

COUNCIL Business Paper



LISMORE
City Council

March 30, 1999



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, MARCH 30, 1999, at 6.00pm and members of Council are requested to attend.

(Ken Gainger)
GENERAL MANAGER

March 23, 1999



PUBLIC ACCESS SESSION:

PAGE NO.

Mr Paul Recher re Report - Aquatic Centre - Heads of Management

Ms Kathy Smith re Report - DA98/68 - S96 Application - Tourist Facility,
Nimbin

PUBLIC QUESTION TIME:

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE

CONFIRMATION OF MINUTES - March 16, 1999

CONDOLENCES

DISCLOSURE OF INTEREST

MAYORAL MINUTES

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NOTICES OF MOTION

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SUSPENSION OF STANDING ORDERS

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

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NOTICE OF RESCISSION MOTION

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

That we rescind the motion 15/99 "Lismore Leisure and Aquatic Centre Joint Venture Proposal with the SCU and SCU Union" carried on February 2, 1999

COUNCILLOR F F Swientek

COUNCILLOR K R Gallen

COUNCILLOR A L Riddell

DATE March 17, 1999

STAFF COMMENT BY: Group Manager-Corporate & Community Services

I refer to legal advice previously provided to Councillors in relation to this matter. It is now the Mayor's duty under Clause 10 of the Local Government (Meetings) Regulation 1993 (see below) and Council's Code of Meeting Practice to determine if the motion should be put to the meeting.

Chairperson's duty with respect to motions

- 10 (1) It is the duty of the chairperson at a meeting of a council to receive and put to the meeting any lawful motion that is brought before the meeting.
- (2) The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- (3) Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

NOTICE OF MOTION

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

The General Manager be authorised to initiate the most appropriate legal action to prevent the Mardi Grass event proceeding without Council's consent and proper controls.

COUNCILLOR I R Gates

DATE March 17, 1999

STAFF COMMENT BY: Manager-Development Assessment

As at the date of report, there has been a very satisfactory co-operation between Council and the event organiser. Apart from road closures/road occupation issues, approvals will only be required for temporary occupation or use of public lands (Cl.41 application) or private land (DA required). There would be nothing to stop the event from occurring (from an approvals point of view) if there is no usage made of public or private lands, and therefore no legal action ability. It has been made clear to Council both by the organisers and the Police that the event will occur with or without relevant Council approvals. The only legal recourse by Council (in the event of actual unauthorised use of lands occurring) is for a subsequent prosecution for such unauthorised use. It is highly doubtful that any prior 'legal action' by Council would prevent the Mardi Grass from proceeding.

Further, it is perceived that the items that require consent or approvals relate directly to those issues which help to alleviate the pressures and problems on the residents of Nimbin (e.g. camping, parking) and the submission of these is still being actively pursued by Council staff.

(99-4422: S74)

Subject/File No: DEVELOPMENT APPLICATION NO. 99/50 for the construction of a 5 storey Commercial Building containing a 50 unit Motel, basement level carparking, retail shops, commercial office space, restaurant and function room at 214 Molesworth Street, Lismore.
(HAJ:MJK: DA99/50)

Prepared By: Senior Development Assessment Planner - Hugh Johnson

Reason: Council Policy 5.2.2 - Development Control Unit/Functions and Modus Operandi.

Objective: To gain Council's approval for the construction of the 5 storey commercial building.

Management Plan Activity: Development Assessment

1 PRECIS

Applicant

Ray Sargent and Associates Pty Ltd on behalf of McRobb Holdings Pty Ltd.

Zoning

Business Zone 3(a) under the City of Lismore Local Environmental Plan 1992.

Location

The subject site (currently vacant) is located between the existing Centrepont Motel and the old Commonwealth Office Block on the corner of Conway and Molesworth Street, Lismore (as detailed in Figure 1).

Proposal

The construction of a 5 storey commercial building containing a motel, retail shops, commercial office space, restaurant and function rooms with associated carparking (refer Figure 2).

Key Issues

Carparking.

2 DESCRIPTION OF THE PROPOSAL

Council on January 28, 1999, received a Development Application for the construction of a 5 storey commercial building located at 214 Molesworth Street, Lismore. The subject land has a site area of 1695m² and is currently vacant. The land has been in the past, and is currently being used for the purpose of private carparking, however no approval has been issued for this use. The application currently before Council entails the following:

- a) **Basement Level** at RL 8.0m AHD (approx)
 - Provision of 46 carparks on the basement level, below ground level.
 - 6.2m² of storage.

- b) **Level 1** - Groundfloor level at RL 10.6m AHD (Retail) and 11.5m AHD (Lobby)
- 681m² of retail space fronting Carrington Street
 - 90.2m² of Lobby Reception, Office fronting Molesworth Street
 - 180.82m² of storage and laundry facilities
 - 7 carparking spaces
 - Provision for loading/unloading bay for goods.
- c) **Level 2** - at RL 14.65m AHD
- 402m² of office space fronting Carrington Street
 - Restaurant and kitchen of 305.3m² for 150 persons
 - Function Room of 599m² for 300 persons with associated kitchens, bar etc.
- d) **Level 3** - at RL 19.25m AHD
- 15 Hotel units occupying 589m²
 - Boardroom
 - Amenities consisting of swimming pool, gymnasium, spa, sauna and bar area
- e) **Level 4** - at RL 22.5m AHD
- 18 hotel units occupying 704.2m²
- f) **Level 5** - at RL 25.25m AHD
- 17 hotel units occupying 704.2m²

The proposal also includes the provision of approximately 20m² at RL 14.65 AHD of open terrace (connected to the restaurant on Level 2) which is within the Molesworth Street road reserve. The terrace is above the entrance awning and approximately 4.35m above ground level. On approval of the development, the applicant will enter into an agreement with Council for the lease of this airspace.

The proposed development takes up the whole of this site and an internal atrium and light wells as indicated on the plans.

3 ASSESSMENT UNDER SECTION 79C OF THE E.P. & A ACT (as amended)-

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

The subject land is zoned Business 3(a) pursuant to the Lismore Local Environmental Plan 1992. The development of a 5 storey commercial building is permissible in the zone, subject to Council consent.

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

N/A

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

DCP No. 18 - Off Street Carparking

This Section of the report will be broken into two parts. Part 1 will entail the assessment of the carparking in accordance with compliance with all relevant requirements of DCP No. 18, and the second part will be based on an assessment of the carparking generated from the site, prepared by the applicant's Consultants.

Assessment in Accordance with the Requirements of DCP No. 18

Below is a table of the carparking required in accordance with DCP No. 18

Table 1

Development Type	Council Rate as per DCP	No. of Carparks Required as per DCP
Hotel - 50 units	1/unit	50
Restaurant - 150 persons	1/10 seats	15
Convention Rooms - 300 persons	1/10 seats	30
Office - 428.4m ²	1/40 m ²	11
Retail Area - 681m ² less 68.6m ² of storage = 612.3m ²	4.4/100m ²	27
Staff - 10 employees	1/2 employee	5
TOTAL		138

As can be seen from the above table, carparking rates attributed to the proposed total 138 carparking spaces. The plans submitted with the application indicate that the proposal caters for 53 carparking spaces, thus representing an overall shortfall in provision of carparking on site of 85 spaces. Further to this, it should also be pointed out that the site is currently being used for private carparking (albeit without consent) and hence the elimination of the availability of this area will place additional demands upon existing carparking within this section of the CBD.

It could be argued that as a result of the loss of the 70 carparking spaces currently available on the site and the shortfall of 85, the overall deficit in carparking availability is 155 spaces.

Whilst it is acknowledged that the development of the Riviera Carpark and the other available public carparking areas within the CBD may absorb some of this parking, it is still an issue that needs to be addressed in relation to the overall impact that a development of this nature will have on parking within the CBD.

It is noted that a majority of the carparking generated by the motel development will relate to parking demand outside of normal business hours, and hence a proportional reduction in carparking requirements for the development may be incorporated into the parking assessment.

The applicant has raised the issue of carparking credits resulting from the previous approved landuse, ie the New England Motor Company which occupied the site as a bus terminal approved in 1955.

The applicant is of the view that there is a credit of 55 carparking spaces from this previous use, however, a review of the approved plans and discussions with relevant people regarding the history of the site indicate that there was some carparking available at the rear of the site to cater for between 20 to 30 cars. In this regard Council may consider a credit of up to 30 spaces for the subject site, however, the requested credit of 55 would not appear to be supportable.

In regard to establishing some form of discounted carparking requirement in relation to the hotel use, the restaurant use and the function room use, it is considered reasonable to consider two important features in relation to these three uses:

1. That the main traffic generated to the site in relation to these three uses will be outside normal office hours, hence a proportion of the carparking generated by the site can be catered for in the public carparking areas and on street carparks. In relation to the hotel use, it is considered reasonable to establish a figure of 50% for the motel units carparking, which equates to:
0.5 x 50 = 25 spaces.

2. In relation to the restaurant operation it is noted that the restaurant will be a public restaurant and hence Council's carparking rate for a restaurant solely related to the motel operation cannot be justifiably used in these circumstances. However, it is noted that a proportion of the motel patrons will use the restaurant facilities and hence, at very most, a 50% discount factor applied would equate to:
0.5 x 15 = 8 spaces. (NB This is, in any terms, an extreme reduction in standards)

3. A discounting factor may also be given for the convention rooms as there will be a proportion of the convention room use by both the motel and private parties. Some of these events will be operating outside normal office hours. It is considered that a 50% discounting figure would be justifiable in relation to this operation. In this regard the calculation would be as follows:
0.5 x 30 = 15 spaces.

The remainder of the site uses, such as retail space and commercial office space would not qualify for any form of discount as they are uses which operate during normal office hours and therefore directly compete for normal business hour carparking spaces within the CBD.

When taking into account the above discounts and credit of 30 spaces, the following carparking table is considered reasonable for this development.

Table 2

Development Type	Council Rate as per DCP	No. of Carparks Required as per DCP
Hotel - 50 units	1/unit	50 x 0.5 = 25
Restaurant - 150 persons	1/10 seats	15 x 0.5 = 8
Convention Rooms - 300 persons	1/10 seats	30x 0.5 = 15
Office - 428.4m ²	1/40 m ²	11
Retail Area - 681m ² less 68.6m ² of storage = 612.3m ²	4.4/100m ²	27
Staff - 10 employees	1/2 employee	5
<i>Less credit for previous use</i>		- 30
TOTAL		61

As can be seen from the above tables, the development is still deficient by approximately 8 carparking spaces. If these cannot be adequately catered for on site, it will be recommended that a carparking levy be imposed as a condition of consent.

Applicant's Calculations in relation to the Carparking Generated by the proposed Landuse

The Developer's Consultants, Ray Sargent and Associates, have assessed the carparking generation for the subject landuse and put forward a number of issues (a copy of the Consultant's Report is attached for Councillor's information - Appendix 1). The main thrust of the Consultant's calculations indicate that similar discounts be given as those indicated in Council's assessment,

however further to this, the Consultant contends that the overall occupancy rate of a development of this nature is approximately 60%, therefore this represents effectively doubling the discounted parking spaces which would indicate that the provision 53 carparking spaces on site adequately caters for a development of this nature.

Council is of the opinion that, when calculating carparking rates for these forms of landuse, that it is important that the maximum site usage be taken into consideration, as opposed to a percentage occupancy rate. Hence the Planning and Development Group's calculations are considered to be more realistic in relation to the proposed development.

Council, when considering the "Sienna" Motel development on the corner of Molesworth and Zadoc Street, assessed the application on the basis of 100% occupancy rate. The approach Council is taking with regard to the McKenzie on the Park development is consistent with previous developments of this nature.

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

N/A

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

It is considered that the establishment of a commercial development of this nature will not have an adverse impact upon the natural and built environment, and will have minimal impact on the social and economic issues in the locality.

The benefits of establishing a 4 star motel can be seen to be positive in relation to Lismore's regional context, and a motel of this nature would be of great benefit to the town and region itself.

Comments from Council's Community Project Officer, Tricia Shantz, indicate that the development, as proposed, adequately caters for community issues, with specific regard to disabled access and the overall community benefit of a development of this nature.

Council's Crime Prevention Officer, Greg Bauman, has also commented on the plans and raises on specific objections, subject to a condition being imposed in relation to the developer establishing an enhanced lighting system, along with a CC TV video camera and VCR time lapse recording system to monitor the basement carparking areas and the New England Lane portions of the site. This will be imposed as a condition of development consent.

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

The proposed location for the development is considered to be satisfactory in relation to the surrounding landuses. The site is currently vacant and represents an appropriate infill development. The overall design of the building is not inconsistent with the surrounding streetscape and it is considered that the 5 storey character of the building will not visually impact upon the CBD area. The site has frontage to Molesworth Street, Carrington Street at the rear and New England Lane on the northern side. Ingress and egress to the site will be obtained with entry from Molesworth Street and exit to New England Lane. Council's Subdivisions Manager has commented on the proposed usage of New England Lane and is of the opinion that the lane can adequately cater for a development of this nature (refer following Section).

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

The proposed Development Application was advertised in the Northern Rivers Echo on Thursday, February 4, 1999, until Thursday, February 18, 1999. Council also notified thirteen (13) occupiers of properties in the general vicinity of the development site. At the close of the exhibition two (2) written submissions were received from members of the public. The details of these submissions have been outlined below, with a complete copy of each submission attached as Annexure 2 to this report.

Submission 1 - Trenches Solicitors on behalf of Summerland Tyre Services Pty Ltd, 20 Conway Street, Lismore

Issues

- Insufficient attention has been paid to the effects this proposed development will have on traffic flows to and from New England Lane.
- Inadequate attention has been paid to the social and economic impacts to be experienced by neighbouring business houses.
- There are no, or inadequate interim measures to overcome any traffic flow and access problems to and from New England Lane.

Comments

In relation to the effects of the development on traffic flows to and from New England Lane, Council's Subdivision Manager has recommended conditions be imposed upon the applicant stipulating that there is to be no obstruction of the road reserve without Council's prior consent. It is further noted that traffic flows from the development will generally be one way and that whilst there will be some impact on surrounding properties, it is not considered to be excessive when considering the locality and the zoning of the site.

Issues regarding the social and economic impact of the development have been adequately addressed within the body of this report.

Submission 2 - Dr W & Mrs P Nardi, 24 Conway Street, Lismore

Issues

- The proposal to use New England Lane for all exit traffic and all goods traffic. New England Lane is extremely narrow and has no safe pedestrian access. Increased traffic flow in this lane would be most undesirable. There is difficult access to both Conway Street and Carrington Street from New England Lane.
- The proposal for the developer to provide less than the prescribed number of parking spaces. Parking is already at a premium in this area.
- We need unrestricted access to our building in New England Lane at all times. We are concerned that during construction, which is predicted to continue for 10 months, that builders may try to limit access to New England Lane.
- Concern over the proposed building method, ie problems from vibrations from frankipile type construction may damage their building and also interfere with delicate ophthalmic instruments in the practices of Dr W Nardi and Dr L Cottee.

Comments

In relation to the matters raised, Council's Subdivision Manager has made the following comments:

- Pedestrian traffic is considered to be very low within New England Lane.
- The report recommends full compliance with DCP No. 18 incorporating discounting and credits where appropriate.
- Council consent is required should the developer wish to close New England Lane.
- Issues regarding construction techniques will be dealt with as part of the Construction Certificate, under separate application through Council's Building and Regulation Section.

Correspondence from Government Departments

Council on February 4, 1999, forwarded the application to the Regional Manager of the Department of Urban Affairs and Planning in Grafton to obtain concurrence in relation to North Coast Regional Environmental Plan 1998 Clause 51 Development Control Director's Concurrence for Tall Buildings. Council on February 19, 1999, received a letter from the Department of Urban Affairs and Planning indicating that the Council may assume the Director-General's concurrence, where the application is on land more than 5km from the mean highwater mark at the coast and/or within a Business/Commercial Zone. Based on this comment, Council no longer requires the concurrence of the Minister in relation to Clause 51 of the North Coast REP.

79C(1)(e) The Public Interest

The main area of concern in relation to the proposed development is the impact that the building construction will have upon the surrounding land uses, with specific regard to damage to buildings as a result of construction work and also reduced traffic movement along New England Lane.

Other issues that raise significant concern is in relation to the inadequate provision of carparking on site to cater for the proposed development. This feature has been a core matter during the consideration of this application and obviously will be a matter for Council to debate in relation to imposition of Section 94 Charges for payment in lieu of the provision of carparking spaces on site.

4 SUBMISSION FROM OTHER COUNCIL GROUPS

Council's Environmental Health and Building Section have commented on the proposal and have raised no objection to the development, subject to the imposition of a number of conditions of development consent.

Council's Subdivision Manager has commented on the proposal and have raised no objection to the development, subject to the imposition of a number of conditions of consent.

Local Traffic Committee - the application was referred to Council's Local Traffic Committee for their comment at its meeting held on February 17, 1999. The Traffic Committee assessed the proposal and the following comments were made:

"The overall layout of parking and traffic movements appeared to be adequate, apart from a preference that the disabled bays be together if this was possible. The number of parking bays on site was clearly inadequate.

Recommended that the number of parking bays provided on site be in accordance with Council's relevant DCP or alternatively a contribution be paid in lieu."

The above issues are noted and relevant conditions of consent have been imposed to address these concerns.

Council's Community Development Project Officer, Tricia Shantz, has commented on the proposal and has raised no specific concerns, other than the imposition of conditions of consent in relation to the security of the carpark. The Planning and Development Group will impose a condition of consent addressing this issue.

Council's Crime Prevention Officer, Greg Bauman, has commented on the proposal and has raised no specific concerns with regard to the development, other than the imposition of a condition of consent ensuring an enhanced lighting system be installed, along with a CCTV video camera and a VCR time lapse recording system to be established within the basement carparking area. This will enable monitoring of both the basement carpark and the New England Lane area.

5 CONCLUSION

The development of the subject land for the establishment of a 5 storey commercial building will have significant positive benefits to the City of Lismore and the region as a whole. The higher standard accommodation that is afforded by a 4 to 4½ star motel with superior class function rooms and restaurant will only add to Lismore's current status as an education and business centre.

By incorporating the proposed discounts in relation to the provision of carparking on site, it is considered that the deficit number, being 8 spaces, be provided by way of a cash contribution in lieu of the actual provision of spaces. The calculated amount for this cash contribution is $8 \times \$15,048 = \$120,384$. Whilst this amount is substantial, it is considered that it is based on a realistic assessment of the development and its associated carparking generation.

This figure can further be reduced should the restaurant only be used for patrons of the motel. In this regard it is the Planning and Development Group's opinion that it is an unrealistic condition to place upon a development of this nature, as it will inevitably be used as a public restaurant and hence defeat the purpose of imposing such a condition.

Council's Planning and Development Group are aware of the importance of a development of this nature and acknowledge that Council may decide to waive the Section 94 Contributions for the provision of carparking in lieu to facilitate the development.

Issues in relation to the impact the development will have on surrounding properties and traffic movements in New England Lane during the construction phases have been addressed by Council's Subdivision Manager and will be monitored by conditions of development consent.

Issues raised in relation to the impact the construction phase will have upon the structural integrity of surrounding buildings will also be addressed as a condition of development consent.

Based on the application currently before Council and the information submitted with the application, it is recommended that council resolve to support the Planning and Development Group's recommendation, and approve the application, subject to the imposition of a number of conditions of consent.

RECOMMENDATION (PLA24)

- A That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Control Unit, 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 99/50 for the construction of a 5 storey commercial building containing a 50 room motel with associated gym and pool facilities, a 150 seat restaurant, a function room with a 300 seat capacity, retail shops, commercial offices and on-site carparking for 53 vehicles located upon Lot 1 DP 549628, known as 214 Molesworth Street, Lismore.

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

- (a) Carry out water supply work.
- (b) Carry out sewerage work.
- (c) Carry out stormwater drainage work.
- (d) Connect a private drain with a public drain.
- (e) Connect a private sewer with a public sewer.

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. 100997 DA01A DA02A, DA03A dated January 1999 DA04A dated June 1998 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.

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

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 Before work is commenced Council must be informed in writing of the name and accreditation number of the Principal Certifying Authority who has been appointed to do the work.

Reason: *Required by Section 113 of the Local Government Act.*

- 4 The building including all ancillary components must be wholly located within the subject land.

Reason: *To ensure there is no encroachment by any part of the building onto adjoining land.*

- 5 The roofing must have a low reflective finish.

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

- 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 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.*

- 8 The additions must be adequately flashed to the adjacent structures.

Reason: *To ensure the structural integrity and healthiness of the building.*

- 9 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.*

- 10 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.*

- 11 Structural Engineering details for footings, slab and structural steel are to be submitted to and approved by Council prior to commencement of the work.

Reason: *To ensure the adequate structural design of the building components.*

- 12 A certificate from the Consulting Engineer must be submitted to the Principal Certifying Authority upon completion of the work certifying the building is structurally adequate.

Reason: *To ensure compliance with this building approval and relevant standards.*

- 13 Facilities for the use of the disabled must be provided as specified in Clause F2.4 Building Code of Australia and shall be constructed to the requirements of AS 1428.1-1993 "Design for Access and Mobility". The lower level access lifts are to be capable of carrying a minimum of 2 persons and a motorised scooter.

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

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

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

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

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

- 16 Disabled toilet facilities must be unisex.

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

- 17 Windows in external walls, within three metres of the boundary, to be eliminated or fire protected in accordance with Clause C3.4 Building Code of Australia by means of internal or external automatic wallwetting sprinklers (used in conjunction with windows that are automatically or permanently fixed closed), or -/60/- fire windows (automatically or permanently fixed closed) or -/60/- automatic fire shutters.

Reason: *Required by Clause C3.2 of the Building Code of Australia.*

- 18 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.*

- 19 All fire door frames and doors must be installed and labelled in accordance with AS 1905.1-1990 "Fire Door Code".

Reason: *Required by Clause 2, Specification C3.4 of the Building Code of Australia.*

- 20 The entrance doorways to the lift shaft to be protected by 60/60/- fire doors that comply with AS 1735.11 "Fire-rated Landing Doors" and the lift call panels must comply with Clause C3.10(b) Building Code of Australia.

Reason: *Required by Clause C3.10 of the Building Code of Australia.*

- 21 There must be displayed near all lift call buttons a sign "In Case of Fire Do Not Use Lifts" in accordance with Clause E3.3 Building Code of Australia.

Reason: *Required by Clause E3.3 of the Building Code of Australia.*

- 22 An automatic smoke detection and alarm system complying with Table E2.2(a) and Specification E2.2(a) of the Building Code of Australia shall be installed throughout the buildings.

- 23 The mechanical ventilation system must comply with AS1668.2-1991 "Mechanical Ventilation for Acceptable Indoor Air Quality". Full details from the mechanical services engineer must be submitted to Council for approval together with a certificate stating that the whole system complies with the relevant standards, and the provision of the required air changes. This includes the carpark, toilet and kitchen exhaust systems prior to release of the Construction Certificate.

Reason: *Required by Clause F4.5 of the Building Code of Australia.*

- 24 The walls dividing a bathroom, sanitary compartment, laundry or kitchen from a habitable room in an adjoining unit must have a minimum sound transmission class of 50. Details of construction are to be submitted to Council for approval.

Reason: *Required by Clause F5.5 of the Building Code of Australia.*

-
- 25 Openings in ducts and ceilings required to have a sound transmission class are to be protected by construction complying with Clause F5.6(b)(c) of the Building Code of Australia and for that purpose the access door or panel must be firmly fixed so as to overlap the frame or rebate of a frame by not less than 10 mm. and must be fitted with a sealing gasket along all edges. Details of the construction are to be submitted to Council for approval. No openings are to be provided into any habitable rooms.

Reason: *Required by Clause F5.6 of the Building Code of Australia.*

- 26 Hearing augmentation, within the inbuilt application system shall be provided in accordance with Clause D3.7 of the Building Code of Australia. Details to be submitted prior to release of the Construction Certificate.

Reason: *To satisfy requirements of Clause D3.7.*

- 27 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.*

- 28 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.*

- 29 Provide a portable fire extinguisher, containing an extinguishing agent suitable for the risk being protected in accordance with AS2444.

Reason: *Required by Clause E1.6 Building Code of Australia.*

- 30 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.*

- 31 A sprinkler system is to be installed in the building in accordance with Table E1.5 and Section G3 of the Building Code of Australia.

- 32 The stairs must comply with the design criteria of Clauses D2.9, D2.13 and D2.14 Building Code of Australia in respect of stair width, landing design and tread and riser design.

Reason: *Required by Section D of the Building Code of Australia.*

- 33 Exit doors must be provided with panic bars which yield to pressure from within, in the Level 2 "Place of Public Entertainment".

Reason: *Required by Clause D2.21(e) of the Building Code of Australia.*

- 34 Provide a sign on or immediately adjacent the fire isolated exit door, in accordance with Clause D2.23 of the Building Code of Australia.

Reason: *Required by Clause D2.23 of the Building Code of Australia.*

- 35 There must be displayed on every landing in the fire isolated stairs a sign complying with Form 4, Clause 150 of the Local Government (Approvals Regulation NSW, 1993 setting out the penalty for improper use of the stairs.

Reason: *Required by Section 654 of the Local Government Act, 1993.*

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

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

- 37 Provide a continuous balustrade a minimum of 865 mm high to stairs and a minimum of 1 metre high to decks or landings. The maximum permissible balustrade opening is 125 mm.

Reason: *Required by Clause D2.16 of the Building Code of Australia.*

- 38 Access to the development shall meet the following requirements:

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

Reason: *To provide equality of access.*

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

Reason: *To ensure equity in access.*

- 40 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 release of the Construction Certificate. This includes the fire isolated and all required stairs.

Reason: *Required by Clause E4.2 of the Building Code of Australia.*

- 41 Electrical plans to indicate the position of all exit signs must be submitted to Council for approval prior to any work being commenced on the site.

Reason: *To ensure compliance with this approval.*

- 42 Clearly defined access for disabled persons is to be provided from the disabled carparking into the lobby area, and carparking spaces 46 and 47 are to be reversed so both carparking spaces 48 and 47 have direct access to the lobby.

Reason: *To satisfy requirements of AS1428.1 and accessibility for disabled persons.*

- 43 Rooflights to be constructed in accordance with Specification C1.1, 3.6 of the Building Code of Australia.

Reason: *To comply with requirements of Specification C1.1, 3.6.*

- 44 The basement carpark New England Laneway exit access is to be redesigned to ensure the point of choice for different egress directions from the eastern end of the carpark is not greater than 20 metres. This includes carspaces 26 and 27.

Reason: *To comply with Part D Egress Requirements of the Building Code of Australia.*

- 45 The wall defining the exit passageway of the Level 2 office area is to be provided with a fire resistance level as per the requirements of the Building Code of Australia.

Reason: *To ensure protected path of egress to exit stairs.*

- 46 Sanitary facilities being provided to comply with Table F2.3 of the Building Code of Australia.

Reason: *To ensure sufficient facilities are provided.*

- 47 All paths of egress are to remain unobstructed at all times.

Reason: *To ensure safe egress in the event of an emergency.*

- 48 A separate application is to be submitted to utilise the Level 2 restaurant and function area as a "Place of Public Entertainment".

Reason: *Development Consent has not been granted for this area to be used as a "Place of Public Entertainment"*

- 49 The kitchen and food preparation areas are to be constructed in accordance with Council's Food Premises Code. Details to be submitted with Construction Certificate.

Reason: *To satisfy required construction.*

DRAINAGE

- 50 Hard surface areas, landscaped areas, roof water and subsoil drainage systems shall be designed by a Consulting Engineer experienced in Hydraulic design and submitted to the Principal Certifying Authority prior to release of the Construction Certificate. Drainage is to direct all water to a Council approved drainage system to prevent discharge runoff onto adjoining land. Documentary evidence is to be provided prior to the release of the Construction Certificate that the drainage system is to be constructed in accordance with Council's Development, Design and Construction Manual (as amended). All piped drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the proponent.

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

- 51 A practising qualified surveyor is required to furnish a certificate confirming:

- all drainage lines have been located within the respective easements,
- roadworks are in accordance with the approved design plan, and
- any other structures like retaining walls are located in accordance with the approved design plan.

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

EARTHWORKS

- 52 A certificate from a practising qualified engineer experienced in soil mechanics is required before engineering plans can be approved. The certificate shall state that proper investigation has been made to verify:
-

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

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

- 53 A qualified practising structural engineer shall provide a certificate with the engineering design plans certifying the design adequacy of the proposed retaining walls in the development. Council approval shall be required for all retaining wall structures (including rockwalls, sleepers, crib walls and the like) proposed to be erected on the land.

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

ROADS

- 54 A practising qualified surveyor or engineer shall submit a “works-as-executed” set of plans showing the satisfactory completion of all roads and drainage works required by this consent.

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

- 55 Full design plans of the proposed engineering works to satisfy condition(s) shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate. If such plans are approved by Council, a checking fee of \$107 is payable on submission of engineering design plans for drainage or roadworks.

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

ACCESS

- 56 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 and Construction Manual (February 1993) as amended from time to time.

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

- 57 Driveways, access aisles and parking areas shall be provided with a bitumen sealed or other approved surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.

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

- 58 All loading and unloading shall take place within the property boundaries.

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

- 59 Vehicular access from the road pavement to the development shall be provided by the construction of a gutter crossing, in accordance with the Council's Development and Construction Manual (February 1993) as amended from time to time. It should be noted that gutter bridges are not acceptable.

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

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

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

- 61 The applicant or developer shall reinstate any damage to footpaths or road pavements damaged as a result of construction works. This shall include transport to and from the site. Any costs shall be the responsibility of the applicant or developer.
- 62 The applicant or developer shall lodge a separate application to Council for the erection of any hoarding structures or road closure prior to carrying out any works which shall impact on the general public.
- 63 The applicant or developer shall provide on site vehicle parking for all tradesmen, plant and equipment including the storage of materials. No street parking is to be barricaded off from the general public without prior written consent from Council.
- 64 No approval is issued for the closure of any public road reserve.

CARPARKING

- 65 Provision shall be made for sixty one (61) carparking spaces, with fifty three (53) being provided on site and a cash contribution in accordance with Section 94 of the Environmental Planning and Assessment Act of 8 x \$15,048 = \$120,384. The fifty three (53) on site spaces to be constructed with a bitumen sealed surface and are to be constructed in accordance with the requirements of the Council's Development Control Plan No. 18 Off Street Carparking Requirements.

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

ENVIRONMENTAL

- 66 Trade Waste discharge from the premises in which the development is located shall not enter Lismore City Council's sewer until an Approval to Discharge Trade Waste (under Section 68 of the Local Government Act 1993) has been issued. Applications are available from Lismore City Council.

An application to discharge trade waste shall be submitted to Lismore City Council prior to issue of a Construction Certificate.

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

- 67 The building is a 'regulated premises' in terms of the Public Health Act and Regulation 1991 and details of the prescribed installation requirements for 'regulated systems' shall be provided with the construction certificate application.

For information, 'regulated systems' include systems outlined in Section 43 of the Public Health Act 1991.

Reason: *Compliance with Part 4 of the Public Health Act 1991 and Part 6 of the Public Health Regulation 1991.*

- 68 The "Operation and Maintenance Manuals" for all regulated systems shall be provided to the occupier of the 'operation area' where the system is installed, in accordance with Part 6 of the Public Health Regulation 1991.
-

Reason: *To comply with the Public Health Regulation.*

- 69 Provide full details of the construction, operation and maintenance of the swimming and spa pools including means of disinfecting pool water, pool plant and estimated water turnover rates, testing equipment proposed, and discharge of backwater with the Construction Certificate Application.

Reason: *To comply with the Public Health Regulation 1991 and the "Guidelines for Disinfecting Public Swimming Pool and Spa Pools" published by the NSW Health Department*

- 70 All chemicals and oils shall be stored in a secure bunded area with a holding capacity of 110% of the largest container. (Where flammable and combustible liquids are stored, compliance standards relating to flammable and combustible liquids as specified in Australian Standard 1940-1993 - "The Storage and Handling of Flammable and Combustible Liquids" shall be implemented).
- 71 Waste from the carpark area shall not be hosed to the stormwater drainage system.
- 72 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))*

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

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

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

a person who is:

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

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

- 74 All solid waste generated by the activities of the premises shall be stored in suitable vermin proof containers prior to removal from the site and all such containers shall be wholly located in designated "rubbish bin" area. This area shall be maintained in a clean and tidy condition and shall be designed to prevent the harbourage of vermin.

Reason: *To comply with Public Health Regulation 1991 and to ensure conditions leading to a public health nuisance do not arise.*

- 75 The floor area of the rubbish bin area shall be graded to drain and the drain shall be provided with a basket type grate and discharge into the sanitary drainage system. A tap shall be provided within the area. A bund shall be provided to the New England Lane alignment.

Reason: *To comply with the Clean Water Act and Local Government (Water Sewerage & Drainage) Regulation 1993.*

- 76 The L_{10} noise level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10dB(A).
- 77 Prior to the issue of a Construction Certificate the proponent must provide an assessment and details of consultation with nearby building owners and occupiers of the effects of noise and vibrations likely to result from the construction of the proposed building, including the impacts on the structural effects on the nearby buildings and any precision instruments (eg ophthalmic instruments) housed within the buildings, and any proposed means of mitigating any detrimental effects (if any).

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

CRIME PREVENTION

- 78 The proponent is to install an enhanced lighting system along with a CCTV video camera and VCR time lapse recording system within the building. Details and location of the above equipment are to be to the satisfaction of Council's Crime Prevention Officer, Mr Greg Bauman.

WATER & SEWER

- 79 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 with the Construction Certificate. **WS5A**

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

- 80 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".*

- 81 In accordance with Lismore City Council's specification for the construction of sewers, the concrete encasing of Lismore City Council's sewer main shall be required where any structure falls within a line:

- 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 clear of the sewer main.

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

- 82 The applicant or developer is responsible for ensuring that the existing sewer pipe in the easement is not damaged while performing the works. If the existing sewer pipe is damaged during the course of performing the works, the applicant or developer will:

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

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

- 83 Prior to issue of a Subdivision Certificate or an Occupation Certificate by the Principal Certifying Authority, the applicant or developer must apply to Lismore City Council under s.24 of the Water Supply Authorities Act, 1987, and obtain from Lismore City Council a Certificate of Compliance under s.26 of the Water Supply Authorities Act 1987.
-

Following the making of an application under s.24 of the Water Supply Authorities Act, Lismore City Council under s.25 of the Water Supply Authorities Act, 1987, may require the applicant or developer 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))*

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

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

- 85 Written permission must be obtained to carry out sewerage works on adjoining land.

LEVIES

- 86 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore City Council S94 Contributions Plan 1994 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the Construction Certificate. The rates and amounts applying at the date of this notice, totalling \$296,664, are set out in the schedule for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the Construction Certificate.

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

Reason: *To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated July 1995 as required by the increased population or activity. (EPA Act Sec 94)*

- 87 The applicant or developer shall comply with all requirements of the Water Supply Authority regarding the connection of water supply and sewerage services to the development. A Section 27 Certificate issued under the Water Supply Authorities Act 1987 must be submitted to Council prior to commencement of building works.

Reason: *To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated July 1995 as required by the increased population or activity. (EPA Act Sec 94)*

INFORMATION TO APPLICANTS

ADVISORY NOTES

NOTE 1: Water and/or Sewerage Headworks levies payable under the Water Supply Authorities Act 1987 totalling \$77,543 are to be paid to Council prior to release of the Compliance Certificate under Section 27 of the Act.

NOTE 2: Approval from the Public Works Department is required to discharge trade waste into the sewerage system. Public Works usually takes two (2) months to grant such approval.

NOTE 3: A connection fee is payable on the connection of a dwelling to the water supply. The current connection fee can be obtained by contacting Council.

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

NOTE 4: A connection fee is payable on the connection of a dwelling to the water supply. The current connection fee can be obtained by contacting Council.

NOTE 5: On completion of works and prior to issue of a compliance certificate under s.26 of the Water Supply Authorities Act 1987, Council will require a maintenance bond to be paid to Council.

NOTE 6: Council's planning instruments require a development consent for most forms of advertising signs and structures. Development Control Plan No. 24 Outdoor Advertising Structures (as amended) sets out standards for various forms of advertising. Information is available from Council.

NOTE 7: A separate approval is required for 'public entertainment' to be conducted in any part of the building. In general, 'public entertainment' occurs when:

- the building is open to the public
- a charge is made before admission, or
- a charge for entertainment is made after admission.

Information is available from Council.

NOTE 8: In determining this development application, Council has attached the necessary conditions to ensure reasonable protection up to the adopted standard flood level of 12.5 m (AHD). Council has reliable information indicating the flood which could result from the "probable maximum precipitation" (PMP) could have a depth between 1.5 m to 2.0 m above the adopted standard flood level.

While the probability of this extreme event occurring is low, Council recommends and encourages that all materials used below the PMP flood level be completely flood compatible. All essential services, equipment or work areas shall be located above this level.

In the above consent conditions, all levels have been expressed relative to the National Standard Australian Height Datum. To convert AHD values to the Richmond River Gauge Datum as quoted in SES Flood Reports, add 0.78 m to all values.

NOTE 9: Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment act, 1979, are to be complied with:

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

NOTE 10: The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue any relevant documentary evidence or certificates.

NOTE 11: This development approval does not guarantee compliance with the Disability Discrimination Act and the developer should therefore investigate their liability under the Act. Council can assist developers by directing them to Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility (Part 1 is mandatory in the BCA).

DATE FROM WHICH CONSENT OPERATES

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

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

COMPLIANCE

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

REVIEW OF DETERMINATION

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

RIGHT OF APPEAL

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

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

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

LAPSING OF CONSENT

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

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

EXTENSION OF CONSENT

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

NOTICE TO COMPLETE

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

LISMORE CITY COUNCIL - Meeting held March 30, 1999

Development Application No. 99/50 - Motel

LISMORE CITY COUNCIL

DEVELOPMENT CONSENT NO: 99/50
ADDRESS: 214 Molesworth Street, Lismore

Consent date: March 24, 1999

To be read in conjunction with advice of development consent.

The levies imposed by Condition No. 86, as contributions towards the cost of meeting increased demand for public services and amenities that will result from the development, are identified in this Schedule.

The rates and amounts shown against the various items are those current at the date of this notice. If these levies are not paid within twelve (12) months of the date of this consent these rates shall be increased annually from July 1 each year in accordance with the percentage increase from the date of approval to the date of payment, as notified by the Building Price Index (Sydney).

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

** Note: For discount see Section 94 Plan*

Levy Area	Account No.	No. of ET's	Cost Per ET	Amount Payable
Open Space				
Urban Catchment (West) - Local	1643-2	12.5	481	\$6,013
- Citywide	1643-1	12.5	599	\$7,488
Street Trees				
Urban Catchment (West)	1643-21	12.5	149	\$1,862
Community Facilities				
Urban Catchment (West) - Local	1650-2	12.5	489	\$6,113
- Citywide	1650-1	12.5	1011	\$12,638
Carparking				
Lismore CBD	1675-1	8	15048	\$120,384
Urban Roads				
Arterial Roads				
Urban Catchment (West) res	1655-1	12.5	3202	\$40,025
Commercial Development	1655-5	1987.3	\$32 per m ²	\$63,594
SES				
All areas	1695-1	12.5	34	\$425
Cycleways				
Urban West and East Catchments	1680-8	12.5	29	\$363
City Centre Upgrading				
Commercial	1685-2	1987.3	\$19 per m ²	\$37,759
Total				\$296,664

ET'S CORRECT - PLANNING SERVICES OFFICER DATE/...../.....

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

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

A COPY OF THIS ADVICE MUST BE
 PRESENTED WHEN MAKING PAYMENT

DATE:

RECEIPT NO:
 CASHIER:

COUNCIL USE ONLY

Cashier to Note:

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

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

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

.....
FINANCIAL SERVICES OFFICER

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

Development Application No. 99/50 - Motel

LISMORE CITY COUNCIL

DEVELOPMENT CONSENT NO: 99/50

ADDRESS: 214 Molesworth Street, Lismore

To be read in conjunction with advice of development consent.

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

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

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

Levy Area	Account No.	No. of ET's	Cost Per ET	Amount Payable
Water and Sewerage Headworks Levies are charged under Division 2 of Part 3 of the Water Supply Authorities Act 1987 (as amended) of the Local Government Act 1993 and amounts payable are set out below.				
Water Headworks				
Urban Reservoir Zone				
Nth/Sth/CBD/Pt East				
- Central	8175-1	12.25	1873	\$22,944
Rous County Council				
All areas except Nimbin Per Allotment	9200-2	11.5	1257	\$14,456
Sewerage Headworks				
South Lismore Treatment Plan	7175-1	12.25	3277	\$40,143
Total				\$77,543

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

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

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

A COPY OF THIS ADVICE MUST BE
PRESENTED WHEN MAKING PAYMENT

DATE:

RECEIPT NO:
CASHIER:

+
Subject/File No: DEVELOPMENT APPLICATION NO. 98/68 - THE ERECTION OF A
TOURIST FACILITY AT LOT 6 DP 842680, 2486 NIMBIN ROAD,
NIMBIN ("THE CRYSTAL CAVE")
(WR:MJK: DA98/68)

Prepared By: Manager-Development Assessment - Warren Rackham
Manager-Subdivision - Bob Hanby

Reason: Section 96 request by applicant for further reduction in Section 94 charges.

Objective: Council to assess whether Section 94 charge should be further reduced.

Management Plan Activity: Development Assessment

Background:

1. A tourist facility was approved on Lot 6 DP 842680, Nimbin Road, Nimbin in December 1998, subject to conditions, including a Section 94 contribution totalling \$336,164.
2. The approved development, at a stated value of \$1.44 m is proposed to be constructed in two stages:

Stage 1

Earthworks and dams; Convention Centre (to be used no more than once each month); Conference Centre (ancillary to on-site development); Exhibition Building to be used for open displays; Open Recreation Area of 5,700 m²; Restaurant (for site patrons only); souvenir shop; administration building; fourteen (14) full use caravan sites plus 56 caravan sites to be used for a maximum of four (4) separate weekend events per annum, together with associated amenities; seventeen (17) full time camping sites plus seventeen (17) camping sites to be used for a maximum of four (4) separate weekend events per annum together with associated amenities; Pool Complex comprising three (3) pools, shade structures and associated amenities; Dormitory complex containing nine (9) rooms, comprising eight (8) x eight (8) beds and one (1) x twelve (12) beds; and extensions to existing manager residences.

Stage 2

Motel containing fourteen (14) units; Forty (40) self contained cabins; Eleven (11) relocatable home sites containing 6 x 3 bedroom homes and 5 x 2 bedroom homes; Dormitory complex containing nine (9) rooms, comprising eight (8) x eight (8) beds and one (1) x twelve (12) beds; one (1) tennis court; and covered parking area.

3. The proposal was first brought to Council's notice in August 1997. Since that time there has been extensive and considerable discussion and negotiation with the applicant. Over this period the development has been subjected to a number of changes and alterations, culminating in issue of a consent in December 1998 for the two stage proposal described above.
 4. The changes made to the proposal have had a marked influence on the levying of Section 94 charges which are the basis of this report. The applicant maintains that verbal advice given in mid 1997 was that the Section 94 charges would be \$24,000. This figure cannot be substantiated or supported, as it is quite obvious that a tourist facility development of this magnitude containing such a wide range of facilities would attract a considerably higher contribution.
-

5. Initial calculation of Section 94 charges resulted in a contribution of \$893,580 for the total development. This figure was conveyed to the applicant in a preliminary advice. Following clarification of specific components in the development, a re-calculation of Section 94 charges subsequently resulted in a figure of \$698,044. Following further representations to senior staff, a concerted effort made to modify actual component usage within the development resulted in yet further reductions in the Section 94 charges, to \$336,164. This significant reduction was only able to be achieved through limitations on use of various elements of the proposal, eg the restaurant only being able to be used by persons staying at the facility, etc.

The Section 94 levy of \$336,164 is the charge applied to the consent as issued in December 1998.

6. It is important to note that the Rural Road Contribution makes up the major part of the levied Section 94 Charge (almost 80%), the remainder being towards Open Space, Community Facilities, Bushfire, Cycleways and City Centre Upgrading levies.

The breakdown is:-

	Rural Roads	Other Components	TOTALS
Stage 1	127,707	29,819	157,526
Stage 2	136,822	41,816	178,638
	264,529	71,635	336,164

Further, no Section 64 water and sewer charges have been applied to the development.

Current Situation

1. The applicant is unhappy with the Section 94 levy of \$336,164, but would be prepared to accept a figure “closer to the \$24,000” as claimed in the ‘original’ verbal advice. This expectation was made clear at a further meeting held with Council staff on February 16, 1999.
2. A Section 96 Application has now been received by Council requesting that Section 94 charges be further reviewed and reduced, based on:
 - i) Council’s Section 94 Plans are flawed in that they are based on a premise that the area is experiencing growth and therefore there is an increased demand for services;
 - ii) The City of Lismore represents a hub or centre of focus for any particular site in the Lismore Local Government Area.

The applicant claims that approximately 85% of all traffic will approach the site from the north (ie from Queensland), that Rural Road contributions should be calculated from the north also, not the lineal distance from Lismore itself, as in the current Section 94 Contributions Plan.

The applicant also states that Council should be pro-active in encouraging development to this area, and should reflect such encouragement in the reduction of Section 94 Charges.

Planning and Development Comments

- 1) There is some doubt as to whether a variation to Section 94 charges can be made under a Section 96 Application, as there is in fact no “minor variation” being sought to the development itself. It is, in fact, a request for reconsideration of a condition, not a request for a minor variation (Refer legal advice on Section 94 charges presented to Council at its last meeting).
- 2) Council requires a portion of the site in order to realign the Nimbin Road/Stony Chute Road bend. There is an ability to offset part of the required Section 94 charges against the costs of acquisition of this section of the site for roadway (even though both actions would be separately effected).
- 3) The applicant cannot take advantage of any proposed changes to Section 94 charges currently being considered by Council (this will be a consideration in a separate report to Council on Section 94 charges and alterations), and it appears the only way this avenue might be pursued is through the lodgement of a new Development Application after any changes to the Section 94 charging may be adopted, and become effective.
- 4) Considerable reductions have already been made in respect of this development, encompassing an appreciable amount of staff time to date. In fact, what has occurred is that the development itself has been modified (prior to approval) in order to fit reduced Section 94 charges. The Section 94 charges as levied are appropriate to the development, in terms of the current Section 94 Plan. There is a real concern that an undesirable precedent would be set if the charges were to be reduced unless this can be shown to be directly attributable to actual components of the development itself.

Manager - Financial Services Comments Not required.

Public Consultations Not required.

Other Group Comments

Manager-Subdivision Unit

Extensive discussions with the developer clarified the needs of the proposed development allowing the reduction in levies as tabled. This included the assessment of traffic flow, generation and use of specific areas of the proposal. It has been possible to reduce levies in line with Council’s Section 94 Plan, giving credit to the applicant, where the plan was not clear in detailing land use. This was achieved whilst maintaining the integrity of the plan.

Recommendation (PLA28)

- 1 That the Section 96 Application be refused.
- 2 That the applicant give consideration to submitting a new Development Application following the adoption of the revised Section 94 Plan.

Subject/File No: MS LESLEY CHONG, NIMBIN
MARDI GRASS - PARKING AND CAMPING AREA
REQUEST FOR WAIVURE OF FEES
(WR:MJK: S74/3)

Prepared By: Manager-Development Assessment - Warren Rackham

Reason: Request for Council to waive Development Application fee.

Objective: To "facilitate" lodgement of a DA.

Management Plan Activity: Development Assessment

Background:

Council has been actively pursuing the lodgement of relevant applications for approval on any land which may be proposed to be used in this year's Mardi Grass Event. Ms Chong proposes to make available her land off Alternative Way for a temporary camping ground/parking area, which will appreciably assist the Mardi Grass congestion problem. As this offer has been made available at no cost to the organisers, and with no personal profit motives, she has requested that DA fees be waived.

Discussion

Any formal utilisation of land for temporary camping for the Mardi Grass event should be encouraged. Such an arrangement will assist with the problems (of illegal camping/parking) which have occurred in the village during past events. The DA fees total \$245. Groups and organisations which operate on a non-profit basis are generally supported if such requests are received.

Normally a request of this type would be determined under delegation by the General Manager or the Group Manager-Planning and Development. Given Council's Resolution on the Mardi Grass event from February 23, 1999, the current request is submitted to Council for a decision.

Manager - Financial Services Comments Not requested.

Other Group Comments Not requested.

Recommendation (PLA31)

That Council waive the Development Application fee in relation to the proposed temporary camping on Ms Chong's land at Nimbin.

Subject/File No: MANAGEMENT AGREEMENT FOR LISMORE CITY HALL
(WTF/JB: P6816)

Prepared By: Wayne Franklin, Manager Client Services

Reason: The current Management Agreement for Lismore City Hall expires on 30.6.99.

Objective: Council to resolve to negotiate a new 3 year Management Agreement with NORPA.

Management Plan Activity:

Introduction

In 1991 Council entered into an agreement with NORPA to manage Lismore City Hall. This arrangement has proved very successful and the current extension to the agreement expires on 30th June 1999.

With the intention of entering into a new management agreement for the period 1st July 1999 to 30th June 2002, tenders were called with a closing date of 25th March 1999.

Prior to issuing any tender documents it became apparent that the appointment of managers by competitive tender may not be the most effective outcome for Council and the community. Therefore, the management of Lismore City hall has been withdrawn from tender to allow Council the opportunity of considering the matter.

The current management agreement with NORPA has provided the community with an outstanding performing arts venue and resulted in the satisfactory management of the City Hall.

If the Hall management is awarded to a party other than NORPA, NORPA may be significantly compromised in its ability to deliver their current high standard of production and the Lismore community could suffer the downgrading or loss of this outstanding cultural feature.

It is considered that the retention of NORPA is of such significance to the Lismore community that Council should exercise its power under Section 55 of the *Local Government Act* and resolve not to invite tenders for the management of City Hall because of extenuating circumstances.

Instead, it is recommended Council direct its Group Manager, Business and Enterprise to negotiate a new management agreement with NORPA for the period of 1st July 1999 to 30th June 2002.

Recommendation (GMO2)

1. Due to extenuating circumstances, they being the potential loss of NORPA performing art productions from the City Hall, a satisfactory result would not be achieved by inviting tenders for the management of City Hall.
 2. The Group Manager, Business and Enterprise negotiate a three-year management agreement for City Hall with NORPA for the period 1st July 1999 to 30th June 2002.
 3. The mayor and General Manager are authorised to execute the agreement on behalf of Council.
-

LISMORE CITY COUNCIL - Meeting held March 30, 1999

Section 64 Plan Review Update

Subject/File No: SECTION 64 PLAN REVIEW UPDATE

Prepared By: Project Manager, Client Services Unit - Janaka Weeraratne

Reason: Council Request

Objective: Inform Council on current status of Section 64 Plan Review

Management Plan Activity:

Background:

At Council's meeting held on February 23, 1999, Council resolved as follows:

“That a report be presented to Council on the outcome of the current review of Water and Sewerage Section 64 Levies together with advice as to the competitiveness of such levies”

Status of Plan Review

The Section 64 Plan is being reviewed as follows:

- Identification of future growth areas
- Identification of future capital works required for this growth
- The costing of these future works based on current information
- The costs of current infrastructure

Based on this information, the first draft Section 64 Plan was completed on March 15.

Regional Comparisons

The following table shows the Section 64 charges levied by Lismore and neighbouring Councils for a residential allotment.

	Ballina	Byron	Casino	Lismore*	Richmond River +	Tweed
Water (per ET)						
Range of Section 64 levies (A)	\$1,333	\$2,209-\$5,243	\$1,933	\$1,873-\$2,398	\$580	\$3,350
Average	\$1,333	\$3,298	\$1,933	\$2,094	\$580	\$3,350
Rous County Council Charge (B)	\$1,257	\$1,257	-	\$1,257	\$1,257	-
Average (Total A+B)	\$2,590	\$4,555	\$1,933	\$3,351	\$1,873	\$3,350
Sewerage (per ET)						
Range of Section 64 levies	\$4,133	\$3,800-\$6,388	\$3,930	\$3,277-\$4,175	\$770	\$2,770
Average	\$4,133	\$5,208	\$3,930	\$3,960	\$770	\$2,770
TOTAL (Water and Sewerage)	\$6,723	\$9,763	\$5,863	\$7,311	\$2,607	\$6,120

* Lismore urban area only

+Richmond River headworks are currently under review and the indications are they may rise.

From this table, it can be seen that S64 charges for Lismore is among the highest in the region. The two main reasons for this are as follows:

Section 64 Plan Review Update

- The cost of the existing infrastructure and the cost of proposed works as identified in the current S64 plan which was undertaken in 1996. This report appears to have incorrectly costed the existing infrastructure in certain areas and over estimated the required works in other areas for proposed development.
- Since that review was undertaken, the headworks contributions have been indexed based on the BPI in line with the increases in S94 charges. The BPI has been increasing at a greater rate than the CPI as identified in the previous report by the Group Manager, Planning and Development.

Current indications are that there may be a reduction in the water and sewerage levies for the above reasons.

Process to Complete the Review of the Section 64 Plan

- Review current draft Section 64 plan and ensure that it complies with the current guide lines as produced by the Department of Land and Water Conservation (DLWC) and the Independent Pricing and Regulatory Tribunal (IPART) report of September 1996.
- Forward draft report by April 16, 1999 to DLWC for concurrence that it complies with the current guide lines.
- Incorporate DLWC comments into the draft report and prepare formal report for adoption for Council meeting on June 8, 1999.
- Place plan on display for Public consultation and finalise plan on completion of exhibition period.

A/Manager - Financial Services Comments

It would seem appropriate that Finance comment on the proposal when it is submitted to Council in June 1999. This is so that adequate review of the IPART and DLWC requirements can be undertaken, based on the proposal, as there will be implication for both developers and current users as a result of this review.

Public Consultations

Public consultations will take place with the formal exhibition of the revised Section 64 Plan later this year.

Other Group Comments

Group Manager, Business and Enterprise

The review of the Section 64 plan is to be applauded. Any option to decrease charges will continue to send a positive message to those people wishing to invest in Lismore.

Conclusion

Lismore has one of the highest S64 charges in the region. The S64 charges may be reduced because of incorrect costing of infrastructure and the BPI increases being higher than the CPI. The proposed S64 charges will be known once the review is complete.

S64 charges should not be reduced by placing essential capital projects on hold. If growth is to be served, infrastructure such as wastewater pump stations, wastewater reticulation pipework, water supply pump stations and water reticulation pipework must be built.

Recommendation (GM03)

The Section 64 plan be reviewed and the results of this review be presented to the Council meeting on June 8, 1999.

Subject/File No: RURAL QUARRIES STRATEGY
(CWK:CD:S324)

Prepared By: Craig Kelly - Group Manager Business & Enterprise

Reason: Information of Council

Objective: To resolve issues surrounding Council's operation of Rural Quarries

Management Plan Activity: Quarries

Background:

I am advised by the Quarry Manager that since the introduction of SEPP 37 in 1993 some 90 Council quarries were registered, of these 12 progressed to the stage of Development Consent. Of these 12 quarries with development consent, 7 are recommended for continued operation as a result of the Rural Quarry Strategy as discussed below.

A strategy has been developed and presented to a Council workshop on December 8, 1998 when the vexed issues surrounding rural quarries under Council's control were considered. The workshop was an opportunity to provide Councillors with a clear understanding of the complex issues of supply of road construction and maintenance material to the larger Council area, balanced against the damage to the road system arising out of excessive haulage distances by large trucks.

Greg Alderson and Associates, Consulting Engineers, were used to assist in the analysis of data and provided an independent assessment of the likely impacts based on Councils current and anticipated usage rates. The strategy looked at privately owned and operated quarries as well as Council operated, owned or leased quarries.

The broad issues discussed at the workshop included:

- The history of SEPP 37 and the process to date;
- The issue of the availability of a long term resource of suitable quality for road making material;
- The likely extraction rates for the catchment areas and the roads requiring attention in these areas;
- The quality of the material in the rural quarries and its suitability for the various road works undertaken by Council;
- The viability of Gwynnes Quarry including compliance with DA consent conditions;
- The overall viability of the quarries from a financial position;
- The resource capacity at Blakebrook and the cost to haul material throughout the whole area;
- Rehabilitation of the existing quarries.

The workshop concluded that a report on the Rural Quarries Strategy be brought to Council in the new year.

Further Developments

In January 1999, the Development Application to expand Gwynnes Quarry was withdrawn as it was agreed the existing consent of 3,900 m³ for 30 years was adequate.

The Rural Quarries Strategy was again considered by Management at a meeting on February 23, 1999. The viability of Gwynnes Quarry was again discussed and this was held to be dependent on the projected utilisation by City Works and the exclusion of costs associated with the upgrade of the road. Given these factors it determined to recommend to Council that Gwynnes Quarry not be operated.

It was also determined that a quarry in The Channon should continue to operate. The position with the proposed quarry on Tom Osborne's land is that consent has been issued but to date works have not commenced and the consent has not been activated. City Works are investigating the establishment of this quarry balanced against opening a new quarry in The Channon. The outcome of this investigation will be brought to Council in due course.

Rehabilitation Costs

Previous reports have discussed the issue of rehabilitation. It is the view of Phillips Fox (Solicitors) that where Council has paid a royalty to a landowner, this royalty was inclusive of rehabilitation costs. On Council owned land or in situations where material was taken without payment of a royalty, rehabilitation costs are to be borne by Council.

The Business and Enterprise Group will initiate the process of rehabilitation of the quarries owned and operated by Council, in line with legal advice.

Manager - Financial Services Comments

Not Required

Public Consultations

Not Required.

Other Group Comments

Group Manager - City Works: Historically local government has constructed and repaired roads using local material obtained from nearby gravel pits. This led to the situation where virtually every road had a small gravel pit producing small amounts to gravel which was often of dubious quality.

Today we have a small number of major quarries that supply large quantities of material using large trucks.

The key to this strategy is to have quarries where they are needed.

The DA conditions on Gwynnes Quarry are very substantial and are expected to cost approximately \$200,000.

In view of this very high cost and the low volume of material (maximum of 5,000m³ per year) actually used, a financial analysis of the alternatives was conducted by Greg Alderson and Associates (Consulting Engineers).

This analysis compared all the costs associated with hauling gravel from Blakebrook Quarry against those from Gwynnes assuming several likely gravel usage scenarios. These include:

- Capital cost of DA;
- Crushing and winning costs;
- Road haulage cost;
- Road damage cost etc. etc.

The answer is that there is little difference in the real cost of delivering quarry material from either source.

City Works staff prefer the option of hauling gravel from Blakebrook Quarry provided Council is prepared to continue to allocate part of its annual dividend from the operation of Blakebrook Quarry towards the rehabilitation/upgrading of haulage roads such as Jiggi Road. Currently Council allocates \$100,000 per annum from the Quarry Reserve for this purpose, and this practice needs to be incorporated in the Business Plan for Blakebrook Quarry based upon a clear nexus and indexed appropriately.

Conclusion

The purpose of the Rural Quarries Strategy was to rationalise the number of quarries licensed and operated by Council. In doing so it was the objective of the strategy to provide maximum resources throughout the geographic spread of the Lismore LGA with the minimum of damage to the existing road network through the transport of materials.

Through the combination of quarries operated by Council and quarries operated by private interests it is considered that if the Council supports the strategy proposed, the appropriate balance will be struck between these competing demands.

The operation of the Council quarries is to be complemented by private quarries including Bazzana's in the North, Corndale in the North East, Teven in the South East and Smiths and McDonalds in the South, to provide Council with a reasonable spread of quarries throughout the whole Council LGA. (See the attached Map.)

The strategy also gives a clear direction to resolving outstanding issues that have existed, in some cases, from periods predating SEPP 37.

Recommendations (ENT07)

1. That Council adopt the Rural Quarries Strategy including the proposal to continue to operate Blakebrook, Three Chain Road, Alleys Hill, Hensons Road, Fox's, Cassons and Osborne's (or another quarry in The Channon area) quarries only.
 2. That the use of Gwynnes quarry cease and the development consent be surrendered.
 3. That an amount equivalent to the estimated DA compliance costs of \$30,000 be allocated from the Quarry Reserve to allow for Development Consent compliance for Cassons Quarry.
-

4. That City Works investigate a preferred quarry in The Channon area and further advise the Council.
5. That Council commence purchase negotiations with the owner of Hensons Road quarry based upon current market value.
6. That an assessment of the rehabilitation costs for all Council owned sites be undertaken and a further report to Council be prepared.
7. That potential rehabilitation costs for any sites where Council has withdrawn material without payment of a royalty be assessed and a further report to Council be prepared.
8. That all development consents and registrations that are surplus to Council requirements pursuant to (1) be cancelled or dealt with in an appropriate manner.

LISMORE CITY COUNCIL - Meeting held March 30, 1999

Proposed Amendment 50 to Local Environmental Plan 1992- Cellulose Valley Technology Park

Subject/File No: PROPOSED AMENDMENT 50 TO LOCAL ENVIRONMENTAL PLAN
1992 - CELLULOSE VALLEY TECHNOLOGY PARK (JD: S718)

Prepared By: Strategic Planner - Jemina Dunn

Reason: To advise Council of an application to rezone land by amending the
Lismore LEP 1992, to allow establishment of a technology park.

Objective: To gain Council's approval to initiate proposed LEP Amendment No. 50 -
Cellulose Valley Technology Park

Management Plan Activity: Strategic Planning

Introduction:

As Councillors will be aware, for some time Council has been involved in discussions with Southern Cross University regarding the establishment of Cellulose Valley, a proposed centre for the research, manufacturing and production of herbal medicines in East Lismore. In this regard Council's Economic Development Unit has worked with the University in the development stages of the proposed research and technology park project with a view to promoting the North Coast as an holistic natural plant products region.

The subject site is currently zoned for residential and recreation uses and development of the proposed facilities requires rezoning under the Lismore LEP, 1992. A rezoning application has been lodged by Walker and Newton on behalf of the University and accordingly this report outlines the technology park proposal, discusses suitability of the site for the land use proposed and seeks Council's approval to initiate and exhibit the proposed amendment.

Background:

The Cellulose Valley proposal is centred on the ecologically sustainable research and development of natural plant products, particularly those for therapeutic applications. Technology Parks traditionally seek to gain competitive advantage for related firms by allowing compatible clustering of institutions and activities on a single site for mutual benefit. It is accordingly proposed that the centre support a range of research and manufacturing activities in addition to compatible ancillary retailing activities with the aim of achieving an ecologically sustainable internationally competitive centre.

The Site

The proposed 72 hectare site owned by Southern Cross University, is bounded by Military, Crawford and Skyline Roads in East Lismore and is comprised of seven (7) separate adjoining allotments being Lot 1 DP 772604, Lot 1 DP 772605, Lot 1 DP 118533 and Lots 471, 472, 473 and 474 in DP 775718. The location of the site is shown in Appendix 1 of the attachments to this report.

Zoning

The current zoning of the site is part 2(a) Residential and part 6(a) Recreation under the Lismore Local Environmental Plan 1992 (LEP). As Councillors would be aware, the primary aims of the residential zone are the encouragement of development of a range of high quality housing options whilst the recreation zone seeks to facilitate equitable access to adequate open space for active and passive recreation and to manage flora and fauna in public places.

Technology Parks do not conform with these zonings nor any of the existing zones within the LEP and accordingly a new zone, Zone 5(b) (Special Uses - Technology Park), is proposed to be introduced. This zone would apply to the lower lying developable areas of the site whilst the existing 7(b) Environmental Protection (Habitat) Zone is proposed for the scenic escarpment areas towards the east of the site.

The University proposes that the site be developed in stages with the resultant facility demonstrating best practice in ecologically sustainable development. In this regard a permaculture systems approach has been proposed by the applicant with significant areas of the site identified for habitat regeneration. Site drainage has also been designed to respect the existing characteristics of the site.

Key proposed development components include research and manufacturing sites, nature corridors, experimental and trial growing areas and sporting facilities. Specifically a retail display centre, information centre, café/restaurant, childcare facility, botanic garden, naturopathy clinic, recreation facility and playing fields are proposed to be included as components of the site. The existing Friends of the Koala hospital is also proposed to be re-located to the site and significant areas nominated for the growth of koala food trees and general habitat regeneration.

Following discussions between the applicant and Council's Strategic Planning Section it is proposed that objectives of the new Zone 5(b) (Special Uses - Technology Park) zone include the following:

- (a) to provide a high quality workplace which is related to the discovery, research and development of natural products;
- (b) to encourage development of services and facilities which will transform research into commercial undertakings;
- (c) to provide facilities and services which will foster research and responsive technology;
- (d) to encourage facilities which will not adversely affect the natural environment; and
- (e) to provide ancillary facilities and features which will support the technology park and its users.

Within the zone it is proposed that agriculture, bush fire hazard reduction, environmental facilities, home occupations and works for the purpose of landscaping be permitted without consent. Any other use of land within the zone other than that identified as prohibited (abattoirs, airfields, airline terminals, animal establishments, animal sale yards, brothels, car repair stations, heliports, junk yards, liquid fuel depots, mines, motor showrooms, restricted premises, sawmills, service stations, stock & sale yards) would be permissible only with development consent. Amusement parlours, boarding houses, caravan parks, child care establishments, clubs, extractive industry, generating works, helipads and liquor outlets and road transport terminals would constitute Advertised development also being permissible only with development consent. These provisions are detailed in Appendix 2.

Due to their convenience, facilitation of mutual benefit and potential for environmental sustainability, technology parks are increasing in popularity internationally and it is considered that the above provisions are a necessary addition to the LEP and appropriate to allow the current proposed use whilst also facilitating the responsible development of other similar facilities within the Council area in future.

Issues

There are a number of issues associated with the proposed use of the site. These include odour, flooding, traffic, fauna, visual amenity, the existence of a dip site, and compatibility with the provisions of the North Coast Regional Environmental Plan (NCREP). Council's DCP 32 - West Goonellabah and DCP No. 7 - Flood Liable Land also apply to the site.

These issues are briefly discussed separately below:

(a) Flooding

Some areas to the south west of the site are flood liable and affected by the provisions of Council's DCP No. 7 - Flood Liable Lands. These areas are not proposed to be filled and have instead been proposed for drainage, agriculture and recreational purposes. These uses are permissible under the DCP. As can be seen from the proposed site plan attached as Appendix 5 a tea tree plantation, drainage dams and lagoons, an oval and two playing fields are specifically proposed for this location. Proposed site access options from Military and Crawford Roads at the north of the site are not flood liable.

As a significant area of the site is flood free and does not require filling nor contravene the provisions of DCP No. 7 the Strategic Planning Section has no objection to rezoning of the site on the basis of flood liability which it is considered can be adequately addressed at the development application stages.

b) Fauna

Whilst the most recent uses of the site have been grazing and extractive industry some areas of the site, particularly higher slopes to the east, retain significant amounts of natural vegetation. Professor Peter Baverstock of Southern Cross University has conducted a Fauna Impact Statement (FIS) for the site and three recommendations were made relating to koala management, the potential existence of the wallum froglet on the site, and retention of existing hollow trees. Recommendations of the FIS have been taken into consideration by the applicant in preparation of the concept plan for the site.

The primary finding of the study was that the site "...is clearly koala habitat. Therefore, a Koala Management Plan is mandatory under SEPP 44". In regard to koalas the site is located within an area loosely identified by the 1996 Koala Study to be critical koala habitat. The site concept plan has been developed as a proposal sympathetic to the constraints imposed by the supporting koala population and in many regards the proposed use of the site would be significantly more beneficial to the existing koala population than residential land use permissible under the current zoning.

The provisions of DCP No. 32 - West Goonellabah, also apply to the site. This policy identifies some areas, particularly those to the east, to be significant urban bushland. The applicants have proposed that these areas be retained and regenerated as part of the proposal and as detailed above this component of the site is proposed to be rezoned 7(b) Environmental (Habitat) Protection.

Although the Strategic Planning Section is satisfied that fauna and flora will be adequately protected under the proposed rezonings specific issues relating to flora and fauna management on the site, particularly in regard to SEPP 44, will need to be further addressed at the

Development Application stages. Copies of the FIS are available for interested Councillors from the Strategic Planning Section.

c) Traffic

Southern Cross University estimate that the proposal will generate up to one hundred and fifty (150) traffic movements per day in the first two (2) years. Individual traffic assessments are proposed to be associated with individual DA's for components of the development as applications are lodged.

Access to the site is proposed via Crawford Road off Military Road. Future access to the site could be provided via a proposed arterial road which would run along the western boundary of the site.

d) Odour

As Councillors will note the site is located in the south eastern limits of East Lismore's residential area approximately six hundred (600) metres from the main Southern Cross University campus. Although the majority of development proposed for the site is likely to be research based and inoffensive in nature some manufacturing processes may have potential to detrimentally affect the amenity of nearby residents by way of odour. In this regard processing or refining of tea tree or other herbal/plant based manufacturing processes have potential to emit specific odours. In regard to the issue Southern Cross University have advised that this potential is recognised and that all potential odour generating research or development activities will be fitted with flume cupboards or other appropriate odour arresters.

e) Dip Site

The site is burdened by a disused but unremediated dip site adjoining the southern boundary. This area of the site has been identified for the final stages of development and following remediation is proposed for use as a woodlot.

The site has been the subject of testing for chemical residues by the "Centre for Coastal Management" with the resultant report concluding that "pesticide residues are well within the acceptable health limits and hence are not a concern on the site".

Accordingly, subject to eventual remediation of the site as proposed, the Strategic Planning Section is satisfied that existence of the dip site on the property should not constrain any rezoning of the property for the purposes of a technology park.

f) Consistency with Other Environmental Planning Instruments

(i) Regional Environmental Plan (REP)

As Councillors will be aware, all proposals for rezoning under the LEP must be consistent with provisions within the relevant REP. The North Coast Regional Plan (NCREP) outlines objectives and directions for development in the North Coast region. Sections of the plan relevant to the current rezoning/proposed development include provisions relating to Rural Development -Agricultural Resources (Division 1, Part 2), Conservation & the Environment-The Natural Environment (Division 1, Part 3) , Urban Development - Environmental Hazards (Division 3, Part 4), and Regional Infrastructure - Transport (Division 1, Part 5). Following consideration of the proposed concept plan it is considered that rezoning of the site as proposed is consistent with these provisions.

(ii) DCP No. 32 - West Goonellabah and DCP No. 7 - Flood Liable Lands

Consistency of the proposed rezoning with these Development Control Plans has been previously discussed in this report.

Manager - Financial Services Comments

Not necessary for this report.

Public Consultations

In accordance with requirements of the Environmental Planning & Assessment Act and Regulations the amendment will need to be exhibited for a minimum of twenty eight (28) days. Due to the relatively routine nature of the amendment it is not considered necessary that this period be extended and accordingly exhibition of the proposal for this period is recommended.

Other Group Comments

Manager - Environmental Services

Due to the nature of the proposal other group comments are not required for this report.

Group Manager-City Works

Due to the nature of the proposal other group comments are not required for this report.

Conclusion

Due to their convenience, facilitation of mutual benefit and potential for environmental sustainability, technology parks are increasing in popularity internationally and it is considered that relevant provisions are a necessary addition to the LEP.

The proposed development of the subject site for the purposes of a research & technology facility in the manner proposed by Southern Cross University is considered highly appropriate. The land use, if developed in accordance with the current concept plan, will be ecologically sustainable and increase employment opportunities within the City with potential for significant multiplier effects. In addition there is likely to be significant improvement of existing koala habitat on the site which is consistent with the objectives of SEPP 44 and the DCP for the area. Whilst flooding and traffic management are issues, they can be adequately dealt with at Development Application stages.

In conclusion, the site is appropriate for the proposed use due to its proximity to the University, residential areas and transportation routes. Other advantages are its unobtrusive visual impact, habitat benefits and areas of flood free land.

Recommendation (PLA29)

Pursuant to Section 54 of the Environmental planning & Assessment Act 1979, Council resolve to initiate LEP Amendment No. 50 - Cellulose Valley Technology Park, to rezone Lot 1 DP 772604, Lot 1 DP 772605, Lot 1 DP 118533 and Lots 471, 472, 473 and 474 in DP 775718 to allow use of the site for a research & technology facility and to exhibit the amendment for a period of twenty eight (28) days.

Subject/File No: LEP AMENDMENT NO. 45 - HERITAGE
(JD: S697)

Prepared By: Strategic Planner - Jemina Dunn

Reason: To inform Council of necessary alterations to proposed LEP Amendment No. 45 - Heritage, to the Lismore LEP 1992

Objective: Council's approval for the preparation of an LEP Amendment incorporating built heritage, heritage, archaeological items and conservation areas.

Management Plan Activity: Strategic Planning

Consideration of this report was deferred at the Council meeting held on February 23, 1999. The concerns raised by Councillors have been addressed in a recently circulated memo.

Introduction:

The major recommendation of the 1995 Heritage Study related to amendment of the heritage provisions and schedules within the Lismore Local Environmental Plan (LEP) 1992. As Councillors will recall, Amendment No. 45 - Built Heritage was initiated in 1998. This amendment sought to alter the existing LEP heritage provisions updating them to meet NSW Heritage Office requirements, in addition to adding a number of new items of *built* heritage. Council also endorsed formulation of a second separate amendment to be initiated in 1999 regarding *archaeological heritage, landscapes* and *conservation areas* to be known as Amendment No. 52. This amendment was to be commenced following further consideration of a number of proposed items by the Heritage Study Steering Committee.

Due to resource constraints within the Strategic Planning Section and a need to ensure previous Heritage Study public consultation mistakes were not repeated, a delay was experienced finalising the required landowner notification database for public exhibition of proposed Amendment No. 45. Although this work is now largely complete, consideration of archaeological heritage items and conservation areas by the Steering Committee in the interim means it is now possible and more efficient to combine both matters in a single amendment.

This amendment could be exhibited as Amendment No. 45 - Heritage, (as opposed to "Built Heritage" as it was previously known) and would include both built and archaeological heritage, landscapes and conservation areas. Such action would remove the need for duplication of many administrative requirements associated with the LEP amendment process and was endorsed by the Steering Committee at its meeting of 4 February, 1999.

Accordingly this report seeks Council's endorsement of this action, in addition to approval to include certain archaeological items, landscapes and conservation areas, as recommended by the Steering Committee, in either the LEP (Attachment 1) or a previously Council endorsed DCP for Heritage (Attachment 2). This approval would allow prompt exhibition of the combined heritage amendment.

Background: Archaeological Items, Landscapes & Conservation Areas

Council's Heritage Study recommended the addition of a number of newly identified archaeological items and a considerable number of "rural landscapes" to the Schedule 2 heritage listings of the LEP.

It also recommended removal of the existing Dalley Street Conservation Area, and inclusion of new conservation areas in the Lismore CBD (Spinks Park) in the locality of St Carthages Cathedral and the main street of Nimbin. Girards Hill Conservation Area was recommended to be retained.

With the exception of the Dalley Street Conservation Area issue, the newly combined amendment generally reflects these recommendations with proposed listings drafted in close consultation with the Heritage Study Steering Committee. Further investigation of items resulting from public submissions considered by the Steering Committee has resulted in some amendments to the initial Study recommendations. Where these have occurred they have been either directly recommended or endorsed by Perumal Murphy Wu.

In essence the newly proposed archaeological and conservation areas component of the amendment seeks to retain existing archaeological items in the LEP, add several new archaeological items and a number of newly identified regional significance rural landscapes, in addition to adding a number of new Conservation Areas to Schedule 1 of the LEP. The plan also seeks to add a number of references relating to archaeological items to the previously endorsed Heritage Provisions.

Archaeological Items

Historical archaeological sites or items are physical evidence of the past and have potential to increase knowledge of earlier human occupation, activities and events. Archaeological items included in the Heritage Study are diverse and include cemeteries, drains, flora reserves, memorials, schools, railway viaducts, bora rings, houses, saw mills, dairy farms and brickworks. Ruins of former structures or sites of historically important events are also included. In some circumstances places have been identified as being both of built or architectural importance as well as being noted for their archaeological value. Some sites are wholly below the ground surface, others partially or wholly above ground. They can be in ruins, intact or still functioning.

A total of fifty five (54) archaeological sites were initially considered for listing in Schedule 2 of the LEP by the Steering Committee. Of these, fifteen (15) items/sites are currently listed in the LEP and are proposed to retain their current status. Appendix 3 of the attachments to this report lists these items. Following consideration of the balance of items, and further investigation of a number items subject to public submissions, the Committee resolved to endorse inclusion of twenty (21) of fifty four (54) identified in the proposed Heritage DCP rather than the LEP. This was largely on the basis that these items were of local significance and could be expected to be adequately protected by inclusion in a DCP. Councillors will recall that a similar system was adopted for the initial Amendment No. 45 relating to built heritage where only high local, regional and state items were to be included in the LEP.

Accordingly the draft amendment proposes inclusion of a total of thirty-one (33) archaeological items (Appendix 1), nineteen (19) of which have not been previously listed. A total of twenty one (21) are deemed to be of local significance and are accordingly proposed to be included in the Heritage DCP. Councillors will note that in some cases items listed in Appendix 1 for inclusion in the LEP will not appear in the formal Amendment instrument. This is because the item is already currently listed in the LEP and will not need to be exhibited for inclusion.

Rural Landscape Listings

Councillors might recall that when the Heritage Study was initially exhibited in 1996 a large number of recommended listings for “Landscape” items resulted in objections from concerned landowners. In this regard there was a particularly strong response from landowners affected by proposed “Rural Landscape” listing of private farms.

The initial Heritage Study had identified a significant number of rural landscapes, commonly vistas or views, considered to be significant to the local area and region. Proposed landscapes included listings such as views over rural valleys, the Tuckean and remnant areas of the Big Scrub, in addition to nomination of stands of trees on private rural lands. In the case of landscapes, the boundaries were identified photographically rather than on a cadastral basis with listings related to views in a particular direction from a cited location often vaguely encompassing many properties.

These listings resulted in administrative difficulties for staff attempting to identify land and relate cadastral boundaries to each listing. Furthermore the majority of rural landowners affected feared future agricultural use of land would be constrained by policy aimed at ensuring particular existing rural views be “snap frozen in time”.

These concerns resulted in the Heritage Study Steering Committee commissioning Perumal Murphy Wu to further consider each recommendation for listing. The result was a revised schedule of items for LEP inclusion with only those items of regional significance retained. The balance of items were given a “recorded only” status with a recommendation for review at five (5) yearly intervals. This was due to the acknowledged difficulty in managing rural landscapes with unidentified cadastral boundaries, and the difficulty of formulating appropriate policy, particularly in light of the dynamic nature of agricultural landuse. In the majority of cases properties identified as regional significance items suitable for LEP listing were publicly owned properties.

Accordingly, the initial Heritage Study proposal for listing of approximately two hundred (200) landscape listings has been amended to reflect a reduced total of forty-nine (49) largely publicly owned properties (Appendix 4). These items have been tentatively endorsed by the Steering Committee subject to further investigation of a small number of items where tenure status remains questionable. In this regard the Strategic Planning Section seeks Council’s approval to include all of the forty nine (49) properties detailed in Appendix 4 in the exhibition of Draft LEP 45 with final inclusion of those of questionable status (indicated in bold in Appendix 4) to be further investigated during the exhibition period. The outcome of these investigations could then be reported to Council following exhibition and results considered with any relevant public submissions.

Accordingly it is recommended that the following items (indicated in bold on Attachment 4) be exhibited with the amendment but be subject to further investigation regarding ownership status and implications of listing:

- 30180 Former Dungarubba School Grounds (ownership status)
 - 300042 Tuckurimba Swamp Forest and Rural Landscape (impact on horticultural/agricultural pursuits)
 - 30050 Orchard and trees, Smith Street, Clunes
 - 30016 Native vegetation, Goolmangar Creek (ownership status)
 - 30037 Natural vegetation, Pelican Creek, South Gundarimba (ownership status)
 - 30106 Native forest, The Channon Road, The Channon
 - 30024 30 Thorburn Street, Nimbin
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- 30089 "Cedarville" Grounds, Rayward Road, Dunoon
30080 Trees, Ridgewood Road, Rosebank (ownership status)
30158 "Monaltrie Grounds" East Gundarimba

Conservation Areas

In regard to Conservation Areas the Heritage Study recommended retention of the existing Girards Hill and St. Andrews Conservation Areas (Appendix 5) within the LEP and removal of the Dalley Street Conservation Area. New Conservation Areas were proposed at North Woodburn (Appendix 6), Nimbin (Appendix 7), in the vicinity of St Carthages Cathedral (Appendix 8) and at Spinks Park (Appendix 9). A "Lismore Village Archaeological Zone" was also proposed (Appendix 10). For ease of consideration these areas will be discussed separately.

Dalley Street

Widespread public concern was expressed regarding the removal of Conservation Area status for Dalley Street. Councillors will recall that following this reaction the consultants were called upon to justify exclusion of the existing Conservation Area which is located directly opposite St. Vincent's Hospital.

The consultants acknowledged that whilst the street contained a number of large, grand and relatively intact homes, individual items were not under any significant threat of demolition and were not particularly representative of the best intact streetscapes in the city. Despite this, and in light of public feeling regarding the issue, they did however concede that there was some value in retention of the conservation area and that they would have no objection to LEP listing of the area as a conservation precinct. Retention of Dalley Street has been endorsed by the Steering Committee at its recent meeting.

North Woodburn

Councillors will recall that the majority of North Woodburn landowners vehemently objected to North Woodburn being included in the LEP as a Conservation Area when the Heritage Study was initially exhibited. Perumal Murphy Wu have advised that the conservation area recommendation was based on subdivision patterns only and they would not object to altering their recommendation to remove the proposed designation.

The Steering Committee considered the matter at their recent meeting and has resolved that North Woodburn not be included in the current proposed amendment on the basis of strong public opposition and in light of previous informal assurances to landowners the area would not be listed.

Nimbin

The boundaries of the proposed Nimbin conservation plan coincide with those of the existing National Trust Conservation Area listing for the village and a recent listing of the locality as a conservation area in the North Coast Regional Environmental Plan (REP) by DUAP. There were few submissions against the proposal following exhibition of the Heritage Study and the Nimbin Community appears to be generally supportive of the proposal.

Accordingly, inclusion of the area of Nimbin indicated on the extract from the Draft LEP included as Appendix 7 is recommended. The Heritage Study Steering Committee supported the listing at their recent meeting.

Manager - Financial Services Comments

Not required for this report.

Public Consultations

As discussed above the Heritage Study was formally exhibited in 1996. Since this time the Heritage Study Steering Committee has liaised with a large number of affected landowners in attempts to resolve public concern. The amendment currently under consideration has been drafted taking into consideration comments from submissions received in response to the initial exhibition period.

In accordance with requirements of the Environmental Planning and Assessment Act and Provisions Draft Amendment No. 45 will need to be placed on exhibition for a minimum of twenty eight (28) days should Council resolve to proceed with the amendment. As the matter has previously been the subject of considerable public concern it is recommended that this period be extended to six (6) weeks to allow adequate time for public consideration of the policy and its implications. This will allow affected landowners to consult with Council's Heritage Adviser should they have significant concerns and prepare a suitable submission in response.

Other Group Comments

Not required for this report.

Heritage Study Steering Committee Comments

The Heritage Study Steering Committee have been closely associated with the drafting of proposed archaeological, landscape and conservation area Schedules for inclusion in Amendment No. 45 and resolved to endorse them at its meeting of Thursday 4 February, 1999. It is anticipated that the Committee would play a role in review of the written instrument and any public submissions following the exhibition period. Accordingly, any further Committee comments will be conveyed to Council in the report following exhibition of the amendment.

Conclusion

In essence the newly proposed archaeological and conservation areas component of the amendment seeks to retain existing archaeological items in the LEP, add several new archaeological items and a number of newly identified regional significance rural landscapes, in addition to adding a number of new Conservation Areas to Schedule 1 of the LEP.

The Heritage Study contained many recommendations for the protection and conservation of Lismore's cultural heritage. Archaeological sites and conservation areas provide valuable information about past people, events and processes significant to Lismore's current community and future generations. Inclusion of items and places identified by the Heritage Study and endorsed by the Steering Committee for inclusion in heritage schedules of the LEP and a Heritage DCP will ensure appropriate management and protection in the future and accordingly should be proceeded with as promptly as possible.

Recommendation (PLA22)

- 1 That in accordance with the recommendations of the Heritage Study Steering Committee archaeological items, landscapes and conservation areas be added to LEP Amendment No. 45 - Built Heritage to form a consolidated LEP to be known as LEP Amendment No. 45 - Heritage;
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- 2 That pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, Council resolve to initiate the archaeological / conservation / landscape area component of the LEP amendment and to exhibit for a period of six (6) weeks, a consolidated Local Environmental Plan amendment to:
 - a) amend Schedule 2 of the Lismore Local Environmental Plan 1992 to include and remove built items as previously resolved by Council at its meeting of 10 March, 1998;
 - b) amend the existing heritage provisions of the LEP to reflect the standard provisions of the NSW Heritage Office as previously resolved by Council at its meeting of 10 March, 1998 with the addition of references to archaeological items and conservation areas as appropriate;
 - c) retain existing archaeological items within Schedule 2;
 - d) add to Schedule 2 heritage listings, archaeological items as identified by the Heritage Study, endorsed by the Steering Committee and listed in Appendix 1
 - e) add to Schedule 1 - Conservation Areas, new conservation areas as identified in the Heritage Study and endorsed by the Steering Committee being St Carthages Cathedral Precinct, Spinks Park and Civic Precinct and Nimbin Conservation Area;
 - f) retain within Schedule 1 - Conservation Areas, of the LEP existing conservation areas including Girards Hill, Dalley Street, and St Andrews Conservation Areas;
 - g) add an Archaeological Management Zone to be known as the *Lismore Village Archaeological Zone* as recommended by the Heritage Study and endorsed by the Steering Committee; and
 - h) add to Schedule 2 heritage listings, landscape items recommended in the Heritage Study listed in Appendix 5 in the attachments to this report with those indicated in bold in Appendix 5 to be subject to further investigation and reporting following exhibition:
- 3 That Council include archaeological items endorsed by the Steering Committee and included as Appendix 2 in the attachments to this report, within heritage schedules of the proposed Heritage DCP.
- 4 That draft LEP Amendment No. 45 be exhibited in accordance with the Best Practice Guidelines published by the Department of Urban Affairs and Planning in January 1997 titled LEP's and Council Land Guideline for Council using delegated powers to prepare LEP's involving land that is or was previously owned or controlled by Council

Subject/File No: SECTION 96 APPLICATION - DEVELOPMENT APPLICATION NO. 95/22 FOR THE CREATION OF 231 RESIDENTIAL ALLOTMENTS OVER 8 STAGES AT 151, 153 & 181 TAYLOR ROAD, GOONELLABAH
(DC:MJK: DA95/22)

Prepared By: Subdivision Unit Development Assessment Planner - Damian Chapelle

Reason: Council Policy 5.2.2 - Council determination

Objective: To obtain Council endorsement of recommendation.

Management Plan Activity: Development Assessment

1 Background:

Council received Development Application No. 95/22 on January 27, 1995 for a proposed 231 residential allotments to be created over 8 stages. The application was approved by Council at its meeting of May 28, 1996. Council resolved at this meeting to appoint a Panel to meet with the developer and/or his agent in relation to the Development Application to consider modifying the conditions so that they are mutually acceptable to both parties. The Panel consisted of the former Mayor - Councillor Champion, a representative of the Planning and Development Group (former Group Manager - Nick Juradowitch), Group Manager-City Works, Cr Cole and a representative from GeoLINK (Mr Steve Connelly).

The Panel met with the Developer to discuss the conditions of consent, with specific reference to road standards, footpath construction, open space, Section 94 and 64 Contributions and the control of dogs. The applicant was invited to submit a Section 96 (formerly Section 102) Application to modify the conditions of consent.

Council on November 28, 1996 received a Section 96 Application for Development Consent Notice No. 95/22 to modify conditions of consent.

The proposal which is still presently before Council seeks Council's consent to undertake a modification of the notice of determination for Development Application No. 95/22 in order to modify:

- **Condition No. 2** - to amend Council's condition to incorporate a reference to the approved plans (reference number and date).
 - **Condition No. 10** - to amend Council's condition to allow filling of land following approval of civil construction drawings.
 - **Condition No. 12** - to amend Council's condition to delete the reference for an additional bus layby constructed within Road No. 10.
 - **Condition No. 13** - to amend Council's condition relating to urban road shape and seal widths.
 - **Condition No. 14** - to delete Council's condition requiring upgrading of Taylors Road.
 - **Condition No. 15** - to delete Council's condition to redesign allotment no's 1.40 to 1.49 to prohibit direct vehicular access to either Oliver Avenue or Taylors Road.
 - **Condition No. 19** - to delete Council's condition requiring the redesign of open space areas for stages 1 and 2.
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- **Condition Nos 20 & 21** - to amend Council's condition to provide a more appropriate footpath system in relation to the topography and interconnection of playground open space areas and that works undertaken for footpaths be accredited to Section 94 Levies.
- **Condition No. 24** - to amend Council's condition to extend the two year guarantee period with respect to water and sewerage supply to allow an expiry date for the two year guarantee period be extended to the date of issue of the Section 96 notice plus two years.
- **Condition No. 26** - to amend Council's condition to include the provision of an authorised electrical contractor, apart from NorthPower for the provision of electricity.
- **Condition No. 29** - to amend Council's condition to acknowledge existing entitlements within Section 94 Calculations; and
- **Condition No. 30** - to amend Council's condition prohibiting the ownership/kennelling of dogs.

2 The Site

The proposal relates to land described as Lot 1 to 6 DP 252826, Lot 19 and 22 DP 704335 and Lot 1 DP 795581, being 153, 159, 171, 183, 195 & 203 Oliver Avenue and 181, 151 and 153 Taylor Road, Goonellabah.

The subject property is zoned Residential 2(a) and 1(d) Investigation Zone, pursuant to the Lismore Local Environmental Plan 1992. The subject property is bounded by Oliver Avenue to the north, Taylors Road to the east, an unformed road reserve to the south, and free hold land to the west which is partially developed for residential purposes. The subject property has a total area of 39.9 hectares comprising a total of 15 allotments ranging in area from 0.02 hectares to 13.18 hectares.

3 Comments from other Council Departments and Government Agencies

Water and Sewerage Section

The Water and Sewerage Section raises no objection to Condition No. 24 which seeks to extend the two year security period commencing from the date of approval of the Section 96 Application to modify the consent. Further, nil issues are raised concerning the acknowledgment of existing entitlements derived from approved lots which comprise the area of the development, whilst all other conditions as per Council's original consent remain valid, with specific reference to water and sewerage.

Parks and Reserves Manager

Council's Parks and Reserves Manager raises no objection to the proposed amendment to delete Condition No. 19 from Development Consent Notice 95/22.

Consultation - Government and Other Agencies

Having regard to the proposed amendments, it is not considered necessary for the assessment of this application that Government Agencies be advised and their comments sought.

4 Provisions of Relevant Legislation

Council is in receipt of an application to modify a Notice of Determination pursuant to Section 96 (formerly known Section 102) of the Environmental Planning and Assessment Act 1979. Section 96 of the Environmental Planning and Assessment Act 1979 allows for modifications whereby a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority, modify the consent if:

- a) Council is satisfied that the development to which the consent as modified relates is substantially the same development; and
- b) It has consulted with the relevant Minister, public authority or approval body in respect of a condition imposed as a requirement of a concurrence to the consent; and
- c) It has notified the application in accordance with the regulations; and
- d) It has considered any submissions made concerning the proposed modification within the period prescribed by the regulations.

In determining an application for modifications of consent under this section, the consent authority must also take into consideration such of the matters referred to in Section 79C(1) (formerly known as Section 90) as are relevant to the development, the subject of the application.

Having regard to the above legislative amendments, Council's Subdivision Unit is satisfied that the development to which the consent as modified relates is substantially the same development to that approved by Notice of Determination dated June 4, 1996. It is considered that whilst the proposal seeks to modify conditions, the intent of each condition and the integrity of the development as a whole is not compromised or substantially altered in any way and is consistent with the recommendations forwarded to Council and approved at its meeting of May 28, 1996.

The applicant has submitted the proposed amendments as follows.

Existing Condition No. 2

- 2 All roads and/or lot boundaries and areas, subject to any amendment or modification called for in the following conditions, be in accordance with the details shown on the plan submitted with the application, a copy of which is attached to this consent.

Proposed Amendment

- 2 All roads and/or lot boundaries and areas, subject to any amendment or modification called for in the following conditions, be in accordance with the details shown on the Plan No. 94/146/E/08 prepared by the GeoLINK Group Pty Ltd and dated October 18, 1996.

Subdivision Unit Comments

The proposed amendment to Condition 2 is consistent with the now adopted standard conditions utilised by Council's Planning and Development Group. It is considered appropriate in this instance (and for all developments) to reference the approved plan, who prepared the plan and on what date it was prepared. Further, Council required the applicant to make a number of amendments to the plan and these have been detailed within Plan No. 94/146/E/0B. No objection is raised to the proposed amendment.

Existing Condition No. 10

- 10 No filling of land is to take place without the prior consent of Council.

Proposed Amendment

- 10 No filling of land shall be carried out prior to approval of civil construction drawings.

Subdivision Unit Comments

The revised wording provides the applicant with a clearer understanding that approval of civil construction drawings will allow works to proceed. No objection is raised to the proposed amendment.

Existing Condition No. 12

12 The applicant or developer provide the following roadworks with associated stormwater drainage structures, designed and constructed in accordance with the Council's adopted road and drainage standards, at no cost to the Council, and also be responsible for the full cost of any maintenance of this work, considered necessary by the Council's City Works Group for a period of twelve months from the date of approval of the work: The proposed bus bays within Road No. 4 shall be constructed in accordance with AUSTRROADS Pt 11. An additional bus layby shall be constructed with Road No. 10 also in accordance with AUSTRROADS Pt 11.

Proposed Amendment

12 The applicant or developer provide the following roadworks with associated stormwater drainage structures, designed and constructed in accordance with the Council's adopted road and drainage standards, at no cost to the Council, and also be responsible for the full cost of any maintenance of this work, considered necessary by the Council's City Works Group for a period of twelve months from the date of approval of the work: The proposed bus bays within Road No. 4 shall be constructed in accordance with AUSTRROADS Pt 11.

Subdivision Unit Comments

An additional bus bay located upon Road No. 10 is not a necessary requirement for public transport to adequately serve all residents of the approved Hosie subdivision. It was envisaged that Road No. 10 would serve future development to the south within the Hosie Estate, however, it is considered due to topographical constraints that a greater density of development is not achievable and hence the bus network shall access Road No. 4 within the approved estate. Road No. 8 will be suitably designed for public transport to service the adjoining Rosella Gardens development. By providing a bus layby within Road No. 4, Council is still able to achieve an integrated bus route with the Rosella Gardens development to the west, as detailed on Plan 3. The proposed bus route network accessing Road No. 4 and Road No. 8 provides a bus service within a 400 metre radius of all approved residential lots.

It is considered that the comments provided by the Regional Advisory Traffic Committee, which requested an appropriate bus route circulate within the subdivision has been achieved. The proposed bus route will provide for direct access, no forced double back route and minimal travel distance utilising the road network specifically designed for public transport, that being collector streets and sub-arterial streets pursuant to DCP No. 28. No objection is raised to the proposed amendment.

Existing Condition No. 13

13 The applicant or the developer provide the following roadworks with associated stormwater drainage structures, designed and constructed in accordance with the Council's adopted road and drainage standards, at no cost to the Council, and also be responsible for the full cost of any maintenance of this work, considered necessary by the Council's City Works Group, for a period of twelve months from the date of approval of the work:

Road no.	Urban road shape and seal width	Between:
1	11m	Oliver Avenue to Road No. 4
4	11m	Road No. 1 to Taylors Road
8	11m	Road No. 1 to Road No. 10
10	11m	The western boundary through to the southern boundary of the development
2	9m	The western boundary of the development to Road No. 1.
5	9m	Road No. 4 to Lot 2.16
6	9m	Road No. 4 to Lot 3.21
9	9m	Road No. 8 to Lot 4.8
13	9m	Road No. 4 to its return to Road No. 13
15	9m	Road No. 13 to Road No. 16
16	9m	Road No. 15 to Lot 9.23
17	9m	Road No. 13 to the southern boundary of the development
3	6m	Road No. 2 to Lot 1.27
7	6m	Road No. 6 to Lot 3.15
11	6m	Road No. 10 to Lot 8.4
12	6m	Road No. 10 to Lot 9.1
14	6m	Road No. 13 to Lot 6.13
16	6m	Road No. 15 to Lot 9.16
18	6m	Road No. 13 to Lot 7.12

an intersection layout in accordance with AUSTRROADS Pt 5 at the intersection of:

- Road No. 1 and Oliver Avenue
- Road No. 4 and Taylors Road - giving consideration to a modified Type B treatment for right turning southbound traffic and a type A treatment for north bound traffic.
- An intersection layout in accordance with AUSTRROADS Pt 6 for the construction of a roundabout at the intersection of Oliver Avenue and Taylors Road. The additional land required by these works is to be dedicated as shown in Exhibit 2, "*Lane Roundabout at Intersection of Oliver Avenue*", lodged with Council in May, 1996.

All roads shall be designed to have a minimum design speed of 40km/h. After satisfactory completion of all roads and drainage, a works-as-executed set of plans be submitted to the Council by a suitably qualified Engineer or Surveyor.

Subdivision Unit Comments

Council's Subdivision Unit has undertaken extensive negotiations with the applicant concerning the road shape and seal widths within the subdivision design. Both parties have agreed that Council's Development Control Plan No. 28 - Subdivision be utilised in the amendment of this condition, and thereby incorporating Council's current standards. The road standards which have been endorsed by both parties reflect DCP No. 28, with road classifications identified for sub-arterial streets, collection streets, local streets and access places. Following the adoption of DCP No. 28 - Subdivision, Condition No. 13 is now proposed to read:

13. *The applicant or developer provide the following road works with associated stormwater drain structures at no cost to the Council, and also be responsible for the full cost of any maintenance of this work, considered necessary by the Council's City Works Group, for a period of 12 months from the date of approval of the work.*

<i>Road No.</i>	<i>Reserve Width</i>	<i>Pavement Width</i>	<i>Remarks</i>
1	20	11	Full length
2	16	6.5	Full length
3	16	5	Full length
4	20	11	Full length
5	16	6.5	Full length
6	16	6.5	Full length
7	14	5	Full length
8	20	11	Full length
9	16	6.5	Full length
10	20	11	Western body to Road No. 8
10	18	6.5	Road No. 8 to Southern Boundary
11	14	5	Full length
12	14	5	Full length
13	18	7.5	Road No. 4 to Road No. 17 western leg
13	16	6.5	Road No. 13 to Road No. 17 eastern leg
14	14	5	Full length
15	16	6.5	Full length
16	14	5	Full length
17	18	7.5	Full length
18	14	5	Full length

An intersection layout in accordance with AUSTRROADS Pt 5 at the intersection:

- *Road No. 1 and Oliver Avenue*
- *Road No. 4 and Taylors Road - giving consideration to a modified Type B treatment for right turning south bound traffic and Type A treatment for north bound traffic.*

An intersection be provided in accordance with AUSTRROADS Pt 6 for the construction of a roundabout at the intersection of Oliver Avenue and Taylors Road. The additional land required by these works is to be dedicated as shown in Exhibit 2, "Lane Roundabout at Intersection of Oliver Avenue", lodged with Council in May 1996.

This dedication shall be created against Urban Arterial Road Contributions specified in Schedule to the S94 levies imposed under Condition 29.

Roads other than Roads 5, 6, 7, 9, 11, 12, 14, 15, 16 and 18 shall be designed to have a minimum design speed of 40km/h. After satisfactory completion of all roads and drainage, a works-as-executed set of plans be submitted to the Council by a suitably qualified Engineer or Surveyor.

Existing Condition 14

- 14 The applicant or the developer provide the following roadworks with associated stormwater drainage structures, designed and constructed in accordance with the Council's adopted road and drainage standards, at no cost to the Council, and also be responsible for the full cost of any maintenance of this work, considered necessary by the Council's City Works Group, for a period of twelve months from the date of approval of the work: a kerb and gutter and a 5.5m width bitumen sealed road pavement, measured from the face of the kerb TO THE ROAD CENTRELINE, for the FULL frontage of the land in TAYLORS ROAD. After satisfactory completion of all roads and drainage, a works-as-executed set of plans be submitted to the Council by a suitably qualified Engineer or Surveyor.

Requested Amendment

This condition to be deleted.

Subdivision Unit Comments

Given that no residential allotments shall obtain access via Taylors Road, it is considered excessive for Council to require the full upgrading of Taylors Road for the entire frontage of the property. Council is advised that Condition No. 13 requires the applicant to construct an intersection between Road No. 4 and Taylors Road to a modified Type B treatment for right turning southbound traffic and a Type A treatment for northbound traffic. No objection is raised to the proposed amendment of Condition No. 14.

Existing Condition 15

15 Those allotments within the proposed subdivision shown to have direct vehicular access to Oliver Avenue, being proposed Allotment No's 1.40 - 1.49, are to be redesigned so that there are no allotments within the subject property that are provided with direct vehicular access to either Oliver Avenue or Taylors Road. The redesign is preferably to include the connection of roads 5 and 6.

Requested Amendment

That this condition be deleted.

Subdivision Unit Comments

As a result of the amended subdivision design, as proposed within the amendment of Condition No. 2, it is considered prudent that Condition No. 15 be altered to read:

15 Vehicular access from Lots 1.40 and 2.23 - 2.29 to Oliver Avenue be prohibited at all times.

By incorporating the above condition, Council satisfies the objective of the original wording of Condition No. 15. Should Council delete the condition, as originally proposed by the applicant, the possibility may arise where future residents seek vehicular access to Oliver Avenue. In that event, Council would have no provision within the subdivision approval to prevent such access occurring.

Council's Subdivision Unit raises no objection to the amended condition and the applicant has granted concurrence for Council to amend Condition No. 15, as detailed above.

Existing Condition 19

19 A detailed plan is to be lodged with and to the satisfaction of Council, showing the redesign of proposed open space areas for Stages 1 and 2. The amended plan is to show only one substantial open space area to be provided for Stages 1 and 2, to be located on the south-western corner of the proposed intersection of Roads 1 and 2.

Requested Amendment

That this condition be deleted.

Subdivision Unit Comments

Condition 19 was originally incorporated within the Development Consent Notice for Development Application No. 95/22 to provide adequate useable area for active recreation. However, it is considered that the open space provided within Stages 1 and 2 is for passive recreation use and the inclusion of children's play equipment (refer Plan 4). Active recreational area is not considered to be the optimal use of the site given its total area requirements and open space design within future

stages to be released within the estate. Active recreational area is available for residents of Stages 1 and 2 at Hepburn Park. As previously discussed within this report, Council's Parks and Reserves Manager raises no objection to the deletion of the condition and this view is endorsed by Council's Subdivision Unit.

Existing Condition 20

20 The applicant or developer construct, at no cost to the Council, the following reinforced concrete or paving block or equivalent footpath in a pathway reserve (one side only):

WIDTH	LOCATION	BETWEEN
2m	Leading from Road No. 7 to Oliver Avenue	
2m	Leading from Road No. 2 to Oliver Avenue	Lots 1.11 and 1.12
2m	Leading from Road No. 4 to Road No's 5 and 6	
2m	Leading from Road No. 9 to the southern boundary of Lot 4.7	
2m	Leading from Road No. 13 to the western boundary of Lot 6.6	
2m	Leading from Road No. 14 to Road No. 13	
2m	Leading from Road No. 16 to the western boundary of Lot 9.09	

Requesting Amendment

That access shafts of 2 metres be required to be paved for the full width and pathway/shafts greater than 2 metres width be paved to a maximum of 1.8 metres.

Subdivision Unit Comments

The provision of a pedestrian thoroughfare link through the subdivision between residential lots is to be constructed in a manner to allow the paved area to be existing from the kerb to the rear of the lot, ensuring a maintenance free pathway. Consequently, a 2 metre reserve is to be paved for the full 2 metre width, thereby minimising any unmanageable areas of previous ground cover. However, where areas for pavement reserves are greater than 2 metres, the pavement could generally be 1.8 metres wide allowing adequate areas for landscaping, and general maintenance.

With the amended plans submitted to Council, it is acknowledged that the proposed pedestrian thoroughfare would also be amended and consequently Council supports the newly proposed pedestrian link servicing the residential subdivision internally and leading externally to Oliver Avenue. The amended condition shall be amended as follows:

20. *The applicant or developer construct, at no cost to the Council, the following reinforced concrete or paving block or equivalent footpath in a pathway reserve (one side only)*

Width	Location
<i>2m</i>	<i>From Road No. 7 to Oliver Avenue</i>
<i>2m</i>	<i>From Road No. 5 to Road No. 6</i>
<i>2m</i>	<i>From Road No. 9 to the southern boundary of Lot 5.7</i>
<i>2m</i>	<i>From Road No. 13 to the western boundary of Lot 4.6</i>
<i>2m</i>	<i>From Road No. 14 to Road No. 13</i>
<i>2m</i>	<i>From Road No. 16 to the western boundary of Lot 9.18</i>

Council's Subdivision Unit raises no objection to the proposed amendment.

Existing Condition 21

21 The applicant or developer construct, at no cost to the Council, a 1.8 metre wide reinforced concrete or paving block or equivalent footpath in a pathway reserve, 2 metres wide within proposed Road No.1, Road No. 2, Road No. 8, Road No. 10 and Road No. 13. Should the applicant or developer construct a footpath at no cost to Council, these works will be accredited to the Section 94 Levies for internal footpaths, being \$278.00 per allotment.

Requested Amendment

The applicant or developer shall construct a pedestrian path system as shown on the Plan 1 attached to this report. Such pathway shall be a minimum 1.8 metres wide and the cost of such works will be accredited to the Section 94 levies for footpaths.

Subdivision Unit Comments

Further to the comments provided for Condition No. 20, the results of amending of Condition No. 21 are the provision of a footpath network as identified on Plan No. 1 (attached to this report), in addition to the works required by Condition No. 20. No objections are raised to the proposed amendment.

Existing Condition 24

24 A Certificate of Compliance be produced to show that satisfactory arrangements have been made with Council's Water & Sewerage Department for the supply of water and sewerage services.

This includes the payment of Section 64 (Water & Sewerage) Levies and completion of the conditions set out in the attached "Offer for the Supply of Water and Sewerage".

Note: The offer of water and sewerage services to the development is only guaranteed for two years from the date of this consent. This offer expires on May 28, 1998.

To guarantee the availability of water and sewerage services to the development, the Section 64 Levies set out in the attached offer must be paid in full before May 28, 1998. A letter of guarantee of supply will then be issued. (This letter will not replace the need for a Certificate of Compliance.) Please sign the attached "Offer for the Supply of Water and Sewerage" and return one (1) copy with the water and sewerage design plans for the proposed development.

Requested Amendment

24 A Certificate of Compliance be produced to show that satisfactory arrangements have been made with Council's Water & Sewerage Department for the supply of water and sewerage services.

This includes the payment of Section 64 (Water & Sewerage) Levies and completion of the conditions set out in the attached "Offer for the Supply of Water and Sewerage".

Note: The offer of water and sewerage services to the development is only guaranteed for two years from the date of this consent. This offer expires on >(insert date of issue of Section 96 Notice + 2 years).

To guarantee the availability of water and sewerage services to the development, the Section 64 Levies set out in the attached offer must be paid in full before >(insert date of issue of Section 96 Notice + 2 years). A letter of guarantee of supply will then be issued. (This letter will not replace the need for a Certificate of Compliance.) Please sign the attached "Offer for the Supply of Water and Sewerage" and return one (1) copy with the water and sewerage design plans for the proposed development.

Subdivision Unit Comments

Council's Water and Sewer Services raises no objection to the proposed amendment given that as a consequence of protracted negotiations associated with this Section 96 application, it is only

considered equitable to extend the expiry date to correspond to the expiry date of the Development Application (June 4, 2001), which is consistent with Council's standard condition.

Existing Condition 26

26 Evidence be produced that the NorthPower has been commissioned to provide underground electrical power to each lot and adequate street lighting for the development.

Requested Amendment

26 Evidence be produced that NorthPower or an authorised electrical contractor has been commissioned to provide underground electrical power to each lot and adequate street lighting for the development.

Subdivision Unit Comments

The amendment to Condition 26 is consistent with the previously adopted standard subdivision conditions and given the privatisation of electrical contracting upon the North Coast, it is an obvious amendment to include the words "and authorised electrical contractor".

Existing Condition 29

29 Payment of levies under Section 94 of the Environmental Planning and Assessment Act and Section 64 of the Local Government Act 1993 as a contribution towards the provision of public services or amenity identified in the attached schedule be paid at the rate(s) current at the date building approval is granted. The rates and amounts applying at the date of this notice, totalling \$3,532,914, 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. for each Stage of the subdivision must be paid prior to release of the subdivision linen plan for each of the subdivision stages and prior to release of building approval for other development.

Requested Amendment

29 Payment of levies under Section 94 of the Environmental Planning and Assessment Act and Section 64 of the Local Government Act 1993 as a contribution towards the provision of public services or amenity identified in the attached schedule be paid at the rate(s) current at the date building approval is granted. The rates and amounts applying at the date of this notice, totalling \$3,425,856, 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. for each Stage of the subdivision must be paid prior to release of the subdivision linen plan for each of the subdivision stages and prior to release of building approval for other development.

Subdivision Unit Comments

Council, when Development Consent 95/22 was originally issued, calculated the Section 94 Contributions with an Equivalent Tenement (ET) Value of 231. The ET value did not take into consideration the existing credits being existing and approved lots applicable to the land in accordance with Council's normal practice. No objections are raised in Council crediting the existing entitlements against the Section 94 and Section 64 contributions.

Whilst the credited Section 94 and Section 64 contribution will be incorporated in the amended consent, the Subdivision Certificate fee proposed by the applicant is required to refer to the total 231 lots of the subdivision. The resulting effect will be that Section 94 and 64 contributions will total \$3,437,056.

Further, the last paragraph of the Section 94 schedule has been amended to clearly state in respect to the circumstance in which land dedication or physical works permit an adjustment (credit) against the Section 94 Contribution payable. The Subdivision Unit raises no objection to the amendment of this condition.

Existing Condition 30

30 A restriction to user pursuant to Section 88b of the Conveyancing Act be placed on all lots prohibiting the ownership/kennelling of dogs.

Requested Amendment

30 A restriction to user pursuant to Section 88b of the Conveyancing Act shall be placed on all lots prohibiting the ownership/kennelling of dogs other than:

- a) A guide dog for a visually impaired person;
- b) The keeping of a dog totally enclosed within a dwelling house or enclosed external run of a size recommended by the RSPCA.

Subdivision Unit Comments

A meeting held between the developer and the Hosie Subdivision Committee detailed concurrence with the proposed amendment. Council's Subdivision Unit has held discussions with the applicant with an amended condition drafted which maintains the integrity and aim of the existing consent condition, whilst also being consistent with previous approvals issued by Council, eg Perradenya. The condition should read:

30 *A restriction to user pursuant to Section 88B of the Conveyancing Act 1919 shall be placed on all lots to include the following matters:*

- a) *a secure area on each property is required for dogs and cats where quality of life for the animal is satisfied and their behaviour is not detrimental to neighbourhood amenity, residential safety and wildlife.*
- b) *each property shall comply at all times with Lismore City Council Policy Guidelines for the Keeping of Animals for Domestic Purposes 1997 and the Companion Animals Legislation.*

Summary

Proposal

The application presently before Council is seeking consent for the amendment to the previously detailed conditions from the notice of determination for Development Application No. 95/22 for a proposed 231 lot subdivision within 8 stages at 153 - 203 Oliver Avenue and Lot 151 - 153 and 181 Taylor Road, Goonellabah.

Compliance

The proposal is in compliance with Council's Development Control Plans and Lismore Local Environmental Plan 1992.

Issues

All relevant issues have been dealt with within this report.

Objections

Four (4) submissions were lodged to the original proposal, therefore notification of objectors of the Section 96 Application was required. The Application was placed on exhibition from December 10 to 30, 1996, taking into consideration the Christmas period with all objectors notified.

One objection was received to the advertising period in relation to the proposed Section 96 amendment. The objection did not raise any issues concerning the proposed amendment of the conditions canvassed within this report. The objection discussed removal of camphor laurel trees and the request of Council to require the developer to replace them with natives. The issue raised in the submission has been addressed separately from this application. Consequently, it is not recommended that the proposal be amended or refused due to concerns raised within the submission.

Environmental Significance

In terms of this application, any environmental significance from any future development cannot be addressed under this application.

Conclusion

It is considered that the concerns raised with the original subdivision proposal, which were satisfactorily addressed by conditions of consent, are in no way compromised by the Section 96 application which is the subject of this report.

The proposed modification to Development Consent Notice 95/22 is considered acceptable pursuant to the provisions of Section 96 of the Environmental Planning and Assessment Act 1979.

Recommendation (PLA23)

A That the application under Section 96 of the Environmental Planning and Assessment Act 1979 lodged with Council on November 28, 1996, for modification of determination of Development Application No. 95/22, dated June 4, 1996, for 231 residential development over 8 stages at Lot 1 to 6 DP 252826, Lot 19 and 22 DP 704335 and Lot 1 DP 795581, being 153, 159, 171, 183, 195 and 203 Oliver Avenue and 181, 151 and 153 Taylor Road, Goonellabah be amended as follows:

- 1 That Council grant the amendment of Condition No's 2, 10, 12, 13, 14, 15, 19, 20, 21, 24, 26, 29 and 30 of Development Application No. 95/22 as detailed within this report.
- 2 The Council issue an amended Development Consent Notice which incorporates point 1 of the recommendation.

Subject/File No: ENGINEERING STANDARDS, AUS-SPEC
 (BH:MJK: S693)

Prepared By: Manager-Subdivisions - R D Hanby

Reason: To table before Council updated engineering standards for development.

Objective: To update Council's adopted civil engineering standards.

Management Plan Activity: Development Assessment

Background:

Prior to 1993, very few documented standards were available to staff for the provision of engineering works linked to Development Applications. Staff identified this deficiency, drafting new standards addressing most facets of civil engineering works required within Development Applications. This document, *General Specification for the Construction of Road and Drainage Works* was adopted by Council at its meeting on February 9, 1993.

In 1996, State Wide Roads (SWR) in association with the Institute of Municipal Engineers Australia (IMEA) released the first of a new suite of documents known as AUS-SPEC. As part of the review process for those adopted standards, AUS-SPEC 1 was purchased in the 1997/98 financial year.

These documents, although not formatted to resources available in the Northern Rivers Region, nor the minimum standards required by Lismore City Council, are very concise.

In an effort to establish more uniform standards across local government borders, the LGEA North Coast Group was approached to consider having a single standard adopted within the NOROC area. This was undertaken by all but one Council allowing the review of the standard documentation and incorporating each Councils' individual needs, depending on topography, resources, geology etc.

Lismore City Council received high accolades from both SWR and IMEA for their achievements in adopting a uniform standard. Although attempted by other ROC groups, none have agreed on minimum requirements. As the documents are substantial, copies have not been distributed to Councillors, but are available for inspection through the City Works Group and will be tabled at the meeting.

Public Consultations

The engineering standards of the AUS-SPEC documents are considered industry best practice and have only been amended to reflect the standards required within Development Control Plan No. 28 - Subdivisions. As such comments tabled during the DCP process have been considered in the proposed Development Design and Construction Manual.

The finished manuals were tabled at a meeting of the NSW Civil Contractor Federation on February 17, 1999. The discussion on the document was generally favourable.

As with the adoption of previous technical standards, upon endorsement by Council, a briefing session will be arranged with Consultants and Contractors to outline the contents of the manual and its application. Preliminary discussions with Consultants have identified the end of May as an acceptable time.

Other Group Comments

Manager-Strategic Planning

DCP No. 28 - Subdivision was adopted by Council on February 23, 1999. It is understood that the AUS-SPEC document will complement DCP No. 28 and form a complete "package" of subdivision information for the development industry and the public.

Manager-Client Services

The adoption of uniform standards for road and drainage design and construction will greatly assist Council, Consultants and Contractors. In particular, the supervision of works undertaken by contract will be simplified because all parties involved will be working to a single standard.

I support the adoption of the AUS-SPEC standards, as recommended.

Business and Enterprise

In addressing the increasing change of technology within the provision of Water and Sewerage reticulation systems, SWR has removed these components from the AUS-SPEC documents.

A Water Directorate has been established to review standards and industry best practice within these areas.

Staff have recently updated Lismore City Council's adopted standards which shall meet the needs of developers until such time as the Water Directorate can provide a national standard.

Recommendation (PLA26)

Council adopt the amended AUS-SPEC 1 Documents as Council's minimum Development Design and Construction Standard.

Subject/File No: COUNCIL POLICY – DEDICATION OF LAND FOR COMMUNITY PURPOSES
(PS: S9)

Prepared By: Group Manager-Planning and Development - Phil Sarin

Reason: Have appropriate guidelines in place when determining whether or not to accept land proposed to be dedicated to Council for community purposes.

Objective: Obtain Council consent to adopt the policy.

Management Plan Activity: Development Assessment

Background:

Some time ago the Section 94 Committee resolved that a policy be prepared which would assist both staff and elected members in determining whether or not land proposed to be dedicated to Council for community purposes was suitable for its intended use. Initially, this policy was specifically intended for Section 94 related matters, however, during its preparation it became obvious that it ought to be expanded to include land which was proposed to be gifted to Council outside of the development application process.

There are many instances where land dedicated to Council is subsequently found to be of little value. The recent reports to Council, which have dealt with the disposal of surplus urban land, are testimony to this fact.

A more rigorous evaluation process is necessary to avoid Council continuing to accept land of questionable value and ensure we are not left with a legacy which imposes ever-increasing demands on Council's limited resources.

Proposal:

The main features of the proposed policy (refer Appendix 1) are:

- A clearly defined process of consultation and referral of proposals
- Evaluation criteria specific to the intended use of the land
- A requirement for Council to determine proposals which involve the dedication of land outside of the development application process

Manager - Financial Services Comments

Not required.

Public Consultations

Not required.

Other Comments

In preparing this policy, assistance has been received from the Parks and Reserves and Community Services Sections, PLSMT and the Section 94 Committee.

Conclusion

The application of the proposed policy will ensure that matters relating to land dedication are scrutinised more thoroughly with the result that Council receives land which meets community needs and expectations.

Recommendation (PLA30)

That Council adopt Policy No. 5.2.28 - Dedication of Land for Community Purposes.

Subject/File No: PROVISION OF WATER MAIN REPLACEMENT - T99024

Prepared By: PROJECT MANAGER - Janaka Weeraratne

Reason: Tenders for the provision of water main replacements have closed

Objective: To obtain Council approval to award the Tender

Management Plan Activity: N/A

Background

Tenders have been called for the water main replacements in Phyllis, Ross , Oliver, Woodlark and Ballina Streets as part of the 1998/99 water main replacement program.

These water mains were identified as needing replacement because they were in poor service condition.

Contract documents were prepared by the Client Services Unit on behalf of the Water and Wastewater Business Unit.

Tenders were advertised and four tenders were received by the close of tender on 2.00 pm on Thursday, March 4, 1999.

Tender Examination

Tenders:

The tenders received are summarised below:

Tenderer	Tendered Price
All Coast Excavations and Drainage	\$270,123.00
CW & SR Oxley	\$273,430.50
Letterkenny Earthmoving Pty. Ltd.	\$313,985.00
Camglade Pty. Ltd.	\$326,986.00

An evaluation panel consisting of Terry Gobbe (Assets Engineer, Water and Wastewater Business Unit) and Janaka Weeraratne undertook the assessment of the tenders. The tender documentation (Clause B7) defined four areas by which each tender would be assessed. The tenderers were required to address each of these criteria in their tender. The following table shows the weighted result for each criteria.

Assessment Criteria		All Coast Excavations	CW & SR Oxley	Letterkenny Earthmoving	Camglade P/L
Item	Weighting				
Total Price	60%	60%	60%	51%	47%
Capability	15%	10%	10%	13%	13%
Quality and Safety	15%	12%	8%	11%	13%
Management	10%	7%	7%	8%	8%
Total	100%	89%	85%	83%	81%

The weighted assessment shows All Coast Excavations offers the best value tender for this project.

Referee Check

The referees given by All Coast Excavations were contacted and they indicated that this company had the necessary technical and managerial abilities to be capable of completing this work satisfactorily.

A/Manager - Financial Services Comments

Sufficient funding has been provided within the 1998/99 Budget for these works to be undertaken.

Public Consultations

Not Required

Other Group Comments

Not Required

Conclusion

The best value tenderer for the water main replacement is All Coast Excavations and Drainage. The tenderer has performed similar work satisfactorily for private developers and Councils. The Tenderer is considered to have the technical and managerial abilities to be capable of completing the work satisfactorily. It is recommended that the Water Main Replacement for Phyllis, Ross , Oliver, Woodlark and Ballina Streets be awarded to All Coast Excavations and Drainage for the amount of \$270,123.00.

Recommendations (GM01)

1. The water main replacement (T99024) be awarded to All Coast Excavations and Drainage for the amount of \$270,123.00.
2. Should All Coast Excavations and Drainage withdraw their tender, then the tender be awarded to the next best value tenderer.

**DISABILITY ACTION PLAN
LISMORE CITY
COUNCIL**

AREA OF OPERATION	ACTION STRATEGIES	TIMEFRAME	RESPONSIBLE GROUP MANAGER	STATUS AS AT MARCH 1999
1.0 ADMINISTRATION				
<u>1.1 Administrative Centre</u>	Review access to all areas of the building	March 1998	Group Manager Corporate & Community Services	A wheelchair access audit of the Council Administration Centre was completed. The building is fully accessible.
<u>1.2 Administration Services</u> <u>1.2.1 Customer Service</u> Council will provide and maintain effective communication assistance for people with a disability <u>1.2.2 General Information</u> Information regarding Council meetings, committees and other activities to be available to be distributed more widely and in a range of formats	Enhance communication with people with various types of disabilities by investigating the provision of special or modified equipment and other equipment in conjunction with the Lismore Access Committee Review and investigate alternative information formats Redesign the front counter	Assessment of the feasibility of installation of devices to be completed in 12 months December 1998	Group Manager Corporate & Community Services	Yet to be complete Council information is provided on the internet, which is accessible from home or the library. This allows for large print, which makes it available for visually impaired people. Done. It is currently being costed.

<p><u>1.2.3 Awareness of Disability Issues</u></p>	<p>Staff to be trained to use the special equipment devices and assist people with disability</p> <p>Inform residents of the availability of services to assist people with disabilities</p> <p>Investigate adapting correspondence and publications to include message indicating opportunities for those who need larger type (20 point) Statement of availability of information to be included on letterhead and community newsletter, annual report, Web page and other major publications and information to be available in branch Libraries</p> <p>Strategies to ensure wider distribution of Council material</p> <p>Part of the role of the Community Workers are to resource Council and facilitate awareness and change</p>	<p>Training to be ongoing</p> <p>Ongoing</p> <p>March 1998. Stationery to be updated as new stock required</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p>		<p>Human Resources to incorporate into their budget</p> <p>The Disability Information Newsletter (DISI), the Council Web Page</p> <p>It has now been investigated and the agreed strategy was not to place on letterhead but to place the information in Council's Community Link, Access Web Page and through DISI.</p> <p>Information is distributed to both Councillors and staff, eg. Newsletters, minutes of meetings</p>
<p><u>1.3 Financial Services</u> Council will ensure its financial planning and administration processes account for the implementation of action plan goals</p>	<p>Make provision in the budget on a recurrent basis to meet the costs for the implementation of action plans developed by Groups</p>	<p>To commence in the 1998/99 budget and then on-going</p>	<p>Group Manager Corporate & Community Services</p>	<p>In the 1998/99 financial year five projects were submitted and one project, access to the crematorium was funded.</p>

<p>2.0 HUMAN RESOURCES</p> <p><u>2.1 Staff Training/Awareness</u></p> <p><u>2.2 Training Plan</u> Develop, document and implement training plan</p> <p><u>2.3 Training</u> Key customer contact staff be provided with training on working better with disabilities Provide support to staff working with disabilities.</p> <p><u>2.4 Recruitment and Selection</u></p>	<p>From the implementation of the Action Plan bring the awareness of this through a range of methods, brochures, memos and awareness sessions</p> <p>Gather requirements Prioritise as per corporate objectives Publish quarterly schedule Consultative Committee/Manager's endorsement Manager and monitor delivery</p> <p>Training to be provided</p> <p>Training to be provided</p> <p>Ensure people with disabilities have equal access to employment opportunities with Council Identify potential positions within Council structure that may be filled by persons with a disability</p>	<p>Ongoing</p> <p>December 1996 April 1997 Quarterly schedule July 1997</p> <p>Quarterly operating budget</p> <p>February/March 1997</p> <p>Ongoing</p> <p>Ongoing</p> <p>August/September 1997</p>	<p>General Manager's Office</p>	<p>The ongoing awareness can be achieved through the Human Resources information sessions.</p> <p>The training plan is based on information from the PES and for the next financial year to include the Skills Assessment Process. Supervisors need to ensure that this type of training is identified for their relevant staff.</p> <p>Not complete</p> <p>Not complete</p> <p>Not complete</p>
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<p><u>2.5 Policy</u> <u>Employment Strategy for</u> <u>people with disabilities</u></p>	<p>Investigate other organisations' documentation Develop strategies to encourage people with disabilities to apply, and participate in employment opportunities with Council</p>	<p>September 1997 December 1997</p>		<p>Complete To place in information packs for vacant positions "<i>People from EEO Groups will be encouraged to apply</i>" as from March 1999</p>
<p>3.0 PUBLIC ORDER AND SAFETY <u>3.1 Fire Protection</u> <u>3.2 Emergency Services</u></p>	<p>Encourage the community to be aware of the needs of their neighbours with a disability in an emergency situation and assist.</p>	<p>Ongoing</p>	<p>Group Manager City Works and Business and Enterprise</p>	<p>This has been done with a flyer produced and hand delivered to flood affected areas. There has also been a media campaign with the same message. January to March 1999.</p>
<p>4.0 HEALTH <u>4.1 Early Childhood Centres</u></p>	<p>Audit for access to facilities</p>	<p>March 1998</p>	<p>Group Manager Business and Enterprise</p>	<p>This was completed and a report written.</p>
<p>5.0 COMMUNITY SERVICES AND EDUCATION <u>5.1 Community Services Administration</u> <u>5.1.1 Facilitate improved service provision, education and access.</u> Access Committee to have a higher profile in the community</p>	<p>The Community Worker is to resource Council on the DDA and to facilitate awareness and change The Access Committee to hold an annual awareness raising activity The Access Committee to increase publicity of its activities</p>	<p>Ongoing Ongoing Ongoing</p>	<p>Group Manager Corporate & Community Services</p>	<p>Information is distributed to both Councillors and staff, eg. Newsletters, minutes of meetings. A video has been completed for awareness raising. International Day of People with a Disability, Dec. 3rd. The video was launched and a disability dance group and art group performed.</p>

<p><u>5.1.2 Council to consult with the Access Committee more regularly</u></p>	<p>Develop a policy to encourage and enable improved consultation between the Access Committee and Council, eg. DA and BA to be referred to the Access Committee as appropriate</p>	<p>June 1998</p>	<p>Group Manager Planning & Development</p>	<p>Major DA proposals are being sent to the Access Committee for comment from the Planning Dept. in an informal process. This is working well.</p>
<p><u>5.2 Childcare Services</u> <u>5.3 Youth Services</u> <u>5.4 Aged & Disabled</u></p>	<p>Audit of facilities and programs for accessibility Audit of facilities for accessibility Audit of facilities for accessibility</p>	<p>February 1998 February 1998 February 1998</p>	<p>Group Manager Business and Enterprise</p>	<p>This has been completed and a report written. This has been completed and a report written.</p>
<p><u>5.5 Provision of a Disability Action Plan</u> <u>5.5.1 Briefing of Senior Staff about the Disability Action Plan</u> <u>5.5.2 Briefing with Councillors about the Disability Action Plan</u> <u>5.5.3 Council to receive comments from the community on the Action Plan prior to its consideration by Council for adoption</u></p>	<p>Draft Plan to be distributed to the Access Committee Draft Plan to be placed on public exhibition Draft Plan to be distributed to all those who participated in the community consultation process. Briefing session/information sheet to be provided for all senior staff Briefing session/information sheet to be provided for all Councillors Public Consultations held to gain feedback on the Action Plan Draft Plan to be sent to all Access Committee members</p>	<p>Sept.1997 March 1997 April 1997 June and September 1997 August 1997</p>	<p>Group Manager Corporate and Community Services</p>	<p>Complete Complete Complete Complete Complete</p>

<p>5.5.3 (Cont.)</p> <p>5.5.4 The responsibility for access issues and the implementation of access initiatives to be spread throughout the organisation</p>	<p>Draft Plan to be distributed to those who participated in the community consultation process for comment</p> <p>Participation in Disability Expo to gain feedback/comments on the Action Plan</p> <p>The provision of a Disability Action Plan Each Group annually reviews its part of the Disability Action Plan.</p>	<p>August/September 1997</p> <p>September 1997</p> <p>Ongoing</p> <p>Annual Review March</p>	<p>Each of the four Groups within Council</p>	<p>Complete</p> <p>Complete</p> <p>Complete</p> <p>Complete</p>
<p>6.0 HOUSING AND COMMUNITY AMENITIES</p> <p><u>6.1 Town Planning</u></p> <p><u>6.2 Waste Management</u></p> <p><u>6.3 Public Cemeteries</u></p> <p><u>6.4 Public Conveniences</u></p> <p><u>6.5 Other Community Amenities</u></p>	<p>Provision of Disabled Access and facilities be a condition of consent for relevant Development Applications</p> <p>Audit for accessibility of facilities</p> <p>Audit for accessibility of facilities</p> <p>To investigate the installation of the MLAK system in stand alone accessible public toilets</p> <p>Audit of facilities for accessibility</p>	<p>December 1997</p> <p>Ongoing</p> <p>June 1998</p> <p>March 1998</p> <p>December 1999</p> <p>June 1998</p>	<p>Group Manger Planning & Development</p> <p>Group Manager Business and Enterprise</p> <p>Group Manager City Works</p> <p>Group Manager Business and Enterprise</p>	<p>Complete</p> <p>Incomplete</p> <p>Complete</p> <p>No comment</p>
<p>7.0 WATER SUPPLIES</p> <p><u>7.1 Water Supplies Management and Operations & Miscellaneous</u></p>	<p>Audit existing facilities and determine upgrade requirements.</p> <p>Provide disabled access to new facilities</p>	<p>March 1998</p> <p>September 1998</p>	<p>Group Manager Business and Enterprise Group</p>	<p>Incomplete</p> <p>Facilities were provided in the new facility in 1998</p>

<p>8.0 SEWERAGE SERVICES <u>8.1 Sewerage Services Management, Operations & Miscellaneous</u></p>	<p>Audit existing facilities and determine upgrade requirements Provide disabled access to new facilities</p>	<p>March 1998 September 1998</p>	<p>Group Manager Business and Enterprise Group</p>	<p>No comment</p>
<p>9.0 RECREATION AND CULTURE <u>9.1 Sporting/Recreational Facilities Inventory - 9.1.1 Sporting Grounds</u> <u>9.1.2 Access Audit-passive, active areas and community buildings</u> <u>9.1.3 Parks/ovals furniture audit</u> <u>9.2 Prioritise Works Identified</u> 9.3 Public Libraries</p>	<p>Develop a directory of facilities and incorporate relevant information on accessible areas Undertake audits of relevant areas in conjunction with the Access Committee Modify/improve furniture for use by people with disabilities Minor works to be referred to Works section for comment and action Major works prioritised for Council determination Encourage local sporting organisations to improve access to facilities and services. Assist with funding information for access provision Facilitate improved access and service provision Increase book stock for people with a disability (eg. large print, tapes)</p>	<p>August 1998 February 1998 February 1998 March 1998 Ongoing Review annually</p>	<p>Group Manager Corporate and Community Services in conjunction with the Group Manager City Works Group Managers Corporate & Community Services and Business & Enterprise</p>	<p>Complete A lift was built in the library in 1998. An application was made in 1999 to the State Library for funding for self-opening doors. The budget for purchase of large print</p>

<p>9.4 Art Galleries</p> <p>9.5 Community Centres (Roy Waddell, Goonellabah, Laurie Allen)</p> <p>9.6 Public Halls</p>	<p>Facilitate improved access and service provision</p> <p>Facilitate improved access and service provision</p> <p>Facilitate improved access and service provision</p>	<p>Ongoing</p>	<p>Group Manager Business and Enterprise</p>	<p>books increased by \$773.</p> <p>Council allocated \$1,000 for hall maintenance and insurance.</p>
<p>10.0 MINING, MANUFACTURING AND CONSTRUCTION</p> <p><u>10.1 Building Control</u></p> <p><u>10.2 Quarries and Mines</u></p>	<p>Provision of all Council developments with access and facilities for the disabled in accordance with the BCA and Council Policy</p> <p>Audit for accessible workplace</p>	<p>Ongoing</p> <p>March 1998</p>	<p>Group Manager Planning & Development</p> <p>Group Manager Business and Enterprise</p>	<p>Complete</p> <p>Complete - no action to be taken.</p>
<p>11.0 TRANSPORT AND COMMUNICATION</p> <p><u>11.1 Footpaths/cycleways</u></p> <p>Improve condition of existing services. Ensure designs for new work are to standard</p> <p><u>11.2 Airport Terminal</u></p>	<p>Carry out survey on existing footpaths and identify footpaths requiring restoration/reconstruction</p> <p>Audit for accessibility</p>	<p>Original survey completed June 1995. Further surveys as required for investigation of specific areas as requested.</p> <p>March 1998</p>	<p>Group Manager City Works</p> <p>Group Manager Business and Enterprise</p>	<p>A four year program has been developed and will be included in the budget as are roadworks.</p> <p>A new airport is being developed which will include disabled access.</p>

<p><u>11.3 Parking Areas</u> 11.3.1 Accessible spaces need to be wider</p> <p>11.3.2 Ensure adequate provision of accessible spaces</p> <p><u>11.4 Bus Shelters & Services</u> Provide bus shelters at known drop off points Improve access to existing bus shelters</p> <p><u>11.5 Streetlighting</u> Improve street lighting as required</p>	<p>Ensure design standards are met for new parking bays Identify resources and conduct audit on existing Identify required locations Increase policing of accessible spaces Education of community regarding parking of cars on kerb & in disabled carparking spaces (eg. newsletter, message on Council's telephone hold system)</p> <p>Install bus shelters as resources become available Audit all bus shelters for their accessibility and adjust as required Assess requests for improvements and upgrade is current lighting is to the Australian standard</p>	<p>January 1998</p> <p>Ongoing</p> <p>Annually</p> <p>Ongoing</p> <p>December 1998</p> <p>Ongoing</p>	<p>Group Manager City Works</p>	<p>All disabled carparking bays are the correct width now.</p> <p>A map of all the disabled access parking places in the CBD was produced and distributed in December 1998. There are 29 disabled carparking spaces.</p> <p>The urban shelters are okay but the rural ones are more difficult. As rural shelters need upgrading or replacing they will be made more accessible.</p> <p>Ongoing as required.</p>
<p>12.0 ECONOMIC AFFAIRS <u>12.1 Swimming Pools</u></p> <p><u>12.2 Caravan Parks</u></p> <p><u>12.3 Public Halls</u></p>	<p>Audit of sites for accessibility</p> <p>Audit of sites for accessibility</p> <p>Audit of all public halls under Business & Enterprise control</p>	<p>December 1998</p> <p>December 1998</p> <p>December 1998</p>	<p>Group Manager Business and Enterprise and City Works</p>	<p>Complete</p> <p>Not complete</p> <p>Not complete</p>

<u>12.4 Public Buildings</u>	Audit of all commercial assets under control of Business & Enterprise	December 1998		Not complete
<u>12.5 Tourism</u> Information distribution	Provision of a city map with disabled access facilities incorporated into it. eg. parking spaces, amenities	December 2000		The map of disabled access carparking spaces is being distributed through the Tourist Office.

Subject/File No: **LISMORE WORKERS CLUB (RAINBOW REGION) MASTERS GAMES UPDATE.** (JB:LC:S720)

Prepared By: Games Co-ordinator , Mr John Bancroft

Reason: Council request of October 6, 1998

Objective: Inform Council

Management Plan Activity: N/a

Background:

Council on October 6, 1998 resolved to sanction the abovenamed event, form a committee to manage and promote all aspects and, in doing so, it requested "A sponsorship/games Update report be compiled for Councils consideration March 1999." Many aspects of the event have changed since October.

Information:

Sports: The October 6 report stated that 12 sports had confirmed and 3 were deciding whether to join the event. The total has swelled to 19. The Sports hosts are:

Netball	Lismore & District Netball Assoc.
Rugby	Southern Cross Union
Tennis	Lismore District Tennis Assoc.
Touch	Lismore Touch Assoc.
Squash	Lismore Sports Courts - Neil Pollard Car Sales
Baseball	FNC Baseball/Enterprise Solutions 2000
Soccer	Goonellabah Soccer Club
Softball	Far North Coast Softball Assoc.
OZTAG	Lismore OZTAG
Swimming	Duck Creek Mountain Masters Swimming Club & Settlers Inn Alstonville
Canoeing	Far North Coast Canoe Club
Cricket	Far North Coast Cricket Council - Wal Murray Real Estate
Running	North Coast Academy of Sport
Golf	Lismore Golf Club
Badminton	Lismore Southern Cross Badminton
Snooker	Lismore Workers Snooker Club
Taekwondo	John Doyle' Taekwondo Academy
Bowls - Lawn	Workers Heights Bowling Club
Karate	Success Martial Arts (Richard Marlin)

Unfortunately no further sports can be added as our promotional material has been finalised. Enthusiasm for the event amongst local sports administrators has grown and all goes well for 20 plus sports in 2001 (should "1999" be successful).



Sports Format/Programme

All sports have settled on their venues, age groups, competition formats and other details.

Entry Forms (Register Now)

Entry Forms are now available. The logistics of preparing an Entry Form that satisfied sponsors and 19 sports requirements was quite challenging. To see approximately 1600 Entry Forms being posted on Tuesday March 9, 1999 was a truly “beautiful thing”. Entry Forms are available from the Games Office (Lismore Visitor & Heritage Centre) on 66220122.

Volunteers

Approximately 50 people to date have volunteered to assist with the event. This is an excellent response considering we haven't officially called for volunteer interest. Approximately 150 volunteers will be required over the 3 days of the event. Councils Records Manager Ms Julie Fenwick has “volunteered” to co-ordinate and register volunteers interested.

Media Coverage

The assistance forwarded to the Games Committee by NBN, 2LM/ZZZ and the Northern Star has been sensational. I don't think local or regional awareness will be an issue.

Games Sponsors

SMC Hyundai has joined the fold as an associate games sponsor. The sponsors are:

Naming Rights	Lismore Workers Club
Associates:	Southern Cross University
	Lismore City Council
	Lismore Unlimited
	SMC Hyundai
Media	Northern Star
	2LM/ZZZ
	NBN Television

Sponsorship Target/Games Income

The October 6 report identified a sponsorship target of \$32,000. To date sponsorship has reached \$38,000 hence our targets have been exceeded. It is also stated that expenses associated with hosting the event have risen and all care must be taken in order to attract a significant number of participants (800min) in order to defray our costs and achieve a “break even or better” situation (see revised Games Budget).

Revised Games Budget

The most notable increase (compared to October) in expenditure revolves around the Games Function. It appears that our budget as presented (\$5,000) was totally inadequate for an outdoor function for 1000 people once licensing, security, marquees and other considerations were costed. The Games Committee on March 1, 1999 resolved that the event be conducted at the Workers Club and its catering staff be commissioned to service the event. I attach a copy of the March 1 report and minutes that explains the motivations for such a decision. Workers Club Executive have been extremely helpful with minimising such costs. The revised Games Budget is as follows:



Expenditure	
Administrators	\$13000
Office Expenses	\$1800
Postage/Printing	\$4000
Telephone/Fax	\$1500
Meetings/Admin	\$3000
Awards 3,000 @ \$2.60	\$7800
Venue Hire	\$3300
Volunteers/Food/shirts	\$3000
Marketing/Promotion	\$12000
Sponsors Hospitality	\$2000
Games Functions/Bands	\$12000
Participants ID	\$3000
Insurance	\$2000
Other Expenses	\$8600
Total Expenditure	\$77000
Income	
Income Sponsorship	\$38000
Council Contribution - Sponsorship	\$5000
Participants 800 @ \$33.00	\$26400
Accompany/Social Registrations 300 @ \$25.00 ie. Non-participants	\$7600
Total Income	\$77000

Acting Manager - Financial Services Comments

The critical element from Council's perspective is that the games are still anticipated to cost Council \$5,000. This is based on the assumption that 800 participants will be achieved.

While the 'hype' around the Games is all good, and so it should be based on the sponsorship news included in the report, it needs to be remembered that we still need 800 competitors to break even. The funding of any shortfall in revenue rests with Council.

It is reassuring to note that the committee is well aware of this fact and is striving to meet their budget expectations.

Conclusion

Its crunch time - We have our documents, we have our sponsors, we now need the participants!! Any efforts to promote the event via word of mouth will help.

Recommendation Cor15

The report be received and noted.

Subject/File No: INVESTMENTS HELD BY COUNCIL AS AT FEBRUARY 28, 1999
(GB/LM: S170)

Prepared By: Financial Accountant, Graeme Blanch

Reason: To comply with Section 625 of the Local Government Act.

Objective: To invest Council's surplus funds to best advantage to comply with Council's investment policies.

Management Plan Activity: General Purposes Revenues

Information:

The attached list of investments held by Council with various financial institutions has been made in accordance with Section 625 of the Act and in accordance with Council's investment policies.

Council's total investment for February amounted to \$21,723,857.03 with an average interest return of 4.56%. Average interest rate at the same time last year was 4.46%. Current indicators reflect the current interest rates remaining at current levels.

Financial Section

Included in the body of the report.

Public Consultations

Not required.

Other Group Comments

Not requested.

Recommendation (COR14)

That the report be received and noted.

Present: Mr Bill Moorhouse (*Chairperson*), Councillors Bob Gates, Ken Gallen, Eleanor Cole and Merv King, Messrs Bill Rixon, MP, Michael Baldwin (*Roads and Traffic Authority*), Chris Mallam (*Lismore Unlimited*), Snr Const B Buckley (*Lismore Police*), together with Wendy Johnson (*Road Safety Officer*) and Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*).

Apologies: Nil

Minutes of Traffic Advisory Committee Meeting - February 17, 1999

Members were advised that the Minutes of the meeting held on February 17, 1999 were adopted by Council at its meeting of March 16, 1999, excluding Item No's 12, 22 and 23.

The Committee noted Council's resolutions 96/99, 97/99 and 98/99.

Item 12 - Nimbin Hemp Embassy

Resolved that Council receive and note the advice.

Item 22 - Ballina Street Traffic Management Plan

Resolved that:-

- 1 Council adopt the overall traffic plan of proposed facilities for the section of Ballina Street between Dibbs Street and Wyrallah Road which should be included in future works programmes upon availability of funds.
- 2 The median extension along Ballina Street, through the intersection of Hunter Street/Second Avenue should be installed at the earliest opportunity.

Item 23 - Stephen Jones, 265 Martin Road

Resolved that Council recommend to the Traffic Advisory Committee that it seek the approval of the Minister to reduce the speed limit to 80kph.

In relation to resolution 98/99 - Speed limit on Martin Road, Mr Baldwin advised that the RTA would not consider the introduction of a lower speed limit on a gravel road. It was noted that the first section of Martin Road was gravel and there was little opportunity for excessive speed on the balance of Martin Road.

TAC35/99

RECOMMENDED that the existing speed limit be retained for the above reasons.

Disclosure of Interest: Nil

Correspondence:

1. **Roads & Traffic Authority;** sending information regarding the 40kph School Bus Safety Initiative. (S342:99-2453)

It was noted that this information related to special provisions for bus zones in a multi lane situation such as locations on the Pacific Highway.

TAC36/99

RECOMMENDED that the information be noted.

2. **Mr Lance Willis;** concerned about the amount of trucks using Keen Street and Junction Road intersection causing excessive noise. (R6039:R7313:99-2043)

It was pointed out that Keen Street was a through street that carried a considerable amount of traffic. Albert Park School, the Baseball Stadium and Basketball Stadium were all significant traffic generators that had existed for many years. There was no apparent reason for increases in heavy vehicle traffic. It was suggested that a double white centre line over the crest in front of Repco may assist in at least keeping vehicles on the right side of the road, however, there was little that could be done in regard to heavy vehicle traffic as there was no evidence to suggest why Keen Street would be used as a short cut.

TAC37/99 **RECOMMENDED** that a double white centre line be painted over the crest in Keen Street in front of Repco.

TAC38/99 **FURTHER RECOMMENDED** that the writer be advised that Council could see no obvious reason why Keen Street would be used as a short cut, and as a result little could be done.

3. **Goonellabah Public School;** sending information gathered by the Safer Routes to School Programme for the Committee's action. (S342:99-2947)

Mr MacDonald advised that he and Snr Const Buckley had met with the Principal of Goonellabah Public School to discuss the various issues that had been raised. As a result it is suggested that the footpath along the eastern side of Jubilee Avenue, north of McDermott Avenue, be extended to the next driveway and that a pedestrian refuge be installed opposite and linked to the existing footpath on the western side of Jubilee Avenue, once funding had been identified. It was noted that the poor road alignment and lack of kerb and guttering on the eastern side of Jubilee Avenue had been included in projects in recent years but had failed to attract funding. This would be referred to Council's Manager of Roads and Infrastructure for consideration of inclusion in a future program. It was noted that the extension of the footpath along the western side of Jubilee Avenue up to Oliver Avenue had been included in Council's next footpath construction program.

It was felt that little could be done to alleviate the amount of traffic using Jubilee Avenue until such time as the link road was constructed from Lombardo's Roundabout across to Oliver Avenue. The Chairperson pointed out that Council may have to partly fund its construction. It was recognised that hundreds of motorists carried out the U-turn maneuver at the intersection of Ballina Road and Jubilee Avenue each week without incident, however, it was acknowledged that this could be confusing to children using the existing refuge in Jubilee Avenue. It was suggested that a duplicate refuge further south in Jubilee Avenue would reduce any possible conflict, however, this would also mean that the bus zone would also need to be relocated further south, reducing available parking for visitor and school staff. It was suggested that this proposal be put back to the school for comment. Mr MacDonald also advised that the 'School Zone' patches would be installed on the road in Jubilee Avenue within the next few weeks.

TAC39/99 **RECOMMENDED** that actions be instigated in accordance with the above and Goonellabah Primary School be advised accordingly.

4. **Mrs D Barnett & Others;** writing to voice concerns about the traffic island outside Caroon Nursing Home on Rous Road. (R6610:99-3705)
It was noted that the median was installed as a result of a DA condition imposed on the developers of the Caroon Homes extension. It was important that right turns into and out of the northern most access continued to be denied and the median was the only way this could be achieved with any certainty. The roundabout at the intersection of Rous Road and Oliver Avenue was in close proximity to the effected residences on the eastern side of Rous Road to use as an alternative route back into town.
TAC40/99 **RECOMMENDED** that the writer be advised that Council considers the median should remain for reasons of safety.
5. **Roads & Traffic Authority;** sending information regarding RTA Management Directorate - Footpath Extensions. (S342:99-2196)
There was considerable concern that the RTA was initiating these guidelines and insisting that marked pedestrian crossings be installed at all pedestrian crossing points, such as the mid-block crossing in Woodlark Street. This was contrary to previous advice from the Authority that such locations would not be effected. Mr Baldwin undertook to fully investigate the intention of the guidelines and report back to the next meeting.
TAC41/99 **RECOMMENDED** that the above be noted.
6. **Mrs Edith Graham;** writing to request a speed bump in Sunset Drive. (R6524:99-3977)
Sunset Drive was not a known problem area for speeding vehicles and in any case Council had previously resolved that no additional speed bumps be installed in through roads. Police had taken note of the complaint and would include the area in patrols when possible.
TAC42/99 **RECOMMENDED** that the writer be advised accordingly.
7. **Nimbin Police Station;** forwarding copy of form from Nimbin Hemp Embassy for a public assembly (Nimbin Mardi Grass). (S336:99-3961)
In light of Council's resolution it was assumed that approval would not be given.
8. **Rotary Club of Lismore West;** forwarding information from its members on "black spots" in the Lismore area. (S596:99-3963)
The Rotary Club had provided a list of suggested improvements in relation to traffic safety.
1) Double white lines should be installed only on bends in High Street where previous linemarking existed and had faded. Other locations would impact on roadside parking.
2) A pedestrian crossing was not considered warranted at the intersection of Simes Street and Beardow Street, however, there was a need to upgrade footpath approaches to these roads to provide a continuous link. This would be forwarded to Council's Manager of Roads & Infrastructure for inclusion in future works.
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3), 4) & 9) Trees obscuring vision at the intersection of Gum Tree Drive and James Road, Beardow Street East and O'Flynn Street and Ballina Street and Dibbs Street would be referred to Council's Parks & Gardens Manager for appropriate action.

5) Council had already resolved that a 'Give Way' be installed in Arthur Road at its intersection with Rosebank Road.

6) Traffic domes were no longer considered a safe device, however, it was felt that larger tear drop medians that included 'keep left' or 'give way' signs might be more appropriate. These would be investigated.

7) This item had been raised on a number of occasions in the past and letters had been written to the owner of the property on the corner of Walker Street and College Street requesting that the offending trees be removed without success. Mr Baldwin advised that the RTA could do nothing as the trees were on private property. Contact will again be made with the owner, pointing out the current dangers and offering Council's services to remove or lop the offending trees.

8) Roadworks were currently underway at the bottom of Industry Drive to improve road widths and drainage.

10) The intersection of Bangalow Road and Lagoon Grass Road would be upgraded as part of the proposed link road up to Pineapple Road. However, in the shorter term investigations would be carried out as to whether the Lagoon Grass Road side of the intersection could be widened to allow a centre line shift to provide room for through vehicles to drive around motorists propped to turn right into Lagoon Grass Road.

TAC43/99 **RECOMMENDED** that the above actions be noted and the writer be advised accordingly.

9. **Northern Rivers Pathology Service;** requesting that two carspaces outside the Pathology Service be monitored as they are being used all day. (P9870:99-3799)
The Committee noted Councils resolutions 95/99, 96/99 & 97/99

TAC44/99 **RECOMMENDED** that the existing faded 'No Standing' signs be replaced and a white line be painted out from each sign to help define the area.

10. **Tregeagle P & C Association**
Mr MacDonald advised that he had received a letter from the Association regarding problems with several bus stop areas in Goonellabah. As there had been insufficient time to investigate these matters, it was recommended that the letter be resubmitted to the next meeting.

TAC45/99 **RECOMMENDED** that the letter be resubmitted to April's meeting.

General Business

11. Proposed Traffic Facilities

Intersection of Johnston Road and Eltham Road - some Section 94 funding exists that could be used to install facilities at the above intersection. Plans will be tabled for discussion.

Three options were tabled for proposed facilities, two being roundabouts and the third being a T-Junction design. Speed through the village of Eltham had been raised on many occasions in the past and option 2 which was the roundabout proposal with the greatest deflection was considered the most appropriate.

TAC46/99 **RECOMMENDED** that option 2 roundabout be constructed provided funds were available.

12. Nimbin Police Station

Request for erection of "No Standing" signs either side of driveway to Police Station.

Sgt Plush of Nimbin Police has advised that problems had been experienced on occasions with motorists parking close to the driveway entrance.

TAC47/99 **RECOMMENDED** that 'No Standing' signs be erected either side of the driveway entrance to the Nimbin Police Station.

13. Rowing Club Carpark

To discuss future options such as all day parking or paid parking. (P15856)

There was considerable debate on the pro's and con's of paid parking with Cr Gallen indicating that he was not in favour such a proposal. Mr MacDonald advised that business people had been canvassed by the Law Enforcement Officers during their normal patrols of the CBD and there appeared to be wide support for paid parking. If parking reverts back to all day parking it would undoubtedly be once again occupied by employees as was to case previously. The advantage of charging say \$1 per day or 20c per hour means that at least Council sees some return. Based on installing two paid parking machines within the carpark at a cost of approx. \$7,500 per machine, Council would recoup the cost within twelve months even if the carpark was only half full. Once the initial outlay was recovered, funds could be expended on additional security measures such as upgrading lighting and installing safety cameras. Council would need to apply for permission from the Police Commissioner to implement the paid parking proposal.

TAC48/99 **RECOMMENDED** that paid parking be introduced in the Rowing Club Carpark for a trial period of twelve months and its success be reviewed at that time.

14. **Sheridan Drive**

Traffic calming proposal - Mr MacDonald to advise outcome of on-site meeting.

(R6512)

Mr MacDonald advised that he and Snr Const. Buckley had met with residents on site to discuss the proposed traffic calming measures. The results of the survey sent to residents indicated that there was not a clear majority in favour of the proposal. It would appear that there was only a very small number of locals causing problems and residents were advised at the meeting that if number plate information was available, Police would follow up with the personal approach to the offender. Police would also continue to patrol the area. As a result of the survey indicated that a majority of residents were not in favour of the traffic calming proposal, it was decided not to take any further information.

TAC49/99 **RECOMMENDED** that no further action be taken.

15. **Top end access to the University**

Members had noted that traffic congestion in Dalley Street during peak periods now stretches for the full length of the street to Wyrallah Road. It was imperative that the top end access be constructed at the earliest opportunity to relieve pressure from Dalley Street and Military Road.

TAC50/99 **RECOMMENDED** that this matter be pursued with the University as a matter of urgency.

16. **Proposed Traffic Facilities between Brunswick Street and Keen Street**

A plan was tabled at the meeting showing a protected right turn bay in Brunswick Street into Keen Street and included a reversal of the current one way in Keen Street. The installation of stop signs at the intersection of Keen Street and Orion Street with Keen Street having priority was also part of the proposal. The overall proposal was necessary because of the continuing congestion on Dawson Street and Brunswick Street as a result of the large number of students crossing Dawson Street. If the underpass was to proceed it would reduce the need to take such measures.

TAC51/99 **RECOMMENDED** that if funding was not forthcoming for the proposed underpass, that the proposal as outlined above be implemented.

17. **Magellan Street - between Carrington Street and Keen Street**

Cr Gates proposed that the existing one way in the above section of Magellan Street be reversed to allow traffic to enter from Keen Street. The existing east bound flow could be retained in the parking section. Obviously some roadworks would be required at each end to accommodate two way traffic.

TAC52/99 **RECOMMENDED** that the proposal be referred to Council's Design Manager for further investigation and a report be given back to the Committee.

18. Camping in Nimbin streets

Cr Gates raised concerns regarding problems with motorists camping in their vehicles while parked on the street within Nimbin CBD. It was suggested that a way of overcoming the problem may be to impose a half hour parking restriction between the hours of 1am and 6am. These times could be included on existing parking signs and would only be in areas where existing restrictions applied.

TAC53/99

RECOMMENDED that the above times be included on existing parking signs within the Nimbin CBD.

Note: This item was not discussed at meeting - late addition. The proposal was put to key members after meeting with no objection.

19. Change of date for April meeting

Mr Baldwin requested consideration of a change in meeting date for the April meeting as a RTA representative would not be available on April 21, 1999.

The next meeting of the Committee will be at 10am on April 28, 1999.

This concluded the business and the meeting terminated at 12.15pm.

CHAIRPERSON

TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE
HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, MARCH 16, 1999 AT
6.00PM.

Present: Her Worship the Mayor, Councillor Irwin; Councillors Champion, Cole, Crowther, Gallen, Gates, King, Larsen, Roberts, Swientek (from 6.04pm) and Wilson (from 6.52pm), together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Strategic Planning (Helen Manning), Waste Strategy Officer (Gordon Fraser-Quick), Environmental Health Education Officer (Nicole Greenwood), Manager-Waste Services (Kieran Wade), Contracts Officer (Chris Allison) and Manager-Administrative Services.

81/99 Apologies/ An apology for non-attendance on behalf of Councillor Riddell was
Leave of received and accepted.
Absence: (Councillors Swientek/Gates)

82/99 **Voting Against:** Councillors Irwin, Roberts and Larsen.
Leave of absence was granted to Councillor Larsen from March
22-26, 1999.
(Councillors King/Cole)

83/99 Minutes: The Minutes of the Ordinary Meeting held on February 23, 1999,
were confirmed, subject to it being noted that Councillor Crowther
voted for resolution 51/99.
(Councillors Roberts/Larsen)

84/99 The Minutes of the Resumed Ordinary Meeting held on March 2,
1999 were confirmed.
(Councillors Larsen/Roberts)

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 Phil Utting re Rescission Notice and Notice of Motion - Nimbin Mardi Grass

(See Minute Nos. 85/99)

Mr Utting referred to the previous decision of Council and indicated his support for it. He raised concern about any closure of Cullen Street and objected to the full closure of Sibley Street, suggesting closure of one lane would be sufficient. He mentioned the lack of support from the Police to carry out Council decisions, and urged Council to continue to be disassociated from the Festival.

(99-3479: 99-3615: R1703, S74,)

RESCISSION MOTION:

Nimbin Mardi Grass

(Copy attached)

Formal notice having been given by Councillors Roberts, Wilson and Irwin it was MOVED that in relation to resolution 49/99, Point 1, Council rescind its decision not to allow closure of Sibley Street.

(Councillors Roberts/Irwin)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Larsen, Champion, King, Cole, Swientek, Gates and Crowther.

85/99

RESOLVED that Council correspond with Sergeant Plush and indicate that Council has no material or information in its possession to indicate the potential of any risk or danger in the event that the street is not closed for traffic and inviting the Sergeant to exercise his powers under Section 23 of the Traffic Act 1909 if he perceives the existence of any danger during the Mardi Grass if the road is not closed.

(Councillors Gates/Larsen)

Voting Against: Councillors Irwin, Roberts and Gallen.

(99-3479: R1703,S74)

NOTICE OF MOTIONS:

At this juncture (6.52pm) Councillor Wilson attended the meeting.

Wyrallah Road - Proposed Reconstruction

(Copy attached)

Formal notice having been given by Councillor Gates it was MOVED that Council reconstruct the section of Wyrallah Road from Rosedale Square south to the Wyrallah Road Public School with minor increases in width using a noise attenuating seal and funding as follows:

- 33% from Waste Management Reserve
- 33% from Road Reseal Funds
- 33% from the Special Road Rate

(Councillors Gates/Crowther)

AN AMENDMENT WAS MOVED that funding to reconstruct the section of Wyrallah Road from Rosedale Square south to the Wyrallah Road Public School with minor increases in width using a noise attenuating seal be given a high priority in the Capital Works Program when Council considers the 1999/2000 Management Plan and funding be considered from both General Fund and Waste Management Reserves.

(Councillors Champion/Cole)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillors Irwin, Roberts, Larsen, Wilson, King, Cole, Swientek, Gallen and Gates.

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Irwin, Roberts, Larsen, Wilson, Champion, King, Cole, Swientek, Gallen and Crowther.

A FORESHADOWED MOTION WAS MOVED that the proposal to reconstruct the section of Wyrallah Road from Rosedale Square south to the Wyrallah Road Public School with minor increases in width using a noise attenuating seal be added to the 1999/2000 Management Plan for consideration.

(Councillors King/Larsen)

86/99 RESOLVED that the proposal to reconstruct the section of Wyrallah Road from Rosedale Square south to the Wyrallah Road Public School with minor increases in width using a noise attenuating seal be added to the 1999/2000 Management Plan for consideration.

(Councillors King/Larsen)

(99-3307: R5201)

Injunction Procedures - Mardi Grass

(Copy attached)

Formal notice having been given by Councillor Gates it was MOVED that -

- 1 Council authorise the General Manager to initiate injunction proceedings or other appropriate legal action, if considered necessary, against appropriate organisations or individuals to prevent the Mardi Grass event being promoted or organised. This authorisation would not apply if a development application is lodged or consent sought unless, in the event of the development application being approved, there was doubt that conditions would not be complied with or bonded to ensure compliance.
- 2 Further, that Council seek the advice and assistance from the Environmental Protection Agency to deal with impacts upon effluent quality from Council's sewerage treatment works caused by shock loading should the Mardi Grass proceed.

(Councillors Gates)

The motion LAPSED for want of a seconder.

(99-3615: S74)

REPORTS:

Organic Resource Recovery, Reprocessing, Marketing and Supply and Delivery of 140 Litre Mobile Garbage Bins

(Copy attached)

87/99 RESOLVED that the report be received and -

- 1 That the contract for the provision for organic (waste) resource recovery, reprocessing and marketing service be awarded to Nature-Tec Pty Ltd for the lump sum amount of \$30,000.00 per annum, subject to annual indexation rises, for a five year period with an option to extend the service for a further two (2) one year periods.
- 2 That the contract for the provision for the supply and delivery of 140 litre MGB's be awarded to Otto Plastics (NSW) Pty Ltd, Option B 140 litre Mekam bins, for the lump sum of \$432,185.00, but no action be taken until such time as the contract with Nature-Tec is signed and assurance given that it will not withdraw from the contract.
- 3 Council staff continue to monitor changes in technology which may enhance the current reprocessing of organics and report to Council as appropriate.

(Councillors Roberts/Larsen)

Voting Against: Councillors Gates and Crowther.

Dissenting Vote:

Councillor Gates. (T99009)

Draft Lismore Local Environmental Plan 1999 and new Draft Development Control Plans

(Copy attached)

88/99 RESOLVED that the report be received and -

- 1 Pursuant to Section 54 of the Environmental Planning and Assessment Act, Council resolve to prepare Draft Lismore Local Environmental Plan 1999 and inform the Department of Urban Affairs and Planning of its decision.
- 2 Exhibit the proposed draft LEP in accordance with the Best Practice Guideline published by the Department of Urban Affairs and Planning in January 1997 titled "LEP's and Council land Guideline for Council using Delegated Powers to Prepare LEP's Involving Land that is or was Previously owned or controlled by Council", subject to the deletion of Clause 35(c) from the Draft LEP.
- 3 Pursuant to Section 72 of the Act, prepare and exhibit Development Control Plans No. 39, 40 and 41.

(Councillors Roberts/Wilson) (S734)

Plan of Management - Weston Park

(Copy attached)

A MOTION WAS MOVED that the report be received and -

- 1 Council adopt the Plan of Management for Weston Park as per the Draft Plan and pursue the implementation of relevant recommendations.
- 2 Council congratulate Mr Edwards for a high quality report and the manner in which he has approached this task.

(Councillors Gallen/Larsen)

AN AMENDMENT WAS MOVED that consideration of this matter be deferred to the next meeting of Council to ensure late issues raised by St. Carthage's Cathedral Parish have been addressed.

(Councillors Swientek/King)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillors Irwin, Roberts, Larsen, Wilson, Champion, Cole, Gallen, Gates and Crowther.

89/99 RESOLVED that the report be received and -

- 1 Council adopt the Plan of Management for Weston Park as per the Draft Plan and pursue the implementation of relevant recommendations.
- 2 Council congratulate Mr Edwards for a high quality report and the manner in which he has approached this task.

(Councillors Gallen/Larsen)

Voting Against: Councillor Swientek.

(S708)

Goonellabah Sports & Leisure Centre

(Copy attached)

A MOTION WAS MOVED that the report be received and -

- 1 That Council agree, in principle, to the development of an indoor sports and leisure centre in Goonellabah.

- 2 That Council commence investigations on location, user needs, funding, design and cost.
- 3 That a Progress Report be submitted to Council in three (3) months time.
- 4 These investigations include an outdoor 25 metre recreational swimming facility.
(Councillors Roberts/Cole)

AN AMENDMENT WAS MOVED that the report be received and -

- 1 That Council agree, in principle, to the development of an indoor sports and leisure centre in Goonellabah.
- 2 That Council commence investigations on location, user needs, funding, design and cost.
- 3 That a Progress Report be submitted to Council in three (3) months time.
- 4 These investigations include an outdoor 25 metre recreational swimming facility.
- 5 Council include in the 1999/2000 Budget Estimates funding from loan funds for the design and construction of the Centre.
(Councillors Swientek/Gallen)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillors Irwin, Roberts, Larsen, Wilson, Champion, King, Cole, Gates and Crowther.

A FORESHADOWED AMENDMENT WAS MOVED that the report be received and -

- 1 That Council agree, in principle, to the development of an indoor sports and leisure centre in Goonellabah.
- 2 That Council commence investigations on user needs, funding, design and cost.
- 3 That a Progress Report be submitted to Council in three (3) months time.
(Councillors Crowther/Larsen)

On submission to the meeting the FORESHADOWED AMENDMENT was DEFEATED.

Voting Against: Councillors Roberts, Wilson, Champion, Swientek, Gallen and Gates.

90/99 RESOLVED that the report be received and -

- 1 That Council agree, in principle, to the development of an indoor sports and leisure centre in Goonellabah.
- 2 That Council commence investigations on location, user needs, funding, design and cost.
- 3 That a Progress Report be submitted to Council in three (3) months time.
- 4 These investigations include an outdoor 25 metre recreational swimming facility.
(Councillors Roberts/Cole)

Voting Against: Councillors Larsen, King, Cole and Crowther. (S736)

Section 94 Levies Update

(Copy attached)

A MOTION WAS MOVED that the report be received and -

- 1 The contents be noted.
- 2 Further advice be sought in relation to the potential for Council to make ex-gratia payments to developers to give effect to a reduction in Section 94 developer contributions in accordance with the revised Section 94 Plan.

- 3 Council's Finance Section provide a report on the future implications of Council's budget and what level of rate increase Council would have to impose, if any, as a result of increasing demand by new development with the reduced developer contribution as proposed by the 50% reduction in Section 94 levies.
(Councillors Swientek/Gallen)

AN AMENDMENT WAS MOVED that the report be received and -

- 1 The contents be noted.
- 2 That Council proceed forthwith to review its Section 94 Plan and put it on display.
- 3 Following revision and adoption of the new Section 94 Plan, Council publicly promote that a 50% reduction in Section 94 levies can be obtained by previously approved development applications not yet activated by lodging a new development application.

(Councillors Wilson/Champion)

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

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

91/99 RESOLVED that the report be received and -

- 1 The contents be noted.
- 2 That Council proceed forthwith to review its Section 94 Plan and put it on display.
- 3 Following revision and adoption of the new Section 94 Plan, Council publicly promote that a 50% reduction in Section 94 levies can be obtained by previously approved development applications not yet activated by lodging a new development application.

(Councillors Wilson/Champion)

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

(S517)

Bequeath of Land for Koala Reserve

(Copy attached)

92/99 RESOLVED that the report be received and -

- 1 That Council accept the offer of land from Mr Keith McLeay and lodge a SEPP 1 subdivision development application with all costs being met by Council.
- 2 That the Manager Property Services proceed with survey and registration of the nominated parcel using Section 94 "Urban Bushland Acquisition and Embellishment" fund (4722.3).
- 3 That the reserve be included for works in the next round of Work for the Dole program.
- 4 That signage be provided at the entrance to the reserve indicating the name as "Robert McLeay Koala Reserve".
- 5 That Council thank Mr McLeay for his very generous offer to Council.

(Councillors Crowther/Wilson)

Voting Against: Councillors Champion, King and Gates.

(P26197)

Disposal Of Surplus Council Urban Property

(Copy attached)

93/99 RESOLVED that the report be received and -

- 1 a) That **Lot 23 in DP 829442** being 15 Westview Drive, Goonellabah, be reclassified to Operational status by amendment to the Lismore Local Environmental Plan.
- b) That Council, on notification of such LEP amendment approval (**Gazette Notice**), sell the said **Lot 23** and arrange through Council's Solicitors to place **restrictive covenants** over the said land similar to those pertaining to surrounding lots.
- c) That Council request its legal adviser to include in such covenant a clause that the land **should only be designated for single dwelling development**.
- 2 a) That **Lot 29 in DP 262148**, being 3 Barr Scott Drive, Lismore Heights, be reclassified to Operational status by amendment to the Lismore Local Environmental Plan.
- b) That Council, on notification of such LEP amendment approval (**Gazette Notice**), sell the said **Lot 29** and arrange through Council's Solicitors to place a height restriction covenant on any new dwelling so that the **view lines** of the adjoining High Street residents are maintained, together with a covenant which will require preservation of existing trees along the south-western and eastern boundaries of **Lot 29 DP 262148**, not to be removed except with the prior approval of Lismore City Council.
- c) That Council request its legal adviser to include in such covenant a clause that the land **should only be designated for single dwelling development**.
- 3 a) That **Lot 22 in DP 701863**, being 45 Wilson Street, South Lismore (RSL Hall site) be reclassified to Operational status by amendment to Lismore Local Environmental Plan, and that Council undertake discussions with the RSL Sub-Branch so to agree to the "**conditions of sale**" for the site and the buildings erected thereon in order that, upon re-classification being approved, the sale can proceed without further delay.
- 4 That the General Manager be authorised to finalise the sale of these allotments following reclassification, and the Contracts of Sale and Transfers be executed under Common Seal of the Council.

(Councillors Roberts/King)

Voting Against: Councillor Wilson.

(P23555, P1020, P18746, S367)

Constitutional Convention Representatives

(Copy attached)

94/99

RESOLVED that the report be received and Council -

- 1 Participate in this Forum scheduled for April 29 and 30, 1999 due to its significant contribution towards proposed constitutional change and the referendum later this year.
- 2 Council nominate Councillor Irwin and Gerard Mackney as its representatives.
- 3 Funding come from Councillor Professional Development and Other Civic expenditure items.

(Councillors Crowther/Cole) (S17)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 17/2/99

(Copy attached)

95/99 RESOLVED that the minutes be received and the recommendations contained therein be adopted, excluding Clauses 12, 22 and 23.

(Councillors Gallen/Larsen)

▪ Clause 12 (TAC15/99 - Nimbin Hemp Embassy)

96/99 RESOLVED that Council receive and note the advice.

(Councillors Gates/Larsen)

At this juncture (8.55pm) Councillor Wilson left the meeting.

▪ Clause 22 (TAC25-26/99 - Ballina Street Traffic Management Plan)

97/99 RESOLVED that -

1 Council adopt the overall traffic plan of proposed facilities for the section of Ballina Street between Dibbs Street and Wyrallah Road which should be included in future works programs upon availability of funds.

2 The median extension along Ballina Street, through the intersection of Hunter Street/Second Avenue should be installed at the earliest opportunity.

(Councillors Roberts/Larsen)

▪ Clause 23 (TAC27/99 - Stephen Jones - 265 Martin Road, Larnook)

98/99 RESOLVED that Council recommend to the Traffic Advisory Committee that it seek the approval of the Minister to reduce the speed limit to 80kph.

(Councillors Roberts/Larsen)

(S352)

DOCUMENTS FOR SIGNING AND SEALING:

99/99 RESOLVED that the following document be executed under the Common Seal of Council:

Agreement Between Council and B J Grey - Railway Track at Heritage Park

Agreement for 2 years from February 1, 1999 to January 31, 2001 - Licence to operate.

(P675)

(Councillors Crowther/Larsen)

This concluded the business and the meeting terminated at 9.15 pm.

CONFIRMED this 30TH day of MARCH, 1999 at which meeting the signature herein was subscribed.

MAYOR

