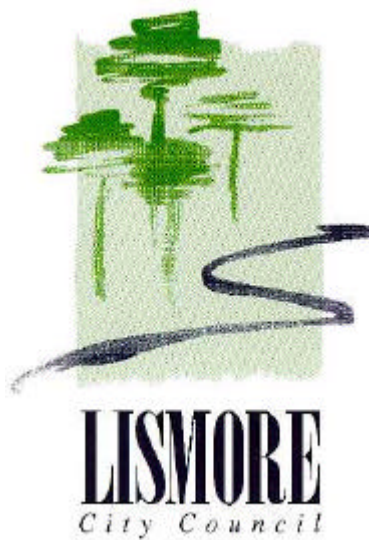


COUNCIL Business Paper



AUGUST 29, 2000



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, AUGUST 29, 2000, at 6.00pm and members of Council are requested to attend.

(Ken Gainger)
GENERAL MANAGER

August 22, 2000

COUNCIL BUSINESS AGENDA

29/8/00

PUBLIC ACCESS SESSION:

PAGE NO.

PUBLIC QUESTION TIME:

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE

CONFIRMATION OF MINUTES – Ordinary Meeting 8/8/00

CONDOLENCES

DISCLOSURE OF INTEREST

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CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE

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NOTICE OF RESCISSION MOTION

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

That Council's decision in regard to the Memorial Baths be rescinded to enable Councillors to have the benefit of the workshop on the Memorial Baths set down for August 15.

199/00 Resolved that the report be received and –

- 1 Council authorise the General Manager, in consultation with the Mayor, to finalise and execute the Deed of Agreement, (subject to Item 6 in the Council will" section being altered by replacing "the amount of \$180,000" with "the amount of up to \$230,000") along with any consequent Contracts for Sale, Memoranda of Transfer, Section 88B Instruments and Plans of Subdivision under the common seal of Council, in line with the terms of the Deed of Agreement as it affects Lot 538 of DP 755718, Lot 1 of DP 118543, Lot 1 of DP 749278, Lots 2 and 3 of DP 781912 and Lots A and B of DP 152858 and the section of Market Street that is to be closed.
- 2 Council call for registration of interest, forthwith, from suitable qualified and experienced consultants for the design of the memorial baths redevelopment. Registrants be requested to indicate their fee on the basis of a firm price or as a percentage of the tendered price exclusive of the parking area, access road construction, tree removal and relocation of services. The fee is to include the cost of preparing and finalising a development application and construction certificate but not include lodgement fees.
- 3 At the scheduled workshop, Council further review the proposed configuration of the Leisure/Program/Toddlers Pool and the attendance and cost estimates.

COUNCILLOR R M Irwin

COUNCILLOR D R Tomlinson

COUNCILLOR D J Roberts

DATE August 8, 2000

COMMENT BY MANAGER-CLIENT SERVICES:

The following comment relates only to Point 2 of the resolution. This item determines the method of delivery for the project.

The delivery method prescribed in this resolution is the conventional approach of separate design and construct contracts. Various elements, such as the carpark, would be designed and presumably constructed either by Council staff or a fourth party.

LISMORE CITY COUNCIL - Meeting held August 29, 2000

Rescission Motion – Lismore Memorial Baths

In contrast, the approach recommended in the staff report is generically referred to as Design, Development and Construct. If this approach were adopted then Council, with the aid of a panel of consultants, would provide a preliminary design, a detailed specification and obtain development consent. There would be one tender process and following this, the contractor would carry out the detailed design and documentation, obtain the construction certificate and complete construction.

In these types of matters there is generally not one right answer. Rather, there is a range of options with advantages and disadvantages. The most important aspects are that we retain competent people to carry out the various elements of the work to complete the project and that there is very tight management of quality, cost and time.

The project can be successfully completed using either method. Equally, problems can occur under both approaches.

Contractual Perspectives

AS4000 is an Australian Standard, General Conditions of Contract, for Design and Construct or Design, Development and Construct contracts. Council's Solicitors, Phillips Fox, have a licence agreement with Standards Australia to modify the standard and can do so to make the contract more favourable to the Principal (Council).

Similarly, there is an Australian Standard for General Conditions of Contract for Construction.

There is not an Australian Standard for Design Contracts and the appropriate benchmark here may be the Architect's Institute Contract. We are advised that it is generally more favourable to the Contractor.

Project Cost Performance

Under the conventional contract approach, Council has had problems in the past with other projects where construction tenders have not met the project budget. This is a common occurrence outside of Council as well.

To combat this problem, some developers (e.g. Department of Public Works & Services and Northern Rivers Area Health Service) take the approach of providing their contractors with a significant level of information on which to base their design. They also utilise quantity surveyors throughout the design process to ensure cost targets will be met.

Some architects are taking a pro-active approach, such as "Cost Based Design" to ensure that the Principal's financial interests are looked after.

Other Issues

The resolution refers to an alternative for the designer's remuneration being "a percentage of the tendered price." This is understood to mean the construction price. There are two points to make here:

- 1 As we will not know the tendered construction price until after the designer has completed their work the price would have to be a percentage of estimated construction price;
- 2 If the designer is paid a percentage of the construction price then there is a financial disincentive for the designer to keep the costs down.

The resolution refers to "registrations of interest". It is expected that the design contract would be in excess of \$100,000. Therefore, Council will need to carry out either an open or selective tendering process for the design contract and also later for construction contract.

Conclusion

There are advantages and disadvantages associated with either method. Both methods are commonly used and can be applied successfully. Problems can also arise under either method.

(00-12158: P6768)

NOTICE OF MOTION

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

Following pool rescission motion, if successful -

Council examine the cost advantages of developing the new pool proposal on the Goonellabah Town Centre site utilising Section 94 developer contributions already collected and developing on a green field site. This may include negotiating with Consolidated Properties for preferred sites if necessary.

COUNCILLOR F F Swientek

DATE 15/8/00

COMMENT BY RECREATION PLANNER:

The Council owned portion of land within the Goonellabah Town Centre site has a number of constraints that may inhibit the development of the new pool proposal on that site. An upper tributary of the Tucki Tucki Creek runs along the northern and eastern boundary of the site and a 6 metre wide Tesltra and sewerage easement runs through the western part of the site. Essentially this means there is only a limited building envelope on the site between these constraints.

The Department of Land and Water Conservation (DLWC) (copy of letter attached) have indicated that any development on the site would need to ensure that the drainage channel is left in its natural state and that no fill material is placed in the drainage line. Hydraulic assessment is necessary to define where the drainage line lies. DLWC have suggested that the 1:10 or 1:20 year flood lines would need to be determined before the drainage channel can be defined.

If insufficient land exists at this site, an alternative may be to reposition the facility on the western side of the easement, relocate the planned Gordon Blair Drive further west (currently privately owned land) or further east (to the east of easement) and negotiate with private land owners for the purchase of all or part of Lots 631/DP810600 and possibly 5/DP1011282. This would provide sufficient space to the west of the easement for a similar pool proposal, however a substantial amount of land would need to be purchased for this to occur.

Another option could involve relocation of the Testra and sewerage lines to allow a sufficient space on Council's land. This would involve substantial additional cost that would need to be determined.

Similar attendance estimates and financial modelling undertaken for the existing Memorial Baths redevelopment would also need to be prepared before any cost advantages/disadvantages of this proposal could be determined.

It is suggested that at least 2 months would be required to carry out all necessary work (including hydraulic assessment, further discussion with DLWC, sewerage and Telstra line relocation, possible land valuation, attendance estimations, financial modelling, etc) to determine any cost advantages/disadvantages of this proposal.

(00-12528: P28098,P17483)

NOTICE OF MOTION

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

Council evaluate the use of Compressed Natural Gas (CNG) in its fleet of vehicles and assess the feasibility of establishing a distribution system which would be accessible to the wider community.

(Supporting information provided in the circulars attached.)

COUNCILLOR John Crowther

DATE 14/8/00

STAFF COMMENT BY GROUP MANAGER-CITY WORKS:

The concept of using compressed natural gas (CNG) is excellent. The natural gas is produced in Australia and replaces imported petrol while at the same time having substantially improved tailpipe emissions.

The infrastructure required to compress natural gas and the refuelling facilities are not commonly available within the Lismore area at the moment.

This represents both an obstacle and an opportunity for Council to either become involved directly or assist others to become involved.

It was intended to submit a detailed report to Council in the near future which would cover the concept of operating a substantial number of Council's vehicles using compressed natural gas.

(00-12439: S360)

NOTICE OF MOTION

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

That the agreement between the Council and the Fullertons regarding compost be cancelled.

(Copy of agreement enclosed separately)

Comment:

The Fullertons signed the agreement under pressure believing that it would end the controversy. This was not the case. The Court decided that the Fullertons could not be blamed for the fly problem.

COUNCILLOR R R Baxter

DATE 16/8/00

STAFF COMMENT BY ACTING GROUP MANAGER-PLANNING & DEVELOPMENT:

As Council is aware staff have been involved in this matter since the end of 1997. In managing the use of stable waste materials on the Fullerton's property staff have utilised a combination of processes including site investigation, external auditing, attempted mediation, direction and negotiation.

Council at the Ordinary Meeting held October 6, 1998 formally considered this matter and resolved:

- 1. The report be noted.*
- 2. Council endorse the action taken by staff on this matter and that any future Council involvement relating to health matters be dealt with by staff only.*

On the December 22, 1998 Mr & Mrs Fullerton entered into an agreement with Council basically guiding the management and use of stable waste materials on their property. This agreement was signatored following discussion and amendment to an original draft. The statement that the Fullertons 'signed the agreement under pressure believing that it would end the controversy' is not supported. The agreement was an optional matter recommended by staff to resolve the matter but is one that has not been committed to by the Fullerton's. If they signed the agreement with that commitment to end the controversy and actioned the agreement the matter would have at that point not required any further Council involvement. Copies of this correspondence are provided as attachments. The outcome of a signed agreement is a result that would have been anticipated from the original mediation process should it have continued. The agreement is seen as a reasonable position for all parties and avoided unnecessary legal action to solve a local issue.

Justice Blanch of the District Court handed down a judgement on December 3rd, 1999. He considered a claim in the form of both nuisance and negligence from the adjoining property owner. The judgement states that "there was no evidence which has been produced which establishes the necessary connection which must be proved by the plaintiff".

Notice of Motion (Cr. Baxter) – Fullerton

Justice Blanch comments that what the evidence before the court establishes is that 'they (flies) could have been in nuisance proportions. What has to be established is that they were; not only that they were bred in nuisance proportions on the defendants land but those same flies were the flies that caused the nuisance to the plaintiffs property'. This matter was determined on the lack of evidence presented to the court, not on whether the nuisance existed.

The Notice of Motion is interpreted as requesting that Council have no further role in the management of this matter. This request is not supported as action to date has only resulted from assessments determining intervention as appropriate.

The management of this matter by staff is considered to have been reasonable and appropriate, in what would be recognised as a sensitive and difficult environment.

(00-12534: Z8098)

NOTICE OF MOTION

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

That Council rescind the agreement with the Fullertons dated December 22, 1998.

COUNCILLOR F F Swientek

DATE 15/8/00

STAFF COMMENT BY ACTING GROUP MANAGER-PLANNING & DEVELOPMENT:

See comment on previous Notice of Motion in this business paper.

(00-12528: Z80098,P17483)

NOTICE OF MOTION

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

That to improve the look of the city, to provide employment for local artists and to cut down on high annual maintenance costs, a report be brought to Council on ways in which sculptures commissioned from local artists might be erected on new, and where appropriate, existing roundabouts instead of the current preoccupation with fountains and gardens. Artists and sculptures to be selected by the Council's Public Art Selection Board in accordance with Council's Public Art Policy.

COUNCILLOR D R Tomlinson

DATE 15/8/00

STAFF COMMENT BY MANAGER-COMMUNITY SERVICES:

Cr. Tomlinson's suggestion is consistent with the objectives of Council's Public Art Policy which are reproduced here for the information of Councillors:

- To develop a public art programme committed to the integration of art into the very fabric of the City in order to enrich and vitalise the public domain.
- To contribute to the shaping and transforming of the City in ways that will reflect, accentuate and give added meaning to Lismore's unique environment, history and culturally diverse society.
- To ensure a commitment to excellence and diversity.
- To nurture the City as a creative environment in which opportunities for artists and their role in the community can flourish.
- To advocate and educate Council and the community on the value of art in public places.
- To integrate public art into Council's Urban Design Strategy in order to improve the quality of community spaces and to enhance the pedestrian streetscape experience.

It is important to note that there will be a cost in the commissioning of public artworks (although grant funds would be available for this purpose) and for their maintenance. Care would need to be taken in the selection of artworks that have a long life and are reasonably maintenance free.

STAFF COMMENT BY GROUP MANAGER – CITY WORKS:

Approximately 10 years ago Councillors and Staff identified the need to upgrade the appearance of Lismore. The upshot was that roundabouts were selected as a small area of land that could be intensively upgraded to improve the overall appearance of Lismore.

Council was, at that time, promoting the theme of "*Between the Rainforest and the Sea*", which was reflected in many of the roundabouts. Since that time a number of alternative centre pieces have been used.

LISMORE CITY COUNCIL - Meeting held August 29, 2000

Notice of Motion – Roundabouts

The overall effect has been substantial and Lismore is well known for its roundabouts. Representatives from Dubbo City Council recently visited Lismore and were very impressed with the improved appearance of the City; commenting quite favourably on the roundabouts.

However, times have changed and the cost of maintaining a large number of roundabouts is substantial. Therefore, any proposal that suggests a smaller long-term maintenance cost should be investigated and implemented if proved advantageous.

(00-12517: S661)

Subject/File No: DA 99/93 – RURAL LANDSHARING COMMUNITY, HENSEN ROAD, NIMBIN

Prepared By: Development Assessment Planner - Chris Soulsby

Reason: Councillors Gates and Swientek requested the development application be determined by Council

Objective: For Council to determine the development application

Management Plan Activity: Development Assessment

Introduction

The purpose of this report is to present a development application to Council for determination. The application is for the “Establishment of a Rural Land Sharing Community consisting of 15 dwellings, a community hall, access driveway and ancillary structures”. The application is made pursuant to State Environmental Planning Policy No. 15 Rural Land Sharing Communities.

Background:

The application was lodged on the February 12, 1999. Attachment 1 provides a chronology of events pertaining to the assessment of the application.

Public Consultations

The application was exhibited for public comment in accordance with the requirements of SEPP 15 and the Environmental Planning and Assessment Regulation 1994. Two submissions were received as a result of the exhibition, copies of which are provided in the attachments. A précis of the main points of objection is as follows:

- The site is too steep and of limited area to locate 15 dwellings;
- Reduction in the amount of water available to Goolmangar Creek due to dams and bores;
- Pollution of downstream waterway by effluent and grey water;
- Additional traffic on Hensen road;
- Maintenance issues for Crofton Road;
- Traffic noise;
- Need for an Environmental Impact Study;
- Objection to the density;
- A statement that the development is a “money grab” by the landowners.

These matters are discussed further in the S79C report below.

1 PRECIS

Applicant

ASPECT North

Zoning

The land is Zoned 1 (a) General Rural under the provisions of Lismore City Local Environmental Plan 2000.

Location

The subject land is located approximately 300m from the intersection of Hensen Road and Crofton Road, Nimbin. Refer to locality plan enclosed as attachment 2.

Proposal

The proposal is for the establishment of a 15 dwelling rural land sharing community.

Key Issues:

The main issues of significance are:

- Unlawful dwellings;
- 8m height limit development standard;
- Effluent disposal;
- Threatened Species and the 8 Part Test of significance;
- SEPP 44 Koala Habitat;
- The standard of public road access;
-

Each of these issues is addressed in the S79C assessment below.

2 DESCRIPTION OF THE PROPOSAL

The applicant proposes the establishment of a multiple occupancy development. However the proposed development is better categorised as the “Establishment of a Rural Land Sharing Community consisting of 15 dwellings a community hall, access driveway and ancillary structures”. The basis for this is that SEPP 42 Multiple Occupancy of Rural Land was repealed on October 21, 1994 and SEPP 15 Rural Landsharing Communities is the applicable planning instrument used to define the type of development being applied for.

The land the subject of the proposed development is Lot 2, DP 250624, No. 30 Hensen Road, Nimbin. Refer to site plan enclosed as attachment 3. The land is an irregularly shaped allotment and has an area of 57.08 hectares. Slopes on the land range from less than 3.7⁰ or 6.5% to greater than 51.3⁰ or 125%. Portions of the site have been partially cleared previously and some of the cleared areas are infested with weeds. The remainder of the site is heavily timbered.

There are four existing dwellings on the site. Three of these have been constructed without consent. These are further discussed below.

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

79C(1)(a)(i) Any Environmental Planning Instruments (EPI)

The following planning instruments apply to the development:

- Lismore City Local Environmental Plan 2000;
- State Environmental Planning Policy No. 15 Rural Landsharing Communities (SEPP 15);
- State Environmental Planning Policy No.1 Development Standards (SEPP 1);
- State Environmental Planning Policy No. 44 Koala Habitat (SEPP 44);
- North Coast Regional Environmental Plan 1988.

Each of these planning instruments are discussed in detail below.

Lismore City Local Environmental Plan 2000

The land is zoned 1 (a) under the provisions of this plan. Clause 30.4 of the land use table of L.E.P prohibits “residential buildings”. A residential building is defined in schedule 7 of the L.E.P as “a building or group of buildings erected on one lot of land and containing three or more dwellings”. Clause 37 (2) of the L.E.P applies to rural dwellings in zone 1(a) and states:

“Consent may be granted to the erection of a dwelling-house on a parcel of land to which this clause applies only if erection of the dwelling-house will result in no more than one dwelling-house on the same parcel, unless provided otherwise by this Part”

This clause further prohibits the erection of more than one dwelling on the subject land. Accordingly the application is prohibited under the provisions of the L.E.P.

Clause 41 applies to the subject land. The development as proposed does not involve development on the ridgeline and accordingly this clause has no significant impact on the assessment of the development.

State Environmental Planning Policy No. 15 Rural Landsharing Communities

This policy applies to the subject land as Lismore City Council is a Local Government Area listed within schedule 1 to the policy and the subject land is not on the list of excluded areas in schedule 2 of the policy. The aims of the policy are

- (a) *to encourage and facilitate the development of rural landsharing communities committed to environmentally sensitive and sustainable land use practices, and thus*
- (b) *to enable:*
 - (i) *people to collectively own a single allotment of land and use it as their principal place of residence, and*
 - (ii) *the erection of multiple dwellings on the allotment and the sharing of facilities and resources to collectively manage the allotment, and*
 - (iii) *the pooling of resources, particularly where low incomes are involved, to economically develop a wide range of communal rural living opportunities, including the construction of low cost buildings, and*
- (c) *to facilitate development, preferably in a clustered style:*
 - (i) *in a manner that both protects the environment and does not create a demand for the unreasonable or uneconomic provision of public amenities or public services by the State or Commonwealth governments, a council or other public authorities, and*
 - (ii) *in a manner that does not involve subdivision, strata title or any other form of separate land title, and in a manner that does not involve separate legal rights to parts of the land through other means such as agreements, dealings, company shares, trusts or time-sharing arrangements, and*
 - (iii) *to create opportunities for an increase in the rural population in areas that are suffering or are likely to suffer from a decline in services due to rural population loss, and*
- (d) *to repeal State Environmental Planning Policy No 42 - Multiple Occupancy of Rural Land (Repeal).*

Comment: An initial review of the proposal in terms of the information presented with the DA indicates that it is not antipathetic to the aims of the policy. However, during a site inspection, the occupants of two of the dwellings asserted that all the existing dwellings on the site were leased

and that the owners lived in Sydney. Council's records indicate that one of the owners, Mr P Hales, address for notices from Council is 61 Bowman Drive Drummoyne NSW 2407 and that Mr T Tesch address for Council correspondence is 79 Peninsula Drive Bilambil Heights. The third owner Mr R Tighe utilises a PO Box in Nimbin as the postal address. Comments from the occupants of the dwellings on the property and Council's records indicate that the owners do not reside on the property.

The issue of compliance with the objectives is discussed in greater detail below.

Clause 5 of the policy provides that:

"In the event of an inconsistency between this Policy and a regional environmental plan or a local environmental plan whether made before, on or after the day on which this Policy takes effect, this Policy prevails to the extent of the inconsistency".

This clause allows this clause 7 of the policy to prevail over the prohibitions specified in the L.E.P where certain development standards are met. Specifically clause 7 states:

Despite any provision in an environmental planning instrument concerned with the use of land for the purposes only of a dwelling or dwellings (as the case may be) in rural or non-urban zones, development may, with the consent of the council, be carried out for the purposes of 3 or more dwellings on land to which this Policy applies within such a zone if:

- (a) the land comprises a single allotment not subdivided under the Conveyancing Act 1919 or the Strata Schemes (Freehold Development) Act 1973, and*
- (b) the land has an area of not less than 10 hectares, and*
- (c) the height of any building on the land does not exceed 8 metres, and*
- (d) not more than 25 per cent of the land consists of prime crop and pasture land, and*
- (e) the part of the land on which any dwelling is to be situated is not prime crop and pasture land, and*
- (f) the part of the land on which any structure or work is to be situated is not land that is a wildlife refuge, wildlife corridor or wildlife management area and development and management of the rural landsharing community does not adversely affect any area identified as a wildlife refuge, wildlife corridor or wildlife management area, and*
- (g) the development is not carried out for the purposes of a motel, hotel, caravan park or any other type of holiday, tourist or weekend residential accommodation, except where development for such purposes is permissible under the provisions of another environmental planning instrument in the zone, and*
- (h) the part of the land on which any structure is to be situated does not have a slope in excess of 18 degrees, or has been determined not to be prone to mass movement, and*
- (i) the aims of this Policy are met.*

If any of the development standards "a" to "i" are not met then clause 7 does not apply to the development and accordingly the provisions of the L.E.P prevail as there is no inconsistency between the policy and the L.E.P and clause 5 of the policy is not activated. SEPP 1 Development Standards may be utilised to vary any of these development standards subject to the provisions of that SEPP. Each of the development standards will be dealt with in turn to determine if the policy applies.

- a) The land comprises of a single allotment and is not subdivided under either of these acts;
- b) The land is greater than 10ha in area;

- c) There is an existing unlawfully constructed building on the land that is greater than 8m in height. The building is situated on one of the nominated dwelling sites. The building was not indicated as part of the original application but was added as a result of Council's investigations. The information on the height of the unlawful building was only submitted to Council on the 30/5/00 (Refer chronology). The applicant has lodged an objection to this development standard pursuant to SEPP 1. This is discussed further below.
- d) There is not more than 25% of prime crop or pasture land on the lot;
- e) No dwellings are to located on prime crop or pasture land;
- f) The location of the dwelling sites on the site indicate that the development is unlikely to affect the corridor value of the site. The land is not a wildlife refuge or wildlife management area;
- g) The development is not being carried out for the purposes of a motel or tourist facility;
- h) The proposed dwelling sites are not located on slopes of greater than 18⁰;
- i) It is questionable if the aims of the policy are being met as according to the tenants the owners reside in Sydney. The policy does not intend that the properties be rented rather the aim of the policy is to provide low cost shared rural accommodation that is jointly owned and occupied. As mentioned above Council's records do not indicate that the owners live on site. It is unclear why three landowners require consent for a rural landsharing community consisting of fifteen dwellings. Leasing of the dwellings by non-resident owners is contrary to aims (b) (i) and (b) (iii) of the policy. This information needs to be considered on the basis of the documentation presented by the applicant with the development application. The management plan initially submitted with the DA had no formal structure nor did it indicate the underlying objective of the community to be set up. It may be inferred from the lack of detail provided in the management plan and from the non-resident owners that the development application may be speculative and therefore not in accordance with the aims of SEPP 15. If in the opinion of the Councillors it is considered that the application is not consistent with the aims of SEPP 15 then SEPP 15 does not apply and the prohibitions of the LEP prevail. Whilst it is questionable if the aims of the policy are being met there may not be sufficient evidence to categorically reject the bona fide's of the application on this basis. However if there is sufficient doubt in the Councillors minds that the aims of the policy are being met this may be used as a reason to not apply the SEPP and allow the prohibition in the L.E.P to prevail.

Despite the prohibition that applies, for the purpose of the assessment it is warranted to consider the remaining clauses of SEPP 15.

Clause 9 of SEPP 15 states:

(1) A council must not consent to an application made in pursuance of clause 7 unless it has taken into consideration such of the following matters as are of relevance to the development the subject of the application:

These matters are listed a to s and are dealt with below.

(a) the means proposed for establishing land ownership, dwelling occupancy rights, environmental and community management to ensure the aims and objectives of this Policy are met,

The applicant, in appendix 3 of the DA submission, provided an example of the principles that may be included into a management plan for the ownership of land. It is not a legal document nor is it a specification for such a legal document to be drafted. The information provided by the applicant is a range of alternative suggestions and speculation. It is contended that this is not an adequate means of establishing land ownership or dwelling occupancy rights within the land sharing community.

Environmental and community management of the site were not addressed in this management plan. Rehabilitation of some of the degraded areas of the site is mentioned elsewhere in the report, however it is not mentioned in the management plan. The applicant has not demonstrated that the proposed means for establishing land ownership, dwelling occupancy rights, environmental and community management such that these issues comply with the aims of the policy.

The applicant was requested to rectify the deficiencies in the management plan. A new management plan was submitted on July 24, 2000. Issues of Environmental and Community management were addressed in this plan. Subject to conditions of consent, these sections of the management plan would be acceptable.

The land ownership, equity transfer and tenure components of the management plan are relatively vague. This indicates that there is not a community with established ideals and principles rather it is a generic concept management plan to be adopted by a community when created.

(b) the area or areas proposed for erection of buildings, including any proposals for the clustering of buildings,

The areas for the erection of buildings have been nominated on a site plan. Some of the buildings are clustered and others are spread out along an existing track and cleared or partially cleared areas.

(c) the area or areas proposed for community use (other than areas for residential accommodation and home improvement areas),

The applicant proposes that the majority of the land be set aside for community use.

(d) the need for any proposed development for community use that is ancillary to the use of the land,

The applicant proposes a community hall to be built in the longer term.

(e) the availability and standard of public road access to the land,

Access to the subject land is from Hensen Road off Crofton Road. There is a single lane timber bridge with a steep access ramps. The narrow road from the bridge is of a poor standard. The width of the seal and shoulders of Crofton Road is currently below the required standard for the existing traffic use of the road. The current state of Crofton Road is unacceptable considering the additional traffic to be generated by the proposed development. Council's Contract Development Engineer proposed to impose a condition requiring the upgrade of both roads. The imposition of this condition would be consistent with current Council policy to require road upgrading. The applicant in the original submission indicates that *"an agreement has been reached with various land owners of future rural residential developments to share the improvement cost of Crofton Road on pro-rata basis."* On this basis Council could require this developer to upgrade the roads as the owners could become a party to the agreement with the other land developers of the rural residential developments on Crofton Road to contribute on a pro rata basis to the cost of upgrade of Crofton Road. The applicants have not produced such an agreement nor has such an agreement between the land owners of the rural residential developments come to fruition.

Aim (b) (iii) of SEPP 15 is to allow the economic development of low cost communal living particularly where low incomes are concerned. On this basis it is considered that the cost of the imposition of a condition of consent requiring the upgrade of the road is contrary to the aims of SEPP 15. Such a condition could not be considered to pass the three tests of validity for the imposition of a condition of consent, these being that a condition must:

- (i) Have a planning purpose;
- (ii) Fairly and reasonably relate to the development; and

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(iii) Not be so unreasonable that no reasonable planning authority could have imposed it.

The imposition of a condition to upgrade Crofton road would be for a planning purpose and it would relate to the development however it could not be said the condition is fair when considering the aims of the SEPP. The imposition of the condition to upgrade Crofton Road is considered to be unreasonable due to the cost implications. These costs would have to be entirely borne by the developer of the rural land sharing community unless an agreement with the other developers is reached. Such an agreement cannot be imposed by Council and as it is uncertain if the other developers will reach any agreement it is considered that for the purposes of this assessment that the entire cost of such a condition must be borne by the owners of this proposal.

From the draft Strategy for Rural Residential, Detached Dual Occupancy and Rural Land Sharing Communities it has been estimated that to upgrade 3.6km of Crofton Road would cost \$329,000.00. The cost to this development would be less than this estimate as the distance to Hensen Road along Crofton road is approximately 2.2km.

The concept of reasonableness referred to in the third test is that expounded in *Associated Provincial Picture Houses Ltd v Wednesbury Corporation* [1948], ie that a condition will be invalid if it is "so clearly unreasonable that no reasonable planning authority properly could have imposed it". When administering planning and environmental laws, a council is entrusted with a discretion whether to grant development consent and to impose such conditions as it considers appropriate. Per Cripps J:

The ambit of its discretion is, however, to be found in the planning and environmental legislation. Relevantly, it is to be found in s 90, s 91 (now s79C & s81 respectively) and s 94. In my opinion, a Council may not adopt a rule or policy disabling itself from exercising its discretion in individual cases and may not adopt a rule or policy inconsistent with its statutory obligations and duties. Even if the policy can be said to relate to a subject identified by the relevant legislation, a Council may not adopt a rule that that policy is to be applied in every case without regard to individual circumstances:

(Building Owners and Managers Association of Australia Ltd v Sydney CC (1984) 53 LGRA 54 at 68.) In consideration of this judgement the application of standard policy to require road upgrading where the road upgrade is not economically feasible having consideration of the aims of SEPP 15 then the condition may be manifestly unreasonable. If it is manifestly unreasonable it may be subject to challenge in the Land and Environment Court.

There is no question that both Crofton Road and Hensen Road are below an acceptable standard for any further development in the locality. On this basis Council has three options available:

1. Approve the DA without a condition requiring the upgrade of Crofton Road; or
2. Approve the DA and impose a condition of development consent to upgrade Crofton Road; or
3. Refuse the DA as the availability and standard of public road access to the land is inadequate.

Option 1 is not considered appropriate as it is incompatible with the draft Strategy for Rural Residential, Detached Dual Occupancy and Rural Land Sharing Communities and it would result in this development placing an additional traffic load on an already sub-standard road.

Option 2 is also not considered appropriate as for the reasons expressed above the imposition of a condition that involves a substantial cost on an application for low cost rural communal housing is unreasonable and therefore not valid. Such a condition may be subject to challenge in the Land and Environment Court.

Option 3 is justifiable as Crofton Road is below standard and Council is required to consider the availability and standard of public road access to the land by SEPP 15. Refusal of the DA would likely result in the challenge of the refusal in the Court. It is considered that defending a refusal on this merit basis is preferable to defending the validity of a condition of consent on a point of law.

On this basis the refusal of the application is warranted.

- (f) the availability of a water supply to the land for domestic, agricultural and fire fighting purposes and, where a proposed water supply is from a river, creek, dam or other waterway, the effect upon other users of that water supply,*

The initial proposal indicated that water would be taken for domestic use from the ephemeral streams on the site. Such a use of the water would have made the DA integrated development requiring a water license to be issued by the Department of Land and Water Conservation. The application was subsequently amended such that all domestic water was to be collected from roof water runoff and stored in tanks. This is suitable for domestic use. It is possible to condition that adequate storage provision be made for fire fighting purposes.

- (g) if required by the applicant, the availability of electricity and telephone services,*

These services are available to the site. The two existing dwellings at the top of the site do not currently have access to these services. The services could be provided to these dwellings at significant expense. The provision of these services may result in extensive tree removal and potential loss of habitat.

- (h) the availability of community facilities and services to meet the needs of the occupants of the land,*

The applicant cites Council's Community Services Directory to indicate the level of community services provided in the Village of Nimbin which is located four kilometres from the site. This is considered to be acceptable.

- (i) whether adequate provision has been made for waste disposal from the land,*

Effluent Disposal

Aspect North, Consultants, have submitted reports for the disposal of wastewater on-site.

The reports indicate that the site has significant constraints with regard to the disposal of effluent.

Boreholes taken for the purpose of soil sampling were generally terminated at a depth of 300-400mm due to the impermeable nature of the material at this depth. The soils can generally be described as very clayey across much of the site and further constraints are the steep slopes and poor exposure to sun and wind due to tall forest trees creating shadowing and wind protection.

Emphasis must be on the need for on-site wastewater systems to be sustainable over the long term and any application/proposal for on-site disposal must demonstrate that the site is capable of disposing of effluent in a sustainable manner.

Wastewater reports submitted have provided limited discussion about the constraints and how the system proposed has been designed to overcome these constraints whilst providing long-term sustainability.

Importantly, however, the proposal is for the installation of compost toilets to treat blackwater waste. Greywaters are proposed to be treated via a 2400 litre septic tank with distribution of effluent waters throughout an irrigation area of 300m². Separation of blackwater wastes results in a significantly reduced hydraulic and biological load which would otherwise require land disposal. Additionally, the

existence of pathogenic organisms is reduced as well as pollutant loads such as Biological Oxygen Demand, suspended solids etc.

Areas of 300m² proposed for a three bedroom dwelling comply with Council's Strategy as per spreadsheet calculations. Detailed design drawings of the method of distributing effluent throughout the disposal area have not been submitted and will be necessary prior to release of the Construction Certificate for any dwelling.

Council's Environmental Health Unit also required clarification as to the extent and ongoing maintenance of forest clearing required to ensure sufficient sun and wind exposure is provided to irrigation areas. Original effluent reports revealed the necessity to remove trees and reduce the canopy layer. Additional information provided in August 2000 by Aspect North reported on the vegetation removal required for effluent disposal in relation to a flora assessment.

Garbage and household wastes

These wastes are proposed to be managed by composting "kitchen scraps", recycling and disposal of the remainder of garbage to the Lismore landfill. However, the applicant also indicates that as an alternative, non-hazardous waste may be buried on-site in accordance with the EPA's "Environmental Guidelines: Solid Waste". The proposal to dispose of wastes on site may not be appropriate.

Schedule 1 of the Protection of the Environment Operations Act 1997 requires licensing of landfill sites where the landfill receives more than 5000 tonnes per year of solid waste or is located within 250m of a residential zone or a dwelling, school or hospital not associated with the landfill site. Some exemptions exist:-

The topography/steep slopes and existence of intermittent watercourses, soil types and other environmental features of the site are not considered conducive to landfills.

These issues could be dealt with by way of conditions of development consent.

- (j) the impact on the vegetation cover of the land and any measures proposed for environmental protection, site rehabilitation or reforestation,*

The applicant proposes that the dwellings be located in areas which have been largely cleared by past agricultural practices. It is also proposed that a process of revegetation and regeneration be undertaken across the site.

The initial effluent disposal report submitted by the applicant indicates that a 50% thinning of the canopy to the north of the effluent disposal areas may be required. Effluent disposal areas were not indicated on the plans. This impact was not considered by the applicant in the DA submission or by the applicant's Environmental Consultant in the first Flora and Fauna assessment. Further comment on the Flora and Fauna report is provided below. Council Officers requested additional information on the tree clearing.

The further information that was submitted indicated specific areas for effluent disposal and included the type and number of trees to be removed as a result of the creation of the effluent disposal areas. Council's Environmental Health and Planning officers are satisfied that there will not be a significant adverse environmental impact as a result of the clearing for the effluent disposal areas.

- (k) whether the land is subject to a risk of flooding, bush fires, landslip or erosion or whether there are areas with actual or potential acid sulfate soils and, if so, the adequacy of any measures proposed to protect occupants, buildings, internal access roads, service installations, and land adjoining the development from any such hazard,*

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The land is subject to a bushfire hazard. The application was referred to Council's Fire Control Officer for comment. It is considered by the Fire Control Officer that conditions of consent would be appropriate to be imposed on this DA.

(l) the visual impact of the proposed development on the landscape,

The development will have the buildings generally clustered on the lower slopes to minimise the visual impact.

(m) the effect of the proposed development on the present and potential use, including agricultural use, of the land and of lands in the vicinity, including the need for separation and buffers to avoid land use conflicts,

There are no intensive agricultural activities in the vicinity of the site. The predominant agricultural activity in the locality is low intensity grazing.

(n) whether resources of coal, sand, gravel, petroleum or other mineral or extractive deposits will be sterilised by the proposed development,

The proposed development is unlikely to sterilise any of the above-mentioned resources.

(o) the effect of the proposed development on the quality of the water resources in the vicinity,

There is a potential for a failure of the effluent disposal systems. Given the intensity of the development, potentially eighteen dwellings, this may pose a risk to the water quality of Goolmangar Creek.

(p) any land claims by local Aborigines and the presence of any known Aboriginal relics and sites,

There are no Native Title claims on the subject land. The NPWS indicates that there are no recorded relics or sites on the property.

(q) the impact of the proposed development on any heritage item, relic or site, or on their curtilages,

The applicant has not presented an archaeological assessment of the site to verify that no relics, aboriginal or otherwise, are on the land. However, from Council's recent heritage study there are no known heritage sites or relics that the development may impact on.

(r) whether the land has been identified by the council as being required for future urban or rural residential expansion,

The subject land is not identified in Council's Draft Strategy for Rural Residential, Detached Dual Occupancy and Rural Land Sharing Communities as being for future rural residential development or as being suitable for the establishment of Rural Land Sharing Communities. The draft strategy has been publicly exhibited but is yet to be formally adopted by Council. It is however a matter for consideration.

The site does not meet the road criteria set out in the draft strategy. The subject site is more than two kilometres from an identified primary access road (Blue Knob Road) as identified in the strategy. The strategy requires that where the standard of access does not exist it must be shown that it is economically feasible for the development to meet the costs of upgrading the road. Given the aims of SEPP 15 indicate that the development is for the provision of low cost rural housing it is questionable if it is economically feasible for the developer to upgrade the road. On this basis it is contended that the development application should be refused.

(s) whether the development would benefit an existing village centre suffering from a declining population base or a decreasing use of the services provided in that centre.

There would be a minimal benefit to the village of Nimbin due to the development of the rural landsharing community. However this is not a significant issue.

State Environmental Planning Policy No.1 Development Standards (SEPP 1)

The applicant has lodged an objection under the provisions of SEPP 1 to the 8m height limit prescribed in Clause 7 (c) of SEPP 15. There is an existing unlawfully constructed dwelling that exceeds the 8m height limit prescribed in SEPP 15. The variation is minor and on merit could be approved by Council as the impacts are negligible and the variation to the numeric standard meets the underlying objectives behind the standard. It is questionable if SEPP 1 can be utilised to vary a development standard where the standard that is being breached pertains to an unlawfully constructed dwelling. If SEPP 1 does not apply then the prohibitions of the L.E.P prevail as SEPP 15 does not apply. No legal advice has been sought on this matter. In the circumstances of this case as it is recommended to refuse the application on road access grounds the legal question of the application of SEPP 1 no longer becomes an issue of significance.

State Environmental Planning Policy No. 44 Koala Habitat (SEPP 44)

Clause 7(1) of SEPP 44 requires that *“Before a council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat”*. For Council to be satisfied it must consider a report prepared by a suitably qualified person as specified in the DUAP Directors guidelines to SEPP 44. The applicant engaged a consultant to undertake a flora and fauna assessment of the site. A subsequent report was submitted from the applicant based on this initial flora report that only dealt with the fauna aspects of the site.

The initial flora report was considered to be deficient for the following reasons:

1. No methodology was presented;
2. No map based upon vegetative associations was presented;
3. The assessment was done only on the house sites not across the whole site;
4. The assessments on the house sites were not done to a standard repeatable scientific method;
5. The percentage of schedule 2 tree species listed in SEPP 44 needs to be calculated for each representative vegetative association on the site, this was not done;
6. Results based upon an acceptable methodology were not presented.

These deficiencies were verbally confirmed with the National Parks and Wildlife Service.

The flora report formed the basis for the 8 Part Test of Significance of impact on threatened species submitted by the applicant and a SEPP 44 assessment.

A second report was submitted that rectified the deficiencies and allowed Council Officers to determine that there will not be a significant impact on the koala as while the land is potential koala habitat it is not core koala habitat and no evidence of koalas were found on the site.

79C(1)(a)(ii) Any Draft EPI that is or has been placed on Exhibition

There are no draft environmental planning instruments that apply to the land.

79C(1)(a)(iii) Any Development Control Plan

There are no development control plans relevant to the application.

79C(1)(a)(iv) Any Matters Prescribed By The Regulations

The exhibition of the DA was prescribed by the regulations.

79C(1)(b) The Likely Impacts of that Development, including Environmental Impacts on both the Natural and Built Environments, and Social and Economic Impacts in the Locality

The Applicant's Consultant submitted an 8 part test that indicates that there is not a significant impact on threatened species.

All of these impacts have been discussed above.

79C(1)(c) The Suitability of the Site for the Development

The site itself is not unsuitable for the development of a rural land sharing community. However the location of the site on a substandard road is not suitable.

79C(1)(d) Any Submissions made in Accordance with this Act or the Regulations

There were two submissions made by way of objection to the development. These are discussed above.

79C(1)(e) The Public Interest

It is considered that due to the unsuitable road infrastructure the development is not in the public interest.

OPTIONS

Council has two practical options available to it. These are:

1. Refuse the DA for the reason specified below; or
2. Refer the DA back to the Development Assessment Panel for approval under delegated authority with the imposition of standard conditions inclusive of road construction requirements for Crofton Road and Hensen Road.

Manager - Finance & Administration Comments

Not required

Manager – City Works

Crofton Road is currently below standard for the existing traffic volumes on the road and in April 2001, Council will be commencing works to upgrade 500m of Crofton Road from the intersection of Blue Knob Road at an estimated cost of \$60,000.00. This will leave 1.9km of below standard road to be constructed. It is unacceptable to have development occur on a road below Council's acceptable standard. This means a future developer should be prepared to upgrade the road to Council's standard prior to Council approving a development proposal.

CONCLUSION

For the reasons discussed above regarding the road infrastructure and the imposition of conditions of Consent, option 1 is to be preferred. On the basis of the inadequate road infrastructure (Crofton Road) it is recommended that the application be determined by way of refusal.

RECOMMENDATION (PLA32)

A That Council refuse the development application for the following specified reasons:

1. There is inadequate road infrastructure to service the development (S79C (1) (a)).
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Hensen Road Chronology of Events

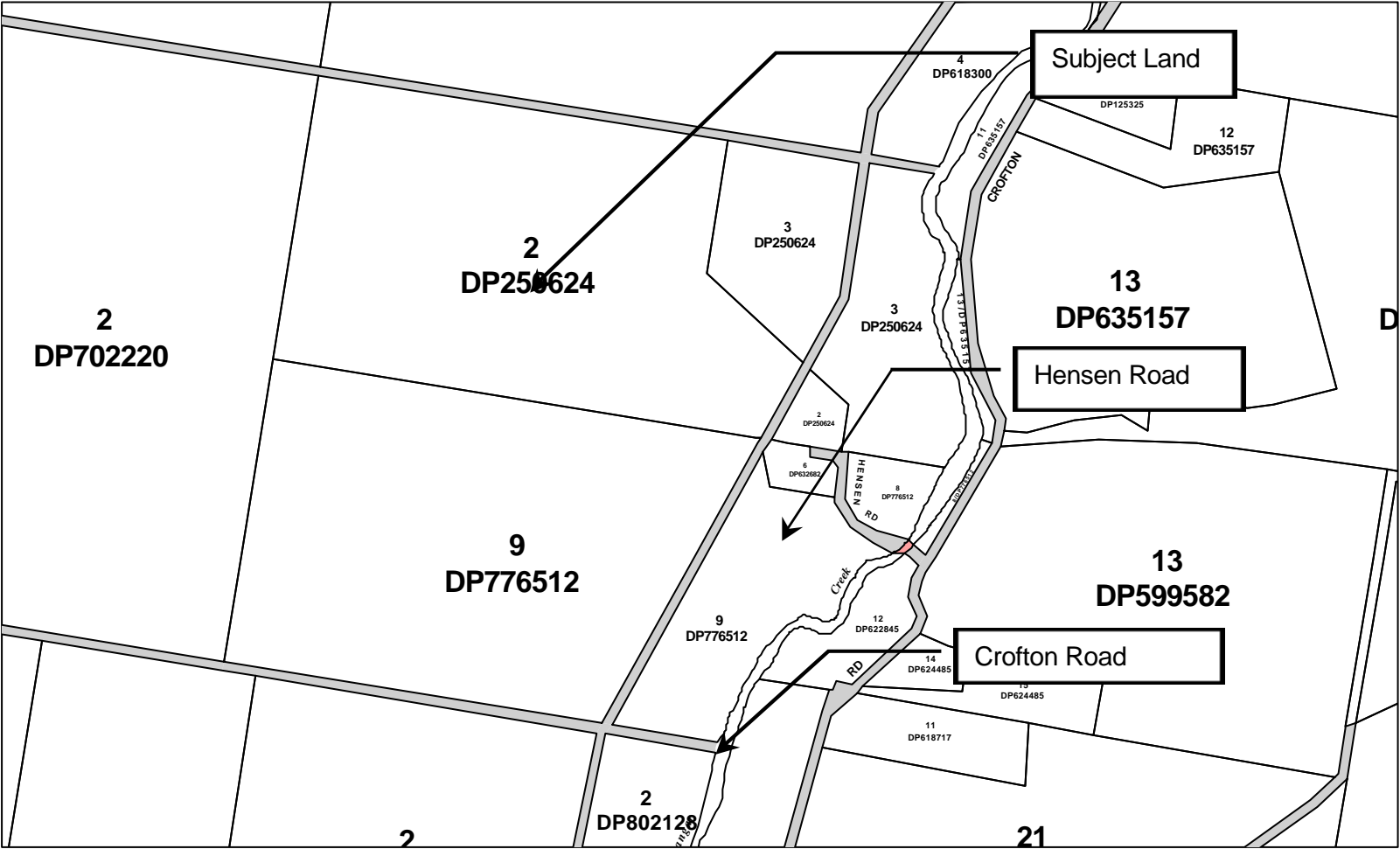
1. **24/12/98** DA 98/632 for 8 Dwelling Multiple Occupancy lodged by Aspect North.
 2. **09/02/99** DA 98/632 withdrawn by applicant.
 3. **12/02/99** Application Lodged by Aspect North.
 4. **15/02/99** Adjoining owner letters sent.
 5. **15/02/99** DA referred to NPWS, DLWC and Dept of Agriculture
 6. **17/02/99** Notification sign placed on subject property.
 7. **18/02/99** Public notification of DA exhibition in “Northern Rivers Echo”.
 8. **18/02/99** “Stop the Clock” letter from Council to Aspect North requesting further information.
 9. **03/03/99** Response from Dept of Agriculture expressing concerns with level of detail provided in the DA and commenting that the application will not affect prime agricultural land.
 10. **03/03/99** Submission letters received.
 11. **05/03/99** Submission letters received.
 12. **10/03/99** Response from DLWC advising of provisions of Water Act 1912 and implications for this DA.
 13. **19/03/99** Response from NPWS recommending that Council satisfy itself that the application complies with the provisions of the TSC Act 1995 and SEPP 44.
 14. **28/04/99** Letter from Council to Aspect North regarding the “Stop the Clock” letter of 18/02/99 requesting further information and indicating that Council may determine the application in its current form, which may result in refusal.
 15. **03/05/99** Response from Aspect North requesting more time to gather the required information due to weather constraints.
 16. **07/05/99** Letter from Council giving extension of time until 21/05/99 and indicating that Council may determine the application in its current form, which may result in refusal if the required information is not submitted.
 17. **21/05/99** Additional information from Aspect North providing some of the requested documentation and requesting a further extension of time to provide the remainder of the information.
 18. **29/07/99** Further information submitted from Aspect North to satisfy Council’s original 18/02/99. “Stop the Clock” letter.
 19. **04/08/99** Internal memo reviewing additional information.
 20. **11/08/99** Internal memo reviewing additional information.
 21. **16/08/99** Letter to Aspect North outlining deficiencies in the recently lodged information and requesting further information based on the assessment of the information submitted to date. This letter further threatened to determine the DA at the next DAP meeting if the information was not submitted within 28 days.
 22. **20/09/99** Response from Aspect North providing some additional information as requested by Council on 16/08/99. This letter also protests at the level of detail being required as being onerous and questioned the consistency of information required. This letter also contained a letter from James Warren, the Flora and
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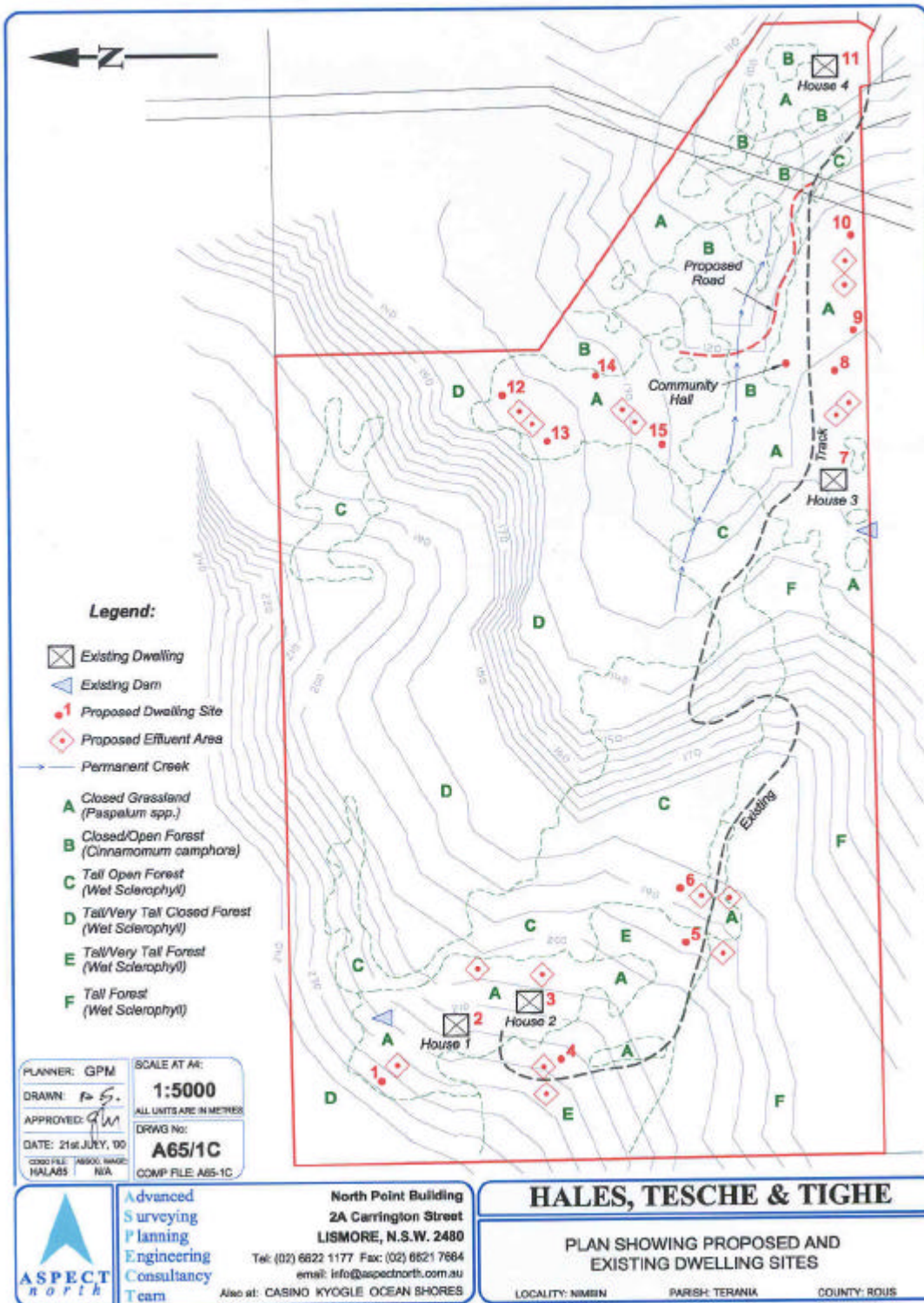
- Fauna Consultant advising that individual 8 part tests and further detailed analysis of the habitat of the site is required.
23. **12/11/99** Letter to Aspect North indicating that Council still required the submission of the requested information and provided comment on the issue of consistency of Council Officers.
 24. **20/03/00** Letter from Aspect North requesting that information requested in Council's letter of 16/08/99 be provided as a condition of consent rather than at the DA stage.
 25. **28/03/00** Meeting between Council staff and Aspect North. No notes on file.
 26. **26/04/00** Letter from Aspect North to Council advising that the information discussed at the meeting of 28/03/00 would be provided.
 27. **10/05/00** Facsimile from Aspect North advising that the information would be provided in the next two weeks.
 28. **30/05/00** Information submitted by Aspect North.
 29. **26/06/00** Phone conversation between C Soulsby of Council and Mr G Mienieke of Aspect North. Issues discussed included 8m height limit imposed by SEPP 15 and the unlawful dwellings, deficiencies in the Flora and Fauna Report and problems with effluent disposal.
 30. **26/06/00** Letter from Aspect North objecting to the time it has taken to identify deficiencies in the Flora and Fauna report and effluent reports. This letter also asserts that a separate development application could be lodged to approve the illegal dwellings on site.
 31. **28/06/00** File note from Helen Manning regarding a phone conversation with G Mienieke of Aspect North about the letter of 26/06/00.
 32. **04/07/00** Meeting with C Soulsby and G Mienieke of Aspect North regarding the deficiencies in the DA with respect to Flora and Fauna and the illegal dwellings and the application of SEPP 1. G Mienieke was advised that as the information requested had not been forthcoming, a report had been prepared and the application would be presented to Council for refusal.
 33. **05/07/00 AM** Report finalised for recommending five reasons for refusal;
 34. **05/07/00 PM** Meeting with Acting Group Manager Matt Kelly, H Manning, C Soulsby, A Hannah and G Mienieke and D Dey of Aspect North to address the issues of deficiency to enable the application to proceed. G Mienieke agreed to provide the information by 21/7/00.
 35. **05/07/00 PM** Advised Administration that report is to be withdrawn from business paper.
 36. **07/07/00** Letter to Aspect North confirming discussions from meeting of the 05/07/00.
 37. **20/07/00** Information submitted by Aspect North.
 38. **16/08/00** Assessment and report completed.
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Attachment 2



Attachment 3

Site Plan



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Kadina Park

Subject/File No:	KADINA PARK DRAFT PLAN OF MANAGEMENT (P517)
Prepared By:	Recreation Planner, Alex Wilford
Reason:	A Draft Plan of Management for Kadina Park has been prepared.
Objective:	To obtain Council endorsement of the Draft Plan of Management for Kadina Park before it is placed on public exhibition.
Management Plan Activity:	Community Services

Introduction:

Kadina Park is a 4.2 hectare parcel of Council-owned community land dedicated as part of subdivision consent for the Pearce land in Goonellabah. It is identified for development in the Section 94 (Open Space) Plan for the purposes of a "sportsfield, parking, water supply, landscaping, and amenities".

Following several years of planning, research and consultation, a Draft Plan of Management has been prepared for Kadina Park. It proposes to develop the park in a number of stages as a unique multi-use recreation area for people of all ages, particularly youth. The plan of Management is separately attached.

An Operational Management Strategy has also been developed to support the Plan of Management and assist with all operational aspects of the parks development, management and ongoing use. This document is also separately attached.

The purpose of this report is to seek Council's in-principle endorsement of the Draft Plan before it is placed on public exhibition. In accordance with provisions of the Local Government Act 1993 (LGA 1993), the Draft Plan must be exhibited for a minimum 28 days with a further 14 days allowed for submissions.

Background:

Plans for a youth-focused park were initiated in 1996, when the Goonellabah Rotary Club approached Council with the idea of jointly developing a facility aimed at providing an active, unstructured recreation outlet for youth in the area. This proposal was in response to a well-recognised shortage of recreational opportunities and continued concern with crime and anti-social behaviour in the area. Goonellabah has the fastest urban growth rate, the largest urban population and contains a substantial proportion of the city's youth, yet few facilities exist for them to utilise. By providing opportunities to participate in healthy and positive recreation pursuits, it is suggested that the park may help to relieve boredom that can lead to anti-social behaviour.

Kadina Park was considered the most appropriate site for such a facility because;

- it is centrally located in the Goonellabah area and is accessible by foot or bicycle,
 - it has sufficient space to incorporate a range of activities,
 - it is located near a large portion of the market it would be trying to attract (Kadina High School and Goonellabah Public School).
 - it has good visibility, an advantage for both promoting the park and improving safety and security.
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Kadina Park

A Project Working Party consisting of relevant Council officers and representatives of Goonellabah Rotary Club and Kadina High School was established early in the process and has since undertaken extensive research, planning and consultation.

The full consultation program is outlined later in this report and detailed in both the Draft Plan of Management and Operational Management Strategy.

Initial consultation involving focus group meetings, workshops and a survey of students from Goonellabah Public School and Kadina High School served as the basis for developing an initial concept plan for the park.

At this point, Council's in-principle support for the proposal was sought and subsequently given in October 1998.

Further consultation with the wider Goonellabah community commenced in early 1999. A detailed questionnaire was distributed to all Goonellabah households to assess the community's level of support or opposition to the proposed development and to identify preferences, priorities and major issues. 800 surveys were returned and the most significant results included:

- There is strong community support (93% of community survey respondents) for the development of a multi-purpose park with a focus on youth in the Goonellabah area.
- There is strong community support (87% of community survey respondents) for the development of such a park at the Kadina Park location.
- There is a strong desire for such a facility to also provide passive and active recreation opportunities for people of all ages, particularly families.
- There is concern, particularly among neighbouring residents that the youth facilities may attract a "bad element" to the area and that safety and security are considered major issues that need to be addressed.

As a result of preferences and issues raised through the survey process, the concept plan was revised to incorporate a range of active and passive recreation opportunities for people of all ages, while still retaining its original youth focus. The revised concept plan reflected the results of wide consultation and carefully considers the constraints of the site, integration of components, safety, security, surveillance, access and adverse impacts to neighbouring residents. The main elements of the revised concept plan are:

- a multi-purpose sports field,
- outdoor basketball/netball court/s,
- pedestrian/cycle paths,
- childrens playgrounds,
- a contemporary teenage activity area,
- a mountain bike skills course,
- a multi-use hit wall,
- public toilets,
- picnic, barbecue and rest facilities,
- an athletics track,
- vehicle access and parking, and
- wildlife corridor, landscaping and shade provision.

These components are described and discussed in section 4 of the Draft Plan.

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Kadina Park

An initial Draft Plan of Management for Kadina Park was completed in December 1999 and subsequently placed on public exhibition during January and February 2000. Written submissions were accepted until 10 March 2000, with a total of 19 submissions being received. A summary of the submissions received in relation to the initial Draft Plan is contained in Appendix 7 of the Draft Plan. While a number of these submissions expressed support for the plan (including a petition containing 104 names), the majority expressed some concern with certain components of the plan.

The major concerns were in relation to:

- the skateboard/rollerblade facility,
- the mountain bike skills course,
- the contemporary teenage activity area,
- vehicle access and parking,
- the proposed location of amenities,
- fencing, and
- pedestrian access via Mount Pleasant Court.

In an effort to clarify and resolve these issues a meeting of those people that lodged submissions to the initial draft plan was held on 19 April 2000 at the Goonellabah Community Centre. A copy of notes taken from this meeting is contained in Appendix 8 of the Draft Plan. While most of the issues were adequately resolved at this meeting, strong opposition to the proposed skateboard/rollerblade facility remained, with suggestions that this facility should be relocated to the Goonellabah Town Centre site adjacent to a proposed indoor sports and leisure centre. Some opposition to the location of the vehicle access also still remains. Further details of the major issues and concerns and the respective management responses are contained in table 3, section 3 of the Operational Management Strategy.

In response to local resident concerns, the initial draft plan of management and concept design has been amended where appropriate and a separate Kadina Park Operational Management Strategy has also been developed to support the plan of management and assist in all operational aspects of the parks, planning, development and ongoing use. A key initiative of this Strategy is the establishment of a Kadina Park Management Advisory Committee. Section 4.2 of the Operational Management Strategy provides further details in relation to the proposed composition, rationale, objectives, roles and responsibilities of the Management Advisory Committee.

Implementation and Budgetary Requirements

The objectives and performance targets for the park, and the means in which these will be achieved and assessed are included in section 4 of the Draft Plan. These have been separated into the park management and development issues to which they relate (eg. access and parking, passive recreation facilities, etc).

The park is intended to be developed in a number stages over several years as funding and/or other necessary resources become available. Suggested Action Plans for each stage/financial year are included in section 5 of the Draft Plan.

An estimate of total expenditure for all park components is in the order of \$400,000 - \$500,000. The intention is to seek much of this from sources external to Council. Assuming Council support and approval is forthcoming, it is much easier to canvass a number of grant applications if the project is complete in terms of planning, consultation and legislative requirements. Goonellabah Rotary Club has a history of obtaining grant funding for other community projects.

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Kadina Park

Present funding for the project consists of:

Department of Sport and Recreation Capital Assistance Grant	\$10,000
Goonellabah Rotary Club Seed Funding	\$10,000
LCC Urban Sportsground Fund	\$10,000
Section 94 Developer Contributions	\$13,000
LCC 2000/2001 Budget Allocation	\$22,000
	<hr/>
Total	\$65,000

Process Following Council's Endorsement

Upon Council endorsement of the Draft Plan, the following will be undertaken:

- The Draft Plan will be placed on public exhibition and submissions will be invited. This will be undertaken over a minimum six-week period.
- Advertise the exhibition of the Draft Plan in the Northern Star and Northern Rivers Echo.
- Consider any public submissions received and review the Draft Plan.
- Submit the Final Plan to Council for adoption. Details of any submissions received will be provided for Council's consideration.
- Advertise adoption of the Final Plan.

Ongoing Maintenance Costs

There is no question that park development incurs ongoing costs to Council in terms of maintenance of grounds and facilities. A park of regional scale increases these costs proportionally according to the type of facilities to be provided. Should Council give in-principle support for the Draft Plan of Management, it must recognise that such costs require an increase in expenditure on park maintenance. An estimate of the annual expenditure on total park maintenance is in the order of \$25,000. However, maintenance costs are unlikely to reach this level for a number of years according to stages completed.

Manager - Finance & Administration Comments

The proposed development of Kadina Park is highly commendable as it is targeted to meet the needs of the Goonellabah community. While this is supported, there is some concern about our ability to fund the development of the Park.

It is estimated that the total project will cost between \$400,000-\$500,000. All major works are planned to be undertaken over the next five years. It is acknowledged that other funding sources will be pursued to reduce Council's investment, however the Plan fails to mention the fall back position should other sources of funding not be received.

Included in the 2000/2001 Budget is \$65,000 for development works. To meet the ongoing development works, we will need to include in the annual budget for the next four years about \$110,000 per year. If this amount is not offset by other funding sources, then it will be reliant upon General Fund to provide the balance of funds.

It is likely that without a change in existing funding priorities, this would not be possible given Council's commitment to other major projects.

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Kadina Park

On this basis, it is suggested the development of Kadina Park occur at the same time as receipt of significant grant funds. This will still require Council to financially contribute, but not at a level of \$110,000 per year. It may be appropriate to undertake these works over a longer period, reducing the financial impact in any one year.

In relation to maintenance, we have included \$7,500 in this years budget for this purpose. It will be necessary to increase the level of maintenance funds as development occurs and the annual increase should be linked to the level of development. This will be considered each year with the formation of the Budget.

Public Consultations

Extensive consultation has occurred in relation to this project since 1996. Full details of the consultation process and results are contained within the Draft Plan of Management and the Operational Management Strategy. A chronological summary of the consultation process is provided in the table below.

1996 – present	<ul style="list-style-type: none">Establishment and ongoing meetings of a project working party consisting of relevant Council Officers, Goonellabah Rotary Club representatives and Kadina High School representatives
July 1997	<ul style="list-style-type: none">Kadina High School and Goonellabah Primary School Student Surveys
Aug-Nov 1998	<ul style="list-style-type: none">Focus group meetings/workshops, aimed at Neighbouring park residents, local schools and the general public
March 1999	<ul style="list-style-type: none">Goonellabah Resident Survey
Jan/Feb 2000	<ul style="list-style-type: none">Public exhibition of initial Draft Plan of Management
Jan/Feb 2000	<ul style="list-style-type: none">Written submission to the initial Draft Plan invited
April 2000	<ul style="list-style-type: none">Meeting with those people that provided written submissions to the draft plan.

Consultation with relevant Council officers, the Public Lands Strategic Management Team, the Lismore District Sports Association, the Lismore Multi-Cultural Youth Council, the Traffic Advisory Committee and the Aboriginal Advisory Committee has also been conducted.

Other Department Comments:

Youth Development Officer – Colleen Dowd:

This proposal gives Council the opportunity to provide a much needed youth focused recreational facility in the Goonellabah area.

Goonellabah has an extremely high youth population, with 40% of the population aged under 25, and 25% of the population aged between 10 and 25 years. Consultations with young people undertaken during the development of the Community and Social Plan highlighted a lack of recreation options for young people as well as a lack of a sense of belonging. Young people in rural areas are dismayed because there is nothing provided for their age group in their local communities, yet young peoples activities are often seen as somehow threatening to others.

Kadina Park

The proposed Kadina Park Plan of Management meets a number of the objectives in the guidelines produced by the Department of Urban Affairs and Planning "Urban Design Guidelines with young people in mind". It has appropriate short stay drop off and pick up points in the carpark. It integrates rather than segregates young people from the wider community by combining a mix of uses for a range of age groups and provides young people with a legitimate gathering place for both passive and active recreation.

Young people have been appropriately involved in the design process and will be involved in the ongoing Management Advisory Committee. This encourages young people to take ownership of and responsibility for public spaces that they have assisted in creating. The park provides a public space that is free to enter, will be open at all times and has public guardianship through observation. This means that both young people and other community members can feel safe. It is important that such spaces are provided in a world where private spaces such as shopping centres are often the only public spaces attractive and available to young people and where young people can find themselves unwelcome.

Kadina Park will provide young people and their families with facilities that will be attractive and welcoming and will encourage their sense of belonging in our community.

Crime Prevention Officer – Punita Boardman:

Kadina Park meets many crime prevention objectives, which are important to enhancing public safety, amenity and civic pride. Most outstandingly, the focus on mixed usage offers increased opportunity for casual surveillance of mixed age groups, which will ensure the park remains vibrant.

The process to date in developing Kadina Park also meets best practice in youth crime prevention. There has been a clear recognition of the need for youth space in consultation with the youth community and youth advocates. Crime prevention research informs us that the more young people are involved in the planning and design stages of a project the more care and ownership they will develop.

Safety issues have been well considered in the plan. Necessarily, crime prevention has been part of the agenda since the plan's inception. Key principals of crime prevention through environmental design (CPTED) have been followed. For example the defining of particular spaces, mixed uses, limited access points and clear site lines through the park.

There is also a highlighted need for recreational facilities in the Goonellabah area. Many social issues are exacerbated by lack of infrastructure and the pressure this places on families. Kadina Park will offer some alleviation to this problem, which will most likely be reflected in local crime statistics in the future. The Goonellabah public have been asking for facilities for young people for many years. This need, and its connection to public safety, was reiterated at a public meeting in February 2000. Some 240 residents attended this meeting and the clearest complaint from the floor was that young people had virtually 'nothing to do' in Goonellabah.

Kadina Park will provide a sound investment in the future of the suburb in crime prevention terms.

Conclusion:

The Draft Plan of Management for Kadina Park presents objectives, targets, actions and priorities for the development, management and use of this important open space area.

Kadina Park

The Draft Plan proposes the staged development of the site as a unique multi-use recreation park that will directly and indirectly benefit the whole community. A major strength of the concept is the combination of facilities to be provided at the one location – creating opportunities for children, youth, adults and older people for passive and active, unstructured and structured recreation and sport. It is also suggested that by providing facilities that promote healthy and positive activities and a sense of ownership, fewer opportunities for anti-social behaviour arise.

The development of an Operational Management Strategy and the proposed establishment of a Kadina Park Management Advisory Committee are also seen as key initiatives to ensure the park's ongoing success.

Recommendations (COR37)

That –

1. Council give in-principle endorsement of the Draft Plan of Management for Kadina Park.
2. The Draft plan be placed on exhibition and public submissions be invited in accordance with provisions of the Local Government Act 1993.
3. Council give in-principle endorsement of the Kadina Park Operational Management Strategy.

Subject/File No: POLICY ON DETERMINATION OF DEVELOPMENT APPLICATIONS
(HAJ:MK:S9)

Prepared By: Manager-Planning Services – Helen Manning

Reason: To improve processing times for Development Applications.

Objective: Council's adoption of the policy.

Management Plan Activity: Development Assessment

Background:

As a result of continuing changes to the Environmental Planning and Assessment Act over the past few years, the planning system in NSW has become increasingly complicated. For major developments there are now complex technical, legal and environmental matters which must be addressed in the preparation of applications and their assessment by Council officers. Most proponents choose to overcome this problem by engaging professional consultants to prepare their application, and it is expected by both the client and Council staff that these consultants will be familiar with all current requirements for preparation of Development Applications.

The Planning and Development Group offers a wide range of assistance to applicants in preparation of applications, but to avoid conflicts of interest, staff must stop short of actually preparing an application for a proponent.

Recently it has become apparent that a number of applications have been submitted with inadequate supporting information. In these cases, staff request the additional information but quite often it is not submitted, or not submitted within a reasonable time. The time taken by staff in following up these matters is impacting on the assessment of correctly prepared and submitted applications.

In some cases it appears that Council has been seen as an 'incubator' for inadequate applications, whereby the DA is lodged with minimal information and Council is either expected to provide the remaining information as if it were the Consultant or to hold the DA while the applicant prepares the necessary information. This is taking staff time away from the processing of properly submitted applications, thereby extending processing times, and can conflict with Council's role as determining authority.

To redress this situation and ensure that staff resources are directed to assessment of correctly submitted applications in the minimum amount of time, the attached policy has been prepared for Council's adoption.

Application Determination Policy

The Policy is attached as an appendix to this report. Its contents are summarised below.

The Policy applies to all applications considered within the Planning and Development Group. These are Development Applications (including those formerly known as Building Applications), Applications to modify consents, Subdivision Certificates, strata subdivisions, Construction Certificates and S68 Applications under the Local Government Act.

The objectives of the Policy are:

1. To provide for efficient customer service for all clients of the Group;

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Policy on Determination of Development Applications

2. To enable all applications to be determined promptly in an efficient and effective manner;
3. To assist in improving the quality of outcomes in terms of the standard of development.
4. To enable redirection of Council resources to the best effect in assisting those proponents who submit valid and adequate applications.

The Policy outlines a "Customer Service Commitment" of average processing times for validly prepared and submitted applications. It also sets out the applicants' obligation to ensure their applications are valid, contain adequate supporting information and conform to statutory requirements.

The Policy provides that where an application is not statutorily valid, the application will be refused or rejected immediately following lodgement. Requirements for validity are set out.

Where an application is statutorily valid, but manifestly inadequate in terms of the supporting information or conformity with Council's planning or building requirements, then the application may be refused promptly.

Where additional information is required the applicant will be given two opportunities to provide the required information within 21 days. If sufficient information is not received, then the applicant will be offered the opportunity to withdraw the application and resubmit it when all requested information has been compiled, or alternatively, Council may determine the application on the available information, which may result in refusal.

Manager - Finance & Administration Comments

Not required.

Public Consultations

If adopted by Council the Policy will be advised to all stakeholders.

Other Group Comments

The draft Policy has been prepared in consultation with, and endorsed by, the Development Assessment Panel. This Panel includes representatives of relevant Groups and Sections within Council.

Conclusion

Should Council adopt this Policy it will enable staff time to be redirected away from chasing information for inadequate applications and towards the processing of properly prepared and submitted applications, thus reducing processing times and leading to faster outcomes for proponents.

Delegation to senior staff to refuse applications under the above Policy has been sought, as the use of delegation will avoid the need for poor quality applications to be reported to Council. As the business paper is a public document reporting on an applicant in an unflattering light should be avoided.

Recommendation (PLA30)

1. That the Draft Application Determination Policy be placed on public exhibition for a period of 28 days.
 2. That following the exhibition period a further report be presented to Council for determination of the Policy.
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Subject/File No: FORMATION OF A GENERAL HERITAGE COMMITTEE
(HM:MG:S36)

Prepared By: Manager Planning Services – Helen Manning

Reason: To fulfil Council resolution 283/99

Objective: To obtain Council's determination as to whether it wishes to have a General Heritage Committee

Management Plan Activity: Strategic Planning

Background:

At its meeting of August 31, 1999 Council considered a report titled 'Annual Committee Review' and resolved, among other matters:

“2. That the following Committees cease to exist at the end of the term of this Council:

.....Heritage Study Steering Committee

4. A report be submitted to the next Council on the formation of a General Heritage Committee.”

This report is submitted in response to that resolution.

The 'Annual Committee Review' report stated that the Heritage Study Steering Committee supported the formation of a General Heritage Committee upon election of the new Council. Such a Committee was to oversee ongoing heritage matters and address heritage issues which may arise from time to time. It was agreed that any subsequent Committee need not necessarily have the same representatives as the Study Steering Committee and should include some resident representatives.

General Heritage Committee

The formation of a General Heritage Committee is not supported for the following reasons:

1. There has been no need demonstrated for such a Committee nor is there agreement that a Committee structure is the most suitable means of dealing with heritage issues.
 2. As a result there is no clearly defined role or objective for such a Committee to work towards, which makes it difficult to formulate terms of reference, attract members and maintain their interest and commitment.
 3. It is not practical under the current organisational structure and resourcing levels within Council. Heritage matters are currently treated as a 'whole of Council' responsibility, not the sole responsibility of any one Group, Section or individual. Therefore there would be no single channel of communication between the organisation and any General Heritage Committee.
 4. Because responsibility for heritage issues is diffused throughout the organisation, there is no possibility of a General Heritage Committee having a servicing officer who was familiar with all issues and able to keep the Committee informed. Should a Committee be formed and a servicing officer appointed who was expected to keep abreast of all heritage related issues, this officer would in effect become a de facto “heritage officer”, which is not budgeted for in current staff resources and would impact severely on that officer's current workload.
-

Formation of a General Heritage Committee

5. Development Applications containing Heritage issues must be determined within a tight time limit, are already subject to referral to all relevant sections of Council and advertisement for public comment. Referral of such applications to a Committee for advice would considerably extend the time required for determination, with the potential for attracting Court appeals for deemed refusals. It would also duplicate the role of the Heritage Advisor.
6. The strategic plan for the Civic Design Panel, considered by Council on May 2, 2000, contains the following performance objective:

"2.7 To promote the preservation of heritage items within the Local Government Area, whether natural or cultural."

Therefore, a General Heritage Committee would to some extent duplicate the role of the Civic Design Committee. The integration of heritage matters into wider civic design and streetscaping issues is fully supported.

Current Situation

There is not now, nor has there ever been, a specialist Heritage Officer employed by Council. Instead, specialist heritage advice is obtained from the Heritage Advisor, a position partly funded by the Heritage Office and partly by Council. The Heritage Advisor visits once a month and is available for advice to staff, Councillors or the public.

Heritage issues are integral to specific matters arising within each Group and are assessed as part of each matter, rather than separately. For example, Development Applications for alteration to heritage buildings are assessed by various officers within the Building and Regulation and Planning Services Section; road, bridge and street tree issues are considered within City Works Group; fountains and memorials within parks by Parks and Recreation; heritage trail within Tourism; Memorial Baths restoration within Community and Client Services; and the future use of the saleyards within the Client Services Section. While this may not be an ideal arrangement the employment of a specialist Heritage Officer to work on all heritage related matters cannot be accommodated within the current staff establishment.

Within the Planning and Development Group, considerable staff resources were expended in the former Strategic Planning Section on the formulation of heritage planning controls. These planning controls are now almost finalised. In terms of development assessment, involvement in heritage matters is very infrequent, only occurring when Council receives DAs for alterations to dwellings and ancillary matters. To date the current system of obtaining comment from Council's Heritage Advisor has proved adequate for development assessment purposes but not adequate for implementing the full range of recommendations of the Heritage Study. Changes to the system are not considered necessary, and may complicate the current DA assessment procedures. To enable the Heritage Grant Scheme to continue minimum administration support is being provided. With the present staffing arrangements, no further assistance could be given to heritage matters.

Within the City Works Group, heritage factors are considered in the Review of Environmental Factors for major works.

Alternative models for Committee

There are two alternatives to the proposal within Council's resolution. These are:

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Formation of a General Heritage Committee

1. Form a Heritage Advisory Panel which met only when advice was required on specific issues

Membership could be drawn from owners of heritage items, residents of conservation areas, professional expertise areas such as Architects or Building Designers, interested members of the community, National Trust, etc. The role of this Committee would be to represent the community in providing advice to Council on specific matters, for example future use of the saleyards, Memorial Baths redevelopment, use of Gundurimba and Terania Shire buildings, and the allocation of funding under the Heritage Grants Assistance Program. The Advisory Panel would not become involved in the day to day issues arising within Development Applications. There would be no permanent Servicing Officer; instead the Action Officer from whichever Group or Section within which the issue arose could call a meeting to obtain advice.

Advantages: provides community input for significant heritage related issues
Requires no regular meetings or Servicing Officer so is cost effective to run

Disadvantages: Duplicates to some extent the role of the Heritage Advisor

2. Create a Heritage Committee the role of which is to provide support to the Heritage Advisor

Heritage Advisor, Wendy Laird, has outlined a committee structure which is in place at Toowoomba and Wellington (NSW) and recommends that Council commence a similar system. The main points of this structure are:

- The Committee supports the Advisor by undertaking historical research into sites, buildings etc. in preparation for the Advisor's appointments with members of the public.
- Historical research by Committee members is used to update the Heritage Study
- The Committee would undertake heritage promotions, eg. Heritage Week, prepare promotional pamphlets, publicise the Grants Scheme
- The Committee could undertake projects such as the co-ordination of heritage awards, production of tourism information, compile list of tradespeople,
- The Committee could set up and maintain a heritage resource library
- Committee members could be trained by the Advisor to give heritage related advice
- Members of the Committee could include representatives of other community groups, owners of heritage items, residents of conservation areas, etc., and be attracted by advertisement.

Advantages: Could provide the resources to maintain the currency of the Heritage Study; (allocating staff or financial resources to review this Study is not currently a priority)
Promotions, awards, etc. would raise the profile and acceptance of heritage protection
Would provide community input into heritage issues.
Could assist with tourism product and promotion

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Disadvantages: Unlikely to operate successfully without allocation of staff resource as Servicing Officer to provide information, research material, advice, co-ordination etc. Experience has shown that, with limited exceptions, Committee members are generally unwilling to undertake work for their Committee but expect the Servicing Officer to do it. Resourcing demands for servicing such a Committee would be significant and would not be available from Planning Services Section, given other priorities.

Manager - Finance & Administration Comments

Not required.

Public Consultations

Not required

Other Group Comments

Manager, Client Services: Queries the need for any Heritage Committee at all, pointing out that the work carried out by the former Strategic Planning Section has seen Council adopt a strong heritage position. If there is further work to do, it could be carried out under the normal staff assessment and consultation processes.

Manager Parks & Recreation: Whilst it has been suggested that heritage should be a whole of Council matter I do not believe that even this is a satisfactory approach in dealing with the subject. As individual officers dealing with heritage in isolated instances none of the staff are adequately trained or skilled to provide satisfactory attention to the detailed issues surrounding heritage.

There is real merit in actually having a person trained in aspects of heritage, who can centrally advise and guide staff through the delicate, time consuming heritage issues on each different occasion. I am conscious of Council's human resource constraints and believe that if Council cannot retain a consultant for more hours or employ a casual staff member then consideration should be given to avoiding the heritage issue altogether.

Heritage is a delicate, detailed and time consuming subject that requires specific expertise and training. To think that individual staff members can handle individual heritage matters is false economy. Invariably staff will need to enlist the services of a specialist at some time for advice.

In addition, whilst the Civic Design Panel has embraced heritage to some extent, it should be noted that the intention is to promote the preservation of heritage. That is, primarily to communicate that message to the community and to ensure adequate consideration of heritage items affected by Council works programs. It is not envisaged that the Committee would become involved in establishing registers or undertaking studies, or assessing Development/Grant Applications and this should be made very clear.

Conclusion

Council has expended considerable resources on heritage issues over the past five years, with the result that heritage protection considerations are now embedded within the planning and administrative systems. It has also resulted in an expectation from the community that heritage protection will continue to be a prime focus of Council, but due to resourcing limitations this expectation cannot be fully met.

Formation of a General Heritage Committee

The formation of a General Heritage Committee would be superfluous, as well as taking staff resources from other priorities. This does not preclude Council from convening a Committee or working party if it wishes to gain wider input for a particular matter.

Should Council wish to facilitate the formation of a General Heritage Committee by focussing all heritage considerations through one Group or Section of Council, then consideration should be given in a quarterly Budget review to identifying funding for a new position of "heritage officer." This officer would be responsible for assessment of all development proposals (Council's or privately initiated), formulation of all heritage related planning provisions, provision of heritage related advice to the public, management of the Grants Assistance Program, supervision of the Heritage Advisor and servicing the Committee. Professional qualifications in the fields of architecture, planning, building and/or materials conservation would be required.

Recommendation (PLA31)

- 1 That Council not form a General Heritage Committee.
- 2 That Council consider initiating a Heritage Advisory Working Party when specific proposals arise on which wider community consultation on heritage aspects is required.

Subject/File No: DEVELOPMENT CONTROL PLAN NUMBER 43 (DRAFT) - CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (S717)

Prepared By: Punita Boardman, Crime Prevention Development Officer

Reason: To propose the inclusion of the DCP in the policy portfolio of Council

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

Management Plan Activity: Community Services

Background:

The proposal of a Development Control Plan for Crime Prevention Through Environmental Design (CPTED) forms part of the current Crime Prevention Plan. It appears as a strategy under Issue 2: *Relationship between built environment and crime throughout the LGA.*

A few other NSW councils have already adopted such a DCP. This signals a growing trend that will see this type of DCP become more commonplace in time to come and perhaps even legislated. Much of the work of these other councils was used as the basis of this DCP. It is, of course, acknowledged in the policy.

A workshop on the contents of the document was held on 4th July 2000. It concentrated on the principles of CPTED, rationale of the policy and contemporary visions in the design and management of public space. The workshop was well attended by Councillors and staff as well as a couple of public stakeholders.

The draft DCP has been circulated within the management and staff of Council and feedback has been sought. Councillors and developers have similarly been invited to comment. (Further copy separately enclosed.)

Manager - Financial Services Comments: Not required.

Other Comments:

Suggested changes made by planning staff have been incorporated in this draft. No written comments were received from Councillors after the workshop. Verbal feedback has been positive.

Conclusion:

The DCP on Crime Prevention Through Environmental Design has been compiled as a contemporary response to the issues of design and management of public space. Local and international research and community consultation and comment has informed the process.

Development applications for both new and existing buildings could be influenced by this DCP. Large public and semi-public developments could have elements of the guidelines included in conditions of approval, in the interest of public safety. In time, it is envisaged, that the information contained within the DCP is included on Council's website and produced in a user-friendly brochure form.

Recommendation: (COR36)

That the draft Development Control Plan No. 13 on Crime Prevention Through Environmental Design be placed on public exhibition for a period of 28 days.

Subject/File No: WAYIGANNA ABORIGINAL ADVISORY COMMITTEE –
PLAN OF MANAGEMENT AND STRATEGIC PLAN
(S675)

Prepared By: Anne Meagher, Manager-Community Services

Reason: To inform Council of the Committee's Plan of Management and Strategic Plan

Objective: To seek Council's endorsement of the Committee's Plan of Management and Strategic Plan

Management Plan Activity: Strategic Plan Link 5, 8.

Background:

In December, 1996 Council resolved
“that approval and endorsement be given for the establishment of an Indigenous Advisory Committee.”

The Aboriginal Advisory Committee has now been established for over three years and provides a crucial link between the Aboriginal community and Council. Recently, the Committee held a series of planning workshops to review its membership and terms of reference and to determine its strategic goals for the next three years. The outcome of these workshops has been the development of a new simplified Plan of Management and a Strategic Plan for the next three years (copies of which are attached). At the same time, the Aboriginal Community Development Officer position has been evaluated and the Position Profile amended accordingly.

Councillors will note that the Committee will in future be known by its Bundjalung name “wayiganna” (pronounced wayarr gunya) which means to speak, tell (wayi), and to hear, think, know and to understand. This decision is in keeping with the strategic planning goal to *“promote and increase understanding, awareness and acceptance of Bundjalung culture, heritage and identity to all people within the Lismore LGA.”*

In developing the three year strategic plan, the Wayiganna Aboriginal Advisory Committee's focus has been to create an equitable partnership between Council and the Aboriginal community.

Manager - Finance & Administration Comments

Provision has been made in the 2000/01 budget for costs associated with the Wayiganna Aboriginal Advisory Committee.

Public Consultations

Planning Workshops were conducted in April and May this year and independently facilitated by Dave Kapeen, Co-ordinator of the Shared Vision Project, College of Indigenous People, Southern Cross University. Copies of the Draft Plan of Management; Strategic Plan and Position Profile were circulated to all Aboriginal agencies within the Lismore LGA for comment prior to this report to Council.

Other Group Comments

Sought but not required.

Conclusion

Communication and reconciliation between the cultures is a two-way process. Council needs to be pro-active in consulting and involving the Wayiganna Aboriginal Advisory Committee in issues that are of interest to Aboriginal persons. Similarly, the Wayiganna Aboriginal Advisory Committee needs to take the initiative in raising issues with Council. The Plan of Management and Strategic Plan provide a framework for communication and reconciliation to occur.

Recommendation (COR35)

That Council adopt the Plan of Management and the Strategic Plan for the Wayiganna Aboriginal Advisory Committee.

Subject/File No: THE CHANNON WALKWAY / CHANNON ROAD
(CEM:VLC:P13126)

Prepared By: Structures Engineer, Charles Mitchell

Reason: Provide information for Councillors.

Objective: To seek Council's decision

Management Plan Activity: N/A

Background:

During the recent budget process, Council was approached by Mr Joe A Friend of The Channon Hall Committee requesting that consideration be given to the extension of the walkway path and footbridge over Madman's Gully.

At Council's ordinary meeting of June 6, 2000, it was resolved that, "...a further report be submitted relating to the completion of The Channon Walking Trail..."

In the mid to late 1990's a concrete walkway path extending from The Channon tennis courts to Madman's Gully, near Hill Street, was constructed by several EnviTE groups on behalf of The Channon Public Hall Trust.

Proposal

The current path provides part of the walking route from The Channon Village to Coronation Park and the nearby camp site. At the moment walkers heading from the Village make use of the existing path, road shoulder and then the road over the gully to access an earth track to Coronation Park.

In consideration of the proposed walkway, the existing narrow road would need to be widened near the corner of Roach Street. A walkway bridge would also need to be offset from the side of the existing road, spanning some 10m-15m. A path of approximately 100m to the north and approximately 20m towards the south of the bridge would be required (*refer attached map, marked as Appendix '1'*).

The proposed walkway extension will cross Crown land (listed as Coronation Park/community land), Council's road reserve and land owned by The Channon Hall Trust. The proposal is consistent with the zoning of these lands. Approval via a Part V application to the Crown would be required.

In addition, the NSW Fisheries Department will require an application, flora/fauna report, application fee, prior to approval and works commencing.

With respect to OH&S requirements, relevant safety matters of risk assessment and safe work practices supervision would be required by The Channon Hall Committee in conjunction with EnviTE or a similar employment training organisation engaged to carry out the work.

Manager - Parks & Recreation Comments

This proposal was originally put to Council about five years ago. Council resolved to provide 'in kind' support in the form of materials if the community provided labour and ongoing maintenance. At that time, LEAP Schemes (*skills training for the unemployed*), were used under the banner of EnviTE to construct a pathway. Unfortunately the project ran out of funds for materials prior to completion and, subsequently, community interest in the project dropped.

Council's Parks & Recreation Department currently has no involvement with the maintenance of this pathway and the adjoining vegetation has previously been extensively overgrown. However, completion of the pathway will provide the only proper pedestrian access between the Village and Coronation Park.

Should Council decide to contribute again to this project and to take up the maintenance thereof, an appropriate allocation of funding to maintain the facility for the rest of its life is essential. It should be remembered that currently no Council department maintains this pathway and given the tight financial position of all departments, it is not likely we will be able to maintain such a structure without additional funding being allocated.

Maintenance funding should be commensurate with any decision to contribute to and assume responsibility of the pathway. Alternatively, Council should seek an undertaking from the Hall Committee that it will maintain the pathway and nearby vegetation.

Should Council wish to limit its contribution to the construction works then, where possible, the use of 'Work for the Dole' teams should be considered. Again, these teams can be provided by EnviTE and routine inspection provided by Council staff.

Manager - Finance & Administration Comments

The proposal, as it stands, is for Council to provide some of the resources required to undertake the completion of the pathway and pedestrian bridge. This equates to approximately \$3,500 which would need to be funded from the working fund surplus.

This would then require The Channon Hall Trust to provide the balance of the resources. It has been suggested that the labour component could be arranged through EnviTE.

Also, it would be appropriate that the walkway be maintained as it is currently not. This would include the grass verges being mowed as required; deteriorated sections being replaced; the pathway being cleaned regularly due to the slippery surface, and inspected. If agreement with The Channon Hall Trust to fund and undertake these works is not possible, an annual amount of \$2,000 will need to be allocated from the working fund surplus for this purpose.

Public Consultations N/A

Other Group Comments

Administrative Services Manager's Comment

Council needs to be cautious when considering the construction of a public walkway which connects to a walkway on "private" land. Should any accident occur on the private walkway, Council may be joined in any action if the person entered via the Council walkway.

Council may be able to mitigate its liability by erecting signs alerting the public to possible danger but this is by no means certain. The most prudent course of action would be for Council to require the private walkway to be brought up to a suitable standard prior to any additional work being undertaken.

Conclusion

The extension of the walkway will provide an essential pedestrian walkway link between Coronation Park and The Channon Village.

To allow the project to be constructed by the organising group, The Channon Hall Trust, Council's consent and the construction of the walkway in accordance with relevant geometrical, strength and safety requirements will be required. There will also be the need for a close working relationship between The Channon Hall Trust and EnviTE or the responsible employment training body, to ensure the success of the project.

Commitment by Council to the extension of the path and pedestrian bridge will also require an ongoing maintenance allocation to the existing walkway which requires several areas to be upgraded.

Recommendation (WOR26)

1. That Council provide assistance to the organising Committee of The Channon Hall Trust in the following form -
 - provision of design plans, survey pegs and technical advice for provision of the pedestrian bridge and walkway path
 - provision and placement of existing precast concrete modular units to span the creek with handrail (foundations by other party to specification)
 - provision of proforma and application fee (\$200) to the NSW Fisheries Department
 - provision of inspections to ensure conformance of works with the relevant plans and specifications.

2. (a) That, in order to minimise Council's liability, a commitment be sought from The Channon Hall Committee to provide regular maintenance of the path.

or

(b) That funding in the amount of \$2,000 per year be allocated from Council to maintain The Channon Hall Trust path, plus a one-off allocation of \$3,500 from the working fund surplus to complete the bridge.

3. Council advise that commitment to the path extension is subject to replacement/ resurfacing of the deteriorated/slippery sections of the path by The Channon Hall Trust.

Subject/File No: CIVIC DESIGN PANEL
(NM:VLC:S273)

Prepared By: Manager - Parks & Recreation

Reason: Council resolution.

Objective: To gain Council approval for changes to the title, citizen membership and Strategic Plan of the Civic Design Panel.

Management Plan Activity: Parks & Recreation

Background:

At the ordinary meeting of May 2, 2000, Council considered a report on the matter of the Civic Design Panel changing its title. Following consideration of the report, discussion ensued and an amendment to the recommendations was moved but subsequently defeated. Consequently, Council resolved as follows:

“That the report be received and that consideration of this matter be deferred to allow an opportunity for the Panel to consider the issues raised in the amendment, and reported back to Council when the Manager - Parks & Recreation is available to explain the situation to Council.”

(Copy of previous report attached)

The amendments that were defeated related to the Panel's Strategic Plan and suggested the following changes to the objectives of the Strategic Plan as listed below:

- 2.3 To encourage appropriate tree plantings in the Lismore City Council area.
- 2.7 To promote preservation of heritage items within the Local Government area as approved by Council.
- 2.8 To be deleted.

Strategic Plan

In accordance with Council's resolution, the Panel considered the suggested amendments at its meeting of June 19, 2000. The Panel resolved the following changes to its Strategic Plan -

- 2.3 To develop a Strategic Plan to preserve existing street trees and establish new plantings in the Lismore area.
- 2.7 To promote the preservation of heritage items within the Lismore Local Government area as listed in Council's LEP and other items in consultation with Council.
- 2.8 To liaise/work with other stakeholders to promote the Wilsons River Project.

These changes were adopted by the Panel and have been included in the Panel's Strategic Plan. **(Appendix A)**

Title Change - Civic Design Panel

At the same meeting the Panel then revisited the matter of the change in its title. Panel Members had been advised in advance to give this matter consideration and to bring some new suggestions to the meeting. The Panel discussed the issues surrounding its original choice and accepted that Council was unlikely to approve the name "Spirit of Lismore Panel".

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Civic Design Panel

After further discussion and consideration of alternative titles, the Panel resolved that the title, "Civic Pride Advisory Panel" be submitted to Council for approval. Accordingly, as serving officer of the Panel, I submit this report to Council seeking approval for the Panel to change its name.

New Panel Member

On another matter, the recent resignation of M/s Carmel Beelitz as citizen member of the Civic Design Panel has been received and accepted by the Panel. The Panel's Plan of Management provides that such casual vacancies be filled by Council upon a direct recommendation of the Panel, or following public advertisement; at which time all applications be considered by the Panel, followed by a recommendation to Council.

An application to join the Panel has been received by a M/s Vanessa Ekins. A copy of this application is an annexure to this report and marked as **Appendix 'B'**. The Panel considered this application at its meeting of August 14, 2000 and has recommended that M/s Ekins be appointed to the Panel.

Manager - Finance & Administration Comments Not required.

Public Consultations N/A

Other Group Comments Not required

Conclusion

The Panel has considered the amendments moved at the Council Meeting of May 2, 2000. The Panel has not accepted those amendments, but nonetheless has made further changes to its Strategic Plan and has also resolved to seek approval on a further change in its title.

Recommendation (WOR27)

1. That Council approve the change in title of the Civic Design Advisory Panel to the "Civic Pride Advisory Panel".
2. That Council endorse the Panel's Strategic Plan and it be included in the Plan of Management.
3. (a) That M/s Vanessa Ekins be appointed as a citizen member of the Panel.

Or

- (b) The vacant citizen member position be advertised and applications referred to the Panel for subsequent recommendation back to Council.

Subject/File No: NIMBIN WATER SUPPLY
(S304)

Prepared By: Anu Atukorala – Manager Lismore Water

Reason: To form a community based committee to investigate options for augmenting the Nimbin Water Supply

Objective: To protect the community's health

Management Plan Activity: Improve levels of service

Background:

At its meeting held on April 4, 2000, Council resolved as follows:

1. Council commences community consultation using the Nimbin Water Supply Augmentation Strategy Report March 2000 prepared by Department of Public Works and Services as a basis for the consultation process.
2. That, following commencement of the consultation process, a consultation committee be formed comprising representatives of the community, councillors and staff representatives.
3. The consultation committee report back to Council with the preferred option on completion of the consultation process.
4. Council seeks Government subsidy from the DLWC for the augmentation of the Nimbin Water Supply Scheme.
5. That Councillors D Roberts, R Baxter and J Hampton be nominated to the consultation committee.

Public Consultations

At a public meeting held on the May 18, 2000 residents agreed to form a committee to progress the study. Council staff, consultants, Department of Land and Water Conservation (DLWC) staff and Department of Public Works and Services (DPWS) staff will assist the committee in its deliberations. The committee will be involved in identifying local issues, giving feedback to the broader community and recommending preferred options to the Council.

Nominations for the committee closed on June 30, 2000 and the following eleven nominations were received:

1. Loretta Gardiman
 2. Alva Sandor
 3. Kevin Soward
 4. Ian Smith
 5. Shirley Campton
 6. Murray Ryan
 7. Robyn Francis
 8. Danny Wort
 9. Dick Hopkins
 10. Wayne Franklin (Rous Water)
 11. Winifred Mitchell
-

Report – Nimbin Water Supply

It is recommended that all nominations be accepted. Application forms submitted are available for perusal with the author. Council has applied for additional funding from the Department of Land and Water Conservation. However, there is \$5,000 available from the current approved estimate, which can be utilised to commence the community consultation process until such time as the funding application is approved.

Manager - Finance & Administration Comments

Not required.

Other Group Comments

Not required.

Conclusion

Community consultation is an important part in developing strategies for augmenting the Nimbin Water Supply.

Recommendations (ENT31)

That Council:

- 1 Appoint the following:

*Loretta Gardiman
Alva Sandor
Kevin Soward
Ian Smith
Shirley Campton
Murray Ryan
Robyn Francis
Danny Wort
Dick Hopkins
Wayne Franklin (Rous Water)
Winifred Mitchell*

as community representatives to the Nimbin Water Supply Consultation Committee.

- 2 Utilise the remaining \$5,000 from the current estimate to commence the community consultation process.

Subject/File No: ORGANISATION STRUCTURE REVIEW
(S4)

Prepared By: General Manager

Reason: Compliance with the requirements of Section 333 of the Local Government Act 1993

Objective: To review the Council's current organisation structure.

Management Plan Activity:

Background:

On the 6th August, 1996 the Council adopted the present organisation structure following a review that was conducted after the election of the Council in September, 1995.

The present organisation structure comprises four Groups that are based on functional groupings of activities, namely:

- **Corporate and Community Services** – comprising Information (Technology) Services, Community Services, and Finance and Administration Services
- **Planning and Development** – comprising Planning Services (Strategic Planning and Development Assessment Planning), Environmental Health Services, and Building and Regulation Services
- **City Works** – comprising Roads and Infrastructure Services, Parks and Recreation Services, Design Services, Workshop and Depot, Plant and Fleet Management, Sign Shop, Traffic and Law Enforcement, Rural Quarries
- **Business and Enterprise** – comprising all of Council's Business Units including: Lawn Cemetery and Crematorium, Lismore Airport, Blakebrook Quarry, Lismore Water, Tourism, Economic Development Unit, Waste Services

This structure is depicted in illustrative form in **Appendix One**.

The Reason for this Review:

Section 333 of the Local Government Act 1993 requires that:

“The organisation structure may be re-determined by the Council from time to time. It must be re-determined within 12 months after any ordinary election of the council”.

In accordance with this provision the General Manager discussed the need for a review with the Council at a meeting held on 28th February, 2000.

The Council consequently resolved:

“That in the course of the proposed review of the Council's organisation structure the General Manager be requested to:

- ***Examine and report on options which will facilitate the retention of the incumbent senior officers without the need to advertise their positions;***
- ***Consult with all relevant stakeholders including the incumbent senior officers;***
- ***Examine and report on alternative options for the employment of senior officers including alternatives to contract employment;***

- *Enter into discussions with all relevant industrial/legal advocates with a view to ensuring Council's compliance with relevant statutes and award requirements."*

Organisation Structure Review

Before the Council can determine matters relating to the employment of the senior officers (Group Managers), it must firstly determine the organisation structure. It is therefore my intention to split these matters into two reports. The first report (this report) to facilitate determination of the organisation structure, and a further report to be submitted to the next meeting of Council dealing with the employment of the respective Group Managers.

The Process of Review:

The organisation structure review was undertaken by a Committee of Review comprising the GM, middle managers, and representatives of the Staff Consultative Committee. This Committee of Review was given the following tasks:

- Agree on an outline for the process of review and identify broad timeframes;
- Establish and refine review objectives;
- Consider and evaluate merits of various organisation review options;
- Consider feedback from staff on review options and related issues;
- Committee representatives to consult with staff within their individual departments/sections and fulfil an advocacy role;
- Liaise with Group Managers to ensure that they are appraised of progress made and can give feedback.

The **objectives for the review** established by the Committee were:

- Organisation effectiveness, efficiency and quality should be a priority;
- Evaluate the effectiveness of the current structure based on key performance indicators;
- Use Council's strategic objectives as a guide for the priority of functions/services/operations;
- Develop clear strategic objectives for the organisation in conjunction with the organisation structure review so as to:
 - ✓ *Improve strategic planning*
 - ✓ *Provide better strategic linkages*
 - ✓ *Lead to greater staff/management accountability*
- Be mindful of potential savings through the review process;
- Strive for a higher level of strategic focus at the senior officer level;
- Explore options which facilitate and enhance teamwork across the organisation;
- Explore options which facilitate greater devolution of responsibility and decision-making from the General Manager throughout the organisation leading to greater accountability and inclusiveness at all levels.

Strategic Planning linked to the Organisation Structure Review:

Early in the review process the Committee identified the need to align the Council's strategic objectives with the proposed organisation structure so as to ensure that the structure facilitated the delivery of those identified strategic targets. This potentially raised a number of difficulties which threatened to delay/extend the timeframe for completion of the organisation structure review – ie the organisation structure review had to be completed by the end August 2000 in order to meet the expectations of Section 333 of the Local Government Act 1993.

Some of the issues referred to above include:

- **Staff assessment that the Council's strategic plan needs a complete overhaul** because of perceived shortcomings, including:

Organisation Structure Review

- ✓ A lack of staff “ownership” of the plan due to the lack of communication of the strategic objectives;
 - ✓ The lack of any linkage between the plan and other Council strategic planning documents, eg the Management Plan and staff performance plans;
 - ✓ The lack of integrated corporate planning across all functional areas of the Council;
 - ✓ The plan did not clearly reflect the perceived strategic priorities of this Council;
 - ✓ Strategic objectives in the plan were broad “motherhood” statements rather than meaningful and specific objectives linked to clear action plans. The plan was considered to be more of a Vision Statement than a strategic plan;
 - ✓ Some of the strategic objectives were unrealistic and did not acknowledge internal and external constraints;
 - ✓ Neither management or Council appeared committed to the implementation of the Plan and this lack of commitment was being reflected by staff;
 - ✓ The plan was difficult to read and did not convey information which was of any operational benefit
- **A thorough review of the Council’s Strategic Plan could not be completed within the statutory time limit imposed by the LG Act for the Organisation Structure Review** – to overcome the lack of ownership of the staff of the current strategic plan, any review of that plan ought to involve staff in the entire process, thus maximising staff commitment to achieving the plan objectives/targets.
 - **A pilot strategic planning workshop was conducted to test the feasibility and resource commitment necessary to undertake the strategic plan review as proposed by the Committee** – this workshop was conducted in May and focused on the strategic imperative *Economic Development*. After this workshop it was concluded that an external (local) facilitator should be appointed to oversee the review of the plan and to facilitate workshops with staff and councillors. In the absence of someone fulfilling this co-ordination role Council would struggle to complete the review process within a reasonable period given available staff resources. This would further exacerbate existing cynicism about Council/management commitment to strategic planning.

Given the foregoing the Committee agreed that the organisation structure review should not be held up until Council’s strategic plan was itself reviewed.

Organisation Structure Review Outcomes:

The Committee of Review, having rejected the notion of reviewing Council’s strategic plan prior to completing the review of the organisation structure, proceeded to evaluate responses from staff regarding preferred options for Council’s organisation structure.

The Committee recommended the retention of the current organisation structure for the following reasons:

- There are considerable strengths in Council’s current organisation structure – it is robust, it is balanced, and adequately reflects a logical grouping of Council’s functions;
- Retention of the status quo will facilitate the achievement of a range of initiatives that have been underway for some time – ie it would facilitate continuity;
- Retention of the current structure is preferred by an overwhelming majority of staff;
- Retention of the current structure would avoid the organisational disruption/dysfunction that inevitably occurs when organisation reviews of this nature are undertaken;
- Devolution of decision-making and empowerment of staff can be implemented by delegation of functions by the General Manager without the need to change the organisation

Organisation Structure Review

structure. The General Manager has already committed to review delegations and has established a process of consultation to this end;

- Retention of the current structure provides greater opportunity for security of tenure for senior staff and consequent stability;
- Council has already achieved significant savings/re-allocation of resources in the budget for the 2000/2001 financial year and has allocated funds to finance the current organisation structure;
- Significant net savings are unlikely to be achieved through a change to the organisation structure;
- The General Manager has already initiated operational reviews of the Brunswick Street Workshop, Roads and Infrastructure Services, Customer Service in the Development and Assessment/Building and Regulation Sections, Information Services, and the EDU "one-stop-shop" concept. These reviews will proceed irrespective of any changes/proposed changes to the organisation structure, ie the retention of the status quo will not inhibit further change.

Other Committee Recommendations:

- ❑ *That the Council and senior management initiate/endorse a review of Council's strategic plan.*
- ❑ *Position descriptions for Group Managers be reviewed to ensure a strong focus on the execution of the revised strategic plan.*
- ❑ *The General Manager review delegations to staff below Group Manager level with a view to devolution of more decision-making.*

Manager - Finance & Administration Comments

Not required.

Public Consultations

Not applicable.

Other Group Comments

Not required.

Conclusion

The review of Council's organisation structure has been undertaken following an extensive process of consultation with staff, the Staff Consultative Committee and the Unions.

The overwhelming response has been for the retention of the current structure for the balance of this Council term.

A further report on employment options for Council's senior staff (Group Managers) will be tabled at the next meeting of the Council.

Recommendation (GM26)

1. That Council retain the current organisation structure for the balance of this Council term.

Organisation Structure Review

2. That Council endorse the need for an urgent review of the Council's strategic plan and that the General Manager report back to the Council on proposals for such a review including timing, financial and resource implications.
3. That the General Manager review position descriptions for Group Managers with a view to providing a strong strategic focus.

Subject/File No: DELEGATIONS
(GW/LM: S6)

Prepared By: Administrative Services Manager – Graeme Wilson

Reason: Requirement of Local Government Act.

Objective: To determine delegations.

Management Plan Activity: -

Introduction:

Section 380 of the Local Government Act 1993 requires that Council review all its delegations during the first 12 months of each term of office. This report is presented to satisfy this requirement.

The report is largely a repeat of one presented to Council in December 1995 following the last election. Given that Council has five new members it was considered appropriate that the background information contained within this report be repeated.

Background:

This Council was ahead of many councils in its management structure prior to the introduction of the new Local Government Act. This stemmed from the Management Review conducted by Coopers Lybrand in 1988, one consequence of which was the appointment of a General Manager/Town Clerk under contract with extensive delegation of powers.

What is proposed is essentially a status quo position to that which has operated since 1989 and last endorsed by Council in December 1995.

Requirements of the Act:

The following advice is provided as information to background the decision of Council with respect to the General Manager's delegations.

General power of the council to delegate:

377 A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:-

- *the appointment of a general manager*
- *the making of a rate*
- *a determination under section 549 as to the levying of a rate*
- *the making of a charge*
- *the fixing of a fee*
- *the borrowing of money*
- *the voting of money for expenditure on its works, services or operations*
- *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)*
- *the acceptance of tenders which are required under this Act to be invited by the council*
- *the adoption of a management plan*
- *the adoption of a financial statement included in an annual financial report*
- *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6*

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Delegations

- *the fixing of an amount or rate for the carrying out by the council of work on private land*
- *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work*
- *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning & Assessment Act 1979*
- *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194*
- *a decision under section 356 to contribute money or otherwise grant financial assistance to persons*
- *the power of the council under section 455 in relation to attendance at meetings*
- *the making of an application, or the giving of a notice, to the Governor or Minister this power of delegation*
- *any function under this or any other Act that is expressly required to be exercised by resolution.*

Comment: The above exceptions are reasonably numerous and generally relate to matters which could broadly be described as policy issues as opposed to management issues.

As councillors are aware, the broad thrust of the Act is one of councillors determining policy and the managers managing.

It is important to note that Council cannot delegate any function to a staff member other than the General Manager.

Functions of General Manager:

- 335
- 1) *The general manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.*
 - 2) *The general manager has the following particular functions:*
 - *the day-to-day management of the council*
 - *to exercise such of the functions of the council as are delegated by the council to the general manager*
 - *to appoint staff in accordance with an organisation structure and resources approved by the council*
 - *to direct and dismiss staff*
 - *to implement the council's equal opportunity management plan.*
 - 3) *The general manager has such other functions as may be conferred or imposed on the general manager by or under this or any other Act.*

Functions which are designated to the General Manager [(2) and (3) above] cannot legally be exercised by Council.

Delegations by the General Manager:

- 378
- 1) *The general manager may delegate any of the functions of the general manager, other than this power of delegation.*
 - 2) *The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).*
-

Delegations

Comment: *The manner in which the General Manager will carry out the day-to-day management of the Council is his/her prerogative. This section gives the General Manager the right to sub-delegate responsibilities in a similar manner to that which previously occurred under the 1919 Act. The General Manager has given staff extensive delegations to carry out the day-to-day activities of council.*

Exercise of functions conferred or imposed on council employees under other Acts:

381 1) *If, under any other Act, a function is conferred or imposed on an employee of a council or on the mayor or a councillor of a council, otherwise than by delegation in accordance with this section, the function is taken to be conferred or imposed on the council.*

[subs (1) am Act 44 of 1994 s3 and Sch 8]

2) *Such a function may be delegated by the council in accordance with this part.*

3) *A person must not, under any other Act, delegate a function to:*

- *the general manager, except with the approval of the council*
- *an employee of the council, except with the approval of the council and the general manager.*

Comment: *This is essentially a "housekeeping" clause designed to ensure that the effect of the Act or the desire of Council cannot be circumvented by other Acts.*

Authority to write-off Debts

The Local Government (Financial Management) Regulations 1999 Clause 17 – Restrictions on writing-off debts to council details the following requirements:

2) *A council must from time to time, by resolution, fix an amount above which debts to council may be written off only by resolution of council.*

3) *A debt below that amount can be written off either by resolution of council or by order in writing of the council's general manager. In the absence of a resolution under subclause (2), the council's debt can be written off only by resolution of the council.*

In accordance with the regulations, it is recommended that Council adopt a resolution stating that debts greater than \$5,000 be written off only by Council. Currently the authority is \$1,000. This would automatically imply that amounts less than \$5,000 could be written off by order of the general manager.

The reason that this amount is recommended is that many commercial transactions occur which would result in a dollar value of \$5,000 or more. When you consider the markets we deal with including quarries, waste facilities and commercial rentals, \$5,000 would not be considered to be an unusually high amount. This level of delegation will allow decisions regarding debt management to be made effectively given the circumstances rather than the matter being referred to council for determinations which are obvious.

Why have delegations?

It reflects the intended structure of the LGA:

i.e. the separation between policy-making functions of the governing body and the implementation of policy by staff.

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Delegations

Allows the governing body to function better:

The councillors have more time to make important policy or other major decisions without the heavy workload of routine or repetitive reports and decisions on matters of implementation.

Makes the best use of skilled human resources:

The Council achieves a greater return on its human resource investment by giving staff greater responsibility and autonomy in their respective skill areas.

Productivity:

Staff are likely to be motivated by greater delegations and be more productive.

Maximises overall administrative efficiency:

Delegation helps the council make the best use of available human resources and achieve the highest possible rate of productivity at the lowest administrative cost. The cost of decision-making is reduced through eliminating costly and time-consuming formalised reporting to the Council.

Produces more responsive, informed and effective decisions:

The Council can be more responsive to its external environment when decisions are made by staff closest to, and with the most detailed knowledge of, issues and problems.

Form of Delegation:

Whilst the thrust of Council's delegation has remained the same over the past 12 years its format has radically altered. It has moved from a detailed itemised 12 page document to a one page document of no more than a few paragraphs.

The attached instrument of delegation has been prepared by Lindsay Taylor of Phillips Fox and as such represents the current evolution of such documents. Its adoption will continue Council's long-standing practice of issuing broad delegations to its general manager. It allows the general manager the maximum flexibility to carry out his duties whilst ensuring that decisions will be made within Council's guidelines.

Manager - Finance & Administration Comments:

Not required.

Public Consultations

Not requested.

Other Group Comments

Not requested.

Recommendation (COR38)

1 That debts greater than the sum of \$5,000 be written off only by resolution of the Council.

Delegations

- 2 Pursuant to section 377 of the Local Government Act 1993, Council revokes all delegations of functions from the Council to the General Manager whenever made and delegates to the General Manager all of the functions of the Council under any Act or law that may be lawfully so delegated subject to the following conditions and limitations:
- a) The delegate may not exercise a function under delegated authority if:
 - i) the exercise of the function involves the adoption or amendment of a policy of the Council, or would be inconsistent with the aims and objectives of any existing Council policy;
 - ii) in the case of a function (other than to bring, defend, appear in or settle proceedings), the matter to which the function relates is the subject of actual, threatened or apprehended proceedings in a court or other tribunal or is the subject of a public inquiry under any Act; or
 - iii) Council by resolution, direct that a particular matter be referred to Council for decision, in which event this delegation shall not apply to such particular matter unless and until such direction or resolution is revoked by further direction or resolution.
 - b) Only debts of \$5,000 or less may be written off by the General Manager.
 - c) The delegate must ensure that the conditions and limitations in paragraphs (a) and (b) apply to functions sub-delegated to Council staff by the General Manager where appropriate.

Supply of Truck-Mounted Road Pavement Repair Unit

Typically a work crew would consist of approximately five (5) or more staff who may shovel up to 10 Tonnes of mix into holes as they move along the road system. This is a very inefficient operation and exposes staff to considerable danger from the passing high volumes of traffic.

In recent years Council staff have investigated a variety of machines purpose-built to fill potholes from the back of a truck. Most of these machines were heading in the right direction. However, most have proved either difficult to operate or did not have acceptably high outputs to warrant their purchase.

The Consultant engaged to review Council's road practices, Mr Neil Arbuthnot, has made the suggestion that Council should investigate jetpatching systems in order to improve productivity. Council subsequently hired a Paveliner machine from Casino. This machine worked well but still required an operator at the front of the vehicle and one or more workers at the rear of the vehicle to operate the equipment to fill the holes.

New Machine

Council staff inspected a new Paveliner machine at Grafton and later at the Engineers Field Day in Sydney which demonstrated a major step forward in road patching technology.

This machine patches the road from the front of the truck. The truck driver operates remote control booms that spray materials into the potholes. Clearly there are a lot of advantages with such a system -

1. Requires only one person to operate the truck and patching system.
2. The patching is done from the front of the truck, thus moving workers away from the rear of the truck where they are in danger from passing vehicles.
3. The system uses technology and machines to deliver material to the potholes, thus avoiding the need for staff to do mundane physical work in a difficult environment.
4. The material is blown into the potholes which effectively compacts the patches, thus minimising the need for a roller and further reducing costs.

It should be noted that this machine will replace a Flowcon rear-discharge machine. It is anticipated that it may take some time to assess how best to utilise the improved patching potential of this new machine. Once this has been assessed in the field, the existing Flowcon will then be sold, most likely by auction.

The future use of a small pavement roller will also be assessed. Both the Flowcon and the roller are approximately eight (8) years old and in line for replacement/disposal.

Staff currently employed to shovel from the rear of the existing Flowcon will be redeployed within the organisation. There is no intention to make any personnel redundant as a result of this purchase.

Note: There will still be a need for some form of traffic control on the roads where the truck is working.

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Supply of Truck-Mounted Road Pavement Repair Unit

The Machine Itself

The patching machine is built on an ordinary truck that has been fitted with an automatic transmission. A snorkel boom and associated pipes run from the back of the truck to deliver material in front of the operator who controls the boom by a joy stick. This is operated by his left hand. A similar system is used in the one-armed garbage trucks.

The fine aggregate is transported to the front of the truck by a large roots-type air compressor through a 100mm pipe system. The aggregate is pushed into this airflow by a positive displacement distributor which ensures material enters the system at the required rate irrespective of moisture content. Bitumen emulsion is injected into the system at the nozzle where a hydraulic motor rotates the flow ensuring the hole is filled evenly.

Principal Accountant's Comments

As stated in this report, the intention of this purchase is to replace another machine after a period of time once the new machine is fully operational. As such, the funding for this item should come from plant operations or reserves.

As at June 30, 2000, the Plant Fund has reserves of \$165,700 with the operations of the Plant Fund budgeted to generate a surplus of approximately \$1,000,000 in the 2000/01 financial year. The total of these two amounts is for the capital replacement of plant. As such, there are sufficient funds available for the replacement of this item of plant as long as operations effectively meet budget expectations.

Public Consultations N/A

Other Group Comments Not required

Conclusion

This system uses a number of well-proven technologies and is a logical extension of systems that have been built at the rear of the truck. Staff who have inspected the Paveliner Autopatch unit working in the field have been quite impressed.

Recommendation (WOR25)

That Council accept the tender from John Chant Isuzu, Lismore, for the supply of one (1) only Isuzu FVZ 1400 truck fitted with automatic transmission and equipped with a Paveliner Autopatch cabin-operated pavement repair unit, at a total cost of \$229,349 (*less GST of \$20,850*), representing a net cost to Council of \$208,499.

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Subject/File No: TENDERS FOR SPRAYED BITUMINOUS SURFACING WORKS
T20025

(WJ:LC:T20025)

Prepared By: CONTRACTS ENGINEER – Wes Johnstone

Reason: To inform Council of tenders received for the 2000/2001 sprayed Bituminous Surfacing Program.

Objective: Council approval of selected Contractors

Management Plan Activity: Client Services / Roads

Background:

Tenders for the 2000/2001 Sprayed Bituminous Surfacing Program were recently invited.

Tenders were received from the following organisations:

1. Boral Asphalt
2. Roads and Traffic Authority, NSW
3. Pioneer Road Services
4. CSR

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

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

The comparison of costs for the three typical projects is as follows (including GST):

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

CONTRACTOR	COST
Boral Asphalt	\$158,848
Pioneer Road Services	\$167,910
CSR	\$189,522
Roads & Traffic Authority, NSW	\$202,619

- B. 7,500m² Bitumen Seal on New Works (1 Working Day):

CONTRACTOR	COST
Boral Asphalt	\$13,219
Pioneer Road Services	\$16,756
CSR	\$16,720
Roads & Traffic Authority, NSW	\$31,681

- C. 24,000m² Geotextile Seal Program (4 Working Days)

CONTRACTOR	COST
Boral Asphalt	\$58,797
Pioneer Road Services	\$70,869
CSR	\$80,082

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Roads & Traffic Authority, NSW

\$88,709

LISMORE CITY COUNCIL - Meeting held August 29, 2000

Tenders For Sprayed Bituminous Surfacing Works T20025

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

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

The ranking is:

1. Boral Asphalt
2. Pioneer Road Services
3. CSR
4. Roads and Traffic Authority, NSW.

Finance

The following funds are provided in the 2000/2001 budget for works to be carried out under this contract:

Rural Reseals	\$450,000
Urban Reseals	\$145,000
RTA Reseals (Grant)	\$200,000
Regional Roads Reseal	<u>\$223,000</u>
TOTAL	\$1,018,000

Additional work will be funded by various road construction budgets.

Public Consultations

Not required.

Other Group Comments

Group Manager City Works

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

Conclusion

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

Boral Asphalt successfully carried out work under a similar contract in 1999/2000.

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

Recommendation GM25

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

1. Boral Asphalt
2. Pioneer Road Services
3. CSR
4. Roads & Traffic Authority, NSW

LISMORE CITY COUNCIL - Meeting held August 29, 2000

Tenders For Sprayed Bituminous Surfacing Works T20025

APPENDIX A

PRICING SCHEDULES

Contract: T20025 – Provision for Sprayed Bituminous Surfacing

Schedule of Prices and Quantities

Item Description	Unit	Boral Asphalt Net of GST	RTA Incl. GST	Pioneer Road Services Net of GST	CSR Incl. GST
1. Sweeping of Pavement	m ²	0.05	0.17	0.05	0.13
2. Supply, Heat and Spray C170 Bitumen including Seal Design					
i. Over 20,000 Lt in 1 day	Lt	\$0.62	\$0.80	\$0.613	\$0.74
ii. 10,000 Lt – 20,000 Lt in 1 day	Lt	\$0.67	\$0.81	\$0.657	\$0.83
iii. 5,000 Lt- 9,999 Lt in 1 day	Lt	\$0.82	\$0.92	\$0.791	\$0.91
iv. 3,000 Lt – 4,999 Lt in 1 day	Lt	\$1.05	\$1.03	\$1.025	\$1.17
v. Less than 2,999 Lt in 1 day	Lt	\$1.35	\$1.34	\$1.857	\$1.85
3. Supply and Incorporate Flux Oil (Diesel)	Lt	\$0.62	\$1.12	\$0.60	\$0.87
4. Supply and Incorporate Cutter Oil (Power Kerosene)	Lt	\$0.62	\$0.88	\$0.55	\$0.72
5. Supply and Incorporate Adhesion Agent	Lt	\$3.00	\$3.48	\$4.00	\$4.15
6. Recover Longitudinal Line Marking					
i. Centre Line (Including Medians)	KM	\$290	\$300/520	\$350.00	\$360.00
ii. Edge Line	KM	\$290	\$300	\$365.00	\$250.00
7. Rolling Aggregate					
i. One Roller	m ²	\$0.05	\$0.07	\$0.05	\$0.10
ii. Two Rollers	m ²	\$0.10	\$0.12	\$0.10	\$0.17
8. Load, haul and Spread Aggregate, including removal of loose aggregate					
A. From stockpile located within 5.0km of Site:					
i. Over 135m ³ in 1 day	m ³	\$28.00	\$42.00	\$44.80	\$34.50
ii. 66m ³ -135m ³ in 1 day	m ³	\$41.00	\$49.00	\$46.40	\$47.50
iii. 36m ³ - 65m ³ in 1 day	m ³	\$46.00	\$73.00	\$79.60	\$93.50
iv. 21m ³ -35m ³ in 1 day	m ³	\$73.00	\$76.00	\$142.20	\$121.00
v. Less than 20m ³ in 1 day	m ³	\$120.00	\$79.00	\$199.00	\$231.00
B. Extra Cost per Kilometre Hauled Outside 5.0km of site	m ³	\$2.20	\$0.13	\$5.50	\$2.75
9. Laying and Rolling Geotextile (Geotextile to be supplied by Council)					
i. Up to 3,000m ² in 1 day	m ²	\$0.95	\$4.80	\$0.65	\$2.75
ii. More than 3,000m ² in 1 day	m ²	\$0.75	\$3.30	\$0.50	\$1.65
10. Site Establishment Cost	Item	Nil	\$17,000	\$3,000	\$2150
11. Waiting Time (if applicable)	Hour	Nil	\$1,300	800	825

LISMORE CITY COUNCIL - Meeting held August 29, 2000

Tenders For Sprayed Bituminous Surfacing Works T20025

APPENDIX B

A: MAJOR PROGRAM (10 WORKING DAYS)										
Contractor	Bitumen	Cutter	Aggregate	Adhesion Agent	Recover Centre	Sweep	Rolling	Site	GST	TOTAL
	120,000L	3600L (3%)	1000CUM	1200L (1%)	Line Marking (7.5km)	100,000SQM	100,000SQM	Establishment		COST
							(2 Rollers)	(Item)		
Boral	\$ 80,400	\$ 2,232	\$ 41,000	\$ 3,600	\$ 2,175	\$ 5,000	\$ 10,000	\$ -	\$ 14,441	\$158,848
Pioneer	\$ 78,840	\$ 1,980	\$ 46,400	\$ 4,800	\$ 2,625	\$ 5,000	\$ 10,000	\$ 3,000	\$ 15,265	\$167,910
CSR	\$ 99,600	\$ 2,592	\$ 47,500	\$ 4,980	\$ 2,700	\$ 13,000	\$ 17,000	\$ 2,150	\$ -	\$189,522
RTA NSW	\$ 97,200	\$ 3,168	\$ 49,000	\$ 4,176	\$ 3,075	\$ 17,000	\$ 12,000	\$ 17,000	\$ -	\$202,619
B: MINOR PROGRAM (1 WORKING DAY)										
Contractor	Bitumen	Cutter	Aggregate	Adhesion Agent	Recover Centre	Sweep	Rolling	Site	GST	TOTAL
	9000L	270L (3%)	75CUM	90L (1%)	Line Marking (Nil)	7500SQM	7500SQM	Establishment		COST
							(2 Rollers)	(Item)		
Boral	\$ 7,380	\$ 167	\$ 3,075	\$ 270	\$ -	\$ 375	\$ 750	\$ -	\$ 1,202	\$ 13,219
Pioneer	\$ 7,119	\$ 149	\$ 3,480	\$ 360	\$ -	\$ 375	\$ 750	\$ 3,000	\$ 1,523	\$ 16,756
CSR	\$ 8,190	\$ 194	\$ 3,563	\$ 374	\$ -	\$ 975	\$ 1,275	\$ 2,150	\$ -	\$ 16,720
RTA NSW	\$ 8,280	\$ 238	\$ 3,675	\$ 313	\$ -	\$ 1,275	\$ 900	\$ 17,000	\$ -	\$ 31,681
C: GEOTEXTILE SEAL PROGRAM (4 WORKING DAYS)										
Contractor	Bitumen	Cutter	Aggregate	Adhesion Agent	Recover Centre	Sweep	Rolling	Site	GST	TOTAL
	52800L	1584L (3%)	240CUM	528L (1%)	Line Marking (3km)	24000SQM	24000SQM	Establishment		COST
							(2 Rollers)	(Item)		
Boral	\$ 35,376	\$ 982	\$ 11,040	\$ 1,584	\$ 870	\$ 1,200	\$ 2,400	\$ -	\$ 5,345	\$ 58,797
Pioneer	\$ 34,690	\$ 871	\$ 19,104	\$ 2,112	\$ 1,050	\$ 1,200	\$ 2,400	\$ 3,000	\$ 6,443	\$ 70,869
CSR	\$ 43,824	\$ 1,140	\$ 22,440	\$ 2,191	\$ 1,080	\$ 3,120	\$ 4,080	\$ 2,150	\$ -	\$ 80,026
RTA NSW	\$ 42,768	\$ 1,394	\$ 17,520	\$ 1,837	\$ 1,230	\$ 4,080	\$ 2,880	\$ 17,000	\$ -	\$ 88,709

Subject/File No: INVESTMENTS HELD BY COUNCIL AS AT JULY 31, 2000
(GB/LM: S170)

Prepared By: Financial Accountant, Graeme Blanch

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

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

Management Plan Activity: General Purposes Revenues

Information:

The attached list of investments held by Council with various financial institutions has been made in accordance with Section 625 of the Act and in accordance with Council's investment policies.

Council's total investment for July amounted to \$21,562,719.62 with an average interest return of 6.32%. Average interest rate at the same time last year was 5.20%. Economic data continues to indicate that economic growth is moderating and therefore interest rates are likely to remain steady.

Manager-Finance & Administration Comments:

Included in the body of the report.

Public Consultations:

Not required.

Other Group Comments:

Not requested.

Recommendation (COR34)

That the report be received and noted.

LISMORE CITY COUNCIL - Meeting held August 29, 2000

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD AUGUST 16, 2000

AT 10.00 AM.

(WMacD:VLC:S352)

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

Apologies: Apologies for non-attendance on behalf of Messrs Thomas George and Chris Mallam were received and accepted and leave of absence granted.

Minutes of Traffic Advisory Committee Meeting – July 19, 2000

Members were advised that the Minutes of the meeting held on July 19, 2000 were adopted by Council at its meeting of August 8, 2000, excluding Item Nos. 14 and 18.

With respect to Item No. 14 (*Intersection of Dawson and Leycester Streets*), the Committee agreed that the Schools and St. Carthage's Cathedral would be consulted as part of any proposal for the intersection. (R6042)

With respect to Item No. 18 (*Drag Strip for 'Cogs'*), the Committee noted Council's resolution. (S352,R6906)

Disclosure of Interest: Nil

Correspondence:

1. **J & B Bus Services;** requesting an extension of their bus route which services Tregagle Public School to provide for an additional 3.0Km along Tregagle Road; turning around at Webber Road, Wyrallah.

As sight distance on the approaches to Webber Road was significantly better than at Grennan Road, it was agreed that approval should be given for the extension of the bus route to Webber Road.

TAC103/00 **RECOMMENDED** that approval be given for the extension of the bus route in accordance with the above. (00-11162:R5301,R5306)

2. **D O'Dea;** drawing attention to the location of the driveway to his property at No. 538 Tuntable Creek Road, The Channon, and seeking the installation of improved traffic safety measures.

Members were advised that the road alignment of Tuntable Creek Road was generally narrow and winding with many driveways along its length. Due to the alignment of the road, excessive vehicle speeds would not be possible along most of its length. Signs indicating the existence of the driveway would be of little benefit as such signs tended to be ignored. The installation of several guideposts around the corner would assist in highlighting the 'bend' in question.

TAC104/00 **RECOMMENDED** that several guideposts be installed around the 'bend' in front of No. 538 Tuntable Creek Road. (00-11178:R3305,S346)

3. **Trinity Catholic College, Lismore;** seeking safer pedestrian access across Hindmarsh and Brewster Streets to reach the bus interchange facility; and also drawing attention to the need to more effectively highlight the 40 kph *School Zone* and provide a designated pedestrian access on Brunswick Street. There were several issues raised which were dealt with on an individual basis as follows -
- (a) The pedestrian facilities at the Leycester and Hindmarsh Streets roundabout comprise pedestrian refuges and were considered the most appropriate given the high traffic volumes and the generally slow speed of traffic. Marked pedestrian crossings were not considered warranted.
TAC105/00 **RECOMMENDED** that the writer be advised accordingly.
- (b) Council had identified the need for an additional pedestrian facility towards the southern end of the bus interchange and it was suggested that this would be most appropriately located in front of the McDonalds Restaurant at Brewster Street.
TAC106/00 **RECOMMENDED** that a pedestrian refuge be installed on Brewster Street in front of the McDonalds Restaurant.
- (c) The existing 'Children's Crossing' on Brunswick Street was inspected and it was suggested that the facility could be highlighted by upgrading the large 'School Zone' signs and by the installation of 'Children Symbol' warning signs on a red target board in the centre of the refuge at Brunswick Street. In addition, the existing line-marking on the approaches to the crossing would be repainted.
TAC107/00 **RECOMMENDED** that the above works be carried out. (00-11376:S673)
4. **M/s P Dwyer;** requesting that the parking situation at Dalley Street, opposite St Vincent's Hospital, be examined and consideration be given to the erection of signs to prevent kerbside parking.
Petition from Residents of Nos. 25-27 Dalley Street; requesting that 'No Standing' signs be erected along the kerb in front of Nos. 25-27 Dalley Street as parked vehicles obscure motorists' vision when exiting from the driveways. The Committee was advised that the current 'No Stopping' area opposite the main entrance to St Vincent's Hospital stopped just below No. 23 Dalley Street. All residents along the southern side of Dalley Street from No. 23 to at least the top of the 'crest' heading east, would experience difficulty in exiting their driveways due to the cars that were regularly parked along the street. Before any further restrictions were placed on kerbside parking in this area, it was suggested that a survey of residents along the southern side of Dalley Street within the area in question be carried out to ascertain whether or not they were in favour of prohibiting parking in front of their properties.
TAC108/00 **RECOMMENDED** that a survey of residents be carried out within the area outlined above, and the results and a recommendation be presented to the Committee for further consideration. (00-11381,00-11533:S346,R7426)
5. **St Vincent's Hospital Occupational Health & Safety Committee;** expressing concern for the difficulty encountered by staff whilst accessing the St Joseph's Nursing Home carpark due to parked vehicles adjacent to and opposite the entry points off Dalley Street. This item directly related to the previous item in that access to the Nursing Home is affected by vehicles parking on the southern side of Dalley Street, opposite the entrance to the Nursing Home. It was suggested that this area be included in the proposed survey and be considered for parking restrictions.
TAC109/00 **RECOMMENDED** that the above action be taken. (00-11908:P2759)
-

LISMORE CITY COUNCIL - Meeting held August 29, 2000

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD AUGUST 16, 2000 (Cont'd)

6. **P & Mrs P McQuhae**; seeking an assessment of the spur road off Dunoon Road (*approximately 1.6Km from Nightcap Range Road*), to be used as a bus turn-around area, particularly during periods of wet weather.
The Committee was advised that the turn-around area had been inspected and appeared to be adequate in its current form following the recent maintenance works. However, as to its suitability during wet weather, this would need to be assessed by the Bus Operator at the time.
It was noted that the site was basically a private access road and Council was not in a position to foresee how the area would endure in the long-term.

TAC110/00 **RECOMMENDED** that the writer be advised in accordance with the above.

(00-11529:R3407)

7. **M/s C Dorahy**; drawing attention to the number of School children who gather at the Bus Stop at the intersection of Bangalow Road and Lagoon Grass Road, Boatharbour, and advising of her willingness to 'donate' sufficient land near their front entrance to allow buses to pull off the road for children to alight in safety.
Members noted M/s Dorahy's generous offer to donate land for a Bus Stop area. However, after discussions with parents of students who live along Lagoon Grass Road and an on-site observation of current practices, it was felt that there was sufficient space at the intersection of Lagoon Grass Road for the bus to pull off the road to collect students each morning enroute to Lismore.
The afternoon return run necessitated the bus pulling up partly within the through traffic lane due to a deep drain close to the roadside and this was considered unsafe.

It was noted that it was Council's intention to upgrade the intersection of Bangalow Road and Lagoon Grass Road as part of the proposed northern link road from Pineapple Road. This would necessitate the widening of the road shoulder opposite the intersection which may require a small land resumption as well. Following completion of this work, there would then be sufficient space for the bus to pull well off the road.

TAC111/00 **RECOMMENDED** that M/s Dorahy be thanked for her generous offer and that she be advised of Council's intentions.

TAC112/00 **FURTHER RECOMMENDED** that this matter be referred to Council's Design Services Section for preparation of a plan and estimate and this be submitted to the RTA for approval and funding.
(00-11770:R4402,S342)

8. **Seventh-Day Adventist Church**; forwarding petition seeking the need for increased safety for pedestrians at all roundabouts in Lismore, particularly the great need for pedestrian crossings on Uralba Street, between Lismore Shopping Square and the Base Hospital, following the recent fatality.

The Committee agreed that immediate action needed to be taken to upgrade pedestrian facilities at the roundabout situated at the intersection of Uralba and Brewster Streets. Generally footpaths/kerb ramps and refuges needed to be installed away from, rather than directly at the mouth of the roundabout with the inclusion of suitable barriers on all four corners to prohibit pedestrian movement.

The need to upgrade pedestrian facilities in general throughout Lismore was also recognised and it was noted that this had been intended to be assisted by the production of a 'Pedestrian Access and Mobility Plan' (PAMP) proposed by the RTA last year. Although Council had budgeted \$15,000 towards the Plan in last year's budget, unfortunately the RTA was unable to come forward with its share. This Plan would help identify all deficient areas and prioritise works. The Plan was still seen as extremely important.

TAC113/00 **RECOMMENDED** that pedestrian facilities at the Uralba/Brewster Streets roundabout, as outlined above, be upgraded at the earliest opportunity.

LISMORE CITY COUNCIL - Meeting held August 29, 2000

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD AUGUST 16, 2000 (Cont'd)

8. **Seventh-Day Adventist Church** (Cont'd)
TAC114/00 **FURTHER RECOMMENDED** that the matter of funding for the production of a 'Pamp' Plan be resubmitted to the RTA with a request for funding at the earliest opportunity. (00-12102:S342)

Reports

9. **Road Safety Officer's Progress Report:** June/July 2000.
Mrs Johnson spoke briefly on the contents of the report with the work undertaken being noted by the Committee.
TAC115/00 **RECOMMENDED** that the report be received and noted. (S596)

General Business

10. **Parking Conditions at Eastern End of Orion Street, Lismore**
Council's Manager of Waste Services had requested that action be taken to ensure vehicles did not park in the vicinity of the loop at the top end of Orion Street as this practice severely restricted the turning area required by garbage truck operators. Vehicles being parked in front of the last house on the top side of the road caused the most problems.
It was suggested that, firstly, the residents of this house be approached outlining the problems being experienced and requesting their co-operation in ensuring vehicles did not park close to the end of the loop on Tuesday evenings as garbage was collected on Wednesday mornings. Failing this, consideration would be given to the installation of 'No Stopping' signs.
TAC116/00 **RECOMMENDED** that the above action be taken. (R6051)
11. **Right-Turn Lane on Ballina Road – Intersection with Jubilee Avenue, Goonellabah**
A request had been received for the right-turn lane to be closed.
The Committee was advised that an inspection of the location had been carried out and it was considered that the current situation did not constitute a major problem. The widening of the existing entry into the Department of School Education site would resolve the current problem of motorists going slightly against the flow of traffic to enter the property. However, this would be at considerable cost and not considered warranted at this stage.
TAC117/00 **RECOMMENDED** that the above be noted. (R6048,R6408)
12. **Closure of Cambrian Street, Lismore, to Through Traffic**
A request had been received from Mr Charles Evans for the closure of Cambrian Street (*gravel road*).
The Committee raised no objection in principal to the closure of Cambrian Street to through traffic. However, the precise location of any physical closure would probably be best determined after consultation with local residents.
TAC118/00 **RECOMMENDED** that Council agree in principal to the closure of Cambrian Street to through traffic with the precise location to be determined after consultation with residents; following which, steps be taken to effect the closure. (R7302)

13. **'Crest' on Deloraine Road, Lismore Heights**
The Committee had been asked to discuss parking facilities at the above location. Members noted that Deloraine Road was a residential street and, as such, they were reluctant to impose kerbside parking restrictions. It was suggested that the painting of a double white line over the 'crest' of Deloraine Road might assist in guiding motorists and encourage residents to park further away from the centre line.
- TAC119/00** **RECOMMENDED** that the above action be taken. (R7111)
14. **Nos. 1542 and 1566 Bangalow Road, Clunes – Property Access**
The Committee had been asked to consider the location of the driveways to the above allotments.
Mr MacDonald advised that an on-site meeting had been held with the owner of the property in question; at which time he had been informed that the minimum acceptable sight distance of oncoming traffic was 175m based on an 85th percentile speed of 80kph. There were only two locations where this could be achieved - one was in front of the existing farm house; and the other was at the south-western extremity of Lot No. 34.
The preferred option was to have access to all three blocks in front of the existing farm house allotment. However, the other option was acceptable if certain works were carried out. These comprised the relocation of about 30m of guardrail on the opposite side of the road to ensure a road width of 6.5m from the road centre line and the clearing of a line of camphor laurel trees on the same side as the properties to improve sight distance to the west.
- TAC120/00** **RECOMMENDED** that any approval for vehicular access to Lot Nos. 33 and 34 in DP No. 875064 be in accordance with either of the above options.
(P25959,P25960,R1301)
15. **Vehicle Speeds - Boggumbil Road**
Councillor Swientek had raised his concern for the speed of vehicles on Boggumbil Road on behalf of a resident who had requested that the speed limit be reduced.
Mr Baldwin pointed out that Boggumbil Road was a gravel road and, as such, approval would not be given for a reduced speed limit. Due to the alignment of the road and its width, it was considered that the majority of motorists would not be travelling at excessive speeds in any case. Const Paulson noted the resident's concerns for future action.
- TAC121/00** **RECOMMENDED** that the resident be advised that the RTA would not support a reduced speed limit on Boggumbil Road. (R2405)
16. **Rowing Club Carpark – Paid Parking**
Mr MacDonald advised that he had carried out extensive investigations into the most appropriate system of paid parking from other Councils and it was proposed that the 'Pay and Display' method be introduced. This involved the installation of several 'Pay and Display' machines; one of which could possibly be located in the centre of the access road into the carpark, of sufficient distance from Molesworth Street, and one within the carpark.
There were, however, difficulties in allowing the first three (3) hours free as originally intended as this could easily be abused by motorists leaving the carpark and reparking for a further three (3) hours for no fee. This would defeat the original intention.
As it was envisaged that longer term parkers such as employees would be the predominant users of the carpark once paid parking was introduced, it was suggested that the fee structure could be a flat \$1 for one-half day (first four hours) or \$2 for a full day, or part thereof above four hours.

LISMORE CITY COUNCIL - Meeting held August 29, 2000

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD AUGUST 16, 2000 *(Cont'd)*

16. **Rowing Club Carpark – Paid Parking** *(Cont'd)*
The estimated cost for the supply and installation of the machines totalled \$25,000 and it was anticipated that this cost would be recouped within the first 12-18 months, possibly at an earlier time depending on patronage. On this basis, it was proposed that Section 94 Carparking contributions be used to fund the initial installation.
- TAC122/00** **RECOMMENDED** that the above proposal be installed at the earliest opportunity.
(P15856)
17. **Questacon – Lismore Central**
Mrs Johnson advised that the Questacon display was due to arrive in Lismore on September 12, 2000 and negotiations had been all but completed with Lismore Central Management to allow Questacon use of the former 'Go Lo' site within the shopping complex at the corner of Conway and Carrington Streets. This location offered good exposure and easy access.
As many Schools from throughout the Northern Rivers region would be attending Questacon, it was proposed that a temporary Bus Zone be established on the northern side of Conway Street, at a convenient location between Carrington and Keen Streets; the exact location being determined after discussions with Lismore Central Management.
- TAC123/00** **RECOMMENDED** that a temporary Bus Zone be established on Conway Street in accordance with the above.
(R7307)

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

CHAIRPERSON

TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, AUGUST 8, 2000 AT 6.03PM.

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

192/00 **Apologies/ Leave of Absence:** An apology for non-attendance on behalf of Councillor Gallen was received and accepted and leave of absence granted.
(Councillors Baxter/King)

193/00 **Minutes:** The Minutes of the Ordinary Meeting held on July 18, 2000, were confirmed.
(Councillors Swientek/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 Lindsay Walker, Lismore Unlimited re Rescission Motion

(See Minute Nos. 194-195/00)

Mr Walker spoke in support of retaining the Manager-Economic Development in the CBD, citing this was where the business activity was, where the business community needed the services of the Manager and that his performance would be enhanced by such a location.

(00-11000:S644)

Ms Ros Derrett re Report – Old Lismore High School Site

(See Minute Nos. 196-197/00)

Ms Derrett endorsed the report before Council. She stressed the opportunity this presented to Council to improve its facilities for the public to revitalise the CBD and capitalise on the economic benefits to be derived from the Arts community.

(P25791, P26243)

Mr Ken Coughran, Lismore RSL Club – re Report – Memorial Baths Redevelopment – Land Matters & Project Delivery Method

(See Minute No. 198/00)

Mr Coughran, General Manager of the RSL Club, advised he spoke on behalf of the RSL Board in support of the proposal in the business paper. He stressed the benefits to the community and the Club of the proposal. He advised that any final decision by the RSL would be subject to approval by a general meeting of members.

(P2693)

DISCLOSURE OF INTEREST:

S459 - Councillor Chant declared an interest in Report – Supply of Truck-Mounted Road Pavement Repair Unit (tenderer).

RESCISSION MOTION:

Proposed Relocation of Economic Development Unit

(Copy attached)

194/00

Formal notice having been given by Councillors Roberts, Tomlinson and Crowther it was **RESOLVED** that the decision to relocate the Economic Development Unit to the Administration Building in Goonellabah be rescinded.

(Councillors Roberts/Irwin)

Voting Against: Councillors Swientek, Chant, Baxter, Hampton and Suffolk.

A FORESHADOWED MOTION WAS MOVED that –

- 1 The Economic Development Unit retain its location in the CBD.
- 2 This location be reviewed 12 months after implementation of a “one stop shop” approach.
- 3 The General Manager review current processes for dealing with investor/ developer enquiries with a view to implementing a “one stop shop” approach and report the outcome to Council.

(Councillors Roberts/Irwin)

195/00

RESOLVED that –

- 1 The Economic Development Unit retain its location in the CBD.
- 2 This location be reviewed 12 months after implementation of a “one stop shop” approach.
- 3 The General Manager review current processes for dealing with investor/ developer enquiries with a view to implementing a “one stop shop” approach and report the outcome to Council.

(Councillors Roberts/Irwin)

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

(S644)

REPORTS:

Old Lismore High School Site

(Copy attached)

A MOTION WAS MOVED that the report be received and –

- 1 Council make formal approach by writing to the Minister for Education and Training, requesting that Lot 14 of DP867281 be transferred to Council at nominal value as operational land whilst Lot 15 of DP 867281 remains in the Minister’s ownership.
- 2 Council request a copy of the fire safety report for the site from the Minister for Education and Training.
- 3 Council contribute \$10,000 towards the cost of developing a Business Plan on the condition that funding is forthcoming from Commonwealth and State Government sources for this purpose.

(Councillors Irwin/Roberts)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 Council make formal approach by writing to the Minister for Education and Training, requesting that Lot 14 of DP867281 be transferred to Council at nominal value as operational land whilst Lot 15 of DP 867281 remains in the Minister’s ownership.
- 2 Council request a copy of the fire safety report for the site from the Minister for Education and Training.

- 3 Council make application to State and Commonwealth for funding to develop a Business Plan, but no further action be taken until a copy of the fire safety report is received and Council is advised in writing that the State Government will or will not meet Council's initial request to transfer the buildings to Council and provide funding to repair the building to a reasonable standard.

(Councillors King/Hampton)

On submission to the meeting the AMENDMENT was DEFEATED.

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

196/00 **RESOLVED** that the report be received and –

- 1 Council make formal approach by writing to the Minister for Education and Training, requesting that Lot 14 of DP867281 be transferred to Council at nominal value as operational land whilst Lot 15 of DP 867281 remains in the Minister's ownership.
- 2 Council request a copy of the fire safety report for the site from the Minister for Education and Training.
- 3 Council contribute \$10,000 towards the cost of developing a Business Plan on the condition that funding is forthcoming from Commonwealth and State Government sources for this purpose.

(Councillors Irwin/Roberts)

A FORESHADOWED MOTION WAS MOVED that Council invite a representative of the Ministry of Arts to address Councillors in a workshop to talk about the Old Lismore High School site's potential benefits to Lismore and possible sources of funding.

(Councillors Tomlinson/Irwin)

197/00 **RESOLVED** that Council invite a representative of the Ministry of Arts to address Councillors in a workshop to talk about the Old Lismore High School site's potential benefits to Lismore and possible sources of funding.

(Councillors Tomlinson/Irwin) (P25791, P26243)

Memorial Baths Redevelopment – Land Matters & Project Delivery Method

(Copy attached)

A MOTION WAS MOVED that Council defer making any further decision on this matter until after the workshop scheduled for 15/8/00, also that Council use the opportunity to examine all the implications of this proposal with the added information to hand and that Council also consider looking at a 50m outdoor pool option for Goonellabah as proposed downtown to see what cost and economic advantages may emanate from that.

(Councillors Swientek/Irwin)

AN AMENDMENT WAS MOVED that Council defer making any further decision on this matter until after the workshop scheduled for 15/8/00 and a report be brought back to Council in October; also that Council use the opportunity to examine all the implications of this proposal with the added information to hand and that Council also consider looking at a 50m outdoor pool option for Goonellabah as proposed downtown to see what cost and economic advantages may emanate from that.

(Councillors Tomlinson/Roberts)

On submission to the meeting the AMENDMENT was DEFEATED.

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

On submission to the meeting the MOTION was DEFEATED.

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

A FORESHADOWED MOTION WAS MOVED that the report be received and –

- 1 Council authorise the General Manager, in consultation with the Mayor, to finalise and execute the Deed of Agreement, (subject to Item 6 in the *Council will*” section being altered by replacing “*the amount of \$180,000*” with “*the amount of up to \$230,000*”) along with any consequent Contracts for Sale, Memoranda of Transfer, Section 88B Instruments and Plans of Subdivision under the common seal of Council, in line with the terms of the Deed of Agreement as it affects Lot 538 of DP 755718, Lot 1 of DP 118543, Lot 1 of DP 749278, Lots 2 and 3 of DP 781912 and Lots A and B of DP 152858 and the section of Market Street that is to be closed.
- 2 Council call for registration of interest, forthwith, from suitable qualified and experienced consultants for the design of the memorial baths redevelopment. Registrants be requested to indicate their fee on the basis of a firm price or as a percentage of the tendered price exclusive of the parking area, access road construction, tree removal and relocation of services. The fee is to include the cost of preparing and finalising a development application and construction certificate but not include lodgement fees.
- 3 At the scheduled workshop, Council further review the proposed configuration of the Leisure/Program/Toddlers Pool and the attendance and cost estimates.
(Councillors Gates/King)

MOTION BE PUT:

198/00 **RESOLVED** that the motion be put.
(Councillor Chant)

Voting Against: Councillors Irwin, Roberts, Tomlinson and Swientek.

199/00 **RESOLVED** that the report be received and –

- 1 Council authorise the General Manager, in consultation with the Mayor, to finalise and execute the Deed of Agreement, (subject to Item 6 in the *Council will*” section being altered by replacing “*the amount of \$180,000*” with “*the amount of up to \$230,000*”) along with any consequent Contracts for Sale, Memoranda of Transfer, Section 88B Instruments and Plans of Subdivision under the common seal of Council, in line with the terms of the Deed of Agreement as it affects Lot 538 of DP 755718, Lot 1 of DP 118543, Lot 1 of DP 749278, Lots 2 and 3 of DP 781912 and Lots A and B of DP 152858 and the section of Market Street that is to be closed.
- 2 Council call for registration of interest, forthwith, from suitable qualified and experienced consultants for the design of the memorial baths redevelopment. Registrants be requested to indicate their fee on the basis of a firm price or as a percentage of the tendered price exclusive of the parking area, access road construction, tree removal and relocation of services. The fee is to include the cost of preparing and finalising a development application and construction certificate but not include lodgement fees.
- 3 At the scheduled workshop, Council further review the proposed configuration of the Leisure/Program/Toddlers Pool and the attendance and cost estimates.
(Councillors Gates/King)

Voting Against: Councillors Irwin, Roberts, Tomlinson, Swientek and Crowther.

Dissenting Vote:

Councillors Irwin and Roberts. (P2693,P6768,R7320)

Miscellaneous Section 356 Community Donations

(Copy attached)

200/00 **RESOLVED** that the report be received and –

- 1 That the 2000/2001 miscellaneous Section 356 donations be provided to the following fourteen (14) projects:-

- | | | |
|-----|---|---------|
| 1) | Lismore Musical Festival Society | \$2,200 |
| 2) | Richmond River Historical Society | \$2,194 |
| 3) | Rotary Club of Summerland Sunrise | \$2,200 |
| 4) | Lismore Pre-school | \$800 |
| 5) | Catholic Schools Parent Forum –Drugs Education Area | \$2,200 |
| 6) | Lismore Meals on Wheels Service | \$1,000 |
| 7) | Lismore Senior Citizen’s Social Club | \$2,200 |
| 8) | Rural Fire Service Training Unit | \$2,200 |
| 9) | Lismore Rural Fire Service Catering Unit | \$2,200 |
| 10) | Nimbin Youth Club | \$2,200 |
| 11) | 1 st Goonellabah Scout Group | \$2,200 |
| 12) | 1 st Lismore Scout Group | \$2,200 |
| 13) | St. Joseph’s Aged Care Facility | \$2,200 |
| 14) | Wyrallah Road School | \$600 |
- 2 That the following two (2) projects be allocated \$1,453:
- a) The Channon Public School P&C
 - b) Power Kidz
- 3 The following additional projects be funded:
- a) Wicen \$400
 - b) Lismore Art Club Inc. \$200
 - c) Tower Pre-school \$400
- to be funded from the 2000/2001 surplus.
- 4 The policy be reviewed to see how applicants who apply for less than the maximum amount of funds can be successful.

(Councillors Baxter/Tomlinson)

Voting Against: Councillor Irwin.

Dissenting Vote:

Councillor Irwin. (S164)

Youth Council Plan of Management

(Copy attached)

201/00 **RESOLVED** that the report be received and –

- 1 Council adopt the Lismore City Council – Lismore Multicultural Youth Council Plan of Management.
- 2 Councillor Tomlinson be nominated as Youth Advocate to the Lismore Multicultural Youth Council.

(Councillors Roberts/Crowther) (S605)

Lawn Cemetery and Crematorium Business Plan

(Copy attached)

202/00 **RESOLVED** that the report be received and Council adopt the Lawn Cemetery and Crematorium Business Plan for 2000-2002.

(Councillors Swientek/Baxter) (P8791)

June 2000 Quarterly Budget Review

(Copy attached)

203/00 **RESOLVED** that the report be received and –

- 1 Council adopt the June 2000 Budget Review Statement for General, Water and Sewerage Funds.
- 2 This information be submitted to Council’s auditor.
- 3 Budget Managers be congratulated on exceeding budget expectations.

(Councillors Swientek/Hampton) (S726)

Management Plan Review – Quarter Ended June 2000

(Copy attached)

- 204/00 **RESOLVED** that the report be received and content noted and further, staff be congratulated on their performance during the period ended June 2000.
(Councillors Roberts/Swientek) (S4)

2000 Local Government Association Conference

(Copy attached)

- 205/00 **RESOLVED** that the report be received and Council determine motions to the 2000 Annual Local Government Association Conference.
(Councillors Irwin/Roberts) (00-10994: S569)

- 206/00 **RESOLVED** that the following motion be submitted to the 2000 Annual Local Government Association Conference:

That in view of the change in government financial relationships due to the introduction of the GST and the inability of Local Government to meet its road funding commitments, this Conference call for an urgent Road Funding Summit comprising representatives of local, state and the federal governments to devise a road funding strategy to meet the needs of the new millennium.

(Councillors Tomlinson/Roberts) (S374,S569)

- 207/00 **RESOLVED** that the following motion be submitted to the 2000 Annual Local Government Association Conference:

The Local Government Association re-endorses its 1998 motion to seek the amendment of legislation in respect of on-site sewage management so that registration and inspection charges are treated in a similar manner to sewage rates by being a charge on the land and subject to the pensioner rate rebate scheme.

It requests the Department of Local Government to make the necessary regulatory amendment to clarify the power to charge so that the charge can be included on the rates notice. If sundry debtors were used as instructed by the Department of Local Government the cost of recovery would substantially reduce the available resources for the on-ground works which this program is intended to achieve.

(Councillors Irwin/Roberts)

Voting Against: Councillor Suffolk. (S245,S569)

- 208/00 **RESOLVED** that the following motion be submitted to the 2000 Annual Local Government Association Conference:

The Local Government Association supports compulsory sterilisation of cats, except where they are used for pedigree breeding purposes. It calls on the State Government to amend the Companion Animal legislation.

(Councillors Irwin/Tomlinson)

Voting Against: Councillors Baxter, Suffolk and Crowther.
(S309,S569)

- 209/00 **RESOLVED** that the following motion be submitted to the 2000 Annual Local Government Association Conference:

The Local Government Association encourage member councils to become involved with a strategy to use compressed natural gas and to promote and assist in its distribution to the wider community.

(Councillors Crowther/Gates) (S111,S569)

At this juncture Councillor Chant left the meeting.

Dedication of Land for Road Widening of Bangalow Road, Bexhill

(Copy attached)

210/00 **RESOLVED** that the report be received and –

- 1 Lots 22 and 23 located along the western side of Bangalow Road Bexhill be dedicated as roadway.
- 2 Compensation be paid to NG & AC McAnelly for the agreed sum of \$2,000 and that all reasonable legal and professional costs be borne by Council.

(Councillors Hampton/Suffolk) (P10923)

Replacement of Council Plant – V.170 – Garbage Truck

(Copy attached)

211/00 **RESOLVED** that the report be received and That Council purchase one (1) only Freightliner fitted with the MacDonald Johnston compactor body as tendered (T2000-23) by Southside Agencies Pty Limited, Lismore, for the cost of \$258,470.30 (includes \$23,497.30 GST), and accept its trade-in offer of \$33,000.00 (includes GST of \$3,000), for the existing truck / compactor (V.170).
Change-over cost to Council totals \$225,470.30.

Note: Council will be able to claim the Input Tax Credit for the net GST amount (\$20,497.30) which will realise an effective change-over cost of \$204,973.00.

(Councillors Baxter/King) (T20023)

Supply of Truck-mounted Road Pavement Repair Unit

(Copy attached)

212/00 **RESOLVED** that consideration of this matter be deferred until the next meeting.
(Councillors Swientek/Roberts) (T20022)

At this juncture Councillor Chant returned to the meeting.

Amendment of Councillors Expenses and Facilities Policy

(Copy attached)

213/00 **RESOLVED** that the report be received and –

- 1 That Clause C.2(e) of Council's Expenses & Facilities Policy be amended to read:
"Council will reimburse the cost of telephone/fax and mobile phone calls on Council business to a maximum of \$500 per annum plus 50% of fixed phone rental, handset charges and additional telephone facilities."
- 2 That the amended Policy be placed on public exhibition.

(Councillors Irwin/Baxter) (S44)

At this juncture Councillor Tomlinson left the meeting.

Rural Fire Service Brigade Officers - 2000/01

(Copy attached)

214/00 **RESOLVED** that the report be received and the names and positions of all persons elected at the Annual General Meetings of Brigades within the Lismore Rural Fire District, together with two nominated Permit Officers from the Richmond River Cane Growers Association, be ratified by Council for 2000/01.

(Councillors Swientek/King) (S104)

At this juncture Councillor Tomlinson returned to the meeting.

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 19/7/00

(Copy attached)

- 215/00 **RESOLVED** that the minutes be received and the recommendations contained therein adopted, excluding Clauses 14 (TAC97/00) and 18 (TAC101/00).
(Councillors Irwin/Roberts)
- 216/00 • **TAC97/00 - Intersection of Dawson and Leycester Streets, Lismore**
RESOLVED that this issue be referred to Council's Design Services Section for preparation of a plan and estimate and this be referred to the Roads & Traffic Authority and to the Church and Catholic Schools which were initially involved in the discussion of the underpass and the bus interchange, for approval and grant funding.
(Councillors Irwin/Roberts) (R6042)
- 217/00 • **TAC101/00 – Drag Strip for “Cogs”**
RESOLVED that the report be received and the investigations be limited to the southern end of Caniaba Street, that there only be occasional closures and that any event be conducted by an organisation affiliated with CAMS.
(Councillors Irwin/Roberts) (R6906)
(352)

NOTICE OF RESCISSION MOTION:

The Group Manager-Corporate Services advised Council that he had been handed a Rescission Motion signed by Councillors Irwin, Roberts and Tomlinson with respect to the resolution – Memorial Baths Redevelopment – Land Matters & Project Delivery Method (Minute No. 198/00).

The Group Manager-Corporate Services advised Council that this rescission motion would be considered at the next ordinary meeting of Council and that in the interim the Council resolution referred to in the rescission motion could not be carried into effect until the rescission motion had been dealt with.

(P2693,P6768,R7320)

This concluded the business and the meeting terminated at 9.16 pm.

CONFIRMED this 29TH day of AUGUST, 2000 at which meeting the signature herein was subscribed.

MAYOR

