced representation.

Response to Issues raised

1. Area covered by the draft Plan
The Plan area covers the highest concentration of koalas in the Lismore LGA according to the DEC (formerly NPWS) Atlas of NSW Wildlife. The draft Plan area covers the area under most threat of development and has been given approval by DEC as a significant area for koalas. Funds for vegetation mapping for the rest of the LGA have not been available to date, would need approval by Council in its budget and are estimated at a minimum of \$60,000.
2. Urban/Rural split
It was felt that placing new regulations on the Rural South-east sector would cause more ill-will than benefit when the limited development potential of these areas is considered. It is proposed to make minor alterations to the boundary in order that no property is split in half. This is detailed under the 'changes proposed as a result of consultation' heading.
3. Scientific basis for the plan
A detailed response to the issues raised is available within the Issues Paper. It is considered that changes proposed to the list of Preferred Koala Food Trees and alterations to mapping as detailed under the 'changes proposed as a result of consultation' heading will address the major issues raised.
4. The draft Plan will prevent development
Development here referred primarily to the ability to subdivide land and most of the submissions received were based on a false expectation of development potential. Landowners need to be aware that in order to develop land, they must be included in either the Urban Strategy or the Rural Housing Strategy, or be suitably zoned. If they are not, then the only development allowable at this time is low-impact development as detailed in Appendix 6 of the draft Plan for rural areas, or development in accordance with LEP zoning in the urban area.

Whether the draft Plan or SEPP 44 is used when assessing development, koala habitat (and other native vegetation and habitat) is a constraint and must be considered. **One change proposed is to clarify that the statement that “no subdivision, clearing or intensification of landuse zoning” applies to *mapped* Primary Koala Habitat, not the entire allotment.**

5. The draft Plan will impact on farming practices

Most of the submissions received in relation to this issue were from landowners in the Rural South-east and were based on a misunderstanding of the draft Plan implications, or were based on information circulated on the previous draft Plan (December 2000) which are not relevant to this draft Plan. The current draft Plan has the ability to reduce clearing of three key koala food tree species in the rural LEP zones of the Lismore Vicinity. **A change to allow an exemption of one tree per property per year for on-farm use is proposed.**

6. Cost of implementation and source of funding

The Environmental Levy was supported by a majority of submissions to the draft Plan, but strongly opposed at the rural public meeting and in submissions from that area. To raise an environmental levy on ratepayers would require Council to resolve to make a submission for a Special Rate Variation to the DLG for approval, and necessitate community consultation. Although suggested as one option for funding in the draft Plan, the adoption of the draft Plan would not mean adoption of any Environmental Levy. **Funding for on-ground works will be sourced from State and Federal Governments.**

7. Tourism potential of koalas

This is an area that was mentioned in many submissions as a potential source of tourist dollars for the city and as further reason for adoption of the draft Plan. It is a matter that could be taken up by Council or others without changes to the draft Plan.

8. Dogs/other threats

The issue of roaming dogs causing damage to wildlife (and cattle) was one of the most frequently raised in the submissions. The draft Plan suggests additional resources in terms of a Council Law Enforcement Officer (Ranger) being available after hours during the koala breeding season, costed at an estimate of \$4000 per year, and tighter adherence to existing legislation where possible. The issue of foxes and ticks being other significant threats to koalas was raised on a number of occasions. The Steering Committee adopted a recommendation that foxes and ticks are included in the Plan under the heading of “Dogs and other threats” and this is proposed as an addition under the “changes proposed as a result of consultation” heading. **The issue of the involvement of the Rural Lands Protection Board was also raised and a change is proposed to the makeup of any future Koala Advisory committee to include a representative of this Board.**

9. Legal issues

The naming of the Draft Plan as a *Comprehensive* Plan despite the fact that it does not relate to the entire LGA has been approved by NPWS (now DEC), on the basis that the area covered is “significant in terms of koalas and their habitat”. Reference to Council’s intention to compile an “Urban DCP” is part of Council’s general Planning Services work program and is intended to replace and incorporate into one document a number of outdated DCP’s, including DCP No’s 22, 31, 32, and 33. Such documents already incorporate guidelines for development in koala habitat and a review would simply update this information and ensure accordance with the draft Plan.

10. Koala Advisory Committee

Submissions and other forums raised the need to ensure landholder representation and a rural/urban balance on any future Committee. The Steering Committee adopted a proposed list of representatives and suggested two others, all of which are reflected in the Recommendations to this report.

Changes proposed as a result of consultation

1. Amend Preferred Tree Species List to include only Forest Red Gum (*Eucalyptus teriticornis*), Tallowwood (*E. microcorys*) and Swamp Mahogany (*E. robusta*).

Reason:

Preferential use of these three tree species by koalas in the draft Plan area is unequivocal and their use is recognised by scientists, conservationists and farmers. Although there is no doubt that other species are browsed by koalas, the use of other species only occurs where at least one of the three key species is present. These three species are the only ones included in SEPP 44 (including recent proposed amendments that add further tree species in many other areas of NSW) and in the draft state-wide Koala Recovery Plan prepared by NPWS (now DEC). By targeting these three species, Council can be sure that they are recognising the most important areas for Koalas and that our mapping reflects this. It will also help to alleviate concerns that Council is imposing regulations on irrelevant areas.

Implications of the change:

Selection of three key species will affect mapping (see below), the proposed LEP amendment, the Performance Criteria for Development Applications and the definition of Preferred Koala Food Trees. In effect this will mean that removal of Secondary species, including Brush Box, Flooded Gum, Grey Ironbark, Pink Bloodwood, White Mahogany and Forest She-oak will not be as tightly regulated in the Lismore Vicinity. However, use of these species by koalas will need to be considered in assessing any development, and the protection of the three key species will be more easily justified.

2. Amend koala habitat mapping so that Primary Koala Habitat includes only vegetation associations containing at least 35% of these three tree species.

Reason: To ensure mapping reflects the above change.

Implications of the change:

Three vegetation associations will be 'downgraded' from Primary to Secondary Koala Habitat. These associations have been mapped as Brush Box Open Forest to Woodland, Grey Ironbark Open Forest to Woodland and Flooded Gum Open Forest to Woodland. This will result in Primary Koala Habitat occupying 2.8% of the study area (down from 3.9%) and Secondary Koala Habitat occupying 2.0% (up from 0.9%). A map showing the former and revised areas of all categories is included in the Attachments. In the rural south-east the area reclassified to Secondary will have a lower priority for funding but will otherwise be unaffected. In the Lismore Vicinity, the reclassified areas may have higher development potential.

3. Amend koala habitat mapping so that the category of Marginal/Unsuitable Koala habitat is separated into two categories.

Reason: To further validate the mapping by removing areas of native vegetation that do not contain any koala food tree species from any regulatory measures.

Implications of the change:

Eight vegetation associations will be removed from the Marginal/Unsuitable category and placed into a new Unsuitable Koala Habitat Category, with the remaining associations comprising a renamed Marginal Koala Habitat. Marginal Habitat will occupy 12.3% of the draft Plan area (down from 13.2%) and the new Unsuitable category will occupy 0.8% of the draft Plan area. Affected vegetation associations include four rainforest associations, Other Exotic weed Species, Exotic Plantation/Windbreak, Isolated Bamboo Clumps and Isolated Fig Species.

These areas will still remain on Council's mapping system for information, but will be removed from any regulatory component so that only vegetation associations containing koala food trees will be regulated in the draft Plan. References to this category in the draft Plan and Background Information will require change. A new definition for Unsuitable Koala Habitat will need to be inserted as follows: "Unsuitable Koala Habitat – Areas of native vegetation comprised of species not used by koalas". A map showing the former and revised areas of all categories is included in the Attachments.

4. Remove the proposed LEP amendment from the draft Plan and replace it with a Statement of Intention of what the LEP amendment intends to achieve.

Reason:

Under the requirements of the Environmental Planning & Assessment Act, the contents of an LEP amendment are not to be determined until after consultation has taken place to obtain the views of the Government authorities as to the contents of the draft plan, and the draft plan is to reflect those views. Subsequently the draft LEP must be placed on public exhibition to obtain the views of the wider community.

Therefore the inclusion of the legal wording of a draft LEP amendment in the Plan of Management is premature at this stage, and should be deleted.

Implications of the change:

The LEP amendment will be removed and replaced with a Statement of Intention as follows:

It is envisaged that an LEP amendment would:

- Define the Preferred Koala Food Tree species as Forest Red Gum, Tallowwood and Swamp Mahogany.
- Regulate subdivision controls to apply only within mapped habitat, as agreed by the Steering Committee
- Allow for subdivision and clearing of vegetation other than mapped Primary Koala Habitat if the proponent follows the Guidelines for Habitat Assessment (contained within the KPOM).
- Provide an exemption to allow clearing of one Preferred Koala Food Tree per property per year on average.
- Contain heads of consideration for Council to use in assessing development applications.

References to "an amending LEP as specified in Appendix 1" will need to be altered to "the Statement of Intention as contained in Appendix 1".

5. **Make it clear in the Statement of Intention for the LEP amendment that the statement: “the amending LEP will prohibit or restrict developments or activities involving clearing, subdivisions, or intensification of land use zonings within Primary Koala Habitat in accordance with the performance standards in the CKPoM, whilst seeking to protect Preferred Koala Food Trees wherever they occur” on page 8 of the draft Plan refers only to mapped Primary Koala Habitat, not the entire allotment containing Primary Koala Habitat.**

Reason:

Concerns raised as the ‘sterilisation’ of land containing Primary Koala Habitat.

Implications of the change:

This is simply clarifying the intention to protect Primary Koala Habitat while allowing sensitive development in its vicinity. The change is reflected in the above point.

6. **Adjust the boundary between the Rural South-east and the Lismore Vicinity so that no properties fall into both categories.**

Reason:

A submission was received from one of the two affected property owners requesting inclusion entirely in the Rural South-east zone. The Steering Committee endorsed the principle that properties should not be bisected by the boundary and the boundary should be adjusted in relation to the submission-writing property, but not the other unless the owner is contacted and their opinion obtained. The other affected property owner has been contacted by telephone but has not responded to date. It is hoped to have their response prior to the Council meeting. The map indicating the two properties in the Skyline Road area and the proposed boundary alteration is contained in the Attachments.

Implications of the change:

The boundary would undergo a minor alteration to include the two properties (as indicated on the map contained in the Attachments) wholly within the Rural South-east zone. Neither of these properties are included within the Urban Strategy apart from a small corner of the property fronting Skyline Road that is insufficient to warrant the cost of development. Should any development be permitted, SEPP 44 provisions would apply.

7. **Provide an exemption from DA consent for removal of one Preferred Koala Food Tree per property per year (on average) for on-farm use (in the rural LEP zones of the Lismore Vicinity), provided:**

- **The tree(s) are not used by koalas according to an assessment of koala habitat utilisation carried out using the Guidelines for Koala Habitat Assessment.**
- **The tree(s) are replaced by the same number of trees and of one of the Preferred Koala Food Tree species.**
- **Council’s assessing officer is notified prior to removal.**

Reason:

Farmers in the rural LEP zones of the Lismore Vicinity will require consent to remove any of the three species of Preferred Koala Food Trees. It is envisaged that the application would work in the same way as an application for tree removal in a heritage conservation area currently works, i.e. a simplified DA form with no application fee and an assessment by the Environmental Planner position.

Implications of the change:

An additional clause would be inserted into the proposed LEP amendment, which would be shown as a subclause (f) to Clause 28C if the LEP amendment in the current draft Plan was used as an example. Such a clause would read something like "Council consent is not required for removal of one preferred Koala Food Tree per property per year on average provided the following conditions are met:

- The tree is growing on a property zoned 1(a) or 1(r) in Lismore LEP 2000.
- The tree(s) are not used by koalas according to an assessment of koala habitat utilisation carried out using the Guidelines for Koala Habitat Assessment.
- The tree(s) are replaced by the same number of trees and of one of the Preferred Koala Food Tree species.
- Council's assessing officer is notified prior to removal.

8. Clarify wording relating to new roads in koala habitat areas

Reason:

Concerns have been raised that the wording relating to new roads could prevent any new development in the draft Plan area as any new road could be accused of bisecting koala habitat, even if such habitat is distant from the road. The intention of this section of the draft Plan was to avoid bisecting adjacent areas of habitat that koalas regularly move between.

Implications of the change:

Removal of the clause under Section 7.2 vi on Page 13 of the draft Plan that states any new roads to be subject to the following requirements: "road design and construction which bisecting areas of koala habitat to reduce the likelihood of koalas accessing the carriageways and to prevent barriers to free movement of koalas and other wildlife". It is considered that removal of this clause will not result in detriment to the draft Plan as the most appropriate route must still be selected according to Guidelines for Koala Habitat Assessment so as to minimise impact on koala populations and habitat.

9. Clarify wording in relation to minor matters

Reason:

A number of minor matters have been raised in submissions, including Submission 41 by the Manager Special Projects and Properties. Most of these changes have been considered in detail and endorsed by the Steering Committee.

Implications of the change:

- Page 6 - Primary koala habitat - remove the sentence stating, "evidence of koala usage may be substantiated by koala scats or scratches, and/or recent or historical sightings" and replace with "evidence of koala usage will be substantiated using the Guidelines for Koala Habitat Assessment."
- Page 8 - 4.2.ii – Replace the bracketed clause which says "as defined in Appendix 1" with a clause stating "as evidenced using the Guidelines for Koala Habitat Assessment". Add an additional sentence to say "Council will prioritise inspections based on development potential."
- Page 8 – 4.2.vi – Delete this clause relating to NPWS investigating the potential for declaration of the Northern Ridges koala population as an Endangered Population under the Threatened Species Conservation Act. Anyone can nominate an Endangered Population at any time, so the clause is not needed.

- Page 11 – 6.2 opening sentence– replace wording to refer to Council, in conjunction with its “nominated delegate” in place of “Friends of the Koala”, as others may be involved and it is unfair to place further burden on a volunteer organisation.
- Page 13 – 7.2.iii – replace the bracketed words “with rumble strips” with “rumble strips or other appropriate traffic control measures” and the word “roadway” with “carriageway”.
- Page 13 – 8. Heading “Dog Management” – replace with “Dog and Other Pest Management” and include a paragraph on problems posed by foxes and ticks.
- Page 20 – 15.2.ii.a – the composition of the Koala Advisory Committee to be changed to:
 - A Councillor as Chairperson
 - A Council staff member as Servicing Officer
 - An urban ratepayer
 - A rural ratepayer
 - A representative of the Department of Environment and Conservation (formerly National Parks and Wildlife Service)
 - A representative of farmers interests (could be the NSW Farmers Association)
 - A representative of an interest group (could be Friends of the Koala)
 - A representative of the Rural Lands Protection Board.
- Page 23 – 27 - Proposed LEP amendment – replace with a Statement of Intention for a proposed LEP amendment, ensuring any future LEP amendment refers to “mapped” Primary Koala Habitat, links the establishment of koala activity with the Guidelines for Koala Habitat Assessment, includes an ‘exemption’ clause to allow removal of one Preferred Koala Food Tree per property per year for on-farm use, refines the definition of “Koala Activity” to remove the reference to historical sightings and amends the definition of “suitably qualified person” to include “under the supervision of Lismore City Council in association with a program of certification acceptable to DEC” (formerly NPWS).
- Page 32 Point 7 – Expand the sentence “the developer is expected to assume responsibility for monitoring for a minimum 5-year period” by adding “or alternatively to pay a levy for Council or its nominated delegate to assume such responsibility”.
- Final page Map 2 – replace with the map showing the revised Koala Habitat categories.
- Background Information – revisions required to definitions, statistics relating to percentage of Koala Habitat categories and other matters as required due to the above changes.

10. Administrative changes

Reason:

- Legislative changes have resulted in a name change for the former National Parks and Wildlife Service to the Department of Environment and Conservation.
- Legislative changes to the Native Vegetation Conservation Act 1997 are occurring. At this point in time the Bill is with the Parliamentary Counsel. It is foreshadowed that the 2ha exemption for clearing of native vegetation will be removed and replaced by other provisions, and the Richmond Regional Vegetation Management Plan will cease to exist in that format and a larger Catchment Action Plan will prevail.

Implications of the change:

- All references to the former NPWS in the draft Plan need to be updated to DEC.
- Section 2 of the Background Information needs to be updated to reflect current legislation.

Planning Controls to implement Koala Plan of Management

The regulatory and some advisory provisions of the Koala Plan of Management will need to be implemented through planning controls subject to the provisions of the Environmental Planning & Assessment Act.

A Development Control Plan would contain guidelines for landowners and developers preparing development and rezoning applications, as well as guidelines for undertaking Koala Habitat Assessments and standardised koala-monitoring practices. Any development control plan must also be public exhibited for community and landowner comment before final adoption by Council.

Manager - Finance & Administration Comments

The cost to implement the adopted Plan will need to be factored into both the current and future budgets. As indicated in the report, the annual cost is expected to be \$46,400.

In regards to funding, the pursuit of grant funding from the Environmental Trust Fund is encouraged and other options will need to be explored during the 2004/05 Management Plan process.

Other Group Comments

A submission was received from the **Manager Special Projects and Properties**. The contents have been detailed in the *Issues Paper*, considered individually by the Steering Committee and agreed changes made to clarify issues or intention in line with the submission contents.

All Council's managers were made aware of the draft Plan contents and implications and no further submissions were received.

Author's Response to Comments from Other Staff

Not necessary.

Conclusion

Exhibition and public consultation raised many and varied issues, both valid and otherwise. More submissions were received in favour of Council adopting the draft plan than against it. It is considered that the changes recommended will address the major concerns raised yet are not of sufficient magnitude to warrant re-exhibition of the draft Plan.

Recommendations (PLA45)

That Council:

- 1 Adopt the *Draft Comprehensive Koala Plan of Management for the South-eastern portion of the Lismore Local Government Area* as recommended by the Koala Management Plan Steering Committee incorporating with the changes detailed in the foregoing Report to Council.

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Draft Comprehensive Koala Plan Of Management

- 2 Resolve, pursuant to S.54 of the Environmental Planning & Assessment Act, to prepare a draft amending local environmental plan to give effect to the regulatory provisions of the Koala Plan of Management.
- 3 Advise the Department of Infrastructure, Planning & Natural Resources that no local environmental study should be required because the Comprehensive Koala Plan of Management covers all issues.
- 4 Prepare and exhibit the draft LEP amendment in accordance with the Best Practice Guideline of January 1997 titled "LEPs and Council Land – Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council".
- 5 Endorse the preparation of development control plan provisions containing guidance for landowners and developers.
- 6 Resolve to disband the Koala Management Plan Steering Committee and forward a copy of the final Plan and a letter to members thanking them for their contribution.
- 7 Resolve that membership of the Koala Advisory Committee formed to assist implementation of the Plan consist of:
 - A Councillor as Chairperson
 - A Council staff member as Servicing Officer
 - An urban ratepayer
 - A rural ratepayer
 - A representative of the Department of Environment and Conservation (formerly National Parks and Wildlife Service)
 - A representative of the Rural Lands Protection Board
 - A representative of the NSW Farmers Association
 - A representative of Friends of the Koala.

Subject/File No: NIMBIN PEACE PARK MANAGEMENT COMMITTEE
(P16044)

Prepared By: Administrative Services Manager-Graeme Wilson

Reason: Council resolution

Objective: To appoint committee members and adopt the Plan of Management

Management Plan Activity: -

Background:

Council at its meeting of August 12, 2003 resolved to establish a Section 355 Committee to manage Peace Park, the principal activity revolving around management of the skate facility.

A Plan of Management for the Committee has been developed and is attached/enclosed with the business paper for endorsement.

Applications were called for membership of the Committee via the Northern Rivers Echo. As a result 8 nominations were received. Copies of these applications are enclosed separately. It is proposed that all nominations be accepted.

Manager - Finance & Administration Comments

Not required

Public Consultations

The Nimbin Community Development Association was consulted on the development of the Plan of Management. An advertisement calling for nominations to the committee was placed in the Northern Rivers Echo.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not applicable

Recommendation (COR25)

- 1 That: Leane Draper, George Clarke, Jennifer Parke, Michael Balderstone, Diana Roberts, Kevin Soward, Scott Sledge and Karlin Bracegirdle be appointed to the committee.
- 2 That Council adopt the Plan of Management as enclosed with the business paper.

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Subject/File No: LISMORE MASTERS GAMES 2003 – FINAL REPORT AND OTHER MATTERS

Prepared By: Event Co-ordinator – John Bancroft

Reason: Advice on several matters relevant

Objective: Obtain appropriate resolutions

Management Plan Activity: N/a

Background:

The Lismore Masters Games concept was founded in 1996 after discussions involving Lismore City Council, Lismore Unlimited Opportunities and Southern Cross University. Three such events have been held with the following outcomes

Year	Sports	Participants
1999	16	1596
2001	20	2393
2003	17	2394..... biggest by 1

The event's success is obvious though some challenging issues need to be brought to Council's attention. The cost performance of the 2003 Master's Games event, was seriously impacted by several matters.

The Cost of the Event/Budget

- The event revenue was \$152,397
- the event cost \$148,958 to operate
- hence surplus \$ 3,439

Which will be used to fund a post event survey of competitors.

Budget Comments

- The dearest event to date - \$20,000 increase in expenditure from 2001
- Increase due mainly to 500% blow out in insurance costs (\$2,500 to \$21,000)
- Stronger than usual merchandise sales "saved" the event from running at a loss. Higher quality items were offered at reasonable prices and this proved to be a winner.

Insurance

Massive insurance increases from one game to the next are of concern. Competitor fees need to be set approximately 10 months prior to the event. We were also unable to finalise insurance coverage until 2 weeks before the event. This makes the situation unpredictable.

The insurance dilemma has had elevated media profile lately with events like – Northern Rivers Herb Festival and Beef Week each having to pay very high prices for insurance.

The Games Executive has resolved to do a major review of Games insurance matters and co-ordinate a meeting with other Northern Rivers Events Co-ordinators with a view to investigating the notion of *joint/partnership event insurance buying power*.

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Lismore Masters Games 2003 – Final Report and other matters

Marketing/Media

As stated, the event is retaining strong numbers when compared with other similar events in Regional NSW.

Other Masters events have been far less successful:

- The NSW Coffs Harbour Masters folded in 2002 and
- The Mid Coast/Taree event didn't get enough numbers to start.

To retain strong numbers requires a reasonable influx of new competitors all the time (i.e. we can't expect the same participants to turn up for all the games).

Our "new" people are coming from South East Queensland area with 841 competitors travelling to Lismore from Brisbane, Gold Coast, Sunshine Coast and Toowoomba. That represents an increase of 250% in attendance from SE Queensland on the previous Masters Games.

The Games Marketing Committee has noted this fact and will further concentrate efforts on the South Queensland market in late 2004.

The Games Committee

The Committee consisted of the following people: Therese Crollick, Peter Cordery, Jak Carroll, Dave Arthur, Dave Graham, Alison James, Maree Walo, Clint Mallett, Paul Deegan, Tony Clarke, Cr John Hampton, Cr John Chant, Thomas George MP, Late Ian Carrington, John Bancroft and Leanne Clark.

The Committee is a "well oiled" unit who continue to deliver sound direction on all matters. The Committee, up to Council election time, will concentrate its efforts on insurance matters.

Special mention is made of Mr Jak Carroll who will be leaving us soon to take up a Tweed-based posting with Southern Cross University.

Mr Carroll -

- is the person who first generated discussions on the potential of the event. This resulted in the formation of an Interim Executive Committee in 1996
- has been on the Executive Committee since day one
- was part of the original group who studied the feasibility of the event and
- has contributed much to all three events particularly in the marketing/promotion/sponsorship area.

Special thanks go to the Committee and particularly Mr Carroll for their sterling efforts.

Games Sponsors

The Games sponsors were Lismore Workers Club, Northern Star, NBN Television, 2LM/ZZZ, Lismore City Council, Lismore Unlimited Opportunities, Southern Cross University and Telstra Country Wide. All provided great service and assistance and will be approached re involvement in 2005.

Principal Accountant's Comments

Congratulations to all involved in the organisation of another successful event. At a time when competing games have not survived, it is a credit to the Lismore Masters Games to have again increased its numbers by 1.

Should investigations into insurance issues prove unsuccessful, Council should consider providing greater financial support for the next Games, rather than face the risk of pricing the event out of the market. The indirect flow-on effects to the Community and Council are significant.

Public Consultations

N/a.

Other Group Comments

Comment from Manager – Economic Development and Tourism

Lismore's accommodation was booked out many weeks in advance of the event. Despite a difficult operating environment, our Master Games event has held its numbers and made a small surplus. Great credit must go to the organising committee and to John Bancroft and Leanne Clark.

The event can only be described as yet another stunning success from the Events Office.

Author's Response to Comments from Other Staff

I concur with the comments of the Manager – Economic Development and Tourism and Principal Accountant.

Conclusion

Excluding the insurance issue, the Games are proceeding on a bi-annual basis in an efficient and successful manner. The 2005 Games will be held from September 23rd to 25th.

Recommendation

1. Council receive and note all information.
2. Council endorse the notion to pursue/research the possibility of joint insurance buying power with other nearby event practitioners.
3. Council formally thank Mr Jak Carroll for his services to the Lismore Masters Games from 1996 to 2003.

Subject/File No: REPLACEMENT OF COUNCIL PLANT – VEHICLE NO. 247
(Caterpillar EL240B Excavator)
(CS:T24017)

Prepared By: Fleet Manager - Col Starr

Reason: To inform Council of replacement / purchases of major plant items.

Objective: To seek Council's approval for the purchase of one (1) new Roadworks 24 Tonne Excavator.

Management Plan Activity: 1.12 - Plant Operations

Background:

Tenders closed on November 4th, 2003 for the supply of one (1) new 24 Tonne (Approx.) Excavator.

Lismore City Council is currently operating one 24 tonne excavator with the Roadworks section of City Works. This machine was purchased in 1990 and was originally anticipated to have an 8 year lifespan with Lismore City Council, however due to low usage for several years, the life was extended to this current financial year.

The size of the current machine (24 Tonnes operating weight) has been the most suitable for LCC operations and where smaller or larger machines are required, they are hired in for the specific task then stood down.

The Roadworks section, due to safety requirements when operating in confined or busy locations, requested a change from the normal excavator configuration. Two options were considered for this machines replacement: **a)** 'Zero swing' of the counterweight area and **b)** Reduced swing of the counterweight area.

The existing LCC Excavator is –

➤ **V247 – 1990 Caterpillar EL240B Excavator.**

This particular unit has an operating weight of 24 tonnes and is fitted with 'Long Track Frame' for lower ground pressure, essential for working on soft or loose working platforms. The 'long track frame' has been extremely effective and has therefore been listed as mandatory in the minimum specifications.

The operating weight of 24 tonnes has also been listed as mandatory in the specifications.

This unit has many buckets and accessories so the current 'bucket pin pattern' has been maintained in the minimum specifications.

There were a total of nine (9) excavators tendered.

Consultation with the users of this excavator (Roadworks – City Works Group) is reflected throughout the entire evaluation and recommendation of this tender process.

Reliability is critical for all of the operations within the roadworks area, especially as this is the only excavator which is available to LCC on short notice or regular duties.

Back-up support is another important factor to be considered, especially given that prolonged downtime due to lack of manufacturer or dealer support results in total crew and job shutdown.

LISMORE CITY COUNCIL - Meeting held 9 December, 2003

Replacement Of Council Plant – V247 (Roadworks Excavator)

Excavator Units Tendered

Listed below are the units offered for supply to LCC in this tender.

Full technical and tender evaluation details are also listed in the attachments marked as 'Attachment A & B – Tender T24017'

	Excavator Unit	Supplier
1.	Volvo EC-240BLC	CJD Equipment of Brisbane Qld.
2.	Hitachi ZX225USRLC	Hitachi Construction Machinery of Brisbane Qld.
3.	Hitachi ZX225USR	Hitachi Construction Machinery of Brisbane Qld.
4.	Kobelco SK235SRLC-6	Chesterfield of Brisbane Qld.
5.	Caterpillar 320CLU	Gough & Gilmour of Grafton NSW.
6.	Sumitomo SH225X-3	BT Equipment of Brisbane Qld.
7.	Komatsu PC228USLC-3	Komatsu Aust. Of Brisbane Qld.
8.	Komatsu PC220LC-7 th	Komatsu Aust. Of Brisbane Qld.
9.	Case CX240	McDonald Murphy Machinery of Brisbane Qld.

Two Private offers to purchase the LCC machine (V247) were received:

- R.D. Williams Machinery P/L, Rocklea Qld and
- Mervin Robert Mison, Dobies Bight (Casino)

Most of the machines offered within these tenders meet specifications as laid down by LCC staff.

An evaluation panel comprising of Messrs Col Starr (Fleet Manager), Chris Allison (Contracts Officer), Darren Patch (Engineer – Rural Roads), Peter Brewer-Charles (Supervisor – Rural Roads) and Phil Grover (Operator) assessed the tenders in part or in full, as per the criteria set out in the tender documents.

The evaluation criteria determines the suitability of all of the units offered in this tender for *capability, quality, safety, operational functionality and conformity to the minimum specifications given*. The results of these evaluations are shown in 'Attachment A'

Full Excavator technical evaluations are listed in 'Attachment B'

Key Points to Consider:

- Purchase best possible excavator unit to carry out the tasks as required, when required.
- Proven back-up support from supplier and manufacturer of unit.
- Safety to the general public on and around LCC worksites.
- Operator comfort with 'Ergonomic Design' and operating considerations (OH&S).
- Ability to keep excavator working with minimal maintenance and repair time.

LISMORE CITY COUNCIL - Meeting held 9 December, 2003

Replacement Of Council Plant – V247 (Roadworks Excavator)

Principal Accountant's Comments

Funding is available in road plant reserves for the replacement of this machine. In addition, an operating surplus has been generated for this individual plant item sufficient to cover the replacement cost of the new vehicle.

Other Group Comments

Group Manager – City Works

Council has made excellent use of the existing Caterpillar excavator over the past 13 years. Current workloads indicate that the replacement machine will also be in great demand over coming years.

Caterpillar excavators are of a high quality, designed to work for many years and have good parts back-up. I endorse the recommendations.

Conclusion:

To maintain a high standard of construction / maintenance when constructing or maintaining roads, the appropriate machinery is essential on site. The current machine has been both effective and reliable.

With greater safety for the general public and staff working around or near machinery, extensive research was needed to ensure that the better machine to carry out the 'tasks required in the most efficient manner' was recommended for purchase.

The three types of counterweight swing areas were considered and the shorter swing areas were evaluated for efficiency against the standard type of machine configuration, the result of the research and field testing showed that the 'reduced swing' type of machine was safer in the LCC type work areas and maintained the efficiency of the current standard type of excavator.

As all of the excavators tendered have been either tested on site over a period of time, the evaluation by LCC staff was extensive and complete.

Staff Involvement:

Acceptance of any proposed machine purchase by operating staff is important as it enhances a long operating life. Keeping this fact in mind, Roadworks and LCC Fleet staff has inspected the available excavators. All of those staff and users who inspected the excavators available were convinced that the Caterpillar unit tendered is the better purchase for the LCC application as required.

Author's response to comments from other staff:

Noted.

Author's additional comments due to late request from Northern Rivers Quarry:

Northern Rivers Quarries (LCC) has submitted a bid to purchase the machine being released for trade-in or outright sale at the market value. This would equate to equalling the offer in the "Private offers to Purchase" (\$40,700.00 from Ervin Mison of Dobies Bight via casino), this figure does contain the GST amount, so if NR Quarries were to still offer the \$40,700.00 there will be nil GST involved due to internal journal adjustments only.

LISMORE CITY COUNCIL - Meeting held 9 December, 2003

Replacement Of Council Plant – V247 (Roadworks Excavator)

Please Note:- This is permitted under the tender contract:-

B4. Lodgement of Tenders

Item xii **Council reserves the right to:**
a. Reject any or all Tenders

Recommendation (GM04)

- 1 That Council purchase one (1) only **Caterpillar 320 CLU Excavator** unit as tendered (T24017) from **Gough & Gilmour, Grafton** for the cost of **\$249,700.00** (*includes GST and the \$2,200.00 deduction for payment on delivery*) and
- 2 Transfer the LCC Excavator (V247) from LCC Roadworks to Northern Rivers Quarry at a valuation of **\$40,700.00**

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Subject/File No:	REPLACEMENT OF COUNCIL PLANT – Vehicle No. 250 15-17 TONNE LOADER (CS:T24018)
Prepared By:	Fleet Manager - Col Starr
Reason:	To inform Council of replacement / purchases of major plant items.
Objective:	To seek Council's approval for the purchase of one (1) new Roadworks 15-17 Tonne Rubber Tyre Loader
Management Plan Activity:	1.12 - Plant Operations

Background:

Tenders closed on November 4, 2003 for the supply of one (1) new 15-17 Tonne (Approx.) Rubber Tyre Loader. Lismore City Council is currently operating several loaders, and are spread throughout the departments of Council, see listing below.

The machine being replaced was purchased in 1990 and was also originally anticipated to have an 8 year lifespan with Lismore City Council, however due to low usage for several years, this machine's term with LCC was extended to this current financial year.

The size of the current loader (16+ Tonnes operating weight) has been suitable for the majority of LCC operations initially, but due to changes of duties of the LCC Roadworks section from a majority of road construction to mostly general maintenance work, a slightly smaller machine in section was requested so that utilisation in more confined working areas can be increased.

The existing LCC Loaders are –

- **V207 – 1995** Kawasaki 85ZIV Loader.
This Loader is a larger loader (20 tonnes Operating Weight approx.) which was purchased for the LCC Quarry 'face loading' operations. Very heavy duty machine fitted with a rock type loader bucket, when this machine was being replaced in March 2003, the waste facility of LCC (Northern Rivers Waste) offered to purchase the machine from the Quarry section to replace their aged loader at their Wyrallah Road facility.
- **V210 – 1999** Caterpillar 966F Loader.
This Loader is also a larger loader (20 tonnes Operating Weight approx.) for the LCC Quarry 'face loading' operations. Another very heavy-duty machine fitted with a rock type loader bucket.
- **V211 – 1990 (Approx.)** TCM 830-3 Loader.
This Loader was purchased second hand from Pioneer Asphalts during the purchase of the asphalt batching plant in 1997.
It is a larger loader (7-9 tonnes Operating Weight approx.) and is used only for filling the batching bins and general clean-up duties around the asphalt plant and the quarry's crushing plant.
- **V212 – 2003** Komatsu WA470-5H Loader.
This Loader is also a larger loader (20 tonnes Operating Weight approx.) for the LCC Quarry 'stockpile loading' operations. Another very heavy-duty machine fitted with a materials handling type loader bucket.
- **V250 – 1990** Volvo L120 Loader (*Machine being replaced in this tender*).
This loader was purchased when LCC Roadworks programme was heavily involved with Road Construction, now that practices have changed the needs of this loader have also changed, only slightly though so that utilisation for larger and smaller jobs can be maintained.
The bulk size of this loader can be a hindrance when used on the smaller rural roads, hence the need for a smaller section machine, yet still able to push and dig in larger areas when required.

LISMORE CITY COUNCIL - Meeting held 9 December, 2003

Replacement Of Council Plant – V250 (Roadworks Loader)

There were a total of nine (9) Loaders tendered.

Consultation with the users of this Loader (Roadworks – City Works Group) is reflected throughout the entire evaluation and recommendation of this tender process.

Utilisation and reliability are critical for all of the operations within the roadworks area, especially as this is the only Loader, which is available to the Roadworks section.

Back-up support is another important factor to be considered, especially given that prolonged downtime due to lack of manufacturer or dealer support can result in total crew and job shutdown.

Loader Units Tendered

Listed below are the units offered for supply to LCC in this tender.

Full technical and tender evaluation details are also listed in the attachments marked as 'Attachment A & B – Tender T24018'

	Loader Unit	Supplier
10.	JCB 436BHT	Construction Equipment Australia of Brisbane Qld.
11.	JCB 456BHT	Construction Equipment Australia of Brisbane Qld.
12.	Hitachi LX120-3	Hitachi Construction Machinery of Brisbane Qld.
13.	Hitachi LX150-3	Hitachi Construction Machinery of Brisbane Qld.
14.	Caterpillar 950	Gough & Gilmour of Grafton NSW.
15.	Komatsu WA320-3	Komatsu Aust. Of Brisbane Qld.
16.	Volvo L90E	CJD Equipment of Brisbane Qld.
17.	Kawasaki 70ZV	BT Equipment of Brisbane Qld.
18.	Kawasaki 70ZIV-II	BT Equipment of Brisbane Qld.

One Private offer to purchase the LCC machine (V250) was received:

- Trevor Prodger Crushing, Lismore NSW

Most of the machines offered within these tenders meet specifications as laid down by LCC staff.

An evaluation panel comprising of Messrs Col Starr (Fleet Manager), Chris Allison (Contracts Officer), Darren Patch (Engineer – Rural Roads), Peter Brewer-Charles (Supervisor – Rural Roads), Harry Wilson (Supervisor – Urban Roads) and Warren Watts (Operator) assessed the tenders in part or in full, as per the criteria set out in the tender documents.

The evaluation criteria determines the suitability of all of the units offered in this tender for *capability, quality, safety, operational functionality and conformity to the minimum specifications given*. The results of these evaluations are shown in 'Attachment A'

Full Loader technical evaluations are listed in 'Attachment B'

Key Points to Consider:

- Purchase best possible loader unit to carry out the tasks as required, when required.
- Proven back-up support from supplier and manufacturer of unit.
- Safety to the general public on and around LCC worksites.
- Operator comfort with 'Ergonomic Design' and operating considerations (OH&S).
- Ability to keep loader working with minimal maintenance and repair time.
- Increased usability on various worksites.

LISMORE CITY COUNCIL - Meeting held 9 December, 2003

Replacement Of Council Plant – V250 (Roadworks Loader)

Principal Accountant's Comments

Funding is available in road plant reserves for the replacement of this machine. In addition, an operating surplus has been generated for this individual plant item sufficient to cover the replacement cost of the new vehicle.

Other Group Comments

Group Manager – City Works

There is a clear need for Council to own one major loader in the roadworks area. The original Volvo loader was purchased in 1990 and is now 13 years old and ready for replacement. The need for a smaller sized loader has not lessened and future roadwork programmes suggest a similar sized machine will be required.

The current Volvo has performed well over the past 13 years and the Volvo recommended is expected to perform equally well.

Conclusion:

To maintain the high standard of construction / maintenance when constructing or maintaining roads, the appropriate machinery is essential on site. The current machine has been both effective and reliable, although at times, slightly too large on sites where manoeuvring space is not available.

As with the LCC excavator tender, greater safety for the general public and staff working around or near machinery, extensive research was needed to ensure that the better machine to carry out the 'tasks required in the most efficient manner' was recommended for purchase.

A slightly smaller machine was requested for this tender and research showed that all of the machine manufacturers have increased the sizes of their loaders so it was decided to advertise for loaders in the next size down from the existing loader.

While there will be a compromise for loading capacity per bucket load, the reduced wheel-base and general overall length will allow higher productivity without damage to both the worksite and the loader.

As most of the loaders tendered have been either tested on sites over a period of time, the evaluation by LCC staff was extensive.

Staff Involvement:

Acceptance of any proposed machine purchase by operating staff is important as it enhances a long operating life. Keeping this fact in mind, Roadworks and LCC Fleet staff has inspected the available loaders. All of those staff and users who inspected the loaders available were convinced that the Volvo unit is the better purchase for the LCC application as required

Also requested by staff were two extras (Additional Ride Control and the printer for the weighing scales) these are included in the figures in the recommendation.

Author's response to comments from other staff:

Noted.

Recommendation (GM05)

That Council purchase one (1) only **Volvo L90E Loader** unit as tendered (T24018) from **CJD Equipment P/L, Acacia Ridge, Qld.** for the cost of **\$296,033.00** (includes GST) and accept their Trade-in offer for Councils Loader (Fleet No. 250) of **\$83,600.00**
Change over cost to Council being **\$212,433.00** (which includes GST)

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Subject/File No: TENDERS FOR THE RELINING OF SEWER MAINS, VARIOUS LOCATIONS, LISMORE (T24014)

Prepared By: Contracts Engineer, Lismore Water – Ravi Ariyasinghe

Reason: To inform Council of tenders received for the relining of sewer mains at various locations, Lismore

Objective: To obtain Council approval to award the Contract

Management Plan Activity: Sewer Mains Renewal Program

Background:

Tenders have been called for the relining of approximately 1,625m of 150mm diameter sewer mains, 108 house service lines and associated works at Keen, McKenzie Street, Clarice Street, Bright Street, Cochran Street, Diadem Street and High Street, Lismore as part of the 2003/04 sewer mains renewal program.

These sewer mains were identified as needing renewal because they were in poor service condition.

The request for tender was advertised in the Sydney Morning Herald and the Weekend Star.

Four tenders were received by the close of tender on 2.00pm, Tuesday November 4, 2003.

Tender Examination:

The tenders received are summarised below:

TENDERER	TENDER PRICE	ADJUSTED TENDER PRICE
Collex Pty Ltd	\$452,908	\$452,908
Interflow Pty Ltd	\$460,719	\$460,719 ¹
Kembla Watertech Pty Ltd	\$208,178	\$533,167
Pipe Replacement Solutions Pty Ltd	\$331,888	Non Conforming ²

Notes:

1. Interflow submitted an alternative tender. This tender was not considered any further because it did not meet Lismore Water's requirements.
2. Pipe Replacement Solutions did not bid for the High Street Works; as such it is not a conforming tender.

The prices shown above are **exclusive** of GST.

This tender is a schedule of rates tender. The adjusted tender price for Kembla Watertech's includes the cost of excavation and reconstruction of junctions and house service lines which was provided separately at the time of tendering.

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Report – Tenders for the Relining of Sewer Mains, Various Locations, Lismore

An evaluation panel consisting of Ravi Ariyasinghe (Contracts Engineer, Lismore Water), Janaka Weeraratne (Asset Manager, Lismore Water) and Kim Bulmer (Water and Wastewater Inspector) undertook the assessment of tenders.

The tender documentation (Clause B7) defined five areas by which each tender would be assessed:

- i Total Price;
- ii Material Equipment and Methodology;
- iii Capability and Past Experience;
- iv Quality, Safety and Environmental Management; and
- v References.

The tenderers were required to address each of these criteria in their tender.

Attachment A shows the weighted result for each criterion.

The initial estimate prepared by Council staff for these works was \$509,000 and this includes contract administration and supervision.

The tendered price of Collex Pty Ltd is considered reasonable and has provided the better proposal for this project when compared with the other tenders.

Referee Check

Council has contracted Collex Pty Ltd for several previous projects of a similar nature. The works under each contract have been performed to a high standard.

Principal Accountant's Comments

Adequate funds have been provided in the budget for these jobs and the contractor has a successful history on similar projects for Council. All projects were budgeted for in the 2003/04 Management Plan process.

Public Consultations

Not required.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not required.

Conclusion

Collex Pty Ltd is considered to be able to complete the work satisfactorily. It is recommended that the contract for the renewal of sewer mains in sections of Keen Street, McKenzie Street, Clarice Street, Cochran Street, Diadem Street and High Street, Lismore be awarded to Collex Pty Ltd at the prices submitted.

LISMORE CITY COUNCIL - Meeting held December 9, 2003

Report – Tenders for the Relining of Sewer Mains, Various Locations, Lismore

Recommendations (ENT14)

1. The contract for the construction of sewer mains at various locations is awarded to Collex Pty Ltd at the rates submitted (The estimated price of the works is \$452,908 plus GST).
2. The Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.

LISMORE CITY COUNCIL - Meeting held December 9, 2003

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD ON NOVEMBER 19,
2003 AT 10.00 AM. (WMacD:VLC:S352)

Present: Mr Bill Moorhouse (*Chairperson*), Councillors Mervyn King and John Hampton, Ms Bronwyn Mitchell (*on behalf of Mr Thomas George, MP*), Messrs Mike Baldwin (*Roads & Traffic Authority*), John Daley (*Lismore Unlimited*), Sgt Jodie Hamilton (*Lismore Police*), and Bill MacDonald (*Co-Ordinator – Traffic & Law Enforcement*).

Apologies: Apologies for non-attendance on behalf of Councillors John Chant and Ken Gallen, Mr Thomas George, MP, and Mrs Wendy Johnson were received and accepted and leave of absence granted.

Minutes of Traffic Advisory Committee Meeting – October 15, 2003

Members were advised that the Minutes of the meeting held on October 15, 2003 were adopted by Council at its meeting of November 4, 2003, excluding Item Nos. 1, 2, 6 and 8.

Item No. 1 (*Traffic and Pedestrian Facilities on New Ballina Road, Lismore Heights*) - The Committee noted Council's resolution. The Chairperson advised that this matter would need to be referred to a traffic consultant resulting in additional budget considerations.

Item No. 2 (*High/Renwick Streets Intersection*) - The Committee noted the addition to this recommendation and that the matter would be referred to Council's Design Services Section for further investigation.

Item No. 6 (*Caniaba Street, South Lismore – Speed Limit*) - The Committee noted Council's resolution.

Item No. 8 (*Traffic and Pedestrian Issues Resulting from CBD Traffic Workshop*) - The Committee noted that a consultant was being engaged to investigate these issues.

Disclosure of Interest: Nil

Business Arising

- Parking Facilities – Lismore Base Hospital** (*Refer Item No. 4 of Minutes of 15/10/03*)
A representative from the Northern Rivers Area Health Service had been invited to the meeting to discuss the Service's future intentions in relation to the provision of additional off-street parking but had been available to attend. An invitation will be extended to attend the next meeting in December. (03-10346:S353,R6058)

Correspondence:

- Ms K Barker;** drawing attention to the need to upgrade footpath and traffic calming measures for the top section of James Gibson Road, Clunes.
Whilst traffic calming devices were not considered necessary, it was suggested that the speed zone should be extended and the speed limit reduced to 50 kph.
TAC169/03 **RECOMMENDED** that the existing 60 kph speed limit be reduced to 50 kph and extended a further 210m along James Gibson Road.
TAC170/03 **FURTHER RECOMMENDED** that '50 kph Ahead' signs be erected prior to the start of the new speed limit location. (03-10613:S352,R3902)

3. **Clunes Progress Association**; supporting a request by the Clunes Old School Association that a speed hump be installed on Walker Street, Clunes, on the northern side of the crest between the Hall and Clunes Village Common, in an effort to slow the speed of traffic.

It was noted that a speed hump already existed at the northern end of Walker Street. However, it would be more difficult to locate an additional device further south due to sight distance restrictions over the crest.

TAC171/03 **RECOMMENDED** that a classifier be placed on Walker Street to determine actual vehicle speeds with the results to be resubmitted for further consideration.
(03-10663:S352,R1302)

4. **North Lismore Progress Association**; seeking the relocation of the marked pedestrian crossing on Bridge Street, North Lismore, approximately 50m towards the Lismore CBD.

An inspection revealed that the existing location was appropriate. However, both the road surface and the associated line-marking were in need of upgrading. 'Pedestrian legs' symbol signs were also required at the crossing location in the centre of the road.

TAC172/03 **RECOMMENDED** that the pedestrian crossing remain in its current location but all line-marking be repainted in addition to road maintenance being carried out.

TAC173/03 **FURTHER RECOMMENDED** that 'pedestrian legs' symbol signs be installed in the centre median at the marked crossing location. (03-10939:S342,R6208)

5. **Sr P Thomas**; drawing attention to the need to improve pedestrian facilities in the area near the Ballina and Diadem Streets intersection, and requesting that a safe pedestrian crossing point be provided on Ballina Street, together with a footpath along Diadem Street.

The Committee noted that the current proposal for upgrading the intersection of Ballina and Diadem Streets included the installation of traffic lights. Such a proposal would include a pedestrian phase.

TAC174/03 **RECOMMENDED** that the writer be advised of the above proposal.
(03-11268:R6002,R6019)

6. **Eltham Public School**; requesting that bus facilities at the School be upgraded and a designated bus bay installed due to increasing student numbers.

Mr MacDonald advised that he and Sgt Hamilton had met on-site with the School Principal with the result that it was pointed out that the existing method of the bus driving into the School grounds to collect children and driving out a second driveway was considered much safer than introducing a Bus Zone on the side of Boatharbour Road. It was suggested to the Principal that some upgrading works may be required internally to upgrade the existing pick-up area in terms of fencing and better definition of parking areas. This was taken on board.

TAC175/03 **RECOMMENDED** that the outcomes of the on-site meeting be confirmed in writing.
(03-11678:S352,P14175)

7. **P Vidler;** outlining suggestions to improve traffic and pedestrian movements into and within the Lismore CBD.
- a) **Creation of an additional route into the CBD via Magellan Street:** It was noted that this option was already being investigated.
 - b) **Woodlark Street upgrade maintaining two-way traffic:** It was suggested that parking in Woodlark Street would ultimately be similar to that which had recently been successfully introduced at Molesworth Street. Additional entry/exit points and chicanes were not considered warranted as vehicle speeds were generally very slow in any case, particularly during daylight hours.
 - c) **Signage of CBD Bypass and Magellan Street route into the CBD:** It was agreed that any new Magellan Street route would also require adequate signage. The need for additional or revised signage for the existing bypass was currently being investigated and Mr Vidler's views would be taken into account.
 - d) **Traffic signals at Keen and Woodlark Streets with no left-turn from Keen Street into Woodlark Street and roundabout modifications at Molesworth and Woodlark Streets and Keen and Magellan Streets:** It was noted that a traffic consultant had been engaged to carry out surveys and assess current and future needs in terms of intersection and traffic flow requirements within the CBD.

TAC176/03 **RECOMMENDED** that Mr Vidler be thanked for his input into this important issue and advised that his suggestions will be included in discussions with the traffic consultant currently being engaged by Council. (03-11806:S352)

8. **Caniaba Public School Council;** advising that an application is currently being prepared for the Appeals Committee regarding a variation in times for the School Zone on Caniaba Road and seeking information to assist with its submission.
- It was acknowledged that the Traffic Advisory Committee had supported the introduction of non-standard School Zone operational times prior to the implementation of standard times State-wide. The RTA would be better positioned to advise on the number of complaints received regarding confusion over a variation in School Zone times. The decision to standardise School Zone operational times was made by the RTA on a State-wide basis.

TAC177/03 **RECOMMENDED** that the writer be advised in accordance with the above. (03-12028:S352,R4701)

9. **B Davidson;** highlighting the following traffic issues –
- a) *Requesting that in Keen Street where there are 15min and 30min parking restrictions, the restricted times be displayed on the surfaces of the parking spots.*
 - b) *Suggesting arrows be painted on the road surface indicating the way to parking areas.*
- It was noted that such a scheme had already been introduced in the Clyde Campbell Carpark and Mr Davidson's suggestions would be included as a trial when line-marking was next being carried out.
- c) *Pedestrian crossings causing congestion, particularly at Woodlark Street.*
- It was agreed that the current situation needed to change and that the installation of lights should be further explored.

TAC178/03 **RECOMMENDED** that Mr Davidson be advised in accordance with the above. (S352)

General Business:

10.

Dungarubba Road – Reduced Speed Limit

At the Dungarubba Rural Contact Forum on October 20, 2003, a request was lodged for Council to consider reducing the speed limit on Dungarubba Road to 80 kph, from Whipps Corner to the Dungarubba Village.

The road in question was a narrow rural road with little development adjacent to the roadside. As such, the appropriate speed limit was the general State limit with motorists expected to drive to prevailing road conditions. (R5804)

This concluded the business and the meeting terminated at 11.45 am.

CHAIRPERSON

**TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR**

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:-

Contract of Sale and Transfer – Sale of Lot 76, DP 1003878, Snow Street, South Lismore

Council has negotiated an offer of \$43.00 per m² for the sale of Lot 76, DP 1003878, being vacant land in Snow Street, South Lismore. The price is consistent with recent industrial land sales in South Lismore and is contingent upon Council gaining consent to filling the said land to conform with DCP 7 standards.

(P27180)

Contract of Sale and Transfer – Sale of proposed Lot 736, Oliver Avenue, Goonellabah

Council has negotiated an offer of \$40.00 per m² (including GST) for the sale of proposed Lot 736, being part of Lot 73 DP876840, Oliver Avenue, Goonellabah. Due to the limited area which has access to the sewer, coupled with the steep boundary batters, the negotiated price is considered good value and above that which Council has previously received for similar land.

(P28324)

Sale to Oldham – Lismore Airport

- a) Linen Plan of Subdivision of Lot 28, DP 1035497 to create proposed Lot 1
 - b) Two Transfers Granting Easement in respect of
 - Right of carriage way 10m wide created by DP 1035497 and
 - Right of carriage way 15m wide created by DP 1035497Benefiting proposed Lot 1.
 - c) Transfer of proposed Lot 1 to D & MA Oldham
- (03-12604: P27932)

CONFIDENTIAL MATTERS – COMMITTEE OF THE WHOLE

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

Section 10A(2) – Local Government Act 1993.

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

Recommendation:

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

Item 1: Molesworth House - 186 Molesworth Street, Lismore

Grounds for Closure - Section 10D(2) (d):

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, NOVEMBER 4, 2003 AT 6.03PM.

Present: Mayor, Councillor King; Councillors Baxter, Chant, Crowther, Gallen, Irwin, Roberts, Suffolk, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Special Projects & Properties, Manager-Finance & Administration, Manager-Communications & Community Relations, Manager-Water & Wastewater, Administrative Services Manager and Team Leader-Administrative Support.

232/03 **Apologies/Leave of Absence:** An apology for non-attendance on behalf of Councillor Hampton was received and accepted and leave of absence granted. (Councillors Swientek/Irwin)

233/03 **Minutes:** The Minutes of the Ordinary Meeting held on October 14, 2003, were confirmed. (Councillors Irwin/Swientek)

PUBLIC ACCESS SESSION:

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

Mr Elvin Robb re Norco Trade Waste Fee Waiver

Mr Robb, Environmental Engineer from Norco, spoke to various aspects of the report. He claimed the sample used to calculate the original charge was not a true reflection of the waste discharged from the plant. He therefore supported the reduction in the fee. (S518,P9804)

SUSPENSION OF STANDING ORDERS:

234/03 **RESOLVED** that standing orders be suspended and Council now deal with the undermentioned matter:-

- **Norco Trade Waste Fee Waiver**
(Councillors Irwin/Suffolk)

Norco Trade Waste Fee Waiver

235/03 **RESOLVED** that the report be received and -

- 1 That Council reduce Norco's trade waste bill from \$224,960 to \$22,176 on the condition that all the improvements identified are implemented within three months.
- 2 That Norco be informed that similar concessions will not be available again.
(Councillors Irwin/Suffolk)

RESUMPTION OF STANDING ORDERS:

236/03 **RESOLVED** that standing orders be resumed.
(Councillors Irwin/Tomlinson)

REPORTS:

DA 03/673 Lismore Memorial Baths Redevelopment Application

A MOTION WAS MOVED that the report be deferred pending provision of cost estimates and submission to the community for comment.

(Councillors Irwin/Roberts)

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

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

A FORESHADOWED MOTION WAS MOVED that Council refuse this development application on the grounds of Council failing to fully canvass social and economic impacts of this development within the report.

(Councillors Swientek/Roberts)

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

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

A FORESHADOWED MOTION WAS MOVED that the report be received and –

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

B That Council, as the consent authority, approve Development Application 03/673 subject to compliance with the following conditions.

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

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

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) Nos.

DA001	AO.01	R1	dated 22/9/03
DA001	AO.01	R1	dated 22/9/03
DA002	EXO.01		dated 8/8/03
DA002	EXO.02	R1	dated 22/9/03
DA002	AO.01	R1	dated 22/9/03
DA002	AO.02		dated 8/8/03
DA002	AO.03		dated 8/8/03
DA002	AO.04		dated 8/8/03
DA002	AO.05	R1	dated 22/9/03
DA002	AO.06	R1	dated 22/9/03
DA002	AO.07	R1	dated 22/9/03
DA002	AO.08		dated 12/8/03
DA002	AO.09	(Sec. B,C,D)	dated 12/8/03
DA002	AO.09	(Sec. F,G)	dated 22/7/03

DA003 AO.01 dated 22/9/03
DA003 AO.02 dated 22/9/03
DA003 AO.03 dated 22/9/03

Plus untitled, undated, unnumbered plan showing full site.

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 The following building works are to be certified by Council or by an Accredited Certifier in the form of a Compliance Certificate. In the event that Council is the Principal Certifying Authority, you are required to notify Council at least 24 hours prior to the inspection.

- (a) Footings - the foundation trenches are open and the steel reinforcement is in position, prior to concrete being placed.
- (b) Swimming Pool - the swimming pool reinforcement steel is in position, prior to concrete being placed.
- (c) Slab - the slab reinforcement is in position, prior to concrete being placed.
- (d) Framework - the framework is completed, wet area flashing in place, external brickwork erected (where applicable) and the roof covering in position, prior to fixing the internal linings.
- (e) Occupation - the building is completed or an Occupation Certificate is required.

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

Reason: *To assess compliance with this approval.*

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

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

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

- 4 Where the design wind speed for the building is W41N or greater, the glazier must provide a certificate to Council prior to occupation of the building, that the glazing complies with AS 1288-1994 "Glass in Buildings".

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

- 5 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 78H of the Environmental Planning and Assessment Regulation.*

- 6 Temporary toilet facilities must be provided on the site, prior to commencement of building work and must be maintained until permanent facilities are provided.

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

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

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

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

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

- 9 Vertical expansion joints in the brickwork must be provided where new work adjoins existing buildings.

Reason: *To account for potential differential movement between old and new construction.*

- 10 Council will not permit the construction of any retaining wall structures on the land within any water, sewerage or drainage easements in favour of Council.
-

- Reason:** To advise that constructions are not permitted over Council's drainage services.
- 11 Retaining wall structures 1200 mm (1.2 m) or more in height must be of a design certified by a Practising Structural Engineer acceptable to Council.
- Reason:** To ensure the structural integrity of the retaining wall.
- 12 The excavated and filled areas are to be graded, drained and retained to the satisfaction of the Principal Certifying Authority.
- Reason:** To ensure stability of the site.
- 13 Where an excavation extends below the level of the footings of a building on adjoining land, any person causing the excavation must give seven days notice of their intention to excavate to the adjoining owner and furnish such owner with particulars of the work they propose in order to preserve and protect such building from damage.
- Reason:** Required by the Environmental Planning and Assessment Act 1979.
- 14 Erosion and sediment control measures must be put in place and be maintained to prevent soil erosion and the transportation of sediment from the site into natural or constructed drainage lines or watercourses. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion.
- Note:** Inspections of the structural work will not be carried out and work may not proceed, until the sedimentation controls are in place.
- Reason:** To prevent erosion of materials from the site.
- 15 Details showing sediment control measures and revegetation or landscaping works, must be submitted and approved prior to any earthworks commencing.
- Reason:** To draw attention to the need for approval.
- 16 A soil erosion and sediment control plan of management must be submitted and approved by Council prior to any earthworks commencing. The plan must outline what changes are proposed and the action that will be taken to alleviate or minimise any erosion or sedimentation.
- Reason:** To draw attention to the need for approval and sedimentation control.
- 17 The location of the building on the site must be established by a Registered Surveyor and must comply with this approval.
- Reason:** To ensure the building is located on site in accordance with this approval.
- 18 The building must be located clear of any sewer or stormwater main, by a minimum distance of 1.5 metres, or the equivalent of the invert depth of the main, whichever is the greater.
- Reason:** To safeguard Council services.
- 19 Provide security fencing to common boundaries, in accordance with Council's Hoarding Guidelines, where the site adjoins a public thoroughfare. A Hoarding Application must be submitted prior to commencement of demolition work.
- Reason:** To provide protection to the public.
- 20 Provide notices displaying the words "Danger ! Demolition in Progress", in appropriate places to the fencing or hoarding.
- Reason:** To warn the public of site dangers.
- 21 Prior to commencement of demolition the site must be examined by competent specialists, to determine the presence of noxious, toxic or explosive materials. The nature and location of each hazard must be recorded and details of the hazards and the method of dealing with them must be supplied to Council and approved, prior to the commencement of work.
- Note:** CFC refrigeration gas and haylon fire extinguishing agents are to be recovered when relevant equipment is scrapped or dismantled.
- Reason:** Required by Clause 65 of the Local Government (Approvals) Regulation.
- 22 Where a fire hydrant service or fire hose reel is provided in a building, must be available at all times during demolition.
- Reason:** Required by the Environmental Planning and Assessment Act 1979.
-

- 23 Provide suitable portable fire extinguishers where the demolition area is not protected by other fire services.
Reason: *Required by the Environmental Planning and Assessment Act 1979.*
- 24 The effects of vibration, dust, noise and concussion on adjoining buildings and their occupants must be minimised, by selecting appropriate demolition methods and equipment.
Reason: *Required by the Environmental Planning and Assessment Act 1979.*
- 25 Demolition of the structure must be in accordance with Sections 2 and 3 of AS 2601 "The Demolition of Structures".
Reason: *Required by the Environmental Planning and Assessment Act 1979.*
- 26 Any asbestos cement products to be removed and disposed of to an approved tipping station in accordance with Worksafe Australia - Code of Practice for the safe removal of asbestos.
Reason: *To prevent any exposure to a hazardous material.*
- 27 All services provided to site to be disconnected in accordance with relevant authorities guidelines.
Reason: *To comply with relevant authority's requirements.*
- 28 All hard surface areas, building and waste materials being removed from the site.
Reason: *To ensure the site is left in a clean and tidy condition.*
- 29 Water connections must be effectively disconnected. In this regard a Disconnection Permit must be applied for at Council and all work is to be carried out in accordance with Lismore City Council Water Specifications, prior to the commencement of work.
Reason: *To prevent unmetered and unlawful use of water.*
- 30 Structural Engineering details for the structural steelwork must be submitted and approved by the Principal Certifying Authority prior to the work commencing.
Reason: *To ensure the adequate structural design of the building components.*
- 31 Structural Engineering details for the reinforced concrete components must be submitted and approved by the Principal Certifying Authority prior to the work commencing.
Reason: *To ensure the adequate structural design of the building components.*
- 32 A site report from an approved Geotechnical Engineer must be submitted prior to commencement of work, certifying that a structure may satisfactorily be erected on the site.
Reason: *To ensure adequate structural design of the building.*
- 33 A certificate from the Consulting Engineer must be submitted to Council upon completion of the work certifying all structural components have been erected in accordance with the Engineer's requirements and relevant Australian Standards.
Reason: *To ensure compliance with this building approval and relevant standards.*
- 34 All excavations and backfilling are to be executed safely and in accordance with appropriate professional standards and to be properly guarded and protected to preserve life and property.
Reason: *Required by the Environmental Planning and Assessment Act 1979.*
- 35 The design wind load classification for the site is W41 N m/s (N3). All building materials, tie downs and bracing systems must meet the requirements for this wind speed.
Reason: *To provide information on the design wind speed assessed for the site.*
- 36 Full details of the tie-down and bracing requirements for a wind classification of W41N m/s (N3) being submitted to Council prior to commencement of construction. Such details being in accordance with AS 1684-1992 "National Timber Framing Code".
Reason: *To ensure the structural adequacy of the building.*
- 37 The primary building elements must be protected against attack by subterranean termites by physical barriers in accordance with AS 3660.1-1995 "Protection of Buildings from Subterranean Termites".
Reason: *Required by Clause B1.1 of the Building Code of Australia.*
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- 38 The primary building elements must be protected against attack by subterranean termites. This can be achieved by:
- i) soil treatment in accordance with AS 3660.1-1995 of the subsoil area beneath all on ground concrete slabs forming part of the building, including attached garages, patios and the like. Including, on completion of the building, an external barrier, consisting of at least a 300mm wide horizontal barrier around the perimeter circumferencing all pipes and service facilities, and adjoining a minimum 150mm wide vertical barrier, to the depth of the underslab barrier; or
 - ii) other chemical or physical measures which meet the objective of protecting the primary building elements against subterranean termite attack. If this option is chosen, full details are required to be submitted for Council's consideration. Examples of current initiatives in this area are, stainless steel mesh, accredited crushed granite barrier, permanent underslab irrigation systems, CCA treated framing and steel framing.
- 39 On completion of the termite treatment, other than ant-capping, a certificate from a qualified operator, must be supplied to Council.
Reason: *Required by Clause B1.3 of the Building Code of Australia.*
- 40 All "Wet area" floors must be flashed to walls with approved material, so as to provide effective damp-proofing.
Reason: *Required by Clause F1.7 of the Building Code of Australia.*
- 41 Floors of the bathroom, laundry and WC must be provided with an impervious surfaced and properly graded and drained to floor wastes, or other approved outlet.
Reason: *Required by Clause F1.7 of the Building Code of Australia.*
- 42 Guttering and downpiping must be provided and connected to the existing rain water drainage.
Reason: *Required by Clause FP1.3 of the Building Code of Australia.*
- 43 Temperature and pressure relief lines from hot water systems must: (1) Discharge in the open not more than 300 mm. above a paved surface or (2) Not more than 450 mm and not less than 300 mm above an unpaved surface.
Reason: *Required by NSW Code of Practice "Plumbing and Drainage".*
- 44 Provide 6/3 litre dual flush toilet suites to all water closets.
Reason: *To conserve water.*
- 45 Provide vacuum breaker devices to all external taps.
Reason: *To prevent the contamination of the water supply by cross connection.*
- 46 A tempering valve shall be installed so as to deliver hot water at the outlet of all sanitary fixtures, such as baths, basins and showers, at a temperature not exceeding 43.5°C for all childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and 50°C in all other classes of buildings.
Reason: *required by Cl. NSW 1.10.2 of the NSW Code of Practice Plumbing and Drainage.*
- 47 Access for the disabled in accordance with AS1428.1 is to be provided to the main entrance of the building.
Reason: *Required by Clause D3.2 of the Building Code of Australia.*
- 48 Facilities for the use of people with disabilities must be provided as specified in Clause F2.4 Building Code of Australia and shall be constructed to the requirements of AS 1428.1-1998 "Design for Access and Mobility". In this regard, particular attention to access and use of the swimming pool is required in accordance with the provisions of the Disability Discrimination Act, 1992.
Reason: *Required by Clause F2.4 of the Building Code of Australia.*
- 49 Provide signs, incorporating the disabled access symbol to people with disabilities, identifying the location of each accessible entrance to the building, lift and sanitary facility.
Reason: *Required by Clause D3.6 of the Building Code of Australia.*
- 50 Disabled toilet facilities must be unisex.
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- Reason:** Required by Policy 05.02.10 of the Lismore City Council.
- 51 Approved baby change facilities must be provided within disabled toilet facilities and the facility must be provided with appropriate signage.
- Reason:** Required by Policy 05.02.10 of the Lismore City Council.
- 52 No combustible material is to be attached to the external face of the building except as permitted by Clause 7 Specification C1.10, Building Code of Australia.
- Reason:** Required by Specification C1.10 of the Building Code of Australia.
- 53 All materials, other than sarking, must have a smoke-developed index not greater than 8 if the spread-of-flame index is greater than 5. In any case the spread-of-flame index shall be not greater than 9.
- Reason:** Required by Clause C1.10 of the Building Code of Australia.
- 54 All materials used in the building must comply with the smoke developed and spread of flame indices specified in Specification C1.10, Building Code of Australia.
- Reason:** Required by Clause C1.10 of the Building Code of Australia.
- 55 The main switchboard within the building, if it sustains emergency equipment, must be separated from other parts of the building by construction having an FRL of 120/120/120 and any doorway must be fitted with a self closing fire door having an FRL of -/120/30.
- Reason:** Required by Clause C2.13 of the Building Code of Australia.
- 56 Electrical meters, distribution boards or ducts, installed in a required non-fire isolated exit, or any corridor, hallway or lobby, leading to a required exit, are to be enclosed by non-combustible construction or a fire-protective covering, so as to prevent smoke spreading from the enclosure.
- Reason:** Required by Clause D2.7 of the Building Code of Australia.
- 57 Fire hose reels must be provided in accordance with Clause E1.4 Building Code of Australia and the following:-
- (a) Must comply with Australian Standard 1221 "Fire Hose Reels" and be installed in accordance with Australian Standard 2441, "Installation of Fire Hose Reels".
 - (b) At the connection of the most hydraulically disadvantaged hose reel to the fire main or water service pipe, provide a water flow rate of 0.33 L/s.
 - (c) Must not be installed in fire-isolated stairways, fire-isolated ramps or fire-isolated passageways.
 - (d) At least one hose reel must be accessible to all occupants of the storey served by it.
 - (e) No part of the storey must be beyond the reach of the nozzle end of a fully extended hose reel installed on that storey.
- Reason:** Required by Clause E1.4 of the Building Code of Australia.
- 58 During construction provide not less than one fire extinguisher to suit Class A, B and C fires and electrical fires, on each storey adjacent to each required exit or temporary stair or exit.
- Reason:** Required by Clause E1.9 of the Building Code of Australia.
- 59 Fire hydrants are to be provided within the building so no point on the floor of the building is more than 6 m from the nozzle end of a fully extended 30 m length of hose. The hydrant is to be within 4 m of a required exit and installed in accordance with AS 2419.1 "Fire Hydrant Installations".
- Reason:** Required by Clause E1.3 of the Building Code of Australia.
- 60 Where an external hydrant serves a building the maximum length of hose shall be 60 metres, providing a maximum 10 metres horizontal jet of water.
- Reason:** Required by Clause E1.3(b) of the Building Code of Australia.
- 61 Provide portable fire extinguisher/s, suitable to address the relevant risk, in accordance with AS2444.
- Reason:** Required by Clause E1.6 Building Code of Australia.
- 62 The fire hydrant is not to be installed until Council has received a written report from the Director-General of New South Wales Fire Brigades certifying the
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- proposed installation is satisfactory to meet the performance requirements of the Building Code of Australia.
Reason: *Required by the Environmental Planning and Assessment Act 1979.*
- 63 The fire hydrant is not to be installed until Council has received a written report from the Director-General of New South Wales Fire Brigades certifying the proposed installation is satisfactory to meet the performance requirements of the Building Code of Australia.
Reason: *Required by the Environmental Planning and Assessment Act 1979.*
- 64 The applicant/owner shall make written application to the Accredited Certifier or Council, with the application for the issue of a Construction Certificate, requesting that a street hydrant be utilised in lieu of internal hydrants where required by the Building Code of Australia.
Reason: *To comply with the requirements of Australian Standard AS2419.1 - 1994.*
- 65 After due consideration/approval by the Accredited Certifier or Council that all aspects of the regulations are complied with, excepting the pressure, the applicant/owner shall submit a "mains pressure inquiry application" to the Water and Wastewater Department of Lismore City Council.
Reason: *To comply with the requirements of Australian Standard AS2419.1 - 1994.*
- 66 All required egress doors are to at all times be openable from within the building by single handed lever or push action on a single device without recourse to a key. No barrel bolts are to be fitted.
Reason: *Required by Clause D2.21 of the Building Code of Australia.*
- 67 Exit doors must be provided with panic bars which yield to pressure from within.
Reason: *Required by Clause D2.21(e) of the Building Code of Australia.*
- 68 An emergency lighting system is to be provided throughout the building to comply with Clause E4.2 Building Code of Australia. Details of the emergency lighting system and a certificate from an electrical engineer certifying the level of illumination required is provided and that the circuits are designed as required, is to be submitted to Council prior to installation.
Reason: *Required by Clause E4.2 of the Building Code of Australia.*
- 69 Electrical plans to indicate the position of all emergency lighting must be submitted to Council for approval prior to any work being commenced on the site.
Reason: *To ensure compliance with this approval.*
- 70 The proposed building does not appear to comply with the deemed to satisfy provisions of Clauses D1.4 and D1.5, D1.6 and F2.3 of the BCA, and therefore will require modification and/or a performance based alternative solution prior to release of the Construction Certificate.
Reason: *To ensure compliance with the Building Code of Australia.*
- 71 A temporary child resistant barrier a minimum of 1.2 m. high must be erected during construction of the pool if it requires water being added during construction.
Reason: *Required by Section 7 of the Swimming Pools Act, 1992.*
- 72 All doors and gates providing access to the swimming pool are to be kept securely closed at all times when they are not in actual use, unless otherwise supervised.
Reason: *Required by Section 16 of the Swimming Pools Act, 1992.*
- 73 A warning notice meeting the requirements of the Swimming Pools Act, 1992, shall at all times be maintained in a prominent position in the immediate vicinity of the swimming pool.
Note: The notices are for sale at Council's Enquiry desk).
Reason: *Required by Section 17 of the Swimming Pools Act, 1992.*
- 74 Swimming pool waste water (back flushing, pool drainage etc.) shall be disposed of to the sewer. In unsewered areas disposal shall be to Council's satisfaction without causing a nuisance.
Reason: *Required by Clause G1.1 of the Building Code of Australia.*
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- 75 The pool water quality is to be maintained in accordance with Council's Pool Maintenance pamphlet.
Reason: *To ensure the minimum water quality standards are maintained.*
- 76 A hydrostatic valve must be provided in the pool base.
Reason: *To ensure the structural adequacy of the pool.*
- 77 The filtration and chlorination equipment must be maintained in good condition at all times and operated in accordance with the manufacturer's recommendations.
Reason: *To ensure the health of pool users.*
- 78 The location and method of enclosure of the pool filtration equipment must be approved by Council prior to installation. The filtration unit must be enclosed so as not to cause a noise nuisance and the operation must comply with the Protection of the Environment (Noise Control) Regulation 2000.
Reason: *To ensure a reasonable level of amenity to the neighbourhood.*
- 79 Council's Building and Regulation Section is to be advised when the pool site is excavated.
Reason: *To ensure compliance with the conditions of approval.*

ENVIRONMENTAL HEALTH

- 80 Suitable constructed shade is to be provided to cover 100% of the grandstand and to cover the supervisor/spectator area of the toddlers pool. The structures must be capable of deleting maximum levels of UVR whilst allowing transmission of light and warmth. Details of the shade structures including location and design must be submitted to Council for approval prior to release of the construction certificate.
Reason: *To comply with Council's Community Sun Protection Strategy*
- 81 Detailed plans and specifications for any proposed backwash water reuse system must be submitted to Council for approval prior to release of the construction certificate. The details must include but may not necessarily be limited to the following:
- Water quality of backwash
 - Water quality required to be achieved in any reuse proposal based on relevant EPA and Department of Health criteria
 - Treatment train/method to be implemented in order to achieve required quality for reuse
 - Monitoring and maintenance programs
 - Hydraulic calculations including storage needs, irrigation design and water demand, toilet flushing demand and associated water balance calculations/wet weather storage.
- Reason:** *To protect the environment and public health*
- 82 The proposed landuse shall not result in the emission of offensive noise. Offensive noise means:
- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
- (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
- (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations. AM7
- Reason:** *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*
- 83 A report from a suitably qualified acoustical engineer must be submitted to Council for approval prior to the release of construction certificate. The report must assess the impact of noise from plant and equipment including all pool pumps and recirculation systems and associated plant.

- Reason: To protect the amenity of the area and secure compliance with noise legislation.*
- 84 Any noise generated during the construction of the development shall not exceed the limits specified in the Noise Control Manual.
- Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*
- 85 Plans showing the interior layout of the kiosk and associated food handling and storage areas including the location and method of installing all fittings, etc.; wall, floor and ceiling finishes; lighting and ventilation details must be submitted to Council for approval prior to release of construction certificate.
- Reason: To comply with Councils Food Premises Code and secure compliance with NSW food legislation.*
- 86 The swimming pool water is to be maintained at satisfactory levels of purity for bathing at all times in accordance with the NSW Department of Health Guidelines for water quality in public swimming pools.
- Reason: To protect public health.*
- 87 An impermeable bunded and roofed on site storage area shall be provided to contain pool chemicals 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))*
- 88 Clean-up equipment including suitable absorbent material shall be stored on site to effectively deal with oil and/or chemical spills.
- Reason: To protect the environment. (EPA Act Sec 79C(b))*
- 89 All conditions of DA03/676 shall be complied with prior to the issue of an interim or final occupation certificate.
- Reason: To ensure adequate provision of services for the proposed development.*
- 90 The proposed building alignment to Market Street shall be amended to provide a minimum clear footpath width of 1.2m adjacent to the proposed transformer.
- Reason: To ensure an adequate pedestrian network in accordance with adopted standards. (EPA Act Sec 79C(a))*
- 91 The grade from the road pavement to the development shall permit the construction of a vehicular access in accordance with Council's Design and Construction Specification (Vehicular Access). Engineering design working drawings shall provide evidence of the feasibility of this access. Such drawings shall be submitted for Council approval prior to release of the Construction Certificate.
- Reason: To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 79C(b))*
- 92 Redundant road pavement, kerb and gutter or foot paving, including any existing entrances or other special provisions shall be reinstated in accordance with Council's Development, Design and Construction Manuals (as amended).
- Reason: To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))*
- 93 Vehicular access from the road pavement to the development shall be provided by the construction of a crossing, in accordance with the Council's Design and Construction Specification for Vehicular Access.
- Reason: To ensure adequate access to and from the development. (EPA Act Sec 79C(c))*

WATER & SEWER

- 94 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".*

- 95 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".*

- 96 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 Ministry of Energy and Utilities 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))*

- 97 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))*

- 98 Prior to release of the Interim and/or Final 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))*

- 99 Neither fill nor any building or other structure shall be placed over Lismore City Council's sewer main when such fill or structure falls:

i) within a distance from the main measured by projecting a 45° angle from the invert of the main to surface level

OR

ii) within 1.5m of the main.

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

- 100 Prior to issue of an Interim Occupation Certificate by the Principal Certifying Authority, the proponent must apply to Lismore City Council under Section 305 of the Water Management Act 2000, and obtain from Lismore City Council a Certificate of Compliance under Section 307 of the Water Management Act 2000. Following the making of an application under Section 305 of the Water Management Act 2000, Lismore City Council under Section 306 of the Water Management Act 2000, may require the proponent to do either or both of the following:

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

b) to construct works to serve the development.

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

- 101 Full design plans of the proposed engineering works to satisfy condition 102 shall be submitted to Lismore City Council. Such plans must be approved by the Manager-Water and Sewerage before the issue of the Construction Certificate. Construction of these works will need to be completed before a Certificate of Compliance is issued by Lismore City Council under Section 307 of the Water Management Act 2000.

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

- 102 The applicant is to provide full details of:

- (a) The discharge arrangement at Council's sewer manhole 5C8. The discharge manhole is to be modified including construction of a vent and epoxy coated to Lismore City Council's adopted standards.

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

- 103 The proponent shall provide sewerage reticulation to service the development. Should new sewer junctions be required to service this development they shall be designed and constructed in accordance with 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 the Lismore City's Manager- Water and Sewerage for a period of twelve months from the date of approval of the work. A practising qualified surveyor shall submit a "works-as-executed" set of 1:500 transparencies plans showing these works.

Reason: *To provide adequate services for the development (EPA Act Sec 79C9c))*

- 104 During the demolition of the existing complex, the proponent is to ensure that the decommissioning of the internal sewerage reticulation is carried out to Council's satisfaction with such lines being effectively sealed off to prevent infiltration to Council's sewerage reticulation. At the completion of the development should the existing sewer connection to Council's main be no longer required it must be effectively sealed off at the boundary riser. In this regard a Minor Works Permit must be applied for at Council and all works carried out in accordance with Lismore City Council's adopted Standards. Any costs associated with these works shall be the responsibility of the proponent.

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

- 105 Existing water services that are no longer required are to be terminated at Council's water main a disconnection permit shall be applied for from Lismore City Council and all work carried out in accordance with Council's adopted standards.

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

HERITAGE ISSUES

- 106 a) That all original fabric of the pavilion building be retained and carefully conserved.
b) That the original timber sliding doors in the pavilion building not be removed or modified.
c) That full and proper recording of all structures including internal plant, fixtures, fittings, signage, etc. be undertaken in accordance with the guidelines set out by NSW Heritage Office prior to any demolition taking place.

Reason: *To ensure preservation of the heritage values of the listed building.*

- 107 The external wall ceramic tiling and any painting to be carried out in approved heritage colours and finished appearance, and to complement the main pavilion entry building, to the satisfaction of Council's Heritage Adviser.

Reason: *To ensure heritage compatibility of the development.*

FLOODING

108 Construction Certificate application is to be accompanied by a certificate of structural adequacy prepared by a qualified structural/civil engineer stating that the buildings have been designed to withstand structural damage from the forces of floodwaters and associated debris.

Reason: *To ensure compliance with Council's adopted flood standards.*

109 For non-habitable floors constructed below the Flood Planning Level, the applicant will be required to demonstrate that:

- a) the new structure will not have an adverse effect upon the existing flow of floodwaters, and
- b) that all materials used below the Flood Planning Level are flood compatible.

Reason: *To ensure compliance with Council's adopted flood standards.*

TOWN PLANNING

110 The existing bike rack at the front of the building to be repaired where necessary, and retained in the new development.

Reason: *To ensure bike parking facilities are available to the new development.*

111 The proposed electricity sub-station to be relocated or redesigned to incorporate Crime Prevention Through Design principles and children drop off/pick up requirements in Market Street.

Reason: *Footpath amenity, aesthetic appearance, crime prevention principles.*

112 A children's set down/pick up area be located in Market Street adjacent to the entry gate adjoining the bus parking bay.

Reason: *Amenity and safety for children.*

113 Particular attention must be given to access and facilities for people with disabilities in terms of the provisions of the Disability Discrimination Act, 1992 including accessibility from the street to the facility and within the facility itself.

Reason: *To ensure accessibility and safety for the disabled.*

(Councillors King/Baxter)

AN AMENDMENT WAS MOVED that the report be received and the recommendation contained in the report be adopted subject to condition 80 being amended to read *"that constructed shade is to be provided to cover 100 per cent of all three pools and the grandstand seating area. Permanent protective shade to be provided for at least 40 per cent of the total open area surrounding the swimming pools. This is to include shade for the marshalling areas around the major pool. Details of the shade structures including location and design must be submitted to Council for approval prior to the release of the construction certificate"*.

(Councillors Tomlinson/Irwin)

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

Voting Against: Councillors King and Suffolk.

237/03 **RESOLVED** that the report be received and -

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

B That Council, as the consent authority, approve Development Application 03/673 subject to compliance with the following conditions.

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

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

DA001	AO.01	R1	dated 22/9/03
DA001	AO.01	R1	dated 22/9/03
DA002	EXO.01		dated 8/8/03
DA002	EXO.02	R1	dated 22/9/03
DA002	AO.01	R1	dated 22/9/03
DA002	AO.02		dated 8/8/03
DA002	AO.03		dated 8/8/03
DA002	AO.04		dated 8/8/03
DA002	AO.05	R1	dated 22/9/03
DA002	AO.06	R1	dated 22/9/03
DA002	AO.07	R1	dated 22/9/03
DA002	AO.08		dated 12/8/03
DA002	AO.09	(Sec. B,C,D)	dated 12/8/03
DA002	AO.09	(Sec. F,G)	dated 22/7/03
DA003	AO.01		dated 22/9/03
DA003	AO.02		dated 22/9/03
DA003	AO.03		dated 22/9/03

Plus untitled, undated, unnumbered plan showing full site.

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 The following building works are to be certified by Council or by an Accredited Certifier in the form of a Compliance Certificate. In the event that Council is the Principal Certifying Authority, you are required to notify Council at least 24 hours prior to the inspection.
- (a) Footings - the foundation trenches are open and the steel reinforcement is in position, prior to concrete being placed.
- (b) Swimming Pool - the swimming pool reinforcement steel is in position, prior to concrete being placed.
- (c) Slab - the slab reinforcement is in position, prior to concrete being placed.
- (d) Framework - the framework is completed, wet area flashing in place, external brickwork erected (where applicable) and the roof covering in position, prior to fixing the internal linings.
- (e) Occupation - the building is completed or an Occupation Certificate is required.

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

Reason: *To assess compliance with this approval.*

- 3 Provide an on-site sign, in prominent visible position, stating:
- (a) That unauthorised access to the site is not permitted, and
- (b) Showing the name of the builder or person responsible for the site and a telephone number at which such person can be contacted outside working hours.

- Reason: Required by Clause 78H of the Environmental Planning and Assessment Regulation.*
- 4 Where the design wind speed for the building is W41N or greater, the glazier must provide a certificate to Council prior to occupation of the building, that the glazing complies with AS 1288-1994 "Glass in Buildings".
- Reason: To ensure compliance with glazing and wind loading standards and this approval.*
- 5 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 78H of the Environmental Planning and Assessment Regulation.*
- 6 Temporary toilet facilities must be provided on the site, prior to commencement of building work and must be maintained until permanent facilities are provided.
- Reason: To ensure the provision of minimum amenities to the site.*
- 7 Glazing to doors, windows, shower screens and bath enclosures must comply with AS 1288-1994 "Glass in Buildings". For external glazing the design wind speed must be provided to the glazier.
- Reason: To ensure compliance with glazing and wind loading standards.*
- 8 External lighting must be adjusted or hooded to prevent any nuisance to neighbouring property.
- Reason: To ensure a reasonable level of amenity for adjoining properties.*
- 9 Vertical expansion joints in the brickwork must be provided where new work adjoins existing buildings.
- Reason: To account for potential differential movement between old and new construction.*
- 10 Council will not permit the construction of any retaining wall structures on the land within any water, sewerage or drainage easements in favour of Council.
- Reason: To advise that constructions are not permitted over Council's drainage services.*
- 11 Retaining wall structures 1200 mm (1.2 m) or more in height must be of a design certified by a Practising Structural Engineer acceptable to Council.
- Reason: To ensure the structural integrity of the retaining wall.*
- 12 The excavated and filled areas are to be graded, drained and retained to the satisfaction of the Principal Certifying Authority.
- Reason: To ensure stability of the site.*
- 13 Where an excavation extends below the level of the footings of a building on adjoining land, any person causing the excavation must give seven days notice of their intention to excavate to the adjoining owner and furnish such owner with particulars of the work they propose in order to preserve and protect such building from damage.
- Reason: Required by the Environmental Planning and Assessment Act 1979.*
- 14 Erosion and sediment control measures must be put in place and be maintained to prevent soil erosion and the transportation of sediment from the site into natural or constructed drainage lines or watercourses. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion.
- Note:** Inspections of the structural work will not be carried out and work may not proceed, until the sedimentation controls are in place.
- Reason: To prevent erosion of materials from the site.*
- 15 Details showing sediment control measures and revegetation or landscaping works, must be submitted and approved prior to any earthworks commencing.
- Reason: To draw attention to the need for approval.*
- 16 A soil erosion and sediment control plan of management must be submitted and approved by Council prior to any earthworks commencing. The plan must outline what changes are proposed and the action that will be taken to alleviate or minimise any erosion or sedimentation.
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- Reason:** *To draw attention to the need for approval and sedimentation control.*
- 17 The location of the building on the site must be established by a Registered Surveyor and must comply with this approval.
Reason: *To ensure the building is located on site in accordance with this approval.*
- 18 The building must be located clear of any sewer or stormwater main, by a minimum distance of 1.5 metres, or the equivalent of the invert depth of the main, whichever is the greater.
Reason: *To safeguard Council services.*
- 19 Provide security fencing to common boundaries, in accordance with Council's Hoarding Guidelines, where the site adjoins a public thoroughfare. A Hoarding Application must be submitted prior to commencement of demolition work.
Reason: *To provide protection to the public.*
- 20 Provide notices displaying the words "Danger ! Demolition in Progress", in appropriate places to the fencing or hoarding.
Reason: *To warn the public of site dangers.*
- 21 Prior to commencement of demolition the site must be examined by competent specialists, to determine the presence of noxious, toxic or explosive materials. The nature and location of each hazard must be recorded and details of the hazards and the method of dealing with them must be supplied to Council and approved, prior to the commencement of work.
Note: CFC refrigeration gas and haylon fire extinguishing agents are to be recovered when relevant equipment is scrapped or dismantled.
Reason: *Required by Clause 65 of the Local Government (Approvals) Regulation.*
- 22 Where a fire hydrant service or fire hose reel is provided in a building, must be available at all times during demolition.
Reason: *Required by the Environmental Planning and Assessment Act 1979.*
- 23 Provide suitable portable fire extinguishers where the demolition area is not protected by other fire services.
Reason: *Required by the Environmental Planning and Assessment Act 1979.*
- 24 The effects of vibration, dust, noise and concussion on adjoining buildings and their occupants must be minimised, by selecting appropriate demolition methods and equipment.
Reason: *Required by the Environmental Planning and Assessment Act 1979.*
- 25 Demolition of the structure must be in accordance with Sections 2 and 3 of AS 2601 "The Demolition of Structures".
Reason: *Required by the Environmental Planning and Assessment Act 1979.*
- 26 Any asbestos cement products to be removed and disposed of to an approved tipping station in accordance with Worksafe Australia - Code of Practice for the safe removal of asbestos.
Reason: *To prevent any exposure to a hazardous material.*
- 27 All services provided to site to be disconnected in accordance with relevant authorities guidelines.
Reason: *To comply with relevant authority's requirements.*
- 28 All hard surface areas, building and waste materials being removed from the site.
Reason: *To ensure the site is left in a clean and tidy condition.*
- 29 Water connections must be effectively disconnected. In this regard a Disconnection Permit must be applied for at Council and all work is to be carried out in accordance with Lismore City Council Water Specifications, prior to the commencement of work.
Reason: *To prevent unmetered and unlawful use of water.*
- 30 Structural Engineering details for the structural steelwork must be submitted and approved by the Principal Certifying Authority prior to the work commencing.
Reason: *To ensure the adequate structural design of the building components.*
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- 31 Structural Engineering details for the reinforced concrete components must be submitted and approved by the Principal Certifying Authority prior to the work commencing.
Reason: *To ensure the adequate structural design of the building components.*
- 32 A site report from an approved Geotechnical Engineer must be submitted prior to commencement of work, certifying that a structure may satisfactorily be erected on the site.
Reason: *To ensure adequate structural design of the building.*
- 33 A certificate from the Consulting Engineer must be submitted to Council upon completion of the work certifying all structural components have been erected in accordance with the Engineer's requirements and relevant Australian Standards.
Reason: *To ensure compliance with this building approval and relevant standards.*
- 34 All excavations and backfilling are to be executed safely and in accordance with appropriate professional standards and to be properly guarded and protected to preserve life and property.
Reason: *Required by the Environmental Planning and Assessment Act 1979.*
- 35 The design wind load classification for the site is W41 N m/s (N3). All building materials, tie downs and bracing systems must meet the requirements for this wind speed.
Reason: *To provide information on the design wind speed assessed for the site.*
- 36 Full details of the tie-down and bracing requirements for a wind classification of W41N m/s (N3) being submitted to Council prior to commencement of construction. Such details being in accordance with AS 1684-1992 "National Timber Framing Code".
Reason: *To ensure the structural adequacy of the building.*
- 37 The primary building elements must be protected against attack by subterranean termites by physical barriers in accordance with AS 3660.1-1995 "Protection of Buildings from Subterranean Termites".
Reason: *Required by Clause B1.1 of the Building Code of Australia.*
- 38 The primary building elements must be protected against attack by subterranean termites. This can be achieved by:
- i) soil treatment in accordance with AS 3660.1-1995 of the subsoil area beneath all on ground concrete slabs forming part of the building, including attached garages, patios and the like. Including, on completion of the building, an external barrier, consisting of at least a 300mm wide horizontal barrier around the perimeter circumferencing all pipes and service facilities, and adjoining a minimum 150mm wide vertical barrier, to the depth of the underslab barrier; or
 - ii) other chemical or physical measures which meet the objective of protecting the primary building elements against subterranean termite attack. If this option is chosen, full details are required to be submitted for Council's consideration. Examples of current initiatives in this area are, stainless steel mesh, accredited crushed granite barrier, permanent underslab irrigation systems, CCA treated framing and steel framing.
- NOTE 1:** The approved chemical for underslab spraying does not provide protection against termites over the economic life of the building.
NOTE 2: Depending on the slab construction a vertical 150 mm wide chemical barrier may be required to the external perimeter of the slab.
NOTE 3: Landscaping and Gardens - Most termite barriers require the area immediately adjoining an external wall to be kept clear of any landscaping or gardens. This is necessary either to prevent the bridging of the termite barrier or to ensure the area is visible for inspection.
Reason: *Required by Clause B1.3 of the Building Code of Australia.*
- 39 On completion of the termite treatment, other than ant-capping, a certificate from a qualified operator, must be supplied to Council.
Reason: *Required by Clause B1.3 of the Building Code of Australia.*
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- 40 All "Wet area" floors must be flashed to walls with approved material, so as to provide effective damp-proofing.
Reason: *Required by Clause F1.7 of the Building Code of Australia.*
- 41 Floors of the bathroom, laundry and WC must be provided with an impervious surfaced and properly graded and drained to floor wastes, or other approved outlet.
Reason: *Required by Clause F1.7 of the Building Code of Australia.*
- 42 Guttering and downpiping must be provided and connected to the existing rain water drainage.
Reason: *Required by Clause FP1.3 of the Building Code of Australia.*
- 43 Temperature and pressure relief lines from hot water systems must: (1) Discharge in the open not more than 300 mm. above a paved surface or (2) Not more than 450 mm and not less than 300 mm above an unpaved surface.
Reason: *Required by NSW Code of Practice "Plumbing and Drainage".*
- 44 Provide 6/3 litre dual flush toilet suites to all water closets.
Reason: *To conserve water.*
- 45 Provide vacuum breaker devices to all external taps.
Reason: *To prevent the contamination of the water supply by cross connection.*
- 46 A tempering valve shall be installed so as to deliver hot water at the outlet of all sanitary fixtures, such as baths, basins and showers, at a temperature not exceeding 43.5°C for all childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and 50°C in all other classes of buildings.
Reason: *required by Cl. NSW 1.10.2 of the NSW Code of Practice Plumbing and Drainage.*
- 47 Access for the disabled in accordance with AS1428.1 is to be provided to the main entrance of the building.
Reason: *Required by Clause D3.2 of the Building Code of Australia.*
- 48 Facilities for the use of people with disabilities must be provided as specified in Clause F2.4 Building Code of Australia and shall be constructed to the requirements of AS 1428.1-1998 "Design for Access and Mobility". In this regard, particular attention to access and use of the swimming pool is required in accordance with the provisions of the Disability Discrimination Act, 1992.
Reason: *Required by Clause F2.4 of the Building Code of Australia.*
- 49 Provide signs, incorporating the disabled access symbol to people with disabilities, identifying the location of each accessible entrance to the building, lift and sanitary facility.
Reason: *Required by Clause D3.6 of the Building Code of Australia.*
- 50 Disabled toilet facilities must be unisex.
Reason: *Required by Policy 05.02.10 of the Lismore City Council.*
- 51 Approved baby change facilities must be provided within disabled toilet facilities and the facility must be provided with appropriate signage.
Reason: *Required by Policy 05.02.10 of the Lismore City Council.*
- 52 No combustible material is to be attached to the external face of the building except as permitted by Clause 7 Specification C1.10, Building Code of Australia.
Reason: *Required by Specification C1.10 of the Building Code of Australia.*
- 53 All materials, other than sarking, must have a smoke-developed index not greater than 8 if the spread-of-flame index is greater than 5. In any case the spread-of-flame index shall be not greater than 9.
Reason: *Required by Clause C1.10 of the Building Code of Australia.*
- 54 All materials used in the building must comply with the smoke developed and spread of flame indices specified in Specification C1.10, Building Code of Australia.
Reason: *Required by Clause C1.10 of the Building Code of Australia.*
- 55 The main switchboard within the building, if it sustains emergency equipment, must be separated from other parts of the building by construction having an FRL
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- of 120/120/120 and any doorway must be fitted with a self closing fire door having an FRL of -/120/30.
Reason: *Required by Clause C2.13 of the Building Code of Australia.*
- 56 Electrical meters, distribution boards or ducts, installed in a required non-fire isolated exit, or any corridor, hallway or lobby, leading to a required exit, are to be enclosed by non-combustible construction or a fire-protective covering, so as to prevent smoke spreading from the enclosure.
Reason: *Required by Clause D2.7 of the Building Code of Australia.*
- 57 Fire hose reels must be provided in accordance with Clause E1.4 Building Code of Australia and the following:-
- (a) Must comply with Australian Standard 1221 "Fire Hose Reels" and be installed in accordance with Australian Standard 2441, "Installation of Fire Hose Reels".
 - (b) At the connection of the most hydraulically disadvantaged hose reel to the fire main or water service pipe, provide a water flow rate of 0.33 L/s.
 - (c) Must not be installed in fire-isolated stairways, fire-isolated ramps or fire-isolated passageways.
 - (d) At least one hose reel must be accessible to all occupants of the storey served by it.
 - (e) No part of the storey must be beyond the reach of the nozzle end of a fully extended hose reel installed on that storey.
- Reason:** *Required by Clause E1.4 of the Building Code of Australia.*
- 58 During construction provide not less than one fire extinguisher to suit Class A, B and C fires and electrical fires, on each storey adjacent to each required exit or temporary stair or exit.
Reason: *Required by Clause E1.9 of the Building Code of Australia.*
- 59 Fire hydrants are to be provided within the building so no point on the floor of the building is more than 6 m from the nozzle end of a fully extended 30 m length of hose. The hydrant is to be within 4 m of a required exit and installed in accordance with AS 2419.1 "Fire Hydrant Installations".
Reason: *Required by Clause E1.3 of the Building Code of Australia.*
- 60 Where an external hydrant serves a building the maximum length of hose shall be 60 metres, providing a maximum 10 metres horizontal jet of water.
Reason: *Required by Clause E1.3(b) of the Building Code of Australia.*
- 61 Provide portable fire extinguisher/s, suitable to address the relevant risk, in accordance with AS2444.
Reason: *Required by Clause E1.6 Building Code of Australia.*
- 62 The fire hydrant is not to be installed until Council has received a written report from the Director-General of New South Wales Fire Brigades certifying the proposed installation is satisfactory to meet the performance requirements of the Building Code of Australia.
Reason: *Required by the Environmental Planning and Assessment Act 1979.*
- 63 The fire hydrant is not to be installed until Council has received a written report from the Director-General of New South Wales Fire Brigades certifying the proposed installation is satisfactory to meet the performance requirements of the Building Code of Australia.
Reason: *Required by the Environmental Planning and Assessment Act 1979.*
- 64 The applicant/owner shall make written application to the Accredited Certifier or Council, with the application for the issue of a Construction Certificate, requesting that a street hydrant be utilised in lieu of internal hydrants where required by the Building Code of Australia.
Reason: *To comply with the requirements of Australian Standard AS2419.1 - 1994.*
- 65 After due consideration/approval by the Accredited Certifier or Council that all aspects of the regulations are complied with, excepting the pressure, the applicant/owner shall submit a "mains pressure inquiry application" to the Water and Wastewater Department of Lismore City Council.
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- Reason:** To comply with the requirements of Australian Standard AS2419.1 - 1994.
- 66 All required egress doors are to at all times be openable from within the building by single handed lever or push action on a single device without recourse to a key. No barrel bolts are to be fitted.
- Reason:** Required by Clause D2.21 of the Building Code of Australia.
- 67 Exit doors must be provided with panic bars which yield to pressure from within.
- Reason:** Required by Clause D2.21(e) of the Building Code of Australia.
- 68 An emergency lighting system is to be provided throughout the building to comply with Clause E4.2 Building Code of Australia. Details of the emergency lighting system and a certificate from an electrical engineer certifying the level of illumination required is provided and that the circuits are designed as required, is to be submitted to Council prior to installation.
- Reason:** Required by Clause E4.2 of the Building Code of Australia.
- 69 Electrical plans to indicate the position of all emergency lighting must be submitted to Council for approval prior to any work being commenced on the site.
- Reason:** To ensure compliance with this approval.
- 70 The proposed building does not appear to comply with the deemed to satisfy provisions of Clauses D1.4 and D1.5, D1.6 and F2.3 of the BCA, and therefore will require modification and/or a performance based alternative solution prior to release of the Construction Certificate.
- Reason:** To ensure compliance with the Building Code of Australia.
- 71 A temporary child resistant barrier a minimum of 1.2 m. high must be erected during construction of the pool if it requires water being added during construction.
- Reason:** Required by Section 7 of the Swimming Pools Act, 1992.
- 72 All doors and gates providing access to the swimming pool are to be kept securely closed at all times when they are not in actual use, unless otherwise supervised.
- Reason:** Required by Section 16 of the Swimming Pools Act, 1992.
- 73 A warning notice meeting the requirements of the Swimming Pools Act, 1992, shall at all times be maintained in a prominent position in the immediate vicinity of the swimming pool.
- Note:** The notices are for sale at Council's Enquiry desk).
- Reason:** Required by Section 17 of the Swimming Pools Act, 1992.
- 74 Swimming pool waste water (back flushing, pool drainage etc.) shall be disposed of to the sewer. In unsewered areas disposal shall be to Council's satisfaction without causing a nuisance.
- Reason:** Required by Clause G1.1 of the Building Code of Australia.
- 75 The pool water quality is to be maintained in accordance with Council's Pool Maintenance pamphlet.
- Reason:** To ensure the minimum water quality standards are maintained.
- 76 A hydrostatic valve must be provided in the pool base.
- Reason:** To ensure the structural adequacy of the pool.
- 77 The filtration and chlorination equipment must be maintained in good condition at all times and operated in accordance with the manufacturer's recommendations.
- Reason:** To ensure the health of pool users.
- 78 The location and method of enclosure of the pool filtration equipment must be approved by Council prior to installation. The filtration unit must be enclosed so as not to cause a noise nuisance and the operation must comply with the Protection of the Environment (Noise Control) Regulation 2000.
- Reason:** To ensure a reasonable level of amenity to the neighbourhood.
- 79 Council's Building and Regulation Section is to be advised when the pool site is excavated.
- Reason:** To ensure compliance with the conditions of approval.

ENVIRONMENTAL HEALTH

- 80 *That constructed shade is to be provided to cover 100 per cent of all three pools and the grandstand seating area. Permanent protective shade to be provided for at least 40 per cent of the total open area surrounding the swimming pools. This is to include shade for the marshalling areas around the major pool. Details of the shade structures including location and design must be submitted to Council for approval prior to the release of the construction certificate.*
Reason: *To comply with Council's Community Sun Protection Strategy*
- 81 Detailed plans and specifications for any proposed backwash water reuse system must be submitted to Council for approval prior to release of the construction certificate. The details must include but may not necessarily be limited to the following:
- Water quality of backwash
 - Water quality required to be achieved in any reuse proposal based on relevant EPA and Department of Health criteria
 - Treatment train/method to be implemented in order to achieve required quality for reuse
 - Monitoring and maintenance programs
 - Hydraulic calculations including storage needs, irrigation design and water demand, toilet flushing demand and associated water balance calculations/wet weather storage.
- Reason:** *To protect the environment and public health*
- 82 The proposed landuse shall not result in the emission of offensive noise. Offensive noise means:
- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
- (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations. AM7
- Reason:** *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*
- 83 A report from a suitably qualified acoustical engineer must be submitted to Council for approval prior to the release of construction certificate. The report must assess the impact of noise from plant and equipment including all pool pumps and recirculation systems and associated plant.
Reason: *To protect the amenity of the area and secure compliance with noise legislation.*
- 84 Any noise generated during the construction of the development shall not exceed the limits specified in the Noise Control Manual.
Reason: *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*
- 85 Plans showing the interior layout of the kiosk and associated food handling and storage areas including the location and method of installing all fittings, etc.; wall, floor and ceiling finishes; lighting and ventilation details must be submitted to Council for approval prior to release of construction certificate.
Reason: *To comply with Councils Food Premises Code and secure compliance with NSW food legislation.*
- 86 The swimming pool water is to be maintained at satisfactory levels of purity for bathing at all times in accordance with the NSW Department of Health Guidelines for water quality in public swimming pools.
Reason: *To protect public health.*
- 87 An impermeable bunded and roofed on site storage area shall be provided to contain pool chemicals and other possible pollutants. Full details shall be submitted to Council prior to the issuing of the Construction Certificate.
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Reason: To protect the environment. (EPA Act Sec 79C(b))

- 88 Clean-up equipment including suitable absorbent material shall be stored on site to effectively deal with oil and/or chemical spills.

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

ENGINEERING

- 89 All conditions of DA03/676 shall be complied with prior to the issue of an interim or final occupation certificate.

Reason: To ensure adequate provision of services for the proposed development.

- 90 The proposed building alignment to Market Street shall be amended to provide a minimum clear footpath width of 1.2m adjacent to the proposed transformer.

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

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

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

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

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

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

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

WATER & SEWER

- 94 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".

- 95 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".

- 96 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 Ministry of Energy and Utilities 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))

- 97 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.
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- Reason:** To ensure adequate protection of utility services and to ensure compliance with the Trade Waste Approval. (EPA Act Sec 79C(b))
- 98 Prior to release of the Interim and/or Final 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))
- 99 Neither fill nor any building or other structure shall be placed over Lismore City Council's sewer main when such fill or structure falls:
- i) within a distance from the main measured by projecting a 45° angle from the invert of the main to surface level
- OR**
- ii) within 1.5m of the main.
- Reason:** To ensure adequate protection of utility services. (EPA Act Sec 79C(b))
- 100 Prior to issue of an Interim Occupation Certificate by the Principal Certifying Authority, the proponent must apply to Lismore City Council under Section 305 of the Water Management Act 2000, and obtain from Lismore City Council a Certificate of Compliance under Section 307 of the Water Management Act 2000. Following the making of an application under Section 305 of the Water Management Act 2000, Lismore City Council under Section 306 of the Water Management Act 2000, may require the proponent to do either or both of the following:
- a) to pay a specific amount to the Lismore City Council by way of contribution towards the cost of such works as are specified in the notice, being existing works or projected works, or both,
 - b) to construct works to serve the development.
- Reason:** To provide adequate services for the development (EPA Act Sec 79C(c))
- 101 Full design plans of the proposed engineering works to satisfy condition 102 shall be submitted to Lismore City Council. Such plans must be approved by the Manager-Water and Sewerage before the issue of the Construction Certificate. Construction of these works will need to be completed before a Certificate of Compliance is issued by Lismore City Council under Section 307 of the Water Management Act 2000.
- Reason:** To provide adequate services for the development (EPA Act Sec 79C(c))
- 102 The applicant is to provide full details of:
- (a) The discharge arrangement at Council's sewer manhole 5C8. The discharge manhole is to be modified including construction of a vent and epoxy coated to Lismore City Council's adopted standards.
- Reason:** To ensure adequate protection of utility services (EPA Act Sec 79C(b))
- 103 The proponent shall provide sewerage reticulation to service the development. Should new sewer junctions be required to service this development they shall be designed and constructed in accordance with 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 the Lismore City's Manager- Water and Sewerage for a period of twelve months from the date of approval of the work. A practising qualified surveyor shall submit a "works-as-executed" set of 1:500 transparencies plans showing these works.
- Reason:** To provide adequate services for the development (EPA Act Sec 79C9c))
- 104 During the demolition of the existing complex, the proponent is to ensure that the decommissioning of the internal sewerage reticulation is carried out to Council's satisfaction with such lines being effectively sealed off to prevent infiltration to Council's sewerage reticulation. At the completion of the development should the
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existing sewer connection to Council's main be no longer required it must be effectively sealed off at the boundary riser. In this regard a Minor Works Permit must be applied for at Council and all works carried out in accordance with Lismore City Council's adopted Standards. Any costs associated with these works shall be the responsibility of the proponent.

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

- 105 Existing water services that are no longer required are to be terminated at Council's water main a disconnection permit shall be applied for from Lismore City Council and all work carried out in accordance with Council's adopted standards.

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

HERITAGE ISSUES

- 106 a) That all original fabric of the pavilion building be retained and carefully conserved.
b) That the original timber sliding doors in the pavilion building not be removed or modified.
c) That full and proper recording of all structures including internal plant, fixtures, fittings, signage, etc. be undertaken in accordance with the guidelines set out by NSW Heritage Office prior to any demolition taking place.

Reason: *To ensure preservation of the heritage values of the listed building.*

- 107 The external wall ceramic tiling and any painting to be carried out in approved heritage colours and finished appearance, and to complement the main pavilion entry building, to the satisfaction of Council's Heritage Adviser.

Reason: *To ensure heritage compatibility of the development.*

FLOODING

- 108 Construction Certificate application is to be accompanied by a certificate of structural adequacy prepared by a qualified structural/civil engineer stating that the buildings have been designed to withstand structural damage from the forces of floodwaters and associated debris.

Reason: *To ensure compliance with Council's adopted flood standards.*

- 109 For non-habitable floors constructed below the Flood Planning Level, the applicant will be required to demonstrate that:

- a) the new structure will not have an adverse effect upon the existing flow of floodwaters, and
b) that all materials used below the Flood Planning Level are flood compatible.

Reason: *To ensure compliance with Council's adopted flood standards.*

TOWN PLANNING

- 110 The existing bike rack at the front of the building to be repaired where necessary, and retained in the new development.

Reason: *To ensure bike parking facilities are available to the new development.*

- 111 The proposed electricity sub-station to be relocated or redesigned to incorporate Crime Prevention Through Design principles and children drop off/pick up requirements in Market Street.

Reason: *Footpath amenity, aesthetic appearance, crime prevention principles.*

- 112 A children's set down/pick up area be located in Market Street adjacent to the entry gate adjoining the bus parking bay.

Reason: *Amenity and safety for children.*

- 113 Particular attention must be given to access and facilities for people with disabilities in terms of the provisions of the Disability Discrimination Act, 1992 including accessibility from the street to the facility and within the facility itself.

Reason: *To ensure accessibility and safety for the disabled.*

(Councillors King/Baxter)

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

Voting Against: Councillor Suffolk.

(D03/673)

DA 03/676 Roadworks in Market Street, Lismore

238/03

RESOLVED that the report be received and –

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

B That Council, as the consent authority, approve Development Application 03/676 subject to compliance with the following conditions:

STANDARD

1 In granting this development consent, Council requires:

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

and be substantially in accordance with the stamped approved plan(s) No. Plans:

DA.001 – EXO.000 dated 22.7.03;

DA.001 – EXO.001 dated 8.8.03;

DA.001 – AO.01-R1 dated 22.9.03;

DA.001 – AO.02-R1 dated 22.9.03

and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

BUILDING

2 The following building works are to be certified by Council or by an Accredited Certifier in the form of a Compliance Certificate. In the event that Council is the Principal Certifying Authority, you are required to notify Council at least 24 hours prior to the inspection.

(a) Footings - the foundation trenches are open and the steel reinforcement is in position, prior to concrete being placed.

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

Reason: *To assess compliance with this approval.*

3 Provide details of the proposed retaining wall(s), prior to the commencement of any work on the wall(s).

Reason: *To provide an opportunity to assess the proposed work prior to commencement.*

4 Council will not permit the construction of any retaining wall structures on the land within any water, sewerage or drainage easements in favour of Council.

Reason: *To advise that constructions are not permitted over Council's drainage services.*

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

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

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

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

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

- 7 Provide security fencing to common boundaries, in accordance with Council's Hoarding Guidelines, where the site adjoins a public thoroughfare. A Hoarding Application must be submitted prior to commencement of demolition work.

Reason: *To provide protection to the public.*

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

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

- 9 No demolition work must commence prior to the approval of a work plan for the site.

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

- 10 Demolition of the structure must be carried out in accordance with the applicable provisions of Australian Standard AS 2601-1991. The "Demolition of Structures", as in force at July 1, 1993.

Reason: *To ensure the demolition is conducted in a safe manner.*

- 11 All services provided to site to be disconnected in accordance with relevant authorities guidelines.

Reason: *To comply with relevant authority's requirements.*

- 12 All hard surface areas, building and waste materials being removed from the site.

Reason: *To ensure the site is left in a clean and tidy condition.*

- 13 Sediment control measures being put into place and properly maintained to prevent soil erosion and the transport of sediment from the site to natural or constructed drainage lines or water-courses. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion.

Reason: *To minimise soil erosion and sedimentation.*

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

Reason: *To prevent unmetered and unlawful use of water.*

WATER & SEWER

- 15 Neither fill nor any building or other structure shall be placed over Lismore City Council's sewer main when such fill or structure falls:

i) within a distance from the main measured by projecting a 45° angle from the invert of the main to surface level

OR

ii) within 1.5m of the main.

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

- 16 The proponent is responsible for ensuring that the existing sewer and sewer rising mains are not damaged while performing the works. If either of these mains are damaged during the course of performing the works, the proponent will:

- Notify Lismore Council immediately when the breakage occurs; and
- The repair will be carried out by Lismore City Council with all costs to be borne by the proponent.

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

- 17 The proponent at no cost to Council shall construct a trench 3m deep at an offset of 1.5m from the existing sewer rising main prior to any trees with roots being removed from Market Street.

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

- 18 All underground services to be constructed with a minimum clearance of 2m from Council's Water and Sewer Mains.
Reason: *To ensure adequate protection of utility services (EPA Act Sec 79C (b)).*
- 19 Full design plans are to be submitted to the Manager, Water and Sewerage for concurrence of the bitumen road works in Market Street and the works outlined in Conditions 17 and 18.
Reason: *To ensure adequate protection of utility services (EPA Act Sec 79C (b)).*

ENGINEERING

- 20 A Traffic Control Plan prepared by an RTA accredited person shall be prepared prior to commencement of works. All works shall comply with the Occupation Health and Safety Act.
Reason: *To ensure no conflict occurs between civil works and general public during construction.*
- 21 The proposed indented bus drop off lane shall be extended in a westerly direction to incorporate a vehicle passenger set down area. The proposed bus bay and passenger set down areas shall be clearly linemarked and sign posted prior to issue of an interim or final occupation certificate.
Reason: *To ensure adequate facilities for passenger set down are provided.*
- 22 The proponent shall construct a reinforced concrete, paving block or equivalent footpath, along the full frontage of the land to Market Street in accordance with Council's Development, Design and Construction Manuals (as amended). The path shall have a minimum clear width of 1.2m between obstructions at any point. Any costs shall be the responsibility of the proponent.
Reason: *To ensure an adequate pedestrian network in accordance with adopted standards. (EPA Act Sec 79C(a))*
- 23 Redundant road pavement, kerb and gutter or foot paving, including any existing entrances or other special provisions shall be reinstated in accordance with Council's Development, Design and Construction Manuals (as amended).
Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))*
- 24 The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work. Required roadworks include:
- Construction of a kerb and gutter and a 5.1m minimum width bitumen sealed road, measured from the face of the kerb to the road centreline, for the full frontage of the land in Market Street.
- A practising qualified surveyor or engineer shall submit to Council for approval prior to the release of the Subdivision/Interim or Final Occupation Certificate, a "works-as-executed" set of plans and construction certification. The certification shall detail satisfactory completion of all roads, drainage and civil works required by this development consent and approved design plans.
Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))*
- 25 Full design plans of the proposed engineering works to satisfy condition(s) 21, 22, 23, 24 and 26, shall be submitted to and approved by Council prior to the issue of a Construction Certificate. Such plans shall be accompanied the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.
Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))*

- 26 Vehicular access from the road pavement to the development shall be provided by the construction of a crossing, in accordance with the Council's Design and Construction Specification for Vehicular Access.
Reason: *To ensure adequate access to and from the development. (EPA Act Sec 79C(c))*
NOTE: EPA fines may apply should the rising sewer main be damaged and sewage discharged into the environment. Such fines are to be borne by the proponent.
- 27 Only those trees marked as "existing trees to be removed" on the "Demolition Plan" submitted with the application are approved for removal (ten in total). All other surrounding trees are to be retained.
Reason: *To ensure preservation of existing trees on site.*
- 28 A minimum of eleven replacement trees shall be provided along Market Street. Such trees will be advanced local rainforest species in a minimum size of 400 litre bags. Garden beds a minimum of two metres around the trunk in all directions and vehicle barriers shall be provided for the trees.
Reason: *To ensure optimum growth of replacement trees.*
- 29 A further five advanced local Fig species of a minimum 400 litre bag size, are to be planted in a suitable nearby location on Council land, preferably along the riverbank.
Reason: *To replace the habitat value of trees to be removed.*
- 30 The replacement trees shall be maintained by the Applicant in a healthy and vigorous condition until they attain the minimum height for protection by Council's Vegetation Management Order. Prior to protection by Council's Vegetation Management Order, any of the aforementioned trees found to be in a poor condition (damaged, dying or dead) shall be replaced by the Applicant with a tree of the same species at no cost to Council.
Reason: *To ensure replacement trees survive.*
- 31 The proposed development in the vicinity of trees to be retained within the development site and on the opposite side of Market Street shall be suitably designed not to adversely affect the continued preservation of the trees and their likely future growth habits.
Council grants no consent to the pruning or removal of any trees other than those specified for removal within this consent. The Applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials and no excavation works or level changes shall take place within the furthest spread of the canopy of all trees to be retained, and that earthworks shall not commence until the area around the furthest spread of these trees are protected by highly visible vehicle barriers. The tree protection shall be maintained until the completion of all works onsite.
Reason: *To ensure preservation of existing trees on site.*
- 32 A detailed landscaping plan (in duplicate) for the proposed replacement planting along Market Street shall be submitted to Council for approval with the construction detail. Landscaping plans shall indicate:
- proposed location for planted trees, shrubs and groundcovers
 - botanical name of trees, shrubs and groundcovers to be planted
 - mature height and spread of trees to be planted
 - location of trees identified for retention in the development application plans
 - location of Council's sewer (if applicable)
 - details of garden beds (if applicable)
 - details of vehicle barriers
 - maintenance and monitoring details to ensure the long term viability of the planted vegetation.
- 33 Council approved landscaping shall be completed prior to the release of the final linen plan. Landscaping shall be maintained at all times to the satisfaction of Council.
Reason: *To ensure suitable landscaping is provided.*
-

(Councillors Crowther/Chant)

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

Voting Against: Councillors Irwin, Roberts, Tomlinson, Gallen and Swientek.
(D03/676)

Plan of Action - Nimbin Differential Business Rate

239/03

RESOLVED that the report be received and –

- 1 Council approve the 'Plan of Action – Nimbin Differential Business Rate' for 2003/04.
- 2 Management arrange for the release of the Nimbin Business Rate funds to coincide with the implementation of the projects.
- 3 All funds be appropriately accounted and reported back to Council in July 2004.

(Councillors Roberts/Swientek) (S854)

Wilson's River Redevelopment

240/03

RESOLVED that the report be received and –

- 1 That the broad themes and process as outlined in this report be adopted by Council.
- 2 That the Wilson's River Steering Committee continue to work with community and interest groups to develop a detailed plan for content of an experience walk and the elements therein, along the Eastern bank of the Wilson's River from South of the Boat Ramp to the Greyhound Track.

(Councillors Swientek/Irwin) (S775)

Proposed Renaming of part of Barham Street, East Lismore

241/03

RESOLVED that the report be received and Council agree to altering the name of part of Barham Street, East Lismore to Wanda Drive, as requested, and the required notifications be carried out.

(Councillors Irwin/Roberts) (R7410,P13997)

Norco Trade Waste Fee Waiver

(See Minute No. 235/03)

Financial Reports 2002/03

242/03

RESOLVED that the report be received and Council present to the public the 2002/03 Financial Statements.

(Councillors Irwin/Roberts) (S802)

September 2003 Quarterly Budget Review Statement

243/03

RESOLVED that the report be received and –

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

(Councillors Roberts/Swientek) (S854)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 15/10/03

244/03

RESOLVED that the minutes be received and the recommendations contained therein be adopted, excluding Clauses 1, 2, 6, 8, 11.

(Councillors Irwin/Gallen)

Clause 1 – Video 4 Television Productions

A MOTION WAS MOVED that the matter be brought back to Council comparing the cost of lights at the intersection of High Street and Ballina Road and the underpass at

Kellas Street/Ballina Road, the report to include an analysis of the effectiveness of the alternate works in respect to pedestrian safety and traffic management.

(Councillors Crowther/Baxter)

On submission to the meeting the motion was DEFEATED.

Voting Against: Councillors Irwin, Roberts, Tomlinson, Gallen, Swientek, King, Chant, Baxter, Suffolk and Crowther.

245/03 **RESOLVED** that the writer's comments be acknowledged and he be advised that the underpass was considered the best option due to the removal of any potential conflict between vehicles and pedestrians, and in addition Council explore other options to undertake a traffic plan to solve vehicular traffic problems in the northern ridges including connections to Bangalow Road and widening or constructing a separate underpass on Ballina Road for vehicles.

(Councillors Irwin/Crowther)

Voting Against: Councillor Gallen. (03-10154: S796)

Clause 2 – T Woods

246/03 **RESOLVED** that this issue be referred to Council's Design Services Section for investigation into the suitability of installing a watts profile speed hump on High Steet or Renwick Street, after the roundabout, to slow traffic and investigate possible kerb and guttering options.

(Councillors Crowther/Roberts) (03-10250: R7130)

Clause 6 – Caniaba Street, South Lismore – Speed Limit

247/03 **RESOLVED** that a 50kph speed sign be erected 50m south of the railway line level crossing.

(Councillors Suffolk/Irwin)

Voting Against: Councillors Roberts, Tomlinson, Gallen and Swientek. (R6906)

Clause 8 – CBD Traffic Workshop – October 7, 2003

a) Woodlark Street

248/03 **RESOLVED** that Council investigate the installation of traffic lights at the intersections of Woodlark/Molesworth Streets and Woodlark/Keen Streets and pedestrian lights at the marked pedestrian crossing.

(Councillors Crowther/Irwin)

Voting Against: Councillor Swientek. (R7329)

(b) Magellan Street

A MOTION WAS MOVED that no further work be carried out and the traffic flow remain as is.

(Councillors Crowther/Gallen)

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

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

249/03 **RESOLVED** that a plan be drawn up showing a proposal for west-bound traffic and this be canvassed with shop owners, traders and others.

(Councillors Swientek/Irwin)

Voting Against: Councillors Gallen, Baxter and Crowther. (R7319)

c), d) and e)

250/03 **RESOLVED** to receive and note and that Clause 8(e) and other recommendations on public transport raised at the workshop be referred to the Public Transport Advisory Panel.

(Councillors Irwin/Chant) (R7319)

- 251/03 **Clause 11 – New Memorial Pool**
RESOLVED that the above issues be addressed as part of any consideration of the new pool proposal.
(Councillors Swientek/Roberts) (D03/673)
(S352)

This concluded the business and the meeting terminated at 8.52 pm.

CONFIRMED this 9TH day of DECEMBER, 2003 at which meeting the signature herein was subscribed.

MAYOR

MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, NOVEMBER 25, 2003 AT 6.00PM.

Present: Mayor, Councillor King; Councillors Baxter, Crowther, Gallen, Hampton, Irwin, Roberts, Suffolk, Swientek and Tomlinson, together with the General Manager; Group Managers - City Works, Planning & Development, Business & Enterprise; Manager-Special Projects & Properties, Manager-Finance & Administration, Manager-Communications & Community Relations, Graduate Planner, Administrative Services Manager and Administration Officer.

252/03 **Apologies/** An apology for non-attendance on behalf of Councillor Chant was
Leave of received and accepted and leave of absence granted.
Absence: (Councillors Baxter/Hampton)

PUBLIC ACCESS SESSION:

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

Mr Greg Galea - DA98/7 - Section 96 Amendment – Perradenya Estate

(See Minute No. 258/03)

Mr Greg Galea advised he spoke on behalf of local residents. He raised concerns over the deferral of the condition with respect to the intersection of Caniaba/Fredericks Road. His concerns were around safety issues and the possibility that the conditions of consent would not be complied with.

(D98/7)

Ms Lorraine Vass - Skyline Road Realignment

Ms Lorraine Vass advised she was absolutely flabbergasted and disillusioned at the process surrounding this issue. She advised she expected the matter to go before the next Council meeting. She claimed there has been a breakdown in the consultation process between Friends of the Koala and Council.

(S642/4)

MAYORAL MINUTE:

Skyline Road Realignment

253/03 **RESOLVED** that this matter be deferred to the next meeting of Council on December 9, 2003.
(Councillor Gallen/Irwin) (S642/4)

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

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

MOTIONS:

Community Billboard

- 254/03 Formal notice having been given by Councillor Crowther it was **RESOLVED** -
1. That Council establish a Community Billboard in Magellan Street.
 2. That a report be brought back to Council on other possible locations for community billboards.
- (Councillors Crowther/Irwin) (03-11832:S647)

Centre Parking – Molesworth, Bounty and Conway Streets

- 255/03 Formal notice having been given by Councillor Crowther it was **RESOLVED** that Council staff bring a report to Council that will extend centre parking in Molesworth Street from Conway Street to Ballina Street; in Bounty Street and in Conway Street from Keen Street to Dawson Street.
- (Councillors Crowther/Swientek) (03-11833:S353)

Undergrounding Power – Nimbin

- 256/03 Formal notice having been given by Councillor Roberts it was **RESOLVED** –
- 1 That Council, in consultation with Country Energy and Nimbin Chamber of Commerce research the cost and funding opportunities for undergrounding the power in Cullen Street and report to Council prior to the budget estimates for 2004/05.
 - 2 That consideration be given to the following:
 - a) The conduit to house the power lines is already under Cullen Street.
 - b) Country Energy need to expend capital replacing power poles in the near future.
- (Councillors Roberts/Irwin) (03-11830:R1701)

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

SUSPENSION OF STANDING ORDERS:

- 257/03 **RESOLVED** that standing orders be suspended and Council now deal with the undermentioned matter:-

- DA98/7 - Section 96 Amendment – Perradenya Estate
(Councillors Swientek/Hampton) (D98/7)

DA98/7 - Section 96 Amendment – Perradenya Estate

- 258/03 **RESOLVED** that action be taken now to compulsorily resume the land required if negotiations cannot succeed and that the roundabout be constructed immediately.
- (Councillor Irwin/Gallen) (D98/7)
- Voting Against:** Councillors King, Hampton, Crowther and Suffolk.

RESUMPTION OF STANDING ORDERS:

- 259/03 **RESOLVED** that standing orders be resumed.
- (Councillors Roberts/Baxter)

REPORTS:

DA02/578 – 40 Lot Residential Subdivision – 153,159,171 & 183 Oliver Avenue, Goonellabah

260/03

RESOLVED that the report be received and -

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

B That Council, as the consent authority, approve Development Application 02/578 for the subdivision to create 40 residential lots, open space, new roads and a residue lot with the following conditions:

1 In granting this development consent, Council requires:

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

be substantially in accordance with the stamped approved plan(s) No. 1093.1A revised on August 7, 2003 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 If the provision of services or the construction of any infrastructure or any other thing required by this consent occurs, and a GST is payable by Council, the applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of this consent.

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

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

SUBDIVISION

3 The proponent shall place street number identification on the frontage kerb and gutter to indicate the side boundaries and/or access shafts prior to release of the Subdivision Certificate. **SUB1**

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

4 The proponent shall submit an application for a Subdivision Certificate for Council certification. Such application shall be accompanied by a Subdivision Certificate fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges. **SUB2**

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

5 The easement for power supply as shown on Plan No. 1093.1A dated August 7, 2003, shall be included on the Subdivision Certificate. A restriction as to user preventing the construction of structures within this easement shall be placed on a Section 88B Instrument prior to release of the Subdivision Certificate.

Reason: *To ensure adequate electricity easements and restrictions of use.*

PUBLIC UTILITIES

6 Prior to approval of the Subdivision Certificate, the proponent shall ensure the provision of telephone services is provided to all lots and including the full length of battle-axe handles. A Certificate of Compliance from the relevant utility

provider shall be required confirming that the respective utility's requirements have been met. **PU5**

- 7 **Reason:** *To ensure adequate provision of utility services. (EPA Act Sec 79C(b))*
Prior to approval of the Subdivision Certificate, a certificate of compliance from Country Energy shall be required confirming that Country Energy has provided electrical power to each lot, including the full length of battle-axe handles and adequate street lighting for the development as required by the relevant Australian Standard, and that charges for the extension of electricity supply have been paid. **PU6**

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

SECTION 94 LEVIES

- 8 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore Contributions Plan 1999 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the Subdivision Certificate is released. The rates and amounts applying at the date of this notice, totaling **\$224,520**, are set out in the schedule for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the release of the Subdivision Certificate.

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

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

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

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

The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation. **SL2**

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

AMENITY

- 9 The construction of the subdivision shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise. **AM5**

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

- 10 The hours of work for any noise generating activity of the proposed development are to be limited to the following time restrictions:
Monday to Friday - 7.00am to 6.00pm
Saturday - 8.00am to 1.00pm
No noise generating construction activities are to take place on Sundays or public holidays. **AM2**
Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))
- 11 Any noise generated during the construction of the development shall not exceed the limits specified in the Noise Control Manual. **AM6**
Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))
- 12 A water truck designed to suppress dust from exposed surfaces and access roads shall be available at the site or in the immediate vicinity. Exposed surfaces and access pads shall be regularly wetted to suppress dust generation. **EN7**
Reason: To protect the environment. (EPA Act Sec 79C(b))

WASTE COLLECTION

- 13 A flat area in the front of each property for both waste bins shall be provided prior to release of the Subdivision Certificate.
Reason: To provide an adequate area for waste bins.
- 14 All cul-de-sac's to have a minimum turning radius of 12 metres to facilitate a Robotic Arm Garbage Truck.
Reason: To facilitate an adequate turning area for Council's Garage Trucks.

OPEN SPACE

- 15 Any playground equipment needs to be highly visible and not screened from vision via its placement or vegetation.
Reason: To comply with Crime Prevention through Environmental Design principles.

DRAINAGE

- 16 Measures shall be put in place to control stormwater runoff. These control measures shall be in place prior to the commencement of works and shall prevent soil erosion and the transport of sediment from the development site into either:
- adjoining land
 - natural drainage courses
 - constructed drainage systems, or
 - waterways.
- All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Details of sediment control measures and revegetation works shall be submitted to Council for approval prior to commencement of any works upon the site. **DG3**
Reason: To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))
- 17 The proponent shall make satisfactory provision for existing and proposed lots to dispose of stormwater without causing a nuisance to other properties. All works are to be constructed according to Council's Development, Design and Construction Manual (as amended). All roof water from any existing or proposed buildings and/or surface water from paved areas shall be directed to a discharge point to prevent intensification of discharge runoff onto adjoining land. All drainage lines are to be located within drainage easements. Any stormwater line with an area of influence from the stormwater line measured by projecting a 45°

angle from the invert of the main to surface level extending outside of the easement shall be covered by a restriction on use requiring any structure within this area to be pierced to the stormwater invert level. All costs shall be the responsibility of the proponent. **DG4**

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

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

- all drainage lines have been located within the respective easements,
- roadworks are in accordance with the approved design plan,
- any other structures like retaining walls are located in accordance with the Construction Certificate,
- all stormwater has been directed to a Council approved drainage system.
- all conditions of consent/approval have been complied with. **DG5**

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

- 19 Detailed design plans of the stormwater treatment measures as proposed within the stormwater management plan lodged with the application must be submitted to and approved by Council as part of the engineering design plans for the development.

Reason: *To protect waterways from urban stormwater runoff.*

EARTHWORKS

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

- civil engineering works including retaining walls have been assessed as structurally adequate,
- civil engineering works will not be affected by landslip either above or below the works,
- civil engineering works will not be affected by subsidence either above or below the works, and
- adequate drainage has been provided. **EW1**

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

- 21 Prior to the release of the Subdivision Certificate, a NATA registered geotechnical testing authority shall submit documentary evidence, certifying that any lot fill material has been placed in accordance with Australian Standard 3798 "Guidelines on earthworks for commercial and residential developments". **EW8**

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

- 22 The horizontal alignment of Road No. 2, particularly adjoining proposed lot 1.34, shall be designed to meet the requirements of a 40km/hr design speed. This shall require amendment to the proposed boundaries of lot 1.34.

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

ROADS

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

Construction of proposed Road No. 1 to an urban, bitumen sealed road shape with a width of 11 m between kerbs.

Construction of Acacia Avenue (proposed Road No. 2) to an urban, bitumen sealed road shape with a width of 9 m between kerbs.

Construction of proposed Road No. 3 to an urban, bitumen sealed road shape with a width of 9 m between kerbs.

Construction of a single lane circulating roundabout, in accordance with Austroads "Guide to Traffic Engineering Practice Part 6 - Roundabouts", at the intersection of Road No. 1 and No. 2.

A practising qualified surveyor or engineer shall submit to Council for approval prior to the release of the Subdivision Certificate, a "works-as-executed" set of plans and construction certification. The certification shall detail satisfactory completion of all roads, drainage and civil works required by this development consent and approved design plans. RD1

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

- 24 Full design plans of the proposed engineering works to satisfy condition(s) 17, 18, 24, 26 shall be submitted to and approved by Council prior to commencement of these works. Such plans shall be accompanied the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges. RD2

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

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

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

RD3

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

- 26 Road names proposed for the subdivision shall be submitted for Council approval prior to lodgement of the Subdivision Certificate. A suitable name for any new road/s shall be in accordance with Council's adopted policy. **RD4**

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))*

PLANNING

- 27 Full details of the playground facilities to be constructed within the public reserve as proposed within the application shall be submitted to and approved by Council prior to the release of the engineering design plans.

Reason: *To ensure the adequate provision of playground equipment.*

- 28 The land to be dedicated as public reserve shall be slashed, weed free and cleared of all surface rocks to the satisfaction of Council's Parks and Reserves Section, prior to the release of the subdivision certificate.

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

- 29 The proposed roundabout at the intersection of road No 1 and 2 shall be landscaped to the satisfaction of Council's Parks and Reserves section prior to the release of the subdivision certificate. Full details of the proposed landscaping shall be submitted to and approved by Council prior to the release of the engineering design plans.

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

WATER & SEWER

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

- a) A conventional water reticulation that comprises a water service to each allotment. Water reticulation works shall be designed and constructed in accordance with Lismore City Council's adopted standards. Any costs shall be the responsibility of the proponent. The proponent shall be responsible for the full cost of any associated water maintenance considered necessary by Lismore City Council's Manager-Water and Sewerage for a period of twelve months from the date of approval of the works. After satisfactory completion of this work, a practising qualified surveyor shall submit a "works-as-executed" set of 1:1000 transparency plans and plans in digital format (Autocad or similar) showing these works. **WS3A**

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

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

- a) A conventional gravity sewer reticulation that comprises a sewer junction to service the lowest ground level of each allotment. Sewerage works shall be designed and constructed in accordance with Lismore City Council's adopted standards. Any costs shall be the responsibility of the proponent. The proponent shall be responsible for the full cost of any associated sewerage maintenance considered necessary by Lismore City Council's Manager-Water and Sewerage for a period of twelve months from the date of approval of the work. After satisfactory completion of this work, a practising qualified surveyor shall submit a "works-as-executed" set of 1:1000 transparency plans and plans in digital format (Autocad or similar) showing these works. **WS3B**

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

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

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

- a) to pay a specific amount to the Lismore City Council by way of contribution towards the cost of such works as are specified in the notice, being existing works or projected works, or both,
b) to construct works to serve the development. **WS11**

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

33 Full design plans of the proposed engineering works to satisfy condition(s) 31 and 32 shall be submitted to Lismore City Council. Such plans must be approved by the Manager-Water and Sewerage before the issue of the Construction Certificate.

Construction of these works will need to be completed before a Certificate of Compliance is issued by Lismore City Council under Section 307 of the Water Management Act 2000. **WS12**

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

- 34 Written permission must be obtained to carry out sewerage works on adjoining land. **WS13**
Reason: To ensure adequate protection of utility services. (EPA Act Sec 79C(b))
- 35 The proponent, at no cost to Council, is to dedicate an easement 3m wide over the proposed/existing sewer main as directed by Council. **WS16**
Reason: To ensure adequate protection of utility services. (EPA Act Sec 79C(b))
- 36 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. The rates and amounts applying at the date of this notice, are set out in the schedule for your information. Such levies shall be paid as required by Council, prior to release of the Subdivision Certificate.
Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the listing of rates applicable for the financial year in which payment is made. This listing of rates reflects the adjustment made for the Consumer Price Index (CPI, Sydney) on an annual basis. **S64**
Reason: To provide funds for the provision of services and facilities identified in Lismore City Council's Section 64 Contributions Plan as required by the increased population or activity. (Water Management Act 2000, Sec 306)
- 37 An analysis of the water reticulation is required to assess the impact of the subdivision including any staging and future developments on water pressure within the adjoining water reticulation. Additional lead-in water mains and or a pressure reducing valve/s may be required to be constructed by the developer as a part of this condition. This is dependent upon the findings of the water analysis.
WS18
Reason: To provide adequate services for the development (EPA Act Sec 79C(c))

BUILDING

- 38 Prior to the release of the Subdivision Certificate, a qualified practising Engineer, experienced in soil mechanics, shall submit documentary evidence in the form of a Geotechnical Investigation Report to the Principal Certifying Authority for approval, certifying that each allotment is suitable for building purposes and classifying each allotment in accordance with Australian Standard 2870 "Residential Slabs and Footings". Any allotment subject to further earthworks during the construction phase will require an amended Geotechnical Report.
BC9
Reason: To ensure the development is completed in accordance with the conditions and approved construction design plans. (EPA Act Sec 79C(b))

ENVIRONMENTAL

- 39 The area of soil sampling, which identified elevated lead levels, must not be removed from the site during construction. These soils must form part of the road and reserve to ensure soil from the affected area is contained within the footprint of the road reserve.
Reason: To comply with ANZECC and EPA guidelines.
- 40 Design specifications for the remediation works of the bioretention system for the public reserve are to be submitted and approved by Council prior to the approval of the engineering Design Plans. The design should be completed in conjunction with Council in relation to the re-stabilization of the banks and choice of vegetation.
Reason: To ensure compliance with Council's standards.

VEGETATION

- 41 The design of the proposed works must allow for the successful preservation of the threatened species *Macadamia tetraphylla*. The transplanting of this species must be carried out in accordance with the Transplanting Guidelines by Dr.

Melissa Taylor dated October 2003 submitted with the application and in accordance with the Guidelines for the Translocation of Threatened Plants in Australia (Australian Network for Plant Conservation, 1997). The transplant location shall be selected within the designated Open Space area identified with the application.

Reason: *To ensure preservation of a threatened species.*

- 42 Only those native trees indicated as "tree to be removed" on the Tree Removal Plan dated September 2003 submitted with the application are approved for removal (five in total). All other native trees identified within Tree Removal Schedule, and any surrounding trees, are to be retained. The proposed development in the vicinity of all remaining native trees shall be suitably designed not to adversely affect the continued preservation of the trees and their likely future growth habits.

Reason: *To ensure protection of the environment by minimising tree removal.*

- 43 Vegetation clearing at all locations shall be limited to the minimum necessary for the subdivision construction and all works sites, stockpile areas, storage facilities and vehicle parking and maintenance areas shall be located on already disturbed land, avoiding any necessity for the clearing of vegetation for these activities.

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

- 44 In accordance with the provisions of Development Control Plan No. 33 East Goonellabah, 50 replacement trees are to be provided (to replace Class 5 trees to be removed) within the designated open space area, as street trees or within the roundabout identified within the application. The replacement trees are to be established in accordance with the requirements of Development Control Plan No. 33 to the satisfaction of Council, prior to release of the subdivision linen plan.

Reason: *To ensure protection of the environment and compliance with the requirements of DCP No. 33.*

- 45 A detailed landscaping plan (in duplicate) shall be submitted to Council for approval with the Engineering plans. The Landscaping plan shall be in accordance with Council's Landscape Guidelines. Native species shall be chosen from the list in Section 3 of Council's Vegetation Management Order. The Landscaping plan shall indicate:

- location of Council's sewer (if applicable);
- proposed location for planted trees;
- botanical name of trees to be planted;
- mature height of trees to be planted;
- location of trees identified for retention in the development application plans;
- provisions of plantings in the vicinity of the transplanted *Macadamia tetraphylla* in order to improve habitat and reduce edge effect;
- provisions of planting in the roundabout;
- provisions of street planting.

Council approved landscaping shall be completed prior to the release of the Subdivision Linen Plan. Landscaping shall be maintained at all times to the satisfaction of Council.

Reason: *To ensure appropriate landscaping is provided.*

- 46 All noxious and environmental weeds on the site are to be controlled in accordance with the Tree Plot and Weed Management report by Dr Melissa Taylor dated September 2003.

Reason: *To comply with the Noxious Weeds Act and prevent the spread of environmental weeds.*

- 47 That the stumps adjoining the properties on Waratah Way be removed prior to the release of the subdivision linen plan.

Reason: *To comply with the Noxious Weeds Act and prevent the spread of environmental weeds.*

(Councillors Swientek/Gallen) (DA02/578)

DA98/7 - Section 96 Amendment – Perradenya Estate

(See Minute No. 258/03)

Application for Closure of Public Footpath between Hayes Street and Goonellabah Shopping Village

261/03

RESOLVED that the report be received and –

- 1 That the footway between Hayes Street and the Goonellabah Shopping Village carpark be closed and sold to the adjoining resident, No. 22 Hayes Street, Goonellabah.
- 2 That the General Manager and Mayor be authorised to place the common seal of Council on the relevant closure, contract of sale and transfer documents, to give effect to this resolution.

(Councillors Baxter/Hampton) (R6456,P27651)

Review of Development Control Plan No. 7 (Flood Prone Lands)

262/03

RESOLVED that –

A That Development Control Plan No. 7 be approved as per the attached copy, which contains the following alterations having been made to the exhibited Draft:

- 1 Add 'preferred' to the minimum floor level requirement for industrial development south of Hollingworth Creek under Flood Fringe Area category;
- 2 Standardise similar clausings where identical requirements are imposed between Flood Fringe and High Flood Risk categories;
- 3 Add landfill information to commercial development clauses in order to clarify fill sourcing;
- 4 Allow infill development in the South Lismore Industrial areas to present a merit based case which relies on existing approvals or adjoining property levels when determining appropriate fill heights.
- 5 Add information regarding grading of finished fill surface levels to streets and adjoining boundary levels;
- 6 Add the Hollingworth Creek special information clause to the Flood Fringe Area category;
- 7 Include the conversion factor to enable calculation of the 1 in 500 year ARI Flood Level in both High Flood Risk and Flood Fringe Area categories.

B That public notice of the approved Plan be given in accordance with Cl. 21(2) of the Environmental Planning and Assessment Act Regulations 2000.

(Councillors Crowther/Swientek) (S365)

Voting Against: Councillors Irwin.

Information Paper for Constitutional Referendum on Reduction of Number of Councillors

263/03

RESOLVED that the report be received and –

- 1 That Council confirm its 2002 decision to conduct a constitutional referendum in conjunction with the local government election on March 27, 2004 by endorsing the following question to be asked of voters:-

“Are you in favour of decreasing the number of Councillors from 12 to 11 (including the Mayor)?”

- 2 Council endorse the Draft Information Paper as attached subject to the deletion of the third bullet point in the case for change.

(Councillors Hampton/Crowther) (03-10239: S44, S13)

Voting Against: Councillors Gallen.

Signs as Remote Supervision

264/03

RESOLVED that the report be received and –

- 1 That Council adopt the attached policy (No. 1.4.17) *Signs as Remote Supervision* to determine its signage needs for pools, parks and reserves.

- 2 Council conduct an audit of its facilities and if required make a budget submission to the 2004/2005 Draft Budget.
(Councillors Irwin/Suffolk) (S187)

Tenders for the Construction of Sewer Mains, Cathcart Street, Lismore

- 265/03 **RESOLVED** that the report be received and -
- 1 The contract for the construction of sewer mains at Cathcart Street is awarded to Camglade Pty Ltd at a price of \$186,511.80 plus GST.
 - 2 The Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.
- (Councillors Crowther/Swientek) (T24016)

Tenders for Pavement Stabilisation Works

- 266/03 **RESOLVED** that the report be received and Council adopt the following order of priority for the engagement of stabilised pavement contractors for major and minor works:
- 1 Stabilised Pavements of Australia Pty Ltd
 - 2 SAT Civil Constructions
 - 3 Pavement Salvage Pty Ltd
- (Councillors Hampton/Suffolk) (T24007)

Tenders for the Construction of Concrete Footpaths and Cycleways

- 267/03 **RESOLVED** that the report be received and -
- 1 The contract for the construction of concrete footpaths and cycleways be awarded to MWL & Co Pty Ltd as a schedule of rates contract.
 - 2 The Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.
- (Councillors Swientek/Crowther) (T24011)

Tenders for Sprayed Bituminous Surfacing Works

- 268/03 **RESOLVED** that the report be received and Council adopt the following order of priority for the engagement of bitumen sealing contractors for major and minor works:
- 1 Boral Asphalt
 - 2 Pioneer Road Services
- (Councillors Crowther/Baxter) (T24006)

Management Plan Review 2002/03 – September Quarter 2003

- 269/03 **RESOLVED** that the report be received and its contents noted.
(Councillors Hampton/Baxter) (S4)

DOCUMENTS FOR SIGNING AND SEALING:

- 270/03 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

Contract of Sale and Transfer – Sale of Lot 3, DP 1050674, Lancaster Drive

Council has negotiated an offer of \$96,537.00 for the purchase of Lot 3 in DP 1050674, being vacant land in Lancaster Drive, Goonellabah. The price is consistent with market trends and the proponent has already gained planning consent to relocate his business to the site.
(P28319)

Newlog Deed of Agreement

Five year agreement ending 30/6/08 between Ballina Shire Council (the administrative council), Lismore City and 9 other councils (North East Weight of Loads Group) to administer legislation under the Local Government Act 1993, Roads Act 1993, Road Transport (Mass Loading and Access) Regulation 1996 and Interstate Road Transport Act 1985.

(Councillors Irwin/Swientek) (03-11851: S374)

This concluded the business and the meeting terminated at 8.30 pm.

CONFIRMED this 9TH day of DECEMBER 2003 at which meeting the signature herein was subscribed.

MAYOR

