



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, NOVEMBER 4, 2003, at 6.00pm and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

October 28, 2003

COUNCIL BUSINESS AGENDA

November 4, 2003

PUBLIC ACCESS SESSION:

PAGE NO.

PUBLIC QUESTION TIME:

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE – Councillor Hampton

CONFIRMATION OF MINUTES – October 14, 2003

CONDOLENCES

DISCLOSURE OF INTEREST

MAYORAL MINUTES

NOTICES OF RESCISSION

NOTICES OF MOTION

SUSPENSION OF STANDING ORDERS

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

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COMMITTEE RECOMMENDATIONS

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DOCUMENTS FOR SIGNING AND SEALING

QUESTIONS WITHOUT NOTICE

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE

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LISMORE CITY COUNCIL - Meeting held November 4, 2003

Subject/File No: DA03/673 – LISMORE MEMORIAL BATHS REDEVELOPMENT APPLICATION, including:

- Demolition of existing pools, change rooms and plant facility (entrance building to be retained)
- Reconstruction of the baths facility with 3 new pools (including children's pool), new toilets/change rooms and water handling systems.

Prepared By: Projects Assessment Planner, Warren Rackham

Reason: Lodged application – requires Council approval.

Objective: Council's determination of the application.

Management Plan Activity: Development Assessment

Proposal:

This application is essentially for the demolition of the existing Lismore Memorial Baths complex, and reconstruction of a new baths facility. The proposal is for the demolition of the existing pools and infrastructure buildings, with the exception of the heritage "Menin Gate" main entry building, and for reconstruction of a new 3-pool complex, amenity buildings, spectator facilities and water handling plant.

The new application proposes:

- An 8 lane, 51 metre Olympic pool
- A 4 lane, shaded 25 metre pool
- A 90 sq. metre shaded toddlers/children's pool, with independent plant room and security fencing.
- All new changerooms and amenities.
- All new spectator seating.
- All new plant rooms and filtration equipment.
- Shade cloth covering over the 25 metre pool and the children's pool.
- 8 x 15m night lighting towers.
- New fencing around the western (i.e. on top of new levee wall) and northern perimeters.
- A delivery bay area to the plant room off Market Street.

Additional land is being acquired from Lismore City Bowling Club/Spinks Park to accommodate a separately enclosed children's pool, in the north-west corner of the site.

Disabled access has been catered for in all amenity areas, and with a 22 metre long pool access ramp to the Olympic pool itself.

Removal of fig trees, bus bay construction and boundary retaining wall works in adjacent Market Street are being processed under a separate development application. (DA03/676)

Applicant:

Lismore City Council.

Zoning:

6(a) Recreation Zone

Key Issues:

- Upgrading of an existing public recreational facility.
- Heritage issues in conjunction with demolition works.

1. SITE HISTORY

The development site incorporates:

- 115 Molesworth Street being Lot 576, DP 729276
- 171a Molesworth Street being Lot 8, DP 42455
- 179 Molesworth Street being Lot 538, DP 755718
- 179a Molesworth Street being Lot 1, DP 118543
- Part of Market Street and public thoroughfare

The properties contain existing Lismore Memorial Baths, part of Lismore Bowling Club, part of Spinks Park, and part of Market Street and public thoroughfare.

2. SURROUNDING PROPERTIES & ENVIRONS

The development site is bounded by Market Street, Lismore RSL Club, Wilson's River, Spinks Park and Lismore City Bowling Club, and Molesworth Street.

3. PUBLIC NOTIFICATION

The application was advertised and notified in accordance with the provisions of DCP 41. No submissions were received as a result of this advertising.

4. ASSESSMENT UNDER SECTION 79C OF THE E.P. & A ACT -

4.1 Any Environmental Planning Instruments

4.1.1 State Environmental Planning Policies (SEPPS)

SEPP 11 – Traffic Generating Developments

SEPP 11 requires local Traffic Committee referral for recreational facilities that generate from 50 to 250 car parking spaces. Although the new pool is, in essence, only a replacement value to a similar already existing facility (and hence, existing parking facilities apply), nonetheless the application was referred through Council's local Traffic Committee. The Committee expressed no specific concern or problems with the new application, but raised disabled parking, bike racks, bus turning facility in Market Street, and drop-off point for parents picking up children as issues to be considered.

Comments:

There is a single disabled parking space in Molesworth Street in front of the pool. This could easily be increased to 2 spaces and this is recommended. There is an existing pipe-framed 14 bay bicycle rack in front of the entry building, so this facility should remain. There is no ability to provide a bus turnaround bay in Market Street due to width restrictions. A separate children's drop-off/set down area can be incorporated into the design through the relocation of the electricity sub-station shown projecting on to Market Street, and the "extension" of the bus bay area to provide for a suitable drop-off point. This is also ideally located to the entry gate.

4.1.2 Regional Environmental Plan (REP)

No specific issues.

4.1.3 Lismore Local Environmental Plan (LEP)

All of the lands contained in the development site are zoned 6(a) Recreation Zone under Lismore LEP 2000. The proposal is permissible in the zone, with Council consent. The proposal, as a public recreational facility, meets the zone objectives.

Clauses 12,13,14 & 15 – Heritage Items and Heritage Conservation Areas

The LEP requires that consent be obtained for the demolition of a heritage item; the erection of another building on which the item is situated; consider the effects of the proposed development on the heritage significance of the item and adjacent heritage items, and the effects of demolition and/or erection of new buildings in a heritage conservation area.

The Memorial Baths are a listed Heritage Item. Although the primary focus of the heritage value lies in the Memorial entrance gateway (building to be preserved), the whole of the pool is listed.

In addition, the adjacent Boer War Memorial, the Lismore Bowling Clubhouse, Spinks Park and bandstand are listed items, and the whole precinct is a listed Heritage Conservation Area. As such, the applicant was required to carry out a Heritage Impact Statement to address the matters required.

The Heritage Impact (and the application) have been referred to the NSW Heritage Council under Clause 15 LEP provision. In addition, the application was referred to Council's Heritage Adviser for inspection report and comment.

The Heritage Adviser has provided an objective critique of each of the elements at the pool site (pavilion, plant room, dressing rooms, pool and ancillary structures and tree removal in Market Street), and has submitted 5 recommendations in respect of the pool.

It has become quite clear that the Memorial entry building or pavilion ("Menin Gate") is the primary heritage focus on this site, and approximately half of that building has been rebuilt in much more recent times, not entirely in a sympathetic style – and very little of the "original fabric" is really left. The only other building on site worthy of recording is the 1948 pump house, and filtration "fountain" which is recommended for proper recording prior to demolition.

The new exterior finish is proposed to combine the "wood float concrete finish" retaining wall to Market Street, capped by an upper wall section of glazed ceramic tiles on fibre cement substrate. Obviously any painting of the concrete finish and the glazed ceramic tiling will have to be in colours complementary to heritage tones, and to the entry pavilion. Height and roof pitch will be consistent with and complementary to the existing building, with the entry pavilion remaining the dominant focus.

Clause 22 – Development on Flood Prone Land

The site is contained within the new levee wall now under construction, and is on land classified as "flood fringe" under DCP 7 (draft). The provisions of draft DCP 7 will be applied to this application, thus the provisions of Clause 22 will be met.

Clause 28B – Demolition of a Building

The terms of this clause are met.

4.2 Any Draft EPI that is or has been placed on Exhibition

There is no draft EPI of relevance to this application currently.

4.3 Any Development Control Plan

DCP 7 – Flood Prone Lands

The provisions of draft DCP 7 will be complied with and recommended with any approval of this development application. All of the redeveloped pool and surrounds will be protected by and within the new flood levee wall, now under construction.

DCP 16 – Building Line Setbacks

The application complies with the requirements of this DCP.

DCP 18 – Off Street Carparking

This matter is of some issue and needs discussion. Essentially there is no off-street parking available for the existing pool, and none will be provided for the new development. There are no parking indices available for swimming pool complexes, and reliance is therefore placed on comparative information derived from earlier reports and Sport and Recreation statistics, for which an average estimate for an average daily use would be 4 spaces per 100 sq. metres of pool area as a reasonable factor to use, but this would not of course account for absolute peak times. It is also necessary to allow for the fact that peak times are usually in relation to school carnival use, where bussing in of pupils takes place.

Using the 4 spaces/100 sq. metre principle, the existing pool complex (4 pools) aggregate 956 sq. metres (main 610, wading 180, learn to swim 138, toddlers 36) equating to 39 parking spaces for the existing pool complex.

The new pool complex will have 1,310 sq. metres (8 lane 1,020, 4 lane pool 200, toddlers 90), with no off-street parking provided. Nett increase in pool area is 354 sq. metres, at 4 spaces/100 = 14 spaces deficit under application of a credit carry over from the existing pool.

However, additional parking in Market Street should result from new tree planting and rationalised parking layout to the northern side, and there is also the added bonus of a proper bus parking bay which will allow up to 2 buses to stand to offload/pick up.

Given that the development is totally a public recreational facility and is an improved replacement to the existing one, it is considered that the parking situation be accepted as an equal “changeover”, with no additional parking levies. In any case, it will be Council who will be required to rationalise/construct/acquire any additional public parking facilities in the immediate locality if additional needs demand.

An off-street delivery area at the rear of the pool off Market Street will also be provided to allow delivery vehicles to stand whilst unloading pool requirements.

DCP 43 – Crime Prevention Through Design

Design layout and supervision has been kept in mind with the new proposal, and the provisions of this DCP have been maintained. Council’s Community Services Department has oversighted the application, and has endorsed the plan as satisfactory. There is one area of concern, that is the blind corners being created by the electricity sub-station projecting onto Market Street and the recommendation is for this to be relocated or redesigned to incorporate Crime Prevention Through Design provisions in order to overcome this (and other related) problems.

4.4 Any Matters Prescribed By The Regulations

No additional matters.

4.5 The Likely Impacts of that Development, including Environmental Impacts on both the Natural and Built Environments, and Social and Economic Impacts in the Locality

Impact on public patronage of the pool will be greatly reduced due to the pool's seasonal nature – closure for demolition and rebuilding is proposed to only occur towards the end of the summer season next year. Heritage impact is separately discussed in this report. A high social impact is maintained in the continued availability of this well-used public recreational facility, and a renewal of facilities will ensure that its amenity will be available for generations to come.

4.6 The Suitability of the Site for the Development

The site has been the site of the Memorial Baths for a considerable period of time, and its continued use on this site is most appropriate.

4.7 Any Submissions made in Accordance with this Act or the Regulations

Advertising Submissions

The application was advertised in accordance with the procedures for “Advertised Development”, however there were no submissions received as a result of such advertising.

4.8 The Public Interest

There will be an appreciable public interest in the provision of this facility. Although there is an existing Baths facility, in combination with plant and equipment, it is old and outdated, and is reaching the end of its useable life. A new, modern and updated facility will ensure continuity of this much needed recreational facility.

5. REFERRAL COMMENTS

5.1 Internal

5.1.1 Manager Finance & Administration Comments

No comment required.

5.1.2 Community Services – Social/Crime Prevention

Council's Community Services Department has overviewed the plans and has endorsed the plan as satisfactory, with the addition of the following comments:

Particular attention must be given to access and facilities for people with disabilities in terms of the provisions of the Disability Discrimination Act, 1992 including accessibility from the street to the facility and within the facility itself.

5.1.3 Traffic – Local Traffic Committee

The application was referred to Council's Local Traffic Committee. Comment has been separately reported under Sec. 4.1.1 above.

5.1.4 Building Surveyor

Comments:

Assessment of the proposed development under the BCA requires calculation of maximum population numbers for the Baths to determine the required exit width dimensions and number of sanitary facilities in accordance with deemed to satisfy provisions of Sections D & F of the BCA.

Table D1.13 is used for calculation of number of persons accommodated for the purpose of calculating exit width dimensions and number of sanitary fixtures, unless in the case of sanitary facilities the number of persons can be made accurately determined by other means.

Table D1.13 of the BCA for number of persons accommodated indicates 1.5 sq. metres per person for a swimming pool based on pool area.

Based on 1360 sq metres of pool area, a population of 907 is calculated.

The Baths records indicate that up to 867 people may visit the Baths on a peak day.

Under Clause D1.6 of the BCA 8m of exit width is required for 900 persons and required exits must be distributed as uniformly as practicable to comply with Clauses D1.4 and D1.5 of the BCA. The current proposal does not appear to comply with the above deemed to satisfy provisions of the BCA and therefore requires modification or a performance-based alternative solution.

Table F2.3 of the BCA specifies the maximum of persons served by sanitary facilities, however in relation to a Class 9b sporting venue, the requirements vary depending on number of participants, spectators and/or patrons. Therefore a performance based assessment of the number of sanitary facilities will be required to determine that adequate sanitary facilities are provided for a population of up to 900 persons.

Appropriate conditions are to be included on the Development Consent requiring compliance with the above and other relevant provisions of the BCA.

Particular attention must also be given to access and facilities for people with disabilities in terms of the provisions of the Disability Discrimination Act, 1992 including accessibility and use of the proposed swimming pool.

5.1.5 Environmental Health Surveyor Provision of Shade

Council has a Community Sun Protection Strategy adopted in January 1997, which outlines requirements for shade at public swimming pool centres and sets the following goals for public swimming centres.

- A minimum of 40% of the total open area surrounding swimming pools should be provided with permanent shade
- A minimum of 20% of the total area of a general use pool should be in protective shade
- Toddlers pools and surrounds should be provided with permanent shade which deletes maximum levels of ultraviolet radiation whilst allowing the transmission of light and warmth

The provision for shade in the proposal falls short of the requirements outlined in Council's Strategy for a general purpose pool.

In the original submission it was stated that there will be a significant increase in reflective surfaces from both concrete paving and the water itself. The report then states that there is minimal opportunity to provide shade structures within the grounds and goes on to suggest that where possible existing shade structures may be utilised but states there is little site area remaining for this purpose.

The amended design incorporating a toddlers pool provides for a shade structure over this pool and also provides a shade structure for the 25m pool. Council's Strategy requires that shade be provided over 100% of any toddler pool and surrounding supervising area.

From the information provided in the amended plans it is evident that a large proportion of the toddlers pool is provided with shade and as such the proposal for shade over the toddlers pool largely satisfies the requirements of Council's strategy with only a small shortfall from the 100% coverage required. However, the shade structure proposed does not provide a high level of protective shade in the spectator/supervisor area adjacent to the toddler pool and clearly does not comply with Council's strategy. In addition, information provided does not detail the level of Ultraviolet Radiation protection provided by the shade material, which is proposed to be used at the site. Council's strategy requires that the shade structure over the toddlers pool area provide maximum UVR protection and as stated above it is unclear whether the material proposed provides this level of protection.

The proposal does not include shade cover over the grandstand seating area which is considered unsatisfactory to Council's Environmental Health Unit. Council's Sun Protection Strategy recommends a preference for 100% of grandstand seating being provided with solid roof shade and as a minimum provision be made for temporary protective shading of all spectator areas. As outlined above a goal in the strategy is that a minimum of 40% of the total open area surrounding swimming pools be provided with permanent protective shade. The proposal provides minimal shade in open areas surrounding the pools, although some shade is provided by palms and other landscaping in the north west of the site, and by building overhangs adjacent to the amenities.

In summary, Council's Environmental Health Unit has concerns about the lack of shade proposed. Support is given for the shade structures proposed over the toddler's pool and the 25m pool subject to the material used being capable of deleting maximum levels of ultraviolet radiation whilst allowing the transmission of light and warmth. However generally the proposal falls short of Council's strategy. This is a concern as people using public swimming pool centres are particularly susceptible to high risk behaviour for UVR exposure. The user group is predominantly young and pools are used during the high risk period of the year. As such the Environmental Health unit has recommended conditions be imposed to extended shade protection to the grandstand seating area.

Backwash recycling

The submission proposes to recycle backwash waters from the pools to flush toilets and irrigate grass areas of the pool complex or that of the nearby bowling green. The proposal is conceptual only and does not provide any detailed assessment on the method or feasibility of achieving recycling of backwash waters including likely quality of backwash water, quality required to be achieved for various reuse options, treatment required to achieve quality standard, hydraulic calculations, size of storage, monitoring and maintenance.

Council's Environmental health Unit supports the concept of reuse however due to the limited information provided in the submission has recommended conditions requiring submission of additional details on the proposal prior to release of construction certificate.

Noise

No acoustical assessment is provided in the submission and only broad assumptions are stated. The submission states that there are no guidelines for the acoustic limits on plant and equipment in this precinct. This is incorrect as a number of noise guidelines exist which are relevant to this development in addition to specific legislation related to offensive noise.

The Environmental Health Unit is aware that there are few sensitive receptors in close proximity to the site apart from the Karinga Motel located within 100m of the pool complex and other sensitive receptors (residents) located approximately 300m west over the other side of the river in South Lismore.

The submission states that roof mounted heat pumps offer the highest levels of noise. It is unclear whether these pumps will operate 24 hrs a day however it is unlikely they will represent a problem during business hours due to the usual high background noise level experienced during this period around the CBD area. Background noise levels drop significantly during the night (10.00pm – 7.00am) and on weekends primarily Saturday afternoon and Sundays. It is these times that plant and equipment is likely to result in the generation of offensive noise.

The submission suggests that problems exist with acoustically treating heat pumps due to the requirement for the plant to have air flow. The Environmental Health Unit is aware that enclosures can be designed that effectively reduce noise and also permit flow of air. Conditions are recommended requiring the submission of acoustical reports and requiring the development not create offensive noise.

5.1.6 Manager-Special Projects & Properties
Comment with regard to shade

Council's Environmental Health Surveyor's comments in regard to the provision of shade over the 51m pool assumed that this pool is a "general purpose" pool within the provisions of Council's Community Sun Protection Policy". This is not the case. The 51m pool has been designed as a regional standard competition facility that will also function as a general use pool.

In the course of ensuring that competition standards are met, advice was taken from FINA, being the international governing body for swimming competitions. Part of this advice related to the need to ensure that the whole of the pool had uniform light characteristics. It was unacceptable to have shaded or shadow areas over parts only of the pool. This related to both natural and artificial light.

It would be contrary to FINA standards to introduce a 20% shade cover over the 51m pool and would jeopardise the regional competition status of the pool.

5.1.7 Development Engineer
Comment

Council's City Works Group supports the recommendation for approval subject to the application of relevant conditions of consent. The local Traffic Committee has recommended that the issue of a bus turning area be investigated. Whilst buses can access the bus setdown area in Market Street via Ballina Street into Victoria Street it is recommended that a more direct alternate route for buses between Victoria Street and Molesworth Street be investigated in the future.

5.2 External

5.2.1 NSW Department of Infrastructure, Planning and Natural Resources

As the development site fronts Wilson's River and the western end of the refurbishment works lie within 40 metres of the river bank, the application is an Integrated Development. The application was referred to DIPNR as required, who have advised that no objections are raised or requirements to be imposed under Integrated Approval.

5.2.2 NSW Heritage Council

As required under Clause 15 of Lismore LEP, the application has been processed as an “Advertised Development” as demolition of a heritage item is involved, and notification to the NSW Heritage Council is required.

Notwithstanding frequent contact with Heritage Council staff since referral of the application (in which they have verbally expressed a lack of objection to the proposal), no formal response was provided within the statutory period.

Accordingly, it is appropriate for Council to approve the application subject to receipt of the formal response from the Heritage Council, and this is reflected in the recommendation.

5.2.3 Council’s Heritage Adviser

Council’s external Heritage Adviser has overviewed the plans and inspected the site, and has agreed with the demolition works as proposed but subject to certain conditions including:

- All original fabric of the pavilion building to be retained.
- The original timber sliding doors to be retained.
- Reinstatement of front window and removal of unsympathetic alterations will improve the integrity of the building.
- Full and proper recording of structures to be demolished including internal plant, fixtures, signage etc. should be carried out.

6. CONCLUSIONS

There appears little doubt that the refurbishment works as proposed will ensure the continued life of this important public facility. Although heritage has been a major aspect of the process, it is clear that there is very little of heritage actually on the site, and this would encompass **part only** of the entry pavilion, and the 1948 pump station building and its associated plant.

The site is, in reality, extremely limited in area to accommodate all the components (without carparking) and although additional space will be acquired from the adjacent Bowling Club/Spinks Park, there is no excess. The same comments could be made for the existing pool and facilities and no doubt this has been accepted by the public in the past.

The submitted plans have presented a complex set of issues which have been extensively checked by all of Council’s departments and advisers, and where considered necessary, changes and alterations have been made in recommended conditioning of any approval which may be granted. Subject to the conditions recommended, the application is recommended for approval.

RECOMMENDATION (PLA37)

- A That Council grant delegated authority to the General Manager - subject to receipt of a formal response from the Heritage Council, and 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 03/673 subject to compliance with the following conditions.

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

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

1 In granting this development consent, Council requires:

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

and be substantially in accordance with the stamped approved plan(s) Nos.

DA001	AO.01	R1	dated 22/9/03
DA001	AO.01	R1	dated 22/9/03
DA002	EXO.01		dated 8/8/03
DA002	EXO.02	R1	dated 22/9/03
DA002	AO.01	R1	dated 22/9/03
DA002	AO.02		dated 8/8/03
DA002	AO.03		dated 8/8/03
DA002	AO.04		dated 8/8/03
DA002	AO.05	R1	dated 22/9/03
DA002	AO.06	R1	dated 22/9/03
DA002	AO.07	R1	dated 22/9/03
DA002	AO.08		dated 12/8/03
DA002	AO.09	(Sec. B,C,D)	dated 12/8/03
DA002	AO.09	(Sec. F,G)	dated 22/7/03
DA003	AO.01		dated 22/9/03
DA003	AO.02		dated 22/9/03
DA003	AO.03		dated 22/9/03

Plus untitled, undated, unnumbered plan showing full site.
and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

2 The following building works are to be certified by Council or by an Accredited Certifier in the form of a Compliance Certificate. In the event that Council is the Principal Certifying Authority, you are required to notify Council at least 24 hours prior to the inspection.

- (a) Footings - the foundation trenches are open and the steel reinforcement is in position, prior to concrete being placed.
- (b) Swimming Pool - the swimming pool reinforcement steel is in position, prior to concrete being placed.
- (c) Slab - the slab reinforcement is in position, prior to concrete being placed.
- (d) Framework - the framework is completed, wet area flashing 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 78H of the Environmental Planning and Assessment Regulation.*

4 Where the design wind speed for the building is W41N or greater, the glazier must provide a certificate to Council prior to occupation of the building, that the glazing complies with AS 1288-1994 "Glass in Buildings".

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

5 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 78H of the Environmental Planning and Assessment Regulation.*

6 Temporary toilet facilities must be provided on the site, prior to commencement of building work and must be maintained until permanent facilities are provided.

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

7 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.*

8 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.*

9 Vertical expansion joints in the brickwork must be provided where new work adjoins existing buildings.

Reason: *To account for potential differential movement between old and new construction.*

10 Council will not permit the construction of any retaining wall structures on the land within any water, sewerage or drainage easements in favour of Council.

Reason: *To advise that constructions are not permitted over Council's drainage services.*

11 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.*

12 The excavated and filled areas are to be graded, drained and retained to the satisfaction of the Principal Certifying Authority.

Reason: *To ensure stability of the site.*

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

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

14 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.*

- 15 Details showing sediment control measures and revegetation or landscaping works, must be submitted and approved prior to any earthworks commencing.

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

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

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

- 17 The location of the building on the site must be established by a Registered Surveyor and must comply with this approval.

Reason: *To ensure the building is located on site in accordance with this approval.*

- 18 The building must be located clear of any sewer or stormwater main, by a minimum distance of 1.5 metres, or the equivalent of the invert depth of the main, whichever is the greater.

Reason: *To safeguard Council services.*

- 19 Provide security fencing to common boundaries, in accordance with Council's Hoarding Guidelines, where the site adjoins a public thoroughfare. A Hoarding Application must be submitted prior to commencement of demolition work.

Reason: *To provide protection to the public.*

- 20 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.*

- 21 Prior to commencement of demolition the site must be examined by competent specialists, to determine the presence of noxious, toxic or explosive materials. The nature and location of each hazard must be recorded and details of the hazards and the method of dealing with them must be supplied to Council and approved, prior to the commencement of work.

Note: CFC refrigeration gas and haylon fire extinguishing agents are to be recovered when relevant equipment is scrapped or dismantled.

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

- 22 Where a fire hydrant service or fire hose reel is provided in a building, must be available at all times during demolition.

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

- 23 Provide suitable portable fire extinguishers where the demolition area is not protected by other fire services.

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

- 24 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.*

- 25 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.*

LISMORE CITY COUNCIL - Meeting held November 4, 2003

DA03/673 – Lismore Memorial Baths Redevelopment Application

- 26 Any asbestos cement products to be removed and disposed of to an approved tipping station in accordance with Worksafe Australia - Code of Practice for the safe removal of asbestos.
- Reason:** *To prevent any exposure to a hazardous material.*
- 27 All services provided to site to be disconnected in accordance with relevant authorities guidelines.
- Reason:** *To comply with relevant authority's requirements.*
- 28 All hard surface areas, building and waste materials being removed from the site.
- Reason:** *To ensure the site is left in a clean and tidy condition.*
- 29 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:** *To prevent unmetered and unlawful use of water.*
- 30 Structural Engineering details for the structural steelwork must be submitted and approved by the Principal Certifying Authority prior to the work commencing.
- Reason:** *To ensure the adequate structural design of the building components.*
- 31 Structural Engineering details for the reinforced concrete components must be submitted and approved by the Principal Certifying Authority prior to the work commencing.
- Reason:** *To ensure the adequate structural design of the building components.*
- 32 A site report from an approved Geotechnical Engineer must be submitted prior to commencement of work, certifying that a structure may satisfactorily be erected on the site.
- Reason:** *To ensure adequate structural design of the building.*
- 33 A certificate from the Consulting Engineer must be submitted to Council upon completion of the work certifying all structural components have been erected in accordance with the Engineer's requirements and relevant Australian Standards.
- Reason:** *To ensure compliance with this building approval and relevant standards.*
- 34 All excavations and backfilling are to be executed safely and in accordance with appropriate professional standards and to be properly guarded and protected to preserve life and property.
- Reason:** *Required by the Environmental Planning and Assessment Act 1979.*
- 35 The design wind load classification for the site is W41 N m/s (N3). All building materials, tie downs and bracing systems must meet the requirements for this wind speed.
- Reason:** *To provide information on the design wind speed assessed for the site.*
- 36 Full details of the tie-down and bracing requirements for a wind classification of W41N m/s (N3) being submitted to Council prior to commencement of construction. Such details being in accordance with AS 1684-1992 "National Timber Framing Code".
- Reason:** *To ensure the structural adequacy of the building.*
- 37 The primary building elements must be protected against attack by subterranean termites by physical barriers in accordance with AS 3660.1-1995 "Protection of Buildings from Subterranean Termites".
- Reason:** *Required by Clause B1.1 of the Building Code of Australia.*
- 38 The primary building elements must be protected against attack by subterranean termites. This can be achieved by:
-

- i) soil treatment in accordance with AS 3660.1-1995 of the subsoil area beneath all on ground concrete slabs forming part of the building, including attached garages, patios and the like. Including, on completion of the building, an external barrier, consisting of at least a 300mm wide horizontal barrier around the perimeter circumferencing all pipes and service facilities, and adjoining a minimum 150mm wide vertical barrier, to the depth of the underslab barrier; or
- ii) other chemical or physical measures which meet the objective of protecting the primary building elements against subterranean termite attack. If this option is chosen, full details are required to be submitted for Council's consideration. Examples of current initiatives in this area are, stainless steel mesh, accredited crushed granite barrier, permanent underslab irrigation systems, CCA treated framing and steel framing.

NOTE 1: The approved chemical for underslab spraying does not provide protection against termites over the economic life of the building.

NOTE 2: Depending on the slab construction a vertical 150 mm wide chemical barrier may be required to the external perimeter of the slab.

NOTE 3: Landscaping and Gardens - Most termite barriers require the area immediately adjoining an external wall to be kept clear of any landscaping or gardens. This is necessary either to prevent the bridging of the termite barrier or to ensure the area is visible for inspection.

Reason: Required by Clause B1.3 of the Building Code of Australia.

- 39 On completion of the termite treatment, other than ant-capping, a certificate from a qualified operator, must be supplied to Council.

Reason: Required by Clause B1.3 of the Building Code of Australia.

- 40 All "Wet area" floors must be flashed to walls with approved material, so as to provide effective damp-proofing.

Reason: Required by Clause F1.7 of the Building Code of Australia.

- 41 Floors of the bathroom, laundry and WC must be provided with an impervious surfaced and properly graded and drained to floor wastes, or other approved outlet.

Reason: Required by Clause F1.7 of the Building Code of Australia.

- 42 Guttering and downpiping must be provided and connected to the existing rain water drainage.

Reason: Required by Clause FP1.3 of the Building Code of Australia.

- 43 Temperature and pressure relief lines from hot water systems must: (1) Discharge in the open not more than 300 mm. above a paved surface or (2) Not more than 450 mm and not less than 300 mm above an unpaved surface.

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

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

Reason: To conserve water.

- 45 Provide vacuum breaker devices to all external taps.

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

- 46 A tempering valve shall be installed so as to deliver hot water at the outlet of all sanitary fixtures, such as baths, basins and showers, at a temperature not exceeding 43.5°C for all childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and 50°C in all other classes of buildings.

Reason: required by Cl. NSW 1.10.2 of the NSW Code of Practice Plumbing and Drainage.

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47 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.

48 Facilities for the use of people with disabilities must be provided as specified in Clause F2.4 Building Code of Australia and shall be constructed to the requirements of AS 1428.1-1998 "Design for Access and Mobility". In this regard, particular attention to access and use of the swimming pool is required in accordance with the provisions of the Disability Discrimination Act, 1992.

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

49 Provide signs, incorporating the disabled access symbol to people with disabilities, identifying the location of each accessible entrance to the building, lift and sanitary facility.

Reason: Required by Clause D3.6 of the Building Code of Australia.

50 Disabled toilet facilities must be unisex.

Reason: Required by Policy 05.02.10 of the Lismore City Council.

51 Approved baby change facilities must be provided within disabled toilet facilities and the facility must be provided with appropriate signage.

Reason: Required by Policy 05.02.10 of the Lismore City Council.

52 No combustible material is to be attached to the external face of the building except as permitted by Clause 7 Specification C1.10, Building Code of Australia.

Reason: Required by Specification C1.10 of the Building Code of Australia.

53 All materials, other than sarking, must have a smoke-developed index not greater than 8 if the spread-of-flame index is greater than 5. In any case the spread-of-flame index shall be not greater than 9.

Reason: Required by Clause C1.10 of the Building Code of Australia.

54 All materials used in the building must comply with the smoke developed and spread of flame indices specified in Specification C1.10, Building Code of Australia.

Reason: Required by Clause C1.10 of the Building Code of Australia.

55 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.

56 Electrical meters, distribution boards or ducts, installed in a required non-fire isolated exit, or any corridor, hallway or lobby, leading to a required exit, are to be enclosed by non-combustible construction or a fire-protective covering, so as to prevent smoke spreading from the enclosure.

Reason: Required by Clause D2.7 of the Building Code of Australia.

57 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.
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Reason: Required by Clause E1.4 of the Building Code of Australia.

- 58 During construction provide not less than one fire extinguisher to suit Class A, B and C fires and electrical fires, on each storey adjacent to each required exit or temporary stair or exit.

Reason: Required by Clause E1.9 of the Building Code of Australia.

- 59 Fire hydrants are to be provided within the building so no point on the floor of the building is more than 6 m from the nozzle end of a fully extended 30 m length of hose. The hydrant is to be within 4 m of a required exit and installed in accordance with AS 2419.1 "Fire Hydrant Installations".

Reason: Required by Clause E1.3 of the Building Code of Australia.

- 60 Where an external hydrant serves a building the maximum length of hose shall be 60 metres, providing a maximum 10 metres horizontal jet of water.

Reason: Required by Clause E1.3(b) of the Building Code of Australia.

- 61 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.

- 62 The fire hydrant is not to be installed until Council has received a written report from the Director-General of New South Wales Fire Brigades certifying the proposed installation is satisfactory to meet the performance requirements of the Building Code of Australia.

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

- 63 The fire hydrant is not to be installed until Council has received a written report from the Director-General of New South Wales Fire Brigades certifying the proposed installation is satisfactory to meet the performance requirements of the Building Code of Australia.

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

- 64 The applicant/owner shall make written application to the Accredited Certifier or Council, with the application for the issue of a Construction Certificate, requesting that a street hydrant be utilised in lieu of internal hydrants where required by the Building Code of Australia.

Reason: To comply with the requirements of Australian Standard AS2419.1 - 1994.

- 65 After due consideration/approval by the Accredited Certifier or Council that all aspects of the regulations are complied with, excepting the pressure, the applicant/owner shall submit a "mains pressure inquiry application" to the Water and Wastewater Department of Lismore City Council.

Reason: To comply with the requirements of Australian Standard AS2419.1 - 1994.

- 66 All required egress doors are to at all times be openable from within the building by single handed lever or push action on a single device without recourse to a key. No barrel bolts are to be fitted.

Reason: Required by Clause D2.21 of the Building Code of Australia.

- 67 Exit doors must be provided with panic bars which yield to pressure from within.

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

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

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

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69 Electrical plans to indicate the position of all emergency lighting must be submitted to Council for approval prior to any work being commenced on the site.

Reason: *To ensure compliance with this approval.*

70 The proposed building does not appear to comply with the deemed to satisfy provisions of Clauses D1.4 and D1.5, D1.6 and F2.3 of the BCA, and therefore will require modification and/or a performance based alternative solution prior to release of the Construction Certificate.

Reason: *To ensure compliance with the Building Code of Australia.*

71 A temporary child resistant barrier a minimum of 1.2 m. high must be erected during construction of the pool if it requires water being added during construction.

Reason: *Required by Section 7 of the Swimming Pools Act, 1992.*

72 All doors and gates providing access to the swimming pool are to be kept securely closed at all times when they are not in actual use, unless otherwise supervised.

Reason: *Required by Section 16 of the Swimming Pools Act, 1992.*

73 A warning notice meeting the requirements of the Swimming Pools Act, 1992, shall at all times be maintained in a prominent position in the immediate vicinity of the swimming pool. Note: The notices are for sale at Council's Enquiry desk).

Reason: *Required by Section 17 of the Swimming Pools Act, 1992.*

74 Swimming pool waste water (back flushing, pool drainage etc.) shall be disposed of to the sewer. In unsewered areas disposal shall be to Council's satisfaction without causing a nuisance.

Reason: *Required by Clause G1.1 of the Building Code of Australia.*

75 The pool water quality is to be maintained in accordance with Council's Pool Maintenance pamphlet.

Reason: *To ensure the minimum water quality standards are maintained.*

76 A hydrostatic valve must be provided in the pool base.

Reason: *To ensure the structural adequacy of the pool.*

77 The filtration and chlorination equipment must be maintained in good condition at all times and operated in accordance with the manufacturer's recommendations.

Reason: *To ensure the health of pool users.*

78 The location and method of enclosure of the pool filtration equipment must be approved by Council prior to installation. The filtration unit must be enclosed so as not to cause a noise nuisance and the operation must comply with the Protection of the Environment (Noise Control) Regulation 2000.

Reason: *To ensure a reasonable level of amenity to the neighbourhood.*

79 Council's Building and Regulation Section is to be advised when the pool site is excavated.

Reason: *To ensure compliance with the conditions of approval.*

ENVIRONMENTAL HEALTH

80 Suitable constructed shade is to be provided to cover 100% of the grandstand and to cover the supervisor/spectator area of the toddlers pool. The structures must be capable of deleting maximum levels of UVR whilst allowing transmission of light and warmth. Details of the shade structures including location and design must be submitted to Council for approval prior to release of the construction certificate.

Reason: *To comply with Council's Community Sun Protection Strategy*

- 81 Detailed plans and specifications for any proposed backwash water reuse system must be submitted to Council for approval prior to release of the construction certificate. The details must include but may not necessarily be limited to the following;
- Water quality of backwash
 - Water quality required to be achieved in any reuse proposal based on relevant EPA and Department of Health criteria
 - Treatment train/method to be implemented in order to achieve required quality for reuse
 - Monitoring and maintenance programs
 - Hydraulic calculations including storage needs, irrigation design and water demand, toilet flushing demand and associated water balance calculations/wet weather storage.

Reason: *To protect the environment and public health*

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

Offensive noise means:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
- (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations. AM7

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

- 83 A report from a suitably qualified acoustical engineer must be submitted to Council for approval prior to the release of construction certificate. The report must assess the impact of noise from plant and equipment including all pool pumps and recirculation systems and associated plant.

Reason: *To protect the amenity of the area and secure compliance with noise legislation.*

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

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

- 85 Plans showing the interior layout of the kiosk and associated food handling and storage areas including the location and method of installing all fittings, etc.; wall, floor and ceiling finishes; lighting and ventilation details must be submitted to Council for approval prior to release of construction certificate.

Reason: *To comply with Councils Food Premises Code and secure compliance with NSW food legislation.*

- 86 The swimming pool water is to be maintained at satisfactory levels of purity for bathing at all times in accordance with the NSW Department of Health Guidelines for water quality in public swimming pools.

Reason: *To protect public health.*

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- 87 An impermeable bunded and roofed on site storage area shall be provided to contain pool chemicals and other possible pollutants. Full details shall be submitted to Council prior to the issuing of the Construction Certificate.

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

- 88 Clean-up equipment including suitable absorbent material shall be stored on site to effectively deal with oil and/or chemical spills.

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

ENGINEERING

- 89 All conditions of DA03/676 shall be complied with prior to the issue of an interim or final occupation certificate.

Reason: *To ensure adequate provision of services for the proposed development.*

- 90 The proposed building alignment to Market Street shall be amended to provide a minimum clear footpath width of 1.2m adjacent to the proposed transformer.

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

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

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

- 92 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))*

- 93 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 ensure adequate access to and from the development. (EPA Act Sec 79C(c))*

WATER & SEWER

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

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

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

- 95 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".*

- 96 Prior to the release of the Construction Certificate, an application to discharge trade waste, including a plan that contains all details of the proposed trade waste installation, shall be submitted to Lismore City Council.

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Designs are to be in accordance with Australian Standard 3500, the NSW Code of Practice - Plumbing and Drainage and the Ministry of Energy and Utilities guidelines for the On-site Pre-treatment of Trade Waste Discharges to Sewer.

Reason: *To ensure adequate protection of utility services and to ensure compliance with the Trade Waste Approval. (EPA Act Sec 79C(b))*

- 97 All plumbing and drainage work associated with the Trade Waste installation are to be inspected and approved by Council's Water and Wastewater Section. A works-as-executed Drainage Diagram shall be submitted to Council on completion of works.

Reason: *To ensure adequate protection of utility services and to ensure compliance with the Trade Waste Approval. (EPA Act Sec 79C(b))*

- 98 Prior to release of the Interim and/or Final Occupation Certificate an approval to discharge Trade Waste under Part 3 of the Local Government (Approvals) Regulations 1999 is to be obtained from the Water and Wastewater Section.

Reason: *To ensure adequate protection of utility services and to ensure compliance with the Trade Waste Approval. (EPA Act Sec 79C(b))*

- 99 Neither fill nor any building or other structure shall be placed over Lismore City Council's sewer main when such fill or structure falls:

- i) within a distance from the main measured by projecting a 45° angle from the invert of the main to surface level

OR

- ii) within 1.5m of the main.

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

- 100 Prior to issue of an Interim Occupation Certificate by the Principal Certifying Authority, the proponent must apply to Lismore City Council under Section 305 of the Water Management Act 2000, and obtain from Lismore City Council a Certificate of Compliance under Section 307 of the Water Management Act 2000.

Following the making of an application under Section 305 of the Water Management Act 2000, Lismore City Council under Section 306 of the Water Management Act 2000, may require the proponent to do either or both of the following:

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

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

- 101 Full design plans of the proposed engineering works to satisfy condition 102 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 Section 307 of the Water Management Act 2000.

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

- 102 The applicant is to provide full details of:

- (a) The discharge arrangement at Council's sewer manhole 5C8. The discharge manhole is to be modified including construction of a vent and epoxy coated to Lismore City Council's adopted standards.

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

103 The proponent shall provide sewerage reticulation to service the development. Should new sewer junctions be required to service this development they shall be designed and constructed in accordance with Council's adopted standards. Any costs shall be the responsibility of the proponent. The proponent shall be responsible for the full cost of any associated sewerage maintenance considered necessary by the Lismore City's Manager-Water and Sewerage for a period of twelve months from the date of approval of the work. A practising qualified surveyor shall submit a "works-as-executed" set of 1:500 transparencies plans showing these works.

Reason: *To provide adequate services for the development (EPA Act Sec 79C9c)*

104 During the demolition of the existing complex, the proponent is to ensure that the decommissioning of the internal sewerage reticulation is carried out to Council's satisfaction with such lines being effectively sealed off to prevent infiltration to Council's sewerage reticulation. At the completion of the development should the existing sewer connection to Council's main be no longer required it must be effectively sealed off at the boundary riser. In this regard a Minor Works Permit must be applied for at Council and all works carried out in accordance with Lismore City Council's adopted Standards. 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))*

105 Existing water services that are no longer required are to be terminated at Council's water main a disconnection permit shall be applied for from Lismore City Council and all work carried out in accordance with Council's adopted standards.

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

HERITAGE ISSUES

- 106
- a) That all original fabric of the pavilion building be retained and carefully conserved.
 - b) That the original timber sliding doors in the pavilion building not be removed or modified.
 - c) That full and proper recording of all structures including internal plant, fixtures, fittings, signage, etc. be undertaken in accordance with the guidelines set out by NSW Heritage Office prior to any demolition taking place.

Reason: *To ensure preservation of the heritage values of the listed building.*

107 The external wall ceramic tiling and any painting to be carried out in approved heritage colours and finished appearance, and to complement the main pavilion entry building, to the satisfaction of Council's Heritage Adviser.

Reason: *To ensure heritage compatibility of the development.*

FLOODING

108 Construction Certificate application is to be accompanied by a certificate of structural adequacy prepared by a qualified structural/civil engineer stating that the buildings have been designed to withstand structural damage from the forces of floodwaters and associated debris.

Reason: *To ensure compliance with Council's adopted flood standards.*

109 For non-habitable floors constructed below the Flood Planning Level, the applicant will be required to demonstrate that:

- a) the new structure will not have an adverse effect upon the existing flow of floodwaters, and
- b) that all materials used below the Flood Planning Level are flood compatible.

Reason: *To ensure compliance with Council's adopted flood standards.*

TOWN PLANNING

- 110 The existing bike rack at the front of the building to be repaired where necessary, and retained in the new development.

Reason: *To ensure bike parking facilities are available to the new development.*

- 111 The proposed electricity sub-station to be relocated or redesigned to incorporate Crime Prevention Through Design principles and children drop off/pick up requirements in Market Street.

Reason: *Footpath amenity, aesthetic appearance, crime prevention principles.*

- 112 A children's set down/pick up area be located in Market Street adjacent to the entry gate adjoining the bus parking bay.

Reason: *Amenity and safety for children.*

- 113 Particular attention must be given to access and facilities for people with disabilities in terms of the provisions of the Disability Discrimination Act, 1992 including accessibility from the street to the facility and within the facility itself.

Reason: *To ensure accessibility and safety for the disabled.*

Subject/File No: DA03/676 - ROADWORKS IN MARKET STREET LISMORE, including:

- Removal of ten ficus trees and plant replacement trees;
- Demolish existing kerb and gutter and reconstruct;
- Construct retaining wall to boundary of pool site;
- Relocate existing overhead power lines to underground;
- Provision of a bus set-down/parking bay.

Prepared By: Projects Assessment Planner - Warren Rackham

Reason: Components of the application requires Council consent.

Objective: Council's determination of the application.

Management Plan Activity: Development Assessment

Proposal:

The application is for roadworks in Market Street, Lismore, basically to remove the ten existing fig trees on the northern side adjacent to the Memorial Pool site, and to rebuild the road including new kerb and gutter, retaining wall to pool boundary, undergrounding of existing overhead power lines, and replant new trees more appropriate to the adjacent (new) pool development.

The retaining wall is necessary due to the significant difference in height between the dry areas of the Baths grounds and Market Street. The wall is to be of concrete with wood float finish, approximately 2.5m. in height above Market Street level. It should also be noted that the retaining wall forms the base of side walls to the proposed new pool development, under separate application.

A turning circle will be incorporated at the western end of Market Street, and the current RSL exit will be maintained, as well as the pathway through the pool site leading to Spinks Park.

The work is designed to tie in with and complement the Memorial Pool refurbishment under a separate development application.

Applicant:
Lismore City Council.

Zoning:
Recreation 6(a)

Key Issues:
Road improvements; tree removal and replacement; remove root damage to adjacent pool.

1. SITE/SITE HISTORY

Market Street, Lismore. Works are essentially along the northern side of Market Street, adjacent to the Memorial Pool.

2. SURROUNDING PROPERTIES & ENVIRONS

Market Street is flanked by the Memorial Baths to the north, a carpark and the RSL Club on the south and Wilson's River at its western end.

3. PUBLIC NOTIFICATION

The application was advertised in accordance with the provisions of DCP 41. One objection was received – from a resident of Anstey Street, Lismore in relation to the removal of the trees.

The objection is based on the fact that the trees are *“likely to be the home of birds, and that mature trees play an important role in making Lismore an attractive place for locals and tourists”*. Also that the trees have so far survived *“lopping damage”* carried out by Country Energy in respect of the overhead power lines.

Comment on submission:

There is little doubt that the trees will harbour bird life, and do have an attractive and leafy mature appearance. However, the existing trees are inappropriate to their location in that their natural root system breaks up and undermines the road, kerb and guttering and drainage, and indeed have been the cause of structural damage to the existing Memorial Pool buildings. They require regular lopping by Country Energy, which does little to enhance their appearance. In addition, they are an inappropriate species to have adjacent to the planned new Memorial Pool redevelopment buildings and retaining wall.

Given time, a more appropriate species of street tree planted in this location will provide similar streetscape enhancement.

4. ASSESSMENT UNDER SECTION 79C OF THE E.P. & A ACT –

4.1 Any Environmental Planning Instruments

4.1.1 State Environmental Planning Policies (SEPPs)

No relevant SEPP's.

4.1.2 Regional Environmental Plan (REP)

Non relevant issues.

4.1.3 Lismore Local Environmental Plan (LEP)

The site is zoned 6(a) Recreation zone under Lismore LEP 2000. The works proposed are essentially roadworks (including the tree removal) and (with the exception of the retaining wall) are permissible under Part V of the EP & A Act, but due to the longevity and establishment of the ten ficus trees, all works proposed in the application have been lodged under Part IV (particularly in regard to the Vegetation Management Order) for Council assessment.

There are no other EPI's directly affecting the works proposed, and it is considered that the proposal meets the zone objectives.

Clause 18 – Preservation of Trees

Tree Removal

There will be a significant local short term impact caused by the removal of the trees, and during construction works. This impact will be alleviated through new tree planting, undergrounding of the existing overhead power lines, improved road and parking alignment, and new retaining wall construction.

In addition, the Manager-Parks & Recreation examined the Market Street trees and advises that most are in poor health and not likely to survive a transplanting. He formed the view that three trees were in a better condition than the others but considered that there would be considerable expense involved in their transplanting. This would be coupled with there being no certainty that they would survive and would not warrant their being transplanted.

Accordingly, it was considered that *“the community would be better served if new, mature trees were planted in alternative locations, in lieu of relocating the existing Market Street trees”*.

The current application proposes the replacement of the fig trees with Syzgium Coolamon street trees.

Clause 13 - Heritage

Clause 13 of Lismore LEP requires an assessment of the effect the carrying out of development adjacent to a listed heritage item will have on the heritage significance of the item and its setting.

There are a number of heritage items near the Market Street works, including the Memorial Baths, Bowling Club and greens, the bandstand, Spinks Park precinct, and the Boer War Memorial.

As the Memorial Pool is directly adjacent to the Market Street works, it is the most affected heritage item. As the pool itself is subject to a parallel development application proposing extensive demolition to most of the site, there is little of substance to consider in respect of the effects of the Market Street works on that item. (It should be noted that the primary heritage building on the Pool site, the entry gate/building, is not to be affected by this application.)

The Market Street works and the Memorial Baths reconstruction are, in effect, a co-joined redevelopment “of the whole”, and hence it is considered there is no deleterious effect on existing heritage significance arising from the Market Street works. It must also be kept in mind that the existing trees along the Market Street boundary are already having a deleterious effect on the existing pool structures, through root undermining and wall fracturing.

Due to separation distance there will be no substantial impacts to other listed heritage items in the vicinity.

4.2 Any Draft EPI that is or has been placed on Exhibition

There is no draft EPI of relevance to this application currently on exhibition.

4.3 Any Development Control Plan

DCP 7

Flood Prone Lands – the development site is within a defined Flood Fringe Area under DCP 7. There are no specific controls which would affect the proposal.

DCP 17

Vegetation Management Order – requires a development application for tree removal (although, being trees on a Council roadway, removal in this instance could have been effected under Part V of the Act).

4.4 Any Matters Prescribed By The Regulations

No additional matters.

4.5 The Likely Impacts of that Development, including Environmental Impacts on both the Natural and Built Environments, and Social and Economic Impacts in the Locality

There will be an impact on the public during construction phases, insofar as removal of parking access and parking traffic thoroughfare in Market Street will occur. These effects will be overcome once construction is complete, when there will be a marked improvement to these public amenity items compared to what currently exists.

4.6 The Suitability of the Site for the Development

The works are appropriate to the site – being essentially roadworks and refurbishment/reconstruction in a public road.

4.7 Any Submissions made in Accordance with this Act or the Regulations

One objection was received as a result of advertising. The issues raised have been discussed under “public notification” in this report.

4.8 The Public Interest

The existing Memorial Baths are a public facility, in high demand, particularly over the summer months. The pool is suffering structural problems and facilities are old and outdated. The rebuilding will ensure that the facility will be available into the future and hence there is a very high public interest in facilitating the application.

In addition, it is expected there will be a net gain in a more rationalised car parking facility in Market Street, plus the improved bussing facility to be provided, particularly of benefit to school sports day drop-offs/pick-ups.

5. REFERRAL COMMENTS

5.1 Internal

5.1.1 Manager Finance & Administration Comments

Not required.

5.1.2 Environmental Planner

The Fig trees along Market Street are commonly known as Hill’s Weeping Fig (*Ficus microcarpa* “Hillii”) and originate from the Mackay area in Queensland. They are prominent and established trees and, apart from any heritage value, are aesthetically significant and provide one of the few shaded avenues in the Lismore CBD. Figs of all species are renowned for their use by fauna (particularly birds and bats) as “stepping stones” in otherwise inhospitable landscapes, are protected in many Council areas and are crucial to the survival of the critically endangered Coven’s Fig Parrot. In terms of environmental value then, my opinion is that all efforts should be made to retain the figs in their current location.

Despite their value, a number of mitigating factors must be considered in this circumstance:

- If putting the power underground was the only objective, this could be achieved by boring under the trees and laying cabling beneath the trunks as Figs lack a large tap root, having many spreading surface roots.
- The major problem seems to be the potential for the Fig roots to cause damage to infrastructure and indeed it seems that the trees on the pool side are flourishing in comparison to those on the other side of the road, possibly from additional water from pool leaks.

The roots of many species of tree can be prevented from entering such infrastructure by root barriers, but Figs seem to be the exception and are renowned for seeking water. It is therefore accepted that Figs are not ideal in close proximity to pools .

The question of whether the trees should then be transplanted rather than removed then arises. The trees have been heavily pruned to avoid the power lines and have suffered some sunburn damage. In order for transplant to occur, the canopy and root ball would need to be significantly reduced in order for them to be able to be picked up and put onto a truck for transport. Despite the age and the previous damage to the trees, it is my opinion that most if not all the trees would survive the operation if enough canopy remained to prevent further sunburn. However, the end result would be very weakened trees that would need time and good conditions to recover and with damage points that could rot out. If the longer-term result were considered, then purchasing and planting new advanced trees from a reputable nursery now would result in a similar canopy size and a generally stronger and longer-lived tree in ten years time.

My recommendation therefore if the Figs must go is to remove them entirely and replace them with a suitable local rainforest species to form a similar avenue and canopy, and to also provide a number of advanced local Fig species in a nearby location such as Riverside Park. This would allow the retention of both the faunal habitat value associated with the Figs in a location that will not cause problems for infrastructure, and the replacement of the avenue effect alongside the pool.

The final matter that needs to be addressed is the species selection for Market Street. Whilst the suggestion of the Coolamon (*Syzygium moorei*) along Market Street is suitable in terms of size and aesthetics, this species is listed as Vulnerable under the Threatened Species Conservation Act 1995, must be obtained under licence from NPWS and any pruning or other work in the future will be constrained by its threatened species status.

5.1.3 Water & Wastewater

Advise that EPA fines may apply should the rising sewer main be damaged, and any such fines are to be borne by the applicant.

5.2 External

5.2.1 Heritage Advice

The Memorial Baths are a Schedule 1 Heritage Item pursuant to the Lismore Local Environmental Plan 2000 and as such the removal of the trees adjacent to an item warrant consideration. The Memorial Baths are located in a park-like setting that is also the designated Heritage Conservation Area known as Spinks Park. Although **the trees that are proposed to be removed do not form part of the Conservation Area**, they do significantly contribute to the visual amenity of the surrounding area.

However, when considering this application on its merits, the benefits of the proposal outweigh the potential impacts on the adjacent heritage item being the Memorial Baths. I therefore recommend that the subject application be approved on the provision that suitable replacement plantings be established in the vicinity to minimise any adverse visual impacts from the removal of the trees.

6. CONNECTION WITH MEMORIAL BATHS DA03/673

In response to a question relating to the connection between this application and the Memorial Baths reconstruction and the situation should the Memorial Baths component not proceed for any reason, the applicant has advised:

“There is still considerable merit in the removal of the Market Street trees, the undergrounding of the power and relocation of the retaining wall even if the Memorial Baths proposal does not proceed. The subject application provides two very important benefits to any pool facility on the current Memorial Baths site. These are:

- a) It allows the overhead power to be placed underground, thereby freeing up potential future uses of the baths site; and*
- b) It allows the site to be expanded southerly to fully access all of the land available to the Memorial Baths site. This would allow future uses increased open space at the facility.”*

7. CONCLUSIONS

It is accepted that there is a high aesthetic appeal to retention of the 10 fig trees, but there is equally a history of problems caused through root damage, and power line clearing. Given the fact that a new pool application is also to be considered, and that the area will “stabilise” with all new street alignment and tree planting, it is considered the application should be approved. There are no issues of concern with the remaining items contained within this application.

RECOMMENDATION (PLA36)

- 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 03/676 subject to compliance with the following conditions:

STANDARD

1 In granting this development consent, Council requires:

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

and be substantially in accordance with the stamped approved plan(s) No. Plans:

DA.001 – EXO.000 dated 22.7.03;
DA.001 – EXO.001 dated 8.8.03;
DA.001 – AO.01-R1 dated 22.9.03;
DA.001 – AO.02-R1 dated 22.9.03

and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

BUILDING

- 2 The following building works are to be certified by Council or by an Accredited Certifier in the form of a Compliance Certificate. In the event that Council is the Principal Certifying Authority, you are required to notify Council at least 24 hours prior to the inspection.
 - (a) Footings - the foundation trenches are open and the steel reinforcement is in position, prior to concrete being placed.

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 details of the proposed retaining wall(s), prior to the commencement of any work on the wall(s).

Reason: *To provide an opportunity to assess the proposed work prior to commencement.*

- 4 Council will not permit the construction of any retaining wall structures on the land within any water, sewerage or drainage easements in favour of Council.

Reason: *To advise that constructions are not permitted over Council's drainage services.*

- 5 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.*

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

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

Reason: *To prevent erosion of materials from the site.*

- 7 Provide security fencing to common boundaries, in accordance with Council's Hoarding Guidelines, where the site adjoins a public thoroughfare. A Hoarding Application must be submitted prior to commencement of demolition work.

Reason: *To provide protection to the public.*

- 8 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.*

- 9 No demolition work must commence prior to the approval of a work plan for the site.

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

- 10 Demolition of the structure must be carried out in accordance with the applicable provisions of Australian Standard AS 2601-1991. The "Demolition of Structures", as in force at July 1, 1993.

Reason: *To ensure the demolition is conducted in a safe manner.*

- 11 All services provided to site to be disconnected in accordance with relevant authorities guidelines.

Reason: *To comply with relevant authority's requirements.*

- 12 All hard surface areas, building and waste materials being removed from the site.

Reason: *To ensure the site is left in a clean and tidy condition.*

- 13 Sediment control measures being put into place and properly maintained to prevent soil erosion and the transport of sediment from the site to natural or constructed drainage lines or water-courses. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion.

Reason: *To minimise soil erosion and sedimentation.*

- 14 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: To prevent unmetered and unlawful use of water.

WATER & SEWER

15 Neither fill nor any building or other structure shall be placed over Lismore City Council's sewer main when such fill or structure falls:

i) within a distance from the main measured by projecting a 45° angle from the invert of the main to surface level

OR

ii) within 1.5m of the main.

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

16 The proponent is responsible for ensuring that the existing sewer and sewer rising mains are not damaged while performing the works. If either of these mains are damaged during the course of performing the works, the proponent will:

- Notify Lismore Council immediately when the breakage occurs; and
- The repair will be carried out by Lismore City Council with all costs to be borne by the proponent.

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

17 The proponent at no cost to Council shall construct a trench 3m deep at an offset of 1.5m from the existing sewer rising main prior to any trees with roots being removed from Market Street.

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

18 All underground services to be constructed with a minimum clearance of 2m from Council's Water and Sewer Mains.

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

19 Full design plans are to be submitted to the Manager, Water and Sewerage for concurrence of the bitumen road works in Market Street and the works outlined in Conditions 17 and 18.

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

ENGINEERING

20 A Traffic Control Plan prepared by an RTA accredited person shall be prepared prior to commencement of works. All works shall comply with the Occupation Health and Safety Act.

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

21 The proposed indented bus drop off lane shall be extended in a westerly direction to incorporate a vehicle passenger set down area. The proposed bus bay and passenger set down areas shall be clearly linemarked and sign posted prior to issue of an interim or final occupation certificate.

Reason: To ensure adequate facilities for passenger set down are provided.

22 The proponent shall construct a reinforced concrete, paving block or equivalent footpath, along the full frontage of the land to Market Street in accordance with Council's Development, Design and Construction Manuals (as amended). The path shall have a minimum clear width of 1.2m between obstructions at any point. Any costs shall be the responsibility of the proponent.

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

23 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))*

- 24 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:

- Construction of a kerb and gutter and a 5.1m minimum width bitumen sealed road, measured from the face of the kerb to the road centreline, for the full frontage of the land in Market Street.

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

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

- 25 Full design plans of the proposed engineering works to satisfy condition(s) 21, 22, 23, 24 and 26, shall be submitted to and approved by Council prior to the issue of a Construction Certificate. Such plans shall be accompanied the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

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

- 26 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 ensure adequate access to and from the development. (EPA Act Sec 79C(c))*

NOTE: EPA fines may apply should the rising sewer main be damaged and sewage discharged into the environment. Such fines are to be borne by the proponent.

- 27 Only those trees marked as "existing trees to be removed" on the "Demolition Plan" submitted with the application are approved for removal (ten in total). All other surrounding trees are to be retained.

Reason: *To ensure preservation of existing trees on site.*

- 28 A minimum of eleven replacement trees shall be provided along Market Street. Such trees will be advanced local rainforest species in a minimum size of 400 litre bags. Garden beds a minimum of two metres around the trunk in all directions and vehicle barriers shall be provided for the trees.

Reason: *To ensure optimum growth of replacement trees.*

- 29 A further five advanced local Fig species of a minimum 400 litre bag size, are to be planted in a suitable nearby location on Council land, preferably along the riverbank.

Reason: *To replace the habitat value of trees to be removed.*

- 30 The replacement trees shall be maintained by the Applicant in a healthy and vigorous condition until they attain the minimum height for protection by Council's Vegetation Management Order. Prior to protection by Council's Vegetation Management Order, any of the aforementioned trees found to be in a poor condition (damaged, dying or dead) shall be replaced by the Applicant with a tree of the same species at no cost to Council.

Reason: *To ensure replacement trees survive.*

- 31 The proposed development in the vicinity of trees to be retained within the development site and on the opposite side of Market Street shall be suitably designed not to adversely affect the continued preservation of the trees and their likely future growth habits.

Council grants no consent to the pruning or removal of any trees other than those specified for removal within this consent. The Applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials and no excavation works or level changes shall take place within the furthest spread of the canopy of all trees to be retained, and that earthworks shall not commence until the area around the furthest spread of these trees are protected by highly visible vehicle barriers. The tree protection shall be maintained until the completion of all works onsite.

Reason: *To ensure preservation of existing trees on site.*

- 32 A detailed landscaping plan (in duplicate) for the proposed replacement planting along Market Street shall be submitted to Council for approval with the construction detail. Landscaping plans shall indicate:

- proposed location for planted trees, shrubs and groundcovers
- botanical name of trees, shrubs and groundcovers to be planted
- mature height and spread of trees to be planted
- location of trees identified for retention in the development application plans
- location of Council's sewer (if applicable)
- details of garden beds (if applicable)
- details of vehicle barriers
- maintenance and monitoring details to ensure the long term viability of the planted vegetation.

- 33 Council approved landscaping shall be completed prior to the release of the final linen plan. Landscaping shall be maintained at all times to the satisfaction of Council.

Reason: *To ensure suitable landscaping is provided.*

Subject/File No: PLAN OF ACTION - NIMBIN DIFFERENTIAL BUSINESS RATE (S854)

Prepared By: Manager – Finance & Administration – Rino Santin

Reason: In accordance with resolution 134/03

Objective: For Council to approve the Plan of Action

Management Plan Activity: Economic Development/Events and Tourism

Background:

Council resolved in part at the June 17, 2003 meeting

- 134/03 1. *That Council provide for a differential business rate for Nimbin totalling \$10,000 funded from general rating revenue and reduce the residential – urban/village rate by a compensating amount. The funds generated by the business rate be held until such time that a ‘plan of action’ is submitted and approved by Council. The reduction in the budget balance to be funded by a reduction in the building maintenance allocation of \$10,000.*

A Plan of Action has now been received from the Community Economic Development Officer, which I understand has been based on input from, considered and approved by the Nimbin Chamber of Commerce, as required by Council.

The Executive Summary states that the purpose of the Plan is to “*outline projects and identify actions directed at enhancing and enriching the image of Nimbin for the benefit of its businesses with an anticipated flow on for the wider community*”. The project proposed includes Town Entrance Statements and Nimbin Marketing. The \$10,000 from the business rate is scheduled to be matched with a further \$24,000 from other sources including Council.

A full copy of the Plan of Action is attached.

Public Consultations

The Plan of Action was presented to the Nimbin Chamber of Commerce at the October 21, 2003 meeting and adopted.

Other Group Comments

Not required.

Author’s Response to Comments from Other Staff

N/A

Conclusion

In accordance with Council’s resolution, a Plan of Action for the expenditure of the Nimbin Business Rate of \$10,000 has been received. It details the proposed projects and actions for which the funds will be expended and has been approved by the Nimbin Chamber of Commerce.

Recommendation (COR16)

That:

- 1 Council approve the 'Plan of Action – Nimbin Differential Business Rate' for 2003/04,
- 2 Management arrange for the release of the Nimbin Business Rate funds to coincide with the implementation of the projects,
- 3 All funds be appropriately accounted and reported back to Council in July 2004.



Plan of Action

for

**Nimbin Differential
Business Rate**

2003/2004

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<p style="text-align: center;">Executive Summary</p>

Scope

This document outlines the Plan of Action for the expenditure of the Nimbin Differential Business Rate.

The rate will raise \$10,000 in the 2003-2004 financial year. The rate is to be trialled for a 12 month period and business opinion will be gauged at the end of this period.

The rate is collected from business properties located in the Nimbin urban area. During the 12 month trial period Lismore City Council will look at identifying a mechanism for bringing on board businesses outside of but close to the village boundaries.

Purpose

The purpose of the Plan is to outline the projects and identified actions directed at enhancing and enriching the image of Nimbin for the benefit of its businesses with an anticipated flow-on for the wider community.

Project One

TOWN ENTRANCE STATEMENTS

Objective: Signage

To provide welcoming entrance statements at outer village entrances

Target Market:

This activity is aimed at both local residents and visitors to Nimbin

Rationale:

- Fosters sense of place and pride in the village
- A friendly welcome to both locals and visitors
- Establishes village boundaries and identity
- Creates a visual impact

Actions:

- Signage and artwork/landscaping to be designed by local artists to reflect landscape and cultural significance of Nimbin and surrounds – put out an expression of interest within local community
- Signage, artwork and landscaping on different approaches to express Nimbin's uniqueness
- Construction using local expertise
- Apply to Lismore City Council's Civic Pride Community Grants program for \$3,000 in matching funding

Budget:

\$3,000	From Rate Levy
\$3,000	From Civic Pride Community Grants program (if successful)

\$6,000	Total for Town Entrance Statements
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Project Two

MARKETING NIMBIN

Overall Objective:

To improve the image of Nimbin and raise awareness of a range of services on offer to both the local residents and the surrounding regional area with the aim of improving business activity for Nimbin.

Objective One: Nimbin Brochure

To produce a brochure promoting Nimbin's unique attributes and attractions - its arts and crafts, street art, murals and art galleries, entertainment, rainforests, parks and scenic beauty.

Target Market:

This activity is aimed at visitors to Nimbin, this can further be defined as existing backpackers and travellers to Byron Bay, SE Qld short breaks and day trippers, and the wanderers marketing seeking nature or alternative experiences.

Rationale:

Nimbin has many unique attractions, within the village and surrounds, which currently do not receive enough exposure. Nimbin has yet to produce a brochure comprehensive enough to be of real value to the visitor. Focused marketing on the attractions of Nimbin aims to improve visitor experiences to Nimbin and encourage increased length of stay in the area.

Actions:

- Apply to NSW Department of State and Regional Development for matching funding
- Small Task force formed from CEDOC*, Chamber of Commerce & TAG**
- Design and costing of pocket sized brochure
- Liaise with artistic/design personnel to produce, print and deliver brochure
- Distribution via Lismore Visitor Information Centre

*Community Economic Development Organising Committee

**Tourism Action Group

Objective Two: Business Directory

Develop a Business & Services Directory for Nimbin, including both print and web.

Target Market:

This directory is aimed at local residents of Nimbin Village as well as those residents in the immediate surrounding villages to Nimbin.

Rationale:

This directory is an opportunity to show the amount and range of businesses in the Nimbin area. The directory will attempt to create greater awareness to the local market of the range of businesses and services that are on offer in Nimbin.

Actions:

- Develop and distribute survey to gather information
- Develop database of local businesses
- Design directory from database in print format utilising local media
- Distribute print directory utilising local media
- Put database on Nimbin website to create comprehensive web presence and as a further means of distribution

Objective Three: TV Advertisement

Develop a TV advertisement showcasing Nimbin's attributes to be aired on regional television.

Target Market:

This activity has three target markets:

1. Residents and businesses of Nimbin Village.
2. Residents of neighbouring towns including Lismore.
3. Potential visitors to Nimbin in surrounding regional area covering from Tweed to Grafton to Tenterfield.

Rationale:

A TV ad will show off Nimbin to its local community evoking pride of place for the community. The ad will also promote Nimbin to regional communities to encourage the region to take another look at Nimbin and what it has to offer in terms of art, culture, natural beauty and local business.

Actions:

- Identify key message for TV ad
- Speak to local film/ad maker to develop low cost ad
- Speak to television stations re free airspace/time to support this local town initiative
- Ensure timely airing of ad (with brochure distribution and other campaign initiatives)

Objective Four: PR Campaign

To undertake focused and timely PR campaign in the media to complement overall marketing campaign and brochure release.

Target Market:

This activity has three target markets:

1. Residents and businesses of Nimbin Village.
2. Residents of neighbouring towns including Lismore.
3. Potential visitors to Nimbin in surrounding regional area covering from Tweed to Grafton to Tenterfield.

Rationale:

This activity will specifically focus on gaining positive press coverage on Nimbin showcasing Nimbin to the local and regional communities in the Northern Rivers area. The PR will further highlight key message from TV and brochure to further penetrate the market to ensure the Nimbin campaign receives a big splash.

Actions:

- Develop bank of positive Nimbin story ideas
- Develop list of media contacts
- Liaise with Lismore tourism and JCCM PR company
- Ensure accurate timing of campaign

Budget:

\$ 7,000	From Rate Levy
\$ 3,000	Through Lismore City Council's Economic Development & Tourism Unit (for brochure through JCCM)
\$ 1,000	Through Lismore City Council's EDU & Tourism Unit (for PR through JCCM)
\$ 1,500	Through Lismore City Council's EDU & Tourism Unit (for TV campaign)
\$ 500	In-kind Lismore Visitor Information Centre (for distribution of Nimbin Brochure)
\$ 1,000	In-kind admin/management from Community Economic Development Officer and members of Task Force
\$ 500	In-kind financial management/reporting NCDA
\$14,000	From Department of State & Regional Development's Main Street funding program

\$28,000 Total Campaign Budget

- Subject/File No:** WILSONS RIVER REDEVELOPMENT
S775
- Prepared By:** Manager Special Projects and Properties, Lindsay Walker
- Reason:** To inform Council of progress made on the planning of an Experience Walk along the Eastern Bank of the Wilsons River northerly from south of the Ramps to The Greyhound Track
- Objective:** To gain Council's endorsement of the project, and to formally recognise the Wilsons River Steering Committee as the appropriate group to continue to work on details of the proposed elements.

Management Plan Activity: Economic Development and Tourism

Background:

Following the adoption of the riverbank redevelopment strategy by Council and the identification of six key locations, the Wilsons River Steering Committee (WRSC) was formed to progress the implementation of the strategy. The WRSC has worked closely with the Levee Committee and all of the relevant community groups to take advantage of the opportunities, which flow from the levee construction.

As identified in the initial strategy the linkage of the identified key locations by a riverbank walking experience is fundamental to the general accessibility and usage of the riverbank areas. The WRSC has, as a result of extensive consultation, developed three broad themes which are to be integrated into the pathways leading through the area. These themes are recreational, historical and artistic.

Within these broad categories is a clear understanding that all elements must relate to the culture of Lismore and serve to attract both locals and visitors alike. In developing the plans and details of the area the WRSC did not rely only on the input of the original interest groups which were formed from the initial focus groups. The committee also sought input from fishing groups, events planners, Councils Parks and Recreation Staff, cultural and artistic exponents and the Historical Society.

As a result of this consultation and workshopping two subgroups were formed to work on historical and artistic themes respectively.

1. HISTORICAL

The aim of this group was to look at ways to incorporate Lismore's history into a theme for the River Walk, and to develop harmonious ways to show European, Indigenous and social history of Lismore and its River at discrete locations along the riverbank.

The group consists of:

- Ted Trudgeon and Margaret Henderson from the Richmond River Historical Society
- Local historians Maurie Ryan and Dr. Brett Stubbs,
- Social historian Ron Cahill and community member Angela Cox
- Jennifer Hough, anthropologist documenting the history of the Bundjalung Nation.
- Facilitator Brian Henry, and Co-ordinator Lois Kelly

Outcomes:

Key sites, themes and elements have been developed as follows:

Site 1 – Lismore Station – South of the Boat Ramp

Theme: “Living Together”

European:

- First station in Lismore
- Was a functioning village – church, store, dairy,

Indigenous:

- Bundjalung Elder Queybaum made conscious decision to live and work with settlers
- Moved his family and himself in with the Wilsons – was very highly respected.

Social:

- Currently being developed by Historical Society

Site 2 – Boat Ramp

Theme: “Hidden Stories”

European:

- Horseshoe Inn was opposite (all traces now gone)
- Very popular pub with cedar getters

Indigenous:

- Was a ceremonial ground opposite
- Local artefacts held by British Museum
- Battle stories

Social:

- Stories of Nathan Taylor, originally a convict, built horseshoe Inn, being developed.

Site 3 – Heritage Park (Riverside Park section)

Theme: “Gathering Place”

European:

- Lismore's early industries were gathered here (Foley's foundry, sawmills, blacksmiths, first hospital)
- Market site, site of saleyards: gathering place for people and animals

Indigenous:

- Was a major indigenous meeting place

Social:

- Stories to be developed by Historical group

Site 4 – Government Wharf

Theme: “River Highway”

European:

- Transport
- Early Water brigade
- Rowing club, regattas

Indigenous:

- Dancing and feasting area
- Swimming, hunting, play area

Social

- Europeans dressed in their Sunday best and went rowing
- Lots of human activity here – Riviera dance hall, music on the cream boats

Site 5 – Bridge Area..(Hensley’s Car Park)

Theme: “Gateway to the Garden of Eden”

European:

- In 1890’s, was gateway to Lismore and beyond
- Passengers from North Coast Steamship Co. alighted here – was the Head of Navigation
- Cedar and other produce from this very rich area left by boat from here

Indigenous:

- A very rich area – in both culture and food.
- Lots of leisure, very easy to get food

Social:

- First phone in Lismore was here, first keg of butter sent to Sydney from here. Cedar was “red Gold”.
- Stories around the theme of abundance are being developed.

Site 6 - Greyhound Track Area

Theme: “Gone, but not forgotten”

European:

- First major commercial area – area’s first commercial school
- A number of saw pits situated around here ..all this has gone

Indigenous:

- Was an indigenous camping area, has high population
- Site of big battles

Social:

- Stories to be developed in conjunction with Historic Society

Site 7 - Other Considerations

The Visitor Information Centre is the most appropriate spot for an introduction to the recreational, contemporary and historical walk. Bundjalung totem is the goanna; Widjabal people have shown interest in a large goanna as a welcome spot to the walk, accompanied by their welcome poem.

All areas to have signage in both Widjabal and Australian.

Three small leaf fig trees are to be planted in the Heritage Park to represent the three indigenous brothers. This symbolism has major spiritual significance for the Wigabel and the trees will be propagated from a tree in Rotary Park.

2. ARTISTIC

The aim for this group was to give input into the best process to progress contemporary artistic themes for the River walk and to identify locations for artistic installations.

The group agreed that this walk should be a major national and international attraction for Lismore. The walk will start at the corner of Magellan and Molesworth Streets, proceed through Spinks Park, to the riverside section of Heritage Park.

It was determined that artistic elements be interactive and portray the culture of Lismore.

Wilsons River Redevelopment

The group consists of:

- Victor Cusack and Rob Harle - Sculptors who have worked on significant Australian works
- Lyndon Terracini – Artistic Director – NORPA and Brisbane Biennale
- Greg Aiken and Ros Derrett – community arts specialists
- Leigh Davison – SCU
- Lindsay Walker – LCC
- Co-ordinator Lois Kelly – LCC
- Brian Henry – Facilitator.

The walk will consist of 6 elements, followed by four other elements which will be developed along an integrated theme which reflects Lismore's identity.

Element 1.

This will be located in the open area adjacent to the Transit Centre near the corner of Magellan and Molesworth Streets. It will be major iconic creation to begin the artistic walk.

This element will

- Incorporate water and movement
- May use light and sound
- Relate to Lismore's diverse culture, and its position as the hub of the Northern Rivers.
- Expressions of Interest will (on a national basis) be called for the design of this element.

Elements 2 – 5

These will be lesser elements which will add to the dynamic theme of Lismore's diversity and gravitational pull.

Element 6

This will be another significant element situated in the riverside section of Heritage Park. It will take advantage of the park's high visibility from the Ballina Street bridge.

Other

Instructional works – 4 or 5, at the off leash dog run area near the boat ramp.

Manager - Finance & Administration Comments

The cost of implementing the historical and artistic themes for the Experience Walk are yet to be determined, but it is reasonable to expect that they will be more than what is currently available for the Wilson River Redevelopment project.

While the concept is supported, it is recommended that works proceed only to the level of available funds.

Public Consultations

Extensive public and stakeholder consultation has been conducted and is referred to earlier in the report.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not applicable.

Conclusion

- Lismore has a unique opportunity to celebrate its culture and history, in an interesting and informative way as it plans the future character and nature of its riverside parklands.
- The planning of an intelligent and out-of-the-ordinary experience walk will attract both local residents and visitors back to the riverside areas.
- The work that has been undertaken by the committee has ensured that all stakeholders have continued to remain involved and committed to the project.

Recommendation (GM02)

1. That the broad themes and process as outlined in this report be adopted by Council.
2. That the Wilsons River Steering Committee continue to work with community and interest groups to develop a detailed plan for content of an experience walk and the elements therein, along the Eastern bank of the Wilsons River from South of the Boat Ramp to the Greyhound Track.

LISMORE CITY COUNCIL - Meeting held November 4, 2003

Subject/File No: PROPOSED RENAMING OF PART OF BARHAM STREET, EAST LISMORE (LW:TMI:R7410)

Prepared By: Manager Special Projects & Properties, Lindsay Walker

Reason: Request received from resident

Objective: To determine if Council wishes to accede to the request

Management Plan Activity: Urban, Rural and Regional Roads

Background:

Occasionally Council receives applications for the naming/renaming of existing roads within the Council area. Power is vested in Council under Section. 162 of the Roads Act, 1993 to name roads, provided procedures are observed under Section. 7 of the Roads (General) Regulation 1994.

An application has recently been received for the renaming of a section of Barham Street, as follows.

Barham Street, East Lismore

The applicant wrote to Council advising of their continued difficulties with receiving goods from suppliers, due to confusion arising from the address of their property. Their property fronts Barham Street, however there is an unformed discontinuity in Barham Street which requires that access to their and their neighbours residence is gained through Wanda Drive, off Felicity Drive. Additionally, the applicant is concerned about the confusion this may cause should they ever need emergency services.

Given the physical situation, the request appears to be based on practical and sound grounds, and is supported. There have been three objections lodged, copies of which are attached. No objections were received from mandatory notification recipients.

Public Consultations

As per mandatory notification.

Other Group Comments

Group Manager, City Works

This is a sound option for all concerned.

Manager, Planning Services

The proposal has no planning implications, and is supported.

Author's Response to Comments from Other Staff

Noted.

Conclusion

The proposed road renaming has merit and is recommended.

Recommendation (GM01)

That Council agree to altering the name of part of Barham Street, East Lismore to Wanda Drive, as requested, and the required notifications be carried out.

Subject/File No: NORCO – REQUEST FOR REDUCTION IN TRADE WASTE EXCEEDANCE CHARGES (S518 & P22070)

Prepared By: Anu Atukorala – Manager Lismore Water

Reason: Reduce Norco's Tradewaste Charge for the Month of March 2003

Objective: Provide a One-Off Incentive for Norco to improve their Treatment Plant

Management Plan Activity: Wastewater

Background:

Norco is one of the largest trade waste dischargers within the Lismore catchment. They have their own treatment system that reduces pollutants to an acceptable level before discharging to our sewerage system. For the year 2002, on average they discharged about 6000 kl/month and the monthly trade waste bill was about \$14,784.

In mid March 2003, due to an unknown system failure, a large quantity of untreated effluent was discharged resulting in a trade waste charge of \$224,960. Norco staff requested a reduction in the fee, on the basis that it was a one-off discharge.

At that time Lismore Water was also negotiating with them on the possibility of improving the quality of their discharge (This was because there was a notable build up of fat at our South Lismore Treatment Works, possibly due to Norco's discharges). Staff indicated that Council may consider reducing the fees on the condition that Norco commences an upgrade program immediately.

A number of meetings were held between Lismore Water staff, Norco staff and their consultant. As detailed in the attached submission, Norco agreed to implement a range of improvements (Attachment A) and has also agreed to carry out an audit of their facility on an annual basis with a view of implementing any improvements required, as detailed in their letter dated September 25, 2003. (Attachment B)

Given the above, it is recommended that Council apply a token penalty charge of \$22,176 (being 150% of the average monthly bill for the year 2002) and waive the balance, on the condition that all works identified are completed within three months.

It is also worth noting that Norco were extremely co-operative when implementing the Level 5 restrictions. They took it upon themselves to carry out water audits and reduced their demand significantly.

Will other trade waste discharges request similar concessions?

As our primary goal should be to ensure that our treatment plants are not overloaded, where appropriate such concessions should be granted on the condition that system improvements are undertaken. Norco should be advised that this is a one-off waiver and this concession will not be available again.

Manager - Finance & Administration Comments

Council has made trade waste charges for established strength users of the sewerage system such as Norco for some time. Since July 2001 they have totalled \$711,338 and have been made against six businesses with total charges for the period ranging from \$19,000 to \$521,000.

LISMORE CITY COUNCIL - Meeting held November 4, 2003

Norco – Request for Reduction in Trade Waste Exceedance Charges

The request by Norco to reduce the March 2003 charge because it was a 'one-off' discharge needs to be carefully considered, as I believe it has the potential to undermine the trade waste charges regime. Norco have not disputed the account or the regime, they have simply asked for a reduction.

If the primary goal of trade waste charges is "to ensure that our treatment plants are not overloaded", then the charging regime must act as an incentive to be proactive and a deterrent for being reactive. As such, to offer each business a once only opportunity to have an account reduced on the condition that they undertake system improvements, is unlikely to achieve this as businesses could decide to improve their system only after an event has occurred. This would result in all sewerage system users paying the cost for overloading the treatment works rather than the business creating the problem. This would appear to be the case with Norco.

If Council is to offer a reduction, to protect the integrity of the trade waste charges regime, a penalty arrangement should be introduced for Norco and any future business that takes advantage of this concession, which at least say doubles the charges for a twelve month period from the date of approval. This will act as some incentive for the business to implement an improved sewerage system as soon as possible and to better manage their discharge.

Public Consultations

Not required.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

There is some merit in the Manager Finance and Administration's proposal to have a penalty charge for an interim period of twelve months if it is Council's intention to penalise Norco. This will have to be a separate agreement negotiated with Norco. However, it would be difficult to justify such a regime, as there is unlikely to be a corresponding increase in Lismore Water's costs for treating the effluent. For example the exceedance in March 2003 in itself did not result in an EPA penalty or additional treatment costs (due to the effect of dilution).

Please note that if the effluent is of extremely poor quality for a prolonged period, it is likely to increase the treatment costs. The existing trade waste charges regime as it stands is sufficient to recover such costs. In addition councils also have powers under the POEO Act to take action.

Conclusion

Our primary goal should be to ensure that our treatment plants are not overloaded and where appropriate, concessions on abnormal, one-off trade waste charges should be granted on condition that system improvements are undertaken.

Norco has requested that their abnormally high trade waste charges for the month of March 2003 be reduced on the basis that they undertake system improvements. This is a good outcome for Lismore Water and it is recommended that their bill be reduced.

Recommendation (ENT11)

- 1 That Council reduce Norco's trade waste bill from \$224,960 to \$22,176 on the condition that all the improvements identified are implemented within three months.
- 2 That Norco be informed that similar concessions will not be available again.

LISMORE CITY COUNCIL - Meeting held November 4, 2003

Subject/File No: FINANCIAL REPORTS – 2002/03
(S802)

Prepared By: Management Accountant, Guy Bezrouchko

Reason: Statutory Requirement

Objective: To present the 2002/03 Financial Reports

Management Plan Activity: Financial Services

Background:

Council resolved at the October 14, 2003 meeting to, in part,

213/03 b) *Present the 2002/03 Financial Reports to the public at the November 4, 2003 Council meeting.*

In accordance with the Local Government Act, 1993 (LGA), this was advertised and submissions from the public invited. At the time of preparing this report, there had not been any submissions received. Any submissions received will be faxed to Councillors and comments provided, if required. The public has to October 31, 2003 to make a submission. This is part of the reporting anomaly within the LGA mentioned in the previous Council business paper concerning the Financial Reports.

As the detailed 2002/03 Financial Reports were considered by Council at the previous meeting, the following summary of results is now presented.

Item	2002/03 (\$,000)	2001/02 (\$,000)
<i>Statement of Financial Performance</i>		
Total Revenues from Ordinary Activities	44,406	41,103
Total Expenses from Ordinary Activities	43,330	41,818
Surplus/(Deficit) from Ordinary Activities	1,076	(715)
Grants and Contributions provided for Capital Purposes	5,421	5,396
Outside Equity Interests/Corrections	0	0
Surplus/(Deficit) from All Activities	6,497	4,681
<i>Financial Position</i>		
Current Assets	29,460	28,287
Current Liabilities	6,982	6,826
Non Current Assets	403,555	396,935
Non Current Liabilities	10,082	8,942
Total Equity	415,951	409,454
<i>Other Financial Information</i>		
Current Ratio (expressed as a ratio)	4.22	4.14
Unrestricted Current Ratio (expressed as a ratio)	3.01	2.97
Debt Service Percentage (%)	4.32	5.04
Rate Coverage Percentage (%)	47.30	47.52
Rates and Annual Charges Outstanding Percentage (%)	8.47	8.81

Manager - Finance & Administration Comments

Included in the body of the report.

Public Consultations

None received to date.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not applicable.

Recommendation (COR17)

That Council present to the public the 2002/03 Financial Statements.

LISMORE CITY COUNCIL - Meeting held November 4, 2003

Subject/File No:	SEPTEMBER 2003 QUARTERLY BUDGET REVIEW STATEMENT (GB: S854)
Prepared By:	Principal Accountant – Gary Boyd
Reason:	Clause 7, Local Government (Financial Management) Regulations 1993
Objective:	To gain Council's approval to amend the 2003/04 budget to reflect actual or anticipated results.
Management Plan Activity:	Various

Background

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

The purpose of the September review is to "fine tune" any budgets that may vary due to more accurate information being available now than during the estimates process. This includes the reinstatement of budgets for works carried forward from the previous financial year.

General Fund

The 2003/04 Management Plan provided for a balanced budget. This review details a budgeted cash deficit of \$157,900

For Councillors benefit, the detail of this movement is as follows.

Budget Balance Movements for Quarter	Amount \$
Opening Balance at July 1	0
Add – Further increase on original forecasts due to greater than expected health, building and planning services income for the remainder of the year as a result of demand for services tied to the increased activity in the building industry.	135,000
Less – Decreased revenue resulting from agreement between Council and REX on reduced landing fees to stimulate demand in the air travel market.	(131,000)
Less – Decreased allocation of Financial Assistance Grants (FAGs) general component from budget forecast.	(52,300)
Less – Increased capital costs involved in completing the CBD Centre refit	(43,000)
Less – Recognition of full operating costs of the CBD Centre, including provision for net staffing costs of \$22,000 for the front counter of the centre and building running costs of \$19,800.	(41,800)
Less – Increased expense budget for parks in recognition of taking on the task of administering Council's tree preservation orders and the need to maintain funding for general tree maintenance that is required to continue at the same level.	(14,000)
Less – Costs of providing a vehicle to an Environmental Health Officer, which was not previously in the fleet system.	(8,300)
Less – Increase in contribution to Far North Coast Weeds as detailed in their budget, which was received after Council had set its original estimates.	(2,500)
Closing Balance at 30 September	(157,900)

LISMORE CITY COUNCIL - Meeting held November 4, 2003

September 2003 Quarterly Budget Review Statement

For Council's information, listed below are the details of the activities with significant variances. Please refer to the attachment for individual programs for details of all budget movements.

Economic Development Unit

Council has received a grant of \$35,000 to part fund the costs of employing the Project Officer for the Riverbank redevelopment. As Council has fully funded this position from general revenues, the \$35,000 has been transferred to reserves for use on the Riverbank in the future to match other grants.

Community Services

Community Services staff successfully applied to the Attorney Generals Department for a twelve month extension of the existing three-year Crime Prevention Plan. This has resulted in a further \$47,700 awarded to the plans major objectives including projects in Nimbin and Goonellabah.

Health and Building

In addition to the increased revenue forecasts mentioned earlier, several projects have been carried over from last financial year including \$12,800 for an Estuary Management Project and \$8,900 for Stormwater Management.

Parks

Capital budgets for sportsground refurbishment \$33,000, Jubilee Fountain restoration \$24,000 and Kadina Park development \$15,000 have been transferred from reserves for completion in 2003/04.

Urban and Rural Roads

As a result of the roads section taking on a considerable number of Roads and Traffic Authority (RTA) funded projects late last financial year, there have been a number of capital projects transferred from reserve in this review for completion in 2003/04. The major items include;

- Footpaths and cycleways \$78,000
- Simes Bridge handrail \$50,000
- Corndale Road \$211,000
- James Gibson Road \$150,000
- Molesworth Street \$80,000
- Drainage, Gaggin Lane 46,000
- Holland St/Ballina Rd Roundabout \$146,000
- RTA Ordered works \$221,000

In addition, Council has received an additional \$120,000 from the Roads to Recovery Program. This relates to a previous years claim that was not paid by the Federal Government at the time. Council funded the expenditure incurred from the contractors reserve at the time. As such, this amount has been transferred back to reserve and management will evaluate the overall roads program mid-way through the year to determine where best to apply these funds.

Bridges

Two large repair jobs on culverts have been transferred to the capital section of the budget. These jobs are funded from maintenance allocations and have simply been transferred to capital budgets to adhere to accounting procedures. The works are Jiggi Road culvert \$80,000 and Pelican Creek Road/Flood Reserve Road culvert \$55,000.

RTA Works

Various changes have been made to revenue and expense budgets as the RTA provides information to Council on accepted projects. The major inclusion is the RTA 50% share for the Kellas Street underpass totalling \$375,000.

LISMORE CITY COUNCIL - Meeting held November 4, 2003

September 2003 Quarterly Budget Review Statement

The original budget only included Council's \$375,000 share under Urban Roads. This has been transferred to the RTA section of the budget and the budget for this work now totals \$750,000.

Northern Rivers Waste

A capital budget for improved weighbridge security totalling \$60,000 has been transferred from reserves for completion in 2003/04. In addition, \$100,000 has been transferred from reserves to purchase compost for use on Council's sporting fields.

Lismore Regional Airport

The \$110,000 allocated in 2003/04 for reconstructing Airport Drive has been transferred from the Roads section of the budget to the Airport at the request of the relevant managers. Funds for apron extensions totalling \$80,000 have been transferred from reserves.

Water Fund

Capital works totalling \$119,000 relating to reservoir and mains renewal has been transferred from reserves for completion in 2003/04.

Wastewater Fund

Similarly for the Wastewater fund, capital works totalling \$348,000 have been transferred from reserves for works on mains that were not completed in 2002/03.

Change in Net Assets

The 2003/04 Management Plan showed a surplus in the "Change in Net Assets" of \$1,622,000. This review has decreased the surplus by \$194,000 to \$1,427,000.

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

Manager - Finance & Administration Comments

Included in the body of the report.

Public Consultations

Not required.

Other Group Comments

Author's Response to Comments from Other Staff

Not applicable.

Conclusion

Council's budget has moved from a balanced position to a deficit of \$157,900. The significant decreases relate to Council's decision to support REX until February 2004 at a cost of \$131,000, the capital and operating costs for the CBD Centre \$84,800 and a less than expected level of Financial Assistance Grant \$52,300. The result has been enhanced by the continuation of development growth and the associated revenue received from building and planning applications forecast at \$135,000.

LISMORE CITY COUNCIL - Meeting held November 4, 2003

September 2003 Quarterly Budget Review Statement

Although the size of the deficit is substantial it is worth noting that the current budget still contains \$110,000 for the anticipated 24-hour staffing of the Lismore Fire Station. Should NSW Fire Brigades continue to resist Council's request for this increase in service levels, this amount would substantially reduce the deficit. Management will continue to examine potential savings during the course of the year to reduce the deficit.

Recommendation (COR18)

1. Council adopt the September 2003 Budget Review Statement for General, Water and Wastewater Funds.
2. This information be submitted to Council's Auditor.

LISMORE CITY COUNCIL - Meeting held November 4, 2003

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD OCTOBER 15, 2003

AT 10.00 AM.

(WMacD:VLC:S352)

Present: Mr Bill Moorhouse (*Chairperson*), Councillors Mervyn King and John Hampton, Ms Bronwyn Mitchell (*on behalf of Mr Thomas George, MP*), Messrs Lance Vickery (*Roads and Traffic Authority*), and John Daley (*Lismore Unlimited*), Snr Const Steve Hilder (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*), and Messrs Paul O'Sullivan (*General Manager*) and Bill MacDonald (*Co-Ordinator – Traffic & Law Enforcement*).

In Attendance: Messrs Graham Moy (*Kirklands Coaches*) for Item No. 7 and Warren Rackham (*Projects Assessment Planner*) for Item No. 11.

Apologies: Apologies for non-attendance on behalf of Mr Thomas George, MP, and Councillors John Chant and Ken Gallen were received and accepted and leave of absence granted.

Minutes of Traffic Advisory Committee Meeting – September 17, 2003

Members were advised that the Minutes of the meeting held on September 17, 2003 were adopted by Council at its meeting of October 14, 2003.

Disclosure of Interest: Nil

Correspondence:

1. **Video 4 Television Productions;** supporting the proposal to install a pedestrian underpass beneath New Ballina Road at Lismore Heights and also suggesting that traffic lights be installed at the intersection of New Ballina Road and High Street to improve traffic and pedestrian facilities.

Whilst it was acknowledged that there would be advantages in having traffic lights installed at the intersection of New Ballina Road and High Street, the provision of a pedestrian underpass was still considered to be the best option at present as the potential for pedestrian and vehicle conflict was totally removed.

TAC156/03 **RECOMMENDED** that the writer's comments be acknowledged and he be advised that the underpass was considered the best option due to the removal of any potential conflict between vehicles and pedestrians. (03-10154:S796)

2. **T Woods;** advising that traffic volumes and the number of speeding vehicles at Renwick Street have significantly increased following provision of a roundabout at the intersection of High and Renwick Streets a number of years ago and requesting that a speed bump be placed on High Street, before the roundabout, or on Renwick Street, after the roundabout, to slow traffic.

TAC157/03 **RECOMMENDED** that this issue be referred to Council's Design Services Section for investigation into the suitability of installing a watts profile speed hump on High Street or Renwick Street at the approach to the existing roundabout at the intersection of High and Renwick Streets. (03-10250:R7130)

3. **G & N Bus Services Pty Limited;** seeking an extension of the Dorrroughby-Dunoon Bus Service on Whian Whian Road from the current turnaround point at the Ashlin Road intersection to the Starkey Road intersection.

Mr MacDonald advised that he and Snr Const Hilder had inspected both the existing and proposed turnaround areas on Whian Whian Road and although the bus could not turn around in a full forward movement, the new site at Starkey Road was considerably safer than at Ashlin Road, with good sight distance from both directions. It was noted that a larger Halls' bus had been using the Starkey Road intersection for some time without incident.

TAC158/03 **RECOMMENDED** that approval be given for the extension of the bus service on Whian Whian Road up to Starkey Road. (03-10298:R3453)

LISMORE CITY COUNCIL - Meeting held November 4, 2003

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD OCTOBER 15, 2003 (Cont'd)

4. **Lismore Red Cross**; drawing attention to the lack of available parking spaces for Donors at the Uralba Street Blood Bank and requesting that four on-street parking spaces be allocated close to its premises on Wednesdays between 12.45pm-7.00pm and on Thursdays between 8.00am-3.00pm.
Due to the high demand for on-street parking in front of the Hospital, it was not felt possible to grant specific spaces in front of the Blood Bank for its sole use. It was noted from the writer that only three parking spaces existed on-site and that this was inadequate to meet their needs.

TAC159/03 **RECOMMENDED** that a representative from the Area Health Service be invited to the next meeting to discuss the Service's future intentions in relation to the provision of additional off-street parking. (03-10346:S353,R6058)

5. **Ms E Stepanov**; suggesting a number of improvements for traffic and pedestrian safety in the Wyrallah Road / Barham Street / Dalley Street area, East Lismore. Whilst it was not considered practical to reduce the speed limit on Wyrallah Road in front of the shopping centre, it was noted that there were long-term plans to install a roundabout at the intersection of Wyrallah Road and Dalley Street. This treatment would provide the opportunity to address the speed of vehicles on Wyrallah Road and slightly further along at the intersection of Barham Street, as well as the possibility of providing some type of crossing facility on Dalley Street closer to the intersection.

A speed bump near the bottom of Barham Street was not considered appropriate due to the excessive grades of the road and the lack of any significant accident history.

It was pointed out that a pedestrian refuge had been installed near the bus shelter on Dalley Street but had been removed some time ago due to the lack of use and difficulties by larger vehicles with negotiating the facility.

TAC160/03 **RECOMMENDED** that the writer be advised in accordance with the above. (03-10496:S352)

General Business:

6. **Caniaba Street, South Lismore – Speed Limit**
The Committee discussed an appropriate speed limit for the section of Caniaba Street south of the railway level crossing. After much discussion it was decided to initially install two 50 kph signs on Caniaba Street for north-bound traffic, approximately 200m south of the railway level crossing. Whilst the speed limit for the undeveloped section of Caniaba Street, between Three Chain Road and the railway level crossing was likely to be the general State limit, it was felt it would be best if this section was not signposted.

TAC161/03 **RECOMMENDED** that two 50 kph signs be installed on Caniaba Street, 200m south of the railway level crossing, for north-bound traffic. (R6906)

7. **Relocation of Bus Zones – Keen and Magellan Streets, Lismore**
The Committee considered a proposal to remove the two Bus Zones on Keen Street, one in front of the Mandarin Palace Restaurant and the other in front of Brightway Lighting, and to install two Bus Zones on Magellan Street with one being located in front of the new library site.

Mr Moy was present for this item and was invited to outline Kirklands' proposal for the modifications to the CBD Bus Zones. It was noted that it was already planned to remove the two Bus Zones on Keen Street and to install one additional zone on Magellan Street in front of the new Library, as well as other locations.

7. **Relocation of Bus Zones – Keen and Magellan Streets, Lismore** (Cont'd)
One additional zone was proposed for the southern side of Magellan Street, just east of Keen Street. There was no objection to this proposal.
Mr Moy advised that if all the modifications went ahead as proposed, buses would no longer need to use Magellan Street, between Molesworth and Keen Streets.
- TAC162/03** **RECOMMENDED** that an additional Bus Zone be installed on the southern side of Magellan Street, immediately east of Keen Street. (R7313,R7319)
8. **CBD Traffic Workshop – October 7, 2003**
The Committee discussed the following proposals identified at the above Workshop –
- (a) **Woodlark Street** – Investigate the installation of traffic lights at the intersections of Woodlark/Molesworth Streets and Woodlark/Keen Streets and pedestrian lights at the marked pedestrian crossing.
Mr Vickery (RTA) was of the opinion that traffic lights on Woodlark Street would do little to ease congestion. Lights would also mean the loss of some parking as well. It was recognised that the high volume of pedestrian traffic crossing Woodlark Street was the main reason for the current problems and this would only be eased if pedestrians could be removed from the road by way of some type of external escalator and overhead walkway, either linked into the existing shops or parallel to the footpaths.
- TAC163/03** **RECOMMENDED** that this option be further explored and reported back for further consideration. (R7329)
- (b) **Magellan Street** – Identify the benefits to traffic flows within the CBD if the current one-way traffic movements on Magellan Street were altered to travel west in lieu of east.
A preliminary plan was tabled showing the modifications required to parking and kerb blisters if one-way traffic movement was reversed to west-bound. There was general agreement that there were benefits in reversing the flow and it was felt that such a proposal could be introduced for a trial period provided there was agreement by the majority of shop owners.
- TAC164/03** **RECOMMENDED** that a proper plan be drawn up showing a proposal for west-bound traffic and this be canvassed with shop owners and traders with a view to its introduction at the earliest opportunity. (R7319)
- (c) **Intersection of Union/Ballina Streets and Hollingworth Creek Bridge** – Investigate options to improve traffic congestion.
Mr Vickery advised that the RTA was carrying out counts in the area in question and would be assessing options for improving flows once complete. Council would be further advised of the outcome.
- TAC165/03** **RECOMMENDED** that the above be noted. (R6938,R6002,S819)
- (d) **Encourage Motorists to use Simes Bridge** – Upgrade signage to encourage motorists away from the CBD area.
The Chairperson advised that this was currently being investigated. (S346)
- (e) **Public Transport** – Investigate the cost-effectiveness of providing a regular and free shuttle bus service between the fringe carparks, inner CBD and Lismore Square.
Whilst there was general support for such a proposal, it was felt that any real drive would need to come from the business community. Mr Moy stated that Kirklands Coaches would be more than happy to explore any options put forward in the future. (S73)

LISMORE CITY COUNCIL - Meeting held November 4, 2003

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD OCTOBER 15, 2003 (Cont'd)

9. **Wyrallah Road Speed Limit Signage**
Snr Const Hilder advised that Police Officers were still detecting a significant number of motorists speeding on Wyrallah Road between Lismore and the Wyrallah Village and requested consideration be given to the installation of several intermediate 80 kph signs in an effort to increase motorists' awareness of the prevailing limit.
- TAC166/03** **RECOMMENDED** that one 80 kph speed limit sign be erected for south-bound traffic, 300m south of Riverbank Road and another in the vicinity of Tulk Road for north-bound traffic. (R5201)
10. **Richmond Hill Road – Proposed Slow Points**
A plan was tabled showing two proposed slow points to be installed on Richmond Hill Road at a cost of \$16,000 each.
- TAC167/03** **RECOMMENDED** that the facilities be installed at the earliest opportunity provided funding was available. (R1012)
11. **New Memorial Pool**
Mr Warren Rackham was present for this item and tabled plans of the proposed new pool facilities. Whilst parking was not available on-site, there were opportunities to provide additional parking in close proximity. Other issues that needed to be addressed as part of the new development were the provision of disabled parking, facilities for bicycle parking, a bus turnaround area to enable buses to easily access the proposed bays on Market Street and a drop-off point for parents collecting or dropping off children.
- TAC168/03** **RECOMMENDED** that the above issues be addressed as part of any consideration of the new pool proposal. (D030673)

This concluded the business and the meeting terminated at 11.45 am.

CHAIRPERSON

**TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR**

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE TREGAEGLE COMMUNITY HALL ON TUESDAY, OCTOBER 14, 2003 AT 6.30PM.

Present: Mayor, Councillor King; Councillors Baxter, Crowther, Hampton, Irwin, Suffolk, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Business & Enterprise; Manager-Special Projects & Properties, Manager-Finance & Administration, Manager-Communications & Community Relations, Fleet Manager, Manager-Planning Services, Administrative Services Manager and Team Leader-Administrative Support.

205/03 **Apologies/** Apologies for non-attendance on behalf of Councillors Gallen and
Leave of Roberts were received and accepted and leave of absence
Absence: granted.
(Councillors Hampton/Swientek)
Leave of absence was granted to Councillor Chant on September 9, 2003.

206/03 **Minutes:** The Minutes of the Ordinary Meeting held on September 9, 2003, were confirmed.
(Councillors Swientek/Hampton)

207/03 The Minutes of the Extraordinary Meeting held on September 16, 2003, were confirmed.
(Councillors Swientek/Crowther)

PUBLIC ACCESS SESSION:

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

Darran Singh from Thomas Noble & Russell – Presentation of Financial Reports

(See Minute No. 213/03)

Mr Singh spoke to the 2002/03 Financial Reports and made himself available for questions.

(S802)

Paul Deegan re Notice of Motion

(See Minute No. 210 & 211/03)

Mr Deegan has a historical record of land sales in Lismore since 1985. He indicated that actual land sales and pre-sold land would create a record for the number of land lots sold in a year.

He expressed concern that if the supply of land was not increased, affordability of land would be beyond the means of new home owners.

(03-9684: S650)

Damian Chapelle re Reports - Amendment to Lismore LEP – Satinwood Drive & Amendment to Lismore LEP – Minshul Crescent & Dunoon Road

(See Minute Nos. 214 & 215/03)

Mr Chapelle spoke to both proposals, stressing these complied with Council requirements and asking that they be placed on exhibition to allow public comment.

(P26720,P6722,P6723,P6727,P15430)

Mr Hans van Pelt re Report – Airport Landing Charges

(See Minute No. 216/02)

Mr van Pelt thanked Council for its support of Regional Express Airlines (REX). He claimed the discount given had given rise to the increase of extra passengers and flight numbers.

(S370,P25804)

DISCLOSURE OF INTEREST:

S459

Councillor Swientek declared an interest in the report *Alteration and Repeal of DCPs 32 and 39*.

The Mayor Councillor King declared an interest in the Notice of Motion and the report *Urban Development Strategy*.

ELECTION OF CHAIRPERSON

208/03 **RESOLVED** that Councillor Swientek occupy the chair.
(Councillors Hampton/Suffolk) (S43) (S650)

NOTICE OF MOTION – REPORT URBAN DEVELOPMENT STRATEGY

209/03 **RESOLVED** that the notice of motion and the report be considered in conjunction with one another.
(Councillors Irwin/Crowther) (S650)

NOTICE OF MOTION

North Lismore Plateau

Councillor King declared an interest in this matter and left the meeting during discussion and voting.

210/03 Formal notice having been given by Councillor Irwin it was **RESOLVED** that Council:

- 1 Advise DIPNR that it wishes the North Lismore Plateau to be included in the Urban Settlement Strategy.
- 2 Write to the Minister for Planning expressing our deep concerns with DIPNR's response to our strategy and in particular:
 - a) that the number of lots they are approving for release is not consistent with the current growth pattern in Lismore;
 - b) that their reliance on the area of land currently zoned as 2a does not take into account the constraints on that land, which will deliver far fewer blocks being released onto the market over the next 5 years, and
 - c) does not take account of the type of land being released. According to all the real estate agents, the residential land currently on offer and proposed in the DIPNR decision does not offer either the variety of land that potential home-owners are seeking. The same agents believe that the land on the North Lismore plateau adds a desirable and necessary choice for home-owners.
- 3 Advise the Minister that DIPNR's decision is acting as a significant constraint to urban development in Lismore, which has far-reaching economic disadvantages for our City.
- 4 That officers prepare a detailed report to Council as to how the LEP schedule approach outlined in Mr. Bismire's report can be applied to all future major residential land releases, and that any residential development in the current Urban Settlement Strategy occur in accordance with this LEP schedule approach.
- 5 That the Management Plan for the Showgrounds site be prepared speedily.

(Councillors Irwin/Tomlinson)
Voting Against: Councillor Hampton. (03-9684: S650)

REPORT - URBAN DEVELOPMENT STRATEGY

- 211/03 **RESOLVED** that the report be received and noted.
(Councillors Irwin/Crowther) (S650)

SUSPENSION OF STANDING ORDERS:

- 212/03 **RESOLVED** that standing orders be suspended and Council now deal with the undermentioned matters:-

- Financial Reports 2002/2003
- Amendment to Lismore LEP - Satinwood Drive, McLeans Ridges
- Amendment to Lismore LEP - Minshul Crescent & Dunoon Road, Tullera
- Airport Landing Charges

(Councillors Irwin/Hampton)

Financial Reports 2002/2003

- 213/03 **RESOLVED** that the report be received and that Council -

- 1 Adopt the 2002/03 Financial Reports and 'Statement by Councillors and Management' for both the General Purpose Financial Reports and Special Purpose Financial Reports, with the Mayor and one other Councillor delegated to sign on behalf of Council.
- 2 Present the Financial Reports to the public at the November 4, 2003 Council meeting.
- 3 Advertise the presentation of the Financial Reports to the public from October 25, 2003 and invite both inspection and submission if desired.

(Councillors Hampton/Crowther)
(S802)

Amendment to Lismore LEP - Satinwood Drive, McLeans Ridges

A MOTION WAS MOVED that the report be received and –

- 1 Council prepare a draft Local Environmental Plan to amend Schedule 4 to make a dwelling house permissible with consent on Lot 3 DP 876846, 58 Satinwood Drive, McLeans Ridges.
- 2 Council notify the Director of its intention to prepare the Draft Local Environmental Plan in accordance with the Act and Regulations.
- 3 Council include in a schedule 4 requirement for a building envelope for the site and retain maximum number of trees.

(Councillors Irwin/Swientek)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 Council prepare a draft Local Environmental Plan to amend Schedule 4 to make a dwelling house permissible with consent on Lot 3 DP 876846, 58 Satinwood Drive, McLeans Ridges.
- 2 Council notify the Director of its intention to prepare the Draft Local Environmental Plan in accordance with the Act and Regulations.

(Councillors Hampton/Crowther)

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

Voting Against: Councillors Irwin, Tomlinson and Swientek.

- 214/03 **RESOLVED** that the report be received and -

- 1 Council prepare a draft Local Environmental Plan to amend Schedule 4 to make a dwelling house permissible with consent on Lot 3 DP 876846, 58 Satinwood Drive, McLeans Ridges.

- 2 Council notify the Director of its intention to prepare the Draft Local Environmental Plan in accordance with the Act and Regulations.

(Councillors Hampton/Crowther)

Voting Against: Councillors Irwin and Tomlinson.

(P26720)

Amendment to Lismore LEP - Minshul Crescent & Dunoon Road, Tullera

215/02

RESOLVED that the report be received and -

- 1 Council prepare a draft Local Environmental Plan to amend Lismore City Local Environmental Plan 2000 to include an enabling clause for rural residential development on Lot 4, DP580081 and Lots 1, 2 and 6 DP 258403.
- 2 Council notify the Director of its intention to prepare the Draft Local Environmental Plan in accordance with the Act and Regulations and argue that no Local Environmental Study should be required as the proposal is in accordance with the adopted Rural Housing Strategy.

(Councillors Crowther/Hampton)

(P6722,P6727,P6723,P15430)

Airport Landing Charges

A MOTION WAS MOVED that the report be received and -

- 1 The existing programme of discounting 100% of the head tax at Lismore Regional Airport for public transport passengers be continued until June 30, 2004, as a means of preserving the Lismore passenger market, air services and the economic benefit of these initiatives for the Lismore Community provided that REX maintains its discount and the number of flights into Lismore.
- 2 A review of the airport budget be undertaken to further refine any expected subsidy and potential funding sources.
- 3 Lismore City Council begin dialogue with stakeholders to determine a unified approach to market regeneration in the area, for the period beyond June 2004, which focuses on overall market growth.
- 4 A further report be brought back to Council by June 2004 which could include ways in which subsidised passengers can be reduced to a minimum.
- 5 The report contained within the business paper remain confidential.

(Councillors Irwin/Crowther)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 The existing programme of discounting 100% of the head tax at Lismore Regional Airport for public transport passengers be continued until February 29, 2004, as a means of preserving the Lismore passenger market, air services and the economic benefit of these initiatives for the Lismore Community provided that REX maintains its discount and the number of flights into Lismore.
- 2 A review of the airport budget be undertaken to further refine any expected subsidy and potential funding sources.
- 3 Lismore City Council begin dialogue with stakeholders to determine a unified approach to market regeneration in the area, for the period beyond February 2004, which focuses on overall market growth.
- 4 A further report be brought back to Council by February 2004 which could include ways in which subsidised passengers can be reduced to a minimum.
- 5 The report contained within the business paper remain confidential.

(Councillors Tomlinson/Hampton)

The voting being tied the Mayor declared the amendment APPROVED on his casting vote.

Voting Against: Councillors Irwin, Suffolk, Baxter and Crowther.

- 216/03 **RESOLVED** that the report be received and –
- 1 The existing programme of discounting 100% of the head tax at Lismore Regional Airport for public transport passengers be continued until February 29, 2004, as a means of preserving the Lismore passenger market, air services and the economic benefit of these initiatives for the Lismore Community provided that REX maintains its discount and the number of flights into Lismore.
 - 2 A review of the airport budget be undertaken to further refine any expected subsidy and potential funding sources.
 - 3 Lismore City Council begin dialogue with stakeholders to determine a unified approach to market regeneration in the area, for the period beyond February 2004, which focuses on overall market growth.
 - 4 A further report be brought back to Council by February 2004 which could include ways in which subsidised passengers can be reduced to a minimum.
 - 5 The report contained within the business paper remain confidential.
- (Councillors Tomlinson/Hampton)
- Voting Against:** Councillors Swientek, Baxter and Crowther.
(S370, P25804)

- 217/03 **RESUMPTION OF STANDING ORDERS:**
RESOLVED that standing orders be resumed.
(Councillors Irwin/Hampton)

REPORTS:

Financial Statements 2002/2003
(See Minute No. 213/03)

Urban Development Strategy
(See Minute No. 210 & 211/03)

**Annual General Amendment 14 to Lismore Local Environmental Plan
(Draft Amendment 14)**

- 218/03 **RESOLVED** that the report be received and -
- 1 Council agree to the following alterations to the exhibited draft Amendment No. 14 to Lismore LEP:
 - a) Insert in clause 28A(7) of Lismore LEP reference to clause 11 of SEPP 4 Development without Consent.
 - b) Defer proposed alteration to the minimum subdivision area in the 1(c) zone for further consideration.
 - c) Alter clause 50.4 to require as advertised development in Village Zones storage sheds in light industrial areas;
 - d) Alter clause 50.5 to include storage sheds as prohibited development elsewhere in Village Zones;
 - e) Delete from Schedule 1 Heritage Items the following:
 - Former Dungarubba School Grounds
 - Orchard and trees, Smith Street, Clunes
 - f) Alter the definition of *the map* to include a map identifying the new zoning of the South Gundurimba Cemetery.
 - 2 Request the Minister to make Amendment No. 14 to Lismore Local Environmental Plan.
- (Councillors Suffolk/Hampton)
(S858)

Alteration and Repeal of Development Control Plans 32 and 39

Councillor Swientek declared an interest in this matter and left the meeting during discussion and voting.

219/03

RESOLVED that the report be received and -

- 1 Repeal DCP 32 West Goonellabah and
- 2 Prepare and exhibit the first amendment to DCP 39 Exempt Development.
(Councillors Irwin/Hampton)
(S563,S739)

Amendment to Lismore LEP - Satinwood Drive, McLeans Ridges

(See Minute No. 214/03)

Amendment to Lismore LEP - Minshul Crescent & Dunoon Road, Tullera

(See Minute No. 215/03)

Nimbin Water Supply Study/Committee

220/03

RESOLVED that the report be received and –

- 1 Council endorse the action of the Committee as detailed below:
 - a) Reticulation Improvements (estimated cost - \$217,000);
 - b) Construction of 30 kL storage tank and associated works at the contact tank (estimated cost - \$100,000);
 - c) Investigate the suitability of a bore being installed to supply the swimming pool. The investigation costs would be about \$20,000 (funded from the current approved investigation phase);
 - d) Investigate and construct a system for aeration and mixing of water at the DE Williams (estimated cost is \$15,000);
 - e) Adopt the following demand management programme for the Nimbin Village in conjunction with Rous Water.
 - i) Undertake an household tune up programme;
 - ii) Undertake an “Every Drop Counts“ school education programme;
 - iii) Provide 50% subsidy for water audits of commercial premises;
 - iv) Properties in the rural areas with high water usage to be investigated;
 - v) The rainwater tank rebate programme be promoted;
- 2
 - a) \$100,000 be allocated so that Nimbin rural residents (maximum of 20) who wish to permanently disconnect from the water supply are offered \$5,000 for a rainwater tank and associated infrastructure.
 - b) In accordance with Section 557 of the Local Government Act, 1993, Council hereby resolves not to supply water to those residents who permanently disconnect from the water supply in accordance with Part (a) above.
- 3 Council request State Government subsidy for the \$332,000 design and construction costs for the Nimbin Water Supply Improvements.
(Councillors Irwin/Hampton)
(S304)

Water Conservation Measures

A MOTION WAS MOVED that the report be received and that consistent with Council’s parallel commitment to sustainable natural resource management as well as the promotion of business and development opportunities in Lismore -

- 1 Council reiterate its support for effective water demand management programs.
 - 2 Through Lismore Water, this Council encourage all Councils in the Rous Water supply area to introduce a permanent odds and evens outdoor watering policy.
 - 3 Lismore Water proactively devote resources to water demand management strategies which target and reduce household use.
-

- 4 Lismore Water ensure that business customers are not competitively disadvantaged by water demand management programs.
(Councillors Baxter/Irwin)

AN AMENDMENT WAS MOVED that the report be received and that consistent with Council's parallel commitment to sustainable natural resource management as well as the promotion of business and development opportunities in Lismore -

- 1 Council reiterate its support for effective water demand management programs.
- 2 Through Lismore Water, this Council encourage all Councils in the Rous Water supply area to introduce a permanent odds and evens outdoor watering policy.
- 3 Lismore Water proactively devote resources to water demand management strategies which target and reduce household use.
- 4 Lismore Water ensure that business customers are not competitively disadvantaged by water demand management programs.
- 5 That Council call on Rous County Council to proceed speedily with the construction of a new dam.

(Councillor Swientek)

The amendment LAPSED for want of a seconder.

AN AMENDMENT WAS MOVED that the report be received and -

- 1 Council reiterate its support for effective water demand management programs.
- 2 Lismore Water proactively devote resources to water demand management strategies which target and reduce household use.
- 3 Lismore Water ensure that business customers are not competitively disadvantaged by water demand management programs.
- 4 Council ensure they adopt appropriate strategies for water reduction in their day to day operations.

(Councillors Crowther/Suffolk)

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

Voting Against: Councillors King, Irwin, Baxter and Tomlinson.

221/03 **RESOLVED** that the report be received and that consistent with Council's parallel commitment to sustainable natural resource management as well as the promotion of business and development opportunities in Lismore -

- 1 Council reiterate its support for effective water demand management programs.
- 2 Through Lismore Water, this Council encourage all Councils in the Rous Water supply area to introduce a permanent odds and evens outdoor watering policy.
- 3 Lismore Water proactively devote resources to water demand management strategies which target and reduce household use.
- 4 Lismore Water ensure that business customers are not competitively disadvantaged by water demand management programs.

(Councillors Baxter/Irwin)

The voting being tied the Mayor declared the motion APPROVED on his casting vote.

Voting Against: Councillors Crowther, Hampton, Suffolk and Swientek.

(S301)

ADJOURNMENT:

At this juncture (9.07pm) the meeting adjourned for supper to enable discussion with local residents in accordance with policy.

The meeting resumed at 9.23pm.

Additional Council Plant – Pavement Repair Truck

222/03 **RESOLVED** that the report be received and the report be received and Council purchase one (1) only 4x2 Isuzu / Jetpatcher unit as tendered (T24005) from Jetpatcher Roadtech P/L of Brisbane for the cost of \$238,551.00 (includes GST). (Councillors Suffolk/Hampton) (T24005)

Lismore Tennis Club

223/03 **RESOLVED** that the report be received and Council accede to Lismore Tennis Club's request to acting as a guarantor for their bridging finance loan of up to \$15,000 for a maximum of three (3) years. (Councillors Irwin/Baxter) (03-9951: P859))

SBS Radio Service

224/03 **RESOLVED** that the report be received and -

- 1 That Council acknowledge the benefits which Lismore's multi-cultural and wider community can derive from accessing SBS National Radio.
- 2 That in partnership with and advised by SBS Radio, Council apply to the Australian Broadcasting Authority for a licence to establish a self-help transmitter to service the Lismore Council area.
- 3 That Council apply to SBS Radio for full funding to establish and commission a suitable transmitter for Lismore.
- 4 That Council accept responsibility for maintenance of the transmitter on terms deemed acceptable by the General Manager.

(Councillors Swientek/Baxter)
Voting Against: Councillor Crowther.
(03-10100: S821)

2002/2003 Financial Reserves

225/03 **RESOLVED** that the report be received and noted. (Councillors Tomlinson/Swientek) (S802)

Disclosure of Pecuniary Interest Returns 2002/03

226/03 **RESOLVED** that the report be received and noted. (Councillors Hampton/Swientek) (S18)

Street Signs - Risk Management Policy

227/03 **RESOLVED** that the report be received and Policy No. 1.4.16 be adopted. (Councillors Swientek/Hampton)

228/03 **RESOLVED** that Council explore other options of street signage, e.g. kerbside painting. (Councillors Swientek/Suffolk) (S9,S866)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 17/9/03

229/03 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted, excluding Clause 19. (Councillors Irwin/Tomlinson)

- 230/03 **Clause 19 – Intersection of Conway and Carrington Streets – Proposed Closure**
RESOLVED that this matter be referred to Council's Manager-Design Services to arrange a survey of Carrington Street, for the two sections between Magellan and Conway Streets, and between Conway and Bounty Streets, with a plan being prepared of any proposed changes.
(Councillors Irwin/Tomlinson) (R7303,R7307)
Voting Against: Councillor Suffolk. (S352)

DOCUMENTS FOR SIGNING AND SEALING:

- 231/03 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

Sale of Lot 147 in DP 1052836 being 38 Centenary Drive, Goonellabah

Following the lapsing of an option held by a third party over this Lot, Council has renegotiated an offer of \$81,950.00 inclusive of GST for the purchase of Lot 147 in Deposited Plan 1052836. This price is an increase over the formerly held option offer and represents \$41.79 per m² (inclusive of GST).

(Councillors Hampton/Irwin)

Voting Against: Councillor Swientek.
(P21669)

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE:

Airport Landing Charges

(See Minute No. 216/03)

This concluded the business and the meeting terminated at 10.02 pm.

CONFIRMED this 4TH day of NOVEMBER 2003 at which meeting the signature herein was subscribed.

MAYOR

