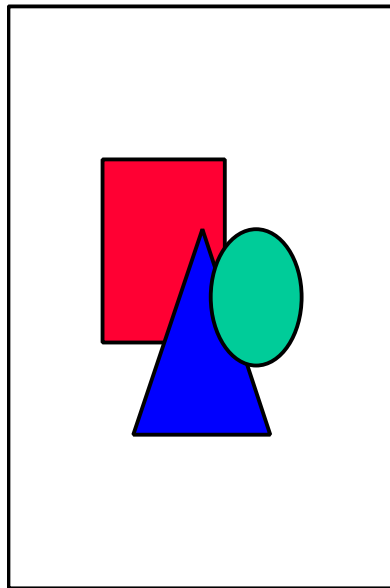


# COUNCIL Business Paper



JUNE 8, 1999



## NOTICE OF COUNCIL MEETING

An **ORDINARY MEETING** of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on **TUESDAY, JUNE 8, 1999**, at 6.30pm and members of Council are requested to attend.

*A welcome will be extended to the delegates from Wudi County, China, at 6.00pm in the Councillors Room preceding the Council Meeting.*

*All Councillors are requested to attend this welcome.*

(Ken Gainger)

**GENERAL MANAGER**

June 1, 1999



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MAYORAL MINUTE

Subject/File No: ROAD PRIORITIES AND PRACTICES

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Background:

The issue of road practices and priorities is one of the most difficult confronting Council and even in the best of weather conditions there are never-ending complaints from members of the community. Councillors, too, have had deep concerns. Prioritising road construction and maintenance has been a divisive and often acrimonious task, made more difficult by the fact that we have had an ad-hoc approach driven largely by vocal groups advocating for their own roads. These concerns are reflected in the independent review that Neil Arbuthnot, from Victoria, has been conducting into road construction and maintenance practices.

Over the past 12 months Lismore has had four times as much rain as has occurred in recent years. The consequent effects have been particularly evident throughout the City in severe pot-holing, slumps, slips and guttering, particularly on unsealed roads. Complaints from the community have increased, and given that a sustained wet period may well be ahead (and even if this is not the case) there is an urgent need to review all these issues.

Council recently established a Steering Committee of 4 Councillors to prioritise the 10 worst roads so that they can be addressed in next year's budget. In hindsight, I think that this is equivalent to trying to drain a swamp with a cup and a more comprehensive approach is needed. We need a strategic direction, clearly-stated policies and practices, and agreed criteria for prioritising work.

It is also clear that there is a great deal of energy in the community on this issue. There have been numerous requests for Council to enlist the support of residents, particularly in rural areas, in such things as grading, filling potholes and clearing drains. Despite this Council's desire to utilise the skills and energy of the community, we have been frustrated by our legal and insurer's advice which say that in view of the potential public liability risks we should not allow people other than employees to work on our roads. There has been some concession in regard to people clearing drains or working on road verges but this has not been taken further at this stage.

It seems to me that we have the opportunity now to involve the community, to utilise their energy in a much more positive way than has been the case in the past. I think we should invite members of the community who are actively interested in this issue to join the Steering Committee of Councillors and that the committee undertakes the following tasks:

- (a) Attend a workshop to be briefed about the road network throughout the City, current Council practices, plant and equipment, funding, legal limitations and possibilities, and the significant issues from Council's perspective.
  - (b) Be involved in a Council-organised observation tour of the City to assess for themselves the nature of the different challenges confronting us.
  - (c) Develop criteria for prioritisation of road works, and policies in regard to practices. e.g. should our policy be to spread the money across the City or to do a thorough job once?
  - (d) Be the local contacts for their part of the network and give feedback to the other residents. This will be easier in locations where there is an existing Precinct Committee but there are other excellent rural networks such as Progress Associations.
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Road Priorities and Practices

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The outcome should be a Council Road Construction and Maintenance policy which could be placed on public exhibition for comment.

Despite our past legal and insurance advice, I think we should approach Phillips Fox and our insurer again to see whether there is some room to move on the community working with us on their local roads. As a general policy it may not be possible, but perhaps it is on those rural roads which do not have through traffic, where the road conditions are well-known to the local drivers.

I have had an informal discussion with Lindsay Taylor of Phillips Fox, and it seems to me that there are several options which are worth consideration eg possible road closures and Deeds of Agreement with the landowners (I think such an agreement has occurred at Moree Plains Shire Council), or simply accepting our liability, provided that our insurer will continue to cover us. In the latter case it might be that we would pay an insurance premium but perhaps that would be worth it. Indeed it may well be worth co-opting our lawyer and insurer as ex-officio members of the Steering Committee or having them attend to give advice on all the possibilities.

Whilst the condition of our roads is a widespread, and seemingly overwhelming, concern I am sure that with direct community input and good will, we will achieve a better outcome for Lismore than simply prioritising within house the 10 worst roads.

General Manager's Comment:

This is a sound initiative which has the potential to provide a valuable forum to enable the broader community to constructively and objectively channel their concerns regarding the condition of our roads on an ongoing basis.

Because of the significance of this issue in our community, it is important to ensure that this initiative has credibility and that its chances of success are enhanced by addressing the following issues:

- Rather than a random selection of community representatives from various roads catchments by Council, that local communities have the opportunity to nominate and elect their own representatives;
- That Council determine clear objectives and performance criteria for the Committee;
- That Council consider and determine the make-up of the Committee including the number of community representatives to be involved;
- That there be a linkage between representation of Council and community representatives on this Committee and the existing Traffic Committee.

Another area of concern is that this proposal to establish a new Council Committee is being considered on the cusp of a Council election. This raises a number of issues which Council should address, including:

- Is it appropriate to establish a new Committee at this stage and pre-empt actions/strategies that a new Council may propose to address roads issues?
- One of the first actions of a new Council is to review it's Committee system – if Council was to proceed with this proposal and build community expectation only to have a new Council subsequently quash the Committee, credibility would be lost;

Road Priorities and Practices

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- To launch such an initiative on the eve of an election could be perceived as opportunistic and may detract from what is a genuine attempt to harness community concerns on an on-going long term basis;

Finally, the Mayoral Minute alludes to the utilisation of members of the community working on local roads. This proposal has been widely canvassed in the past and is potentially a legal/public liability nightmare with attendant *duty of care* obligations with personal and collective liability possibly accruing to Council, Councillors, staff and community members alike. Even if means can be found to work around some of these problems, they are likely to be encumbered by excessive administration, supervision and OH&S requirements and associated costs which will offset any potential savings for the Council. Given that we have received advice that community members are able to work on roadside verges clearing vegetation, weed spraying, planting etc and a framework has already been established to cater for this, surely these tasks should be pursued before there is any entertainment of the risky notion of community members working on the roads.

Recommendation:

1. That Council nominate up to 6 community members from different sections of the road network for membership of the Steering Committee.
2. That this Committee undertake as a matter of urgency the following tasks:
  - (a) Attend a detailed workshop to be briefed about the road network throughout the City, current Council practices, plant and equipment, funding, legal and insurance limitations and possibilities, and the significant issues from Council's perspective.
  - (b) Be involved in a Council-organised observation tour of the City to assess for themselves the nature of the different challenges confronting us.
  - (c) Develop criteria for prioritisation of road works, and policies in regard to practices. e.g. should our policy be to spread the money across the City or to do a thorough job once?
  - (d) Be the local contacts for their part of the network and give feedback to the other residents. This will be easier in locations where there is an existing Precinct Committee but there are other excellent rural networks such as Progress Associations.



CITY OF LISMORE

NOTICE OF MOTION

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

*That this Council express a vote of no confidence in the Mayor's failure to consult with, seek authorisation from and to fully inform Lismore City Council on the proposed changes of location of the LCC/SCU/SCU Union Joint Venture Aquatic Centre ahead of addressing the SCU Union Friday May 21, 1999 as reported in The Northern Star.*

COUNCILLOR      F F Swientek

DATE            25/5/99

(99-8510: S719)

CITY OF LISMORE

NOTICE OF MOTION

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

***Re: Council resolution 15/99 - Lismore Leisure & Aquatic Centre Joint Venture Proposal with SCU and SCU Union***

*That should there be any change of location or any discussion of possible change in location then the matter be brought back to Council for determination.*

COUNCILLOR F F Swientek

DATE 25/5/99

STAFF COMMENT BY GENERAL MANAGER:

Relevant explanations of proposals concerning the location of the Aquatic Centre are contained in the body of the report headed "Lismore Aquatic and Leisure Centre - Heads of Agreement", which is included in this business paper.

(99-8513: S719)

CITY OF LISMORE

NOTICE OF MOTION

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

***Re: Resolution 15/99 - Joint Venture - Item 6, which reads:***

*“Council’s capital expenditure on the project is set at the absolute maximum of \$4 million”.*

***That Council resolve the term “Capital Expenditure” be deemed to include design and project management costs.***

COUNCILLOR I R Gates

DATE May 25, 1999

STAFF COMMENT BY MANAGER-FINANCE & ADMINISTRATION & MANAGER-CLIENT SERVICES:

The \$4 million budget for the Aquatic and Leisure Centre is Council’s contribution to a total project budget of \$8 million.

The \$8 million budget includes the amount to be expended under the construction contract, the architect’s and sub-consultant’s charges for project management, design, documentation, tendering and construction supervision plus a contingency to cover variations in the construction contract.

(99-8514: S719)

Subject/File No: LISMORE AQUATIC AND LEISURE CENTRE –  
HEADS OF AGREEMENT  
(S719)

Prepared By: Wayne Franklin – Manager Client Services

Reason: The Heads of Agreement for the Joint Venture Aquatic Centre is ready for consideration by Council

Objective: Council to consider the Heads of Agreement

Management Plan Activity: Strategic Plan Link 5,8.

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Background:

At its meeting of 2<sup>nd</sup> February 1999 Council resolved that the Heads of Agreement for the Joint Venture Aquatic and Leisure Centre is to be brought to Council for approval. The joint venture agreement has now been developed and is presented herewith for Councils consideration.

THE SITE

During the initial investigations for the Aquatic Centre, Council and the University considered the possibility of three sites all of which form part of the University, they being the current site adjacent to the Union building, an alternate site now being re-considered adjacent to Cellulose Valley and also a possible site in Rifle Range Road which upon investigation proved unworkable.

Both the Union building site and the Cellulose Valley site appeared acceptable to Council but the consensus of opinion of the three partners represented on the steering committee, was that the Union building site was most acceptable to all parties. This site was subsequently recommended to and accepted by Council.

Council also resolved that it would not support the development of the Aquatic Centre on that site unless parking and traffic issues are addressed.

Two matters have arisen that now preclude the Centre progressing on the Union Building Site in the short term.

The University has acted in good faith in attempting to develop the Kellas Street entrance but the extreme cost of the project resulting from the need to preserve certain endangered plant species has made its financial viability questionable. At this time, it appears that neither Council nor the University is able to overcome the planning issues surrounding the endangered plants therefore the road would need to take a different, more expensive route.

Further, it is necessary to transfer title of the site from the Crown to the NSW Minister for Education and then gain the Minister's approval for the lease of the site. Estimates of how long this process would take range from ninety (90) days to nine (9) months, although experience has shown that this process could take up to eighteen (18) months (as happened with the transfer of Nimbin School site to Council).

The University has offered the site adjacent to Cellulose Valley as an alternate site. The site is shown hatched on the accompanying plan.

The Steering Committee has discussed the alternative site and has identified the following positive features:

- Greenfield site allowing advantageous orientation of the Centre
- Room to grow and expand facilities
- Away from traffic congestion at foot of Cynthia Wilson Drive
- Alternative access route via Skyline Road and Military Road, possible in future
- Would form part of a future sporting precinct
- Does not consume existing carparking spaces
- No competition for parking between students and the Centre users
- Has two public road frontages so the issue of the general public needing to enter the University Campus is no longer of concern
- Freehold or Leasehold title of site available as site is University owned.

The negative features of the site are;

- Does not take advantage of the use of parts of the Union Building
- Less patronage of the Centre by University Students

To overcome the loss of the Union Building it will be necessary to reduce the scope of the development if the Centre is to remain within the \$8million budget. Council would recollect that neither the University or Council particularly supported the inclusion of the Function room in the development but this feature remained at the request of the Students Union. As the Centre would be remote from the Union Facilities, in particular the licensed areas the Function room may not be appropriate. As the function room is estimated to cost at least half a million dollars in the current concept its deletion would free significant funds for other facilities.

Another significant issue with the Cellulose Valley site is the need to upgrade local roads. The scope of works funded by the \$8million budget does not include upgrading of public roads. The current understanding is that the roads around the site will be upgraded as part of the Cellulose Valley development and therefore not be a cost to the Centre budget.

In order that the site can be fully evaluated it is recommended to Council that the project architect be commissioned to prepare a costed concept drawing for the site and that the issue with local roads be resolved with the University.

The preparation of the costed concept is estimated to cost \$16,000 including survey and geotechnical investigation. Councils share of this cost would be \$8,000. The breakdown of the estimate is

|                                      |         |
|--------------------------------------|---------|
| Architects fees and disbursements    | \$8,000 |
| Site Survey                          | \$1,000 |
| Geotechnical Investigation           | \$5,000 |
| Siteworks and Carpark Concept Design | \$2,000 |

## THE PARTIES TO THE AGREEMENT

The Steering Committee for the project considered the change of site at its meeting of Monday 17th May 1999. The conclusion of the Steering Committee was that the University and Council delegates supported a change of site, but the Union would need to further consider its position to determine if it would support the change. There was general discussion on what revised arrangement might be offered to the Union to gain its support for the new location.

The Steering Committee also discussed the Student Union's financial viability and their ability to finance the two million dollar input to the project, particularly the threat of voluntary Student Unionism. Although the Heads of Agreement had always been developed with the University underwriting the Unions financial obligations the change of site brought this issue to the fore. The outcome of the negotiations is that the agreement moves from a tripartite agreement between Council, the University and the Union, to a two party agreement between Council and a second party that being the University and the Union acting as one. Each party has four directors under the Heads of Agreement with the Mayor chairing the Board. The relationship between the Union and the University is outside the Heads of Agreement but will cover funding and representation issues amongst others.

## THE AGREEMENT

The full Heads of Agreement is appended for each Councillors consideration.

The most significant issue in the Heads of Agreement is the intention for the Parties to form a Company to operate the Aquatic Centre.

After considerable deliberation by each party and their respective legal advisers it was concluded that the formation of a company best protects each parties interests and limits their liability. Council will require the consent of the Minister for Local Government to form the company. Accordingly the Heads of Agreement provides for the formation of the company to be conditional upon the granting of consent.

It is recommended that Council instruct Phillips Fox Lawyers to seek the Minister's consent.

The Heads of Agreement includes a number of escape clauses, which allow the parties to terminate the agreement should the parties not reach agreement on critical financial and factual issues. Each of these termination clauses protects Council's position in the joint venture. As an alternate site is being investigated, the agreement allows for termination should the parties not agree on a site. Further, the agreement provides for termination if development consent cannot be obtained within 18 months and also allows for termination if the tendered prices for the construction of the centre exceed the budget and cannot be reasonably reduced.

The Heads of Agreement requires decisions on certain predetermined issues to be unanimous, whilst the Mayor as chairperson of the board, has the casting vote on all other issues.

The Heads of Agreement also provides for certain expenditure that occurs prior to execution of the agreement, to be credited as part of the respective parties \$4million input. At present the only amounts that are proposed to be noted in this schedule are the proposed \$8,000 expenditure by each party to investigate the alternative site and the value of any Gym equipment relocated from the current Student Union Gymnasium to the Centre.

**Manager - Finance & Administration Comments**

On the basis that consideration of the Heads of Agreement is to be referred to the incoming Council for determination, the need for critical evaluation at this time, from a financial perspective, is not required.

In making this statement, I would add that a number of conditions in the agreement offer some advantages to Council and these are worthy of mention. They include,

- a) Clause 4.1 The Mayor is to be the Chairperson.
- b) Clause 4.5.1.1 Unanimous resolution is required on the raising of additional funding.
- c) Clause 4.6 The Chairperson has a casting vote.
- d) Termination Clause Options - In relation to satisfactory development consent, site/title preference and construction costs.

I am of the opinion that these clauses provide a control point for Council to manage it's investment in this facility.

**Public Consultations**

To ensure that the Community remained involved in the development of the Centre a Community Advisory Group was formed with the members of the Group representing a broad cross section of the swimming and general community. This group has provided very worthwhile feedback to date. The group has identified a number of issues with the conceptual design on the site adjacent to the Students Union Building, which arise due to the limitations of the current site. Examples of these limitations are the traffic and parking conflict, room for future expansion and orientation of outdoor areas. Although the conceptual design could be revised to overcome a lot of this criticism the change of site will allow Council to address all the site related issues identified.

In addition to consideration by the Community Advisory Group, it is recommended that the wider community's opinion on the change of site be gauged. Discussion with Peter Walsh of AC Nielson indicates that either focus groups or a telephone survey could be appropriate. Peter Walsh is preparing a proposal for community consultation, which will be at hand prior to the council meeting.

**GENERAL MANAGER'S COMMENTS:**

The offer of the SCU of the site on the Crawford land as a location for the proposed Leisure and Aquatic Centre is a great opportunity for a *greenfield site* development which has the potential to overcome many of the community misgivings relative to the alternative *on campus* location. Whilst there are many perceived advantages to the new site proposed, the proposal needs to be carefully evaluated so as to identify any unforeseen costs associated with the construction or upgrading of access roads, drainage, etc. that will have to be met from project funds and which have the potential to significantly erode the \$8 million capital available for the project.

Although the Crawford land was one of three SCU site options considered during the Council's lengthy evaluation phase for this venture, it was not pursued because it was to be dedicated to the *Cellulose Valley* industries which at that stage had not progressed beyond the conceptual stages.

## LISMORE CITY COUNCIL - Meeting held June 8, 1999

### Lismore Aquatic & Leisure Centre - Heads of Agreement

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Accordingly, the broader community opinion was not canvassed relative to this site and the focus groups established by the Council did not consider this location.



Because it will take some months to complete a full evaluation of the Crawford land site, and as the community has not had an opportunity to provide considered feedback on this proposal to relocate the development, given that there is only 3 months left in the life of the current Council, it is, in my opinion, appropriate to delay decisions on the determination of the preferred site and execution of the Heads of Agreement document until early in the term of the newly elected Council.

There is a degree of inevitability and logic in this course of action, namely:

- Major decisions such as approval of the Centre design and the Development Application will have to be made during the term of the new Council'
- The new Council will, pursuant to provisions of the Local Government Act, be obliged to review the priorities and financial commitments made in the Management Plan and Budget for the 1999/2000 financial year;
- Irrespective, new Councils inevitably seek to review major commitments made by the previous Council just as the present Council did early in its term;
- It is appropriate for the new Council to take "ownership" of such a significant project - after all, the project will require strong commitment from the new Council if it is to be brought to successful completion;
- Such a significant project should not hang on a very narrow majority or Mayoral casting vote of this Council on the eve of an election.

Council should be confident that the overwhelming merits of the Joint Venture proposal will stand the test of review and scrutiny and gain a strong commitment from the new Council to progress the project to fruition. The excellent work undertaken by the Joint Steering Committee in working through the design aspects with community representatives, and pursuing complex legal issues associated with the proposed formation of a Joint Venture Company, will provide a solid foundation for the new Council to build upon.

#### Other Group Comments

Not Requested.

#### Conclusion

The need to change the site of the Centre can be considered to be a fortuitous outcome for Council in that it allows the designing of an Aquatic and Leisure Centre that can be considered to be more Community orientated whilst still benefiting from the cost sharing arrangement with the University.

The Heads of Agreement has been carefully developed in conjunction with our legal advisers and the other parties and is ready for adoption by Council.

To ensure that the revised site is both affordable and suitable it is necessary to prepare a costed concept for consideration by Council.

It is also necessary to ensure that the alternative site meets with Community acceptance.

Recommendation GM02

1. A conceptual design be prepared and costed for the alternate site on the corner of Military Road and Crawford Road.
2. The University be requested to fund fifty percent of the cost of preparing the concept design.
3. Council accepts the arrangement between the parties presented in the draft Heads of Agreement but no legal arrangement is to be created between the parties until the Heads of Agreement is executed by all parties.
4. The concept design and location be referred to the Community Advisory Group for comment.
5. Broader Community opinion of the change of site be obtained through the engagement of AC Nielson with Peter Walsh as the facilitator.
6. Phillips Fox Lawyers be instructed to seek the Minister for Local Governments approval for Council to be a shareholder in a company formed to own and operate the Lismore Aquatic and Leisure Centre.
7. The costed concept design and outcome of the additional community consultation be referred to the new Council early in their term for determination.
8. The Heads of Agreement document be referred to the new Council early in their term for execution.

Subject/File No: SECTION 96 APPLICATION TO MODIFY DEVELOPMENT  
CONSENT NOTICE 96/36  
(DC:MJK: DA96/36)

Prepared By: Subdivision Manager - Bob Hanby

Reason: Council Policy 5.2.2 - Report brought to Council for Determination on  
request of Clrs Irwin and Roberts.

Objective: To obtain Council endorsement of recommendation.

Management Plan Activity: Development Assessment

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### Introduction

The proposal presently before Council is a Section 96 Application seeking consent to undertake a modification of the notice of determination for Development Application No. 96/36 in order to modify Condition No. 10 which required the applicant to construct kerb and gutter and a 3 metre maximum width bitumen sealed road pavement for the full frontage of the land in Thorburn Street, being 36.695 metres.

### **The Site**

The subject property is described as Lot 2 DP 835998, being 30 Thorburn Street, Nimbin, with a total site area of 1.99 hectares. The subject land is zoned 2(v) Village in accordance with the provisions of the Lismore Local Environmental Plan 1992.

### **Background**

1. Council received Development Application No. 96/36 on February 6, 1996 for a proposed subdivision to create one (1) additional allotment. The application was approved by DCU on March 29, 1996.
2. Council on April 9, 1999 received a Section 96 Application for Development Consent Notice No. 96/36 to modify Condition No. 10 to delete the requirement for the provision of kerb and gutter for the full frontage of the subject property. It is this modification of consent that is the subject of this report.

### **Consultation - Government and Other Agencies**

Not relevant to this application.

### **Consultation within Council**

#### ***Environmental Health Section and Building and Regulation Section***

No objections are raised to the Section 96 Application to modify Condition No. 10 in order to delete the requirement for kerb and guttering for the frontage of the subject property.

#### ***Group Manager-City Works***

Within the original Development Application, supporting information from Mr Williamson's consultant surveyor tabled that the application is to be in accordance with DCP No. 9 and DCP No. 14. The assessment of the application reflected the requirements of the DCP's and Council's minimum construction standard. At the time of assessing the application in March 1996, Mr

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Williamson raised concerns that the sale of the land to the Department of Housing may not proceed as Council would not release the linen plan until all conditions of consent were met.

Council's Mr R Hanby agreed with Mr Williamson's concerns and in his memo of March 22, 1996 recommended Council accept incomplete works bonds for the various civil components of the consent. This would then allow the release of the linen plan and ensure works are completed within twelve months. This was then reflected in Note 1 of the development consent.

This was confirmed by Mr Williamson in his letter of April 18, 1996. Mr Williamson along with his covering letter of April 26, 1996, lodged all bond monies in relation to Condition No. 10 and that he would undertake the works.

Mr Williamson first contested the need to comply with Condition No. 10 in his letter of January 20, 1998, detailing a number of points which could not be supported. Mr Williamson again forwarded correspondence to Council of May 18 and September 29, 1998, requesting his bonds be returned without undertaking the works.

The disappointing aspect of this application is that Council went to considerable trouble to assist the developer on the basis that the conditions of consent were not in question. Now almost 3 years later the developer has not completed the work and wishes to renegotiate the original agreement. This renegotiation, if accepted by Council, will leave Council with uncompleted works and result in a windfall to the developer of \$4,500.

If Council wishes to vary the condition it should be considered in two aspects:

1. Why should Council vary the DCP and development conditions accepted by the applicant?

If a variation is acceptable, what should that be?

2. What should happen to the \$4,500 guarantee being held by Council to ensure that the works are completed?

### **Provisions of Relevant Legislation**

Planning Section 96 of the Environmental Planning and Assessment Act 1979.

*Development Control Plan No. 9 - Nimbin.* With specific reference to the provision of kerb and gutter. Clause 7.1 Road Systems identifies that construction and drainage of roads are required for all subdivisions, with the design of such works to comply with Council specification for engineering works and be completed at the developer's cost.

### **Any Other Relevant Matters**

No other matters not already considered under Clause 12(1) and (2) of the Local Government (Approvals) Regulations 1993 or adopted local approvals policies apply.

### Assessment under Section 96 of the EP & A act

In its consideration of any Development Application, the Act requires that Council take the following matters into account.

- 96(2) The provision of relevant Planning Instruments Mandatory Requirements - Section 96 of the Environmental Planning and Assessment Act 1979. Section 96 of the Act provides that a consent authority which has granted development approval may be modified that consent where:
-

- a) It is satisfied that the development to which the consent as modified relates is substantially the same development;
- b) It has consulted with the relevant Minister or public authority in respect of a condition referred to in Section 82(1) and that the Minister or authority has not, within 21 days after being consulted, objected to the modification of that consent.
- c) It has notified the application in accordance with the Regulations.
- d) Considered any submissions made concerning the proposed modification within the period prescribed by the Regulations.

Further, the consent authority must take into consideration the matters referred to in Section 79C(1).

### **Planning Comments**

Council's Subdivision Unit is not satisfied that the development to which the consent as modified relates is substantially the same development. It is considered that a number of issues arise concerning the proposed amendment for the deletion of kerb and gutter in the context of Council's original assessment of the Subdivision Application.

As Council will be aware, it is standard practice to require roadworks incorporating kerb and gutter, to be provided as a condition of consent upon urban/village subdivision approvals. The rationale for the works is essentially based on the need for an adequate road system to cater for the approved development. Council's requirement for the proponent to undertake civil works is established within Council's adopted planning and engineering policies. In this regard, the proposal was for a subdivision to create an additional allotment which would create further development entitlements allowing the construction of aged housing by the Department of Housing, and hence increase the traffic generation from the subject site.

In carrying out the development, pursuant to the assessment undertaken to the old Section 90, it was deemed that the current road standard was not in accordance with Council's minimum standard and thus the applicant was required to provide the necessary works to the adopted Council standard, as defined in Condition No. 10.

Whilst it is acknowledged that the applicant seeks to delete the condition to maintain a pleasant 'village feel', it is noted that Nimbin Development Control Plan requires works to comply with Council specifications. Development of the nearby high school site and medium density development in Thorburn Street required the provision of kerb and guttering (refer Plan No. 1).

The applicant, as stated within the Section 96 Application, has always maintained that if the Council was to kerb and gutter the entire street, that the proponent would be happy with the condition, then at least it would be harmonious rather than "hotch potch" of styles. In this regard, it is Council's intention upon the collection of sufficient Section 94 Contributions, that Thorburn Street will be upgraded in this way. If Council were to delete the condition it would ultimately bear the cost for these works to be completed at a later date.

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If the applicant has a genuine concern over a small section of kerb and guttering being introduced to this section of Thorburn Street, then they may be prepared to have Council accept their bond money as a contribution towards the eventual upgrading of the whole section at some future date.

It is not considered necessary in this instance that any relevant Minister or Public Authority be advised of the Section 96 application, as no authority was forwarded a copy of the Development Application for a comment during the initial assessment of the application.

Council received no objections during the submission period for the Development Application.

In regard to the Section 90 Assessment undertaken pursuant to the Environmental Planning and Assessment Act, should the kerb and guttering condition be deleted, it is considered that the proposal would not comply with Council's adopted policies for this form of development in the subject location.

The condition sought to be amended is as follows:

*"10. The applicant or the developer provide the following roadworks with associated stormwater drainage structures, designed and constructed in accordance with the Council's adopted road and drainage standards, at no cost to the Council, and also be responsible for the full cost of any maintenance of this work, considered necessary by the Council's City Works Group, for a period of twelve months from the date of approval of the work: a kerb and gutter and a 3.0 m maximum width bitumen sealed road pavement, measured from the face of the kerb, for the full frontage of the land in Thorburn Street. After satisfactory completion of all roads and drainage, a works-as-executed set of plans be submitted to the Council by a suitably qualified Engineer or Surveyor."*

### **Development Control Plans**

Development Application No. 96/36 has been previously assessed under Development Control Plan No. 9, with no objections being raised. In regard to the amendment of Condition No. 10, it is considered that the proposal does not satisfy the principle aims and objectives of the abovestated policies.

### Summary

#### **Compliance**

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

#### **Issues**

All relevant issues have been dealt with within this report.

#### **Objections**

The Section 96 Application has not been notified to adjoining owners, although a Public Notice has been placed within the Council Offices for a period of ten (10) days. Council received no objections.

#### **Environmental Significance**

In terms of this application, any environmental significance from any future development is not a relevant consideration.

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Conclusion

The amendment of Condition No. 10 is considered inappropriate under Section 96 of the Environmental Planning and Assessment Act 1979.

Recommendation (PLA36)

- 1 That the application under Section 96 of the Environmental Planning and Assessment Act 1979 lodged with Council on April 19, 1999, for modification of determination of Development Application No. 96/36, dated March 29, 1996, for the two lot village subdivision at Lot 2 DP 835998, be determined as follows as follows:
  - a) That Council refuse the deletion of Condition No. 10 for the provision of kerb and guttering for the full frontage of the subject property.
  - b) That the applicant be required to complete the works in accordance with Condition No. 10 within ninety (90) days from the date of notification of refusal. Should the works not be completed within ninety (90) days, Council shall collect the bond as lodged in 1996 and any subsequent monies required for the works to be undertaken to the current requirements within Council's Engineering standards.



Subject/File No: DEVELOPMENT APPLICATION NO. 98/58 - PROPOSED  
SUBDIVISION TO CREATE 27 VILLAGE ALLOTMENTS  
(DC:MJK: DA98/58)

Prepared By: Subdivision Unit Development Assessment Planner - Damian Chapelle

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

Objective: To gain Council's approval for the construction of a village subdivision.

Management Plan Activity: Development Assessment

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## 1 PRECIS

### **Applicant**

The application has been submitted by Walker and Newton, 186 Molesworth Street, Lismore on behalf of the property owner being Ms F King.

### **Zoning**

The subject site is zoned 2(v) Village pursuant to the provisions of the Lismore Local Environmental Plan 1992.

### **Location**

The subject site is located within the village of Clunes, with frontage obtained to James Gibson Road and Remnant Drive. The property is irregular in shape with a total area of 9.286 hectares.

The site is bound on the south-east by the Clunes Primary School site and on the west by adjoining grazing properties. Two main drainage lines exist on the site, with surface water directed towards the head of a watercourse which flows westerly off the property. The subject site contains a stand of mature trees (remnant rainforest) in a part of the south-eastern area of the site.

The north-eastern portion of the property fronting James Gibson Road has been developed in previous staged approvals. The subject proposal seeks consent to subdivide the remaining undeveloped land.

### **Proposal**

The application proposes the creation of twenty seven (27) village allotments and two (2) lots designated for public open space. The subdivision is proposed to be created over 8 stages, with a minimum lot size of 1,828m<sup>2</sup>, and the site average being 2,270m<sup>2</sup> (not including provision of open space).

### **Background**

The property has been the subject of previous planning assessment and the approval of Stages 1 to 3 for the creation of twelve (12) village allotments. During the assessment of the applications considerable community discussion occurred which resulted in Development Control Plan amendments for the village and modified proposals for the site.

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With specific reference to the current Development Application, Council will recall at its meeting of February 23, 1999, that it resolved to amend Development Control Plan No. 21 - Village of Clunes and the Section 94 Plan to delete the requirement to extend the Clunes Public School Oval and give consideration to including other sites for open space development. Further, the resolution required the applicant to dedicate land (at no cost to Council) which encompassed the remnant rainforest and provided a link to the Clunes Public School.

**Key Issues**

Wastewater disposal, retention of remnant rainforest.

**2 DESCRIPTION OF THE PROPOSAL**

The applicant has proposed the creation of twenty seven (27) village allotments and two (2) open space reserves and associated civil works to be constructed over 7 Stages. The staging of the development has been proposed as follows:

- Stage 4 - 2 lots.
- Stage 5 - 2 lots.
- Stage 6 - 2 lots and 1 open space.
- Stage 7 - 4 lots and 1 open space.
- Stage 8 - 4 lots.
- Stage 9 - 3 lots.
- Stage 10 - 5 lots.
- Stage 11 - 5 lots.

Stage 11 is located in the vicinity of the Walkers Dip Site, which has previously been subject to an earlier Development Application assessment. A previous approval contained appropriate conditions for the decommissioning and remediation of the dip. Walkers Dip is also the subject of a Plan of Management which has been approved by Lismore City Council. Until the site is remediated, Stage 11 cannot proceed.

In accordance with Council's resolution of February 23, 1999, the proposed subdivision creates a public reserve around the existing remnant forest which is located upon the property's south-eastern boundary.

The applicant has proposed individual on-site wastewater disposal systems which have been supported by Wastewater Management Reports prepared by GeoLINK Group and the applicant, Walker and Newton, to the satisfaction of Council's Environmental Health Unit. The report, which has been submitted in association with appropriate conditions, addresses Council's initial concerns over the location of an existing water course and effective wastewater management.

**3 OTHER GROUP COMMENTS**

**Subdivision Unit**

No objections are raised to the Development Application, subject to the inclusion of specified conditions of consent, as identified in the recommendations of this report.

**Building and Regulation Section**

No objections are raised to the Development Application, subject to the inclusion of specified conditions of consent, as identified in the recommendations of this report.

**Environmental Health Section**

The written report and supportive diagrammatic information are very broad in nature. The additional information submitted by the consultant does not significantly improve this standard, thereby necessitating reliance on the following assumptions for an assessment to be undertaken:

- a) That existing intermittent waterways and drainage channels, prolific throughout the development site, will be filled (requiring significant earthworks) to natural surface level. Therefore in theory eliminating their existence.
- b) Proposed allotments shall accommodate a wastewater envelope of 1,000m<sup>2</sup> minimum.
- c) Domestic wastewaters will be treated through on-site aerated wastewater treatment systems for disposal via subsurface irrigation.
- d) Wastewater envelopes be located to provide a separation distance, up-slop of any constructed pipeline, of 20 metres.

The proposed subdivision has been internally embellished to illustrate the approximate location of intermittent waterways and drainage channels throughout the development site. Without any site manipulation, these natural features would pose a significant limitation to the proposed development and lot density as wastewater envelopes would be required to have a separation distance from these natural features of 40 metres. This separation buffer would protect the natural environment (receiving waters) from potential nutrient and pollutant loadings.

The consulting surveyor states that these natural features will be filled to natural surface level. This will involve significant bulk earthworks to achieve this outcome, resulting in major alteration to the existing landform.

To ensure that the “filled” natural drainage lines do not have a future potential to convey pollutants from wastewater disposal fields, the density of fill materials will be required to be placed to mimic natural soil density.

Adopting a 40 metre buffer distance between wastewater envelopes and natural drainage channels proposed lots 16 and 25 fail this performance criteria and should be excluded from the proposal. (The proposed recommendation requires the deletion of 5 allotments to achieve appropriate buffers.) This further recognises that Stage 11 will be the subject of a further separate Development Application.

When considering the proposed lot density in relation to:

- 1,000m<sup>2</sup> wastewater envelope;
- building line setback;
- building setback (buffer) from wastewater envelope;

lots such as 15, 18 and 24 will be very restrictive for future dwelling house proposals, and therefore may be inappropriate when considering future built environment and amenity (refer previous comments on the proposed recommendation).

In recognition of the sensitivity of the development proposal in relation to existing site features and on-site wastewater management, it is recommended that environmental conditions be included within the recommendations.

### **Parks and Reserves Section**

Council's Parks and Reserves Section have assessed the Flora and Fauna Impact Study, as submitted by the proponent, and raise no objection to the proposed subdivision, subject to the inclusion of specified conditions of consent, as identified in the recommendations of this report.

## **4 PUBLIC AUTHORITY COMMENTS**

### **Department of Land and Water Conservation**

The Department of Land and Water Conservation was forwarded a copy of the Development Application and commented on soil and water quality conditions as follows.

*The Department identified that the soils located on the site are of the Rosebank landscape, as described in 'Soil Landscapes of the Lismore/Ballina 1:1000 sheet' by Morand 1994, thereby being shallow, "well-drained krasnozems on crest margins, becoming moderately deep brownish red on slopes and in drainage lines. They are very acid, with high aluminium toxicity potential, and may be susceptible to mass-movement on steeper slopes.*

*These soils are moderately erodible, particularly when topsoils are disturbed and the subsoils are extremely difficult to revegetate.*

*They may have high shrink-swell characteristics and this will have implications for foundation design."*

In relation to water quality, the Department identified "*it can only be arrived from statements made in relation to the proposal that Council are satisfied with the wastewater treatment and disposal systems proposed for the site.*

*It should be noted, however, that the soils located at this site would appear to have moderate to high permeability and there may be potential for nitrate leaching and subsequent pollution of the local groundwater system."*

Taking into consideration the above comments, the Department recommended the following points:

- *Council request soil test to identify the shrink-swell characteristics of the soils on the site so that proper consideration design of formal action can be undertaken with subsequent Development Applications;*
  - *Council request the provision of soil and water management plan for the development stage of the subdivision;*
  - *This Department has no objection to the subdivision.*
-

Council's Development Assessment and Environmental Health Section have adopted the recommendations as provided by the Department of Land and Water Conservation in requesting additional information from the applicant. The information submitted has been assessed by Council's Environmental Health Section, and adequately address issues in relation to soil and water management and potential groundwater pollution.

#### 5 SUBMISSION FROM THE PUBLIC

The application was advertised in the local newspaper and adjoining owners were notified for a period of fourteen (14) days from Wednesday, March 18, 1998 to Wednesday, April 1, 1998. During the exhibition period Council received three (3) submission from the following:

1. R Morrow and Others, Walker Street, Clunes
2. MA Doyle, James Gibson Road, Clunes
3. ME Wynd, James Gibson Road, Clunes

Issues raised in the submissions received by Council are summarised as follows:

- 1) The proponent has disregarded the agreements made by Lismore City Council and the people of the village of Clunes during extended negotiations and discussions in 1993 and 1994, when the proposed subdivision first came before Council and in the preparation of the Clunes DCP.

#### **Comment**

At the Council meeting held March 1, 1994, a summary was provided for the community meetings held between 12 to 15 Clunes residents and Council staff. The general wish of the Clunes residents present was that the lot size be increased to 4,000m<sup>2</sup> (1 acre) and a reduction in the total number of lots. The applicant submitted an amended application to Council for the proposed five (5) lot subdivision, which was being assessed by Council at the time, with a lot area increased from an average of 2,500m<sup>2</sup> - 2,565m<sup>2</sup> to 3,175m<sup>2</sup>, with the overall development concept containing twenty one (21) lots of varying areas, averaging 3,900m<sup>2</sup>.

In response to the assessment undertaken by Council's Environmental Health Section, it is recommended that five (5) allotments be deleted from the proposal due to environmental concerns relating to wastewater disposal and proximity to the unremediated Walkers Dip Site. Consequently, the proposed subdivision, if supported by Council, will be scaled down to seventeen (17) village lots and two (2) lots for the purpose of open space and wetland filters. The revised proposal will result in an overall average lot size of 2,502m<sup>2</sup>, which is considered to be an acceptable lot density for the subject estate.

- 2) The proponent has disregarded conditions made by Council for previous subdivision approvals.

#### **Comments**

Council's Planning and Development Group consider that those conditions in which the proponent has direct involvement to ensure compliance have been adequately addressed.

The submission received by Council focused on the proponent's compliance with the requirement to provide water quality testing from existing septic tanks. It is acknowledged that for a considerable period after approvals were granted, the subject site contained limited development whilst the residue lot was still utilised for grazing purposes. Hence, total site assessment would not illustrate a true account of the success rate of the effluent disposal designs.

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Notwithstanding the abovementioned limitations, Council's Environmental Health Section have reviewed the existing effluent systems approved by Council, with the proponent submitting a ground survey report, prepared by the Geolink Group. The report assessed the existing systems as provided for within Stages 1 to 3 fronting James Gibson Road. Council's Environmental Health Section raise no objection to the report as submitted by Geolink.

3) The subject lot size will not allow for adequate provision for on-site effluent disposal.

**Comment**

Refer to comments provided by Council's Environmental Health Manager in relation to the assessment undertaken for on-site effluent disposal and compliance with Department of Local Government Guidelines for On-site Sewage Management for Single Households.

4) The proposed subdivision does not make provision for the preservation of the remnant bush.

**Comment**

It is acknowledged that the existing big scrub remnant located on the site is currently in a serious state of deterioration and thus needs urgent attention to ensure its preservation. The remnant rainforest is proposed to be located on land designated as public reserve, thus enabling the bush scrub remnant to be assumed under Council's management and preservation. Conditions have been recommended which require specific works to be undertaken by the proponent to embellish the existing big scrub remnant, including weed eradication, fencing and additional planting.

5) The propose development will have an adverse effect upon the existing wetlands.

**Comment**

The Local Government Guidelines for On-site Sewage Management for Single Households specifies minimum buffers for the location of on-site effluent disposal beds to watercourses. In this case the application as modified by proposed conditions of consent to delete 5 lots has provided all disposal beds on remaining lots in accordance with the performance measures and to the satisfaction of Council's Environmental Health Section, thus addressing the possibility of the creek system being contaminated by effluent.

Further, in controlling stormwater within the subject site, it is recommended that a stormwater retention pond to be located within the park where the existing spring and Emerald Creek is located. The benefit of the stormwater retention pond will be for the provision of core sedimentation trapping, trapping of nutrients, sediment, litter and oxygen demanding material, and reducing the flood frequency of the downstream.

6) The proposed road shall extend to the south-western boundary of the property owned by Mr R Morrow and thus to a point which it will never be extended through the owner's property.

**Comment**

Mr Morrow has advised that it is the family's intention to keep the portion of the land intact and that any proposed road will run through what is the beginning of a protea and herb farm. Notwithstanding these comments, the road design has been prepared in accordance with Development Control Plan No. 21 to service land zoned 2(v). The road enables access from the internal road to be obtained to any possible future residential land, as demand necessitates future village development in accordance with the Development Control Plan and Council's adopted Clunes Village Development Strategy.

- 7) The spring located currently upon the site, which is serviced by an existing easement servicing 26 James Gibson Road (opposite side of James Gibson Road) shall pass through 3 blocks and under 2 roads.

**Comment**

The proposed subdivision design has made provision for the easement to be maintained and thus the proposed development will not jeopardise the existing function of the easement to supply water to the property located on the northern side of James Gibson Road, being Lot A DP 106973.

- 8) Concerns are raised as to the development of village land upon the contaminated soil.

**Comment**

The Walkers Dips Site has been subject to decommissioning by NSW Agriculture and the preparation of a Plan of Management for the remediation of the dip, as endorsed by Council's Environmental Health Section. Refer previous comments on the deletion of allotments near the dip site.

3 ASSESSMENT UNDER SECTION 90 OF THE E.P. & A ACT -

**90(1)(a)(i) The provision of any Environmental Planning Instruments (EPI)**

The land is zoned 2(v) Village under the Lismore Local Environmental Plan 1992. The proposal is permissible within this zone and satisfies the following provision of the LEP.

*Clause 19(2)* of the Lismore LEP identifies that Council should not consent to the subdivision of land to which this clause applies unless the applicant has demonstrated to the satisfaction of Council that environmental and other matters specified in Schedule 3 have been adequately dealt with and that adequate arrangements, satisfactory to Council, have been made for the provision of reticulated water supply, electricity supply and disposal of stormwater and sewerage effluent on each lot created.

The applicant has demonstrated to Council that the matters as identified in Schedule 3 have been addressed, whilst provision for supply of water, electricity and disposal of stormwater and sewerage effluent have been adequately detailed.

*Clause 27* of the LEP details the requirements of the preservation of trees for securing the amenity of the premise or a streetscape and securing habitat areas. The Flora and Fauna report as prepared by the proponent illustrates that the subject site supports little vegetation of conservation significance. However, the Dawes bush remnant is to be preserved as part of the subdivision design.

*Clause 33* specifies provision of adequate buffer zones to adjoining land uses. In this regard it is considered that appropriate buffers have been provided to adjoining landuses, thus minimising any opportunity for competing landuse issues to arise.

**North Coast Regional Environmental Plan 1988**

The North Coast Regional Environmental Plan (REP) is the principal statutory instrument specified in regional and state planning policies, and as such replaces other Section 117 Directions. The approach adopted by the REP is to specify objectives and directions on a range of matters to be met and undertaken by Councils when

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preparing LEP's and considering Development Applications. Relevant provisions of the REP which apply when considering the subject application include:

**Clause 28 - Natural Environment Objections** - the REP aims at protecting areas of natural vegetation, wildlife destruction and to provide corridors between significant areas, whilst protecting the scenic quality of the region. As discussed, the proponent has submitted a Flora and Fauna assessment which identifies no adverse effect on any endangered or threatened species, whilst preserving vegetation which has been identified as having conservation value.

Further, detailed engineering design plans for the construction of stormwater retention basins will be required to ensure stormwater disposal is in accordance with the EPA Guidelines titled "Managing Urban Stormwater".

**Clause 41 - Urban Housing Objectives and Clause 43 - Development Control Residential Development**

In the assessment of the proposed subdivision, it is considered that the density of the development has been maximised in accordance with the REP guidelines, without adversely effecting the environmental features of the land. It is considered that the most appropriate development is for a full village subdivision, with the provision of open space and preservation of environmental protection areas.

The REP requires Council to be satisfied as to the proposed road network and to minimise soil erosion from the subject site. The road design has been prepared in accordance with Development Control Plan No. 21, and is considered to be the optimal design for the extension of any further residential development upon land identified as 2(v).

**90(1)(a)(ii) Any draft E.P.I. that is or has been placed on exhibition N/A**

**90(1)(a)(iii) Any draft State Policy N/A**

**90(1)(a)(iv) Any Development Control Plan**

The land is subject to relevant provisions of the Clunes Development Control Plan adopted by Council on November 16, 1993.

The proposal is considered to be consistent with the relevant provisions of the DCP that relate to community facilities (open space), road patterns, land use and constraints.

In regard to wastewater disposal, the proposal is in conflict with Section 8.1 Recommendation 2 that "*all new subdivisions carried out in an estate manner are to provide a reticulated sewerage system and package treatment plant, or other approved common effluent treatment system*". Section 6.4 - Service Constraints identified the Department of Health 1 hectare minimum lot size policy where reticulated water is provided. This section indicated that an allotment size in the vicinity of 2,500 to 5,000m<sup>2</sup> may be feasible, subject to appropriate soil characteristics and Department of Health support. In accordance with Section 1.7 of the DCP a

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variation is recommended. Council's Environmental Health Section is satisfied with the revised proposal (refer comments in Section 3).

Pursuant to Clause 7.7 - Effluent Disposal, given the amount of available land within Clunes which is suitable for residential development, the compact nature of the village, and the community's desire to maintain the village atmosphere, it is considered that the common drainage of septic tanks to a ponding system would require excess site area and could not realistically be located to protect significant water courses.

Pursuant to Clause 6.6 - Rainforest Remnant, as discussed previously within this report, the applicant, in accordance with Clause 6.6, is required to support retention of the existing rainforest remnants.

**90(1)(a1)(i) Conservation Agreements N/A**

**90(1)(a1)(ii) Any Plan of Management**

In accordance with previous Development Consent Notices issued by Lismore City Council, the applicant has submitted and has had approved by Council's Environmental Health Unit, a Plan of Management for the remediation of Walkers Dip Site.

**90(1)(b) The impact of the Development on the Environment**

Most of the site has been cleared of its native vegetation, other than the significant stand of Dawes bush remnant which is located near the south-eastern boundary close to the existing Clunes Primary School playing grounds. The Flora and Fauna assessment undertaken by Peter Parker, Environmental Consultants, concluded that the proposed subdivision and/or the erection of dwelling houses upon the site will not require the clearing of native vegetation or impact on native flora and fauna habitats as the small stand of trees will be retained and preserved for conservation purposes. A Section 5A Assessment, pursuant to the Environmental Planning and Assessment Act 1979 was undertaken to determine whether the proposed development was likely to significantly effect threatened species, populations or ecological communities or their habitats. The report concluded that the site is unlikely to be of significance to threatened species due to depauperate habitats largely dominated by exotic vegetation.

Council's Parks and Gardens have assessed the Flora and Fauna Assessment, and raised no objection to the proposal.

**90(1)(c) Effect on the Landscape**

It is acknowledged that the subject development will have an effect upon the landscape of the area, with the proposed development and subsequent dwellings occupying an area that was previously undeveloped for residential purposes. The subdivision design has taken into consideration the visual prominence of the development and includes the following ameliorative measures:

1. The provision of open space for passive recreational areas, protection of natural habitat and to soften the impact of the development, whilst providing greater areas of natural vegetation.
2. All housing to be below the level of the existing ridgeline on the site.
3. Subdivision roads generally follow the site contours and gentle slopes, with only a minor portion of the internal road system traversing the area of greater than 12%. Consequently, the potential for cut and fill for the entire development is significantly reduced.
4. Extensive tree plantings, which attempt to soften the visual impact of residential housing on the site and foster a rural character.

It is considered that the overall impact of the development from the northern side fronting James Gibson Road will be a low density development.

The existing remnant rainforest is within an area of land reserved for community use which will be embellished. The proposed planting of buffer areas around ground water reserves will improve the existing visual and scenic amenity of the natural features of the creek.

**90(1)(c1) Effect on Wilderness Area N/A**

**90(1)(c2) Effect on Environment of Endangered Fauna**

The Environmental Consultants Report as discussed within Section 90(1)(b) raises no issues of significance. The Report concluded that the proposal will have no adverse effect, nor require the preparation of a Species Impact Statement following the conclusions reached within the Section 5A Assessment.

**90(1)(d) The Social Effect and the Economic Effect of that Development in the Locality**

As detailed within previous reports prepared for the subject site for village subdivision, the subject land is zoned 2(v) Village and as a consequence there is an expectation that the land will be used for residential development or a land use permissible in the zone. The proposed use of the land for residential purpose will provide additional choice of housing options in the village. This and the overall development will not create unacceptable impacts, whilst protecting and maintaining the residential and environmental qualities of the Clunes village.

Clause 6.1 - Community Views of DCP No. 21 detail the village of Clunes is characterised by a strong sense of community, with the residents proud of the village in which they live and generally wishing to keep the atmosphere and scale of the village as it is today. The proposal is consistent with this objective.

**90(1)(e) External appearance, design etc.**

The subdivision estate is to be accessed by one internal road, being an extension of Remnant Drive which forms the intersection with James Gibson Road. Council's Subdivision Unit has raised no concerns in relation to the proposed road network,

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which has been assessed in accordance with Development Control Plan No. 21 - Clunes Village and Council's Engineering Design Manual.

Through the preparation of a landscape plan, it is considered that the proposed design, subject to the inclusion of appropriate landscaping, will create an attractive residential village environment.

The proposed park to be located north-west of the Clunes Public School is not an appropriate design. It is considered that the creation of a public reserve with a battleaxe access to the internal road raises a number of issues as follows.

- The public access to the reserve promotes continual links of solid fencing along open space which reduces the security, surveillance and aesthetic values of the public reserve.
- The proposed open space does not provide adequate public safety and reasonable amenity of adjoining land users in the design of the open space, due to its limited area and the reserve being totally enclosed by residential development.
- The proposed area of 2,000m<sup>2</sup> for the public reserve is considered to be inadequate to provide effective passive or active recreational open space. As a guide, Council's recently adopted DCP No. 28 - Subdivisions, details a minimum area of 5,000m<sup>2</sup> for open space areas, with a reserve having at least 50% of its perimeter length with direct frontage to a public road.

It is therefore considered pertinent that proposed Lot 18 due to its effluent disposal constraints be amalgamated with the public reserve and dedicated to Council. The total site area of 3,918m<sup>2</sup>, following the amalgamation of the two parcels, would be consistent with previous approvals issued by Council for the subject land. It should be noted that the proposal provides for dedication of the remnant rainforest and that this dedication is not related to Section 94 of the Act, but rather a means of addressing Section 90 fauna and landscape impacts of the subdivision.

**90(1)(f)**

**Size of Parcels, siting of buildings**

The size of the parcels proposed within the subdivision design have been dictated by the provision of building envelopes and wastewater disposal areas. Whilst the Lismore Local Environmental Plan allows for land zoned 2(v) to have a minimum lot size of 400m<sup>2</sup> where reticulated sewer is available, the proposed subdivision which contains an average lot size of 2,500m<sup>2</sup> provides a building envelope upon each site of 240m<sup>2</sup> and wastewater disposal fields of a minimum area being 1,000m<sup>2</sup>. Each allotment has factored into consideration the 6 metre setback, which is required to all street frontages in accordance with Council's Development Control Plans. The size of the allotments which provide adequate area for wastewater disposal in accordance with the Local Government Guidelines for Sewage Management for Single Households is considered to be consistent with the village character and allow construction of dwellings in accordance with Development Control Plan No. 14 - Residential Development.

The maximum gradient/slope of land is satisfactory for housing development.

**90(1)(g) Hazards, flooding, slip, erosion etc.**

The subject site is not known to any hazard, however it is recommended a condition of consent be included which requires a geotechnical report to be provided for each allotment to guarantee suitability of the subject site for dwelling construction.

**90(1)(h) Relationship to other land in the locality**

As expressed in earlier reports prepared for stages released by Council for the subject site, it is considered that the proposal is an orderly expansion of the Clunes Village. The adjoining land to the east and south is zoned 2(v) Village and is currently used for residential compatible purposes (school, community and sporting facilities and rural residential use). Adjoining land to the west is zoned 1(d) Investigation Zone and is currently used for grazing. Land to the north, across James Gibson Road is also used for grazing purposes. No concern is raised in relation to potentially conflicting adjoining land uses.

**90(1)(i) Access parking and loading**

The location of the proposed internal road pedestrian access system complies with the Clunes Development Control Plan and provides linkage with existing and future development in the locality. No significant tree or visual features of the site will be removed in providing access.

The internal road system and pedestrian network is to be constructed in accordance with Council's adopted engineering standards. Further, the applicant is required to submit detailed engineering design plans which illustrate compliance with Council's engineering standards as a condition of consent, should the application be approved.

**90(1)(j) Traffic generated, the road system**

Road standards have been based on the full development potential, to the satisfaction of Council's Subdivision Unit. Further, Section 94 Contributions are also provided for the village and rural road network at a contribution rate of \$7,151 per allotment.

**90(1)(k) Public transport**

Public transport in the locality comprises an existing bus service. All lots are in close proximity to this service.

**90(1)(l) Utility Services**

Satisfactory.

**90(1)(m) Landscaping Trees**

Adequate provision is made for the retention of existing vegetation. Contributions to appropriate street tree planting are required, together with the submission of a more detailed landscape and engineering plan, in accordance with Council's Landscape Guidelines.

**90(1)(m1) Likely to Cause Soil Erosion**

Soil erosion and sedimentation protection measures are included as conditions of consent. Individual allotment development proposals will be dealt with by Council's

Environmental Health and Building Regulation Sections at the dwelling approval stage.

- 90(1)(n) Representation by Public Authorities**  
Given the scale of the proposal and the assessment undertaken by Council's Planning and Development Group, it is not considered necessary that any public authority be notified in this instance.
- 90(1)(o) The amenity of the neighbourhood, now and in the future**  
The proposal will alter the existing amenity of the locality to some extent. However, it is considered that provision of environmental controls adopted and imposed upon this and future subdivisions and built development will minimise any adverse impacts.
- 90(1)(p) Submissions under Section 87 of the Act**  
Refer to Sections 3 and 4 of this Report.
- 90(1)(p1) Any matter specified in an environment planning instrument as a matter to be taken into consideration or to which the consent authority shall otherwise have regard in determining the development application**  
N/A
- 90(1)(q) The circumstances of the case**  
Refer to Sections 3 and 4 of this Report.
- 90(1)(r) The public interest**  
Refer to Sections 3 and 4 of this Report.
- 90(1)(s) Other prescribed matters**
- a) Adequate provision for disabled persons. N/A
  - b) NSW Coast Government Policy. N/A
  - c) Effect on protected or endangered fauna and habitat.  
*No adverse effect is envisaged.*
  - d) Means to mitigate effect or harm on fauna.  
*Conditions of consent to be included.*
  - e) Endanger any species of flora.  
*The proposal will not endanger any species of flora.*

## 5 SECTIONS 332/333 OF THE LOCAL GOVERNMENT ACT

It is considered that the assessment undertaken for the subdivision proposal concerning lot size and shape, road frontages, lot location, public convenience, drainage of the land, unhealthy lands, flooding and subsidence or slip has been adequately addressed.

## 6 CONCLUSION

It is considered that the proposed development, subject to the deletion of Lots 15, 16, 18, 24, 25 and Stage 11, is generally consistent with the requirements of Development Control Plan No. 21 -

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Development Application No. 98/58 - Subdivision to Create 27 Village Allotments

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Village of Clunes. The alternative on-site wastewater disposal provisions have been adequately canvassed by the applicant and Council's Environmental Health Unit to ensure that environmental safeguards are not compromised.

All issues pursuant to Section 90 and matters raised within submissions received by Council have been adequately addressed in the body of this report. It is therefore considered that conditional consent of the proposal is warranted.

RECOMMENDATION (PLA37)

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 No. 98/58 for a staged subdivision, being:

- Stage 4 - 2 lots;
- Stage 5 - 2 lots;
- Stage 7 - 3 lots and 2 open space (parks) lots.
- Stage 8 - 2 lots;
- Stage 9 - 3 lots; and
- Stage 10 - 5 lots and 1 residue parcel;

and all civil works involved in the construction of the subdivision for the provision of roads, earthworks and on-site drainage.

1 In granting this development consent, Council requires:

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

be substantially in accordance with the stamped approved plan(s) No. 98/182 titled 'Plan Showing Smoothing of Natural Surface by Design and Plan', No. 98/183 dated 23/4/98 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 90)*

**DEVELOPMENT**

2 Stage 11 shall be subject to a separate Development Application and not form part of this consent.

*Reason: To protect the environment. (EPA Act Sec 90(1)(b))*

3 Land shown as open space and pathways referred to in condition 44 shall be dedicated as public reserves for recreation and open space. Any dedication costs shall be the responsibility of the proponent.

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

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- 4 That Lot 18 shall be amalgamated with the adjoining park located south east of the lot and be dedicated as public reserve at no cost to Council within Stage 7 of the development.

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

- 5 Lots 15, 16, 18, 24 and 25 shall be deleted from the subdivision plan and their lot areas amalgamated with adjoining lots. No on-site effluent disposal areas shall be located within the boundary of the abovementioned lots.

**Reason:** *To protect the environment. (EPA Act Sec 90(1)(b))*

- 6 The proponent shall relocate the existing easement and associated pipeline servicing Lot A DP 106973 for the purpose of water supply at existing capacity as follows:

- within the road pavement perpendicular to the road and within a suitable conduit.
- within the road reserve parallel to the road.
- external to all building envelopes or on-site wastewater disposal fields.

Details shall be provided upon the engineering design plans submitted to Council for approval.

#### LANDSCAPING

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

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

Council approved landscaping shall be completed prior to the use and/or occupation of the development. Landscaping shall be maintained at all times to the satisfaction of Council.

**Reason:** *To ensure that appropriate landscaping is provided. (EPA Act Sec 90(1)(m))*

- 8 Written consent from Council shall be obtained before any tree may be ringbarked, cut down, lopped, removed or damaged.

**Reason:** *To conform to the provisions of the Tree Preservation Order, gazetted in accordance with Local Environmental Plan 1992 - (City of Lismore). (EPA Act Sec 90(1)(a))*

- 9 The proponent shall include within the landscape plan to be submitted to Council for approval, details illustrating the removal or eradication from the subject site the following species:

- *Cinnamomun camphora* (Camphor Laurel)
  - *Erythrina sykesii* (Coral Tree)
-

- *Protasparagus africanus* (Asparagus Fern)



- 10 A report is required from a qualified Bush Regenerator prior to the commencement of work giving an appraisal of the present condition of the remnant vegetation to be retained on the "Park" site and the likely impact of the development on the long-term vigour of the trees. The report shall also detail -
- a) A site plan (1:100 or 1:200) showing the existing features. All trees to be located to scale and identified by botanical and common names.
  - b) Location and description of protection fences.
  - a) Plan of any proposed native vegetation buffer planting around the remnant vegetation.
  - c) Species name and estimated quantities (%) of weed species within the site.
  - d) Program of works to be undertaken to remove invasive weed species.
  - e) Methods to be undertaken to ensure the preservation and longevity of the vegetation to be retained.

With regard to point e) above, the report shall also consider future development on any adjoining lot and shall detail:

- f) Location of building footprints, underground services and structures in relation to trees.
- g) Any proposed alterations to ground levels or drainage.
- h) Proposed site access.
- i) Proposed stockpiling areas.

#### **SUBDIVISION**

- 11 The applicant or developer shall place allotment number identification at the front boundary corners to indicate the side boundaries and/or access shafts.

*Reason: To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 90(1)(i))*

- 12 The applicant or developer shall submit a final linen plan for Council approval. Such plan/s shall be accompanied by a \$850 final linen plan checking fee.

*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)*

- 13 Pursuant to Section 88B of the Conveyancing Act 1919, the proponent shall identify all building envelopes upon the final plan of subdivision.

- 14 The proponent shall release each stage of the subdivision within two (2) years from the date of release of a previous stage.

#### **AMENITY**

- 15 Site works in connection with the construction of the subdivision shall be carried out between the following hours:

Monday to Saturday - 7 am to 7 pm.

No works in connection with the construction of the subdivision shall be carried out on any Sunday or Public Holiday. All works carried out on the site shall be managed to minimise the impact on all residential premises in the vicinity.

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*Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 90(1)(o))*

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

*Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 90(1)(o))*

- 17 Any noise generated during the construction of the development shall not exceed the limits specified in the Noise Control Manual.

*Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 90(1)(o))*

### **ENVIRONMENTAL HEALTH**

- 18 A Section 88B restriction pursuant to the Conveyancing Act 1919, be placed upon the title of each individual lot requiring:

- a) identification of 1,000m<sup>2</sup> wastewater envelope;
- b) identification of buffer separation distances as follows:
  - 20 metres constructed piped drainage lines,
  - 40 metres natural intermittent waterways and drainage channels,
  - 100 metres to permanent surface waters.
- c) wastewaters to be treated by aerated wastewater treatment systems.

- 19 Bulk earthworks to fill natural drainage lines to be undertaken to ensure compaction ratios not less than representative (bulk density) of the natural soil environment. Certification from a Geotechnical Engineer is required to be submitted to Council for approval prior to release of the final plan of subdivision.

- 20 Individual wastewater disposal area designs shall be submitted and approved by Council prior to construction commencing. The wastewater disposal areas shall be constructed as part of infrastructure works for the subdivision in stages as proposed, prior to release of the final plan of subdivision.

### **SECTION 94**

- 21 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 Subdivision Certificate is released. The rates and amounts applying at the date of this notice, totalling \$160,800, are set out in the schedule for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the release of the Subdivision Certificate.

Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the percentage increase

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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)*

**WATER & SEWER**

22 The applicant or developer shall provide water works to service the development. The works shall include:

- a) A conventional water reticulation that comprises a water service to each allotment. Water reticulation works shall be designed and constructed in accordance with Council's adopted standards. Any costs shall be the responsibility of the applicant or developer. The applicant or developer shall be responsible for the full cost of any associated water maintenance considered necessary by Council's Water and Sewerage Manager for a period of twelve months from the date of approval of the works. A practising qualified surveyor shall submit a 'works-as-executed' set of 1:1000 transparency plans showing these works.
- b) Prior to the release of any building plans the applicant or developer must apply to Council under s.26 of the Water Supply Authorities Act, 1987, and obtain from Council a certificate under s.27 of the Act.

Following the making of an application under s.26 of the Water Supply Authorities Act, Council may require:

- (i) the payment of a monetary contribution towards the cost of construction of certain water and sewerage supply works and drainage channels which benefit or will benefit the land on which the proposed development is to be carried out; and/or
- (ii) the applicant to enter into an agreement which requires the construction of such works.

**Reason:** *To ensure that the Council's existing sewer services are not overloaded. (EPA Act Sec 90(1)(l))*

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

Full details of the proposed backflow method and cross connection controls shall be designed in accordance with Australian Standard 3500.1 and submitted with the engineering plans.

**Reason:** *To ensure adequate protection of utility services. (EPA Act Sec 90(1)(l))*

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

**Reason:** *To ensure adequate protection of utility services. (EPA Act Sec 90(1)(l))*

25 Full design plans of the proposed engineering works to satisfy condition(s) shall be submitted to Council. Such plans shall be separate from the subdivision plan. Such plans must be approved by the Manager-Water and Sewerage before construction of any water works are commenced.

**Reason:** *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 90(1)(j) and Local Government Act Sec 33(f))*

- 26 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 ensure adequate protection of utility services. (EPA Act Sec 90(1)(l))*

- 27 An analysis of the Clunes village water reticulation is required to assess the impact of the subdivision on water pressure within the village. Additional lead in water mains may be required to be constructed by the developer as part of this condition.

### **EARTHWORKS**

- 28 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 have been assessed as stable,
- 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. 90(1)(g))*

- 29 Fill material shall not encroach onto any adjoining land without the written consent of the owner of that land.

**Reason:** *To protect the environment. (EPA Act Sec 90(1)(b))*

- 30 Prior to the release of the final plan of subdivision, a qualified practising Engineer, experienced in soil mechanics, shall submit documentary evidence in the form of a Geotechnical Investigation Report to Council for approval, certifying that each allotment is suitable for building purposes and classifying each allotment in accordance with Australian Standard 2870 "Residential Slabs and Footings". Any allotment subject to further earthworks during the construction phase will require an amended Geotechnical Report.

**Reason:** *To ensure the development is completed in accordance with the conditions and approved construction design plans. (EPA Act Sec 90(1))*

- 31 Details of the proposed batter plantings shall be submitted to Council for approval prior to release of any building approval.

### **DRAINAGE**

- 32 Hard surface areas, landscaped areas, roof water and subsoil drainage systems shall be designed by a suitably qualified person experienced in Hydraulic design and submitted to the Council prior to release of the engineering design plans. Drainage is to direct all water to a Council approved drainage system to prevent discharge runoff onto adjoining land. This system shall be constructed in accordance with Council's Development, Design and Construction
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Manuals (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 90(1))*

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

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

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Details of sediment control measures and revegetation works shall be submitted to Council for approval prior to release of the engineering design plans.

**Reason:** *To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 90(1))*

34 Prior to release of the final plan of subdivision, a suitably qualified person is required to furnish Council confirming:

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

**Reason:** *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 90(1))*

35 All stormwater drainage systems shall be designed in accordance with the EPA publication "Managing Urban Stormwater". Any proposed system shall include an underground pipe drainage system designed for a one in one year storm event and be a minimum 150mm UPVC pipe. The system shall provide a grated inlet pit upstream from all vehicular access points. This system shall be provided along both sides, for the full length of all proposed roads. The design shall also provide for any surcharge to occur over constructed access points ensuring no discharge over the road pavement.

**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 90(1)(h))*

36 Stormwater first flush / retardation systems shall be designed for all developed catchment areas to prevent increases in flows from the site, the design of these systems shall ensure that the existing water quality of downstream areas is maintained. Where retention ponds are to be provided they shall be designed in accordance with the recommended standards as tabled in Australian Rainfall and Runoff Publication.

**Reason:** *To protect the environment. (EPA Act Sec 90(1)(b))*

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**ROADS**

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

Stages as identified in Walker and Newton Plan No. 98/183 dated April 23, 1998.

**Stage 4**

Construction of a 9m wide gravel formation comprising a minimum depth of 300 mm of compacted gravel, and including a bitumen sealed surface 7m wide from the end of the existing pavement in Remnant Drive to the western boundary of lot 9.

**Stage 5**

Construction of a 9m wide gravel formation comprising a minimum depth of 300 mm of compacted gravel, and including a bitumen sealed surface 7m wide from the end of the existing pavement in Remnant Drive to the western boundary of lot 12.

**Stage 7**

Construction of a 9m wide gravel formation comprising a minimum depth of 300 mm of compacted gravel, and including a bitumen sealed surface 7m wide from the end of the existing pavement in Remnant Drive to the southern boundary of Lot 20 and incorporate an intersection in accordance with Austroads pt. 5

**Stage 8**

Construction of a 9m wide gravel formation comprising a minimum depth of 300 mm of compacted gravel, and including a bitumen sealed surface 7m wide from the end of the existing road pavement to the northern boundary of lot 22.

**Stage 9**

Construction of a 9m wide gravel formation comprising a minimum depth of 300 mm of compacted gravel, and including a bitumen sealed surface 7m wide from the end of the existing road pavement to the western boundary of lot 29.

**Stage 10**

Construction of a 9m wide gravel formation comprising a minimum depth of 300 mm of compacted gravel, and including a bitumen sealed surface 7m wide from the end of the existing road pavement to the western boundary of Lot 34.

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

**Reason:** *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 90(1))*

38 Full design plans of the proposed engineering works to satisfy conditions of consent shall be submitted to the Council for approval prior to the commencement of construction. If such plans are approved by Council, a checking fee of \$110 per lot, being \$1,870 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 90(1))*

- 39 Road names proposed for the subdivision shall be submitted for Council approval prior to release of the final plan of subdivision. A suitable name for any new road/s shall be in accordance with Council's adopted policy.

**Reason:** *To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 90(1))*

#### **VEHICULAR ACCESS**

- 40 Vehicular access from the road pavement to each proposed lot shall be provided by the construction of a crossing with no pipe provided and bitumen sealed from the road pavement to the boundary line in accordance with the Council's Design and Construction Specification for Vehicular Access.

**Reason:** *To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 90(1))*

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

**Reason:** *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 90(1))*

- 42 The access shaft of Lot 17 within Stage 7, as identified on Walker and Newton Plan No. 98/183 dated April 23, 1998, shall be constructed in accordance with Council's Development, Design and Construction Manuals (as amended). A 3.0 m wide asphaltic concrete (25mm depth) sealed or equivalent surface shall be applied to the full length of the shaft commencing from the road pavement. Provision of the following services:

- water supply
- stormwater
- telephone

shall be installed/conduits laid for the full length of the shaft, prior to construction.

**Reason:** *To ensure adequate access to and from the development. (EPA Act Sec 90(1))*

- 43 The access shaft of Lots 22, 23 and 27 within Stage 8, as identified on Walker and Newton Plan No. 98/183 dated April 23, 1998, shall be constructed in accordance with Council's Development, Design and Construction Manuals (as amended). A 4.0 m wide asphaltic concrete (25mm depth) sealed or equivalent surface shall be applied to the full length of the shaft commencing from the road pavement. Provision of the following services:

- water supply
- stormwater
- telephone

shall be installed/conduits laid for the full length of the shaft, prior to construction.

*Reason: To ensure adequate access to and from the development. (EPA Act Sec 90(1))*

### **PEDESTRIAN ACCESS**

44 The proponent shall construct a 2m wide reinforced concrete, paving block or equivalent footpath between lots 32 and 33 within a 2m wide reserve within Stage 10, as identified on Walker and Newton Plan No. 98/183 dated April 23, 1998. Leading from the proposed road for the full length of the pathway reserve in accordance with Council's Development, Design and Construction Manuals (as amended). Any costs shall be the responsibility of the proponent.

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

### **PUBLIC UTILITIES**

45 Prior to release of the final plan of subdivision, the proponent shall ensure the provision of telephone services is provided to all lots and including the full length of battle-axe handles. Written evidence from Telstra Australia shall be required confirming action has commenced and relevant payments have been made.

*Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 90(1))*

46 Prior to release of the final plan of subdivision, written evidence from NorthPower shall be required confirming that NorthPower has provided electrical power to each lot, including the full length of battle-axe handles and that charges for the extension of electricity supply have been paid.

*Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 90(1))*

## **INFORMATION TO APPLICANTS**

### **ADVISORY NOTES**

**NOTE 1:** Water and/or Sewerage Headworks levies payable under the Water Supply Authorities Act 1987 totalling \$42,874 will need to be paid to Council prior to Council issuing a Compliance Certificate under s.26 of the Water Supply Authorities Act 1987.

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

**NOTE 3:** 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 4:** Building approval is required for all retaining wall structures (including rockwalls, sleepers, crib walls and the like) proposed to be erected on the land.

**NOTE 5:** Land fill shall not take place without prior Council approval.

**NOTE 6:** All lots created shall be maintained by regular mowing, slashing or the like. Maintenance shall prevent excessive growth of vegetation to reduce fire hazard and/or vermin.

LISMORE CITY COUNCIL - Meeting held June 8, 1999

Development Application No. 98/58 - Subdivision to Create 27 Village Allotments

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**NOTE 7:** The final linen plan shall not be released by Council until all conditions of Development Consent Notice 98/58 have been complied with to the satisfaction of Council.

**DATE FROM WHICH CONSENT OPERATES**

Section 93 of the Environmental Planning and Assessment Act provides that the consent shall become effective and operate from the date endorsed upon the notice, **except** in the case of designated development to which objections have been lodged, when the consent shall become effective 28 days after the consent is issued.

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

**COMPLIANCE**

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

**RIGHT OF APPEAL**

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

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

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

**LAPSING OF CONSENT**

To ascertain the extent to which the consent is liable to lapse, refer to Section 99 of the Environmental Planning and Assessment Act, 1979.

Section 99 of the Environmental Planning and Assessment Act generally provides that development consent shall lapse after three (3) years from the date of operation of this consent, unless building work, engineering or construction work relating to this development is commenced on the land.

**EXTENSION OF CONSENT**

In accordance with Section 99 (4B), upon receipt and consideration of written application to the Council, an extension of twelve (12) months may be granted. Written application (including reasons for requesting such extension) is to be submitted to Council at least one month prior to the consent notice expiry date.

**NOTICE TO COMPLETE**

Where development has been commenced, but the work not completed, Section 99(5) provides that the Council may issue a notice requiring completion of the work within a specified time, being not less than twelve months.

**LISMORE CITY COUNCIL**

**DEVELOPMENT CONSENT NO:** 98/58

**ADDRESS:** 1 Remnant Drive, Clunes

**IMPORTANT TO NOTE**

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

To be read in conjunction with advice of development consent.

The levies imposed by Condition No. 21, as contributions towards the cost of meeting increased demand for public services and amenities that will result from the development, are identified in this Schedule.

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

*\* Note: For discount see Section 94 Plan - 35%*

| <b>Levy Area</b>                    |            | <b>Account No.</b> | <b>No. of ET's</b> | <b>Cost Per ET</b> | <b>Amount Payable</b> |
|-------------------------------------|------------|--------------------|--------------------|--------------------|-----------------------|
| <b><i>Open Space</i></b>            |            |                    |                    |                    |                       |
| Clunes/Bexhill/Eltham               | - Local    | 1643-6             | 17                 | 617                | \$10,489              |
|                                     | - Citywide | 1643-1             | 17                 | 599*               | \$6,619               |
| <b><i>Street Trees</i></b>          |            |                    |                    |                    |                       |
| Clunes/Bexhill/Eltham               |            | 1643-27            | 17                 | 149                | \$2,533               |
| <b><i>Community Facilities</i></b>  |            |                    |                    |                    |                       |
| Clunes/Bexhill/Eltham               | - Local    | 1650-6             | 17                 | 366                | \$6,222               |
|                                     | - Citywide | 1650-1             | 17                 | 1011*              | \$11,172              |
| <b><i>Rural Roads</i></b>           |            |                    |                    |                    |                       |
| Village                             |            | 90006540           | 17                 | 7151               | \$121,567             |
| <b><i>City Centre Upgrading</i></b> |            |                    |                    |                    |                       |
| Residential                         |            | 1685-1             | 17                 | 122*               | \$1,348               |
| <b><i>Miscellaneous</i></b>         |            |                    |                    |                    |                       |
| Final Plan Checking Fee             |            | 1413-2             | 17                 | 50                 | \$850                 |
| <b><i>Total</i></b>                 |            |                    |                    |                    | <b>\$160,800</b>      |

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

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

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

A COPY OF THIS ADVICE MUST BE  
PRESENTED WHEN MAKING PAYMENT

DATE:

RECEIPT NO:  
CASHIER:

**COUNCIL USE ONLY**

**Cashier to Note:**

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

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

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

.....  
**FINANCIAL SERVICES OFFICER**

...../...../.....  
**DATE**

LISMORE CITY COUNCIL - Meeting held June 8, 1999

Development Application No. 98/58 - Subdivision to Create 27 Village Allotments

**LISMORE CITY COUNCIL**

**DEVELOPMENT CONSENT NO:** 98/58  
**ADDRESS:** 1 Remnant Drive, Clunes

To be read in conjunction with advice of development consent.

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

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

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

| <b>Levy Area</b>                                                                                                                                                                                         | <b>Account No.</b> | <b>No. of ET's</b> | <b>Cost Per ET</b> | <b>Amount Payable</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------|--------------------|-----------------------|
| Water and Sewerage Headworks Levies are charged under Division 2 of Part 3 of the Water Supply Authorities Act 1987 (as amended) of the Local Government Act 1993 and amounts payable are set out below. |                    |                    |                    |                       |
| <b>Water Headworks</b>                                                                                                                                                                                   |                    |                    |                    |                       |
| <b>Rural Scheme</b>                                                                                                                                                                                      |                    |                    |                    |                       |
| Clunes                                                                                                                                                                                                   | 8175-5             | 17                 | 1265               | \$21,505              |
| <b>Rous County Council</b>                                                                                                                                                                               |                    |                    |                    |                       |
| All areas except Nimbin Per Allotment                                                                                                                                                                    | 9200-2             | 17                 | 1257               | \$21,369              |
| <b>Total</b>                                                                                                                                                                                             |                    |                    |                    | <b>\$42,874</b>       |

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

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

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

A COPY OF THIS ADVICE MUST BE  
PRESENTED WHEN MAKING PAYMENT

DATE:

RECEIPT NO:  
CASHIER:

Subject/File No:        **COMPREHENSIVE KOALA PLAN OF MANAGEMENT (S680: S310)**

Prepared By:            **ENVIRONMENTAL PROJECTS OFFICER - Sandy Pimm**

Reason:                 **To provide an update on the Plan of Management process**

Objective:              **To obtain Council agreement on the program of works.**

Management Plan Activity:    **Strategic Planning**

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Background:

State Environmental Planning Policy 44 (SEPP 44) was introduced in response to continuing decline in koala habitat. The SEPP intends to “encourage the conservation and proper management of areas of natural vegetation that provide habitat for koalas, to ensure permanent free-living populations over their present range and to reverse the current trend of population decline”.

Local Government Authorities listed in the schedule of SEPP 44 (which includes Lismore) are required to consider the provisions of the SEPP with regard to development on lands greater than one hectare in area. Assessment may be made on either an individual Development Application basis, or by preparing a Comprehensive Koala Plan of Management for the whole LGA. The intention of such a plan of management is to establish development standards in accordance with the classification of land as (say) Primary, Secondary or Tertiary koala habitat. The benefit is seen in a “big picture” approach, rather than assessment on a DA by DA basis.

**Koala Management Plan Steering Committee**

As an initial phase in determining important koala habitat, Council commissioned a Koala Management Study into the Goonellabah and East Lismore areas in 1995. Recommendations arising from the report included management objectives for ten identified “precincts”, as well as forming a Koala Management Committee to oversee implementation of the study’s recommendations. These included matters relating to the major recognised threats of habitat loss, dog attack and traffic impact.

Over the past two years the Committee has made progress in providing a forum where all views are equally considered and issues discussed and resolved. This was an important step toward providing ‘ownership’ of any plan. More recently an educational brochure has been developed to the printing stage, and the Koala Community Survey has been undertaken, with results collated and analysed.

It was seen as appropriate at this stage to determine the future direction and role of the Committee. With this in mind, the Koala Management Plan Steering Committee resolved to adopt the following work program in order to produce a Koala Plan of Management.

The steps recommended by NSW National Parks & Wildlife Service to undertaking a Koala Comprehensive Plan of Management are:

1. Vegetation survey and mapping at 1:25,000
  2. Koala Habitat Mapping based on two independent methods
    - Community-based survey
    - Field Survey
-



3. Koala Plan of Management

Koala Plan of Management

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Lismore City Council has yet to undertake LGA-wide vegetation mapping. Whilst it is expected that digital data will soon be available from the Comprehensive Regional Assessment Process, it is likely that this data will require field checking to ensure validity. The following program is contingent upon Council adopting the budget and Management Plan currently on exhibition.

**Program of Works**

| <b><u>Task</u></b>                                                                                                          | <b><u>Timing</u></b>                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Supervise consultant analysing Community Survey results.                                                                    | Complete                                                                               |
| Supervise consultant undertaking pilot mapping and field verification of priority precinct.                                 | Complete early August                                                                  |
| Obtain vegetation data for the remainder of the LGA. Supervise consultant undertaking field verification potential habitat. | Dependent on information availability and/or funding but of possible by February 2000. |
| Compile Plan of Management based on above information, Study recommendations and Steering Committee input.                  | Possible completion June 2000 (includes public exhibition and review)                  |

A more detailed program is attached to break the tasks down into component parts.

Manager - Finance & Administration Comments

Council has provided funding in the 1998/1999 and draft 1999/2000 budget to complete the 'Program of Works' as listed.

Public Consultations Not required.

Other Group Comments

**General Manager's Comments**

The process of preparing a Koala Plan of Management was commenced early in the term of this Council with the appointment of a large Steering Committee comprising both Council and Community representatives to oversee the process. Council's expectation at the time was that this task would be completed well within the term of this Council, ie within a 4 year period.

To say that this has been a long and drawn out affair would be an understatement, however it is fair to say that the process has been complicated by the complexity of viewpoints and interests represented within the Steering Committee. It is none-the-less frustrating to now learn that this process is proposed to be extended for a further 12 months, tying up one of Council's Strategic Planning staff for this period.

Whilst the significance and merit of the Koala Plan of Management is acknowledged, Council should appreciate that other strategic planning tasks/projects will necessarily be given a lower priority should Council resolve to commit resources to complete the Koala Plan of Management. This may impede the ability of the new Council (to be elected in September) to avail itself of sufficient resources to undertake its own strategic planning program.

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Koala Plan of Management

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The completion of the Koala Plan of Management as proposed will bring total expenditure on this project to in excess of \$50,000 and this excludes the significant staff time and associated resources commitment.

Conclusion

A Koala Plan of Management for the Lismore Local Government Area would enable a whole LGA approach to koala conservation. This would prevent the need for assessment on a DA by DA basis, a process that in the past has meant delays and greater onus and costs placed upon developers. It would also clearly show priority areas for habitat restoration and linking.

The program as listed is seen as the logical direction in order to complete the Plan of Management, and has now been endorsed by the Koala Management Plan Steering Committee.

Recommendation (PLA38)

- 1 That Council adopt the schedule as listed to enable completion of a Koala Plan of Management for the Lismore Local Government Area.
- 2 That the Koala Management Plan Steering Committee continue to meet until completion of the Plan of Management.

Subject/File No: SECTION 64 PLAN REVIEW  
(S333)

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

Reason: Council Request

Objective: To seek Council approval for Section 64 charges

Management Plan Activity: Strategic Plan Link 6.4, 6.5 and 2.2

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Background:

At the Council meeting held on March 30, 1999, Council resolved as follows:

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

Legislation

The 126 non-metropolitan NSW Councils have powers to levy water supply and sewerage developer charges under Section 64 of the Local Government Act, 1993 through a cross-reference to the Water Supply Authorities Act, 1987. This legislation also applies to Sydney Water and Hunter Water so that a consistent legislative framework applies for levying of all water supply and sewerage developer charges in NSW.

In the Water Supply Authorities Act, 1987, (Part 3, Division 2), clauses 25 (3) (a), (b) and (c) states that:

- (a) *the value of existing works and the estimated cost of projected works may be taken into consideration, and*
- (b) *the amount of any government subsidy or similar payment is not to be deducted from the relevant value or cost of the works; and*
- (c) *consideration is to be given to any guidelines issued for the time being for the purposes of subsidy of this Division by the Minister for Public Works.*

Council's current levies are calculated in accordance with these provisions with some minor variations.

Recently, the Department of Land and Water Conservation (DLWC) in a draft report has stated the following:

*The calculated developer charge would be the maximum that a Council could levy. If a Council proposes to levy a developer charge less than the calculated amount, it would need to make the cross-subsidy involved transparent to the community.*

This statement from the DLWC appears to be in contradiction to the requirements of the Water Supply Authorities Act which requires that the maximum cost of headworks are to be charged. DLWC appears to be indicating that if Council so approves, it could charge a developer charge less than the calculated maximum.

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## Section 64 Plan Review

Using DLWC's philosophy, Council could take into account State Government Subsidy received through the Country Towns Water Supply, Sewerage and Drainage Program that is administered by the DLWC.

The DLWC is in the process of reviewing the S64 levies charged by Local Councils with respect to the IPART recommendation on pricing but this review is yet to be issued to Councils.

Further the DLWC has released a draft method of calculating headworks charges which is significantly different to the traditional approach. In undertaking the review, both the draft and the traditional method has been utilised. In addition, the government subsidy has been deducted.

Regional Comparisons

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

|                                       | <b>Ballina</b> | <b>Byron</b> | <b>Casino</b> | <b>Lismore*</b> | <b>Nimbin<br/>(Village)</b> | <b>Richmond<br/>River+</b> | <b>Tweed</b> |
|---------------------------------------|----------------|--------------|---------------|-----------------|-----------------------------|----------------------------|--------------|
| <b>Water (per ET)</b>                 |                |              |               |                 |                             |                            |              |
| Range of Section 64 levies (A)        | 1,333          | 2,209-5,243  | 1,933         | 1,873-2,398     | 3,796                       | 580                        | 3,350        |
| <i>Average</i>                        | <i>1,333</i>   | <i>3,298</i> | <i>1,933</i>  | <i>2,000</i>    | <i>3,796</i>                | <i>580</i>                 | <i>3,350</i> |
| Rous County Council Charge (B)        | 1,257          | 1,257        | -             | 1,257           | -                           | 1,257                      | -            |
| <i>Average (Total A+B)</i>            | <i>2,590</i>   | <i>4,555</i> | <i>1,933</i>  | <i>3,257</i>    | <i>3,796</i>                | <i>1,837</i>               | <i>3,350</i> |
| <b>Sewerage (per ET)</b>              |                |              |               |                 |                             |                            |              |
| Range of Section 64 levies            | 4,133          | 3,800-6,388  | 3,930         | 3,277-4,175     | 5,821                       | 770                        | 2,770        |
| <i>Average</i>                        | <i>4,133</i>   | <i>5,208</i> | <i>3,930</i>  | <i>3,940</i>    | <i>5,821</i>                | <i>770</i>                 | <i>2,770</i> |
| <b>TOTAL<br/>(Water and Sewerage)</b> | <b>6,723</b>   | <b>9,763</b> | <b>5,863</b>  | <b>7,197</b>    | <b>9,617</b>                | <b>2,607</b>               | <b>6,120</b> |

\* Lismore urban area only

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

The statewide median developer charge (1996/97) as provided by the DLWC is \$2,050 for the water supply and \$2,250 for the sewerage giving a total median developer charge of \$4,300.

Review of Section 64 Costs

As stated above, the review of the Section 64 plan was undertaken based on two methods:

**Method 1** was based on the current draft recommendation by the Department of Land and Water Conservation (DLWC) which states that the Developer Charge should be calculated in accordance with the IPART recommendation. The calculations involved in this method depend on assumptions such as the amount of money to be expended on renewals of assets, a capital return on existing

## Section 64 Plan Review

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assets and the estimated population growth. Further details of this method are contained in the Draft S64 reports for the water supply and sewerage which can be obtained from the Client Services Unit

**Method 2** was based on the traditional method of calculating developer charges which involved the current cost of assets divided by the number of equivalent tenements (ET's) plus the cost of any future works required divided by the future ET's that these works will serve.

The summary of these results are appended (Table 1)

It should be noted that these costs do not include the proposed sewerage system at Clunes or the water supply filtration plant at Nimbin.

### Discussion

Review of the Appendix shows the draft DLWC method gives inconsistent results.

To ensure that developers are given the maximum incentive for undertaking works in Lismore, it is proposed that the traditional approach be utilised with the Government subsidy deducted (Table 2).

This ensures that the discrepancies being produced by the DLWC method is avoided and is consistent with the current method utilised in the calculation of developer charges. It is further proposed that the various zones within Lismore be abandoned and a single water and a single sewer charge be levied across Lismore. This does mean that there is some cross subsidy from the lower S64 charge areas to the higher S64 charge areas.

A separate rate is proposed for areas outside the Lismore Town area (ie, Nimbin, Clunes, North Woodburn, Dunoon/Modanville/Channon) because these areas have different requirements to the Lismore Town area. The cost of providing infrastructure for Nimbin and the Dunoon/Modanville/Channon areas is higher than for the rest of Lismore and this is reflected in the higher developer charges.

The table below summarises these results:

|                                       | <b>Lismore<br/>Town<br/>\$</b> | <b>Nimbin<br/>\$</b> | <b>Dunoon/<br/>Modanville<br/>/Channon<br/>\$</b> | <b>Clunes<br/>\$</b> | <b>North<br/>Woodburn<br/>\$</b> |
|---------------------------------------|--------------------------------|----------------------|---------------------------------------------------|----------------------|----------------------------------|
| <b>Sewerage (per ET)</b>              |                                |                      |                                                   |                      |                                  |
| Section 64 levies                     | 4,240                          | 6,740                | -                                                 | -                    | -                                |
| <b>Water (per ET)</b>                 |                                |                      |                                                   |                      |                                  |
| Section 64 levies (A)                 | 1,750                          | 3,570                | 8,800                                             | 1,150                | 1,110                            |
| Rous County Council Charge (B)        | 1,257                          | -                    | 1,257                                             | 1,257                | 1,257                            |
| <i>(Total A+B)</i>                    | <i>3,007</i>                   | <i>3,570</i>         | <i>10,057</i>                                     | <i>2,407</i>         | <i>2,367</i>                     |
| <b>TOTAL<br/>(Water and Sewerage)</b> | <b>7,247</b>                   | <b>10,310</b>        | <b>10,057</b>                                     | <b>2,407</b>         | <b>2,367</b>                     |

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Section 64 Plan Review

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Manager - Finance & Administration's Comments

The funding rationale of operating a Water and Sewerage Fund is to ensure that the services provided are 'user pays'.

From my understanding, the investigation undertaken to review the level of Section 64 charges has been soundly based on the prevailing financial criteria. The amounts proposed take into consideration a 'subsidy' based on the level of government grants received. As a result, and on average, the contribution rates are more than that currently charged.

The issue that Council has requested to be addressed relates to competitiveness of these levies. When compared to neighbouring Council's, it is obvious that Lismore (excluding Nimbin) has the second highest total contribution rates.

Council can determine to further subsidise these charges if it so wants. What this means is that existing users of the system will be paying for future users of the system. This proposal seems inappropriate as it could be argued successfully that existing users already have made their contribution to the infrastructure.

If it were resolved to further subsidise these charges by say 50%, then based on the amount of contributions received in 1997/98, existing users would be required to fund \$90,000 and \$48,000 in sewerage and water fund respectively. This equates to a 2.25% increase in sewerage charges and a 4% increase in water service availability charges. While these increases appear modest, if we based the subsidy on contributions received in 1995/96, then the figures for sewerage and water would be \$204,000 or 5.10%, and \$182,000 or 15.20%. respectively.

The issue of subsidy is difficult to determine. For it to be reasonably based, there needs to be some benefit to those paying for the subsidy. With increased users, there may be the potential in the future to decrease the 'cost per user for fixed costs' such as management, but it is not possible that this would offset the increases detailed above.

Public Consultations

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

General Manager's Comments

This report represents an evaluation of Council's Section 64 charges based on prevailing statutes and the "user-pays" principle.

To date there has been no focused attention given to examining means by which Council's target of reducing these charges to more competitive rates can be achieved other than to suggest that Council may choose to subsidise the charges.

There are also a number of key factors which are fundamental to this review and which would prompt deferral of this report at this time. These are:



Section 64 Plan Review

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- DLWC is currently reviewing S64 levies in the light of IPART's pricing recommendations.

Section 64 Plan Review

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- Council is awaiting a 20 year financial plan for the Water and Wastewater Services which is being prepared on our behalf by PWD.
- There is no imperative to introduce the proposed new S64 charges regime outlined in this report, particularly given that they represent an overall increase in those charges.

In my view it would be preferable for Council to defer consideration of this report until the foregoing DLWC Review and the PWD/LCC Financial Plan are completed. It would then enable staff and Councillors to have a much clearer understanding of the future basis for such charges and opportunities for appropriate reductions.

Other Group Comments

Manager - Economic Development Unit

The Economic Development Unit supports the above method of re-calculation as it keeps Lismore in the same market level comparable with other Local Government Areas with which we are competing for growth.

There will be a significant level of disappointment in the private investment sector that this review did not produce substantial savings as a way to stimulate building development and ultimately create a larger user base over which to spread charges. It is understood that a different methodology than the one used in the current review would have to be authorised if substantially lower charges were to be achieved.

Author's Conclusion

The revised Section 64 headworks charges are consistent with those previously charged by Council and are justified by careful calculation. The review has not resulted in a reduction in charges, which is understood is desirable to Council. Council may wish to consider whether it wishes to arbitrarily reduce charges to stimulate development.

Recommendation (GM03)

- 1 That consideration of this report be deferred pending completion of:
  - a) The DLWC review of S64 charges;
  - b) The LCC Water and Wastewater Financial Plan being prepared by PWD.
- 2 That a further report be provided to Council once those pre-requisites outlined in (1) are completed, such report to include reference to options for competitive reductions LCC Section 64 charges.

## Section 64 Plan Review

**APPENDIX A**Table 1

| Includes Administrative Levy of:                                   |          | 2.5% (Method 1 and 2) |         |  |
|--------------------------------------------------------------------|----------|-----------------------|---------|--|
| <b>Lismore Sewerage Scheme</b>                                     |          |                       |         |  |
|                                                                    | Method 1 | Method 2              | Current |  |
| East Lismore (A)                                                   | \$5,780  | \$4,180               | \$4,429 |  |
| Goonellabah (B)                                                    | \$6,910  | \$5,730               | \$4,175 |  |
| South Lismore(C)                                                   | \$3,870  | \$2,790               | \$3,277 |  |
| Nimbin (D)                                                         | \$19,730 | \$11,860              | \$5,821 |  |
| Average Rate for Lismore (A,B,C)                                   | \$5,900  | \$4,850               | \$3,940 |  |
| Average Rate for Lismore Local Government Area (A,B,C,D)           | \$6,140  | \$4,980               | \$3,970 |  |
| <i>With Government Subsidy taken out:</i>                          |          |                       |         |  |
| East Lismore (A)                                                   | \$4,260  | \$3,180               | \$4,429 |  |
| Goonellabah (B)                                                    | \$5,070  | \$3,950               | \$4,175 |  |
| South Lismore(C)                                                   | \$3,130  | \$2,360               | \$3,277 |  |
| Nimbin (D)                                                         | \$10,870 | \$6,740               | \$5,821 |  |
| Average Rate for Lismore (A,B,C)                                   | \$4,840  | \$4,240               | \$3,940 |  |
| Average Rate for Lismore Local Government Area (A,B,C,D)           | \$4,940  | \$4,280               | \$3,970 |  |
| <b>Lismore Water Supply Scheme</b>                                 |          |                       |         |  |
| Holland Street (A)                                                 | \$650    | \$1,150               | \$2,213 |  |
| Wyreema Avenue (B)                                                 | \$1,700  | \$2,200               | \$1,898 |  |
| Ross Street (C)                                                    | \$1,590  | \$1,560               | \$2,088 |  |
| Central (D)                                                        | \$1,600  | \$1,560               | \$1,873 |  |
| Tanelawn (E)                                                       | \$2,510  | \$2,950               | \$2,398 |  |
| Nimbin (F)                                                         | \$7,180  | \$4,790               | \$3,796 |  |
| Dunoon/Modanville/Channon (G)                                      | \$12,860 | \$9,820               | \$7,253 |  |
| Clunes (H)                                                         | \$160    | \$1,150               | \$1,265 |  |
| North Woodburn (I)                                                 | \$820    | \$1,110               | \$1,488 |  |
| Average rate for Lismore Only (A,B,C,D,E)                          | \$1,480  | \$1,750               | \$2,000 |  |
| Average rate for Lismore Local Government Area (A,B,C,D,E,F,G,H,I) | \$2,030  | \$2,110               | \$2,240 |  |
| <i>With Government Subsidy Taken Out:</i>                          |          |                       |         |  |
| Nimbin                                                             | \$5,080  | \$3,570               | \$3,796 |  |
| Dunoon/Modanville/Channon                                          | \$11,090 | \$8,800               | \$7,253 |  |
| Average rate for Lismore Only (A,B,C,D,E)                          | \$1,480  | \$1,750               | \$2000  |  |
| Average rate for Lismore Local                                     | \$1,900  | \$1,980               | \$2,240 |  |

Section 64 Plan Review

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|                                     |  |  |  |
|-------------------------------------|--|--|--|
| Government Area (A,B,C,D,E,F,G,H,I) |  |  |  |
|-------------------------------------|--|--|--|

Table 2

|                                              |          |         |
|----------------------------------------------|----------|---------|
| Includes Administrative Levy of:             | (2.5%)   |         |
| <b>Lismore Sewerage Scheme</b>               |          |         |
|                                              | Method 2 | Current |
|                                              |          |         |
| <i>With Government Subsidy taken out:</i>    |          |         |
|                                              |          |         |
| Nimbin                                       | \$6,740  | \$5,821 |
|                                              |          |         |
| Average Rate for Lismore (A+B+C)             | \$4,240  | \$3,940 |
|                                              |          |         |
|                                              |          |         |
| <b>Lismore Water Supply Scheme</b>           |          |         |
|                                              |          |         |
| Clunes (H)                                   | \$1,150  | \$1,265 |
| North Woodburn (I)                           | \$1,110  | \$1,488 |
|                                              |          |         |
| Average rate for Lismore Only<br>(A+B+C+D+E) | \$1,750  | \$2000  |
|                                              |          |         |
| <i>With Government Subsidy Taken Out:</i>    |          |         |
| Nimbin                                       | \$3,570  | \$3,796 |
| Dunoon/Modanville/Channon                    | \$8,800  | \$7,253 |

Subject/File No: PROVISION FOR CLEANING SERVICES VARIOUS COUNCIL ASSETS - T99028

Prepared By: CONTRACTS OFFICER - Chris Allison

Reason: Council consideration of the cleaning contract

Objective: To obtain Council approval to award contract for provision of cleaning services

Management Plan Activity:

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Background:

The current contract for the cleaning of various Council offices/assets expires June 30 1999.

The new contract incorporates twenty one Council assets, with the contract being written with the option to award a single contract for the cleaning of all of the assets or as separated parts to provide Council with the most advantageous solution.

The assets included in the tender are as follows:

|                                    |                               |
|------------------------------------|-------------------------------|
| Administration Offices Goonellabah | Laurie Allen Community Centre |
| Old Municipal Offices              | Molesworth House              |
| Early Childhood Centre - STH       | Early Childhood Centre - CBD  |
| Water & Sewerage Works Depot       | Wyrallah Road Treatment Works |
| Waste Facility Offices             | Gingerbread House Day Care    |
| Works Depot - Brunswick St         | Lismore City Library          |
| Goonellabah Library                | Nimbin Village                |
| Public Toilets Lismore - CBD       | Lismore Airport Terminal      |
| Works Depot - Block B              | Parks & Gardens Office        |
| Goonellabah Community Centre       | Lismore Art Gallery           |
| Tourist Information Centre         |                               |

Tenders were advertised to close on March 25, 1999 in The Echo, Sydney Morning Herald, Brisbane Courier Mail and The Northern Star.

Should Councillors wish to examine the tender specification, a copy will be made available at the Council meeting.

Options:

Thirteen copies of the tender document were sent to potential tenderers, with responses received from nine companies. Of the nine tender submissions received, four companies tendered for all of the assets listed, with the remaining tenderers tendering for various parts of the contract.

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The following tenders were received:

Dufficy Cleaning Services  
 Ellems Cleaning Service  
 G & K Campbell  
 Barry & Cheryl's Cleaning Service  
 W & W Ma's Cleaning Service  
 Moores Cleaning Service  
 Peter Warren Cleaning  
 Tempo Services Ltd  
 Eastland Cleaning Pty Ltd

An initial evaluation was undertaken by Client Services and a summary of tenders prepared based on each asset. The summary was then provided to the respective asset manager to undertake the final assessment.

**Tender Evaluation**

The tender documentation defined five major areas by which each tender would be assessed. Tenderers were required to address compliance in each of these areas in their submissions.

|                                        |     |
|----------------------------------------|-----|
| Total Price                            | 50% |
| Capability                             | 15% |
| Relevant Experience                    | 15% |
| Compliance with Quality & Safety Plans | 15% |
| Management & Financial                 | 5 % |

Enclosed separately is a summary of the evaluations by asset location, together with the recommendations of Client Services and the recommendation of the Asset Manager. Where the Asset Manager did not agree with the assessment and preferred an alternative tender, the basis for changing the recommendation has been provided and the Asset Managers preference is now the preferred tenderer.

Proposal:

The proposal is to accept the tender(s) most advantageous to Council. Summary of the preferred tenders is as follows.

| <b>Asset</b>                  | <b>Tendered Price</b> | <b>Asset Manager</b> | <b>Preferred Tenderer</b> |
|-------------------------------|-----------------------|----------------------|---------------------------|
| Administration Offices        | \$41,353.32           | Graeme Davis         | Tempo Cleaning Services   |
| Laurie Allen Community Centre | \$4,673.24            | Graeme Davis         | Tempo Cleaning Services   |
| Municipal Offices             | \$3,323.84            | Graeme Davis         | Tempo Cleaning Services   |
| Molesworth House              | \$3,232.84            | Graeme Davis         | Tempo Cleaning Services   |
| Early Childhood Centre - STH  | \$2,174.64            | Graeme Davis         | Ellems Cleaning Service   |
| Early Childhood Centre - CBD  | \$4,477.20            | Graeme Davis         | Ellems Cleaning Service   |
| Water & Sewerage Works Depot  | \$6,472.28            | Ian McLeod           | Tempo Cleaning Services   |

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# LISMORE CITY COUNCIL - June 8, 1999

## Provision for Cleaning Services Various Council Assets - T99028

|                              |             |                |                           |
|------------------------------|-------------|----------------|---------------------------|
| Treatment Works              | \$2,681.40  | Peter Allen    | Ellems Cleaning Service   |
| Waste Facility Offices       | \$1,440.00  | Kieran Wade    | Eastland Cleaning Pty Ltd |
| Gingerbread House Day Care   | \$10,895.12 | Jenny Cross    | Tempo Cleaning Services   |
| Works Depot - Brunswick St   | \$6,364.28  | Col Starr      | Tempo Cleaning Services   |
| Lismore City Library         | \$10,347.72 | Lucy Kinsley   | Tempo Cleaning Services   |
| Goonellabah Library          | \$1,040.00  | Lucy Kinsley   | G & K Campbell            |
| Nimbin Village               | \$38,725.68 | Neil Morton    | Tempo Cleaning Services   |
| Public Toilets Lismore - CBD | \$17,269.20 | Neil Morton    | Ellems Cleaning Service   |
| Lismore Airport Terminal     | \$6,703.50  | Malcom Hawkins | Ellems Cleaning Service   |
| Works Depot - Block B        | \$7,986.56  | Kevin Allen    | Tempo Cleaning Services   |
| Parks & Gardens Office       | \$292.24    | Kevin Copas    | Tempo Cleaning Services   |
| Goonellabah Community Centre | \$8,064.76  | David Ferguson | Tempo Cleaning Services   |
| Lismore Art Gallery          | \$4,006.04  | Irena Hatfield | Tempo Cleaning Services   |
| Tourist Information Centre   | \$4,920.00  | Andrea Roberts | Ellems Cleaning Service   |

### Implementation:

It is intended to commence the contract beginning July 1, 1999 for a three year period.

### Principal Accountant's Comments

Most of the programmes have an adequate amount included in their budgets for the 1999/00 financial year. The Art Gallery is the only programme with a clear problem (tendered price exceeds budget of \$2,800 by \$1,200). At this stage of the 1999/00 budget process, programmes with inadequate funding will have to fund the shortfall from within their existing budget allocations or alternatively review the level of service with the aim of reducing the cost of the contract.

One important point to note is that the cost of consumables eg. paper towels etc. has not been provided for in these tendered prices. These are to be purchased from the contractor as required and will be billed monthly. This will be an additional, variable cost depending on the level of consumables used.

### Public Consultations

Nil required

### Other Group Comments

All Asset Managers were consulted prior to completion of the tender documents to obtain input into the cleaning requirements of each asset. The Asset Managers were then requested to review the evaluation of tenders and their requirements noted in the final evaluation.

### Conclusion

Council can contract out the provision of cleaning services of the various Council assets and maintain a high level of service for a reasonable cost.

Recommendation GM01

1. That the contract for the provision of cleaning services for the Administration Offices, Laurie Allen Community Centre, Municipal Offices, Molesworth House, Water & Sewerage Works Depot, Gingerbread House Day Care, Works Depot - Brunswick St, Lismore City Library, Nimbin Village, Works Depot - Block B, Parks & Gardens Office, Goonellabah Community Centre and Lismore Art Gallery for the lump sum amount of \$145,737.92 per annum, subject to annual indexation rises, for a three year period with an option to extend the service for a further one year period be awarded to Tempo Cleaning Services.
2. That the contract for the provision of cleaning services for the Early Childhood Centre - STH, Early Childhood Centre - CBD, Wyrallah Road Treatment Works, Public Toilets Lismore - CBD, Lismore Airport Terminal and Tourist Information Centre for the lump sum amount of \$ 38,225.94 per annum, subject to annual indexation rises, for a three year period with an option to extend the service for a further one year period be awarded to Ellems Cleaning Services.
3. That the contract for the provision of cleaning services for the Waste Facility Offices for the lump sum amount of \$ 1,440.00 per annum, subject to annual indexation rises, for a three year period with an option to extend the service for a further one year period be awarded to Eastland Cleaning Pty Ltd.
4. That the contract for the provision of cleaning services for the Goonellabah Library for the lump sum amount of \$ 1,040.00 per annum, subject to annual indexation rises, for a three year period with an option to extend the service for a further one year period be awarded to G & K Campbell.



Subject/File No: MARCH 1999 QUARTERLY BUDGET REVIEW STATEMENT  
(RS/LM: S699)

Prepared By: Manager – Finance & Administration - Rino Santin

Reason: Clause 9, Local Government (Financial Management) Regulations 1993

Objective: To gain Council's approval to amend the 1998/99 budget to reflect actual or anticipated results.

Management Plan Activity: NA

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Background:

The Local Government Act 1993 (LGA) requires the annual budget to be reviewed on a quarterly basis and any significant variances to be reported to Council. This report satisfies the LGA's requirements.

This review of the 'budget v performance' has been carried out on an activity basis. Significant variances which impact on working funds have been identified in this report.

While undertaking this review, it was noticeable that the majority of budgets appear to be well on target. The concern that is expressed is that there is little margin for error. This situation reaffirms that stated to Council during the 1999/2000 Management Plan that the pressure on operating budgets to deliver more with the same funding over the last two to three years is starting to cause some 'cracks'. It is pleasing to note that some of our major programs such as roads and parks, appear to be on course to meet their budget expectations.

General Fund

The 1998/99 Management Plan provided for a working fund deficit of \$123,000. The September review reported savings of \$56,000 and the December review reported losses of 93,600 making a total deficit of \$160,600. This review details a net surplus of \$151,000 which means for 1998/99, operations are budgeted to run at a deficit of \$9,600.

On the basis that management will be able to maintain control over expenditure, it is likely that the 1998/99 budget will be reined in. To achieve this objective, budget managers will be again reminded of the absolute necessity for them perform within the confines of their existing budgets.

As previously reported, the ability of management to manage effectively is severely hampered when a deficit budget is adopted. In our particular case, there is little latitude to fund potential variances during the course of the year such as legal costs. Council's objective should always be to adopt at least a 'balanced budget' and ideally a 'surplus budget' to allow management flexibility.

For Council's information, listed below are details of activities with significant variances,

Administration Services

The microfilming of Council's archives has become critical as there is a lack of space to file records. Quotes have been received and it is the intention that only works to the value of the funding to be carried out at this stage. The funding for these works comes from a charge levied on development and building applications.

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There is no impact on working funds from these variances.

# LISMORE CITY COUNCIL - Meeting held June 8, 1999

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### Financial Services

The main variance relates to the staff restructure in Finance. As a result, there has been a 0.6 reduction in number of staff for this section. This will result in a saving this year of approximately \$20,000.

The impact of this activity is a surplus of \$31,900.

### Strategic Planning

For all developer's levies (S94) paid, there is a administration component of 5% included which Council can use to reimburse the costs incurred in preparing, maintaining and updating the Section 94 Plans. Previously, some of these funds were used to employ the Section 94 Officer. When that position was made redundant, the administration component was reserved. On the basis that the plans are still being serviced in-house and administrative costs such as legal and advertising, continue to be incurred, it is reasonable that the administration component should be used to offset these costs. It was originally estimated that \$63,000 would be required for this purpose during 1998/99.

The net impact of this activity is a surplus of \$67,300

### Environmental Health

With the introduction of legislation applicable to On Site Sewage Management, there is a cost to be incurred this year with the issuing of pamphlets, applications and general information to potential sewage system operators. This course of action has already commenced. The State Government have offered a subsidy to Council for this purpose, but it was anticipated that this would be used during 1999/2000 for management and inspections.

The net impact of this activity is a deficit of \$15,000

### Waste Strategies

This adjustment reflects an 'accounting' issue rather than a budget variance. Due to its significant value, it is reported.

There is no impact on working funds from these variances.

### Emergency Services

The costs associated with the preparation and advertising of the Lismore Flood Levee EIS are expected to reach \$90,000 for 1998/99. At this stage, \$30,000 has been allocated. It is proposed to fund the increase from the Flood Mitigation Reserve.

There is no impact on working funds from these variances.

### Traffic, Enforcement & Lighting

These adjustments reflect the changes in the City Safe Program. With the recognition that all the funds provided for this program would not be required this year, Council resolved in March to allocate part of CBD special rate variation towards the purchase and installation of the Safety Cameras. Based on that allocation, Council's matching funds now become surplus and it is proposed that they be applied to the deficit.

The net impact of this activity is a surplus of \$49,700.

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### Parks & Reserves

The major variance relates to a grant of \$28,000 received by Council from Land and Water Conservation for the 'Ecological Restoration of Currie Park'. The other item is the reserving of funds allocated to Oakes Oval for top dressing. These works could not be undertaken this year so it is proposed that they be completed next financial year.

The net impact of this activity is a deficit of \$2,000.

### Urban Roads

The major variance listed is the purchase, demolition and development of the Kirklands Car Park site. In 1998/99, the total cost of the capital purchase is \$435,600. This is funded by a contribution from DLWC (\$251,500), loans (\$34,600), reserves (\$101,600) and S94 (\$47,900).

The net impact of this activity is a surplus of \$12,000.

### Rural Roads

The amendments to this activity relate to additional road works funded by the RTA, revenue and S94. They include,

- a) Thorne Bridge Approaches \$31,500
- b) Stoney Chute Road \$40,000
- c) Richmond Hill Road (Guardrail) \$5,800
- d) Tuckurimba Road/Baxter Lane Intersection \$8,300
- e) Cowlong Road (Land Acquisition) \$7,600
- f) James Gibson Road \$21,000.

There is no impact on working funds from these variances.

### Water & Sewerage Funds

A balanced budget position has been achieved in both funds to March 31, 1999.

In the Water Fund, the major changes have been :-

- a) With the wet weather pattern that we have been experiencing, demand for water has significantly dropped below budget expectations. At this stage, a shortfall of at least \$100,000 is anticipated.
- b) Engineering and Supervisor costs will be reduced due to a staff restructure and position vacancy.
- c) Savings in electricity and operating costs for pump stations of approximately \$25,000.
- d) With development still slow, the number of new service installations has remained static. This will result in a cost saving of \$30,000.
- e) The net reserve movement is an increase in the Transfer From Reserve by \$35,000.

In the Sewerage Fund, the major changes have been :-

- a) Income is anticipated to be higher due to a reduction in abandonments for pensioners of \$16,000.
  - b) Engineering and Supervisor costs will be reduced due to a staff restructure and position vacancy.
  - c) The net movement in reserves is to decrease the Transfer From Reserve by \$46,000.
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# LISMORE CITY COUNCIL - Meeting held June 8, 1999

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### General Manager's Comment:

This is a most pleasing result given Council's decision to adopt a \$123,000 operating deficit for the 1998/9 budget, and reflects, once again, continuing sound financial management practices.

Reducing Council's operating deficit to an estimated \$9,600 has come about through a team effort involving Budget Managers, Financial Services staff and Senior Management. The following areas are highlighted:

- Staff restructuring in the Financial Services Section and the Business and Enterprise Group (Water and Wastewater Section) has contributed significantly to Council's improved operating position in the General Fund and the Water and Sewerage Funds, as outlined by the Manager-Finance and Administration in this report.
- Council's legal costs, which were significant in 1997/8, have been successfully contained within budget in 1998/9.
- Parks and Reserves expenditure has been contained within budget this year due to significant changes to work practices and staffing arrangements initiated and overseen by the Manager-Parks and Reserves, Neil Moreton.

Council is indeed fortunate to have staff who consistently demonstrate a strong commitment to responsible financial management.

### Other Group Comments

Not required

### Conclusion

#### Change in Net Assets

The 1998/99 Management Plan provided for a deficit in the 'Net Change in Assets' of \$1,136,700. The combination of the September, December and March reviews will increase the deficit to \$1,898,800.

It should be noted that this amount reflects the estimated increase in net assets held under the Council's control for this year. It does not reflect in any way the Council's cash or liquidity position.

### Recommendation (COR01)

- 1 Council adopt the March 1999 Budget Review Statement for General, Water and Sewerage Funds.
- 2 This information be submitted to Council's auditor.

Subject/File No: MANAGEMENT PLAN 1998/99 REVIEW - MARCH 1999 QUARTER  
(S4)

Prepared By: Corporate Development Officer

Reason: Requirement of the Act - March 1999 Quarter

Objective: Information and Annotation of Councillors

Management Plan Activity:

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**Background:**

Clause 407 (1) of the Local Government Act, 1993 requires Council to periodically report on the performance set by the Management Plan.

The following information relates to the performance of the programmes and activities highlighted in the Plan for completion during the quarter ended March 1999.

**GENERAL MANAGER'S OFFICE:**

Business operations and associated activities of Council continued to be monitored through the functions of Management Group Meetings.

Individual meetings with the Group Managers continue to be conducted on a monthly basis. Primarily, the objectives of having these meetings are two-fold:

- the Managers provide an overview on activities and performance for their Group and
- they form an integral part of the appraisal process on their individual performance appraisal.

The public's access to Councillors was again actively promoted during this period. Our communication processes have ensured that public enquiries receive prompt attention and response.

All media releases issued were either published or put to air. In fact, there has been an increase in the level of reporting on Council activities in all media modes. The majority of this reporting has been positive for both Council and the community, however there will always be the odd negative report due to the nature of Council's activities. Our work rapport with the appointed reporters for the respective newspapers and television continues to improve for all parties.

Council has co-ordinated several successful community events such as Australia Day. All of these events were well patronised by the members of the public.

The Client Services Unit now fills a vital role in ensuring that Council's services and facilities are operated in a competitive manner and in compliance with National Competition Policy requirements. Through the adoption of more stringent tendering and contract management practices, Council can expect greater cost efficiency and improved quality in service delivery.

**HUMAN RESOURCE MANAGEMENT:**

The following actions have been undertaken in relation to the Goals and Objectives within the Management Plan.

| <b>Goal/ Objectives</b>                                                                                 | <b>Actions</b>                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Maintain a stable industrial climate                                                                    | Pro-active distribution of information to staff and management to clarify changes to conditions and work practices, regular consultation with unions, no disputes notified for the period                                                                      |
| Develop and implement the Performance Evaluation System (PES)                                           | Ongoing support for review of system including research and preparation of revised documentation, liaison with staff and consultative committee                                                                                                                |
| Develop a Skills Assessment Component of the Salary System in accordance with Award provisions          | All relevant documentation prepared and distributed to the field to support assessments of staff within City Works Target Group. Ongoing preparation for assessments of staff within other Groups of Council                                                   |
| Manage the procedures for performance based contracts and associated total remuneration packages (TRPs) | System of prompts for key dates reviewed and refined, Research undertaken on FBT exempt entitlements for salary packaging.                                                                                                                                     |
| Measure staff morale                                                                                    | Regular consultation with all worksites, Regular informal feedback via union delegates, staff forums                                                                                                                                                           |
| Implement OH&S practices                                                                                | Safety Management System under development with support of all relevant managers, Ongoing development and clarification of Safe Working Procedures                                                                                                             |
| Develop Human Resource Strategies within a Human Resources Plan                                         | Ongoing review and development of strategies outlined within the Human Resource Plan. For example; enhancement of employee related statistics                                                                                                                  |
| Accurate and timely payment of wages                                                                    | Regular payment of wages                                                                                                                                                                                                                                       |
| Develop, document and implement training plan                                                           | Training delivery is occurring in accordance with the Group, Section and individual priorities identified within the plan                                                                                                                                      |
| Implement the Workers Compensation strategy                                                             | Clarified roles and responsibilities as part of the development of the Safety Management System. New initiatives introduced to support field based risk assessment in accordance with revised legislative requirements.                                        |
| Facilitate the development of enterprise agreements                                                     | A group of employees within City Works has been selected and trained as representatives to negotiate a Workplace Agreement with management. Human Resources developed and facilitated the training and are providing ongoing support for the negotiation team. |
| Refine and expand recruitment and selection services                                                    | Ongoing refinement of internal selection processes to support employee career paths, placement of external advertisements reviewed                                                                                                                             |

**ADMINISTRATION:**

During the quarter, four (4) Ordinary and one (1) Special Meeting Business Papers were prepared and were distributed in accordance with set objectives. In all instances, minutes arising from these meetings prepared and distributed to staff to "action" within the timeframes set out in the Management Plan.

Tenders have been called for the storage of archival material to meet the requirements of the State Records Act, 1998. These are currently being evaluated. During this quarter the Records Section experienced one staff resignation. This employee has not been replaced and work practices and service levels are being reviewed and trialed to see if this situation is sustainable in the long run.

Council's front foyer has been redesigned to improve the level of customer service and take account of Council's requirements under the Disability Action Plan. Eftpos was introduced in 1998 and has been readily accepted by the public

**FINANCIAL SERVICES:**

The statutory financial requirements for the last quarter included the levying of the third rate instalment and the presentation of the December quarterly review to Council. Both of these requirements have been achieved.

Financial Services staff are involved with the upgrading and refinement of our purchasing procedures. The objective of this exercise is to formalise and improve existing arrangements so that 'best practice' is embodied when purchasing goods and/or services on Council's behalf.

Developmental work on the Pricing Policy is to be completed during May 1999 for consideration by management and then Council in June 1999.

In relation to Management Reporting, changes to various reports have been made after consultation with Budget Managers. Also, regular monthly performance and exception reporting is provided to management for information.

**INFORMATION SERVICES:**

**Prepare an Information Services strategy**

- **Strategic Implementation Plan**  
Draft implementation plan presented to MGM. Site Study Plan for action 1.1 prepared and endorsed.  
Focus Group formed to address Objective 4 - "Ensure all staff have the level of skills necessary to optimise the benefits of Council's information investment"

**Implement solutions in response to Council requests**

- **Cater for Legislative changes**  
Legislative changes are catered for as required.  
New Valuation information for 1999/2000 rating loaded into the CIVIL Rating system. Specification to cater for Septic Tanks written and delivered to CIVIL
  - **Respond to external agency requirements**  
External agency requests are catered for as required.
-



**Improve administrative efficiency**

• **Expand PC Network**

The PC replacement program, conversion to Windows 95 operating system environment and upgrade to Microsoft Office 97 is 99% complete. 20 obsolete PC's replaced and sold. On-site backup facilities installed at the Art Gallery, Tourist Centre and Brunswick Street Depot.

• **Provide Training and Support**

User training is on-going. Support services are provided to users on a daily basis. Assistance provided with Rates Supplementary, Instalment Notice production, and Water Billing.

• **Cater for new user requirements**

New user requirements are discussed and appropriate action plans agreed. Schedule for development and implementation of new Administrative software items are negotiated with CIVIL and work is being carried out to the agreed schedule. Urgent software modifications are implemented as required and in conjunction with our agreed schedule.

Work completed:

- Records document and minute screen modifications to cater for recording of relevant activity dates.
- Infringement system modifications implemented and staff trained
- Gingerbread House Occasional Child Care package implemented and staff trained.
- 149 Certificate software specification written and delivered
- Creditor software modifications to cater for transfer of information to the Stratagem Contracts Management System delivered, QA tested and implemented. Users trained.
- "Stop the Clock" facility for Development Applications and associated reports delivered, QA tested and implemented. Users trained
- "Stop the Clock" facility for Approvals documented and delivered to CIVIL
- Modifications to Development Applications to cater for Work in Progress reporting documented - to be confirmed by users

Work in Progress:

- 149 certificate modifications
- Backflow Prevention system
- Road Levy Refund
- Records statistical reporting specification
- Essential Service system enhancements
- Environmental Protection Management system
- Cemeteries
- Data Purging facilities
- Upgrade Quarry Office facilities

• **Maintain current user documentation**

Maintenance of User documentation is on-going

• **Upgrade communications capability**

Development Application lodged for installation of Antennas to facilitate wireless communications to Wyrallah Road Depot and Tourist Office.

## GEOGRAPHICAL INFORMATION SERVICES

### **Identify and implement geographic information services.**

- **Continue implementation of data sets identified in GIS Management Report.**  
**Twenty new layers added.**  
Completion of new series of LEP maps covering City.  
Verification of CIVIL/GIS properties miss-matches (on-going)  
Completion of Risk Management mapping for Rural Fire Services  
Completion of Bridges layer for asset management  
Waste Strategy analysis completed  
Commence creation of roads segments for asset register  
Commence development of bridge assets query and image presentation within LGES

### **E-mail service**

- **Develop and implement e-mail service**  
Deployment of e-mail services 100% complete
- **Training**  
User training for Outlook 100% completes.  
Complete development of Rooms Booking System  
Installation of Backup Facility for individual mail boxes

### **Maintain geographic information services.**

- **Maintain existing primary GIS map layers.**  
**On-going maintenance of:-**  
House number layer 100% complete.  
Zoning layer 100% complete.  
Lot/DP layer 100% complete.  
Cadastral layer 100% complete.  
Road layer 100% complete.
- **Develop customer focused GIS access interfaces.**  
**Development of LGES 1.02 100% Complete. - 'on maintenance'.**
- **Provide effective geographic information.**  
All Job requests for mapping products completed.
- **Provide effective support services.**  
Corporate training of LGES continuing as required.  
Support for GIS and LGES – 0 customer complaints.
- **Provide effective management of GIS Section.**  
**On-going management of GIS Branch.**  
1998/9 Project plan 90% completed. Ahead of schedule with GIS plan.

Investigate and implement internet/intranet solutions.

- **Maintenance of Web site.**  
**On going maintenance of web site.**  
**Business papers updated on schedule.**  
Media Releases up-dated weekly.

- **Continued development of Web site.**
  - Development of Crematorium Web site 100% complete.
  - Development of Flora for Fauna Web pages 90% complete.
  - Complete development of Trees database and enquiry system
  - Completion of Botanical Gardens Page
  - Completion of EDU Web Site
  - Addition of Social Plan
  - Completion of Coat of Arms Page
  - Completion of Lismore Aquatic and Leisure Centre Page
  - New pages added to Web site.
- **Evaluate and Implement Intranet solutions**
  - To be looked at next quarter

## COMMUNITY SERVICES:

**The goal is to provide a range of quality Council sponsored community services including aboriginal, community development, recreation, cultural, library and child care services.**

### Community Development:

The Community Profile was completed using the 1996 Census Data. This is available from Council and is in the city library and the university library. It includes a wide range of demographic information, such as mobility, income levels, family structure, age breakdown, etc.

### Seniors Week .

Once again, a short story writing and poetry competition was held. We received 153 entries, up from 77 last year. An afternoon tea took place at Council in March during Seniors Week where the winners were given their prizes. Local and State politicians, and sponsors attended along with 100 older people from the community. A book of stories will be published. On the day Southern Cross University launched a book entitled 'Lismore, A Flood of Memories' by Goldie Down.

### Area Assistance Scheme.

The 1998/99 round of funding was announced in early March. Projects funded include:

- Caring for Kids and Families Project which received \$18,491 to employ a Special Needs Worker whose role it will be to support socially isolated and vulnerable families attending the Gingerbread Occasional Child Care Centre
  - Nimbin Child Care which received \$8,623 to purchase equipment for an innovative child care project utilising the family day care model to be based at the Nimbin Community Centre
  - Youth Development Officer will be employed by Lismore City Council with the assistance of a grant of \$27,179. The Officer will resource and advocate on behalf of young people and identify gaps in services to this group
  - Young Mother's Support Group received \$16,156 to allow it to continue to provide a series of 8 week support groups for young mums
  - Northern Rivers Social Development Council - \$32,100 to employ a consultant to investigate co-operative arrangements between NGO mental health accommodation agencies in the Northern Rivers region
  - Parents & Friends of Lesbians and Gays (PFLAG) - \$5,000 to establish a support network in Byron, Ballina, Casino, Lismore, and Kyogle
  - Parents in Pain Inc. - \$5,000 to establish a parent self-help support group for parents of young people affected by drug addiction in Ballina, Byron, Casino, Kyogle, Lismore and Richmond River
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# LISMORE CITY COUNCIL - Meeting held June 8<sup>th</sup> 1999

1998/9 Management Plan Review - Quarter ended March 1999

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- Families Exploring New Directions (FEND)- \$63,215 To address issues relating to violence in rural communities through a partnership approach with other agencies in Lismore, Ballina, Byron, Casino, Kyogle and Richmond River
- Deaf Community Association - \$25,000 for the continued employment of a part time community worker to co-ordinate an interpreter service and provide information, advocacy and referral through the Lismore Deaf Centre
- GROW - \$13,769 for the continued employment of a part time administration assistant to co-ordinate volunteers at the community centre, assist the field worker and organise activities for people suffering from mental health problems

## International Year of Older Persons (IYOP).

1999 is the International Year of Older Persons. Bob Swords, from Goonellabah, has been co-ordinating regional activities. These will take place on the weekend of October 16<sup>th</sup> and 17<sup>th</sup>. Council has been assisting him by providing him with information, contacts and clerical support. There is an expo, entertainment, information stalls and workshops planned. The Veterans Affairs Dept. and I have been working on a proposal to do a radio series for, and on, older people which would lead into the October weekend.

## Youth Activities Funding.

Council allocated youth funding to four groups:

- Youth Worx Nimbin
- Goori Male Adolescent Health & Cultural Awareness Camp
- Richmond River High School Student Representative Council
- Meals in the Street

## **Ensure services are accessible and culturally appropriate to the diverse needs of the community.**

### Social Plan .

Consultations took place in the rural and urban areas to identify the issues and needs of the target groups within the community that we are concentrating on in the Social Plan. The draft Executive Summary and Access and Equity Statements were finalised for inclusion in the 1999/00 budget planning.

### Disability Interagency.

- The Disability interagency has been formed over the past six months. The group has produced the terms of reference for the interagency as well as the protocol for the Disability Interagency Network (DIN). The Interagency is a bi-monthly forum for all service providers who are interested in the promotion, expansion and co-ordination of disability services in the Lismore Local Government Area.

### Community Caring for Kids

This group meets regularly and aims to address the effects of child abuse in our local community. The group wishes to involve the business community more in the issue and is preparing for a community awareness campaign to be held in July. A report to Council has been prepared about the Purple Ribbon Project which has been developed by other Councils and endorsed by the NSW Local Government Association.

### A co-ordinated approach to service delivery for domestic violence

An interagency, co-ordinated response is being developed by a range of government and non-government services to better address the needs of women and children who experience domestic violence in their families. A one day forum was recently held and a model is being developed to link agencies, improve referral processes and reduce the trauma for victims.

## **To develop Council sponsored community groups**

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### Youth Week

A writing competition was held for young people with the theme of "Burning Passions." There were two age divisions; 12- 15 years and 16-25 years and entrants could write either a poem or short story. The Northern Rivers Echo and HomeNet were two sponsors of the competition and the poems and stories will be published in an anthology by Southern Cross University Press. The winners will be announced on Friday, May 21 at 415 at Caddies Café, Lismore and winning poems and stories will be read on ABC Radio.

### Youth Forum Consultation and event at the Cage, Nimbin Community Centre.

As part of Youth Week activities a forum for young people was held at Nimbin Information gained will be used for the Nimbin Community Forum, Lismore City Council's Social Plan and the Northern Rivers Health Service' Plan. Young people organised the entertainment and facilitated the consultation, with over 50 young people attending.. There was a lot of enthusiasm for a variety of community projects for young people in Nimbin and the event was a great opportunity for young people to have fun and be pro-active in the planning for their future.

### **To develop review and evaluate Council's policies for community groups**

#### Community Groups Policy Review

A review of community policies was undertaken, particularly in relation to community safety and crime prevention, in conjunction with the Crime Prevention Officer. Areas that will need policy formulation in future were identified, including working with young people and social crime prevention

#### Crime Prevention

The development of the Crime Prevention Plan is continuing according to the agreed time schedule. The Crime Profile Report which identifies issues to be addressed by the A crime Prevention Plan has been completed and will be presented to Council at its meeting 18 May. The Plan should be well advanced, if not completed by the of June.

### **To Manage Recreation Needs**

#### LDSA Committee

Recent tasks undertaken include:

- Urban Sports Facility Development
- Input into Recreation Study has been done. Plans of Management are on hold pending the commencement of the new Recreation Planner.
- On-going Masters Games preparations for the promotion of the event and seeking participants being the current focus.
- Collaborative submissions are being compiled by SCU student interns in relation to the Sydney Year 2000 Olympic Games.

### **Indigenous Advisory Committee**

#### Aboriginal Employment Strategy Committee - Northern Rivers Area Health Service

Council through its Community Workers were involved in the launch of the Employment Strategy Report for the Northern Rivers Area Health Service. The launch took place on 16<sup>th</sup> April at Ballina hospital with community attendance from Grafton to Tweed Heads.

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Aboriginal Mentor Program

Fay Smith from the Indigenous Advisory Committee has attended a number of Council meetings and is feeling very supported and comfortable with these meetings.

**KOALA CHILD CARE CENTRE:**

**Centre Patronage**

Occupancy rate of enrolments for January to March 1999 was 95.88%

Variable – beginning of January 69.60% to end of March 88.80%

The beginning of the year figures indicate the current trend of children starting their enrolment at Koala at the beginning of the school year, not the calendar year. The figures are based on a utilisation rate of 25 children per day.

**Accreditation**

Review due in May 1999. A Parent Accreditation Committee meeting was held in early February to discuss the effectiveness of parentstaff information exchanges regarding their children's development and behaviour within the service. Information gained will form part of the plan of action to increase the level of service to our clients for the first six (6) months of 1999.

**Staff training**

Two (2) members of staff attended the Australian Early Childhood Conference in Ballina in early March. Workshops attended included Occupational Health and Safety, and Effective Communication.

**Children's Developmental Records**

Babies and Kanga staff receive some relief from teaching time to fulfil programming responsibilities but the majority of work is undertaken by the teaching staff at home in their own time. The programmes provided for the children continue to be individualised and of a high standard.

**Staff Performance**

All informal reviews were undertaken in late March.

**Government Requirements**

The Centre's 1999 ASPARD document was forwarded to the Department of Community Services in February.

**GINGERBREAD HOUSE CHILD CARE CENTRE:**

**Staff Training:**

With the Centre becoming fully computerised in February staff members, Jenny Cross and Kim Churchill were trained in the new system and basic computer awareness by Council's computer section.

Sarah Ball attained her First Aid Certificate with St John's Ambulance.

**Centre Networking:**

We provide child care to the 'Young Mum's' Group run by Lismore Family Support which gave them the opportunity to become acquainted with the Centre. A meeting at Early Intervention gave the Director the opportunity to meet with health educators, teachers, preschool teachers and child care staff from other services. We were able to familiarise ourselves with each others roles in the community.

**Promotion:**

The Centre undertook a campaign as directed by the Department of Health to educate the parents about children's diet. This campaign has proven very successful, with the quality of home packed meals improving towards desirable intakes. This is an excellent result and one that will be maintained.

**Administration:**

Usage trends have shown a slight increase. The introduction of the computer into the office environment has helped immensely in the day to day administration.

**PUBLIC LIBRARIES:**

A number of music CD's of various styles, to the value of \$5000 were purchased for addition to the music collection. Due to demand from patrons a new item, 'Board Books' for young children was included into the collection.

Friends of the Library continued to provide support and purchased for the Library a number of large print and talking books. Both of these items have proven popular with the House Bound Service offered through the Library.

Some statistical information for the quarter:

|                         | <b>Lismore</b> | <b>Goonellabah</b> |
|-------------------------|----------------|--------------------|
| No. of people attending | 42,033         | 8,743              |
| Loans                   | 69,622         | 10,173             |
| Books Reserved          | 1,960          | 351                |
| New Memberships         | 742            | 97                 |

The new membership figure represent a 47.52% increase over the same period last year.

**ART GALLERY:**

**Exhibitions:**

The Exhibition Program for 2000 is place with loan agreements having been distributed to all exhibiting artists. Exhibition program for 1999 is running to schedule consisting of a cross section of mediums, local artists as well as 5 travelling exhibitions from other regions. The Gallery's 1999 Exhibition Program may be viewed on the Internet, <http://www.liscity.nsw.gov.au/information/arts/artgallery.html> The Lismore City Art Prize attracted 70 entries with 63 works being displayed in the Gallery.

A tree-growing public art project *Personal Development; Public Issue* by John Smith and Shelagh Morgan in Heritage Park is complete. As well as being a cultural attraction this work will also be used for school excursions for both art and land care projects.

**Administration:**

All administrative requirements have been met within deadlines set.

**Education and Public Programs/Volunteers: Quarterly Publications were distributed within deadlines.**

**Public Programs:**

3 Exhibition Launches for a total of 9 exhibitions, 5 Groups Visits, 1 Exhibition Launch Performance, 1 Evening Performance, 3 Artists Talks and 1 Guest Speaker.

Gallery Volunteers: Recruitment Drive in media and mail to relevant services. 39 volunteers currently with Gallery. 5 people have been involved with Work experience and other schemes.

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**Education:**

Survey and update of particulars of Primary Schools completed. Address to Secondary Schools Collegiate Meeting. Cooperative Outreach Project being planned with University for Secondary Schools is ongoing with expressions of interest invited from Secondary teachers.

**Media Coverage:**

Regular editorials in the Northern Rivers Echo and weekly paid advertising and regular editorials in the Northern Star, The Byron Shire Echo, the Express Examiner, The Advocate and the Byron News. Coverage on radio.

**Collection Management:**

Copyright release forms have been returned by 90 of the 171 artists in the Gallery's P C. The remainder are still being processed. An acquisition of etched bookplates by Shelagh Morgan has been finalised with funding supported the NSW Ministry For Arts and the Art Gallery's Corporate Patrons.

**Gallery Development:**

The Gallery's Art Trust Foundation is taking an exceptionally long time to finalise with the hold up being with the solicitors.

**The Gallery was successful in winning the 1999 North Coast Tourism Award for Excellence in Heritage and Cultural Tourism. This further acknowledges the importance of the value of this facility to the economic and cultural growth of the region.**

Flood Evacuation Procedures are being upgraded with quotes pending from Richmond River Removals.

**DEVELOPMENT ASSESSMENT:**

**Processing of Development Applications and Section 96A Applications**

It is now approaching one year since the major amendments to Part IV of the Environmental Planning and Assessment Act came into force. All applications are now Development Applications, and the internal divisional split between those applications which were formerly assessed by the Building Department as Building Applications, and those assessed by the Town Planning Department is operating smoothly.

As reported in the previous return, DA processing times have appeared to have undergone a dramatic reduction due to combined returns with Council's Building Department (ie at around 20 days), however it has been decided that as from 1 January, 1999 the statistics should be again "split" in order to reflect a more accurate turnaround time for each Department. Hence graphical representations in monthly reporting now indicates a median processing time (for the 3 months January-March, 1999) at 32 days, which is, on average, very acceptable.

Enquiries are being made with the Department of Local Government to ascertain how the Department will in future account processing time statistical data, having regard to the 'stop the clock' facility now being utilised under the new Act amendments.

There has been an average of 6 Section 96 Applications processed per month.

**Professional Planning Advisory Services - Correspondence/Public Enquiries**

Enquiry based services continue to occupy appreciable staff time. As usual, telephone and counter enquiries are given immediate attention, with written enquiries/and e-mails) being attended to usually well within the 14 day target period.

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It is also noted that there is an increasing incidence of “full panel” type of consultation with Council by developers, where relevant officers of Council meet with a proponent to discuss new developments, and form a de-facto “project team”.

### **Enforcement**

It continues to be difficult to undertake any pro-active role in enforcement, and most of this usually occurs after specific public concerns are raised, or complaints received. Issue of Orders and “Intent to Serve Orders” is on the increase, although these inevitably are not usually well received by recipients, and it must be reconfirmed that enforcement is neither a simple nor smoothly functioning exercise.

### **Strategic Planning Assistance**

Monitoring of the LEP is an ongoing function of Development Assessment, and regular discussion is held with Strategic Planning regarding various suggested changes, and amendments to LEP’s, DCP’s and Policies. The required changes to the LEP brought about by the Part IV Act changes are now in an advanced stage, and include considerable input from Development Assessment.

### **Mediation**

There has been no use made of formal mediation in this quarter. It is believed that more effective communication with developers at the early stages of proposed developments has, in part, obviated the need for possible mediation services in some instances.

### **Quarry Monitoring**

Complaints regarding certain quarry operations have substantially reduced, although one of the cases is now awaiting a hearing in the Land and Environment Court. The annual review report on quarry situations is awaiting Business and Enterprise to complete their report on Council’s quarries in the first instance.

## **STRATEGIC PLANNING**

### **Maintain local heritage fund:**

1998 Fund completed and reported to Heritage Office.

### **Prepare built heritage LEP and DCP:**

Council resolved to commence on 30 March 1999.

### **Review DCPs 9, 22, 32, 33:**

DCP 9 - Nimbin should not be reviewed until Council has finalised the heritage LEP, as that instrument seeks to introduce a heritage conservation area at Nimbin and legal and community issues should be resolved before commencing the DCP. The remaining DCPs affect Goonellabah in relation to habitat protection, and as Environmental Projects Officer Sandy Pimm did not commence with the Section until 8 March, insufficient time has elapsed for her to commence their review.

### **Finalise Subdivision DCP:**

Completed. DCP 28 was adopted by Council on 23 February and it came into effect on 4 March 1999.

### **Review development strategies:**

This has not been undertaken due to lack of resources and the consequent need to prioritise LEP amendments by remaining staff.

### **Prepare Rural Settlement Strategy:**

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Preliminary work on this Strategy has been reviewed and the draft document refined and simplified. Continuing lack of demand means both that land identified in the preliminary strategy needs to be reduced and the project has low priority. Still awaiting receipt of draft Rural Landsharing Communities project before both can be considered by the Steering Committee.

**Maintain demographic information:**

There are inadequate staff resources to continue this role. As the Census information is available in Mapinfo format it is now held by Russell Bell in the GIS Section.

**BUILDING AND REGULATION:**

The average assessment times for D.A.'s for this quarter are satisfactory with the times for January, February, and March being 30, 22, and 30 respectively.

Quality of assessment has been maintained through a referral and random monitoring process.

Fire safety of buildings is being assessed as Council becomes aware of deficiencies, and our fire safety essential service annual maintenance programme is continuing with monthly certification.

The swimming pool fencing survey is once again back on track, with numerous pools requiring some degree of work to be done.

Level of enforcement of various Acts, Statutes, Codes and Local Approvals Policies is being maintained.

**Environmental Health:**

The Environmental Health Section of the Planning and Development Group has two distinct areas of responsibility within the Management Plan, being:

1. Environmental Health - to provide environmental health and intervention services that benefit the natural and built environments; and
2. Waste Strategies - to develop a strategic framework for efficient and environmentally responsible management control and minimisation of waste.

The Environmental Health Section is continuing to evolve in the organisation, developing a solid foundation upon which to provide expert advice both internally and externally on an environmental, health and waste minimisation matters. Ranging from contaminated land assessment to waste composition studies, the activities of the Section are diverse in nature. A quarterly review for the period ending March 1999 of the Section's performance to the 1998/99 Management Plan is summarised as follows:

**Project Name:** Environmental Health

1. **Environmental Audits** - The initial round of audits of industrial and commercial land uses (identifying waste discharges to the physical environment and Council's sewerage system that do not meet current environmental and/or waste water standards) is practically complete. Re-inspection of premises to determine a level of response to previous advice and/or instruction will be undertaken in the second half of this year to ensure adequate improvement works have been effected. Through the audit process operators are encouraged to review current practices and explore new opportunities that will encourage cleaner production activities.
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2. **Phosphorus Reduction Campaign** - Council continues to have representation on the Northern Rivers Phosphorus Reduction Campaign. The Campaign continues to have the principle objective to increase community awareness on the need for responsible use of natural water resources and care for waterways. The programme has achieved:
- a) Production of an 18 month calendar illustrated with local school artwork;
  - b) Development of a television commercial for on-site sewage management reforms; and
  - c) Development of a regional guideline providing technical information for the design and management of on-site sewage management systems.

At a local level the Phosphorus Campaign has:

- a) Enabled distribution of 15,000 calendars by way of an insertion in the Lismore Echo local newspaper; and
  - b) Facilitated development of a phosphorus and stormwater drains awareness game within Heritage Park. This development is an extension of the local school education programme delivered to upper primary school students last year.
3. **Sun Protection Strategy** - The Sun Protection Strategy is being actively implemented across relevant Sections of Council. The key focus of the programme has been the installation of physical shade structures within community recreation areas. The shading of Wade Park playground area is currently being finalised.
4. **State of the Environment Report** - Activities are continuing in preparation of a comprehensive review of Council's State of the Environment Report. It is anticipated that the Report will be placed on public exhibition in June this year and workshopped by Council. The presentation of the Report will be aligned more to Council's Management Plan document being a monitoring and management matrix, incorporating the pressure state response model. Major development in the comprehensive review will be the identification of environmental indicators - which are relevant to local and regional decision makers.
5. **Sewage Management Strategy** - Since the announcement by the Minister for Local Government Regulatory Reforms and Guidelines to enable more effective management of on-site sewerage management facilities, effective implementation strategies have been pursued. The reforms have received significant media attention, community interest and Council focus over the past 12 months. To address the reforms, the issue was divided into two (2) components, being:
- 1) Development of a Management and Implementation Strategy - Lismore City Council specific; and
  - 2) Development of a Technical Development Control Plan for a regional focus.

In response to item (1), Council resolved to develop a Working Party to consider relevant matters and present a preferred strategy to Council. A report on a preferred on-site sewage management and implementation strategy was accepted by Council at its ordinary meeting of February 2, 1999.

In response to item (2), Council is co-ordinating (funded by the Northern Rivers Phosphorus Reduction Campaign) the development of a Regional DCP providing technical and management standards for on-site sewage management systems. The Regional DCP is now in draft form and is anticipated to be placed on public exhibition as part of an overall strategy in June of this year.

6. **Audits for Commercial Premises** - A draft Food Safety Strategy has been incorporated into Council's Commercial Premises Audit Procedures, placing a greater emphasis on hazard analysis, critical control
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point assessment theory and training and education. Audit inspections of commercial premises has a high priority within the Section for the next quarter.

**Waste Management:**

1. **Integrated Waste Management Strategy** - With the adoption of the Integrated Waste Minimisation and Management Strategy, resources have focused principally on the implementation of the new Organic Resource and Waste Service proposed to be introduced in July to the urban area of Lismore. The provision of an organic waste service at the kerb will provide a benchmark in waste management reform in NSW. The management of organic resources to this level (collection and reprocessing) will significantly achieve at the local level, the State Government's target to reduce by 60% waste to landfill by the year 2000.

The preparation, assessment and negotiation activities surrounding tender and contract documents have been complicated, however commencement dates are on target.

Running parallel to the physical service components has been the development of a comprehensive information and education programme. The programme is essential in developing a confidence level across the broad spectrum of residents to effectively participate in the new service. The education programme will consist of:

- a) Television campaign;
- b) Information booklet and fridge magnet to each new service household;
- c) Development of additional fact sheets;
- d) Community information seminars and displays; and
- e) Expanded information support services through Council's Waste Minimisation Hotline.

2. **Facilitate Regional Co-operation** - Council's commitment to the North East Waste Forum continues with the Waste Strategy Officer co-ordinating the Group's activities on a two day per week basis. The development of a Regional Waste Plan funded by a formal agreement with the Environment Protection Authority continues to be the primary focus of the forum, with an anticipated completion target of November 1999.
3. **Waste Audits** - In association with the Environment Protection Authority, and to assist in data gathering for the Regional Waste Plan, waste audits were conducted in the first quarter of this year across 10 of the 11 local communities within the North East Waste Region. At a local level, this information will enable Council to undertake a comparative assessment to waste composition data generated in 1996.
4. **Information Dissemination** - Waste Education Materials continued to be developed and communicated to the community. Associated with the EPA, Council has undertaken a project with operators of Bed and Breakfast Establishments to develop an education package that will assist in guiding operators on waste minimisation and management activities.

**SURVEY, DESIGN AND SUBDIVISION:**

**Survey/Design classified Roads**

- Investigate and identify need
- Undertake survey
- Carry out design
- Produce plans and documentation

**Projects completed (or commenced) in this Quarter**

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1. Nimbin Road (Cullen Street - Allsopp Park to Bridge)
2. Coraki Road (Glebe Bridge North to previous works)
3. Nimbin / Stony Chute Road - Intersection
4. Dawson / Uralba Roundabout (Dawson Street approaches)
5. Nimbin Road Blakebrook
6. Bruxner Highway / New Airport Terminal Intersection

**Survey/Design Council-owned Roads**

- Investigate and identify need
- Undertake survey
- Carry out design
- Produce plans and documentation

**Projects completed (or commenced) in this Quarter**

1. Wyrallah Road (Donlan Road to Monaltrie Lane)
2. Industry Drive / Military Road Roundabout

Delays experienced on (1.) due to pavement design

**Survey/Design Miscellaneous Council Assets (Drainage, Parks etc.)**

- Investigate and identify need
- Undertake survey
- Carry out design
- Produce plans and documentation

**Projects completed (or commenced) in this Quarter**

1. Caniaba Street Culverts
2. Lismore Banner Site
3. Aerodrome Hangar Apron Drainage

Delays experienced on (1.) due to Sinclair Knight Merz flood analysis

**WORKS DEPOT – WYRALLAH ROAD:**

The running of the depot has progressed satisfactorily over the last quarter. The depot has been open whenever works staff have been operational. Amenities have been kept to a good standard. There have been no recorded complaints associated with delays in stock ordering or delivery.

**BUSHFIRE SERVICES:**

The prolonged wet weather has hampered the Brigades carrying out Hazard reduction works in the Rural Areas. This will unfortunately impact on the available fuel during the summer months if we experience a frosty winter.

Community Fireguard is a programme where trained Volunteers visit Local primary schools and present a package designed for the 6 to 12 year old children. This is being well received with positive reports from all Schools.

The Rural Fire Service Budget process has been completed. The Lismore RFS has applied for three new vehicles. This will complement the vehicles supplied over the past three years. At the present replacement rate, all Brigades will have diesel powered Tankers in three years.

The final Brigade Station was completed at Blue Knob recently. This has added greatly to the moral of the Volunteers.

Training continues to be a high priority. All members are offered the chance to improve their skills. Members of the Rural Fire Service have been offered the chance to participate in the Olympics, as Volunteers in Policing. The training package will commence in Lismore in June. To date 35 members from Lismore RFS have expressed interest in this programme

### **TRAFFIC, ENFORCEMENT AND LIGHTING:**

#### **Car Parking**

As a result of patrols being carried out by Law Enforcement Officers in off-street carparks, a total of 64 infringements were issued. Local Area Commander Barry Audsley has advised that a working party was set up under the auspices of Deputy Commissioner Adams to examine the question of shared responsibility for on-street parking. The report of the Working Party is currently with the Commissioner of Police for consideration.

#### **Animal Control**

The new Companion Animal Act continues to be a source of frustration. The Regulations are still in draft form and as a result many of the workings of the new Act are unknown. Nevertheless the Government expects that the next stage of the new Act pertaining to cats will come into being from July 1, 1999.

Total dog registrations now stands at 3436 and already exceeds last year's total. New registrations for the quarter were 237, with 90 dogs being impounded.

#### **Bus Shelters**

\$20,700 has been received from the Department of Transport for construction of bus shelters in Barham Street, Dibbs Street, Oliver Avenue and Karissa Drive. An additional \$48,240 has been received from the Department for construction of bus bays in Barham Street, Dibbs Street, McKenzie Street and Cynthia Wilson Drive. Works should commence shortly.

#### **Street Lighting**

Orders have been issued to Northpower for the upgrading of lighting in Crowther Car Park and in Oliver Avenue, between Jubilee Avenue and Cambridge Drive. Lighting in front of Dunoon Post Office is also being upgraded.

#### **Road Safety**

A **Young Drivers Expo** was held in February to provide Year 11 high school students from across the north coast with valuable information about getting a licence and keeping it. The Expo provided opportunity to discuss with students other important issues like driving and purchasing safe vehicles, car insurance, drug and alcohol issues and the possible outcomes of risk taking behaviour. Over 1,100 students attended the two day event and stakeholders from Helath, Police, Education, Australian Driver Training, NRMA and the RTA participated. An excellent example of community participation.

In conjunction with the Expo, an information evening was held at Lismore City Hall to provide information for parents and young drivers to further enhance the school program.

**Media Campaigns** were conducted in conjunction with bus operators to highlight new road rules around school buses and general road safety information for “Back to School” campaign. The Road Safety Officer has also attended a number of Safer Routes To School meetings as Council’s representative.



**City Safe Program**

Installation of the Safety Camera facilities has commenced and all going well will be operational by June 30, 1999.

City Safety patrols continue to be carried out and will terminate on June 30, 1999 under the current contract. New tender documents are being drafted for the next twelve months

**PARKS, RESERVES AND CITY BEAUTIFICATION:**

**Investigate and Review Co-ordination of Services:**

The new roster for the path sweeping activity appears to have been successful. Further consultation with staff and shopkeepers will take place to implement this on a permanent arrangement.

**Review existing maintenance schedules:**

Extensive research and consultation is underway with staff to amalgamate the grass cutting activities of both Parks and Sportsground Department. Investigations into alternative plant utilisation and modified schedules looks likely to provide efficiency gains.

**Public Convenience and Playgrounds:**

Investigate risk management and public liability issues.  
Tenders for the new cleaning of public amenities are currently being assessed.  
Playground refurbishments continue around the City and rural areas.

**Investigate water consumption:**

Water consumption has decreased markedly this financial year and further savings should be realised next financial year.

**Implement regular inspections:**

Consideration is currently being given to incorporating more assets into our regular inspections. Investigations will be undertaken along these lines next financial year.

**RECREATION SERVICES AND LEISURE:**

**Provide quality passive and active recreational parks:**

Section 94 capital projects continue as per plan.  
Community consultation strategy continues to provide valuable feedback and input into projects.

**Lismore Lake and Lake Pool:**

Seek government assistance with remediation works.  
Funding assistance appears likely to be forthcoming. Plans are underway to commence works next financial year.

**Preserve areas of significant vegetation:**

Currie Park receives grant funding for restoration of significant vegetation. Areas have been identified and works commenced.

**Sportsgrounds:**

The change over from summer to winter sports was carried out without any major problems.

### **ROADS - URBAN:**

The Urban Roads maintenance programme is 85% expended which is 10% over expended for this time of year. This is due to the prolonged period of wet weather we are currently experiencing. Certain maintenance activities will need to be reduced or delayed to enable expenditure to remain within budget allocations.

The construction programme is still on schedule with work completed in Uralba Street, Music Street, Neilson Street, Magellan Street, Albert Park Carpark and Keen/Conway Pedestrian Facilities. Union Street reconstruction is currently underway. The urban reseal programme is complete.

#### **Footpaths and Cycleways.**

The Footpath Construction Program is 50% complete and the Cycleway Program is 16% expended. Work is programmed to continue during the forth quarter.

### **ROADS - RURAL:**

Maintenance expenditure on local rural roads is as follows;

- \* Unsealed road maintenance is 79% expended which is slightly above that scheduled for the March quarter, however, this will be corrected during the remainder of the year.
- \* Sealed road maintenance is 74% expended which is on schedule.
- \* Bitumen reseal program is 98% expended.

The rural road construction program is slightly behind schedule due to the wet weather. Work is completed at Nimbin Road, Goolmangar and Stoney Chute Road. Thorne Bridge approaches are currently under construction.

### **BRIDGES:**

#### **Bridge Maintenance**

The bridge maintenance gang has completed the Crozier Oval grandstand benchseating and structural steelworks in accordance with managements stage 1 proposal.

As a result of Crozier Oval development works, minimal bridge maintenance has been undertaken. Works were undertaken as a result of maintenace/repair identification through our regular bridge monitoring schedule. Only those repairs identified as essential/urgent were carried out.

#### **Bridge Construction**

##### *Thorne Bridge*

Construction of bridge replacement at Thorne Bridge, Rock Valley has been slightly delayed due to wet weather. Pre-Christmas bridge inspections and completion of Koonorigan Bridge. Thorne bridge was completed in February 99 in accordance with the proposed finish date.

##### *Caniaba Street South Lismore Culvert*

This project is on budget and ahead of time, even though the site has been flooded three times with over a metre of water each time. As a result off-site prefabricated steel reinforcement and repeatable formwork for the wingwalls coupled with good site work practices, the culvert is ahead of schedule.

### **RTA Works:**

#### **State Roads**

The maintenance programme for State Roads is 80% expended which is slightly ahead of schedule.

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# LISMORE CITY COUNCIL - Meeting held June 8<sup>th</sup> 1999

1998/9 Management Plan Review - Quarter ended March 1999

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Major rehabilitation of a section of MR 65 Bangalow Road between Boatharbour Bridge and Bexhill is complete.

## **Regional Roads**

Maintenance works are slightly ahead of schedule. 79% of the budget is expended however this includes some major rehabilitation works on Wyrallah Rd.

## **WASTE MANAGEMENT SERVICES:**

Collection stickers were distributed to waste service customers in December 1998.

The Waste Audit for properties receiving a waste service has been completed. The audit will result in Council gaining an additional \$20,000 income in 1999/2000 budget

The Landfill Environment Management Plan (LEMP) second review was commenced in September 1998 as directed by the Environment Protection Authority and is expected to be completed by February 1999. However, the Service is still waiting on EPA comments and a renewed licence for the Wyrallah Road Waste Facility

Funding was approved by the General Manager in December 1998 for the construction of the revolving / drop-off centre at the Wyrallah Road Waste facility and it is anticipated that this project will be completed in July 1999.

## **LAWN CEMETERY AND CREMATORIUM:**

The following actions have been undertaken in relation to the Goals and Objectives within the Management Plan.

| <b>Goal/Objective</b>                                           | <b>Response to Quarterly Target</b>                                                                                                                                             |
|-----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Develop Business Plan                                           | Completed Jan 99.                                                                                                                                                               |
| Conduct Burial/Cremation Services                               | 117 cremations, 39 burials<br>Activities conducted as per client expectations<br>Reporting of activities has been regular and consistent with the format desired by management. |
| Provide Memorials                                               | Memorials constructed to client specifications                                                                                                                                  |
| Maintain and enhance gardens and general landscape environment. | All programmed activities have been completed whilst regular maintenance has been maintained to the required high standard.                                                     |
| Operate Administration Office                                   | Ongoing activities conducted with a strong emphasis on the customer.                                                                                                            |
| Cremator Unit                                                   | Software upgrade completed February 99                                                                                                                                          |

## **ECONOMIC DEVELOPMENT:**

With the resignation of the Manager – Economic Development on February 19<sup>th</sup> 1999, office staff have maintained operations, although only responding to enquiries and continuing with projects previously commenced.

### **QUARRY OPERATIONS:**

This quarter has seen an increase in sales particularly with the successful negotiation of the contract to supply aggregates for the Ewingsdale by-pass. This has necessitated that the Quarry open on Saturday mornings and Quarry staff have approached all customers to avail themselves of this opportunity.

To reduce the occupational health and safety risk associated with an irregular lump of rock jamming the feed into the primary crusher, a remote controlled rock hammer was installed. This allows the crusher operator to break the rock without entering the rock feed area. This was an initiative of the staff supported by management.

### **AERODROME OPERATIONS:**

Substantial works were undertaken at the airport over the past quarter with the cleaning of the airport runway, remarking of some line markings and a reseal of the apron area to reduce the impact of aviation fuel on the asphalt surface.

Following the sale of the Anderson land funds are now available for the reconstruction of Airport Drive. Design staff have re-surveyed the road and a preliminary design is complete. This work will be commenced in conjunction with general drainage work at the airport.

### **TOURISM:**

During the quarter from January to March the staff at the Lismore Visitor and Heritage Centre attended to over 13500 customers who visited the facility. The January period saw another busy holiday season with 6300 people coming through the door while a Telstra analysis recorded almost 800 incoming calls between the 6<sup>th</sup> to 20<sup>th</sup> January

A local public relations campaign commenced in the Echo which targeted locals with prize holiday packages accompanied by editorial designed to inspire residents to 'discover their own back yards'. With almost 33% of visitors to the Northern Rivers region citing Visiting Friends and Relatives (VFR) as their primary motivation, the 'residents as hosts and ambassadors campaign' is designed to increase yield from this market. A survey conducted with the campaign will provide information on this relatively untapped market segment.

The quarterly tourism newsletter was produced and distributed to industry partners and the Centre presented information at the 'Getting Started in Tourism' seminars held throughout the region. The staff were also involved in staging a cultural tourism education day in Lismore.

The staff at the Centre were again honoured in receiving the North Coast Tourism Awards General Tourism Services category. The Centre is now placed in the Hall of Fame for consecutively taking out this award which acknowledged excellence in tourism services.

Anne Hart was again instrumental in organising the Australia Day ceremony which embraced the youth of the region and produced a mural on the Ballina street bridge.

A German travel writer was hosted and included Nimbin and The Channon on his itinerary.

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The Centre staff have maintained pro-active involvement in ecotourism, product development and marketing initiatives through participation on the Nature Tourism Task Force, Marketing Committee of the Northern Rivers Regional Tourism Organisation and the Northern Rivers Regional Cuisine committee.

**PROPERTY SERVICES:**

The property portfolio was under close scrutiny as the dominant portion of maintenance and repairs are undertaken during this period. Budget monitoring was of particular concern to ensure works undertaken were completed within allocations.

Property inspections were undertaken to assess the requirements for maintenance and repairs, and capital works and associated budget for the next financial year.

Leases were reviewed and appropriate action taken concerning their renewal. After completing the negotiation the renewals were presented to Council for determination and approval.

**SWIMMING POOLS:**

The usage patterns for the Memorial Baths were recorded on a daily basis by the contractors Total Swim Management so that actual usage is now better known than in previous seasons. The pool water quality was maintained at acceptable levels although the poor circulation pattern and low flow rates continue to be of concern as they do not meet the Guidelines of the NSW Health Department.

The management style of Total Swim Management attracted an unacceptable level of complaints particularly with regard to programming of water space. A number of discussions were undertaken with the pool manager in an attempt to mitigate these complaints and specific customers were also contacted.

With regard to the Joint Venture Aquatic Facility I can advise as follows,

Following exhaustive investigation of the Joint Venture proposal Council resolved to negotiate with the Southern Cross University and Union to provide an Indoor Leisure and Aquatic Facility at the University. During the first quarter of the year tenders were called for provision of architectural and sub-consulting services for the design, tendering and construction supervision for the Centre.

The Heads of Agreement for the Joint Venture was further developed with the determination of the type of legal entity that the Council, University and Union would create to own and operate the Centre being the major issue investigated and resolved.

**WATER SUPPLY SERVICES and SEWERAGE SERVICES:**

The Water and Sewerage department has experienced substantial change with the implementation of a restructure of management combined with the departure of Chris Hennessy, the acting manager and Mr Rod Haydon, the supervisor of the Mechanical and Electrical section. This has given staff the opportunity to take on higher duties and take a more active role in the decision making process.

During the quarter, Council issued a boil water alert for 55 consumers attached to The Channon reservoir. After initial chemical disinfection did not correct the situation a combination of bypassing the reservoir and super chlorination of the system from Dunoon to The Channon. While the reservoir was off line substantial work was undertaken to vermin proof the structure. The reservoir has since come back on line.

**RECOMMENDATION:**

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LISMORE CITY COUNCIL - Meeting held June 8<sup>th</sup> 1999

1998/9 Management Plan Review - Quarter ended March 1999

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That the report be received, the actions undertaken in each of the programmes noted and staff be congratulated on their performance during the quarter ended March 1999.

# LISMORE CITY COUNCIL - Meeting held June 8, 1999

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD MAY 19, 1999

AT 10.00 AM.

(WMacD:VLC:S352)

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Present: Mr Bill Moorhouse (*Chairperson*), Councillors Bob Gates, Ken Gallen, Eleanor Cole and Merv King, M/s Bronwyn Mitchell on behalf of Mr Thomas George, MP, Mr Michael Baldwin (*Roads and Traffic Authority*), Mr Chris Mallam (*Lismore Unlimited*), Snr Const Brian Buckley (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*) and Mr Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*).

Apologies: An apology for non-attendance on behalf of Mr Thomas George, MP, was received and accepted and leave of absence granted.

## Minutes of Traffic Advisory Committee Meeting - April 28, 1999

Members were advised that the Minutes of the meeting held on April 28, 1999 were adopted by Council at its meeting of May 18, 1999, excluding Recommendation TAC54/99 and Item Nos. 4, 16, 20 and 21.

**With respect to Clause TAC54/99 (Rowing Club Carpark)**, Council resolved that the three-hour parking restriction remain.

The Committee noted Council's resolution. (P15856)

**With respect to Item No. 4 (Gungas Road Traffic)**, Council resolved that the signs to be erected on Gungas Road read "*Drive to Road Conditions*".

The Committee noted Council's resolution. (R1701,R2120)

**With respect to Item No. 16 (Northern Bypass Concept)**, Council resolved that -

1. a report be provided to Councillors on the status of the Northern Bypass
2. the report in the business paper be amended to read "*...the new bridge will give Council an opportunity to consider constructing the bypass*"
3. Council have input into the design of the bridge
4. the above be noted.

The Committee noted Council's resolution. (S683)

**With respect to Item No. 20 (Rural Forum with Councillors and Tuntable Creek Residents)**, Council resolved that -

1. the signs both sides of Tuntable Creek School be replaced with signs reading "*Drive to Road Conditions*"
2. School bus time signs (7.30am to 8.00am and 4.00pm to 4.30pm) be erected at the start of Terania Creek Road.

The Committee noted Council's resolution. (R3305,R3350)

**With respect to Item No. 21 (Median Extension - Keen Street in Front of Lismore Central)**, Council resolved to adopt the Committee's recommendations with the addition that the project be completed by the end of this financial year.

The Committee noted Council's resolution. (R7313)

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LISMORE CITY COUNCIL - Meeting held June 8, 1999

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD MAY 19, 1999  
AT 10.00 AM.

(WMacD:VLC:S352)

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Disclosure of Interest: Nil

Correspondence:

1. **Thomas George, MP;** making representations on behalf of Lismore Saleyards Pty Limited and supporting its request for the section of Lake Street, North Lismore, which fronts the Saleyards to be closed to through traffic. The proposed closure was discussed at length and it was the general opinion of those present that a physical closure of Lake Street would have a significant effect on businesses further west along Lake Street as well as Macauley Street. It was suggested that the erection on Sale days of a barrier and flashing light on both sides of Lake Street at its intersection with Dunoon Road would alert motorists intending to drive into Lake Street that traffic conditions may be changed and to take extra care.

**TAC78/99** **RECOMMENDED** that this proposal be put to Lismore Saleyards Pty Limited for its consideration and implementation if considered to be of benefit.

**TAC79/99** **FURTHER RECOMMENDED** that the existing fold-down "Saleyards" signs on Dunoon Road be used in accordance with the original intention, that being the signs be closed when the Saleyards are not in operation. (99-6634:R6220)

2. **Southern Cross University;** advising of current position with the proposed University entrance off Kellas Street, Lismore Heights. The Committee reaffirmed that it was imperative the 'top end' access off Kellas Street be constructed at the earliest opportunity.

**TAC80/99** **RECOMMENDED** that Council make every effort to ensure the University commits to this project without further delay. (99-7362:R7121)

3. **Kadina High School;** objecting to the proposal to install a recycling drop-off centre at No. 311 Ballina Road, Goonellabah. Mr MacDonald advised that he had spoken with the Principal of Kadina High School regarding pedestrian activity across Kadina Street and the impact the proposed drop-off recycling facility would have on School access. A pedestrian refuge already existed on Kadina Street. However, signposting needed to be upgraded. This was considered to be the most appropriate facility. The extension of the centre median along Kadina Street to a point south of the proposed access road to the recycling facility would need to be installed prior to the facility becoming operational. This would prohibit right-turn movements into and out of the access road.

**TAC81/99** **RECOMMENDED** that signposting at the pedestrian refuge on Kadina Street be upgraded.

**TAC82/99** **FURTHER RECOMMENDED** that the extension of the centre median along Kadina Street be included as a condition of DA Approval for the drop-off recycling facility. (99-7584:D990238)

4. **Roads & Traffic Authority;** advising in connection with Council's request to relocate the old footbridge span from Korora to the Bruxner Highway, near Kadina Street, Goonellabah.  
Members noted the Authority's intention to leave the concrete span stored in its current location.  
The Authority had requested details with respect to -
- integration of the overbridge into the current and future pedestrian and cycleway network for the area in question and
  - provision for widening of the Bruxner Highway to four (4) lanes.
- TAC83/99** **RECOMMENDED** that the letter be referred to Council's Roads & Infrastructure Section for reply to the above. (99-7935:R4807,R6408)

5. **Roads & Traffic Authority;** advising in connection with B-Double access on Regional and Local Roads.  
It would appear that in reality Council will have little choice in whether it wanted B-Doubles within its boundaries or not. Provided they met the guidelines issued by the Authority, approval would be granted by either Council or the Minister if required.
- TAC84/99** **RECOMMENDED** that the above be noted. (99-7777:S374)

General Business

6. **Access to James Lyon & Associates, Architects - No. 121 Ballina Street, Lismore**  
Mr MacDonald advised that together with Police and RTA Representatives, he had met with Mr & Mrs Lyon on-site to discuss the problems being experienced. It would appear that pedestrians walking from Wyrallah Road into Ballina Street and wishing to cross Ballina Street stand within the driveway of No. 121 while waiting to cross as it is directly opposite the pedestrian refuge in the centre of Ballina Street. Due to the driveway's close proximity to Wyrallah Road, this practice is creating a dangerous situation when vehicles enter their driveway and need to prop out into the through lane, unable to drive into the driveway.  
The only real solution would be to relocate the refuge further west along Ballina Street, away from the driveway. However, there would be considerable cost involved as the refuge links onto a footpath through McLean Park and across Conway Street.
- TAC85/99** **RECOMMENDED** that this matter be referred to Council's Design Section for investigation and production of a plan and estimate for a possible solution, and same be resubmitted for further consideration. (R6002)

7. **Access to No. 68 Rous Road, Goonellabah**  
Mrs Barnett was invited to the meeting to discuss problems being experienced in gaining access to her property as a result of the installation of a centre median on Rous Road, adjacent to Caroon Homes. Council had recently resolved that the median should stay.  
Mrs Barnett said she understood the reason the median was installed. However, she requested that Council consider removing two of the concrete wheel stops to enable her to drive directly into her driveway from either direction. The Committee had some concerns that this may create a further danger for through traffic.
- TAC86/99** **RECOMMENDED** that Mrs Barnett's suggestion be further investigated and she be advised of the outcome. (R6610)
8. **Intersection of Donnans Road and Bellevue Avenue, Lismore Heights**  
Mr L Clark had recently visited Council to raise his concern regarding the intersection of Donnans Road and Bellevue Avenue. Mr Clark suggested that speed bumps be installed on Donnans Road, each side of the intersection. An inspection of the location had been carried out prior to the meeting.  
Sight distance of oncoming traffic when exiting from Bellevue Avenue was reduced due to the corners on each side of the intersection. However, it was considered adequate. Speed bumps were not considered warranted or appropriate for the location. Some minor pruning of shrubs in front of No. 109 Donnans Road may assist.
- TAC87/99** In the absence of any accident history at the intersection, it was **RECOMMENDED** that pruning of the shrubs in front of No. 109 Donnans Road be carried out and Mr Clark be advised in accordance with the above. (R7113,R7106)

This concluded the business and the meeting terminated at 12.30 pm.

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CHAIRPERSON

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TRAFFIC & LAW  
ENFORCEMENT CO-ORDINATOR

## **DOCUMENTS FOR SIGNING AND SEALING**

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

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

### **Recommendation:**

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

Subdivision Plan - Lot 2, DP 836906, 34 Greengate Road, Bexhill  
Easement for Batter of variable width.  
(99-7223: P10923)

Transfer - Council to Oates - Road Closure, Dorrroughby  
Road Closure at Dorrroughby approved by Council on 14/7/98.  
(99-8397: P16795)

Subdivision Plan - Lot 71, DP 875676 - Road Widening, Snow Street  
72.05 sq.m. area bounding industrial area.  
(99-8380: D98-581)

Request to Release Restrictions on Use of Land - 30 Hillcrest Avenue  
Request by owner to release easement to drain water which is not being used.  
(99-8452: P18015 & P18016)

Agreement - Council & Rainbow Environmental Services  
Remediation of Former Lismore Gasworks Site  
(T99004)

Agreement - Council & Otto Plastics (NSW) Pty Ltd.  
Provision for Supply and Delivery of 140 Litre Mobile Garbage Bins  
(T99009-A)

Annexure to Funding Agreement - Child Care Services  
Funding of \$1,214 towards implementation of the Lismore Outside School Hours Care Service,  
Koala Long Day Care Centre and Subsidy for Community Worker.  
(99-8762: S389,P15880)

## LISMORE CITY COUNCIL - Ordinary Meeting held May 18, 1999

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### MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE ELTHAM COMMUNITY HALL ON TUESDAY, MAY 18, 1999 AT 6.35PM.

- Present: Her Worship the Mayor, Councillor Irwin; Councillors Cole, Crowther, Gallen, (from 6.41pm) Gates, King, Larsen, Roberts, Swientek (from 6.40pm) and Wilson (from 7.05pm), together with the Acting General Manager (P Sarin); Group Managers-Corporate & Community Services, City Works, Business & Enterprise; Manager-Community Services, Crime Prevention Officer, Manager-Finance & Administration, Workshop & Fleet Manager and Administrative Services Manager.
- 147/99      Apologies/      Leave of absence was granted to Councillor King from May 22 -  
Leave of      June 2 and to Councillor Irwin from June 11 - 15.  
Absence:      (Councillors Larsen/Cole)
- 148/99      Minutes:      The Minutes of the Ordinary Meeting held on April 27, 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 Paul Recher re Mayoral Minute - 1999/2000 Budget

(See Minute No. 149/99)

Mr Recher referred to a previous Council decision to hold a referendum if it wanted to extend the rate increase beyond two years. He claimed Council was living beyond its means, referred to proposed expenditure on the Aquatic Centre and Broadwater Bridge. He contrasted the proposed rate increase with proposed cuts in Section 94 levies.  
(S726)

#### Chris Mallam re Notice of Motion - Footpath Upgrading - Keen Street

(See Minute No. 150/99)

Mr Mallam spoke on behalf of Lismore Unlimited in support of the proposed expenditure on footpath upgrading. He spoke of the need to modernise the CBD to compete with shopping centres, claiming that the footpath upgrading would act as a catalyst for this modernisation.  
(99-7196: R7313)

#### Malcolm Marshall re Report - Management Plan for Expenditure of Business Promotion Fund - Lismore Unlimited

(See Minute No. 152/99)

Mr Marshall outlined the background to the Plan's development, emphasising the level of consultation that had taken place. He outlined the major components of the Plan and urged Council's support.  
(S640)

Mr Slippery Sledge re Report - Nimbin Fire Station

(See Minute No. 153/99)

Mr Sledge referred to the previous Council decision regarding the disposal of funds from the sale of the Rural Bush Fire Service site and urged Council to maintain this position. (P20924)

MAYORAL MINUTE:

1999/2000 Budget

(Copy attached) (Tabled)

A MOTION WAS MOVED that the minute be received and -

- 1 That Council determine to take up its full notional yield entitlement (including the \$625,000 special rate variation) in the draft budget and Management Plan for the 1999/2000 financial year and intended to be placed on public exhibition.
- 2 That Council encourage members of the community to read the budget and Management Plan and to make submissions to Council during the period it is on public display. In this regard Council issue a press release giving a clear and concise explanation (and not justification) of the rate increases and the reasons for refunding accumulated rate revenues.

(Councillors Irwin/Larsen)

AN AMENDMENT WAS MOVED that the minute be received and -

- 1 That Council determine to take up its full notional yield entitlement (including the \$625,000 special rate variation) in the draft budget and Management Plan for the 1999/2000 financial year and intended to be placed on public exhibition.
- 2 That Council encourage members of the community to read the budget and Management Plan and to make submissions to Council during the period it is on public display. In this regard Council issue a press release giving a clear and concise explanation (and not justification) of the rate increases and the reasons for refunding accumulated rate revenues.
- 3 That the \$625,000 be retained totally for roads and Council find other methods to fund the balance of \$400,000.

(Councillor Gallen)

The amendment LAPSED for want of a seconder.

149/99 RESOLVED that the minute be received and -

- 1 That Council determine to take up its full notional yield entitlement (including the \$625,000 special rate variation) in the draft budget and Management Plan for the 1999/2000 financial year and intended to be placed on public exhibition.
- 2 That Council encourage members of the community to read the budget and Management Plan and to make submissions to Council during the period it is on public display. In this regard Council issue a press release giving a clear and concise explanation (and not justification) of the rate increases and the reasons for refunding accumulated rate revenues.

(Councillors Irwin/Larsen)

**Voting Against:** Councillors King, Swientek and Gallen.

(S726)

NOTICES OF MOTIONS:

Proposed Travelling Show Site - Jolley Field

(Copy attached)

Formal notice having been given by Councillor Gallen it was **MOVED** that the area of Lismore Park known as "Jolley Field" adjacent to the Bocce Club be dedicated as a travelling show site and the process to amend the Plan of Management for Lismore Park be commenced as soon as possible.

(Councillors Gallen/Crowther)

**AN AMENDMENT WAS MOVED** that subject to a risk management assessment and suitability of access, the area of Lismore Park known as "Jolley Field" adjacent to the Bocce Club be dedicated as a travelling show site and the process to amend the Plan of Management for Lismore Park be commenced as soon as possible.

(Councillor Gates)

The amendment **LAPSED** for want of a seconder.

On submission to the meeting the **MOTION** was **DEFEATED**.

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

(99-6701: P849)

Footpath Upgrading - Keen Street

(Copy attached)

150/99

Formal notice having been given by Councillor King it was **RESOLVED** that Council support the efforts currently being made by Lismore Unlimited to promote confidence in the CBD by investigating and, if economically feasible, providing funds to enable treatment of the western footpath in Keen Street between Woodlark and Magellan Streets with a suitable surfacing agent.

Upon discussions between Council and Lismore Unlimited and when a suitable surfacing agent has been selected, work to commence as soon as practically possible. This to be done in conjunction with the General Manager's directive (27/4/99) in relation to CBD street cleaning and footpath upgrading, subject to the proposed 1999/2000 Management Plan being adopted by Council.

(Councillors King/Larsen) (99-7196: R7313)

SUSPENSION OF STANDING ORDERS:

151/99

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

- Report - Management Plan for Expenditure of Business Promotion Fund - Lismore Unlimited

- Report - Nimbin Fire Station

(Councillors Roberts/Larsen)

Report - Management Plan for Expenditure of Business Promotion Fund - Lismore Unlimited

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# LISMORE CITY COUNCIL - Ordinary Meeting held May 18, 1999

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(Copy attached)

152/99 RESOLVED that the report be received and -

- 1 That the Council endorse the Management Plan submitted by Lismore Unlimited for the expenditure of the Business Promotion Funds collected by the Council in the 1998/9 and 1999/2000 financial years.
  - 2 That the General Manager be authorised to progressively release the Business Promotion Funds to Lismore Unlimited in accordance with activities outlined in the Management Plan.
  - 3 That Lismore Unlimited be required to submit to the Council at the end of each financial year, audited financial statements accounting for the expenditure of the Business Promotion Funds.
  - 4 That Lismore Unlimited be required to submit to the Council at the end of each financial year a report on the effectiveness of activities undertaken with Business Promotion Funds allocated by the Council for the preceding 12 month period, such report to include formal feedback from business operators, and outcomes measured against agreed performance indicators.
- (Councillors Swientek/Larsen) (\$640)

Report - Nimbin Fire Station

(Copy attached)

A MOTION WAS MOVED that the report be received and -

- 1 That the proceeds from the sale of the former Nimbin Fire Station be allocated as follows:
  - a) An amount of \$4,000 be retained to fund the additional construction costs of the Nimbin Rural Fire Station.
  - b) The balance of any proceeds, net fees and charges, be applied either to the outstanding loan or remitted to NCDA to undertake refurbishment works, if the loan has been paid off.
- 2 That the General Manager be authorised to execute any Instruments (Contracts of Sale/Transfers), under seal if required, necessary to bring about such action.

(Councillors Roberts/Larsen)

AN AMENDMENT WAS MOVED that the report be received and -

- 1 That the proceeds from the sale of the former Nimbin Fire Station be allocated as follows:
  - a) An amount of \$4,000 be retained to fund the additional construction costs of the Nimbin Rural Fire Station.
  - b) An amount of \$9,000 be retained to fund the additional construction costs of the Nimbin Public Toilets.
  - c) The balance of any proceeds, net fees and charges, be applied either to the outstanding loan or remitted to NCDA to undertake refurbishment works.
- 2 That the General Manager be authorised to execute any Instruments (Contracts of Sale/Transfers), under seal if required, necessary to bring about such action.

(Councillors Gates/Crowther)

On submission to the meeting the AMENDMENT was DEFEATED.

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

153/99 RESOLVED that the report be received and -

- 1 That the proceeds from the sale of the former Nimbin Fire Station be allocated as follows:

- a) An amount of \$4,000 be retained to fund the additional construction costs of the Nimbin Rural Fire Station.
  - b) The balance of any proceeds, net fees and charges, be applied either to the outstanding loan or remitted to NCDA to undertake refurbishment works, if the loan has been paid off.
- 2 That the General Manager be authorised to execute any Instruments (Contracts of Sale/Transfers), under seal if required, necessary to bring about such action.

(Councillors Roberts/Larsen)

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

(P16009)

RESUMPTION OF STANDING ORDERS:

154/99 RESOLVED that standing orders be resumed.

(Councillors Wilson/Larsen)

REPORTS:

Crime Profile Report

(Copy attached)

A MOTION WAS MOVED that the report be received and -

- 1 Council endorse the findings and recommendations of the Crime Profile Report, subject to an additional recommendation that a Crime Prevention Plan be developed for Nimbin.
- 2 Council congratulate Greg Bauman on the quality of the Crime Profile Report.

(Councillors Larsen/Cole)

AN AMENDMENT WAS MOVED that the report be received and -

- 1 Council endorse the findings and recommendations of the Crime Profile Report, subject to additional recommendations as follows:
  - A Crime Prevention Plan be developed for Nimbin.
  - Adequacy of penalties as a deterrent, especially for repeat offenders.
  - Gang culture and its relevance to crime.
  - Deployment of Police resources.
  - Efficiency of Court system and impact this has on Police.

- 2 Council congratulate Greg Bauman on the quality of the Crime Profile Report.

(Councillor Gates)

The amendment LAPSED for want of a seconder.

155/99 RESOLVED that the report be received and -

- 1 Council endorse the findings and recommendations of the Crime Profile Report, subject to an additional recommendation that a Crime Prevention Plan be developed for Nimbin.

- 2 Council congratulate Greg Bauman on the quality of the Crime Profile Report.

(Councillors Larsen/Cole)

**Voting Against:** Councillor King. (S717)

### ADJOURNMENT:

At this juncture (9.07pm) the meeting adjourned for supper to enable discussion with local residents in accordance with policy. The meeting resumed at 9.30pm

### Rating - Multiple Occupancy

(Copy attached)

A MOTION WAS MOVED that the report be received and Council immediately write to other similarly affected local government authorities (by rural land sharing communities) to prepare a joint and co-ordinated approach on how to get rating equity to the Minister for Local Government and the Department of Urban Affairs and Planning. Further, Council liaise with all affected Far North Coast councils to arrange a joint meeting with the Minister for Local Government in Grafton.

(Councillors Gates/Crowther)

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

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

(S668)

### Management Plan for Expenditure of Business Promotion Fund - Lismore Unlimited

(See Minute No. 152/99)

### DCP 38 - Draft Acid Sulfate Soils DCP & LEP

(Copy attached)

156/99 RESOLVED that the report be received and -

- 1 Pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, Council resolve to prepare and exhibit for a minimum of twenty eight (28) days Draft LEP Amendment No. 49 - Acid Sulphate Soils as set out in Appendix 1 of the attachments to this report.
- 2 Pursuant to Section 72 of the Environmental Planning and Assessment Act 1979, Council resolve to prepare and exhibit for a minimum of twenty eight (28) days draft Development Control Plan No. 38 - Acid Sulfate Soils included as Appendix 2 of the attachments to this report.

(Councillors Crowther/Larsen) (S714)

### Nimbin Rural Fire Station

(See Minute No. 153/99)

### Replacement of Council Plant - 2 Tipping Trucks

(Copy attached)

A MOTION WAS MOVED that the report be received and Council purchase two (2) only UD Nissan CW350 6x4 tipping trucks as tendered by Southside Agencies Lismore, for the cost of \$271,542.00 (\$135,771.00 each) which is the 'No Trade-in Offer'

### **AND**

accept the 'Private Offers to Purchase' from Coastal Equipment Sales P/L. Buderim, Queensland being \$50,511.00 for V123 and \$50,511.00 for V143 (Total \$101,022.00 for both trucks).

Changeover cost to Council will be \$170,520.00 for both trucks (\$85,260.00 each).

(Councillors Gallen/Crowther)

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## LISMORE CITY COUNCIL - Ordinary Meeting held May 18, 1999

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AN AMENDMENT WAS MOVED that consideration of this matter be deferred until the consultant's report into engineering work practices is considered by Council.

(Councillors Larsen/Wilson)

On submission to the meeting the AMENDMENT was DEFEATED.

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

- 157/99 RESOLVED that the report be received and Council purchase two (2) only UD Nissan CW350 6x4 tipping trucks as tendered by Southside Agencies Lismore, for the cost of \$271,542.00 (\$135,771.00 each) which is the 'No Trade-in Offer'

**AND**

accept the 'Private Offers to Purchase' from Coastal Equipment Sales P/L. Buderim, Queensland being \$50,511.00 for V123 and \$50,511.00 for V143 (Total \$101,022.00 for both trucks).

Changeover cost to Council will be \$170,520.00 for both trucks (\$85,260.00 each).

(Councillors Gallen/Crowther) (T99-026)

Council Representatives - Richmond Catchment Management Committee

(Copy attached)

- 158/99 RESOLVED that the report be received and no further action be taken on this matter.  
(Councillors Crowther/King) (S227)

Purple Ribbon Project

(Copy attached)

- 159/99 RESOLVED that the report be received and Council publicly endorse the Purple Ribbon Project for the month of July and establish a display in the foyer of the Administration Centre.  
(Councillors Roberts/Wilson) (S389)

Annual Remuneration Fee for Mayor and Councillors

(Copy attached)

A MOTION WAS MOVED that the report be received and that in accordance with Sections 248 and 249 of the Local Government Act 1993, Council fix the 1999/2000 annual fee for councillors at \$11,000 and for the mayor at \$22,600.

(Councillors Gallen/Larsen)

AN AMENDMENT WAS MOVED that the report be received and that in accordance with Sections 248 and 249 of the Local Government Act 1993, Council fix the 1999/2000 annual fee for councillors at \$10,500 and for the mayor at \$21,000.

(Councillors Cole/Crowther)

The voting being tied the Mayor declared the amendment APPROVED on her casting vote.

**Voting Against:** Councillors Larsen, Wilson, Swientek, Gallen and Crowther.

- 160/99 RESOLVED that the report be received and that in accordance with Sections 248 and 249 of the Local Government Act 1993, Council fix the 1999/2000 annual fee for councillors at \$10,500 and for the mayor at \$21,000.

(Councillors Cole/Crowther)

**Voting Against:** Councillors Larsen, Wilson, Swientek, Gallen and Crowther.

The Mayor declared the motion CARRIED on her casting vote. (S45)

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Investments Held by Council as at March 31, 1999

(Copy attached)

- 161/99 RESOLVED that the report be received and noted.  
(Councillors Larsen/Cole) (S170)

CONTINUATION:

- 162/99 RESOLVED that the time being 10.30pm the meeting continue to the end of the business paper.  
(Councillors Larsen/Cole)

Investments Held by Council as at April 30, 1999

(Copy attached)

- 163/99 RESOLVED that the report be received and noted.  
(Councillors Larsen/Cole) (S170)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 28/4/99

(Copy attached)

- 164/99 RESOLVED that the minutes be received and the recommendations contained therein be adopted, excluding Clauses TAC54/99, 4, 13, 16, 20 and 21.  
(Councillors Roberts/Larsen)

▪ TAC54/99 - Rowing Club Carpark

A MOTION WAS MOVED that paid parking be introduced in the Rowing Club Carpark for a trial period of 12 months and be reviewed by Council at the end of this period.

(Councillors Roberts/Gates)

AN AMENDMENT WAS MOVED that the 3 hour parking restriction remain.

(Councillors Gallen/Wilson)

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

**Voting Against:** Councillors Irwin, Roberts, Cole and Gates.

- 165/99 RESOLVED that the 3 hour parking restriction remain.  
(Councillors Gallen/Wilson)

**Voting Against:** Councillors Irwin, Cole, Roberts and Gates.

▪ Item 4 (TAC58/99) - Nimbin Ratepayers & Progress Association

- 166/99 RESOLVED that the signs to be erected on Gungas Road read "*Drive to Road Conditions*".

(Councillors Roberts/Cole)

▪ Item 13 (TAC68/99) - Intersection of Ballina and Invercauld Road

- 167/99 RESOLVED that the proposals be referred to Council's Design Section for investigation, including peak hour traffic counts at the intersection, and report back to the Committee.  
(Councillors Larsen/Wilson)
-

- Item 16 (TAC71/99) - Northern Bypass Concept - Brunswick Street to Union Street

168/99 RESOLVED that -

- 1 A report be provided to Councillors on the status of the northern bypass.
- 2 The report in the business paper be amended to read "*the new bridge will give Council an opportunity to consider constructing the bypass*".
- 3 Council have input to the design of the bridge.
- 4 The above be noted.

(Councillors Roberts/Larsen)

- Item 20 (TAC75/99) - Rural Forum with Councillors and Tuntable Creek Residents

169/99 RESOLVED that -

- 1 The signs both sides of Tuntable Creek School be replaced with signs reading "*Drive to Road Conditions*".
- 2 School bus time signs (7.30am to 8am and 4pm to 4.30pm) be erected at the start of Terania Creek Road.

(Councillors Roberts/Cole)

- Item 21 (TAC76-77/99) - Median Extension - Keen Street in front of Lismore Central

170/99 RESOLVED that -

- 1 Another letter be written to the owners of the complex advising that Council now intends to extend the existing centre median in Keen Street which will incorporate a pedestrian refuge, prohibiting right-turn movements out of Lismore Central and Cool Rocks Cellars.
- 2 The proposal proceed as soon as funding becomes available, but to be completed by the end of this financial year.

(Councillors Roberts/Cole)

**Voting Against:** Councillor Larsen. (S352)

DOCUMENTS FOR SIGNING AND SEALING:

171/99 RESOLVED that the following documents be executed under the Common Seal of Council:-

Subdivision Plan - Lot 4, DP 602872

Creation of one lot for floodway purposes in South Lismore.

(D98/523)

Contract of Sale and Transfer - Lot 14 DP 839941, 20 Blue Hills Avenue

Council to Moore for the sale price of \$45,000.

(99-6971: P24412)

Lease - Council to Northern Rivers Division of General Practice

Lease for a term of 15 months from March 1, 1999 - Suite 3A, 186 Molesworth Street, Lismore.

(99-7054: P6832)

Transfers - Council & Walton

Boundary adjustment at Industry Drive (DP 883372) - swap of land to preserve significant koala trees.

(99-7229: P25762)

Subdivision of Former Nimbin Central School Site

Creation of 3 lots - Lot 10 for the purpose of Rural Fire Service; Lot 11 for the purpose of the Nimbin Community Centre and Lot 12 for the purpose of public toilets.

(D98/245)

Lease - Council to ACE North Coast Inc.

Lease for 12 months of Terania Centre office suite at No. 59 Magellan Street from 1/7/99 to 30/6/2000.

(99-7657: P6397)

(Councillors Larsen/King)

This concluded the business and the meeting terminated at 11.07 pm.

**CONFIRMED** this 8TH day of JUNE, 1999 at which meeting the signature herein was subscribed.

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**MAYOR**



