

COUNCIL Business Paper



LISMORE
City Council

DECEMBER 14, 1999



NOTICE OF COUNCIL MEETING



An **ORDINARY MEETING** of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on **TUESDAY, DECEMBER 14, 1999**, at 6.00pm and members of Council are requested to attend.

(Ken Gainger)
GENERAL MANAGER

December 7, 1999



<u>PUBLIC ACCESS SESSION:</u>	PAGE NO.
Youth Council Spokesperson - Report - Applying For Operational Area Under The Children (Protection And Parental Responsibility) Act 1997 - Crime Prevention	10
Ros Derrett re Report - Former Lismore High School Site	21
PUBLIC QUESTION TIME:	
OPENING OF MEETING AND PRAYER (MAYOR):	
APOLOGIES AND LEAVE OF ABSENCE	
CONFIRMATION OF MINUTES - Ordinary Meeting 23/11/99	
CONDOLENCES	
DISCLOSURE OF INTEREST	
MAYORAL MINUTES	1
NOTICES OF RESCISSION	
NOTICES OF MOTION	2 - 9
SUSPENSION OF STANDING ORDERS (Consideration of the Suspension of Standing Orders to debate matters raised during Public Access).	
REPORTS	10 - 88
COMMITTEE RECOMMENDATIONS	89 - 93
DOCUMENTS FOR SIGNING AND SEALING	94
QUESTIONS WITHOUT NOTICE	
CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE	95 - 99

**REPORTS:****PAGE NO.**

Applying For Operational Area Under The Children (Protection And Parental Responsibility) Act 1997 - Crime Prevention	10 - 15
Crime Prevention Plan	16
Lismore Wilsons River Project - Reflections of a City	17 - 20
Former Lismore High School Site	21 - 29
Memorial Baths Redevelopment	30 - 38
Mardi Grass Event 2000	39 - 40
Lismore Flood Levee Scheme	41 - 42
DA99/695 - Hospital - Drug & Alcohol Detoxification Unit - Uralba/Hunter Streets, Lismore	43 - 62
Disposal of Surplus Council Property	63 - 68
Land & Environment Proceedings - Friends of Lismore Park	69
Draft Policy - Provision of Public Transport	70 - 71
Lismore Rainbow Region Masters Games - September 1999 - Final Report	72 - 74
Provision for Construction of the Ross Street Water Supply Pumping Station	75 - 77
Trade Waste Policy	78
Membership of Lismore Economic Development Advisory Board	79 - 80
Review of Code of Conduct	81 - 82
Goods & Services Tax (GST)	83 - 88

Committee Recommendations:

Traffic Advisory Committee 17/11/99	89 - 93
-------------------------------------	---------

Documents for Signing and Sealing:

94

Questions Without Notice:**CONFIDENTIAL MATTERS - Committee of the Whole:**

95 - 99

MAYORAL MINUTE

COUNCIL PARTICIPATION IN RENEWABLE ENERGY PROJECTS

Both State and Federal Governments have programs offering subsidies to organisations to become involved in renewable energy projects. I believe there may be some opportunities available for Council to take advantage of these programs.

One project could involve the wastewater from Goonellabah which drops to East Lismore beside the Southern Cross University, which is a large consumer of power. The ingredients are for a mini hydroelectric generator feeding electricity directly into the University power grid. Similarly, there is a pressure release valve at the top end of Ballina Street which has similar potential, but may be to a lesser degree. Rous Water is currently investigating renewable energy schemes and have commissioned a firm of consulting engineers to assess potential and submit subsidy applications, it should be realised, however, that its scheme would be much more profitable. If Council decides to further investigate this matter, then perhaps a preliminary assessment by Council staff should be done prior to considering engaging consultants.

STAFF COMMENTS:

Comments by staff will be faxed to Councillors prior to the meeting.

RECOMMENDATION: (MM01)

Council investigate potential for renewable energy projects initially by Council staff then by specialist consultants if there appears to be potential for a commercially viable project.

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 make a submission to the NSW Roads and Traffic Authority (RTA) advising that it does not object to the removal of Colemans Bridge over Leycester Creek in Lismore.*
- 2. That Council advise the RTA that should it decide to retain the existing bridge for whatever purpose, Council is not prepared to accept ownership and/or maintenance of the bridge.*

Comment:

The future of access between North and South Lismore which is the Colemans and Robert White Bridges, is currently being investigated by the RTA.

The old wooden bridge, Colemans Bridge, is the main cause of concern. The project figures for the maintenance of this bridge, either as a main traffic conveyor or alternatively as a pedestrian and cycleway are quite alarming.

The RTA is quoting figures up to \$29M over 100 years as the cost of maintenance. Money which should, if the bridge is retained, be funded from the RTA Budget. A budget which cannot, at present, fund a very much needed roundabout at the Bruxner Highway and Dibbs Street intersection; which cannot fund a pedestrian underpass on Bruxner Highway at Lismore Heights; which cannot fund a pedestrian overpass at Kadina High School, but which can evidently find the funds to maintain and possibly completely restore a 100-year old bridge which has outlived its useful life and if retained as a traffic bridge, may in the future have a weight limit imposed on it.

There are heritage implications; this bridge being high in the order of heritage importance (No. 16) for NSW Bridges. These can be addressed by placing the trusses on a new bridge or if removed, the history of the bridge should be recorded. It should be photographed and these records kept for posterity.

COUNCILLOR M KING

DATE December 1, 1999

STAFF COMMENT BY: GROUP MANAGER CITY WORKS

Currently Colemans Bridge forms part of a major arterial road serving the City. It is so important to the orderly flow of traffic within the City that it cannot be removed from service for more than one to two days at any one time. As the existing Colemans Bridge requires major upgrading, the only real answer is to **build a new bridge.**

Once the decision to **build a new bridge** is made, the only other outstanding question is **what to do with the existing bridge?**

Notice of Motion: Coleman Bridge

While it is desirable to preserve historical items, this is best achieved where the items can be taken out of service and protected by appropriate building. The current proposal is that the bridge must stay where it is in some form of useful service. Repairs must be carried out using the same type of material as used in the original construction. Clearly the cost of maintaining the existing bridge is going to be substantial.

If in the **big** picture the preservation of this bridge is important to the **whole community**, the **whole community** should pay.

Council needs to ensure that this community is not forced to fund the continued existence of Colemans Bridge.

(99-20242:S393,R7329)

CITY OF LISMORE

NOTICE OF MOTION

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

That the \$300,000 identified last Council meeting to minimise the crisis in roads maintenance (bitumen patching) be allocated to those roads most in need, to include regional roads and to be in accordance with the road rating point system adopted by Council.

Comment:

At the last Council meeting Council authorised the immediate release of \$300,000 to minimise a crisis in road maintenance (bitumen patching) over the 5 weeks when staff are on vacation. The Fix the Roads Committee has resolved that Council funds not be expended on the regional road network other than to match repair funding as required by the RTA. Whilst this might be a sound decision politically (the theory being that we weaken our lobbying position if we start to spend our own funds on RTA roads) I believe the reality of our road funding situation and the appalling conditions of some of our regional road network overrides this.

The regional road network is where the greatest funds are being expended on bitumen patching. We have already overspent the patching budget for these roads and it is proposed to take the shortfall from declassified regional roads - ie. roads that are now "ours". In addition, we have heavily patched some of these roads twice in almost as many months and given more rain further work will become necessary in order to provide a minimum level of safety.

At a recent Fix the Roads committee meeting it was identified by both Neil Arbuthnot and in a position paper presented by Bill Moorhouse that bitumen patching is the most expensive method of repairing roads. Figures given were \$22/m for light patching with a life expectancy of 3-4 months, \$25/m for heavy patching with a life expectancy of 5 years and \$17/m for rehabilitation with a life expectancy of 10 years. It was further suggested that without considerable additional funding the only real option is to revert the very worst sections of the bitumen road network back to a gravel surface.

As identified through the point system adopted by Council, the worst sections of bitumen road exist within the regional road network. Dunoan Road, Nimbin Road and Blue Knob Road all score over 80 points according to the system whereas the worst local roads score under 70 points. Many members of the committee identified that it would be unacceptable to the community to consider ripping up major through roads and that alternatives needed to be investigated. Additional funding is the only real alternative.

Currently Council relies on RTA funds matched by Council funds to repair regional roads. Council's success in obtaining funds depends on our ability to compete with other Council areas. Whilst we have been more successful than many other Councils in obtaining funds, in part due to the ability of staff to work the system in our favour, RTA criteria for identifying priorities have seen major funds directed to projects that include a safety factor such as realignment of the Nimbin/Rosehill Road intersection.

Notice of Motion: Road Maintenance

We are currently locked into a four year program with the RTA that means we will be unlikely to see funds allocated to those sections of regional roads that are indeed in the worst condition. For instance, funds for the Nimbin Road over the next four years will go to the section south of Shipway Road, a continuation of the works from Rosehill Road towards Goolmangar, Cullen Street, the Stoney Chute Road intersection, and the realignment that was deferred south of Blakebrook Quarry. Many other sections of the Nimbin Road are in a worse state of repair than those identified for funding. Blue Knob Road has no repair funds allocated over the next four years and we have been forced to undertake heavy patching in some sections which leaves approximately 6km needing urgent repair work with no funds available for at least four years and maybe never if the road can't compete on a State level.

I agree that Council needs to continue lobbying and take every opportunity to try to secure extra funds but I believe the situation in relation to our regional roads is critical. I do not believe it will weaken our negotiating position if we direct some of our own funds to the worst sections of the regional road network, sections that would never meet the RTA's priorities for allocating funds across the State. Whilst there is a real fear that the regional road system could consume all of Council's road funding I believe that the Fix the Roads Committee can recommend a works program that ensures local roads do not miss out. Given the context of the decision made by Council at its last meeting funds should be directed to those roads where major bitumen patching is an issue.

Whilst it is easy for Council to state that regional roads are RTA roads, they're not our responsibility, the reality is that the RTA see themselves as making a contribution to the maintenance and repair of Council roads. Further, many in the community see them as Council roads and don't make a distinction, a belief that is reinforced by the State government at every opportunity. Council is stuck between a rock and a hard place, as Bill Moorhouse would say, but I consider that when we can make additional funding available for roads, the regional road network should be considered along with every other road in the Council area (State roads excepted) and allocated funds according to priorities identified by the point score system. Failure to do so may result in regional roads being returned to gravel in a desperate bid to put pressure on the State government.

Do we have the political will to carry this out? If not, then we must start directing our own funds into regional roads or else we will have no other option. Even if we do direct our own funds into regional roads they will be inadequate to deal with the problem and we may still have to resort to ripping up the regional road network or redirecting funding from our local road network unless substantial funding is received from elsewhere.

The notice of motion is only looking at directing funds from the \$300,000 allocated last meeting which was not directly linked to the local road network.

COUNCILLOR D J Roberts

DATE December 1, 1999

Notice of Motion: Road Maintenance

STAFF COMMENT BY: GROUP MANAGER CITY WORKS

Without doubt the greatest injustice ever perpetrated on Local Government has been the revision of the Regional Roads Agreement. This has left Council with the responsibility of funding the Regional Roads with a limited contribution from the NSW Government via the RTA.

The unfortunate fact is that this change which will impose increased costs on Council ratepayers was instigated by the past Liberal Coalition and has been happily continued by the present Labor Government. Perhaps the saddest part was that these changes were actively supported by the Associations that represent Local Government.

This Council has fought long and hard to gain extra funding for the Regional Roads and ex-Regional Roads with very limited success. It is now becoming increasingly clear that the State Government is unable or unwilling (or both) to provide sufficient funds to Councils to reconstruct the failed bitumen Regional Roads.

The harsh reality is that **LOCAL GOVERNMENT** will need to fund the reconstruction of the Regional Roads System if it wishes the roads to be maintained in a reasonable condition.

There is no doubt that the Regional Roads form the major traffic links around the Lismore Region and that they are the most important and carry the most traffic. Therefore, it is reasonable to assume that in any rationalisation of the road system, the Regional Road links would be maintained at the highest level.

ALLOCATING COUNCIL FUNDS - CR ROBERTS NOTICE OF MOTION:

Council could have added the \$300,000 to the regional road system as proposed by Cr Roberts as there is a huge funding shortfall for the regional roads. However, Council chose to fund the local road system with this money and by the date of this Council meeting work on Lockton Road should be complete and work on Richmond Hill Road will be well underway. This effectively means that it is not possible to allocate much of the \$300,000 to regional roads. There is still an urgent need to upgrade the regional roads - the only question is how can it be funded.

Unfortunately any rational approach to allocating Council's reconstruction funds towards the whole road network would almost certainly allocate **ALL** of Council's Roads Budget onto the Regional Roads with nothing or very little to Council's own Local Road Network.

This is not an acceptable solution.

What are the alternatives?

Because of the high traffic counts, the poor sections of Regional Roads deteriorate quickly during wet weather periods. Typically Council responds to this problem by extensive patching which in most cases produces an unacceptable result and is exceedingly expensive (up to \$30,000/annum/Km).

This is an unacceptable solution. The only real solution is to reconstruct the failed pavement. The only real problem is finding the dollars.

1. The easy answer is to approach the State and Federal Governments for money. We have not been terribly successful at this over recent years and it would be reasonable to conclude that we are unlikely to do so in the near future. Certainly we are not going to obtain sufficient funds to upgrade 30Km-40Km of road in the near future.
2. Council simply does not have the funds.
3. **Loan funds:**
Council has been reluctant to consider loan funds for work on Local Roads as there is no clear linkage to income. However, with Regional Roads Council has very few choices once a road fails. The choices are:
 - A. Rip up the failed road - this has already been considered unacceptable by Council.
 - B. Patch the road on a continuing basis at approximately \$30,000/annum/Km
 - C. Reconstruct the road using loan funds at (say) \$15,000/annum/Km.

While loan funds may not be the preferred method of funding a road system it is substantially better than patching the patches.

Loan Funding for Regional Roads:

The Regional Roads Network consists of approximately 108Km:

- 103Km Bitumen-Sealed
- 5Km Gravel Surface.

The unfortunate part is that up to 40Km of the Regional Roads System is classified as 'Terminal' and in urgent need of rehabilitation. If we try and continue patching we will spend around \$1.0M per annum trying to patch the patches. If we raised a loan over a 10-year period of (say) \$4.0M to reconstruct the 30Km-40Km we would only expend \$600,000 per annum repaying the loan, and have a credible road network.

The only good part of the story is that the RTA currently allocates approximately \$1.0M annually towards the maintenance of the 108Km of road which is sufficient to maintain the system if it was in reasonable order. In fact, if a large proportion of the roads were reconstructed there would be scope for a substantial proportion of the \$1.0M, (say) \$300,000 to \$400,000 being available to repay the loan.

This would leave Council with a maximum likely cash contribution towards the Regional Roads of \$200,000-\$300,000 per annum which is an amount that could be conceivably found by Council.

Details of how the RTA funds are currently allocated and how we expect the funds to be allocated in the event that up to 40Km of road are rehabilitated will be presented to the next "Fix the Roads" Working Party Meeting. This shows that the proposal, as suggested, can be part funded by the RTA Block Grant. The only question is how much can be funded by the RTA and how much will be left for Council to find?

Notice of Motion: Road Maintenance

RTA Construction Funding:

The RTA makes an annual allocation towards construction funding on Regional Roads. Councils compete for this on a 'needs' basis. Clearly we would not receive money on a 'needs' basis if we funded the work ourselves. I have liaised with RTA Staff about this proposal and they have indicated they would be prepared to discuss a process by which Lismore City Council would not be treated unfairly if it were decided to proceed along these lines.

Suggested Action:

1. Council consider the options of loan funding for the Regional Roads System on the basis that a substantial component of the repayments can be found from the Regional Road Block Grant.
2. Loan funding would only be considered on the clear understanding that it does not jeopardise the rehabilitation funding that may be received from the RTA.
3. Details of this proposal be submitted to the "Fix the Roads" Working Party and ultimately again to Council once the details have been worked out.
4. Any loan raising would be used exclusively for reconstruction/rehabilitation and would be for a loan term of not more than 10 years.

STAFF COMMENT BY: GROUP MANAGER-CORPORATE & COMMUNITY SERVICES:

The following comments were included in a Notice of Motion to Council on 23/11/99 and remain relevant to the loan funding proposal for Regional Roads as detailed above.

Staff Comment By Manager-Finance & Administration

There is no doubt that our roads system requires a substantial ongoing amount of funding to improve the standard. One of the options to fund this shortfall is from loans. However, this option is fraught with danger.

It has been at least ten years since we borrowed to fund road reconstruction. The result of a policy of borrowing for such projects which have no capacity to generate income to meet repayments spiralled this Council into unrealistic debt levels in the late 1980 and early 1990's, and has the potential to do so again. We have barely cleared the burden of these decisions and the road system still requires significant funding.

While this option is NOT preferred primarily because of the interest costs and the detrimental cash flow impact on future budgets, if it can be proved that there,

- a) is a 'net economic benefit', and
- b) it does not place Council at any financial risk,

then, the proposal to assess the feasibility is supported.

The preferred funding option would be to reduce or eliminate other works and services currently undertaken.

Notice of Motion: Road Maintenance

What also needs to be considered is the fact that this program would need to be ongoing to have any significant benefits. As such, it is more than likely that this option would be unaffordable. **SIMPLY PUT, WE DON'T HAVE THE CAPACITY TO AFFORD THIS UNLESS WE REDUCE OR ELIMINATE OTHER WORKS/SERVICES.** It may also impact on our capacity to borrow for other future capital works projects.

It is strongly suggested that if Council resolves to support this initiative, loan repayment costs be funded by a reduction in the maintenance budget for roads, unless other savings can be identified.

(99-20213: S745)

Subject/File No: APPLYING FOR OPERATIONAL AREA UNDER THE CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) ACT 1997 - CRIME PREVENTION (S717)

Prepared By: Punita Boardman, Crime Prevention Development Officer

Reason: To examine the impact of becoming an operational area under the Children (Protection and Parental Responsibility) Act 1997 in a Goonellabah precinct and to consider the establishment of an alcohol free zone in Goonellabah.

Objective: To determine whether Council wishes to apply for operational status under the above Act.

Management Plan Activity: Community Services

Background:

Under NSW Legislation called The Children (Protection and Parental Responsibility) Act 1997 (referred to throughout this report as the Act), councils can apply to the NSW Attorney General to declare a Local Government Area (LGA) or part of an LGA be an operational area under Part 3 of the Act. This declaration provides for the removal of young people from public places by police. Details of police powers under Part 3 of the Act can be found at Attachment A of this report.

It is important to note that police already have the powers under the Children (Care and Protection) Act 1987 to remove children who are deemed 'at risk' from the streets and to alert the Department of Community Services (DOCS) who would assess the situation and arrange emergency foster care if appropriate.

Lismore City Council received a comprehensive report into this issue at the meeting of September 16, 1997. This report can be found at Attachment B and is essential reading for the contemporary discussion. Obviously these changes to the Act are some two years older now and there has been further monitoring of the effects of its implementation. This report will bring Councillors up to date in this regard.

Reviews and recommendations

- An evaluation in 1996 by an inter-departmental committee was established to evaluate trials of the Act in Gosford and Orange. The evaluation report was critical of the legislation and recommended that the Act be repealed, citing motivation by racial tensions and the desire to remove Aboriginal young people from the streets, rather than addressing the causal issues. This evaluation report further recommends that restorative justice conferencing mechanisms be pursued.
- In December 1998 the NSW Aboriginal Justice Advisory Council (AJAC) identified a need to review the impact of operational areas under the Act in Moree and Ballina. The full report can be found on the Internet at www.lawlink.nsw.gov.au under AJAC. The report acknowledges the difference between the two communities and accordingly finds differential impacts. In Ballina, comments from the following key agencies were recorded: Ballina Youth Service, Police and DOCS. It is clear that the "Street Beat" (youth workers on the street offering transport and follow-up support to young people and their families) is at the heart of any successful impact the operational area in the Ballina CBD has.

The report for AJAC makes 9 recommendations, the first of which is to repeal the Act. Recommendation number 6 states that Ballina should not be used as the model for implementing the Act in other rural areas (as the Street Beat program is the most significant project that makes the Act succeed and that each regional area has different issues and demographic details to address). Other recommendations focus on shared funding for crime prevention initiatives and that funds be put directly into the families who would most benefit from assistance.

Current Statistics

- Currently only 4 Councils, namely Orange, Coonamble, Moree and Ballina have become operational areas under the Act. This represents a small percentage, only 2.25%, of the total number of Councils in NSW (177). One must ask why 97.75% of Councils in NSW have chosen not to embrace the legislation.
- Demographic information as well as recorded crime statistics for the Lismore LGA can be found in the Crime Profile Report that was endorsed by Council on May 18th 1999.

Role of the Crime Prevention Development Officer

Council is currently using Part 4 of the Act for the NSW Attorney Generals Department to fund the position of Crime Prevention Development Officer. This officer has produced a Crime Prevention Plan that has been compiled under the proviso not to pursue the application of an operational area under the Act. The Crime Prevention Plan has focused on both immediate solutions and the root cause of social dysfunction within the community.

The Plan has been a full 12 months in the making and the position is funded for a further 12 months for the implementation phase. *Change of direction now will interrupt the progress of this work and will leave the budget for implementation in question.*

The NSW Attorney General's Department has indicated that the Crime Prevention Development Officer position is not funded to undertake the necessary work in applying for operational areas. This work will impact on the CPDO but will fall to other Council staff to undertake. As the current position is a contract position that receives 100% funding from the NSW Attorney General's Department, a change of direction may, in fact, jeopardise the continued funding of this position.

Community Consultation:

Under the legislation, wide community support, evidenced by consultation results, are required before applying for the operational area. To this end some preliminary contacts have been made.

- **The Community Safety Committee** was approached and asked to lend comment to this issue. The committee decided that they needed more time to fully address the issue and requested that discussion on the issue be postponed until February 2000. Interim suggestions were: to endorse the recent safety audit results for the Rous Road Shopping Complex which includes suggestions that the owners of the complex increase security and beautify the public areas. The committee also decided to broaden their terms of reference (which currently focuses only on the Lismore CBD) to include Goonellabah and to call for expressions of interest to widen the representation.
 - **Community and Corporate Services staff** have agreed to call 2 focus groups for shopkeepers and residents in the Goonellabah area.
-

Applying for Operational Area under Children (Protection & Parental Resp.) Act 1997

- **The Lismore Neighbourhood Centre Inc.** in 1997 hosted a public forum attracting over 100 people from a cross-section of the community. The Neighbourhood Centre is again willing to undertake community consultation in partnership with Community Services section of Council.
- **Ngulingah Land Council** has also indicated their willingness to host community consultation with the local Aboriginal communities.
- **Lismore Multicultural Youth Council** has undertaken to comment on the legislation and to be involved in consultations with young people.
- **NSW Police Service, the Department of Community Services and the Department of Juvenile Justice** will be required to comment on their ability to commit to an enhanced response in Goonellabah. Adequate time is required to allow these departments to examine the resourcing implications should Council decide to proceed with the application for operational status under the Act.

Resourcing Implications for Council:

In order to comply with the legislative requirements in applying for an area to be declared operational under the Act, Council will need to undertake the following:

- Hold extensive consultations with the community which inform interest groups about becoming an operational area under the Act and the powers of Police.
- Provide, or influence other local agencies to provide, both recreational and support systems that are culturally appropriate and accessible to the operational area (Goonellabah).
- Provide, or influence other local agencies to provide, culturally appropriate housing where children and young people can be safely relocated by Police when the Act is used.
- Alteration to the proposed Crime Prevention Plan and its medium and longer-term direction in relation to community development for the area.

Whilst it is difficult to put a precise dollar value on the cost of the above points, the following is a rough estimate of some *possible* costs involved. Other costs will become apparent over time.

<i>Initiative</i>	<i>Responsible parties</i>	<i>Staff time in hours and cost</i>	<i>Estimated additional cost</i>	<i>TOTAL</i>
Consultations with the community that informs interest groups about becoming an operational area under the Act and the powers of Police.	Community Services manager and staff	Preparation for and attendance of 2 staff members at 5 meetings at 8 hours per meeting = 40 staff hours at average costs = \$1,600	\$200 to each group X 5 (for venue hire, catering, printing costs, etc)	\$2,600
Recreational and support systems that are culturally appropriate and accessible to the operational area (Goonellabah).	Community Services manager and staff Other LCC staff	<ul style="list-style-type: none"> • Youth Development Officer • Recreational Planner • Recreational Officer • Parks and Reserves officers • Planners Estimate 7 staff at average costs for 300 hours over 1 year = \$52,500	Infrastructure costs for G' Bah Indoor Sports and Leisure Centre (Cost \$3.5m) and Kadina Park (Cost \$500,000) (both currently on LCC planning agenda - need to be fast-tracked for the application) Total of \$4m	\$4,052,500
Culturally appropriate housing where children and young people can be	Community Services manager and	40 staff hours at average costs = \$1,600		\$1,600

safely relocated by Police when the Act is used.	staff in influencing DOCS and Police to provide this service			
Alteration to Crime Prevention Plan and its medium and longer-term direction in relation to community development	Crime Prevention Dev Officer and/or other staff	28 hours per week for period of 2 months = \$6,800		\$6,800

If infrastructure costs of \$4m are deducted from this equation as money Council has already planned to spend, the total cost of staff time is \$63,500. Monitoring and reporting on the effectiveness of the operational area will incur further substantial costs.

The NSW Attorney General’s Department may fund the Street Beat component of a revised crime prevention budget. At present Ballina Council receives around \$150,000 per annum for its Street Beat for a period of three years. Local areas are expected to meet the ongoing costs of this program at the end of the three-year funding period.

Costs are estimated at \$63,500 for the first year, ongoing costs will become apparent in the second and third years and an additional \$150,000 per annum from the fourth year onwards.

Comparison Between Ballina and Goonellabah

Comparisons with Ballina, where the CBD has been declared an operational area under the Act, are inevitable. It is important to note that there are significant differences between the two areas. Infrastructure for young people in the immediate vicinity of the operational area in Ballina is comprehensive. The Ballina Youth and Children’s Service offers a range of recreational and support services that are simply not available to the young people of Goonellabah. In Ballina the service offers an Aboriginal youth worker, Ballina Activities Centre, Accommodation Support, Street Beat, Community Development, Children’s Service, Ballina Access to Information Technology and After School Care and Vacation Care. This combined with the differing demographic make-up of the area means that a direct comparison between the two is inappropriate.

Law Enforcement and the role of Local Government

As previously stated, Council has increasingly taken on a much greater role with law enforcement. Council currently employs three Law Enforcement Officers and contributes substantial sums towards CBD security patrols and security cameras. To embrace the legislation will undoubtedly have an ongoing resource implication for Council and any decision to proceed must be balanced against the competing priorities for scant Council resources.

Establishment of an Alcohol - Free Zone by W MacDonald

The second aspect of Council resolution (373/99) was that Council implement an alcohol free zone within the Goonellabah precinct with staff to report on appropriate boundaries for the zone.

Under the guidelines for the establishment of Alcohol Free Zones, such zones “*may only be established to include a public road or a public place that is a carpark (ie, carparks on public land or Crown*

land). Private carparks (being on private land and not under the control of the Council) may not be included". Reasons for supporting alcohol free zones must reflect the fact that irresponsible behaviour arising from the consumption of alcohol is occurring on those roads and footpaths and in those carparks included in the proposal.

Initial discussions with Acting Sgt. Wayne Carroll of Lismore Police have revealed that alcohol related street offences in any part of Goonellabah are rare and as a result generally Police do not consider Goonellabah to be an area of great concern.

The guidelines clearly state that it is inappropriate to establish an entire council area, or a substantial part of that area as an alcohol free zone. Similarly, it would usually be inappropriate to zone the greater part of a town, suburb or urban area as alcohol free.

Before any new Zone is established Council must consult with other interested parties. However, time restrictions have prevented this from occurring to date.

Manager - Finance and Administration Comments:

From a financial perspective, it is uncertain as to the exact extent of Council's contribution towards the introduction of a Goonellabah Precinct.

It has been estimated that costs of around \$63,500 would be required to implement the Acts requirements and that further contributions towards ongoing programs, both capital and operational, would be required beyond that.

The majority of the costs involved in implementation relate to existing staff. This assumes that existing roles and responsibilities could be amended significantly to achieve this outcome. Some doubt is expressed over whether this is possible without other services suffering. This means that we would need to employ staff to undertake the implementation.

A commitment to this program will incur an ongoing cost for Council, regardless of the success of the program. At this stage, the preferred option would be to review all other available opportunities before proceeding.

Conclusion:

On balance, resource implications to apply for the operational area under the Act offer considerable liability for Council. Long-term sustainability will include the additional expense of funding the Street Beat program indefinitely from 2002 onwards.

The NSW Attorney General will not approve the application for an area to become operational under the Act if the local community is opposed to it. Based on the 1997 experience and current feedback from the community sector, opposition will be fervent. Council could well damage relationships with parts of the community by insisting upon the consultation process when a likely negative outcome can be predicted.

Further, the current position of the Act and evaluation as to its effectiveness in reducing juvenile crime is at best questionable. Council risks community outcry (as evidenced in 1997) and may be publicly challenged on racial vilification grounds.

In reality, Council could more effectively spend a smaller amount of money towards directly servicing the community of Goonellabah. Anecdotal evidence reveals that a small number of people, some of whom are adults, are responsible for much of the anti-social behaviour and minor offences that are at the heart of the issue in Goonellabah.

Cost effective answers, like hosting meetings of relevant stakeholders and identifying their needs and solutions, will improve relations within the community. Council is already a lead agency in the establishment of the Street Beat program. A 20-week trial was conducted between June and October of this year and evaluated successfully. Partnership funding for the trial was provided by Council, Dept Juvenile Justice and the Lismore Youth Services. The program currently operates through partnership funding provided by the Catholic Church, Lismore Unlimited and again LCC. No less than five submissions for ongoing funds are currently awaiting outcomes. As the infrastructure is already in place, Street Beat could be extended to Goonellabah for a very modest outlay, using the partnership-funding model. Thus, it is possible to provide an immediate response to the problems in Goonellabah. In contrast, a decision by the Attorney General in regards to a decision by Council to implement the Act is unlikely to occur within six months.

With regard to the provision of an alcohol free zone, Council may wish to reconsider this matter in the light of comments from Lismore Police and the fact that the alcohol free zones only apply to public roads and carparks.

Recommendations:

That -

- 1 Council not proceed with an application to make an operational area under the Children (Protection and Parental Responsibility) Act 1997 in a Goonellabah precinct.
- 2 Council continues with its strategic planning course as outlined in the documents Social and Community Plan, Crime Profile Report and Crime Prevention Plan.
- 3 Council commit funds to expand the current Street Beat program to include Goonellabah and seek partnerships within the Goonellabah community to contribute to the program.
- 4 Council not establish an alcohol free zone in Goonellabah for reasons set out in the report.

Subject/File No: CRIME PREVENTION PLAN
(S717)

Prepared By: Punita Boardman, Crime Prevention Development Officer

Reason: To incorporate comments made throughout 28 day public display period

Objective: That Council endorses the Crime Prevention Plan to enable application to the NSW Attorney General and the release of associated funding for the Plan's implementation.

Management Plan Activity: Community Services

Background:

At the meeting of 12th October 1999, Council endorsed the recommendation that the Crime Prevention Plan be put on public display for a period of 28 days. This has now occurred and public comments have been included in this report.

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.

Comprehensive information about the **background** of the Plan, the proposed **model, crime prevention development, public consultations** and **other group comments** was supplied in the cover report furnished for the 12th October meeting.

Public Comments:

- Verbal support for the Plan and individual initiatives has come from a variety of organisations and forums, many of which are named as partners.
 - Specific support from agencies about the inclusion of interpersonal violence in the home.
 - Specific recommendation to include Indigenous Interagency as partner under issue 3.
 - Written feedback from General Manager of Lismore Skills Centre with the following suggestions: *
- Incorporate information exchange with adjoining LGAs
- * Media matters need to be monitored in regard to crime
 - * Importance of building social capital
 - * Support for Street Youth Worker program including media promotion
 - * Family friendly activities to be held in CBD
 - * Need for local youth centre and/or increased youth activities
 - * Support for inclusion of Nimbin and suggest other villages as need arises.

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 (COR57)

That Council endorse the Crime Prevention Plan to enable application to the NSW Attorney General for the release of associated funding for the Plan's implementation.

Subject/File No: LISMORE WILSONS RIVER PROJECT – REFLECTIONS OF A CITY S640

Prepared By: Manager – Economic Development Unit, Peter O’Connor

Reason: To obtain approval and adoption of the Lismore Wilsons River Project Strategic Plan

Objective: To significantly increase community access to the Wilsons River in the city environs together with provision of beautification, increased commercial opportunities and greater awareness of the indigenous culture and European historical sites within the Project’s boundaries.

Management Plan Activity: Economic Development

Background:

The project commenced in November, 1998 with the Economic Development Unit preparing a submission to obtain Centenary of Federation Funds to develop a Master Plan and Design for the Riverbank which would create greater public access, promote greater use and generally beautify a part of the City which had deteriorated visually.

The Lismore Economic Development Advisory Board incorporated the project into its Strategic Plan for 1998/99 and this was endorsed by Council on 15 December, 1998.

Work on public consultation and community involvement commenced in March 1999 with the first round of public consultation occurring on March 15, 1999 with a Workshop held at the Lismore Workers Club. This was attended by approximately 80 local residents and business people and was facilitated by the Southern Cross University’s Professor Allan Davies.

The March workshop constructively identified various interest groups for the project namely:

- Environmental
- Indigenous/Cultural
- Sport & Recreation
- Planning & Development
- Commercial Opportunities
- Historical
- Tourism/Hospitality

The workshop also identified a high level of community interest and support for the project.

The next round of activities culminated in August, 1999 with detailed inspections of the various areas of the river which were considered capable of redevelopment. Representatives from all of the above interest groups participated in a river cruise and workshop/s. These laid the foundation for specific redevelopments/enhancements and identified more precisely the community aspirations for the overall type of riverbank redevelopment.

Soon after these second round inspections/workshops, the Economic Development Unit received confirmation of the success of the submission to obtain Centenary of Federation funding in the sum of \$22,500. In addition, a separate grant application for \$2,500 from the NSW Heritage Office for the identification of sites of historical relevance within the project's area was also successful.

Under the overall supervision of LEDAB, a Lismore Wilsons River Project Steering Committee was formed. The Steering Committee consists of:

Mr Lindsay Walker – Board Member, Lismore Economic Development Advisory Board

Mr Brian Henry – Chair, Lismore Economic Development Advisory Board

Mr Peter O'Connor – Manager, Lismore Economic Development Unit

Ms Ros Derrett – Board Member, Lismore Economic Development Advisory Board

Ms Andrea Roberts – Director, Tourism

Mr Alan Hoskins – Representative for the Commercial Sector

Over the past twelve weeks this group has, with considerable *pro bono* professional assistance from its Chair, Mr Lindsay Walker, integrated all of the community and interest group feedback into the attached draft Strategic Plan for redevelopment of the river.

The Plan has been documented with Perspective and Concept Drawings for the specific sites within the project area and has received strong endorsement from a combined meeting of the community and the interest groups held on 25 October, 1999.

In summary, the major project sites of the Plan are:

- A combined cycleway/walkway that will extend from the Ballina Street bridge to the double bridges off Woodlark Street on both sides of the river plus extensions to associated features to the north and south of these boundaries.
 - A major enhancement of the carpark and open space adjacent to the Laurie Allan Centre (old Kirklands site) which will provide for timber decking, covered kiosks and observation points, walkways and outdoor dining areas.
 - Significant landscaping of the point (known as The Stops) connecting the two bridges at the confluence of Leicester and Wilsons Creeks, together with the replacement of the existing RTA compound with a carpark to facilitate public access to this area as well as the cycleway/walkway and Pritchard Park.
 - Enhancement of Pritchard Park with walkways, interpretive signing and additional plantings to develop a rainforest environment.
 - A substantial Bush Tucker Orchard on the western bank of the river in front of the railway station and associated commercial opportunities.
 - A degree of reconstruction of the historic railway wharf between Hurford's and Norco (subject to funding) together with lower level access able to support modern boating requirements.
 - Widening of the existing boat ramp on the southern side of the Ballina Street bridge and the provision of a jetty/pontoon to facilitate passenger loading/unloading into boats.
 - A substantial levelling/reshaping of the riverbank on the eastern side just north of the Ballina Street bridge to provide easy access for families to the river and also including a natural banked amphitheatre for outdoor performances
-

The civil works associated with this levelling have been mentioned in the Centenary of Federation funding grant and are linked with the provision of fill for the proposed levee.

The funding for each of these developments will need to be sourced from a wide variety of agencies. These will include:

- State Rail Authority
- NSW Waterways
- Heritage Funding
- Work for the Dole
- Community Development Employment Programs
- Indigenous Small Business Support Fund
- Lismore City Council
- Lismore businesses
- Community Service organisations
- Any other state or federal grant opportunities

At this stage positive signs in relation to funding have been obtained from the State Rail Authority and NSW Waterways. Further extensive work will have to be undertaken by the EDU in obtaining other grants to allow the implementation of the Strategic Plan now before Council for adoption.

Council itself will also have to determine its financial participation in each of the projects but this is not seen as crucial to the consideration of the Strategic Plan.

Manager - Finance & Administration Comments

The purpose of this report is for Council to adopt the "Strategic Plan" for this project. As such, it is agreed that specific financial comment is not critical at this stage.

While this is the case, I believe that it is important to highlight that even though substantial grants may be realised for the development of these opportunities, it is likely that Council will need to find the balance of the development funds and the ongoing cost of maintenance.

Consequently, when projects identified in the Plan are considered for implementation, Council will need to be mindful of the overall financial impact of these decisions on existing works and services.

Group Manager - City Works Comments

I have been to a number of the workshops and have viewed the drawings, plus I have inspected the site of the proposed works on a number of occasions.

The overall concept of improving the riverbank and surrounds is very worthwhile and would prove a great improvement on what currently exists. The concept is compatible with the proposed Levee Scheme and ideally should complement each other. The objective would be to co-ordinate both works together.

Extreme care will be needed to ensure the proposed works are designed to minimise maintenance. As the project develops there will be a need to increase Council's funding towards maintenance in line with the increased area of public recreation.

Conclusion

The Strategic Plan has been compiled with extensive general community involvement and support together with the strong support of all the specific interest groups previously mentioned.

Based on this strong foundation, the Plan provides Council with a clear direction for future redevelopment of the riverbank which will significantly enhance the attractiveness of Lismore as a regional city and help to rebuild the historical links which the river has played in the city's development.

The Plan will also provide the basis for commercial activities and employment especially in relation to the indigenous community.

Finally, because of the existence of relevant grant funds from state and federal agencies Council will be able to achieve the implementation of the Plan at a significantly lower cost than would otherwise be the case.

Recommendation (ENT28)

- 1 That the Lismore Wilsons River Project Strategic Plan be approved and adopted by Council.
- 2 That the Strategic Plan incorporating the Master Plan and Concept Drawings be advertised and placed on Public Exhibition for a period of one month.
- 3 That the EDU continue to pursue State, Federal and private sector funding opportunities for implementation of the various components of the Strategic Plan.
- 4 That following the public exhibition period a report incorporating submissions received, be brought back to Council for consideration.

Subject/File No: FORMER LISMORE HIGH SCHOOL SITE
(AL:CD:P25791:P26243)

Prepared By: Staff Project Team consisting of:

- Hugh Johnson (Planning and Heritage);
- Tricia Shantz (Community Services);
- Anne Meagher (Community Services);
- Mike Perkins (Traffic and Parking);
- Warwick Sherring (Building Services);
- Lucy Kingsley (Library);
- Rino Santin (Finance);
- Peter O'Connor (Economic Development);
- Andrew Lovett (Business Development and Property Services)

Reason: To provide Council with the necessary information to respond to the Minister for Education and Training's offer to transfer the site to Council

Objective: Council purchase of the Harold Fredericks Carpark and decision as to the proposed Arts/Cultural precinct on the balance of the site.

Management Plan Activity: Property Services, Art Gallery, Library

Background:

Commencing January 1, 1992 Council entered a 5 x 5 x 5 year lease with the Department of Education and Training over Lot 11 DP 859167, which is the Harold Fredericks Carpark. The carpark improvements were developed at Council's expense. On January 1, 1997 Council exercised its first option period of the contract.

On February 16, 1998 Council became aware that the Department of Education and Training had instructed consultants to prepare a rezoning application for the whole of the former high school site. On May 5, 1998 Council also became aware that the Department of Education and Training had appointed a local real estate agent as selling agents for the whole site.

On August 19, 1998 Council received a market valuation report from the State Valuation Office for the Harold Fredericks Carpark. The values defined in this report were a range of \$425,000 to \$475,000 under the current zone 5 (Special Uses). The State Valuation Office also identified a higher value if the allotment was rezoned to business use. On September 21, 1998 Council staff wrote to the Department of Education and Training requesting that Lot 11 be withdrawn from the tender process.

On December 15, 1998 the Department wrote back to Council agreeing to commence direct negotiations over Lot 11 and raising the possibility that Council take a role in retaining and developing the remainder of the site for community usage. Also in that month, Council conducted a visioning workshop with representatives from the arts and cultural bodies within Lismore and a number of Councillors and Council staff. On January 4, 1999 Council requested access to the buildings on the site for the purposes of conducting a building inspection. Only limited access was obtained.

On January 25, 1999 Council conducted a special meeting to consider this matter. The proposed submission to the Premier of New South Wales and a preliminary inspection report were received by the meeting. Council resolved the following:

That the report be received and the mayoral minute be received and this Council support the submission to the Premier for the former Lismore High School site and it requested the Premier to consider the following options:

1. *The sale of the existing Harold Fredericks Carpark (Lot 11 DP 859167) to Council at a price which reflects the improvements made by Council and that it be recognised as a designated floodway.*
2.
 - (a) *The provision of an outright gift of the remainder of the site to Lismore City Council for the use and benefit of the community, or:*
 - (b) *The remainder of the site be declared a crown reserve and Lismore City Council be given responsibility for its development and strategic management, or*
 - (c) *Provision be made for Council to lease the remaining area on a 99-year lease at a peppercorn rental, providing that the wording of the expression of interest does not commit Council to any particular course of action.*
3. *If the Premier presents a formal offer to Council in accordance with Council's resolution, no particular course of action be undertaken by Council to accept any offer prior to the matter being fully investigated, Councillors' questions being answered, Councillors' concerns regarding the site being addressed and a draft management plan, including a full financial analysis, be prepared.*

On October 1, 1999 the Department of Education and Training wrote to Council with the following offer:

"I am pleased to advise that the Minister has approved the sale to Council of the Harold Fredericks Carpark (Lot 11 DP 859167) on a market value basis, with the transfer of the remainder of the site to Council for nominal consideration subject to existing occupations and with conditions attached, to ensure its continued use for arts and cultural activities".

On October 8, 1999 the General Manager appointed the project team to develop a report to Council outlining all of the necessary information for Council to make an informed decision.

The Harold Fredericks Carpark:

The Harold Fredericks Carpark comprises Lot 11 of DP 859167. It is bounded by Magellan Street on the Southern side, Dawson Street to the East, Rural Street to the North and Lot 14 of DP 859167 to the West. Its area is 9512m² and it is made up of 310 carparks. We are advised by the Department of Education that it is freehold land held in the name of the NSW Minister for Education and Training.

Council's annual rental payment for the site is currently \$16,850.00 and is CPI adjusted. As previously mentioned, Council has entered the first option period of the 5 x 5 x 5 year lease over the carpark. The most notable feature of the lease instrument is that it allows a significant opt out clause, should the Department require the land. (Reference Clause 4)

We have received extracts from a valuation provided by the State Valuation Office (SVO) to the Department of Education and Training dated February 3, 1998. At that time, the SVO valued Lot 11 under its present zoning at \$525,000 to \$600,000. This valuation was amended on August 19, 1998 to the range of \$425,000 to \$475,000, which takes account of Council's lease conditions including the tenure of the lease and the lessor purchase of Council improvements on termination of the lease. The improvements were valued at an amount of \$190,000.

We have confirmed with the SVO that the pricing range of \$425,000 to \$475,000 remains valid and forms their current valuation of the property. It should be noted that the carpark is located in a very strategic location adjacent to both Oakes Oval and Crozier Oval and in close vicinity to the CBD. It is used for all-day carparking. Officers of the Department of Education have indicated that there would be acceptance of an offer from Council to purchase the carpark as operational land for the amount of \$425,000.

The proposed funding for the project arises from two reserve funds. There is an amount of \$16,500 available in the carparking (kerbside dining) reserve and for the balance of the funds it is proposed to withdraw them from property reserves.

Council should also be aware that there is an amount of \$159,600 available in Section 94 carparking funds. However, it is recommended that property reserves be utilised for this purchase as the alternative, using the Section 94 funds, would require that the land be classified as community land. To require that the land be classified as community land would constrain the potential development of the site.

Development of an Arts and Cultural Precinct - The Opportunity:

If Council were to take up the Minister's offer for the transfer of the remainder of the former Lismore High School site to Council for a nominal value, it would be presented with a significant opportunity for the development of an arts and cultural precinct on the site. Outlined below are the elements of this opportunity for Council's consideration.

Relocation and Expansion of the Lismore Central Library:

It would be possible to relocate the Lismore Central Library to B Block located on Lot 14 at the site.

B Block has a net lettable area of 1800 square metres and is comprised of three floors. The current library facility has an area of 550 square metres, part of which is flood-prone and it is significantly less than the standard of 1,500 square metres established by the State Library of NSW. By relocating to a significant portion of the top two floors of B Block, the library would be essentially flood-free (the first floor of this block is above the one-in-100 year flood height) and be presented with a significant increase in the space available. The site is located closer to the CBD, which may improve the usage of the library facility.

Relocation and Expansion of the Regional Art Gallery:

It may be possible by negotiation with the Conservatorium of Music or through the construction of a purpose-built Art Gallery building to relocate the Regional Art Gallery to the site. This would overcome some of the drawbacks of the current site and provide increased room for the development of the art gallery.

In terms of the development of an arts and cultural precinct, it would be absolutely necessary to relocate both the library and the art gallery to the site. However, the Art Gallery Director has a preference for a completely flood-free site.

Transformation of the Historical Society into a Regional Museum:

If it were agreeable to the Historical Society to relocate to the old Lismore High School site, it would provide room for the Historical Society to develop and, perhaps, with additional resources, to transform the existing facility into a regional museum for the Northern Rivers area.

Relocation of the Neighbourhood Centre:

The Neighbourhood Centre's current location in McKenzie Street is a problem that Council has been grappling with. Relocation to C Block of the former Lismore High School site would provide the Neighbourhood Centre with an improved facility, greater floor area and a better location in close proximity to transport. This would enable the current Neighbourhood Centre property to be transferred to McConaghy Holdings for the expansion of Lismore Square and provide a superior building and location.

Support for Existing Arts Bodies:

If Council were to take over the site, it would provide an opportunity to support locally based regional arts organisations such as the Conservatorium of Music and NORPA. There are some 18 organisations which have expressed interest in the site.

Sympathetic Commercial Development:

Within the proposed terms of the transfer, it would be possible to develop some commercial usage of the site. This would have to be on the basis of the site retaining its overall community arts and cultural presence. Some of the potentials would be in the terms of cafe usage and, perhaps, an internet presence in terms of a centre of excellence for the internet for this region.

Site Rental Revenues:

It has been estimated that there would be between \$65,000 and \$150,000 in potential revenues to be earned from the site from tenant rentals. These estimates take account of the current over-supply of office space within Lismore and also the lower rentals that would be achievable from older style buildings and the tenants that may be attracted to the site. As a benchmark, Council rental revenues from Molesworth House are \$65,000 per annum.

Potential to Realise Funds from the Sale of Existing Council Facilities:

It has been estimated by Council's valuers that there may be a potential to realise some \$1.2m from the sale of existing Council facilities. These would include the Regional Art Gallery, the Lismore Library and the Neighbourhood Centre.

To summarise, it may be possible to create a unique Arts Precinct that will be of regional importance. The precinct would have the potential to draw from 300,000 to 500,000 visitations per annum. The library, in its current location draws some 170,000 visitations. This would provide an extraordinary situation for a regional city of Lismore's size. It would provide open space adjacent to the CBD - an area for people to meet and gather. There would be significant economic benefits to the CBD. Lismore would have a regional arts facility located immediately adjacent to a regional shopping area.

The Obstacles:

Together with the opportunities outlined in the section above, there are a number of obstacles which are presented by the site. These obstacles are outlined below.

Capital Funding Requirement:

It has been estimated that there is a \$3.7m capital funding requirement for the renovation of the site. This requirement is detailed below:

FACILITIES	AMOUNT
A Block	\$1,525,000
B Block	\$ 958,000
C Block	\$ 360,000
Grounds	\$ 100,000
Manual Arts	\$ 130,000
Drama Studio	\$ 30,000
Car Park Additions	\$ 124,000
Building Removals	\$ 20,000
Art Gallery and Library Relocation Costs	\$ 35,000
Contingency at 14%	\$ 459,000
TOTAL SITE REDEVELOPMENT COSTS	\$3,741,000

It was noted above that there are potential asset sales of the Art Gallery, Library and Neighbourhood Centre which may raise proceeds of \$1.2m. This leaves a capital-funding gap of approximately \$2.5m.

Annual Operational Expenses:

A projection of the ongoing annual expenses for the site has been developed. The benchmark used for this process was the current Administrative Building located at Goonellabah.

This site is of a comparable scale, however the Goonellabah building is obviously much newer and it is a single building, as opposed to a cluster. Appropriate adjustments have been made to the relevant expenses to take account of the differences between the two sites.

The estimates for these operational expenses are outlined below.

EXPENSE ITEM	AMOUNT
Building Maintenance	\$ 40,000
Marketing	\$ 30,000
Grounds	\$ 20,000
Cleaning	\$ 20,000
Rates and Charges	\$ 23,000
Electricity	\$ 42,000
Insurance	\$ 6,600
Security	\$ 3,000
Air-conditioning	\$ 25,000
Hydraulic Doors	\$ 600
Depreciation	\$ 50,000
Contingency at 10%	\$ 21,000
TOTAL COSTS	\$281,200

It is estimated that these expenses would grow to an amount of \$304,000 over a five-year period.

Conservatorium Lease (Lot 15):

On July 1, 1996 the Minister for Education and Training entered into a 25-year lease with the Northern Rivers Conservatorium of Arts Centre Incorporated. There is provision for an option to renew for a period of ten years, taking the full term of the lease through to the Year 2031. The lease covers Lot 15 of DP 867281 and is a formal, written and exclusive lease over the entire allotment. The yearly rental is on a peppercorn basis.

As outlined in the Department of Education and Training's offer to Council, the transfer would be on the basis of existing occupancies. That is, the Department of Education and Training would simply assign their responsibilities as Lessor to Council.

Block A - Fire Risk:

In the process of the project team carrying out its due diligence, it was identified that Block A represents a substantial fire risk. If Council were to acquire the site, it would need to take immediate action to rectify these concerns. Due to the nature of the usage of the building, it would have a heightened level of requirements as defined by the Building Code of Australia.

The building is deficient in a number of ways, due in part to its age, its former use and a general lack of maintenance in recent years. The building has received no upgrading to keep in step with the fire safety provisions as they have advanced over the years.

In a building of this size and use, it would be expected that exit signs, emergency lights, fire hose reels, internal fire hydrants and a fire alarm warning system would be provided. None of these items exist and the only concession to fire safety is the provision of fire extinguishers, which are not provided in the correct locations.

Similarly, the building has no provision for access for the disabled. The building's construction has intra-floor levels, so the provision of a lift would not service all areas of the building.

It is estimated that the necessary fire safety upgrading would cost \$180,000 and there would need to be provision for \$160,000 for a lift and \$20,000 for disabled ramps internally.

Block A - Foundation:

On Friday, November 26, 1999 the project team was able to obtain consultants' reports into the state of the foundation of A Block.

Work has been commissioned by the Department of Education and Training and carried out by McWilliam Consulting Engineers, the Department of Public Works and Services and other parties, investigating perceived issues with the foundation of the building. There are a series of cracks throughout the building which have been there for some time.

The problems arise because of the clay soil under the foundation to the building. When clay contains moisture, it is more expansive than when the moisture is taken out of the soil. On the northern end of the site there are a number of heritage-listed very large and mature camphor laurel trees. They appear to have removed the moisture from the soil at that end of the building, leading to a situation where the northern end of the building has actually sunk ten inches lower than the southern end of the building. There have been a series of telltales in the form of concrete nails installed adjacent to a number of the cracks and these are being monitored on an ongoing basis.

A summary of the findings of the various consultants' reports is that the building is:

1. Safe "for now";
2. The consultants state that they believe it is unlikely that further instability, crack and danger points will develop. The consultants would not provide a specific life span for the building, stating that "expansive clays can sometimes behave erratically".
3. In 1987 the consultants suggested the allocation of \$8,000 per annum to be put aside for a structural maintenance fund, to cover the future costs of such repair.
4. The total estimated costs for the correction of the foundation in the 1902 section of the building is \$310,000 and for the whole of A Block about four times this figure, i.e. \$1,240,000. Note that these are 1987 figures.

Note: No allowance has been made in the Capital Funding Requirement above, for this rectification work to the foundations of A Block.

Heritage Listing:

The entire site is heritage listed under the Lismore LEP. Specifically, Block A has a higher significance listing and is considered of high local significance. This building is noted on the register of the National Trust (NSW).

Relocation of Young and Powerful School:

This school occupies the site on a month by month basis under a license agreement with the Department of Education. For the development of the arts and cultural precinct to proceed, it would be necessary to relocate the school which would entail determining a new site, relocation or construction of buildings and relocation of all functions of the school.

Financial Capacity of Arts/Cultural/Community Groups:

Arts/Cultural/Community Groups cannot afford commercial rents. Council's valuer has identified an appropriate commercial rent for the site at \$100 per square metre. This takes account of the level of restoration and refit, as defined in the Capital Funding requirement.

It is, however, very unlikely that arts, cultural and community bodies will be able to afford this level of commercial rent. This places in jeopardy the possible site revenues required to make up the annual operational expenses.

Manager - Finance & Administration Comments

These comments are incorporated into the report.

Public Consultations

There have been two meetings called by members of the Community since the offer from the Department of Education and Training to transfer the site. Both meetings have been attended by Councillors and staff from the project team. A Memorandum of Understanding has been signed by community groups attending the meetings.

Other Group Comments

Group Manager Planning and Development:

The purchase of the Harold Fredericks Car Park is essential to maintain an all day public car parking facility within good proximity to the CBD and major sports facilities. It is also consistent with the Council's car parking strategy for the CBD and Contributions Plan.

The opportunity to create a major cultural precinct within the heart of Lismore as part of a long-term redevelopment strategy has considerable merit and appeal. If accepted by the Council, it should be as a

minimum, subject to the State Government agreeing to upgrade the buildings and structures currently in use to a reasonable standard, particularly in regard to fire safety and access requirements.

Conclusion

The staff project team has carried out a detailed analysis of the site over a relatively short period of time.

The purchase of the Harold Fredericks Carpark by Council at a commercial rate is in the clear interests of Council and will secure the highly strategic carparking location readily adjacent to Oakes Oval, Crozier Oval and the CBD.

The creation of an arts and cultural precinct on the balance of the former Lismore High School site represents a tremendous opportunity for the Lismore community. However, the financial constraints of the site places this project outside the available resources of Council.

Recommendations (ENT24)

That:

1. Council proceed to purchase Lot 11 of DP 859167 (Harold Fredericks Carpark) for the amount of \$425,000 from the Minister for Education and Training.
2. Council give public notice that it intends to acquire Lot 11 of DP 859167 as operational land.
3. The General Manager write to the Minister for Education and Training informing him of Council's concerns over the fire safety situation of Block A on Lot 15 of DP 867281 and, to avoid a situation of conflict of interest, the Manager - Building Services refer the matter to the NSW Fire Brigades for action.
4. The General Manager write to the Premier of NSW and Minister for the Arts, Hon Bob Carr, advising him with a summary of the opportunities and constraints of the proposed Arts/Cultural project and requesting State Government financial assistance comprising \$2.5m in capital funding and \$200,000 in recurrent funding.

Subject/File No: MEMORIAL BATHS REDEVELOPMENT
(P6768)

Prepared By: Manager Client Services - Wayne Franklin

Reason: Council has resolved to redevelop the Memorial Baths site as a swimming centre. There are a number of issues requiring a Council decision.

Objective: Council to determine the scope and level of finish to be incorporated in the new swimming centre.

Management Plan Activity: Swimming Pools Strategic Plan Link 5.1

Background:

At its meeting of November 2, 1999 Council resolved to redevelop the Memorial Baths through a three stage process. The Resolutions concerning the Memorial Baths are,

1. Subject to a suitable preliminary design/costing being approved by Council, Council proceed to construct a 50m pool at the Memorial Baths site in three stages as follows:
Stage 1 - Construct an east west 50m pool, leisure and program pool plus ancillary plant. Use existing toddlers pool if possible. Portable spectator stands to be used and retain northern stands. Provision to be made for future heating.
Stage 2 - Extend pool grounds into Market Street, closing the section between Molesworth and Victoria Streets to link with Council owned land on southern side of Market Street. Relocate access to RSL Club by relocating Market Street on southern side of Lismore Clinic.
Stage 3 - Construct new change rooms, entry, office, kiosk building to allow RSL Sub-branch to take over existing building.
2. Negotiations be entered into with the RSL Club to relocate Market Street and upgrade parking to increase capacity.
3. Council plan to have the new pool in operation by 2000/2001 by early closure of current season, if necessary.
4. Council defer consideration of a Goonellabah pool until after the Memorial Pool has been rebuilt.
5. Council advise Southern Cross University it would consider a joint venture at the Memorial Baths site.

The purpose of this report is to two fold:

1. To acquaint Councillors with issues that have arisen concerning the project and have Council determine a position with respect to those issues and,
2. Have Council review the scope of work for the redevelopment and agree on the project inclusions.

During discussion with the RSL Club, concerning the partial closure of Market Street, the Club's General Manager Ken Cochrane advised that the Club would consider the complete closure of Market Street as part of a complete redevelopment of the area around the club and pool.

Ken Cochrane suggested that a possible redevelopment could include:

1. The closure of all of Market Street
2. The sale of the existing unformed RSL Carpark in Victoria Street to Council.
3. The expansion of the Memorial Baths site across Market Street and onto part of the area currently occupied by the RSL bowling green.
4. The conversion of the remaining area of the bowling green to carparking,
5. The construction of a new access road from Molesworth Street to Victoria Street along a route between the Molesworth Street Clinic and Heritage Park.
6. Possible entry to the pool from an additional entrance near the foyer of the RSL Club

This proposal has several advantages the main ones being the provision of additional parking for the baths through the purchase of the current RSL Club parking in Victoria Street and significant more space being made available for the redevelopment of the Memorial Baths. The RSL Club see this proposal as a way of rejuvenating the area around the RSL Club and increasing patronage to the Club.

The disadvantages of this proposal are

1. Additional cost in relocating the power lines along Market Street. At the time of writing this report the cost of this is not available but Northpower are inspecting the site and preparing the estimate.
2. Additional cost in relocating the Water and Telephone lines.
3. Increase in the scope of works included in the project thus increasing cost.

In addition to the above implications of such a redevelopment, the total closure of Market Street would require alternate access to or replacement of the informal parking area between the Lismore Bowling Club and the riverbank. Whilst the Lismore Bowling Club patrons and other casual motorist parking there has no legal right to park on what is actually a section of Spinks Park, Council should decide if it wishes to recognise such usage and provide alternate access or alternate parking. Alternate access may be provided by motorists travelling through the RSL Club parking area and internal roadways. Alternative parking might be provided by utilising parkland between the Lismore Bowling Club and the rear of the old Lismore Council Chambers in Molesworth Street. This parkland is Crown Land with Council as the trustee.

The extent of the work proposed above, is outside the scope of works identified in the Council resolution of November 2, 1999. Prior to proceeding to design and costing of such a proposal, Council would need to resolve to investigate such a proposition. Council will also need to resolve to close all of Market Street to allow an application for the closure to be lodged with the Department of Land and Water Conservation. A preliminary assessment of the issues indicates that approval to close Market Street does not look too difficult to obtain.

PROJECT INCLUSIONS

Prior to costing the proposed redevelopment of the Memorial Baths, it is necessary to have Council agree on the scope of works to be included in the redevelopment. Research has shown that some of the most important factors in attracting people to aquatic centres are, good design that combines passive area for relaxation with active areas that fully occupy the young and energetic.

In addition this redevelopment will provide the competitive water space for Lismore so minimum competitive standards need to be met.

The following list of items is presented for Councils review and concurrence if appropriate.

1A ITEM: MAIN POOL

1B OBJECTIVE: To meet FINA minimum competitive standard and allow for water polo.

1C ISSUES: FINA 50m Competitive Pool.
Length: 50m + 0.03m - 0.00m + allowance for touch pads when used.
Depth: Minimum 1.0m for FINA but recommend 1.2m to allow for safe diving.
Lanes: Minimum 2.0m + 0.2m outside of first and last lanes.
FINA Water Polo
Length: Distance between goal lines 30m.
Width: 20m.
Depth: Minimum 1.8m , 2.0m desirable.
Heating: Council has resolved to include heating.
Lights: 600lux
Disabled access required

1D INCLUSIONS: Recommended Pool dimensions.
Length: 50m + 0.03m - 0.00m plus allowance for touch pads.
Depth: 2.0m for 30m then sloping up to 1.2m deep.
Width: 20m.
Lanes: 8 @ 2.5m each.
Lighting to 600lux.
Pool Finish: Painted concrete and tiled water line. Wet deck water return system. Allow alternative tenders of stainless steel pool.
Disabled access by ramp.
Provision for Heating

2A ITEM: PROGRAM POOL

2B OBJECTIVE: Provide shallow water for uses such as learn to swim, aqua-aerobics plus warm up lanes for swimming competitions.

2C ISSUES: This pool is where the profitable undertakings such as learn to swim and programmed exercise are undertaken. Due to the amount of foot wear on the pool floor a painted floor may wear quickly. Investigation of the type of surface finish is required. A one metre wide learn ledge to facilitate learn to swim may be appropriate. If this pool is integrated with the leisure pool , disabled access can be achieved via the leisure pool beach entry. (See item 3)

- 2D INCLUSIONS:** Length: 20m
Width: 10m (ie 4 lanes at 2.25m each plus 1m learn to swim ledge.
Depth: 0.9m constant
Pool Finish: Options are painted concrete or if integrated into leisure pool, tiles or pebble-crete. Due to high foot loading, suggest tiled finish.
Disabled access by beach entry to liesure pool.
Heating.
- 3A ITEM: LEISURE POOL INCLUDING TODDLERS POOL**
- 3B OBJECTIVE:** Provide free form shallow water and segregated toddlers pool to allow young children to play.
- 3C ISSUES:** Beach entry for disabled access. Toddlers pool to be configured to prevent older children running through it. Need to consider including water toys for amusement.
- 3D INCLUSIONS:** Allow 200m².
Depth: Varying water depths 0 to 0.9m and 0.3m deep toddlers pool
Integration with Program Pool to promote impression of additional water space.
Pool Finish: Options are painted concrete, pebble-crete or tiled. Due to high foot loading suggest tiled finish.
Beach entry for disabled access.
Heating.
Toys: Investigate cost of water cannons etc.
- 4A ITEM: FILTRATION AND DISINFECTION**
- 4B OBJECTIVE:** Ensure pools meet NSW Health Department water quality criteria and guidelines where appropriate.
- 4C ISSUES:** Outdoor pools do not require high technology disinfection systems.
Desirable to segregate filtration system for each pool to minimise cross contamination and allow a contaminated pool to be shut down without all pools being closed down.
- Options are:
- a) Separate filtration and disinfection for:
 - i. Toddlers pool
 - ii. Combined leisure and program pool
 - iii. Main Pool
 - b) Separate filtration and disinfection for:
 - i. Toddlers pool
 - ii. Combined leisure and program pool, and Main pool.
 - c) All pools on same filtration and disinfection system.
-

4D INCLUSIONS: Options (b) above recommended to balance cost against performance

5A ITEM: SHADE STRUCTURES OVER POOLS

5B OBJECTIVE: Provide shaded area to a percentage of water spaces to minimise impact of sun.

5C ISSUES: It is desirable to provide shade over part of the pools to minimise risk of skin cancer. It is recognised that shading all pools is not financially feasible so priorities are:

1. Toddlers Pool
2. Leisure Pool
3. Program Pool
4. Main Pool

5D INCLUSIONS: It is recommended that all of the toddlers pool and part of the Leisure/Program pool be shaded using sails.

6A ITEM: CHANGE ROOMS

6B OBJECTIVE: Provide attractive, clean and secure change rooms and showers for male, female, disabled and family groups.

6C ISSUES: In addition to the traditional male and female change rooms, it is now mandatory to provide at least one unisex disabled change room/shower/toilet. In addition, most new swimming centres incorporate one or more family change rooms incorporating a toilet and shower. It is envisaged that the provision of say two combined unisex disabled/family change rooms in addition to the normal change rooms would be appropriate. Due to the limited space at the Memorial Baths any future improvements such as the provision of a fitness centre would need to be built over the top of the change rooms. Therefore it would be desirable to ensure that this building is structurally adequate to accept an additional level in the future.

To ensure that the change rooms are secure, shaded from the sun and protected from inclement weather, the change rooms should be roofed.

6D INCLUSIONS: The suggested standards of finish to change rooms plus two disabled/unisex change rooms are:

Walls: Rendered and painted block work or double skin face brick, tiles to wet areas.

Floors: Brushed concrete with tiles to wet areas.

Ceilings: Painted villaboard and insulation.

Roof: Colourbond sheeting

Floor area: Including disabled and family change rooms 250m²

Toilet pans, urinal, hot and cold showers, hand basins, benches, coat hooks, mirror.

Lighting: Natural by ceiling lights plus fluorescent tubes.

Ventilation: Natural plus fan forced to toilet and shower areas.

7A ITEM: GRASSED AREA

7B OBJECTIVE: Provide sufficient grassed area to cater for school swimming carnivals, hot days with large attendance and provide landscaped passive relaxation areas.

7C ISSUES: Need to allow grassed areas for several hundred people and configure in a way that allows relaxation away from noise of pool (see picture of Hurstville outdoor area attached).
Need to provide seating plus shade structures and shade trees to comply with Councils Community sun protection strategy.
It would also be desirable to incorporate suitable community art to improve appearance and foster community ownership.

7D INCLUSIONS: Shade structures (sails)
Tables and chairs
Landscaping shrubs and trees
Lawn
Community Art

8A ITEM: KIOSK

8B OBJECTIVE: To determine if the existing kiosk is sufficient or whether a kiosk in a different location and/or size is desirable.

8C ISSUES: At present, the existing kiosk provides an adequate service to the pool and although it is small, it fully complies with the Food Code being constructed in 1998.

Council has resolved to hand over the whole of the Memorial Baths Building to the RSL Sub Branch at some stage meaning amongst other things, a new kiosk and other pool facilities in the Memorial Building will need to be constructed.

A preliminary assessment of the Memorial Baths by Heritage Architect Joyti Sommerville identified the Memorial Building Entrance to the pool to be an intricate part of the pool.

It can be expected that the proposed Heritage Assessment of Baths will recommend the retention of the main building as the entrance to the pools.

The cost to the community of handing over the building to the RSL Sub branch is estimated to be in excess of \$200,000, this being the cost of providing an equivalent floor space in a new building.

The current trend in aquatic centres is to provide a café service with tables and chairs. To do this would require some modification to the existing kiosk and the provision of tables and chairs in a suitable area in good proximity to the café.

8D INCLUSIONS: It is recommended that the existing kiosk be retained as part of the redeveloped Memorial Baths and the provision of modest Café facilities be incorporated.

9A ITEM: GRANDSTANDS

9B OBJECTIVE: Determine the appropriate seating capacity and type of structure for the grandstand.

9C ISSUES: During the investigation for the Joint Venture Aquatic Centre the number of grandstand seats was proposed as 400. This figure was based on affordability but was suggested to be insufficient in number.

Councils current resolution for the Memorial Baths requires reuse of existing grandstands plus the use of portable stands. The two existing stands have an estimated capacity of 200 to 250 people and are low cost structures. One has a roof and one does not.

A low cost solution to grandstand requirements is to duplicate the two existing stands giving a total grandstand capacity of 400 to 500 people. In addition, it would be desirable to roof the unroofed existing stand and the two new proposed stands.

9D INCLUSIONS: Reuse two existing stands.
Duplicate existing stands.
Provide roof to all stands.

10A ITEM: OTHER BUILDINGS

10B OBJECTIVE: Provide sufficient buildings to meet user needs.

10C ISSUES: In addition to the kiosk the main building at the Memorial baths also contains the Managers office, staff room, first aid room and other various storage rooms. The majority of these spaces were constructed in 1998. The first aid room requires fitting out and floor coverings.

Should Council donate the whole building to the RSL Sub branch, all of these spaces will require replacement in a new building. As advised above, the cost of this replacement is in excess of \$2000,000.

The storage space provided in the main building is inadequate and an estimated additional 40 to 60 square metres is considered appropriate. One way of providing this storage is to “gut” the existing plant room and converting it to storage space and/or a swimming club room. Alternatively additional storage space could be incorporated in the proposed change room building. The heritage assessment may identify the existing plant room building as worthy of preservation. If this eventuates, the plant room can be effectively utilised either as storage as proposed above, or as a plant room.

10D INCLUSIONS:

It is recommended that:

- i) The main building continue to be utilised for its existing uses.
- ii) Additional storage space of say 40m² be provided by either,
 - a. Additions to the proposed change room or if the existing plant room is to be preserved and not be utilised as a plant room, by
 - b. conversion of the existing plant room.
- iii) The first aid room in the main building be fitted out.
- iv) Space for a swimming club room only be provided if the existing plant room is retained but not used for plant purposes.

Manager - Finance & Administration Comments

Not requested

Public Consultations

Not requested.

Other Group Comments

Recreation Planner's Comments

While the RSL Club's proposal would increase the cost and complexity of the project, it may provide an opportunity to develop an aquatic centre of regional value that can ably serve the community for many years.

The additional space may allow for adequate parking, complementary amenities (fitness centre), sufficient spectator seating and more grassed relaxation areas to be provided. These are all factors which attract users to aquatic facilities and can enhance their viability. For this reason I agree with the recommendation to explore this option further.

The proposed inclusions listed in the report should be viewed as minimum requirements for a new aquatic facility.

Conclusion

There are a number of issues to be resolved prior to the concept drawings and costings for the Memorial Baths redevelopment being completed.

Recommendation (GM14)

1. Concept drawings of the redevelopment option proposed by the RSL Club involving use of the existing RSL bowling green be prepared and costed.
2. An application be made to the Department of Land and Water Conservation to close all of Market Street.
3. The process of dedicating a new road between Molesworth Street and Victoria Street between the Molesworth Street Clinic and Heritage Park be commenced.
4. INCLUSIONS 1D to 10D be adopted as the minimum standard for the pool redevelopment.

Subject/File No: MARDI GRASS EVENT, 2000
(WR:MJK: S74/3)

Prepared By: Manager-Development Assessment - Warren Rackham

Reason: To obtain Council's support/direction for involvement and early organisation in

Objective: To obtain direction for next year's event.

Management Plan Activity: Development Assessment

Background:

A detailed memo on the Mardi Grass Festival and statement report was sent to all Councillors on October 8, 1999. This document outlined the current situation, problems, issues and Council's interaction and involvement with this event.

In order to ensure early organisation for the May 2000 event, it is desirable that Council consider its support, approach and/or commitment to enable negotiations between Council, the police, local community and the event organisers to commence as early as possible in the new year.

It is not yet known whether the event organisers will run the event, "take it to Sydney", or perhaps hold it at some other venue at this point in time. This report is therefore based on the assumption that it will again be held in Nimbin, at the beginning of May.

Please note that Council this year resolved not to close part of Sibley Street during the festival event, and the Police were therefore required to take this action. Council is asked to consider whether it will or will not support the street closure for next year's event.

It is anticipated that the involvement for Council may again include:

1. Applications for temporary camping on privately-owned lands.
2. Section 68 application for temporary structures (toilets, food stalls, etc)
3. "Clause 41" applications for any uses on public lands.
4. Road closure (Sibley Street).
5. Temporary signage.
6. Provision of waste collection skips.

As consistently stated in previous reports on this issue, it is strongly recommended that Council continue a reasonably supportive role with the event, in a similar manner as occurred this year.

Action is proposed early in 2000 to again co-ordinate activities and meetings between stakeholders.

Manager - Finance & Administration Comments

While it is agreed that co-ordination of this event is best undertaken well in advance, the suggestion to provide rubbish bins funded from waste reserves is inappropriate.

The Manager - Waste Services has advised that there will be savings in the operating costs for the Nimbin Transfer Station. It is suggested that \$2,000 from that budget be reallocated for this purpose.

It is understood that all other costs incurred such as temporary signage etc, which will be minimised as much as possible, will be at the cost of the appropriate Group.

Public Consultations

N/A

Other Group Comments

N/A

Recommendation (PLA77)

- A That Council support in principle a similar involvement for the year 2000 Nimbin Mardi-Grass Event (if held), which may involve:
- 1 Early liaison with police, the organisers, and local residents;
 - 2 Requiring timely lodgement of any necessary applications (DA's, Section 68, Clause 41");
 - 3 Location of any necessary temporary signage;
 - 4 Provide funds from waste management reserve to assist with rubbish collection (delivery, location and removal of up to twelve 4m³ bins, and recycling skip).
 - 5 Any other issues as may be determined by Council.
- B That Council determine whether it will agree to closing section of Sibley Street during the festival, or require police to carry out this function.

Subject/File No: **LISMORE FLOOD LEVEE SCHEME**
 (WJM:VLC:99-19822:S106)

Prepared By: Group Manager - City Works

Reason: Council receipt of Consultant's Report on EIS Submissions.

Objective: Council agree to support the Lismore Levee Scheme.

Management Plan Activity: Emergency Services

Background:

Richmond River County Council has provided this Council with a copy of the report prepared by WBM Oceanics Australia which addresses the submissions lodged during the exhibition period for the Environmental Impact Statement for the proposed Lismore Flood Levee Scheme.

Lismore City Council is one of a number of determining authorities for the Levee Scheme due to the requirements for providing financial support.

In consideration of the submissions lodged, Richmond River County Council, at its meeting of August 11, 1999, resolved that the Lismore Levee Scheme be constructed but that the proposal be modified in the following respects -

- (a) In the preparation of the Plan of Management for Levee Overtopping as it relates to the Gasworks Creak area, minor local levee works or property acquisitions be considered to ensure that the risk of damage to structures in Molesworth Street and Hutley Place is minimised.
 - (b) Work in the vicinity of the Spinks Park fig trees shall be designed and effected to minimise damage to those trees and the advice of appropriate experts shall be taken.
 - (c) The RSL shall be consulted in relation to the wall near the RSL and opportunity shall be provided for the inclusion of a memorial feature in that wall.
 - (d) During construction special effort shall be made to minimise impacts to the access to Mr Gallatly's mechanical repair shop at No. 1 Junction Street.
 - (e) That issues concerning access to the Gospel Hall be appropriately addressed during the detailed design stage to minimise levee impact.
 - (f) The design of the road raising of Junction Street shall include guard rails or the like to minimise the risk of damage to houses below the level of the raised road.
 - (g) That requisite action be taken as part of this scheme to ensure provision of access to properties where present access will be significantly adversely impacted.
-

(h) That, whilst it may be necessary to acquire other properties, subject to negotiating satisfactory arrangements, Council acquire the following properties as part of this scheme:

- * Nos. 7, 9 and 11 Barrie Street, Lismore
- * No. 56 Victoria Street, Lismore
- * Nos. 5, 7 and 9 Shannon Street, Lismore.

Manager - Finance & Administration Comments

It was resolved in November 1996 that, "*Council's share of the total cost of the scheme shall not exceed \$2.0 million*". The term "total cost of the scheme" has been defined as 'cost of design and construction of the levee'.

On the basis that the cost to meet these additional requirements is within the approved allocation, the recommendation is supported.

As the levee is to be constructed, it may be pertinent to request Richmond River County Council to provide a financial plan on the likely staging and costs of the works so that we can prepare to meet the required contributions and the funding sources.

Public Consultations Complete

Other Group Comments N/A

Recommendation (WOR24)

1. That Lismore City Council agree to financially support the Lismore Levee Scheme as adopted by Richmond River County Council at its meeting of August 11, 1999.
2. That Council's total contribution towards the cost of the scheme not exceed \$2.0 Million in line with Council's earlier resolution of November 1996.

Subject/File No: DEVELOPMENT APPLICATION NO. 99/695 - Hospital - Drug and Alcohol Detoxification Unit, at Lot 1 DP 900631, Lot 2 DP 333108 and Lot 1 DP 333108, being 56, 58 Uralba Street and 75 Hunter Street, Lismore.
(BT: DA99/695)

Prepared By: Development Assessment Planner - Brendan Toohey.

Reason: Attain Council's formal concurrence to the agreed conditions.

Objective: Referral under Section 115I of the Environmental Planning and Assessment Act.

Management Plan Activity: Development Assessment Section

Background:

Council resolved at its meeting held November 23 1999 to endorse the construction of a Hospital - Drug and Alcohol Detoxification Unit at the 56, 58 Uralba Street and 75 Hunter Street, Lismore.

Council will recall that as the proponent is the NSW Department of Health (a Government agency) Council is required to refer conditions of consent for formal concurrence, prior to the issuing of a development consent (Sec. 115I, EPA Act, 1979).

A number of the changes to the conditions refer to the deletion of the requirement of the Health Department to submit subsequent applications to Council for assessment and determination, that is Construction and Occupation Certificates, and the approval of engineering plans. This is due to the non-requirement of the Crown to obtain building or other subsequent approvals, however compliance with the State's building laws is still strictly required. The provisions of the Building Code of Australia (BCA) are prescribed technical provisions of the State's building laws (Environmental Planning and Assessment Regulations cl.81NN) and shall be complied with at all times.

A copy of the conditions have been forwarded to the Department of Health, with the following conditions not concurred with, and the justification for the variation/deletion of the condition supplied:

The following conditions which were reported at Council Meeting 23/11/99 have been deleted due to the non-requirement of the Crown to achieve development consent for building approval. The Crown need only comply with the technical provisions of the State's building laws ie. the BCA.

- 2 The following building works are to be certified by Council or by an Accredited Certifier in the form of a Compliance Certificate.
 - (a) Footings - the foundation trenches are open and the steel reinforcement is in position, prior to concrete being placed.

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

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

Reason: *To assess compliance with this approval.*

- 5 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.*

- 14 Structural Engineering details for footings, slabs, retaining walls and structural steelwork are to be submitted to and approved by Council prior to commencement of the work.

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

- 26 Details of the fire hydrant protection of the building is to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

- 55 Full design plans of the proposed engineering works to satisfy condition(s) shall be submitted to Lismore City Council. Such plans must be approved by the Manager-Water and Sewerage before 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))*

Condition reported at Council Meeting 23/11/99

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

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

Action

To be deleted

Reason for Alteration

AS1288-1994 "Glass in Building" is the standard for the provision of glass in buildings but the NRAHS also has to comply with other State Statutes and OH&S legislation for its buildings which are often over and above AS1288-1994. Therefore the Health Service asked for this classification to be deleted to allow the Health Service full utilisation of all codes over and above AS1288-1994.

Condition reported at Council Meeting 23/11/99

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

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

Action To be deleted

Reason for Alteration

NRAHS will have all wall structures designed and certified by a practicing structural engineer and all designs for the building will be signed off by the Architect and all other necessary engineering consultants certifying that the building is designed in accordance to the BCA.

Condition reported at Council Meeting 23/11/99

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

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

Reason: To prevent erosion of materials from the site.

Action

To be deleted

Reason for Alteration

This condition has been satisfactorily addressed by condition 35, and therefore should be deleted.

Condition reported at Council Meeting 23/11/99

- 23 A certificate from a licensed electrician must be provided upon completion of the installation of the smoke alarms, certifying that the smoke alarm installation complies with AS 3786 "Smoke Alarms".

Reason: To ensure compliance with this building approval.

Action

To be deleted.

Reason for Change

NRAHS uses dedicated fire systems installation companies that are not necessarily certified as electricians and as such these systems do not need to be separately certified by electricians.

Condition reported at Council Meeting 23/11/99

- 29 An emergency lighting system is to be provided throughout the building to comply with Clause E4.2 Building Code of Australia. Details of the emergency lighting system and a certificate from an electrical engineer certifying the level of illumination required is provided and that the circuits are designed as required, is to be submitted to the Principal Certifying Authority prior to installation.

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

Action

To be deleted

Reason for Change

NRAHS will provide emergency lighting and lighting system in the unit under the classification as laid down by the BCA and NSW fire department. Again, the design will be certified by the Architect/Engineers as complying with the BCA, and it is not necessary to obtain approval from any other Authority. All the appropriate certifications will be obtained from the design engineers for the project. Upon completion of the project the NRAHS will supply Lismore City Council with a full documented set of plans, therefore the Council does not need to certify works prior to them being completed.

Condition reported at Council Meeting 23/11/99

- 30 Provide emergency light exit signs on or near every door affording direct access from a storey to:-
- (a) An enclosed stairway or ramp serving as a required exit:
 - (b) An external stairway servicing as a required exit:
 - (c) An external access balcony leading to a required exit:
 - (d) On or near every door discharging from an enclosed stairway or ramp at every level of access to a road or open space.
 - (e) A door forming part of a required exit in a storey required to be provided with emergency lighting.

Reason: Required by Clause E4.5 of the Building Code of Australia.

Action

To be deleted

Reason for Change

NRAHS will provide emergency lighting and lighting system in the unit under the classification as laid down by the BCA and NSW fire department. Again, the design will be certified by the Architect/Engineers as complying with the BCA, and it is not necessary to obtain approval from any other Authority. All the appropriate certifications will be obtained from the design engineers for the project. Upon completion of the project the NRAHS will supply Lismore City Council with a full documented set of plans, therefore the Council does not need to certify works prior to them being completed.

Condition reported at Council Meeting 23/11/99

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

Reason: To ensure compliance with this approval.

Action

To be deleted

Reason for Change

NRAHS will provide emergency lighting and lighting system in the unit under the classification as laid down by the BCA and NSW fire department. Again, the design will be certified by the Architect/Engineers as complying with the BCA, and it is not necessary to obtain approval from any other Authority. All the appropriate certifications will be obtained from the design engineers for the project. Upon completion of the project the NRAHS will supply Lismore City Council with a full documented set of plans, therefore the Council does not need to certify works prior to them being completed.

Condition reported at Council Meeting 23/11/99

- 32 Provide a solid core self-closing door to the garage store room.

Reason: To ensure compliance with this approval.

Action

To be deleted.

Reason for Change

All rooms on the garage level will have doors designed in accordance with the BCA. A solid core door is a minimum but we may also install 120 x 120 fire rated doors.

Condition reported at Council Meeting 23/11/99

- 33 The building shall be clad with a low-reflective material compatible with the environment of the locality. Associated colour schemes are to be submitted to Council for approval prior to commencement of work.

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

Action

To be deleted

Reason for Change

The NRAHS will not be using high reflective material on this building and we do not see the need to submit colour schemes to Council for approval.

Condition reported at Council Meeting 23/11/99

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

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

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Details of sediment control measures and revegetation works shall be submitted to the Principal Certifying Authority 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))

New Condition

35 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.

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

Reason for Alteration

The amended condition deletes the requirement of the NRAHS to submit further details with a Construction certificate, as to the means to retain sedimentation on the subject site. However the amended condition still requires the erection of sedimentation fences or other means, prior to construction.

Condition reported at Council Meeting 23/11/99

36 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 piped drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the proponent.

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

New Condition

36 Hard surface areas, landscaped areas, roof water and subsoil drainage systems shall be designed by a suitably qualified person experienced in Hydraulic design. 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 piped drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the proponent.

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

Reason for Alteration

As there is no Construction Certificate to be submitted there is no requirement to submit further details regarding the disposal of stormwater. However the condition still requires the disposal of stormwater generated from the subject land to Council's stormwater system.

Condition reported at Council Meeting 23/11/99

40 The carpark identified in Section 6.4.2 of ASPECT North's report shall be completed prior to the release of the Occupation Certificate for the Hospital - Drug and Alcohol Detoxification unit.

Reason: To comply with the provisions of Local Environmental Plan 1992 - City of Lismore. (EPA Act Sec 79C(a))

New Condition

40 The carpark identified in Section 6.4.2 of ASPECT North's report shall be completed prior to the Occupation Hospital - Drug and Alcohol Detoxification unit.

Reason: To comply with the provisions of Local Environmental Plan 1992 - City of Lismore. (EPA Act Sec 79C(a))

Reason for Alteration

There is no requirement for the Crown to submit an Occupation Certificate to Council. However the condition still requires that the removal of the dwellings and the construction of the one hundred and eleven (111) carspace carpark at 64-66 Hunter and 15 Weaver Street be constructed prior to the occupation of the Hospital - Drug and Alcohol Detoxification unit.

Condition reported at Council Meeting 23/11/99

43 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))

New Condition

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

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

Reason for Alteration

The condition has been amended by the removal of the requirement of all construction vehicles to load/unload within the confines of the property boundary. NRAHS considered this an onerous request given the high level of construction vehicles to be utilised during the construction of the Hospital would restrict the area available for manoeuvrability

Condition reported at Council Meeting 23/11/99

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

Urban Road

Construction of a kerb and gutter and a bitumen sealed pavement, from the edge of the existing seal to the kerb and gutter, for the full frontage of the land in Uralba Street. Appropriate landscaping measures shall be provided to protect the existing tree.

b) Construction of the eastern entrance to Shepard Lane to a 6 metres wide pavement with appropriate return radius. Should the conversion of Shepard Lane to one way traffic be approved by the Local Traffic Committee then the widening of the entrance shall be no longer be required.

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))

New Condition

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

urban road

a) Construction of a kerb and gutter and a bitumen sealed pavement, from the edge of the existing seal to the kerb and gutter, for the full frontage of the land in Uralba Street. Appropriate landscaping measures shall be provided to protect the existing tree.

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

Reason for Change

The Traffic Committee at there meeting of the 17 November 1999 recommended that Shepard Lane be changed to a one-way road, therefore negating the need to increase the width of Shepard Lane at the intersection with Hunter Street.

The condition has also been amended by deleting the requirement to submit “work-as-executed” plans with a Construction Certificate, as there is no requirement for the Crown to submit a Construction Certificate. However the condition still requires the completion of engineering works and the maintenance of these works for a period of six (6) months after completion.

Condition reported at Council Meeting 23/11/99

47 Full design plans of the proposed engineering works to satisfy condition 46 shall be submitted to the Council prior to the commencement of works. Principal Certifying Authority for approval prior to the issue of a Construction Certificate. If such plans are approved by Council, a checking fee of \$114 per lot, being \$114 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))

New Condition

47 Full design plans of the proposed engineering works to satisfy condition 46 shall be submitted to the Council prior to the commencement of works.

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

Reason for Change

There is no requirement for a Crown Authority to submit a Construction Certificate, however the Crown has agreed to submit the engineering plans, for Council’s information and records prior to the commencement of the works

Condition reported at Council Meeting 23/11/99

50 Relocation or replacement of the sewer pipe that traverses the land is the responsibility of the proponent. Any relocation or replacement work shall be undertaken to the satisfaction of the Lismore City Council’s Manager-Water and Sewerage. Any costs associated with these works shall be the responsibility of the proponent.

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

New Condition

50 Removal of the sewer pipe that traverses the land is the responsibility of the proponent.

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

Reason for Change

The NRAHS acknowledges any cost involved with the removal of the existing sewer line is there responsibility. However as the Crown does not require the approval of Council's Manager - Water and Sewerage this reference to any subsequent approval should be deleted.

Condition reported at Council Meeting 23/11/99

- 51 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 documentary evidence submitted to Council on the completion of works.

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

New Condition

- 51 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.

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

The following conditions which were reported to the Council Meeting of 23/11/99 have been amended, as there is no requirement for a Crown Authority to submit disconnection permits. However the conditions still require the disconnection of the respective services to be completed satisfactorily.

- 53 Sewer connections must be effectively sealed off at the boundary riser. In this regard a Minor Works Permit must be applied for at Council and all work is to be carried out in accordance with Lismore City Council Sewer Specifications prior to the commencement of work.

Reason: *Required by Clause 65 of the Local Government (Approvals) Regulation.*

New Condition

- 53 Sewer connections must be effectively sealed off at the boundary riser.

Reason: *Required by Clause 65 of the Local Government (Approvals) Regulation.*

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

Reason: *Required by Clause 65 of the Local Government (Approvals) Regulation.*

New Condition

- 54 Water connections must be effectively disconnected.

Reason: *Required by Clause 65 of the Local Government (Approvals) Regulation.*

Condition reported at Council Meeting 23/11/99

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

Reason: To conform to the provisions of the Tree Preservation Order, gazetted in accordance with Local Environmental Plan 1992 - (City of Lismore). (EPA Act Sec 79C(a))

Action

To be deleted.

Reason for Alteration

NRAH intends to relocate and/or reuse the existing palms on site and will comply with the Council's Tree Preservation Order.

Condition reported at Council Meeting 23/11/99

58 The landscaped areas as detailed on plan entitled "Site Landscaping Plan, Sheet No. DA5^A, SEPT 99" are to be planted using plants from a container of minimum size of thirty five (35) litre bags or 2 metres high, and shall be maintained by the applicant/owner in a healthy and vigorous condition, until they attain the minimum height for protection by Council's Tree Preservation Order. Prior to protection by Council's Tree Preservation Order, any of the aforementioned trees found to be in poor condition (damaged, dying or dead) shall be replaced by the applicant with a tree of the same size and species.

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

New Condition

58 The landscaped areas as detailed on plan entitled "Site Landscaping Plan, Sheet No. DA5^A, SEPT 99" are to be planted and shall be maintained by the applicant/owner in a healthy and vigorous condition.

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

Reason for Change

NRAHS has provided the Lismore City Council with a full landscaping design plan and the Health Service will be landscaping the entire complex to that plan. The Health Service will provide suitable shrubs and trees on the site and will ensure that the appropriate landscaping is provided. The NRAHS takes pride in its landscaping endeavours as evidenced by the number of gardening awards received over the years, but cannot guarantee that all plants will be from a container of minimum size of 35 litre bag or 2 metres high.

Condition reported at Council Meeting 23/11/99

61 All outdoor advertising material, signs or decorative materials (including flags or bunting) shall be approved by the Council prior to erection, in accordance with Development Control Plan No. 36 Outdoor Advertising Structures (as amended). A separate application shall be submitted.

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

Action

To be deleted

Reason for Change

No advertising signage proposed as part of the development.

Condition reported at Council Meeting 23/11/99

63 Prior to occupation the applicant shall submit to Council, and have approved, a Waste Management Plan for the proposed drug and alcohol detoxification- unit. The plan shall identify:

- (a) Waste characterisation and composition;
- (b) Generation rates;
- (c) Treatment and storage processes; and
- (d) Methods of disposal.

New Condition

63 Waste generated from the Hospital - Drug and Alcohol Detoxification Unit is to comply with the provisions of the Lismore Base Hospital Waste Management Plan.

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

Reason for Alteration

NRAHS Drug and Alcohol Unit is part of Lismore Base Hospital and will be utilising the Lismore Base Hospital's Waste Management Plan.

Other Groups/Sections Comments

Council's Building and Regulation Section raises no objections with the amended conditions.

Council's City Works Group raises no objections with the amended conditions.

Council's Environmental Health Section raises no objections with the amended conditions.

Council's Water and Wastewater Section raise no objection to the altered conditions.

RECOMMENDATION (PLA73)

- A That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.
- B That Council, as the consent authority, approve Development Application 99/645 for the erection of a Hospital (Drug and Alcohol Detoxification Unit), construction nineteen (19) carparking spaces including the provision of two (2) Disabled Carparking Spaces, and associated landscaping at Lot 1 DP 900631, Lot 2 DP 333108 and Lot 1 DP 333108, being 56, 58 Uralba Street and 75 Hunter Street, Lismore.

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

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

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.

In granting this development consent, Council requires:

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

and be substantially in accordance with the stamped approved plans titled DA1^A to DA5^A, PROJECT 9918, dated Sept. 99 and supporting documents submitted with the application. Copies of the approved plans are attached to this consent.

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

BUILDING AND REGULATION

2 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.

3 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.

4 Provide a stainless steel or copper shower tray for the base of the shower recess, or other construction approved by Council.

Reason: To ensure adequate dampproofing of the building.

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

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

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

Reason: To warn the public of site dangers.

7 The effects of vibration, dust, noise and concussion on adjoining buildings and their occupants must be minimised, by selecting appropriate demolition methods and equipment.

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

- 8 Demolition of the structure must be in accordance with Sections 2 and 3 of AS 2601 "The Demolition of Structures".

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

- 9 Roof water drains and drainage from paved surfaces must be connected to the street water-table.

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

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

Reason: *To conserve water.*

- 11 Provide vacuum breaker devices to all external taps.

Reason: *To prevent the contamination of the water supply by cross connection.*

- 12 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.*

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

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

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

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

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

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

- 16 Provide interconnected, automatic smoke alarms wired into the electrical mains and having a stand-by battery power supply, in accordance with Clause E1.7 of the Building Code of Australia.

Reason: *To comply with Clause E1.7 of the Building Code of Australia.*

- 17 The main switchboard within the building, if it sustains emergency equipment, must be separated from other parts of the building by construction having an FRL of 120/120/120 and any doorway must be fitted with a self closing fire door having an FRL of -/120/30.

Reason: *Required by Clause C2.13 of the Building Code of Australia.*

- 18 Fire hose reels must be provided in accordance with Clause E1.4 Building Code of Australia and the following:-

- (a) Must comply with Australian Standard 1221 "Fire Hose Reels" and be installed in accordance with Australian Standard 2441, "Installation of Fire Hose Reels".
-

- (b) At the connection of the most hydraulically disadvantaged hose reel to the fire main or water service pipe, provide a water flow rate of 0.33 L/s.
- (c) Must not be installed in fire-isolated stairways, fire-isolated ramps or fire-isolated passageways.
- (d) At least one hose reel must be accessible to all occupants of the storey served by it.

- (e) No part of the storey must be beyond the reach of the nozzle end of a fully extended hose reel installed on that storey.

Reason: *Required by Clause E1.4 of the Building Code of Australia.*

- 19 Provide portable fire extinguisher/s, suitable to address the relevant risk, in accordance with AS2444.

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

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

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

Reason: *To provide equality of access.*

- 21 The new building shall be setback a minimum of 6 metres from the boundary adjoining Uralba Street, 3 metres adjoining the boundary fronting Hunter Street and a zero setback is permitted to Shepard Lane.

Reason: *To comply with the provisions of Local Environmental Plan 1992 - City of Lismore. (EPA Act Sec 79C(a))*

DRAINAGE

- 22 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.

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

- 23 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 Council prior to occupation. 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 piped drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the proponent.
-

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

CARPARKING

- 24 Provision shall be made for nineteen (19) carparking spaces 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.

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

Reason: *To ensure the free flow of traffic and comply with traffic regulations. (EPA Act Sec 79C(c))*

- 26 All vehicles connected with the premises shall be parked or garaged within the property at all times.

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))*

- 27 The carpark identified in Section 6.4.2 of ASPECT North's report shall be completed prior to the Occupation of the Hospital - Drug and Alcohol Detoxification unit.

Reason: *To comply with the provisions of Local Environmental Plan 1992 - City of Lismore. (EPA Act Sec 79C(a))*

VEHICULAR ACCESS

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

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

- 29 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))*

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

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

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

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

- 32 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))

ROADS

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

urban road

a) Construction of a kerb and gutter and a bitumen sealed pavement, from the edge of the existing seal to the kerb and gutter, for the full frontage of the land in Uralba Street. Appropriate landscaping measures shall be provided to protect the existing tree.

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

34 Full design plans of the proposed engineering works to satisfy condition 33 shall be submitted for Council's information prior to the commencement of works.

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

PEDESTRAIN ACCESS

35 The proponent shall construct a 1.5m wide reinforced concrete, paving block or equivalent footpath, leading from the end of the existing footpath in Hunter Street to Shepard Lane 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)

DEVELOPMENT ASSESSMENT SECTION

36 All separate parcels of land shall be consolidated into one allotment and registered under one title with the Registrar General prior to occupation of the building.

Reason: To prevent future dealing in separately titled land, the subject of one consolidated site development application. (EPA Act Sec 79C(c))

WATER AND WASTEWATER

37 Removal of the sewer pipe that traverses the land is the responsibility of the proponent.

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

38 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.

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

39 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".

40 Sewer connections must be effectively sealed off at the boundary riser.

Reason: Required by Clause 65 of the Local Government (Approvals) Regulation.

41 Water connections must be effectively disconnected.

Reason: Required by Clause 65 of the Local Government (Approvals) Regulation.

42 Construct a sewer manhole on the existing sewer line inside the western boundary on number 56 Uralba Street, Lismore. This new manhole is to be constructed in accordance with Lismore City Council's adopted Sewer specifications. The manhole is to provide a junction to service this development, the existing gravity line on the east of this new manhole is to be terminated and capped outside the manhole. The existing manhole number 3ET3 is to be filled and the sewer vent to be removed. Any cost associated with the works shall be the responsibility of the proponent.

After satisfactory completion of this work, a practising qualified surveyor shall submit a "works as executed drawing" of this work on a transparency at a scale of 1:1000.

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

LANDSCAPING

43 The landscaped areas as detailed on plan entitled "Site Landscaping Plan, Sheet No. DA5^A, SEPT 99" are to be planted, and shall be maintained by the applicant/owner in a healthy and vigorous condition.

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

AMENITY

44 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))

45 The 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))

ADVERTISING/LIGHTING

46 External sensor lights are to be erected outside the building, and are to be located or shielded so no additional light is cast on adjoining land or distracts traffic.

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

ENVIRONMENTAL HEALTH

47 Waste generated from the Hospital - Drug and Alcohol Detoxification Unit is to comply with the provisions of the Lismore Base Hospital Waste Management Plan.

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

ADVISORY NOTES

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

NOTE 2: Water and/or Sewerage Headworks levies payable under the Water Supply Authorities Act 1987 totalling \$20,502.00 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 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: The applicant or developer shall pay to Council all Water and Sewerage Headworks Levies deemed necessary in by Council 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 final linen plan.

DATE FROM WHICH CONSENT OPERATES

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

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

COMPLIANCE

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

REVIEW OF DETERMINATION

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

RIGHT OF APPEAL

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

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

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

LAPSING OF CONSENT

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

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

EXTENSION OF CONSENT

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

NOTICE TO COMPLETE

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

LISMORE CITY COUNCIL

DEVELOPMENT CONSENT NO: 99/695
ADDRESS: 56, 58 Uralba Street and 75 Hunter Street, Lismore.

To be read in conjunction with advice of development consent.

The levies imposed by Note No. 2 are identified in this Schedule.

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

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

Levy Area	Account No.	No. of ET's	Cost Per ET	Amount Payable
Water and Sewerage Headworks Levies are charged under Division 2 of Part 3 of the Water Supply Authorities Act 1987 (as amended) of the Local Government Act 1993 and amounts payable are set out below.				
Water Headworks				
Urban Reservoir Zone				
Nth/Sth/CBD/Pt East				
- Central	8175-1	3.2	1873	5,994
Rous County Council				
All areas except Nimbin Per Allotment	9200-2	3.2	1257	4,022
Sewerage Headworks				
South Lismore Treatment Plan	7175-1	3.2	3277	10,486
Total				\$20,502

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

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

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

A COPY OF THIS ADVICE MUST BE
PRESENTED WHEN MAKING PAYMENT

DATE:

RECEIPT NO:
CASHIER:

Subject/File No: DISPOSAL OF SURPLUS COUNCIL PROPERTIES
(P23555:P18746:P1020:P357)

Prepared By: Malcolm Scott (Consultant) in collaboration with Manager Business Development

Reason: To bring together arrangements for the reclassification from community to operational status, for a number of Council properties.

Objective: To commence the exhibition of a draft LEP.

Management Plan Activity: Property Services

Introduction:

Malcolm Scott, Consultant Town Planner, was requested to investigate and prepare an amendment to the Lismore LEP to reclassify and rezone certain Council owned lands (described below) from community to operational.

The work was to include the following:

- a) Documentation of the LEP amendment,
- b) Preparation of the necessary Council reports,
- c) Liaison with the appropriate State Government bodies, and
- d) Co-ordination and necessary works to see the project through to completion.

In the preparation of this report Council's property files for Property Numbers P23555, P18746, P1020 and P357 and the Reports to Council listed below were used as the primary source of information.

The purpose of this report is to advise Council of the status of the process and works undertaken to-date and seek the appropriate resolutions in order to co-ordinate and finalise the process of reclassification and rezoning of the properties.

Background:

Council has previously considered several reports and undertaken certain actions in respect of four properties it currently owns and wishes to dispose of. Three of the properties have been previously assessed and determined by Council as surplus to Council's community requirements.

As there has been a significant change in the general membership of Council the following identifies and summarises the key applicable matters and recommendations of those reports and actions undertaken to date:

LISMORE CITY COUNCIL - Meeting held December 14, 1999

Report - Disposal of Surplus Council Property

Date	Nature of report	Outcome or resolution
Council Meeting March 11, 1997	Notice of Motion	Report on future acquisition and property listings
Action	Workshop conducted on September 30, 1997	
Council report July 14, 1998	Acting on outcomes of Council Workshop (September 30, 1997) which identified 46 properties as potentially being surplus to requirements. Six parcels classified as community and 3 parcels classified as operational were identified as suitable for disposal. The 6 parcels classified as community to be subject to a suitability assessment.	Council resolved to have Walker and Newton to undertake a background study of the six parcels classified as community to enable the Planning and Development Group to prepare the required LEPs to reclassify the lands to operational. The six parcels studied were: 15 Westview Drive 3 Barr Scott Drive 52 Mountain View Drive 116 Mountain View Drive 51 Deegan Drive and 8 Holmesleigh Drive.
Action	Walker and Newton undertook study. The Business and Enterprise Group prior to the October 27, 1998 report to Council considered the study.	
Council report October 27, 1998	Advising of the outcomes of the Walker and Newton study. The Business and Enterprise Group recommended that 15 Westview Drive 3 Barr Scott Drive and 52 Mountain View Drive be reclassified to operational and offered for sale. The lands: 116 Mountain View Drive 51 Deegan Drive and 8 Holmesleigh Drive were considered to be strategically and environmentally sensitive and should not be disposed of.	Council resolved to give public notice (not less than 28 days) of its intention to reclassify as operational: 15 Westview Drive 3 Barr Scott Drive and 52 Mountain View Drive. The Public Notice was to advise in accordance with s32(2) of the Local Govt Act that Council considered the properties unsuitable because of topography for the provision, extension or augmentation of public amenities and services. The matter to be reported to Council after the exhibition and receipt of submissions. The lands: 116 Mountain View Drive and 51 Deegan Drive to be subject to further investigation as to means of disposal (including the possibility of boundary adjustment). A report was requested as to the means of ensuring the preservation of native trees on 52 Mountain View Drive.
Actions	Council gave public notice and wrote to adjoining landowners of its intention to reclassify the lands: 15 Westview Drive 3 Barr Scott Drive and 52 Mountain View Drive in the Northern Star (21/11/98) and Echo (26/11/98) newspapers. The exhibition period was from 19/11/98 to 30/12/98. A number of submissions requesting additional information and objecting to the reclassification were made.	
Council report February 2, 1999	Advised Council of the exhibition and submissions and that an amendment (1/1/99) to the Local Govt Act to require a Public Hearing in accordance with s.68 of the EP&A Act in respect of a proposed Draft LEP to reclassify community to operational land. The means of retaining trees on 52 Mountain View Drive was subject to a report by the Planning and	Council resolved not to proceed with the rezoning and reclassification of 52 Mountain View Drive. and to add the trees occurring on the lands in DCP #17 Significant Trees Schedule. Council also resolved to hold a Public Hearing into the reclassification of: 15 Westview Drive and 3 Barr Scott Drive. The matter to be reported back to Council after the Public Hearing. The Public Hearing to be conducted by Walker and Newton.

LISMORE CITY COUNCIL - Meeting held December 14, 1999

Report - Disposal of Surplus Council Property

	Development Group. The Group noted that the trees were centrally located on the lot which would make it almost impossible to erect a dwelling on the lands without removal of all or most of the trees.	
Actions	Notice was made in the Northern Star (6&7/2/99) and Echo (11/2/99) newspapers of the Public Hearing. Council also wrote to persons who had made submissions to the exhibited intention to reclassify the lands: 15 Westview Drive 3 Barr Scott Drive and 52 Mountain View Drive The letter also advised that 52 Mountain View Drive had been withdrawn from the reclassification process and that Walker and Newton would conduct the Public Hearing on 18/2/99. Lands known as 45 Wilson Street (RSL Hall) were also included in the Public Hearing process. Walker and Newton conducted the Public Hearing and reported the outcomes of the hearing to Council on 2/3/99.	
Council report March 16, 1999	The report advised Council of the Public Hearing. The Walker and Newton report of the hearing was provided to Council.	Council resolved to reclassify to operational lands known as: 15 Westview Drive 3 Barr Scott Drive by amendment to the Lismore LEP. Council required that covenants be placed on title of: 15 Westview Drive restricting development to a single dwelling and placing similar restrictions on title that exists on title of adjoining lands, and 3 Barr Scott Drive restricting development to a single dwelling and retention of view lines from adjoining development in High Street.
Action	Preparation and presentation of this report	

Legislative Process:

In most circumstances prior to the disposal of public lands classified as 'community' under the Local Government Act 1993 Council must reclassify and, where appropriate, rezone the lands to enable disposal.

The process for reclassification is established in the Local Government Act 1993 and also involves Council following certain processes set out in the Environmental Planning and Assessment Act, 1979.

The Director-General of the Department of Urban Affairs and Planning in Jan. 1997 issued "Best Practice Guidelines for LEPs and Council Land". The guidelines are intended to make clear Council's interest in the land and the reasons why the Draft Plan is being prepared. They require that certain additional details be provided for the public record and information when Council wishes to use its delegated powers to prepare and exhibit an LEP that applies to council land.

Status of Process:

The four properties that are the subject of this report appear to be at three different stages in the reclassification and rezoning processes required by the two legislatures.

Lands: 15 Westview Drive and 3 Barr Scott Drive

It would appear Council has followed the process for reclassification as established by the Local Government Act 1993 for these properties. The intention to reclassify these properties has been publicly advertised, exhibited and a Public Hearing conducted on February 18, 1999.

The Public Hearing appears to have been conducted without a Draft LEP to reclassify community land as operational land being placed on public exhibition. Council has yet to resolve to prepare the amending LEP and follow the rezoning process, i.e. consultation public exhibition, etc. A person may request another Public Hearing through the public exhibition phase of this process.

It would appear that the opportunity has not been taken to integrate the requirements of the Local Government Act with the Environmental Planning and Assessment Act and simultaneously undertake the reclassification and required rezoning processes.

In summary, for Council to proceed with the reclassification, it must resolve to prepare in accordance with the relevant provisions of the Environmental Planning and Assessment Act, the Draft plan to reclassify the lands.

Land: 22 Bruxner Highway

An adjoining landowner has expressed interest in the purchase of the land.

Council's Public Lands Strategic Management Team (PLSMT) has considered the matter and supports the sale of the land, subject to following procedures outlined in Council Procedures Manual No. CorS.1.27 and the Local Government Act.

A Community Land Assessment has been undertaken for the property.

Council has not resolved to reclassify the land to enable the disposal of the land and initiate the process.

Therefore Council to proceed with the reclassification must:

- Resolve its intention to reclassify the land in accordance with the relevant provisions of the Local Government Act, and
- Resolve to prepare in accordance with the relevant provisions of the Environmental Planning and Assessment Act, the Draft plan to reclassify the lands.

Land: 45 Wilson Street

A considerable amount of correspondence and discussions appear to have taken place between Council and the Returned Services League of Australia, City of Lismore Sub Branch in relation to this property.

Council's Property File reveals the following:

- The hall was built by the RSL Sub-Branch, who currently owns it.
-

- The hall is located on a separate parcel of land, of some 3903 m², owned by Council.
- The parcel of land is thought of as being part of Nesbitt Park but, in fact, is on a separate title.
- The land is classified as community
- The RSL do not have a lease or other legal agreement to occupy the building.
- At law, the building and land is owned by Lismore City Council.
- Regardless of legal ownership, the hall is thought of as belonging to the RSL Sub-Branch.

The reclassification of the land from community to operational is required to enable the resolution of the matter by way of either lease, sale or whatever mutually suitable arrangements are made with the RSL Sub-Branch.

A Community Land Assessment has been undertaken for the property.

The lands were included in the Public Hearing of February 18, 1999.

It appears that Council had not resolved its intention to reclassify the land to operational. Therefore for Council to proceed with the reclassification it must:

- Resolve its intention to reclassify the land in accordance with the relevant provisions of the Local Government Act, and
- Resolve to prepare in accordance with the relevant provisions of the Environmental Planning and Assessment Act, the Draft plan to reclassify the lands.

Conclusion:

Given the situation described above it is preferable that Council 'take a step back' and co-ordinate the actions undertaken and processes required to ensure all legislative requirements are met. Council needs to clearly resolve its intentions to reclassify the lands and prepare and exhibit a Draft LEP with all appropriate information, to enable the reclassification and rezoning of all the properties as intended and required by the legislation.

The following is recommended to Council in order to commence and run concurrently, where possible, the necessary legislative processes required under the Local Government Act 1993 and the Environmental Planning and Assessment Act, 1979. The process will be reported back to Council after the completion of the Public Hearing.

Manager - Finance & Administration Comments

LISMORE CITY COUNCIL - Meeting held December 14, 1999

Report - Disposal of Surplus Council Property

All costs associated with preparing these parcels of land for sale would be funded from the proceeds of sale.

Recommendations (ENT27)

1. That pursuant to sections 32 and 33 of the Local Government Act, Council resolve and give Public Notice of its intention to reclassify as operational land the following properties:

Real property description	Lot 34 DP 219592	Lot 23 DP 829442	Lot 29 DP 262148	Lot 22 DP 701863
Street addresses	22 Ballina Road Lismore Heights	15 Westview Drive Goonellabah	3 Barr Scott Drive Lismore Heights	45 Wilson Street South Lismore

2. That pursuant to section 32(2) & (3) of the Local Government Act, Council specify in the Public Notice that in relation to the following lands, it is satisfied that they are unsuitable for the provision, extension or augmentation of public amenities and public services because of the following reasons:

Real property description	Lot 23 DP 829442	Lot 29 DP 262148
Street addresses	15 Westview Drive Goonellabah	3 Barr Scott Drive Lismore Heights
Reason	Steep topography	Steep topography

3. That pursuant to section 54(1) of the Environmental Planning and Assessment Act, Council resolve to prepare a Draft Local Environmental Plan to amend the Lismore Local Environmental Plan 1992, to reclassify the following lands from community to operational

Real property description	Lot 34 DP 219592	Lot 23 DP 829442	Lot 29 DP 262148	Lot 22 DP 701863
Street addresses	22 Ballina Rd Lismore Heights	15 Westview Drive Goonellabah	3 Barr Scott Drive Lismore Heights	45 Wilson Street South Lismore

And rezone the following lands from 6(a) recreation to 6(b) private recreation:

Real property description	Lot 22 DP 701863
Street addresses	45 Wilson Street, South Lismore

Subject/File No: LAND AND ENVIRONMENT COURT PROCEEDINGS – FRIENDS OF LISMORE PARK INC.(FOLP) (Z849, 99-19457)

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

Reason: Advice from Solicitors

Objective: Council approval to take no further action

Management Plan Activity: N/A

Background:

The matter of Crozier Oval proceedings has a long history involving three separate appeals (1995, 1997 and 1998) to the Land and Environment Court, together with an appeal to the Supreme Court against Justice Sheahan’s decision to dismiss the 1998 application. Subsequently the Supreme Court appeal was discontinued due to the failure of the Applicant, Mr Peter Bellew on behalf of FOLP to file a Notice of Appeal **with** Appointment within three months of filing the original appeal.

Following advice that the appeal had been discontinued, instructions were issued to our solicitors to take action to recover costs in the 1998 Proceedings. A number of requests to Mr Bellew to pay costs totalling \$68,500 (the actual costs were substantially more if staff time and expenses were included) were made, and eventually he advised that the assets of FOLP total \$16. Council’s solicitors have advised that the liabilities of an incorporated association, such as FOLP, are enforceable against the association itself and not the members of that association.

Manager - Finance & Administration Comments

All costs in relation to this matter have been paid previously and have not been brought to account as a debt due to Council.

Public Consultations

Not required

Other Group Comments

Not requested

Conclusion

Whilst the judgement from the 1998 proceedings clearly endorsed the process followed by Council in the lead up to the adoption of the Plan of Management for Lismore Park and the subsequent approvals, the defence has been a costly exercise for members of the Lismore community. It is somewhat of a pity that associations such as FOLP, are not held accountable for actions arising from unsustainable legal challenges. Clearly Council must follow the recommendation of its solicitor in this matter.

Recommendation (COR55)

That Council take no further action to recover costs in relation to Proceedings 40003 of 1998 at this stage.

Subject/File No: DRAFT POLICY - PROVISION OF PUBLIC TRANSPORT
INFRASTRUCTURE
(HM: S135)

Prepared By: Manager-Strategic Planning - Helen Manning

Reason: To ensure that provision for public transport is included in major development applications

Objective: To obtain Council's endorsement of the Policy

Management Plan Activity: Strategic Planning

Background:

The Public Transport Advisory Panel has become concerned that provision for public transport infrastructure in some recent major developments has not been adequate, in particular provision for bus stops, bus laybys and bus entry points.

In particular, the provision for the bus stop and taxi rank in the Lismore Square development was unsafe for pedestrians and inefficient for the transport operators; the Caroon Retirement Village on Rous Road has limited accessibility for buses, and provision for bicycle parking was omitted from the Goonellabah Town Centre development until required by a last minute addition to consent conditions.

To address this situation the Panel has endorsed a draft policy which encourages:

- Consideration of access for all forms of public transport early in the design of developments;
- The seeking of advice from the PTAP early in the design process regarding the optimum location of public transport infrastructure; and
- The provision of transport infrastructure appropriate to the scale of development.

Contents of Policy

The Panel wishes to emphasise that it does not want to impose additional requirements on developers, but rather to offer the expertise of transport operators in providing advice and assistance. Provision of such advice early in the design process can avoid a need for later, and costly, changes to design or for unexpected conditions of consent.

The draft policy is in the attachments to this Business Paper. In summary, it defines 'public transport' as including buses, taxis, community transport, bicycles and walking, and requires provision for such in the development of major attractors which may generate a need for arrival or departure by public transport. It states that provision for public transport should be considered and provided in accordance with the scale of the development and needs of expected customers/employees/residents, and that development sites should desirably be selected close to regular bus routes and stops to maximise access by public transport users.

The policy advises of the meeting time and contact number for the Panel. It is envisaged that developers could attend Panel meetings to discuss their proposal, or provide a plan for comment.

Manager - Finance & Administration Comments

Not sought.

Public Consultations

The draft Policy has been considered by the Local Traffic Advisory Panel, which did not require any amendments.

If adopted, a copy of the Policy will be provided to all subscribers to Council's Development Manual, will be available at the front counter for members of the public and will be made available to developers at meetings with Planning and Development staff.

Other Group Comments

Community Services

Community Services is supportive of such a policy as public transport has been identified as an issue for every target group in the Social Plan.

There are newly adopted Commonwealth standards that require public transport infrastructure to be accessible for people with a disability. The Lismore Access Committee made comment on the draft standards. Lane Cove Council Access Committee has produced a checklist on design for bus stops and a copy has been requested as it may assist in relation to this policy.

With regard to this draft policy encouraging the seeking of advice from the PTAP early in the design process regarding the optimum location of public transport infrastructure, I would also encourage the seeking of advice from the Access Committee as well, as was done when the Transit Centre was being designed. There are considerations that would need to be looked at that are often only made noticeable by someone who has a disability.

Conclusion

In summary, the draft policy seeks to improve the efficiency of public transport in Lismore by utilising the expertise within the Public Transport Advisory Panel and the Access Committee.

Recommendation (PLA78)

That Council adopt the policy on 'Provision of Public Transport Infrastructure'

Subject/File No: LISMORE RAINBOW REGION MASTERS GAMES
SEPTEMBER 1999 - FINAL REPORT

Prepared By: Games Co-ordinator - John Bancroft

Reason: Request by Masters Games Organising Committee

Objective: Inform Council re Outcome of 1999 Event - Have Council endorse/underwrite the proposed September 14 -16, 2001 Games and adopt matters, dates etc relevant to the Management of same.

Background:

The Lismore Rainbow Region Masters Games (major sponsor Lismore Workers Club) was held September 17 - 19, 1999. Attached is the Final report relevant to the event, which contains much information re financial matters, participant's surveys, event management etc with several comments and recommendations there-in.

The Masters Games Organising Committee is keen to "*strike while the iron is hot*" and commence planning for the next Games should Council wish it to do so.

Information:

Event Success

The 1999 Games, can only be described as a success. Further details are available in the final report.

Event Management

The Committee and Convenors are of the opinion that the event was well managed and promoted hence, should Council wish to do it again, no major changes are recommended.

Suggested Dates for 2001 Games (subject to Council approval)

Committee at its post Games meeting on October 11, 1999 put forward Friday, September 14 to Sunday September 16, 2001 as dates for the next Lismore Rainbow Region Masters Games, the timing being the same as previous ie. third weekend in September. "*If it ain't broke don't fix it.*"

Manager - Finance & Administration Comments

The 1999 Games were a great success for all concerned. The accolades of success should go to all those involved especially the Masters Games Organising Committee.

The "Final Report" details that the Games made a surplus of \$11,688 and with Council approval, it is proposed to use this profit as seed funding for the next event. This proposal is supported on the basis of the potential benefits to Lismore of having approximately 1,200 additional participants in the area for three days is significant and the fact that no contribution is required.

As far as the 2001 Games is concerned, it is proposed that a detailed report will be presented to Council in October 2000. The level of support to be offered by Council will be considered at that time.

Other Group Comments

Tourism Director

The Lismore Tourist Office was pleased to be involved in the administration, promotion and development of the games which were, from a local tourism and accommodation perspective, a huge success. Staff are keen to get involved in future. Events of this nature complement the Lismore Tourism Advisory Panels objective to “*maximise opportunities for Lismore to be a sports tourism destination*”.

The effect of the Games on the local economy is well detailed in the survey document provided. Any activity that results in all accommodation in Lismore being utilised over three days is worthy of acclaim and support as this allows many opportunities to further promote the Rainbow Region to tourists. Further to this, the Committee has considered the timing of the event with a desire to substantially increase occupancy levels in a traditional trough period (third weekend in September).

Manager Community Services

The Inaugural Lismore Rainbow Region Masters Games has been a resounding success and one, which Council should be keen to duplicate in 2001.

Conclusion

The attached final report details the many good reasons why Council should again support, resource and underwrite the event, therefore the following recommendations are put forward for resolution.

Recommendation

1. Council receive, endorse and note all information and recommendations contained within the Lismore Rainbow Region Masters Games 1999 Final Report.
2. Council disband the 1999 Games Organising Committee and thank all for their efforts.
3. The Games Special Events, Marketing, Promotion and Sponsorship Committee, consisting of Messrs Peter Cordery, Dave Arthur, Jak Carroll, Tony Clarke, John Bancroft and Ms Andrea Roberts, act as an interim management group and it commence compiling and distributing paraphernalia relevant to organising and promoting the 2001 Games and securing potential sponsors.
4. Council endorse dates for the 2001 Masters Games they being September 14-16, 2001.
5. Surplus funds/profit generated from the 1999 Games be utilised by the Special Events, Marketing, Promotion & Sponsorship Committee to seed fund the 2001 Games and prepare and distribute promotional paraphernalia.
6. Games Co-ordinator commence canvassing the support of local sports groups with a view to finalising the 2001 Games Sports list by May 2000 (Sports information pack and marketing plan to be distributed in March 2000)
7. Council sanction formation of a 2001 Lismore Masters Games Organising Committee (under Section 355 of the Local Government Act 1993) and endorse its operation with the following delegated responsibilities.
 - * Develop and implement policies and procedures for the conduct of the Games
 - * Monitor the Games budget and pursue income avenues effectively
 - * Establish and monitor games key sub-committees

Masters Games - Final Report

- * Implement marketing, planning and sponsorship procurement procedures and determine benefits relevant to sponsors and participants
 - * Liaison with local and district sporting bodies

 - * Recruit volunteers and secondment of other professional advisers
 - * Set fees for the event
 - * Approve expenditure related to Games matters.
 - * Appoint relevant people to sub-committee.
 - * Appoint people to Management, Voluntary positions
8. Organising Committee Membership be as follows:
- Councillors x 2
 - North Coast Academy of Sport x 1
 - Southern Cross University x 3
 - Lismore Economic Development Advisory Board x 1
 - Lismore Unlimited x 2
 - Southern Cross University Student Union x 1
 - Tourist Office x 1
 - New South Wales Sport & Recreation x 1
 - LDSA / Community Sport x 2
- 9 Individual appointments to the Committee and a Plan of Management for the 2001 Games be determined via report to Council scheduled for April 2000.
- 10 A major Games Report ie. Finances, sponsorship, games update, etc be compiled for Councils consideration in October 2000.

Subject/File No: PROVISION FOR CONSTRUCTION OF THE ROSS STREET WATER SUPPLY PUMPING STATION (T20011)

Prepared By: Project Engineer, Client Services - Janaka Weeraratne

Reason: Tenders for the provision of water supply pumping station

Objective: To obtain Council approval to award the Tender

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

Background:

Tenders have been called for the construction of the Ross Street Water Supply Pumping Station as part of the 1999/2000 water supply replacement program.

The existing Ross Street Water Supply Pumping Station is in poor condition with only one pump and was identified as requiring replacement to meet the current and future demands.

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

Tenders were advertised in the Northern Star, The Courier Mail and the Sydney Morning Herald. Six tenders were received by the close of tender on 2.00pm, Tuesday, November 16, 1999.

Tender Examination:

Tenders:

The tenders received are summarised below:

TENDERER	TENDERED PRICE	ADJUSTED TENDER PRICE
Denk Investments Pty Ltd T/A Style Industries, Sumner QLD	\$331,881.00	\$335,721.00
Brian Bradshaw Constructions Pty Ltd, Toowong QLD	\$360,133.00	-
McCracken's Water Services Pty Ltd, Rockhampton QLD	\$362,875.00	-
F.E. Marsh and Co Pty Ltd, Kyogle NSW	\$396,420.00	-
Mamfe Pty Ltd T/A Kennedy Brothers, Lismore NSW	\$396,655.00	-
Bennett Industries Pty Ltd, Lismore NSW	\$417,571.00	-

N.B: Style Industries tender has been adjusted to include the cost of epoxy coating of the pipe fittings.

The office estimate for the construction work is \$340,000 and the total budget for the works is \$450,000. The budget estimate includes other items not included in the construction such as survey, investigation, design, upgraded electricity supply and construction supervision. An evaluation panel consisting of Terry Gobbe (Assets Manager, Water and Wastewater Services) and Janaka Weeraratne undertook the assessment of the tenders. The tender documentation (Clause B7) defined four areas by which each tender

would be assessed. The tenderers were required to address each of these criteria in their tender. The following table shows the weighted result for each criteria.

ASSESSMENT CRITERIA							
Item	Weighting	Style	Brian	McCracken	Marsh	Kennedy	Bennett
Total Price	60%	58.6%	56.6%	56.2%	51.5%	51.4%	48.9%
Knowledge of local conditions	15%	8.0%	8.0%	8.0%	12.0%	12.0%	12.0%
Capability, Quality and Safety	15%	10.0%	10.0%	10.0%	10.0%	10.0%	10.0%
Management	10%	7.0%	7.0%	7.0%	7.0%	7.0%	7.0%
Total	100%	83.6%	81.6%	81.2%	80.5%	80.4%	77.9%

The weighted assessment shows Denk Investments Pty Ltd T/A Style Investments as offering the best value tender for this project.

Referee Check:

The referees given by Denk Investments Pty Ltd T/A Style Investments were contacted and they indicated that this company had the necessary technical and managerial abilities to be capable of completing this work satisfactorily.

Financial Check:

A financial check undertaken by Australian Corporate Reporting (ACR) indicated that the tenderer is meeting its credit commitments to suppliers and sub-contractors on a reliable basis. The ACR tender assessment rating indicated that the company has a limited financial capacity to undertake the project. Council's risk will be minimised by Council obtaining a statutory declaration from the tenderer that all sub-contractors have been paid.

Manager - Water and Waste Water Services

I concur with the conclusion and recommendation.

Principal Accountant's Comments

Adequate funding has been provided for this project in the current financial year. A financial and credit check on the prospective tenderer has been requested and received. The organisations finances appear to be in reasonable order. I believe progress payments should be monitored closely and based on actual work completed to minimise Council's risk.

Public Consultations

Development Application 99/709 and a Construction Certificate has been approved for the Pump Station building construction.

Other Group Comments

Not required.

Conclusion

The best value tenderer for the construction of the Ross Street Water Supply Pumping Station is Denk Investments Pty Ltd T/A Style Investments. The tenderer has performed similar work satisfactorily in the

past. The tenderer is considered to have technical and managerial abilities to be capable of completing the work satisfactorily.

Recommendation (GM13)

1. The Ross Street Water Supply Pumping Station (T20011) be awarded to Denk Investments Pty Ltd T/A Style Investments for the amount of \$335,721.00 plus rate only item costs.
2. Should Denk Investments Pty Ltd T/A Style Investments withdraw their tender, then the tender be awarded to the next best value tenderer.
3. The Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.

Subject/File No: TRADE WASTE POLICY
(AA:JMc:S518/1)

Prepared By: Manager Water and Wastewater Services – Anu Atukorala

Reason: To amend Local Approvals Policy No. 4 in line with current Local Government Legislation.

Objective: To conform with Local Government Water Services, Orders and Approvals Regulations 1999.

Management Plan Activity: N/A

Background:

Since the implementation of the Local Approvals Policy No. 4 – “Trade Waste Policy for the Discharge of Non-Residential Liquid Waste to Sewers” in January 1996, a number of legislative changes have occurred. These include commencement of the Local Government (Approvals) Regulation 1999, Local Government (Water Services) Regulation 1999 and Local Government (Orders) Regulation 1999. These new regulations are essentially transfers and reviews of clauses that were previously in the Local Government (Water, Sewerage and Drainage) Regulations 1993. Since the Local Approvals Policy No. 4 refers extensively to these clauses it is necessary to update it to reflect these legislative changes.

Under Section 165 of the Local Government Act, local approvals policies adopted by a Council are automatically revoked at the expiration of 12 months after the declaration of a poll for election. Hence, this policy needs to be re-adopted by the new Council after public exhibition.

Council also resolved on 27 January 1998 to adopt the WasteSafe system of tracking the disposal of liquid trade waste. This has also been incorporated in this policy.

Attachment 1 is a list of changes for easy reference. The revised Local Approvals Policy No. 4 is included as Attachment 2, with the changes shaded.

Manager - Financial Services Comments

Not Required.

Conclusions

The current Local Approvals Policy No. 4 – “Trade Waste Policy for the Discharge of Non-Residential Liquid Waste to Sewers” requires amendment to reflect legislative changes and the adoption of WasteSafe. These changes are substantially cosmetic and do not amend the spirit of the existing policy.

Recommendation (Ent25)

That the revised draft Local Approvals Policy No. 4 – “Trade Waste Policy for the Discharge of Non-Residential Liquid Waste to Sewers” be adopted for public exhibition.

Subject/File No: MEMBERSHIP OF THE LISMORE ECONOMIC DEVELOPMENT
ADVISORY BOARD
(GW/LM: S653)

Prepared By: Administrative Services Manager - Graeme Wilson

Reason: Recommendation received from Board.

Objective: To determine membership.

Management Plan Activity: Economic Development

Background:

At its last meeting, Council was advised that the Lismore Economic Development Advisory Board (LEDAB) was reviewing its structure and would submit a recommendation to this Council. Detailed below is the recommended membership.

Name	Position	Organisation Representing
Brian Henry	Managing Director - SMC Auto Centre	Lismore Business Enterprise Centre
Isabel Perdriau	Executive Officer of the Vice-Chancellor's Unit	Southern Cross University
Ros Derrett	Lecturer - Southern Cross University	Tourism Industry
Bill Sheaffe	Managing Director - Caddies Coffee Co.	Lismore Unlimited
Lindsay Walker	Partner	Property/Development
Eleanor Cole		NSW Farmers Federation
Liz Terracini	General Manager-NORPA	Arts & Culture
Kerrie Ellis		Aboriginal Community
Martin Butcher		Nimbin Chamber of Commerce
David Arthur	Lecturer - Southern Cross University	Sporting Bodies
Greg Hough	General Manager - The Northern Star	Media Sector
Peter O'Connor	Manager-Economic Development Unit	Lismore Economic Development Unit
Cr. John Crowther	City of Lismore	Lismore City Council
Cr. John Chant	City of Lismore	Lismore City Council/Business Representative
Andrew Hurford	General Manager - Hurford's Building Supplies	Timber Production and Building Supplies
Tracey Mills	Mills Transport	Transport and Distribution

Manager - Finance & Administration Comments

Not required.

Other Group Comments

Not requested.

Recommendation (COR56)

That:

Brian Henry
Isabel Perdriau
Ros Derrett
Bill Sheaffe
Lindsay Walker
Eleanor Cole
Liz Terracini
Kerrie Ellis
Martin Butcher
David Arthur
Greg Hough
Peter O'Connor
Cr. John Crowther
Cr. John Chant
Andrew Hurford
Tracey Mills

be appointed to the Lismore Economic Development Advisory Board.

Subject/File No: REVIEW OF COUNCIL'S CODE OF CONDUCT
(GW/LM: S18)

Prepared By: Administrative Services Manager - Graeme Wilson

Reason: Statutory Requirement

Objective: To review the current Code of Conduct

Management Plan Activity: Administrative Services

Introduction:

Section 440 of the Local Government Act 1993 requires councils to adopt a Code of Conduct which sets out the obligations on councillors, council delegates and staff of councils to act honestly and responsibly in the performance of their duties.

Further, this section requires that Council reviews this Code within the first 12 months of its term.

Background:

In 1994, the Department of Local Government issued a "model" Code of Conduct. Councils throughout NSW were given the option of adopting this Code or alternatively they could prepare their own. This council resolved in 1994 and again in 1995 to adopt the "model" code.

Over the subsequent years, supplementary guidelines were issued by the Department and associated publications produced by the Office of the NSW Ombudsman and the Independent Commission Against Corruption. The consideration of these documents by Council in November 1997 led to an internal working party being formed which consisted of three councillors and the General Manager's nominees. The function of the working party was to rationalise all Council policies, codes and accords relative to relationships between councillors and staff, conflicts of interest and standards of behaviour for councillors and staff and to consolidate these into a revised Code of Conduct. The subsequent revised Code was adopted by Council in February of this year. It is largely based on the "model" Code of Conduct.

Other Issues

Since the adoption of the abovementioned Code of Conduct further publications and issues have arisen which Council is encouraged to consider in conjunction with any review. These include the ICAC publication "Gifts, Benefits or Just Plain Bribes", NSW Ombudsman: Protected Disclosures Guidelines and the Child Protection Act 1998.

Options

As stated at the outset, Council must review its Code of Conduct, but how it undertakes this review is open for it to decide. The options would appear to be:

- 1 Start from scratch and develop a Code involving input from all councillors and senior staff. This usually involves a full day and an external facilitator.

The benefit of such an approach is the “ownership” that such a process gives to the document and the disadvantage is the cost both in terms of time and dollars.

- 2 Review the existing document. This process could be by way of a councillor working party or a staff only review.

The benefit is that such a process can be quick and cheap but the resultant document may not have a lot of meaning to the councillors and staff it affects.

Pre-emptive Strike

In an attempt to expedite this matter and in recognition of the work done by the working party earlier this year, staff have reviewed the Code.

The result is suggested minor additions only, and these have been highlighted in bold print within the attached Draft Code.

Manager - Finance & Administration Comments

Not requested.

Public Consultations

No direct consultation has taken place, although the source documents from ICAC, Department of Local Government and the NSW Ombudsman have received publicity. Council could involve the public in the preparation of the Code or exhibit the attached document.

Other Group Comments

The Manager-Human Resources has added Point 10 to the Code of Conduct document.

Conclusion

The attached document represents the current position being promoted by ICAC, the NSW Ombudsman and the Department of Local Government. However, the manner in which Council wishes to review the current Code is for it alone to decide.

Recommendation

That Council note the review undertaken as required by Section 440(3) of the Local Government Act 1993 and adopt the revised Code of Conduct.

Subject/File No: GOODS AND SERVICES TAX (GST)

Prepared By: Manager - Finance & Administration - Rino Santin

Reason: The introduction of a GST which will impact on Lismore City Council.

Objective: To update Council on the impact of the GST on operations.

Management Plan Activity: Financial Services

Background:

The *A New Tax System (Goods & Services Tax) Act 1999* and the *A New Tax System (Goods and Services Tax Transition) Act 1999* received Royal Assent on July 8, 1999 with an effective date being July 1, 2000. The GST is part of the Federal Governments taxation reform package and is intended to replace a range of existing Federal and State taxes including :

- Wholesale Sales Tax
- Stamp Duties (most), and
- Financial Institution Duty (FID) and Debits Tax (BAD)

The rate of GST is 10%.

As the GST will impact on all individuals and businesses in Australia, there will be ramifications for Lismore City Council.

Disclaimer:

What is provided in this report is intended to be for general information purposes only and details the basic concepts and applications of the GST. There are many exceptions and expanded commentary to this information not included. Also, not all aspects of the GST have been included as they may have little or no relevance to Councils operation.

Operation of the GST:

THE GST IS A TAX ON CONSUMERS, NOT ON BUSINESS.

Business will act as both a collector and payer of GST. However, while the end consumer of goods and services must pay the GST, the GST paid by business on inputs can be 'offset' against the GST collected. The balancing amount between 'collected GST and paid GST' can either be remitted to or claimed from the government. Only registered businesses will have this ability and there are specific registration requirements. Lismore City Council will be a registered business so we will be able to 'offset' the GST paid on inputs in most instances. Allowable claims on GST paid on inputs are called 'input tax credits'.

It is intended that the GST be applicable to the supply of all goods, services, advice, and some rights and obligations. The supply of such has to be for consideration and the consideration can also be non cash. There are three types of supplies :-

GST Report

1) Taxable

Most transactions undertaken will fit into this category. This is where the GST must be added to the normal sale price. For example,

- a) At Blakebrook Quarry we charge \$14.00 per tonne for 10mm aggregate, from July 1, 2000, we must charge \$15.40 per tonne for the same product being \$14.,00 sale price and \$1.40 GST.

The GST component must be remitted to the government.

- b) The electricity bill for operating Blakebrook Quarry during October 1999 was \$2,810.59. All things being equal, in October 2000 our bill would be for \$3,091.65 being \$2,810.59 for electricity and \$281.06 GST.

The GST component would be claimed from the government.

2) GST - Free

These are the only supplies for which no GST is applicable. This is where the supplier does not add the GST to the sale price. The supplier is still entitled to claim any GST paid on inputs.

As you would expect, not many supplies are eligible to be GST - Free, but the list includes,

- Food & Beverages,
- Health,
- Education,
- Child Care, and
- Water & Sewerage.

It is important to note that within the listed item there are exceptions and qualifications that do significantly detract from the overall number and impact of supplies included in this category.

One notable absenteeism from the list are 'Local Government Rates' however, this has been addressed in the "Goods and Services Tax (GST) Division 81 (Treasurer's) Determination" draft advice. The final determination was anticipated by the end of November, but this has yet to be released.

3) Input Taxed

These supplies are similar to GST - Free in that no GST is applicable to the supply of the goods or services. The difference is that the supplier is not entitled to claim any GST paid on inputs.

Supplies included under this category include,

- Financial Services,
- Residential Rents, and
- Residential Premises.

This is the basic description of how the GST will operate. The fact that the GST will apply to the majority of transaction means that it will impact on all. In our particular situation, as with about 2 million other businesses, the GST will be able to be claimed from the government. This process in itself will be a

GST Report

significant challenge. As mentioned previously, much of the specific detail has been omitted from this report so as to only concentrate on the concepts.

Impact on Lismore City Council:

The impact of the GST on Lismore City Council can be viewed from two positions. Firstly, from an operational perspective and secondly, from the perspective of the ratepayers and other users of our goods, services and facilities. This report focuses mainly on the operational perspective.

Local Government Fees & Charges

The Federal Treasurer's (Division 81) Determination schedule as to the GST - Free status of government fees and charges is still to be released. The draft schedules indicated this status will apply to:

rates, water, sewerage and drainage charges, fines, regulatory and licensing fees, domestic waste charges (more than likely).

What this means is that there are a considerable number of other fees and charges for which the GST will apply. Examples of these include:

Section 94 levies, DA fees, caravan parks charges, city hall fees, Goonellabah Community Centre fees, sports ground fees, park fees, swimming pool fees, quarry charges, lawn cemetery/crematorium charges, waste management charges and tourism fees.

The financial impact of this situation will be felt by the ratepayers or other users of our goods, services and facilities. Operationally, there will be a significant increase in administrative workload to capture this information accurately so that the GST can be remitted to the government.

Administration

The registration of Lismore City Council as a business under the GST legislation is very restrictive and imposes significant requirements. We have no option but to register in accordance with the legislation.

On the basis that the majority of supplies we receive and a large percentage of the supplies we make, excluding rates, water and sewerage charges (approx. 60,000 transactions), have a GST component in the costings, there will be increased administrative cost. These are the likely implications from this situation,

- The current software will need to be modified to ensure that most of this information is captured efficiently and accurately by the computer system. There has been some discussion with Civil Software regarding our main frame software and they anticipate commencing work on the upgrade in the New Year. Changes to standard forms etc will also be required to meet requirements. There may also be the need for some hardware upgrades but this will be dependant on the full extent of the GST - Free status of local government fees and charges.
- As well as software modifications, staff will need intensive training to recognise the differing GST treatments for various supplies, as well as other compliance requirements. It is proposed that all Finance staff will have some exposure to both general and specific GST training as the front line in meeting these requirements will be from within this section.

GST Report

As an indication of the increased workload, GST is not required to be shown separately on an invoice. This means that every invoice, around 52,000, will need to be checked to ensure that they are 'tax invoices' and a GST is payable. The time involved in this process alone may require either additional staffing or service level adjustments.

- Council will be required to remit to the government a monthly return which details the GST received and paid, as well as any 'adjustments' for previous periods. As you might imagine, if the software system is well designed, the major component of this workload will be undertaken by the computer. The complicated part is dealing with the 'adjustments' and the prescribed manner in which they must be completed. As such, the computer will not be able to do everything, unfortunately.

Cash Flow

It is likely that Councils cash flow will be detrimentally effected and as such 'interest on investments' will be reduced.

As we will pay a GST on supplies received, at least 10% extra cash will be leaving the organisation. This amount is then claimed from the government. The implications are that we will be without at least \$100,000 to \$300,000 at any given point in time which we would normally invest. The loss in interest as a result in decreased investments could be as much as \$30,000. Internal practices will be introduced to minimise this effect as much as possible without penalising suppliers.

Other Issues

There are also other general implications on Councils that need further clarification. For instance,

Insurance Premiums - An insurance premium will include a GST. The GST can either be claimed as a input tax credit or not. If it is, any insurance claim payment will be reduced by a GST component. In our case, it is more cost effective to not claim the input tax credit. The net increase in insurance costs for next year will be around \$30,000.

Residential Housing - We provide some residential housing. As stated above, this supply is considered an "Input Taxed" supply meaning that we pay a GST on supplies, but cannot claim the input tax credit. Consequently, our costs to provide residential housing will increase by up to 10%. To recover this cost, we need to charge the tenants more.

Summary

Until all the details associated with the GST are known and assessed, the real cost to Council for implementation will be difficult to quantify. Best estimates suggest well over \$100,000. Thankfully, a large part of these costs are included in existing budgets for staff and professional development. The only costs which will significantly effect available funds at this time appear to be the reduction in Interest on Investments and the increase in Insurance Premiums.

Actions Undertaken to Prepare for the GST:

The Local Government & Shires Association of NSW is co-ordinating a number of actions in respect of implementing the GST in local government. This has come about as the result of the Federal Government

GST Report

making funding available under the Local Government Incentive Program (LGIP) for this purpose. The program includes,

- a) GST Awareness Seminars (1) - Designed for Councillors, General Managers and Senior Non Financial Managers. (One held in Lismore 7/12/99)
- b) GST Awareness Seminars (2) - Designed for Finance & Systems Professionals. To be held during February 2000.
- c) NSW Local Government GST Manual - This document is being prepared and is planned to be a comprehensive reference and instructional tool. It is due for release shortly and by all accounts, will be critical for the successful implementation of the GST for a lot of councils.
- d) General co-ordination and support for enquires and requests.
- e) Funding for groups of councils to undertake intensive workshops to ensure consistent application and implementation of the GST. Equivalent to \$2,000 per Council.

The LGSA approach is considered to be the 'big picture' approach, but some of the initiatives are welcomed even though the timing of some of these actions is insufficient for the best results. The funding from the Federal Government is 'inadequate' to meet all requirements.

To support these efforts, management and staff have already undertaken general training on the GST with Finance staff attending a number of professional courses on the GST. Also, Information Services have been in contact with our mainframe software provider and other issues as they arise are being dealt with.

Also, the Voluntary Structural Reform Group comprising Lismore, Ballina, Byron, Tweed and Kyogle Councils (Mayors & GMs) agreed that a joint approach to the implementation of GST was appropriate. As such, the Finance Managers from these Councils have undertaken to appoint a consultant to evaluate the implementation of GST on a shared basis. Costs will be shared and an application to the LGSA funding for \$2,000 per Council has been made. It would also appear that Richmond River, Casino and Rous Councils will join the group.

The consultant will specifically evaluate Councils operations and advise on the risks and requirements of meeting the GST as distinct from a general commentary. This includes an implementation plan. This is anticipated to be completed and presented to Management by January 31, 2000.

Between the Manual to be provided by the LGSA and the Consultants evaluation, a detailed step by step process for the implementation of the GST will be provided.

Conclusion

The GST will impact on Councils operations. While not all implications are known at this time, preparations are well in hand to meet the requirements of the legislation.

It is planned to have Council GST compliant and tested by May 2000, well in advance of the July 1, 2000 commencement date.

Recommendation (COR57)

That the report be received and the actions to date by Managements & staff be noted.

Present: Mr Bill Moorhouse (*Chairperson*), Councillors Ken Gallen, John Chant and Mervyn King, M/s Bronwyn Mitchell on behalf of Mr Thomas George, MP, Messrs Mike Baldwin (*Roads and Traffic Authority*), Chris Mallam (*Lismore Unlimited*), Sgt David Driver (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*) and Mr Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*).

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

Minutes of Traffic Advisory Committee Meeting - October 20, 1999

Members were advised that the Minutes of the meeting held on October 20, 1999 were adopted by Council at its meeting of November 2, 1999, excluding -

Item No. 9 (Blue Knob Road):

Mr Baldwin (RTA) advised that the Authority was not approving any speed zoning applications until the speed zoning policy review had been completed. It was anticipated that this would be towards the end of March next year.

TAC184/99 **RECOMMENDED** that the matter be re-assessed following completion of the review. (99-15153,99-17085:R2001)

Item No. 16 (80 kph Zone - Wyrallah Road, Between Wyrallah Village and Tuckurimba Road):

Mr Baldwin pointed out that such short lengths of reduced speed limits were ineffective and not appropriate for this purpose. The Authority would not approve such a request. As indicated previously, warning signs erected each side of the Tucki Tucki Nature Reserve were considered more appropriate.

TAC185/99 **RECOMMENDED** that appropriate warning signs be erected each side of the Reserve. (R5201)

Item No. 23 (East Lismore Taxi Service - Taxi Rank Outside Wyrallah Road Shopping Centre):

Mr MacDonald advised that he had liaised with Lismore Taxis regarding the possibility of installing a Taxi phone at the Wyrallah Road Shopping Centre. It would appear that such a system was not compatible with their current communications and in any case was not cost-effective for the Company. Lismore Taxis now has in place a system where a call may be made from a specific business-house by people requiring a Taxi and the Company will reimburse the business for the call. They are happy to investigate such a proposal at the Shopping Centre.

TAC186/99 **RECOMMENDED** that this issue be pursued with Lismore Taxi Service. (R5201)

Disclosure of Interest: Nil

Correspondence:

1. **M/s J McMurtry**; suggesting the 'Give Way' sign and median at the intersection of Rous Road and Pleasant Street, Goonellabah (western side) be moved slightly to enable two vehicles to be propped to enter Rous Road at any one time; the installation of a turning lane on Invercauld Road for vehicles entering Simons Avenue; and also suggesting alternative line-marking to improve traffic flows on Cynthia Wilson Drive.
Discussion ensued as follows -
 - (a) **Median at the Intersection of Rous Road / Pleasant Street, Goonellabah:**
It was pointed out that it was not possible to move the median any further south due to the large number of bus movements at the intersection. Many of the buses travelled north along Rous Road and then turned left into Pleasant Street. This was already restricted due to the median's existence.
TAC187/99 **RECOMMENDED** that the writer be advised accordingly.
 - (b) **Intersection of Invercauld Road / Simons Avenue, Goonellabah:**
A specific right-turn lane at the intersection would eliminate parking in front of several dwellings and was not considered warranted. However, the installation of a double white centre line along Invercauld Road, both sides of the intersection, would provide a guide for motorists wishing to turn right and allow sufficient room for through traffic to maneuver around stationary vehicles.
TAC188/99 **RECOMMENDED** that the above action be taken.
 - (c) **Cynthia Wilson Drive**
Due to pavement widths and existing line-marking on Cynthia Wilson Drive, there was insufficient space to mark additional lanes that would be of standard width. However, it was noted that there was already room for motorists to overtake slower vehicles travelling uphill in several sections and this was occurring without the need for additional marking.
TAC189/99 **RECOMMENDED** that the writer be advised in accordance with the above.
(99-17554:S352)

 2. **NSW Roads & Traffic Authority**; advising of the adoption of the Australian Road Rules to commence on December 1, 1999 which will replace the Motor Traffic Regulations, 1935.
The Committee noted the contents of the advice from the Authority.
(99-17622:S363)

 3. **R Hibbard**; reiterating previous request for a speed bump to be installed on Phillip Street, Goonellabah, adjacent to the intersection of Hamley Road, and also drawing attention to the number of children using this slope to ride skateboards, bicycles and billy carts.
The Committee reaffirmed its previous comment on this issue that speed bumps were not considered appropriate given the grades on Phillip Street and the danger such a
-

(Cont'd)

device would create considering the number of small children that frequented the area on bikes and skateboards.

An overall Traffic Management Plan would need to be created including intersection treatments, etc. However, any such installations would be at considerable cost.

3. **R Hibbard** (Cont'd)

It was suggested that the Road Safety Officer may be able to assist in visiting the site and liaising with the children involved, pointing out the dangers. Road classifiers would also be installed to ascertain vehicle speeds before any further consideration took place.

TAC190/99 **RECOMMENDED** that the writer be advised in accordance with the above.

(99-18252:R6497,R6455)

4. **Lismore Central Shopping Centre;** advising of present confusion by delivery personnel over the new 'No Parking' zone at Carrington Street, adjacent to its premises.

It was pointed out that a 'No Parking' zone was more appropriate than a 'Loading' zone due to the greater flexibility of who may use the zone; that is, it was not only restricted to trucks. Other 'No Parking' zones existed within the Lismore CBD and were well patronised by delivery vehicles. It was felt that the new zone was worthy of a reasonable trial before any decision was made to have it removed.

TAC191/99 **RECOMMENDED** that the writer be advised in accordance with the above and that the zone would be monitored for further consideration of its warrant.

(99-18563:R7303)

5. **JR Smith on Behalf of Petitioners;** seeking a lower speed limit of 80 kph to be applied to Rock Valley/Cawongla Road and also drawing attention to the need to upgrade the intersection of Rock Valley and Rosehill Roads, Tuncester, to provide a 'Stop' sign and traffic island/median.

Whilst it was noted that the RTA would not consider any further speed limit requests until after the review had been completed, it was felt there was a need to upgrade facilities at the intersection of Rosehill Road and Rock Valley Road. Due to the rural nature of the intersection and the lack of street lighting, a traffic island was not considered appropriate. However, the double white centre line painted on Rock Valley Road could be further highlighted with the installation of reflectors. Due to limited sight distance of oncoming traffic when exiting Rock Valley Road, a 'Stop' sign was considered appropriate.

TAC192/99 **RECOMMENDED** that the double white centre line be repainted on Rock Valley Road and reflectors be installed along its length at its intersection with Rosehill Road.

TAC193/99 **FURTHER RECOMMENDED** that a 'Stop' sign be installed on Rock Valley Road at its intersection with Rosehill Road.

(R2302,R2401,R2704)

6. **Mrs H McGlynn;** drawing attention to the large number of traffic incidents occurring at the intersection of Ballina Road and James Road, Goonellabah, and seeking more effective line-marking to be installed.

It was noted that the issue of line-marking along this section of Ballina Road had been referred back to Council's Design Section for investigation into providing protected right-turn bays which would mean the elimination of the overtaking lane.

TAC194/99 **RECOMMENDED** that left-turn movements into James Road form part of that investigation for inclusion in any final plan. (R6408,R6466)

7. **M/s J Atkin;** expressing concern for the recent installation of turning lanes on Ballina Road, at its intersection with Holland Street, Goonellabah. The left turn at the intersection was not unique. However, due to the amount of traffic exiting Holland Street it was felt that a 'Stop' sign would assist in ensuring motorists took sufficient care when exiting onto Ballina Road. It was noted that in the longer term a roundabout was planned for the intersection.

TAC195/99 **RECOMMENDED** that a 'Stop' sign be erected on Holland Street at its intersection with Ballina Road. (R6408,R6461)

General Business

8. **Proposed Residential Subdivision to Create 13 Lots / Development of Place of Public Worship - Parkwalk Drive, Goonellabah**

Mr Damian Chapelle and a representative of Messrs Greg Alderson & Associates were at the meeting and outlined the proposal for Members. It was noted that carparking for the proposed Place of Worship was generally in accordance with DCP No. 18 and that Council would apply appropriate conditions. The Committee considered that it was necessary to retain Lot No. 12 as a reserve for future road construction. It may be that this would ultimately be constructed by Developers of existing land parcels west of Invercauld Road.

TAC196/99 **RECOMMENDED** that the above be noted and an appropriate Approval Condition be included to ensure that Lot No. 12 was retained for reasons set out above. (D990431)

9. **Draft Policy - Provision of Public Transport Infrastructure**

The Committee concurred with the contents of the draft policy and agreed that public transport was an important consideration of any future development.

TAC197/99 **RECOMMENDED** that Council be advised that the Committee supported the draft policy. (S135)

10. **Angle Parking - Conway Street, Lismore**

Councillor Crowther had requested that the Committee investigate the line-marking of angle parking on Conway Street, between Keen and Dawson Streets.

It was noted that the section of Conway Street in question has had significant increases in traffic volumes since the construction of the new roundabout at the intersection of Conway Street and Wyrallah Road. Motorists were currently parking at closer to 90° rather than 45°, catering for more vehicles. Marking out parking bays at standard widths and set-backs did not necessarily mean that additional spaces could be achieved. However, a survey would be carried out to determine if this was the case. It was also suggested that with the number of vehicles turning into the Farmer Charlie's Complex, there may be a need to include a right-turn bay. Centre line-marking was also non-existent at the moment.

(Cont'd)

TAC198/99 **RECOMMENDED** that this matter be referred to Council's Design Section to carry out a parking survey and to produce a plan showing appropriate line-marking for the whole of the area in question for the Committee's further consideration. (R7307)

11. **Taxi Rank - Nimbin**

Councillor Roberts had requested that the Taxi Rank at Nimbin be removed. Mr MacDonald advised that the rank was no longer required and arrangements had been made for the signs to be removed.

TAC199/99 **RECOMMENDED** that the above be noted.

12. **'Stop' Sign at Railway Crossing - Caniaba Street, South Lismore**

Mr MacDonald advised that 'Stop' signs had been erected both sides of the level crossing at Caniaba Street. (R6906)

13. **Keen Street Median - Lismore Central**

Mr MacDonald advised that Mr Thomas George had raised his concern for the new median which was creating conflict between through traffic and that accessing Lismore Central. An inspection of the site was carried on several occasions and there did not appear to be any significant problem. As the facility was still new it was felt that motorists were still adjusting to the new restrictions. It was suggested that a double white centre line off the end of the new median and up to the entrance driveway beneath Lismore Central might assist in stopping motorists carrying out a U-turn manoeuvre at the end of the median. Sgt Driver advised that Police Officers would monitor the area where possible.

TAC200/99 **RECOMMENDED** that the above action be taken and the facility continue to be monitored. (R7313)

14. **Centre Parking Signs - Molesworth Street**

It was pointed out that there may be a need to erect additional intermediate two-hour parking signs along the centre parking rank at Molesworth Street, between Magellan and Woodlark Streets.

TAC201/99 **RECOMMENDED** that this matter be referred to Council's Signwriter to erect additional signs as required. (R7322)

15. **Proposed Drug and Alcohol Detoxification Unit**

A plan was tabled showing a proposed Drug and Alcohol Detoxification Unit to be built on land bounded by Uralba and Hunter Streets and Shepherd Lane. It was noted that as typical with many Government developments, the provision for carparking was inadequate. This should be at least in accordance with Council's DCP No. 18. It was suggested that due to the narrow width of Shepherd Lane, it may be more practicable to revert the lane to one-way traffic movement east to west. This may reduce any potential conflict at the intersection of Hunter Street and Shepherd Lane.

TAC202/99 **RECOMMENDED** that the carpark shortfall be pointed out.

TAC203/99 **FURTHER RECOMMENDED** that Shepherd Lane be reverted to one-way traffic movement east to west. (D990695)

This concluded the business and the meeting terminated at 11.30 am.

CHAIRPERSON

TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR

DOCUMENTS FOR SIGNING AND SEALING

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

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

Recommendation:

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

Agreement - Total Swim Management and Council
Operation and Management of the Lismore Memorial Baths and Lismore Lake Pool
(T990035)

Lease - Left Bank Café Surrounds and Council
Lease for period 18/12/98 - 7/10/2000 with five year option.
(99-20530: S615)

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-Whole to consider the following matters:-

Item 1: Potential Purchase of the Gralco Building - 11-15 Carrington Street and Relocation of the Regional Art Gallery

Grounds for Closure -

Section 10D(2):

- a) Section 10A (2)(d)
- b) Potential Purchase of the Gralco Building - 11-15 Carrington Street and Relocation of the Regional Art Gallery
- c) Not required

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF
LISMORE HELD AT THE TULLERA COMMUNITY HALL, TULLERA ON
TUESDAY, NOVEMBER 23, 1999 AT 6.31PM.**

Present: His Worship the Mayor, Councillor Gates; Councillors Baxter, Chant, Crowther, Gallen, Hampton, Irwin, King, Roberts, Suffolk, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager Client Services, Manager Business Development, Development Assessment Planner (B Toohey) and Administrative Services Manager.

Apologies/
Leave of
Absence: Nil.

370/99 Minutes: The Minutes of the Ordinary Meeting held on November 2, 1999, were confirmed.
(Councillors Irwin/Baxter)

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 Alan Rawson - Mayoral Minute - Children (Protection & Parental Responsibility) Act 1997

(See Minute No. 372 & 373/99)

Mr Rawson advised he was local resident. He supported the implementation of the Children Parental Responsibility Act in Goonellabah as well as an alcohol free zone. He claimed these would be tools to be used to curb anti social behaviour.

(S142)

Mr Paul Recher - Rescission Motion

(See Minute No. 374/99)

Mr Recher advised he was against both the joint venture and new Memorial Baths options. He supported the refurbishment of the existing pool and a new 25-metre pool with a water slide in Goonellabah.

(99-18412: S719, P6768)

Mr Brian Henry - Rescission Motion

(See Minute No. 374/99)

Mr Henry advised he spoke on behalf of the Lismore Economic Development Unit, Lismore Unlimited and the Lismore Business Enterprise Centre. He expressed concern at the decision making process on the basis that it excluded a major alternative from the analysis, and that the Memorial Baths option failed to meet the need of user groups.

(99-18412: S719, P6768)

Mr R Beattie - Draft Amendment No. 5 To Lismore Local Environmental Plan,
1999 - Acid Sulfate Soils & Development Control Plan No. 38

Mr Beattie advised he was the Manager Agricultural Services, NSW Sugar Milling Co-operative Ltd. Mr Beattie supported the recommendation of the report in favour of self-regulation, claiming this would bring the best economic ecological result.

(S714,S715)

Mr John Donadel - Report - Reclassification of Lismore Tourist Caravan Park

(See Minute No. 379/99)

Mr Donadel outlined his need for a 5 year extension of his current lease to justify expenditure on improvements to the park. He detailed the benefit to Lismore of the Caravan Park's continued existence.

(P3058:S367/1)

Mr Paul Recher - Rates & Charges - Four Year Strategy

(See Minute No. 377/99)

Mr Recher sought clarification of whether Council was going to absorb the Special Road Rate levy in its general rate levy, in perpetuity.

(S384)

Mr Stan Heywood - Community Representatives of Council Committees

(See Minute No. 380/99)

Mr Heywood sought wider community input into the Rural Residential Strategy by the disbanding of the current committee and formation of a new committee along the lines of the composition of the Fix the Roads Working Party.

(S36)

CONDOLENCE:

Family of the Late Arthur Sackley

The Mayor drew attention to the recent passing of the Late Arthur Sackley. Mr Sackley was a businessman in Lismore for many years and was an Alderman on Lismore City Council from 1965 to 1969.

371/99

The Mayor moved that Council's expressions of sympathy be conveyed to the family of the Late Mr Sackley and the motion was carried with members standing and observing the customary moment's silence.

(S75)

DISCLOSURE OF INTEREST:

S459

Councillor Roberts declared an interest in Report Community Members of Council Committees. (Personal relationship with one of the applicants)

MAYORAL MINUTE:

Children, Parental Responsibility Act - Goonellabah Precinct

Tabled (Copy attached)

A MOTION WAS MOVED that a report be presented to Council on the feasibility of implementing the Children, Parental Responsibility Act in a Goonellabah precinct together with comments from the Community Safety Committee on interim measures that may address the security problems in that area.

(Councillors Gates/Crowther)

AN AMENDMENT WAS MOVED that Council refer this matter to the Community Safety Committee to examine the introduction of the Children, Parental Responsibility Act to Goonellabah and other problem areas of Lismore.

(Councillors Swientek/King)

On submission to the meeting the AMENDMENT was DEFEATED.

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

372/99 RESOLVED that a report be presented to Council on the feasibility of implementing the Children, Parental Responsibility Act in a Goonellabah precinct together with comments from the Community Safety Committee on interim measures that may address the security problems in that area.

(Councillors Gates/Crowther)

Voting Against: Councillors Irwin, Roberts and Gallen.

373/99 FURTHER RESOLVED that Council implement an alcohol free zone within the Goonellabah precinct with staff to report to Council on appropriate boundaries for the zone.

(Councillors Gallen/Swientek)

(S142)

RESCISSION MOTION:

Memorial Baths

(Copy attached)

A MOTION WAS MOVED -

1 That Council's decision to advise Southern Cross University that Council does not wish to proceed with the joint venture project in East Lismore be rescinded.

2 that Council's decision in regard to the Memorial Baths be rescinded.

(Councillors Irwin/Roberts)

Motion Be Put

374/99 RESOLVED that the motion be put.

(Councillor Hampton)

Voting Against: Councillors Irwin, Roberts and Crowther.

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors King, Swientek, Gallen, Chant, Baxter, Hampton, Suffolk and Gates.
(S719)

NOTICE OF MOTION

Local Government Association Conference - Spouse/Partner

(Copy attached)

A MOTION WAS MOVED that Council amend Policy 1.2.2 to provide that the registration (including any official dinner) fee for a Councillor's spouse/partner be met by Council when attending the Local Government Association Conference.

(Councillors Gallen/Hampton)

On submission to the meeting the MOTION was DEFEATED.

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

(99-18405:S9)

Fix the Roads Committee

(Copy attached)

A MOTION WAS MOVED

1. That the Manager - Finance and Administration investigate and report back to Council on the means by which additional funds for roads may be released from within Council's available financial resources, including the feasibility of Council initiating a borrowing program for road construction.
2. That should a borrowing program prove feasible then the Fix The Roads Working Party prepares a list of the roads that should be constructed using these funds.
3. That the possibility of borrowing money from internal reserves be investigated to lower the overall cost of the proposal.
4. In examining the feasibility of a borrowing program the following guidelines should be followed:
 - a. That any borrowings should result in a net economic benefit to Council over the medium term i.e. that the cost of borrowing should not exceed the expected savings made in lower maintenance costs.
 - b. That the term of any loan should not exceed the expected life of the reconstructed road.
 - c. That the borrowing should not place Council at any financial risk.
 - d. That the borrowings be for a fixed term to lock in the current level of interest rates.
5. To minimise a crisis in road maintenance (bitumen patching) over the 5 weeks outside staff vacation period, that the Council authorise the immediate release of \$300,000 from FAGs funds held in Reserve for expenditure on arterial roads construction.
6. That the General Manager be requested to identify \$300,000 in budget savings within the 1999/2000 year to facilitate the replenishment of the Reserve and report the outcome to the Council.

(Councillors Tomlinson/Gates)

AN AMENDMENT WAS MOVED that the General Manager be requested to identify \$300,000 in budget savings within the 1999/2000 year and report the outcome to the Council.
(Swientek/Gallen)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillors Irwin, Roberts, King, Tomlinson, Chant, Baxter, Hampton, Suffolk, Gates and Crowther.

A FORESHADOWED AMENDMENT WAS MOVED that

- 1 To minimise a crisis in road maintenance (bitumen patching) over the 5 weeks outside staff vacation period, that the Council authorise the immediate release of \$300,000 from FAGs funds held in Reserve for expenditure on arterial roads construction.
- 2 That the General Manager be requested to identify \$300,000 in budget savings within the 1999/2000 year to facilitate the replenishment of the Reserve and report the outcome to the Council.

(Councillors Gates/King)

375/99 RESOLVED that -

1. To minimise a crisis in road maintenance (bitumen patching) over the 5 weeks outside staff vacation period, that the Council authorise the immediate release of \$300,000 from FAGs funds held in Reserve for expenditure on arterial roads construction.
2. That the General Manager be requested to identify \$300,000 in budget savings within the 1999/2000 year to facilitate the replenishment of the Reserve and report the outcome to the Council.

(Councillors Gates/King)

A FURTHER MOTION WAS MOVED

1. That the Manager - Finance and Administration investigate and report back to Council on the means by which additional funds for roads may be released from within Council's available financial resources, including the feasibility of Council initiating a borrowing program for road construction.
2. That should a borrowing program prove feasible then the Fix The Roads Working Party prepare a list of the roads that should be constructed using these funds.
3. That the possibility of borrowing money from internal reserves be investigated to lower the overall cost of the proposal.
4. In examining the feasibility of a borrowing program the following guidelines should be followed:
 - a. That any borrowings should result in a net economic benefit to Council over the medium term i.e. that the cost of borrowing should not exceed the expected savings made in lower maintenance costs.
 - b. That the term of any loan should not exceed the expected life of the reconstructed road.
 - c. That the borrowing should not place Council at any financial risk.
 - d. That the borrowings be for a fixed term to lock in the current level of interest rates.

(Councillors Tomlinson/King)

On submission to the meeting the MOTION was DEFEATED.

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

(99-18808:S745)

SUSPENSION OF STANDING ORDERS:

376/99 RESOLVED that standing orders be suspended and Council now deal with the undermentioned matters:-

- **Rates & Charges - Four Year Strategy**
 - **Draft Amendment No. 5 To Lismore Local Environmental Plan, 1999 - Acid Sulfate Soils & Development Control Plan No. 38**
 - **Reclassification Of Lismore Tourist Caravan Park**
 - **Community Representatives On Council Committees**
- (Councillors Irwin/Roberts)

Rates & Charges - Four Year Strategy

(Copy attached)

377/99 RESOLVED that the report be received and

- 1 That Council adopt the current rating structure and differentials of income between rating categories for the next four years.
- 2 That no rate increases above the allowable State Government permissible increase be sought for the next four years apart from the possible introduction of a Special Rate and application for a Special Rate Variation for the construction of the Flood Levee (which will be the subject of a report to Council when more information is available).
- 3 That Council write to the Minister for Local Government, Mr Harry Woods seeking his views on a possible change to the Local Government Act to accommodate the introduction of suitable rating levels for Rural Land Sharing Communities.
- 4 That a report be prepared by Council's Economic Development Unit on the income generated by surrounding Council's from non-rating activities.

(Councillors Crowther/Baxter)

Voting Against: Councillors, Swientek and Gallen.

(S384)

Draft Amendment No. 5 To Lismore Local Environmental Plan, 1999 - Acid Sulfate Soils & Development Control Plan No. 38 - Acid Sulfate Soils

(Copy attached)

378/99 RESOLVED that the report be received and

- 1 Council adopt draft Local Environmental Plan Amendment No. 5 as amended on the basis of the submission from the NSW Sugar Milling Co-operative
- 2 Draft Local Environmental Plan No. 5 - Acid Sulfate Soils be forwarded to the Department of Urban Affairs and Planning;
- 3 That Council resolves to adopt Development Control Plan No. 38 - Acid Sulfate Soils.

(Councillors Baxter/Gallen)

(S714,S715)

Reclassification Of Lismore Tourist Caravan Park

379/99 RESOLVED that the report be received and

- 1 Lot 1 DP 636233 being 50 Dawson Street continue to be used as a Caravan Park.
 - 2 Pursuant to the Local Government Act 1993, Council give Public Notice of its intention to reclassify Lot 1 DP 636233 as operational land.
-

- 3 Pursuant to Section 54(1) of the Environmental Planning and Assessment Act, a draft Local Environment Plan be prepared to amend the Lismore Local Environmental Plan 1992 to reclassify Lot 1 DP 636233 from community to operational.
- 4 Subject to the outcome of the Local Environment Plan Amendment process, the General Manager or his delegate enter negotiations with Mr and Mrs Donadel with the intention of extending the current lease and incorporating a market based rental assessment and provision for appropriate rental reviews and the impacts of GST legislation.
- 5 That the SES Controller carry out an annual review of the Flood Management Plan for the Lismore Tourist Caravan Park, on an ongoing basis. This annual review to take place in the first quarter of each financial year.

(Councillors Irwin/Gallen)

(P3058:S367/1)

ADJOURNMENT:

At this juncture (8.58pm) the meeting adjourned for supper to enable discussion with local residents in accordance with policy.

The meeting resumed at 9.24pm.

COMMUNITY REPRESENTATIVES ON COUNCIL COMMITTEES

(Copy attached)

DISCLOSURE OF INTEREST:

S459

Councillor Roberts declared an interest in this matter and left the Hall during discussion and determination thereof

380/99 RESOLVED that the report be received and

- 1 Council appoint Habib Habib to the Aerodrome Advisory Panel.
- 2 Council appoint Mary Betteridge, Annette Potts, Eleanor Cole, Bill Sheaffe, John Barnes, Carmel Beelitz to the Civic Design Advisory Panel.
- 3 Council appoint John Jeboult, Vicki Fayle, John Page, Bruno Ivan, Steve Glese, John Stretch, Jan Davis, Lyn Thomson, Melissa Hirsch, Simon Thomsen and John Stewart to the Art Gallery Advisory Panel.
- 4 Council appoint Rob Allan to the Lismore Tourism Advisory Panel.
- 5 Council appoint Therese Crollick, Simon Cripps-Clark, Brian Slapp, Robert Weatherby and Nathan Kesteven to the Public Transport Advisory Panel.
- 6 Council appoint David Graham, Therese Crollick, Gloria Mortimer, Robyn Whitney, Mary Lemon and Barry Davidson to the Lismore District Sports Association.
- 7 Council appoint Graham Askey, Dick Smith, Jean Rose, Vince Collins and John Barnes to the Floodplain Management Working Party.
- 8 Council appoint Alan Kerr, Lindsay Walker, Ray Sargent, Alan Moses, Brian Moynihan, Vanessa Ekins, Duncan Raymont and Bill Kidd to the Rural Settlement Strategy Steering Committee.
- 9 Council note the appointment of the delegates from the nominated organisations and appoint Patricia O'Brien, Beverley Bryant, Lloyd Moss, Kerry Pepar, Laurie Clark and John Barnes to the Koala Management Steering Committee.
- 10 That Council re-appoint the existing members of the Fix the Roads Working Party.

(Councillors Hampton/Chant)(S36)

RESUMPTION OF STANDING ORDERS:

- 381/99 RESOLVED that standing orders be resumed.
(Councillors Irwin/King)

REPORTS

Development Application 99/695 - Erection of a Hospital (Drug and Alcohol Detoxification); Demolition of two (2) medical centres; nineteen (19) carparking spaces and associated landscaping.

- 382/99 RESOLVED that the report be received and
- A That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.
- B That Council, as the consent authority, approve Development Application 99/645 for the erection of a Hospital (Drug and Alcohol Detoxification Unit), construction nineteen (19) carparking spaces including the provision of two (2) Disabled Carparking Spaces, and associated landscaping at Lot 1 DP 900631, Lot 2 DP 333108 and Lot 1 DP 333108, being 56, 58 Uralba Street and 75 Hunter Street, Lismore.

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

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

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.

In granting this development consent, Council requires:

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

and be substantially in accordance with the stamped approved plans titled DA1^A to DA5^A, PROJECT 9918, dated Sept. 99 and supporting documents submitted with the application. Copies of the approved plans are attached to this consent.

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

BUILDING AND REGULATION

- 2 The following building works are to be certified by Council or by an Accredited Certifier in the form of a Compliance Certificate.

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

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

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

Reason: *To assess compliance with this approval.*

- 3 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.*

- 4 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.*

- 5 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.*

- 6 Provide a stainless steel or copper shower tray for the base of the shower recess, or other construction approved by Council.

Reason: *To ensure adequate dampproofing of the building.*

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

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

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

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

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

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

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

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

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

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

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

12 The effects of vibration, dust, noise and concussion on adjoining buildings and their occupants must be minimised, by selecting appropriate demolition methods and equipment.

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

13 Demolition of the structure must be in accordance with Sections 2 and 3 of AS 2601 "The Demolition of Structures".

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

14 Structural Engineering details for footings, slabs, retaining walls and structural steelwork are to be submitted to and approved by Council prior to commencement of the work.

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

15 Roof water drains and drainage from paved surfaces must be connected to the street water-table.

Reason: *Required by Clause FP1.3 of the Building Code of Australia.*

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

Reason: *To conserve water.*

17 Provide vacuum breaker devices to all external taps.

Reason: *To prevent the contamination of the water supply by cross connection.*

18 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.*

19 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.*

20 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.*

21 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.*

22 Provide interconnected, automatic smoke alarms wired into the electrical mains and having a stand-by battery power supply, in accordance with Clause E1.7 of the Building Code of Australia.

Reason: *To comply with Clause E1.7 of the Building Code of Australia.*

23 A certificate from a licensed electrician must be provided upon completion of the installation of the smoke alarms, certifying that the smoke alarm installation complies with AS 3786 "Smoke Alarms".

Reason: *To ensure compliance with this building approval.*

24 The main switchboard within the building, if it sustains emergency equipment, must be separated from other parts of the building by construction having an FRL of 120/120/120 and any doorway must be fitted with a self closing fire door having an FRL of -/120/30.

Reason: *Required by Clause C2.13 of the Building Code of Australia.*

- 25 Fire hose reels must be provided in accordance with Clause E1.4 Building Code of Australia and the following:-
- (a) Must comply with Australian Standard 1221 "Fire Hose Reels" and be installed in accordance with Australian Standard 2441, "Installation of Fire Hose Reels".
 - (b) At the connection of the most hydraulically disadvantaged hose reel to the fire main or water service pipe, provide a water flow rate of 0.33 L/s.
 - (c) Must not be installed in fire-isolated stairways, fire-isolated ramps or fire-isolated passageways.
 - (d) At least one hose reel must be accessible to all occupants of the storey served by it.
 - (e) No part of the storey must be beyond the reach of the nozzle end of a fully extended hose reel installed on that storey.

Reason: *Required by Clause E1.4 of the Building Code of Australia.*

- 26 Details of the fire hydrant protection of the building is to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.
- 27 Provide portable fire extinguisher/s, suitable to address the relevant risk, in accordance with AS2444.

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

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

Reason: *To provide equality of access.*

- 29 An emergency lighting system is to be provided throughout the building to comply with Clause E4.2 Building Code of Australia. Details of the emergency lighting system and a certificate from an electrical engineer certifying the level of illumination required is provided and that the circuits are designed as required, is to be submitted to the Principal Certifying Authority prior to installation.

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

- 30 Provide emergency light exit signs on or near every door affording direct access from a storey to:-
- (a) An enclosed stairway or ramp serving as a required exit:
 - (b) An external stairway servicing as a required exit:
 - (c) An external access balcony leading to a required exit:
 - (d) On or near every door discharging from an enclosed stairway or ramp at every level of access to a road or open space.

(e) A door forming part of a required exit in a storey required to be provided with emergency lighting.

Reason: *Required by Clause E4.5 of the Building Code of Australia.*

31 Electrical plans to indicate the position of all exit signs must be submitted to the Principal Certifying Authority for approval prior to any work being commenced on the site.

Reason: *To ensure compliance with this approval.*

32 Provide a solid core self-closing door to the garage store room.

Reason: *To ensure compliance with this approval.*

33 The building shall be clad with a low-reflective material compatible with the environment of the locality. Associated colour schemes are to be submitted to Council for approval prior to commencement of work.

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

34 The new building shall be setback a minimum of 6 metres from the boundary adjoining Uralba Street, 3 metres adjoining the boundary fronting Hunter Street and a zero setback is permitted to Shepard Lane.

Reason: *To comply with the provisions of Local Environmental Plan 1992 - City of Lismore. (EPA Act Sec 79C(a))*

DRAINAGE

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

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

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Details of sediment control measures and revegetation works shall be submitted to the Principal Certifying Authority 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))*

36 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 piped drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the proponent.

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

CARPARKING

37 Provision shall be made for nineteen (19) carparking spaces 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.

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

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

Reason: To ensure the free flow of traffic and comply with traffic regulations. (EPA Act Sec 79C(c))

39 All vehicles connected with the premises shall be parked or garaged within the property at all times.

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))

40 The carpark identified in Section 6.4.2 of ASPECT North's report shall be completed prior to the release of the Occupation Certificate for the Hospital - Drug and Alcohol Detoxification unit.

Reason: To comply with the provisions of Local Environmental Plan 1992 - City of Lismore. (EPA Act Sec 79C(a))

VEHICULAR ACCESS

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

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

42 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))

43 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))

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

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

45 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))

ROADS

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

urban road

- a) Construction of a kerb and gutter and a bitumen sealed pavement, from the edge of the existing seal to the kerb and gutter, for the full frontage of the land in Uralba Street. Appropriate landscaping measures shall be provided to protect the existing tree.
- b) Construction of the eastern entrance to Shepard Lane to a 6 metres wide pavement with appropriate return radius. Should the conversion of Shepard Lane to one way traffic be approved by the Local Traffic Committee then the widening of the entrance shall be no longer be required.

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))*

- 47 Full design plans of the proposed engineering works to satisfy condition 45 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 \$114 per lot, being \$114 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))*

PEDESTRIAN ACCESS

- 48 The proponent shall construct a 1.5m wide reinforced concrete, paving block or equivalent footpath, leading from the end of the exciting footpath in Hunter Street to Shepard Lane 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)*

DEVELOPMENT ASSESSMENT SECTION

- 49 All separate parcels of land shall be consolidated into one allotment and registered under one title with the Registrar General prior to occupation of the building.

Reason: *To prevent future dealing in separately titled land, the subject of one consolidated site development application. (EPA Act Sec 79C(c))*

WATER AND WASTEWATER

- 50 Relocation or replacement of the sewer pipe that traverses the land is the responsibility of the proponent. Any relocation or replacement work shall be undertaken to the satisfaction of the Lismore City Council's Manager-Water and Sewerage. Any costs associated with these works shall be the responsibility of the proponent.

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

- 51 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 documentary evidence submitted to Council on the completion of works.

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

52 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".

53 Sewer connections must be effectively sealed off at the boundary riser. In this regard a Minor Works Permit must be applied for at Council and all work is to be carried out in accordance with Lismore City Council Sewer Specifications prior to the commencement of work.

Reason: Required by Clause 65 of the Local Government (Approvals) Regulation.

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

Reason: Required by Clause 65 of the Local Government (Approvals) Regulation.

55 Full design plans of the proposed engineering works to satisfy condition(s) shall be submitted to Lismore City Council. Such plans must be approved by the Manager-Water and Sewerage before 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))

56 Construct a sewer manhole on the existing sewer line inside the western boundary on number 56 Uralba Street, Lismore. This new manhole is to be constructed in accordance with Lismore City Council's adopted Sewer specifications. The manhole is to provide a junction to service this development, the existing gravity line on the east of this new manhole is to be terminated and capped outside the manhole. The existing manhole number 3ET3 is to be filled and the sewer vent to be removed. Any cost associated with the works shall be the responsibility of the proponent.

After satisfactory completion of this work, a practising qualified surveyor shall submit a "works as executed drawing" of this work on a transparency at a scale of 1:1000.

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

LANDSCAPING

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

Reason: To conform to the provisions of the Tree Preservation Order, gazetted in accordance with Local Environmental Plan 1992 - (City of Lismore). (EPA Act Sec 79C(a))

58 The landscaped areas as detailed on plan entitled "Site Landscaping Plan, Sheet No. DA5^A, SEPT 99" are to be planted using plants from a container of minimum size of thirty five (35) litre bags or 2 metres high, and shall be maintained by the applicant/owner in a healthy and vigorous condition until they attain the minimum height for protection by Council's Tree Preservation Order. Prior to protection by Council's Tree Preservation Order, any of the aforementioned trees found to be in poor condition (*damaged, dying or dead*) shall be replaced by the applicant with a tree of the same size and species. (SPC)

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

AMENITY

59 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))

60 The 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))

ADVERTISING/LIGHTING

61 All outdoor advertising material, signs or decorative materials (including flags or bunting) shall be approved by the Council prior to erection, in accordance with Development Control Plan No. 36 Outdoor Advertising Structures (as amended). A separate development application shall be submitted for this purpose.

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

62 External sensor lights are to be erected outside the building, and are to be located or shielded so no additional light is cast on adjoining land or distracts traffic.

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

ENVIRONMENTAL HEALTH

63 Prior to occupation the applicant shall submit to Council, and have approved, a Waste Management Plan for the proposed drug and alcohol detoxification unit. The plan shall identify:

- (a) Waste characterisation and composition;
- (b) Generation rates;
- (c) Treatment and storage processes; and
- (d) Methods of disposal.

ADVISORY NOTES

NOTE 1: Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment act, 1979, are to be complied with:

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

NOTE 2: The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue any relevant documentary evidence or certificates.

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

NOTE 4: Water and/or Sewerage Headworks levies payable under the Water Supply Authorities Act 1987 totalling \$20,502.00 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 5: 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 6: The applicant or developer shall pay to Council all Water and Sewerage Headworks Levies deemed necessary in by Council 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 final linen plan.

(Councillors Irwin/Roberts) (DA99/695)

Rates & Charges - Four Year Strategy

(See Minute No. 377/99)

Draft Amendment No. 5 To Lismore Local Environmental Plan, 1999 - Acid Sulfate Soils & Development Control Plan No. 38 - Acid Sulfate Soils

(See Minute No. 378/99)

Reclassification Of Lismore Tourist Caravan Park

(See Minute No. 379/99)

Community Representatives On Council Committees

(See Minute No. 380/99)

Council Meetings And Public Contact Forums In Rural Locations

382/99

RESOLVED that the report be received and

1 That the schedule of venues, as outlined below be adopted.

a) *Council Meetings*

February 22 Bexhill

May 16 Keerrong

November 21 Jiggi

b) *Public Contact Forums*

March 6 Blue Knob

June 19 Ruthven

September 4 Repentance Creek

c) A review be conducted into the format/process/cost/alternative consultation mechanisms of Public Contact forums prior to the next forum.

2 That the first meeting for 2000 be February 1, 2000 and thereafter every third Tuesday.

(Councillors Roberts/Irwin)(S4)

383/99

FURTHER RESOLVED that Councillors Roberts, Swientek, Irwin & King conduct this review.

(Councillors Swientek/Baxter)

Tender For The Operation Of The Nimbin Caravan And Holiday Park And Swimming Pool Complex

384/99

RESOLVED that the report be received and

1 That the Management of the Nimbin Caravan Park and Swimming Pool Complex be awarded to Peter and Judith Ryan for the amount of \$930 per week for the swimming

season and \$805 per week for the non-swimming season (subject to GST and CPI) for the period January 8, 2000 to June 30, 2002.

- 2 That the Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of Council.

(Councillors Irwin/Roberts)(T20008)

Tenders For The Provision Of Water Main Construction

385/99 RESOLVED that the report be received and

- 1 The water main construction (20009) be awarded to Camglade Pty Ltd for the amount of \$137,543.00 plus rate only item costs.
- 2 Should Camglade Pty Ltd withdraw their tender, then the tender be awarded to Limerick Constructions Pty Ltd.
- 3 The Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.

(Councillors Swientek/Hampton) (T20009)

Airport Management Operations

386/99 RESOLVED that the report be received and

- 1 That owing to the extenuating circumstances, being the diversity of activities at the airport and the desire to allow potential contractors to propose alternative management and business arrangements, Council call for Registrations of Interest to provide Management and Business Development Services for Lismore Airport.
- 2 That these services will be engaged through a two stage process,
Stage 1. The calling for Registration of Interest from parties interested in providing the management and business development services for the airport.
Stage 2. Negotiation with the most favourable respondent(s) to the call for Registration of Interest with the intention of developing a contract(s).
3. The General Manager or his delegate be authorised to negotiate the contract(s) on Council's behalf.
4. The Mayor and General Manager are authorised to execute the contract(s) on Council's behalf and affix the Seal of Council to the contract(s).

(Councillors Crowther/Hampton)(P9733)

Voting Against: Councillor Swientek.

Application To Have Lot 520 Dp 843447 (74a Cecil Street, Nimbin) Classified As 'Operational' Land When Vested In Lismore City Council By Nsw Department Of Public Works And Services

387/99 RESOLVED that the report be received and that Council give public notice of a proposed resolution to classify Lot 520 D.P. 843447, 74a Cecil Street Nimbin, as 'operational' land when vested in Council.

(Councillors Gallen/Roberts)

(P24895)

Application For Closure Of Crown Public Roads - Numulgi Street And Section Of Withers Street, Bexhill

388/99 RESOLVED that the report be received and

- 1 That the application to close part of Numulgi Street, Withers Street, Hill Street and North Street, Bexhill (as shown on the plan appended to the report) be endorsed.

2 That the subsequent application to close part of North Street Bexhill (as shown by diagonal hatching on the plan) be endorsed subject to the purchase of Lot 20 Section 6 DP 758102 by Mr & Mrs Willis. The application to be returned to the applicants for them to lodge with the NSW Department of Land and Water Conservation, for adoption and gazette if approved.

3 Any costs associated with the road enclosure be borne by the applicants.

(Councillors Roberts/King) (P18653)

Voting Against: Councillors Swientek.

Investments Held By Council As At October 31, 1999

389/99 RESOLVED that the report be received and noted.

(Councillors Crowther/Chant)(S170)

DOCUMENTS FOR SIGNING AND SEALING

390/99 RESOLVED that the following documents be executed under the Common Seal of Council:-

Review of Overdraft Facilities - Commonwealth Bank

Continuation of current level of facilities to October 2000.

(99-18264: S179)

Deed of Agreement and Linen Plan - Council and Graham

1162A Nimbin Road M.R. 142

(99-17612: P26602)

Contract of Sale and Transfer - Council to Norco Pauls Milk

Part Lot 73, DP 876840, being 250 Oliver Avenue, Goonellabah

(99-17544: P26676)

Contract of Sale and Transfer - Council to Bienke -

Proposed Lot 61, Airport Drive

(99-19061: P18575)

(Councillors Roberts/Irwin)

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

CONFIRMED this 14th day of December 1999 at which meeting the signature herein was subscribed.

MAYOR

