



## **NOTICE OF COUNCIL MEETING**

**An EXTRAORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, NOVEMBER 25, 2003, at 6.00pm and members of Council are requested to attend.**

Paul G. O'Sullivan  
**General Manager**

November 18, 2003

# **COUNCIL BUSINESS AGENDA**

November 25, 2003

## **PUBLIC ACCESS SESSION:**

**PAGE NO.**

**OPENING OF MEETING AND PRAYER (MAYOR):**

**APOLOGIES AND LEAVE OF ABSENCE**

**DISCLOSURE OF INTEREST**

**MAYORAL MINUTES**

**NOTICES OF RESCISSION**

**NOTICES OF MOTION**

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**SUSPENSION OF STANDING ORDERS**

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

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**CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE**

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**NOTICE OF MOTION**

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

**That Council establish a Community Billboard.**

**Comment:**

This facility would be best sited in Magellan Street in a central position near the intersection with Carrington Street. Its uses would include notices of coming events within the City of Lismore, such notices not to exceed A4 size. The notices and their placement should be managed by staff in the downtown office in Magellan Street. (A facility used to exist at the bus interchange but seems to have disappeared.)

**COUNCILLOR** J F Crowther

**DATE** November 12, 2003

**STAFF COMMENT BY:**

**Manager-Communications & Community Relations (Russell Kelly)**

Lismore Council has in place a number of initiatives to inform the public of its activities, including weekly advertisements, notices in the foyer of the Administration building, an on-line community diary (which is also published in Community Link), and media releases in general, which are sent via fax to media outlets and also placed on-line.

This year our Community Survey found a strong desire from respondents that they be kept informed on events and activities.

From the point of view of communicating with the public, there is a demonstrated need for such a service outlined by the motion, and such a facility would be supported.

**Group Manager – City Works**

City Works Staff can see this billboard being used extensively by community groups. The sign needs to be prominent and well managed by the CBD Office. A large double-sided hoop sign with lockable billboard displays on both sides appears reasonable.

A set of agreed standards would need to be formulated to cover –

- size
- duration
- type of signs
- type of organisation.

There would be some logic in restricting its usage to community-based organisations (ie, Clubs, Charities, etc). The sale of second-hand goods, cars, furniture, etc, by individuals would not appear appropriate.

A simple procedure to cover the above issues would need to be compiled in conjunction with the erection of the billboard.

(03-11832: S647)

**NOTICE OF MOTION**

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

**That Council staff bring a report to Council that will extend centre parking in Molesworth Street from Conway Street to Ballina Street; in Bounty Street and in Conway Street from Keen Street to Dawson Street.**

Comment:

The extension of street parking really should follow the principle of nose-in parking on the centre rank and parallel parking on the sides. In the first instance the parking arrangement should be made to maximise parking. The arrangement of parking should therefore be by way of line marking **only**, thus keeping cost to a minimum. In years to come some inclusion of landscaping could be done only when other parking areas are developed to replace that lost by landscaping.

Molesworth Street (Conway to Ballina Street) must be dealt with in accordance with the above, so should Bounty Street.

A parking layout has already been done for Conway Street between Keen and Dawson Street. It is disappointing to see this has not been done to encourage nose-in parking which seems to be a State-wide trend and certainly has been established to good effect in some surrounding towns, e.g. Evans Head and Ballina, recently visited and of course Molesworth Street.

A **first priority** should be Molesworth and Bounty Street with long-term (2 hours) to provide for the lack of parking at the new Baths complex.

**COUNCILLOR** J F Crowther

**DATE** November 11, 2003

**STAFF COMMENT BY: Group Manager-City Works**

The concept of moving towards 'nose-in' parking is commendable, particularly at locations where it is possible to provide an additional lane for backing out and manoeuvring.

The advantage here is that the parking numbers remain about the same and it is possible to include centre landscaping (ie, five major tree groups), which will greatly improve the street appearance.

(03-11833: S353)

**NOTICE OF MOTION**

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

- 1 That Council, in consultation with Country Energy and Nimbin Chamber of Commerce, prepare a strategy to underground the power in Cullen Street, Nimbin between Cecil Street and Nimbin Community Centre.**
- 2 That a figure be included in the budget estimates for 2004/05.**
- 3 That consideration be given to the following:**
  - The conduit to house the power lines is already under Cullen Street.**
  - Country Energy need to expend capital replacing power poles in the near future.**

**COUNCILLOR** D J Roberts

**DATE** November 12, 2003

**STAFF COMMENT BY: Group Manager-City Works**

The estimated cost of the proposed works could be quite expensive. Council through the budget process can determine the priority of these works.

(03-11830: R1701)

**Subject/File No:** DEVELOPMENT APPLICATION NO. 02/578 – 40 LOT RESIDENTIAL SUBDIVISION, 153, 159, 171 & 183 OLIVER AVENUE, GOONELLABAH (DA02/578)

**Prepared By:** Development Assessment Planner – Angela Jones

**Reason:** Council Policy No. 1.2.14 deems this application to be a significant development (subdivision over 30 lots) and as such requires Council endorsement.

**Objective:** Determination of the Development Application for a subdivision of 40 residential allotments.

**Management Plan Activity:** Development Assessment

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**Proposal:**

The proposal seeks approval for the creation of 40 new residential lots, open space, new roads and a residue lot.

**Applicant:**

S J Connelly Pty Ltd on behalf of Mr Robert Hosie.

**Location:**

Lot 1 – 4 DP 252826, 153, 159, 171 & 183 Oliver Avenue, Goonellabah. A locality plan is provided as Map 1.

**Zoning:**

Lots 1, 3 & 4 DP 252826 are zoned 2(a) Residential and Lot 2 DP 252826 is zoned both 2(a) Residential and 1(d) Investigation.

**Key Issues:**

Stormwater disposal, electricity easement.

**Recommendation:**

That Council, approve Development Application 2002/578 subject to appropriate conditions.

**1. SITE/SITE HISTORY**

The subject properties are known as Lots 1 – 4 DP 252826, 153, 159, 171 & 183 Oliver Avenue, Goonellabah. Development Consent (DA 95/22) was issued for a 231 lot residential subdivision on June 4, 1996. This consent related to Lots 1-7 DP 252856, Lots 16-19 and Lots 30-31 DP704335 and Lots 1, 20 and 22 DP 795581. No development eventuated and consent lapsed on 4 June 2001. The current application for 40 residential lots reflects Stage 1 of the previous approval, DA 95/22.

**2. SURROUNDING PROPERTIES & ENVIRONS**

The subject site is bound by Oliver Avenue to the north, cleared grazing land and a macadamia plantation to the east and south and residential land known as “Rosella Gardens” to the west. The Goonellabah RSL and Hepburn Park are located opposite the proposed subdivision on Oliver Avenue. The site is predominantly cleared of trees and shrubs and has been used for cattle grazing over the past years.

The access to the proposed subdivision is from Oliver Avenue which adjoins the northern boundary and Acacia Avenue (in “Rosella Gardens”) to the west.

**3. PROPOSAL**

The proposal seeks approval for the creation of 40 new residential lots, open space, new roads and a residue lot (refer to Map 1).

A master plan for future proposed additional stages of the subdivision comprising of a total of 279 Lots was submitted to Council.

**4. PUBLIC NOTIFICATION**

The proposal was notified and exhibited in accordance with the provisions of DCP 41. A summary of the submissions is provided in Section 5.7 of this report.

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

**5.1 Any Environmental Planning Instruments**

**5.1.1 State Environmental Planning Policies (SEPPS)**

SEPP 55 Contaminated Land applies to the development site. A Contaminated Lands report was furnished to Council by the applicant and was subsequently assessed by the Environmental Health Section and appropriate conditions applied to the consent.

**5.1.2 Regional Environmental Plan (REP)**

The proposal complies with all relevant sections of the North Coast REP, including Clause 43 (1).

**5.1.3 Lismore Local Environmental Plan (LEP)**

The proposal complies with all relevant sections of the Lismore LEP, including Clause 29, 51.

**5.2 Any Draft EPI that is or has been placed on Exhibition**

Currently there are no Draft Planning Instruments of relevance to this application that have been placed on public exhibition.

**5.3 Any Development Control Plan**

The following Development Control Plans have been considered in the assessment of the subject Development Application:

- DCP 27 Buffer Areas
- DCP 28 Subdivision
- DCP 33 East Goonellabah
- DCP 43 Crime Prevention Through Environmental Design

The proposed subdivision complies with all relevant sections of the abovementioned Development Control Plans.

**5.4 Any Matters Prescribed By The Regulations**

There are no matters prescribed by regulations that have a significant impact on this development.

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

Natural And Built: The subject proposal will have a limited impact on both the natural and built environment.



Traffic: The additional traffic generation as a result of the proposed development is expected to have little effect on the local road network. The Section 94 Contributions will be levied for urban arterial roads.

Social: A social impact assessment was prepared by the applicant in accordance with Council policy. It is considered that there will be minimal social impact as a result of this development and no significant issues were raised.

Economic: It is expected that the proposal will have a beneficial economic effect to the surrounding locale and the wider Lismore community.

Water and Sewer: There is adequate capacity in both the water and sewer infrastructure to sufficiently cater for the additional demand and load.

### **5.6 The Suitability of the Site for the Development**

The subject site is considered suitable for the development as proposed. Adequately sized and dimensioned building envelopes are available for all proposed lots. The proposed 40 lots are entirely on land which is zoned 2(a) Residential and an adequate buffer from the macadamia plantation exists. Open space and recreation areas are proposed around the high point of the site and enable the retention of most of the existing significant trees. A playground facility will be provided.

### **5.7 Any Submissions made in Accordance with this Act or the Regulations**

A total of three (3) submissions (refer to attachment in the business paper) were received by Council as a result of the notification of the subject application. A summary of the points of objection is as follows:

- **Vegetation**  
Request the removal all camphor laurel trees on the development site including the stumps on the western boundary.
- **Stormwater**  
Concerns that additional stormwater from the proposed development will enter neighbouring residential properties on Waratah Way.
- **Fencing**  
Requesting a fence on the common boundary on the western side of the proposed development between the properties that front Waratah Way.

None of the objections raises issues of such significance as to warrant the refusal of this application. All relevant issues have been addressed via conditions of the Development Consent.

### **5.8 The Public Interest**

The proposed development is not considered to be contrary to the public interest.

## **6. REFERRAL COMMENTS**

### **6.1 Internal**

#### **6.1.1 Manager Finance & Administration Comments**

Not required

#### **6.1.2 Building Services Section**

No objections to the proposed development were raised.

**6.1.3 Environmental Health Section**

No objections to the proposed development were raised subject to the recommended conditions being placed on the consent.

**6.1.4 City Works Section**

No objections to the proposed development were raised subject to the recommended conditions being placed on the consent.

**6.1.5 Water & Sewer Section**

No objections to the proposed development were raised subject to the recommended conditions being placed on the consent.

**6.1.6 Environmental Planner**

The Environmental Planner is satisfied with the information provided by the applicant regarding vegetation on the site. The information provided on the threatened species *Macadamia tetraphylla* is satisfactory. No objections were raised subject to the recommended conditions being placed on the consent.

**6.1.7 Community Services Section**

The Social Impact Assessment was referred to the Community Services Section for comment. It was determined that 40 lots will not create a huge increase in need for community facilities or negative social impacts. No objections were raised subject to the recommended conditions being placed on the consent.

**6.1.8 Waste Services**

No objections were raised subject to the recommended conditions being placed on the consent.

**6.1.9 Public Transport Advisory Panel**

On October 23, 2002 the Public Transport Advisory Panel considered the proposed subdivision. The panel endorsed the proposal stating that the layout was adequate for public transport services.

**6.2 External**

**6.2.1 NSW Rural Fire Service**

In accordance with Section 100B of the Rural Fires Act 1997, concurrence was sought from the NSW rural Fire Service. Concurrence was granted with no specific conditions by a letter dated September 23, 2002.

**6.2.2 Country Energy**

The subject proposal was referred to Country Energy due to the presence of 66Kv and 11Kv overhead powerlines traversing the subject site. The initial proposal was for the easement for power supply to be contained within public open space, which was unacceptable to Council due to issues of maintenance and liability. Subsequently, several discussions were held between the applicant, Country Energy and Council resulting in the creation of an easement for power supply to be created over private property.

**6.2.3 NSW Police Service**

The Crime Prevention Officer from the Local Area Command considered the subdivision layout. A number of comments were made regarding the overall layout of the master plan. Those comments, which specifically related to this application have been reflected in the proposed conditions of consent.

**7. CONCLUSIONS**

Having considered all of the relevant planning issues the Development Assessment Planner concludes that the application is of substantial merit and subject to impositions of conditions warrants approval.

**RECOMMENDATION (PLA41)**

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 02/578 for the subdivision to create 40 residential lots, open space, new roads and a residue lot with the following conditions:

1 In granting this development consent, Council requires:

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

be substantially in accordance with the stamped approved plan(s) No. 1093.1A revised on August 7, 2003 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 If the provision of services or the construction of any infrastructure or any other thing required by this consent occurs, and a GST is payable by Council, the applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of this consent.

**NB:** GST means any tax levy charge or impost under the authority of any GST law (as defined by the GST Act) and includes GST within the meaning of the GST Act.

The GST Act means a New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

**Reason:** *To cater for newly introduced GST provisions.*

**SUBDIVISION**

3 The proponent shall place street number identification on the frontage kerb and gutter to indicate the side boundaries and/or access shafts prior to release of the Subdivision Certificate. **SUB1**

**Reason:** *To provide visual identification of lot boundaries (EPA Act Sec 79C(e)).*

4 The proponent shall submit an application for a Subdivision Certificate for Council certification. Such application shall be accompanied by a Subdivision Certificate fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges. **SUB2**

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

5 The easement for power supply as shown on Plan No. 1093.1A dated August 7, 2003, shall be included on the Subdivision Certificate. A restriction as to user preventing the construction of structures within this easement shall be placed on a Section 88B Instrument prior to release of the Subdivision Certificate.

**Reason:** *To ensure adequate electricity easements and restrictions of use.*

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### PUBLIC UTILITIES

- 6 Prior to approval of the Subdivision Certificate, the proponent shall ensure the provision of telephone services is provided to all lots and including the full length of battle-axe handles. A Certificate of Compliance from the relevant utility provider shall be required confirming that the respective utility's requirements have been met. **PU5**

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

- 7 Prior to approval of the Subdivision Certificate, a certificate of compliance from Country Energy shall be required confirming that Country Energy has provided electrical power to each lot, including the full length of battle-axe handles and adequate street lighting for the development as required by the relevant Australian Standard, and that charges for the extension of electricity supply have been paid. **PU6**

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

### SECTION 94 LEVIES

- 8 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore Contributions Plan 1999 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the Subdivision Certificate is released. The rates and amounts applying at the date of this notice, totalling **\$224,520**, are set out in the schedule for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the release of the Subdivision Certificate.

Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the listing of rates applicable for the financial year in which payment is made. This listing of rates reflects the adjustment made for the Consumer Price Index (CPI) on an annual basis.

The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

If the contributions set out in the schedule, or part thereof, are to be met by the dedication of land or other approved Material Public Benefit, then the Applicant will pay to Council the GST (defined below) applicable to the value of land dedicated or (Material Public Benefit) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

GST means any tax levy charge or impost under the authority of any GST Law (as defined by the GST Act) and includes GST within the meaning of the GST Act.

The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation. **SL2**

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

### AMENITY

- 9 The construction of the subdivision shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise. **AM5**

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

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

Monday to Friday - 7.00am to 6.00pm  
Saturday - 8.00am to 1.00pm

No noise generating construction activities are to take place on Sundays or public holidays.  
**AM2**

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

- 11 Any noise generated during the construction of the development shall not exceed the limits specified in the Noise Control Manual. **AM6**

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

- 12 A water truck designed to suppress dust from exposed surfaces and access roads shall be available at the site or in the immediate vicinity. Exposed surfaces and access pads shall be regularly wetted to suppress dust generation. **EN7**

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

#### WASTE COLLECTION

- 13 A flat area in the front of each property for both waste bins shall be provided prior to release of the Subdivision Certificate.

**Reason:** To provide an adequate area for waste bins.

- 14 All cul-de-sac's to have a minimum turning radius of 12 metres to facilitate a Robotic Arm Garbage Truck.

**Reason:** To facilitate an adequate turning area for Council's Garage Trucks.

#### OPEN SPACE

- 15 Any playground equipment needs to be highly visible and not screened from vision via its placement or vegetation.

**Reason:** *To comply with Crime Prevention through Environmental Design principles.*

#### DRAINAGE

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

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

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Details of sediment control measures and revegetation works shall be submitted to Council for approval prior to commencement of any works upon the site. **DG3**

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

- 17 The proponent shall make satisfactory provision for existing and proposed lots to dispose of stormwater without causing a nuisance to other properties. All works are to be constructed according to Council's Development, Design and Construction Manual (as amended). All roof water from any existing or proposed buildings and/or surface water from paved areas shall be directed to a discharge point to prevent intensification of discharge runoff onto adjoining land. All drainage lines are to be located within drainage easements. Any stormwater line with an area of influence from the stormwater line measured by projecting a 45° angle from the invert of the main to surface level extending outside of the easement shall be covered by a restriction on use requiring any structure within this area to be pierced to the stormwater invert level. All costs shall be the responsibility of the proponent. **DG4**

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

- 18 Prior to release of the Subdivision Certificate, a suitably qualified person or Principal Certifying Authority is required to furnish a statutory certificate confirming:

- all drainage lines have been located within the respective easements,
- roadworks are in accordance with the approved design plan,
- any other structures like retaining walls are located in accordance with the Construction Certificate,
- all stormwater has been directed to a Council approved drainage system.
- all conditions of consent/approval have been complied with. **DG5**

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

- 19 Detailed design plans of the stormwater treatment measures as proposed within the stormwater management plan lodged with the application must be submitted to and approved by Council as part of the engineering design plans for the development.

**Reason:** *To protect waterways from urban stormwater runoff.*

#### **EARTHWORKS**

- 20 Prior to commencement of works, certification from a practising qualified engineer experienced in soil mechanics is required verifying:

- civil engineering works including retaining walls have been assessed as structurally adequate,
- civil engineering works will not be affected by landslip either above or below the works,
- civil engineering works will not be affected by subsidence either above or below the works, and
- adequate drainage has been provided. **EW1**

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

- 21 Prior to the release of the Subdivision Certificate, a NATA registered geotechnical testing authority shall submit documentary evidence, certifying that any lot fill material has been placed in accordance with Australian Standard 3798 "Guidelines on earthworks for commercial and residential developments". **EW8**

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

- 22 The horizontal alignment of Road No. 2, particularly adjoining proposed lot 1.34, shall be designed to meet the requirements of a 40km/hr design speed. This shall require amendment to the proposed boundaries of lot 1.34.

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

**ROADS**

23 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 proposed Road No. 1 to an urban, bitumen sealed road shape with a width of 11 m between kerbs.

Construction of Acacia Avenue (proposed Road No. 2) to an urban, bitumen sealed road shape with a width of 9 m between kerbs.

Construction of proposed Road No. 3 to an urban, bitumen sealed road shape with a width of 9 m between kerbs.

Construction of a single lane circulating roundabout, in accordance with Austroads "Guide to Traffic Engineering Practice Part 6 - Roundabouts", at the intersection of Road No. 1 and No. 2.

A practising qualified surveyor or engineer shall submit to Council for approval prior to the release of the Subdivision 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. RD1

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

24 Full design plans of the proposed engineering works to satisfy condition(s) 17, 18, 24, 26 shall be submitted to and approved by Council prior to commencement of these works. Such plans shall be accompanied the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges. RD2

NOTE: Where a development is proposed to be staged then appropriate plans to satisfy this condition for that stage shall be submitted and approved by Council prior to commencement of works.

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

25 The grade from the road pavement to each lot shall permit the construction of vehicular access in accordance with Council's Design and Construction Specification (Vehicular Access). Engineering design working drawings shall provide evidence of the feasibility of lot access. Such drawings shall be submitted for Council approval prior to release of the Approved design plans. **RD3**

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

26 Road names proposed for the subdivision shall be submitted for Council approval prior to lodgement of the Subdivision Certificate. A suitable name for any new road/s shall be in accordance with Council's adopted policy. **RD4**

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

**PLANNING**

27 Full details of the playground facilities to be constructed within the public reserve as proposed within the application shall be submitted to and approved by Council prior to the release of the engineering design plans.

**Reason:** *To ensure the adequate provision of playground equipment.*

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- 28 The land to be dedicated as public reserve shall be slashed, weed free and cleared of all surface rocks to the satisfaction of Council's Parks and Reserves Section, prior to the release of the subdivision certificate.

**Reason:** *To ensure that the land is in a satisfactory condition to be utilised and maintained as open space.*

- 29 The proposed roundabout at the intersection of road No 1 and 2 shall be landscaped to the satisfaction of Council's Parks and Reserves section prior to the release of the subdivision certificate. Full details of the proposed landscaping shall be submitted to and approved by Council prior to the release of the engineering design plans.

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

#### **WATER & SEWER**

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

- a) A conventional water reticulation that comprises a water service to each allotment. Water reticulation works shall be designed and constructed in accordance with Lismore City Council's adopted standards. Any costs shall be the responsibility of the proponent. The proponent shall be responsible for the full cost of any associated water maintenance considered necessary by Lismore City Council's Manager-Water and Sewerage for a period of twelve months from the date of approval of the works. After satisfactory completion of this work, a practising qualified surveyor shall submit a "works-as-executed" set of 1:1000 transparency plans and plans in digital format (Autocad or similar) showing these works. **WS3A**

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

- 31 The proponent shall provide sewerage reticulation to service the development. The works shall include:

- a) A conventional gravity sewer reticulation that comprises a sewer junction to service the lowest ground level of each allotment. Sewerage works shall be designed and constructed in accordance with Lismore City Council's adopted standards. Any costs shall be the responsibility of the proponent. The proponent shall be responsible for the full cost of any associated sewerage maintenance considered necessary by Lismore City Council's Manager-Water and Sewerage for a period of twelve months from the date of approval of the work. After satisfactory completion of this work, a practising qualified surveyor shall submit a "works-as-executed" set of 1:1000 transparency plans and plans in digital format (Autocad or similar) showing these works. **WS3B**

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

- 32 Prior to issue of a Subdivision 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. **WS11**

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

- 33 Full design plans of the proposed engineering works to satisfy condition(s) 31 and 32 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.
-



## LISMORE CITY COUNCIL - Meeting held November 25, 2003

### Development Application NO. 2002/578 – 153, 159, 171 & 183 Oliver Avenue, Goonellabah

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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. **WS12**

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

- 34 Written permission must be obtained to carry out sewerage works on adjoining land. **WS13**

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

- 35 The proponent, at no cost to Council, is to dedicate an easement 3m wide over the proposed/existing sewer main as directed by Council. **WS16**

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

- 36 The proponent shall pay to Council all Water and Sewerage Headworks Levies deemed necessary by Council and in accordance with Section 64 of the Local Government Act 1993. The rates and amounts applying at the date of this notice, are set out in the schedule for your information. Such levies shall be paid as required by Council, prior to release of the Subdivision Certificate.

Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the listing of rates applicable for the financial year in which payment is made. This listing of rates reflects the adjustment made for the Consumer Price Index (CPI, Sydney) on an annual basis. **S64**

*Reason: To provide funds for the provision of services and facilities identified in Lismore City Council's Section 64 Contributions Plan as required by the increased population or activity. (Water Management Act 2000, Sec 306)*

- 37 An analysis of the water reticulation is required to assess the impact of the subdivision including any staging and future developments on water pressure within the adjoining water reticulation. Additional lead-in water mains and or a pressure reducing valve/s may be required to be constructed by the developer as a part of this condition. This is dependent upon the findings of the water analysis. **WS18**

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

#### **BUILDING**

- 38 Prior to the release of the Subdivision Certificate, a qualified practising Engineer, experienced in soil mechanics, shall submit documentary evidence in the form of a Geotechnical Investigation Report to the Principal Certifying Authority for approval, certifying that each allotment is suitable for building purposes and classifying each allotment in accordance with Australian Standard 2870 "Residential Slabs and Footings". Any allotment subject to further earthworks during the construction phase will require an amended Geotechnical Report. **BC9**

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

#### **ENVIRONMENTAL**

- 39 The area of soil sampling, which identified elevated lead levels, must not be removed from the site during construction. These soils must form part of the road and reserve to ensure soil from the affected area is contained within the footprint of the road reserve.

*Reason: To comply with ANZECC and EPA guidelines.*

- 40 Design specifications for the remediation works of the bioretention system for the public reserve are to be submitted and approved by Council prior to the approval of the engineering Design Plans. The design should be completed in conjunction with Council in relation to the re-stabilization of the banks and choice of vegetation.

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

**INFORMATION TO APPLICANTS**

**ADVISORY NOTES**

**NOTE 1:** Water and/or Sewerage Headworks levies totalling **\$352,000** are stated in the attached Schedule.

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

**NOTE 3:** On completion of works and prior to issue of a compliance certificate under Section 307 of the Water Management Act 2000, Council will require a maintenance bond to be paid to Council.

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

**LISMORE CITY COUNCIL**

**DEVELOPMENT CONSENT NO:** 2002/578  
**ADDRESS:** 153, 159, 171 Oliver Avenue, Goonellabah

**IMPORTANT TO NOTE**

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

To be read in conjunction with advice of development consent.

The levies imposed by Condition No. 8, as contributions towards the cost of meeting increased demand for public services and amenities that will result from the development, are identified in this Schedule.

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

*\* Note: For discount see Lismore Contributions Plan 1999*

Levy Area	Account No.	No. of ET's/m <sup>2</sup>	Cost Per ET/m <sup>2</sup>	Amount Payable
<b>Open Space</b>				
Urban Catchment (East) - Local	1643-3	40	675	\$27,000
- Citywide	1643-1	40	351	\$14,040
<b>Urban Bushland</b>				
Rest of Goonellabah/East Lismore/Lis Heights	1644-2	40	360	\$14,400
<b>Street Trees</b>				
Urban Catchment (East)	1643-22	40	88	\$3,520
<b>Community Facilities</b>				
Urban Catchment (East) - Local	1650-3	40	1192	\$47,680
- Citywide	1650-1	40	599	\$23,960
<b>Urban Roads</b>				
<b>Arterial Roads</b>				
Urban Catchment (East) res	1655-3	40	1895	\$75,800
<b>SES</b>				
All areas	1695-1	40	20	\$800
<b>Bushfire</b>				
Equipment	1690-1	40	81	\$3,240
Facilities (Control Room)	1690-6	40	20	\$800
<b>Footpaths</b>				
Goonellabah Trunk	1680-4	40	59	\$2,360
Connector	1680-5	40	54	\$2,160
Internal	1680-9	40	200	\$8,000
<b>Cycleways</b>				
Urban East Catchment	1680- 8	40	17	\$680
<b>Bus Shelters</b>				
Urban catchment East	1683- 3	40	2	\$80
<b>Total</b>				<b>\$224,520</b>

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

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

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

**LISMORE CITY COUNCIL - Meeting held November 25, 2003**

**Development Application NO. 2002/578 – 153, 159, 171 & 183 Oliver Avenue, Goonellabah**

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A COPY OF THIS ADVICE MUST BE  
PRESENTED WHEN MAKING PAYMENT DATE:

RECEIPT NO:  
CASHIER:

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**COUNCIL USE ONLY**

**Cashier to Note:**

This section must be completed by the Manager-Finance and Administration, the Principal Accountant or the Financial Accountant prior to receipt.

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

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

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

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

**LISMORE CITY COUNCIL - Meeting held November 25, 2003**

**Development Application NO. 2002/578 – 153, 159, 171 & 183 Oliver Avenue, Goonellabah**

**LISMORE CITY COUNCIL**

**DEVELOPMENT CONSENT NO:** 2002/578  
**ADDRESS:** 153, 159, 171 Oliver Avenue, Goonellabah

**IMPORTANT TO NOTE**

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

To be read in conjunction with advice of development consent.

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

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

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

<b>Levy Area</b>	<b>Account No.</b>	<b>No. of</b>	<b>Cost Per ET</b>	<b>Amount Payable</b>
<b>ET's</b>				
Water and Sewerage Headworks Levies are charged under Section 306 of the Water Management Act 2000 and amounts payable are set out below.				
<b>Water Headworks</b>				
<b>Urban Reservoir Zone</b>				
- Holland Street	8175-1	40	1514	\$60,560
<b>Rous County Council</b> (Except Nimbin)	9200-2	40	3118	\$124,720
<b>Sewerage Headworks</b>				
Goonellabah	7175-1	40	4168	\$166,720
<b>Total</b>				<b>\$352,000</b>

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

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

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

A COPY OF THIS ADVICE MUST BE PRESENTED WHEN MAKING PAYMENT DATE:

RECEIPT NO: CASHIER:

**Subject/File No:** DEVELOPMENT APPLICATION NO. 1998/7 – S96 AMENDMENT – PERRADENYA ESTATE

**Prepared By:** Development Assessment Planner - Chris Soulsby

**Reason:** Proposal is required to be determined by Council.

**Objective:** Determination of S96 application.

**Management Plan Activity:** Development Assessment

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**Proposal:**

The applicant proposes to amend Condition 65 of Development Consent No. 98/7. The amendment involves the changing of the timing of construction of the roundabout at the intersection of Caniaba Road and Fredericks Road, Caniaba.

**Applicant:**

Newton Denny Chapelle Consulting Surveyors and Planners on behalf of Rous County Council.

**Location:**

The original development was approved on Lots 1 - 3 DP 836708, 7 & 39 Fredericks Road and 568 Caniaba Road, Caniaba. This property description has since been superseded by the development of the subdivision as new titles have been registered. However the development consent still relates to this parent parcel.

**Zoning:**

The land the subject of the application is partially zoned No 2 (v) (Village Zone) and 1(b) (Agricultural Zone).

**Key Issues:**

Traffic impacts and resident objection.

**Recommendation:**

That condition 65 be amended as requested by the applicant to defer construction of the roundabout until the release of the 59th allotment.

**1. SITE/SITE HISTORY**

Council approved Development Application No. 98/7 on **August 11, 1998** for:

- 168 Village Allotments
- 2 Integrated Allotments
- 1 Village Centre Allotments
- 1 Water Reservoir Allotment
- 2 Drainage Reserve Allotments
- 6 Public/Private Open Space Allotments
- 5 Sewer Pump Station Lots (numbered 3000 - 3004)
- 5 Development Area Allotments
- Associated earthworks

An amendment to the original consent was approved on January 5, 2001 relating to changes to fencing conditions. Rous County Council lodged a subsequent amendment application on February 1, 2002. This application requested extensive modification and wholesale deletion of conditions. This matter was reported to Council on June 11, 2002. At this time Council resolved to refer the application to the Minister to refuse the application and to delegate authority to the General Manager to negotiate with Rous and Planning NSW to make minor amendments only to the consent.

# LISMORE CITY COUNCIL – Extraordinary Meeting held November 25, 2003

## Development Application No. 1998/7 – S96 Amendment

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The negotiations took place in August 2002. These negotiations were almost entirely to Lismore City Council's satisfaction. There remained three outstanding issues at the negotiations that required resolution. These were:

1. Negotiate the detailed minor changes that both parties had broadly agreed upon and approve as a separate section 96 application; and
2. Undertake community consultation on the issue of the Community Association and negotiate a solution as a separate S96 application; and
3. Refer the maintenance issue to the Minister for determination (as the only remaining part of the original S96 that remained unresolved).

The reason for treating items 1 and 2 as separate Section 96 Applications is that Council only has the ability to approve all or none of the original S96. These separate applications have been achieved by letter from Rous. Item one has been completed and the changes approved of by the Development Assessment Panel (DAP), with Council awaiting confirmation from Rous that these changes are to its satisfaction. The changes agreed to were to modify Condition No/s 5, 19, 41, 42, 50, 52, 61, 62, 63, 64, 65, 66, 70, 75 and 80 and to insert a new condition 66A into the consent. None of these were significant changes. Subject to Rous's agreement this component will be finalised by the end of November. The remaining two matters are still outstanding pending completion of item 1.

A further amendment relating to the staging of the development was considered as a minor amendment by the DAP and approved on December 19, 2002.

This application is reported to Council as it exceeds the delegations for minor amendments previously issued.

### **2. SURROUNDING PROPERTIES & ENVIRONS**

This proposal may impact upon the function of the intersection at Caniaba and Fredericks Roads. The location of the subdivision and the roundabout is shown on map 1. The main land use in the locality is horticulture and grazing with village development occurring on the Perradenya site. There is a dwelling located immediately adjacent (40m) to the site of the proposed roundabout and another dwelling sited 150m to the southeast.

### **3. PROPOSAL**

The applicant proposes to modify development consent notice 98/7 to:

- Amend condition 65 to require the construction of the roundabout at the intersection of Caniaba and Fredericks Road prior to the release of the 59th allotment; and
- Amend condition 65 to require the re-shaping of the western approach to the intersection by lowering the existing pavement by 300mm.

### **4. PUBLIC NOTIFICATION**

The proposal was notified and exhibited in accordance with the requirements of DCP 41. Two submissions were received and are discussed at Section 5.7 below:

### **5. ASSESSMENT UNDER SECTION 79C OF THE E.P. & A ACT -**

#### **5.1 Any Environmental Planning Instruments**

##### **5.1.1 State Environmental Planning Policies (SEPPS)**

There are no SEPPs of relevance to this application

##### **5.1.2 Regional Environmental Plan (REP)**

The proposed amendment is not inconsistent with the provisions of the REP.

##### **5.1.3 Lismore Local Environmental Plan (LEP)**

The proposed amendment is not inconsistent with the provisions of the LEP.

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**5.2 Any Draft EPI that is or has been placed on Exhibition**

No draft EPI has any significant bearing on this modification application.

**5.3 Any Development Control Plan**

The following DCP's are of relevance to the proposal:

- DCP 28 Subdivision; and
- DCP 35 Caniaba Village.

Section 6.2.2 of DCP requires that the major movement elements of a development be considered, specifically: that "*the arterial road network has the capability to accommodate public transport and to safely and efficiently accommodate projected movements*".

This issue was considered in the original development application. Traffic counts were undertaken at Caniaba Road east of the intersection Fredericks Road and Caniaba Road west of the intersection, although no specific modelling was done on the intersection. These traffic counts coupled with the predicted traffic generation from the development were used to determine that the roundabout would be required prior to the release of the 38th residential allotment.

Currently the traffic on Caniaba Road has priority at the intersection and the traffic movements at the intersection indicate that this priority is correct. When the right turn movement from Caniaba Road into Fredericks Road becomes the predominant movement the Austroads Standards indicate that intersection priority should be changed. The roundabout is required to change the priority to facilitate the right turn movement from Caniaba Road in to Fredericks Road for westbound traffic and the left turn from Fredericks into Caniaba Road. The roundabout also serves the function of slowing through traffic on Caniaba Road.

There is no question that a roundabout is required, the issue is when. The applicant's traffic engineer has conducted counts of movements at the intersection. A copy of the report is provided in the attachments. These counts cover all vehicle movements through the intersection not just those generated from Perradenya. On average there are currently 34.5 two way turning movements (in / out of Fredericks Road. Movement 1) across the intersection during the peaks. There are an average of 54.5 two way movements straight through the intersection (Movement 2) during the peaks.

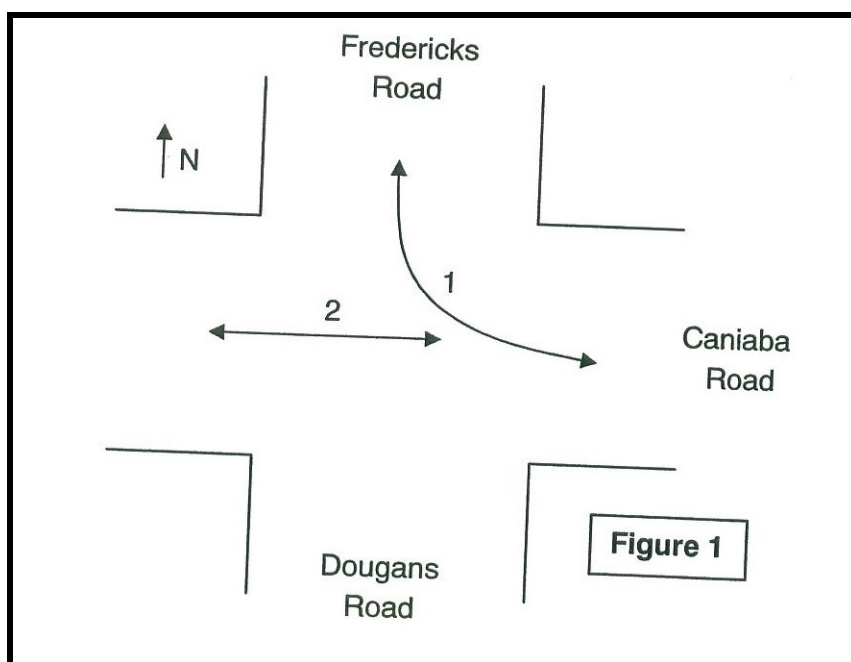


Figure 1 Intersection Movements



This makes a difference of 20 peak movements between the two movements. A dwelling in that locality produces an average of 5 vehicle trips per day (ADVT). Average peak daily vehicle trips (APDVT) account for 10% of the ADVT (RTA Guide to traffic Generating Development 1993), giving 0.5 APDVT per dwelling.

To calculate when the priority of the intersection should change, the following formula is applied:-

$$N = ADPVM / APDVT$$

Where:

N = Number of dwellings

ADPVM = Average daily peak vehicle movements required to change the intersection priority

APDVT = Average peak daily vehicle trips per dwelling

$$N = 20 / 0.5$$

$$N = 40$$

40 additional dwellings will cause the priority of the intersection to change.

There are currently 19 finished dwellings, 7 under construction and 11 vacant allotments in the development (Total 37 allotments). On the basis that there are 19 dwellings generating the current traffic and a total of 59 dwellings (19 + 40 = 59) will cause the priority of the intersection to change. Accordingly the roundabout should be constructed prior to the release of the 59th allotment. This allows a margin of error, as lots do not start immediately generating traffic until there are dwellings erected on the lots.

Further, the current intersection's vertical alignment is not satisfactory, and results in poor sightlines west along Caniaba Road for traffic making the right turn into Fredericks Road. Lowering of 60m of the pavement by 300mm to the west of the intersection will rectify the sightline issue. These works are required now and probably should have been done in the original approval. The applicant has proposed that these works be done but have not specified a time frame. It is proposed to amend Condition 65 to include these works and to require that they be completed prior to the release of the 38th allotment, which is the current trigger for the construction of the roundabout. These works will later be used to access the roundabout.

**5.4 Any Matters Prescribed By The Regulations**

Clause 117 of the regulations required the exhibition of the application in accordance with DCP 41. There are no other regulations of relevance to this application.

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

Subject to the lowering of the western approach to the intersection there are no adverse impacts on the road network caused by delaying construction of the roundabout. The impacts on the environment have already considered in the determination of the original DA. No additional impacts are expected due to the delay in construction.

**5.6 The Suitability of the Site for the Development**

No relevant to this amendment application.

**5.7 Any Submissions made in Accordance with this Act or the Regulations**

A précis of the main points of the submissions is outlined as follows:

- Roundabout was based on original extensive consultation with the community, this proposal has not had adequate consultation;
- Traffic counts were not part of the original consultation;
- The roundabout is required regardless of traffic counts;
- TTM counts show 600 movements;
- Lismore City Council's early estimates indicated 1000 movements when the development is complete and this was enough to require the roundabout at the 38th allotment.

**Planner's Comment on the submissions:**

One of the two submissions is a petition that has 50 signatures. The main thrust of this petition is that the developer failed to consult adequately with the community regarding the change in timing for when the roundabout is to be constructed. The argument in the petition is based upon what had previously been stated to the community by the developer. The petition does not specifically request that the application be refused. A sample page of the petition is attached.

The other submission is a letter objecting to the approval of the application. The writer claims a detrimental impact on the life style of the residents of Caniaba is being caused by the overall development. This is unsubstantiated and in any case not of relevance to the question of timing of the construction of the roundabout.

The writer claims that Council's original traffic estimations were inadequately low and that based upon these estimations the roundabout must be completed before the 38th allotment is released. The writer points to an estimation of 1000 ADVT for Perradenya in the original Council report from 1998 and compares this to the traffic counts at the intersection in the TTM report where 600 - 700 movements at the intersection were recorded. It appears that the writer has used this as the basis to state that Council's estimates were wrong and has confused the ADVT for the development with the total vehicle movements through the intersection (as counted by TTM) that include the current ADVT for Perradenya (19 dwellings @ 5 ADVT) and the ADVT for the existing dwellings and other uses on Caniaba, Fredericks and Dougans Roads. This is existing traffic over which the developer has no control. The writer's submission is based upon a misunderstanding of the traffic planning principles and gives no basis for refusal of the application.

Neither the petition nor the other written submission letter provided an objection to the technical assessment to warrant refusal of the application.

**5.8 The Public Interest**

It is considered that the proposal is not contrary to the public interest.

**6. REFERRAL COMMENTS**

**6.1 Internal**

**6.1.1 Manager Finance & Administration Comments**

Condition 65 requires that the developer is responsible for all of the costs involved in the works required by this condition. Accordingly there are no financial implications for Council resulting from this application.

# LISMORE CITY COUNCIL – Extraordinary Meeting held November 25, 2003

## Development Application No. 1998/7 – S96 Amendment

### 6.1.1 City Works

The applicant has provided sufficient detail to show that the priority of the intersection will not be compromised until the construction of the dwelling for the 59<sup>th</sup> allotment. Therefore the proposed amendment is considered appropriate, as this was the original intent of the condition. The condition was originally imposed based on theoretical data. The application has provided actual surveyed traffic volumes to support their case.

### 6.2 External

No external consultation was required for this application.

## 7. CONCLUSIONS

The intersection does require works to rectify sightline problems caused by poor vertical alignment. These works are acknowledged by the development as being required. On this basis the application should be approved and the construction of the roundabout deferred. The roundabout will be required to be completed prior to the release the subdivision certificate for the 59th allotment.

### RECOMMENDATION (PLA42)

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 S96 amendment application MC 03/62 for the alteration of DA 98/7 as follows:

- 1 Delete condition 65.
- 2 Replace condition 65 with:

65 The developer shall provide the following roadwork's with associated traffic management devices, signage and stormwater drainage structures that have been designed and constructed in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time. The developer shall be responsible for any costs, including maintenance for a period of twelve months from the date of approval of the work. Required roadworks include:

The construction of road pavements comprising of a gravel formation comprising a minimum depth of 300mm of compacted gravel, and including a bitumen sealed surface, in accordance with the following table:

Road No.	Reserve width (m)	Pavement/formation width (m)		Seal width		Comments
		With Traffic Manag't	No Traffic Manag't	With Traffic Manag't	No Traffic Manag't	
1	20.0	9.0	11.0	7.0	9.0	Fredericks Rd. to the Int. of Rd. 2
	18.0	7.5	8.5	5.5	6.5	From the Int. Rd.2 to Rd. 13
2	20.0	9.0	11.0	7.0	9.0	
3	20.0	9.0	11.0	7.0	9.0	
4	16.0	6.0	7.0	4.0	5.0	
5	18.0	7.5	8.5	5.5	6.5	
6	18.0	7.5	8.5	5.5	6.5	
7	16.0	6.0	7.0	4.0	5.0	

# LISMORE CITY COUNCIL – Extraordinary Meeting held November 25, 2003

## Development Application No. 1998/7 – S96 Amendment

8	20.0 (30.0m proposed)	9.0	11.0	7.0	9.0	
9	16.0	6.0	7.0	4.0	5.0	
10	16.0	6.0	7.0	4.0	5.0	
Link Road	20.0	9.0	11.0	7.0	9.0	
11	20.0	9.0	11.0	7.0	9.0	
12	18.0	7.5	8.5	5.5	6.5	
13	16.0	6.0	7.0	4.0	5.0	
Frederi cks Rd	20.0	8.0	8.0	6.0	6.0	
Caniab a Rd	20.0	8.4	8.4	6.4	6.4	
Access Rd	16.0	6.0	7.0	4.0	5.0	

These roadworks and associated drainage structures are to be undertaken in the following stages identified in the development application:

### Roundabout

Prior to the release of the subdivision certificate for the 38<sup>th</sup> residential allotment the developer shall reshape the western approach to the intersection of Caniaba Road with Fredericks Road to provide an appropriate safe intersection sight distance.

A single lane circulating roundabout shall be constructed at the intersection of Fredericks Road and Caniaba Road in accordance with AUSTRROADS guidelines giving particular attention to sight distance. This work shall be completed prior to the release of the 59<sup>th</sup> allotment or any additional residential lots over 58.

Traffic calming devices shall be constructed on Caniaba Road between the intersections of Fredericks Road / Caniaba Road and proposed Road No.3 and Caniaba Road in accordance with DCP No. 35.

### Intersections

Thresholds as defined in Development Control Plan No. 35, Section 4 shall be placed at the entry point to all streets, roads and cul-de-sacs, within shared driveways, and shall indicate the preferred traffic route through the development.

### Stage 1

Road No. 1	from Fredericks Road to the northern boundary of Lot 1901
Road No. 2	from Road No.1 to the western boundary of Lot 912
Road No. 3	from Road No. 1 to the eastern boundary of Lot 106
Fredericks Road	from the western boundary of Lot 116 to the intersection of Caniaba Road

### Stage 1A

Road No. 6	from Road No. 2 to the western boundary of Lot No. 1008
Footpath	from Road No. 6 to Lot 116
Fredericks Road	from the western boundary of Lot 116 to the Western boundary of lot 1013

### Area F

Road No. 1	from the northern boundary of Lot 1901 to Road No. 13
Road No. 12	from road No. 1 to the eastern boundary of lot 2005
Road No. 13	from Road No.1 to the western boundary of Lot 1905

### Area A

Road No. 3	from the eastern boundary of Lot 106 to the eastern boundary of Lot 508
Road No. 4	from Road No. 3 to the southern boundary of Lot No. 205
Caniaba Road	from the intersection of Fredericks Road to the western boundary of Lot 303

# LISMORE CITY COUNCIL – Extraordinary Meeting held November 25, 2003

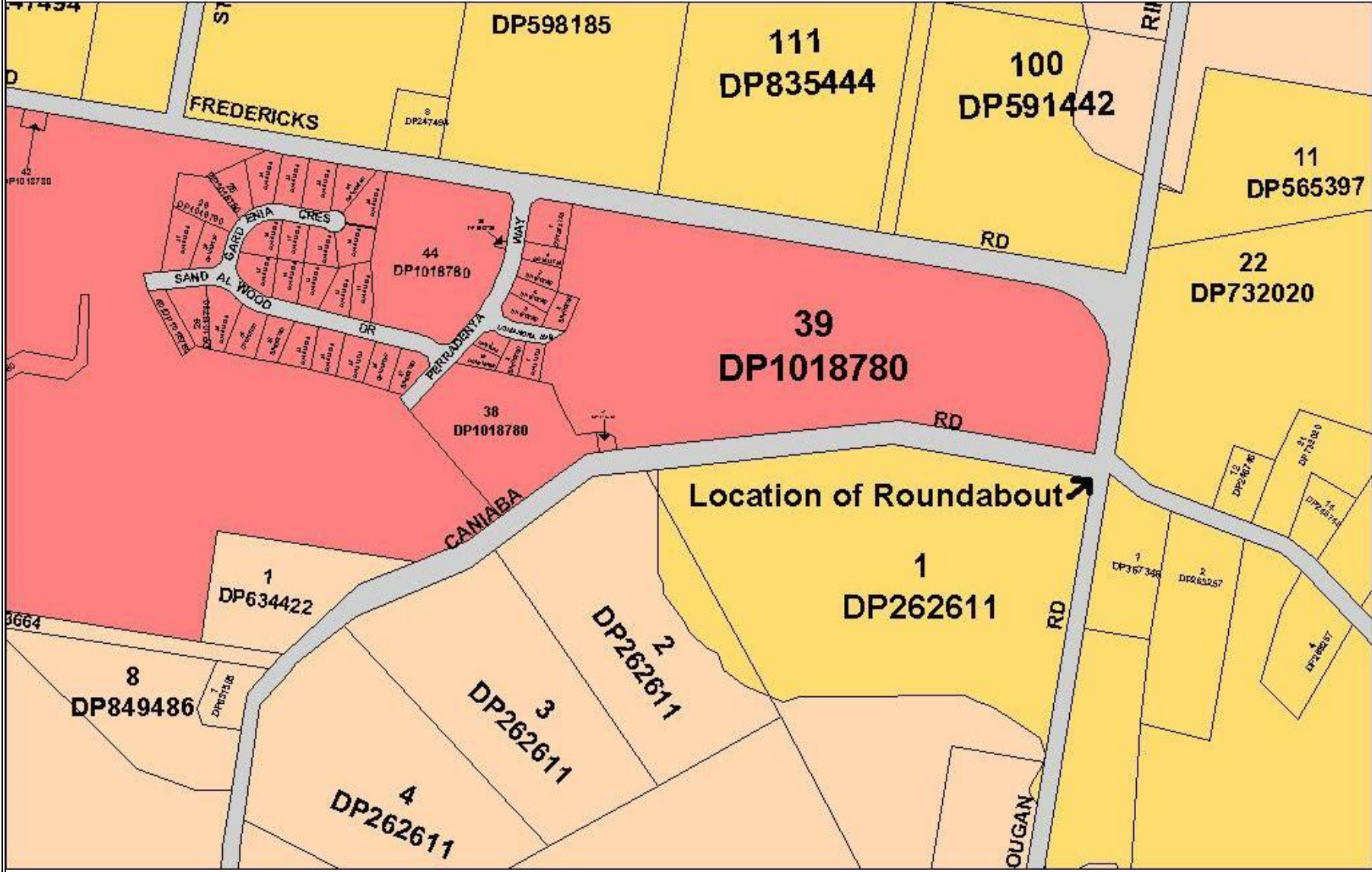
## Development Application No. 1998/7 – S96 Amendment

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Access Road	from the western boundary of Lot 313 to the eastern boundary of Lot 307.
Road No. 5	from Road No. 3 to the southern boundary of Lot No. 406.
<b>Area B</b>	
Road No. 3	from the eastern boundary of Lot 508 to Caniaba Road including an intersection in accordance with AUSTRROADS Pt 5
<b>Area C</b>	
Fredericks Road	from the western boundary of Lot 1102 to Caniaba Rd
Road No. 2	from the western boundary of Lot 1101 to the southern boundary of Lot 1207
Road No. 7	from Road No.2 to the western boundary of Lot 1106
<b>Area D</b>	
Fredericks Road	from the western boundary of Lot 1312 to Caniaba Rd
Road No.2	from the western boundary of lot 1101 to the eastern boundary of Lot 1404.
Road No. 8	from Fredericks Road to Road No. 2
Road No. 9	from Road No. 2 to the eastern boundary of Lot 1307
Link road	from road No.2 to the western boundary of Lot 1410
<b>Area E</b>	
Fredericks Road	from the western boundary of Lot 1511 to Caniaba Rd
Road No. 11	from Fredericks road to the eastern boundary of Lot 1603
Road No. 10	from Road No. 11 to the western boundary of Lot 1504

During the construction of various areas, any damage caused by construction traffic on previous works shall be repaired by the developer at no cost to council.

A practising qualified surveyor or engineer shall submit a "works-as-executed" set of plans showing the satisfactory completion of all roads and drainage works required by this consent.



Map 1 Location of Proposed Roundabout

## LISMORE CITY COUNCIL – Extraordinary Meeting held November 25, 2003

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**Subject/File No:** APPLICATION FOR CLOSURE OF PUBLIC FOOTPATH – BETWEEN HAYES STREET AND GOONELLABAH SHOPPING VILLAGE (LW:LM:R6456,P27651)

**Prepared By:** Manager Special Projects & Properties, Lindsay Walker

**Reason:** To find a viable solution to Crime Prevention Through Environmental Design issues in the area of the subject footpath.

**Objective:** To seek Council endorsement of recommendation

**Management Plan Activity:** Roads - Urban, Rural and Regional Roads

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### **Background:**

Hayes Street, Goonellabah is a cul-de-sac from which leads two pedestrian footpaths. Throughout 2002 Council received an almost continuous stream of complaints from both the occupiers of Nos. 22 and 24 Hayes Street, together with a wider cross section of area residents concerned about inappropriate activity in the footpath between Hayes Street and the Goonellabah Shopping Village carpark. This behaviour centred mainly on young people using the footpath as an escape from the carpark when Police were patrolling and general gang like activities. The behaviour continued to escalate and found as its focus the dwellings that adjoin the footpath.

This situation became untenable for the residents of 24 and 22 Hayes Street and Council undertook to seek solutions to the problem.

### **Manager - Finance & Administration Comments**

It would appear that any costs associated with the closure of the footpath will be met by the sale proceeds of the land to an adjoining neighbour.

### **Public Consultations**

Council sent letters to 41 adjoining residents in November 2002, copy attached and received the following replies:

<b>Number of residents</b>	<b>Comment</b>
12	Keep open walkway to Coles carpark
8	Close walkway to Coles carpark
11	Keep open walkway to Oliver Avenue/Library
9	Close walkway to Oliver Avenue/Library

One of the recommendations to come out of the survey of residents was to close the walkways at night. This suggestion was canvassed with a further ten residents, with only two objecting to the night closure. (Gates would need to be installed at either end of both walkways and would be opened and closed by security personnel at Council's expense.)

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## **LISMORE CITY COUNCIL – Extraordinary Meeting held July 08, 2003**

### **Application for closure of footpath – between Hayes Street and Simeoni Drive**

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In addition to the community consultation Council:

- a) Discussed the problem and options with Lismore's Police Crime Prevention Officer, Mr M Hogan. His preferred option was that the pathway be completely closed.
- b) Discussed the problem and options with the shopping centre management. They were sympathetic to the problem and favoured the closure of the footpath, subject to their not being asked to fund any of the necessary work.

#### **Options:**

Two options were worthy of consideration.

- 1 Closing the walkways at night - it is considered that this option would not solve the whole problem as it does not address the inappropriate daytime behaviour.
- 2 Closing the walkway – this is considered the best solution as it removes the chosen arena of inappropriate behaviour and residents can still walk to the shops via the alternative footway between Hayes Street and Oliver Avenue.

#### **Other Group Comments**

##### **Crime Prevention Development Officer, Lilian Gomez**

1. Closing the walkway at night: this option would not solve the issue of inappropriate behaviour during the day. There is also a strong possibility of young people jumping over any gate or fence as long as the walkways and stairs remain there.
2. Footpath leading to Coles: footpath closure and removal, including demolition of the stairs and return of the land to private ownership. Even though neighbours' opinions were divided, the issue of safety should take priority over any other consideration.
3. Issues of vandalism and inappropriate behaviour need to be addressed with long term measures, such as the creation of a youth space in Goonellabah. A Youth Centre will in time provide young residents with access to support and education programs, opportunities for meaningful activity and pathways into responsible adulthood.

##### **Author's Response to Comments from Other Staff**

Nil.

#### **Conclusion**

- It quickly became obvious that the residents' complaints were not being overstated and that a solution was required for the problem.
- Following the consultation process the best solution was to close the footway between Hayes Street and the shopping centre carpark. Upon closure the existing steps would be removed.
- The footway, upon closure, be sold to an adjoining owner for a nominal sum of \$1,000.00
- That the ends of the pathway be fenced off and only those sections of concrete formation which remain on public property or the supermarket land be removed.

#### **Recommendation (GM01)**

- 1 That the footway between Hayes Street and the Goonellabah Shopping Village carpark be closed and sold to the adjoining resident, No. 22 Hayes Street, Goonellabah.
- 2 That the General Manager and Mayor be authorised to place the common seal of Council on the relevant closure, contract of sale and transfer documents, to give effect to this resolution.



**Subject/File No:** REVIEW OF DEVELOPMENT CONTROL PLAN NO. 7 (FLOOD PRONE LANDS)  
S365

**Prepared By:** Projects Assessment Planner – Warren Rackham

**Reason:** DCP No. 7 requires overhaul to align with the adopted Lismore Floodplain Management Strategy, and revised Clause 22 of LEP 2000.

**Objective:** Council adoption of revised and updated DCP No. 7.

**Management Plan Activity:** Strategic Planning

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**Background:**

Council, in August 2003, resolved to exhibit the Draft DCP for public comment. The Draft DCP was developed from the existing Flood Prone Lands DCP; and fully updated from the principles contained within the newly adopted Lismore Floodplain Management Strategy, and recently revised Cl. 22 of Lismore Local Environmental Plan 2000.

The Draft DCP was exhibited under the provisions of Cl. 18 of the Environmental Planning and Assessment Act Regulations.

**Exhibition Process – Public Consultation**

Three submissions have been received from exhibition, and the issues raised are as follows:

***Submission 1:***

(a) Does the DCP allow for, or prohibit, land fill coming in from OFF the floodplain?

Response: In High Flood Risk and Flood Fringe areas bulk fill to within 300mm of finished surface level “is to be sourced from on-site, from the preferred excavation area or from another area on the floodplain”. If bulk fill cannot be obtained on-site, from the preferred excavation areas, or from another source on the floodplain, Council may approve imported fill from another source, subject to stringent criteria on flood behaviour.

(b) Does the DCP permit development that was not previously allowed? And along the Bruxner Highway south of Three Chain Road?

Response: The new DCP is a complete overhaul of the former 1985 plan, is structured differently, and is in response to far more accurate and intensive flood plain analysis and revised Flood Management Manual. It is therefore likely to permit development not previously allowed, and vice versa, but based on more accurate data basis.

The new plan will permit development (permissible in the 1(r) zone) on the eastern side of Bruxner Highway south of Three Chain Road, and also contains a specific clause to permit certain development at Lismore Airport.

(c) Does this DCP tighten, loosen, or keep the same the prospects for more land fill?

Response: The new DCP is more responsive to the placement of landfill in appropriate locations, based on analysis of intensive and detailed flood plain data.

(d) Why does Council have no plans for removing the illegally placed fill on Council’s land on Hollingsworth Creek?

Response: The question is not relevant to this DCP, and should be separately addressed.

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**Submission 2:**

- (a) The minimum floor level at or above Flood Planning Level is 'preferred' under High Flood Risk, but not under Flood Fringe Category.

Response: Agreed. The 'preferred' wording should be added to Flood Fringe Category.

- (b) In previous reports the flood height for industrial developments in lower risk areas was stated to not require a 300mm freeboard, yet the draft DCP still 'prefers' minimum floor levels at FPI (ie includes the 300mm freeboard) for 'industrial development south of Hollingsworth Creek'.

Response: It has been previously reported that the 300mm freeboard requirement would be waived, which leaves the minimum floor level "at or above the Flood Planning Level" as a preferred situation. Given the amendment of adding 'preferred' to the Flood Fringe Category, flexibility will be provided for floor levels, based on individual circumstances.

- (c) There is confusion in relation to the filling of land to the 1 in 100 year ARI flood level – need to clarify if lots can be filled to a lower level so that finished floor heights can be to the 1 in 100 year level.

Response: Flexibility is available with minimum floor levels where it can be justified (ie under earlier approvals), however in new filling applications it would be expected that fill levels be to the equivalent 1 in 100 year ARI level, but subject also to an additional qualification recommended for inclusion that "*Grading of site filling to street(s) and adjoining property boundary levels will be permitted*".

**Submission 3:**

- (a) What does 'preferred floor level' mean, as there is confusion with minimum floor levels to be 300mm above ARI level and previous approved fill levels.

Response: There is no 'preferred floor level' per se, the Plan states that minimum industrial floor levels 'are preferred' to be at or above the Flood Planning Level.

- (b) With an existing staged industrial subdivision approval (eg Wyrain Estate) which is approved at a lesser fill height than the new DCP requires, will the developer be required to fill the uncompleted future staged lots to the new height, or the approved height? If the lesser height, what effect on any subsequent industrial developer – especially if required to add a further 300mm to each lot.

Response: Previously approved fill levels will prevail where a valid consent exists. Subsequent developers of industrial lots may be required to have floor levels at FPI, or may be able to have a lesser floor height based on the circumstances of the situation (ie floor height to FPI is 'preferred', not compulsory).

- (c) How are stranded employees in mezzanine emergency levels to be evacuated? The area of the mezzanine floors is not stipulated, and a mezzanine floor at 700mm above main floor land will be an encumbrance.

Response: The DCP requires mezzanine levels to have 'emergency exit for evacuation purposes'; how that is achieved will be established at Construction Certificate stage. Mezzanine floors will be a minimum of 700mm above main floors, but may be higher dependant on individual design.

**Review of Development Control Plan No. 7**

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- (d) The fill material from the 'preferred excavation area' is a clay material known as 'pug', which is not suitable for filling.

Response: The fill material is the same or similar as that which exists throughout the area of flood plain. The DCP already contains a provision which allows imported fill for capping or 'final complementary design purposes'.

**Manager - Finance & Administration Comments**

Not required.

**Other Group Comments**

Nil.

**Additional Planner's Comments**

During the course of analysis of the Draft DCP and submissions received, further desirable 'working changes' were noted and discussed, and inconsistencies have been recommended; including better consistency with similar clausings in the different categories, addition of ARI calculation, and an additional clause regarding filling for commercial development, similar to that for industrial development.

**Conclusion**

The revised DCP No. 7 is imperative to future development control in the Lismore flood plain, and is a direct flow on from updated flood modelling, Council's newly adopted Floodplain Management Plan, and revision to Clause 22 of the Lismore LEP. Subject to the amendments to the Draft as submitted below, the DCP is now recommended for adoption.

**Recommendation (PLA40)**

- A. That Development Control Plan No. 7 be approved as per the attached copy, which contains the following alterations having been made to the exhibited Draft:
1. Add 'preferred' to the minimum floor level requirement for industrial development south of Hollingsworth Creek under Flood Fringe Area category;
  2. Standardise similar clausings where identical requirements are imposed between Flood Fringe and High Flood Risk categories;
  3. Add landfill information to commercial development clauses in order to clarify fill sourcing;
  4. Allow infill development in the South Lismore Industrial areas to present a merit based case which relies on existing approvals or adjoining property levels when determining appropriate fill heights.
  5. Add information regarding grading of finished fill surface levels to streets and adjoining boundary levels;
  6. Add the Hollingsworth Creek special information clause to the Flood Fringe Area category;
  7. Include the conversion factor to enable calculation of the 1 in 500 year ARI Flood Level in both High Flood Risk and Flood Fringe Area categories.
- B. That public notice of the approved Plan be given in accordance with Cl. 21(2) of the Environmental Planning and Assessment Act Regulations 2000.

**Subject/File No:** INFORMATION PAPER FOR CONSTITUTIONAL REFERENDUM ON REDUCTION OF THE NUMBER OF COUNCILLORS (03-10239, S44 & S13)

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

**Reason:** State Electoral Office Requirement

**Objective:** Determine Wording for Referendum Question

**Management Plan Activity:** Councillors

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**Background:**

Council at its meeting on February 12, 2002 considered a report by the General Manager to reduce the number of elected representatives. Following a lengthy debate Council resolved as follows: Minute No.26/02 -

1. *That the Council determine that eleven (11) be the number of councillors (including a popularly elected Mayor) for the following term of office, subject to approval at a constitutional referendum.*
2. *That a constitutional referendum be held in conjunction with the next general election or any by-election in the meantime.*
3. *That the estimated cost of conducting the referendum be funded from general election funding.*

The matter was then further debated at the March 12, 2002 meeting, when a Rescission Motion was defeated.

The State Electoral Office (SEO) have now put in place the necessary arrangements to conduct the referendum at the local government elections, scheduled to be held on the 27th March 2004. They have now requested that Council advise them as soon as possible the wording of the question (must be capable of being answered by either a Yes or No). In addition, the wording to be included in any Information Paper, if Council so decides to produce one.

The purpose of an Information Paper is to provide factual details to electors as to the wording of the question and the case for and against the proposed change. They then could be included in newspaper advertisements and/or insertions, letterbox drops etc. Council is under no obligation to produce such a Paper, although I believe that it would be leaving itself open to criticism, if it chose not to.

If it is accepted that the provision of such a Paper should be produced, then I strongly believe that it should not only present a balanced viewpoint but it should also be concise (i.e. capable of fitting on no more than one A4 page). The SEO has provided Council with sample copies of Information Papers that have been used by other Council's when conducting a similar referendum (copies separately attached). Whilst some are less than ideal, it does give an indication of the types of reasons that appear to be acceptable to present a balanced case to the public. In order to provide a starting point for Council consideration, attached is a sample Information Paper that can be changed to suit the case as required.

**Manager - Finance & Administration Comments**

Not required.

**Public Consultations**

Not required at this stage

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**Other Group Comments**

Not required

**Author's Response to Comments from Other Staff**

N/A

**Conclusion**

Council is required to resolve the actual wording of the referendum question to be put to electors on the 27th March 2004. This is relatively straightforward and the recommended wording is submitted for Council endorsement.

Whilst Council is not compelled to produce an Information Paper, in order to provide some meaningful information to enable the electors to make an informed decision, it is recommended that such a Paper be produced, outlining the case for/against and then distributed as widely as possible.

**Recommendation (COR23)**

- 1 That Council confirm its 2002 decision to conduct a constitutional referendum in conjunction with the local government election on March 27, 2004 by endorsing the following question to be asked of voters:-

***“Are you in favour of decreasing the number of Councillors from 12 to 11 (including the Mayor)?”***

- 2 Council endorse the Draft Information Paper as attached.

**Subject/File No:** SIGNS AS REMOTE SUPERVISION  
(GW/LM: S187)

**Prepared By:** Administrative Services Manager, Graeme Wilson

**Reason:** Continuing public liability claims.

**Objective:** To adopt a standardised approach to the erection of signs at Council facilities.

**Management Plan Activity:** Risk Management – Parks & Playgrounds

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**Background:**

Council continues to find itself under pressure by the legal fraternity with respect to public liability claims. The State Government, through legislation and now the Courts have started to reverse this trend but significant emphasis is still on councils to defend their position in respect of each claim.

One defence which is available concerns the erection of suitable signage at pools, playgrounds, sporting reserves and the like. The relevant clause from the Civil Liability Amendment (Personal Responsibility) Act 2002 is Clause 5M(1) which is detailed below:

*“(1) A person (**the defendant**) does not owe a duty of care to another person who engages in a recreational activity (**the plaintiff**) to take care in respect of a risk of the activity if the risk was the subject of a risk warning to the plaintiff.”*

Obviously this clause does not absolve Council from its own negligence, e.g. lack of maintenance, but does offer a protection against what the “person in the street” would describe as an “accident”.

Council, having decided to erect a sign, needs to determine the type of sign, location of sign, information to be included etc. It also needs to have its decision method documented and based upon a recognised standard.

In this regard, Statewide Mutual (Council’s public liability fund), in association with insurance brokers Jardine Lloyd Thompson have developed a best practice manual entitled “*Signs as Remote Supervision, Version 2*”. This document, some 98 pages in length, is available for inspection or can be found on the Statewide website – [www.statewide.nsw.gov.au/doc/signs.pdf](http://www.statewide.nsw.gov.au/doc/signs.pdf).

In simple terms, the manual, through a table based formula using the development on the site, the number of people who use the facility and their frequency of the use, determines a risk rating for the facility (FVR). This rating is then used via another table to determine the type and location of appropriate sign(s).

The use of this document has been supported by the Courts in public liability cases. It has not been specifically tested under the Civil Liability Amendment (Personal Responsibility) Act, but previous precedents are expected to flow through.

It is proposed that this document be adopted by Council as its standard for determining signage at its parks, reserves and pools.

Once Council has adopted this standard an audit will be conducted of its pools, playgrounds and reserves to determine signage requirements. It may be that there will need to be a budget request for next year to fund the signage required.

**Signs as Remote Supervision**

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With respect to major use/risk facilities such as the pools and Heritage Park the present signage is expected to be adequate. The major areas are expected to be neighbourhood playgrounds, sporting fields and recreational reserves.

**Manager - Finance & Administration Comments**

To ensure we receive the maximum protection from the Civil Liability Amendment (Personal Responsibility) Act 2002, we need to be proactive in regards to risk management. Council's insurer, Statewide Mutual, have developed guidelines for "Signs as Remote Supervisors", which they believe will assist in achieving this outcome. On this basis, the adoption of the guidelines is supported.

The implementation approach of auditing signage requirements, prioritising locations and submitting a budget request if needed, is logical and considered a sustainable business practice.

**Public Consultations**

The public will not be directly consulted as part of this process however the manual incorporates public participation using visitation rates.

**Other Group Comments**

**Manager-Roads & Infrastructure, Garry Hemsworth**

I support the following recommendation. To ensure adequate risk management measures are in place a system such as that recommended must be implemented.

The audit will quantify the cost and priority can be determined through the budget process.

**Author's Response to Comments from Other Staff**

Noted.

**Conclusion**

Council has an opportunity via the Civil Liability Amendment (Personal Responsibility) Act to increase its protection from public liability claims. This protection will be enhanced by the adoption of a recognised standard to determine appropriate signage.

**Recommendation (COR19)**

- 1 That Council adopt the attached policy (No. 1.4.17) *Signs as Remote Supervision* to determine its signage needs for pools, parks and reserves.
- 2 Council conduct an audit of its facilities and if required make a budget submission to the 2004/2005 Draft Budget.



**POLICY MANUAL**

<b>POLICY NO: 1.4.17</b>	<b>SIGNS AS REMOTE SUPERVISION</b>
<b>FUNCTION:</b>	Administration
<b>ACTIVITY:</b>	Corporate & Community Services
<b>OBJECTIVE:</b>	To assess the signage needs for pools, parks and reserves and prioritisation of maintenance works within budget allocations determined by Council.
<b>SECTION RESPONSIBLE:</b>	Corporate & Community Services
<b>AUTHORISED: 25/11/03</b>	<b>REVIEWED:</b>

**1 Introduction**

Lismore City Council has recognised that damaged or missing signs are an inconvenience to the public and represent a potential for public liability claims.

In order to reduce the inconvenience incurred by the public and to reduce possible claims, Council has sought to identify what signs are required.

**2 Inspection Regime**

Council will carry out inspections of its pools, parks and reserves in accordance with a procedure authorised by the General Manager. The frequency of inspections will be determined by Council resources.

**3 Evaluation on Control**

The procedure will detail the method used to evaluate the risk and recommend the appropriate treatment for the identified risk using as its basis the Statewide Mutual Best Practice Manual, Signs as Remote Supervision, Version 2.

**4 Budget**

Council will allocate resources to conduct inspections, assessments and works for the implementation of the policy and procedures within Council's budget constraints.

**5 Monitoring and Review**

This policy will be reviewed at least on an annual basis in accordance with Council policy. The General Manager will monitor and review the procedure as required



## LISMORE CITY COUNCIL – Extraordinary Meeting held November 25, 2003

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**Subject/File No:** TENDERS FOR THE CONSTRUCTION OF SEWER MAINS, CATHCART STREET, LISMORE (T24016)

**Prepared By:** Contracts Engineer, Lismore Water – Ravi Ariyasinghe

**Reason:** To inform Council of tenders received for the construction of sewer mains at Cathcart Street, Lismore

**Objective:** To obtain Council approval to award the Contract

**Management Plan Activity:** Sewer Mains Renewal Program

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### **Background:**

Tenders have been called for the construction of 230m of 150mm diameter sewer mains and 19 house service lines in a section of Cathcart Street as part of the 2003/04 sewer mains renewal program.

These sewer mains were identified as needing replacement because they were in poor service condition.

The request for tender was advertised in the Sydney Morning Herald and the Weekend Star.

Two tenders were received by the close of tender on 2.00pm, Thursday November 6, 2003.

### **Tender Examination:**

The tenders received are summarised below:

<b>TENDERER</b>	<b>TENDER PRICE</b>
Camglade Pty Ltd PO Box 4054 GOONELLANAH NSW 2480	\$ 186,511.80
Gradwell Excavations Pty Ltd PO Box 125 LENNOX HEAD NSW 2478	\$ 320,079,20

The prices shown above are **exclusive** of GST.

This tender is a lump sum tender.

An evaluation panel consisting of Ravi Ariyasinghe (Contracts Engineer, Lismore Water), Janaka Weeraratne (Asset Manager, Lismore Water) and Rod Haydon (Water and Wastewater Inspector) undertook the assessment of tenders.

The tender documentation (Clause B7) defined five areas by which each tender would be assessed:

- i Total Price,
- ii Material Equipment and Methodology,
- iii Capability and Past Experience,
- iv Quality, Safety & Environmental Management; and
- v References.

# **LISMORE CITY COUNCIL – Extraordinary Meeting held November 25, 2003**

## **Tenders for Construction of Sewer Mains, Cathcart Street, Lismore**

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The tenderers were required to address each of these criteria in their tender.

Attachment A shows the weighted result for each criterion.

The initial estimate prepared by Council staff for this project was approximately \$200,000 - \$220,000. The tendered price of Camglade Pty Ltd is considered reasonable, taking into account of the nature of the works and Council's conservative estimation process.

Camglade Pty Ltd's tender has provided the better proposal for this project when compared with the other tender.

### **Referee Check:**

Council has contracted Camglade Pty Ltd for several previous projects of a similar nature. The works under each contract have been performed to a high standard.

### **Principal Accountant's Comments**

Adequate funds have been provided in the budget for this job and the contractor has a successful history on similar projects for Council.

### **Public Consultations**

Not required.

### **Other Group Comments**

Not required.

### **Author's Response to Comments from Other Staff**

Not required.

### **Conclusion**

Camglade Pty Ltd is considered to be able to complete the work satisfactorily. It is recommended that the contract for the construction of sewer mains in Cathcart Street be awarded to Camglade Pty Ltd at the prices submitted.

### **Recommendation**

1. The contract for the construction of sewer mains at Cathcart Street is awarded to Camglade Pty Ltd at a price of \$186,511.80 plus GST.
2. The Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.

## LISMORE CITY COUNCIL – Extraordinary Meeting held November 25, 2003

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**Subject/File No:** TENDERS FOR PAVEMENT STABILISATION WORKS – T24007

**Prepared By:** Contracts Officer – Chris Allison

**Reason:** To inform Council of tenders received for pavement stabilisation works for the period to December 31, 2004

**Objective:** To obtain Council approval to award the Tender

**Management Plan Activity:** City Works - Roads

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### **Background:**

Tenders for the Pavement Stabilisation Works for the period to December 31, 2004 period were recently invited.

Tenders were advertised in the Northern Star and the Sydney Morning Herald. Tender documents were issued to three (3) companies, with three (3) tenders being received by the close of tender on 2.00pm, Tuesday, October 28, 2003.

<b>TENDERER</b>
Stabilised Pavements of Australia
Pavement Salvage Pty Ltd
SAT Civil Constructions

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

To enable a comparison of the rates received, two typical projects for this Council were selected and costs calculated based on the tendered rates (refer Attachment A), see tables below.

A. 15,000m<sup>2</sup> Program (Five (5) Working Days)

<b>Contractor</b>	<b>Total Cost (Exclusive GST)</b>
Stabilised Pavements of Australia	\$ 43,000.00
Pavement Salvage Pty Ltd	\$ 56,525.00
SAT Civil Constructions	\$ 45,600.00

B. 4,000m<sup>2</sup> Minor Works Program (2 Days)

<b>Contractor</b>	<b>Total Cost (Exclusive GST)</b>
Stabilised Pavements of Australia	\$ 12,200.00
Pavement Salvage Pty Ltd	\$ 17,365.00
SAT Civil Constructions	\$ 13,260.00

The rates tendered by Stabilised Pavements of Australia result in the lowest costs for both projects. In addition, when the other evaluation criteria specified in the tender are applied (Capability, Relevant Experience & Quality and Safety Plans) Stabilised Pavements of Australia is the highest ranked tenderer, refer to Attachment B.

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**Manager – Roads & Infrastructure Comments**

Stabilised Pavements of Australia have provided very good service in the past. Often priority service is given to Lismore because of the good working relationship which exists.

I endorse the recommendation of this report.

**Principal Accountant's Comments**

I concur with the recommendations in this report that best utilise available budgets and provide management with some flexibility to produce results.

**Public Consultations**

Not required

**Other Group Comments**

Not required

**Author's Response to Comments from Other Staff**

Not required

**Conclusion**

Because of the nature of this work, the selection of a Contractor can depend significantly on availability at the time required. As a result, the Specification enables Council to use any of the Contractors who submitted a tender, depending on cost and availability. Stabilised Pavements of Australia have provided the lowest conforming tender and have ranked first in the evaluation criteria and have successfully carried out work for Lismore City Council under a number of similar contracts.

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

**Recommendation (COR20)**

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

1. Stabilised Pavements of Australia Pty Ltd
2. SAT Civil Constructions
3. Pavement Salvage Pty Ltd

## LISMORE CITY COUNCIL – Extraordinary Meeting held November 25, 2003

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**Subject/File No:** TENDERS FOR THE CONSTRUCTION OF CONCRETE FOOTPATHS AND CYCLEWAYS – T24011

**Prepared By:** CONTRACTS OFFICER – CHRIS ALLISON

**Reason:** To inform Council of tenders received for the construction of concrete footpaths and cycleways for the period to December 31, 2004

**Objective:** To obtain Council approval to award the Tender

**Management Plan Activity:** City Works

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### **Background:**

Tenders for the construction of concrete footpaths and cycleways for the period to December 31, 2004 period were recently invited.

Tenders were advertised in the Northern Star. Only one (1) tender was received by the close of tender on 2.00pm, Tuesday, November 4, 2003.

<b>TENDERER</b>
MWL & Co Pty Ltd

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

Council has a program of works to be completed each year in regard to the construction of footpaths and cycleways and the purpose of this tender is to establish rates that will be held firm for the period to December 31, 2004. Council is to finalise the total works program for construction of reinforced concrete footpaths and cycleways during the period to December 31, 2004, however a typical annual program is up to 3,000m<sup>2</sup> at various locations.

The rates tendered by MWL & Co Pty Ltd are consistent current market rates. In addition, MWL & Co Pty Ltd has undertaken similar works for Council over the past several years to a high standard.

### **Group Manager – City Works**

MWL and Co has constructed in excess of 20,000m<sup>2</sup> of paved concrete (ie, approximately equivalent to 10Km of footpath), over the past three years. The vast majority of this has been to a high standard and well accepted by the community. A small section of the recent Ballina Road cycleway received some criticism. This was partly due to the difficult nature of the work, change in supervisors and a decision to leave a small planting strip between the kerb and the footpath.

Overall MWL & Co has performed very well and has proved to be co-operative and helpful which is important when doing works in congested areas and to tight time-frames (eg, Molesworth Street Reconstruction).

The City Works Group supports the recommendations.

**Manager – Roads & Infrastructure Comments**

MWL & Co has provided good service in the past. The quality of the work is also very good. The cost of works is a modest increase on previous prices as would be expected.

I support the recommendations.

**Principal Accountant's Comments**

I concur with the recommendations in this report that best utilise available budgets and provide management with some flexibility to produce results.

**Public Consultations**

Not required

**Other Group Comments**

Not required

**Author's Response to Comments from Other Staff**

Not required

**Conclusion**

Although this was the only tender received, MWL & Co Pty Ltd has provided a competitive rate and the previous work has always been completed to a high standard.

**Recommendation (COR21)**

1. The contract for the construction of concrete footpaths and cycleways be awarded to MWL & Co Pty Ltd as a schedule of rates contract.
2. The Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.

## LISMORE CITY COUNCIL – Extraordinary Meeting held November 25, 2003

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**Subject/File No:** TENDERS FOR SPRAYED BITUMINOUS SURFACING WORKS – T24006

**Prepared By:** CONTRACTS OFFICER – CHRIS ALLISON

**Reason:** To inform Council of tenders received for the period to December 31, 2004 sprayed Bituminous Surfacing Program

**Objective:** To obtain Council approval to award the Tender

**Management Plan Activity:** City Works - Roads

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### **Background:**

Tenders for the period to December 31, 2004 Sprayed Bituminous Surfacing Program were recently invited.

Tenders were advertised in the Northern Star and the Sydney Morning Herald. Tender documents were issued to three (3) companies, with two (2) tenders being received by the close of tender on 2.00pm, Tuesday, October 28, 2003.

<b>TENDERER</b>
Boral Asphalt
Pioneer Road Services

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

To enable a comparison of the rates received, two typical projects for this Council were selected and costs calculated based on the tendered rates (refer Attachments A & B), see tables below.

A. Major Works Program (10 Days)

<b>Contractor</b>	<b>Total Cost (Exclusive GST)</b>
Boral Asphalt	\$ 194,053.86
Pioneer Road Services	\$ 199,514.09

B. Minor Works Program (2 Days)

<b>Contractor</b>	<b>Total Cost (Exclusive GST)</b>
Boral Asphalt	\$ 16,010.28
Pioneer Road Services	\$ 17,946.00

The rates tendered by Boral Asphalt result in the lowest costs for both projects. In addition, when the other evaluation criteria specified in the tender are applied (Capability, Relevant Experience & Quality and Safety Plans) Boral Asphalt is the highest ranked tenderer, refer Attachment C.

### **Manager – Roads & Infrastructure Comments**

Boral have provided satisfactory service in the past. Boral's depot is located in Lismore which provides an advantage due to increased flexibility and availability.

I endorse the recommendation of this report.

**Tenders for Sprayed Bituminous Surfacing Works**

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**Principal Accountant's Comments**

I concur with the recommendations in this report that best utilise available budgets and provide management with some flexibility to produce results.

**Public Consultations**

Not required

**Other Group Comments**

Not required

**Author's Response to Comments from Other Staff**

Not required

**Conclusion**

Boral Asphalt have provided the lowest conforming tender and have ranked first in the evaluation criteria. Boral Asphalt have undertaken the bituminous resurfacing works for Council for a number of years. There are advantages to Council in contracting with a local company as costs are minimised due to the fact that there is no site establishment fee charged by Boral Asphalt for any of the works.

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

**Recommendation (COR22)**

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

- 1 Boral Asphalt
- 2 Pioneer Road Services



**Subject/File No:** MANAGEMENT PLAN REVIEW 2002-2003  
SEPTEMBER QUARTER 2003

**Prepared By:** General Manager

**Reason:** Requirement of the Act

**Objective:** Information and Annotation of Councillors

**Management Plan Activity:** General Manager

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**Background:**

Council is required under Clause 407 (1) of the Local Government Act, 1993 to periodically report on the performance targets outlined in the Management Plan.

This report includes information that relates to the performance of programmes and activities highlighted in the Plan for completion during the quarter ended September 2003.

**Recommendation:**

That the report be received and its contents noted.

## Management Plan Review

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**GROUP: GENERAL MANAGERS'**  
Management Plan Review  
Period ending September 2003

Review of exceptional items across each functional area of the General Managers' Group

### **Communications and Community Relations**

- **Communications Strategy** - progressive implementation, including:-
  - Proactive media planning and discussion with staff in over thirty (30) issues, e.g airport; library opening; economic development and promotion; Koala Plan of Management.
  - Published *Community Link* July to residents.
  - Compiled Annual Report to residents
  - Reviewed newspaper advertising;
- **Strategic planning** - project management of 'Community directions' process.  
Focus groups held
- **Internet** - Published Spring iteration of website and co-ordinated continued improvement of Internet. New technology for emailing media releases put in place.
- **Community Relations** -
  - Oversaw inaugural community attitudes survey, utilising researchers from the SCU.
  - Held Local Government Week.
  - Planning for North Coast National.
- **Issue management** - maintained daily pro-active media schedule, including maintenance of positive media profile on issues and exceptionally high media coverage of events (greater than 98%)
- **Internal** -
  - New staff excellence section of informer. Began greater promotion of staff excellence.
  - Beginning of new 'city notes' internal communication for councillors.

### **Customer Service** -

- 'Customer Service Charter' developed and progressive implementation of customer service enhancements (through the Abraxa Review)
- Development of guidelines of suggested content of acknowledgement letters

### **Special Projects and Properties**

- Continue to develop amelioratory measures that will both protect koalas and be acceptable to NPWS so that Skyline Road can be upgraded.
- Continue to work with the Memorial Baths Steering Committee and Council's Consultant Architect to ensure the best result for the redevelopment of the Memorial Baths.
- Develop (in conjunction with external consultants) and gain EPA approval for solutions to the leachate treatment system at the Council's Waste Facility.
- Continue to act as Councils overseeing officer for the Riverbank development.
- Support City Works and Business and Enterprise in the preparation and lodgement of Development Applications and REF's for many sites.
- Oversee the physical works involved in the Councils usage of the CBD Centre.
- Assist Levee Committee in various Council related matters.
- Manage the ongoing sale of various Council owned development sites and land activities.
- Assist Community Services in the appointment and management of a consultant to prepare a Master Plan for the Art In The Heart site.
- Co-ordinate the construction of the extension of Oliver Avenue by City Works.
- Co-ordinate LEP12 Amendment for the reclassification of Council land.

## Management Plan Review

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### Human Resources

- Council's Employee Health & Fitness Program and Pre-Placement Functional Assessment adopted by MGM
- Considered responses to Registrations of Interest for health providers including Consultant Doctor service to better manage workplace injuries and other health and welfare issues
- Provided specialist seminar by LGSA Senior Industrial Officer for middle managers on industrial and employment law updates
- Human Resources Information System (HRIS) Project progressed, and pilot program endorsed by regional GMs as opportunity for resource sharing exercise
- Assisted in the consultation process for the Review of Parks & Recreation
- Conducted annual review of all HR procedures
- Manager gave presentation to two regional groups of Council General Managers outlining LCC's initiatives and projects in the Human Resources area
- Progressed the Performance Management process to be incorporated into the annual Skills Assessments
- Revised Council's procedure for managing the workplace impact of staff suffering from problems related to drugs, alcohol and substance abuse
- Documented Safety Management Plan considered by Safety Committee and adopted by MGM
- Commenced 2003 round of staff skills assessments 1 August - 30 November

### Workshop , Fleet Management and Sign Shop

- 3 new 6x4 Tippers delivered to LCC workshop for Roadworks operations (Fleet No's 186, 197, 198). Induction of all operators and workshop personnel completed.
- Order placed for the purchase of one 4x2 Road Pavement Repair Truck (Roadworks - Fleet No. 168), two Mowing type Tractors (Parks & Recreation - Fleet No's 277 & 278)
- Purchase & delivery to LCC Workshop of replacement and additional plant items which include
  - Second Hand Bobcat Skidsteer loader purchased for Northern Rivers Quarries (Fleet No. 214).
  - Dingo diesel digger & trencher (Roadworks).
  - Toro Zero-Turn mower (Parks & Recreation)
  - Mitsubishi Express Van (Lismore Water)
  - 2 x Ford Falcon utilities (Roadworks & Bridges)
  - Ford Fairmont sedan (GM-CCS)
  - Nissan X-Trail wagon (GM-CW)
  - Holden Rodeo 4x4 D/Cab utility (Roadworks)
- Maintenance and repair of all LCC fleet – *Ongoing*.
- Delivery is continuing for the replacement of the majority (75%) of the car fleet from 'Fleet Leasing' companies as per the decision of MGM – *Ongoing*.
- Banners and signs for Norpa, Musica-Viva, Waste Facility, Lismore Water, N.R. Waste, Rous Water, NPWS, etc.
- Replacement of vandal damaged signs.
- Replacement of road signs damaged from Motor Vehicle Accidents.
- Signs for Council departments as requested.
- New signs for private customers as requested.

**Economic Development / Tourism**

- The Masters Games event was very successful attracting patronage levels roughly equivalent to the previous event. The Insurance crisis again had a detrimental effect, blowing out the cost to approximately \$23,000.
- An Incentives for Events policy is in the process of drafting and will be brought to Council for adoption
- LUO's Herb Festival was again well attended - a review of the event is being undertaken and will be brought to the December meeting of Council
- Lismore Tourism has been successful in promoting a new grouping of hospitality operators called the Visitor Services Group which is regularly achieving attendances of 30-40 operators.
- Lismore Tourism's Marketing Strategy is well underway - advertising in Brisbane News, PR campaign, collateral development, Nimbin marketing campaign development, direct mail to seniors groups, web site development
- Lismore Laneways project - EDU has supported the development of this project which has had successive levels of community consultation.
- Department of Education and Training - the EDU was actively involved in writing submissions and lobbying for the retention of DET functions and staff at the Lismore office. Moderate success has ensued. The original Northern region has been split into North Coast and New England however the regional office will be located at Coffs Harbour. We understand that the majority of the staff roles at the Lismore office will be retained.
- Rail service - commencement of lobbying process for the retention of rail services. Preparation of submission to the Parry Inquiry. Organisation of Inter-regional Rail Forum at Tweed Heads.
- Apprenticeship Initiative - Following the Mayor's public statements about the need for increased apprenticeships to occur in the Building Industry, there have been two follow up meetings hosted by TAFE at the Wollongbar campus. There is a significant restructuring process occurring in the building industry due to the changes in the Home Warranty Insurance system. The EDU will continue to participate in the process.
- Dairy Showcase - the EDU is working with Cr Swientek and Norco investigating the opportunity for a Dairy Showcase (built tourism development)
- Lois Kelly and Brian Henry (Wilson's River Project) have attended and presented to the International River Symposium in Brisbane
- Ministerial announcement of Department of State and Regional Development initiative to relocate their office from Ballina to Lismore - the EDU/LUO and BEC will co-locate with them in the Rous Water Building
- Southern Cross University have been successful in securing "Step to the Future" which is a Youth Conference organised by local senior school students. Lismore is the first regional area to host the conference - even ahead of Brisbane. The event will receive national coverage through News Corporation (The Australian) and Channel 7 (The Sunrise Program). It will be held on 21st November.
- LEDAB and the SCU Executive held a joint meeting in July - increasing opportunities for interaction between the University and the business community.

## Management Plan Review

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### GROUP: CORPORATE & COMMUNITY SERVICES

Management Plan Review  
Period ending September 2003

Review of exceptional items across each functional area of the Corporate and Community Services Group

#### Community Services

- *Child Care Centres* – a five year Strategic Plan 02/03 to 07/08 for the three Council sponsored centres was adopted by Council in August. Student numbers have again increased at ASHC, with over 40 attending on every day.
- *Kadina Park* – Stage 1 was officially opened by the Mayor and President of the Rotary Club of Goonellabah on 31/8/03 – attended by approximately 150 people and the initial feedback from the community has been very positive.
- *Art in the Heart* - the new library was officially opened by the Mayor on 11/7/03 with the meeting rooms now being well utilised. Thomson Adsett Architects and John Mongard Landscape Design have been appointed to prepare a Master Plan for the cultural precinct.
- *Community Safety/Crime Prevention* – the Attorney General's Department has provided \$47,720 funding for two specific projects in the 12 month extension of the Crime Prevention Plan: Kids in Domestic Violence and the Goonellabah Neighbourhood Improvement Program
- *Youth Activities*– additional funding provided by the AG's Department to develop a Graffiti Management Plan and then begin work on addressing the growing challenge of graffiti vandalism in Lismore, Goonellabah and Nimbin.

#### Information Services

- *Resource Sharing* – detailed investigation into opportunities for resource sharing with a proposal developed for Lismore and Byron to use the HR system currently used at Tweed.
- *Management* – a new Information Services Strategic Plan 2003- 2006 was endorsed by MGM in August .The document summarises the major IT projects that Council will be undertaking during this period. These projects reflect the needs of the various business groups in Council.
- *Other* – decision made to utilise TAMS as Council's corporate asset management system, new web 'surf control' software installed, CBD building made operational, recruitment for new Records Manager etc.

#### Finance and Administration

- *Rates* – initial meeting of Rating Strategy Working Party held in August with further detailed scenarios being worked up for consideration at the next meeting, scheduled for early November. The Rating Professionals Conference (some 250 attendees) will be held in Lismore in March 2004, with Rating and Events staff coordinating the organisation of the event.
- *2004 Local Government Election* – a pre-election candidate's seminar will be held in Lismore on 3/2/04. The Returning Officer has been confirmed as Mr Richard Kowalczyk and he is not expected to take up the position until mid February 2004. A number of preliminary administrative matters have already commenced.
- *Finance* – the ATO conducted a GST audit in August to assess our compliance with the legislation, consultants are undertaking (no cost to Council) a review of costs incurred and processes relating to telecommunications, electricity supply and labour hire.
- *Section 94 Plan Review* – the revised Plan went on exhibition in July with submissions closing on 14/11/03, with a report expected to go to the December meeting of Council.
- *Emergency Call Centre* – meetings held with SES and staff to discuss the protocol for opening of the ECC and other communication issues. A draft is being developed and it will include information on staffing, training, facility needs and operational procedures.

**Management Plan Review**

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**GROUP: PLANNING AND DEVELOPMENT**

Management Plan Review

Period ending September 2003

Review of exceptional items across each functional area - Planning and Development Group.

**Planning Services**

**Implement adopted strategies**

- **Urban Development Strategy:** Strategic Planner & GMPD met with DIPNR to expedite its agreement to Strategy. Formal DIPNR advice subsequently received, requiring reduction in both time period of Strategy and of amount of land identified for development.
- **Rural Housing Strategy:** Strategic Planner met with two planning consultancies to discuss improvements in Master Plan preparation.
- **Floodplain Risk Management Plan:** Draft LEP which alters flood related planning controls publicly exhibited and report prepared for August Council meeting. New DCP provisions drafted to replace DCP 7.

**Improved integration of TCM & ESD in planning controls**

- **Koala Plan of Management:** draft KPoM revised in accordance with resolution of Steering Committee and Council endorsed public exhibition of draft KpoM.

**Review & update planning instruments:-**

- **Amendment 12: Review of land zoned 6(a) Recreation:** Series of meetings with consultant to clarify anomalies and expedite processing.
- **Amendment 14 Annual General update:** on public exhibition to mid-September.
- **Amendment 15: Rezoning of land at Trinity Drive in accordance with UDS:** LEP placed on public exhibition until 15 September.

**Monitoring of Development Applications:** Average processing time/application for quarter 36.9 days (standard – 40 days). Number of public enquiries – July, 558; August, 550; September, 550.

**Environmental Health**

**Actions Planned – Strategies and Programs**

- **Audit of Commercial Premises:** Risk Assessment Strategy established and commercial premises inspections commenced.
  - **State of The Environment Report (SoE):** Implementation planning for comprehensive reporting has commenced. Uniform approach to community workshopping has also been investigated. Focus Group workshops commenced in late September.
  - **Clean up Australia Day:** Clean up Australia Day is scheduled for March 2004.
  - **Stormwater Management Strategy:** SEA project for region extended to December 2003. Stormwater Projects Officer Michael Hallinan working on intermittent basis from Council. Consultant Chris Grey and Associates employed by SEA project to provide education to staff on sedimentation and erosion control, with subsequent workshop attended by approximately 10 staff.  
Manager of EH&BS continues to serve Council on Estuary Management Committee.
  - **Urban Drainage & Bushland Reserve Remediation and Education Project** is continuing to be implemented. Browns Creek drain between Brewster Street and Diadem Street in design phase. Trinity Drive drain has been remediated with gabion mattress.  
'Feed Your Garden and Not Our Rivers' cinema ad and brochure in production.  
Arrangements made to commence sedimentation and erosion control audit of building sites.
  - **Water Sensitive Urban Design (WSUD):** Eco-technology Working Group organising WSUD seminar for next quarter (November) with Robyn Fitzroy representing Council on Group. WSUD DCP also being subsequently developed for next quarter.
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## Management Plan Review

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- **Emergency Management Plan:** Quarterly meetings have been undertaken for both Rescue and Emergency Management Committees.
- **Sun Protection:** Nesbitt Park cricket shelters constructed. Investigation of appropriate shade shelter at Riverview Park commenced.
- **On-site Sewage Management:** Strategy spread sheet model updated as required and audit/education program continues. On-Site inspection program incorporated amnesty period (ending in May 2003). From original 70 outstanding sites only 23 remain, with others satisfactorily complied with. Of the 23, many have commenced works. Results of program reviewed with non-compliant sites being subject to further action in next quarter.

### Waste Minimisation Strategies

#### **Actions Planned – Strategies and Programs:-**

- **Implement media plans for contamination management in the recycling and organics stream:** Major media campaign for contamination management in recycling stream (DOC's) ran during June/July 2003. Campaign called 'Don't Skip The Skip', included bus shelter advertising, newspaper advertising and Birch, Carroll & Coyle Cinema advertising. Commissioned 4 new signage boards (Don't Skip The Skip) for DOC's were erected in August. Recycling DOC 'Don't Skip The Skip' plus Organics ads. ran Echo during August. Feedback provided to NEWF consultant developing regional recycling and smart shopping display boards. Resource Reporter (waste team newsletter) released. Article on Worm Farm appeared in International 'Urban Agriculture Magazine'.
- **Develop and implement the schools waste education program 'Resources On Tour':** final stage of current 'Resources on Tour' program ran during July 2003, with presentation of winning school prize of Comcast mulch. Media release for event attracted significant media attention with story featured on both Prime and NBN. In addition, new school waste education web pages were launched in July. Schools booked for next round of program scheduled for next quarter.
- **Provide a report each year on the composition of waste, diversion rates and contamination status in Lismore:** 2003 waste audit undertaken during 2nd and 3rd weeks of September by Full Circle Environmental Solutions, media advertising of initial findings.
- **Implement Cleaner Production initiatives under the IWS 3-year action plan:** Poster competition advertising during July generated significant amount of media interest in first stage of Rainbow Region Business Waste Project to help businesses to reduce waste, with many entries received from local TAFE and SCU art students. 'Top Four' waste producers were selected for first 'best practice' study stage of. Project which commenced in August. Norco business waste study involved two site meetings, inspection tours, audit of ice-cream division waste stream. Final report agreed to with Norco's ice-cream division and recommendations being followed up by Norco. Letter sent to Lismore Base Hospital with invitation to participate in project. In addition, preliminary discussions were held with SCU about jointly hosting business waste seminar. Meetings with Grafitti Design to develop advertising program for seminar.
- **Organics Service:** 102 rejection 'slips' issued (comprising 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> 'notices' & service withdrawal) and 12 home visits conducted during quarter.

### Building Services

- **Monitoring of Development Applications:** Average processing time/application 18.73 days for the quarter (standard-25 days).
  - **Swimming Pool Survey:** some follow up inspections done. Program should benefit in next quarter from finalisation of staffing appointment to Planning & Building Compliance position.
  - **Fire Safety Measure Program:** audit of all outstanding fire orders undertaken to determine current status. Swimming pool survey, program should benefit next quarter from finalisation of staffing.
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**Management Plan Review**

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- **Inspections of Caravan Parks, Places of Public Entertainment, Public Halls, Boarding Houses:** Consultant undertook and completed inspections of Public Halls and caravan parks and will be re-engaged in next quarter to undertake follow-up inspections of public halls as necessary, and inspect Places of Public Entertainment.



**Management Plan Review**

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**GROUP: BUSINESS AND ENTERPRISE**  
Management Plan Review  
Period ending September 2003

Review of exceptional items across each functional area of the Business & Enterprise Group

**Northern Rivers Waste**

- Council submitted a tender to Richmond Valley Council for Waste Collection Services Contract in July 2003. This matter is yet to be determined by RVC.
- The review of the North East Waste Forum has progressed and Lismore made a submission on the issues requested by the review sub-committee. A workshop of interested parties is expected to take place in November.
- Council has continued with the construction of the leachate holding pond with trial treatment systems under evaluation.
- Council continues to work with Tryton Waste Services with the marketing of worm compost product. The product has been applied to a range of sporting fields over the past month.

**Lismore Memorial Gardens (LMG)**

- Preparations are continuing on a detailed plan for the first section of the LMG landscape plan.
- The first flush of new blooms at the LMG was widely promoted in the local media.

**Northern Rivers Quarry & Asphalt (NRQ&A)**

- Staff have undertaken further noise reduction measures in consultation with representatives of the EPA.
- Tea tree farm harvest and distillation has now occurred. Staff are in the process of selling the oil at market prices.

**Lismore Regional Airport**

- Reported the Rex landing fee / head tax issue to Council and implemented subsequent resolutions.
- Negotiated \$99 fares for Lismore.
- Continued drafting process for new Ambidji Frontec Agreement.
- Assisted the evaluation process for the Aerial Mapping project.
- Prepared strategy for the relocation of air freight operators and emergency services equipment from the old terminal.

**Property**

- Reporting of industrial land opportunities in South Lismore to Council.
- Exchanged contracts for sale in Centenary Industrial Estate and second stage of Blue Hills Estate.
- Completed earthworks and preliminary seeding on Parmenters Road Quarry rehabilitation.

**Lismore Water**

- Nimbin Water Committee reported its outcomes to Council.
- Prepared report to Council addressing water restrictions and water management initiatives.
- Construction of the UV disinfection unit for East Lismore has commenced and is making progress in accordance with scheduled completion by end of December 2003.

**Management Plan Review**

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**GROUP: CITY WORKS**  
Management Plan Review  
Period ending September 2003.

Review of exceptional items across each functional area of the City Works Group.

**Parks & Recreation:**

- Repairs/maintenance programme to playgrounds in Council area – Continuing.
- Grass cutting and path sweeping programmes - On schedule.
- Garden maintenance programme – Remains slightly behind schedule.
- Landscaping works for Molesworth Street upgrade.
- Nimbin toilet block upgrading - Continuing.
- Bring all playgrounds up to Australian Standards - Ongoing.
- Commencement of new CBD maintenance services.
- Upgrade canteens at Oakes Oval.
- Enhance City approach along Bruxner Highway outside South Lismore Industrial Centre.
- Install log barriers around Nesbitt Park.
- Topdressed Marie Lee Oval and South Lismore main soccer field and three quarter field.
- Topdressed six turf wickets.
- Weed spraying programme – On schedule.
- New concrete wicket to be installed at Coronation Park.

**Urban Roads:**

- Molesworth Street Upgrade – Complete.
- Footpath Repair Programme - Continuing. Casino Street, between Wilson and Crown Streets, complete; Terania Street, between Bridge and Pine Streets, complete.
- Development of Asset Management System - On schedule.
- Terania Street Upgrade - Complete.
- Terania Street / Bridge Street Roundabout - Complete.
- Extension of Oliver Avenue - Continuing.
- Extension of Concrete Area at Lismore Bus Interchange - Complete.
- Urban Maintenance - Continuing.
- Wilson Street Drainage, between Pre-School and Casino Street - Complete.
- Cycleway between Gordon Blair Drive and Camelot Chase - Complete.

**Rural Roads:**

- Completed reconstruction of James Gibson Road, Corndale.
- Completed intersection upgrade of Corndale Road and Hunters Hill Road.
- Commenced reconstruction of MR142 (Nimbin Road) at Hayden Road, Goolmangar.
- Commenced reconstruction and realignment of MR142 (Blue Knob Road), south of Lillian Rock Road.
- Completed shoulder maintenance on Broadwater Road.
- Completed heavy patching on Wyrallah Road and Dunoon Road.
- Completed gravel maintenance in the following areas: Rock Valley, Larnook, Jiggi, Blue Knob, Coffee Camp, Rosebank and Dorrroughby.

**Bridge Team:**

- Completed retaining wall at Second Avenue.
- Commenced maintenance of Blakebrook Bridge.
- Ongoing installation of bollards – Molesworth Street.

**Management Plan Review**

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**Traffic, Enforcement and Street Lighting:**

- 208 dogs and 54 cats life-time registered.
- 81 dogs and 26 cats impounded.
- On-street/off-street parking enforcement continued – 593 fines issued.
- 13 abandoned vehicles impounded.
- Investigations commenced into linking camera system from Molesworth House to new CBD Centre.
- Investigations commenced into upgrading lighting enroute to CBD carparks.
- Moved in and commenced operation from new Council CBD Centre.

**Survey, Design and Subdivision Control:**

- Union Street, South Lismore – Kerb and gutter plus parking extension opposite commercial area.
- Skyline Road, Monaltrie – Redesign of alignment and koala protection structures.
- Intersection of Ballina/Diadem Streets, Lismore – Roundabout – Design in progress, delayed due to referral to RTA (now possibly traffic lights).
- Snow Street, South Lismore – Stormwater drainage extension.
- Brewster Street, Lismore – Shoulder widening plus kerb and gutter – Between Uralba Street and recycling drop-off centre.
- Eltham Road, Eltham – Rehabilitation – 5.9Km to 7.0km east of Bangalow Road.
- Grace Road, Bexhill – Control survey for monitoring movement (monthly for 6 months).
- Snow/Cook Streets, South Lismore – Road link.
- Intersection of Terania/Bridge Streets, North Lismore – Roundabout.

**Development Control:**

- Collection of outstanding quarry levies (first stage) complete; second stage underway.
- Comments on rezoning applications for:
  - Ashgrove Drive.
  - Dougan Road, Caniaba.
  - Breckenridge Street, Wyrallah.
  - Minshul Crescent, North Lismore.
  - Stony Chute Road, Nimbin.
  - Federation Drive, Eltham.

**Design Plans Assessed:**

- Residential Subdivisions – Toongahra Circuit, Goonellabah, Julianne Place, Bexhill, Palmvale Drive, Goonellabah, Dunoon Road, Dunoon
- Rural Residential Subdivision – Cowlong Road, McLeans Ridges.
- Commercial Development – Eastpoint Shopping Centre, Holland Street, Goonellabah.

**Jobs Under Construction:**

- Residential Subdivisions – Toongahra Circuit, Goonellabah, Waratah Way, Goonellabah, Sophie Street, Goonellabah, Hillcrest Avenue, Goonellabah, Barham Street, East Lismore
- Rural Residential Subdivisions – Perradenya Estate, Caniaba, Dunoon Road, North Lismore

**Emergency Services:**

- Flood levee construction on schedule.
- Flood levee – RSL Club to Club Lane – progressing well.
- Flood levee – Club Lane to Police Station – continuing work on final design.

**DOCUMENTS FOR SIGNING AND SEALING**

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

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

**Recommendation:**

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

**Contract of Sale and Transfer – Sale of Lot 3, DP 1050674, Lancaster Drive**

Council has negotiated an offer of \$96,537.00 for the purchase of Lot 3 in DP 1050674, being vacant land in Lancaster Drive, Goonellabah. The price is consistent with market trends and the proponent has already gained planning consent to relocate his business to the site.  
(P28319)

**Newlog Deed of Agreement**

Five year agreement ending 30/6/08 between Ballina Shire Council (the administrative council), Lismore City and 5 other councils (North East Weight of Loads Group) to administer legislation under the Local Government Act 1993, Roads Act 1993, Road Transport (Mass Loading and Access) Regulation 1996 and Interstate Road Transport Act 1985.  
(03-11851: S374)

