

# COUNCIL Business Paper



**LISMORE**  
*City Council*

**April 27, 1999**

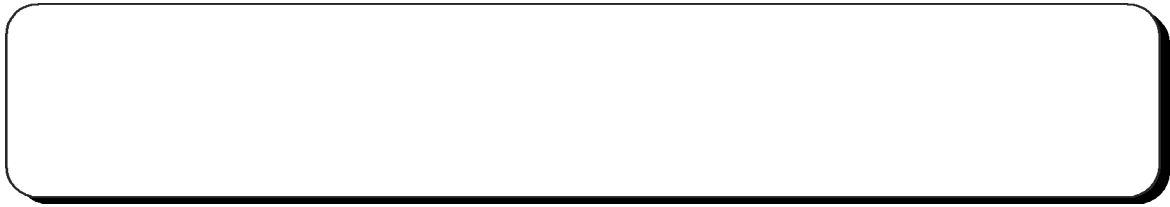


## NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, APRIL 27, 1999, at 6.00pm and members of Council are requested to attend.

(Phil Sarin)  
ACTING GENERAL MANAGER

April 20, 1999



PUBLIC ACCESS SESSION:

PAGE NO.

Mr Paul Recher re Report - Lismore Contributions Plan 1999  
(Heads of Agreement - Aquatic Centre)

Ms Katie Paterson re Report - Lismore Contributions Plan 1999

PUBLIC QUESTION TIME:

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE - Councillor Champion

CONFIRMATION OF MINUTES - 30/3/99

CONDOLENCES

DISCLOSURE OF INTEREST

MAYORAL MINUTES

NOTICES OF RESCISSION

NOTICES OF MOTION

SUSPENSION OF STANDING ORDERS

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

REPORTS

1 - 34

COMMITTEE RECOMMENDATIONS

DOCUMENTS FOR SIGNING AND SEALING

35

QUESTIONS WITHOUT NOTICE

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE



REPORTS:	<u>PAGE NO.</u>
Terania Creek Road	1 - 3
Lismore Contributions Plan 1999	4 - 6
Neighbourhood Centres Sites Study	7 - 9
Management of Clunes Old School Site	10 - 12
Nimbin Caravan & Holiday Park and Swimming Pool Complex - Management Options	13 - 20
Participation in Work for the Dole Scheme	21 - 23
Joint Library and Regional Art Gallery	24 - 27
Executive Member - Richmond Tweed Regional Library	28 - 29
Review of Policies	30 - 33
Payment of Expenses and Provision of Facilities Policy	34
<u>Committee Recommendations:</u>	
<u>Documents for Signing and Sealing:</u>	35
<u>Questions Without Notice:</u>	
<u>CONFIDENTIAL MATTERS - Committee of the Whole:</u>	

Subject/File No: TERANIA CREEK ROAD  
(GJH/CA: R335)

Prepared By: Manager - Roads & Infrastructure - Garry Hemsworth

Reason: Council request at its meeting of March 30, 1999

Objective: To investigate whether it is appropriate to divert FAG's funding from the Urban Arterial Road Network to sealing of Terania Creek Road.

Management Plan Activity: Rural Roads

---

Background:

The current period of wet weather is causing havoc with our road network. There are very serious problems with both the sealed and unsealed networks.

Last Council meeting Mr David Tomlinson from the Terania Creek Road Committee addressed Council regarding the problems being experienced on Terania Creek Road. That Committee has gone to the trouble of engaging an independent consulting engineer to provide advice regarding the condition of Terania Creek Road. Most of his findings regarding quality of material, drainage and grading frequency cannot be disputed. The reason, however, for these circumstances is purely a lack of funding.

Terania Creek has evolved from a logging track. It is in steep, slip-prone terrain with high rainfall. Substantial capital has never really been invested in the road to produce adequate drainage or alignment. To expect the meagre amount of maintenance money available each year to address these major problems is unrealistic. Funding is not available to:

- add material
- to produce satisfactory crossfalls
- increase side arm slashing
- or clean out drains more often.

Following a Council resolution in August 1997 a consulting engineer was engaged by Council to develop a staged programme of works in consultation with the Terania Creek Road Committee and try to secure funding from various State and Federal Government sources. Unfortunately this exercise to obtain additional funds was unsuccessful.

A whole of life costing analysis would show it is more cost efficient to construct a sealed road. City Works staff would be happy to seal the road for this reason but also to reduce the ongoing impact of the environment and stop the drain on Council resources attending to various issues associated with this road.

Last financial year approximately \$120,000 was spent on Terania Creek Road. The grade of one very steep hill was reduced, some culverts extended, extensive vegetation control and some gravel resheeting was undertaken. This illustrates that a very large investment of capital is required to substantially improve Terania Creek Road.

---

### **Staged Construction**

The most cost effective use of funds on Terania Creek Road is to extend the seal a further 3.6km to Ross Road. This section of the road carries the most traffic and therefore requires the most maintenance to maintain a satisfactory travelling surface. Given its existing width, alignment and pavement depth, it is the cheapest section in terms of cost per square metre to bring up to a sealed standard.

The estimated cost to extend the seal 3.6km up to Ross Road is \$400,000. It should be noted this is a minimum standard road. The existing material will be stabilised, no major widening or realignment is proposed (only one curve will have significant earthworks to provide improved sight distance) and no guard rail has been costed.

The remainder of the road requires substantial earthworks and upgrading is in the order of \$2.5M.

### **Funding**

The resolution of Council was *“that money set aside from FAG’s for Skyline Road be considered for diversion to Terania Creek Road..”*.

The basis of Council’s Urban Works - Section 94 Plan is that developers contribute 50% towards a programme of work and Council contributes the other 50%. Council’s contribution can take various forms including Federal Assistance Grants, RTA grants, Federal Blackspot grants etc. The exact balance as to whether matching developer/Council funds exist in the Section 94 is not known at this point in time and will not be determined until after Council resolves to adopt or otherwise the revised Section 94 Plan which is also before Council this meeting.

To answer Council’s resolution above, there is at least \$400,000 of funds Council has contributed as its share to the current Section 94 Urban Roads Plan which could be diverted to Terania Creek Road. However, given the exact status of the fund is unknown, it would be prudent to postpone any decision until after the revised Section 94 Plan is adopted and the exact status can be determined.

### **Road Priorities**

The wet weather we have experienced in the last few months has caused some roads to deteriorate very quickly. Roads such as Pinchin Road, the sealed section of Tuntable Creek Road and Terania Creek, Tatham Road and Blue Knob Road were not previously in our forward works programme but are now in need of urgent attention. The situation is changing on a weekly basis. At this point in time it is very difficult to set a priority of works. When this current wet period stops, the damage should be assessed and a new priority list drawn up.

It is recommended a committee including Councillors and Group Manager - City Works prepare a priority listing of works for consideration in the upcoming budget process. This process was used last year to determine Council’s 10 worst roads for the rural and urban area.

Acting Manager - Financial Services Comments

I would concur with the view expressed by the Manager - Roads & Infrastructure in that:-

- a) until the historical financial impact of the S94 Urban Arterial Roads Plan review is assessed, it is impossible to reasonably identify how much is available in unexpended FAGS funds,
- b) with the current weather creating havoc on our road system, it would be appropriate to reassess 'priorities' rather than just determining 'ad hoc' that we should carry out major works on Terania Creek Road.

If we carry out these assessments, we would be in a better position to provide Council with all the information needed to make an informed decision.

Other Group Comments Not required

Conclusion

The available sources of road funding need to be clarified. The full repercussions of diverting funds from Council's contribution to the current Section 94 Plan will not be known until the Revised Plan is adopted and the status of developer versus Council contributions determined.

A priority listing of roads needs to be determined which considers the comparison of all roads at the one time.

Recommendation (WOR13)

- 1 That a decision to divert funds from Council's contribution to the current Section 94 Urban Road Plan be deferred until the revised Section 94 Plan is adopted by Council.
- 2 That a Committee including at least two Councillors and the Group Manager - City Works determine a priority listing of roads for consideration in the 1999/2000 budget process.

Subject/File No: LISMORE CONTRIBUTIONS PLAN 1999  
(PS: S517)

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

Reason: Council request.

Objective: Repeal the existing Section 94 Contributions Plan and replace it with the Lismore Contributions Plan 1999.

Management Plan Activity: Strategic Planning

---

Background:

At the Council meeting on February 23, 1999 Council resolved, among other things, that “*the revised Section 94 Plan to be presented to Council achieves a levy reduction target of 50% across all Plan components and the revised Plan be reported back to Council by April 27, 1999.*”

The revised Plan has been submitted under separate cover as an attachment to this report with other supporting information on transitional arrangements.

**The Revised Plan**

The revised Plan is essentially in the same form as the current Plan. As was outlined to Council previously, this exercise has not been a ‘back to the drawing board’ approach, rather a ‘tidy-up’ of the current Plan and the introduction of additional information to support the rationale behind the need to levy for contributions. There is some doubt that Section 94 of the Act will remain, at least in its present configuration, given the State Government’s consideration of a report into its effectiveness last year. A number of alternatives to the present method of levying for developer contributions are being openly discussed. Consequently, a comprehensive review of the current Plan may well have been a misdirected use of resources at this time.

New research has been limited to collecting information on population data and developing new projections for population growth and new dwelling/ET commencements to the year 2006.

A medium growth rate projection scenario has been used given that we have been in a low growth phase for the past few years and are likely to move into higher growth phase over the next decade. Even using this scenario, the expected increases are still reasonably conservative and substantially lower than those forecast for the current timeframe in the existing Plan.

Features

**Payment of Contributions**

The timing of payments for new projects involving new construction has been changed from ‘prior to issue of the Construction Certificate’ to ‘**prior to the release of the Occupation Certificate**’. This will give developers the benefit of not having to make payments up front before construction work has commenced but rather before the premises/facility is ready for occupation. This is a fairer approach as it is not until a new development is completed and in use that it begins to impact on existing community infrastructure.



The criteria relating to deferred and periodic payments has been expanded in relation to the operation and use of bank guarantees. In addition, Council will be able to consider other means to secure the payment of contributions such as the use of public positive covenants and mortgages under particular circumstances. These options will give developers a greater choice in how to structure their financial arrangements for particular projects.

### **Indexing of Contributions**

It is proposed to replace the Sydney based Building Price Index (BPI) with the Sydney based Consumer Price Index (CPI) as the standard from which yearly adjustments will be made to the contribution rate. This will bring Lismore into line with the majority of Councils across the State.

The BPI is a much more 'volatile' measure of cost increases than the CPI in terms of fluctuations and the source of much criticism because of this fact. In addition, there is a wide-held view that the reason for the significant increases in the BPI over the past few years is due to the direct and indirect construction activity attributable to the Sydney Olympics.

A 'local' method of indexing contributions was investigated but would have required resources to maintain. In addition, many products, which are used in local construction, are sourced from major capital city suppliers anyway and the reliability of using a smaller sample of local suppliers for data input upon which to base cost increases would have been too variable.

The CPI is a reasonably stable indicator and adequate for measuring general increases across a wide range of products and services.

### **Format/Content**

Apart from a few exceptions, the timing for the progressive completion of works listed in the new Plan has been linked to the growth in completed dwellings/ETs rather than a specific year or range of years, as is the arrangement in the current Plan. This provides Council with greater flexibility in the implementation of works and links the staged development of works directly to the rate of growth in each catchment. For this system to work it will be necessary to record the number of new dwellings/entitlements and ETs created for each catchment when contributions are received.

A new part called Transport has been introduced in the new Plan which is a collection of the works, services and facilities compiled from the current arterial roads, rural roads, footpaths/cycleways and car parking sections and specific 'transport' type items listed under existing community facilities sections (eg bus shelters).

In most cases, the projects listed in the new Plan are those which have not been completed in the current Plan. There are very few 'new' projects listed in the revised works schedules.

The projects listed in the current Citywide Open Space and Community Facilities sections have been rationalised and scaled back given the predicted lower growth rate. What has been transferred to the new Plan is a more modest works programme commensurate with the required target rate reduction in contributions.

A major change is the deletion of the City Centre Upgrading Section, which, as outlined in the 'Transitional Arrangements' attachment, has generated very little in the way of funds over the past five years. This is largely due to small growth in retail, commercial and industrial development and its the heavily discounted application across citywide development.

### **Transitional Arrangements**

Supporting information, which is of a financial and Plan content nature, is contained in this summary document which is attached to the Business Paper. It is intended that this document be included with the revised Plan which is to placed on public exhibition.

A decision Council will be required to make when it resolves to adopt the new Plan is whether or not to 'write off' the negative balance attributable to some of the current Plan components, which totals \$41,075 as at March 25, 1999. I believe this will be probably be necessary as Council will be repealing the current Plan and adopting a new one. Further advice will be sought on this issue before the final Plan is presented to Council for adoption.

### **Levy Reduction Target**

When one factors in the deletion of the City Centre Upgrading Section and rationalisation of projects the target of a 50% reduction in the level of contributions has been achieved in the draft Lismore Contributions Plan1999. In some catchments this reduction is even greater.

### Public Consultations

The Plan is proposed to be publicly exhibited for 28 days.

### Other Comments

The Section 94 Committee, at its meeting held on April 25, 1999 recommended to Council that the draft Lismore Contributions Plan 1999 be endorsed for public exhibition.

The views of other Groups have been taken into consideration through the input of project team members.

### Conclusion

The revised Plan includes a number of positive changes aimed at making it more flexible, particularly in the area of the payment of contributions and the staging and timing of the provision of works and services. It has also met the Council's 50% target reduction rate for the level of developer contributions across all Plan components. Accordingly, it should now be endorsed for public exhibition purposes.

### Recommendation (PLA32)

That Council endorse the draft Lismore Contributions Plan 1999 for public exhibition purposes and give notice, pursuant to Regulation 27 of the Environmental Planning and Assessment Regulations, 1998 that public submissions to the Plan are welcome for a period of up to 28 days from the date of notice of the exhibition.

---

---

Subject/File No: NEIGHBOURHOOD CENTRES SITES STUDY  
(PS: S725)

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

Reason: Council request.

Objective: Determine an appropriate strategy for the provision of neighbourhood centre facilities for the Goonellabah area.

Management Plan Activity: Strategic Planning

---

Background:

Council members will recall that a rezoning application involving the Holland Street/Ballina Road site was refused consent at a meeting held on the August 25, 1998. Along with consideration of the application Council also resolved that a study be undertaken to determine an appropriate site(s) for the provision of neighbourhood centre(s) in the Goonellabah area.

The Geolink Group was commissioned to undertake the study and their report is provided under separate cover as an attachment to Business Paper.

Study Options/Findings

The study examined the existing retail situation, population and dwelling data, lot vacancy rates, future residential land scenarios, floor space requirements and a number of potential development sites.

Three final options were considered which offered an alternative approach to service the future needs of the Goonellabah area.

They included:

Multi Use Centre  
Decentralised 2,000m<sup>2</sup> Centres  
1,400m<sup>2</sup> community based centres

**Multi Use Centre**

This approach relies upon the Goonellabah Town Centre site to provide for the district and neighbourhood centre functions for the Goonellabah area (ie a large Sub-regional facility similar to the proposal that was approved by Council but never proceeded).

Advantages are the site is already appropriately zoned, access is available, greater variety of services could be offered and viability of the site is likely to be enhanced.

Disadvantages are the catchment area overlaps the Rous Road centre and will not provide an effective and convenient response to the needs of existing and future residents around the fringe of the urban area.

### **Decentralised 2,000m<sup>2</sup> Centres**

This option looks at medium to large sized neighbourhood centres based on a greenfield site with floor space of about 2,000m<sup>2</sup> with associated car parking and landscaping. This option assumes the Goonellabah Town centre site would act a District Centre and also provide neighbourhood level facilities and the Rous Road Centre would continue to operate at existing levels.

Advantages are catchment areas cover about 70% of existing and future residential areas and are generally within discrete topographical catchments, sites are on future major roads to facilitate convenient access from private and public transport.

Disadvantages are the eastern sector of Goonellabah is not well serviced, about 30% of future population precincts are not readily accessible to a decentralised centre, focus is mainly on private transport access to centres.

### **Community Based Centres (1,400m<sup>2</sup> maximum)**

This option looks at the provision of small neighbourhood centres to serve discrete communities, each with a maximum floor space of about 1,400m<sup>2</sup> and associated car parking and landscaping. This option assumes the Goonellabah Town Centre site will operate at a District Centre and Neighbourhood Centre level and the Rous Road Centre continues to operate at its existing level.

Advantages are each centre services a discrete catchment, sites are on future major roads providing good private and public transport access, strong neighbourhood amenity and value, pedestrian orientated approach, provides a comprehensive neighbourhood retail coverage for existing and future residents.

Disadvantages are will need to be controlled effectively to ensure maximum floor space is not exceeded otherwise the hierarchy of centres will be compromised.

### **Consultant's Recommendation**

The consultants have recommended that the Community Based Centres option be adopted for the future planning for neighbourhood centre retailing in the Goonellabah area. It provides the greatest advantages from an access, convenience, servicing and community identity perspective.

They have also recommended that the size of these centres be strictly limited and that this be guaranteed through an LEP amendment rather than relying upon a development standard. This could be achieved effectively at the rezoning stage for each proposal.

Other suggestions include appropriate structure planning for the new urban release areas to designate appropriate sites and density for residential development to ensure the Community Based Centres option is viable and sustainable. This can be achieved through amendments to the Urban Development Strategy.

Public Consultations Not required.

Other Group Comments Not sought.

Conclusion

The study has provided the basis for changes to be made to Council's Urban Development Strategy, particularly for the Goonellabah area, and sound, objective recommendations from which to plan for the existing and future retail needs of the Goonellabah community at the neighbourhood level.

Recommendation (PLA33)

Council resolve to:

- 1 Amend the Urban Development Strategy to include reference to the following:
  - future neighbourhood centre sites in the Goonellabah area, as outlined in the study
  - a maximum floor area for each centre of 1,500m<sup>2</sup>
  - a minimum target of an average of 12 dwellings/hectare to be achieved in new release areas.
- 2 Limit the maximum floor space allowed for each neighbourhood centre site, through amendments to the LEP, when determining rezoning applications for each site.

Subject/File No:       MANAGEMENT OF CLUNES OLD SCHOOL SITE (COSA)  
                                  (17 WALKER STREET, CLUNES)  
                                  (GRD:CD:P11222)

Prepared By:           Graeme Davis - Property Services Manager

Reason:                Council Resolution 420/98

Objective:             To obtain agreement to a proposed agreement over the “former Clunes  
Community School site” - 17 Walker Street, Clunes.

Management Plan Activity:    N/A

---

Background:

Council, having considered a report from the Group Manager Business & Enterprise (Craig Kelly) on November 17, 1998, resolved via Minute 420/98 that:

- “1. *That the purchase of the Clunes Old School Site be funded on the following basis:*
  - *Section 94 Community Facilities       \$ 12,500*
  - *Loan Funds                               \$ 97,500*
  - ***TOTAL**                                   \$110,000*
2. *That the Property Services Manager commences consultation with the representatives of Clunes community and interested parties to identify any surplus land associated with the Old School site and submits a further report to Council.*
3. *In accordance with the expressed intention of the Section 94 Committee, the current wording in the Section 94 Plan be amended to “site acquisition and facility development” as part of the review of the Section 94 Plan.*
4. *That the Smith Street site be retained for development as a community reserve.*
5. *That the Manager - Parks and Reserves undertake further consultation with the Clunes community/community organisations in preparing/finalising a Plan of Management for the Smith Street Reserve and the **Business Plan** for the **Clunes Old School** site and submit these to Council for consideration.*
6. *That the Manager - Parks and Reserves enter discussions with the Clunes community/community organisations concerning future community support and assistance for the development and on-going maintenance of the Smith Street Reserve and the Clunes Old School site.”*

In regard to Point 2 and Point 5 of the subject Resolution, Property Services advises the following:

1. After discussions with the Clunes Old School Association's (COSA) Executive a draft lease agreement has been approved (in principal), which is subject to Council's approval and the final submission being approved by COSA. Such lease provides that:
  - (a) The Association will enter into a formal lease arrangement with Lismore City Council over Lot 111 DP 859126 for a term of five (5) years commencing July 1, 1999;
  - (b) The rent to be charged for the site during the term of the agreement will be a sum equivalent to the **General Fund Rate** levied each financial year.

Other terms and/or conditions of the agreement will be similar to Council's standard lease for community assets. When such document is executed by COSA, Property Services will return same for Council's final endorsement.

2. In regard to the request for a Business/Management Plan over the asset, again COSA has prepared such instrument and has had the **draft** on display for some time. It is currently on **public exhibition** and the Clunes community have been invited to place their comments in writing, so that the matter can be completed and submitted again to Council for adoption. It should be noted that a number of the longer term plans for the site, particularly the commercial bakery, café and beer garden would require the lodgement of development applications and may well be outside of the 'spirit' of a community facility. The lease agreement should clearly not imply support for those activities at this time.

In return for such **management arrangements**, Council will:

1. Retain the site in fee simple as **operational land**;
2. Maintain insurance over all structures;
3. Provide (as approved) an annual building maintenance budget for **minor emergency repairs** and improvements.

#### Acting Manager - Financial Services Comments

From a financial perspective, this would appear to be a reasonable outcome for Council given the limited scope for the site to be developed and the fact that all income generated will be reinvested back into the facility.

Council's ongoing contribution to the site is approximately \$5,000 per annum. As specified in the agreement, this is for 'minor emergency repairs and improvements'. This was provided in the 1998/99 Budget.

#### Public Consultations

Via The Clunes Old School Association Inc.

---

---

Other Group Comments

Not required.

Recommendations (ENT06)

1. That Council's Solicitors draft a formal lease agreement over Lot 111 DP 859126 to the Clunes Old School Association Inc with appropriate terms and/or conditions including:
  - (a) **Lessee:**  
Clunes Old School Assoc. Inc., Post Office, Clunes.
  - (b) **Address of leased land:**  
7 Walker Street, Clunes (being Lot 111 DP 859126).
  - (c) **Terms of leased land:**  
Five (5) years commencing July 1, 1999 and terminating June 30, 2004.
  - (d) **Rent:**  
The Lessee covenants and agrees with the Lessor to pay to the Lessor (Lismore City Council) each year during the term of the agreement an annual rental equivalent to the **General Fund rate** levied for that year by Lismore City Council. Such rent to be **paid annually in advance.**
  - (e) The Lessee (COSA Inc) will undertake all building maintenance and repairs from income from the site unless otherwise agreed and approved by the General Manager, Lismore City Council.
  - (f) Uses to which the site can be put which are consistent with a community facilities classification.
2. The General Manager/Mayor be authorised to execute the Lease under seal on presentation by COSA.



Subject/File No: NIMBIN CARAVAN AND HOLIDAY PARK AND SWIMMING POOL  
COMPLEX - MANAGEMENT OPTIONS  
(GRD:CD:P15919)

Prepared By: Graeme Davis - Property Services Manager

Reason: Request by previous Workshop

Objective: To seek confirmation of Council on which option to develop for the  
management of the Nimbin Caravan and Holiday Park and Swimming Pool  
Complex

Management Plan Activity: N/A

---

---

Background:

On October 31, 1998 (letter 98-18064) Council received advice from the current Park Managers at the Nimbin Caravan and Holiday Park and Swimming Pool Complex that, effective from December 20, 1998, they wished to terminate the current management agreement. Legal advice obtained from Messrs Harris Fiford and Crane confirmed such action was in accordance with the Deed of Agreement and that approval for such release should not be withheld.

With such advice, Council's Business and Enterprise Group conceded that now may be the appropriate time to **re-visit** the asset and constructively analyse just what Council wants of the investment and whether or not we should even retain the Park as part of our Property Portfolio.

In order to give Councillors a current overview of what the Nimbin Caravan and Holiday Park complex is, I advise the following.

The Nimbin Caravan Park/Swimming Pool complex is situated at 29 Sibley Street, Nimbin on what is known in cadastral terms as Lot 42 DP 831252 Zone and 2V (Village Zone), contained a total area of 2.13ha.

The Caravan Park is currently licensed to operate:

- (a) 16 Long-Term Caravan sites;
- (b) 10 Short-Term Caravan sites; and
- (c) 12 Camp sites

**being a total of 38 sites.**

The Caravan Park Management operates the Pool adjacent to the Park on a **part-time basis** with professional assistance provided via Council's Water and Wastewater Section, on a **"as required"** basis during the months from September to April each year (swimming season - 26 weeks per year).

The gross income from the site for the period 1997/98 was \$53,460.

---

---

All ground maintenance and infrastructure maintenance and repairs for the precinct are carried out under the Caravan Park Management Agreement.

For discussion purposes, Council's Business and Enterprise Group (Property Services) offers the following options for consideration other than direct management:

1. *Council retain the Nimbin Caravan and Holiday Park and Swimming Pool Complex as is, that being under a Management Agreement.*

**OR**

2. *Council sell the site as a going concern and seek alternative income producing investments.*

**OR**

3. *Council subdivide Lot 42 DP 83125 (area 2.132ha), keep the Pool and **sell the Caravan Park.***

To assist Council deliberations, Property Services provides the following commentary:

**Option 1**

*Council retain the Nimbin Caravan and Holiday Park and Swimming Pool Complex as is, that being under a Management Agreement.*

This option, in fact, reflects the current status quo. Accordingly a new agreement has just been entered into with Peter and Judith Ryan, who have agreed (via Tender T98019) to manage the facility for a twelve month period commencing January 7, 1999 and terminating January 6, 2000. The cost for the year being as per tender, that is:

- 1) Amount per annum to manage the Caravan Park ..... \$33,800.00  
(January 7, 1999 - January 6, 2000)
- 2) Amount per annum to manage the pool:
  - (a) During swimming season (26 weeks)..... \$ 3,770.00
  - (b) During the non-swimming season (26 weeks)..... \$ 520.00
3. Amount per annum to manage the recreation area ..... \$ 1,300.00

Other costs for the Nimbin Caravan and Holiday Park and Swimming Pool Complex of \$76,200 per annum includes consumables for the amenities and pool chemicals.

**Advantages of Option 1**

- Council has total control of:
  - (a) The Caravan and Holiday Park;
  - (b) The Community Swimming Pool;
  - (c) The ground maintenance around this public park.

**Disadvantages of Option 1**

- The overall cost for the provision of this facility to the whole Council catchment is extremely high, e.g. in the 1997/98 Financial Year the cash cost was \$124,130 including loan repayments.

**Option 2**

*Council sell the entire site (Pool and Caravan Park) as a going concern and seek alternative income producing investments.*

As an alternative to leasing the Park and Pool as is the current practice, Council sells the Park as one asset, that is Lot 42 DP 831252 - Pool and Community Park. Property Services is of the opinion that Council could gain a far greater return on its capital outlay, i.e. for all parties, Ratepayers and Council, if this option was approved. However, Council would need to address the issue of returning contributing funding back to the community of Nimbin who raised part of the money to provide the swimming pool in the first place.

**Advantages of Option 2**

- Council would save considerable money in operating costs of a low-income investment and be in an advantageous financial position to provide improved community assets for Nimbin as evidenced in the Village S94 Plan.

**Disadvantages of Option 2**

- This option may well meet high community disapproval, as the pool would transfer into private hands and the Nimbin community would lose control over such public facility.
- Another issue would be to whom the money raised via community contributions should be refunded.

**Option 3**

*Council subdivide the allotment, keep the Pool and sell the Caravan Park.*

This option, in Property Services view, provides a Win/Win situation for all parties in that:

- (a) Council can dispose of the Caravan Park by sale and save \$5,000 to \$8,000 per annum (based on current figures); and
- (b) Council can retain the Swimming Pool asset and parkland around the pool for community use which will ensure public access at all times whilst the allotment is in Council's ownership. However, costs to maintain and operate the Pool/Park area are likely to increase.

**Advantages of Option 3**

- By selling the Caravan Park, Council reduces the costs and exposure to provide a Holiday Village and at the same time maintain control of a community asset, i.e. the Swimming Pool.

**Disadvantages of Option 3**

- Cost of subdivision and associated Council fees estimated at approximately \$15,000.
- Part of the sale proceeds from the Caravan Park may be required for construction of a separate Amenities Block for the use of pool patrons, estimated to cost between \$50,000 and \$70,000.
- Further, Council would need to provide day labour or a contractor to clean and maintain the Swimming Pool (September to April) when the pool is open to the public.

**Acting Manager Financial Services' Comments**

It is agreed that this is an opportunity for Council to review the Options for this facility.

The Nimbin Caravan and Holiday Park and Swimming Pool Complex financial information for 1996-99 is summarised below:

	<b>1996/97 Actual</b>	<b>1997/98 Actual</b>	<b>1998/99 Estimate</b>
<b><u>Caravan and Holiday Park</u></b>			
Revenue	56,410	53,460	50,100
Expenses	76,760	60,020	58,800
Loan Repayments	58,300	56,900	55,500
<b>Net Cash Flow Deficit</b>	<u>(78,650)</u>	<u>(63,460)</u>	<u>(64,200)</u>
<b><u>Pool</u></b>			
Revenue	0	0	0
Expenses	48,230	60,670	56,800
<b>Net Cash Flow Deficit</b>	<u>(48,230)</u>	<u>(60,670)</u>	<u>(56,800)</u>
<b>Total Cash Flow Deficit</b>	<u>(126,800)</u>	<u>(124,130)</u>	(121,000)
<b>Total Cash Flow Deficit - Less Loan Repayments</b>	<u>(68,580)</u>	<u>(67,230)</u>	<u>(65,500)</u>

In considering the Options, I have chosen to use the Total Cash Flow Deficit - Less Loan Repayments figures as the basis of the evaluation as, regardless of the Option pursued,

- a) the outstanding loan repayments (principal and interest) of \$127,500 will still be required to be made, and

- b) as both the Caravan Park and Pool operate at a deficit, they make no contribution to the loan repayments.

Consequently, from a financial perspective:

**Option 1**

The level of Council's ongoing contribution is anticipated to be consistent with the '1998/99 Estimate' of \$65,500.

The reality with ownership of such facilities is that there is the need from time to time to inject additional funding to replace or provide more assets. On the basis that this facility will at all times operate at a 'deficit', these additional funds will have to come from the General Fund.

Due to the competing demand for these limited funds, it is likely that this facility will not receive sufficient funds when required to meet these requirements.

This option is considered appropriate in the short term only.

**Option 2**

This option is appealing in that \$65,500, or thereabouts, annually from operating funds and the net proceeds of the sale would be available to Council.

At the same time, this is probably the most difficult option to undertake because of the community obligations associated with the Pool.

This option is preferred as it is likely to provide the maximum long-term benefit to Council.

**Option 3**

The financial information for the Caravan and Holiday Park supports this Option. At no stage has the park generated a 'surplus' with the reported deficits being \$20,350 (1996/97), \$6,560 (1997/98) and an estimated \$8,700 (1998/99). It is not anticipated that this will change.

As such, it is not practical for Council to operate a facility with the limited resources we have, which is considered commercial in nature, at a deficit.

It is noted that the total costs associated with subdivision, construction of an amenities block and an increase in operating costs, would decrease the benefits derived from the sale of the park. It is assumed that we would have to build an amenities block. I believe that we could negotiate successfully with the owner of the Caravan Park to use the existing amenities building. This means that the proposal would be significantly better from Council's perspective. Again, this is an unknown and this report is based on the pretext that a separate amenities block would be required.

In total, it is likely that the benefit to Council will be approximately \$3,000 to \$8,000 annually and the net proceeds of sale would be available to Council. At the same time, we would continue to have the obligation to provide additional funding for the pool when the need arises.

This option is limited in that it is likely to provide some long term benefits by reducing operating outflows, but will restrict the opportunities associated with the management of the Pool.

**Summary**

Based on what is achievable and of most benefit, then Option 3 should be pursued.

This is supported by the fact that we have not been able to operate this facility at a surplus even though it is commercial in nature. Also, this would provide an opportunity to refocus on our core objectives and provide more funding and resources to essential services, rather than a non-performing commercial facility.

In regard to the likely sale price of the Caravan Park, one valuation suggests around \$175,000.

Simply put, using \$175,000 as a sale price guide, and using a 'worse case scenario' for costs, it is likely that the benefits will equate to,

Year 1 :	Operational Savings .....	\$ 3,000
	Net Sale Proceeds.....	\$82,500
	(\$175,000 less marketing costs, subdivision costs and amenities block)	
Year 2 :	Operational Savings.....	\$ 3,000

It is likely that we would be able to negotiate a better result than the worse case scenario in relation to the amenities building and the operational aspects of the pool.

I would like to highlight the fact that the 'Net Sale Proceeds' are insufficient to meet our current loan liability of \$127,500. As mentioned earlier, the fact that the existing operations do not contribute towards the loan repayments is the reason why it is not taken into consideration as part of the 'Net Sale Proceeds'. Council could determine to apply the 'Net Sale Proceeds' to any purpose it so desires, but logically it should be applied to meeting the loan repayments. This would mean that most of the annual funding for loan repayments, estimated to be around \$40,000 based on 1998/99, would be available for essential services and facilities.

**Other Group Comments**

**Manager - Community Services' comments:**

It should be drawn to Council's attention that, whilst the Recreation Planner has recently developed an *Urban Pools Strategy*, this strategy does not address future planning for rural pools such as the Nimbin Pool and, consequently, does not impact on any decision Council may make in this regard.

With respect to the three options proposed, it is difficult to undertake a comparative analysis of options 1 and 3 without the benefit of full financial details for option 3. For instance, the cost of constructing a separate amenities block for the use of pool patrons and the cost of day labour may outweigh or significantly diminish the benefits of Council realising a one off "windfall" from

---

proceeds from the sale of the Caravan Park. Indeed, the complementary nature of the Caravan Park and Pool may effect the marketability of the overall asset.

Option 2 is not recommended for the following reasons:

1. The community would lose control of a valued community asset.
2. The perception in the community is that the pool is a “community asset” which belongs to the people. The pool was officially opened on November 19, 1978 following a community appeal launched in 1964 to construct a free swimming pool. Consequently, the Nimbin community places great value on this public facility.
3. Should the site be transferred to private ownership, then it is quite possible that site fees would be increased and a pool entrance fee introduced. Nimbin is an economically disadvantaged community and the introduction of fees may well limit the community’s access to this important recreational facility.
4. The caravan park provides low cost accommodation for budget-minded tourists and affordable housing for a number of permanent residents (16 long-term caravan sites or 42% of tenants are long-term residents).
5. Nimbin has a large number of homeless persons and a decision to sell the Caravan Park to private interests may exacerbate the existing problem of homelessness. It is suggested that an impact assessment be undertaken before Council resolved to sell the Caravan Park.

Many of the disadvantages referred to above (points 3 to 5) also have relevance for option 3. Without detailed financial analysis of option 3 and an impact assessment, option 3 cannot be supported and the preferred position would be to maintain the status quo.

**Acting Manager Water and Wastewater’s comments:**

Currently, the Water and Wastewater Department carries out the Mechanical and Electrical maintenance on Nimbin Pool. This does not form part of this Department’s core business.

**Group Manager Planning and Development’s comments:**

Points raised by Planning and Development Group regarding subdividing the Swimming Pool Complex from the Caravan Park are as follows:

1. Creation of a ROW required (reciprocal) to enable access to both facilities over the common access.
2. If the amenities block located within the Caravan Park lot is to be retained for general public use an agreement will be necessary with the future owner of the Caravan Park site.

Recommendations (ENT02)

1. That Option 3 of this Report be approved in that, Lot 42 DP 831252 being the current allotment on which the Nimbin Caravan and Holiday Park and Community Swimming Pool Facility is located, be subdivided into two lots:
  - ◆ Lot A to contain the Caravan Park;
  - ◆ Lot B to contain the Swimming Pool and associated community parkland.
2. That the new proposed Lot A be offered for sale forthwith (that is the lot within the Caravan Park).
3. That the proposed Swimming Pool/Park allotment (Lot B) be retained and be classified as community land and recorded in Council's Land Register as "Community Land" on registration of the Plan of Subdivision.
4. That the General Manager be authorised to sign and seal the Development Application Plan of Subdivision and Contract of Sale and Transfer for the Caravan Park when sold.



Subject/File No: PARTICIPATION IN WORK FOR THE DOLE SCHEME  
(S153)

Prepared By: Manager - Human Resources - Chris Davis

Reason: To make Council aware of a NOROC proposal for involvement in the Federal Government's *Work for the Dole* Scheme

Objective: To determine if Council is interested in committing to further participation in *Work for the Dole* schemes.

Management Plan Activity: Human Resource Management

---

Background:

*The Federal Government in 1997 introduced Work for the Dole (WFTD).* The aim of the scheme is to provide work experience and access to skills development for long term unemployed youth aged between 18 and 24 years of age.

DEWRSB, The Department of Employment, Workplace Relations and Small Business have responsibility for the administration of *WFTD*. Accordingly, DEWRSB is seeking submissions from organisations interested in acting as sponsor organisations for the third round of *WFTD* funding. Sponsor organisations accept responsibility for identifying and managing *WFTD* projects, which are undertaken within other organisations.

The Northern Rivers Organisation of Councils (NOROC) is therefore, currently investigating the viability of participating in the scheme as a *WFTD* sponsor organisation. If NOROC ultimately makes a submission for *WFTD* funding they would be required to identify the projects that participants would undertake.

As part of their investigation process NOROC has prepared a draft submission on the following basis:

- Funding sought for 100 participants @ \$1500 per participant = \$150,000
- Identify 2 major projects - one "outdoor", one "indoor"
- Cost of project management, administration and support services covered by DEWRSB funding

The draft prepared by NOROC was developed following extensive consultation with Gosford City Council. Gosford Council has participated in *WFTD* as a sponsor organisation to facilitate the completion of 5 community development projects.

On the basis of their experience Gosford Council indicated that if a project is to be viable, it needs to engage at least 50 participants for a minimum six-month period. Participants are required to contribute 20 hours per week. Therefore, to access 40 hours per week, 2 teams of 25 participants would be required for each project.

A larger number of participants also provides sufficient funding for the sponsor organisation to cover the costs associated with: training for participants, provision of clothing, transport, project supervision and administration, on-site supervision and, building and construction materials.

---

Participation in Work for the Dole Scheme

---

---

Gosford also indicated that projects focused on maintenance activities were preferable in the longer term, as construction activities required an ongoing funding commitment for maintenance activities.

It is important to note that the Federal Government retains responsibility in relation to Worker's Compensation insurance for *WFTD* participants. In addition, under the *WFTD* guidelines, the sponsor organisation not the project organisation/Council has responsibility for insuring against any damage caused by the project's participants.

Consequently, NOROC has approached Council to determine if there is a suitable *WFTD* project available within Lismore City Council. Suitable projects are those that provide participants with; a variety of work experiences and challenges, social interaction and, a sense of pride and achievement. The *WFTD* criteria also specifically rule out projects, which involve work that would normally be undertaken by Council employees.

Council currently participates in *WFTD* in conjunction with environmental training and Employment (Northern Rivers) Inc. (EnviTE) who act as a sponsor organisation for the scheme. To date EnviTE has completed 7 *WFTD* projects within Council's Parks & Recreation Section. Further projects are planned. However, in keeping with EnviTE's aims, these projects are focused on environmental restoration.

Acting Manager - Financial Services Comments

From a financial perspective, this is a great opportunity to have maintenance works undertaken at little or no cost to Council.

I believe it is important to stress the fact that the proposed works (outdoor) should be 'maintenance' in nature. The rationale behind this is that if we develop infrastructure, then we have to maintain it. As it stands, we have insufficient resources to maintain our existing infrastructure.

At the same time, the choice of maintenance works is critical as well. We need to ensure that we do not create a level of expectation in the community that cannot be maintained financially past the life of the employment program. This is achievable.

Public Consultations

N/A

OTHER GROUP COMMENTS

Manager Parks & Reserves

As mentioned above *WFTD* are currently working for Council on several projects in a number of locations. They mainly centre on bushland regeneration projects and trail construction with small landscape projects undertaken from time to time.

It is worthy to note that it is not considered desirable to provide these groups with large or expensive plant as experience has shown that due to lack of experience and ownership of the plant it often gets damaged and repair costs negate any gains made from the program. Therefore it is important that activities utilising only minor plant or no plant at all be identified.

---

---

To this end there are a number of areas/activities where *WFTD* teams could assist Council in its day to day operations. These include maintenance of cemeteries, creek banks as well as drainage swales and the edges of canals that run through our parkland areas. These are areas that Council staff are unable to service as often as we would like due to lack of financial resources. It would need to be ascertained if this met the criteria of not being work normally carried out by Council staff but my opinion is that if we did not have the funds then our own staff would not be capable of undertaking the work.

### Conclusion

On the basis of information provided by NOROC and Gosford Council and from Council's experience with EnviTE it is apparent that Council has the opportunity to benefit from further participation in the *WFTD* scheme. Involvement in the scheme is particularly attractive given the potential to complete community projects at minimal cost

### Recommendation (GM01)

That Council agree to identify a suitable *Work for the Dole* project for inclusion in a NOROC submission to DEWRSB for *WFTD* funding

Subject/File No: JOINT LIBRARY AND REGIONAL ART GALLERY (S119; P20696)

Prepared By: Anne Meagher, Manager-Community Services

Reason: To set aside reserve funds each year for the provision of a joint Library and Art Gallery

Objective: To consider the establishment of a capital works reserve fund for a new Library and Art Gallery as part of the 1999/2000 budget deliberations.

Management Plan Activity: Strategic Plan Link 1, 5 and 8.

---

Background:

***Development of a Co-located Library and Art Gallery - A Brief History***

For many years, Council has grappled with the problem of providing a purpose built facility for its library and art gallery. Indeed, as early as January, 1970, the Northern Star reported that “*Council had appointed architects to design a proposed library and art gallery building.*” Despite Council’s best intentions our key cultural and community facilities remain inadequately housed, some 29 years later.

In December 1996 Lismore City Council resolved to at least remedy this situation in part by establishing the Library Strategy Committee with the sole purpose of developing strategies for the future development of library services and facilities. In her original notice of motion Cr. Riddell indicated that it would be necessary to consider the long-term future of the library and to plan for its relocation or extension. In a report to the Council meeting of 16 September, 1997 seeking the adoption of the Plan of Management for the Library Strategy Committee, it was made clear that the Committee’s long-term goal was extended to include the relocation of the art gallery as well as the library to purpose built facilities. The membership of the Committee was subsequently broadened to include the Mayor Ros Irwin, who is also a member of the Lismore Regional Art Gallery Advisory Panel.

In December, 1997 Council resolved to undertake a Feasibility Study into the Co-location of the Library and Art Gallery on the Gundurimba and Terania site. At the same time, Council sought funding from the Commonwealth Government under the Federation Cultural and Heritage Fund for the construction of a Cultural Centre combining a library and art gallery. CMR Consultants were appointed and a draft Feasibility Study was presented at a Council Workshop in July, 1998. At the Workshop, Council resolved not to proceed with the proposal unless substantial funding of at least \$3 million was forthcoming from the Federal Government. Unfortunately, this funding was not forthcoming and the proposal has not proceeded.

***Commitment to the Library and Art Gallery***

The Library Strategy Committee has continued to explore options for a new library and art gallery including their location on the former Lismore High School site as part of a larger Cultural Centre and Precinct. ***However, members of the Library Strategy Committee have expressed the need for Council to renew its commitment to the future development of a library and art gallery and to place this project on Council’s agenda for new capital works.***

---

Whilst Council has an annual capital works programme for recurrent items such as roads and footpaths, it does not have a similar capital works programme for other major infrastructure which lists works according to agreed Council priorities and sets out established plans for achieving these works over time. This situation is not conducive to effective long-term strategic planning for capital works infrastructure but rather leads to reactive planning based on political considerations, funding opportunities etc.

### ***The Case for a New Library and Art Gallery***

Lismore is the centre of a large and vibrant cultural region which generates considerable income from the arts each year. However, there is no one facility which provides a focus for cultural development in the city. The existing library and art gallery facilities are located in separate buildings and subject to flooding. Both buildings fail to meet the benchmark standards set by the State Library of New South Wales and the Galleries Association of New South Wales. For example, the existing library occupies 550sqm, which is approximately one-third of the state standard of 1,575sqm. In addition, some areas of the gallery are inaccessible to frail aged or persons with a disability, there is no onsite parking and the building requires significant upgrading if the gallery were to remain in this venue. The capacity to deliver creative programmes for these facilities is constrained substantially by their physical dimensions, particularly the art gallery which is suitable only for exhibitions.

Despite these constraints, the gallery and library remain the most used community and cultural facilities in the region, available to all age and socio-economic groups, and servicing the entire Local Government Area. Statistics provided by Richmond-Tweed Regional Library reveal that 190,590 people visited the Lismore and Goonellabah Libraries in 1997/98, an increase of 38.6% over the previous year. Empirical evidence from other councils indicates that there would be significant increases in usage generated by a new library with added floor space. A recent survey of Richmond-Tweed Regional Library Users also indicates that Lismore libraries are also popular with residents of adjoining council areas with 62.3% of persons surveyed indicating that they access Lismore and Goonellabah libraries (S. Edwards & B. Platts, Department of Information Services, University of Technology, Sydney, 1998). Similarly, the art gallery attracts in excess of 17,000 visitors each year and attendances increased by 4.5% from 1997 to 1998. Group visits increased by 26% in the last year. Some of the gallery's successes in 1998 include a 35% increase in corporate sponsorship; a 29.5% increase in art sales; an increase in volunteer hours of 163% and the development of an Arts Trust.

The Northern Rivers Region has been referred to as the "creative edge of Australia". This is not without justification, as the region has the highest density of artists and craftspeople of any area in Australia with the exception of the Sydney suburb of Balmain. The Regional Art Gallery acts as a focal point for arts within the region. There is also growing recognition that cultural facilities such as libraries and art galleries have a strong economic impact on the development and renewal of cities. Indeed, there is considerable research that demonstrates that cultural activities are the key to revitalising a city centre (Worpole *Towns for People: Transforming Urban Life*; Gardner and Shepperd *Consuming Passion, the Rise of Retail Cultures, the Role of the Arts in the Revitalisation of Towns and Cities*).

***Future Directions - Establishment of a Reserve Fund***

The Library Strategy Committee resolved at its meeting of April 1, 1999 that in order to proceed further with its charter that a report be prepared for Council recommending the following action:

***“Council establish a reserve fund for the provision of a new joint Library and Art Gallery, setting aside \$200,000 each year for this purpose and that this matter be included in the budget deliberations.”***

The Library Strategy Committee believes that Council’s opportunity of gaining Government funding for this project would be greatly enhanced if it could demonstrate a commitment by Council to build supported by a significant cash reserve.

Acting Manager - Financial Services Comments

The proposal to create a reserve for the construction of a joint library & art gallery is certainly commendable.

This is a major project which will require significant funding. As funding is not likely to be available in any one financial year, one solution to this problem would be to provide funding over a number of years.

Unfortunately, it is not possible to create a reserve for this purpose due to the fact that our recurrent operations do not generate a cash surplus. This can only be achieved if we reduce or eliminate current services. Another opportunity exists during the budget process to consider this possibility.

From a strategic perspective, our approach to major Capital Works is adhoc. While funding is provided annually for recurrent capital works such as drainage, roadworks, kerb & guttering etc, funding for major works such as street beautification, aquatic centre, aerodrome, library/art gallery etc, compete with each other annually, rather than being programmed over a five to ten year period.

Because of the significant cost of these projects , the limitations as to the use of loan funds and the lack of other available funds, the proper planning and timing of these works is critical to our ability to deliver to the community the facilities and infrastructure needed.

The reality with our financial situation is that it will be impossible to undertake all projects within the foreseeable future unless there are significant changes to our current service levels. These projects, as well as those we don’t know about, have priorities. It is important that Council determines its priorities with regard to major future capital works projects.

Public Consultations

Not required at this stage.

Conclusion

Given Council’s commitment to the Aquatic Centre, loan funds are not available for another two years (2001). At that time, there will be the potential to borrow \$1 million to \$1.2 million, however

---

---

Joint Library and Regional Art Gallery

---

---

there will be competition from other projects for these loan funds such as a recreation facility for Goonellabah, CBD beautification and upgrade, flood levy etc. Given Council's financial circumstances, the development of a joint library and art gallery will not be achieved in the short-term, however, it is critical that Council commence planning for these capital projects in the long-term by establishing a reserve fund for a joint library and art gallery and setting aside in the order of \$200,000 for this purpose.

Recommendation

That Council give consideration to establishing a reserve fund for a joint Library and Art Gallery, and that this matter be included in the budget deliberations.

Subject/File No: EXECUTIVE MEMBER – RICHMOND TWEED REGIONAL LIBRARY  
(99-5478: S120)

Prepared By: Group Manager – Corporate & Community Services

Reason: Resignation of Executive Member

Objective: Endorsement of Replacement Member

Management Plan Activity: Public Libraries

---

Background:

The constituent councils of the Richmond Tweed Regional Library (RTRL) are Lismore, Ballina, Byron and Tweed, with Lismore being the executive Council under the existing agreement which dates back to 1973. As Councillors would be aware, the RTRL has been attempting to formulate a new agreement for some three years, however conflicting legal advice as to how a new agreement can be set up, has hindered progress to date (refer my memo dated 9/12/98).

The current agreement provides that not only is Lismore Council the Executive Council, it also must appoint an Executive Member. Since 1982, this Council has delegated the function of Executive Member to Paul O’Sullivan of Rous County Council, a position he has filled with high distinction. Mr O’Sullivan has tendered his resignation effective from June 30,1999 citing personal workload with Rous, resulting in an increasing difficulty in providing meaningful management input to the Regional Library. Prior to 1982, the Town Clerk Mr Byron Stevens held the position.

It is expected that in any new agreement that there will be no provision for the position of Executive Member or indeed an Executive Council. Thus the position of Executive Member will be somewhat of a transitional position, the period of which is dependent upon the proclamation of a new Library Act. My estimate would be anywhere up to two years.

At the same time as Mr O’Sullivan’s resignation, the administrative and accounting support facilities undertaken by Rous County Council on a fee for service basis will also cease. Discussions are due to take place with the Regional Library Manager as to the possible options available to the Library to carry out these functions. Determination of this matter will be dealt with by management.

Whilst any increase in work-load will be difficult for a staff person to accommodate, it is of paramount importance that this Council continue to provide the management input to the Committee and the Regional Library Manager that has been so capably provided in the past. At the same time, it must be acknowledged that input provided over the past three years has steadily decreased following the appointment of a new Library Manager.

Taking account of the advisory role of the position, the typical management input that is likely to be required and the need to nominate one person as Executive Member, it is considered appropriate that the Group Manager- Corporate & Community Services take on this role. In addition, it is expected that the particular skills and expertise of the Manager - Community Services and the Manager of Finance & Administration will be utilised, as and when required.



Manager - Financial Services Comments

Not required.

Public Consultations

Not required.

Other Group Comments

Not required.

Conclusion

Following the resignation of Mr O'Sullivan, Council as the Executive Council of RTRL must now appoint a new Executive Member. It is considered that the Group Manager – Corporate & Community Services (Mr Cooper) would be a suitable replacement.

Recommendation (COR20)

1. That Mr O'Sullivan's resignation be accepted with regret, and Council formally thank him for the effort and commitment he has given to the Regional Library over the many years that he has carried out the role of Executive Member for, and on behalf of Council.
2. That the Group Manager – Corporate & Community Services (Mr Col. Cooper) be appointed as the Executive Member to the Richmond Tweed Regional Library effective from June 30,1999.

Subject/File No: REVIEW OF POLICIES (GW/LM: S9)

Prepared By: Manager-Administrative Services - Graeme Wilson

Reason: Council requirement.

Objective: To ensure all Council policies are relevant.

Management Plan Activity: N/A

---

Background:

Council reviews all of its policies at least once per year. This report is to bring effect to this action. In preparing the report, all Councillors, the General Manager and Group Managers have had the opportunity to have input to the review. Their comments have been included within the report.

The Planning & Development Group has recently completed a major review of its policies, procedures and processes. It is expected that further 'fine tuning' of the Planning & Development Group related policies will be reported to Council later in the year.

Only policies which are proposed to be amended or have been the subject of comment have been included.

**Policy No. 1.2.2 - Councillor Attendance at Conferences/Seminars**

- **Item 1 point 5:** Replace the wording *General Manager's Secretary to Councillor Support Officer*.
- **Item 5:** Minor word change to reflect both gender possibility, i.e. *his/her stead*.
- **Item 6:** Word change to reflect the correct person .....*dictating report for the Councillor Support Officer to type* .....

**Policy No. 1.2.6 - Councillor Access to Council File**

An additional point is proposed to be put in the third bullet point of Item 3 as follows:

- *matters pending or anticipated to involve Council in litigation.*

**Policy No. 1.2.9 - Questions Without Notice**

Whilst no changes to the policy are proposed the following comments are made in response to comments received:

- The majority of questions raised could be more appropriately dealt with by submitting Councillor Requests to the General Manager.
- The requirement that unanswered questions be submitted to the General Manager in writing is only being observed by a limited number of Councillors.
- Questions Without Notice are a legitimate process of bringing issues to the notice of all Councillors.

**Policy No. 1.2.10 - Presentation by Intending Candidates for Mayor and Deputy Mayor**

With the next election of Mayor to be by popular election, the policy has been renamed and rewritten to reflect the need for Councillors to only select a Deputy Mayor. It should be noted that Council is not statutorily required to elect a Deputy Mayor, but it is a sensible administrative practice.

---

**Policy No. 1.4.2 - Policy on Policy Making**

- A minor amendment will be made to point A 1 to delete reference to The Northern Star.
- A minor amendment is proposed to point C 2 which will clarify that the annual review will be undertaken by staff, with any proposed changes being reported to Council.

**Policy No. 5.2.16 - The Erection of Structures and Filling and Excavation About Easements, Drains, Sewer and Water Mains**

- Minor amendment to Item 3 - first sentence - *Group Manager-City Works be permitted .....*
- The second sentence of Item 3 to read - *The requirements of Policy No. 7.2.1 .....*

**Policy No. 6.1.1 - Water Meters - Multiple Occupancy**

As Council now operates a ‘user pays’ water charging structure, the first sentence under Item 2 should read *That all strata title and community title approvals carry advice that Council operates a user pays water charging structure.*

**Policy No. 7.1.1 - Sewerage Trade Waste Policy**

As Local Approvals Policy No. 4 “Trade Waste Policy” has been incorporated in the Policy Manual for some years under Local Approvals Policies, this policy in its proposed form is simply a cross reference.

- Delete “Sewerage” from heading.
- Amend Objective to read *Discharge of non-residential liquid waste to sewers to protect the environment and economic development.*
- Amend Section Responsible to *Water and Wastewater.*
- Amend Policy to read *This document “Local Approvals Policy No. 4 - Trade Waste Policy” is at the rear of the Policy Manual.*

**Policy No. 7.2.1 - Construction of New Structures over Sewerage Mains**

Minor amendment in last sentence to reflect the correct person - *Manager-Water & Wastewater.*

**Policy No. 10.6.3 - Electricity and Water Connections to Aerodrome Hangar Sites**

Minor amendments should be made as follows:

- Change Section Responsible to *Business & Enterprise.*
- Item 2 to read *An annual fee will be imposed on all hangar site lessees to be determined as part of the lease.*
- The last sentence of Item 3 to read *.....with delegated authority to the Group Manager-Business & Enterprise.*

**Policy No. 10.6.5 - Lismore Aerodrome - Grass Burning**

This policy is obsolete and should be deleted as the property is now leased for tea tree farming.

**Manager - Financial Services Comments**

Not required.

**Public Consultations**

Not considered necessary

---

---

Other Group Comments

Comments from the Group Managers have been included within the report.

Recommendation (COR18)

That the following policies be amended as follows:

- 1 Policy No. 1.2.2 - Councillor Attendance at Conferences/Seminars**
    - **Item 1 point 5:** Replace the wording *General Manager's Secretary to Councillor Support Officer*.
    - **Item 5:** Minor word change to reflect both gender possibility, i.e. *his/her stead*.
    - **Item 6:** Word change to reflect the correct person .....*dictating report for the Councillor Support Officer to type* .....
  - 2 Policy No. 1.2.6 - Councillor Access to Council File**

Add an additional point in the third bullet point of Item 3 as follows:

    - *matters pending or anticipated to involve Council in litigation.*
  - 3 Policy No. 1.2.9 - Questions Without Notice**

No changes.
  - 4 Policy No. 1.2.10 - Presentation by Intending Candidates for Mayor and Deputy Mayor**

The policy to be renamed and rewritten to reflect the need for Councillors to only select a Deputy Mayor.
  - 5 Policy No. 1.4.2 - Policy on Policy Making**
    - A minor amendment be made to point A 1 to delete reference to The Northern Star.
    - A minor amendment be made to point A 2 which will clarify that the annual review will be undertaken by staff, with any proposed changes being reported to Council.
  - 6 Policy No. 5.2.16 - The Erection of Structures and Filling and Excavation About Easements, Drains, Sewer and Water Mains**
    - Minor amendment to Item 3 - first sentence - *Group Manager-City Works be permitted* .....
    - The second sentence of Item 3 to read - *The requirements of Policy No. 7.2.1* .....
  - 7 Policy No. 6.1.1 - Water Meters - Multiple Occupancy**

The first sentence under Item 2 to read *That all strata title and community title approvals carry advice that Council operates a user pays water charging structure.*
  - 8 Policy No. 7.1.1 - Sewerage Trade Waste Policy**
    - Delete "Sewerage" from heading.
    - Amend Objective to read *Discharge of non-residential liquid waste to sewers to protect the environment and economic development.*
    - Amend Section Responsible to *Water and Wastewater.*
    - Amend Policy to read *This document "Local Approvals Policy No. 4 - Trade Waste Policy" is at the rear of the Policy Manual.*
- 
-

**9 Policy No. 7.2.1 - Construction of New Structures over Sewerage Mains**

Minor amendment in last sentence to reflect the correct person - *Manager-Water & Wastewater*.

**10 Policy No. 10.6.3 - Electricity and Water Connections to Aerodrome Hangar Sites**

Minor amendments be made as follows:

- Change Section Responsible to *Business & Enterprise*.
- Item 2 to read *An annual fee will be imposed on all hangar site lessees to be determined as part of the lease.*
- The last sentence of Item 3 to read *.....with delegated authority to the Group Manager-Business & Enterprise.*

**11 Policy No. 10.6.5 - Lismore Aerodrome - Grass Burning**

This policy be deleted.

Subject/File No: PAYMENT OF EXPENSES & PROVISION OF FACILITIES POLICY  
(GW/LM: S44)

Prepared By: Manager-Administrative Services

Reason: Closure of exhibition period.

Objective: To adopt new policy.

Management Plan Activity: N/A

---

---

Background:

Council at its meeting of February 2, 1999 considered a report on its Payments of Expenses and Provision of Facilities Policy.

The report proposed a number of amendments to the existing policy, with some further amendments proposed by Council at the meeting. These amendments were included in the policy and the document placed on public exhibition for 28 days. No submissions to the revised policy were received.

No further amendments to the policy are proposed.

Manager - Financial Services Comments

Not requested.

Public Consultations

The policy was placed on public exhibition for 28 days and no submissions were received.

Other Group Comments

Not requested.

Recommendation (COR17)

That Council adopt the Payment of Expenses and Provision of Facilities Policy as exhibited.

DOCUMENTS FOR SIGNING AND SEALING

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

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

Recommendation:

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

Subdivision Plan & S88B Instrument - 8 Windsor Court, Goonellabah  
Easement for Batter - Lot 28, DP 733763, Koala Drive  
(D98/151)

Agreement - Council and All Coast Excavations & Drainage  
Tender - Provision for Water Main Replacement - Various.  
(T99024)

Agreement - Council and Naturecast Australia Pty Ltd of Qld  
Tender - Provision for Organic (Waste) Resource Recovery, Reprocessing and Marketing Service.  
(T99009)

Request - Compulsory Acquisition - Rose  
Acquisition of Lot 41, DP 868366, Bruxner Highway, Goonellabah for road purposes.  
(99-6027: P26279)

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE  
HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, MARCH 30, 1999 AT  
6.03PM.

Present: Her Worship the Mayor, Councillor Irwin; Councillors Champion, Cole, Crowther, Gallen, Gates, King, Larsen, Riddell, Roberts, Swientek (from 6.07pm) and Wilson, together with the General Manager; Group Managers- Corporate & Community Services, Planning & Development, Business & Enterprise; Acting Group Manager-City Works (Garry Hemsworth), Manager-Development Consent, Development Assessment Planners (D Chapelle and B Toohey), Strategic Planner (J Dunn), Contracts Engineer, Subdivision Engineer, and Manager-Administrative Services.

100/99 Apologies/ Leave of absence was granted to Councillors Irwin, Larsen, Gallen  
Leave of and Wilson from April 6-18 and to Councillor Champion for the  
Absence: Council meeting scheduled for April 27.  
(Councillors Roberts/Gallen)

101/99 Minutes: The Minutes of the Ordinary Meeting held on March 16, 1999,  
were confirmed.  
(Councillors Roberts/Cole)

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 David Tomlinson re Mayoral Minute - Special Road Rate

Mr Tomlinson spoke to the deteriorated state of Terania Creek Road, detailing problems and deficiencies highlighted in a consultant's report. He requested Council seal the first 4 km of this road over 4 years, retain road levy funds, change its policy on gravel road maintenance, develop a Plan of Management and a transparent Road Policy.  
(S669)

Mr Paul Recher re Mayoral Minute - Special Road Rate

Mr Recher urged Council not to break a promise to the ratepayers to return funds; further that such decision should be subject to a referendum. He stated that Council should stand by its expenditure priorities.  
(S669)

Mr Michael Singleton re Mayoral Minute - Year 2000 Task Force

(See Minute No. 102/99)

Mr Singleton referred to the mixed messages on the YK2000 issues, but emphasised that it was a real problem whose magnitude was indeterminate. He stated that governments and big business were working hard on the problem, but the general community had a lack of information on the issue. He urged Council to develop, in conjunction with Southern Cross University, a strategy to inform the community on this issue.  
(S702)



Mr Paul Recher re Rescission Motion - Aquatic Centre Joint Venture

Mr Recher stated that the Aquatic Centre would run at a loss, taking into account depreciation, loan repayments and maintenance. He also questioned the assumptions the Aquatic Centre Study was based upon.

(99-4423: S719)

Mr Michael Balderstone re Notice of Motion - Legal Action - Mardi Grass and Report - Mardi Grass - Parking and Camping Area - Request for Waivure of Fees

(See Minute No. 108/99)

Mr Balderstone stated that Council decisions were making difficult discussions with staff to minimise the impact of the Festival upon Nimbin. He advised the Festival cannot be stopped this year.

(S74)

Mr Bob McKenzie re Report - DA99/50 - Motel - McKenzie on the Park - 214 Molesworth Street, Lismore

(See Minute No. 105/99)

Mr McKenzie outlined a development program, which would see the project commence in October 1999 and open in June 2000 with 64 full and part-time staff. He outlined benefits to the community of the development. He requested that Section 94 carparking levies be waived.

(D99/50)

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

(See Minute No. 107/99)

Mrs Smith referred to errors within the report, the delay in the approval process, alleged misleading over the level of Section 94 levies and poor staff performance. She stated that if the levies had been known they wouldn't have proceeded with the application and wouldn't proceed with the project unless the levies were waived tonight.

(D98/68)

Mr Graham Askey re Report - LEP Amendment No. 45 - Heritage

(See Minute No. 110/99)

Mr Askey sought the removal of the Memorial Baths from its Heritage list. He outlined its heritage and connection to Lismore residents. He linked its removal to the construction of the new aquatic centre.

(S697)

MAYORAL MINUTES:

Special Road Rate

(Copy attached) (Tabled)

A MOTION WAS MOVED that -

- 1 That in view of the serious situation in regard to our road system as a consequence of the sustained wet weather, and in the absence of state funds to address urgent needs, Council agrees to seek the community's support to retain the \$719,000 collected as a special rate for roads.

- 2 That Council staff should proceed immediately to develop a management plan for the funds and place it on public exhibition. At the same time it should seek media support in providing full details, particularly in the print media but also on radio and television, to ensure that people in the community are aware of the proposal and comment from an informed position.
- 3 The Management Plan take into consideration projects which benefit the most number of ratepayers and reflect where the funds were collected and where some of the funds from the special rate have already been expended.
- 4 Some of the funds be allocated to upgrading CBD footpaths.

(Councillors Irwin/Larsen)

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

**Voting Against:** Councillors Roberts, Champion, Riddell, Swientek, Gallen and Crowther.

(S669)

#### Year 2000 Task Force

(Copy attached) (Tabled)

102/99 RESOLVED that the report be received and -

- 1 That Council, in conjunction with Southern Cross University, establishes a Year 2000 Task Force which will include representatives from organisations such as the Police, Centrelink and the Health Services as well as appropriate people from the community.
- 2 That the role of this Task Force will be to coordinate receipt of current facts, information and contingency plans on the millennium bug and to develop a communications strategy to ensure that the community of Lismore is well-prepared for any eventuality.
- 3 That this Council liaise with other Councils in the Far North Coast to ensure that there is a whole-of-local government approach to this issue.
- 4 That Council develop a Year 2000 page on its Internet site taking into account what other Councils in NSW have done in this regard.

(Councillors Irwin/Larsen) (S702)

#### Security Cameras - City Safe Strategy

(Copy attached) (Tabled)

103/99 RESOLVED that the report be received and -

- 1 That Council expedite the installation of security cameras by approving funding of the shortfall between the \$130,000 raised by the business community and the cost of the purchase and installation of the security cameras, from the CBD contribution to operational costs already raised in the 1998/99 financial year.
- 2 That Council accept Toowoomba City Councils recommended safety camera system and suppliers (see attached equipment list and budget).
- 3 That Council recognises that the cameras are only one part of a multi-faceted approach to safety in the CBD and supports the total strategies of the City Safe program.

(Councillors Irwin/Crowther)

**Voting Against:** Councillor Wilson (S696)

RESCISSION MOTION:

Aquatic Centre Joint Venture

(Copy attached)

Formal notice having been given by Councillors Swientek, Gallen and Riddell it was MOVED 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.

(Councillors Swientek/Gallen)

The Mayor ruled the Rescission Motion out of order on the basis that it was unlawful.

Motion of Dissent

Councillor Gallen moved a Motion of Dissent to the ruling of the Mayor.

On submission to the meeting the motion was DEFEATED.

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

Dissenting Vote:

Councillor Swientek. (99-4423: S719)

At this juncture (8.32pm) Councillors Swientek and Cole left the meeting.

NOTICE OF MOTION:

Legal Action - Mardi Grass

(Copy attached)

Formal notice was given by Councillor Gates that 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.

(Councillors Gates)

The motion was withdrawn. (99-4422: S74)

SUSPENSION OF STANDING ORDERS:

104/99

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

- DA99/50 - Motel - McKenzie on the Park - 214 Molesworth Street, Lismore
- DA98/68 - S96 Application - Tourist Facility, Nimbin
- Mardi Grass - Parking and Camping Area - Request for Waivure of Fees
- LEP Amendment No. 45 - Heritage

(Councillors Roberts/Larsen)

At this juncture (8.35pm) Councillor Cole returned to the meeting.

DA99/50 - Motel - McKenzie on the Park - 214 Molesworth Street, Lismore

(Copy attached)

A MOTION WAS MOVED that the report be received and -

- A** That Council grant delegated authority to the General Manager - subject to the concurrence of the Development 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 fifty three (53) carparking spaces being provided on site. 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. This amount is based upon the fact that most activity takes place outside business hours when public parking will be available for overflow parking.

*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 harborage 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<sub>10</sub> 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 (e.g. 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 Occupation Certificate. The rates and amounts applying at the date of this notice, totalling \$176,280, 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 Occupation 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)*

**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).

(Councillors Champion/Larsen)

AN AMENDMENT WAS MOVED that the report be received and -

- A** That Council grant delegated authority to the General Manager - subject to the concurrence of the Development 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 in accordance with the approved plans. Provision for the additional eight (8) spaces shall be provided off site on other land, not being public road, within close proximity to the subject land and secured through a formal legal arrangement, to which Council is a signatory, or alternatively via a cash contribution in accordance with Section 94 of the Environmental Planning & Assessment Act of  $8 \times \$15,048 = \$120,384$ . The fifty three (53) on site spaces to be constructed with a bitumen sealed surface 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<sub>10</sub> 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 Occupation 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 Occupation 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)*

**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).

(Councillors Roberts/Wilson)

At this juncture (8.38 pm) Councillor Swientek returned to the meeting.

On submission to the meeting the AMENDMENT was DEFEATED.

**Voting Against:** Councillors Irwin, Larsen, Champion, King, Cole, Riddell, Gallen, Gates, Swientek and Crowther.

105/99 RESOLVED that the report be received and -

**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 fifty three (53) carparking spaces being provided on site. 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. This amount is based upon the fact that most activity takes place outside business hours when public parking will be available for overflow parking.

**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<sub>10</sub> 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 Occupation Certificate. The rates and amounts applying at the date of this notice, totalling \$176,280, 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 Occupation 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)*

**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).

(Councillors Champion/Larsen)

106/99 FURTHER RESOLVED that a report be brought to Council to consider utilising purchased carparking spaces by Council to be used as an offset and as a means of economic incentive for future development.

(Councillors Swientek/Larsen) (D99/50)

---

DA98/68 - Tourist Facility, 2486 Nimbin Road, Nimbin

(Copy attached)

107/99 RESOLVED that the report be received and -

- 1 That the Section 96 Application be refused.
- 2 In an endeavour to support development the revised Section 94 Plan include provisions which facilitate flexible payment arrangements for developer contributions.

(Councillors Gates/Larsen)

**Voting Against:** Councillors Champion and Swientek.

(D98/68)

Mardi Grass - Parking & Camping Area - Request for Waivure of Fees

(Copy attached)

A MOTION WAS MOVED that the report be received and Council waive the Development Application fee in relation to the proposed temporary camping on Ms Chong's land at Nimbin and it be dealt with under delegated authority.

(Councillors Roberts/Wilson)

AN AMENDMENT WAS MOVED that the report be received and Council refund the Development Application fee in relation to the proposed temporary camping on Ms Chong's land at Nimbin provided all conditions are complied with to the satisfaction of the General Manager or his nominee.

(Councillor Gates)

The amendment LAPSED for want of a seconder.

On submission to the meeting the MOTION was DEFEATED.

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

A FORESHADOWED MOTION WAS MOVED that the report be received and Council charge the Development Application fee in relation to the proposed temporary camping on Ms Chong's land at Nimbin and that it be dealt with under delegated authority.

(Councillors Larsen/Champion)

AN AMENDMENT WAS MOVED that the report be received and

- 1 Council charge the Development Application fee in relation to the proposed temporary camping on Ms Chong's land at Nimbin and that it be dealt with under delegated authority.
- 2 In the event that the ground is not used for temporary camping, the Development Application fee be refunded.

(Councillors Gallen/Wilson)

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

**Voting Against:** Councillors Larsen, Champion, Swientek, Gates and Roberts.

108/99 RESOLVED that the report be received and -

- 1 Council charge the Development Application fee in relation to the proposed temporary camping on Ms Chong's land at Nimbin and that it be dealt with under delegated authority.
- 2 In the event that the ground is not used for temporary camping, the Development Application fee be refunded.

(Councillors Gallen/Wilson)

**Voting Against:** Councillors Larsen, Champion, Swientek, Gates and Roberts.  
(S74)

LEP Amendment No. 45 - Heritage

(Copy attached)

A MOTION WAS MOVED that the report be received and -

- 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;
- 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 4 in the attachments to this report with those indicated in bold in Appendix 4 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.
  - 5 The Strategic Planner, Jemina Dunn, be congratulated on the report and the diligent and thorough manner she applied herself to pursuing a difficult and challenging task in consultation with the Heritage Steering Committee.
  - 6 The following landscape items should be recorded only and deleted from the schedule:  
30016, 30090, 30080.
  - 7 That item 40005 be referred to as the roadway.
  - 8 That item 10016 - Tuckean Swamp Drainage Channel be excluded from Appendix 1 and placed in Appendix 2.
- (Councillors Roberts/Cole)

AN AMENDMENT WAS MOVED that the report be received and -

- 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;
- 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 4 in the attachments to this report with those indicated in bold in Appendix 4 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.
- 5 The Strategic Planner, Jemina Dunn, be congratulated on the report and the diligent and thorough manner she applied herself to pursuing a difficult and challenging task in consultation with the Heritage Steering Committee.
- 6 The following amendments be made to LEP 45:
- (1) **Appendix 1:**  
Item 10016 - Tuckean Swamp Drainage Channel be excluded.
- (2) **Appendix 4:**
- a) All State Forest items be excluded.
  - b) Item 30042 Tuckurimba Swamp, Forest and Rural Landscape be excluded.
  - c) Item 30106 Native Forest, The Channon Road, The Channon be excluded.
  - d) Corrections circulated by Strategic Planner, March 22, be adopted.
  - e) Item 30113 Trees Skyline Road, Gundurimba, be excluded.
  - f) All other items except cemeteries, war memorials and those related to Schedule 2, listed built items, be listed in the DCP.
  - g) Item 30083 Rocky Creek Dam be excluded.
- (3) **Appendix 5:**  
The Spinks Park Conservation Area (inadvertently not listed) be confined to the area bounded by Wilson River, Market, Molesworth and Magellan Streets.

(Councillors Gates/King)

MOTION BE PUT:

109/99 RESOLVED that the motion be put.

(Councillor Wilson)

On submission to the meeting the AMENDMENT was DEFEATED.

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

A FORESHADOWED AMENDMENT WAS MOVED that the report be received and Council remove from the LEP Amendment any mention of the Memorial Baths and Spinks Park as heritage items.

(Councillors Gallen/Swientek)

On submission to the meeting the FORESHADOWED AMENDMENT was DEFEATED.

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

- 110/99 RESOLVED that the report be received and -
- 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;
  - 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 4 in the attachments to this report with those indicated in bold in Appendix 4 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.
-

- 5 The Strategic Planner, Jemina Dunn, be congratulated on the report and the diligent and thorough manner she applied herself to pursuing a difficult and challenging task in consultation with the Heritage Steering Committee.
- 6 The following landscape items should be recorded only and deleted from the schedule:  
30016, 30090, 30080.
- 7 That item 40005 be referred to as the roadway.
- 8 That item 10016 - Tuckean Swamp Drainage Channel be excluded from Appendix 1 and placed in Appendix 2.

(Councillors Roberts/Cole)

**Voting Against:** Councillors Champion, King and Gates.

(S697)

ADJOURNMENT:

The meeting adjourned at 10.15pm and resumed at 10.25pm.

At this juncture (10.25pm) Councillor Champion left the meeting.

RESUMPTION OF STANDING ORDERS:

111/99 RESOLVED that standing orders be resumed.

(Councillors Larsen/Cole)

REPORTS:

DA99/50 - Motel - McKenzie on the Park - 214 Molesworth Street, Lismore  
(See Minute No. 105/99)

DA98/68 - Tourist Facility, 2486 Nimbin Road, Nimbin  
(See Minute No. 107/99)

Mardi Grass - Parking & Camping Area - Request for Waivure of Fees  
(See Minute No. 108/99)

Management Agreement for Lismore City Hall

(Copy attached)

112/99 RESOLVED that the report be received and -

- 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 1<sup>st</sup> July 1999 to 30<sup>th</sup> June 2002 with an option for a further 3 years.
- 3 The Mayor and General Manager are authorised to execute the agreement on behalf of Council.
- 4 NORPA be congratulated on its management of the facility to date.

(Councillors Crowther/Larsen) (P6816)

S64 Plan Review

(Copy attached)

- 113/99 RESOLVED that the report be received and the Section 64 plan be reviewed and the results of this review be presented to the Council meeting on June 8, 1999.  
(Councillors Larsen/Crowther) (S517)

Rural Quarries Strategy

(Copy attached)

- 114/99 RESOLVED that the report be received and -
- 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), Tuncester and Gap 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.
  - 9 The method of working Osborne's quarry be revised, with a view to working the face rather than a hole in the ground and the matter be further negotiated with the EPA
- (Councillors Gates/Larsen) (S324)

Proposed Amendment 50 to Lismore LEP 1992 - Cellulose Valley Technology Park

(Copy attached)

- 115/99 RESOLVED that the report be received and pursuant to Section 54 of the Environmental planning & Assessment Act 1979, Council 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.  
(Councillors Swientek/Larsen) (S718)

CONTINUATION:

- 116/99 RESOLVED that the meeting continue to the end of the business paper.  
(Councillors Swientek/Wilson)

At this juncture (10.50pm) Councillor Riddell left the meeting.

---

LEP Amendment No. 45 - Heritage  
(See Minute No. 110/99)

Section 96 Application - DA95/22 - 231 Residential Allotments - Taylor Road, Goonellabah

(Copy attached)

A MOTION WAS MOVED that the report be received and Council defer consideration of this item to allow it to be placed on public exhibition advertising the proposed changes.

(Councillors Swientek/Wilson)

AN AMENDMENT WAS MOVED that the report be received and -

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.

(Councillors Cole/Larsen)

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

**Voting Against:** Councillors Crowther, Swientek and Gates.

117/99 RESOLVED that the report be received and -

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.

(Councillors Cole/Larsen)

**Voting Against:** Councillor Swientek.

(D95/22)

Engineering Standards -AUS-SPEC

(Copy attached)

- 118/99 RESOLVED that the report be received and Council adopt the amended AUS-SPEC 1 Documents as Council's minimum Development Design and Construction Standard.  
(Councillors Crowther/Gallen) (S693)

Council Policy - Dedication of Land for Community Purposes

(Copy attached)

- 119/99 RESOLVED that the report be received and Council adopt Policy No. 5.2.28 - Dedication of Land for Community Purposes.  
(Councillors Roberts/Swientek) (S9)

Provision of Water Main Replacement

(Copy attached)

- 120/99 RESOLVED that the report be received and -  
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.  
(Councillors Larsen/Gates) (T99024)

Annual Review - Disability Action Plan

(Copy attached)

- 121/99 RESOLVED that the report be received and noted and that Council take this report into consideration when determining the 1999/2000 budget.  
(Councillors Crowther/Wilson) (S146)

Lismore Workers Club Rainbow Region Masters Games Update

(Copy attached)

- 122/99 RESOLVED that the report be received and noted and Mr Bancroft be congratulated on his achievements to date.  
(Councillors Larsen/Cole) (S720)

Investments Held by Council as at 28/2/99

(Copy attached)

- 123/99 RESOLVED that the report be received and noted.  
(Councillors Larsen/Cole) (S170)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 17/3/99

(Copy attached)

- 124/99 RESOLVED that the minutes be received and the recommendations contained therein be adopted, excluding Items 7, 13, 17 and 18.  
(Councillors Gallen/Roberts)

Item 7 - Nimbin Police Station

- 125/99 RESOLVED that this item be received and noted.  
(Councillors Roberts/Wilson)
-

126/99 Item 13 (TAC48/99) - Rowing Club Carpark  
RESOLVED that no action be taken on this option.  
(Councillors Gallen/Swientek)  
**Voting Against:** Councillors Roberts, Cole, Gates and Crowther.

127/99 Item 17 (TAC52/99) - Magellan Street between Carrington Street and Keen Street  
RESOLVED that no action be taken on this matter  
(Councillors Roberts/Gallen)  
**Voting Against:** Councillors Swientek and Gates.

Item 18 (TAC53/99) - Camping in Nimbin Streets  
A MOTION WAS MOVED that no action be taken to include the half hour parking restrictions on existing parking signs within the Nimbin CBD.  
(Councillors Roberts/Wilson)

The Mayor ruled the motion to be lawful.

MOTION OF DISSENT:

Councillor Swientek moved a motion of dissent to the Mayor's ruling.

On submission to the meeting the MOTION was DEFEATED.

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

128/99 RESOLVED that no action be taken to include the half hour parking restrictions on existing parking signs within the Nimbin CBD.  
(Councillors Roberts/Wilson)  
**Voting Against:** Councillors Swientek, Gates and Crowther.  
(S352)

DOCUMENTS FOR SIGNING AND SEALING:

129/99 RESOLVED that the following documents be executed under the Common Seal of Council:-

Transfer - Council Sale to Herne - Lot 1, DP 882565, Caniaba Road, Loftville

Sale of surplus land at Lismore Airport - 5.349 ha.

(Councillors Larsen/Wilson) (99-4865: P25803)

MATTER OF URGENCY:

Terania Creek Road

130/99 RESOLVED that this matter be admitted as a matter of urgency.  
(Councillors Gates/Wilson)

DISCLOSURE OF INTEREST:

**S459**

Councillor Gallen declared an interest in this matter (tourist operator) and left the meeting during the debate and determination thereof.



Terania Creek Road

A MOTION WAS MOVED THAT a committee be formed to address the Safety issued on Terania Creek Road, resulting from the increasing popularity of the Protestor Falls National Park. The following options be considered.

- 1 Closure of Protester Falls to Tourists.
- 2 Access to Protester Falls be through accredited Tour Operators using mini buses departing from or checking in at The Channon. An entry fee be charged to cover road upgrading.
- 3 Access to Protester Falls by individuals be charged an entry fee to cover road upgrading.
- 4 Quantify Safety issues and recommend corrective works.
- 5 Any other option which may ameliorate the safety issues on Terania Creek Road.

(Councillor Gates/Crowther)

On submission the Motion was defeated.

**Voting Against:** Councillors Irwin, Roberts, Larsen, Wilson, King, Cole, Gallen.

A FORESHADOW MOTION WAS MOVED -

That money set aside from FAG's for Skyline Road be considered for diversion to Terania Creek Road to be used for resealing work and a report be brought back to the next Council meeting.

(Councillors Roberts/Larsen)

131/99 RESOLVED that the report be received and that money set aside from FAG's for Skyline Road be considered for diversion to Terania Creek Road to be used for resealing work and a report be brought back to the next Council meeting

(Councillors Roberts/Larsen)

**Voting Against:** Councillors King, Swientek, Gates and Crowther.

This concluded the business and the meeting terminated at 11.55 pm.

**CONFIRMED** this 27TH day of APRIL, 1999 at which meeting the signature herein was subscribed.

---

**MAYOR**

