

COUNCIL Business Paper



LISMORE
City Council

OCTOBER 12, 1999

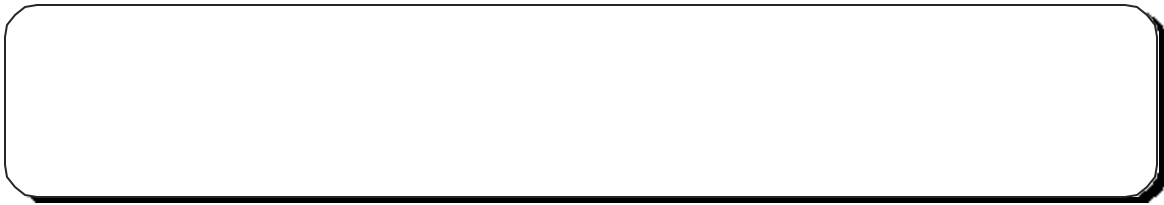


NOTICE OF COUNCIL MEETING

An **ORDINARY MEETING** of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on **TUESDAY, OCTOBER 12, 1999**, at 6.00pm and members of Council are requested to attend.

(Ken Gainger)
GENERAL MANAGER

5/10/99



PUBLIC ACCESS SESSION:

PAGE NO.

PUBLIC QUESTION TIME:

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE

CONFIRMATION OF MINUTES - Ordinary Meeting 31/8/99
Special Meeting 28/9/99

CONDOLENCES

DISCLOSURE OF INTEREST

MAYORAL MINUTES

NOTICES OF RESCISSION

NOTICES OF MOTION

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

REPORTS

COMMITTEE RECOMMENDATIONS

DOCUMENTS FOR SIGNING AND SEALING

QUESTIONS WITHOUT NOTICE

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE

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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:

- 1 *That Lismore City Council seek the agreement of McMaster Qld Pty Ltd to defer the commencement of the construction of the new airport terminal building until:*
 - A *The project can be assured of being self-funding;*
 - B *The airport can be assured of holding and improving current passenger numbers following:*
 - a) *the de-regulation of the airline industry in March 2000;*
 - b) *the issue of regional airline access into Sydney (KSA) Airport or Bankstown Airport is resolved;*
 - c) *that a Brisbane service is guaranteed.*
- 2 *Lismore City Council seek Hazelton Airlines and other potential air service providers to come into partnership with LCC to share in the funding of the new airport terminal building.*

Comment by Councillor Swientek:

Lismore Airport is a business operation that must be able to stand on its own as a self-funding activity.

The Airport is an important activity for this city and up until now has managed to fund itself. However the borrowing of \$2.193M to develop an airport terminal in the face of the most significant changes and challenges to the airline industry in rural NSW is a very high risk activity for this Council to proceed with at this point in time.

There is only an unproven marginal increase in passenger numbers anticipated, with the upgrading of the Airport based on the assumption that everything was stable in the marketplace.

The two significant issues looming and staring directly at Lismore's Airport are:

- 1) Deregulation of the airline industry - March 2000.
- 2) The unresolved possibility of regional airlines being expected to land at Bankstown Airport.

Both these issues will have considerable influence on the nature and success of Lismore Airport operations and hence its capacity to fund a new Airport terminal. Currently Lismore Airport has about 48,000 passengers a year compared with Ballina's 90,000 per annum.

A deregulated market will more than likely favour a larger or busier airport. Passenger numbers will drive the airline service providers in the deregulated market. An airport terminal, no matter how new or fresh, is unlikely to change the passenger numbers.

The quality and frequency of service and the cost of airfares is going to influence the travelling habits of passengers more than the quality of terminals.

Notice of Motion - Airport Terminal

We would be wise to adopt the precautionary principle and hasten slowly in developing this Airport terminal and firstly find out what the full consequences of deregulation and the Bankstown decision will be before we indebt our community for the Airport terminal.

If the Airport terminal building is a problem to the airline consumer then perhaps in the new deregulated market, one of the existing or new operators may see an opportunity for themselves and support Lismore City Council in investing in the proposed Airport terminal building.

David Tomlinson has prepared some figures on the "profitability" of the Airport based on a number of scenarios and I include them for Councillors' consideration. They are a salutary reminder of the marginality

I've reworked the Airport terminal figures based on no increase in passenger numbers, a five percent fall in numbers and a 10 percent fall. The results are:

<i>Accumulated cash surplus over 5 years:</i>	<i>\$201,600 (as per the report to Council on June 29)</i>
<i>BUT IF:</i>	
<i>No increase in numbers</i>	<i>\$175,050 accumulated loss</i>
<i>5% fall in numbers</i>	<i>\$345,442 accumulated loss</i>
<i>10% fall in numbers</i>	<i>\$482,735 accumulated loss</i>

- *If Brisbane flights do not materialise then Airport incurs an extra loss of approximately \$40,000 a year (\$200,000+ over 5 years).*
- *Figures do not include depreciation of the terminal. This is not a cash item just a loss in value of Council assets. This would be around \$115,000 a year over 20 years.*
- *Approximately 15 percent of passengers out of Lismore fly on to other airports (Melbourne etc.)*

As can be seen we do need to re-examine this issue as we do our community no favours in ignoring these risks and then expecting the community to cover the costs if we ignore the risks looming, imminently and menacingly, on the horizon.

COUNCILLOR F F Swientek

DATE September 29, 1999

STAFF COMMENT BY GROUP MANAGER-BUSINESS & ENTERPRISE:

A1 The project cannot be assured of being self funding. No venture is guaranteed and commercial risk must be borne. The questions that must be answered are, is the risk acceptable and has the Council exercised diligence in the process of decision making. To this end, a committee formed by Council including Councillors, engaged a panel of private sector experts to prepare a feasibility study for the new airport terminal. This concluded that the project was feasible and Council has relied upon what was considered the best available advice.

Notice of Motion - Airport Terminal

- A2 Again factors such as the current passenger numbers and the reinstatement of the Brisbane service cannot be guaranteed. The issue of deregulation of intra-state air services was known and canvassed by the feasibility study. Council has more certainty knowing that all routes above 20,000 passengers will be de-regulated in March 2000. As far as access to Kingsford Smith Airport (KSA) is concerned, this issue is resolved, as the existing slots into KSA are enshrined in legislation. Proposals for Bankstown and Badgery's Creek for that matter may never be resolved given little or no progress has been made on these issues for the last 20 years. The Bankstown proposal is a recommendation of the Tourism Taskforce only.
- B As was shown with the Aquatic Centre, Council will always seek like minded partners to share the cost and benefits of infrastructure investments. Airlines however have not traditionally been in the business of real estate and Hazelton's recent call for expressions for a regional base are indicative of a plan to divest itself of property assets. Privatisation of the entire airport was considered as part of the feasibility study and this study concluded that a private sector investor would not be able to achieve adequate returns.

The manner in which this issue continues to come back to Council does little to inspire the confidence of private sector investors in the city. Council on one hand wants to encourage investment and generate jobs yet on the other, it must continually revise previous decisions for identified infrastructure projects which will add to the amenity of the city.

STAFF COMMENT BY CONTRACTS OFFICER:

In relation to the above Notice of Motion the following points should be noted:

1. Council has signed and sealed the contract documents with McMaster Queensland Pty Ltd in relation to the contract for the design and construction of the new Lismore airport terminal, with an agreed contract term of 26 weeks.
 2. Council has previously obtained legal advice regarding termination of the contract and Council may be open to damages from McMaster if Council were not to proceed under the terms of the contract.
 3. McMaster Queensland has made certain commercial undertakings (e.g. engagement of local sub-contractors in accordance with Council's request); as a result it would be unlikely McMaster would wish to delay construction.
 4. A substantial amount of work has been undertaken in the design works of the contract and a claim for payment has been received.
 5. Unless the earthworks are undertaken prior to the wet season the project could be delayed unreasonably, if this delay is due to Council, McMaster would be within their rights to claim costs from Council.
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Notice of Motion - Airport Terminal

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6. Under the terms of the contract (Australian Standards AS4300-1995), Council would be liable to pay McMaster for any extra costs incurred by McMaster for the delay.

Subject/File No: DEVELOPMENT APPLICATION NO. 95/105 - 10 LOT RURAL RESIDENTIAL SUBDIVISION LOCATED AT 454 BOATHARBOUR ROAD, ELTHAM
(DC:MJK: DA95/105)

Prepared By: Development Assessment Planner - Damian Chapelle

Reason: Council Policy 5.2.2.

Objective: Council determination of the application to modify consent.

Management Plan Activity: Development Assessment

Precis

Applicant

DM & JM Proctor, PO Box 471, Bulimba 4171.

Zoning

Lismore Local Environmental Plan 1992 - 1(a) General Rural Zone.

Location

Lot 3, 4, 5 and 6 DP 876069, formerly known as Lot 1 DP 127489, 454 Boatharbour Road, Eltham.

Proposal

The proposal before Council is a Section 96 Amendment to modify the building envelopes upon Lot 3, 4, 5 and 6 in the approved plan.

Background

1. Council received Development Application No. 95/105 on March 28, 1995 for a proposed ten (10) lot rural residential subdivision. The application was approved by Council at its meeting of July 4, 1995, with a "Deferred Commencement" Consent issued on July 21, 1995.
 2. Council on July 31, 1996 received a Section 102 Application for Development Consent Notice No. 95/105 to modify conditions of consent pertaining to area lot size, road works construction, supply of electrical power and the relocation of nominated building envelopes. Council's Development Control Unit supported all nominated variations, except for the proposed relocation of nominated Building Envelopes at its meeting of September 2, 1996.
 3. The final plan of subdivision was released by Council on March 12, 1998, following the construction of the subdivision. The subdivision is currently occupied by three dwellings.
 4. Council has now received a further Section 96 Application for Development Consent Notice 95/105 to modify Condition No. 1 to amend the location of the nominated building envelopes on Lots 3, 4, 5 and 6. It is this modification of consent that is the subject of this report.
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Other Group Comments

Environmental Health Section

The Environmental Health Section have provided the following comments:

“In review of the previous on-site sewage management reports by Payne and resultant conditions of consent, it is considered appropriate that (information submitted (amendment) does not significantly impact on the design recommendations) assessments for the management of on-site sewage and wastewater be presented to Council with any future dwelling house Development Application.

It is recognised that Lots 4, 7, 8, 9 and 10 require treatment at a secondary level (AWTS)”

Building and Regulation Section

The Building and Regulation Section agree with the applicant’s views regarding site building conditions, as the sites built on have experienced major problems and the flatter areas would be better for housing construction. To agree to the proposed amendment, would require new effluent and geotechnical reports for the revised nominated building envelopes. The ridgelines could be assisted in protection through landscaping being provided around the envelopes as a condition of consent. It is also pertinent to consider buffer distances within this application.

Subdivision Unit

Council’s Subdivision Unit has commented on the engineering components and has identified nil issues with the proposal.

Submissions from the Public

The original application was received by Council and placed on public exhibition for two periods. Council received submissions both in favour and against the proposal, and as such, those persons who forwarded submissions to Council were notified of the proposed amendment to the nominated building envelopes. Further, given that the subject site has been subdivided and new residents have now built in the estate, it was pertinent that those persons be notified and given the opportunity to comment to the application. A copy of the application was also placed on public exhibition at the Council Chambers for a period of ten (10) days from July 15 to August 2, 1999. Council received four (4) submissions to the proposal, which are summarised as follows:

- a) The proposed amendment will adversely affect the visual amenity of the rural area and create a dangerous precedent.

Comment

The location of dwellings upon prominent ridgelines may adversely affect the visual amenity within a rural area, and as such Council has incorporated provisions within the Lismore Local Environmental Plan to address such development. Clause 17 allows Council to consent to the carrying out of development on land, on or near any ridgeline visible from any public road, only if the development is not likely to detract from the visual amenity of the rural area, and is in the community interest.

Council, when assessing the application in 1995 was advised that the subdivision plan had relocated building envelopes on Lots 3, 5 and 6 along the visually prominent ridgeline. Further, it was considered the amenity issue would be improved significantly by relocating the envelopes of Lots 3 and 5 closer to the road, such that the roofline of future dwellings would be level to, or below the ridgeline. In relation to Lot 4, to improve privacy, the envelope was allowed to be moved to the west, but remaining below the main ridge, being in a “saddle”.

It is considered that this issue has significant merit in the assessment of this application and is discussed in further detail in Planning Comments below:

- b) The proposed envelope on Lot 3 is still too close to the boundary and may be affected by adjoining cattle grazing activities.

Comment

Council in accordance with Clause 3.6 of Development Control Plan No. 27 - Buffer Areas, can require a 30 metre wide buffer which incorporates a 5 metre landscape strip between rural residential dwellings and adjoining grazing land. The building envelope, as approved by Council, currently provides for a 10 metre wide landscaped buffer, which incorporates intensive landscaping using native species. The objective of the buffer is to minimise landuse conflicts between potentially incompatible land uses. It is considered that given the fact that no intensive horticultural activities or intensive grazing occurs on the subject site, the 10 metre wide buffer is adequate, in line with the objectives of Development Control Plan No. 27. Reducing the buffer distance below 10 metres and providing greater frontage for the purposes of a building envelope is not consistent with the objective of the Development Control Plan and should not be supported.

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

In regard to Section 96(1)(a), Council's Subdivision Unit considers that the condition being sought to be amended will not substantially modify the approved development and that the modified conditions, if approved, are substantially the same. Notwithstanding the legislative requirements, the following merit considerations are provided:

Condition No. 27 of Development Consent Notice 95/105 required the developer to provide Council with an amended plan for approval, relocating the nominated building envelopes of Lots 3 and 5 to the east of the respective sites, and the envelope of Lot 4 to the west, in a manner that will allow the roofline of future dwellings to be at or below the ridgeline. The building envelopes of Lots 3 and 5 have been relocated in an easterly direction to be below the existing ridgeline, while the envelope of Lot 4 has been moved in a westerly direction. All envelopes are below the existing dominant ridgeline, and are also staggered so as not to create ribbon development, whilst also increasing the privacy for the respective lots within the subdivision. It is this layout the applicant seeks to amend.

Clause 17 of the Lismore Local Environmental Plan provides Council with the opportunity of approving development upon a ridgeline, subject to satisfactorily meeting stated criteria. The LEP requires Council to take into consideration the height and location of any building that may result, the reflectivity of materials to be used, the likely effect of carrying out development on the stability of the land, bushfire hazard, landscaping proposals and whether the development is essential to the viability of the use of the land concerned.

In regard to the above points, a number of factors are reliant on the submission of a Development Application for dwellings upon sites, at which time Council would be in a better position to assess the overall effect that a design may have on the visual amenity of the rural area. As previously discussed, the ridgeline is prominent, and visible from areas of Goonellabah, McLeans Ridges, Clunes and Eltham. Council is required to determine whether the development on the ridgeline is essential to the viability of the use of land. In this regard Council should note that the approved building envelopes have slopes with a gradient less than 20% and more than adequate area for a suitable dwelling. Consequently, there would appear to be no justification for these areas to be expanded to allow development to occur on the ridgeline.

Development Control Plans

Development Application No. 95/105 has been previously assessed under Development Control Plan No. 27, with no objections being raised. In regard to the amendment of Condition No. 1, it is considered that the proposal satisfies the principle aims and objectives of the abovestated policy.

Summary

Proposal

The application presently before Council seeks consent for the amendment to Condition No. 1 from the notice of determination for Development Application No. 95/105 for a proposed rural residential subdivision at Lot 3 - 6 DP 876069.

Compliance

The proposal is not considered to be in satisfactory 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 application was exhibited from July 22 to August 2, 1999. Four (4) submissions were lodged to the amended, as discussed previously within this report.

Environmental Significance

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

Conclusion

The amendment of Condition No. 1 is not considered acceptable under Section 96 of the Environmental Planning and Assessment Act 1979.

Recommendation (PLA66)

That the application under Section 96 of the Environmental Planning and Assessment Act 1979 lodged with Council on July 12, 1999, for modification of determination of Development Application No. 95/105, dated July 21, 1995, for rural residential subdivision at Lots 3, 4, 5 & 6 DP 876069, be refused as follows:

- 1 That Council refuse the amendment of Condition No. 1 of Development Application No. 95/105 pertaining to the requirements for an amended building envelope on Lots 3, 4, 5 and 6 for the following reasons:
 - (a) The proposal is not consistent with Clause 17 of Lismore Local Environmental Plan 1992 (EPA Act S79C(1)(a)).
 - (b) The proposal will create an adverse affect upon the visual amenity of the rural area (EPA Act S79C(1)(b)).
 - (c) The proposal is not consistent with Development Control Plan No. 27 - Buffer Areas (EPA Act S79C(1)(a)).
 - (d) The proposal is not considered to be in the public interest (EPA Act S79C(1)(e)).

Subject/File No: CLUNES OLD SCHOOL ASSOCIATION INC (COSA) -
CONSIDERATION OF BUSINESS PLAN
(CWK:CD:P25787)

Prepared By: Group Manager Business & Enterprise - Craig Kelly

Reason: To Consider COSA Business Plan

Objective: To obtain Council resolution.

Management Plan Activity: Property Services

Background:

At the Council meeting of November 17, 1998 Council resolved that the business plan for the Old School Site be submitted to Council for consideration.

A subsequent report, which included a draft business plan, was put to Council at its meeting held March 31, 1999. Although discussion of the business plan was deferred, comment was made regarding the standard of the document.

This was communicated to the Clunes Old School Association (COSA) and a revised business plan (Version 2) was delivered to Council for consideration.

Following a review of this plan by Council staff, a meeting was convened on July 30 and attended by the Group Manager Business and Enterprise, Mr Chris Wilson and Mr John Drysdale both of COSA. At that meeting both the issue of subdivision of the land (Council Resolution 420/98/2) and the business plan were discussed. (At Council's meeting on August 31, 1999 the Council resolved to take no further action on possible sale of a subdivided lot so as to defray the \$97,500 which was borrowed by the General Fund for this acquisition.)

At the meeting with Mr Wilson and Mr Drysdale suggestions for a further revision of the Business Plan included a SWOT analysis, a suitable introduction, clearly defined plans for possible revenue raising, a statement of what COSA has already achieved on the site and to include details of actual income and expenditure compared to the forecasts previously advised. The representatives were also advised that the plan included a funding allocation from Council of \$4,800 to be contributed toward maintenance which was not consistent with other community halls. The members of COSA were also advised to consider the business plan prepared by the Nimbin Community Development Association, which had also taken over an old school site for community purposes.

A number of issues discussed at that meeting were incorporated into the third version of the document received by Council on September 10 1999, however the document does not include a SWOT analysis, clearly defined plans for possible revenue raising and details of actual income and expenditure compared to the forecasts previously advised.

The plan as proposed states that COSA will not assume responsibility for purchase of the site and continues to include an allocation of \$4,800 from Council for maintenance.

A copy of the COSA business plan is included as Appendix A.

Manager - Finance & Administration Comments

The maintenance funding allocation for this site was included on the pretence that Council will maintain control over this asset and that the majority liability component for maintenance would rest with us.

My reading of the Business Plan is that the intention is to provide an arms length relationship between COSA and Council in that all revenues and expenses will be managed totally by COSA. Given the proposed arrangement is different than that originally thought, it is reasonable to look for other subsidies offered by Council and apply that consistently.

As such, the recommendation to make a contribution to COSA consistent with other rural halls, including 100% general rates and \$1,000 insurance and maintenance, is supported.

If Council resolves to support this recommendation, Policy 1.4.11 should also be amended to include COSA.

Public Consultations

Meeting held with Mr Chris Wilson, Chairperson and Mr John Drysdale, Secretary of COSA in Council offices July 30, 1999.

Other Group Comments

Not required.

Conclusion

There was an expectation placed on COSA by Council resolution 420/98/5 that a business plan be prepared. It may now be the view of Council that community groups staffed primarily by volunteers do not have the resources or expertise to produce documents of adequate depth or rigour.

There is no question that COSA have achieved a great deal on this site. Council's resolution to cease all plans to subdivide proposed surplus land has determined that the general fund is now responsible for principal and interest commitments on the loan for this site. Combined with this there is no overwhelming evidence in the business plan which suggests that the site should be treated in a preferential manner compared to other community halls.

The standard of the business plan prepared does not meet the standard set by the business plan of the Nimbin Community Development Association for the Nimbin Old School Site. Having said this COSA was not specifically required to do so. The Council must decide, given the resources of COSA, whether the document is acceptable. If so, the next step would be to finalise the lease arrangements with COSA. If the business plan is not acceptable, Council must be prescriptive of its requirements for the document and return same to COSA.

Recommendations (ENT17)

That:

1. Council accept the business plan of COSA apart from the funding allocation for maintenance of \$4,800.
2. Council write to COSA and advise that the maintenance allocation for COSA will be consistent with other community halls.
3. Council staff finalise lease conditions with COSA for the land identified as Lot 111 DP 859126.
4. Council amend Policy 1.4.11 to include COSA.

Subject/File No: RELOCATION OF THE LISMORE PIE CART
(CWK:CD:P23113)

Prepared By: Group Manager Business & Enterprise – Craig Kelly

Reason: To identify a suitable location for the Lismore Pie Cart

Objective: To obtain a resolution of Council.

Management Plan Activity: Property Services

Background:

The pie cart has been a fixture in Lismore for more than 50 years. The existing pie cart was previously located in Carrington Street but relocated to its current position in Magellan Street in 1963.

The pie cart had previously had long term owners. Ownership of the pie cart transferred from Mr Kevin Lawrence to Ridgey Didge Pies Pty Ltd in 1995, Ridgey Didge Pies being a franchisee of a pie manufacture and distribution business. On September 1, 1996 ownership of the pie van transferred from Ridgey Didge Pies to Mr Gregory Jeromson the current proprietor.

Approximately ten years ago, while the pie cart was owned by Mr Lawrence, plans to revise the Magellan Street/Molesworth Street intersection were commenced. In doing so the pie cart would require relocation. These plans were discussed at the Traffic Advisory Committee meeting of December 9, 1997, whereupon Mr Graeme Davis of Council was asked to identify, in consultation with Mr Jeromson, a new location for the pie cart.

According to Mr Davis' file memo, sites on the corner of Carrington and Magellan, Dawson Street Carpark and further south into the Kirklands Carpark were considered but rejected by Mr Jeromson. Mr Jeromson's preferred site was in Magellan Street adjacent to the former Post Office. This was duly put to the Traffic Advisory Committee at their meeting of February 18, 1998 and rejected, as this location was not seen as an appropriate site. The Traffic Advisory Committee preferred the current location, but some metres closer to the river.

Mr Davis and Council's Economic Development Unit Manager further consulted with Mr Jeromson to identify suitable locations, however none were agreed upon. During this period there was infrequent correspondence between Council and Mr Jeromson, and staff assumed that the pie cart would remain in its current position or thereabouts.

A meeting was convened with the Group Manager Business and Enterprise, Cr Gallen and Mr Jeromson on February 9, 1999 to discuss possible relocation of the pie van. The same sites were discussed again, with Mr Jeromson stating his preference for the Magellan Street site adjacent to the former Post Office. It was contended that Council would only consider this site based on a number of conditions including renovating the pie cart prior to relocation, minimal disruption to the Magellan Street upgrade and that the site is a prime retail site and would attract a market rent.

At the Traffic Advisory Committee meeting of February 17, 1999, the proposed site for the pie cart in Magellan Street adjacent to the former Post Office was approved, subject to the resolution of a number of issues which were outside the scope of that Committee.

Report - Relocation of the Lismore Pie Cart

On February 18, 1999, a letter advising Mr Jeromson of the next steps was hand delivered to him. This letter concluded that, without the lodgement of a Development Application, the matter could not be progressed.

On July 7, 1999 Council received a letter from Walker + Newton, Consulting Surveyors and Planners, acting for Mr Jeromson. Walker + Newton wrote asking Council to sign a Development Application form (as land owner) for the pie cart to relocate to Magellan Street adjacent to the former Post Office. Council responded on July 12, 1999, stating prior to deciding on this site Mr Jeromson had to consider the considerable costs of relocating to the proposed site. These included costs of renovation of the cart, costs of connecting to services such as water, sewerage and electricity and the market rate for the site estimated at \$15,000 per annum.

On July 19, 1999 a meeting was held with Lindsay Walker, Greg Jeromson, the General Manager and I to discuss the relocation of the pie cart. At the meeting it was resolved that if Mr Jeromson wished to relocate to his preferred site, a survey of Magellan Street traders should be undertaken to ascertain their response to the proposal. At the meeting, Council's Design Engineer, Gary Rees was called in to provide advice on the Magellan Street/Molesworth Street roundabout. It was agreed that Mr Walker and Mr Jeromson would consider a site on Molesworth Street outside the former Post Office. This site had the advantage of not usurping valuable community space at the south-western end of the refurbished Magellan Street.

On September 1, 1999 Council received the outcome of the survey work undertaken by Mr Jeromson. This is included as Attachment A. The survey did not canvass the proposed Molesworth Street site, nor did it obtain comment from the occupier of the old Post Office (Toyworld), which is immediately adjacent to Mr Jeromson's preferred site.

Walker & Newton have now forwarded to Council a Development Application nominating the Magellan Street site as the location of the pie van and requesting Council's signature as the owner of the land.

Other Group Comments on the Survey undertaken

Manager Development Assessment

The Survey undertaken at the initiative of the proponent is a positive step, but the proponent should understand that formal acceptance/agreement can only be made in conjunction with comments received after formal advertising of a Development Application.

In the survey undertaken, there is no indication of support or otherwise from Toyworld (the former Post Office) - their attitude is quite important to the assessment.

There has been support in principle to the relocation of the pie van to the applicant's preferred site. However, it has always been advised that ultimate success of this site will depend on factors including:

- Agreement by the Traffic Advisory Panel;
 - Services in the immediate vicinity are adequate and available for connection to the van;
-
-

Report - Relocation of the Lismore Pie Cart

- The final siting, physical presentation and customer space must be satisfactory to Council's Heritage Adviser;
- Full consideration of submissions following a formal advertising period;
- Satisfactory leasing arrangement.

Manager Parks and Reserves

I have considered the proposal to relocate the pie van to the footpath next to the former Post Office in Magellan Street and make the following comments.

Firstly, I am currently considering this area as a possible location for the Queen Victoria Fountain when it is restored. I will be canvassing this and a number of other sites in my upcoming report to Council on the matter. This site is preferred, as it is in a highly visible spot within vision of the safety cameras and should restrict vandalism of the restored fountain.

Secondly, if the pie van is relocated to this spot then we can expect there will be an increase in the amount of food and greasy stains that will mark the new paved area. This should be taken into consideration and possibly the pie van proprietor could be asked to provide a regular path cleaning service to keep the paved area clean. The pie van will also make it difficult to sweep/clean the pathway on a regular basis.

Group Manager City Works

There are two major concerns here.

- 1 The paved section of Magellan Street adjacent to the former Post Office is clearly a very good location for a business. To be fair to all people and to avoid any criticism of impropriety, Council may be wise to advertise for expressions for use of this position. This would avoid any potential problems associated with just letting the Pie Van move on to the site.
- 2 My personal view is that the area is a public space and should not be offered for any form of long term lease. The lease should be two to three years with no renewal and not transferable. While the operator has advised he will upgrade the truck in historic style, Council has little control over the quality of the rebuild and the long-term durability of the vehicle and van.

If the pie van is to go in this high profile location, it must be to a very high standard and have the lease written to insure that Lismore City Council is in total control.

Manager - Finance & Administration Comments

From a financial perspective, regardless of the proposed location, it would be reasonable to expect at least the 'market valuation' as the rental charge on the site as this is the 'primary' site for the business, not an adjunct like an outdoor eating area. If the rental charge was discounted, then this arrangement would be offering an advantage to the operator over those shop owners in the vicinity who are paying the market value.

Public Consultations

These will be sought when the Development Application is put on display.

Other Group Comments

Not required.

Conclusion

Whilst Council has no legal obligation to relocate the pie van, the van is a Lismore icon and Council should facilitate its relocation to a visible, practical and sustainable location. Mr Jeromson's preferred Magellan Street site is in conflict with the purpose of the \$2M upgrade, while the costs of such a site may be beyond the capacity of this business to pay.

Council staff and Mr Jeromson's Consultant believe that the Molesworth Street location (outside the former Post Office) is an acceptable site which meets the primary criteria. This would also retain the integrity of the Magellan Street "community space" developed as part of the recent refurbishment.

Recommendations (ENT19)

- 1 That Council request the EDU to conduct a survey of Magellan Street traders and the Toyworld business operators concerning the alternative site for the relocation of the pie van:
viz. Molesworth Street kerbside (opposite entry to Toyworld).
 - 2 That Council advise Walker & Newton that its preferred site is the Molesworth Street kerbside location.
 - 3 That Council advise Walker & Newton that as the owner of the Magellan Street site it is not prepared to authorise the lodgement of a Development Application for that site.
 - 4 That Council advise Walker & Newton that pending a positive response by traders to the survey proposed in (1) it is prepared to support the lodgement of a Development Application for relocation of the pie van to that site.
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Continuing discussions with the State Valuation Office in Lismore are addressing the details of a generalised city-wide valuation in order to achieve the cost parameters set in the original Council decision of June 29, 1999. This valuation process is expected to be finalised by mid October 1999 and will be incorporated as an appendix to the new Policy. For outdoor dining proposals which encroach on existing vehicle parking spaces, it is proposed to recover the cost of each of these parking spaces (currently \$7,790) over a thirty year period as opposed to ten (10) years in the current policy. The Manager – Finance and Administration has pointed out to Council in previous comments that the current income from existing licenses was approximately \$13,000 per annum which is designated for “offstreet parking in the Lismore CBD”. It was also noted that a reduction in lease fees would result in fewer funds available for the development of parking in the CBD. Given the fact that both the Benelong and Kirklands Carparks have recently been completed, it was concluded that any reduction in fees would not come at a significant cost to the provision of car parking in the CBD at this time.

Community Consultation

The new draft policy was posted to existing lessees on August 30, 1999 requesting their comments. A copy was also provided to Lismore Unlimited. In the covering letter, current lessees were requested to provide their comments to the Economic Development Unit. To date no written submissions have been received.

Some concern was expressed by the owner of the French Patisserie regarding possible cost increases being incurred by current lessees (under the previous policy) during transition to the proposed new policy. An on-site meeting with the Proprietor of the French Patisserie was undertaken by the Manager Economic Development and the business operator was given assurances that no increase in fees would result by adoption of the new policy. This satisfactorily clarified the situation.

If the revised policy is adopted this will be placed on Public Exhibition and the comments of existing lessees will again be sought.

Manager - Financial Services Comments

In keeping with the objective of this policy, the reduction in costs associated with establishing and leasing the facility will make it more attractive to potential and existing operators. On this basis, the initiative is supported.

From a financial perspective, based on the likely ‘city wide valuation’ being equivalent to \$500 for three - four tables and 12 chairs, rental charges will reduce from \$14,000 pa to approximately \$7,000 pa. As mentioned in the report, these funds are reserved for car park development. If Council believes adequate car parking spaces now exist within the CBD, then this reduction will not have an impact on Council short-term strategies.

It is worthwhile noting that this recommendation supports Council commitment to enhance the business fraternity of Lismore.

Other Group Comments

Group Manager Planning & Development – Phil Sarin

The revised Policy is acceptable in relation to Planning and Development issues. The single issue to raise is one of design. In my view we should be encouraging open definition of dining areas, particularly from the street side. This conflicts with the “low walls” approach we have seen in some CBD kerbside dining areas to date. The solid enclosed approach takes away the street/footpath relationship by screening shop fronts and the visual interaction between diners and motorists. Accordingly, I prefer the use of bollards, moveable planter boxes, etc.

Group Manager – City Works – Bill Moorhouse

The City Works Group favours sympathetic development within the CBD and particularly in the less used lanes of Carrington Street and the upgraded Magellan Street.

In the busy ‘Main Block’ areas we need to ensure this type of development actually enhances the streetscape and is not detrimental to neighbouring businesses.

Provided the problems of lost parking spaces; additional footpath cleaning costs and restricted footpath space are carefully considered, the City Works Group has no objection to footpath trading which includes outdoor dining areas.

Conclusion

There is a clear basis for the revised draft Kerbside Dining Policy to be placed on public exhibition. After the specified public exhibition time has elapsed, a final report will be provided to Council that considers comments received whilst on exhibition.

Recommendations (ENT18)

- 1 That the draft policy be displayed on public exhibition;
- 2 That a report be provided to Council containing comments received from such exhibition.

Subject/File No: COMMUNITY RECYCLING DROP OFF CENTRES - CONTRACT
SERVICE REVIEW
(MK:MJK: S317)

Prepared By: Manager-Environmental Health - Matt Kelly

Reason: Review of service contract required.

Objective: Determination of service contract.

Management Plan Activity: Waste Minimisation and Management

Background:

It is identified that normally such contractual procedures will be finalised through Senior Management, however the outcome of discussions with the contractor to date, if employed, would have a significant impact on the service delivered to the community and as such it is considered appropriate for Council to formally consider this matter.

The drop off centre network was introduced to the Lismore community in November 1994, providing the principal service for the collection, transportation and reprocessing of solid marketable recyclables. Solid marketable recyclables are defined as materials which are solid, including plastic, glass, metals, paper and cardboard, for which there is an active market.

The network commenced with five (5) demonstration sites and has expanded to its current capacity of seven (7) site being:

- Lismore Park, Brewster Street, opposite Lismore Square.
- Shell Warrawee Service Station, cnr Dawson and Magellan Streets.
- John Crowther Carpark, cnr Dawson and Woodlark Street.
- Lismore RSL Carpark, Victoria Street, Lismore.
- University Carpark, Southern Cross University, Military Road, Lismore.
- Hepburn Park, Holland Street, Lismore.
- Hilltop Hotel, Ballina Road, Lismore.

The rationale for establishing the drop off centre network was to satisfy public demand for recycling with a low cost system of material recovery. The decision was influenced by the cost of alternative methodologies, ie kerbside collection, which were employed within other communities. The drop off centre network was initially serviced by Council for a 13 month trial period. At the end of this period a formal service contract was awarded to Tealings Recycling of Casino, with a separate contract entered into for site maintenance. Tealings Recycling was subsequently acquired by Richmond Waste, which resulted in negotiations and the current contract agreement. The contract is structured to guide the performance of the contractor in two discreet service areas, being:

1. Collection of solid recycling materials; and
 2. Maintenance (cleaning) of centres.
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Further, the contract period is for a two year period, with a further two year option, being Council's option with the agreement of the contractor.

Community Recycling Drop-off Centres

The existing contract is nearing the initial two year anniversary date, being December 5, 1999, and representations were made to the contractor seeking an expression of interest in entering into a further two year service agreement. The contractor expressed an interest and discussions/negotiations have been progressively held over the past 6 month period.

The existing contract “for the collection, transportation and disposal of recyclable material from drop off centres and the maintenance of those drop off centres” is currently being performed at seven (7) sites for an annual contract rate of approximately \$50,000. The figure is approximate as the level of service is flexible to demand periods. As an outcome of discussions with the contractor, the same level of service for the nominated extension period would attract an annual rate of approximately \$107,000. The contractor advised that this cost structure is influenced by:

- a) There has been an increase in garbage deposited in the recyclables and about the general area of the sites.
- b) Over recent years it has been a continuous decline in the weight of most recycling containers. This has resulted in lower pay loads for the same volume. In some cases the items have become considerably larger as they have become proportionally lighter.
- c) There is the threat of additional beer packaging in plastic rather than glass. This would further reduce payloads.
- d) Effective July 1, 1999, will be a further 10% reduction in the price of recycling glass. This item constitutes the bulk of the weight of the recycling co-mingled items. There was a previous 10% reduction in mid 1997.
- e) The price received for recycled paper and cardboard had decreased by an effective 20% in the past 6 years.
- f) Maintenance demands on the paper and cardboard collection containers have proved to be beyond expectations.
- g) Increasing quality demands have highlighted the precarious nature of the recycling industry. This has been demonstrated by the total rejection of 17 m³ loads of recyclables from Lismore dropoffs. There have been five (5) rejected loads in the past three months.”

The current level of service is not sustainable beyond the contract anniversary date, at the revised contract rate within the current funding arrangements identified within Council’s management plan. Communications of this nature provided the platform for a second level of discussions/negotiations with the contractor. Discussions recognised the following limitations/parameters.

1. Financial capability;
 2. Level of service required;
 3. Impacts on other waste management/minimisation services introduced.
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Community Recycling Drop-off Centres

Financial capability and level of service are co-dependant. The Management Plan identifies a total budget allocation of \$55,000 within the Waste Strategy's budget.

Community Recycling Drop-off Centres

In audits undertaken over the contract period, it has been identified that utilisation of centres varies greatly. Service data from the contractor (see Table 1) clearly identifies that the centres at Dawson and Brewster Street have by far the highest drop off rates, followed by centres at the RSL Carpark, Holland Street and Hilltop Hotel. Centres at Shell Warrawee and Southern Cross University are poorly utilised. With this knowledge, it is reasonable to consider rationalisation of the centres to meet competing financial limitations.

Table 1: Pick Up Frequency

Site	Service No.	Service Unit	Time Period
Brewster Street	38	Maxi Skip (17m ³)	1/7/98 - 30/11/98
Dawson Street	41	“	“
RSL	10	“	“
Holland Street	4	“	“
Hilltop	4	Bottle Bank	Per Week
Shell	2	“	“
SCU	1	“	“

Impacts of Other Waste Services

With the introduction of the City's Organic Waste Collection Service, there is now provided to urban ratepayers, a kerbside recycling service for paper and cardboard products. There is therefore a level of duplication in service provided for paper and cardboard products. It is recognised that rural and village ratepayers are not provided with a kerbside service and would fully utilise facilities within the drop off centre network. Council would also be aware that grant funding has been secured for the development of a drop off centre at the Wyrallah Road Waste Facility. This facility, anticipated to be established in the immediate future, will provide facilities equivalent to existing centres.

In recognition of these new and intended services, it is further identified that a rationalisation of existing centres is appropriate.

With this foundation, the contractor has provided a further service option for Council which is summarised as follows. Based on servicing of three (3) key centres only, being Brewster Street, Dawson Street and Holland Street, the following cost structure is provided.

Skip Rental	6 skips x \$33 each week - \$198 x 52 (1 reserve/swap skip is not charged for)	= \$10,296
Skip Service	Each service @ \$60 each Currently ±8 services per week x \$60 = \$480 x 52	= \$24,960
Site Cleaning	3 sites @ \$100 per week each = \$300 x 52	= \$15,600
Dumping	4 tonne per week x \$42 per tonne = \$168 x 52	= \$8,736
	TOTAL	= \$59,592

Total annual quantity recycled = ± 1,000 tonne

∴ overall cost per tonne = ±\$60

Community Recycling Drop-off Centres

Rental and service cost per tonne = ±\$35

This service option would result in paper and cardboard products no longer being serviced within the drop off centre network, recognising the organic waste kerbside service, requiring all paper and cardboard products to be deposited at the Wyrallah Road facility, still enabling product to be recovered. The substantial increase in the service costs will also significantly impact upon proposals to expand the drop off centre network to Nesbitt Park. As stated, financial capability and level of service are co-dependant and it is clearly identified that existing financial reserves will not sustain the existing network, let alone any expansion of the network.

In considering any waste minimisation/management initiative, it is important to recognise the benefit of recovering material from the waste stream and the benefit afforded to landfill avoidance. For the 1998 year, 1,006 tonnes were recovered through the community drop off centre network. This is equivalent to a landfill avoidance of \$42,252 (at a rate of \$42 per tonne) or more importantly, approximately 3,000m³ of landfill space as solid marketable recyclable are voluminous in nature and difficult to compact.

Alternatives

Calling of Tenders

The existing contract under Clause 411 states “*the contract term shall be subject to the provisions of this contract for a duration of two years from December 5, 1997. The Council may, subject to the written agreement of the contractor, extend the operation of this contract beyond the contract term for a period of up to two years, if it gives notice in writing of its intention to extend the operation of this contract.*” Council therefore, under the existing provisions of the contract, has the ability to call for tenders, rather than agreeing to an extension of the contract. The calling for tenders on two separate occasions for this service contract, has resulted in Council securing a competitive contract rate. However, more recently it is considered that the market place had become less competitive at the local level, as the number of alternative service providers has significantly been reduced. Added to this is the current service methodology adopted for the centres, being the utilisation of maxiskips. These units, as identified from Table 1, attract a rental fee as they are capital owned by the service provider. Any alternative provider would need to provide an equivalent service receptacle and incorporate such costs within any service fee.

Calling for tenders would, however, provide Council with the opportunity to review the contract period, potentially extending the engagement period to provide a higher degree of surety to any future provider and therefore be the beneficiary of any economies of scale. Further, calling for tenders would also provide to Council’s Business and Enterprise Group, an opportunity to review their Waste Services Business Plan and explore any opportunity for providing a similar service to Council.

Cessation of Drop Off Centre Network

Cessation would result in the removal of all existing drop off centres within the Lismore urban area, resulting in providing a solid, marketable recycling service only through the Wyrallah Road Waste Facility. The decision to implement this option would be considered premature without first exhausting options of negotiation with the existing contractor and/or calling for tenders.

Community Recycling Drop-off Centres

Further reflection is appropriate to Council's recent decision to adopt the Integrated Waste Minimisation and Management Strategy, which recognises the community drop off centre network as the principal means of recovering solid marketable recyclables.

Community Recycling Drop-off Centres

Manager - Finance & Administration Comments N/A

Public Consultations N/A

Other Group Comments N/A

Conclusion

From audits undertaken over the past contract period, it is evident that the existing drop off centre network requires rationalisation to maximise the cost to benefit of the service provided. The submission of the revised cost structure by the existing contractor for a further two year extension of the contract is a substantial increase from the existing contract rate and is not considered justifiable, without being exposed to a formal competitive tendering process. Council's formal adoption of the Integrated Waste Minimisation and Management Strategy recognises the community recycling drop off centre network as the principal means of recovering solid, marketable recyclables and therefore provides a platform for any review process.

Recommendation (PLA68)

- 1 That Council further negotiate with Richmond Waste with the intention to take up the further two year option of the existing contract for the collection, transport and disposal of recyclable material from drop off centres and the maintenance of those drop off centre, being a rationalised network incorporating centres at Dawson Street, Brewster Street and Holland Streets.
 - 2 That the rationalisation of centres not be effected until the commissioning of the Wyrallah Road community recycling drop off facility.
 - 3 That should negotiations with Richmond Waste not achieve a service cost structure more representative of the existing contract, as determined by the General Manager, that Council call tenders for the servicing of a rationalised drop off centre network.
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Subject/File No: **TENDERS FOR SPRAYED BITUMINOUS SURFACING WORKS
T20006**

Prepared By: CONTRACTS ENGINEER, WES JOHNSTONE

Reason: To inform Council of tenders received for the 1999/2000 Sprayed Bituminous Surfacing Program.

Objective: Council approval of selected Contractors

Management Plan Activity: Client Services / Roads

Background:

Tenders for the 1999/2000 Sprayed Bituminous Surfacing Program were recently invited.

Tenders were received from the following organisations:

1. Boral Asphalt
2. Roads and Traffic Authority, NSW

Due to this type of work being carried out at many separate locations at various times throughout the year, tenders were invited on a Schedule of Rates basis. The rates received are shown in Appendix A.

To enable a comparison, two typical projects for this Council were selected and costs calculated based on the tendered rates (refer Appendix B).

The comparison of costs for the two typical projects is as follows:

- A. 100,000m² Bitumen Reseal Program (10 Working Days):

CONTRACTOR	COST
Boral Asphalt	\$135,668
Roads and Traffic Authority, NSW	\$145,427

- B. 10,000m² Bitumen Seal on New Works (1 Working Day):

CONTRACTOR	COST
Boral Asphalt	\$13,137
Roads and Traffic Authority, NSW	\$19,522

The rates tendered by Boral Asphalt result in the lowest cost for both projects.

In addition, when the other evaluation criteria specified in the tender documents are also applied (ie. Capability, Relevant Experience and Quality/Safety Plans).

- The ranking is:
1. Boral Asphalt
 2. Roads and Traffic Authority, NSW
-

Provision for Sprayed Bituminous Surfacing T20002

Manager-Finance & Administration Comment

The following funds are provided in the 1999/2000 budget for works to be carried out under this contract:

Rural reseals	\$577,000
Urban reseals	\$245,200
RTA reseals (Grant)	\$329,300
Regional roads reseal	<u>\$173,500</u>
TOTAL	\$1,325,000

Additional work will be funded by various road construction budgets.

Other Group Comments

Group Manager - City Works

Boral Asphalt has a depot at Lismore and has been engaged by Lismore City Council for many years. The convenience of having a bitumen spray operator located within the Council area is considerable. This can represent substantial cost savings to Council's own organisation as works are able to be adjusted from day to day depending on weather conditions.

Public Consultations

Not required.

Other Group Comments

Not required.

Conclusion

Due to the nature of this work, the selection of a Contractor can depend significantly on availability at the time required. As a result, the Specification enables Council to use any of the Contractors who submitted a tender, depending on cost and availability.

Boral Asphalt successfully carried out work under a similar contract in 1998/1999.

Contractors will be firstly selected on the basis of the lowest cost and, secondly, on the basis of availability.

Recommendation (GM07)

That Council adopt the following order of priority for the engagement of bitumen sealing contractors for major and minor works:

1. Boral Asphalt
2. Roads and Traffic Authority, NSW

APPENDIX A

PRICING SCHEDULES**Contract: T20002 - Provision for Sprayed Bituminous Surfacing**

Schedule of Prices and Quantities			Boral Asphalt	Roads & Traffic Authority
ITEM	DESCRIPTION	UNIT		
1	Sweeping of Pavement	m2	\$ 0.050	Nil
2	Supply, Heat and Spray C170 Bitumen including Seal Design.			
	i. Over 20,000 Lt in One Day	Lt	\$ 0.550	\$ 0.691
	ii. 10,000Lt - 20,000Lt in One Day	Lt	\$ 0.600	\$ 0.726
	iii. 5,000Lt - 9,999Lt in One Day	Lt	\$ 0.760	\$ 0.784
	iv. 3,000Lt - 4,999Lt in One Day	Lt	\$ 0.950	\$ 0.831
	v. Less than 2,999Lt in One Day	Lt	\$ 1.250	\$ 0.878
3	Supply and Incorporate Flux Oil (Diesel)	Lt	\$ 0.580	\$ 0.843
4	Supply and Incorporate Cutter Oil (Power Kerosene)	Lt	\$ 0.580	\$ 0.843
5	Supply and Incorporate Adhesion Agent	Lt	\$ 2.900	\$ 3.510
6	Recover Longitudinal Line Marking			
	i. Centre Line (Including Medians)	Km	\$ 280.000	\$ 188.000
	ii. Edge Line	Km	\$ 280.000	\$ 164.000
7	Rolling Aggregate			
	i. One Roller	m2	\$ 0.050	\$ 0.040
	ii. Two Rollers	m2	\$ 0.100	\$ 0.060
8	Load, Haul and Spread Aggregate, including removal of loose aggregate			
	A. From Stockpile Located within 5.0 km of Site:			
	i. Over 135m3 in One Day	m3	\$ 28.000	\$ 44.500
	ii. 66m3 - 135m3 in One Day	m3	\$ 41.000	\$ 46.800
	iii. 36m3 - 65m3 in One Day	m3	\$ 46.000	\$ 49.200

Provision for Sprayed Bituminous Surfacing T20002

	iv. 21m ³ - 35m ³ in One Day	m ³	\$ 73.000	\$
				51.200
	v. Less than 20m ³ in One Day	m ³	\$ 120.000	\$
				53.900
	B. Extra Cost per Kilometre Hauled Outside 5.0km of Site	m ³	\$ 2.200	\$
				0.260
9	Laying and Rolling Geotextile (Geotextile to be Supplied by Council)			
	i. Up to 3,000m ² in One Day	m ²	\$ 0.950	\$
				2.340
	ii. More than 3,000m ² in One Day	m ²	\$ 0.950	\$
				2.110
10	Site Establishment Cost	Item	Nil	\$ 5,850.000
11	Waiting Time (if applicable)	hour	Nil	\$ 1,170.000

APPENDIX B**A: Major Program (10 Working Days)**

Contractor	Bitumen 120,000L	Cutter 3600L (3%)	Aggregate 1000M ³	Adhesion Agent 1200L (1%)	Recover Centre Linemarking (7.5km)	Sweep 100,000M ²	Rolling 100,000M ² (2 Rollers)	Site Estab Item	TOTAL COST
BORAL	\$72,000	\$2,088	\$41,000	\$3,480	\$2,100	\$5,000	\$10,000	\$0.00	\$135,668
RTA,NSW	\$87,120	\$3,035	\$46,800	\$4,212	\$1,410	NIL	\$6,000	\$5,850	\$154,427

B: Minor Program

Contractor	Bitumen 12,000L	Cutter 360L (3%)	Aggregate 100M ³	Adhesion Agent 120L (1%)	Recover Centre Linemarking (1km)	Sweep 10,000M ²	Rolling 100,000M ² (1 Roller)	Site Estab Item	TOTAL COST
BORAL	\$7,200	\$209	\$4,100	\$348	\$280	\$500	\$500	\$0.00	\$13,137
RTA,NSW	\$7,680	\$303	\$4,680	\$421	\$188	NIL	\$400	\$5,850	\$19,522

Subject/File No: REVIEW OF COUNCIL POLICY 3.1.12 - POLICY ON WEEKEND
MARKETS
(BT: S219)

Prepared By: Development Assessment Planner - Brendan Toohy

Reason: Review Council's Market Policy.

Objective: To amend Council's Market Policy.

Management Plan Activity: Development Assessment

Introduction

The review of Council Policy 3.1.12 - Policy on Weekend Markets has been undertaken for two reasons. Firstly a review of the Policy has not occurred since September 1995, and secondly the Development Assessment Section has received complaints regarding the operation of existing markets. Most of these complaints have focussed on 'non-compliance' with Council's Policy or development consent requirements – usually around non-locally sourced produce being offered for sale and food produce hygiene standards. It is therefore timely to review the application, relevance and effectiveness of the current policy.

Background

The formation of the current Market Policy resulted from the refusal of Development Application No. 91/473 - Dawson Street Markets at Council's meeting held November 19, 1991.

The reasons given for refusal were as follows:

1. The adverse economic impact that an additional market will have upon the existing markets;
2. Circumstances of the case and the public interest.

In addition, Council resolved at this meeting to prepare a Policy "*...in relation to markets to avoid a situation of oversupply*". Council subsequently adopted a Market Policy at its meeting held February 6, 1992.

Current Policy

Preamble:

Council recognises that markets add to the tourist appeal and economic base of Lismore. They should provide an alternative outlet for selling goods that are not readily available through the normal commercial outlets within the City. Wherever markets operate they are to do so at no cost to Council, with any increased costs incurred by Council to be at the market operator's expense.

Location and Frequency:

Only one market will be approved to operate within a 40km. radius of another market operating on the same day. Markets may only be held on any one site at a frequency of not more than once per fortnight. Consideration will be given to a variation of this day or an extra market day at either or both Easter and Christmas/New Year period.

Markets will be discouraged on Saturday mornings due to competition for parking spaces during peak shopper times.

Hours of Operation:

The hours between which a market may operate shall be 7 a.m. to 6 p.m. on the day of the market. The market must be completely vacated by all stalls and stallholders together with their goods and chattels at the conclusion of each day's trading. No overnight lodging or camping will be permitted on the market site. The first priority for stallholders should be given to local craftspersons.

Goods for Sale:

Goods sold in the markets should preferably be of such a nature and type as to reflect the industries or home crafts of this region. They should thus constitute a product which is of some attraction to tourists and residents and will assist to form lasting memories of the North Coast region.

The market operator must ensure that "proprietary" brands of goods readily available in normal commercial retail outlets within the City do not comprise any significant portion of the goods offered for sale at the market. Markets are not acceptable where they mainly offer a commercial outlet for goods available through the normal commercial shops within the City.

Council reserves the right to place restrictions on any market as to what goods may be offered to the public for sale/consumption.

The market operators are responsible for checking that all stallholders are appropriately licensed, e.g. second hand dealers' licences; plant dealers are licensed with the Department of Agriculture; food stalls are licensed by Council.

Rental Charges:

The rental charges for the use of Council owned land for market activities will be based entirely on a "user pays" system. Therefore the rental will, at a minimum, cover any increased costs incurred by Council as a consequence of the operation. The increased costs will include but not be restricted to:- additional garbage removal, increased water consumption, maintenance of the site or any buildings thereon, and inspection charges incurred by Council's Inspectors. This rental will be in addition to the licence fee for food stalls that Council currently imposes.

Markets operating on private land will also incur a Council fee to reflect the increased demand on Council services. This will be additional to the food stall licence fees already payable to Council.

Review of Weekend Markets Policy

Rental Charges:

At the date of adoption of this policy, the rental charge for Council land will be \$240 per day. After each six month period of operation, the rental and/or fee, as the case may be, will be reviewed to reflect the increased costs incurred by Council due to the changed nature of the stalls operating at each market site. These charges will be increased each year in accordance with Council's annual review of fees and charges.

General:

Each application for a market will be considered on an individual basis. Compliance with the above requirements does not necessarily imply that any application for a market will be approved by Council.

"One off" charity events that are held no more than once per year may well incur a reduced Council charge and/or in some cases, no charge at all. Such events will be required to obtain a permit from Council to operate, as opposed to obtaining development application approval. Depending on the circumstances, these events may not be restricted within a 40km. radius of another market operating on the same day.

For the purposes of this policy, "one off" events include markets normally referred to as "fetes", e.g. school, religious, hospital auxiliaries or similar organisations.

Submissions/Comments

As part of the review process, discussions were held with a number of market operators, staff from other neighbouring Councils and business proprietors in competition with market stallholders. Letters were also distributed to these interested parties, inviting them to comment on the current policy. In response, four written submissions were received (refer Attachment 1).

Australian Competition and Consumer Commission (ACCC):

Council's Development Assessment Section considered a number of elements of the policy could be regarded as 'anti-competitive' and sought the opinion of the ACCC on the matter. The relevant sections of the policy upon which comment was sought included the exclusion of two (2) or more markets operating on the same day within forty (40) kilometres of each other, and the nature of goods predominantly required to be sold at local markets. A copy of the policy was forwarded to the ACCC.

A reply to Council's letter (refer attachment) was received on August 6, 1999 with the following brief comments made on the Policy:

"It is not the Commission's role to approve or provide legal advice with respect to Council policies. However, I have considered the information provided and I am of the view, based on the information provided concerning the Policy, that there was no breach of the Act (Trade Practices Act 1974) indicated."

Comment:

The advice provided by the ACCC is acknowledged. However, whilst it is recognised that elements of the policy are not anti-competitive pursuant to the Trade Practices Act, 1974, in that the policy does not

Review of Weekend Markets Policy

contain a formal "...arrangement or understanding made between persons", there is a clear intention to, among other things, 'regulate' the proximity of markets to one another. It is doubtful that this aspect of the policy could be successfully defended if a legal challenge were to arise over Council's refusal to allow a market to operate on this basis. It is also not clear how the 40 kilometre exclusion distance was determined. The report presented to Council at its meeting held on February 6, 1992, which included the draft policy, did not refer to any rationale for this recommendation.

It should be noted that policies of this type do not generally have the statutory 'enforcement' weight of, say, a Local Environmental Plan (LEP) provision or condition of consent applied to a development consent. Such policies are usually regarded as providing guidance and direction to the public on particular issues.

It would therefore not be prudent to rely upon the policy to establish appropriate grounds upon which to refuse consent to a development application for a market proposal. (Most of the major regional markets operate on a co-operative basis in regard to the timing issue – it is unclear whether or not local council policies have influenced this outcome).

Menins Foodstore

- The sale of fresh produce from the stalls within the markets is detrimental to our local economy. This is because much of the produce being sold is not actually grown locally; many of the varieties of stock are unable to be grown in our regional climate.
- There are the issues of public liability and health regulations. For the previous two occasions which the markets have operated (Carboot Market) there have been 13 separate fruit and vegetable stalls. I am wondering if these vendors have to meet certain health regulations which all other food outlets in the community must meet. The fact that stock is sold directly from the backs of trucks, trailers and even off the bitupave where cars park daily, is a major concern. My premises undergo an annual health inspection, and I feel it is unjust if these suppliers are not subject to the same regulations.
- The issue of public liability is also of major importance. The possibility of people falling over stands, or even eating contaminated produce should be considered;
- The question of cash sales, ie no cash registers, and the declaration of any income to the Taxation Department must be raised.

Comment:

It is not clear from the submission how the sale of fresh produce in markets is a detriment to the local economy. Obviously, any 'competitor' to a market stallholder will see direct competition as unfair, particularly where a council policy or statutory provisions appear to have been breached.

The letter from the ACCC states that "*A corporation that has a substantial degree of power in a market is prohibited from taking advantage of that power to eliminate...*". One could read into this statement that local government should not become an "economic policeman" by removing businesses which are perceived to threaten the viability of other businesses. There is a perception, judging from the comments received, that Council has both the authority and therefore the obligation to act in such a way.

Review of Weekend Markets Policy

In regard to the public liability risk of markets this is a matter between the market operator and the owner of the land.

Likewise, the manner in which financial transactions occur at markets is not a matter for which local government has a responsibility.

Alex Coronakes - Tropicana Fruit Shop

- I was under the impression that when the markets initially commenced they were to be solely “handicrafts” - meaning home made jams and pickles and the odd veggie grower selling his home grown produce.

- Outlined below are my views why the weekend markets are conducted unfairly:
 - a) Each stand that operates at the market only pays minimal rent. There are no overheads, Workers Compensation, insurance liability, electricity etc.

 - b) No cash transactions are ever recorded as we don’t seem to see any cash registers about.

 - c) How hygienic is the food? How often do you see a health inspector at the markets?

 - d) Most stallholders are not local, therefore money spent on the day goes out of town, therefore “Lismore” doesn’t benefit from any of this.

Comment:

The comments made previously are also relevant to this submission. The Environmental Health Section has responded to the food hygiene issues elsewhere in this report.

Nimbin Chamber of Commerce

➤ ***Location and Frequency***

We feel that the policy, as stated in the first paragraph, should be applied only to activities held on Council land.

We feel that Saturday morning competition for parking spaces varies from one location to another and only if undue competition is likely to be created by a Saturday market, should it be a consideration.

➤ ***Hours of Operation***

Summer evening or night markets in our climate could be a very good idea and would extend beyond the current 7.00am to 6.00pm period.

➤ ***Goods for Sale***

We strongly support the thrust of this section.

Review of Weekend Markets Policy

➤ **Rental Charges**

The cost to a market operating on non-council land would obviously be restricted to non-user paid services, ie no double charging for water, rubbish collection etc, would occur.

➤ **General**

Any Council concession to a charity group should not have to 'frequency' restriction.

Comment

There is merit in applying the policy only to activities on Council owned land. The current wording of the policy certainly suggests its application to both Council owned and private land. As mentioned previously, the policy provisions are 'doubtful planning grounds' upon which to rely when assessing development applications for markets on private land.

One also needs to ask the question, why are markets singled out for particular attention by the provision of a specific policy. Other forms of 'retail tenancy' are not targeted in such a way.

The comment regarding Saturday morning trading of weekend markets being a merit based consideration is also worthy of support. There may well be circumstances where such an arrangement is not likely to have any adverse impact. Likewise, the suggestion for evening trading during summer months could offer consumers more choice and stimulate more local evening activity.

The section of the policy which refers to 'One off' charity events does appear to be superfluous. Activities such as fetes are not a market activity in the sense of the policy. This section of the policy could therefore be deleted.

General Comments

Enforcement/Resources

A number of the submissions raise the issue of policing of the current policy. This begs the question, why have provisions which raise an expectation that council will regulate and control matters such as where produce is sourced or what goods can be offered for sale. Clearly, Council is not in a position to make staff and other resources available for this type of investigative work. It is therefore recommended that some of the wording in the policy be altered to remove such an onus and expectation of council and place it with the market operator.

Some of the other language in the policy, particularly use of the word 'must' could be replaced with should or something less prescriptive.

Recommended Changes

1. Before the preamble insert:

"This policy applies only to markets operating on land owned by Council or vested in

2. Location and Frequency
-

Review of Weekend Markets Policy

First paragraph

Insert “ *unless it can be established to the satisfaction of Council that a lesser distance will not result in any significant adverse economic, social or cultural impacts upon existing markets.*” after day in the first sentence.

Second paragraph

Insert “ *unless it can be established to the satisfaction of Council that such a time would not have any significant impact upon car parking demand in the locality.*” after times in the second paragraph.

3. Hours of Operation

Replace first sentence with the following “ *The market may operate between the hours of 7.00 am and 6.00 pm except during daylight saving hours when the hours may be between 7.00 am and 9.00 pm.*”

4. Goods for Sale

Second paragraph

Delete current paragraph and replace with “ *The market operator should give preference to stallholders wishing to display goods and produce not usually available through commercial retail outlets within the City.*”

Third paragraph

Delete third paragraph

5. Rental Charges

Second paragraph

Delete second paragraph

It is not clear what ‘fee’ is referred to by this section. A market proposed for private land would be assessed having regard to all relevant statutory provisions – Section 94 fees, etc.

6. General

Second and Third paragraphs

Delete second and third paragraphs

These changes are included in Attachment 2 along with current rental charges.

Manager - Finance & Administration Comments

Not required

Manager - Economic and Development Comments

From an economic development perspective, regular Lismore LGA markets need to be encouraged so as to stimulate trade and attract persons to the area for bargain hunting and social interaction.

Review of Weekend Markets Policy

The markets in our region should exhibit character and diversity and strive for the type of outcomes suggested in the re-draft. They should have a positive effect on tourism.

The specific changes regarding the proposed changes in the text of the policy are supported by me.

Manager-Business Development

The rental for usage of Council lands should be progressively moved towards a commercial basis ie. rental should cover all Council costs plus a small margin of profit and be calculated with a view to 'market' factors. Thus reductions in the level of subsidisation by Council will release funds for core expenditure priorities.

Manager - Environmental Health Section

Food hygiene and construction standards for market activities are guided by Council's Market Food Stall Code which has been developed on a regional basis. The Code nominates general operational requirements and more specific construction requirements for the three (3) food stall categories:

1. *On-site Food Preparation;*
2. *One Step Preparation;*
3. *Pre-wrapped and other food.*

The nominated categories are also utilised to determine the annual registration fee applicable which finances Council's market inspection and education programmes. Regulatory inspections of food stalls are undertaken on an irregular basis within Lismore LGA, recognising other inspection programmes resourced by adjoining Councils. This recognises a large number of Category 1 stalls (High Risk) operate at numerous markets within the region and are therefore exposed to a number of formal inspections. Copies of the Code are available from Council's Environmental Health Section at no cost.

Conclusion

The recommended amendments will not change the original intent of the policy, but broaden the scope for a more merit based consideration of market proposals. In addition, they will clearly identify that responsibility for addressing the 'goods for sale' component of the policy rests with the market operator.

Recommendation (PLA64)

Council amend Policy No. 3.1.12 - Policy on Weekend Markets in accordance with the recommendations contained in the report.

Subject/File No: CRIME PREVENTION PLAN
(S717)

Prepared By: Punita Boardman, Crime Prevention Development Officer

Reason: To identify initiatives, outputs, outcomes and partnerships for the 3 year Crime Prevention Plan for the Lismore LGA

Objective: That Council endorses the proposal that the Crime Prevention Plan be placed on public exhibition for a period of 28 days.

Management Plan Activity: Community Services

Background:

During 1998, the Crime Prevention Division of the NSW Attorney General's Department implemented the Safer Towns and Cities Project. Following some trial work done in Orange and Bega, the Department called for expressions of interest from Local Governments wishing to take part in the program. Lismore City Council was one of five local governments which received funding under the first round of grants.

The original Crime Prevention Development Officer was appointed in September 1998 and a replacement appointed in August 1999. The employment of the Crime Prevention Development Officer is fully funded by the Attorney General's Department until November 2000.

The 2 core functions of the Crime Prevention Development Officer's role are: A) the development of an appropriate and relevant Crime Prevention Plan for the Lismore LGA and B) the implementation of the Crime Prevention Plan

To develop the Crime Prevention Plan in accordance with the Attorney General's Department's funding agreement, a specific model of development needs to be followed. Crime Prevention Plans that meet the model's requirements can be endorsed by the Attorney General under the Children (Protection and Parental Responsibility) Act 1997 as "Safer Community Compacts".

Having the Crime Prevention Plan endorsed by the Attorney General will enable Council to access the Safer Communities Development Fund. The Fund has been established to provide financial assistance for the resourcing of crime prevention strategies.

The Model:

The Attorney General's Department has recognised that a Crime Prevention Plan developed for one population centre will not have relevance for another area because, for example, of differing crime and social issues and the availability of resources.

The first part of the model involves the development of a "Crime Profile". The Crime Profile needs to assess all relevant information to identify the actual crime related issues facing each individual community. **Such a document was produced and endorsed by Council at the May 18th 1999 meeting.**

Crime Prevention Plan

It has been recognised throughout the world, and indeed, adopted as a guiding principle by the 8th United Nations Congress on the Prevention of Crime and Treatment of Offenders (1990) that successful crime reduction programs could not be solely based upon the police and the criminal justice system.

The UN Congress agreed that successful crime prevention is founded on policies which include reinforcements to common values, acknowledging personal and community responsibility regarding crime, provide for social and community development and the reduction of opportunities for offending.

The role of the Crime Prevention Development Officer is derived from that principle and the premise that effective crime prevention strategies are those that promote social and community development, bringing together those who have responsibility for:

- Planning and development;
- Health services;
- Employment and training;
- Housing;
- Social services;
- Leisure activities;
- Education and
- The police and justice system.

In other words, local government alone cannot effect change. Effective crime prevention requires co-operation between a number of different Commonwealth, State and Local government agencies and community groups. The development of meaningful partnerships for the distribution of resources and delivery of services is vital to implementing crime prevention programs.

Local government is involved in providing many of the services listed above, or at least in influencing the provision of those services. It plays an important role in the planning process, which is vital to the shape of local crime problems. Local government is also an important and effective agent for the bringing together of local communities.

The need for effective partnerships is recognised under the Attorney General's Department's model for Crime Prevention. It requires the establishment of a representative group which has the support and involvement of key agencies and which is a means to an end, rather than an end in itself.

The main function of that partnership under the Attorney General's Department's model is to devise, implement and monitor a local crime prevention plan.

The Lismore Community Safety Committee is such a partnership. The Committee is currently comprised of 17 members drawn from Council, the community and government agencies.

Crime Prevention Development:

The development of a Crime Prevention Plan is a phased process comprised of the following steps:

1. Define the problem -
collect data, consult widely, initiate partnerships, develop crime profiles.
-
-

Crime Prevention Plan

2. Decide what to do -
prioritise problems, consider options, identify possible resources and strategies, prepare action plans.
3. Implement the program -
assign tasks, take action, monitor progress
4. Assess what has been achieved -
evaluate the impact of strategies applied, review program

The Crime Profile Report represents the achievement of the first step in the process. The Crime Prevention Plan is the outcome of step two.

The Crime Profile Report identifies as significant crime issues:

- the rate of **assault** offences reported to police in Lismore (which has risen from 443 in 1995 to 674 in 1998);
- a rise in reported **malicious damage** offences from 475 in 1995 to 622 in 1998
- an increase in **motor vehicle theft** offences from 245 in 1995 to 264 in 1998 following a drop in 1996 to 167.
- **Stealing from vehicles:** rising from 357 in 1995 to 442 in 1998.

The Crime Prevention Development Officer (in conjunction with and under the guidance of the Lismore Community Safety Committee) has sought wide community consultation to develop the Crime Prevention Plan. Significantly, the Plan has also been informed by the Crime Profile and the Community and Social Plan.

The Lismore Crime Prevention Plan has the overall aim **‘to create a safer environment for all members of the community in the Lismore Local Government Area’**.

Issues that have been identified as priorities in the Plan are:

ISSUE 1: Community safety in Lismore Central Business District

ISSUE 2: Relationship between built environment and crime throughout the LGA

ISSUE 3: Levels of and community tolerance for personal violence and other forms of abuse in the home

ISSUE 4: Young people committing minor offences leading to a perception that ALL young people are to be mistrusted

ISSUE 5: Property theft and damage

ISSUE 6: Community safety in Nimbin

Recognising it to be unwise to try to tackle every problem at once, the recommendations from the Attorney General’s Department suggest that no more than a handful of priority issues should be addressed in each year. The approach is designed to avoid the spreading of resources too thinly or that too little will be done on each issue. It is also important to note the focus of the Crime Prevention Officer’s role is on the causal factors to crime and therefore ‘quick-fix’ solutions are inappropriate.

Crime Prevention Plan

The Crime Prevention Plan will be placed on public display with comments invited prior to it being submitted to Council for endorsement. Other stakeholders involved with implementing the various strategies will be asked to commit to and sign off on the Plan.

Manager - Finance & Administration Comments:

No contribution is expected from Council towards the implementation of the Crime Prevention Plan.

Public Consultations:

The Crime Prevention Plan has been compiled in conjunction with the Crime Profile Report and the Community and Social Plan. Both of these documents have required widespread consultation processes. They are both current living documents, which have had the endorsement of Council. Also, during the months of August and September, the Crime Prevention Development Officer has been consulting with relevant community groups. A list of these groups is to be found in the 'partnership' column of the Crime Prevention Plan. Valuable input has also been received from members of the Community Safety Committee.

Other Group Comments:

Manager - Strategic Planning Comments:

Crime prevention through environmental design has been promoted by the AMCORD guidelines, which are the standard reference for environmental design. These guidelines and other information and requirements should be incorporated into the relevant development control plans for Lismore. It is proposed to systematically review and update DCPs following the completion of the Heritage LEP/DCP and the Koala Management Plan. Advice on crime prevention and other issues will be sought from the Community Services Section for inclusion in DCPs.

Conclusion:

The Crime Prevention Plan has been compiled as a response to the issues, which affect the safety and quality of life, enjoyed by the community of Lismore Local Government Area. Local and international research and community consultation and comment has informed the process. The implementation phase for the initiatives is up to three years.

Recommendation: (COR43)

That the Crime Prevention Plan be placed on public exhibition for a period of 28 days.

Subject/File No: FINANCIAL REPORTS - 1998/99
(S699)

Prepared By: Manager - Finance and Administration, Rino Santin

Reason: Statutory Requirement

Objective: Adoption of the 1998/99 Financial Reports

Management Plan Activity: Financial Services

Background:

Council's 1998/99 Financial Reports have now been completed and audited, with the draft auditor's report received. In accordance with the provisions of the Local Government Act, 1993, (LGA) the following actions must be implemented to allow the financial reports to be finalised ;

- a) adopt the Financial Reports and 'Council Statement' for both the General Purpose Financial Reports and Special Purpose Financial Reports;
- b) fix a meeting date to present the financial reports to the public; and
- c) advertise, for a minimum period of seven days prior to the meeting, that the financial reports and the auditor's report are available for public inspection.

In order to comply with these guidelines, Council will need to advertise that the financial reports are to be 'presented' to the public at the next meeting; i.e. November 2, 1999 and that they are available for public inspection up to the day after that meeting.

As Council will have to resolve to adopt the financial reports, a detailed report is presented now and Council's Auditor, Peter Morrow, from Thomas Noble and Russell will speak during public access on these reports. This means that the report to the November 2, 1999 meeting will be basically a repeat of this report, but somewhat reduced. This is an anomaly with the reporting requirements of the LGA.

Information:

A draft copy of the 1998/99 financial reports have been included with the business paper. In respect to the actual content of the financial reports, it is normal practice for staff to provide a detailed analysis of the year's results, as part of the financial reports document. This analysis is included in the section of the reports titled "Financial Statements Review". The section titled "Auditor's Report" also provides a guide from the auditor's perspective to the actual results.

1. Performance Indicators

The key financial performance indicators, as shown in Note 13 of the General Purpose Financial Reports and listed in the following table, remain at satisfactory levels and are relatively consistent compared to the past five financial years.

To allow a greater level of understanding, a simple definition of each indicator is listed below,

- a) Current Ratio - The total cash or cash convertible assets available to meet liabilities within the next twelve months, or current period, expressed on a dollar for dollar basis. So, for 1998/99 we have \$4.16 available for every \$1.00 owing.
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- b) Unrestricted Current Ratio - This is the same as the current ratio except it excludes assets and liabilities which relate to activities which are restricted to specific purposes by legislation. They include Water, Sewerage and Domestic Waste.
- c) Rate Coverage Ratio Percentage - This percentage is based on rate revenues as a percentage of total operating revenues.
- d) Rates and Annual Charges Outstanding Percentage - This percentage is based on the amount outstanding as a percentage of the amount to be collected for rates and annual charges.

Performance Indicator	1998/99	1997/98	1996/97	1995/96	1994/95
Current Ratio	4.16	3.76	4.74	4.28	3.36
Unrestricted Current Ratio	2.55	2.52	2.71	2.31	1.81
Debt Service Ratio Percentage	7.09	8.50	10.94	11.10	10.44
Rate Coverage Ratio Percentage	35.96	30.15	28.37	32.42	28.88
Rates and Annual Charges Outstanding Percentage	8.13	7.24	8.17	7.91	8.30

The Debt Service Ratio Percentage continues to decrease and reflect current policy on loan reduction. It is important to note that recent significant borrowings are for projects which are planned to generate returns sufficient to meet their loan repayment costs. This means that ratepayers will not be burdened with this cost.

The level of outstanding rates and charges has been identified as a manageable problem for a number of years. This can result in cash flow difficulties if demand for cash is greater than collections. To reduce the impact of this situation, specific emphasis on debt recovery is to be undertaken in 1999/2000 with additional resources being provided in the budget for this purpose.

In respect to liquidity, it should be pointed out that Council's cash funded internal reserves for General Fund is a respectable \$10.4 million, an increase from 1997/98 of approximately \$1 million. The majority of this increase relates to the Road Rate Refund due to be repaid to ratepayers in 1999/2000. Councillors and members of the public may express concern as to why reserves are so high, when the infrastructure in the local government area is being run down. This is a reasonable question, however a review of the reserves (Financial Reports Note 6) demonstrates that the majority of the reserves held relate to "big ticket" items such as property, quarries, transport infrastructure, waste, community facilities, information services, flood mitigation and remediation programs. Reserves are typically held in these areas for two reasons;

- (i) incomplete works carried over from one financial year to the next; and
- (ii) future provision for major expenditure items. With Council considering a number of major developments over the next few years (i.e. aquatics, library / art gallery, roadworks, quarry rehabilitation, flood levee etc) it is essential that these reserves be maintained.

As such, Council's liquidity position is strong as we have access to these funds should circumstances deteriorate.

While the performance indicators mainly reflect a sound position, this may not be reflected on the ground. These results have been achieved through tight control over our finances. On the ground, our infrastructure continues to deteriorate and the demand for works and services continue to grow. As we experienced during the recent deliberations for the 1999/2000 Management Plan & Budget, funding for operational and capital works continues to remain tight. This situation is not anticipated to change unless Council is able to either reduce costs or increases revenues.

2) Overall Operating Result as per the Operating Statement

The "Change In Net Assets Resulting From Operations" for 1998/99 is a \$742,638 decrease or deficit. (This is distinct from the Working Funds surplus of \$383,776 which is detailed below in the section titled '3). General Fund Result') The biggest impact on this result was the \$3.4 million write off of sewer fund infrastructure due to the commissioning of the new subsidised sewerage treatment plant at South Lismore in 1997/98.

Whilst the overall result, net of the write off, indicates that we are spending sufficient funds in accounting terms to maintain the existing asset base, the reality of the situation is that infrastructure has deteriorated significantly faster than anticipated and, therefore, there is a gap between what is required to be spent and what is actually spent. This is a significant problem and not easily resolved.

One of the primary objectives for any council should be to try and maximise the surplus generated on operating activities. This surplus can then be applied to capital works and to pay off debt. The following table shows the operating surplus for the last four years;

	1998/99	1997/98	1996/97	1995/96
Item	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Operating Revenues	36,742	35,418	35,738	34,856
Operating Expenses (excl. deprec.)	28,214	26,841	26,428	24,438
Operating Result Before Capital	8,528	8,577	9,310	10,418

What the figures show is that operating expenses have trended upwards over the last four years, whereas operating revenues have flattened out except for 1998/99. This basically means that the operating result, or surplus available for reinvestment into capital, has decreased by approximately \$2 million since 1995/96. There are a number of reasons for this, often related to self-funding areas such as the Sewerage, Water and Waste Collection/Disposal, which in turn do not effect the bottom line as far as General Fund is concerned. Similarly a large part of the increased expenditure or reduced revenue relates to items largely beyond Council's control such as contributions to regulatory and statutory bodies (eg. fire, regional library, county councils), increased employee costs such as workers compensation and award increases and decreasing grants.

Helping to offset this trend is the fact that Council has been very diligent in reducing its loan debt, as principal repayments on loans have decreased markedly during this period. For example the loan principal repaid for 1997/98 was \$2.1 million, whereas for 1998/99 it was \$1.7 million, a reduction of approximately \$400,000. This benefit is not anticipated to be realised in future years as repayments are at

more consistent levels. This position can be managed if future borrowings are for a mixture of self (water, sewer, aerodrome) and ratepayer (library, art gallery) funded purposes. The ideal result would be to not increase Council's unfunded commitment to loan repayments.

Council must carefully monitor and limit increases in recurrent expenditure, as a continuation of this trend will begin to reduce the level of capital works being undertaken. This situation was clearly reflected in the 1999/2000 Management Plan process. The message is clear, not all initiatives can be funded, and if new initiatives are to be introduced, then existing works and services must be excluded.

3) General Fund Result

The result in General Fund for 1998/99 will be an operating surplus of \$383,776 surplus. This increases Council's working fund surplus to \$1,171,661. This result achieves one of this Council's long term financial objects of a \$1 million working fund surplus.

What I would like to point out from the outset is that Council adopted a budget surplus for 1998/99 of \$113,800 when considering the June Quarterly Budget Review Statement. It was identified at that time that this information was 'indicative'.

Based on a final review of operations, a further \$61,600 in additional income and cost savings were recognised. This brings the balance for the operational surplus during 1998/99 to \$175,400. The significant amounts realised during the final review included,

a) Additional Interest On Investments	\$30,600
b) Additional Rates & Charges	\$18,000
c) Salary & Oncosts Savings	\$20,000

The pleasing aspect from operations during 1998/99 was that there were no significant 'blow outs' as in 1997/98. This is a dramatic turnaround from the cost overrun in legal expenses, child care, recreation & leisure and parks & gardens of around \$300,000 from last year.

The balance of the working fund surplus of \$208,376 relates to the accounting treatment of capital transactions for Land Trading and Rates & Charges Debtors. The impact of these transactions is to increase working funds but they are not related to operational activities during 1998/99.

I would like to add that this level of working funds represents approximately 3.08% of the annual budget of this Council. While this level is commendable, it should be maintained and improved to allow greater flexibility when required for emergency. It is important to note that these working funds are not cash, but are assets readily converted to cash such as debtors, land and trading stocks, etc.

4) Water and Sewer Fund Results

Both the water and sewer funds continue to remain relatively sound with each achieving an increase in working funds to \$670,000. As distinct from General Fund, these funds are both cash funds.

Also, the level of 'net unrestricted funds' continue to grow so that capacity exists for significant capital works and debt redemption to occur. To highlight this situation, the water and sewer have cash reserve balances of \$2.6 & \$1.2 million respectively.

From an overall perspective, both funds are well managed and resourced. Therefore, these results and a continuation of the same is expected.

Public Consultations

In accordance with the LGA, the financial reports are to be advertised for public comment.

Conclusion

As mentioned earlier, Council remains in a relatively sound financial position, however this can change quickly and it is imperative that Council ensures its operating costs are maintained within acceptable levels. This will allow the impact of uncontrolled costs or fluctuations to be mitigated.

It needs to be reinforced that if Council wants to increase service levels and expenditure in certain programs, then either additional revenues have to be generated, or unfortunately existing services have to be reduced, delivered more efficiently, or not provided at all.

Recommendation (COR56)

That Council -

- 1 Adopt the 1998/99 Financial Reports and 'Councils Statement' for both the General Purpose Financial Reports and Special Purpose Financial Reports.
- 2 Present the Financial Reports to the public at the November 2, 1999 Council meeting.
- 3 Advertise the presentation of the Financial Reports to the public from October 16, 1999 and invite inspection of the reports.

Subject/File No: STRATEGIC DIRECTIONS AND INFORMATION WORKSHOP

Prepared By: Col Cooper – Group Manager Corporate & Community Services

Reason: Commencement of term of a new Council

Objective: Approval to conduct a workshop for all Councillors

Management Plan Activity: Councillors

Background:

The steep learning curve confronting a new Councillor can be somewhat daunting as they attempt to come to grips with the myriad of issues that councillors will be required to deal with in modern day local government. There are a number of ways that can assist in making the transition easier, including:

- ❖ *The provision of resource material* – a range of information has already been provided and will be on-going
- ❖ *Attendance by Councillors at training seminars conducted by external organisations* – one such module is ‘Elected Life’ conducted by the Local Government & Shires Association, which outlines roles & responsibilities, meeting procedures and conflict of interest and pecuniary interest issues. This is a very worthwhile professional development opportunity for new Councillors, which will be conducted at Ballina on Saturday November 27, 1999. There will also be many other seminars/conferences over the coming months, and these will be brought to the attention of Councillors.
- ❖ *Conduct an internal seminar/workshop to familiarise themselves with relevant local government process, statutory requirements and projects currently being considered* – these can be of benefit to all councillors, but particularly of use for new councillors. Such a workshop should not only be practical and interactive, but also assist in the important function of team building.

The former Council conducted a 1.5 day weekend workshop early in its term, being facilitated by an external consultant on the first day concentrating on the “big picture”, with more practical presentations by staff on the next. A further workshop was conducted mid-term, again externally facilitated, which attempted to get the Councillors and senior staff to re-focus and prioritise the issues confronting the Council for the remainder of its term. Feedback indicated that both workshops were of benefit to participants.

The use of such workshops is common in private enterprise and has been extensively used in all forms of government. I strongly believe that Council as a \$40M business, should take the time for Councillors and senior staff to ensure that we are all aware of the priorities and issues confronting the Council over the next four years. The ability to provide an educational component is a bonus that should also be pursued.

If it is acknowledged that a workshop would be of benefit, there is a range of options from a weekend, overnight plus the next day, weekday, several evenings etc, together with the option of utilising or not utilising a facilitator. In order to make the best use of scarce leisure time, I propose that we conduct a weekday workshop (probably a Friday) at a venue in Lismore, such as Invercauld House. In order to obtain the most benefit from what would be a very “tight” day, it is suggested that an external facilitator be engaged to conduct the morning session. Relevant senior staff could then make a brief presentation in the afternoon.

The option of conducting the ‘appreciation’ dinner to former Councillors on the same evening is also worthy of consideration.

Manager - Finance & Administration Comments

The costs would be funded from relevant education/professional development budgets allocated in the 1999/2000 Budget.

Public Consultations

Not Required

Other Group Comments

The Management Group supports the conduct of such a workshop.

Conclusion

The concept of conducting a Strategic Directions and Information Workshop has been successfully employed by former Council’s and is strongly recommended again, to ensure that the strategic focus of the new Council is well understood by Councillors and staff alike.

Recommendation (Cor44)

- 1 That Council conduct a one day Strategic Directions and Information workshop on Friday December 3,1999 at a venue to be determined by the General Manager.
- 2 That an independent facilitator conduct the workshop.
- 3 That the General Manager in consultation with Council, the facilitator and staff determine the agenda.
- 4 That the “appreciation” dinner for former Councillors and Christmas Party for councillors and spouses be conducted that evening, at a venue to be determined by the General Manager.

Subject/File No: UNION PICNIC DAY
 (CMC:LC:99-16013:S25)

Prepared By: Group Manager - Corporate & Community Services - Col Cooper

Reason: Request from the Unions/Associations

Objective: For Council information

Management Plan Activity:

Background:

The combined Lismore and Ballina branches of the Federated Municipal and Shire Employees Union Picnic Committee have advised that the annual picnic will be held on Friday, November 19, 1999 at Alstonville Show Ground. In addition, the Local Government Officers, Lismore Branch of the Federated Municipal Employees Union of Australia, have advised that their annual picnic will be held at Coraki Golf Club on the same day and will be held in conjunction with the Local Government Engineers and Heath Surveyors Associations.

An invitation has been extended to all Councillors to join with members at the Alstonville picnic.

These requests are in accordance with Award conditions, and in accordance with Council Procedure GM 2.13 leave should be granted to all Union members who purchase a picnic ticket.

Manager - Finance & Administration Comments

Not required.

Public Consultations

Not required.

Other Group Comments

Not requested.

Recommendation Cor 42

That Council approve Friday, November 19, 1999 as the Union Picnic Day for members of the abovementioned Unions/Association.

Subject/File No: INVESTMENTS HELD BY COUNCIL AS AT AUGUST 31, 1999
(GB:LC:\$170)

Prepared By: Financial Accountant, Graeme Blanch

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

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

Management Plan Activity: General Purposes Revenues

Information:

The attached list of investments held by Council with various financial institutions has been made in accordance with the Local Government Act 1993 Regulations and Councils investment policies.

Council's total investment for August amounted to \$25,144,878.12 with an average return of 4.97%. Interest rates at the same time last year were 4.30%. Current indications reflect the interest rates remaining at their current levels. It should be noted that the General Fund investment of \$16.7m are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and Council resolution for such purposes as developer contributions and various specific purpose reserves.

Public Consultations

Not required.

Other Group Comments

Not requested.

Recommendation COR41

That the report be received and noted.

DOCUMENTS FOR SIGNING AND SEALING

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

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

Recommendation:

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

Deed of Agreement - Federation Grant

Agreement between Council and the Department of Communications, Information Technology and the Arts
- Lismore Riverbank Access Project

Assignment of Footpath Restaurant Licence

Sale of Crackerjack's Restaurant, Molesworth Street, Lismore - Sharpe to Ward
(99-14417: P6894)

Request & S88B Instrument - 33 Funnell Drive, Modanville

Application to modify a restriction as to user within S88B Instrument to allow the construction of a timber home on 33 Funnell Drive (Lot 102, DP 848192)
(99-12700: P25107)

Extinguishment and Replacement of Sewer Easement - 238 Rous Road

Olley Estate - Stage 6 of urban subdivision to create 27 new lots.
(D94/310)

Transfer - Council to Palgild Pty Ltd - Lot 1, DP 876771

Northern half and closed section of Little Dawson Street.
(D97/185)

Transfer and Transfer Granting Easement - Palgild Pty Ltd & Council

Transfer to Palgild of the northern half of the closed part of Little Dawson Street and Transfer Granting Easement to Council to drain sewage 1 metre wide - Lot 1, DP 876771
(D97/185)

Lease of Land for Carpark - Lismore & District Workers Club Limited

Council land at 180 High Street leased to Workers Heights Bowling Club for carpark.
(99-15290: D98/165)

Contract and Transfer - Council to Baldwin - 20 Blue Hills Avenue

Sale of vacant land at Lot 14, DP 839941
(P24412)

Licence Agreement - Council and Northern Region SLSA Helicopter Rescue Service Pty Ltd

The Licence Agreement has been set up to allow radio equipment to be installed on Council's reservoir sites for a yearly fee. Each individual user of Council's sites will be required to enter into a separate licence agreement with Council.

(P4031)

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE

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

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

Recommendation:

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

Item 1: Report - Unauthorised Use of Premises as a Shop - Palings Music Centre - Cnr. Ballina & Dawson Streets

Grounds for Closure -

Section 10D(2):

- a) Section 10A (2)(g)
- b) Unauthorised Use of Premises as a Shop - Palings Music Centre - Cnr. Ballina & Dawson Streets
- c) Not required

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, AUGUST 31, 1999 AT 6.00PM.

Present: Her Worship the Mayor, Councillor Irwin; Councillors Champion, Cole, Crowther, Gallen, Gates, King, Larsen, Roberts, Swientek and Wilson (from 6.34pm), together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, and Acting Group Manager-Business & Enterprise (A Lovett); Manager-Client Services, Manager-Environmental Health, Recreation Planner, Strategic Planner, Manager-Finance & Administration, Waste Strategy Officer and Administrative Services Manager.

Apologies/
Leave of
Absence: NIL

268/99 Minutes: The Minutes of the Ordinary Meeting held on August 10, 1999, were confirmed.
(Councillors Larsen/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:-

Lucille Spur Re Mayoral Minute - Underpass Between High & Kellas Streets
(See Minute No. 270/99)

Ms Spur spoke in support of an underpass. She cited the number of children crossing the road and the danger involved. The delay in having this project brought to fruition was raised and Ms Spur urged Council to build such a facility as soon as possible.
(S342)

Reg Baxter re Rescission Motion - Joint Pool Venture with Southern Cross University

Mr Baxter supported the rescission motion. He mentioned his long term opposition to the project based on concerns with the site and the closure of the Memorial Baths.
(99-13894: P6768,S719)

Graham Meineke re Report - DA99/360 - Proposed Construction of a Shopping Centre, Oliver Avenue, Goonellabah

(See Minute No. 275/99)

Mr Meineke spoke in support of the application and assured Council it was certain to go ahead with a planned opening in July 2000. He claimed support for the development from the Goonellabah community. He alerted Council to possible changes to the high street conditions.
(D99/360)

Peter Burge re Report - Eastpoint Shopping Village - Ballina Road/Holland Street, Goonellabah

(See Minute No. 276/99)

Mr Burge cited the history of the rezoning to 3(b). He claimed it met a community need, satisfied Council policy and that issues associated with roadworks could be overcome during the exhibition period.

(S746)

James Lyon on behalf of NorthPower re Report - Draft LEP 1992 - Amendment No. 2 - Heritage

(See Minute No. 277/99)

Mr Lyon spoke on behalf of NorthPower. He advised NorthPower supported the inclusion of the power station building in the LEP but not the site.

(S393,S697)

Ross Mackey re Report - Feasibility Study - Indoor Sport & Leisure Centre at Goonellabah

(See Minute No. 278/99)

Mr Mackey supported the Centre as a confidence boost for the City and in particular, Goonellabah. He referred to previous expenditure on feasibility studies and urged Council support this project.

(S736)

Chris Wilson re Report - Clunes Old School Site

(See Minute No. 279/99)

Mr Wilson opposed the proposed subdivision for its adverse impact on the availability of flat recreation land for Clunes residents, and on the overall development of the facility.

(P25786)

Mr Doug Barrett re Traffic Advisory Committee Minutes 18/8/99 - Clause 7

Mr Barrett supported the removal of the bloomin' cement sleepers in Rous Road on the grounds of traffic safety.

(99-12779: R6610,P26393)

DISCLOSURE OF INTEREST:

S459

Councillor Crowther declared an interest in Report - Application to Close Part of Parrots Nest Road.

Councillor Larsen declared an interest in Report - Draft LEP 1992 - Amendment No. 2 - Heritage.

MAYORAL MINUTES:

Competitive Tendering of Road Services in Local Government

(Copy attached)

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- 1 That Council oppose the compulsory competitive tendering of RTA road services in local government and communicate its opposition to the Minister for Roads, the Hon. Carl Scully;
 - 2 That Council approve participation in the rally at Kyogle on 8 September, and encourages as many staff and Councillors as possible to attend.

(Councillors Irwin/Swientek)

Voting Against: Councillor Crowther.

(S374)

Underpass Between Gallagher Drive and Kellas Streets

(Copy attached)

A MOTION WAS MOVED that the minute be received and -

- 1 That Council identifies the Kellas Street/Gallagher Drive underpass and the Kadina overpass as priorities for funding.
- 2 That this matter be brought before the Traffic Advisory Committee to seek the support of the Police and the RTA.
- 3 That Council staff undertake the necessary design work and provide costings for each crossing.
- 4 That a report on this issue be provided subsequently to the Council for consideration.

(Councillors Irwin/Larsen)

AN AMENDMENT WAS MOVED that the minute be received and -

- 1 That Council identifies the Kellas Street/Gallagher Drive underpass and the Kadina overpass as priorities for funding.
- 2 That this matter be brought before the Traffic Advisory Committee to seek the support of the Police and the RTA.
- 3 That Council staff undertake the necessary design work and provide costings for each crossing.
- 4 That a report on this issue be provided subsequently to the Council for consideration.
- 5 That Council write to the Minister for Roads, RTA and local members seeking funds for the upgrading of the Bruxner Highway between Rous Road and Lismore Heights.

(Councillors Swientek/Gallen)

On submission to the meeting the AMENDMENT was DEFEATED.

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

270/99 RESOLVED that the report be received and -

- 1 That Council identifies the Kellas Street/Gallagher Drive underpass and the Kadina overpass as priorities for funding.
- 2 That this matter be brought before the Traffic Advisory Committee to seek the support of the Police and the RTA.
- 3 That Council staff undertake the necessary design work and provide costings for each crossing.
- 4 That a report on this issue be provided subsequently to the Council for consideration.

(Councillors Irwin/Larsen) (S342)

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- Lakeside Lodge Motel
(Tabled) (Copy attached)
- 271/99 RESOLVED that the report be received and -
- 1 Mr Bower be advised that Council regrets the apparent inconsistency and lack of action by former councils.
 - 2 Council resolve to consider the allocation of resources for a study to be prepared on strategic options for the development of the section of Bruxner Highway between Caniaba and Three Chain Roads in its budget deliberations for 2000/01.
(Councillors Irwin/Crowther) (P14800)

- Fix the Roads Working Party
(Tabled) (Copy attached)
- 272/99 RESOLVED that the report be received and -
- 1 Council endorse the recommendation from the "Fix the Roads" Working Party that the following two projects be included in the 1999/2000 Works Programme:
 - (a) Wyrallah Road: Monaltrie Lane to Riverbank Road - \$300,000
 - (b) Eltham Road: 0.15Km-1.15Km East of Bangalow Road - \$200,000
 - 2 That a further report be forwarded to the October 12 Council Meeting with the findings of the "Fix the Roads" Working Party, which will include recommendations of the remaining Works Programme.
(Councillors Irwin/Larsen) (S745)

RESCISSION MOTION:

Joint Pool Venture with Southern Cross University

(Copy attached)

Formal notice having been given by Councillor Gallen it was MOVED that Council rescind its previous decision(s) to proceed with the Joint Pool Venture with the Southern Cross University,

(Councillors Swientek/Gallen)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Irwin, Roberts, Larsen, Wilson, Cole and Crowther.
(99-13894: P6768,S719)

NOTICE OF MOTIONS:

Pool Facilities in Lismore

(Copy attached)

Formal notice was given by Councillor Swientek -

- 1 That Council oppose the closure of the Memorial Baths and support its repairing, restoration and improvements with funds for the project to come from the \$4M planned to be invested in the LCC/SCU Joint Venture Pool proposal.
 - 2 That Council proceed with the construction of the proposed Goonellabah Indoor Sports & Leisure Centre utilising the original reserves set aside for the Goonellabah Aquatic and Leisure Centre and obtained from the sale of public land property in Goonellabah.
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3 That Council encourage the SCU and SCU Union to proceed with the construction of their 25m heated indoor pool independently as previously stated by SCU.

(Councillor Swientek)

The Mayor ruled the Notice of Motion out of order.

(S719, S350)

Local Government & Shires Associations - Presidents Tours

(Copy attached)

273/99 Formal notice having been given by Councillor Gallen it was RESOLVED that Lismore City Council support the continuation of the Local Government Associations' Presidents Tours concept and inform the Local Government & Shires Associations that we oppose any change to the practice that has been in place for decades.

(Councillors Gallen/Larsen) (99-13652: S47)

SUSPENSION OF STANDING ORDERS:

274/99 RESOLVED that standing orders be suspended and Council now deal with the undermentioned matters:-

- Report - DA99/360 - Proposed Construction of a Shopping Centre, Oliver Avenue, Goonellabah
- Report - Eastpoint Shopping Village - Ballina Road/Holland Street, Goonellabah
- Report - Draft LEP 1992 - Amendment No. 2 - Heritage and Supplementary Report
- Report - Feasibility Study - Indoor Sport & Leisure Centre at Goonellabah
- Report - Clunes Old School Site
- Traffic Advisory Committee Minutes 18/8/99 - Clause 7

(Councillors Swientek/Larsen)

Report - DA99/360 - Proposed Construction of a Shopping Centre, Oliver Avenue, Goonellabah

(Copy attached)

275/99 RESOLVED that the report be received and -

(1) That Council, as the consent authority, approve Development Application 99/360, subject to recommendations A and B contained in ERM Mitchell McCotter's planning report, appended to this report, subject to the following conditions (amendments in bold):

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

B That Council, as the consent authority, approve Development Application 99/360 for the subdivision of land, construction of a shopping centre and associated road construction in two stages;

General Conditions

1 In granting this development consent, Council requires:

- All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions;
- All proposed works be carried out in accordance with any amendment or modification outlined in these conditions;
- Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions;
- all roads/civil works;
- lot boundaries; and
- areas subject to any amendment or modification called for in the following conditions.

to be substantially in accordance with the stamped approved plan(s) No. SK101 issue C, SK102 Issue D, SK103 Issue B, SK105 Issue A dated March 3, 1999 and Figure 3a: Subdivision of Town Centre submitted June 3, 1999 and/or supporting documents submitted with the application. Copies of the approved plan are attached to this consent.

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

COMMERCIAL BUILDING CONDITIONS

Environmental Conditions

- 2 An assessment of road traffic noise occurring as a result of the development must be undertaken prior to release of the Construction Certificate. The assessment must provide sufficient information which would enable Council to develop a Traffic Management Plan (TMP) for the surrounding area. Council's TMP should be able to identify preferred truck routes, restricted access areas in residential zones, particularly during sleeping hours and quiet zones etc.

The assessment must give consideration to the NSW Environment Protection Authority document "Environmental Criteria for Road Traffic Noise" (May 1999), in particular Appendix C Sections C1 and C2.

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

- 3 The hours of work for any noise generating activity of the proposed development are to be limited to the following time restrictions:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 4.00pm

No noise generating construction activities are to take place on Sundays or public holidays.

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

- 4 The proposed landuse shall not result in the emission of offensive noise.
Offensive noise means: noise that by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstance, is likely to:
- a) be harmful to,
 - b) be offensive to,
 - c) interfere unreasonably with the comfort or repose of, a person who is:
 - (i) if the offensive noise is made in premises that are not a public place - outside those premises,
- or

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

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

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- 5 The use and occupation of the premises, including all plant and equipment installed thereon, and the undertaking of normal operational activities must not give rise to any offensive noise or vibration within the meaning of the Pollution of the Environment Operation Act 1997.

In this regard it will be necessary to provide a detailed noise assessment report from a recognised acoustical engineer specifying how this will be achieved for:

- a) all plant and equipment;
- b) loading and unloading activities, particularly at the site marked loading dock.

The report must be provided prior to release of the Construction Certificate and must satisfy Council's Environmental Health Unit.

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

- 6 Stormwater management measures to improve the quality of stormwater running off the carpark area must be provided as detailed in the additional information submission dated July 7, 1999, provided by Aspect North.

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

- 7 Plans and specifications showing details of all proposed mechanical ventilation systems must be submitted to Council's Environmental Health Unit for approval prior to release of the Construction Certificate.

Details submitted must comply with the requirements of AS1668 and the NSW Public Health Act Regulation, Microbial Control as necessary.

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

- 8 Plans showing the interior layout of all proposed food premises, including the location and method of installing all fittings etc, wall, floor and ceiling finishes; lighting and ventilation details being submitted to Council's Environmental Health Unit for approval prior to fitting-out the premises.

Reason: *To ensure adequate health standards will apply to the development.*

- 9 Adequate provisions being made for the storage on-site and disposal of solid wastes. In this respect it will be necessary to provide details of the location and method of storing and disposing of solid wastes.

Any garbage storage room or trade waste compactor or container equipment proposed to be used in the development must be approved by Council's Environmental Health unit and therefore full details, including plans and specifications must be submitted prior to release of the Construction Certificate.

Reason: *To ensure adequate health standards will apply to the development.*

- 10 A waste minimisation and waste disposal strategy is to be submitted with the Construction Certificate. Full details of recyclable products is to be provided.

Engineering Conditions

- 11 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 Principal Certifying Authority prior to release of the Construction Certificate. Drainage is to direct all water to a Council approved drainage system to prevent discharge runoff onto adjoining land. This system shall be constructed in accordance with Council's Development, Design and Construction Manuals (as amended). All
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drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the proponent.

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

- 12 Prior to release of the Compliance Certificate, a suitably qualified person or Principal Certifying Authority is required to furnish a statutory certificate confirming:
- all drainage lines have been located within the respective easements,
 - roadworks are in accordance with the approved design plan,
 - any other structures like retaining walls are located in accordance with the Construction Certificate,
 - all stormwater has been directed to a Council approved drainage system.

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

- 13 Full design details of the proposed stormwater quality treatment devices are to be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate. These devices are to be contained wholly within the subject property and are to remain privately owned. The devices shall be adequately maintained and operated by the proponent at all times.
- 14 All constructed open swale drains are to have easements for open drains created over their entire length. The proponent shall be responsible for the on going maintenance of the swales.
- 15 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), **prior to the release of the Occupation Certificate**. 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:
- a) Construction of an urban, bitumen sealed road **generally in accordance with Figure 7.1 contained in TTM Consulting P/L Report dated 24/5/99**. The road is to be a min. 16.2m between kerbs incorporating a thru lane and parking lane with associated traffic management systems in each direction. Minimum road standards shall be: nature strip 3.5m, parking lane 2.5m, thru lane 3.5m, turning lane 3.25m, median 4.2m, residual median 1.2m and bus bays 3.3m.
 - b) Construction of a circulating roundabout at the junction of Cambridge Dr., Oliver Ave. and the proposed access road in accordance with AUSTROADS Pt 6 "Roundabouts".
 - c) Construction of **the pavement for** a two lane circulating roundabout including underground conduits at the junction of Gordon Blair Drive and the proposed access road in accordance with AUSTROADS Pt 6 "Roundabouts". Council shall **complete the construction of** the roundabout with the Gordon Blair Drive extension.
 - d) Based on traffic counts provided by the applicant, a contribution of **14%** of the cost shall be made to Lismore City Council for the construction of the Rous Road / Oliver Avenue / Jubilee Avenue roundabout.

An accredited certifier or practising qualified surveyor or engineer shall submit to the Principal Certifying Authority for approval prior to the release of the compliance certificate, a "works-as-executed" set of plans and construction certification. The

compliance certificate for construction shall detail satisfactory completion of all roads, drainage and civil works required by this development consent and Construction Certificate.

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

- 16 Full design plans of the proposed engineering works to satisfy condition(s) 15 shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate. If such plans are approved by Council, a checking fee of \$110 per lot, being \$220 is payable on submission of engineering design plans for drainage or roadworks.

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

- 17 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 Construction Certificate.

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

- 18 Road names proposed for the development shall be submitted for Council approval prior to lodgement of the Construction Certificate. 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 79C(b))

- 19 The proponent shall provide a plan of management for the construction of all civil works outside the real property boundaries of the proposed development. The plan shall table scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community. Such plan shall include a Traffic Control Plan. This plan of management shall be provided and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.

Reason: To ensure no conflict occurs between civil works and general public during construction.

- 20 The bus bay to be provided on the proposed public road shall be located to ensure safe sight distance is provided between the bus area and the pedestrian crossing point.

- 21 **The central median in the proposed public road shall be continuous from the northern entrance/ exit to the southern entrance/exit.**

- 22 The proposed exit from the proposed angle parking area shall be deleted and the northern carpark access point moved towards the northern entrance/exit to allow traffic flow from the angle parking area to the northern entrance/exit.

- 23 Driveways, access aisles and parking areas shall be provided with a bitumen sealed or other approved surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).

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

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- 24 All loading and unloading shall take place within the property boundaries, including the parking of construction and private vehicles associated with the development.
Reason: To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))
- 25 Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction, in accordance with Council's Development Control Plan No. 18 - Off Street Carparking Requirements. All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition.
Reason: To ensure adequate access to and from the development. (EPA Act Sec 79C(c))
- 26 The 14 carparking spaces adjacent to the northern boundary of the development shall be signposted and utilised as staff parking
Reason: To ensure adequate access to and from the development. (EPA Act Sec 79C(c))
- 27 Provision shall be made for bicycle parking within the site.
Reason: To ensure adequate access to and from the development. (EPA Act Sec 79C(c))
- 28 A vehicle drop off area as shown in TTM Consulting's plan drawing no 7.3199/1 **within TTM Consulting Pty Ltd Report dated May 24, 1999**, shall be provide at the entrance to the shopping centre.
Reason: To ensure adequate access to and from the development. (EPA Act Sec 79C(c))
- 29 The internal medians at the southern entrance/exit shall be constructed as shown in TTM Consulting's plan drawing no 7.3199/1 **within TTM Consulting Pty Ltd Report dated May 24, 1999**.
Reason: To ensure adequate access to and from the development. (EPA Act Sec 79C(c))
- 30 **The proponent shall construct a 1.2m wide reinforced concrete, paving block or equivalent footpath, in the following locations:**
Oliver Avenue - north side for the full frontage of the development
Proposed Road / Gordon Blair Drive - west side from Oliver Avenue to Ballina Road
Allingham Place cul de sac to Gordon Blair Drive at 2 locations
Eggins Place cul de sac to the site.
At the end of the existing footpath reserve leading from Hayes Street
All works are to be at no cost to Council and be 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)
- 31 **The proponent shall provide pedestrian access points consisting of centre refuges bollards and ramped access to footpaths at the following locations:**
Ballina Road / Gordon Blair Drive roundabout
Between the site and future development to the east of the proposed development
At the Oliver Avenue / proposed new access road roundabout.
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Between the site and Lismore City Council chambers.

- 32 The marked pedestrian crossing indicated on the proposed public road is to be tested against the warrants for marked pedestrian crossings and approved by Local traffic committee prior to its installation.
- 33 A marked pedestrian crossing shall be provided near the entrance to the shopping centre linking to the carpark.
- 34 The proponent shall provide a tapered bus bay including a timber and metal clad bus shelter in accordance with Council's standard Drawing No. SD1256. Such shelter shall be located adjacent to the proposed development within the proposed access road.
Reason: To provide for adequate public transport infrastructure (EPA Sec 79C(e))
- 35 Prior to release of the Occupation Certificate, documentary evidence is to be provided to the Principal Certifying Authority indicating telephone services to the premises have been installed.
Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))
- 36 Prior to the issuing of the Occupation Certificate, the proponent shall install underground electrical power to the premises, including adequate street lighting for the development as required by an authorised electricity supplier.
Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))
- 37 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. **The applicant shall submit a Erosion and Sedimentation Management Plan incorporating revegetation works, to the Principal Certifying Authority and Department of Land and Water Conservation** for approval prior to release of the Construction Certificate.
Reason: To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))

Water and Sewer Conditions

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

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

39 The proponent shall provide sewerage reticulation to service the development.

The works shall include:

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

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

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

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

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

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

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

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

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

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

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

Following the making of an application under s.24 of the Water Supply Authorities Act, Lismore City Council under s.25 of the Water Supply Authorities Act, 1987, may require the proponent to do either or both of the following:

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

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

- 44 Full design plans of the proposed engineering works to satisfy **water and sewerage** condition(s) shall be submitted to Lismore City Council **prior to release of the Construction Certificate**. Such plans must be approved by the Manager-Water and Sewerage before the issue of the Construction Certificate. Construction of these works will need to be completed before a Certificate of Compliance is issued by Lismore City Council under s.26 of the Water Supply Authorities Act 1987.
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Reason: *To provide adequate services for the development (EPA Act Sec 79C(c))*

45 The proponent is to provide peak instant and peak day water demands for the proposed development to Council's Water and Sewerage Department, **prior to release of the Construction Certificate**. Council's Water and Sewerage Department will then assess the effects of this demand and advise the proponent of the size and other details of the water main that is required to be constructed. The proponent is required to construct, at their cost, and hand over to Council this water main in the public road being created, and in the public road reserve, linking the Bruxner Highway to Oliver Avenue as per condition below.

Metered water services would then be taken off this main. Reticulation of water within the development would be constructed, owned and operated by the proponent or subsequent owners of the development.

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

46 The proponent is required to construct, at their cost, and hand over to Council a 150mm diameter sewer main in the public road being created **prior to release of the Occupation Certificate**. This sewer main is to discharge sewerage from the development to the existing 225mm sewer via a manhole to be constructed by the proponent in the vicinity of Council's sewer manhole number 16FU1. The reticulation of sewer pipework within the development would be constructed, owned and operated by the proponent or subsequent owners of the development.

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

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

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

Landscaping Conditions

48 Council grants consent to the pruning or removal of those trees **only** nominated on Plan A239/1 dated July 20, 1999.

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 79C(a))

49 A detailed landscaping plan (in duplicate) shall be submitted to Council prior to release of the **Construction Certificate**. Landscaping plans shall be in accordance with Council's Landscaping Code and the requirements of Development Control Plan No. 27 - Buffer Areas and other 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 (if applicable)
 - 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
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- Construction details of retaining walls, planter boxes, paving, edging, tree grates, fencing and/or screening panels.
- Planting details for the planting of retaining walls and preparation and laying of turf.
- A more detailed plant schedule and plan, including species listed by botanic and common names; quantities of each species; pot sizes; the estimated size (height and spread) of the plant at maturity; and planting distances for tube and potted plants.
- Inclusion of additional tree species for use in Area 2 to lessen the visual impact of the centre. Such species could include Flame Tree (*Brachchiton acerifolius*), Lacebark Tree (*Brachchiton discolor*), Snow Wood (*Parachidendron pruinosum*), Deep Yellow Wood (*Rhodosphaera rhodanthema*), Australian Teak (*Flindersia australis*), or Oliver's Sassafras (*Cinnamomum oliveri*).
- Inclusion of ground cover and/or perennial species for use in Area 1 to reduce maintenance.
- Maintenance details, including irrigation or tap location, and allocation of responsibility for ongoing maintenance.
- Landscaping of the eastern elevation of the Coles building for stage one, and details of proposed on-site relocation of trees upon commencement of works for stage 2.

Council approved landscaping shall be completed prior to the release of the **Occupation Certificate**. Landscaping shall be maintained at all times to the satisfaction of Council. Trees identified for retention in the development application plans shall not be removed without separate Council approval.

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

- 50 Species to be planted in accordance with the landscape plan shall be maintained by the Applicant in a healthy and vigorous condition for a minimum period of three years from the date of release of the linen plan *or* until they attain the minimum height for protection by Council's Tree Preservation Order. Prior to the end of this three-year period, *or* prior to protection by Council's Tree Preservation Order, any of the aforementioned plant species found to be in a poor condition (*damaged, dying or dead*) shall be replaced by the Applicant with a tree, shrub or ground cover of the same species.

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

- 51 To prevent the spread of undesirable and invasive species and to ensure the preservation of urban bushland with the Local Government area, all weeds identified by the Far North Coast County Council as local noxious species, and those identified by Lismore City Council's Environmental Weeds Species List shall be removed from the development site prior to completion of the works.

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

Planning Conditions

- 52 Provision shall be made for 265 carparking spaces, **prior to release of an Occupation Certificate for Stage 1 of the development**, with a bitumen sealed surface constructed and landscaped in accordance with the requirements of the Council's Development Control Plan No. 18 Off Street Carparking Requirements. **The proponent shall also provide bikerack facilities within Stage 1 of the development.** Documentary evidence to be submitted to the Principal Certifying Authority prior to the release of an Occupation Certificate.

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

53 A sign shall be erected to clearly indicate off-street parking is available.

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- Reason:** *To ensure the free flow of traffic and comply with traffic regulations. (EPA Act Sec 79C(c))*
- 54 The construction of the approved land use shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.
Reason: *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*
- 55 All tenants intending to use the retail specialty shops shall be required to obtain development consent from Lismore City Council prior to either occupation or the commencement of internal fitouts of the premises.
Reason: *To comply with the provisions of Local Environmental Plan 1992 - City of Lismore. (EPA Act Sec 79C(a))*
- 56 All the requirements of this consent shall be required to be carried out as part of the first stage of development, excluding:
- a) Any requirements relating to the additional specialty shops; and
 - b) The additional 54 carspaces required for the additional shops.
- Reason:** *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 79C(b))*
- 57 Details regarding the design and construction of the Stage Two carpark will be required prior to the Construction Certificate.
Reason: *To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))*
- 58 Any additional signage on-site will require a separate development application. This signage should comply with the requirements of DCP No. 36. Outdoor Advertising Structures.
Reason: *To comply with the provisions of Local Environmental Plan 1992 - City of Lismore. (EPA Act Sec 79C(a))*
- 59 The applicant is to provide satisfactory details of measures proposed to increase the safety of patrons using the centre and pedestrians using accessways within the site. This detail will be required prior to the issuing of the construction certificate
Reason: *To preserve the amenity of the area. (EPA Act Sec 79C(b))*
- 60 No access for construction works will be permitted via Eggins Place or Allingham Place.
Reason: *To preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))*
- 61 The submission of a sample sheet of all material and colours to be used externally for the development prior to the issuing of a construction certificate.
Reason: *To preserve the amenity of the area. (EPA Act Sec 79C(b))*
- 62 Landscaping on the western boundary retaining wall shall be designed to retain views for adjoining residents to the east whilst screening the developments roof area. Satisfactory details prior to the issuing of the construction certificate.
Reason: *To ensure that appropriate landscaping is provided. (EPA Act Sec 79C(c))*
- 63 The applicant is to obtain a Permit under Part 3 A of the Rivers and Foreshores Improvement Act, 1948, prior to **release of the Construction Certificate**, prior to commencement of any works **within 40 metres of the watercourse**.
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Reason: *To protect the environment. (EPA Act Sec 79C(b))*

64 The applicant shall obtain a Dredging and Reclamation Permit from the NSW Department of Fisheries prior to commencement of any works over the watercourse, **prior to release of the Construction Certificate.**

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

65 The applicant to submit details with the Construction Certificate on what measures will be taken for energy conservation. The energy audit shall be carried out to increase/maximise the energy efficiency of the proposed development. The audit is to be undertaken by a suitably qualified persons/consultancy, the recommendations of the audit are to be incorporated into the proposal, details of which shall be submitted to Council with the Construction Certificate for approval.

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

66 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore City Council S94 Contributions Plan 1994 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the Construction Certificate is granted. The rates and amounts applying at the date of this notice, totalling \$85,820, are set out in the schedule for your information. Where the total contribution payable exceeds \$20, 000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the Construction Certificate is granted. Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the percentage increase from the date of approval to the date of payment, as notified by the Consumer Price Index (Sydney).

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

67 Heavy transport freight deliveries to the complex or the collection from the complex of refuse and wastes shall not occur within the hours of 10.00pm to 7.00am, Monday to Sunday.

68 Appropriate strategies must be put in place to encourage patrons to return trolleys to the trolley store areas. Details of proposed strategies must be submitted for consideration with the Construction certificate. Strategies will need to be reviewed an ongoing process and appropriate actions implemented to ensure that the intent of this condition is complied with at all times.

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

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

70 Display lighting, other than that required for reasonable security, shall not be used between the hours of 9.00pm and 6.00am. AD3

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

71 The proponent shall comply with all conditions of Development Consent Notice 99/475 at all times.

Building and Regulation

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

- (a) Carry out water supply work.
 - (b) Carry out sewerage work.
 - (c) Carry out stormwater drainage work.
 - (d) Connect a private drain with a public drain.
 - (e) Connect a private sewer with a public sewer.
- 72 The following building works are to be certified by Council or by an Accredited Certifier in the form of a Compliance Certificate.
- (a) Footings - the foundation trenches are open and the steel reinforcement is in position, prior to concrete being placed.
 - (b) Drainage - the drainage lines have been laid externally by the plumber and drainer, so that a water test may be carried out, prior to the pipes being covered. The internal drainage is to be certified by the plumber and or drainer and a layout plan to be submitted to Council prior to pouring of the concrete slab.
 - (c) Slab - the slab reinforcement is in position, prior to concrete being placed.
 - (d) Framework - the framework is completed, wet area flashing in place, waterpiping and electrical wiring in place, external brickwork erected (where applicable) and the roof covering in position, prior to fixing the internal linings.
 - (e) Occupation - the building is completed and an Occupation Certificate is issued.
- In the event that Council is the Principal Certifying Authority, you are required to notify Council at least 24 hours prior to the inspection.
- Reason:*** *To assess compliance with this approval.*
- 73 The building is not to be occupied until an Occupation Certificate is issued by the Principal Certifying Authority.
- Reason:*** *To meet statutory requirements and to ensure compliance with this approval.*
- 74 Council to be advised on completion of the building work.
- Reason:*** *To assess compliance with this approval.*
- 75 Provide an on-site sign, in prominent visible position, stating:
- (a) That unauthorised access to the site is not permitted, and
 - (b) Showing the name of the builder or person responsible for the site and a telephone number at which such person can be contacted outside working hours.
- Reason:*** *Required by Clause 37A of the Local Government (Approvals) Regulation.*
- 76 Provide a fence, hoarding or other measure to restrict public access to the site, when work is not in progress or the site is otherwise unoccupied. The fence is to be provided prior to any work commencing on site.
- Reason:*** *Required by Clause 37A of the Local Government (Approvals) Regulation.*
- 77 Before work is commenced Council must be informed in writing of the name and accreditation number of the Principal Certifying Authority who has been appointed to do the work.
- Reason:*** *Required by Section 113 of the Local Government Act.*
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78 Temporary toilet facilities must be provided on the site, prior to commencement of building work and must be maintained until permanent facilities are provided. Pit or pan toilets are not permitted without the prior consent of Council.

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

79 A soil erosion and sediment control plan of management must be submitted and approved by Council prior to any earthworks commencing. The plan must outline what changes are proposed and the action that will be taken to alleviate or minimise any erosion or sedimentation.

Reason: *To draw attention to the need for approval and sedimentation control.*

80 Structural Engineering details for the footings and slab must be submitted and approved by the Principal Certifying Authority prior to commencement of the work.

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

81 Structural Engineering details for the structural steelwork must be submitted and approved by the Principal Certifying Authority prior to the work commencing.

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

82 The primary building elements must be protected against attack by subterranean termites by physical barriers in accordance with AS 3660.1-1995 "Protection of Buildings from Subterranean Termites".

Reason: *Required by Clause B1.1 of the Building Code of Australia.*

83 Where an excavation extends below the level of the footings of a building on adjoining land, any person causing the excavation must give seven days notice of their intention to excavate to the adjoining owner and furnish such owner with particulars of the work they propose in order to preserve and protect such building from damage.

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

84 Provide 6/3 litre dual flush toilet suites to all water closets.

Reason: *To conserve water.*

85 To prevent contamination of the reticulated water supply, backflow and crossconnection controls must be installed in accordance with the National Plumbing and Drainage Code AS 3500 Part 1.

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

86 Access for the disabled in accordance with AS1428.1 is to be provided to the main entrance of the building.

Reason: *Required by Clause D3.2 of the Building Code of Australia.*

87 Facilities for the use of the disabled must be provided as specified in Clause F2.4 Building Code of Australia and shall be constructed to the requirements of AS 1428.1-1993 "Design for Access and Mobility".

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

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

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

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

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

90 Disabled toilet facilities must be unisex.

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

SUBDIVISION CONDITIONS

Environmental Conditions

91 An assessment of road traffic noise occurring as a result of the development must be undertaken prior to release of the Construction Certificate. The assessment must provide sufficient information which would enable Council to develop a Traffic Management Plan (TMP) for the surrounding area. Council's TMP should be able to identify preferred truck routes, restricted access areas in residential zones, particularly during sleeping hours and quiet zones etc.

The assessment must give consideration to the NSW Environment Protection Authority document "Environmental Criteria for Road Traffic Noise" (May 1999), in particular Appendix C Sections C1 and C2.

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

92 The hours of work for any noise generating activity of the proposed development are to be limited to the following time restrictions:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 4.00pm

No noise generating construction activities are to take place on Sundays or public holidays.

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

93 Stormwater management measures to improve the quality of stormwater running off the carpark area must be provided as detailed in the additional information submission dated July 7, 1999, provided by Aspect North.

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

Engineering Conditions

94 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 Principal Certifying Authority prior to release of the Construction Certificate. Drainage is to direct all water to a Council approved drainage system to prevent discharge runoff onto adjoining land. This system shall be constructed in accordance with Council's Development, Design and Construction Manuals (as amended). All drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the proponent.

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

95 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. **The applicant shall submit a Erosion and Sedimentation Management Plan**

incorporating revegetation works, to the Principal Certifying Authority and Department of Land and Water Conservation for approval prior to release of the Construction Certificate.

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

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- 96 Prior to release of the Compliance Certificate, a suitably qualified person or Principal Certifying Authority is required to furnish a statutory certificate confirming:
- all drainage lines have been located within the respective easements,
 - roadworks are in accordance with the approved design plan,
 - any other structures like retaining walls are located in accordance with the Construction Certificate,
 - all stormwater has been directed to a Council approved drainage system.

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

- 97 Full design details of the proposed stormwater quality treatment devices are to be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate. These devices are to be contained wholly within the subject property and are to remain privately owned. The devices shall be adequately maintained and operated by the proponent at all times.
- 98 All constructed open swale drains are to have easements for open drains created over their entire length. The proponent shall be responsible for the on going maintenance of the swales.
- 99 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), **prior to release of the Subdivision Certificate**. 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:
- a) Construction of an urban, bitumen sealed road generally in accordance with TTM Figure 7.1 contained in TTM Consulting Pty Ltd Report dated 24 May 1999. The road is to be kerbed incorporating a landscaped median and is to be constructed between Oliver avenue and the existing pavement in Gordon Blair Drive.
 - b) Construction of a two lane circulating roundabout at the junction of Cambridge Drive, Oliver Avenue and the proposed access road in accordance with AUSTROADS Pt 6 "Roundabouts".
 - c) Construction of the pavement for a two lane circulating roundabout including underground conduits at the junction of Gordon Blair Drive and the proposed access road in accordance with AUSTROADS Pt 6 "Roundabouts". Council shall complete the construction of the roundabout with the Gordon Blair Drive extension.
 - d) Based on traffic counts provided by the applicant, a contribution of 14% of the cost shall be made to Lismore City Council for the construction of the Rous Road / Oliver Avenue / Jubilee Avenue roundabout.

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

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

- 100 Full design plans of the proposed engineering works to satisfy condition(s) 99 shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate **for the subdivision**. If such plans are approved by Council, a checking fee of \$110 per lot, being \$220 is payable on submission of engineering design plans for drainage or roadworks.

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

- 101 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 Construction Certificate.

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

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

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

- 103 The proponent shall provide a plan of management for the construction of all civil works outside the real property boundaries of the proposed development. The plan shall table scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community. Such plan shall include a Traffic Control Plan. This plan of management shall be provided and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.

Reason: *To ensure no conflict occurs between civil works and general public during construction.*

- 104 **The central median in the proposed public road shall be continuous from the northern entrance/ exit to the southern entrance/exit.**

- 105 The bus bay to be provided on the proposed public road shall be located to ensure safe sight distance is provided between the bus area and the pedestrian crossing point.

- 106 The marked pedestrian crossing indicated on the proposed public road is to be tested against the warrants for marked pedestrian crossings and approved by Local traffic committee prior to its installation.

- 107 The proponent shall provide a tapered bus bay including a timber and metal clad bus shelter in accordance with Council's standard Drawing No. SD1256. Such shelter shall be located adjacent to the proposed development within the proposed access road.

Reason: *To provide for adequate public transport infrastructure (EPA Sec 79C(e))*

- 108 Prior to release of the Occupation Certificate, documentary evidence is to be provided to the Principal Certifying Authority indicating telephone services to the premises have been installed.
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Reason: *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*

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- 109 Prior to the issuing of the Occupation Certificate, the proponent shall install underground electrical power to the premises, including adequate street lighting for the development as required by an authorised electricity supplier.

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

Water and Sewer Conditions

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

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

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

- 111 The proponent shall provide sewerage reticulation to service the development.

The works shall include:

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

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

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

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

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

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

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

- 114 Prior to issue of a Subdivision Certificate or an Occupation Certificate by the Principal Certifying Authority, the proponent must apply to Lismore City Council under s.24 of the Water Supply Authorities Act, 1987, and obtain from Lismore City Council a Certificate of Compliance under s.26 of the Water Supply Authorities Act 1987.
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Following the making of an application under s.24 of the Water Supply Authorities Act, Lismore City Council under s.25 of the Water Supply Authorities Act, 1987, may require the proponent to do either or both of the following:

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

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

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

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

- 116 The proponent is to provide peak instant and peak day water demands for the proposed development to Council's Water and Sewerage Department, **prior to release of the Occupation Certificate**. Council's Water and Sewerage Department will then assess the effects of this demand and advise the proponent of the size and other details of the water main that is required to be constructed. The proponent is required to construct, at their cost, and hand over to Council this water main in the public road being created, and in the public road reserve, linking the Bruxner Highway to Oliver Avenue as per condition below.

Metered water services would then be taken off this main. Reticulation of water within the development would be constructed, owned and operated by the proponent or subsequent owners of the development.

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

- 117 The proponent is required to construct, at their cost, and hand over to Council a 150mm diameter sewer main in the public road being created. This sewer main is to discharge sewerage from the development to the existing 225mm sewer via a manhole to be constructed by the proponent in the vicinity of Council's sewer manhole number 16FU1. The reticulation of sewer pipework within the development would be constructed, owned and operated by the proponent or subsequent owners of the development.

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

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

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

Landscaping Conditions

- 119 Council grants consent to the pruning or removal of those trees **only** nominated on Plan A239/1 dated July 20, 1999.

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 79C(a))

120 A detailed landscaping plan (in duplicate) shall be submitted to Council prior to release of the **Subdivision Certificate**. Landscaping plans shall be in accordance with Council's Landscaping Code and the requirements of Development Control Plan No. 27 - Buffer Areas and other 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 (if applicable)
- 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
- Construction details of retaining walls, planter boxes, paving, edging, tree grates, fencing and/or screening panels.
- Planting details for the planting of retaining walls and preparation and laying of turf.
- A more detailed plant schedule and plan, including species listed by botanic and common names; quantities of each species; pot sizes; the estimated size (height and spread) of the plant at maturity; and planting distances for tube and potted plants.
- Inclusion of additional tree species for use in Area 2 to lessen the visual impact of the centre. Such species could include Flame Tree (*Brachchiton acerifolius*), Lacebark Tree (*Brachchiton discolor*), Snow Wood (*Parachidendron pruinosum*), Deep Yellow Wood (*Rhodosphaera rhodanthema*), Australian Teak (*Flindersia australis*), or Oliver's Sassafras (*Cinnamomum oliveri*).
- Inclusion of ground cover and/or perennial species for use in Area 1 to reduce maintenance.
- Maintenance details, including irrigation or tap location, and allocation of responsibility for ongoing maintenance.
- Landscaping of the eastern elevation of the Coles building for stage one, and details of proposed on-site relocation of trees upon commencement of works for stage 2.

Council approved landscaping shall be completed prior to the release of the **Occupation Certificate**. Landscaping shall be maintained at all times to the satisfaction of Council. Trees identified for retention in the development application plans shall not be removed without separate Council approval.

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

121 Species to be planted in accordance with the landscape plan shall be maintained by the Applicant in a healthy and vigorous condition for a minimum period of three years from the date of release of the landscape plan *or* until they attain the minimum height for protection by Council's Tree Preservation Order. Prior to the end of this three-year period, *or* prior to protection by Council's Tree Preservation Order, any of the aforementioned plant species found to be in a poor condition (*damaged, dying or dead*) shall be replaced by the Applicant with a tree, shrub or ground cover of the same species.

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

122 To prevent the spread of undesirable and invasive species and to ensure the preservation of urban bushland with the Local Government area, all weeds identified by the Far North Coast County Council as local noxious species, and those identified by Lismore City Council's Environmental Weeds Species List shall be removed from the development site prior to completion of the works.

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

Planning Conditions

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

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

124 No access for construction works will be permitted via Eggins Place or Allingham Place.

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

125 The applicant is to obtain a Permit under Part 3 A of the Rivers and Foreshores Improvement Act, 1948, prior to **release of the Subdivision Certificate**, prior to commencement of any works **within 40 metres of the watercourse**.

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

126 The applicant shall obtain a Dredging and Reclamation Permit from the NSW Department of Fisheries prior to commencement of any works over the watercourse, **prior to release of the Subdivision Certificate**.

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

127 The proponent shall submit an application for a Subdivision Certificate for Council certification. Such application shall be accompanied by a \$260 Subdivision Certificate fee.

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

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

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

129 The proponent shall comply with all conditions of Development Consent Notice 99/475 at all times.

Information to Applicants - Advisory Notes

NOTE 1: Water and/or Sewerage Headworks levies payable under the Water Supply Authorities Act 1987 totalling \$106,795 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: An application fee is payable on the submission of a Trade Waste Application to Council. The current application fee can be obtained by contacting Council.

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

NOTE 4: 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 5: Council could choose to have a larger water main constructed than what is required to service the development. This will be negotiated with the applicant/developer at the detailed design stage.

NOTE 6: The Part 3A permit from the Department of Land and Water Conservation will be issued on the basis that:

- the bed of the channel is not lowered;
- any construction work shall be secured to withstand flow velocities at the backfill discharge;
- the works will be constructed to Councils Engineering specifications;
- any fill shall be protected to prevent it from being eroded;
- no materials shall be used that may pollute the stream or create a risk to public safety;
- all scrub, undergrowth and timber removed from the site shall be disposed of so that debris cannot be swept back into the stream in the event of stormwater runoff from the site;
- if in the opinion of any reasonable officer of the Dept of Land and Water Conservation any work is being carried out in such a manner that it may damage or detrimentally affect the stream, the operation in that section of the stream shall cease forthwith upon written or oral direction of that officer;
- the site shall be restored and revegetated to the satisfaction of the Dept of Land and Water Conservation;
- the permit holder is responsible for any excavation, removal or replacement of material or construction of works undertaken by any other person or company at the site;
- operations shall be conducted in such a manner as to not cause damage or increase erosion of adjacent bed and banks;
- sediment control measures shall be provided for the duration of works and until the site is stabilised;
- operations are to be conducted in such a way that there is no reduction in waterway or diversion of the stream from the existing alignment of the high banks; and
- if the permit conditions are breached, the permit holder shall restore the site to the satisfaction of the department. If the works as directed are not completed, then the permit holder shall pay a fee prescribed by the department for the initial breach inspection and all subsequent inspections.

(Councillors Swientek/Larsen)

A MOTION WAS MOVED that Council Planners prepare a report on the implications of opening Eggins Lane to the development, in terms of vehicular access and traffic flow.

(Councillors Swientek/Roberts)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Irwin, Larsen, Champion, Cole, Gallen, Gates and Crowther.
(D99/360)

Report - Eastpoint Shopping Village - Ballina Road/Holland Street, Goonellabah
(Copy attached)

276/99 RESOLVED that the report be received and Council resolve, pursuant to S54 of the Environmental Planning and Assessment Act, to prepare Draft Amendment No. 3 to Lismore Local Environmental Plan 1999 to rezone the site to 3(b) Neighbourhood Business and to exhibit the proposal for public comment for 35 days.

(Councillors Crowther/Champion)

Voting Against: Councillors Roberts, Swientek, Gallen and Gates.
Dissenting Vote:
Councillor Gallen. (S746)

Report - Draft LEP 1992 - Amendment No. 2 - Heritage and Supplementary Report

(Copy attached)

S459

Councillor Larsen declared an interest in this matter (owner of property in LEP) and left the Chamber during discussion and voting thereon.

A MOTION WAS MOVED that the report be received and -

- 1 Pursuant to Section 68 of the Environmental Planning & Assessment Act, Council adopt Lismore Local Environmental Plan 1999 - Amendment No. 2 (previously LEP 1992 - Amendment No. 45) in the form in which it was exhibited with the following amendments:
 - a) The deferral of inclusion of 3 Dunoon Road, The Channon, for inclusion in a future amendment pending further investigation by way of an on-site appointment between the Tainshs and Council's Heritage Adviser Wendy Laird.
 - b) The retention of 38 John Street, Girards Hill, in Schedule 2.
 - c) The deferral of inclusion of the former Power Station Building and site pending preparation of a Conservation Management Plan (CMP) for the site at the expense of NorthPower. The CMP is to be submitted to Council within a six (6) month period and must be prepared in accordance with the ICOMOS Burra Charter and be of a standard acceptable to the CMP Committee of the NSW Heritage Council.
 - d) The deferral of landscape and archaeological items listed in Appendix 1 for inclusion in the next miscellaneous LEP Amendment.
 - e) The exclusion of rural landscape items listed in Appendix 2.
 - f) The extension of the proposed Nimbin Conservation Area to include 18 Thorburn Street, Nimbin.
- 2 That the amended plan be forwarded to the Minister for his signature and gazettal.
(Councillors Roberts/Wilson)

AN AMENDMENT WAS MOVED that the report be received and -

- 1 Pursuant to Section 68 of the Environmental Planning & Assessment Act, Council adopt Lismore Local Environmental Plan 1999 - Amendment No. 2 (previously LEP 1992 - Amendment No. 45) in the form in which it was exhibited with the following amendments:
 - a) The deferral of inclusion of 3 Dunoon Road, The Channon, for inclusion in a future amendment pending further investigation by way of an on-site appointment between the Tainshs and Council's Heritage Adviser Wendy Laird.
 - b) The retention of 38 John Street, Girards Hill, in Schedule 2.
 - c) The deferral of inclusion of the former Power Station Building and site pending preparation of a Conservation Management Plan (CMP) for the site at the expense of NorthPower. The CMP is to be submitted to Council within a six (6) month period and must be prepared in accordance with the ICOMOS Burra
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Charter and be of a standard acceptable to the CMP Committee of the NSW Heritage Council.

- d) The deferral of landscape and archaeological items listed in Appendix 1 for inclusion in the next miscellaneous LEP Amendment.
- e) The exclusion of rural landscape items listed in Appendix 2.
- f) The extension of the proposed Nimbin Conservation Area to include 18 Thorburn Street, Nimbin.
- g) Item 10032 Lismore Saleyards, be deleted from consideration in any proposed Heritage Development Control Plan and that the General Manager pursue the obtaining of a photographic and historical record of the facility in consultation with the Richmond River Historical Society.

2 That the amended plan be forwarded to the Minister for his signature and gazettal.

(Councillors King/Cole)

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

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

277/99 RESOLVED that the report be received and -

1 Pursuant to Section 68 of the Environmental Planning & Assessment Act, Council adopt Lismore Local Environmental Plan 1999 - Amendment No. 2 (previously LEP 1992 - Amendment No. 45) in the form in which it was exhibited with the following amendments:

- a) The deferral of inclusion of 3 Dunoon Road, The Channon, for inclusion in a future amendment pending further investigation by way of an on-site appointment between the Tainshs and Council's Heritage Adviser Wendy Laird.
- b) The retention of 38 John Street, Girards Hill, in Schedule 2.
- c) The deferral of inclusion of the former Power Station Building and site pending preparation of a Conservation Management Plan (CMP) for the site at the expense of NorthPower. The CMP is to be submitted to Council within a six (6) month period and must be prepared in accordance with the ICOMOS Burra Charter and be of a standard acceptable to the CMP Committee of the NSW Heritage Council.
- d) The deferral of landscape and archaeological items listed in Appendix 1 for inclusion in the next miscellaneous LEP Amendment.
- e) The exclusion of rural landscape items listed in Appendix 2.
- f) The extension of the proposed Nimbin Conservation Area to include 18 Thorburn Street, Nimbin.

2 That the amended plan be forwarded to the Minister for his signature and gazettal.

(Councillors Roberts/Wilson)

Report - Feasibility Study - Indoor Sport & Leisure Centre at Goonellabah

(Copy attached)

A MOTION WAS MOVED that the report be received and -

- 1 That Council adopt the Feasibility Study into the development of an Indoor Sports and Leisure Centre in Goonellabah..
 - 2 That further evaluation of specific financial implications of the project be undertaken including:
 - the development costs - site and DA;
 - funding sources and availability - capital and operational;
-
-

-
-
- management structure; and
 - timing of the project.
- 3 That the results of the above evaluation be provided in a report to Council prior to March 2000, with the objective to include the project in the 2000/2001 budget.
 - 4 That the outcome of negotiations for the proposed Joint Venture Regional Aquatic Centre be resolved prior to finalising the layout and design of an Indoor Sports and Leisure Centre at Goonellabah.
- (Councillors Swientek/Roberts)

AN AMENDMENT WAS MOVED that the report be received and -

- 1 That Council adopt in principle the Feasibility Study into the development of an Indoor Sports and Leisure Centre in Goonellabah..
- 2 That further evaluation of specific financial implications of the project be undertaken including:
 - the development costs - site and DA;
 - funding sources and availability - capital and operational;
 - management structure;
 - timing of the project; and
 - the effect of the development on the Masterstroke Centre.
- 3 That the results of the above evaluation be provided in a report to Council prior to March 2000, with the objective to include the project in the 2000/2001 budget.
- 4 That the outcome of negotiations for the proposed Joint Venture Regional Aquatic Centre be resolved prior to finalising the layout and design of an Indoor Sports and Leisure Centre at Goonellabah.

(Councillors Cole/Crowther)

On submission to the meeting the AMENDMENT was DEFEATED.

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

278/99 RESOLVED that the report be received and -

- 1 That Council adopt the Feasibility Study into the development of an Indoor Sports and Leisure Centre in Goonellabah..
- 2 That further evaluation of specific financial implications of the project be undertaken including:
 - the development costs - site and DA;
 - funding sources and availability - capital and operational;
 - management structure; and
 - timing of the project.
- 3 That the results of the above evaluation be provided in a report to Council prior to March 2000, with the objective to include the project in the 2000/2001 budget.
- 4 That the outcome of negotiations for the proposed Joint Venture Regional Aquatic Centre be resolved prior to finalising the layout and design of an Indoor Sports and Leisure Centre at Goonellabah.

(Councillors Swientek/Roberts)

Voting Against: Councillors Irwin and Crowther.

Report - Clunes Old School Site

(Copy attached)

279/99 RESOLVED that the report be received and Council take no further action on this matter.

(Councillors Roberts/Larsen) (P25786)

Minutes of Traffic Advisory Committee 18/8/99 - Clause 7 - Caroonna Homes for the Aged

280/99 RESOLVED that the works as proposed be undertaken.
(Councillors Larsen/Cole) (99-12779: R6610,P26393)

RESUMPTION OF STANDING ORDERS:

281/99 RESOLVED that standing orders be resumed.
(Councillors Larsen/Cole)

ADJOURNMENT:

The meeting adjourned at 8.57pm and resumed at 9.03pm.
At the resumption, Councillors Larsen, Gallen and Wilson were still absent.

REPORTS:

DA99/360 - Proposed Construction of a Shopping Centre, Oliver Avenue, Goonellabah

(See Minute No. 275/99)

Rezoning Proposal - Eastpoint Shopping Village - Ballina Road/Holland Street, Goonellabah

(See Minute No. 276/99)

Draft LEP 1992 - Amendment No. 2 - Heritage

(See Minute No. 277/99)

Feasibility Study - Indoor Sport & Leisure Centre at Goonellabah

(See Minute No. 278/99)

Clunes Old School Site

(See Minute No. 279/99)

Far North Coast Baseball Association - Albert Park - Financial Assistance

(Copy attached)

282/99 RESOLVED that the report be received and -

- 1 That Council defer payment of the outstanding balance of \$20,000 from the Far North Coast Baseball Association until December 31, 2000.
- 2 Far North Coast Baseball Association remit to Council a significant amount of the profit of each successful event to be held prior to December 31, 2000 until the amount of \$20,000 is paid in full.

(Councillors Irwin/Roberts) (P16984)

At this juncture (9.05pm) Councillors Larsen, Gallen and Wilson returned to the meeting.

Annual Committee Review

(Copy attached)

A MOTION WAS MOVED that the report be received and -

- 1 The Annual Reports and Strategy Plans be received and endorsed.
- 2 That the following committees cease to exist at the end of the term of this council:
Section 94 Committee, Land Category Rate Appeals Committee, Waste Management Committee, Caniaba Village Steering Committee, Heritage Study Steering Committee and the Roads Committee Working Party.
- 3 That an Integrated Waste Strategy Review Team be formed consisting of:
Manager-Waste Services, Waste Strategy Officer, Waste and Education Officer, Manager-Environmental Health and two councillors.
- 4 A report be submitted to the next council on the formation of a General Heritage Committee.
- 5 Citizen appointees to committees be for a period of two years.
- 6 Councillor representation to the Richmond River Historical Society be 1 delegate and 1 alternative.
- 7 Councillor representation to the Lismore Art Gallery Advisory Panel be 1 delegate and 1 alternative.
- 8 That Policy No. 1.2.3 be amended to provide for election of the Chairperson in November.

(Councillors Roberts/Cole)

AN AMENDMENT WAS MOVED that the report be received and -

- 1 The Annual Reports and Strategy Plans be received and endorsed.
- 2 That the following committees cease to exist at the end of the term of this council:
Section 94 Committee, Waste Management Committee, Caniaba Village Steering Committee, Heritage Study Steering Committee and the Roads Committee Working Party.
- 3 That an Integrated Waste Strategy Review Team be formed consisting of:
Manager-Waste Services, Waste Strategy Officer, Waste and Education Officer, Manager-Environmental Health and two councillors.
- 4 A report be submitted to the next council on the formation of a General Heritage Committee.
- 5 Citizen appointees to committees be for a period of two years.
- 6 Councillor representation to the Richmond River Historical Society be 1 delegate and 1 alternative.
- 7 Councillor representation to the Lismore Art Gallery Advisory Panel be 1 delegate and 1 alternative.
- 8 That Policy No. 1.2.3 be amended to provide for election of the Chairperson in November.

(Councillors Larsen/Wilson)

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

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

283/99 RESOLVED that the report be received and -

- 1 The Annual Reports and Strategy Plans be received and endorsed.
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- 2 That the following committees cease to exist at the end of the term of this council:
Section 94 Committee, Waste Management Committee, Caniaba Village Steering Committee, Heritage Study Steering Committee and the Roads Committee Working Party.
 - 3 That an Integrated Waste Strategy Review Team be formed consisting of:

Manager-Waste Services, Waste Strategy Officer, Waste and Education Officer, Manager-Environmental Health and two councillors.
 - 4 A report be submitted to the next council on the formation of a General Heritage Committee.
 - 5 Citizen appointees to committees be for a period of two years.
 - 6 Councillor representation to the Richmond River Historical Society be 1 delegate and 1 alternative.
 - 7 Councillor representation to the Lismore Art Gallery Advisory Panel be 1 delegate and 1 alternative.
 - 8 That Policy No. 1.2.3 be amended to provide for election of the Chairperson in November.

(Councillors Larsen/Wilson) (S36)

Organic Resource Reprocessing Options and Supplementary Report

(Copies attached)

284/99

RESOLVED that the report be received and -

- 1 That Council pursue further legal advice to facilitate actions resulting from the termination of the contract with Nature Cast (Aust) Pty Ltd for non-performance of the said contract.
- 2 That Council:
 - a) Not call tenders due to extenuating circumstances, being recognition of:
 - The infancy of the market for the provision of Organic Reprocessing Services;
 - The infancy of technology supporting service delivery at a whole of community scale;
 - b) Invite expressions of interest from potential suppliers of an Organic Recycling Process.
 - c) Select 3 - 5 of the registrants and negotiate with each to develop their proposal.
- 3 That a report on a preferred strategy for the long term position be brought back to Council following the completion of the expressions of interest evaluation process.

(Councillors Wilson/Roberts)

Voting Against: Councillor Gates.

Dissenting Vote:

Councillor Gates. (S317)

Implementation of Public Transport Study

(Copy attached)

285/99

RESOLVED that the report be received and -

- 1 Council endorse the actions noted in the report, being:
 - a) The Public Transport Advisory Panel continue to liaise with the Department of Transport concerning the regulations affecting Recommendation 1;

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- b) Manager- Strategic Planning investigate options for obtaining external funding to employ part time a person to lobby the State and Federal governments concerning the regulations affecting public transport;
 - c) Failing any success in (b) above, and assuming that Council's other priorities will not permit the allocation of Council funds, the Manager - Strategic Planning take on this role early in 2000, with consequent adjustment to the Management Plan (Strategic Planning Section) if necessary.

- 2 Council endorse the Action Plan contained in the attachment to this Business Paper.
 - 3 The Public Transport Advisory Panel report to a future Council meeting on assessment of the success of public transport initiatives in increasing the number of people using public transport.
- (Councillors Roberts/Wilson)

A MOTION WAS MOVED that Council call on the Federal Government to pursue the very fast train option rather than spend \$5.5 Billion on the Badgery Creek option.

(Councillors Swientek/Larsen)

On submission to the meeting the MOTION was DEFEATED.

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

- 286/99 RESOLVED that Council inform the Transport Minister, Mr Scully, of Council's unanimous opposition to the downgrading of Countrylink and the loss of jobs and services.
- (Councillors Gallen/Wilson) (S135)

State of the Environment Report 1999

(Copy attached)

- 287/99 RESOLVED that the report be received and -
- 1 The framework for the comprehensive State of the Environment Report 1999, as presented, be adopted to enable completion of the draft document for community, industry and government consultation processes.
 - 2 The consultation programme be guided by the following methodology:
 - a) exposure of the draft document to Government Agencies, industry organisations and key community environmental groups for a minimum period of three months; and
 - b) a further exposure of the draft document, as amended, to the broader community for a three month period.
 - 3 Following the exhibition period, a further report be presented to Council for consideration of the Comprehensive State of the Environment Report 2000.
- (Councillors Roberts/Larsen) (S392)

Community and Social Plan

(Copy attached)

- 288/99 RESOLVED that the report be received and Council adopt the Community and Social Plan.
- (Councillors Swientek/Wilson) (S429)

Goonellabah Community Centre - Management Contract

(Copy attached)

- 289/99 RESOLVED that the report be received and -
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- 1 The contract for the management of the Goonellabah Community Centre be let to Mrs Janelle and Mr Wayne Sullivan for the period 01/10/1999 to 30/09/2002.
 - 2 The contract provide a minimum payment of \$22,000 per annum to the contractor plus any residual occurring when the total operating cost is subtracted from the total revenue.

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- 3 If total income exceeds \$52,000 the income above \$52,000 is shared 90% to the contractor and 10% to Council.
 - 4 Appropriate clauses be included in the contract to ensure an equitable distribution of the liability for GST.
(Councillors Swientek/Cole) (T99032)

Staff Exchange Program with Yamato Takada

(Copy attached)

290/99 RESOLVED that the report be received and -

- 1 That Council adopt the Policy as written for the Staff Exchange Programme.
- 2 Management undertake appropriate action to commence the exchange programme.

(Councillors Wilson/Larsen) (S76)

Management Plan Review - Quarter ended June 1999

(Copy attached)

291/99 RESOLVED that the report be received and the actions undertaken in each of the programmes noted and staff be congratulated on their performance during the quarter.

(Councillors Cole/Crowther) (S4)

Nimbin Caravan & Holiday Park and Swimming Pool Complex - Management Options

(Copy attached)

292/99 RESOLVED that the report be received and -

- 1 Council retain ownership of all aspects of the Nimbin Caravan Park and Pool Complex with a further review of this policy and the marketing strategy in December 2001.
- 2 Council continues to manage both the Caravan Park and Pool under the one arrangement.
- 3 Council call Tenders for the management of the Nimbin Caravan and Tourist Park and Pool Complex for a period of two and a half years from January 7, 2000, this being a performance based contract aimed at maximising Council's financial benefit from the Complex.
- 4 Council proceed with greater marketing activities including a promotions budget of \$5000 for the next financial year.

(Councillors Roberts/Larsen) (P15919)

Tourist Signposting Policy for Built Attractions

(Copy attached)

293/99 RESOLVED that the report be received and -

- 1 Council adopt the Tourist Signposting Policy for Built Attractions.
- 2 Council support a retrospective audit of existing attraction signs.

(Councillors Larsen/King) (S362)

Application to Close Part of Parrots Nest Road, South Gundurimba

(Copy attached)

S459

Councillor Crowther declared an interest in this matter (relative of applicant) and left the Chamber during discussion and voting thereon.

294/99 RESOLVED that the report be received and -

- 1 That the application to close part of Parrots Nest Road, South Gundurimba between Lot 3 and Lot 4 DP869421 be endorsed and the application be sent to the Department of Land and Water Conservation for adoption and gazettal if approved.
- 2 Any costs associated with the road closure to be borne by the applicants.
- 3 That if such application is approved by the Department, then the land be surveyed and, subject to a deposited plan/identifier being issued, then such allotment to be sold to Jason, June, Wendy and Marlon Crowther at market value determined by a registered valuer.
- 4 That the General Manager be authorised to sign any documents necessary to bring about the action (i.e. Contract of Sale/Transfer).

(Councillors Larsen/Cole) (P26295)

Rural Fire Service Section 94 Plan - Part F

(Copy attached)

295/99 RESOLVED that the report be received and the purchase of the following items be approved using the available funds currently held in the Section 94 Budget:-

- 1 The purchase of a logging recorder for the Control Centre
- 2 The purchase of a twin cab vehicle
- 3 Expansion of the pager network should any funds be available after the purchase of the two major items.

(Councillors Larsen/King)

Voting Against: Councillor Irwin. (S104)

Investments Held by Council as at 31/7/99

(Copy attached)

296/99 RESOLVED that the report be received and noted.

(Councillors Larsen/Cole) (S170)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 18/8/99

(Copy attached)

297/99 RESOLVED that the minutes be received and the recommendations contained therein be adopted, excluding TAC141/99 (See Minute No. 280/99)

(Councillors Gallen/Larsen) (S352)

DOCUMENTS FOR SIGNING AND SEALING:

298/99 RESOLVED that the following documents be executed under the Common Seal of Council:-

Request to Release Restrictions on Use of Land - 28 Hillcrest Avenue - Baisi

Request by owner to release easement to drain water which is not being used.

(99-8452: P18016)

Extinguishment and Replacement of Sewer Easement - 238 Rous Road - Olley Estate
(D94/310)

Conditional Contract of Sale of Lot 46 of DP 790672 - 34 Centenary Drive, Goonellabah
Also boundary adjusted portion of Lot 47 of DP 790672 being 38 Centenary Drive to Mr Jeff Page
(P21668/P21669)

Request - Land Acquisition - Lot 41, DP 868366 - Ballina Road, Goonellabah - Rose
Acquisition by Council for road widening.
(99-13860: P26278)

Council to Reynolds - Lease of Old Quarry Site
Lease of old quarry site at 313 Wyrallah Road (Lismore Tip site)
(99-14349: P25041)

Formal Instrument of Agreement - Construction of Lismore Airport Terminal
Agreement between McMaster Qld Pty Ltd and Council
(T99011)
(Councillors Larsen/Wilson)

This concluded the business and the meeting terminated at 10.20 pm.

CONFIRMED this 21ST day of SEPTEMBER, 1999 at which meeting the signature herein was subscribed.

MAYOR

MINUTES OF THE SPECIAL MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, SEPTEMBER 28, 1999 AT 6.00PM.

Present: His Worship the Mayor, Councillor Gates; Councillors Baxter, Chant, Crowther, Gallen, Hampton, Irwin, King, Suffolk, Swientek and Tomlinson, together with the General Manager; Group Managers-Corporate & Community Services, City Works, Business & Enterprise, Acting Group Manager-Planning & Development (W Rackham); Manager-Finance & Administration, Area Librarian and Administrative Services Manager.

299/99 Apologies/ Apologies for non-attendance on behalf of Councillor Roberts was
Leave of received and accepted and leave of absence granted.
Absence: (Councillors Irwin/King)

PUBLIC ACCESS SESSION:

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

Mr David Yarnall re Report - Fix the Roads Working Party - Update and Proposed 1999/2000 Urban and Rural Construction Program

(See Minute No. 303/99)

Mr Yarnall urged Council to accept the Road Management Strategy prepared by the Fix the Roads Working Party. He spoke of the positives of the Working Party in achieving transparent, democratic decision-making processes.

(S745)

MAYORAL MINUTES:

Road Stabilisation Program

(Copy attached)

A MOTION WAS MOVED that the minute be received and the Group Manager-City Works be authorised to proceed with the following program of works, to be funded from the bitumen reseal program:

Road Name	Location	Cost (\$)
<i>Rural Roads - Local</i>		
Caniaba Road	Frederick Road - 1.2km west	108,000
Terania Creek Road	Village - End seal (various lengths)	81,000
Tunable Creek Road	The Channon - 1.5km north	135,000
Lockton Road	Section over hill (approx. 1km)	72,000
Tatham Road	Various lengths	81,000
<i>Urban Roads</i>		
High Street	Diadem Street to ABC Studios	100,000

Floral Avenue	Wyrallah Road to Barham Street	70,000
Orion Street (Councillors Gates/Crowther)	Hunter Street to Diadem Street	57,100

AN AMENDMENT WAS MOVED that the minute be received and Council refer the Program of Works to the Fix the Roads Working Party meeting to be held on October 6, 1999 for it to consider the implications on the resealing and reconstruction program and to make recommendations back to the Council meeting of October 12.

(Councillors Irwin/Tomlinson)

On submission to the meeting the AMENDMENT was DEFEATED.

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

300/99 RESOLVED that the minute be received and the Group Manager-City Works be authorised to proceed with the following program of works, to be funded from the bitumen reseal program:

Road Name	Location	Cost (\$)
<i>Rural Roads - Local</i>		
Caniaba Road	Frederick Road - 1.2km west	108,000
Terania Creek Road	Village - End seal (various lengths)	81,000
Tunable Creek Road	The Channon - 1.5km north	135,000
Lockton Road	Section over hill (approx. 1km)	72,000
Tatham Road	Various lengths	81,000
<i>Urban Roads</i>		
High Street	Diadem Street to ABC Studios	100,000
Floral Avenue	Wyrallah Road to Barham Street	70,000
Orion Street	Hunter Street to Diadem Street	57,100

(Councillors Gates/Crowther)

Voting Against: Councillors Irwin and Tomlinson

Dissenting Vote:

Councillor Irwin. (\$745)

Motions to National General Assembly of Local Government

(Copy attached) (Tabled)

301/99 RESOLVED that the report be received and the following motion be submitted to the 1999 National General Assembly of the Australian Local Government Association being held in Canberra from November 28 to December 1, 1999:

“That the Council demand the Federal and State Governments to consider the social and economic impact of its policies on regional Australia prior to their implementation. Particular attention to be given to deregulation, national competition and consumer policy and centralisation of Government services.”

(Councillors Gates/Swientek)

SUSPENSION OF STANDING ORDERS:

302/99 RESOLVED that standing orders be suspended and Council now deal with the undermentioned matter:-

1999

- Report - Fix the Roads Working Party - Update and Proposed 1999/2000 Urban and Rural Construction Program
(Councillors Crowther/Irwin)
-

Report - Fix the Roads Working Party - Update and Proposed 1999/2000 Urban and Rural Construction Program

(Copy attached)

303/99

RESOLVED that the report be received and -

- 1 That Council note the progress of the Fix the Roads Working Party to date.
- 2 That Council endorse the Road Maintenance Strategy outlined in the body of the report.
- 3 That Council approve the 1999/2000 Rural and Urban Road Construction Programs shown in the body of the report.
- 4 A further report on the future role of the Fix the Roads Working Party be considered at a later meeting of Council.
- 5 The Mayor take strong action to support a letter writing campaign to the Prime Minister and State Government seeking extra funding for rural roads.
- 6 Council write to all community organisations seeking their support in the letter writing campaign.

(Councillors Irwin/King) (S745)

RESUMPTION OF STANDING ORDERS:

304/99

RESOLVED that standing orders be resumed.

(Councillors Swientek/Irwin)

METHOD OF ELECTION OF DEPUTY MAYOR:

305/99

RESOLVED that the method of election for Deputy Mayor be by open voting.

(Councillors Irwin/Chant)

ELECTION OF DEPUTY MAYOR:

Nominations

A nomination for the position of Deputy Mayor was received for Councillor King.

Election

With only one candidate nominated the Returning Officer (Group Manager-Corporate & Community Services) declared Councillor King elected as Deputy Mayor for the ensuing 12 months.

ELECTION OF DELEGATES TO COUNTY COUNCILS:

Election to the county councils is for a four year period.

Method of Election

Election of delegates was conducted in accordance with Schedule 5 of the Local Government (Elections) Regulations 1993.

Far North Coast County Council - 2 delegates to be elected.

Nominations were received for Councillors Suffolk and King.

With only two candidates nominated the Returning Officer (Group Manager-Corporate & Community Services) declared Councillors Suffolk and King elected.

Richmond River County Council - 2 delegates to be elected.

Nominations were received for Councillors Gallen and Swientek.

With only two candidates nominated the Returning Officer (Group Manager-Corporate & Community Services) declared Councillors Gallen and Swientek elected.

Rous County Council - 3 delegates to be elected.

Nominations were received for Councillors Crowther, Hampton, Irwin and Baxter.

An optional preferential ballot was conducted.

At the conclusion of the counting the Returning Officer (Group Manager-Corporate & Community Services) declared Councillors Crowther, Hampton and Baxter elected.

ELECTION OF COMMITTEE/PANEL/WORKING PARTY MEMBERS:

Method of Election

306/99 RESOLVED that election of councillors to Council's committees/panels/working parties be by open voting.

(Councillors Irwin/Chant)

The following Councillors were appointed to the following Statutory Committees, Advisory Panels, Working Parties Steering Committees and other organisations:

Statutory Committees

Traffic Advisory

Councillors Gallen and Chant.

Occupational Health and Safety

Councillor Gallen.

Consultative Committee

Councillor Tomlinson.

Advisory Panels

Aerodrome

Councillors Crowther, King and Suffolk.

Civic Design

Councillors Gallen and Suffolk.

Lismore Tourist Centre

Councillors Baxter, Tomlinson and King.

Public Transport

Councillors Roberts and Hampton.

Lismore Art Trust

Councillor Tomlinson.

Indigenous Advisory Panel

Councillor Irwin.

Economic Development Advisory Board

Councillor Crowther with Councillor Gates as substitute.

Committees

General Manager's Performance Review

Councillors Gates, Hampton and Suffolk.

Land Category Rating Appeals

Councillors Baxter, King and Crowther.

Lismore & District Sports Association

Councillors Baxter, Chant and Gallen.

Roy Waddell Community Centre

Councillor Crowther.

Dorroughby Glenview Centre

Councillor Crowther.

Working Parties

Flood Management

Councillors Crowther, Swientek and King.

Library Strategy

Councillors King and Baxter.

Fix the Roads

Councillors Gates, Tomlinson, Irwin, Roberts and King.

Steering Committees

Koala Management

Councillors Gates, Swientek and Suffolk.

Rural Settlement Strategy

Councillors Hampton and King.

Lismore Urban Arterial Roads DCP No. 25

Councillors Crowther, Swientek and Baxter.

ELECTION OF DELEGATES TO VARIOUS ORGANISATIONS

Method of Election

The method of election of councillors as delegates to various organisations is not prescribed by the Local Government Act 1993 nor the accompanying regulations. It is therefore open for Council to determine.

307/99 RESOLVED that the election be by open voting.
(Councillors Swientek/Tomlinson)

NOROC

Councillors Gates and Crowther.

Richmond Tweed Regional Library Committee

Councillors King and Baxter.

Richmond River Historical Society

Councillor King.

Senior Citizens Welfare Centre

Councillor Baxter.

Regional Bush Fire Committee

Councillor Suffolk.

Lismore Rainforest Botanic Gardens

Councillors Crowther and Gallen.

NorPool

Councillor Gates.

Summerland Way Promotion Committee

Councillor Gates.

**Richmond River County Council Flood Scheme
(Levee Construction Working Party)**

Councillors Gates, Crowther and Swientek.

REPORTS:

Fix the Roads Working Party - Update and Proposed 1999/2000 Urban and Rural Construction Program

(See Minute No. 303/99)

Rating Workshop

(Copy attached)

308/99 RESOLVED that the report be received and Council hold a Rating Workshop on Tuesday, October 26, 1999 at 6.00pm.

(Councillors Irwin/Swientek) (S384)

Management Plan and Budget Review

(Copy attached)

309/99 RESOLVED that the review of the Management Plan and the Budget be deferred until early in the new year.

(Councillors Crowther/Irwin) (S726)

1999 Annual Conference - Local Government Association

(Copy attached)

310/99 RESOLVED that the report be received and -

1 Council nominate the Mayor and General Manager to attend the Conference as delegate and observer respectively.

2 Council nominate Councillors Irwin and Swientek as delegates to the Conference.

(Councillors Gallen/Crowther) (99-12014: S569)

MATTER OF URGENCY

Certificates of Appreciation

311/99 RESOLVED that this matter be admitted to the business paper as a matter of urgency.

(Councillors Irwin/Crowther)

312/99 RESOLVED that Council thank Councillors Cole and Larsen for the contribution they made to the community over the past 4 years and that a dinner be held for all outgoing Councillors and the new Council, at which a certificate of appreciation be presented to the former Councillors.

(Councillors Irwin/Crowther)

This concluded the business and the meeting terminated at 7.53 pm.

CONFIRMED this 12TH day of OCTOBER, 1999 at which meeting the signature herein was subscribed.

MAYOR

