



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, APRIL 27, 2004, at 6.00pm and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

April 20, 2004

COUNCIL BUSINESS AGENDA

April 27, 2004

PUBLIC ACCESS SESSION:

PAGE NO.

Damian Chapelle re DA04/73 Five Lot Residential Subdivision, 346 Ballina Road & 37 Karissa Drive, Goonellabah 1

PUBLIC QUESTION TIME:

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE

CONFIRMATION OF MINUTES – Ordinary meeting March 9, 2004
Extraordinary meeting April 20, 2004
(*To be tabled*)

CONDOLENCES

DISCLOSURE OF INTEREST

MAYORAL MINUTES

NOTICES OF RESCISSION

NOTICES OF MOTION

SUSPENSION OF STANDING ORDERS

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

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Subject/File No: DEVELOPMENT APPLICATION NO. 2004/73 – FIVE LOT RESIDENTIAL SUBDIVISION, 346 BALLINA ROAD & 37 KARISSA DRIVE, GOONELLABAH

Prepared By: Snr Development Assessment Planner – Hugh Johnson

Reason: The application has been called to Council by two current Councillors.

Objective: Determination of the Development Application for a residential subdivision containing residential lots.

Management Plan Activity: Development Assessment

Proposal:

The application proposes consolidation of two existing lots and their subsequent re-subdivision to create five residential lots. The existing house located at 346 Ballina Road will retain access from Ballina Road with the remaining four (4) lots obtaining access through an acquired residential parcel of land, being 37 Karissa Drive.

Applicant:

Newton Denny Chapelle Surveyors and Town Planners on behalf of Vicki Hiscocks.

Location:

37 Karissa Drive, Goonellabah (Lot 14 DP 841501) and 346 Ballina Road, Goonellabah (Lot 4 DP 434180). A locality plan is provided as Map 1.

Zoning:

The subject land is zoned Residential 2(a) under the City of Lismore Local Environmental Plan 2000.

Key Issues:

Amenity, stormwater disposal, vehicular access and the proposed land use.

Recommendation:

That a development consent be issued subject to appropriate conditions.

1. SITE/SITE HISTORY

The subject property is known as Lot 14 DP 841501 and Lot 4 DP 434180, being 37 Karissa Drive and 346 Ballina Road, Goonellabah, respectively. Lot 14 has a site area of 792.7m² and Lot 4 has an area of 6,936m². Access to the existing house on Lot 4 is obtained from Ballina Road, whilst the vacant lot, being Lot 14 has frontage to Karissa Drive.

The land is predominantly grassland, with approximately 15 mango trees dotted around the site and a stand of hoop pines along the eastern portion of the northern boundary, between Lot 4 and 35 Karissa Drive (Lot 10 of DP 829464). The applicant has indicated that the stand of hoop pines will be retained along with a number of the mango trees on the site

2. SURROUNDING PROPERTIES & ENVIRONS

The land is predominantly surrounded by residential dwellings, with the exception of land, directly opposite (known as 44 Karissa Drive), which is zoned part 2(a) residential and part 6(b) private open space and owned by Lismore City Council. The property on the western side of the subject lot is a large residential lot and has the potential for further urban development.

3. PROPOSAL

The application proposes the creation of five (5) residential lots, with the following areas:-

- Lot 1 (containing the existing dwelling) 1818m²
- Lot 2 2034m²
- Lot 3 1100m²
- Lot 4 1250m²
- Lot 5 1440m²

Access to four of the lots is proposed via construction of a 6 metre wide carriageway connecting to Karissa Drive. The fifth lot will maintain existing access from Ballina Road.

4. PUBLIC NOTIFICATION

In accordance with the requirements of the Environmental Planning and Assessment Regulations 2000, the subject application was placed on public exhibition with a notice being placed in the newspaper and adjoining owners notified. At the close of the 14-day exhibition period a number of objectors had contacted Council seeking an extension to the period in which to submit their objections, and this was agreed to. At the date of writing, twelve (12) objections had been received including a petition containing forty six (46) signatures raising objections to the proposal. A summary of the submissions is provided in Section 5.7 of this Report and a copy of the submissions are provided as Attachment No. 1.

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)

State Environmental Planning Policy 55 (Contaminated Land) applies to the subject development site. The applicant has submitted a Contaminated Land Report in accordance with Council's requirements, and based on the information submitted, Council's Environmental Health Officers are satisfied that the subject land is not contaminated.

5.1.2 Regional Environmental Plan (REP)

The proposal complies with all relevant sections of the North Coast REP, including Clause 43(1). This Clause relates to Development Control-residential development, and requires Council to take into consideration issues such as access, road design, sediment and erosion control and maximising residential density on the land without adversely affecting the environmental features of the land.

5.1.3 Lismore Local Environmental Plan (LEP)

The proposal complies with all relevant Sections of the Lismore LEP, including Clauses 29 (Zoning objectives & Zone control table) and 51 (Subdivisions of land in Zone 2(a)).

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

Currently there are no draft EPI's of relevance to this application that have been placed on public exhibition.

5.3 Any Development Control Plan

Development Control Plan 28 (Subdivision) has been considered in the assessment of this application. The proposed subdivision complies with all relevant sections of the document.

5.4 Any Matters Prescribed By The Regulations

There are no matters prescribed by regulations that have an 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

In relation to the surrounding natural and built environment, it is considered that the proposed subdivision will have minimal impact on both of these features.

Traffic

Council's City Works Group has assessed the application and advises that the existing road network has ample capacity to cater for the proposed residential subdivision, and, that the traffic generated by the site will have limited effect on the local road network. Council will be imposing Section 94 Contributions upon the development to cater for the additional traffic on the strategic urban road network.

Karissa Drive exists as a 9m wide urban road and has been designed to a 50kph design speed in accordance with relevant standards adopted by Council at the time of construction. Karissa Drive currently services approximately 170 lots. Council's subdivision standard (DCP 28) requires a 7m wide road where accessing up to a maximum of 200 lots. Therefore Karissa Drive has adequate width capacity, in accordance with DCP 28, to accommodate the proposed lots.

In relation to sight distance, Council's City Works Group advises the proposed access will have approximately 80m distance to the west and in excess of 100m distance to the east. Ausroads standards for this order of road require a mandatory stopping sight distance of 40m and preferably a safe intersection sight distance of 80m. The proposed development complies with these requirements.

Longitudinal sections showing the proposed grades for access to the development have been provided with the application. These sections comply with Council's adopted standards.

Whilst the 6 metre wide access driveway from Karissa Drive to the site will have a different impact on adjoining owners to that from a dwelling on the land, the imposition of conditions of consent requiring landscaping of the site and the location of the road and its setback from adjoining boundaries (approximately 7 metres at the nearest point from the boundary of No. 35 Karissa Drive and 5 metres from boundary of 39 Karissa Drive) will minimise such impact.

Social Impact

The proposed subdivision design, taking into consideration the size of the blocks and the retention of some existing buffer vegetation, is considered to have minimal social impact upon the surrounding area.

Economic Impact

The economic impact of the development will be positive in relation to Lismore as a whole, as it will cater for additional population, with the additional flow on economic effect to the community.

5.6 The Suitability of the Site for the Development

Taking into consideration the large area of the site, the proposal to establish three additional residential lots on the land represents a low intensity development and is suitable for the site. The subject site has adequate capacity in both water and sewer infrastructure to cater for the proposed development.

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

At the close of the exhibition period (including the additional time to comment), twelve (12) submissions, including a petition containing forty six (46) signatures were received (refer to Attachment No. 1 in the business paper). A summary of the matters raised by submissions is outlined below:-

Access and Traffic

- The proposed access via Karissa Drive is a road rather than a driveway.
- The house at 39 Karissa Drive would be bounded by three roads, as will 35 Karissa Drive.

Drainage

- Concern in relation to stormwater drainage emanating from the site, coming down the proposed accessway onto Karissa Drive.

Amenity

- Increased traffic noise.
- Car lights shining into adjacent windows along the proposed driveway access from Karissa Drive.
- Increased danger along Karissa Drive as a result of additional traffic.
- The proposed allotments could be developed for medium density purposes.

Landscaping

- Maintenance of the accessway and associated landscaping.
- The retention of the hoop pines along the northern boundary.
- Request that whatever boundary landscaping is established along the eastern boundary to the properties to Georgina Place not obstruct their views.

Planning

- Inadequate water pressure within the existing estate.
- The proposed blocks could be developed in the future for medium density housing.

Response to Submissions

- *'traffic and access issues'*: Council's City Works Group has assessed the access in accordance with Development Control Plan 28. The minimum requirement is that a 6 metre minimum width access road constructed to Council's urban design standards be established for access for three or more lots, and this has been provided.
- In relation to "*setbacks from the proposed driveway*", the distances established from the roadway to the location of adjoining dwellings comply with the minimum requirements in relation to vehicular separation from adjoining dwellings. The issue as to whether it is a road or a driveway can only relevantly be discussed in the light of complying with Council's minimum standards. As stated above, any form of driveway access that services three or more dwellings should be constructed at the 6 metre minimum urban standard prescribed by Development Control Plan 28
- *'access to the development should be from Ballina Road'*: is acknowledged, however Clause 25(a) of Lismore LEP 2000 states:-

1 Development along main roads

(1) Consent must not be granted to the carrying out of development on land that has frontage to a main road, unless:

(a) vehicular access to that land is provided by a road other than the main road, wherever possible,

The above clause does not enable Council to require the applicant to redesign the proposed subdivision to include all access to the subject lots via Ballina Road, and discussions with the Roads and Traffic Authority indicate that the Authority will not grant concurrence to the use of the main road.

- *'37 Karissa Drive should be developed for a dwelling not a driveway/road'*: the proposal by the applicant to use the parcel of land for the purpose of access to the rear property, as opposed to establishing a dwelling upon that parcel of land is not prohibited under the Lismore LEP.
- *'39 Karissa Drive would be encompassed by two roads and a 6 metre carriageway'*: the traffic impact on the above property, being a corner lot, is existing. The impact of vehicles traversing the driveway along the western boundary of the property will be ameliorated through the provision of a landscaped buffer. The separation of the proposed carriageway from the dwelling on the lot is approximately 15 metres. This is greater than the separation distance of the dwelling from either Karissa Drive or Georgina Place.
- *'impact of the carriageway on 35 Karissa Drive'*: as detailed above, the closest distance the side accessway comes to the adjoining dwelling is approximately 10 metres from the carriageway. With regard to the access at the rear of the lot, the distance of the carriageway for proposed lots 4 & 5 from the dwelling is approximately 15 metres. This is further buffered by the retention of the Hoop Pines.
- *'traffic noise'*: the establishment of a landscaped buffer along the eastern and western boundaries of the Karissa Drive entranceway and the provision of suitable fencing will provide an adequate level of sound attenuation.
- *'car lights shining into adjacent windows'*: the property immediately opposite the entrance to 37 Karissa Drive is part zoned residential 2(a) and 6(b) private open space in the ownership of Lismore City Council, and this property would be affected to the greatest extent from headlight glare, with vehicles exiting the proposed lots onto Karissa Drive. Minimal headlight glare will effect the property at No. 42 and this will be from turning vehicles. The developer has stated that they will assist in the landscaping of the properties affected. However, this would be via separate agreement between the developer and the relevant landholders, and cannot be imposed as a condition of consent.

Any headlight glare resulting from vehicles entering the proposed lots from Karissa Drive will be minimised by the requirement for landscaping along the eastern and western boundaries of the allotment and the construction of fencing along that allotment.

- *'Karissa Drive is a low density residential area'*: within the Karissa Drive area there are a number of dual occupancy developments however, these are not considered to be developments that have detrimentally changed the character of the estate. In fact, the application currently before Council would have a lesser impact upon the amenity of the area and the associated traffic matters than would two duplex developments on the subject land.

Although resident concerns about the future possibility of medium density development being established on the subject allotments have been responded to by the developer (through their preparedness to place covenants upon the land, restricting the parcel of land to be single dwelling only), Councillors should be aware that Council is unable to enforce a condition of consent requiring a covenant to be placed on title restricting the use of the lot to single dwellings, as this would contravene Clause 26 of LEP 2000, which states the following:

2 Suspension of certain laws etc

(1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, any agreement, covenant or other like instrument imposing restrictions as to the erection of or use of buildings for certain purposes, or as to the use of land for certain purposes, to the extent necessary to serve that purpose, shall not apply to development carried out in accordance with this plan.

As medium density development is permissible with consent, and if Council approved further development in the future, the covenant would not apply

Accordingly, any form of covenant placed upon the titles of the proposed lots will be advisory in nature to any prospective purchaser, however should they wish to development the lots for a purpose other than a single dwelling, then the effect of the covenant will have limited weight in relation to the determination of any subsequent Development Application. Council would be legally required to assess the proposal on its merits and determine it accordingly by either approving or refusing the application.

- Water pressure issues are addressed by conditions of consent.

Mediation Exercise

Due to the number of objections received and the issues raised, Officers decided that an independent mediator should be engaged to conduct mediation between the developer and the objectors. The purposes of the mediation exercise in this instance were to clarify the factual content of the proposal, and to identify any middle ground between the applicant and developers and objectors which may address concerns raised.

The process of mediation initially involved a meeting on March 16 between the objectors and Council Officers, mediated by Carol Perry (Carol Perry and Associates, Conflict Management, Coaching, Training and Development). The first part of the session involved Council's Officers answering questions from objectors in relation to the technical aspects of the application, with the second part being between the mediator and objectors.

The second mediation session was held between the developer and Carol Perry on March 17. The final mediation session was held between the objectors and the developer on March 30, 2004.

The mediator forwarded the outcomes of the mediation sessions held between the developer and the objectors to Council on April 6 (a copy is attached as Attachment No. 2). The 'mediated outcome' identifies 17 points, however, a number of these points **cannot be legally imposed as conditions of consent** and will need to be confirmed via a civil agreement between the developer and the objectors. Those issues that are able to be imposed as conditions of consent are:-

- Engineering requirements in relation to drainage emanating from the site being directed into a Council approved drainage system.
- Retention of the hoop pines on the northern boundary.
- Requirement for submission of detailed landscaping plans, with specific regard to the boundaries of Lot 4 DP 434180 and Lot 14 DP 841501.

Whilst any agreement reached will be referred to in the notes appended to any development consent and referred to as an agreed position between the developers and the objectors, as indicated, the preparation and completion of any agreement is a matter for the parties to pursue.

5.8 The Public Interest

Whilst it is noted that the majority of the objectors are against this development in its current form, there are no valid planning grounds for Council to refuse the application.

6. REFERRAL COMMENTS

6.1 Internal

6.1.1 Finance & Administration Section

Not required.

6.1.2 Building Services, Environmental Health, City Works, Water and Sewer Sections

The application was referred to the above Sections of Council. No objections have been raised to the proposal however, all have sought the imposition of appropriate conditions on any consent which issues.

6.2 External

6.2.1 Informal Roads and Traffic Authority Comments

Discussions with the Roads and Traffic Authority indicate that the Authority would not consider granting any additional access from Ballina Road.

7. CONCLUSIONS

As can be seen from point 17 of the 'mediated outcome', the objectors, whilst achieving a number of concessions from the applicant, still have concerns over safety issues and changes to the character of the estate, and hence did not withdraw their objections. A majority of these concerns relate to issues that can be addressed by conditions of consent. The remaining issues are matters that have been addressed within the private agreement between the developer and the objectors and are civil matters between the two parties

Comments by objectors to the proposed subdivision have been taken into consideration during the assessment of this application and a number of the concerns raised will be addressed by conditions of consent.

Having considered all of the relevant planning issues and the extensive public consultation period involving the mediation process, it is concluded that the residential subdivision of a 2(a) zoned parcel of land in excess of 7000m² in area is reasonable. The developer has not attempted to achieve the maximum lot yield that could be obtained from the site (when compared with the existing average lot size in Karissa Drive) and there is minimal environmental impact resulting from the proposal. Accordingly, it is recommended that the application be approved on merit, subject to the imposition of appropriate conditions.

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RECOMMENDATION (PLA10)

- 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 2004/73 for the subdivision to create five residential lots, subject to the following conditions:

PLANNING

- 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. 03/259-1 & 2 dated 15/1/2004 and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

BUILDING

- 2 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.

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

- 3 Benching (ie cutting, filling or levelling) of the land to create building platforms does not form part of this approval and will only be considered in conjunction with a Development Application to build on the land.

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

WATER & SEWER

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

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

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

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

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

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

- 6 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.

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

- 7 Full design plans of the proposed engineering works to satisfy condition(s) 6 and 7 shall be submitted to Lismore City Council. Such plans must be approved by the Manager-Water and Sewerage before the issue of the Construction Certificate. Construction of these works will need to be completed before a Certificate of Compliance is issued by Lismore City Council under Section 307 of the Water Management Act 2000.

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

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

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

- 9 An analysis of the water reticulation is required to assess the impact of the subdivision on water pressure within the adjoining water reticulation. Additional lead-in water mains 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.

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

LEVIES

- 10 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.

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)*

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- 11 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 **\$17,208**, are set out in the schedule for your information. 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.

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

- 12 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.

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

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

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

ENVIRONMENTAL HEALTH

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

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

- 15 The development must be adequately drained to ensure that no stormwater and surface water and drainage overflows /drains onto adjoining lands. This must be addressed prior to release of the Subdivision Certificate.
-

Reason: *To ensure adequate drainage is provided.*

- 16 Lapped timber fencing must be provided and be maintained to the frontage of the development and the existing timber paling fence along the eastern boundary must be kept and maintained to provide a degree of noise attenuation to the development. The frontage fence must be set back sufficiently to allow dense landscaping and must be approved and installed prior to release of the Subdivision Certificate.

Reason: *To provide noise attenuation to the development.*

LANDSCAPING

- 17 The existing hoop pines on the northern boundary of Lot 4 DP 434180 are to be retained.
- 18 The land between the access road of Karissa Drive and Lot 10 DP 829464 and Lot 15 DP 841501 is to be landscaped with species that will provide a buffer to the subject lots in relation to traffic noise and headlight nuisance from vehicles using the accessway.
- 19 Screen plantings along the eastern boundary of Lot 4 DP 434180 are not to exceed normal fence height when mature.

DRAINAGE

- 20 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.

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

- 21 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.

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))*

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

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- 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.

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

EARTHWORKS

23 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.

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

24 A qualified practising structural engineer shall provide Council with a certificate of structural adequacy for any proposed retaining walls in the development, prior to commencement.

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

ENGINEERING

25 Full design plans of the proposed engineering works to satisfy condition(s) 20,21,26, 27,28 and 29 shall be submitted to and approved by Council prior to commencement of these works. Such plans shall be accompanied by the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

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))*

26 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.

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

VEHICULAR ACCESS

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

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

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

Reason: *To ensure adequate access to and from the development. (EPA Act Sec 79C(c))*

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Development Application No. 2004/73

- 29 The access shafts of the lots shall be constructed to the widths shown in accordance with Council's Development, Design and Construction Manuals (as amended), prior to issue of the subdivision certificate.

Where servicing 3 or more lots a 6.0m wide asphaltic concrete (25mm depth) sealed or equivalent combined driveway with kerb and gutter on one side of the driveway.

Where servicing 2 Lots a 4.0m wide asphaltic concrete (25mm depth) sealed or equivalent combined driveway with kerb and gutter on one side of the driveway.

Where servicing 1 Lot a 3.0m wide asphaltic concrete (25mm depth) sealed or equivalent driveway

Provision of the following services:

- power
- water supply
- sewer
- stormwater
- telephone

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

Reason: *To ensure adequate access to and from the development. (EPA Act Sec 79C©)*

SUBDIVISION

- 30 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.

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

- 31 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.

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

PUBLIC UTILITIES

- 32 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 utilities requirements have been met.

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

- 33 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.

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

INFORMATION TO APPLICANTS

ADVISORY NOTES

NOTE 1: Water and/or Sewerage Headworks levies totalling **\$30,568** are stated in the attached Schedule.

NOTE 2: 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 3: The final linen plan shall not be released by Council until all conditions of Development Consent Notice 2004/73 have been complied with to the satisfaction of Council.

LISMORE CITY COUNCIL - Meeting held April 27, 2004

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NOTE 3: The mediation outcomes agreement dated April 6, 2004, represent an agreed position between objectors and the development and should be implemented.

NOTE 5: 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.

NOTE 6: 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).

DATE FROM WHICH CONSENT OPERATES

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

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

COMPLIANCE

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

REVIEW OF DETERMINATION

Under the provisions of Section 82A of the Environmental Planning and Assessment Act 1979, an applicant may request the Council to review a determination of the application. The request for a review must be made within twelve (12) months after the date of the determination.

RIGHT OF APPEAL

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 (or Section 341 of the Local Government Act 1919, in the case of applications lodged under that Act) gives you the right of appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

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

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

LAPSING OF CONSENT

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

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

EXTENSION OF CONSENT

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

MODIFICATION OF CONSENTS

Under the provisions of S96 of the Environmental Planning and Assessment Act an applicant may apply to Council for modification of the consent.

NOTICE TO COMPLETE

Where subdivision works have been commenced, but the work not completed, Section 121B provides that the Council may issue a notice requiring completion of the work within a specified time, being not less than twelve months.

COMPLIANCE PRIOR TO RELEASE OF LINEN PLAN

The applicant shall comply with all relevant conditions of this Development Consent prior to the release of the plan of subdivision.

The subdivision will be formalised by the signing of the Council's Certificate on the final survey plan.

LISMORE CITY COUNCIL - Meeting held April 27, 2004

Development Application No. 2004/73

LISMORE CITY COUNCIL

DEVELOPMENT CONSENT NO: 2004/73

ADDRESS: 346 Ballina Road and 37 Karissa Drive, 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. 13, 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 ²	Cost Per ET/m ²	Amount Payable
Open Space					
Urban Catchment (East)	- Local	1643-3	3	675	\$2,025
	- Citywide	1643-1	3	351	\$1,053
Urban Bushland					
Northern Ridges		1644-1	3	503	\$1,509
Street Trees					
Urban Catchment (East)		1643-22	3	88	\$264
Community Facilities					
Urban Catchment (East)	- Local	1650-3	3	1192	\$3,576
	- Citywide	1650-1	3	599	\$1,797
Urban Roads					
Arterial Roads					
Urban Catchment (East) res		1655-3	3	1895	\$5,685
SES					
All areas		1695-1	3	20	\$60
Bushfire					
Equipment		1690-1	3	81	\$243
Facilities (Control Room)		1690-6	3	20	60
Footpaths					
Goonellabah	Trunk	1680-4	3	59	\$177
	Connector	1680-5	3	54	\$162
	Internal	1680-9	3	200	\$600
Cycleways					
Urban East Catchment		1680- 8	3	17	\$51
Bus Shelters					
Urban catchment East		1683- 3	3	2	\$6
Total					\$17,268

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

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

LISMORE CITY COUNCIL - Meeting held April 27, 2004

Development Application No. 2004/73

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

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

RECEIPT NO:
CASHIER:

COUNCIL USE ONLY

Cashier to Note:

This section must be completed by the Manager-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 April 27, 2004

Development Application No. 2004/73

LISMORE CITY COUNCIL

DEVELOPMENT CONSENT NO: 2004/73

ADDRESS: 346 Ballina Road and 37 Karissa Drive, 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.

Levy Area	Account No.	No. of ET's	Cost Per ET	Amount Payable
Water and Sewerage Headworks Levies are charged under Section 306 of the Water Management Act 2000 and amounts payable are set out below.				
Water Headworks				
Urban Reservoir Zone				
- Holland Street	8175-1	3	1514	\$4,542
Rous County Council (Except Nimbin)	9200-2	3	3118	\$9,354
Sewerage Headworks				
Goonellabah	7175-1	3	4168	\$16,672
Total				\$30,568

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:	STRATEGIC PLANNING (S4)
Prepared By:	General Manager
Reason:	To obtain approval to place the document 'Community Directions - Issues Paper 2004' on public exhibition.
Objective:	To assist Councillors in determining a new strategic plan for Council by collecting community feedback.
Management Plan Activity:	Corporate Relations: Organisational Management.

Background:

Councillors have the role of developing a strategic plan for Council.

The strategic plan is the over-arching document that sets the direction for Council, and from which future budgets and management plans are drawn.

The strategic plan will also inform the development of the State of the Environment Report, new planning instruments, a community social plan, and marketing initiatives for the economic development and tourism functions of Council.

It also provides the framework for content in Annual Reports – both the Community report version (published in August and delivered to all households) and the Annual Report (statutory return) sent to the Minister as required by the *Local Government Act*. This occurs in November.

In 1996, Lismore Council undertook the 'Towards 2020' Strategic Planning process which resulted in Council's current strategic plan. That plan has largely been subsumed by the content of subsequent annual management plans.

It was envisaged that the strategic plan would be reviewed and updated by each subsequent Council – however it is within the bounds of each elected Council to determine its own strategic plan.

In September 2003, the Mayor publicly launched 'Community directions – Lismore City Council Strategic Plan'. This process was designed to gather community input to a point where the Council elected in March 2004 could have enough qualitative and quantitative material upon which to base a strategic plan.

An Issues Paper, based on extensive public consultation, now has been written to assist Councillors.

The document is written to both highlight issues of public interest and to garner further public feedback for the information of Councillors.

It is envisaged that the 'Community Directions - Issues Paper 2004' would be placed on public exhibition for a period of 28 days, and that the public be asked to comment. These comments would then be available to Councillors in time for the strategic planning days set down for June 2004.

Manager - Finance & Administration Comments

Not required.

Issues Paper

Public Consultations

In the past nine months, information has been collected from residents to help identify community issues.

These avenues of consultation have included:

- A public launch of the 'Community directions' process by the Mayor in September 2003.
- An inaugural Residents' Satisfaction Survey – conducted by the Southern Cross University (over 2,000 responses received).
- Four focus groups involving community, business, interest groups and government representatives
- One focus group involving staff and councillors.
- A survey placed in Council's newsletter *Community Link* and published in *The Northern Rivers Echo*, which asked for the issues identified by focus groups to be ranked in order of importance (over 800 responses).

The results of the above consultation (both quantitative and qualitative) have been incorporated into the document 'Issues Paper 2004'.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

N/A

Conclusion

The Issues Paper 2004 ties together a summary of the information received so far that can assist Councillors to identify the essential ingredients of a strategic plan. The community has been involved at numerous points so far. By putting the 'Issues Paper 2004' out for further public comment, Councillors can be assured they have all the information necessary upon which to base a new strategic plan.

Recommendation (GM03)

- 1 That the document 'Community Directions - Issues Paper 2004' be placed on public exhibition for a period of 28 days from the date of this meeting.
- 2 That the feedback received be collated and reported on to Councillors ahead of the planned strategic planning days of June 2004.

Subject/File No: TENDER FOR THE SUPPLY OF CASUAL LABOUR
T24021

Prepared By: Contracts Officer – Chris Allison

Reason: To inform Council of tenders received for the supply of casual labour

Objective: To obtain Council approval to award the Tender

Management Plan Activity: Human Resources

General Background:

1. In November 2003 Council resolved to undertake a strategic review of its supplementary agency staff requirements and engaged consultants Expense Reduction Analysts to assist Council with this project.
2. It is intended that the contract for the supply of supplementary agency staff will be for a 12 month period with an option for Council to extend the contract for a further two (2) one year periods.
3. It is Council's practice to utilise agency services in appropriate circumstances and this practice has been in place for some time. There is a mix of staffing required to undertake Council's range of activities, this mix includes employees engaged and paid directly by Council, and those engaged via an agency arrangement. It was thought timely and a fair process to enable all interested agencies to submit their interest in the provision of such services.

Tender Background:

Registrations of interest were called for the supply of casual labour in January 2004. Thirty-Three (33) responses were received and these were evaluated against the selection criteria as stated in the ROI document.

Respondents were required to address each of the following criteria in their submission: Capability, Knowledge of the Industry, Staffing, Experience & Past Performance and Level of Technology. Eight companies were shortlisted and invited to tender.

Tender documents were sent out to the eight companies on 8th March, 2004 with six tenders being received at the closing date of 30th March, 2004.

An evaluation panel consisting of Isabel Perdriau (Manager – Human Resources), Susan Miller (Human Resources Officer), Chris Allison (Contracts Officer) and Expense Reduction Analysts undertook the assessment of tenders.

The tender documentation (Clause B7) defined six (6) areas by which each tender would be assessed: Total Price, Capability, Knowledge of the Industry, Staffing, Experience & Past Performance and Level of Technology with 50% of the total attributed to the price. The tenderers were required to address each of these criteria in their tender. Attachment A shows the weighted result for each criterion.

The weighted assessment shows that the tenders by North Coast Workforce and JHA Recruitment have scored the highest in the evaluation of the tenders. Both companies have been involved in the supply of casual labour for some time and are considered more than capable of undertaking supply. During the evaluation it was identified that several points needed clarifying prior to a final decision being made as to the preferred tenderer.

LISMORE CITY COUNCIL - Meeting held April 27, 2004

Tender for the Supply of Casual Labour

To ensure that Council awards the contract to the most capable company, negotiations were undertaken directly with these two (2) companies to finalise their submissions.

Manager – Human Resources Comments

The strategic review and tendering process as outlined in this report has enabled Council to achieve significant savings in this aspect of its Human Resource Management program.

Also an important opportunity afforded by this exercise was to undertake a process review and streamline the associated tasks.

This process review enabled Council to refine its requirements and incorporate these specifically into the tender. Significant time was spent with the Expense Reduction Analysts to identify ways to ensure a best practice approach and consistency with existing standard employment practices, such as the incorporation of pre-placement health assessments for all staff referred for casual placement with Council.

In light of the thorough screening process and our ability to incorporate our specific requirements as outlined above, the report's recommendations are fully supported.

Conclusion

Both North Coast Workforce and JHA Recruitment have scored highly in the evaluation of the tenders and both companies are highly experienced in the provision of supplementary agency staff. JHA Recruitment has scored highest in the overall evaluation and are the preferred tenderer.

The JHA Recruitment currently provides supplementary agency staff for several Councils in the area including Lismore City Council.

Recommendation (COR09)

- 1 That the tender for the provision for supplementary agency staff be awarded to JHA Recruitment for a 12 month period with an option for Council to extend the contract for a further two (2) one year periods.
- 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 - Meeting held April 27, 2004

Subject/File No: TENDER FOR THE CONSTRUCTION OF SEWER MAINS, MCKENZIE STREET, LISMORE (T24002)

Prepared By: Contracts Engineer, Lismore Water – Ravi Ariyasinghe

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

Objective: To obtain Council approval to award the Contract

Management Plan Activity: Sewer Mains Renewal Program

Background

Tenders have been called for the construction of approximately 390m of 150mm diameter sewer mains, construction of five manholes and associated works in McKenzie Street, Lismore.

This sewer main construction is required because Council has sold the McKenzie Street road fronting Lismore Central to the Developer and the Developer wanted this land to be unencumbered by any Council services.

The request for tender was advertised on Tuesday February 17, 2004 in the Sydney Morning Herald and on Saturday February 14, 2004 in the Weekend Star and the Courier Mail.

One tender was received by the close of tender at 2.00 pm on Tuesday March 30, 2004.

Tender Examination

The tender received is summarised below:

TENDERER	TENDER PRICE	CORRECTED TENDER PRICE
Camglade Pty Ltd PO Box 4054 GOONELLABAH NSW 2480	\$247,366	\$248,466

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

On examination of the schedules of quantities and prices submitted by the tenderer, it was observed that Camglade Pty Ltd had inadvertently made an omission in the schedule. The corrected tender price takes account of this omission.

This tender is a schedule of rates tender. The tender price is the estimated price of the works using the respective rates of the tenderer.

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 for areas by which each tender would be assessed:

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

LISMORE CITY COUNCIL - Meeting held April 27, 2004

Report – Tender for the Construction of Sewer Mains – McKenzie Street, Lismore

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

Attachment A shows the weighted result for each criterion.

The tendered price of Camglade Pty Ltd is comparable with other recent tenders for the construction of deep sewer mains (e.g. T24016 – Construction of Sewer Mains in Cathcart Street, Lismore).

Further, the works under this tender will have to allow for special requirements such as short construction period, weather conditions, restoration of sporting fields, minimal disruption to sporting activities at the grounds and temporary supporting of overhead power poles etc.

Funding

The preliminary estimate prepared by Council staff in early 2002 for this project was \$150,000. This was based on an alternative route through Richards Oval, which was shorter and had fewer manholes. This route was altered taking into account of the concerns raised by the staff of Parks & Gardens. Also since the preliminary estimate was prepared, the cost of construction has gone up due to higher material costs, higher labour costs and increasing costs in meeting the OH&S requirements. The current estimate to complete the works is \$275,000.

The original funding for this project was \$75,000 from the Developer and \$75,000 from the Council. Since the Developer's contribution is capped at \$75,000 by a Deed of Agreement, it is suggested that some additional monies required to complete this construction come from the sale of the road, as it was this sale that necessitated the relocation of the sewer main.

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.

Public Consultations

Not required.

Manager - Finance & Administration

Given that the existing main was constructed in 1984 and is approximately 28.5% through its useful life, it is reasonable for the Sewer Fund to contribute at least \$78,400 towards these works.

The balance should come from the proceeds of the sale of McKenzie Street as this created the need for these works.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Noted.

LISMORE CITY COUNCIL - Meeting held April 27, 2004

Report – Tender for the Construction of Sewer Mains – McKenzie Street, Lismore

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 McKenzie Street be awarded to Camglade Pty Ltd at the prices submitted.

Recommendations (ENT03)

1. The contract for the construction of sewer mains at Cathcart Street be awarded to Camglade Pty Ltd at the rates submitted (The estimated price of the works is \$248,466 plus GST).
2. The Mayor and General Manager be authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.

Subject/File No: APPLICATION FOR CLOSURE OF PUBLIC ROAD –WESTERN EXTENT OF WILLIS ROAD, CHILCOTTS GRASS, TREGGLE BOUNDED ON ALL SIDES BY LANDS COMPRISING ‘TUCKI FARM’.

Prepared By: Manager Special Projects and Properties, Lindsay Walker

Reason: To comply with DA 03/824 condition.

Objective: To seek Council resolution

Management Plan Activity: Roads – Urban, Rural and Regional Roads

Background:

Council is in receipt of an application from Tucki Macadamia Partnership for the closure and purchase of the western extent of Willis Road where it currently terminates. This portion of Willis Road provides access to and is bounded on all sides by lands comprising “Tucki Farm”. This portion of road does not service any other landowners and is not required for any future road extensions or any infrastructure provisions..

The reason for the proposed Road Closure is to comply with Condition No. 7 of Development Consent 2003/824. Through the development assessment process it was considered essential that the subject area of road reserve from a point 10 metres west of the common boundary between lots 1 and 5 to the current end of Willis Road be closed and incorporated into the proposed lot 1 (copy attached) to prevent the construction and maintenance of unnecessary public roads. All affected landowners have provided their consent to this application.

Manager - Finance & Administration Comments

On the basis that all costs associated with the road closure are to be borne by the party purchasing the road and the road is sold at market value, the recommendations are supported.

Public Consultations

Not required.

Other Group Comments

Group Manager City Works – Bill Moorhouse

The Road Closure is acceptable to City Works on the basis that the lane is consolidated into the proposed lot 1.

Author’s Response to Comments from Other Staff

Noted.

Conclusion

The closure and incorporation of this portion of Willis Road complies with Council’s DA condition and the closed portion of public road will be purchased and consolidated within approved Lot 1 with all other allotments obtaining access from the balance of Willis Road east of its required point of termination. The closure will have no impact on Council’s existing infrastructure or services.

Recommendation (GM01)

- 1 That the application to close the western end of Willis Road (as shown in the attached sketch) be endorsed by Council and lodged with the Crown for endorsement and gazettal as Council land.
- 2 Council sell the abovementioned closed road to the adjoining landowner at market price.
- 3 All costs associated with the road closure, as set out in this report be borne by the party who will purchase the closed road.
- 4 That the General Manager and Mayor be authorised to sign and affix the Council Seal to land transfer documents and plans of survey as may be necessary to expedite this resolution.

LISMORE CITY COUNCIL - Meeting held April 27, 2004

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD MARCH 17, 2004
AT 10.00 AM.

(WMacD:VLC:S352)

Present: Mr Bill Moorhouse (*Chairperson*), Councillors Mervyn King and John Hampton, Ms Bronwyn Mitchell on behalf of Mr Thomas George, MP, Mr Mike Baldwin (*Roads and Traffic Authority*), Snr Const Steve Hilder (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*) and Mr Bill MacDonald (*Co-Ordinator – Traffic & Law Enforcement*).

In attendance: Messrs M Stralow for Item No. 3 and Chris Soulsby (*Development Assessment Planner*) for Item No. 19.

Apologies: Apologies for non-attendance on behalf of Councillor John Chant and Messrs Thomas George MP, and John Daley were received and accepted and leave of absence granted.

Minutes of Traffic Advisory Committee Meeting – February 18, 2004

Members were advised that the Minutes of the meeting held on February 18, 2004 were adopted by Council at its meeting of March 9, 2004, excluding Item Nos. 5, 8 and 13.

Disclosure of Interest: Nil

Business Arising

1. Pedestrian Refuge on Rous Road (*Meeting of 18/2/04, Item 5*)

Council resolved that -

- (a) a pedestrian refuge be installed on Rous Road just south of Pleasant Street
- (b) this matter be referred back to the Traffic Advisory Committee with a recommendation that a pedestrian crossing be installed at this location
- (c) safer pedestrian access be examined and provided along Rous Road between Pleasant Street and Oliver Avenue.

Committee Members noted that a marked pedestrian crossing could not be installed at the intersection of Rous Road and Pleasant Street as pedestrian and vehicle counts would be too low to meet the warrants set down by the RTA.

The area between Pleasant Street and Oliver Avenue had been examined and due to the bend and intersections along this section of road, there was no other location where a refuge could be safely installed. It was noted that with the inclusion of the refuge proposed near the intersection of Pleasant Street there would be four pedestrian facilities along Rous Road.(04-1274:R6610,R6502,S853)

2. Temporary Closure of Nesbitt Lane by the Loft Restaurant

(*Meeting of 18/2/04, Item 8*)

Council had resolved that the General Manager be authorised to approve similar requests from the Loft Restaurant provided certain conditions were met, including the advertising of the closure, appropriate time restrictions being adhered to, and the adjoining businesses continuing to support the closure of the lane for functions of this type.

Council's resolution was noted.

(04-1043:P21006)

3. Intersection of Dunoon/Beddoes Road, Modanville

(*Meeting of 18/2/04, Item 13*)

Council had resolved that this matter be referred back to the Traffic Advisory Committee with a recommendation that a merging lane be created as soon as possible. In the meantime other options be investigated to improve public safety.

Mr M Stralow was present for this item and was invited to outline the concerns of residents who lived along Beddoes Road.

LISMORE CITY COUNCIL - Meeting held April 27, 2004

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD MARCH 17, 2004 (Cont'd)

3. **Intersection of Dunoon/Beddoes Road, Modanville** (Cont'd)
As identified earlier, the main problems were the restricted sight distance when turning right into or out of Beddoes Road. It was recognised that the only solution was to widen the intersection and include a protected right-turn bay.
- TAC20/04** **RECOMMENDED** that this issue be referred to Council's Design Services Section to develop a plan and estimate and this be submitted to the Roads Management Committee for consideration of funding in a future programme. (R3407,R4351)
4. **Jiggi Road** (Meeting of 18/2/04, Item 21)
The Committee discussed the installation of 'School' signs near Jiggi Public School and a review of speed limits. Mr MacDonald advised that an inspection had been carried out and the existing school zone signage was in good order and clearly visible. The speed limit outside of these hours was considered appropriate given the limited roadside development. (R2551)
5. **Remnant Drive and Avalon Avenue, Clunes** (Meeting of 18/2/04, Item 9)
Mr MacDonald advised that traffic counts had been carried out on Remnant Drive and the results showed that the 85th percentile speed was 49 kph. This indicated that generally speed was not a problem in this street and the cost of installing traffic calming measures could not be justified. It was also noted that a footpath had been constructed within the development providing a direct link to the Clunes Public School and negating the need for school children to walk along James Gibson Road to and from school.
- TAC21/04** **RECOMMENDED** that the writers be advised in accordance with the above. (04-949:S342,R8613,R8662)
6. **Walker Street, Clunes – Speed Bump** (Meeting of 19/11/03, Item 3)
Mr MacDonald advised that traffic counts had been carried out on Walker Street, Clunes, and the results showed that the 85th percentile speed was 46 kph. This indicated that generally speed was not a problem in this street and the cost of installing any further traffic calming measures could not be justified.
- TAC22/04** **RECOMMENDED** that the Clunes Progress Association be advised in accordance with the above. (03-10663:S352,R1302)
- Correspondence:**
7. **Ms S Martin;** drawing attention to the intersection of Tuckurimba Road and Swan Bay Road and seeking additional traffic signage for motorists.
- TAC23/04** **RECOMMENDED** that a larger 'Give Way' sign with a fluorescent orange border be installed on the northern leg of Tuckurimba Road at its intersection with Swan Bay Road.
- TAC24/04** **FURTHER RECOMMENDED** that a 'cross road' intersection warning sign replace the existing 'gravel road' sign on the same leg. (04-1377:R5504)
8. **Ms A Feebrey and Ms J Dudgeon;** requesting that a 50 kph speed zone be applied to Raward Road, Dunoon.
- An inspection revealed that Raward Road was a rural dead-end gravel road with minimum roadside development and as such, the general state speed limit was appropriate. It was noted that the existing 'No Through Road' sign was in need of replacement.
- TAC25/04** **RECOMMENDED** that the writers be advised the existing speed limit was considered appropriate and that the existing 'No Through Road' sign would be replaced. (04-1420:S346,R3402)
-

9. **Ms K Myers;** advising further in respect of previous request for a reduced speed limit to apply on Eltham Road, Pearces Creek.

The section of road in question had once again been inspected with the Police Representative and as indicated after previous inspections, the existing speed limit was considered to be the most appropriate.

TAC26/04 **RECOMMENDED** that the writer be advised accordingly. (04-1518:R4002)

10. **Wyrallah Public School P & C Association;** requesting consideration be given to upgrading the bus zone and visitor parking area outside the school grounds.

An on-site inspection was held with the Principal and a number of replacement signage issues were identified. Parking areas were considered adequate provided parents used the available areas correctly.

TAC27/04 **RECOMMENDED** that the following works be carried out -

- a) Replace existing 'Bus Zone' signs with times 8.15am to 9.15am and 2.30pm to 3.30pm school days;
- b) Replace right angle bend symbol sign, chevron hazard markers and children symbol warning sign with 'school' plate attached, all on the eastern approach to the school; and
- c) Repaint the double white centre line around the bends in the vicinity of the school. (04-1701:P21923)

11. **Wyrallah Road Public School P & C Association;** again highlighting the traffic and pedestrian problems being experienced at the Nielson Street entrance to the school and seeking assistance with improving the situation.

A meeting was held with the Principal and a number of issues were discussed. As a result of an earlier inspection, it was already proposed to seek funding from the RTA for additional footpath works enroute to the school and for the upgrading of the existing pedestrian refuge at the intersection of Elizabeth and Nielson Streets.

It was agreed that restricting parking to only one side of Nielson Street would potentially shift the problem to another area and increase vehicle speeds, neither of which was acceptable. The need for a crossing supervisor at the intersection of Elizabeth and Nielson Streets was also discussed.

TAC28/04 **RECOMMENDED** that a pedestrian and vehicle count be carried out with the results being referred back to the Committee for further consideration. (04-1717:P15889)

12. **Ms L DeBolt;** drawing attention to the traffic hazard which exists on Whian Whian Road near Whian Whian Falls with vehicles being parked on the narrow road shoulder and suggesting "No Standing" signs be erected.

It was suggested that as the area was becoming increasingly popular, investigations should be made as to whether or not the road shoulders could be widened to allow for additional parking. If widening could not be achieved, it was suggested that guideposts grouped together could deter motorists from parking in the areas of concern. It was suggested that Rous Water may wish to contribute to any proposed works.

TAC29/04 **RECOMMENDED** that this matter be referred to Council's Manager-Roads & Infrastructure for investigation and action as required. (04-1817:S352,R3453)

13. **R McLennan**; requesting that a marked pedestrian crossing be installed on Keen Street in front of the Lismore District Workers' Club.
Mr MacDonald advised that he had met with the General Manager of the Club and an area had been identified immediately south of the 'in' driveway in front of the Club that may be suitable for a pedestrian refuge, subject to further investigation.
TAC30/04 **RECOMMENDED** that this matter be referred to Council's Design Services Section for survey and preparation of a plan that can be taken to the Club for further consideration. (04-1831:S352,P5641)
14. **Eltham Public School P & C Association**; requesting that the parking area outside the school be upgraded.
A meeting was held with the Principal where the need for additional formalised parking outside the school grounds was identified due to the growth in student numbers. A request was made for Boatharbour Road, in front of the school, to be widened and it was suggested that if the McKenzie Road frontage of the school was upgraded, this could be used for parents to drop off and collect children.
TAC31/04 **RECOMMENDED** that this matter be referred to Council's Design Services Section for survey and preparation of a plan and estimate and this be forwarded to the NSW Department of Education for consideration of funding any proposed works. (04-2117:S352,P14175)
15. **Ms L Miller**; drawing attention to the pedestrian hazard which exists on Richmond Hill Road at the Tamarind Close intersection and requesting that the area be assessed with a view to improving pedestrian safety.
Ms Miller was met on-site prior to the meeting and it was established that the main concerns related to restricted sight distance of oncoming traffic when crossing Richmond Hill Road from Tamarind Close. It was agreed that the small number of such movements would not warrant the installation of a formal pedestrian facility but a 'children symbol' warning sign may assist in warning motorists of any activity.
TAC32/04 **RECOMMENDED** that a 'children symbol' warning sign be installed prior to Tamarind Close for motorists coming up Richmond Hill Road. (04-2254:R1012,R1011)
16. **Peugeot Club of Queensland Inc**; seeking permission to hold a Concourse and street parade on Easter Saturday, April 10, 2004, congregating in the Clyde Campbell Carpark at 7.30am.
It was noted that the Club would need an area of approximately 60 spaces within the Clyde Campbell Carpark to hold its static display. It was felt that an area of this size could be identified and cordoned off for the Club's use. There were no objections to the proposed parade provided Police consent was also obtained.
TAC33/04 **RECOMMENDED** that permission be granted for the parade and the use of the Clyde Campbell Carpark provided a suitable area can be identified that meets the needs of the organisers. (04-2454:S336,S704)

General Business:

17. **Intersection of Ballina Road and Bruxner Crescent, Goonellabah**
A request had been received for the Committee to review the existing facilities to prohibit right-turn movements into Bruxner Crescent from Ballina Road. It was noted that a concrete triangle had recently been constructed in the throat of Bruxner Crescent in order to further deter motorists from attempting to turn right into Bruxner Crescent which included a new 'no entry' sign and it was felt that this measure had resulted in some improvement to motorists' habits.

LISMORE CITY COUNCIL - Meeting held April 27, 2004

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD MARCH 17, 2004 (Cont'd)

17. **Intersection of Ballina Road and Bruxner Crescent, Goonellabah** (Cont'd)
There was some uncertainty about the number of motorists still carrying out this manoeuvre and it was suggested that the area be monitored prior to any additional works being implemented.
- TAC34/04** **RECOMMENDED** in accordance with the above. (R6408,R6414)
18. **Dixon Place, Lismore Heights – Speed Bump**
Ms C Champion had requested that a speed bump be installed at Dixon Place to reduce the incidence of speeding. It was suggested that as a first step it would be appropriate to install classifiers on the road to ascertain vehicle speeds and whether or not any traffic calming device was warranted.
- TAC35/04** **RECOMMENDED** that classifiers be installed on Dixon Place with the results being resubmitted for further consideration. (R7112)
19. **Eastpoint Shopping Centre**
Mr Soulsby was present for this item and outlined the latest proposal. The plan now prohibited entry onto the site from Ballina Road with all entry from Holland Street. Egress was either left onto Ballina Road or left onto Holland Street. It was noted that car parking spaces were in excess of what was required. Concerns were raised about the tight turning paths for large vehicles within the carpark. Mr Soulsby undertook to ensure that these were adequate. (S746,D020771)
20. **Intersection of Dalley and Nielson Streets**
It would appear that the existing 'Give Way' control on the southern leg of Nielson Street was being missed by some motorists and should be further highlighted. Parking along the northern side of Dalley Street, up to the intersection, was also creating sight distance problems when exiting from the northern leg of Nielson Street onto Dalley Street.
- TAC36/04** **RECOMMENDED** that a centre median and 'Give Way' sign be installed on the southern leg of Nielson Street but set back from Dalley Street to allow for turning movements.
- TAC37/04** **FURTHER RECOMMENDED** that a 'No Stopping' sign be erected on the northern side of Dalley Street, 10m west of Nielson Street. (R7426,R7459)
21. **NORPA – 'Flood' Production**
Mr MacDonald advised that due to the likelihood that the levee works being carried out at the Rowing Club Carpark would not be finished before the production date, it was now proposed that the production finish at the bottom section of Hensley Carpark. This would require some modification to the traffic control plan to cater for the revised route. There was no objection to the proposed change. (S352)

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

CHAIRPERSON

TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR

DOCUMENTS FOR SIGNING AND SEALING

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

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

Recommendation:

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

1 Surrender of Lease to Dynamic business Communications

2 Request to Registrar-General to write off expired lease with Castlesands Pty Ltd

As part of the conditions of sale of 186 Molesworth Street, Lismore, Council is required to confirm or remove the leases shown on the title of the property, prior to settlement. The abovementioned leases form part of this process.

(04-3881: P6832)

CONFIDENTIAL MATTERS – COMMITTEE OF THE WHOLE

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

Section 10A(2) – Local Government Act 1993.

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

Recommendation:

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

Item 1: *Possible Amendment to the Existing Agreement between Council and Tryton Waste Services*

Grounds for Closure: **Section 10A(2) (d):**

Public Interest: Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to contract with third parties that are commercial in confidence.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, MARCH 9, 2004 AT 6.00PM.

Present: Mayor, Councillor King; Councillors Chant, Crowther, Gallen, Hampton, Irwin, Roberts, Suffolk, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Communications & Community Relations, Strategic Planner, Administrative Services Manager and Team Leader-Administrative Support.

32/04 **Apologies/**
Leave of
Absence: An apology for non-attendance on behalf of Councillor Baxter was received and accepted and leave of absence granted.
(Councillors Irwin/Chant)

33/04 **Minutes:** The Minutes of the Ordinary Meeting held on February 10, 2004, were confirmed.
(Councillors Crowther/Hampton)

PUBLIC ACCESS SESSION:

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

Mr Andrew Heap re Noise Management in the Macadamia Industry

(See Minute No. 39/04)

Mr Heap addressed in broad terms the joint process the industry and Council had taken to reach this point. He emphasised the industry was keen to resolve any noise issues.

(S234)

Maurie Stralow – re Item 13, Traffic Advisory Committee – Intersection of Dunoon Road and Beddoes Road, Modanville

(See Minute No. 43/04)

Mr Stralow outlined a history of problems with the Dunoon/Beddoes Road intersection. He expressed frustration that the intersection was not going to improve, claiming an accident was inevitable. He urged Council to reconsider this issue.

(R3407,R4351)

CONDOLENCE:

Late B C (Barry) Munro

Barry Munro was an alderman at Council for 6 years from 1981 to 1987. He held the position of Deputy Mayor at one time. Mr Munro was a chemist in Lismore for many years.

34/04 The Mayor moved that Council's expressions of sympathy be conveyed to the family of Barry Munro and the motion was carried with members standing and observing the customary moment's silence.

(S75)

MAYORAL MINUTES:

Support for Upgrade of Mt. Lindsay Road

35/04 **RESOLVED** that the report be received and -

- 1 Lismore City Council write to the Minister for Roads, Carl Scully, expressing full support for an upgrade of the Mt Lindsay Road between Legume and Woodenbong on the basis that it is an important regional road, which has the potential to contribute significantly to the economic development of the region.
- 2 Council write to the Queensland government enquiring what its intentions are in regard to the Legume to Warwick section of the road and urging its upgrade.

(Councillors King/Crowther)
(S640,S374)

Commuter Train Service – Casino to Murwillumbah

36/04

RESOLVED that the report be received and -

- 1 That with support of the Councils of Richmond Valley, Tweed and Byron, a feasibility study be conducted into a local daily commuter passenger rail service on the Casino-Murwillumbah line.
- 2 That funds for such a study be sought from the Sustainable Regions Program and the Area Consultative Committee.
- 3 That the study be targeted for completion by September 2004.
- 4 Options to be investigated include:
 - a) A public-private partnership in which a private operator operates a passenger service using existing rolling stock.
 - b) State Rail to set up a light rail passenger service on the line to link with the Sydney/Brisbane service.
 - c) Joint Council financial backing for the development of a local-government/community light rail service.
 - d) Approaching the Queensland Government for assistance in developing a rail-link between Robina and Murwillumbah.
 - e) A Murwillumbah/Casino and return tourist service to tap into the huge Gold Coast tourist market.

(Councillors King/Hampton)
(S133)

NOTICE OF MOTIONS:

General Manager's Salary Package

Formal notice having been given by Councillor Swientek it was MOVED that –

- 1 Council adopt as policy that all future General Manager salary packages be made public and that they be adopted and debated in open Council.
- 2 That Council review and improve its current reporting and recommending salary package increments for the General Manager by involving the Performance Review Committee to assist the Mayor in preparing a report and recommendation of salary increase or contractual adjustments.

(Councillors Swientek/Gallen)

AN AMENDMENT WAS MOVED that -

- 1 Council adopt as policy that all future General Manager salary packages be made public.
- 2 That Council review and improve its current reporting and recommending salary package increments for the General Manager.

(Councillors Irwin/Tomlinson)

On submission to the meeting the AMENDMENT was DEFEATED.

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

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Irwin, Tomlinson, King, Chant, Hampton, Suffolk and Crowther.
(E/OSU-100,S252)

Police Station in Goonellabah

37/04 Formal notice having been given by Councillor Swientek it was **RESOLVED** that Council organise a deputation and information kit to the Minister of Police, Mr Watkins, to lobby for the establishment of a 24 hour police station in Goonellabah.
(Councillors Swientek/Roberts)
(04-1763: S417)

SUSPENSION OF STANDING ORDERS:

38/04 **RESOLVED** that standing orders be suspended and Council now deal with the undermentioned matters:-

- Report – Noise Management in the Macadamia Industry
- Traffic Advisory Committee Minutes 18/2/04

(Councillors Irwin/Hampton)

Report – Noise Management in the Macadamia Industry

39/04 **RESOLVED** that the report be received and –

- 1 That Council trial the *Draft Code of Practice for Noise Management of On-farm Processing of Macadamia Nuts* during the 2004 harvest/processing season which runs from April to September.
- 2 That the above be publicised via an appropriate media strategy.
- 3 That, during the trial period, the noise standards contained in the *Draft Code of Practice for Noise Management of On-farm Processing of Macadamia Nuts* be used only in the assessment of, and responses to, noise complaints but not in relation to the setting of consent conditions for any DA for a commercial macadamia processing operation which may be received and determined during the trial period.
- 4 That the Australia Macadamia Society be asked to continue its promotion of the best practice measures contained in the *Draft Code of Practice for Noise Management of On-farm Processing of Macadamia Nuts*.
- 5 That officers report back to Council at the conclusion of the trial period with such report incorporating all written comments/submissions received from the public (including growers) during the trial period.
- 6 Congratulate the Australia Macadama Society and the Planning Department staff on the document they have produced.

(Councillors Irwin/Suffolk) (S234)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 18/2/04

40/04 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted, excluding Clauses 5, 8, 13 and 16.
(Councillors Irwin/Hampton)

Clause 5 – Mrs Marjorie Fisher

41/04 **RESOLVED** that -

- 1 That a pedestrian refuge be installed on Rous Road just south of Pleasant Street.
- 2 That this matter be referred back to the Traffic Advisory Committee with a recommendation that a pedestrian crossing be installed at this location.
- 3 Safer pedestrian access be examined and provided along Rous Road between Pleasant Street and Oliver Avenue.

(Councillors Crowther/Irwin)
(04-1274: R6610,R6502,S853)

Clause 8 – The Loft Restaurant

- 42/04 **RESOLVED** that the General Manager be authorised to approve similar requests from the Loft Restaurant provided certain conditions were met, including the advertising of the closure, appropriate time restrictions being adhered to, and the adjoining businesses continuing to support the closure of the lane for functions of this type.

(Councillors Roberts/Irwin)
(04-1043: P21006)

Clause 13 – Intersection of Dunoon Road and Beddoes Road, Modanville

- 43/04 **RESOLVED** that this matter be referred back to the Traffic Advisory Committee with a recommendation that a merging lane be created as soon as possible. In the meantime other options be investigated to improve public safety.

(Councillors Tomlinson/Irwin)
(R3407,R4351)

Clause 16 – Intersection of Conway and Carrington Streets – Right-Turn Bay

A MOTION WAS MOVED that a “Give Way” sign be erected in Conway Street.
(Councillors Crowther/Suffolk)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Irwin, Roberts, Tomlinson, Gallen, Swientek, Chant and Hampton.

- 44/04 **RESOLVED** that this matter be received and noted.
(Councillors Irwin/Hampton) (R7307,R7303)
(S352)

RESUMPTION OF STANDING ORDERS:

- 45/04 **RESOLVED** that standing orders be resumed.
(Councillors Irwin/Hampton)

REPORTS:

Noise Management in the Macadamia Industry

(See Minute No. 39/04)

Amendment to Lismore Local Environmental Plan – 296 Stony Chute Road, Nimbin

- 46/04 **RESOLVED** that the report be received and -
- 1 Prepare an amendment to Lismore Local Environmental Plan 2000 to include Lot 4 DP 1048778 Stony Chute Road in Schedule 4 pursuant to section 54 of the EP&A Act 1979.

- 2 Advise the Department of Infrastructure, Planning and Natural Resources that Council intends to use its s65 and s69 delegations and that it considers that the preparation of a Local Environmental Study is not necessary.
- 3 Consult with relevant Government agencies pursuant to s62 of the EP&A Act.
- 4 Advertise the draft LEP amendment for a period of twenty eight days following consultations with Government agencies.
- 5 Exhibit the Master Plan for adoption by Council prior to gazettal of the LEP amendment.

(Councillors Roberts/Irwin)
(S882)

Amendment to Lismore Local Environmental Plan – 18 Dougan Road, Caniaba

47/04 **RESOLVED** that the report be received and -

- 1 Pursuant to section 54 of the EP&A Act 1979, prepare an amendment to Lismore Local Environmental Plan 2000 to include Lot 1 DP 263257 Dougan Road Caniaba in Schedule 4 of the LEP with a condition that the proposed roundabout at the intersection of Dougan Road and Caniaba Road be constructed prior to the release of the Final Plan of Survey.
- 2 Advise the Department of Infrastructure, Planning and Natural Resources that Council intends to use its s65 and s69 delegations and that it considers that the preparation of a Local Environmental Study is not necessary.
- 3 Consult with relevant Government agencies pursuant to s62 of the EP&A Act.
- 4 Advertise the draft LEP amendment for a period of twenty eight days following consultations with Government agencies.

(Councillors Irwin/Suffolk)
(S882)

Flood Prone Property Acquisition – 131 Bridge Street, North Lismore

48/04 **RESOLVED** that the report be received and -

- 1 That Council authorise the General Manager or his delegate to purchase 131 Bridge Street, North Lismore, being Lot 5 in Deposited Plan 7359.
- 2 That Council contributes its one-third funding contribution for the purchase of Lot 5 in Deposited Plan 7359 for an agreed price of \$120,000.00, together with all reasonable legal costs from the Voluntary Floodplain Acquisition fund.
- 3 That the General Manager and Mayor be authorised to sign and apply the Common Seal of the Council to the Contract for Sale and property transfer documents as necessary.

(Councillors Swientek/Hampton)
(P1334)

Closure of part of Council Public Road – Caniaba

49/04 **RESOLVED** that the report be received and -

- 1 That the application to close part of Caniaba Road, as shown in the adjoining sketch be endorsed by Council.
- 2 That all costs associated with the road closure be borne by Rous Water.
- 3 That the area of closed road, the subject of this report be transferred to the landowner of Lot 22 in Deposited Plan 732020.
- 4 That the General Manager and Mayor be authorised to sign and seal any and all documents necessary to bring about the recommendation.

(Councillors Irwin/Gallen)
(P14940)

Policy Review

50/04 **RESOLVED** that the report be received and -

- 1 That the Payment of Expenses and Provision of Facilities Policy be amended, with the table of reimbursements on the bottom of Page 1 being deleted (as this figure changes every 12 months) and being replaced with the mechanism used to evaluate the allowances, with the last paragraph reading
 - *Expenses will be reimbursed to delegates whilst on Council business, subject to the maximum amounts as set by the Australian Taxation Office ruling "Income tax reasonable allowance amount..." released annually and in accordance with a signed declaration.*
- 2 Policy 5.2.16 - The Erection of Structures and Filling and Excavation Near Easements, Drains, Sewer and Water Mains be amended as follows:
Minor changes to 1 (a) and (b).
- 3 To read *"The Group Managers of City Works or Business & Enterprise....."*
- 5 To read *"That information relating to the requirements of this policy be promoted on Development Consents."*
- 3 Policy 5.2.2 - Development Assessment Panel Function and Modus Operandi be amended with Point 4 to be added under heading "Modus Operandi", to read:
 - *When development proponents attend the Panel to receive pre-lodgement advice, the Panel's advice will be minuted. The pre-lodgement minutes will be provided to the Manager-Planning Services who will document the comments in a letter to the proponent(s).*
- 4 Policy 2.1.1 – Construction of New Bush Fire Sheds be deleted.
(Councillors Irwin/Hampton) (S9)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 18/2/04

(See Minute No. 43/04)

DOCUMENTS FOR SIGNING AND SEALING:

51/04

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

Contract and Transfer documents for sale of Lot 735 Oliver Avenue, being a subdivision of Lot 73 in Deposited Plan 876840. Council has negotiated an offer of \$165,528.00 for the purchase of proposed Lot 735, DP 1054845 being partially levelled, vacant land fronting the extension of Oliver Avenue, Goonellabah.

Contract and Transfer documents for sale of part of Lot 736 Oliver Avenue, being a subdivision of Lot 73 in Deposited Plan 876840. Council is negotiating the sale of this partially filled and only partially sewered lot with several parties. The final price of the land is yet to be finalised but will be in excess of \$47.00 per m² which is consistent with market value.

Reassignment of Lease for the kerbside dining area adjacent to 53 Woodlark Street, Lismore (Dairy Delite Café) from Carmel Beelitz to Robyn Barrett due to sale of property to which the lease attaches.
(04-131:P10330)

Contract and Transfer documents for the sale of 301 Keen Street, Lismore
Council resolved to sell this property in 1998 when "the Gasworks" site was remediated. This work has been completed and the property listed with local agents.
(P5671)

5 Year Lease to Exxon Mobil

For aircraft fuel store No. 2 at the Lismore Airport. Lot 2, DP 1063331.
(P27932)
(Councillors Hampton/Roberts)

MATTER OF URGENCY:

Lismore Speedway Operation

52/04

RESOLVED that this matter be admitted to the business paper as a matter of urgency.
(Councillors Crowther/Irwin)

Voting Against: Councillors Roberts and Swientek.

S459

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

The Deputy Mayor, Councillor Chant, assumed the chair.

53/04

RESOLVED that -

- 1 In the matter of the issue of a licence by Lismore City Council and the Speedway operator, that Council adopt as a "blue print" the licence agreement devised by Parramatta City Council.
- 2 To conform to our specific needs the "blue print" be amended as follows:
 - a) In para 1.1, the existing preamble followed by the "Historic Annual Meetings (events) Schedule" with a maximum of 14 events in any one year. (This could include a list of dates proposed during the coming year. This clause should be negotiable in the number of events per year, however the final number of events per year should not delay the issue by Council of the licence.)
 - b) In para 7.2 "a certificate of compliance be submitted to Council within three (3) weeks of the completion of the year's season of events".

Note: The licence will include "an information about this Prevention Notice" as an addendum.

(Councillors Crowther/Irwin)

Voting Against: Councillors Roberts, Tomlinson and Swientek.

(P4)

The Mayor resumed the chair.

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE:

54/04

RESOLVED that Council now exclude the press and public and meet in Committee of the Whole to consider the following matters:-

Item 1: Clunes Sewerage Scheme

Item 2: Mayoral Minute – Performance Review and Monitoring –General Manager
(Councillors Hampton/Chant)

RESUMPTION OF OPEN COUNCIL:

When the Council had resumed its former sitting, the Mayor reported that Council, meeting in Committee of the Whole, had resolved to exclude the press and public during its consideration of the beforementioned matters to preserve the confidentiality of a commercial matter and a personnel matter

AND IT NOW RECOMMENDED

Item 1:

- 1 Council endorse the Committee's recommendation as stated in the body of the report.
- 2 That purchase of a suitable property be jointly funded by Council and DEUS; and
- 3 \$400,000 be allocated from the Sewer Fund for this purpose.

Item 2:

That the six-monthly monitoring review for the 6 month period, conducted on February 23 be received and noted and the recommendations adopted.

55/04

RESOLVED that the Mayor's report of Council meeting in Committee of the Whole be received and adopted.

(Councillors Irwin/Hampton)

(S288,E/OSU100)

This concluded the business and the meeting terminated at 8.55 pm.

CONFIRMED this 27th day of APRIL 2004 at which meeting the signature herein was subscribed.

MAYOR

